



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



1st Meeting of the Working Group on the Development of a Review Process under the Convention on Migratory Species

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CMS OBLIGATIONS FOR POSSIBLE REVIEW

(prepared by the Secretariat)

Summary

The document summarizes strict and secondary obligations of CMS Parties derived from the Convention text that could form the basis for a review process.

Strict substantive obligations**Article III**

4. Parties that are Range States of a migratory species listed in Appendix I *shall* endeavour:
 - a) to conserve and, where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction;
 - b) to prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species; and
 - c) to the extent feasible and appropriate, to prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of, or controlling or eliminating, already introduced exotic species.
5. Parties that are Range States of a migratory species listed in Appendix I *shall* prohibit the taking of animals belonging to such species. Exceptions may be made to this prohibition only if:
 - a) the taking is for scientific purposes;
 - b) the taking is for the purpose of enhancing the propagation or survival of the affected species;
 - c) the taking is to accommodate the needs of traditional subsistence users of such species; or
 - d) extraordinary circumstances so require; provided that such exceptions are precise as to content and limited in space and time. Such taking should not operate to the disadvantage of the species.
7. The Parties *shall* as soon as possible inform the Secretariat of any exceptions made pursuant to paragraph 5 of this Article.

Article IV

3. Parties that are Range States of migratory species listed in Appendix II *shall* endeavour to conclude AGREEMENTS where these should benefit the species and should give priority to those species in an unfavourable conservation status.

Article V

1. The object of each AGREEMENT *shall* be to restore the migratory species concerned to a favourable conservation status or to maintain it in such a status. Each Agreement should deal with those aspects of the conservation and management of the migratory species concerned which serve to achieve that object.

Secondary substantive obligations**Article II**

1. The Parties acknowledge the importance of migratory species being conserved and of Range States agreeing to take action to this end whenever possible and appropriate, paying special attention to migratory species the conservation status of which is unfavourable, and taking individually or in co-operation appropriate and necessary steps to conserve such species and their habitat.
2. The Parties acknowledge the need to take action to avoid any migratory species becoming endangered.
3. In particular, the Parties:
 - a) *should* promote, co-operate in and support research relating to migratory species;

- b) *shall* endeavour to provide immediate protection for migratory species included in Appendix I; and
- c) *shall* endeavour to conclude Agreements covering the conservation and management of migratory species included in Appendix II.

Strict 'procedural' obligations

Article VI

2. The Parties *shall* keep the Secretariat informed in regard to which of the migratory species listed in Appendices I and II they consider themselves to be Range States, including provision of information on their flag vessels engaged outside national jurisdictional limits in taking the migratory species concerned and, where possible, future plans in respect of such taking.

Article VII

4. [...] Each Party *shall* contribute to the budget according to a scale agreed by the COP.
5. At each of its meetings the Conference of the Parties *shall* review the implementation of this Convention and *may* in particular:
 - a) review and assess the conservation status of migratory species;
 - b) review the progress made towards the conservation of migratory species, especially those listed in Appendices I and II;
 - c) make such provision and provide such guidance as may be necessary to enable the Scientific Council and the Secretariat to carry out their duties;
 - d) receive and consider any reports presented by the Scientific Council, the Secretariat, any Party or any standing body established pursuant to an AGREEMENT;
 - e) make recommendations to the Parties for improving the conservation status of migratory species and review the progress being made under AGREEMENTS;
 - f) in those cases where an AGREEMENT has not been concluded, make recommendations for the convening of meetings of the Parties that are Range States of a migratory species or group of migratory species to discuss measures to improve the conservation status of the species;
 - g) make recommendations to the Parties for improving the effectiveness of this Convention; and
 - h) decide on any additional measure that should be taken to implement the objectives of this Convention.

Secondary 'procedural' obligations

Article VI

The Parties which are Range States for migratory species listed in Appendix I or Appendix II *should* inform the Conference of the Parties through the Secretariat, at least six months prior to each ordinary meeting of the Conference, on measures that they are taking to implement the provisions of this Convention for these species.