



# Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



## 40th Meeting of the Standing Committee

Bonn, Germany, 7-8 November 2012

UNEP/CMS/StC40/19

### RETIREMENT OF RESOLUTIONS

#### **Background**

1. The ten CMS COPs held between 1985 and 2011 have adopted a total of 164 Resolutions and Recommendations. Some of the earlier resolutions, however, have run their course, been superseded or repealed and others are redundant and could be retired. It has therefore been proposed, and it has been broadly agreed, that the CMS catalogue of Decisions (Resolutions and Recommendations) should be streamlined.
2. In order to facilitate the process of rationalizing the Convention's decisions, the Secretariat has at recent meetings to the Conference of the Parties and Standing Committee presented the following information:

#### **COP9 (December 2008)**

3. The Secretariat produced a document listing all CMS decisions with an indication of the status of implementation and validity (i.e. in force, partly in force, superseded or repealed). This was intended to assist Parties understand better their obligations for reporting how they were implementing the Convention (COP9 Inf 9.16 - CMS Resolutions and Recommendations: 1985-2005).

#### **37th Meeting of the Standing Committee 37 (November 2010)**

5. The Standing Committee was consulted on the proposal to rationalize the back catalogue of decisions. Approval to proceed was granted in principle with a number of refinements being suggested, and the Secretariat undertook to prepare a proposal for presentation to COP10. The proposal was elaborated further and subsequently submitted to the ad hoc Standing Committee Working Group dealing with the clearance of COP documents and draft resolutions. No changes were proposed by the Working Group; indeed one member commented that the draft resolution was "very useful and necessary" (CMS/StC37/15).

#### **COP10 (November 2011)**

6. The Actions proposed in COP10 Doc 10.24 were:
  - a) a re-examination of existing decisions on the same or similar topics with a view to retaining them and subsequently consolidating them with other relevant decisions that are still valid or have continuing effect, or retiring the old resolutions or recommendations that have been fully implemented or have no continuing effect or have been superseded by subsequent decisions.
  - b) the inclusion of an expiry mechanism and/or criteria within the Resolutions or

Recommendations, where appropriate, so that the Resolutions or Recommendations automatically cease to be effective after a stated period has lapsed or objective has been achieved; or alternatively:

- c) agreeing on the interval period between the adoption of a decision and its review for possible retirement.
- d) consolidation of policy adopted at previous COPs into new Decisions. It was noted that there was a risk of prolonging the debate by reopening old issues. It was probably too late to follow CITES' lead in having a system where a resolution adopted at an earlier COP is amended by a later one (e.g. COP1 adopts Resolution 1.1 which is amended at COP2 and becomes Resolution 1.1 Revision) as it would be difficult to institute such a system retrospectively.

### **Draft Resolution 10.17**

7. The Draft Resolution was withdrawn in plenary in the light of misgivings expressed from the floor by the representative of the EU, who, like other delegates, welcomed the review as a potentially valuable exercise that could lead to important streamlining but felt that more work needed to be done.

8. While establishment of a procedure for periodic review would be acceptable, the EU doubted the usefulness of setting an expiry date for Resolutions. (However, as can be seen from the extract of the Draft Resolution above, the wording of the Resolution included the qualifying phrase "where appropriate", an expiry date would not be a compulsory element where it made no sense to set an arbitrary period of validity). The record of the meeting indicates that the EU undertook to provide written proposals. The EU has provided the full text of the speaking note but so far no detailed alternative proposals.

9. A list of all Resolutions and Recommendations grouped thematically is attached at Annex I.

### **Action requested**

The Standing Committee is requested to establish an inter-sessional Working Group to:

- a) review the current catalogue of CMS decisions with a view to annotating the existing Resolutions and Recommendations, indicating those that have expired, those that have been superseded, those that are still valid and those that could be candidates for consolidation, so that COP11 can formally retire obsolete decisions.
- b) draw up suitable guidelines for consideration at COP11 at COP11 for future Resolutions, covering among other issues:
  - i.) either the inclusion of expiry dates (following the example of Budget Resolutions) where appropriate, or instituting a periodic review after a given number of years or COP cycles;
  - ii.) the identification of the source of financial and other resources required for the implementation of a decision and
  - iii.) mechanisms for consolidating existing policies into new decisions on the same or similar topics (following the example of Resolutions on the Standing Committee).