

CMS COP12 HIGHLIGHTS: THURSDAY, 26 OCTOBER 2017

CMS COP12 resumed Thursday, 26 October. Participants continued their work in the Committee of the Whole (CoW), addressing the listing of avian and aquatic species on CMS Appendices I and II, as well as the template for drafting such proposals. They also considered the item on enhancing synergies and sharing common services among the CMS family instruments.

In the afternoon, the CoW resumed its work, beginning with deliberations on proposals for listing terrestrial species on CMS Appendices I and II, and addressed: issues under the implementation of the Concerted Action process; establishing a COP presidency under the Rules of Procedure; and a number of draft decisions to forward to plenary for adoption.

Working Groups and Committees met during the day to conclude their work.

COMMITTEE OF THE WHOLE

CONSERVATION ISSUES: Action Plan for the Americas Flyways: The Secretariat introduced document UNEP/CMS/COP12/Doc.24.1.10, noting that an error in Annex 2 would be corrected. He said the resolution establishes a working group, which would meet in Brazil in 2018. ECUADOR stressed that migratory routes must be seen as ecological networks. INDIA suggested adding a paragraph to show its intention to develop a mid-term plan to revitalize the Central Asian Flyway. SRI LANKA and BRAZIL expressed their support. After ARGENTINA suggested minor amendments, the CoW referred the resolution to the Avian Working Group.

PROPOSALS FOR AMENDMENT OF APPENDICES I AND II OF THE CONVENTION: Avian Species Listings

Christmas Frigatebird (*Fregata andrewsi*): The Philippines presented its proposal to list the Christmas frigatebird on Appendix I (UNEP/CMS/COP12/Doc.25.1.11). AUSTRALIA and the EU supported the proposal, which was forwarded to plenary for adoption.

Black Noddy (*Anous minutus*): The Philippines introduced its proposal to list the black noddy subspecies *worcesteri* on Appendix II (UNEP/CMS/COP12/Doc.25.1.12). The proposal was forwarded to plenary for adoption.

Steppe Eagle (*Aquila nipalensis*): Mongolia (UNEP/CMS/COP12/Doc.25.1.13(a)) and Saudi Arabia (UNEP/CMS/COP12/Doc.25.1.13(b)) introduced their proposals to list the steppe eagle on Appendix I. The proposal was forwarded to plenary for adoption.

Four vulture species occurring in Asia: Pakistan introduced its proposal for the inclusion of four vulture species occurring in Asia, namely the red-headed vulture (*Sarcogyps calvus*), white-rumped vulture (*Gyps bengalensis*), Indian vulture (*Gyps indicus*), and slender-billed vulture (*Gyps tenuirostris*), on Appendix I

(UNEP/CMS/COP12/Doc.25.1.14). The EU and PERU supported this proposal and all the subsequent vulture proposals. The proposal was forwarded to plenary for adoption.

Five vulture species occurring in Sub-Saharan Africa: Kenya introduced its proposal for the inclusion of five vulture species occurring in sub-Saharan Africa, namely the white-headed vulture (*Trigonoceps occipitalis*), hooded vulture (*Necrosyrtes monachus*), white-backed vulture (*Gyps africanus*), cape vulture (*Gyps coprotheres*), and Rüppell's vulture (*Gyps rueppelli*) on Appendix I (UNEP/CMS/COP12/Doc.25.1.15). ECUADOR supported the proposal. The RAPTORS MOU noted this proposal was discussed by the CMS Scientific Council, which made minor amendments. KENYA accepted the amendments and the proposal was forwarded to plenary for adoption.

Lappet-faced Vulture (*Torgos tracheliotos*): Israel (UNEP/CMS/COP12/Doc.25.1.16(a)) and Saudi Arabia (UNEP/CMS/COP12/Doc.25.1.16(b)) introduced their proposals to list the species on Appendix I. The proposal was forwarded to plenary for adoption.

Yellow Bunting (*Emberiza sulphurata*): The Philippines introduced its proposal to list the yellow bunting on Appendix II (UNEP/CMS/COP12/Doc.25.1.17). The proposal was forwarded to plenary for adoption.

Great Grey Shrike (*Lanius excubitor excubitor*): The EU introduced the proposal to list the great grey shrike on Appendix II (UNEP/CMS/COP12/Doc.25.1.18). The proposal was forwarded to plenary for adoption.

Lesser Grey Shrike (*Lanius minor*): The EU introduced the proposal to list the lesser grey shrike on Appendix II (UNEP/CMS/COP12/Doc.25.1.19). The proposal was forwarded to plenary for adoption.

Aquatic Species Listings: Whale shark (*Rhincodon typus*): The Philippines presented the proposal to list the whale shark on Appendix I (UNEP/CMS/COP12/Doc.25.1.20). The EU, ISRAEL, SRI LANKA, PERU, ECUADOR, SENEGAL, and INDIA supported the proposal, which was forwarded to plenary for adoption.

Blue shark (*Prionace glauca*): Samoa presented the proposal to list the blue shark on Appendix II (UNEP/CMS/COP12/Doc.25.1.22). The EU, SRI LANKA, INDIA, COOK ISLANDS, and ECUADOR supported it. NEW ZEALAND raised doubts on the benefit of listing global populations. NORWAY said the proposal is premature due to data deficiency. Neither blocked consensus and the CoW forwarded the proposal to plenary for adoption.

Angelshark (*Squatina squatina*): Monaco presented the proposal to list the angelshark on Appendices I and II (UNEP/CMS/COP12/Doc.25.1.23). The EU, SENEGAL, and MOROCCO supported the proposal, which was forwarded to plenary for adoption.

Guitarfish (*Rhinobatos rhinobatos*): Israel presented the proposal to list the guitarfish in Appendix II and the

Mediterranean Sea population in Appendix I (UNEP/CMS/COP12/Doc.25.1.24 (a-d)). The EU, SENEGAL, and TOGO supported the proposal. AUSTRALIA asked for removing an incorrect reference stating they have fishing vessels in the range of the species. The proposal was forwarded to plenary, with this correction, for adoption.

White-spotted wedgefish (*Rhynchobatus australiae*): The Philippines presented the proposal to list the white-spotted wedgefish on Appendix II (UNEP/CMS/COP12/Doc.25.1.25), which was supported by the EU, BAHRAIN, FIJI, INDIA, COOK ISLANDS, and SRI LANKA. AUSTRALIA questioned the listing, citing recent studies revealing that its migration is not predictable, but did not block consensus. The proposal was forwarded to plenary for adoption.

Dusky shark (*Carcharhinus obscurus*): Honduras presented the proposal to list the dusky shark on Appendix II (UNEP/CMS/COP12/Doc.25.1.21). The EU, ECUADOR, ISRAEL, and ARGENTINA supported the proposal, which was forwarded to plenary for adoption.

Terrestrial Species: Lasiurus Bats (*Lasiurus* spp.): Peru presented the proposal (UNEP/CMS/COP12/Doc.25.1.2) to include *Lasiurus* bats in Appendix II. EUROBATS, PERU, ECUADOR, and DEFENDERS OF WILDLIFE supported it. CIC expressed concern with the unclear definitions of the term “migratory.” This proposal was forwarded to plenary for adoption.

Lion (*Panthera leo*): Togo, on behalf of Chad and Niger, introduced the proposal to list the lion on Appendix II (UNEP/CMS/COP12/Doc.25.1.3), explaining that 12 to 16 countries have lost their lion populations, citing, among others, poaching and habitat degradation. SOUTH AFRICA, TANZANIA, ZIMBABWE, and UGANDA opposed the proposal, arguing that the lion is not a migratory species and the proposal does not meet the criteria for listing. KENYA, SENEGAL, the EU, ANGOLA, PERU, WCS, and BORN FREE FOUNDATION supported the proposal. All four opposing countries requested their lion populations be excluded from the listing, but the proposal’s proponents rejected this amendment. A lengthy procedural debate ensued over the rules for voting. First, the CoW had to determine whether the EU represents one vote or 28 votes. They voted to support the CoW Chair’s ruling that the EU has 28 votes, one vote for each EU member state. BRAZIL asked if another round of voting in plenary could be avoided, but the Secretariat confirmed that voting in plenary on the proposal was still possible. By a vote of 72 in favor, 4 opposed, and 3 abstentions, the proposal was approved and the Chair forwarded it to the plenary for adoption.

BRAZIL requested that the Secretariat and the Standing Committee elaborate on and clarify the Rules of Procedure on voting, to be presented at CMS COP13 in 2020. The EU said the rules are sufficiently clear and no further time should be spent on the matter.

Chimpanzee (*Pan troglodytes*): The Republic of Congo presented the proposal (UNEP/CMS/COP12/Doc.25.1.1) to list the chimpanzee on Appendices I and II. CÔTE D’IVOIRE, SENEGAL, PERU, the EU, BURKINA FASO, and TOGO supported it. UGANDA and BURUNDI opposed, with UGANDA citing national monitoring programmes on populations within their borders, and requesting an amendment to exclude their populations. The proposal’s proponents rejected this. The EU, with SENEGAL and KENYA, said there is no justification for such an exemption. By a vote of 71 in favor, 3 opposed, and 4 abstentions, the proposal was approved and the Chair forwarded it to the plenary for adoption. UGANDA said they would enter a reservation to the proposal.

Leopard (*Panthera pardus*): Iran introduced the proposal to list the leopard on Appendix II (UNEP/CMS/COP12/Doc.25.1.4), on behalf of Ghana, Kenya, and Saudi Arabia. SOUTH AFRICA, ZIMBABWE, and UGANDA opposed the proposal, arguing that the leopard is not a migratory species and the proposal does not meet the criteria for listing. SENEGAL said he would move to vote on the proposal rather than exclude one or more countries’

leopard populations. HUMANE SOCIETY INTERNATIONAL argued that leopards systematically cross national boundaries and meet the scientific criteria of the Convention. Following a vote with 68 in favor, 4 opposed and 8 abstentions, the proposal was approved and the Chair forwarded it to plenary for adoption. UGANDA and ZIMBABWE said they would enter a reservation to the proposal.

Gobi Bear (*Ursus arctos isabellinus*): Mongolia introduced the proposal to list the Gobi bear on Appendix I (UNEP/CMS/COP12/Doc.25.1.5). The proposal was forwarded to plenary for adoption.

Caspian Seal (*Pusa caspica*): Iran introduced the proposal to list the Caspian seal on Appendices I and II (UNEP/CMS/COP12/Doc.25.1.6), noting the range states are Azerbaijan, the Russian Federation, Turkmenistan, Kazakhstan, and Iran. The proposal was forwarded to plenary for adoption.

African Wild Ass (*Equus africanus*): Eritrea introduced the proposal to list the African wild ass on Appendices I and II (UNEP/CMS/COP12/Doc.25.1.7(a)) and Ethiopia introduced its proposal to list this species on Appendix I (UNEP/CMS/COP12/Doc.25.1.7(b)). SENEGAL supported the proposals, which were forwarded to plenary for adoption.

Przewalski’s Horse (*Equus ferus przewalskii*): Mongolia introduced the proposal to list the Przewalski’s horse on Appendix I (UNEP/CMS/COP12/Doc.25.1.8), noting this species was declared extinct in the wild but has been reintroduced in Mongolia, China, and Russia. SWITZERLAND supported the proposal. The proposal was forwarded to plenary for adoption.

Chinkara (*Gazella bennettii*): Iran announced that it had withdrawn this proposal (UNEP/CMS/COP12/Doc.25.1.9) and will reintroduce it at CMS COP13.

Giraffe (*Giraffa camelopardalis*): Angola introduced the proposal to list the giraffe on Appendix II (UNEP/CMS/COP12/Doc.25.1.10), noting the drastic decline of giraffe populations. ZIMBABWE, SOUTH AFRICA, UGANDA, and TANZANIA opposed the proposal, arguing that the giraffe is not a migratory species and does not meet the criteria for listing. SENEGAL, KENYA, the EU, the GAMBIA, LIBERIA, BURKINA FASO, CABO VERDE, and PRO-WILDLIFE (on behalf of a group of NGOs), supported this proposal. PRO-WILDLIFE also noted the international community has yet to address giraffes, which are not protected under any treaty and do not get sufficient protection at the national level. Following a vote of 68 in favor, 4 opposed, and 6 abstentions, the proposal was approved and the CoW forwarded it to plenary for adoption.

REVISION OF THE TEMPLATE AND GUIDELINES FOR THE DRAFTING OF PROPOSALS FOR THE

AMENDMENT OF THE APPENDICES: The Secretariat introduced UNEP/CMS/COP12/Doc.25.2, noting the Standing Committee had approved updates to the template and sought guidance from the COP to confirm its use. ISRAEL, supported by the EU, BRAZIL, AUSTRALIA, NEW ZEALAND, SOUTH AFRICA, and UGANDA, suggested changes. The CoW accepted them and forwarded the document to plenary for adoption.

FUTURE SHAPE AND STRATEGIES OF CMS AND THE CMS FAMILY: Enhancing Synergies and Sharing Common

Services among CMS Family Instruments: CMS Executive Secretary Chambers introduced UNEP/CMS/COP12/Doc.16.1, noting it contains the full report of the implementation of the sharing of common services and synergies. AEWAS stressed the success of the common communication team in making the COP highly visible. The CoW forwarded it to plenary for adoption.

IMPLEMENTATION OF THE CONCERTED ACTIONS PROCESS: Designation of Species for Concerted Actions

for the triennium 2018-2020: The Secretariat presented the document UNEP/CMS/COP12/Doc.26.2, saying the Scientific Council has reviewed and supported the list. The EU supported the list, urging countries to come forward and take the lead on species on which they wish to take concerted actions. They suggested that species that remain, with no countries to take the

lead on them, should be separated into a smaller list, particularly if they are highly endangered and occur in a non-CMS member state. The CoW forwarded it for adoption in plenary.

European Eel (*Anguilla anguilla*): Monaco introduced document UNEP/CMS/COP12/Doc.26.2.1, noting that the concerted action aims to strengthen cooperation among the range states. She said the objectives of the action include: organizing a second meeting of the range states in 2018; identifying measures that link CMS to CITES and IUCN; improving data flow to the International Council on Exploration of the Sea; and engaging with non-range state stakeholders, such as regional fisheries bodies. IUCN, the EU, and MOROCCO supported. The CoW forwarded it for adoption in plenary.

Eastern Tropical Pacific Sperm Whales (*Physeter macrocephalus*): Appointed Councillor for Aquatic Mammals, Giuseppe Notarbartolo di Sciara, introduced UNEP/CMS/COP12/Doc.26.2.2, noting that the proposal focused on four clans of sperm whales in the Eastern Tropical Pacific. He said that research revealed a complex social structure that demonstrated the primary differences between the clans are socially learned and therefore cultural. Di Sciara highlighted the main recommendations of the proposal, including collaboration for: data gathering in jurisdictional waters; acoustic monitoring to further elucidate social structure; and determining appropriate conservation strategies. PERU supported the proposal, highlighting the importance of research that explores the complexity of sperm whale social structure. The CoW forwarded the document for adoption in plenary.

Atlantic Humpback Dolphin (*Souza teuszii*): Councillor di Sciara introduced document UNEP/CMS/COP12/Doc.26.2.3, noting that it elaborates on an existing concerted action. He highlighted the proposed activities, including: forming a steering committee; organizing a meeting to define an action plan for renewed efforts to halt the species' decline; and creating an acting regional task force. SENEGAL supported the proposal. SEA SHEPHERD LEGAL offered to perform a gap analysis of the species. The CoW forwarded it for adoption in plenary.

Arabian Sea Humpback Whales (*Megaptera novaeangliae*): Councillor di Sciara presented UNEP/CMS/COP12/Doc.26.2.4, noting that the Scientific Council had highlighted the Arabian Sea sub-population for special attention because its conservation status differs markedly from the larger population. He outlined proposed actions, including: addressing knowledge gaps; information sharing; and capacity building to support development and implementation of conservation strategies. PAKISTAN, UAE, ECUADOR, INDIA, SAUDI ARABIA, and OMAN supported the proposal. The IWC added its scientific committee has recommended the sub-population for a management plan. The CoW forwarded it for adoption in plenary.

Angelshark (*Squatina squatina*): Monaco presented UNEP/CMS/COP12/Doc.26.2.5. She outlined the proposed activities, including: implementing a conservation strategy in the Eastern Atlantic and Mediterranean; developing regional action plans; encouraging CMS parties that are also parties to the General Fisheries Commission for the Mediterranean to reduce incidental catch; working with the IUCN Shark Specialist Group; and supporting inclusion of angelsharks on Annex I of the Sharks MoU. The CoW forwarded it for adoption in plenary.

Mobulid Rays (*Mobulidae*): Manta Trust presented document UNEP/CMS/COP12/Doc.26.2.6, with the understanding that the proposal is an opportunity for joint cooperation and information-sharing on this threatened species. ECUADOR, FIJI, INDIA, the PHILIPPINES, and the EU supported the concerted action, highlighting, *inter alia*: the importance of legal frameworks and national actions to address conservation; the need for pragmatic actions; and benefits of the proposal for the tourism industry and fishing communities. The CoW forwarded the draft decision (UNEP/CMS/COP12/CRP15) for adoption in plenary.

Whale Shark (*Rhincodon typus*): The Philippines presented document UNEP/CMS/COP12/Doc.26.2.7, emphasizing the importance of sharks for sustainable tourism, and noting

that the proposal encourages partnerships between national and international organizations. The EU, ECUADOR, and MADAGASCAR supported the document and the CoW recommended its adoption in plenary.

Asian Great Bustard (*Otis tarda*): Mongolia introduced UNEP/CMS/COP12/Doc.26.2.8 highlighting that the proposal encourages cooperation on information sharing regarding threats to the species. IRAN supported the proposal and IUCN stressed the near universal concern of researchers of this species as to its population decline in Asia. The CoW forwarded it for adoption in plenary.

RULES OF PROCEDURE: Establishment of a COP Presidency: The Philippines presented document UNEP/CMS/COP12/Doc.4.2, which calls for establishing the office of a 'Presidency' and proposes its roles and functions. The EU expressed interest in developing this document further. The CoW agreed to allow both the EU and the Philippines to continue work on the document.

IN-SESSION DOCUMENTS: The CoW forwarded a number of conference room papers (CRPs) to plenary for adoption without comment. These included, *inter alia*: Concerted Actions (UNEP/CMS/COP12/CRP1); Aquatic Wild Meat (UNEP/CMS/COP12/CRP2); Community Participation and Livelihoods (UNEP/CMS/COP12/CRP4); Conservation and Management of Whales and their Habitats in the South Atlantic Region (UNEP/CMS/COP12/CRP5); IMMAs (UNEP/CMS/COP12/CRP8); Energy and Migratory Species (UNEP/CMS/COP12/CRP11); and Conservation Implications of Animal Culture and Social Complexity (UNEP/CMS/COP12/CRP12).

The CoW also forwarded the following documents with minor amendments: Conservation of African-Eurasian Vultures (UNEP/CMS/COP12/CRP7) and Recreational In-Water Interaction with Aquatic Mammals (UNEP/CMS/COP12/CRP10).

Draft decisions under the agenda item on consolidation of resolutions were also considered and forwarded to plenary for adoption without comment or with minor amendments.

ARGENTINA, speaking for Central and South America and the Caribbean, lamented the lack of timely and adequate translation of documents, the work programme, and online documents in Spanish, saying this disadvantaged the group.

IN THE CORRIDORS

The "friendly convention" was not so friendly on Thursday afternoon when the CoW had to vote on species' listings on the appendices for the first time in the Convention's history. A reshuffling of the morning schedule to allow the Terrestrial Working Group additional time to iron-out outstanding differences on species listings proved futile, as delegates could not avoid a deadlock on lions, chimpanzees, leopards, and giraffes. Opponents of the specific species' listings argued that they did not meet the "migratory" criteria as stated in the Convention. Some lamented: "CMS is attempting to list everything, and this doesn't make these species any more migratory." Proponents, leaning on scientific evidence, cited the fact that distinct populations of migratory species do not exist, arguing that migratory species are essentially "species without borders." Some delegates, trying to understand the issues underlying the polarized views on these species, said "this impasse is unnecessary, nothing is at stake—certainly not trade," alluding to possible linkages to discussions under CITES. Others commented that it appeared as though not everyone understood what CMS species listings entail. Although proposals for listing of lions, chimpanzees, leopards, and giraffes ultimately passed with more than a two-thirds majority, fears of CMS fragmentation and lack of consensus haunted the room.

With a day off for excursions, delegates will hopefully return to the CoW at 8:00 am on Saturday refreshed and ready to finalize the remaining decisions in advance of the closing plenary.

ENB SUMMARY AND ANALYSIS: The *Earth Negotiations Bulletin* summary and analysis of CMS COP12 will be available on Tuesday, 31 October 2017, online at: <http://enb.iisd.org/cms/cop12/>



SDG KNOWLEDGE HUB

The International Institute for Sustainable Development's *SDG Knowledge Hub* provides an unparalleled view of multilateral, national and sub-national efforts to achieve the Sustainable Development Goals (SDGs).

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