

**DRAFT REPORT OF THE 11TH MEETING
OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS**

Note: This draft report follows the sequence in which items were discussed. The final report will be restructured to follow Agenda items in numerical order.

Day 3 – Wednesday 6 November 2014

Committee of the Whole 10.00–13.00

Note: Paragraph numbering carried over from draft report of Day 2, previously distributed.

**INTERIM REPORT
OF THE CREDENTIALS COMMITTEE
(ITEM 25 continued)**

210. The Chair of the Credentials Committee (Pakistan) reported that no further Parties had presented their Credentials since the previous day. The Committee had thus approved the Credentials of 53 countries.

PROGRESS OF DRAFTING AND WORKING GROUPS

211. The Chair invited updates from the Drafting Group and the Working Groups.

212. Prof Alfred Oteng-Yeboah, Chair of the Drafting Group, reported that the Group had met on 5 November. It had completed discussion of one agenda item, on the relationship between CMS and Civil Society. The Group had also addressed the issue of synergies within the CMS Family and made good progress.

213. Mr David Stroud, Chair of the Working Group on Avian Issues, reported that the group had met twice, and that work on the Flyways Programme of Work and Bird Taxonomy was nearly complete.

214. Mr Barry Baker, Chair of the Working Group on Aquatic Issues, reported that the Group had met twice and had completed work on two out of six Draft Resolutions.

CONSERVATION ISSUES (ITEM 23 continued)

Wildlife Crime (item 23.4.7)

215. Prof Oteng-Yeboah (Ghana) presented Document UNEP/CMS/COP11/Doc.23.4.7/Rev 1 *Fighting Wildlife Crime Within and Beyond Borders*, including the Draft Resolution, sponsored jointly by Ghana and Monaco, contained in the Annex to the document. Wildlife crime affected economic development, national and international security, as well as biodiversity. The Draft Resolution included measures to improve management of shared wildlife populations, improve transboundary law enforcement, increase awareness, promote alternative livelihoods and reduce demand for illegal wildlife products.

216. The representative of Monaco, supported by Uganda, stressed the importance of strengthening cooperation among different bodies, including INTERPOL and CITES, and mentioned risks to economic development and tourism. He considered improving the traceability of illegally trafficked products in importing countries to be an important issue.

217. The representative of the EU and its Member States considered that fighting wildlife crime was a top priority. EU Member States had been initiating, organizing and supporting several high-level events including:

- African Elephant Summit (Gaborone, December 2013),
- Elysée Summit for Peace and Security in Africa (Paris, December 2013),
- London Summit on Illegal Wildlife Trade (London, February 2014),

218. The EU and its Member States recognized that CMS also had to play an important role within the global response to wildlife crime, both within Range States and across national borders. The EU tabled two amendments to an operative paragraph of the Draft Resolution.

219. The representative of Uruguay regarded the Draft Resolution as a logical strengthening of cooperation between CMS and CITES. Almost all CMS countries were also Parties to CITES but not all species on CMS Appendices were also listed by CITES. The language used in reference to crime needed to be amended, since illegal wildlife crime was not subject to criminal penal action in many countries. Use of terms such as “violation” or “offence” would help in this regard.

220. The representative of Brazil, supported by Chile, endorsed the Draft Resolution. He considered it an advantage that it did not involve new lines of work for the CMS Secretariat. Brazil considered references to national and regional security to be exaggerated and in need of amendment or deletion. Brazil believed the Draft Resolution could be strengthened in its operative part by means of the inclusion of two additional paragraphs. These would suggest additional measures for Parties and non-Parties to enhance cooperation for preventing and minimizing the damage created by wildlife crime within and beyond borders. With these and other minor amendments, Brazil was ready to support the Draft Resolution.

221. The representative of Kenya expressed strong concern over poaching for elephant ivory and rhino horn. The document provided a means for CMS to respond to the seriousness of these threats. He suggested an amendment to one operational paragraph, but urged all Parties to support the Draft Resolution.

222. The representative of Pakistan referred to the widespread illegal trade in the Asia region for groups such as geckos, pangolins, freshwater turtles and scorpions. He suggested that this issue should be reflected in the document.

223. The representative of South Africa underlined the commitment of her country to dealing with wildlife crime, and particularly the scourge of rhino poaching. She indicated that amendments to two paragraphs of the Draft Resolution would be sent to the Secretariat.

224. The representative of Egypt declared that it was time for action. Cooperation between international organizations was essential, and truly innovative solutions were needed. There was also a need to address the root causes of wildlife crime, such as poverty, corruption, political instability, and insecurity.

225. The representative of Israel emphasized the issue of prevention. Israel was implementing a major anti-poaching project in Africa using innovative technologies. He offered to assist any Parties or organizations who might be interested in adopting such methods. He refuted the statement of Brazil objecting to the reference to heightened national and international security problems resulting from wildlife crime, because of abundant evidence that this was the case.

226. The representative of Ecuador drew attention to necessary changes in language in two places in the document where reference was incorrectly made to fauna and flora. Since the document referred to wildlife crime involving animals, the references to flora should be deleted.

227. The observer from the CITES Secretariat recalled that the main focus of CITES was on international crime and that an additional focus by CMS on crime within national borders would be complementary. He would present text for a proposed amendment to one operative paragraph to the Secretariat. He commended the Draft Resolution and hoped it would be adopted by the COP.

228. The observer from UNEP referred to Resolution UNEP/EA.1/3 on Illegal Trade in Wildlife that had been adopted at the first meeting of UNEA in June 2014. This requested UNEP to take collaborative action to strengthen responses to the illegal trade in wildlife. This effort includes providing support to legal, judicial and enforcement measures, and a targeted approach to awareness raising and demand reduction for illegally sourced wildlife products.

229. The observer from the Born Free Foundation urged Parties to ensure that the language of the Draft Resolution added value to existing measures.

230. The Chair asked the representative of Monaco to collate all suggested amendments and to bring a revised text back to the COW for further consideration.

Invasive Alien Species (item 23.4.4)

231. Mr Borja Heredia (Secretariat) made a presentation introducing Document UNEP/CMS/COP11/Doc.23.4.4 *Review of the impact of Invasive Alien Species on species under the Convention on Migratory Species*, including the Draft Resolution contained in Annex II to the document. He noted that Document UNEP/CMS/COP11/Inf.32 included the full version of the study of the impact of Invasive Alien Species (IAS). Both the study and the Draft Resolution had been reviewed by the Scientific Council.

232. The representative of Australia supported CMS work on IAS and offered to share its experiences on this issue with other Parties and organizations. Australia tabled a proposed amendment to one preambular paragraph of the Draft Resolution.

233. The representatives of Chile, Costa Rica, Fiji, Peru and the United States endorsed the Draft Resolution. Further amendments were tabled to three preambular paragraphs.

234. While supporting the Draft Resolution, the representative of Egypt considered that the issue of IAS required more innovative thinking. He suggested that a pilot project might be helpful.

235. The representative of EU and its Member States referred to the recent adoption of an EU Regulation on IAS, which laid down a framework for effective EU-wide measures. The EU supported the Draft Resolution and was pleased that it underlined the importance of coordination with other institutions and MEAs, notably CBD. The conclusion in the report that seabird and marine turtle populations at their breeding and nesting grounds on islands were under greatest threat from IAS suggested that this should be a priority for future work. A number of minor textual amendments had been submitted to the Secretariat.

236. The representative of New Zealand was delighted that the IAS Specialist Group of IUCN, based at the University of Auckland, had prepared the report upon which the document was based. Proposed textual amendments had been forwarded to the Secretariat.

237. The representative of Argentina joined others in supporting the Draft Resolution and referred to a GEF project on this issue, as well as a bilateral initiative with Chile on two shared IAS.

Sustainable Boat-Based Wildlife Watching Tourism (item 23.4.5)

238. Ms Heidrun Frisch (Secretariat) made a presentation introducing document UNEP/CMS/COP11/Doc.23.4.5 *Sustainable Boat-Based Wildlife Watching Tourism*, including the Draft Resolution contained in Annex I to the document. This issue affected all marine species groups under CMS. There had been wide discussion within the Aquatic Issues Working Group, and the document had already changed significantly. A revised version would be provided to the COW for its further consideration in due course.

239. The Chair suspended further COW deliberations on this item, pending receipt of the revised document.

Management of Marine Debris (item 23.4.6)

240. Ms Frisch (Secretariat) made a presentation introducing document UNEP/CMS/COP11/Doc.23.4.6 *Management of Marine Debris*, including the Draft Resolution contained in Annex I to the document. Resolution 10.4 had instructed the Scientific Council to coordinate three reviews, funded by a voluntary contribution from Australia, covering knowledge gaps, waste management on marine vessels, and the effectiveness of a public awareness campaign. The reports were presented as documents UNEP/CMS/COP 11/Inf.27, COP 11/Inf.28 and COP 11/Inf.29. The Aquatic Issues Working Group would be addressing this item later that day.

241. The observer from UNEP tabled an amendment to the Draft Resolution drew attention to the resolution on marine plastic debris and micro plastics adopted by the first United Nations Environment Assembly (UNEA) in June 2014.

242. The representative of Argentina considered the existence or otherwise of gaps in legislation to be a matter for consideration at national level. It was inappropriate to include this topic in the present document.

243. The Chair concluded that further discussion by the COW should await receipt of a revised text from the Working Group.

AMENDMENT OF CMS APPENDICES (ITEM 24)

Proposals for Amendment of Appendices I and II of the Convention (24.1)

244. The Chair indicated that the proponent of each proposal for Amendment of CMS Appendices I and II would be invited to introduce the proposal briefly. The COW would not discuss at length possible amendments to the proposal. Amending the proposal would be the responsibility of the proponent(s). Participants were invited to hand in to the Secretariat any statements they wished to make and to avoid lengthy oral interventions as far as possible. The most important thing was to state clearly, yes or no, whether the proposal was supported. If there was clear widespread support, or even full consensus, he would recommend to the Chair of the Plenary that the Plenary should be able to adopt the proposal without difficulty. However, if there were clear differences of views, or even widespread opposition, he would inform the Plenary Chair that there was no consensus in the COW, so that she could determine an appropriate way forward in Plenary.

245. The representative of the EU introduced document **UNEP/CMS/COP11/Doc.24.1.1 Proposal for the inclusion of the Mediterranean Subpopulation of Cuvier's Beaked Whale (*Ziphius cavirostris*) in CMS Appendix I.**

246. The observer from Wild Migration, speaking also on behalf of Born Free Foundation, Humane Society International, IFAW, NRDC, OceanCare, and Whale and Dolphin Conservation, and, he anticipated, many other NGOs present, welcomed and supported the proposal.

247. The observer from the ACCOBAMS Secretariat noted that the proposal had originally been prepared by the ACCOBAMS Scientific Committee. She was grateful to Spain and the EU for having endorsed and supported the proposal.

248. Chile, speaking on behalf of the Latin America & Caribbean regional group, supported the proposal.

249. The observer from the CITES Secretariat made the following statement:

“It is true that all sub-species, races, populations, sub-populations and so forth and indeed all individual specimens are of value for the conservation of the species and the text of CMS reflects this in its definition of the term ‘Species’ which includes “any geographically separate part of the population of any species or lower taxon of wild animals”. However, we struggle collectively to properly address the conservation of full species and if we divide all species to consider them at sub-population level, then we will surely have a big job before us. It would seem that addressing issues at a taxonomic level lower than species should be done sparingly and when there is a particular need for such a fine-grained approach. This species is listed in CITES Appendix II and we observe that if adopted, this listing would mean that the CMS status of this particular sub-population would be out of synch with the listing in CITES, a situation that we regret.”

250. The representative of Monaco strongly supported the proposal.

251. In view of the support expressed by Parties the Chair concluded that this proposal could be forwarded to Plenary, with the recommendation that it could be adopted by consensus.

252. In relation to the proposal contained in document **UNEP/CMS/COP11/Doc.24.1.2 Proposal for the inclusion of the Asiatic Lion (*Panthera leo persica*) in CMS Appendix I and of all other subspecies of *Panthera leo* in CMS Appendix II**, the representative of Kenya informed the COW that, in its capacity as the proponent of the proposal, Kenya was in consultation with the Secretariat to take forward issues relating to the listing proposal in the form of a Draft Resolution.

253. The Chair confirmed that document COP11/Doc.24.1.2 was being withdrawn.

254. Discussion of document **UNEP/CMS/COP11/Doc.24.1.3 Proposal for the inclusion of the Red-fronted Gazelle (*Eudorcas rufifrons*) on CMS Appendix I** was deferred to the next session of the COW.

255. The representative of Mongolia introduced document **UNEP/CMS/COP11/Doc. 24.1.4/Rev.1 Proposal for the inclusion of the global population of the Great Bustard (*Otis tarda*) in CMS Appendix I.**

256. The proposal was strongly supported by the representatives of the EU and its Member States, Kyrgyzstan, Pakistan, Ukraine and IUCN (through its Bustard Specialist Group).

257. The observer from the CITES Secretariat noted that this species was included in CITES Appendix II and that if the proposal was adopted and the species was indeed endangered, it was to be hoped that a proposal would be put to a future CITES COP, so that the status of the species under the two Conventions could be harmonized in order to support efforts to conserve this species.

258. In view of the strong support expressed by Parties the Chair concluded that this proposal could be forwarded to Plenary, with the recommendation that it could be adopted by consensus.

259. Speaking on behalf of the proponents, Ecuador and Paraguay, the representative of Ecuador introduced document **UNEP/CMS/COP11/Doc. 24.1.5 Proposal for the inclusion of the Semipalmated Sandpiper (*Calidris pusilla*) on CMS Appendix I.**

260. The proposal was supported by the representatives of Argentina (who thanked Ecuador and Paraguay for accommodating Argentina's comments on an earlier draft), Chile (on behalf of the Latin America & Caribbean region), and the EU and its Member States.

261. In view of the strong support expressed by Parties, the Chair concluded that this proposal could be forwarded to Plenary with the recommendation that it could be adopted by consensus.

262. The representative of Philippines introduced document **UNEP/CMS/COP11/Doc. 24.1.6 Proposal for the inclusion of the Great Knot (*Calidris tenuirostris*) on Appendix I.**

263. The proposal was supported by the representatives of Australia, Chile (on behalf of the Latin America & Caribbean region), the EU and its Member States, Fiji and New Zealand.

264. In view of the strong support expressed by Parties, the Chair concluded that this proposal could be forwarded to Plenary with the recommendation that it could be adopted by consensus.

265. The representative of the EU and its Member States introduced document **UNEP/CMS/COP11/Doc.24.1.7 Proposal for the inclusion of the European Roller (*Coracias garrulus*) on CMS Appendix I.**

266. The proposal was supported by the representatives of Belarus, Chile (on behalf of the Latin America & Caribbean region) and Pakistan.

267. In response to a question from the representative of Norway, the representative of the EU and its Member States provided additional information concerning the reasons behind the proposal.

268. The representative of Israel supported the proposal but pointed out that a reference in the document to the problem of illegal hunting was not applicable throughout the species' flyways. Israel was on a major migration route for European Roller but there was no illegal hunting of the species in Israel. On the contrary, it was highly valued, not least because of its importance for ecotourism.

269. In view of the widespread support expressed by Parties, the Chair concluded that this proposal could be forwarded to Plenary with the recommendation that it could be adopted by consensus.

270. The representative of Kenya introduced document **UNEP/CMS/COP11/Doc.24.1.8 Proposal for the inclusion of all species of Sawfish (Family Pristidae) on CMS Appendices I & II.**

271. The Chair noted that under the Rules of Procedure, it was not possible for listing proposals covering groups of species to be adopted *en bloc* by the Plenary. Instead, the Plenary would have to adopt each separate listing proposal, species-by-species. However, there was no such procedural constraint in the COW and it would be efficient to consider the proposal as a whole.

272. The representative of Chile supported the comments of the Chair and confirmed that Chile would be comfortable with taking the proposal species-by-species when it came to adoption in Plenary.

273. Shark Advocates International, speaking also on behalf of Defenders of Wildlife, Humane Society International, IFAW, Manta Trust, Marine Megafauna Foundation, Pew, PRETOMA, Project AWARE, Wildlife Conservation Society, and WWF, strongly supported the proposal.

274. The proposal was supported by the representatives of Australia, Ecuador, Egypt, the EU and its Member States, Fiji, Senegal, South Africa and UAE and by the observer from IUCN (through its Shark Specialist Group).

275. In view of the widespread support expressed by Parties, the Chair concluded that this proposal could be forwarded to Plenary with the recommendation that it could be adopted by consensus.

276. The representative of Fiji introduced document **UNEP/CMS/COP11/Doc.24.1.9 Proposal for the inclusion of Reef Manta Ray (*Manta alfredi*) in CMS Appendix I & II.**

277. The proposal was supported by the representatives of Chile (on behalf of the Latin America & Caribbean region), Ecuador, the EU and its Member States and the representative of the USA.

278. The proposal was also strongly supported by the observer from Marine Megafauna Foundation, speaking also on behalf of other NGO observers, including Defenders of Wildlife, Humane Society International, Manta Trust, Pew, PRETOMA, Project AWARE, and Sharks International.

279. The observer from the CITES Secretariat commented on the proposed inclusion of the species in Appendix I. At CITES COP16 Reef Manta Ray had been included in Appendix II of CITES, meaning that international trade in the species was allowed, provided that such trade was legal, sustainable and traceable. However, if the species was included in Appendix I of CMS, taking of specimens should be prohibited under the terms of CMS. This would mean conflicting obligations under the two Conventions for the 117 States that were Party to both. The CITES Secretariat appealed to States present at CMS COP11 to coordinate their positions under different Conventions and to act in a coherent fashion in this regard.

280. The representative of South Africa recognized the conservation needs set out in the proposal but stated that, at present, South Africa could only support listing on Appendix II since the species was only offered partial protection under national law; a situation that would hopefully be addressed.

281. In view of the widespread support expressed by Parties, the Chair concluded that this proposal could be forwarded to Plenary with the recommendation that it could be adopted by consensus. He asked if there was any objection to this course of action.

282. The representative of South Africa indicated that South Africa was not against the proposal being submitted to Plenary, but requested that its reservation be noted for the record.

283. The representative of Fiji introduced document **UNEP/CMS/COP11/Doc.24.1.10 Proposal for the inclusion of Mobula Rays (Genus *Mobula*) in CMS Appendices I & II.**

284. The proposal was supported by the representative from New Zealand and the observer from IUCN (through its Shark Specialist Group, which advised that listing was urgently required).

285. The observer from the Manta Trust, speaking on behalf of the aforementioned NGO coalition, also supported the proposal.

286. In view of the widespread support expressed by Parties the Chair concluded that this proposal could be forwarded to Plenary with the recommendation that it could be adopted by consensus.

287. The representative of Norway introduced document **UNEP/CMS/COP11/Doc.24.1.11/Rev.1 Proposal for the inclusion of Polar Bear in CMS Appendix II.**

288. Norway tabled two minor amendments to section 4.3.1.

289. The representative of Canada outlined measures taken nationally, over many years, for Polar Bear conservation. Canada was aware of the new challenges and threats facing Polar Bears and was committed to the completion and implementation of a new circumpolar action plan that would address those new threats. This was evidence that all requirements of CMS Appendix II listing were already met. Canada had been working with Norway to improve the accuracy of the proposal. As a result, a number of improvements had been included and Canada welcomed the further amendments tabled by Norway. These addressed to a large extent Canada's last remaining concerns. In conclusion, while Canada still struggled to see the benefit that would be gained from the proposed listing, it welcomed the support of the CMS community for its conservation effort especially in the implementation of the forthcoming circumpolar action plan.

290. The representative of Canada invited Mr Larry Carpenter from the Arctic community of Sachs Harbour to complement these observations. Mr Carpenter noted that Inuit in Canada and across the Arctic lived with and respected Polar Bears. Inuit had worked with Canada to develop effective co-management systems that blended traditional knowledge and modern science in a way that ensured sustainability. This system led to better decision making. Inuit welcomed the support of CMS Parties but asked that Inuit ways and values be respected. Inuit considered that Appendix II listing was not warranted at the present time, as there were already numerous international agreements in place that would protect and conserve Polar Bears for the future.

291. The representatives of the EU and its Member States, and the USA supported the proposal.

292. The observer from Wildlife Migration speaking also on behalf of the Born Free Foundation, Humane Society International, IFAW, NRDC, and OceanCare, also supported the proposal.

293. The observer from Inuit Kapiriit Kanatami made a statement observing *inter alia*:

“As the everyday stewards who co-exist with polar bears, it is crucial that the CMS and its members take our views and concerns very seriously and engage us in a timely and appropriate manner. In regard to the Polar Bear proposal, we have not been engaged by any minimum standard owed to us. We do not support this proposal. It is redundant based on the many agreements, as recognized in the proposal itself, that serve to protect and conserve this species through international, national, and sub-national cooperation. We are a part of these processes. Furthermore, we are not convinced how the CMS proposal will add value to our current conservation efforts and management. Rhetoric-driven concerns about the demise of polar bears are not constructive to our serious and difficult work in managing and conserving this species. The on-going use of negative publicity toward our practices is both disrespectful and non-constructive. Our management systems are built to be responsive to changes that take place over time whether they are human-induced or naturally occurring. We have been experiencing the impacts of climate change in the Arctic for the past 30 years, but this has not reduced Polar Bear populations in our regions. This is a fact. We continue to state that the real solutions to climate change are in the mitigation of emissions that have created this problem; not in the listing of Polar Bears, which

undermines our management efforts and vilifies our way of life that is integral to the Arctic.”

294. The representative of Monaco had listened with great attention to what the Inuit representatives had said. Monaco supported the proposal but considered that the efforts of the Inuit people needed to be recognized within the CMS.

295. The Chair noted that, listening to both Parties and non-Party States, he had heard consensus. He therefore concluded that this proposal could be forwarded to Plenary with the recommendation that it could be adopted by consensus.

Committee of the Whole 15.30 – 18.30

**INTERIM REPORT
OF THE CREDENTIALS COMMITTEE
(ITEM 25 continued)**

296. The Chair of the Credentials Committee reported that the Committee’s second meeting had been held on 6 November. The credentials of two Parties, Georgia and Republic of Tanzania, had been examined and found to be in order. The number of Parties whose credentials had been found to be in order now stood at 55.

ENDORSEMENT OF AMENDMENTS PROPOSED IN SESSION

297. At the invitation of the Chair the COW endorsed the following revised texts to go forward to Plenary without the need for further amendment:

- UNEP/CMS/COP11/CRP1 Draft Resolution *Strategic Plan for Migratory Species 2015-2023*
- UNEP/CMS/COP11/CRP2 Draft Resolution *Programme of Work on Climate Change and Migratory Species*
- UNEP/CMS/COP11/CRP3 Draft Resolution *Enhancing the relationship between the CMS Family and Civil Society.*

AMENDMENT OF CMS APPENDICES (ITEM 24 continued)

Proposals for Amendment of Appendices I and II of the Convention (item 24.1 continued)

298. Speaking on behalf of the proponents, Senegal and Niger, the representative of Senegal introduced document **UNEP/CMS/COP11/Doc.24.1.3 Proposal for the inclusion of the Red-fronted Gazelle (*Eudorcas rufifrons*) in CMS Appendix I.**

299. The proposal was supported by the representatives of Benin, Ethiopia and the EU & its Member States.

300. In view of the support expressed by Parties, the Chair concluded that this proposal could be forwarded to Plenary with the recommendation that it could be adopted by consensus.

301. The representative of Ethiopia introduced document **UNEP/CMS/COP11/Doc.24.1.12 Proposal for the inclusion of the White-eared Kob (*Kobus kob leucotis*) on CMS Appendix II.**

302. The proposal was supported by the representatives of Egypt, the EU and its Member States, Kenya and Senegal.

303. In view of the widespread support expressed by Parties, the Chair concluded that this proposal could be forwarded to Plenary with the recommendation that it could be adopted by consensus.

304. The representative of Ecuador introduced document **UNEP/CMS/COP11/Doc.24.1.13 Proposal for the inclusion of the Canada Warbler (*Cardellina canadensis*) on CMS Appendix II.**

305. The proposal was supported by the representatives of Canada, Chile (on behalf of the Latin America & Caribbean region), Egypt, the EU and its Member States, and the United States.

306. In response to a question from the representative of Norway, the representative of Ecuador confirmed that the Range States were already working in a coordinated way at a regional level, for example through WHMSI and Partners in Flight. Inclusion of the species in CMS Appendix II would underpin these efforts.

307. In view of the support expressed by Parties, the Chair concluded that this proposal could be forwarded to Plenary with the recommendation that it could be adopted by consensus.

308. The representative of Egypt introduced document **UNEP/CMS/COP11/Doc.24.1.14/Rev.1 Proposal for the inclusion of the Silky Shark (*Carcharhinus falciformis*) on CMS Appendix II.**

309. The proposal was supported by the representatives of Australia, Costa Rica, Ecuador, the EU and its Member States, Fiji, Senegal and the United States. The observer from the IUCN Shark Specialist Group (who presented a summary of recent scientific information that underlined the adverse conservation status of this species).

310. The observer from PRETOMA speaking also on behalf of Turtle Restoration Network and other NGOs strongly supported the proposal.

311. The representative of Chile considered that the updated information provided by IUCN Shark Specialist Group should be reflected in the document. Chile was unable to support the proposal in its present form.

312. The representative of Peru believed that the proposal might overlap with existing management measures and was also unable to support the document.

313. The Chair noted widespread support for the proposal, though two Parties, Chile and Peru, were not in a position to support the proposal at this stage. He concluded that document should nevertheless be forwarded to Plenary, stressing that this would not preclude any Party from reiterating their position at that time.

314. Speaking on behalf of the proponents, Costa Rica and Ecuador, the representative of Ecuador introduced documents **UNEP/CMS/COP11/Doc.24.1.15 Proposal for the inclusion of the Great Hammerhead Shark (*Sphyrna mokarran*) on CMS Appendix II** and document **UNEP/CMS/COP11/Doc.24.1.16 Proposal for the inclusion of the Scalloped Hammerhead Shark (*Sphyrna lewini*) on CMS Appendix II**

315. These proposals were supported by the representatives of Chile (on behalf of the Latin America & Caribbean region), Costa Rica, Egypt, the EU and its Member States, Fiji Monaco and Peru, and by the observer from Defenders of Wildlife, speaking also on behalf of a coalition of NGOs (including Humane Society International, IFAW, Manta Trust, Marine Megafauna Foundation, Pew, PRETOMA, Project AWARE, Shark Advocates International, Turtle Island Restoration Network, WCS and WWF) supported the proposal. The observer from IFAW (also on behalf of the NGO coalition) argued that Hammerhead Sharks would also qualify for CMS Appendix I listing and suggested Parties might consider amending the proposal in this respect, at least for the North Atlantic.

316. In view of the widespread support expressed by Parties, the Chair concluded that both proposals could be forwarded to Plenary with the recommendation that they could be adopted by consensus.

317. The representative of the EU and its Member States introduced document **UNEP/CMS/COP11/Doc.24.1.17 Proposal for the inclusion of all species of Thresher Shark, Genus *Alopias*, on CMS Appendix II.**

318. This proposal was supported by the representatives of Ecuador, Fiji, Israel and New Zealand, and by the observers from IUCN (through its Shark Specialist Group) and Pew (speaking also on behalf of other NGOs).

319. The representative of Australia reported that his country has carefully studied the documentation provided and had sought advice from a range of scientific and other stakeholders. Australia felt that there remained a number of outstanding questions surrounding the population trend of thresher sharks that occurred in Australian waters, which appeared not to show any evidence of decline. However, Australia recognized that there was evidence that species of thresher shark were showing significant declines in many other parts of their ranges.

320. The Chair concluded that he had not heard any opposition to the proposal. Therefore, in view of the widespread support expressed by Parties, this proposal could be forwarded to Plenary with the recommendation that it could be adopted by consensus.

321. The representative of Monaco introduced document **UNEP/CMS/COP11/Doc.24.1.18 Proposal for the inclusion of the European Eel (*Anguilla anguilla*) on CMS Appendix II.**

322. This proposal was supported by the representatives of Chile (on behalf of the Latin America & Caribbean region), Ecuador, the EU and its Member States, Morocco, Norway and the United States.

323. Citing a need to ensure that relevant information from all parts of the species' range were taken into account, the representatives of Tunisia and Egypt proposed establishing an intersessional Working Group on European Eel.

324. The representative of Monaco thanked Egypt and Tunisia for their suggestion, which could serve to strengthen the proposal.

325. In view of the widespread support expressed by Parties, the Chair concluded that this proposal could be forwarded to Plenary, with the recommendation that it could be adopted by consensus. He asked the Secretariat to liaise with Monaco and the other Parties concerned to see how work to respond to the proposed listing could be taken forward intersessionally.

CONSERVATION ISSUES (ITEM 23 continued)

Aquatic Species (item 23.2)

Conservation of Migratory Sharks and Rays (23.2.1)

326. Ms Andrea Pauly (Secretariat) introduced document UNEP/CMS/COP11/Doc.23.2.1 *Conservation of Migratory Sharks and Rays*, including the Draft Resolution contained in the Annex to the document.

327. The Chair opened the floor to comments.

328. The representative of Brazil summarized national measures taken for the conservation of sharks and rays and underlined his country's commitment to this pressing issue. Brazil supported the Draft Resolution

329. The representative of Ecuador supported the Draft Resolution

330. The representative of the EU and its Member States stated that the EU was supportive of the approach but wished to incorporate several amendments before it could endorse the Draft Resolution. It therefore proposed forwarding the proposal to the Aquatic Issues Working Group for further consideration.

331. The representative of the UAE noted that shark-finning was banned in his country. The UAE should therefore be included in the listing contained in the document of countries where shark-finning was banned.

332. The representatives of Argentina, Chile, Egypt, Senegal all endorsed the Draft Resolution.

333. The observer from Humane Society International (speaking also on behalf of a coalition of other NGOs), supported the Draft Resolution, congratulated Sweden for becoming the newest signatory to the Sharks MOU, and called on other Range States that had yet to sign the MOU to do so as soon as possible.

334. The representative of the USA, noting that her country was a signatory of the Sharks MOU supported the Draft Resolution subject to inclusion of a few minor amendments. The United States was ready to work with others on this item in the Aquatic Issues Working Group.

335. The Chair concluded that further consideration would indeed be referred to the Aquatic Issues Working Group and the COW would revert to this item in a later session.

Draft Single Species Action Plan for the Loggerhead Turtle in the South Pacific Ocean (item 23.2.2)

336. The representative of Australia reported that, following the emergence of this issue at the strategic Scientific Council meeting in October 2013, Australia had worked closely with the Appointed Councillor for Marine Turtles, Dr Colin Limpus, to organize a technical meeting to elaborate a Single Species Action Plan (SSAP) for Loggerhead Turtles in the South Pacific Ocean. The technical meeting had been held in Brisbane, Australia, in March 2014 and brought together experts from all relevant countries, to produce a draft SSAP addressing the threats to this population. This draft was considered at the 18th meeting of the Scientific Council and was supported unanimously. It was now being submitted to COP11 for consideration by Parties. The Aquatic Issues Working Group had reviewed the draft SSAP and associated Draft Resolution on 5 November and agreed to it being presented to the COW subject to comments from the USA being resolved. Australia, the USA and the COP Appointed Councillor had now reached consensus on the amendments to be included. The revised Draft Resolution would be considered further by the Working Group.

337. Dr Colin Limpus made a presentation introducing document UNEP/CMS/COP11/Doc.23.2.2 *Draft Single Species Action Plan for the Loggerhead Turtle in the South Pacific Ocean*, including the Draft Resolution contained in Annex 1 to the document.

338. The representative of Ecuador, supported by the EU and its Member States and Chile, endorsed the adoption of the Single Species Action Plan. She stressed the importance of establishing the synergies mentioned in the presentation and referred to Ecuador's national action plan for marine turtles.

339. The representative of Peru supported adoption of SSAP and offered to submit additional text resulting from new data available from his country. Peru supported the view of Ecuador concerning the importance of synergies, especially with the Inter-American Convention for the Protection of Marine Turtles.

340. The representative of the USA supported the adoption of the plan and requested the Secretariat and Parties to work on implementation and awareness raising.

341. The representative of Argentina also supported the Plan and mentioned an opportunity for cooperation with the Inter-American Convention for the Protection of Marine Turtles at its next COP, due to be held in Mexico in 2015.

342. The representative of Fiji recognized the importance of cooperation with the SPREP Regional Turtle Action Plan, and pledged to voice support for the SSAP at the forthcoming meeting of the Western Pacific Fisheries Commission in Samoa.

343. The Chair invited the representative of Australia to collate any further proposed amendments and to forward the final draft of the SSAP and Draft Resolution directly to the Plenary for adoption.

Live capture of cetaceans from the wild (item 23.2.3)

344. Ms Heidrun Frisch (Secretariat) introduced Document UNEP/CMS/COP11/Doc.23.2.3./Rev 1, *Live Captures of Cetaceans from the Wild for Commercial Purposes*, including the Draft Resolution contained in Annex II of the Document, which had been prepared with the support of a voluntary contribution from Monaco. Annex I was a result of deliberations of the Aquatic Mammals Working Group of the Scientific Council, which had reviewed and amended the Draft Resolution.

345. The Chair advised that this item would be discussed further in the Aquatic Issues Working Group, but opened the floor to preliminary comments.

346. The representative of Monaco said that live capture of cetaceans had consequences for their populations, and especially for the structure of their social groups. The Draft Resolution strengthened the position of small cetaceans by providing strict protection measures and by stressing the importance of regional and international cooperation.

347. The representative of Chile, representing the Latin America & Caribbean region, observed that the document conformed with the Buenos Aires group under the International Whaling Commission in respecting the moratorium on commercial hunting of cetaceans. The region was committed to non-lethal use of cetaceans through whale watching.

348. The observer from the ACCOBAMS Secretariat stated that the document was in line with ACCOBAMS objectives, especially Article 2 of the Agreement.

349. The observer from the CITES Secretariat recalled that the capture of live cetaceans was within the purview of CITES. He sought amendments to two operative paragraphs of the Draft Resolution, to ensure that this did not lead to a conflict of interests.

350. The observer from the Whale and Dolphin Conservation Society expressed support for the document.

351. The representative of the EU and its Member States, supported by Egypt, drew attention to the animal welfare implications of live cetacean capture and supported the Draft Resolution.

352. The representative of Ecuador supported the Draft Resolution and reported that 10 years of whale watching in Ecuador had generated 60 million dollars and greatly assisted local communities. Non-lethal use of cetaceans was considerably more effective than capture.

353. The observer from Humane Society International called for a strong and vigorous Resolution to maximize its effectiveness.

Conservation implications of cetacean culture (item 23.2.4)

354. Ms Frisch (Secretariat) introduced Document UNEP/CMS/COP11/Doc.23.2.4, *Conservation implications of cetacean culture*, including the Draft Resolution contained in the Annex to the document. This work had arisen from CMS Resolution 10.15. A workshop in London in April 2014 had defined ‘culture’ as “information or behaviours that are shared by a community and acquired through social learning from conspecifics”. Culture could

increase negative outcomes or increase population viability, and help define boundaries for the delineation of units for conservation. The Draft Resolution highlighted the implications of cetacean culture, requested the Scientific Council to appoint an intersessional Working Group, and provided advice to Parties on a precautionary approach.

355. The Chair advised that this item would be discussed further in the Aquatic Issues Working Group, but opened the floor to preliminary comments.

356. The representative of Monaco remarked that this Document represented a new stage in terms of the concepts and application of CMS.

357. The representative of Chile, on behalf of the Latin America & Caribbean region, endorsed the Draft Resolution.

358. The representative of the EU and its Member States acknowledged the pioneering nature of this work and, subject to inclusion of a number of amendments, supported the Draft Resolution. The EU looked forward to contributing to discussions in the Aquatic Issues Working Group.

359. The representative of New Zealand considered many aspects of cetacean culture to be relevant to other vertebrates, probably involving all groups.

360. The observer from the Whale and Dolphin Conservation Society observed that units for conservation purposes were usually defined on the basis of genetics. The identification of cultural units presented a new challenge, but conservation measures could be improved by recognizing cultural units.

361. The observer from Humane Society International considered that it made solid scientific sense to include social biology in efforts to conserve cetaceans. He had received letters of support from Professors Rendell and Whitehead, which were available on the 'statements' page of the CMS website.

362. The Chair closed the session at 18.30 hours, after which the representative of Denmark presented a short film from the Prevention of Poisoning Working Group, which demonstrated the dangers of the use of toxic lead shot for hunting and the efficacy of steel shot.