**INFRASTRUCTURE DEVELOPMENT AND MIGRATORY SPECIES**

UNEP/CMS/COP14/Doc.30.3.1/Rev.1

*(Prepared by the Institutional and Crosscutting Issues Working Group)*

DRAFT RESOLUTION

**IMPACT ASSESSMENT AND MIGRATORY SPECIES**

*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,

*Emphasizing* 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 and ecological connectivity be given improved treatment in biodiversity-related aspects of environmental impact assessment, including through cumulative effects assessments, 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 Parties already operate legal and institutional systems of environmental assessment in various forms, but that most would benefit from international harmonization 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, including the Rio Conventions and the Ramsar Convention on Wetlands and in CMS Agreements,

*Noting* that CBD 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,

*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,

*Taking note* of the Kunming-Montreal Global Biodiversity Framework and Target 14 requesting governments to ensure the full integration of biodiversity and its multiple values into policies, regulations, planning and development processes, poverty eradication strategies, strategic environmental assessments, environmental impact assessments and, as appropriate, national accounting, within and across all levels of government and across all sectors, in particular those with significant impacts on biodiversity, progressively aligning all relevant public and private activities, and fiscal and financial flows with the goals and targets of this framework, and

*Desiring* *as always* to maximize 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*

*Emphasizes* the importance of good quality environmental impact assessment (EIA), including an assessment of cumulative effects , 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;

*Urges* Parties to include 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 in EIAs and by applying strategic environmental assessment in the early stages of planning and policy development in sectors linked to infrastructure (e.g. transport, energy, water), and in planning for economic corridors and linear infrastructure programmes (e.g. Trans-European Transport Network (TEN-T), Belt and Road Initiative, etc.) including in order to develop these infrastructures taking into account ecological connectivity and ecological restoration aspects;

*Requests* Parties, according to national legislation, to publicly disclose and share information on linear infrastructure development plans and impact assessments affecting migratory species, taking as an example the 1997 United Nations Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its 2003 Protocol on Strategic Environmental Assessment (Kyiv Protocol);

*Asks* Parties to include migratory species when revising legal requirements for impact assessment and when generating considerations for screening criteria, including the construction of barriers such as fences and walls when these might be an impediment for ecological connectivity;

*Requests* Parties to consider the recovery potential of CMS-listed species when planning new infrastructure or when mitigating for the impacts of existing linear infrastructure;

*Recommends* Parties, when not formally required, to encourage project proponents to prepare and implement biodiversity management plans for linear infrastructure developments that impact CMS-listed species;

*Further urges* Parties to make use, as appropriate, of the “Impact Assessment: Voluntary Guidelines on Biodiversity-inclusive Impact Assessment” endorsed by Decision VIII/8 of CBD COP 8;

*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;

*Further requests* the Secretariat to cooperate with other biodiversity-related conventions and raise the issue of linear infrastructure development impact on migratory species within the Biodiversity Liaison Group to foster synergies and jointly engage with sectors relevant to infrastructure development to contribute to and influence infrastructure planning and design;

*Instructs* the Secretariat to explore opportunities of engaging with and contributing expertise on migratory species to policies and processes of relevant international and regional forums, such as multilateral development banks’ safeguards working groups, G20 Quality Infrastructure Investment Principles, the Belt and Road Initiative, the EU Green Deal, Global Gateway and Green Infrastructure, Blue Dot Network, Regional Economic Communities, UN Economic and Social Commissions, International Federation of Consulting Engineers (FIDIC), SOURCE (the Multilateral Platform for Sustainable Infrastructure), infrastructure ecology networks and knowledge-sharing platforms (e.g. IENE, ICOET, www.TransportEcology.info), Local Governments for Sustainability (ICLEI), Task Force for Nature-related Financial Disclosures (TNFD), Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), etc.;

*Instructs* the Secretariat to engage with the Global Environment Facility, development finance institutions, multilateral development banks, bilateral donors, and commercial banks to explore opportunities for including CMS guidelines in, and sourcing relevant expertise in support of, their policies, guidance materials, strategic plans, periodic country strategies, and performance indexes to encourage the consideration of migratory species both at strategic and project levels;

*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; and

*Encourages* project proponents that are designing mitigation measures for the impacts of linear infrastructure for migratory species, to take into account benefits for associated species and their habitats.

DRAFT DECISIONS

**INFRASTRUCTURE DEVELOPMENT AND MIGRATORY SPECIES**

***Directed to Parties***

14.AA Parties are requested to:

1. submit tracking and tagging data of CMS-listed species, including data resulting from public and private research and monitoring to publicly accessible databases, as identified by the Scientific Council in line with Decision 14.BB(d);
2. submit spatial data on existing, planned and foreseen linear infrastructure, including data held by multilateral development banks, bilateral donors, private investors and development finance institutions to publicly accessible databases identified by the Secretariat;
3. identify opportunities for mitigation of barriers to migration, mortality hotspots and bottlenecks caused by existing linear infrastructure;
4. identify, in collaboration with experts, border fences and walls that pose significant threats to migratory species, and facilitate dialogue among Parties, with support of the Secretariat, on mitigating their effects;
5. identify actions to plan and project new linear infrastructure using the green infrastructure approach, and taking into account ecological connectivity and ecological restoration;
6. promote the participation of infrastructure companies in national and regional Business and Biodiversity initiatives and encourage the contribution of these initiatives to the CBD's Global Partnership for Business and Biodiversity.

***Directed to the Scientific Council***

14.BB The Scientific Council is requested to establish a working group, consisting of experts identified in cooperation with the Secretariat, to advise the Scientific Council and Secretariat on issues of infrastructure and migratory species, including to:

1. provide advice on possible actions that could be taken to address the impacts of dams and urban sprawl and development on CMS-listed species;
2. assess whether current methodologies and criteria for the definition of “critical habitat”, as used by financial institutions and the impact assessment community, are an appropriate trigger to undertake further assessment on risks to and impacts on migratory species and their habitats; and if these methodologies and criteria are deemed not appropriate, make proposals on how they can be improved, including actions to ensure ecological connectivity and restoration;
3. assess whether current best practice strategic environmental assessment and environmental impact assessment methodologies, including the preparation of environmental/biodiversity management plans, sufficiently address the impact linear infrastructure projects have on migratory species throughout the infrastructure´s lifecycle;
4. develop guidance, based on the above assessments, on:
   1. the scoping process which includes migratory species in the tasks and scope of investigations;
   2. scientifically robust and cost-effective means of monitoring, evaluation and reporting on the effectiveness of mitigation measures in linear infrastructure developments;
5. identify reliable data on and databases containing the movements, habitats and occurrence of CMS-listed species as a body of knowledge in support of planning, assessment and decision-making, and, with the support of the Secretariat, establish relationships with institutions holding that data;

***Directed to the Secretariat***

14.CC The Secretariat shall:

1. include in its communication strategy engagement with the financial and infrastructure-related sectors;
2. subject to the availability of external resources, organize regional and national workshops to raise the awareness and increase the capacity of government representatives who are working in sectors concerned with linear infrastructure development of the needs and requirements of migratory species, in close collaboration with public and private sector stakeholders, multilateral development banks, bilateral development banks, donors and other organizations and institutions that are involved in linear infrastructure development;
3. develop and circulate among Parties a questionnaire on the availability of data on migratory species and linear infrastructure and repositories of this data, and report the results to the Scientific Council;
4. identify databases for spatial data on existing and planned linear infrastructure in cooperation with relevant experts;
5. establish an online library of:
   1. existing databases on the movements, habitats, and presence and absence of migratory species, such as Movebank, EURING and IBAT and those identified by the Scientific Council,
   2. guidelines, and
   3. learning resources;
6. review the implementation of *Guidelines for Addressing the Impact of Linear Infrastructure on Large Migratory Mammals in Central Asia* by Parties and update the Guidelines on the basis of the lessons learned from their review and other sources;
7. develop guidelines for preparing and using ecological connectivity plans as tools for migratory species conservation;
8. subject to the availability of external resources, develop and circulate among Parties impact assessment (including strategic environmental assessment) screening guidelines, taking into consideration existing regional or national tools, including requirements of migratory species, ecological connectivity and ecological restoration in linear infrastructure development, as guidance materials for the implementation of CMS Resolution 7.2 (Rev.COP12) *Impact Assessment and Migratory Species*;
9. subject to the availability of external resources, develop guidelines, including checklists, on the impact of infrastructure sectors (e.g., transport, energy, water) on migratory species for all geographic regions on the basis of the lessons learned from the Central Asian Mammals Initiative (CAMI) infrastructure guidelines review and other sources; and translate CMS guidelines into national languages;
10. compile available information, in cooperation with partners, on the effectiveness of CMS-listed species-specific mitigation solutions, including lessons learned, for landscapes and types of barriers in the CAMI region and beyond; and identify those species that need further analysis/research;
11. subject to the availability of external resources, update the Central Asian Mammals Migration and Linear Infrastructure Atlas (CAMI Atlas) through improving resolutions and making the maps more user-friendly and accessible online; updating range delineation and linear infrastructure information, where necessary; and extending it to include all CAMI species and countries;
12. subject to the availability of external resources, include in its communication programme:
    1. development of fact sheets and policy briefs based on CMS guidance materials; and
    2. visualization of species distribution, and existing and planned infrastructure extracted from interactive online tools (including the CAMI Atlas and Bird Migration Atlas).

**IMPACT ASSESSMENT AND MIGRATORY SPECIES**

***Directed to the Parties***

14.AA Parties are requested to:

1. Through the Secretariat, inform the Scientific Council at the 7th meeting of the Sessional Committee about national policies regarding cumulative effects assessments from Environmental Impact Assessments (EIAs) and Strategic Environmental Assessments (SEAs), including any experiences and lessons learned, as well as indicating whether there is a need for guidance on cumulative effects assessments for marine mammals;
2. If a need for guidance on cumulative effects assessments for marine mammals is identified, support the Secretariat in securing the external expertise required to develop it.

***Directed to the Scientific Council***

14.BB The Scientific Council is requested, subject to the availability of external resources, to consider the information submitted by Parties regarding the application of cumulative effects assessments and the need for further guidance, to prepare a report on how such assessments are undertaken and the relevance for migratory species conservation, and to develop guidance on cumulative effects assessments for marine mammals if required, with a view to presenting any outputs to the 15th meeting of the Conference of the Parties.

***Directed to the Secretariat***

14.CC The Secretariat shall:

1. Request information from Parties about national policies regarding cumulative effects assessments, including any experiences and lessons learned, as well as indicating whether there is a need for guidance on cumulative effects assessments for marine mammals, in time for consideration by the 7th meeting of the Sessional Committee of the Scientific Council;
2. Support the development of the report on cumulative effects assessments and of guidance, as required.