|  |  |  |
| --- | --- | --- |
|  | **CONVENTION ON**  **MIGRATORY**  **SPECIES** | UNEP/CMS/COP14  6 February 2023  Original: English |

14th MEETING OF THE CONFERENCE OF THE PARTIES

Samarkand, Uzbekistan, 23 - 28 October 2023

**GUIDANCE ON RANGE STATE CONSULTATION IN THE DEVELOPMENT OF**

**LISTING PROPOSALS**

**Introduction**

A key aspect of the process for developing listing proposals for inclusion of species in CMS Appendices is the consultation of Range States. Resolution 13.7, which consolidates the current guidance for preparing proposals for the amendment of CMS Appendices, urges proponents to consult as far as possible with Range States and their relevant authorities before a proposal is submitted for consideration by the Conference of the Parties (paragraph 11).

The Standing Committee considered the topic of consultation of Range States at its 52nd meeting (StC52).

Among the points discussed were the fact that, while the administrative process agreed at StC48 and implemented prior to COP13 encouraged consultation on listing proposals, the focus had been on consultation following the submission of a listing proposal. The consultation of Range States prior to submission had in many cases received less attention.

The Standing Committee:

* + Re-affirmed the importance of Range State consultation in the process of developing listing proposals;
  + Re-affirmed the importance of Parties complying with the process established in Resolution 13.7, particularly the paragraphs regarding Range States consultations;
  + Re-affirmed the usefulness of the administrative process agreed at StC48, which was focused on consultation after a listing proposal had been submitted, and provided an opportunity for proponents of listing proposals to respond explicitly to comments and recommendations provided by the Scientific Council and interested Parties, before the listing proposals were discussed by the COP; and
  + Requested the Secretariat to continue supporting Parties during the development and submission stages of the listing proposal process, and to provide additional information and supporting materials on the CMS website and assistance in the identification of Range States for the species concerned, notably in cases for which this may not be straightforward, such as marine species in international waters.

The StC52 called on the Secretariat to provide information and materials to support Parties intending to submit listing proposals, such as:

* An indicative timeline for the development and submission of listing proposals, including consultation with other Range States;
* Best-practice example(s) of listing proposals; and
* A template letter for seeking information from other Range States.

These elements are provided below.

**Timeline for the development and submission of listing proposals, including consultation with other Range States**

In general, Parties intending to propose the inclusion of a taxon in the Appendices should define at the outset a timeline for the various phases of the development of the proposal, including adequate time for consultations with Range States. While it is difficult to provide a precise timeline that would fit every scenario, some indicative guidance is provided below in terms of elements that proponents should consider.

It is difficult to provide a general estimate of the time necessary for a proponent to fully develop a draft of a listing proposal. This will depend *inter alia* on the taxon (or taxa) concerned, the extent to which the information to be compiled in the proposal is readily available, the capacity of the proponent and the complexity of their relevant internal administrative procedures. Proponents are advised to consider these aspects when defining their timeline for the development of a proposal. Particularly if an IUCN Red List assessment is not available for the taxon intended to be proposed for listing, proponents should keep in mind that equivalent information, using the same principles and percentage changes in populations as the red-listing process, should be provided in the listing proposal to enable it to be assessed on an equivalent basis (see Annex 1 to Resolution 13.7 for details), what can be challenging and time consuming to obtain.

For the purpose of defining a timeline for the development and submission of a listing proposal, a key element to consider is an estimate of the time needed for consultation. This may vary considerably depending on specific factors relevant to the listing proposal, such as:

* the range of the taxon concerned and the number of Range States;
* the possible need/desirability to undertake the consultation in different languages;
* the extent to which the proposal is likely to be readily supported or if there may be opposition from one or more Range States.

A reasonable amount of time should be provided to Range States for their feedback, once they have been sent a proposal. Generally, and depending on the complexity and possible issues related to the proposal, a period of approximately one month could be seen as a reasonable time for consulted Range States to provide their feedback to proponents.

Proponents should also allow adequate time in their timeline for incorporating comments received into the proposal before submission. It may be worth planning at least 2-3 weeks for this purpose, also to allow for any further consultation should any clarifications about comments received be needed.

Consultations should preferably be undertaken on an already fully developed draft proposal. This would allow consulted Range States to provide, in addition to considerations about their support to the proposal, specific input including complementary information or remarks on any possible inaccuracies.

Should a fully developed proposal not be available at the time when consultations are planned to be initiated, rather than postponing the consultations proponents should consider consulting on key elements of the proposal.

Parties considering to propose the inclusion of a taxon in the Appendices might also want to verify whether the proposal would have sufficient support from other Party Range States before engaging in the development of the proposal. This type of consultation should necessarily be undertaken at an earlier stage of the process.

In addition to consultation prior to submission, Party Range States can submit specific comments on a proposal after its submission and publication, and the proponent can adjust the proposal, as per the guidelines provided by StC48 and reaffirmed by StC52. StC48 guidelines can be found in Annex 1 to StC48 report [Report of the 48th Meeting | CMS](https://www.cms.int/en/document/report-48th-meeting-0).

**Best-practice example(s) of listing proposals**

Based on its review of listed proposals submitted in accordance with the format prescribed by Res. 13.7, the Secretariat would recommend the following proposals as good example for possible reference in the development of future proposals, particularly in relation to the process of consultation:

* [Proposal for the inclusion of the Lion (*Panthera leo*) on Appendix II of the Convention](https://www.cms.int/sites/default/files/document/cms_cop12_doc.25.1.3_listing-proposal-lion-appII-chad-niger-togo_e.pdf)
* [Proposal for the inclusion of the Antipodean Albatross (*Diomedea antipodensis*) on Appendix I of the Convention](https://www.cms.int/sites/default/files/document/cms_cop13_doc.27.1.7_proposal-inclusion-antipodean_albatross_nz_e.pdf)

**Template letter for seeking information from other Range States**

Annexed to this guidance is an example of a draft letter from the Party(ies) intending to submit a listing proposal to the other Range States of the taxon concerned, aimed at informing them of the intention to submit a proposal and seeking feedback on the draft proposal itself.

**ANNEX**

**TEMPLATE LETTER FOR SEEKING INFORMATION FROM OTHER RANGE STATES ON DRAFT LISTING PROPOSALS**

Subject: Consultation on the proposal for the inclusion of [*taxon*] on Appendix [I] [II] [I and II] of CMS to be submitted to the XXth meeting of the Conference of the Parties to CMS

Dear [*CMS Focal Point of Range State Party* or *Head of National Conservation Authority of Range State*],

The Government(s) of [*proponent Party(ies*)] intend(s) to submit a proposal for the inclusion of [*taxon*] on Appendix [I] [II] [I and II] of CMS for the consideration of the XXth meeting of the Conference of the Parties to CMS.

In line with the provisions of CMS Resolution 13.7 “Guidelines for preparing and assessing proposals for the amendment of CMS Appendices”, the purposes of this communication are to

* Inform your Government of the intention to submit this proposal;
* Seek the opinion and perspectives of your Government on the proposal, including any possible interest in a joint submission of the proposal;
* Consult on the technical content of the proposal with a view to possible revision before finalization and formal submission.

Please find in attachment a draft of the proposal, compiled according to the format prescribed by Res. 13.7, on the basis of information currently at our disposal.

[Add any possible details concerning the compilation of the proposals considered appropriate to share with the consultees]

We would appreciate any comments on the text of the proposal, including possible factual inaccuracies or gaps. Complementary information would be appreciated in particular on the status of the [*taxon*] in areas under the jurisdiction of your country, and measures in place in your country concerning the conservation and management of [*taxon*] and its habitat, including existing legislation, programmes in place to manage its populations (e.g. recovery plans, controlled harvest from the wild, captive breeding or artificial propagation, reintroduction, ranching, quota systems, etc.), protected areas relevant to the habitat of [*taxon*], any habitat conservation programmes outside protected areas, programmes in place to monitor the status of wild populations.

The deadline for the submission of proposals to COP[XX] is [*date of deadline*]. With a view to being able to properly review your comments and incorporate them as appropriate in the final version of the proposal, we would be grateful to receive your reply by [*date*].

Besides any possible revision of the proposal, your comments will be acknowledged in section 9 of the proposal.

Yours sincerely,