

## CMS COP12 HIGHLIGHTS: TUESDAY, 24 OCTOBER 2017

CMS COP12 resumed on Tuesday, 24 October. The Committee of the Whole (CoW) continued its work in the morning. Participants heard reports from the working groups, and addressed agenda items on: options for a review process for the Convention; implementation of the concerted action process; national reports; national legislation to implement CMS; and terrestrial conservation issues.

In the afternoon, participants resumed their consideration of terrestrial, aquatic, and avian conservation issues.

In a brief ceremony, Sri Lanka, Benin, and Brazil signed the MoU on the Conservation of Migratory Sharks (Sharks MoU). They became the 44th, 45th, and 46th signatories, respectively. WWF became the tenth Cooperating Partner to the Sharks MoU. Madagascar announced they intended to become a signatory in the near future.

Burkina Faso became the 58th signatory of the MoU on the Conservation of Migratory Birds of Prey in Africa and Eurasia (Raptors MoU). The Peregrine Fund became the fifth Cooperating Partner to the Raptors MoU.

### COMMITTEE OF THE WHOLE

Chair Rod Hay (New Zealand) opened the CoW on Tuesday morning and asked working group and committee chairs to provide updates. Credentials Committee Chair Marcel Calvar (Uruguay) reported that 30 countries have submitted credentials. Budget Committee Chair Øystein Størkersen (Norway) reported that group discussions would initially address the programme of work. Terrestrial Working Group Chair Alfred Oteng-Yeboah called on proponents of new listings to be present during the evening session. Aquatic Working Group Chair Barry Baker reported that the group had met and identified issues requiring substantive discussions, including on animal culture and social complexity, and the Caspian seal.

**OPTIONS OF A REVIEW PROCESS FOR THE CONVENTION ON MIGRATORY SPECIES:** Institutional Matters Working Group Chair Narelle Montgomery (Australia) presented on the development of the review process for CMS (UNEP/CMS/COP12/Doc.22/Rev.1). The working group, she said, agreed that the scope of a potential review should relate to Appendix I-listed species, informing the Secretariat about being a range state, payment of budgetary contributions, and national reporting.

The EU, with BIRDLIFE INTERNATIONAL, said both parties and non-parties should be involved in a review process. NEW ZEALAND said the principles of accountability, transparency, and objectivity are important. BRAZIL urged for focus on conservation actions. SWITZERLAND noted the AEWA Implementation Review Process provides a good example of best practice.

**IMPLEMENTATION OF THE CONCERTED ACTION PROCESS:** The Secretariat introduced document UNEP/CMS/COP12/Doc.26.1, which consolidates 13 resolutions and recommendations on concerted actions into a single resolution. The document also proposes adjustments aimed at streamlining the procedures for the management of the Concerted Actions tool, and creates a more transparent process for monitoring and assessing implementation. Annex 1 presents a draft consolidated resolution, Annex 2 contains the clean version of the draft resolution, including clean versions of the Guidelines to the Implementation of the Concerted Actions Process and Template for Proposing Concerted Actions. Annex 3 contains the draft decision. The Secretariat noted that the Scientific Council suggested some amendments to the draft decision (UNEP/CMS/COP12/Doc.26.1/Add.1).

The EU supported the consolidated resolution and recommended the Scientific Council's amendments be incorporated. With this, the CoW accepted the draft resolution and decisions, including the recommendations of the Scientific Council.

**NATIONAL REPORTS:** The Secretariat introduced the summary and full analysis of the national reports (UNEP/CMS/COP12/Doc.19.1 and Inf.30). He noted that 91 out of 124 parties submitted reports, which are critical to understanding CMS and national achievements. The analysis, he said, includes: Appendix I species overview, listing of new species, development of new agreements, protected areas, satellite telemetry, resource mobilization, implementation of resolutions and recommendations, and concluding recommendations.

PAKISTAN noted the importance of transboundary cooperation. The EU said that the Secretariat should seek parties' views in response to the recommendations. ECUADOR described the process it uses to recognize areas that need strengthening. SWITZERLAND called for reporting synergies within the CMS Family and other multilateral environmental agreements. KENYA asked for support for reporting. UN ENVIRONMENT noted its work supporting the analysis and called for parties to approve a budget that allows this type of analysis to continue.

The Committee took note of the report, observing that a new reporting format will be discussed under Agenda Item 19.2.

**NATIONAL LEGISLATION TO IMPLEMENT CMS PROVISIONS:** Noting that international agreements require parties to take national actions to implement the Convention's goals, the Secretariat introduced document UNEP/CMS/COP12/Doc.20.

The EU proposed merging this document with the draft resolution on a review process (UNEP/CMS/COP12/Doc.22/Rev.1). This was opposed by INDIA, SWITZERLAND, KENYA, SAUDI ARABIA, TANZANIA, PERU, NORWAY, and a coalition of NGOs, represented by the WILDLIFE CONSERVATION SOCIETY (WCS). Chair Hay referred the document to the Institutional Working Group.

**CONSERVATION ISSUES: Terrestrial Species: *Joint CMS-CITES African Carnivores Initiative*:** The Secretariat introduced document UNEP/CMS/COP12/Doc.24.3.1.1, noting the documents on the Conservation and Management of Cheetah and African Wild Dog (UNEP/CMS/COP12/Doc.24.3.1.2) and the Conservation and Management of the African Lion (UNEP/CMS/COP12/Doc.24.3.1.3). She said that the added value of addressing the four species together would include: increased conservation measures and means; pooled funds and expertise; more equitable deployment of resources among the four species; avoidance of duplicate activities, costs, and efforts; and coordination of support across the range states. The EU supported the document with minor changes. ETHIOPIA called for recognition of diversity in conservation strategies of the range states due to socio-economic and political conditions. CITES noted that the four species (African lion, cheetah, leopard, and African wild dog) face similar threats on the African continent. The CoW referred the resolution to the Terrestrial Working Group.

**Conservation of the African Wild Ass:** The Secretariat introduced the document on the Conservation of the African Wild Ass (UNEP/CMS/COP12/Doc.24.3.2), requesting that the CoW take note of the Roadmap for the Conservation of the African Wild Ass. After acceptance of editorial changes, the CoW forwarded the resolution to plenary for adoption.

**Conservation and Management of Cheetah and the Wild African Dog:** BURKINA FASO, on behalf of ALGERIA, BENIN, and NIGER, introduced document UNEP/CMS/COP12/Doc.24.3.1.2. She noted the similarity of the conservation threats facing both species, including: habitat loss and degradation, habitat fragmentation, human-wildlife conflict, and declines in prey populations. The EU suggested changes to the text and the CoW referred the resolution to the working group.

**Conservation and Management of the African Lion:** The Secretariat introduced document UNEP/CMS/COP12/Doc.24.3.1.3, noting that it contains the set of decisions adopted at CITES COP17 in September 2016. UGANDA, BENIN, SENEGAL, TOGO, and the REPUBLIC OF CONGO supported the proposal. The EU suggested changes to the text and the CoW referred the resolution to the Terrestrial Working Group.

**Adoption of the African Elephant Action Plan:** Kenya introduced UNEP/CMS/COP12/Doc.24.3.3, noting it was already under discussion in the Terrestrial Working Group.

**Aquatic Species: Important Marine Mammal Areas (IMMAs):** Giuseppe Notabartolo di Sciara, Councillor for Aquatic Mammals, introduced UNEP/CMS/COP12/Doc.24.2.1. He noted IMMAs are not marine protected areas but use scientific criteria to identify areas that may merit protection. The EU,

AUSTRALIA, ARGENTINA, the PHILIPPINES, INDIA, COSTA RICA, Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea, and Contiguous Atlantic Area (ACCOBAMS), WCS (on behalf of a group of NGOs), Secretariat for the Pacific Regional Environment Programme (SPREP), and FIJI supported the draft resolution, with some proposing amendments.

**Marine Noise:** The Secretariat introduced UNEP/CMS/COP12/Doc.24.2.2, which includes a draft resolution that consolidates previous resolutions, incorporates recent developments, and adopts the CMS Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities. NORWAY, ARGENTINA, the EU, the International Whaling Commission (IWC), ACCOBAMS, and OCEANCARE (on behalf of a group of NGOs), supported accepting the draft resolution, noting the importance of this topic, and suggested amendments. The Chair forwarded it to the Aquatic Working Group for further discussion.

**Aquatic Wild Meat:** The Secretariat presented the document UNEP/CMS/COP12/Doc.24.2.3/Rev.1. INDIA, ECUADOR, and PERU supported the document. The EU proposed that the definition of aquatic wild meat should not be restricted to legally caught sources and urged collaboration with the IWC. BRAZIL welcomed delegates to the 67th IWC meeting, to be held in Brazil in 2018. The draft resolution was forwarded to plenary for adoption.

**Live Capture of Cetaceans from the Wild for Commercial Purposes:** The Secretariat presented the document (UNEP/CMS/COP12/Doc.24.2.4/Rev.2) noting the Aquatic Working Group had concluded discussions on this. INDIA, PERU, ARGENTINA, and ACCOBAMS supported the document. ECUADOR, for South And Central America and the Caribbean, requested clarification on implications of endorsing the best practice guidelines for countries where live capture does not occur. The Secretariat confirmed that there would be no legal implications as guidelines are voluntary. The draft resolution was forwarded to plenary for adoption.

**Recreational In-Water Interaction with Aquatic Mammals:** The Secretariat presented the document and draft resolution in UNEP/CMS/COP12/Doc.24.2.5. The PHILIPPINES reported that their country has banned interactions with aquatic mammals since the 1990s due to safety concerns for aquatic species and tourists. The EU supported the draft resolution and decisions, calling for reference to the work of the IWC on whale watching. PERU, ECUADOR, ACCOBAMS, and HUMANE SOCIETY INTERNATIONAL supported the resolution. The draft resolution was forwarded to plenary for adoption.

**Conservation and Management of Whales and their Habitats in the South Atlantic Region:** BRAZIL introduced the Action Plan contained in Annex 3 of the document (UNEP/CMS/COP12/Doc.24.2.6). The EU, PERU, ANGOLA, AUSTRALIA, ARGENTINA, COSTA RICA, and URUGUAY supported the action plan.

SOUTH AFRICA requested bilateral discussions with Brazil to clarify the potential implications of ongoing discussions with the IWC on the proposed South Atlantic whale sanctuary.

**Avian Species: Illegal Killing, Taking and Trade of Migratory Birds:** The Secretariat presented document UNEP/CMS/COP12/Doc.24.1.1, noting the: establishment of an intergovernmental task force in the Mediterranean; elaboration of this task force's Programme of Work 2016-2020; and development of a scoreboard

to assess national progress. The PHILIPPINES questioned how the CMS would engage non-parties in the East Asian-Australasian Flyway Partnership (EAAFP). The EU said that the scoreboard should not be accompanied by a reporting process under CMS. EAAFP described its efforts toward the development of a formal task force and said that, if approved, it could “take the lead” on the waterbird component of a regional task force. The CoW referred the document to the Avian Working Group.

***Migratory Landbirds in the African-Eurasian Region:***

The Secretariat introduced the document on Conservation of Migratory Landbirds in the African-Eurasian Region, Especially in Relation to Sustainable Land Use in Africa (UNEP/CMS/COP12/Doc.24.1.2), which was supported by NIGERIA and SWITZERLAND. The CoW referred the document to the Avian Working Group.

***Advances in the Prevention of Bird Poisoning:***

The Secretariat introduced document UNEP/CMS/COP12/Doc.24.1.3, which was supported by PAKISTAN and MADAGASCAR. Noting that there is already a working group on poisoning, the EU suggested enlarging this group to support a sub-group specifically addressing lead poisoning. The CoW referred the document to the working group.

***Conservation of African-Eurasian Vultures:***

The Secretariat introduced UNEP/CMS/COP12/Doc.24.1.4/Rev.2, recalling that the Secretariat was mandated at COP11 to develop an action plan since most Old World vultures are either endangered or critically endangered. The preparation of the Multi-species Action Plan to Conserve African-Eurasian Vultures (Vulture MsAP) involved government officials in all 128 range states, as well as other stakeholders. The 12-year Vulture MsAP covers 15 species. The Secretariat asked the CoW to support adoption of the resolution in Annex 1, the decisions in Annex 2, and the Vulture MsAP. PAKISTAN, SWITZERLAND, SAUDI ARABIA, SENEGAL, UNITED ARAB EMIRATES, AFGHANISTAN, ISRAEL, and the EU supported the adoption of the action plan. The EU presented minor amendments, which were accepted by the CoW, and the draft resolution was forwarded to plenary.

**WORKING GROUPS AND COMMITTEES**

The working groups and committees met during the day. The Budget Committee and the Avian Working Group began their work in the evening.

**TERRESTRIAL WORKING GROUP:**

The Terrestrial Working Group convened to discuss amendments to three documents and draft resolutions. On the Adoption of the African Elephant Action Plan, the group discussed whether to “welcome” or “endorse” it as the principal strategy for the conservation of the African elephant. The group also introduced and accepted two draft decisions on: Transfrontier Conservation Areas for Migratory Species (UNEP/CMS/COP12/Doc.24.4.12) and Community Participation and Livelihoods (UNEP/CMS/COP12/Doc.24.4.13). On the former, parties discussed the distinction between “transfrontier” and “transboundary” areas, with others urging the group not to “reinvent the wheel.” On the latter, they stressed the need to recognize migratory species as a shared resource. Discussions resumed in the evening.

**AQUATIC WORKING GROUP:**

The Aquatic Working Group concluded discussions on draft resolutions on Live Capture of Cetaceans from the Wild for Commercial Purposes (UNEP/CMS/COP12/Doc.24.2.4/Rev.2); Conservation and Management

of Whales and their Habitats in the South Atlantic Region (UNEP/CMS/COP12/Doc.24.2.6); Management of Marine Debris (UNEP/CMS/COP12/Doc.24.4.1); Bycatch (UNEP/CMS/COP12/Doc.24.4.4); and Sustainable Boat-Based Marine Wildlife Watching (UNEP/CMS/COP12/Doc.24.4.5).

On the Consolidation of Resolutions on Marine Turtles (UNEP/CMS/COP12/Doc.21.2.5), some participants noted that consolidating resolutions carried the risk of losing information on the conservation of hawksbill and leatherback turtles. Some suggested intersessional work to produce a more detailed resolution for COP13. Others favored the development of specific action plans for hawksbill and leatherback turtles. The working group agreed that interested parties would continue discussions outside the working group.

**INSTITUTIONAL MATTERS WORKING GROUP:**

The Institutional Working Group concentrated on the Options of a Review Process for the Convention on Migratory Species (COP12/Doc.22/Rev.1) and made progress clearing up the EU proposal to merge two draft resolutions—national legislation and review process on compliance. Discussing the draft resolution’s preamble, they decided on general principles with significant input from other multilateral environmental agreements. They also debated the criteria for a review process and agreed on the actors that can submit information (self-reporting party; party-to-party reporting; and Secretariat), diverging on if “third parties” and the Standing Committee are eligible to do so. Highlighting the need to avoid “frivolous information,” some parties advocated for stricter screening of data, while others cautioned against the risk of adding an additional burden on the Secretariat and developing countries. The working group converged on a decision regarding the main decision body for compliance evaluations, recommending the Standing Committee as the most appropriate forum for this matter.

**IN THE CORRIDORS**

Negotiations started to pick-up on the second day of COP12 in the CoW and the working groups, with discussions on species’ listing and compliance revealing early divergences. The fast pace of working group deliberations took many by surprise, prompting the Chair of the CoW to joke that he was lucky his chair on the dais was “nailed down.” Swift adoption of the Vulture MsAP, as well as decisions on the conservation of the African wild ass, aquatic wild meat, live capture of cetaceans for commercial purposes, and “swimming with dolphins,” among others, demonstrated the collegial atmosphere that CMS COPs are known for.

The budget, however, is emerging as a test for CMS delegates. During discussions on the review process, some delegates called for rethinking priorities, declaring that “conservation, instead of financial matters,” should be the focus of work. Yet, in many respects, the budget and financial health underpins all other agenda items at COP12. As the budget committee began its work on Tuesday night, some wondered if delegates would appreciate the CMS Secretariat’s workload, as well as its concerted outreach and communication efforts, as meaningful evidence of the value of a small budget increase. Without such efforts to raise the Convention’s profile, one delegate alluded, few would even know of the Convention’s existence. As budget discussions unfold, it seems items considered critical by some and extraneous by others may be on the chopping block.



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