



REGIONAL CAPACITY BUILDING WORKSHOP FOR CMS NON-PARTIES OF SOUTH AND SOUTH-EAST ASIA

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Accession to CMS



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CMS-A TOOL FOR INTERNATIONAL COOPERATION

- CMS brings together the States through which migratory animals pass, the Range States, and lays the legal foundation for internationally coordinated conservation measures throughout a migratory range.
- Generally, a State becomes a Party to an international Convention when it deposits its instrument of acceptance, approval or accession to the Convention with the Depositary.

- Though now closed for signature, all CMS signatory States can join the Convention by ratification. All States that are not signatory States can become a Party to the Convention by accession.

Accession is the act whereby a State undertakes to become a Party to a treaty already negotiated and signed by other States. It has the same legal effect as ratification.

CMS membership enters into force for the acceding country on the first day of the third month after the country has deposited its Instrument of Accession to the Convention with the Depositary.

In the case of CMS, the Depositary is the Foreign Office of Germany.

Process of Accession



1 You country gathers information on and makes a preliminary assessment of the implications of accession to the Convention.



2 Internal decision-making process on accession in your country which aims at obtaining the necessary approvals from the administration, from the Head of State or Government or through a parliamentary process (may include passing a law).



3 Preparation and signing of “Instrument of Accession” by the Head of State or Government or Minister of Foreign Affairs



4 Your country becomes a Party on the 1st day of the 3rd month after its accession documents (“Instrument of Accession” and “Note Verbale”) have been sent or handed over to, and accepted by, the German Foreign Office in Berlin which acts as Depositary.

How to become a Party of CMS

Step I

- **Initial Consultations and Documentation:**
- Gather all necessary information regarding becoming a member.
- CMS can provide you with some of this information.
- Make an inter-ministerial assessment of the implications of joining CMS.

Step II

- **The National Decision-Making Process:**
- Consultation with Authority or Department responsible for drafting ratification of international agreements.
- Responsible authority indicates who makes the decision to join CMS.
- The decision-making authority indicates what else may be needed. This may include passing a new law.

Step1: Gather information on and preliminarily assess the implications of CMS

- a decision-making process to determine whether your country should become a Party to CMS.
- follows the internal procedural rules of the country concerned.
- could include a cost-benefit analysis covering any legislative, administrative or programmatic actions that will be necessary for implementation of the Convention



Step 2: Decide to become a Party to CMS

- The lead ministry/authority for CMS would then normally consult the Governmental authority responsible for drafting accession instruments for international agreements.
- Once the political decision to proceed has been made, the national authority responsible for overseeing the process of accession should be contacted to prepare the necessary documentation
- These processes aim at obtaining the necessary approvals from the administration of the Head of State or Head of Government, or through parliamentary debate.

How to become a Party of CMS

Step III

- **Prepare and Sign the Document(s):**
- These should be made in line with other international treaties and principles (Article VII of the Vienna Convention)
- They should be signed by the Head of State, Head of Government or Minister of Foreign Affairs.

Step IV

- **Depositing the Relevant Document(s):**
- Documents should be handed over via your country's Ambassador/Deputy Ambassador to the German Foreign Office who act as a depository.
- Your country becomes a Party on the 1st day of the 3rd month after the documents have been handed over/accepted.

Step 3: Prepare and sign the “Instrument of Accession”

- After the conclusion of the internal decision-making process within your country, an “Instrument of Accession” should be prepared. In accordance with international treaties and principles, the Instrument of Accession must be signed by the Head of State, Head of Government or Minister of Foreign Affairs.

Step 3a: Make reservations, if necessary, at the time of accession

- A reservation is a formal declaration by a State, at the time it takes the action needed to become a Party to a Convention, through which it announces that it does not wish to be bound by some of the Convention's provisions. A reservation enables a State to participate in a multilateral treaty that it would otherwise be unwilling or unable to participate in.

The Party then will not be obliged to fulfil the obligations of the Convention with regard to these species. Reservations can be withdrawn by notifying the Depositary

Step 4: Deposit the “Instrument of Accession” with the Depositary

- The Instrument of Accession should be submitted to the **Depositary represented by the German Federal Foreign Office in Berlin.**
- This can be done through your country’s Ambassador in Germany (or the embassy which is responsible for Germany).
- CMS enters into force for the acceding country on the first day of the third month after the country has deposited a satisfactory Instrument of Accession with the Depositary.

Identification of priorities for S & SE Asia

- Identification of new species to be included in CMS Appendices I and II
- Conservation plans/Agreements/ MOUs shared among countries
- Dugong MOU
- MOU on Migratory Sharks
- Agreement on Albatross and Petrels
- IOSEA
- Raptor MOU
- Synergies with CITES, Ramsar, CBD and EAAFP

THANK YOU VERY MUCH FOR YOUR ATTENTION