

Notification 2023/028

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29 September 2023

## NOTIFICATION TO THE PARTIES

### **PROCESS FOR THE ADOPTION OF AN INTERIM CMS BUDGET FOR 2024 THROUGH A SILENCE PROCEDURE AND CONVENING OF AN EXTRAORDINARY MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION**

As communicated to all Parties through CMS notification [2023/019](#), the 14<sup>th</sup> Meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS COP14) will be held in Samarkand, Uzbekistan, from **12 to 17 February 2024**. It was originally planned to be held in October 2023.

This has significant implications for the CMS budget. COP13 adopted Resolution 13.2 on Financial and Administrative matters covering the budget period **through 31 December 2023**. As a result, there is a need to act this year to ensure the continuous operation of CMS by adopting an interim budget for 2024.

Please note that the interim budget has to be prepared on an annual basis (in this case for 2024) in compliance with United Nations Financial Rules and Regulations. In February 2024, the CMS COP14 will adopt a budget for the triennium 2024-2026, which will supersede the interim budget for 2024.

Adoption of an interim budget can only be done by the Conference of the Parties. To determine the best process for this purpose, the CMS Secretariat consulted with the Corporate Services Division of UNEP as well as other MEA Secretariats. Furthermore, the Executive Secretary along with other members of the Secretariat met with the Chair of the Standing Committee and agreed on the way forward in terms of the interim budget approval process. The Secretariat also consulted with the Chair of the Finance and Budget Subcommittee about the interim budget process.

Based on these consultations, an extraordinary meeting of the Conference of the Parties to the Convention would need to be convened, and an interim budget adopted through a silence procedure. This can be done through a written, electronic process. The silence procedure has been utilized by numerous other MEAs for the adoption of interim budgets<sup>1</sup>. Annex 1 provides an explanatory note on the procedure.

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<sup>1</sup> See for e.g., CBD/ExCOP/2/3, ICCD/COP(ES-2)/5, AEWA/Resolution Ex.1.

<http://www.cms.int/en/news/notifications>

The following steps need to be taken:

#### Step 1 – Clearance of the draft interim budget

1. The Secretariat is working with the members of the Finance and Budget Subcommittee in the preparation of a draft interim budget for their feedback and comments, in line with their mandate under Paragraph 23 (ii) of Resolution 13.2 and Paragraph 4(a) of its Annex 4.
2. The Secretariat will send the draft interim budget cleared by the Finance and Budget Subcommittee to the Standing Committee for its consideration.

#### Step 2 – Agreement to convene an extraordinary meeting of the COP (ExCOP1)

1. By means of this notification, the Secretariat is seeking agreement on the process to adopt an interim budget in an extraordinary meeting of the COP (ExCOP 1) to be held from **28 to 30 November** (through a written, electronic process).
2. Article VII Paragraph 3 of the Convention provides that the Secretariat shall convene an extraordinary meeting of the COP (ExCOP1) on the written request of at least one-third of the Parties. **Parties are therefore encouraged to send official letters signed by their National Focal Points requesting the convening of an extraordinary Meeting of the COP. The official letter should be addressed to the CMS Executive Secretary and sent as a scanned attachment by e-mail to cms.secretariat@cms.int by 14 October 2023.** A template of the letter is attached in Annex 2.
3. The ExCOP 1 would consider only one agenda item, namely the interim budget for 2024 to be adopted by application of the silence procedure.

#### Step 3 – Adoption of the interim budget for 2024 in an extraordinary meeting of the COP through a silence procedure

1. On receipt of written requests from at least one-third of the Parties, the Secretariat will issue a notification to all Parties to convene ExCOP1, and will invite Parties to register and submit credentials<sup>2</sup> to take part in the meeting. Recognizing the difficulties in obtaining credentials in such a short time, the Secretariat is exploring the possibility of an alternative modality for Parties not able to submit credentials, with the understanding that they would send them as soon as they are able to do so. A template for credentials is attached in Annex 3.
2. The proposed dates for the ExCOP1 are **28 to 30 November** (through a written, electronic process). The draft resolution, including the interim budget, will be published on the CMS website at least 3 weeks before the opening of the extraordinary meeting of the COP.
3. The Secretariat will issue a communication on behalf of the CMS COP Presidency as presiding officer<sup>3</sup>, opening the extraordinary meeting of the COP and initiating the silence procedure for the adoption of the interim 2024 budget.
4. If no objection is received in 72 hours, the Resolution and interim budget will be considered adopted.

**All Parties are encouraged to submit letters of support for the convening of an Extraordinary COP, and to initiate their internal processes for obtaining valid credentials as soon as possible. The official letter should be addressed to the CMS**

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<sup>2</sup> CMS Rules of Procedure, Rule 3

<sup>3</sup> CMS Rules of Procedure, Rule 12.1

**Executive Secretary and sent as a scanned attachment by e-mail to [cms.secretariat@cms.int](mailto:cms.secretariat@cms.int) by 14 October 2023.** A template of the letter is attached in Annex 2.

Should you have any questions, please contact the Secretariat at: [cms.secretariat@cms.int](mailto:cms.secretariat@cms.int).

Many thanks for your support and assistance in this very important matter.

Amy Fraenkel  
Executive Secretary

Annex 1 – Explanatory note of the silence procedure

Annex 2 – Template of a letter of request for an extraordinary COP

Annex 3 – Template for the submission of credentials.

## EXPLANATORY NOTE OF THE "SILENCE PROCEDURE"

The "silence procedure", which is also known as the "written procedure" or the "no objection procedure", is a procedure used by certain United Nations bodies to adopt decisions while not meeting in person. Where a plenary meeting is impractical, a draft decision is circulated in writing by the presiding officer of the relevant body under a silence procedure, usually lasting up to 72 hours. If the silence is not broken, the decision is presumed to be adopted.

Examples of the use of the silence procedure for the adoption of interim budgets due to the postponement of a COP are found in the CBD<sup>4</sup>, UNCDD<sup>5</sup>, and AEWA<sup>6</sup> contexts.

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<sup>4</sup> CBD/ExCOP/2/3. Report of the Conference of the Parties to the Convention on its Second Extraordinary meeting. <https://www.cbd.int/doc/c/4be1/2ab4/297c5f2ce56318d560f0a12d/excop-02-03-en.pdf>

<sup>5</sup> [ICCD/COP\(ES-2\)/5](#) Report of the Conference of the Parties on its second extraordinary session, held from 6 to 9 December 2021

<sup>6</sup> See the Extraordinary Intersessional Decisions by the Meeting of the Parties in 2021 <https://www.unep-aewa.org/en/meeting/extraordinary-intersessional-decisions-meeting-parties-2021>

**SAMPLE OFFICIAL LETTER REQUESTING THE CONVENING OF AN  
EXTRAORDINARY MEETING OF THE CONFERENCE OF THE PARTIES TO THE  
CONVENTION FOR THE ADOPTION OF AN INTERIM CMS BUDGET FOR 2024  
THROUGH A SILENCE PROCEDURE**

Mr/Ms [*Name of National Focal Point*]  
[*Name of relevant State agency*]  
[*Address*]  
[*Name of Party*]  
[*Email*]

[*Date*]

Subject: Request for the convening of an extraordinary meeting of the Conference of the Parties to the Convention for the adoption of an interim budget for 2024 through a silence procedure

Dear Ms Amy Fraenkel,

I am writing in the name of the Government of [*name of country*] in response to the Notification No. XXX issued on [XX September 2023] to request and support the convening of an extraordinary meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (ExCOP1) for the adoption of an interim budget for 2024 through a silence procedure.

*Signature*

*Official Seal*

**SAMPLE LETTER OF CREDENTIALS**

**Official Letterhead of the Head of State, Head of Government or  
Minister of Foreign Affairs**

The Executive Secretary,  
CMS Secretariat,  
Bonn, Germany

In the name of the Government of [*name of country*], the undersigned [*name of Head of State, Head of Government or Minister of Foreign Affairs*], do hereby appoint:

Representative:

[*Full Name of Representative*], [*Title*], [*Organisation*]

Alternate representative {where applicable}:

[*Full Name of Alternate Representative*], [*Title*], [*Organisation*]

to represent the Government of [*name of country*] in the first extraordinary meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS ExCOP 1) to be held via electronic process remotely from 28 to 30 November 2023.

The said Representative {and Alternate Representative(s)} are fully authorised and empowered to represent [*name of country*] and take part in the adoption of an interim budget for 2024 through a silence procedure.

In witness whereof, I, [*name of Minister*], have signed this Letter of Credentials and affixed hereto my official seal.

Done in [*City*], [*Date*]

*Signature*

*Official Seal*