



**CONVENTION ON
MIGRATORY
SPECIES**

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13th MEETING OF THE CONFERENCE OF THE PARTIES
Gandhinagar, India, 17 - 22 February 2020
Agenda Item 11

REPORT OF THE DEPOSITARY

(Prepared by the Federal Republic of Germany)

Summary:

Attached is the Report of the Depositary, which covers the period 2017-2019 up to 20 November 2019. The report is presented by the Secretariat unedited in the language in which it was received (English) from the Federal Republic of Germany.

Report of the Depositary for the Triennium 2017-2019

The Depositary of the Convention, the German Federal Foreign Office, has the honour to submit this report to the Parties and Signatory States to the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

Since the last Conference of the Parties, six more countries have acceded to the Convention. The Convention 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. The Governments of the following countries have notified the Government of the Federal Republic of Germany as the Depositary of their accession to the Convention on the Conservation of Migratory Species of Wild Animals with effect from the following dates:

The Dominican Republic	1 November 2017
Bosnia and Herzegovina	1 December 2017
The Republic of Trinidad and Tobago	1 December 2018
The Lebanese Republic	1 June 2019
The Republic of Malawi	1 September 2019
The Republic of Maldives	1 November 2019

As of 20 November 2019, the Parties to the Convention on the Conservation of Migratory Species of Wild Animals number 130 (129 member States and the European Union).

With its Note Verbale of 24 January 2018 to the Federal Republic of Germany in its capacity as Depositary, the Czech Republic made a reservation to the amendments made to Appendices I and II as adopted on 28 October 2017 at the 12th Conference of the Parties held in Manila, the Philippines. Pursuant to Article XI, paragraph 6 of the Convention, the amendments made to the Appendices at the 12th Conference of the Parties shall not enter into force for the Czech Republic.

With its Note Verbale of 15 January 2018 to the Federal Republic of Germany, in its capacity as Depositary, Australia made a reservation with respect to the inclusion of the following species in Appendix II to the Convention: *Carcharhinus obscurus* (dusky shark), *Prionace glauca* (blue shark) and *Rhynchobatus australiae* (white-spotted wedgefsh). Pursuant to Article XI, paragraph 6 of the Convention, the inclusion of the above-named species, adopted at the 12th Conference of the Parties, shall not enter into force for Australia.

With its Note Verbale of 24 January 2018 to the Federal Republic of Germany, in its capacity as Depositary, the Republic of Uganda made a reservation with respect to the inclusion of the following species in the Appendices to the Convention: chimpanzee, lion, leopard and giraffe. Pursuant to Article XI, paragraph 6 of the Convention, the inclusion of the above-named species, adopted at the 12th Conference of the Parties, shall not enter into force for the Republic of Uganda.

With its Note Verbale of 23 January 2018 to the Federal Republic of Germany, in its capacity as Depositary, the Republic of South Africa made a reservation with respect to the inclusion of the following species in Appendix II to the Convention: *Giraffa camelopardalis* (giraffe), *Panthera leo*

(African lion), *Panthera pardus* (leopard) and *Prionace glauca* (blue shark). Pursuant to Article XI, paragraph 6 of the Convention, the inclusion of the above-named species, adopted at the 12th Conference of the Parties, shall not enter into force for the Republic of South Africa.

With its Note Verbale of 19 February 2018, the Republic of Zimbabwe communicated to the Federal Republic of Germany, in its capacity as Depositary, a reservation signed on 16 January 2018 regarding the inclusion of the following species in Appendix II to the Convention: *Panthera leo* (African lion), *Panthera pardus* (leopard) and *Giraffa camelopardalis* (giraffe). Pursuant to Article XI, paragraph 6 of the Convention, any Party wishing to make a reservation to an amendment to the Appendices must do so by notifying the Depositary in writing within a period of 90 days of the amendment being adopted. The deadline for making reservations to the amendments to Appendix II adopted at the Conference of the Parties on 28 October 2017 was therefore 26 January 2018. Although the reservation was signed by the Minister of Foreign Affairs and International Trade of the Republic of Zimbabwe on 16 January 2018, the Federal Foreign Office as Depositary only received it on 21 February 2018. Pursuant to Articles 19 and 20 of the Vienna Convention on the Law of Treaties, although the reservation was made after the deadline, it may still be considered legal and deemed to have been accepted by the signatory States as of the date on which it was made if they have raised no objection to the reservation by the end of a period of 12 months after they were notified of the reservation. Therefore, the inclusion of the above-named species adopted on 28 October 2017 at the 12th Conference of the Parties shall not enter into force for the Republic of Zimbabwe, subject to objections by the signatory States.

In its Note Verbale of 3 April 2019, the Federal Republic of Germany in its capacity as Depositary of the Convention communicated to the Parties and signatory States of the Convention that in its letter dated 6 March 2019 the European Union raised an objection to the late reservation of the Republic of Zimbabwe regarding the inclusion of the following species in Appendix II to the Convention: *Panthera leo* (African lion), *Panthera pardus* (leopard) and *Giraffa camelopardalis* (giraffe). The letter of the European Union was received by the Federal Foreign Office on 6 March 2019, that is, prior to the expiration of the twelve-month deadline communicated to the Parties and signatory States of the Convention in the Note Verbale of 12 March 2018. Thus, the late reservation by the Republic of Zimbabwe is ineffective and inclusion of the above-mentioned species in Appendix II to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) of 23 June 1979 entered into force also for the Republic of Zimbabwe on 27 January 2018.

The Federal Republic of Germany is helping to recruit new members. Although recruitment efforts are primarily undertaken by the CMS Secretariat in Bonn, the Federal Republic of Germany supports these endeavours. What is more, the Federal Foreign Office contacts German Embassies abroad which then provide assistance, for example, in matters relating to the signing and ratification of the Convention. The Embassies are hence also involved in the recruitment of new members.

The Central African Republic is currently making arrangements to become party to the CMS.