



Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Secretariat provided by the United Nations Environment Programme (UNEP)

Twelfth Meeting of the CMS Scientific Council

Glasgow, Scotland, United Kingdom, 31 March-3 April 2004

CMS/ScC12/Inf.8

**SELECTED RESOLUTIONS AND RECOMMENDATIONS
ADOPTED BY THE MEETINGS OF THE
CONFERENCE OF THE PARTIES
RELEVANT TO THE WORK OF THE 12th MEETING
OF THE CMS SCIENTIFIC COUNCIL**

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SELECTED RESOLUTIONS ADOPTED BY THE MEETINGS OF THE
CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE CONSERVATION OF
MIGRATORY SPECIES OF WILD ANIMALS

<u>No.</u>	<u>Title</u>
3.2	Appendix I Species
4.2	Appendix I Species
5.1	Concerted Actions for Appendix I Species
6.1	Concerted Actions for Appendix I Species
6.2	By-catch
7.1	Concerted Actions for Appendix I Species
7.2	Impact Assessment and Migratory Species
7.4	Electrocution of Migratory Birds
7.5	Wind turbines and Migratory Species

RESOLUTION 3.2

APPENDIX I SPECIES

Adopted by the Conference of the Parties at its Third Meeting (Geneva, 9-13 September 1991)

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Recalling that, pursuant to Article VII of the Convention, the Conference of the Parties may review and assess the conservation status of migratory species and the progress made towards their conservation,

Appreciating the importance of having access to and sharing current information on the endangered species listed in Appendix I, for the purpose of recommending actions to benefit those species,

Recognizing the relevance of reports prepared by Parties, pursuant to Article VI of the Convention, on measures they are taking to implement its provisions,

1. Decides to establish a formal review process, at each meeting of the Conference of the Parties, for a selected number of species listed in Appendix I, with a view to recommending initiatives to benefit those species;

2. *Directs* the Secretariat to coordinate the preparation of review reports for species identified by the Conference, incorporating the information included in the annex to this Resolution; the Secretariat shall be assisted in this task by the Scientific Council and other bodies, as may be necessary;

3. *Urges* Parties to cooperate fully in providing the information needed to compile the species review reports;

4. *Instructs* the Secretariat and the Scientific Council to encourage and assist Parties to take concerted actions to implement the provisions of the Convention, where possible through existing instruments of bilateral or multilateral cooperation; and

5. *Requests* the Secretariat to draw to the attention of Parties matters of importance to the conservation of species listed in the Convention appendices, including those arising from the preparation of the review reports, either at meetings of the Conference of the Parties or, if appropriate, intersessionally.

Annex

Information for inclusion in species review reports

1. Taxonomy
 - 1.1 Specific taxonomy
 - 1.2 Common name(s)
2. Biological data
 - 2.1 Distribution (current and historical)
 - 2.2 Habitat
 - 2.3 Population estimates and trends
 - 2.4 Migratory patterns
3. Conservation status, by Party
4. Actual and potential threats
 - 4.1 Habitat degradation/loss
 - 4.2 Exploitation: direct and incidental (including flag vessels, where applicable)
 - 4.3 Other threats
5. Legislation
 - 5.1 International
 - 5.2 National
6. Conservation measures, by Party
 - 6.1 Prohibition of taking, including any exceptions (grounds for exception, duration, analysis of effects)
 - 6.2 Conservation/restoration of habitat
 - 6.3 Mitigation of impediments to migration
 - 6.4 Regulation of other detrimental factors
 - 6.5 Further measures
7. Research activities
 - 7.1 Governmental
 - 7.2 Non-governmental
8. Needs and recommended actions
 - 8.1 Legislative
 - 8.2 Conservation measures
 - 8.3 Research and monitoring
 - 8.4 Other
9. Additional remarks
10. References

RESOLUTION 4.2

APPENDIX I SPECIES

Adopted by the Conference of the Parties at its Fourth Meeting (Nairobi, 7-11 June 1994)

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Recalling Resolution 3.2 (Geneva, 1991) regarding Appendix I species,

Recognizing that Resolution 3.2 decided inter alia that at each meeting of the Conference of the Parties a formal review process be established for a selected number of species listed in Appendix I,

Recalling further that Resolution 3.2 instructs the Secretariat and the Scientific Council to encourage and assist Parties to take concerted actions to implement the provisions of the Convention,

Noting the recommendation of the fourth meeting of the Scientific Council (Bonn, 1993) that *Monachus monachus*, *Gazella dama*, *Chloephaga rubicideps*, and *Grus leucogeranus* be the subject of concerted actions for the 1995-1997 triennium,

Noting further the recommendation of the fourth meeting of the Scientific Council that subject to their inclusion in Appendix I, *Otis tarda*, *Oryx dammah*, *Chlamydotis undulata* (entire population) and *Oxyura leucocephala* also be the subject of concerted actions,

Recommends that the concerted actions and preparation of review reports envisaged within the framework of Resolution 3.2 be carried out for the above-mentioned species during the 1995-1997 triennium, and that the Conference of the Parties review the results at its next meeting.

RESOLUTION 5.1

CONCERTED ACTIONS FOR APPENDIX I SPECIES

Adopted by the Conference of the Parties at its Fifth Meeting (Geneva, 10-16 April 1997)

Recalling Resolution 3.2 (Geneva, 1991) regarding Appendix I species;

Recognising that Resolution 3.2 decided *inter alia* that at each meeting of the Conference of the Parties a formal review process be established for a selected number of species listed in Appendix I;

Recalling further that Resolution 3.2, as updated by Resolution 4.2 (Nairobi, 1994), instructs the Secretariat and the Scientific Council to encourage and assist Parties to take concerted actions to implement the provisions of the Convention;

Noting the recommendation of the seventh meeting of the Scientific Council that *Falco naumanni*, *Phoenicoparrus andinus*, *Phoenicoparrus jamesi* and *Anser erythropus* should be the subject of concerted actions, subject to their inclusion in Appendix I, as should *Gorilla gorilla beringei*, already listed in Appendix I;

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals

1. *Resolves* that the concerted actions and preparation of review reports envisaged within the framework of Resolution 3.2 be carried out for all of the above-mentioned species, as well as for *Pontoporia blainvillei* and for *Hippocamelus bisulcus*, during the 1998-2000 triennium, and that the Conference of the Parties review the results at its next meeting;
2. *Resolves* further, in keeping with the Council's recommendation, that concerted actions should be carried out for *Ciconia boyciana*, subject to the condition that at least one of that species' Range States has become a Party to the Convention; and
3. *Endorses* the recommendation of the seventh meeting of the Scientific Council that activities for species already listed in Resolution 4.2 should be continued for a further triennium (1998-2000).

RESOLUTION 6.1

CONCERTED ACTIONS FOR APPENDIX I SPECIES

Adopted by the Conference of the Parties at its Sixth Meeting (Cape Town, 10-16 November 1999)

Recalling Resolution 3.2 adopted by the Conference of the Parties at its third meeting (Geneva, 1991) regarding Appendix I species;

Recognizing that Resolution 3.2 decided, *inter alia*, that, at each meeting of the Conference of the Parties a formal review process be established for a selected number of species listed in Appendix I;

Recalling further that Resolution 3.2, as updated by Resolution 4.2 (Nairobi, 1994), and Resolution 5.1 (Geneva, 1997), instructs the Secretariat and the Scientific Council to encourage and assist Parties to take concerted actions to implement the provisions of the Convention;

Noting that the Scientific Council, at its ninth meeting held in Cape Town, in November 1999, reviewed reports as per Resolution 3.2 on eleven Appendix I concerted action species;

Noting further the recommendation of the Scientific Council at its ninth meeting that *Lontra felina*, *Lontra provocax*, *Spheniscus humboldti*, *Sarothrura ayresi*, *Hirundo atrocaerulea*, and *Acrocephalus paludicola*, be the subject of concerted actions;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Resolves* that the concerted actions and preparation of review reports envisaged within the framework of Resolution 3.2 be carried out for the above-mentioned species during the 2001-2002 biennium, and that the Conference of the Parties review the results at its next meeting;
2. *Endorses* the recommendation of the Scientific Council at its ninth meeting that activities for species covered by Resolution 5.1 be continued for a further two years (2001-2002), such that the list of species for which concerted actions should either be continued or commence, as appropriate, is as appears in the table below:

Year of adoption	Resolution	Scientific name	Common name
1991	3.2	<i>Addax nasomaculatus</i>	Addax
	3.2	<i>Gazella dorcas</i>	Dorcas gazelle
	3.2	<i>Gazella leptoceros</i>	Slender-horned gazelle
	3.2	<i>Chlamydotis undulata</i>	Houbara bustard
	3.2	<i>Numenius tenuirostris</i>	Slender-billed curlew
	3.2	-----	Marine Turtles
1994	4.2	<i>Chloephaga rubidiceps</i>	Ruddy-headed goose
	4.2	<i>Oxyura leucocephala</i>	White-headed duck
	4.2	<i>Grus leucogeranus</i>	Siberian crane
	4.2	<i>Otis tarda</i>	Great bustard
	4.2	<i>Gazella dama</i>	Dama gazelle
	4.2	<i>Oryx dammah</i>	Scimitar-horned oryx
	4.2	<i>Monachus monachus</i>	Mediterranean monk seal
1997	5.1	<i>Falco naumanni</i>	Lesser kestrel
	5.1	<i>Phoenicopterus andinus</i>	Andean flamingo
	5.1	<i>Phoenicopterus jamesi</i>	Puna flamingo
	5.1	<i>Anser erythropus</i>	Lesser white-fronted goose
	5.1	<i>Gorilla gorilla beringei</i>	Mountain gorilla
	5.1	<i>Pontoporia blainvillei</i>	La Plata dolphin, Franciscana
	5.1	<i>Hippocamelus bisulcus</i>	South Andean deer
1999	6.1	<i>Sarothrura ayresi</i>	Whitewinged flufftail
	6.1	<i>Hirundo atrocaerulea</i>	Blue swallow
	6.1	<i>Acrocephalus paludicola</i>	Aquatic warbler
	6.1	<i>Lontra felina</i>	Southern marine otter
	6.1	<i>Lontra provocax</i>	Southern river otter
	6.1	<i>Spheniscus humboldti</i>	Humboldt penguin
	6.1	<i>Aythya nyroca</i>	Ferruginous duck

RESOLUTION 6.2*

BY-CATCH

Adopted by the Conference of the Parties at its Sixth Meeting (Cape Town, 10-16 November 1999)

Acknowledging the obligations of the global community to conserve natural resources through sustainable development, as underpinned by, *inter alia*, the United Nations Convention on the Law of the Sea, the Convention on Biological Diversity, the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the Commission on the Conservation of Antarctic Marine Living Resources and the Food and Agriculture Organisation of the United Nations, especially through its Code of Conduct for Responsible Fisheries;

Recognising that, under Article II of the Convention, Range States agree to take action for the conservation of migratory species, whenever possible and appropriate, paying special attention to migratory species, the conservation status of which is unfavourable, and taking individually or in cooperation appropriate and necessary steps to conserve such species and their habitat;

Recognizing that Article II of the Convention requires all Parties to take action to avoid any migratory species becoming endangered and, in particular, to endeavour to provide immediate protection for migratory species listed in Appendix I to the Convention, and to endeavour to conclude Agreements covering the conservation and management of migratory species listed in Appendix II;

Recognising that Article III permits the Conference of the Parties to recommend to those Parties that are Range States of a migratory species listed in Appendix I that they take further measures considered appropriate to benefit the species;

Recognising that Article VII requires the Conference of the Parties to review the implementation of the Convention and, in particular, to decide on any additional measure that should be taken to implement the objectives of the Convention;

Noting that four species of albatross are listed in Appendix I and twelve in Appendix II, and that it is proposed that, at its sixth meeting, seven species of petrel should be added to the latter Appendix;

Noting that six species of marine turtle are listed in Appendices I and II;

Noting that six species of cetaceans are listed on Appendix I and thirty-one in Appendix II, and that it is proposed that, at its sixth meeting, four further such species should be added to the latter Appendix;

Recognizing the importance of integrating conservation activities with socio-economic development of some fisheries that accidentally take species listed in Appendices I and II;

Aware of the significant and continuing mortality of albatross and other sea-bird species, marine turtles and cetaceans through fisheries by-catch;

Noting that the co-operation of Range States in improving practice in relation to by-catch could greatly enhance the conservation of sea-bird, marine turtle and cetacean populations;

Recognising the efforts already made by some Parties to reduce by-catch by fisheries within their territorial waters and exclusive economic zones and by vessels fishing on the high seas under their flags;

* The original draft of this resolution, considered by the Conference of the Parties, was numbered 6.10.

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Reaffirms* the obligation on all Parties to protect migratory species against by- catch, including seabirds, marine turtles and cetaceans;
2. *Requests* all Parties to strengthen the measures taken to protect migratory species against by-catch by fisheries within their territorial waters and exclusive economic zones, and by vessels fishing on the high seas under their flags;
3. *Requests* all Parties, as a matter of gravity, to continue and strengthen measures within fisheries under their control, to minimize as far as possible the incidental mortality of migratory species listed in Appendices I and II, including seabirds, marine turtles and cetaceans;
4. *Requests* those Parties which are also Parties to regional fisheries organisations to highlight there the serious problems of incidental mortality of migratory species listed in Appendices I and II, including seabirds, marine turtles and cetaceans, with a view to the adoption of mitigating measures;
5. *Requests* the Secretariat to bring the present resolution to the attention of, and to explore future cooperation with, the Convention on Biological Diversity and the Committee of Fisheries of the Food and Agriculture Organization of the United Nations;
6. *Invites* the Scientific Council to recommend to the Conference of the Parties, or to the Standing Committee, as appropriate, concerted measures to be taken by Parties in respect of seabirds, marine turtles and cetaceans listed in Appendices I and II;
7. *Invites* consultation with regional fisheries organizations having a function in relation to those species with a view to obtaining scientific data, and to coordination with conservation measures enforced by them;
8. *Encourages* all Parties that are Range States of seabirds, marine turtles and cetaceans listed in Appendices I and II, and which have relevant fisheries, to co-operate mutually and with other countries to reduce as far as possible the incidental taking by such fisheries of such migratory species, for example by the sharing of, and further development of, practical and effective mitigation devices for seabirds, marine turtles and cetaceans; and
9. *Calls* upon all donor countries to consider helping developing countries acquire and use relevant technology, and with appropriate education and training of fishermen.

RESOLUTION 7.1

CONCERTED ACTIONS FOR APPENDIX I SPECIES

Adopted by the Conference of the Parties at its Seventh Meeting (Bonn, 18-24 September 2002)

Recalling Resolution 3.2 regarding Appendix I species adopted by the Conference of the Parties at its third meeting (Geneva, 1991);

Recognising that Resolution 3.2 decided *inter alia* that at each meeting of the Conference of the Parties a formal review process be established for a selected number of species listed in Appendix I;

Recalling further that Resolution 3.2, as updated by Resolution 4.2 (Nairobi, 1994), Resolution 5.1 (Geneva, 1997) and Resolution 6.1 (Cape Town, 1999), instructs the Secretariat and the Scientific Council to encourage and assist Parties to take concerted actions to implement the provisions of the Convention;

Noting that the Scientific Council, at its 11th meeting held in Bonn, in September 2002, reviewed reports as per Resolution 3.2 on five Appendix I concerted action species;

Noting further the recommendation of the Scientific Council at its 11th meeting that the following species be the subject of concerted actions: Terrestrial mammals: *Uncia uncia*; Marine mammals: *Balaenoptera physalus*, *Balaenoptera borealis*, *Physeter macrocephalus*, *Eubalaena australis*, *Balaenoptera musculus*, *Megaptera novaeangliae*; Birds: *Platalea minor*, *Eurynorhynchus pygmeus*, *Sterna bernsteini*; and

Noting also the recommendation of the 11th meeting of the Scientific Council concerning the revision of the current practice for the identification and implementation of concerted actions for Appendix I species;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Resolves* that the concerted actions and preparation of review reports envisaged within the framework of Resolution 3.2 be carried out for the above-mentioned species and others, as appropriate, during the 2003-2005 triennium, and that the Conference of the Parties review the results at its next meeting;
2. *Endorses* the recommendation of the Scientific Council at its 11th meeting that activities for species covered by Resolution 6.1 be continued for a further three years (2003-2005), such that the list of species for which concerted actions should either be continued or commence, as appropriate, is as appears in the table attached to this resolution;
3. *Endorses* the procedure for the future identification and implementation of concerted actions for Appendix I species agreed by the Scientific Council at its 11th meeting, and summarized in Annex III of the report of that meeting; and
4. *Instructs* the Scientific Council and the Secretariat to fully implement the new procedure in the triennium 2003-2005.

SPECIES DESIGNATED FOR CONCERTED ACTIONS BY THE 3rd, 4th, 5th, 6th and 7th
MEETINGS OF THE CONFERENCE OF THE PARTIES TO CMS

Year of adoption	Resolution	Scientific name	Common name
1991	3.2	<i>Addax nasomaculatus</i>	Addax
	3.2	<i>Gazella dorcas</i>	Dorcas gazelle
	3.2	<i>Gazella leptoceros</i>	Slender-horned gazelle
	3.2	<i>Chlamydotis undulata</i>	Houbara bustard
	3.2	<i>Numenius tenuirostris</i>	Slender-billed curlew
	3.2	-----	Marine Turtles
1994	4.2	<i>Chloephaga rubidiceps</i>	Ruddy-headed goose
	4.2	<i>Oxyura leucocephala</i>	White-headed duck
	4.2	<i>Grus leucogeranus</i>	Siberian crane
	4.2	<i>Otis tarda</i>	Great bustard
	4.2	<i>Gazella dama</i>	Dama gazelle
	4.2	<i>Oryx dammah</i>	Scimitar-horned oryx
	4.2	<i>Monachus monachus</i>	Mediterranean monk seal
1997	5.1	<i>Falco naumanni</i>	Lesser kestrel
	5.1	<i>Phoenicopterus andinus</i>	Andean flamingo
	5.1	<i>Phoenicopterus jamesi</i>	Puna flamingo
	5.1	<i>Anser erythropus</i>	Lesser white-fronted goose
	5.1	<i>Gorilla gorilla beringei</i>	Mountain gorilla
	5.1	<i>Pontoporia blainvillei</i>	La Plata dolphin, Franciscana
	5.1	<i>Hippocamelus bisulcus</i>	South Andean deer
1999	6.1	<i>Sarothrura ayresi</i>	Whitewinged flufftail
	6.1	<i>Hirundo atrocaerulea</i>	Blue swallow
	6.1	<i>Acrocephalus paludicola</i>	Aquatic warbler
	6.1	<i>Lontra felina</i>	Southern marine otter
	6.1	<i>Lontra provocax</i>	Southern river otter
	6.1	<i>Spheniscus humboldti</i>	Humboldt penguin
	6.1	<i>Aythya nyroca</i>	Ferruginous duck
2002	7.1	<i>Uncia uncia</i>	Snow leopard
	7.1	<i>Balaenoptera physalus</i>	Fin whale
	7.1	<i>Balaenoptera borealis</i>	Sei whale
	7.1	<i>Physeter macrocephalus</i>	Sperm whale
	7.1	<i>Eubalaena australis</i>	Southern right whale
	7.1	<i>Balaenoptera musculus</i>	Blue whale
	7.1	<i>Megaptera novaeangliae</i>	Humpback whale
	7.1	<i>Platalea minor</i>	Black-faced spoonbill
	7.1	<i>Eurynorhynchus pygmeus</i>	Spoon-billed sandpiper
	7.1	<i>Sterna bernsteini</i>	Chinese crested tern

RESOLUTION 7.2*

IMPACT ASSESSMENT AND MIGRATORY SPECIES

Adopted by the Conference of the Parties at its Seventh Meeting (Bonn, 18-24 September 2002)

Concerned that avoidable detriment to migratory species often occurs through lack of adequate prior assessment of the potential environmental impacts of projects, plans, programmes and policies, carried out in a way that is systematic and formally taken into account in decision-making;

Emphasising that migratory species are especially in need of international cooperation in this respect owing *inter alia* to their particular susceptibility to impacts which may be manifest far beyond the territory of the country in which they originate, and to cumulative impacts;

Desirous that migratory species interests be given improved treatment in biodiversity-related aspects of environmental impact assessment and strategic environmental assessment;

Conscious that Article I (1) (c) of the Convention defining favourable conservation status, Article II (2) regarding avoiding endangerment of species and Article III (4) regarding protection of Appendix I species all imply a need to anticipate and predict effects;

Aware that many Contracting Parties already operate legal and institutional systems of environmental assessment in various forms, but that most would benefit from international harmonisation of guidance on principles, standards, techniques and procedures, and confirmation of their applicability to migratory species interests;

Aware that environmental impact assessment is foreseen in other conventions concerned with biodiversity conservation, and in CMS Agreements;

Further aware that the respective Conferences of the Parties to the Ramsar Convention on Wetlands and the Convention on Biological Diversity (CBD) have in recent years adopted or endorsed decisions and guidelines on environmental impact assessment which have relevance to cooperation between those conventions and the Convention on Migratory Species;

Noting in particular that CBD's Decision IV/10c on impact assessment and minimisation of adverse effects specifically encouraged collaboration between the CBD, the Ramsar Convention, CMS, the International Association for Impact Assessment and IUCN – the World Conservation Union on this matter;

Noting also that CBD's Decision V/18 on impact assessment, liability and redress specifically encouraged similar cooperation in relation to the development of guidelines for incorporating biodiversity-related issues into legislation and/or processes on strategic environmental assessment, and included the CMS Scientific Council among those with whom cooperation was requested;

Noting further that the CBD-CMS Joint Work Programme 2002-2005, in section 10, includes actions relating to studies of migratory species and impact assessment, and to input concerning migratory species in guidelines for the integration of biodiversity considerations into impact assessment procedures;

Welcoming the endorsement by CBD COP6 of the "Guidelines for Incorporating Biodiversity-related Issues into Environmental Impact Assessment Legislation and/or Processes and in Strategic Environmental Assessment" annexed to its Decision VI/7; and

* The original draft of this resolution, considered by the Conference of the Parties, was numbered 7.10.

Desiring as always to maximise synergy and joint working efficiencies between all biodiversity-related Conventions;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Emphasises* the importance of good quality environmental impact assessment (EIA) and strategic environmental assessment (SEA) as tools for implementing Article II (2) of the Convention on avoiding endangerment of migratory species and Article III (4) of the Convention on protection of Appendix I species, and as important elements to include in AGREEMENTS concluded under Article IV (3) of the Convention in respect of Appendix II species, and in agreements concluded under Article IV (4) of the Convention in respect of Appendix II and other species;
2. *Urges* Parties to include in EIA and SEA, wherever relevant, as complete a consideration as possible of effects involving impediments to migration, in furtherance of Article III (4) (b) of the Convention, of transboundary effects on migratory species, and of impacts on migratory patterns or on migratory ranges;
3. *Further urges* Parties to make use, as appropriate, of the “Guidelines for Incorporating Biodiversity-related Issues into Environmental Impact Assessment Legislation and/or Processes and in Strategic Environmental Assessment” endorsed by Decision VI/7 of CBD COP 6;
4. *Requests* the Secretariat to establish cooperative links with the International Association for Impact Assessment in furtherance of the matters specified in this resolution, and on other matters of mutual interest;
5. *Further requests* the Secretariat to pursue its contacts with secretariats of other multilateral environmental agreements in evaluating with them the potential implications of the decisions of their Conferences of the Parties on the conservation of migratory species;
6. *Encourages* Parties to establish contact with relevant national contact points from within the networks of the International Association for Impact Assessment with a view to identifying sources of expertise and advice for assisting with migratory species-related impact assessment as part of impact assessment procedures in general;
7. *Requests* the Scientific Council, in cooperation with the International Association for Impact Assessment, the Scientific & Technical Review Panel of the Ramsar Convention on Wetlands, the Subsidiary Body on Scientific, Technical and Technological Advice of the CBD and other suitably qualified bodies, including CMS Agreements, to review existing international guidance in this field, identify gaps in relation to migratory species interests and if necessary, develop further guidance relating to migratory species issues for consideration and possible adoption by the Conference of the Parties at its eighth meeting; and
8. *Strongly encourages* Parties and others to make voluntary financial contributions to support the work of the Scientific Council in taking forward and developing further the matters covered by this resolution.

RESOLUTION 7.4*

ELECTROCUTION OF MIGRATORY BIRDS

Adopted by the Conference of the Parties at its Seventh Meeting (Bonn, 18-24 September 2002)

Recognising that, under Article II of the Convention, Range States agree to take action for the conservation of migratory species whenever possible and appropriate, paying special attention to migratory species the conservation status of which is unfavourable, and taking individually or in cooperation appropriate and necessary steps to conserve such species and their habitats;

Recognising that Article II of the Convention requires all Parties to take action to avoid any migratory species becoming endangered and, in particular, to endeavour to provide immediate protection for migratory species listed in Appendix I to the Convention;

Recognising that Article III (4) (b) of the Convention requires Parties to endeavour *inter alia* to prevent, remove, compensate for or minimise, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of migratory species;

Concerned by the information presented in document UNEP/CMS/Inf.7.21 to the Seventh Meeting of the Conference of the Parties concerning the worldwide and increasing impact of electricity transmission lines, conductors and towers in causing injury and death by electrocution to species of large birds, including migratory species;

Noting that a significant number of migratory bird species that are significantly exposed to electrocution danger are listed in the Appendices to the Convention;

Concerned that such species are increasingly threatened by continuing construction of medium-voltage overhead transmission lines;

Concerned particularly that, without action to reduce or mitigate threats of electrocution, many populations and potentially species, including *Aquila adalberti* and *Hieraaetus fasciatus*, may be severely affected;

Recognising that, especially in arid zones, electrocution of birds on transmission lines can cause disastrous forest fires affecting both wildlife and people;

Desiring to raise awareness among the public, developers and decision-makers of the serious, widespread electrocution risk posed to birds;

Aware that technical solutions are available to eliminate or minimise transmission line electrocution risk posed to birds;

Recognising that power lines that are considered safer for birds also correspond to a better energy supply and therefore are an advantage to supplying companies;

Bearing in mind that collision with power lines is also a problem for birds, and that preventive measures should also be applied to mitigate its effects; and

Bearing in mind that electrocution on electricity transmission lines of railway infrastructure may also be a problem, and preventive measures should be envisaged;

The Conference of the Parties to the

* The original draft of this resolution, considered by the Conference of the Parties, was numbered 7.12.

Convention on the Conservation of Migratory Species of Wild Animals

1. *Calls* on all Parties and non-Parties to curb the increasing electrocution risk from medium-voltage transmission lines to migratory birds and to minimise this risk in the long term;
2. *Calls* on all Parties and non-Parties to include appropriate measures in legislation and other provisions for planning and consenting medium-voltage electricity transmission lines and associated towers, to secure safe constructions and thus minimise electrocution impacts on birds;
3. *Encourages* constructors and operators of new medium-voltage transmission lines and associated towers to incorporate appropriate measures aimed at protecting migrating birds against electrocution;
4. *Calls* on Parties and non-Parties to appropriately neutralise existing towers and parts of medium-voltage transmission lines to ensure that migratory birds are protected against electrocution;
5. *Invites* all concerned to apply as far as possible the catalogue of measures contained in document UNEP/CMS/Inf.7.21, which are based on the principle that birds should not be allowed to sit on parts that are dangerously close to the transmission parts under voltage;
6. *Encourages* constructors and operators to cooperate with ornithologists, conservation organizations, competent authorities and appropriate financial bodies in order to reduce the electrocution risk posed to birds from transmission lines; and
7. *Requests* the Secretariat to collect more information with respect to collisions and electrocutions on electricity transmission lines of railway infrastructure and other related issues.

RESOLUTION 7.5*

WIND TURBINES AND MIGRATORY SPECIES

Adopted by the Conference of the Parties at its Seventh Meeting (Bonn, 18-24 September 2002)

Recalling that Article II of the Convention acknowledges the need to take action to avoid any migratory species becoming endangered;

Recalling also the need to preserve wildlife in the marine environment as stipulated in the relevant legislation of the European Community and in the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR), the Helsinki Convention on the Protection of the Baltic Sea Area, the Bern Convention on the Conservation of European Wildlife and Natural Habitats, and the Bergen Declaration of the Fifth International Conference on the Protection of the North Sea;

Acknowledging Article VII of the Convention whereby the Conference of the Parties may make recommendations to the Parties for improving the effectiveness of this Convention;

Considering that the Strategic Plan for 2000 - 2005 adopted by Resolution 6.4 requires Parties to review the special problems faced by migratory animals in relation to various obstacles to migration and to propose remedial measures that may have widespread applicability;

Recognising that Resolution 4.5 directs the Scientific Council *inter alia* to recommend solutions to the Conference of the Parties to problems relating to the scientific aspects of the implementation of the Convention in particular with regard to the habitats of migratory species;

Recognising the environmental benefits of wind energy especially for addressing climate change, and the significance of reducing climate change for the long-term survival of migratory species;

Noting that wind turbines especially in marine areas represent a new technique of large scale energy production, the actual effects of which on nature and on different components of biodiversity cannot be fully assessed or predicted at present;

Recognising the lack of sufficient and relevant research on such effects, especially on nature, and the lack of data on the distribution and migration of species concerned;

Concerned about the possible negative impacts of wind turbines on migratory species of mammals and birds, as well as on their food sources and habitats *e.g.*:

- (a) destruction or disturbance of permanent or temporary feeding, resting, and breeding habitats;
- (b) increased collision risk for birds in flight;
- (c) through electric and magnetic fields of connecting power cables; or
- (d) emission of noise and vibrations into the water;

Recognising the need for a thorough environmental impact assessment prior to selecting appropriate building sites and issuing construction permits, in order to avoid areas of particular ecological value and habitats with high nature conservation needs;

Aware of the need to regularly monitor and assess the actual impacts of wind turbines by exchange

* The original draft of this resolution, considered by the Conference of the Parties, was numbered 7.13.

of international experience and site-specific effect monitoring programmes in existing wind turbine plants; and

Noting especially the potential risk that several hundred of such marine installations with heights up to 150 metres may present as obstacles in flyways, and wishing to minimise possible adverse effects on nature;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Calls* upon the Parties:
 - a. to identify areas where migratory species are vulnerable to wind turbines and where wind turbines should be evaluated to protect migratory species;
 - b. to apply and strengthen, where major developments of wind turbines are planned, comprehensive strategic environmental impact assessment procedures to identify appropriate construction sites;
 - c. to evaluate the possible negative ecological impacts of wind turbines on nature, particularly migratory species, prior to deciding upon permission for wind turbines;
 - d. to assess the cumulative environmental impacts of installed wind turbines on migratory species;
 - e. to take full account of the precautionary principle in the development of wind turbine plants, and to develop wind energy parks taking account of environmental impact data and monitoring information as it emerges and taking account of exchange of information provided through the spatial planning processes;
2. *Instructs* the Scientific Council to assess existing and potential threats from offshore wind turbines in relation to migratory mammals and birds, including their habitats and food sources, to develop specific guidelines for the establishment of such plants and to report to the Conference of the Parties accordingly at its next meeting; and
3. *Invites* relevant intergovernmental organizations as well as the European Community and the private sector to cooperate with CMS in efforts to minimise possible negative impacts of offshore wind turbines on migratory species.

SELECTED RECOMMENDATIONS ADOPTED BY THE MEETINGS OF THE
CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS

<u>No.</u>	<u>Title</u>
5.2	Co-operative Actions for Appendix II Species
6.2	Co-operative Actions for Appendix II Species
7.1	Co-operative Actions for Appendix II Species
7.2	Implementation of Resolution 6.2 on By-Catch

RECOMMENDATION 5.2

CO-OPERATIVE ACTIONS FOR APPENDIX II SPECIES

Adopted by the Conference of the Parties at its Fifth Meeting (Geneva, 10-16 April 1997)

Noting that there are species or populations of species listed in Appendix II, which have a very unfavourable conservation status and which require urgent cooperation at the international level for their conservation and management;

Aware that not all such species are currently the object of an Agreement or, given the rate of decline in their populations, can reasonably be expected to become the object of an Agreement to assist with their conservation in a timely manner;

Noting the conclusions and recommendations of the seventh meeting of the Scientific Council (Geneva, 7-8 April 1997);

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Recommends* that the Parties undertake cooperative action to improve the conservation status of these species;
2. *Instructs* the Scientific Council to prepare for each meeting of the Conference of the Parties a list of such Appendix II species requiring special attention within the forthcoming triennium;
3. *Directs* the Secretariat to assist the Scientific Council in establishing this review process ensuring that a regular update of status is provided by the relevant focal point Councillor;
4. *Recommends*, in particular, that *Crex crex*, *Coturnix coturnix coturnix* and *Cygnus melanocorypha* be considered for the 1998-2000 triennium to be the object of this recommendation.

RECOMMENDATION 6.2

CO-OPERATIVE ACTIONS FOR APPENDIX II SPECIES

Adopted by the Conference of the Parties at its Sixth Meeting (Cape Town, 10-16 November 1999)

Noting that there are species or populations of species listed in Appendix II, which have a very unfavourable conservation status and which require urgent cooperation at the international level for their conservation and management;

Aware that not all such species are currently the object of an Agreement or, given the rate of decline in their populations, can reasonably be expected to become the object of an Agreement to assist with their conservation in a timely manner; and

Noting the conclusions and recommendations of the ninth meeting of the Scientific Council (Cape Town, 1999);

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals

1. *Recommends* that the Parties undertake cooperative action to improve the conservation status of these species;
2. *Instructs* the Scientific Council to prepare for each meeting of the Conference of the Parties a list of such Appendix II species requiring special attention within the forthcoming reporting period;
3. *Directs* the Secretariat to assist the Scientific Council in establishing this review process, ensuring that a regular update of status is provided by the relevant focal point Councillor;
4. *Endorses* the recommendation of the Scientific Council at its ninth meeting that activities for species covered by Recommendation 5.2 be continued for a further two years (2001-2002);
5. *Recommends*, in particular, seven species of petrels (*Macronectes halli*, *Macronectes giganteus*, *Procellaria aequinoctialis*, *Procellaria conspicillata*, *Procellaria cinerea*, *Procellaria parkinsoni* and *Procellaria westlandica*), the Whale Shark, *Rhincodon typus*, and eighteen species of sturgeon (as listed in document UNEP/CMS/Conf.6.11, Annex: *Acipenser baerii baicalensis*, *Acipenser gueldenstaedtii*, *Acipenser medirostris*, *Acipenser mikadoi*, *Acipenser naccarii*, *Acipenser nudiventris*, *Acipenser pericus*, *Acipenser ruthenus*, *Acipenser schrenckii*, *Acipenser sinensis*, *Acipenser stellatus*, *Acipenser sturio*, *Huso dauricus*, *Huso huso*, *Pseudoscaphirhynchus fedtschenkoi*, *Pseudoscaphirhynchus hermanni*, *Pseudoscaphirhynchus kaufmanni* and *Psephurus gladius*) should be the subject of cooperative actions for the 2001-2002 biennium;
6. *Recommends* that the following species, all of which are already listed in Appendix II should also be the subject of co-operative action: all albatrosses, the African elephant, *Loxodonta africana*, the African penguin, *Spheniscus demersus*, and the dolphins of South America, namely *Pontoporia blainvillei*, *Lagenorhynchus australis*, *L. obscura*, *Phocoena spinipinnis*, *Phocoena dioptrica*, *Cephalorhynchus commersonii* and *C. eutropia*.

RECOMMENDATION 7.1

COOPERATIVE ACTIONS FOR APPENDIX II SPECIES

Adopted by the Conference of the Parties at its Seventh Meeting (Bonn, 18-24 September 2002)

Noting that there are species or populations of species listed in Appendix II that have an unfavourable conservation status and which require urgent cooperation at the international level for their conservation and management;

Aware that not all such species are currently the object of an Agreement or can reasonably be expected to become the object of an Agreement to assist with their conservation; and

Noting further the conclusions and recommendations of the 11th meeting of the Scientific Council (Bonn, 14-17 September 2002);

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Recommends* that the Parties undertake cooperative action to improve the conservation status of these species;
2. *Instructs* the Scientific Council to prepare for each meeting of the Conference of the Parties a list of such Appendix II species requiring special attention within the forthcoming reporting period;
3. *Directs* the Secretariat to assist the Scientific Council in establishing this review process, ensuring that a regular update of status is provided by the relevant focal point Councillor;
4. *Endorses* the recommendation of the Scientific Council at its 11th meeting that activities for species covered by Recommendations 5.2 and 6.2 be continued for a further three years (2003-2005), such that the list of species for which cooperative actions should either be continued or commence, as appropriate, is as appears in the table attached to this recommendation;
5. *Recommends* that the following species should also be the subject of cooperative action: Marine mammals: the porpoise *Neophocoena phocaenoides*; the dolphins *Sousa chinensis*, *Tursiops aduncus*, *Stenella attenuata*, *Stenella longirostris*, *Lagenodelphis hosei* and *Orcaella brevirostris*; and the Dugong *Dugong dugon*; Birds: *Polystictus pectoralis pectoralis*, *Sporophila ruficollis*, *Pseudocolopteryx dinellianus*; and
6. *Instructs* the Scientific Council to review the current practice in relation to the identification and implementation of cooperative actions for Appendix II species and to agree, at its 12th meeting, an amended procedure in this regard, taking into account the comparable review undertaken at its 11th meeting with respect to Concerted Action species, to be submitted to the Eighth Meeting of the Conference of the Parties.

SPECIES DESIGNATED FOR COOPERATIVE ACTIONS BY THE 5th, 6th and 7th MEETINGS OF
THE CONFERENCE OF THE PARTIES TO CMS

Year of adoption	Recommendation	Scientific name
1997	5.2	<i>Crex crex</i>
	5.2	<i>Coturnix coturnix coturnix</i>
	5.2	<i>Cygnus melanocorypha</i>
1999	6.2	<i>Macronectes halli</i>
	6.2	<i>Macronectes giganteus</i>
	6.2	<i>Procellaria aequinoctialis</i>
	6.2	<i>Procellaria conspicillata</i>
	6.2	<i>Procellaria cinerea</i>
	6.2	<i>Procellaria parkinsoni</i>
	6.2	<i>Procellaria westlandica</i>
	6.2	All Albatrosses
	6.2	<i>Rhincodon typus</i>
	6.2	<i>Acipenser baerii baicalensis</i>
	6.2	<i>Acipenser gueldenstaedtii</i>
	6.2	<i>Acipenser medirostris</i>
	6.2	<i>Acipenser mikadoi</i>
	6.2	<i>Acipenser naccarii</i>
	6.2	<i>Acipenser nudiventris</i>
	6.2	<i>Acipenser pericus</i>
	6.2	<i>Acipenser ruthenus</i>
	6.2	<i>Acipenser schrenckii</i>
	6.2	<i>Acipenser sinensis</i>
	6.2	<i>Acipenser stellatus</i>
	6.2	<i>Acipenser sturio</i>
	6.2	<i>Huso dauricus</i>
	6.2	<i>Huso huso</i>
	6.2	<i>Pseudoscaphirhynchus fedtschenkoi</i>
	6.2	<i>Pseudoscaphirhynchus hermanni</i>
	6.2	<i>Pseudoscaphirhynchus kaufmann</i>
	6.2	<i>Psephurus gladius</i>
	6.2	<i>Loxodonta africana</i>
	6.2	<i>Spheniscus demersus</i>
	6.2	<i>Pontoporia blainvillei</i>
	6.2	<i>Lagenorhynchus australis</i>
	6.2	<i>Lagenorhynchus obscurus</i>
	6.2	<i>Phocoena spinipinnis</i>
	6.2	<i>Phocoena dioptrica</i>
	6.2	<i>Cephalorhynchus commersonii</i>
	6.2	<i>Cephalorhynchus eutropia</i>
2002	7.1	<i>Neophocoena phocaenoides</i>
	7.1	<i>Sousa chinensis</i>
	7.1	<i>Tursiops aduncus</i>
	7.1	<i>Stenella attenuata</i>
	7.1	<i>Stenella longirostris</i>
	7.1	<i>Lagenodelphis hosei</i>
	7.1	<i>Orcaella brevirostris</i>
	7.1	<i>Dugong dugon</i>
	7.1	<i>Polystictus pectoralis pectoralis</i>
	7.1	<i>Sporophila ruficollis</i>
	7.1	<i>Pseudocoloptyx dinellianus</i>

RECOMMENDATION 7.2

IMPLEMENTATION OF RESOLUTION 6.2 ON BY-CATCH

Adopted by the Conference of the Parties at its Seventh Meeting (Bonn, 18-24 September 2002)

Concerned that, notwithstanding recent developments addressing the problem, by-catch remains one of the major causes of mortality of migratory species from human activities in the marine environment;

Noting that the Sixth Meeting of the Conference of the Parties adopted Resolution 6.2 (By-catch) with a view to stimulating remedial measures by Parties; and

Encouraging proper implementation of Resolution 6.2 in the shortest possible period of time and an adequate assessment of its outcomes;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

Calls on Range State Parties, working through regional fisheries management organizations and agreements, as appropriate, to:

- (a) Compile information and take action regarding fishing activities in waters under their jurisdiction, or by flagged fishing vessels under their jurisdiction or control, as the very first step to address the problem, covering:
 - i. resources targeted;
 - ii. resources being caught accidentally;
 - iii. effects on the resource being caught accidentally (estimate total by-catch in the fishery(ies) and population impact); and
 - iv. implementation of mitigation measures;
- (b) Implement appropriate schemes (including, where appropriate, onboard observers) for fisheries within waters under their jurisdiction, or carried out by flagged fishing vessels under their jurisdiction or control, in order to determine the impact of fisheries by-catch on migratory species. Where relevant, this should be carried out in the context of FAO's International Plans of Action on Seabirds and Sharks;
- (c) Encourage research proposals in geographical areas in which there is a particular lack of information and that, at the same time, are not covered by currently existing CMS Agreements. In particular, information is needed on:
 - i. artisanal fisheries, generally;
 - ii. pelagic and bottom trawling, and purse seine fisheries;
 - iii. in the case of cetaceans, special attention is to be paid to South, Southeast and East Asia and West Africa;
 - iv. for turtles, these include long-line fisheries in the Pacific Ocean and impacts on Olive ridley turtles in South Asia;
 - v. for birds, South America and northern gillnet fisheries; and
 - vi. for sharks, all fisheries; and

- (d) Consider and implement ways and means to reduce the amount of discarded and lost nets and other detrimental fishing gear both within their maritime zones and on the high seas, as well as ways and means of minimising such losses from vessels flying their flag.