

## CMS COP13 Highlights: Thursday, 20 February 2020

The Committee of the Whole (CoW) considered listing proposals in CMS Appendices, including voting on the inclusion of the smooth hammerhead and tope shark in Appendix II.

In a brief ceremony, two new organizations, Divers for Sharks and Save Our Seas foundation, signed the CMS Sharks Memorandum of Understanding.

### Review of In-Session Documents

Several CRP documents were approved and forwarded to plenary for adoption, including on: action plans for birds; important marine protected areas; adverse impacts of noise on cetaceans; marine wildlife watching; live capture of cetaceans; the European eel; the Global Programme of Work on Cetaceans; CMS Contribution to the Post-2020 Global Biodiversity Framework; Synergies and Partnerships; World Migratory Bird Day; and Marine Turtles.

The in-session document on options for a follow up to the Strategic Plan for Migratory Species 2015-2023 (UNEP/CMS/COP13/CRP 14.2. Rev.1) was agreed following minor amendments suggested by SOUTH AFRICA and the EU.

The in-session document, on Cooperation between the Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services (IPBES) and CMS, was agreed following EU's proposal to include reference to "connectivity" (UNEP/CMS/COP13/CRP 18.1).

### Amendment of CMS Appendices

**Asian Elephant:** India introduced the proposal to list the Asian elephant (*Elephas maximus indicus*) in Appendix I of CMS (UNEP/CMS/COP13/Doc.27.1), focusing especially on threats such as habitat loss and fragmentation, human-elephant conflicts, and illegal hunting and trade. SRI LANKA, BANGLADESH, the EU, YOUNG NATURALISTS NETWORK and HUMANE SOCIETY INTERNATIONAL supported the proposal. The CoW agreed to the proposal and forwarded it to plenary.

**Jaguar:** Costa Rica introduced the proposal to list the jaguar (*Panthera onca*) in Appendix I and II of CMS (UNEP/CMS/COP13/Doc.27.1.2). Several Parties and NGOs supported the proposal, with many stressing the need for protecting migratory corridors and isolated populations. SWITZERLAND expressed concern about increasing evidence of trafficking and fires threatening the species' habitat. CIC opposed an Appendix I listing. The CoW agreed to the proposal and forwarded it to plenary for consideration.

**Urial Sheep:** Uzbekistan introduced the proposal to list the Urial sheep (*Ovis vignei*) in Appendix II and Central Asian Mammals Initiative (CAMI) (UNEP/CMS/COP13/Doc.27.1.3) and, noting that the proposal is not following Wilson and Reeder (2005) as standard taxonomic reference, suggested an annotation limiting the listing to populations across CAMI. The EU and INDIA supported the proposal. The CoW agreed to the proposal and forwarded it to plenary for consideration.

**Great Indian Bustard:** India introduced the proposal to list the great Indian bustard (*Ardeotis nigriceps*) in Appendix I (UNEP/CMS/COP13/Doc.27.1.4), including develop a concerted action, citing the highly endangered status of the species. SAUDI ARABIA, SOMALIA, and WILDLIFE CONSERVATION SOCIETY (WCS) supported the proposal, citing the risk of powerline collisions, among others. The CoW agreed to the proposal and forwarded it to plenary for consideration.

**Bengal Florican:** India introduced the proposal to list the Bengal florican (*Houbaropsis bengalensis bengalensis*) in Appendix I (UNEP/CMS/COP13/Doc.27.1.5), including a concerted action. The EU, COSTA RICA, and BANGLADESH supported the proposal. The CoW agreed to the proposal and forwarded it to plenary for consideration.

**Little Bustard:** The EU introduced the proposal to list the little bustard (*Tetrax tetrax*) in Appendix I and II due to severe declines (UNEP/CMS/COP13/Doc.27.1.5). INDIA, MONGOLIA, PERU, and IRAQ supported the proposal. The CoW agreed to the proposal and forwarded it to plenary for consideration.

**Antipodean Albatross:** New Zealand introduced the proposal to list the Antipodean albatross (*Diomedea antipodensis*) in Appendix I (UNEP/CMS/COP13/Doc.27.1.7), referring to its endangered status and importance for the Ngāi Tahu, a Māori indigenous tribe in New Zealand. URUGUAY, the EU, INDIA, and the Agreement on the Conservation of Albatrosses and Petrels (ACAP) supported the proposal, citing pelagic longline fishing as the main threat. The CoW agreed to the proposal and forwarded it to plenary.

**Oceanic White-tip Shark:** Brazil introduced the proposal to list the Oceanic white-tip shark (*Carcharhinus longimanus*) in Appendix I (UNEP/CMS/COP13/Doc.27.1.8/Rev.2), referring to its critically endangered status and it being targeted for its fins and meat. COSTA RICA, SRI LANKA, the EU, NEW ZEALAND, and SENEGAL supported the proposal, stating that the listing criteria are satisfied. The CoW agreed to the proposal and forwarded it to plenary.

**Smooth Hammerhead Shark:** There were two proposals with different geographical scope to list the smooth hammerhead shark (*Sphyrna zygaena*) in Appendix II (UNEP/CMS/COP13/Doc.27.1.9 (a) and (b)), one by Brazil for the regional population occurring in the exclusive economic zone of Brazil, Uruguay, Argentina, and adjacent international waters, and one by the EU for all populations worldwide. While many parties supported a global listing, AUSTRALIA opposed the listing for its population, lamenting that it had not been duly consulted before the proposal was made, and argued that the population in the Australian waters does not meet the migratory criterion. The CoW called for a vote: With 9 in favor, 47 opposed, and 5 abstentions, Australia's proposal was rejected. In the subsequent vote, the EU's global listing proposal was approved with 58 in favor, 1 opposed, and 3 abstentions. In both votes, the EU voted with 28 votes including for the UK, while several votes by other parties could not be counted due to unconfirmed credentials. The CoW agreed to the proposal and forwarded it to plenary for consideration.

**Tope Shark:** The EU, supported by several NGOs, introduced its proposal to list the tope shark (*Galeorhinus galeus*) in Appendix II (UNEP/CMS/COP13/Doc. 27.1.10). AUSTRALIA expressed disappointment to not have been consulted on this listing, contending that the Australia/New Zealand population does not meet the definition of migratory, and described the species' movements as "dispersal." She questioned the validity of the EU study.

With consensus not forthcoming, the proposal to amend the proposal was put to a vote, but was rejected, with only seven in favor, 40 against (including 28 EU members), and ten abstentions. AUSTRALIA then withdrew its opposition to the global listing, and the original proposal was approved for consideration by the COP.

**Guidelines for Preparing and Assessing Proposals for the Amendment of CMS Appendices:** The Chair of the Scientific Council introduced the document (UNEP/CMS/COP13/Doc.27.2). NEW ZEALAND, supported by ISRAEL and AUSTRALIA, proposed adding a requirement that parties making listing proposals consult with all range states. A Contact Group was established to discuss the matter.

**Gandhinagar Declaration on CMS and the Post-2020 Global Biodiversity Framework:** The CoW forwarded the draft decision (UNEP/CMS/COP13/CRP.1). BRAZIL and the EU voiced concerns that aspects of the Declaration pre-empted results of ongoing negotiations, proposing amendments in this regard. A Contact Group was established to discuss the matter.

### Implementation of the Concerted Action Process

**Progress in the Implementation of Concerted Actions:** The Secretariat introduced the document (UNEP/CMS/COP13/Doc.28) outlining the approach proposed by the Scientific Council to address the mandate. The CoW agreed.

**European Eel:** The Secretariat reported on progress on European eel (*Anguilla anguilla*) (UNEP/CMS/COP13/Doc.28.1.1). BELARUS highlighted it was not engaged in the process and offered its expertise. The CoW approved the report.

**Sperm Whales of the Eastern Tropical Pacific:** The COP-appointed Councillor for Aquatic Mammals reported on activities for the conservation of the sperm whale of the eastern tropical Pacific (*Physeter macrocephalus*) (UNEP/CMS/COP13/Doc.28.1.2) and asked for the renewal of the concerted action. The CoW approved the report.

**Atlantic Humpback Dolphin:** Sea Shepherd Legal introduced the report on the Atlantic humpback dolphin (*Sousa teuszii*) (UNEP/CMS/COP13/Doc.28.1.3), summarizing the legal gap analysis. The COP-appointed Councillor for Aquatic Mammals added that conservation of this species is of utmost urgency. The CoW approved the document.

**Humpback Whales of the Arabian Sea:** The COP-appointed Councillor for Aquatic Mammals reported on the concerted action for humpback whales (*Megaptera novaeangliae*) of the Arabian Sea (UNEP/CMS/COP13/Doc.28.1.4). The CoW approved the report.

**Angelshark:** The Secretariat introduced the report on the angelshark (*Squatina squatina*) (UNEP/CMS/COP13/Doc.28.1.5). The CoW approved the report.

**Mobulid Rays:** WCS introduced the document on the mobulid ray (*Mobulidae*) (UNEP/CMS/COP13/Doc.28.1.6), which was approved by the CoW.

**Whale Shark:** The Philippines introduced the documents on the whale shark (*Rhincodon typus*) (UNEP/CMS/COP13/Doc.28.1.7(a) and (b)). The documents were approved by the CoW.

**Great Bustard:** Mongolia introduced the document on the great bustard (*Otis tarda*) (UNEP/CMS/COP13/Doc.28.1.8), which was approved by the CoW.

### New Proposals for Concerted Actions for the Triennium 2021-2023

**Nut-Cracking Chimpanzees of West Africa:** Ian Redmond, CMS Ambassador, introduced the document on *Pan troglodytes*

(UNEP/CMS/COP13/Doc.28.2.1/Rev.1), which was approved by the CoW.

**Asian elephant:** India introduced the document on *E. maximus* (UNEP/CMS/COP13/Doc.28.2.2/Rev.1), which was approved by the CoW.

**Giraffe:** Tanzania introduced the document on *Giraffa camelopardalis* (UNEP/CMS/COP13/Doc.28.2.3), which was approved by the CoW.

**Irrawaddy Dolphin:** India introduced the document on *Orcaella brevirostris* (UNEP/CMS/COP13/Doc.28.2.5), which was approved by the CoW.

**South Asian River Dolphin:** India introduced the document on *Platanista gangetica* (UNEP/CMS/COP13/Doc.28.2.6/Rev.2), which was approved by the CoW.

**Harbour Porpoise:** HUMANE SOCIETY INTERNATIONAL introduced the document on *Phocoena phocoena* (UNEP/CMS/COP13/Doc.28.2.7), noting small amendments by EU with minor practical effect. The document was approved by CoW.

**Common Guitarfish, Largetooth Sawfish and Smalltooth Sawfish:** Senegal introduced the document on *Rhinobatos rhinobatos*, *Pristis pristis* and *Pristis pectinata* (UNEP/CMS/COP13/Doc.28.2.8). EU asked for it to be noted that it should not become precedent for single-state action being understood as "concerted action." The document was approved by the CoW.

**Common Guitarfish and Bottlenose Wedgefish:** IUCN introduced the document on *Rhinobatos rhinobatos*, and *Rhynchobatus australiae* (UNEP/CMS/COP13/Doc.28.2.9, which was approved by the CoW.

**Great Indian Bustard:** India introduced the document on *A. nigriceps* (UNEP/CMS/COP13/Doc.28.2.10), which was approved by the CoW.

**Bengal Florican:** India introduced the document on *H.b. bengalensis* (UNEP/CMS/COP13/Doc.28.2.11), which was approved by the CoW.

**Antipodean Albatross:** New Zealand introduced the document on *D. antipodensis* (UNEP/CMS/COP13/Doc.28.2.12), which was approved by the CoW.

### In the Corridors

To list a species, or not to list a species? That was the question dominating the CoW on Thursday. Although species listings in the CMS Appendices should be based on the best available scientific evidence, several delegates shared concerns that CMS was making decisions based on "emotions rather than evidence." On the EU's proposed global listing of the smooth hammerhead shark in Appendix II, for example, Australia requested to exempt its population, saying it failed to meet the criteria for "migratory." The Scientific Council agreed, leading Australia to assert that "the science is on our side." However, the EU also claimed that their position was science-based, citing evidence from the IUCN Shark Specialist Group, and the Sharks MoU Advisory Committee. In any case, Australia lost when the matter went to a vote. "We accept that the species are at risk," a concerned delegate explained, "but we must make species listings by the rules we've all agreed to under the Convention." Another source of tension was the fact that parties have not consulted range states before making listing proposals that affected them. As someone said in the CoW this morning, an "unwillingness to engage with other parties' perspectives undermines the Convention and its credibility." Certain bureaucratic constraints, particularly when a multitude of range states are involved, can make engagement in the early stages of drafting a proposal difficult. Regardless, when it comes down to the success of CMS as an instrument for protecting migratory species, to work together, or not to work together, may be the bigger question.

The *Earth Negotiations Bulletin* summary and analysis of COP13 will be available on Tuesday, 25 February 2020, at <https://enb.iisd.org/cms/cop13/>