

**DRAFT REPORT OF THE 12TH MEETING
OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS**

Note: Paragraph numbering continues from the Draft Report of Day 1.

Day 2 – Tuesday 24 October 2017

Committee of the Whole 09.50–12.50

REPORTS FROM COW COMMITTEES AND WORKING GROUPS

81. The Chairs of the six Committees and Working Groups established on 23 October presented brief updates on the progress of discussions in their respective groups.

ADMISSION OF OBSERVERS (ITEM 8, CONTINUED)

82. The Chair referred the meeting to document UNEP/CMS/COP12/Doc.8/Rev.1 *Admission of Observers*, and noted that two observer organizations, the Alliance of Marine Mammal Parks and Aquariums, and One Ocean Diving, had registered after the list contained in Doc.8/Rev.1 had been prepared.

83. The COW took note of this information.

**OPTIONS OF A REVIEW PROCESS FOR THE CONVENTION ON MIGRATORY SPECIES
(ITEM 22)**

84. Narelle Montgomery (Australia), Chair of the intersessional Working Group on the development of a review process for CMS, presented Document UNEP/CMS/COP12/Doc.22/Rev.1, including the draft resolution contained in Annex 1 and the draft decisions in Annex 2. The intersessional Working Group was presenting two possibilities for the way forward: a 'zero option', which maintained the status quo; or adoption of a review process. The latter would require discussion and agreement of two 'variable elements': Who should be allowed to submit the initial information for review? Which body should undertake the review of any case brought forward? The intersessional Working Group considered that establishment of a review process would be beneficial.

85. The Chair opened the floor to brief comments, noting that substantive discussion would take place in the Institutional Working Group established by the COW.

86. Interventions broadly in support of a review process, though flagging a range of points for further discussion, were made by Brazil, the EU and its Member States, New Zealand, South Africa, Switzerland, and BirdLife International (also representing The Born Free Foundation, Bornfree USA, IFAW, OceanCare, Royal Society for the Protection of Birds, The Wildfowl & Wetlands Trust, Whale and Dolphin Conservation, Wildlife Conservation Society, Wild Migration and WWF International).

87. The Chair concluded that the document and its annexes should be referred to the Institutional Working Group for further deliberation.

IMPLEMENTATION OF THE CONCERTED ACTION PROCESS (ITEM 26)

(a) Concerted Actions (Item 26.1)

88. The Secretariat briefly introduced document UNEP/CMS/COP12/Doc.26.1, including the draft consolidated resolution contained in Annex 1, the template for proposing Concerted Actions in Annex 2, and draft decisions in Annex 3. Comments and proposals from the Scientific Council were included in Addendum 1.
89. The Chair enquired whether the COW was ready to endorse the document draft resolutions and decisions for adoption by plenary.
90. The EU and its Member States supported the three Annexes.
91. The Chair concluded that, subject to inclusion of the revisions proposed by the Scientific Council, the COW had endorsed the proposals contained in the document to be forwarded to plenary for adoption.

NATIONAL REPORTS (ITEM 19)

(a) Analysis and synthesis of National Reports (Item 19.1)

92. The Secretariat made a presentation summarizing document UNEP/CMS/COP12/Doc.19.1. The document was itself a summary; a full analysis could be found in information paper UNEP/CMS/COP12/Inf.30. The purpose and benefits of the analysis and synthesis of National Reports to COP12, the methods used, and the rate of response were briefly outlined. A record number of Parties had submitted their National Reports in time for analysis, which had covered a sample of seven implementation topics:
 - Appendix 1 species overview
 - Potential new species listing
 - Development of new Agreements
 - Protected Areas
 - (Satellite) telemetry
 - Resource mobilization
 - Implementation of Resolutions & Recommendations.
93. Highlights of key findings under each heading were presented. The document also included conclusions and recommendations concerning alignment; rationalization; improving submission rates and completeness; handling of time periods; format for future reporting; and future analysis.
94. The Chair noted that there was no draft resolution or decision associated with this agenda item, but opened the floor for brief comments.
95. Pakistan appreciated the work conducted, and recognized that inclusion in the reporting process of cooperative frameworks available under the Convention, particularly transboundary arrangements, would help to increase cooperation between countries on migratory species.
96. The EU and its Member States made the following statement:

“The European Union and its Member States note the recommendations made in the document. We think these merit more in-depth consideration than is likely to be possible at this meeting. In particular, we consider that more should be done in the review and revision of the National Report format to consider Party views of how the report can be more streamlined and made easier to complete. We therefore suggest that as part of the revision of the National Report format under item 19.2 the Secretariat should, as a

matter of urgency, after the finish of this meeting, seek views from Parties in response to the recommendations made, via a Notification to the Parties.

97. The Chair concurred that this topic would be revisited by the COW under agenda item 19.2.

98. Ecuador congratulated the Secretariat on the review and commented on the usefulness of the national reporting process at both national and international levels.

99. Switzerland made the following statement:

“Switzerland is convinced that harmonized reporting between states is an important tool to monitor species population trends, habitat quality, threats to species and habitats as well as CMS implementation actions, and we have produced a 200+ pages report. But since the reporting load can be very heavy for governments, it seems to us that heading for more synergies between the different MEA’s will be of high relevance. And certainly we should start to look for synergies within the CMS Family as a first step. Let me mention here AEWA, EUROBATS and CMS reporting as an example. May we ask the Secretariat to continue to reflect on a further search for synergies within the CMS family and with other MEA’s, and for improvement where ever possible.”

100. Kenya expressed appreciation of the analysis presented and especially thanked NGOs for their critical contribution to the reporting process.

101. The representative of UN Environment expressed satisfaction at the quality of the analysis, which it had supported with funding, together with the government of Switzerland. He considered national reporting to be an essential tool for monitoring and improving implementation of the Convention by Parties. He requested that Parties should support inclusion of analysis of national reports in the discussions of the CMS budget.

102. The Chair concluded that the COW had noted the report, and observed that some items would be discussed further under Item 19.2.

NATIONAL LEGISLATION TO IMPLEMENT CMS PROVISIONS (ITEM 20)

103. The Secretariat presented document UNEP/CMS/COP12/Doc.20/Rev1, including the draft resolution contained in Annex 1 and draft decisions in Annex 2. The draft resolution concerned establishment of a national legislation project similar to the one conducted by CITES but adapted to the CMS context.

104. The Chair opened the floor for brief comments.

105. The draft resolution and draft decisions were supported by: India, Kenya, Norway, Peru, Saudi Arabia, Switzerland, the United Republic of Tanzania, and the Wildlife Conservation Society (also representing BirdLife International, BornFree Foundation, Divers for Sharks, Brazilian Humpback Whale Institute, Humane Society International, IFAW, Whale and Dolphin Conservation, Wild Migration, and WWF).

106. The EU and its Member States did not support further work on the draft resolution. Rather than creating a separate national legislation project, they proposed to incorporate some of the ideas about legislation implementing Article III.5 of the Convention into proposals under agenda item 22.

107. Norway preferred to keep the two items separate.

108. The Chair concluded that the document should be referred to the Institutional Working Group for further deliberation.

CONSERVATION ISSUES (ITEM 24)

TERRESTRIAL SPECIES (ITEM 24.3)

(a) Conservation of African Carnivores (Item 24.3.1)

i) Joint CMS-CITES African Carnivores Initiative (Item 24.3.1.1)

109. The Secretariat briefly introduced document UNEP/CMS/COP12/Doc.24.3.1.1, including the draft decisions contained in Annex 2.
110. The Chair invited brief comments from the floor.
111. Statements of support were made by Ethiopia, and the CITES Secretariat.
112. The EU and its Member States expressed general support but wished to make a number of proposals for amendment.
113. The Chair concluded that the document should be referred to the Terrestrial Working Group for further deliberation.

ii) Conservation and Management of Cheetah and African Wild Dog (Item 24.3.1.2/Rev.1)

114. Burkina Faso (speaking on behalf of the co-sponsors) introduced document UNEP/CMS/COP12/Doc.24.3.1.2, which included a number of draft decisions.
115. The Chair invited brief comments from the floor.
116. The document was supported by the EU and its Member States, subject to inclusion of a number of proposed amendments.
117. The Chair concluded that the document should be referred to the Terrestrial Working Group for further deliberation.

iii) Conservation and Management of the African Lion (Item 24.3.1.3)

118. The Secretariat briefly introduced Document UNEP/CMS/COP12/Doc.24.3.1.3, including the draft decisions contained in Annex 1.
119. Benin, Republic of Congo, Senegal, Togo, and Uganda, all expressed strong support for the proposal.
120. The EU and its Member States supported the draft decisions subject to inclusion of a number of minor amendments, which, with at the invitation of the Chair, were tabled for consideration by the COW.
121. The COW endorsed forwarding of the draft decisions, as amended by the EU and its Member States, to plenary for adoption.

(b) African Wild Ass (Item 24.3.2)

122. The Secretariat introduced Document UNEP/CMS/COP12/Doc.24.3.2, including the draft resolution contained in Annex 1 and the draft decision in Annex 2.
123. Eritrea pointed out a textual error that required correction.

124. The EU and its Member States supported the draft decisions subject to inclusion of a number of minor amendments, which, at the invitation of the Chair, were tabled for consideration by the COW.
125. The COW endorsed forwarding of the draft resolution and draft decision, as amended by the EU and its Member States, and subject to correction of the error identified by Eritrea, to plenary for adoption.

MOU SIGNING CEREMONY (ITEM 24.2)

126. The Executive Secretary invited representatives of countries ready to sign Memoranda of Understanding under the CMS and with appropriate full powers to do so, to come forward to sign the relevant instruments.
127. The representatives of Sri Lanka, Benin and Brazil signed the Memorandum of Understanding on the Conservation of Migratory Sharks, bringing the number of signatories to 46.
128. The Executive Secretary invited the observer from WWF International to sign an agreement to become a Cooperating Partner to the Memorandum of Understanding on the Conservation of Migratory Sharks, bringing the number of Cooperating Partners to 10.
129. The representative of Burkina Faso signed the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia (Raptors MOU), bringing the number of signatories to 58.
130. The representative of the Peregrine Fund signed an agreement to become a Cooperating Partner of the Raptors MOU, bringing the number of Cooperating Partners to five.
131. The representative of Madagascar pledged that her country would become a signatory to the Sharks MOU in the near future. The Minister expected to attend the present Signing Ceremony had been unavoidably detained.

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TERRESTRIAL SPECIES (ITEM 24.3 continued)

(c) Adoption of the African Elephant Action Plan (Item 24.3.3/Rev.1)

132. Kenya referred to document UNEP/CMS/COP12/Doc.24.3.3/Rev1 and noted that the document had already been discussed within the Terrestrial Working Group.
133. The Chair of the Terrestrial Working Group confirmed that a further discussion would be held during the evening of 24 October, when he hoped to arrive at a text acceptable to all members of the Working Group.
134. The Chair of the COW requested the Chair of the Working Group to report back in due course.

AQUATIC SPECIES (ITEM 24.2)

(a) Important Marine Mammal Areas (Item 24.2.1)

135. The Appointed Councillor for Aquatic Mammals introduced document UNEP/CMS/COP12/Doc.24.2.1, including the draft resolution contained in Annex 1, the Important Marine Mammal Area (IMMA) Selection and Review Criteria in Annex 2 and the draft decisions in Annex 3.
136. The Chair opened the floor for comment.
137. Statements of support were made by Australia, Fiji, India, Philippines, Costa Rica (speaking on behalf of the South and Central America and the Caribbean regional group), ACCOBAMS Permanent Secretariat and SPREP.
138. Argentina generally supported the draft resolution but identified some specific concerns, which it suggested should be discussed by the Aquatic Working Group.
139. The EU and its Member States also supported adoption of the draft resolution and draft decisions but wished to propose a few amendments in line with the comments of the Scientific Council in Addendum 1 to the document.
140. Wildlife Conservation Society (speaking also on behalf of BirdLife International and WWF) supported the draft resolution and draft decisions but would submit some amendments for consideration by the Working Group.
141. The Chair concluded that this agenda item would be referred to the Aquatic Working Group for further deliberation. Delegations wishing to propose amendments should send their proposals to the Chair of the Working Group or to the Secretariat.

(b) Marine Noise (Item 24.2.2)

142. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.2.2, including the draft Resolution contained in Annex 1, the draft Guidelines in Annex 2, and the draft decisions in Annex 3. Document UNEP/CMS/COP12/Inf.11 contained supporting technical information.
143. The Chair opened the floor to brief comments, noting that substantive discussion would take place in the Aquatic Working Group.
144. Norway indicated that it was generally content with the document.
145. Argentina supported the draft resolution subject to inclusion of two specific amendments.
146. The EU and its Member States also supported adoption of the draft resolution subject to inclusion of minor changes.
147. Statements of support were made by the ACCOBAMS Permanent Secretariat and OceanCare (speaking on behalf of Humane Society International, International Fund for Animal Welfare, Natural Resources Defense Council, OceanCare, Pro Wildlife, Whale and Dolphin Conservation, Wildlife Conservation Society, World Animal Protection, and WWF).
148. The IWC welcomed references in the document to work on marine noise carried out by IWC, but had one textual suggestion to make.
149. The Chair concluded that this agenda item would be referred to the Aquatic Working Group for further deliberation. Delegations wishing to propose amendments should send their proposals to the Chair of the Working Group or to the Secretariat.

(c) Aquatic Wild Meat (Item 24.2.3)

150. The Appointed Councillor for Aquatic Mammals introduced document UNEP/CMS/COP12/Doc.24.2.3/Rev.1, including the draft Resolution contained in Annex 2 and the draft decisions in Annex 3.
151. The Chair opened the floor for comment.
152. Statements of support were made by Ecuador, India, Peru, and Wild Migration.
153. The EU and its Member States also supported adoption of the draft resolution subject to inclusion of minor text amendments, which, with the permission of the Chair, it proceeded to table.
154. Brazil invited CMS and its Parties to participate in a relevant workshop being convened jointly by Brazil and IWC in March 2018.
155. At the invitation of the Chair, the COW decided that the draft resolution and draft decisions could be forwarded to plenary for adoption, subject to inclusion of the amendments tabled by the EU and its Member States.

(d) Live Captures of Cetaceans from the Wild for Commercial Purposes (Item 24.2.4)

156. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.2.4/Rev.2, including the Best-Practice Guidelines contained in Annex 1, the proposed amendments to Resolution 11.22 contained in Annex 2, and the draft decisions in Annex 3.
157. The Chair opened the floor for comment.
158. The EU and its Member States supported adoption of the draft resolution subject to inclusion of two specific amendments.
159. Statements of support were made by Argentina, India, Peru and ACCOBAMS Permanent Secretariat.
160. Responding to a question from Ecuador, speaking on behalf of the South and Central America and the Caribbean region, the Secretariat clarified that the Best-Practice Guidelines were simply a tool to be used by Parties as they saw fit. The Guidelines were not binding in any way.
161. Norway stated its support for sustainable use and, in this context, felt there was a discrepancy between the draft resolution on one hand and the provisions relating to species listed on CITES Appendix II.
162. At the invitation of the Chair, the COW decided that the draft resolution and draft decisions could be forwarded to plenary for adoption, subject to inclusion of the amendments tabled by the EU and its Member States.

(e) Recreational In-Water Interaction with Aquatic Mammals (Item 24.2.5)

163. The Appointed Councillor for Aquatic Mammals introduced document UNEP/CMS/COP12/Doc.24.2.5, including the draft resolution contained in Annex 2 and the draft decisions in Annex 3. The full technical report on which the document was based could be found in UNEP/CMS/COP12/Inf.13.
164. The Chair opened the floor for comment.
165. Statements of support were made by Ecuador, Panama, Peru, Philippines, ACCOBAMS Permanent Secretariat, and Humane Society International.

166. Brazil, and the EU and its Member States indicated general support for the draft resolution and draft decisions, but wished to propose a number of text amendments.
 167. Australia had comments concerning future updating of the report itself.
 168. The Chair concluded that this agenda item would be referred to the Aquatic Working Group for further deliberation. Delegations wishing to propose amendments should send their proposals to the Chair of the Working Group or to the Secretariat.
- (f) Conservation and management of Whales and their Habitats in the South Atlantic Region (Item 24.2.6)
169. Brazil introduced UNEP/CMS/COP12/Doc.24.2.6, including the draft resolution included in Annex 1, the draft decisions contained in Annex 2, and the Action Plan in Annex 3.
 170. The Chair of the Aquatic Working Group reported that the group had already discussed this document and that the proposals it contained had been fully endorsed
 171. Statements of support were made by Angola, Argentina, Australia, Costa Rica, the EU and its Member States, Peru, and Uruguay.
 172. In response to a point raised by South Africa concerning the alignment of the Action Plan with processes underway within IWC, the Chair invited South Africa and Brazil to engage in bilateral discussions. Further consideration of the document would await the outcome of those bilateral discussions.

AVIAN SPECIES (ITEM 24.1)

(a) Illegal Killing, Taking and Trade of Migratory Birds (Item 24.1.1)

173. The Secretariat presented document UNEP/CMS/COP12/Doc.24.1.1/Rev.2, including the amendments to Resolution 11.16 contained in Annex 1, draft decisions related to the CMS Task Force on Illegal Killing; Taking and Trade of Migratory Birds in the Mediterranean (MIKT) in Annex; draft decisions related to illegal hunting of birds in the East Asian-Australasian flyway in Annex 3; a scoreboard to assess the progress in combating Illegal Killing of Birds in Annex 4; and Terms of Reference of the Intergovernmental Task Force to address the Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian-Australasian Flyway (ITTEA) in Annex 5, which would form an annex to the amended Resolution.
174. The Chair opened the floor for discussion.
175. The EU and its Member States, Israel, and the Philippines considered the document to be in need of substantial amendment.
176. Mongolia strongly supported the proposal for an Inter-Governmental Task Force in the East Asian - Australasian Flyway, as detailed in the proposed amendments to Resolution 11.16.
177. Bangladesh and Iraq also supported the adoption of the amendments to Resolution 11.16.
178. The East Asian - Australasian Flyway Partnership made a statement about a proposed Task Force on Illegal Hunting, Taking and Trade of Migratory Waterbirds, coordinated by The Conservation of Arctic Flora and Fauna (CAFF), the Biodiversity Working Group of the Arctic Council.

179. CAFF very much welcomed the proposed Working Group to address Illegal Hunting, Taking and Trade of all Migratory Birds in the East Asian – Australian Flyway under the umbrella of CMS, and looked forward to working cooperatively.

180. The Chair concluded that the document would be forwarded to the Avian Working Group for further deliberation.

(b) Migratory Landbirds in the African-Eurasian Region (Item 24.1.2)

181. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.1.2/Rev1. This included the proposal to amend Resolution 11.17 contained in Annex 1, and four draft decisions in Annex 2.

182. The Chair opened the floor for discussion.

183. The EU and its Member States, Nigeria, and Switzerland supported the proposals.

184. The EU and its Member States had a number of suggestions for amendments.

185. The Chair concluded that the document would be forwarded to the Avian Working Group for further deliberation.

(c) Advances in the Prevention of Bird Poisoning (Item 24.1.3)

186. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.1.3/Rev2. This included amendments to Resolution 11.15 in Annex 1, draft decisions in Annex 2, and the Terms of Reference of the Lead Task Force in Annex 3.

187. The Chair opened the floor for comment.

188. Pakistan and Madagascar supported the adoption of the draft resolution and decisions.

189. The EU and its Member States were also supportive, but proposed substantial amendments.

190. The Chair concluded that the document would be forwarded to the Avian Working Group for further deliberation.

(d) Conservation of African-Eurasian Vultures (Item 24.1.4)

191. The Secretariat introduced documents UNEP/CMS/COP12/Doc.24.1.4/Rev.2. This included a draft resolution in Annex 1, draft decisions in Annex 2, and the draft Vulture Multi-species Action Plan (MsAP) in Annex 3. Annexes 4 and 5 contained Flyway Action Plans for Egyptian Vulture *Neophron percnopterus* and Cinereous Vulture *Aegypius monachus*, respectively.

192. Afghanistan, the EU and its Member States, Israel, Pakistan, Saudi Arabia, Senegal, Switzerland, and the United Arab Emirates strongly supported the draft resolution and draft decisions.

193. The EU and its Member States proposed a number of minor amendments, and the addition of a new paragraph, 6 bis, calling on parties and non-party range states to carry out programmes of reintroduction, provided such programmes were implemented according to the guidelines of the IUCN/SSC Reintroduction Specialist Group.

194. At the invitation of the Chair, the COW decided that the draft resolution, draft decisions and draft MsAP could be forwarded to plenary for adoption, subject to inclusion of the amendments tabled by the EU and its Member States.