

ACCESSION GUIDELINES:

HOW TO BECOME A PARTY TO CMS





WHY PROTECT MIGRATORY SPECIES?

- Migratory species contribute substantially to global biodiversity, which should be preserved for the benefit and enjoyment of present and future generations.
- Migratory species have important environmental, ecological, genetic, scientific, aesthetic, recreational, cultural, educational, social and economic value.
- Migratory species naturally transverse considerable distances, crossing many international borders during their regular journeys to the places where they winter or breed. On their long journeys, they depend on habitats serving as stopover sites in diverse countries and are exposed to various conditions and threats. Many of these species are extremely vulnerable to pressures including man-made disturbances, habitat degradation and the threats of climate change. The far-reaching disturbance to these animals indicates a dire need for international cooperation in order to conserve their future.



CMS-A TOOL FOR INTERNATIONAL COOPERATION

The Convention on the Conservation of Migratory Species of Wild Animals (CMS) aims to conserve terrestrial, aquatic and avian migratory species throughout their range. As an environmental treaty under the aegis of the United Nations Environment Programme (UNEP), CMS provides a global platform for the conservation and sustainable use of migratory animals and their habitats.

As a Party to CMS, your country will be able to contribute significantly to the conservation of migratory species. CMS acts as an umbrella convention and encourages development of special agreements for species with an unfavourable conservation status and that would benefit from international cooperation.



WHY BECOME A PARTY?

Initiating the accession process for CMS exhibits national determination toward international collaboration on the conservation of migratory species. As a Party to the Convention on the Conservation of Migratory Species of Wild Animals, your country would:

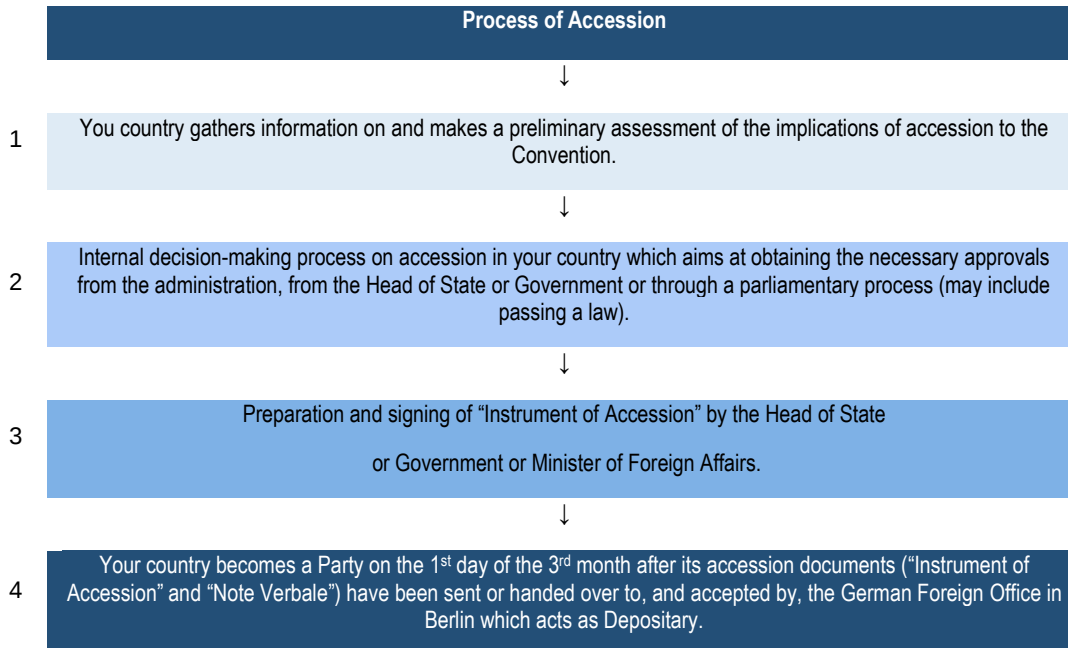
- ❖ demonstrate its commitment to the conservation of migratory species, including sustainable use, on a global scale;
- ❖ strengthen national legal and technical capacity to utilize valuable natural resources sustainably while at the same time ensuring the conservation of migratory species for the benefit of future generations;
- ❖ foster regional and international co-operation on migratory species allowing the sharing of information and building consensus among countries with similar challenges and objectives;
- ❖ gain improved access to relevant technologies and data and benefit from a regular exchange of information and expertise;
- ❖ participate in regular meetings of the Conference of the Parties (COP), where decisions are taken on such important matters as the allocation of financial resources, the listing of species on Appendices I and II of the Convention and conservation programmes to protect them;
- ❖ be eligible to participate in the work of the various other organs of the Convention, such as the CMS Scientific Council, Standing Committee and ad hoc working groups;
- ❖ have access to funding for research, conservation and capacity building projects; and
- ❖ Contribute to addressing a number of cross-cutting issues.



HOW TO BECOME A PARTY

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 the Federal Republic of Germany.





ACCESSION PROCESS

Step 1: Gather information on and preliminarily assess the implications of the Convention

The first step is initiating a decision-making process to determine whether your country should become a Party to CMS. This process follows the internal procedural rules of the country concerned.

In consultation with other ministries involved, the lead ministry/authority for CMS may wish to prepare a document that addresses all implications of accession to CMS to inform the decision-making process. The CMS Secretariat will support you with drafting this document. It could include a cost-benefit analysis covering any legislative, administrative or programmatic actions that will be necessary for implementation of the Convention. This information would be shared with those authorities involved in the steps below.

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 and that have to be completed before the instrument can be signed and deposited. These processes aim at obtaining the necessary approvals from the administration of the Head of State or Head of Government, or through parliamentary debate.

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.

Any CMS Party may enter a specific reservation with regard to the migratory species on either Appendix I or II. 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).

The Instrument of Accession will be reviewed for completeness after its deposit. If the Instrument of Accession is found to be in order by the German Foreign Office, the date of deposit will be the date the instrument was received.

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.

Information for the submission of instruments can be obtained from:

Federal Foreign Office
Unit 404
Werdescher Markt 1
10117 Berlin
Germany
Tel: +49 30 5000 2781
Fax: +49 30 5000 52781





AGREEMENTS AND MoUs

CMS acts as a framework Convention that facilitates the creation of separate instruments that focus on single or groups of migratory species and can vary to cover smaller regions or a species entire range. These instruments include two separate variations: legally-binding agreements and less formal Memoranda of Understanding (MoU). While agreements are international treaties in their own right and often have their own staff and budget, MOUs depend on voluntary contributions and can be enacted more quickly. Currently there are 7 international legally-binding instruments and 19 international Memoranda of Understanding operating under CMS to enhance the effectiveness of the Convention's efforts.

Furthermore, your country can become a signatory or Party to CMS instruments without joining the parent Convention. This allows countries to commit to the instruments that focus on their significant species without acceding to CMS. In many cases, this can act as a stepping-stone to the umbrella Convention.

For further information about Accession please visit:

<http://www.cms.int/en/node/4149>

or contact:

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