

Convention on the Conservation of Migratory Species of Wild Animals

2nd Meeting of the Sessional Committee of the CMS Scientific Council (ScC-SC2)

Bonn, Germany, 10 – 13 July 2017

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INTERPRETATION OF THE PHRASE “SIGNIFICANT PROPORTION” IN ARTICLE I, PARAGRAPH 1(a) OF THE CONVENTION TEXT

(Prepared by the Secretariat)

Summary:

Through Resolution 11.33 paragraph 6, the 11th Meeting of the Conference of the Parties (Quito, 2014) requested the Scientific Council to clarify the meaning of the phrase “significant proportion” in Article I, paragraph 1 (a) of the Convention Text, and report back to the COP.

This document reports on work undertaken by the Sessional Committee in the fulfilment of this mandate.

INTERPRETATION OF THE PHRASE “SIGNIFICANT PROPORTION” IN ARTICLE I, PARAGRAPH 1(a) OF THE CONVENTION TEXT

1. Through Resolution 11.33 paragraph 6, the 11th Meeting of the Conference of the Parties (Quito, 2014) requested the Scientific Council to clarify the meaning of the phrase “significant proportion” in Article I, paragraph 1 (a) of the Convention Text, and report back to the COP.
2. The Sessional Committee of the Scientific Council considered the issue at its first meeting (Bonn, 2016). Initial discuss in plenary pointed out to difficulties in producing an interpretation that would be applicable across all taxa covered by CMS and different circumstances that could be encountered, and the consequence need to consider each case on its own merits. Further work on the matter was referred to an intersessional working group on institutional and legal matters.
3. The working group considered the issue in the context of the revision of the template for the submission of proposals for the amendment of CMS Appendices, that Resolution 11.33 mandated the Scientific Council and the Secretariat to undertake. In the explanatory note concerning section 3.2 “*Proportion of the population migrating, and why that is a significant proportion*” of the revised template, the following text was included:

“It is difficult to provide a guide on a numerical proportion that should be considered ‘significant’ due to differences in life history and ecology of the range of taxa to which the Convention applies. Bearing this in mind, a pragmatic approach should be taken. In the spirit of the Convention text, and in the light of existing listings, the species or particular population should benefit from cross-border conservation action. However, some explanation of why the proposal covers a significant proportion of the species concerned (whether a global listing or a geographically distinct population) should be provided to enable reviewers to assess whether the definition is met, as it is the migratory nature of species populations that provides the basis for international co-operation under the Convention.”

4. In conformity with Resolution 11.33 instructions, the revised template for the submission of proposals for the amendment of CMS Appendices was submitted to the 45th Meeting of the Standing Committee (StC45) for approval of its use for the proposals to be submitted to the 12th Meeting of the Conference of the Parties (COP12). The revised template was approved by StC45, and has been used for all proposals for amendment of CMS Appendices submitted to COP12. The template as approved by the Standing Committee is submitted to COP12 for confirmation of its use for submission of proposals to future meetings of the Conference of the Parties ([UNEP/CMS/COP12/Doc.25.2](#)).
5. The 2nd meeting of the Sessional Committee of the Scientific Council should confirm whether the mandate received from COP11 on the interpretation of the phrase “significant proportion” can be considered fulfilled at this stage based on the above. Reference is made in this regard to document [UNEP/CMS/COP12/Doc.21.1.35](#), proposing a partial repeal of Resolution 11.33, specifically in relation to the recommendation that paragraph 6 should be repealed in case the task is completed, or otherwise converted into a Decision.

Recommended Actions

6. The Sessional Committee is recommended to consider this task as having been completed.