



CONVENTION ON MIGRATORY SPECIES

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12th MEETING OF THE CONFERENCE OF THE PARTIES
Manila, Philippines, 23 - 28 October 2017

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

INTRODUCTION

1. At the invitation of the Government of the Philippines, the 12th Meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS COP11) was held in the Philippines International Convention Center in Manila, the Philippines, from 23 to 28 October 2017. “*There Future is Our Future – Sustainable Development for Wildlife and People*” was the slogan of the Conference, underlining the interdependence between conservation and achieving the Sustainable Development Goals.
2. On the eve of the Conference, a Leaders’ Dialogue event was held, a closed group event in which representatives from the public and private sectors, civil society and NGOs participated exploring how the COP could contribute to the main agenda item to be discussed at the forthcoming United Nations Environment Assembly, “*Pollution-free Planet*”. This was followed by a High-level Panel Discussion, convened at the invitation of the Philippine Government, where key figures in the environmental sphere discussed the linkages between sustainable development and the conservation of wildlife. The day concluded with Champion Night, an event dedicated to recognizing governments, companies, organizations and individuals that have made long-term commitments to specific initiatives aimed at benefitting migratory species.
3. The Conference was attended by representatives of the following 91 Parties and 21 non-Parties.
Parties: Afghanistan, Angola, Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cameroon, Congo, Cook Islands, Costa Rica, Cote d’Ivoire, Croatia, Czech Republic, Ecuador, Eritrea, Estonia, Ethiopia, European Union, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Honduras, Hungary, India, Iran (Islamic Republic of), Iraq, Israel, Italy, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Liberia, Luxembourg, Madagascar, Malta, Mauritius, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Republic of Moldova, Rwanda, Samoa, Saudi Arabia, Senegal, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Togo, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay and Zimbabwe.
Non-Parties: Bahrain, Bhutan, Cambodia, Canada, Central African Republic, Comoros, Dominican Republic, Indonesia, Lao People’s Democratic Republic, Malawi, Malaysia, Maldives, Oman, Papua New Guinea, Russian Federation, Suriname, Thailand, Trinidad and Tobago, Turkmenistan, United States of America and Vietnam.

4. Observers from governmental and non-governmental bodies or agencies were also represented. The complete list of participants appears as an Annex to the present report.

I. OPENING OF THE MEETING AND ORGANIZATIONAL MATTERS

ITEM 1. OPENING OF THE MEETING

5. The Opening Ceremony, held on Monday 23 October 2017, was divided into ceremonial and official segments.
6. The ceremonial segment commenced with a short video and a performance of 'El Gamma's Tribute to Mother Nature' by Shadow Theatre Group.
7. The Master of Ceremonies, UN Environment Goodwill Ambassador Nadya Hutalong, introduced:
 - Welcoming remarks by Senator Cynthia A. Villar, Chair of Senate Committee on Environment and Natural Resources, Philippines;
 - A presentation by Dr. Bradnee Chambers, CMS Executive Secretary to UN Foundation essay competition winner Zach Beaudoin, followed by a statement from Mr. Beaudoin;
 - A keynote address by UN Environment Ambassador Yann Arthus-Bertrand.

ITEM 2. WELCOMING ADDRESSES

ITEM 3. KEYNOTE ADDRESS

8. The official part of the Opening Ceremony was chaired by the Chair of the Standing Committee, Mr. Øystein Størkersen (Norway).
9. Addresses were delivered by:
 - H.E. Tarsicio Granzio, Minister of the Environment, Ecuador (Host of COP11);
 - Mr. Roy Cimatu, Secretary of the Department of Environment and Natural Resources (DENR), Philippines (Host of COP12);
 - Mr. Ibrahim Thiaw, Deputy Executive Director of UN Environment;
 - Mr. John E. Scanlon, Secretary-General of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
 - Ms. Cristiana Paşca Palmer, Executive Secretary of the Convention on Biological Diversity (CBD); and
 - Dr. Bradnee Chambers, Executive Secretary of the Convention on Migratory Species (CMS).
 - Mr. Erik Solheim, Executive Director of UN Environment, addressed the Plenary on Wednesday 25 October

ITEM 4. RULES OF PROCEDURE

Item 4.1. Adoption of the Rules of Procedure

10. The Chair of the Standing Committee, Mr. Øystein Størkersen (Norway) referred participants to the Rules of Procedure for the 12th Meeting of the Conference of the Parties (UNEP/CMS/COP12/Doc.4/Rev.1 *Rules of Procedure*). Minor corrections proposed by the Secretariat were contained in Annex 1 to the document, and a draft Decision to further review the Rules of Procedure during the forthcoming intersessional period was contained in Annex 2.
11. The COP adopted the Rules of Procedure, including the corrections contained in Annex 1 to document UNEP/CMS/COP12/Doc.4/Rev.1, as well as the decision contained in Annex 2.

12. The Chair noted that document UNEP/CMS/COP12/Doc.4/Add.1, concerning the subject of Parties with contributions in arrears, would be taken up by the meeting at a later point.

Item 4.2. Establishing a COP Presidency

13. The Philippines introduced document UNEP/CMS/COP12/Doc.4.2, including a draft resolution, which it intended to discuss further with the Secretariat.
14. The EU and its Member States indicated readiness to join these discussions and had some proposals for taking the document forward.
15. The Chair asked the Philippines, the EU and its Member States, and the Secretariat to consult, and to come back to the COW with an updated proposal.
16. The Chair later concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

ITEM 5. ELECTION OF OFFICERS

17. The Chair of the Standing Committee recalled that Rule 5 of the Rules of Procedure provided for the election of the Chair of the COP, the Chair of the Committee of the Whole (COW) who would also serve as Vice-Chair of the COP, and the Vice-Chair of the COW.
18. The Conference elected the following officers by acclamation:

Conference of the Parties

Chair: Mr. Roy Cimatu, (Philippines)

Vice-Chair: Dr. Rod Hay (New Zealand)

Committee of the Whole

Chair: Dr. Rod Hay (New Zealand)

Vice-Chair: Ms. Ariuntuya Dorjsuren (Mongolia)

19. The Chair of the Standing Committee confirmed that, in accordance with Rule 6 of the Rules of Procedure, the Bureau of the Conference was now complete and comprised all members of the Standing Committee, the Chair and Vice-Chair of the COP and the Vice-Chair of the COW. The Bureau would meet for the first time during the evening of 23 October.
20. Taking his place on the podium the Chair of the COP expressed the honour he felt and looked forward to guiding the meeting through its busy agenda.

ITEM 6. ADOPTION OF THE AGENDA AND MEETING SCHEDULE

21. The Chair referred the meeting to documents UNEP/CMS/COP12/Doc.6.1/Rev.4 *Provisional Agenda and Documents* and UNEP/CMS/COP12/Doc.6.2/Rev.1 *Provisional Annotated Agenda and Meeting Schedule*.
22. There being no proposals for amendments, both documents were adopted by consensus.

ITEM 7. ESTABLISHMENT OF CREDENTIALS COMMITTEE AND OTHER SESSIONAL COMMITTEES

23. The Chair recalled that Rule 3 of the Rules of Procedure provided for the establishment of a Credentials Committee of five members. It had been the practice at CMS COPs for those five members to be drawn from the regional groupings. He invited nominations accordingly.

24. The following Parties were elected to serve on the Credentials Committee:
Africa: Republic of Congo, Ghana
Asia: Saudi Arabia
Europe: Norway
Latin America & the Caribbean: Uruguay
25. At the invitation of the Chair and in accordance with Rule 17 of the Rules of Procedure, the meeting decided to establish the Committee of the Whole (COW).
26. The Chair noted that the meeting might wish to establish further committees or working groups to discuss the draft budget and other issues. The COP decided that the establishment of these bodies would be taken up by the COW.

ITEM 8. ADMISSION OF OBSERVERS

27. The Chair referred the meeting to document UNEP/CMS/COP12/Doc.8/Rev.1 *Admission of Observers*.
28. In accordance with Article VII of the Convention, the COP approved admission to the meeting of all those Observers listed in COP12/Doc.8/Rev.1.
29. During the session of the COW held on 24 October 2017, 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.
30. The COW took note of this information.

II. REPORTS

ITEM 9. REPORT OF THE UNITED NATIONS ENVIRONMENT PROGRAMME

31. Elizabeth Mrema, UN Environment, briefly introduced the report contained in document UNEP/CMS/COP12/Doc 9.

ITEM 10. REPORTS AND RECOMMENDATIONS OF THE SUBSIDIARY BODIES OF THE CONVENTION

Item 10.1. Standing Committee

32. The Chair of the Standing Committee (StC), Mr. Øystein Størkersen reported that two full meetings of the StC had taken place since COP11, namely:
- 44th meeting – October 2015, Bonn
 - 45th meeting – November 2016, Bonn
33. He referred participants to the full reports of both meetings, but summarized a number of highlights and identified some of the challenges dealt with by the StC during the triennium.

Item 10.2. Scientific Council

34. The Chair of the CMS Scientific Council, Dr. Fernando Spina (Italy) made a presentation summarizing the activities of the Scientific Council since COP11, including changes to the modus operandi of the Council resulting from the establishment of a Sessional Committee. Two meetings of the Sessional Committee had been held:
- 1st meeting – April 2016, Bonn
 - 2nd meeting – July 2017, Bonn
35. Dr. Spina presented highlights of the Scientific Council's work in preparing and reviewing scientific aspects of COP12 documentation.

Committee of the Whole

36. The Chair of the Committee of the Whole (COW), Dr. Rod Hay, New Zealand, opened the Committee's deliberations with a greeting in Maori and noted that it was particularly significant that COP12 was being held in Oceania. The COW had a considerable agenda and it would be important to keep focused. He was honoured to be entrusted with the task of ensuring the smooth running of the Committee's deliberations.
37. At the invitation of the Chair, the COW decided to establish the following committees and working groups and elected by acclamation the Chairs indicated:
 - Budget Committee – Chair: Øystein Størkersen, Norway
 - Institutional Working Group – Chair: Narelle Montgomery, Australia
 - Review of Decisions Working Group – Chair: James Njogu, Kenya
 - Avian Working Group – Chair: Rob Clay, COP-Appointed Councillor for Birds
 - Terrestrial Working Group – Chair: Alfred Oteng-Yeboah, COP-Appointed Councillor for African fauna
 - Aquatic Working Group – Chair: Barry Baker, COP-Appointed Councillor for Bycatch

Signing Ceremony

38. 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.
39. The Minister of Environment of Ecuador, H.E. Tarsicio Granizo, and 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.
40. The observer from WWF International signed the Memorandum of Understanding on the Conservation of Migratory Sharks as a Cooperating Partner, bringing the number of Cooperating Partners to 10.
41. 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.
42. The representative of the Peregrine Fund signed the Raptors MOU as a Cooperating Partner, bringing the number of Cooperating Partners to five.
43. 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.

ITEM 11. STATEMENTS FROM STATES

Item 11.1. Depositary and Host Country

44. The Depositary and Host Country, Germany, presented document UNEP/CMS/COP12/Doc.11.1, drawing particular attention to the four new Parties to CMS, for which the Convention had entered into force since COP11, namely (in chronological order of accession): Islamic Republic of Afghanistan (August 2015), Federative Republic of Brazil (October 2015), United Arab Emirates (May 2016) and Republic of Iraq (August 2016). There were now 124 Parties, including 123 Member States and the EU. The Dominican Republic was currently making final arrangements to become a Party. Australia, through its Note Verbale of January 2015, had made a reservation concerning the inclusion of five shark species in Appendix II of the Convention. The Czech Republic, through its Note Verbale of February 2017, had withdrawn its reservations with respect to Appendices I & II.

Item 11.2. Party States (Including REIOs)

Item 11.3. Non-Party States

45. The Chair encouraged submission of written statements, for inclusion in the COP Proceedings, under this sub-item, but noted that any Party or non-Party State wishing to make an oral statement was free to do so.
46. Mongolia, speaking on behalf of the Asia region, thanked the Government of the Philippines, the Chair of the COW and current Plenary session, as well as the Secretariat under the leadership of the Executive Secretary. It was good to see the growing membership of the Convention and its MOUs. The region was delighted that Bahrain, the Maldives, and Oman, had attended COP12 as Observer States, and looked forward to welcoming them as Parties.
47. The Maldives thanked those who had facilitated its participation in the COP. The Maldives would soon become a signatory to the Shark MOU and had initiated the process for becoming a Party to the Convention; something that would hopefully be achieved before COP13.
48. The representative of Brazil expressed the honour his country felt in attending its first COP as a CMS Party and thanked other delegations for the welcome afforded to Brazil. Thanks were due to the host country and to the Secretariat.
49. The EU and its Member States reflected on a very productive COP, which would result not only in a record number of resolutions and decisions, but also the addition of a large number of species to the Annexes of the Convention. There had been important advances in the governance of CMS, which was now equipped with a Strategic Plan and a Review Mechanism. The EU and its Member States encouraged waiving of confidentiality under the Review Mechanism wherever possible. Deliberations on the National Report Format, Scientific Council and other topics had also reached satisfactory outcomes, contributing to a stronger and more effective CMS. The Government of the Philippines had been an excellent host of a fruitful and enriching COP and was undertaking truly impressive conservation measures on the ground.
50. India greeted delegates in its capacity as prospective host of the next COP and thanked the Philippines for hosting COP12, as well as the Secretariat for its work. India believed firmly in participatory and inclusive development and this was something that would be facilitated by the work of the COP in sealing deals for the conservation of wildlife.
51. Senegal thanked the Philippines for its wonderful welcome and hospitality. During COP12 African Parties had requested the listing of a number of terrestrial and aquatic species and hoped that the corresponding Concerted Actions would strengthen their conservation. NGO observers were invited to join countries in implementing measures for the conservation of these species.
52. Uganda, speaking on behalf of the Africa region, congratulated all those involved with hosting and running to the COP for a job well done. Africa looked forward with optimism to the outcomes of COP12 making a difference to the conservation of migratory species.
53. Bahrain reported its intent of building its National Biodiversity Strategy and Action Plan in synergy with CMS and offered congratulations to all those involved with the organization and hosting of COP12.
54. Malawi also recorded its thanks and reiterated its commitment to the conservation of migratory species. Malawi hoped to become a member of the CMS Family before the end of 2017.

55. Australia, speaking on behalf of the Oceania region, thanked its Oceanian partner and neighbour, the Philippines, for hosting COP12, and extended gratitude to the Chair of the opening Plenary, to the Chair of the COW, to Parties and other delegates, the chairs of intersessional and sessional committees and working groups, the Executive Secretary and the dedicated Secretariat.

ITEM 12. REPORT OF THE SECRETARIAT

Item 12.1. Overview of Secretariat activities

ITEM 18. IMPLEMENTATION OF THE PROGRAMME OF WORK

56. It was decided to take Items 12 and 18 together. The Executive Secretary made a presentation summarizing the Secretariat's activities during the triennium 2015-2017, including the information contained in document UNEP/CMS/COP12/Doc.18/Rev.1. The core budget for the triennium had been approximately €7.5 million. The Secretariat had been able to raise almost €4 million for a wide range of activities under the Programme of Work (POW). Thanks were due to all donors, including those that had supported delegate participation in COP12. Particular thanks were due to Abu Dhabi for its support of the work of the CMS Project Office in Abu Dhabi, as well as for the MOU on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia (IOSEA) and the MOU on the Conservation of Migratory Sharks. Dr Chambers presented highlights of implementation of the POW with respect to the CMS Strategic Plan; aquatic species; terrestrial species; scientific advisory services; information communication and outreach; capacity building; and regional preparatory workshops for COP12.
57. Noting the applause with which the Executive Secretary's presentation had been received, the Chair opened the floor for comment.
58. Switzerland had been pleased to read Doc18/Rev.1 and was impressed to see what had been achieved, but realized that the biggest challenge facing implementation of the Convention was lack of funding. It was crucial for the COP to take decisions in accordance with the priorities of the Strategic Plan and in line with the Future Shape process. Switzerland called on all Parties present at the COP to assist the Secretariat with focusing and funding wherever possible.
59. Mongolia acknowledged the efforts made by the Secretariat and donors to resolve barriers to the migration of terrestrial species in Mongolia. The National Conference on this topic held under the auspices of CMS in 2015 had facilitated a recent agreement for the partial removal and re-design of railroad boundary fences impacting migratory ungulates.
60. The COW noted the presentation of the Executive Secretary.

ITEM 13. STATEMENTS ON COOPERATION FROM IGOs AND NGOs

61. Statements were presented by the following:
- ACAP – Agreement on the Conservation of Albatrosses and Petrels;
 - ACCOBAMS – Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (referring to information document UNEP/CMS/COP12/Inf.6.2);
 - AEWA – Agreement on the Conservation of African–Eurasian Migratory Waterbirds; and
 - EUROBATS – Agreement on the Conservation of Populations of European Bats (referring to information document UNEP/CMS/COP12/Inf.6.6).
 - UN Environment
 - Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

- International Whaling Commission (IWC)
- Secretariat of the Pacific Regional Environment Programme (SPREP)
- Defenders of Wildlife (speaking also on behalf of other NGOs)
- Wild Migration

III. ADMINISTRATIVE AND BUDGETARY MATTERS

ITEM 14. BUDGET AND ADMINISTRATION

Item 14.1. Execution of CMS Budget 2015-2017

62. The Secretariat made a presentation summarizing document UNEP/CMS/COP12/Doc.14.1 '*Execution of the CMS budget during the 2015-2017 triennium*', including updates (to 13 October 2017) as follows.
- Paid contributions had risen to €6.7M (90 per cent), while due contributions had fallen to €708,000 (10 per cent).
 - The number of paid-up Parties had increased to 70 (58 per cent of Parties), but there were still 50 Parties with unpaid dues (42 per cent)
 - New Parties that had joined the Convention since COP11 had paid €38,780 (9 per cent of contributions due), while €387,017 were outstanding (91 per cent)
 - With regard to Implementation of the 2015-2017 budget, the estimated total expenditure to 31 December 2017 was €7,486,318, leaving a balance of €135,311.
 - The Trust Fund balance was estimated to be €282,495 as of 31 December 2017, though this figure included unpaid pledges of €109,136 from the previous triennium.
63. The Secretariat outlined successes and challenges encountered in executing the budget and confirmed that the COP was invited to take note of the document and to provide comments.
64. The Chair opened the floor for comments.
65. The United Republic of Tanzania had hoped to see a more results-based analysis integrating the budget with the Programme of Work.
66. The Executive Secretary clarified that this was not possible since the COP-approved core budget, which was the subject of the report presented under Agenda item 4.1, contained no provision for activities. The activities contained in the Programme of Work and presented under agenda item 18 had all required additional fundraising outside of the core budget.
67. The United Arab Emirates referred to paragraph 6 of document UNEP/CMS/COP12/Doc.14.1 and noted that the UAE had paid its assessed contribution as of 18 September 2017.
68. Norway suggested that it would be more appropriate to present the anticipated balance of the Trust Fund at 31 December 2017 without inclusion of the unpaid pledges.
69. Mongolia pointed out that at every COP the Parties submitted proposals for expanding the number of species included in the CMS Appendices, but had not done such a good job with the budget and payment of dues. The budget was not only about money but also the capacity of the Convention.

Item 14.2. Budget and Programme of Work 2018–2020

70. The Executive Secretary made a presentation summarizing information contained in document UNEP/CMS/COP12/Doc.14.2 *Budget and Programme of Work 2018-2020*. Through Resolution 11.1, COP11 had requested the Executive Secretary to prepare budget proposals for consideration by COP12, including, as a minimum, a zero nominal growth budget scenario, a zero real growth scenario and, in consultation with the Finance and Budget Sub-Committee, if necessary, a third scenario. Three scenarios were duly presented in the document, all taking into account the embedded inflation rate for CMS salaries of 2 per cent.
71. The Executive Secretary presented the amounts and implications under each scenario, noting that, in his view, scenario 1 was not a viable option because of adverse impacts on meetings of the Convention's governing bodies and provision of essential Secretariat services. Parties' assessed contributions under each scenario were contained in Annex 2 of document 14.2. These were based on the UN scale of assessments for 2016-2018, adjusted to take account of the fact that not all UN Member States were CMS Parties. Annex 2 would be revised to take account of two Parties that had joined the Convention since the document had been prepared. Annex 3 contained a draft COP12 Resolution on financial and budgetary matters, while Annex 4/Rev.1 contained a draft Programme of Work for 2018-2020, which should be considered together with the budget.
72. The Chair thanked the Executive Secretary for a very clear presentation. As these matters formed the core of the Budget Committee's work, he did not anticipate a substantive discussion by the COW. Nevertheless, the floor was open if participants wished to make an important comment.
73. The representative of the European Union (EU) and its Member States, made the following statement:
- "The European Union and its Member States acknowledge the draft Programme of Work, which enables Parties to have a comprehensive overview of planned activities. We thank the Secretariat for the detailed explanations on the budget scenarios proposed and on the different options available. We are concerned about the level of arrears and would like to know how this affects the functioning of the Convention. We look forward to further discussions in the Budget Committee in order to agree on a Programme of Work that reflects the policy priorities of the Parties within the resources available and a corresponding budget that is balanced, efficient and transparent and affordable by all Parties."*
74. Israel observed that both the Convention's success and its workload had increased dramatically since COP11, alongside a tremendous improvement in visibility. This was due to the highly commendable work of the Secretariat. A modest budget increase would help to move the Convention forward even more.
75. Switzerland made the following statement:
- "Switzerland wants to congratulate the Secretariat for the presentation of the future budget. We also feel that document 14.2 is very well done; it allows a very fast identification of the relevant subjects, their costs, and the distribution of the overall budget to the different Parties. Switzerland hopes that all the Parties live up to their duties, now and in the future, and pay their obligatory contributions in due time. Switzerland believes that all the activities that are crucial for the functioning of the Convention should be covered by the core budget. We want to express our gratitude to the Standing Committee and the Secretariat for elaborating three different budget scenarios and for their very clear presentation. Switzerland clearly rejects scenario one because it does not even allow us to pay for the intersessional Standing Committee and Scientific Council meetings from the core budget. This cannot be the basis of running a convention successfully. Switzerland proposes to at least go for scenario 2 (zero real growth). But we must admit, looking at our strategy and the necessary actions that even*

our past decisions are asking for, we desperately need to increase the core budget. Switzerland can go up to a 3 per cent increase over scenario 2 – let's call this scenario 3: 3 per cent – and we would like to invite all Parties to give the discussion on such an increase scenario a chance.”

76. Norway supported the remarks of other Parties and also preferred a narrowed scenario 3 solution. The Convention had seen flat budget development over the past three triennia and Norway asked how long this path could continue. There was nothing more to draw down from the Trust Fund and things were now at a crossroads. During the various pre-COP events held on 22 October, politicians had made expressions of expectation and willingness. The Budget Committee would need to discuss these matters and find a solution.
77. Mongolia favoured scenario 3 to support efficient and effective implementation. Transboundary cooperation was very important and budgeting was one of the driving forces.
78. Mongolia further supported scenario 3 on behalf of India.
79. The United Republic of Tanzania congratulated the Secretariat for a concise and clear presentation and wished to support Parties that had spoken in favour scenario 3.
80. Costa Rica also supported scenario 3, which would enable more active participation of Latin American and Caribbean countries in meetings of the Standing Committee or Scientific Council through enhanced translation services.
81. The Chair invited those Parties that had spoken to articulate their views in the Budget Committee.
82. The COP12 Budget Committee produced a revised version of the document that was examined at the final session of the COW.
83. The Chair of the Budget Committee (Norway) thanked members of the Committee for their very hard work and for finding a compromise solution that everyone could live with. Referring to the fifth preambular paragraph, beginning “*Recalling Resolution 10.1...*”, he noted that it might be prudent to clarify that the review of grading of Secretariat posts had been completed. He therefore proposed adding a reference to the corresponding report, as contained in Annex 5 to document UNEP/CMS/COP12/Doc.14.2.
84. The Chair enquired if this proposed amendment was acceptable to Parties.
85. There being no further interventions, the Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption, subject to inclusion of the amendment tabled by the Chair of the Budget Committee.

Item 14.3. Resource Mobilization

86. The Secretariat briefly presented document UNEP/CMS/COP12/Doc.14.3. Thanks were due to all those that had provided financial support for the work of the Secretariat, but although an amount equivalent to more than half of the triennial core budget had been mobilized, this was still only a small part of what would have been needed to implement the full Programme of Work 2015-2017. The Programme of Work 2018-2020, when finalized would provide the basis for resource mobilization during the forthcoming intersessional period.
87. The COW noted the report of the Secretariat.

88. The representative of the EU and its Member States made the following statement:

“The European Union and its Member States welcome the document drafted by the Secretariat, and express gratitude to all those that have contributed to develop CMS activities. The EU and its Member States congratulate the Secretariat on its excellent work for fundraising and encourage all Parties as well as the Secretariat to explore further funding possibilities.”

IV. STRATEGIC AND INSTITUTIONAL MATTERS

ITEM 15. CMS STRATEGIC PLAN

89. The Chair of the intersessional Strategic Plan Working Group, Ines Verleye (Belgium) presented a summary of document UNEP/CMS/COP12/Doc.15. Parties were requested to take note of the work done by the SPWG 2015-2017, to adopt the amendments to Resolution 11.2 contained in Annex 1, adopt the set of indicators in Annex B, endorse the further development of the Indicator Fact Sheets (UNEP/CMS/COP12/Inf.26), and adopt the draft decisions contained in Annex 2. The Companion Volume was provided as an online tool; further information was available in UNEP/CMS/COP12/Inf.28. COP12 was invited to endorse the approach taken in the development, further development and maintenance of the Companion Volume as an evolving online resource.
90. The Chair opened the floor for discussion, noting that further discussion by an ad hoc Working Group would be necessary if substantive negotiation was required.
91. The EU and its Member States supported much of the content of the document, but wished to make substantial amendments, including the deletion of the whole of Annex 2, where the decisions referring to national reporting would be better dealt with under agenda item 19.2.
92. South Africa considered it essential for Parties and partners to ensure the allocation of sufficient resources for effective implementation of the Strategic Plan, and wished to see this point more explicitly reflected in the draft decisions.
93. The Chair established a small ad hoc Working Group, including the EU and its Member States and South Africa. COP Appointed Councillor, Colin Galbraith, was available to act as facilitator. The ad hoc Working Group would also be asked to deal with matters relating to item 19 on National Reports, to take account of the linkages mentioned by the EU and its Member States.
94. The Working Group produced a revised version of the document that was examined at the final session of the COW. The COW endorsed the document for forwarding to Plenary and recommended its adoption.

ITEM 16. FUTURE SHAPE AND STRATEGIES OF CMS AND THE CMS FAMILY

Item 16.1 Enhancing Synergies and Common Services among CMS Family instruments

95. The Secretariat briefly introduced document UNEP/CMS/COP12/Doc.16.1. COP12 was invited to take note of the report it contained.
96. The Chair opened the floor for comments.
97. The AEWA Secretariat underlined that the Joint Communications Unit had been a great success and had, for example, undertaken tremendous work to raise the profile of the present COP.
98. There being no requests for the floor, the Chair concluded that the COW had noted the document with appreciation.

Item 16.2. Restructuring the Scientific Council

99. The Secretariat introduced document UNEP/CMS/COP12/Doc.16.2, which reported progress in the implementation of Resolution 11.4, and included, in Annex 1, the Terms of Reference (ToR) for the CMS Scientific Council, as provisionally adopted by the CMS Standing Committee at its 44th Meeting. COP12 was invited to take note of the progress report, to review and adopt the ToR, and to approve their incorporation as an annex to the consolidated resolution on the Scientific Council.
100. The Chair opened the floor for comments.
101. The EU and its Member States supported the adoption of the ToR but had a number of amendments to propose.
102. At the invitation of the Chair, the EU and its Member States presented their proposed amendments orally and confirmed these would be transmitted in writing to the Secretariat.
103. In response to a point raised by the EU and its Member States, the Secretariat noted that it was not yet completely clear how past resolutions that had been consolidated should be referenced in future.
104. The Chair concluded that, subject to incorporation of the amendments tabled by the EU and its Member States, the COW could endorse the document for forwarding to plenary for adoption. The referencing issue identified by the EU and its Member States was noted and the Secretariat would consider possible solutions.

ITEM 17. ELECTIONS AND APPOINTMENTS

Item 17.1. Standing Committee Doc. UNEP/CMS/COP12/Doc. 17.1

105. At the invitation of the Chair, nominations for election to the Standing Committee were made as follows:
 - Africa
Permanent Representatives: Republic of Congo, South Africa, United Republic of Tanzania
Alternate Representatives: Algeria, Kenya, Mali
 - Asia
Permanent Representatives: Kyrgyzstan, Mongolia.
Alternate Representatives: Pakistan, Tajikistan
 - Europe
Permanent Representatives: France, Georgia, Norway
Alternate Representatives: Latvia, Switzerland
 - Oceania
Permanent Representative: Fiji
Alternate Representative: Palau
 - South & Central America and the Caribbean
Permanent Representatives: Bolivia, Costa Rica
Alternate Representatives: Argentina, Panama
106. The Chair confirmed that the Chair and Vice Chair of the new Standing Committee would be elected during a short meeting of the Committee that would take place immediately after the close of the COP.
107. At the invitation of the Chair, the COP approved the composition of the Standing Committee for the 2018-2020 triennium.

Item 17.2. Appointment of Members of the Sessional Committee of the Scientific Council, Doc. UNEP/CMS/COP12/Doc. 17.2

108. During the session of the COW held on 25 October, the Secretariat introduced document UNEP/CMS/COP12/Doc.17.2. COP12 was invited to consider the option for appointment of alternate members for the regional membership of the Sessional Committee of the Scientific Council (ScC); to appoint the Sessional Committee of the ScC for the next intersessional period (taking into account recommendations of the Standing Committee and Secretariat); and provide guidance on the need for renewal of the COP-appointed membership of the Sessional Committee of the ScC.
109. The EU and its Member States supported the proposal to appoint alternate members for the regional membership of the Sessional Committee. If the number of COP-appointed members of the ScC exceeded nine, there would be a need to decide which of them would serve on the Sessional Committee.
110. The Secretariat would check the extent to which the decision on this matter would need to be reflected in other documents, for example the ToR of the ScC.
111. During the concluding Plenary session on 28 October, the Chair enquired if the COP was content to re-appoint the existing COP-Appointed Councillors.
112. There being no objection, the Chair confirmed that the current COP-Appointed Scientific Councillors had been reappointed for the 2018-2020 triennium. He thanked all of the individuals concerned for their tremendous work prior to and during COP12.
113. At the invitation of the Chair, nominations (from among Party-Appointed Scientific Councillors) for Regional Membership of the Sessional Committee of the Scientific Council were made as follows:
- Africa:
Mr. Djibril Diouck (Senegal), Dr. Samuel M. Kasiki (Kenya) and Ms. Nopasika Malta Qwathekana (South Africa).
The names of Alternates would be provided in due course.
- Asia
Dr. Lkhagvasuren Badamjav (Mongolia), Mr. Daniel Fernando (Sri Lanka) and Mr. Hany Tatwany (Saudi Arabia).
The names of Alternates would be provided in due course.
- Central and South America and the Caribbean
Dr. Carlos Mario Orrego Vásquez (Costa Rica), Ms. Patricia Pereira Serafini (Brazil) and Mr. Héctor Samuel Vera Alcaraz (Paraguay).
The names of Alternates would be provided in due course.
- Europe
Dr. Anatolii Poluda (Ukraine), Dr. Jean-Philippe Siblet (France) and Dr. Fernando Spina (Italy).
Alternates: Ms. Daliborka Stankovic (Serbia) and Dr. James M. Williams (UK).
- Oceania
Dr. Vincent Hilomen (Philippines), Ms. Narelle Montgomery (Australia) and Mr. Graeme Taylor (New Zealand),
The names of Alternates would be provided in due course.
114. At the invitation of the Chair, the COP endorsed the Regional Membership of the Sessional Committee of the Scientific Council.

V. INTERPRETATION AND IMPLEMENTATION OF THE CONVENTION

ITEM 18. IMPLEMENTATION OF THE PROGRAMME OF WORK

115. This item was covered together with Item 12, Report of the Secretariat and is reported above under that Agenda item.

ITEM 19. NATIONAL REPORTS

Item 19.1. Analysis and synthesis of National Reports

116. 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 listings
- Development of new Agreements
- Protected Areas
- (Satellite) telemetry
- Resource mobilization
- Implementation of Resolutions & Recommendations.

117. 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.

118. The Chair noted that there was no draft resolution or decision associated with this agenda item, but opened the floor for brief comments.

119. 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.

120. 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 that 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”.

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

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

123. 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+ page 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 MEAs, and for improvement where ever possible.”*
124. Kenya expressed appreciation of the analysis presented and especially thanked NGOs for their critical contribution to the reporting process.
125. 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.
126. The Chair concluded that the COW had noted the report, and observed that some items would be discussed further under Item 19.2.

Item 19.2. Revision of the Format for National Reports

127. The Secretariat introduced Document UNEP/CMS/COP12/Doc.19.2, including the draft decision contained in Annex 1. COP11, through Resolution 11.2, had requested the Secretariat to consider the format for National Reports with respect to two issues: assessing implementation of the Strategic Plan, and streamlining to reduce reporting burden. The document reported on the work undertaken since COP12, while the draft decision, if adopted, would mandate the Standing Committee and Secretariat to finalize a revised and streamlined format intersessionally, in time to be used for COP13.
128. The EU and its Member States supported revising the format for National Reports, but had a number of amendments to propose to ensure, among other things, that the reporting burden on Parties was reduced, and that sufficient time was allowed for Parties to complete their reports. Inclusion of the suggested structure, appended to Annex 1, was premature.
129. The Seychelles fully supported the revision of the National Report format, and stressed the importance of permitting sufficient time for Parties to meet their reporting obligations.
130. Australia wished to make minor amendments to the draft decision.
131. The Secretariat stressed that timely intersessional adoption of a revised format by the Standing Committee would depend on rapid feedback from Parties and other stakeholders when the Secretariat initiated further consultations.
132. The Chair adjourned further discussion by the COW, pending consideration by the ad hoc Working Group established under item 15, and invited interested Parties to ensure that proposed amendments were brought to the attention of that group.
133. The Working Group produced a revised version of the document that was examined at the final session of the COW. The COW endorsed the document for forwarding to Plenary and recommended its adoption

ITEM 20. NATIONAL LEGISLATION TO IMPLEMENT CMS PROVISIONS

134. 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.
135. The Chair opened the floor for brief comments.
136. 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, the Born Free Foundation, Divers for Sharks, Brazilian Humpback Whale Institute, Humane Society International, IFAW, Whale and Dolphin Conservation, Wild Migration and WWF).
137. 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.
138. Norway preferred to keep the two items separate.
139. The Chair concluded that the document should be referred to the Institutional Working Group for further deliberation.
140. The Working Group produced a revised version of the draft document that was examined at the final session of the COW. The COW endorsed the document for forwarding to Plenary and recommended its adoption

ITEM 21. REVIEW OF DECISIONS

141. The Chair noted that this item was the result of a six-year process to bring consistency and coherence to the resolutions adopted by Parties over the course of the Convention's 34 years of existence.
142. This process was intended to be a housekeeping exercise. COP11 had directed the Secretariat to identify provisions that were out of date, those that had been superseded by subsequent resolutions, or those that included tasks that had been completed. The process did not require either the Secretariat or delegates to add text or 'improve' resolutions.
143. The discussion would be conducted in three separate parts:
144. Discussion of Document 21/Rev.2. This document not only provided an overview of the process undertaken by the Secretariat, but it also included a number of actions for the parties to take;
145. Discussion of Document 21.1, which introduces roughly 30 resolutions that are proposed to be repealed in part;
146. Discussion of Document 21.2, which proposes the consolidation of 13 resolutions where the parties have adopted two or more resolutions on the same issue.
147. The Chair expressed a preference for decisions to be made in the COW, but any documents requiring additional discussion would be referred to the Review of Decisions Working Group.
148. Due to changes in scientific information or developments in other CMS bodies, the Secretariat or the Scientific Council had considered it necessary to update some

resolutions with substantive information. Document 6.2.1/Add1 listed these issues and documents, and also identified which working group would discuss them.

149. At the request of the Chair, the Secretariat introduced document UNEP/CMS/COP12/Doc.21.
150. The Secretariat noted that its review had not included changes in the substance of any resolutions. Annex 1 included those resolutions that the Parties had already repealed, and no action was therefore required. Annex 2 included resolutions that the Secretariat believed had been fully implemented or superseded. Consistent with Resolution 11.6, the Secretariat has recommended that these resolutions be repealed in full. Annex 3 included those resolutions proposed for partial repeal, as well as those that should be consolidated. Annex 4 included those resolutions to be retained in full.
151. Resolution 11.6 also directed the Secretariat to establish a register of resolutions and decisions. The current approach of the Secretariat was to list resolutions by the year in which they were adopted. The Secretariat noted that after the completion of this process, the number of resolutions would be much reduced, making them easier to find, and reducing the need for a Register. In addition, many themes would now only have one resolution. For example, instead of five resolutions on bycatch, there would now only be one. The Secretariat had proposed a number of themes in paragraph 10 of Document 21 in case the Parties wished to organize the resolutions by theme.
152. Taking into account the new distinction within CMS between 'resolutions' and 'decisions', the Secretariat had provided some advice on drafting. This advice could be found in paragraphs 25 to 30.
153. The Chair opened the floor for discussion of the document, including the Secretariat's advice on dealing with it.
154. The representative of the EU and its Member States endorsed the outcome of the process to date and supported the process whereby specific comments would be discussed in the Review of Decisions Working Group.
155. The COW took note of the advice of the Secretariat concerning the drafting of future resolutions and decisions (paragraphs 25-30 of the document), and agreed with the Secretariat's advice on the reduced need for a thematic register. The COW also took note of Annex 1, and confirmed its agreement of the proposals contained in Annex 2 and Annex 4.

Item 21.1. Review of Decisions to Repeal in Part

156. The Chair introduced documents UNEP/CMS/COP12/Doc.21.1 through to UNEP/CMS/COP12/Doc.21.1.35. He noted that five of these would be discussed elsewhere on the COP agenda, and were not open for the current discussion:
 - UNEP/CMS/COP12/Doc.21.1.27
 - UNEP/CMS/COP12/Doc.21.1.29
 - UNEP/CMS/COP12/Doc.21.1.30
 - UNEP/CMS/COP12/Doc.21.1.32
 - UNEP/CMS/COP12/Doc.21.1.35
157. The Chair explained that the Secretariat had prepared two annexes for each Resolution to repeal in part. The first included the analysis of the Secretariat and the second included a clean version of the resolution. Revised resolutions were identified in a manner consistent with the numbering of resolutions by CITES, so that CMS resolutions that had been revised would retain their original number followed by the COP at which that resolution had last been revised. For example, If Resolution 3.1 was revised at this meeting, it would be identified as 'Resolution 3.1 (Rev. COP12)'.

158. The Chair explained the approach to be taken in discussing the proposed resolutions for repeal. Parties that wished to discuss specific resolutions proposed by the Secretariat for repeal should identify the resolutions in question so that they could be referred to the Review of Decisions Working Group. It would be assumed that the Committee of the Whole agreed with the recommendations of the Secretariat regarding any resolutions not proposed for discussion by the Parties, and they would be referred directly to plenary for adoption.
159. The Chair opened the floor for discussion, reminding the Parties that the number of documents to be considered prevented comprehensive review by COP12, and that it might therefore be appropriate to refer some documents to COP13.
160. The representative of the EU and its Member States acknowledged the hard work of the Secretariat, endorsed the outcome of what had been a difficult process and supported the documents in general. The EU and its Member States would present specific comments on certain subjects in the Working Group. The documents concerned were as follows:
- UNEP/CMS/COP12/Doc.21.1.1 Resolution 3.1, Listing of Species in the Appendices of the Convention
 - UNEP/CMS/COP12/Doc.21.1.2 Recommendation 4.3, Conservation status of *Crex crex*
 - UNEP/CMS/COP12/Doc.21.1.5 Recommendation 5.3, Development of an Action Plan for the Great Cormorant in the African-Eurasian Region
 - UNEP/CMS/COP12/Doc.21.1.8 Resolution 7.2, Impact Assessment and Migratory Species
 - UNEP/CMS/COP12/Doc.21.1.10 Resolution 7.5, Wind Turbines and Migratory Species
 - UNEP/CMS/COP12/Doc.21.1.15 Resolution 8.10, Implementation of the CMS Information Management System
 - UNEP/CMS/COP12/Doc.21.1.26 Resolution 11.8, Communication, information and outreach plan
 - UNEP/CMS/COP12/Doc.21.1.28 Resolution 10.15, Global Programme of Work for Cetaceans
 - UNEP/CMS/COP12/Doc.21.1.29 Resolution 11.16, The Prevention of Illegal Killing, Taking and Trade of Migratory Birds
 - UNEP/CMS/COP12/Doc.21.1.30 Resolution 11.17, Action Plan for Migratory Land Birds in the African-Eurasian Region (AEMLAP)
 - UNEP/CMS/COP12/Doc.21.1.32 Resolution 11.23, Conservation Implications of Cetacean Culture
 - UNEP/CMS/COP12/Doc.21.1.33 Resolution 11.27, Renewable Energy and Migratory Species
 - UNEP/CMS/COP12/Doc.21.1.35 Resolution 11.33, Guidelines for Assessing Listing Proposals to Appendices I and II of the Convention.
161. The proposed changes were mostly minor adjustments requiring brief discussion by the Working Group.
162. The Chair noted that Documents UNEP/CMS/COP12/Doc.21.1.32 and UNEP/CMS/COP12/Doc.21.1.35 were covered elsewhere in the agenda and would not require discussion by the Working Group.
163. Australia also wished to amend a number of documents. Excluding some already listed by the representative of the EU and its Member States, these were:
- UNEP/CMS/COP12/Doc.21.1.7 Resolution 6.3, Southern Hemisphere Albatross Conservation

- UNEP/CMS/COP12/Doc.21.1.9 Resolution 7.3, Oil Pollution and Migratory Species
 - UNEP/CMS/COP12/Doc.21.1.13 Recommendation 7.5, Dugong Range State Agreement
 - UNEP/CMS/COP12/Doc.21.1.17 Recommendation 8.6, Migratory sharks.
164. Israel wished to amend one further document, UNEP/CMS/COP12/Doc.21.1.16 Recommendation 8.12, African/Eurasian Raptors and Owls.
165. The Chair concluded that the list of documents to be considered by the Review of Decisions Working Group was becoming clear. He suggested that those not proposed for further discussion could be recommended to plenary for partial repeal as proposed. The COW concurred with this suggestion.

Item 21.2. Consolidation of Resolutions

166. The Chair introduced Document UNEP/CMS/COP12/Doc.21.2 (comprising sub-documents UNEP/CMS/COP12/Doc.21.2.1 through to UNEP/CMS/COP12/Doc.21.2.13), and recalled that these were resolutions pertaining to the same issue, which could therefore be consolidated.
167. The EU and its Member States wished to propose amendments to the following:
- UNEP/CMS/COP12/Doc.21.2.1 National Reports
 - UNEP/CMS/COP12/Doc.21.2.2 Taxonomy and Nomenclature.
 - UNEP/CMS/COP12/Doc.21.2.3 Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species
 - UNEP/CMS/COP12/Doc.21.2.4 Bycatch
 - UNEP/CMS/COP12/Doc.21.2.5 Marine Turtles
 - UNEP/CMS/COP12/Doc.21.2.6 Scientific Council
 - UNEP/CMS/COP12/Doc.21.2.7 Climate Change and Migratory Species
 - UNEP/CMS/COP12/Doc.21.2.8 Flyways
 - UNEP/CMS/COP12/Doc.21.2.9 Wildlife Disease
 - UNEP/CMS/COP12/Doc.21.2.13 Management of Marine Debris
168. The Chair referred these for discussion by the Review of Decisions Working Group, noting that the remaining three documents covered under this sub-item were already being discussed elsewhere in the agenda.
169. In the final session of the COW, the Chair of the Review of Decisions Working Group (James Njogu, Kenya) reported that the Working Group proposed that the Recommendation 8.12 Improving the Conservation Status of Raptors and Owls in the African-Eurasian Region (Doc. 21.1.16) and Resolution 11.23, Conservation Implications of Cetacean Culture (Doc.21.1.32) and the consolidation Doc.21.2.11 on Ecological Networks, and Doc. 21.2.12 on Interpretation of Articles IV and V of the Convention be revised as originally recommended by the Secretariat. In addition, the Working Group decided not to revise Recommendation 7.5 on a Range State Agreement for Dugong (*Dugong dugong*) Conservation (Doc 21.1.13) and Recommendation 8.16 on Migratory Sharks (Doc. 21.1.17) beyond what the Secretariat had proposed. The working group recommended that the Parties adopt three decisions that ask the Scientific Council to review these recommendations in order to update them, if needed, and for the Standing Committee to review the recommendations of the Scientific Council. This Committee had previously adopted those Decisions in CRP111. The working group further recommended that the Parties repeal in full Recommendation 4.3, Conservation Status of *Crex Crex* (Doc.21.1.2), Recommendation 5.3, Development of an Action Plan for the Great Cormorant in the African-Eurasian Region (Doc. 21.1.5), Resolution 6.3, Southern Hemisphere Albatross Conservation (Doc. 21.1.7) and Resolution 8.10, Implementation

of the CMS Information Management System (Doc. 21.1.15). Lastly, the Working Group further recommended a change to one outdated paragraph in the preamble to Resolution 7.3, Oil Pollution and Migratory Species (CRP106).

170. The Chair opened the floor for comment.
171. South Africa felt that Resolution 6.3 on Southern Hemisphere Albatross Conservation required further consideration before being repealed in full, and proposed that it be dealt with in same manner as Recommendations 7.5 on Dugong and 8.16 on Migratory Sharks, namely that the Scientific Council should be asked to review the Resolution intersessionally and to report accordingly to COP13.
172. The Chair enquired if there was any objection to proceeding in the manner proposed by South Africa. There being no such objection, he concluded that the matter was so decided.

ITEM 22. OPTIONS OF A REVIEW PROCESS FOR THE CONVENTION ON MIGRATORY SPECIES

173. 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.
174. The Chair opened the floor to brief comments, noting that substantive discussion would take place in the Institutional Working Group established by the COW.
175. 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 and Wetlands Trust, Whale and Dolphin Conservation, Wildlife Conservation Society, Wild Migration and WWF International).
176. The Chair concluded that the document and its annexes should be referred to the Institutional Working Group for further deliberation.
177. The Working Group produced a revised version of the document that was examined at the final session of the COW. The COW endorsed the document for forwarding to Plenary and recommended its adoption.

ITEM 23. SYNERGIES AND PARTNERSHIPS

Item 23.1. Synergies and Partnerships including the Relationship between the CMS Family and Civil Society

178. The Secretariat presented a summary of document UNEP/CMS/COP12/Doc.23.1, including the proposed amendments to Resolution 11.10 contained in Annex 1.
179. Brazil and Ghana underlined the importance of the relationship between the CMS Family and civil society and the significant role played by NGOs and other civil society stakeholders in supporting implementation of the Convention. They would propose further amendment to operative paragraph 5 of Annex 1 in this respect to reinstate language that had been dropped from an earlier version of the document.

180. Acknowledging the work undertaken to prepare the document, the EU and its Member States nevertheless wished to propose a number of additional, mostly minor, amendments.
181. The Chair requested those Parties that had proposed amendments to provide the corresponding text to the Secretariat. The Secretariat would then circulate a revised version of the document to the relevant Parties and ensure that all were comfortable with the amendments made.
182. The Chair concluded that, subject to inclusion of the additional amendments being submitted by Brazil, Ghana and the EU and its Member States, the proposed amendments to Resolution 11.10 could be endorsed by the COW, to be forwarded to plenary for adoption.
183. Wild Migration (speaking also on behalf of Birdlife International, Brazilian Humpback Whale Institute, Divers for Sharks, Humane Society International, International Fund for Animal Welfare, OceanCare, Whale and Dolphin Conservation, Wildlife Conservation Society, World Animal Protection and WWF) thanked Brazil and Ghana for championing the role of civil society in the Convention and reiterated some of the important ways that NGOs contributed to implementation of CMS. Text within Resolution 11.11 had sought to review and build on these; if that text were retained in the consolidated resolution, Wild Migration was committed to acting as a facilitator in the process.

ITEM 24. CONSERVATION ISSUES

ITEM 24.1. AVIAN SPECIES

Item 24.1.1. Illegal Killing, Taking and Trade of Migratory Birds

184. 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.
185. The Chair opened the floor for discussion.
186. The EU and its Member States, Israel and the Philippines considered the document to be in need of substantial amendment.
187. 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.
188. Bangladesh and Iraq also supported the adoption of the amendments to Resolution 11.16.
189. 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.
190. 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.

191. The Chair concluded that the document would be forwarded to the Avian Working Group for further deliberation.
192. The Working Group produced a revised version of the document that was examined at the final session of the COW.
193. Switzerland referred to paragraph 12 BB of the Draft Decisions and proposed changing "*invited*" to "*encouraged*".
194. Australia observed that Annex 2 to the document appeared to be missing.
195. The Chair of the Avian Working Group clarified that Annex 2 remained an integral part of the document, but, in the interests of simplicity, had not been reproduced because it had not been amended in any way.
196. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption, subject to inclusion of the amendment tabled by Switzerland, and incorporation of Annex 2.

Item 24.1.2. Migratory Landbirds in the African-Eurasian Region

197. 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.
198. The Chair opened the floor for discussion.
199. The EU and its Member States, Nigeria and Switzerland supported the proposals.
200. The EU and its Member States had a number of suggestions for amendments.
201. The Chair concluded that the document would be forwarded to the Avian Working Group for further deliberation.
202. The Working Group produced a revised version of the document that was examined at the final session of the COW. The COW endorsed the document for forwarding to Plenary and recommended its adoption.

Item 24.1.3. Advances in the Prevention of Bird Poisoning

203. 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.
204. The Chair opened the floor for comment.
205. Pakistan and Madagascar supported the adoption of the draft resolution and decisions.
206. The EU and its Member States were also supportive, but proposed substantial amendments.
207. The Chair concluded that the document would be forwarded to the Avian Working Group for further deliberation.
208. The Working Group produced a revised version of the document that was examined at the final session of the COW. The COW endorsed the document for forwarding to Plenary and recommended its adoption.

Item 24.1.4. Conservation of African-Eurasian Vultures

209. 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 the Egyptian Vulture *Neophron percnopterus* and Cinereous Vultures *Aegypius monachus*, respectively.
210. 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.
211. 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.
212. 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.
213. The Chair invited Parties that wished to comment on any of the sub-items (e) to (k) to do so once all of the sub-items had been introduced (with the exception of sub-item (j) Action Plan for the Americas Flyway, which was not yet ready for discussion).

Item 24.1.5. Action Plan for the Yellow-breasted Bunting

214. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.1.5 and relevant provisions of the draft resolution and draft decisions contained in document UNEP/CMS/COP12/Doc.24.1.11 Action Plans for Birds.

Item 24.1.6. Action Plan for the European Turtle Dove

215. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.1.6, including the International Single Species Action Plan for the Conservation of European Turtle Dove *Streptopelia turtur* (2018 to 2028) contained in Annex 1, and relevant provisions of the draft resolution and draft decisions contained in document UNEP/CMS/COP12/Doc.24.1.11 Action Plans for Birds.

Item 24.1.7. Action Plan for the Far Eastern Curlew

216. Australia (Chair of the Far Eastern Curlew Task Force of the East Asian–Australasian Flyway Partnership) introduced document UNEP/CMS/COP12/Doc.24.1.7, including the International Single Species Action Plan for the Conservation of the Far Eastern Curlew *Numenius madagascariensis* contained in Annex 1, and relevant provisions of the draft resolution and draft decisions contained in document UNEP/CMS/COP12/Doc.24.1.11 Action Plans for Birds.

Item 24.1.8. Action Plan for the Baer's Pochard

217. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.1.8, including the International Single Species Action Plan for the Conservation of the Baer's Pochard *Aythya baeri* contained in Annex 1, and relevant provisions of the draft resolution and draft decisions contained in document UNEP/CMS/COP12/Doc.24.1.11 Action Plans for Birds.

Item 24.1.9. Action Plan for the European Roller

218. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.1.9, including the Flyway Action Plan for the European Roller *Coracias garrulus* contained in Annex 1, and relevant provisions of the draft resolution and draft decisions contained in document UNEP/CMS/COP12/Doc.24.1.11 Action Plans for Birds.

Item 24.1.10. Action Plan for the Americas Flyways

219. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.1.10, the draft resolution contained in Annex 1, and the Action Plan contained in Annex 2. A Task Force composed of Range State representatives had been established to work on implementation of the Action Plan and all other aspects related to the Americas Flyways. The first meeting of the Task Force would be held in 2018, thanks to a generous invitation from Brazil.
220. The Chair opened the floor to comments
221. Ecuador called on all Parties to support the draft resolution and undertook to prepare a final version of the text, taking into account points raised during the present discussion. Ecuador looked forward to working together, within the CMS, for the Americas Flyways.
222. India, supported by Sri Lanka, proposed amending the draft resolution through an additional operative paragraph 8 addressing the willingness of India to revitalize the Central Asian Flyway (CAF) Action Plan process and to develop a holistic CAF Action Plan with support from WWF-India.
223. In response to a point raised by the Chair, the Secretariat clarified that the first part of the draft resolution was global in scope, thereby providing a suitable context for the amendment proposed by India.
224. There being no objections to the amendment proposed by India, the Chair invited India to transmit a specific text proposal to the Secretariat.
225. Brazil acknowledged the contribution of Ecuador in progressing this agenda item, and confirmed that Brazil would host the first meeting of the Americas Flyways Task Force.
226. In response to a question raised by Norway, Ecuador and the Secretariat confirmed that the Avian Working Group was addressing the question of how and when the Action Plan for the Americas Flyways should be formally adopted.
227. Further to points raised by Argentina and the United Kingdom, the Chair confirmed that Annex II to the Action Plan would be corrected to include text agreed between the two Parties.
228. On 28 October when this item was reviewed in the COW, the United Kingdom noted that the version of the CRP posted on the COP12 website did not reflect the agreement between Argentina and UK that had previously been drawn to the attention of the COW.
229. The Chair confirmed that this was simply a technical oversight, which would be corrected.
230. Argentina made the following statement, reproduced here in its original form:
“La República Argentina, con respecto al documento UNEP/CMS/COP12/Doc.24.1.10 Plan de Acción para el Corredor Aéreo de las Américas, desea reiterar los términos de la declaración que formulara en su instrumento de adhesión a la Convención sobre la Conservación de las Especies Migratorias de Animales Silvestres (CMS) del 23 de junio de 1979, remitido al depositario de la Convención mediante nota verbal fechada 4 de octubre de 1991, en virtud de la cual la Argentina rechaza la extensión de la aplicación de dicha Convención, por parte del Reino Unido, a las Islas Malvinas, Georgias del Sur y Sándwich del Sur, y los espacios marítimos circundantes”.
231. The United Kingdom made the following statement, reproduced here in its original form:
“The United Kingdom has no doubt about its sovereignty over the Falkland Islands and South Georgia & South Sandwich Islands and surrounding maritime areas of both territories, nor about the principle and the right of the Falkland Islanders to self-

determination as enshrined in the UN Charter and in article one of the two UN Covenants on human rights, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.”

Item 24.1.11. Action Plans for Birds

232. The Secretariat introduced UNEP/CMS/COP12/Doc.24.1.11/Rev.1, including the draft resolution contained in Annex 1, and draft decisions in Annex 2. The draft resolution provided for adoption of the finalised Action Plans for Far Eastern Curlew, Baer's Pochard and European Roller, and mandated the Standing Committee to adopt those Action Plans being prepared intersessionally. Addendum 1 included a proposal from the Scientific Council that the AEWA Action Plans for Dalmatian Pelican *Pelecanus crispus* and White-headed Duck *Oxyura leucocephala* should also be incorporated in the list of Plans that could be adopted intersessionally by the StC.
233. The Chair invited comments on the individual Action Plans and the draft resolution and draft decisions.
234. The EU and its Member States supported intersessional adoption of the Action Plan for Yellow-breasted Bunting *Emberiza aureola*, but wished to propose a small amendment to the relevant draft decision.
235. The EU and its Member States noted that the Action Plan for the European Turtle Dove presented to COP12 was not the final version and therefore proposed amending the draft resolution and draft decisions to authorize the StC to adopt the finalized Action Plan intersessionally.
236. The EU and its Member States welcomed the draft resolution overall and thanked those institutions that had led preparation of the Action Plans discussed. The EU and its Member States reiterated support for the adoption by COP12 of the Action Plans for Baer's Pochard, Far Eastern Curlew and European Roller and for intersessional adoption of the finalized Action Plans for Yellow-breasted Bunting and European Turtle Dove
237. In response to a question from the AEWA Secretariat, the Chair clarified that the AEWA Action Plans for Dalmatian Pelican and White-headed Duck would be included in the list of plans that the StC would be authorized to adopt intersessionally.
238. The Chair concluded that, subject to inclusion of the proposed amendments, the draft resolution and draft decisions had been endorsed by the COW to be forwarded to plenary for adoption.

ITEM 24.2. AQUATIC SPECIES

Item 24.2.1. Important Marine Mammal Areas

239. The COP-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.
240. The Chair opened the floor for comment.
241. Statements of support were made by Australia, Fiji, India, the Philippines, Costa Rica (speaking on behalf of the South and Central America and the Caribbean regional group), the ACCOBAMS Permanent Secretariat and SPREP.
242. Argentina generally supported the draft resolution but identified some specific concerns, which it suggested should be discussed by the Aquatic Working Group.

243. 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.
244. The 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.
245. 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.
246. The Working Group produced a revised version of the document that was examined at the final session of the COW. The COW endorsed the document for forwarding to Plenary and recommended its adoption.

Item 24.2.2. Marine Noise

247. 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.
248. The Chair opened the floor to brief comments, noting that substantive discussion would take place in the Aquatic Working Group.
249. Norway indicated that it was generally content with the document.
250. Argentina supported the draft resolution subject to inclusion of two specific amendments.
251. The EU and its Member States also supported adoption of the draft resolution subject to inclusion of minor changes.
252. Statements of support were made by the ACCOBAMS Permanent Secretariat and OceanCare (speaking also on behalf of other NGOs).
253. The International Whaling Commission (IWC) welcomed references in the document to work on marine noise carried out by IWC, but had one textual suggestion to make.
254. 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.
255. The Working Group produced a revised version of the document that was examined at the final session of the COW.
256. Fiji proposed deletion of one of the preambular paragraphs to the Draft Resolution (beginning "*Noting the ICES report...*") to reflect improved knowledge since 2005.
257. The ACCOBAMS Secretariat recalled that three ACCOBAMS Resolutions since 2005 (namely 4.17, 5.15 and 6.17) had addressed mitigating the impact of all sources of marine noise, including military sonar.
258. The Chair enquired if there was any objection to the amendment proposed by Fiji. No objections were raised.

259. In response to a question from the European Union and its Member States, the Chair confirmed that the Annex to the document, distributed as CRP9.1, would be included in the version being forwarded to plenary.
260. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption, subject to inclusion of the amendment tabled by Fiji, and incorporation of the Annex, CRP9.1.

Item 24.2.3. Aquatic Wild Meat

261. The COP-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.
262. The Chair opened the floor for comment.
263. Statements of support were made by Ecuador, India, Peru and Wild Migration.
264. 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.
265. Brazil invited CMS and its Parties to participate in a relevant workshop being convened jointly by Brazil and IWC in March 2018.
266. 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.

Item 24.2.4. Live Captures of Cetaceans from the Wild for Commercial Purposes

267. 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.
268. The Chair opened the floor for comment.
269. The EU and its Member States supported adoption of the draft resolution subject to inclusion of two specific amendments.
270. Statements of support were made by Argentina, India, Peru and the ACCOBAMS Permanent Secretariat.
271. 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.
272. 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.
273. 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.

Item 24.2.5. Recreational In-Water Interaction with Aquatic Mammals

274. The COP-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.

275. The Chair opened the floor for comment.

276. Statements of support were made by Ecuador, Panama, Peru, Philippines, the ACCOBAMS Permanent Secretariat and the Humane Society International.

277. 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.

278. Australia had comments concerning future updating of the report itself.

279. 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.

280. The Working Group produced a revised version of the document that was examined at the final session of the COW. The COW endorsed the document for forwarding to Plenary and recommended its adoption.

Item 24.2.6. Conservation and management of Whales and their Habitats in the South Atlantic Region

281. 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.

282. 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

283. Statements of support were made by Angola, Argentina, Australia, Costa Rica, the EU and its Member States, Peru and Uruguay.

284. In response to a point raised by South Africa concerning the alignment of the Action Plan with processes underway within the IWC, the Chair invited South Africa and the proponent of document UNEP/CMS/COP12/Doc.24.2.6, Brazil, to engage in bilateral discussions. Further consideration of the document would await the outcome of those bilateral discussions.

285. Subsequently, Brazil reported that the two Parties had agreed textual amendments.

286. South Africa presented the agreed amendments orally and confirmed its readiness to support the amended document.

287. The Chair concluded that, subject to the inclusion of the amendments tabled by South Africa, the COW endorsed the draft resolution, draft decisions and Action Plan, to be forwarded to plenary for adoption.

ITEM 24.3. TERRESTRIAL SPECIES

Item 24.3.1. Conservation of African Carnivores

Item 24.3.1.1. Joint CMS-CITES African Carnivores Initiative

288. The Secretariat briefly introduced document UNEP/CMS/COP12/Doc.24.3.1.1, including the draft decisions contained in Annex 2.

289. The Chair invited brief comments from the floor.

290. Statements of support were made by Ethiopia, and the CITES Secretariat.

291. The EU and its Member States expressed general support but wished to make a number

of proposals for amendment.

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

293. The Working Group produced a revised version of the document that was examined at the final session of the COW. The COW endorsed the document for forwarding to Plenary and recommended its adoption.

Item 24.3.1.2. Conservation and Management of Cheetah and African Wild Dog

294. 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.

295. The Chair invited brief comments from the floor.

296. The document was supported by the EU and its Member States, subject to inclusion of a number of proposed amendments.

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

298. The Working Group produced a revised version of the document that was examined at the final session of the COW.

299. South Africa noted that part of Draft Decision paragraph 12 FF should be amended from "*paragraphs 1-6*" to "*paragraphs 1-7*".

300. There being no objection to this amendment and no further request for the floor, the Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption, subject to inclusion of the amendment tabled by South Africa

Item 24.3.1.3. Conservation and Management of the African Lion

301. The Secretariat briefly introduced Document UNEP/CMS/COP12/Doc.24.3.1.3, including the draft decisions contained in Annex 1.

302. Benin, the Republic of Congo, Senegal, Togo, and Uganda, all expressed strong support for the proposal.

303. 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.

304. The COW endorsed forwarding of the draft decisions, as amended by the EU and its Member States, to plenary for adoption.

Item 24.3.2. Conservation of the African Wild Ass

305. 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.

306. Eritrea pointed out a textual error that required correction.

307. 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.

308. 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.

Item 24.3.3. Adoption of the African Elephant Action Plan

309. 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.
310. 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.
311. The Working Group produced a revised version of the document that was examined at the final session of the COW. The COW endorsed the document for forwarding to Plenary and recommended its adoption.

ITEM 24.4. CROSSCUTTING CONSERVATION ISSUES

Item 24.4.1. Marine Debris

312. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.4.1, including the draft resolution contained in Annex 1, and drew attention to the linkage with document UNEP/CMS/COP/Doc.21.2.13/Rev.1 Consolidation of Resolutions: Management of Marine Debris.
313. The Chair noted that the Aquatic Working Group had concluded its work on this item, and adjourned discussion pending receipt of the CRP.
314. The Working Group produced a revised version of the document that was examined at the final session of the COW. The COW endorsed the document for forwarding to Plenary and recommended its adoption.

Item 24.4.2. Climate Change and Migratory Species

315. The COP-Appointed Councillor for Climate Change and Chair of the Scientific Council's Working Group on Climate Change, Colin Galbraith, presented a summary of Document UNEP/CMS/COP12/Doc.24.4.2, including the draft resolution contained in Annex 1 and the associated Programme of Work.
316. The Chair opened the floor for discussion.
317. The EU and its Member States expressed support for the Programme of Work. Proposed editorial amendments to the draft resolution had been sent to the Secretariat.
318. Brazil noted that it also had minor proposals to amend the draft; these could be forwarded to the Secretariat or discussed in an ad hoc Working Group.
319. The representative of Mongolia supported the document, commenting that her country was one of those most vulnerable to climate change.
320. The Chair concluded that in the interests of efficiency, he would ask the EU and Brazil to work with the Chair of the Working Group on Climate Change to produce a final draft of the Document. The Chair of the Working Group would decide whether it was appropriate to prepare a CRP, or a further working draft for discussion by the COW.
321. The Working Group produced a revised version of the document that was examined at the final session of the COW.
322. The group had agreed a number of amendments to the draft Resolution and draft Decisions included in document UNEP/CMS/COP12/Doc.24.4.2, and were reflected in document UNEP/CMS/COP12/CRP40 Climate Change and Migratory Species. However, two additional amendments to operative paragraphs 1 and 3 of the draft Resolution could be agreed only when document UNEP/CMS/COP12/CRP40 had been

finalized. At the request of the chair, Mr. Galbraith introduced orally the two amendments. As there were no comments, the chair considered that the two amendments had been agreed by the COW.

323. The COW endorsed the document for forwarding to Plenary and recommended its adoption.

Item 24.4.3. Conservation Implications of Animal Culture and Social Complexity

324. The Chair of the Expert Working Group on Culture and Social Complexity, Dr. Giuseppe Notarbartolo di Sciara (COP-Appointed Councillor for Marine Mammals), introduced document UNEP/CMS/COP12/Doc.24.4.3, including the draft decisions contained in Annex 2.

325. ACCOBAMS, and Whale and Dolphin Conservation supported the document and the draft decisions.

326. The EU and its Member States proposed minor editorial amendments which at the invitation of the Chair were presented orally.

327. The Chair concluded that subject to inclusion of these amendments, the COW endorsed the document and the draft decisions to be forwarded to plenary for adoption.

Item 24.4.4. Bycatch

328. The COP-Appointed Councillor for Bycatch, Dr. Barry Baker, introduced Document UNEP/CMS/COP12/Doc.24.4.4, including the draft resolution contained in Annex 1, and drew attention to the linkage with document UNEP/CMS/COP/Doc.21.2.4/Rev.1 Consolidation of Resolutions: Bycatch. The Aquatic Working Group had completed its work on this item and a CRP was in preparation.

329. The Chair opened the floor for comments.

330. Argentina, supported by Ecuador and Peru, noted that the drafting of the Spanish text was unclear in two places, and read out alternative wording with a request that this be reflected in the document.

331. The Chair confirmed that the amended wording would be used for the Spanish text.

332. IWC emphasized the scale of the problem of bycatch and highlighted the need for strengthened collaboration between all stakeholders with an interest in the issue. IWC had done extensive work on this and welcomed CMS as a member of its Standing Working Group on Bycatch.

333. The representative of SPREP announced the initiation of a bycatch mitigation project in the Pacific Islands region during the period 2018-2022, and noted that he would be happy to collaborate with any interested parties in the planning and implementation of the programme.

334. The Humane Society International highlighted that there was an animal welfare issue as well as a conservation issue, and that there were very few data and information on this.

335. The Chair adjourned the debate, and asked the COP-Appointed Councillor for Bycatch, in his role as Chair of the Aquatic Working Group, to decide how best to take the document forward.

336. The Chair of the Aquatic Working Group thanked the COW for their strong support and looked forward to finalizing the Document.
337. Once the CRP was made available, the COW endorsed the document for forwarding to Plenary and recommended its adoption.

Item 24.4.5. Sustainable Boat-Based Wildlife Watching Tourism

338. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.4.5, including draft amendments to Resolution 11.29 contained in Annex 1, Species-specific guidelines for boat-based wildlife watching contained in Annex 2, and draft decisions in Annex 3. The Aquatic Working Group had considered this issue, included some minor amendments and concluded its work.
339. The Chair looked forward to the submission of a CRP by the Working Group and opened the floor for brief comments
340. IWC supported the document and referred to collaborative work being undertaken with CMS, including preparation of an online handbook on whale watching.
341. ACCOBAMS noted that it also had a working group on whale watching, and was developing guidelines for a monitoring programme to assess the effects of whale watching on populations.
342. Once the CRP was made available, the COW endorsed the document for forwarding to Plenary and recommended its adoption.

Item 24.4.6. Energy and Migratory Species

343. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.4.6, including the draft decision contained in Annex 1. Thanks were due to Germany for supporting the work of the Scientific Council's Energy Task Force through the Migratory Species Champion Programme, and to BirdLife International for serving as Task Force coordinator. Attention was drawn to an additional draft decision contained in comments by the Scientific Council.
344. The EU and its Member States welcomed the work done by the Energy Task Force, and supported the draft decisions, including the additional decision recommended by the Scientific Council.
345. The Chair concluded that the COW had endorsed the draft decisions, including the Scientific Council recommendation, to be forwarded to the plenary for adoption.

Item 24.4.7. Addressing Unsustainable Use of Terrestrial and Avian Wild Meat

346. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.4.7, including the draft decisions contained in Annex 1. The Terrestrial Working Group had discussed this item, but its deliberations were not yet finalized.
347. ACAP drew attention to an emerging threat to seabirds in the South Atlantic, where recent observations had indicated that many seabirds, especially albatrosses, were deliberately captured and killed, especially on squid jigger vessels.
348. The Chair adjourned further discussion, pending the availability of a CRP.
349. Once the CRP was made available, the COW endorsed the document for forwarding to Plenary and recommended its adoption.

Item 24.4.8 Sustainable Tourism and Migratory Species

350. The Philippines introduced document UNEP/CMS/COP12/Doc.24.4.8, which included a draft resolution.
351. The EU and its Member States recognized the importance of this issue and supported the document, but considered that it would be strengthened by redrafting in places.
352. Ecuador and Norway also expressed support, and wished to see amendments to the text.
353. The Chair suggested the establishment of a Contact Group coordinated by the Philippines, with participation of Ecuador and Norway, and facilitated by the Secretariat, to prepare a revised text.
354. The Parties concerned agreed to this way forward.
355. Once the CRP was made available, the COW endorsed the document for forwarding to Plenary and recommended its adoption

Item 24.4.9. Promoting Marine Protected Area Networks in the ASEAN Region

356. The Philippines introduced document UNEP/CMS/COP12/Doc.24.4.9, which included a draft resolution.
357. The Chair noted that the document had been tabled in the Aquatic Working Group, but that there had been no requests for discussion and no amendments proposed. He opened the floor for comments.
358. There being no requests for the floor, the Chair concluded that the COW had endorsed the document to be forwarded to the plenary for adoption.

Item 24.4.10. Promoting Conservation of Critical Intertidal and other Coastal Habitats for Migratory Species

359. The Philippines introduced document UNEP/CMS/COP12/Doc.24.4.10, which included a draft resolution.
360. The EU and its Member States recognized the critical importance of coastal habitats and supported the document and draft resolution. The draft required amendment to clarify the separate roles of CMS and the Ramsar Convention on Wetlands, and to make the role of CMS explicit.
361. BirdLife International welcomed the draft resolution. There was an urgent need to protect the remaining, highly threatened, intertidal habitats in the East Asian-Australasian Flyway. Australia had made great efforts in the conservation of the Globally Threatened Far Eastern Curlew, but proposed development at the Morton Bay Ramsar Site, an important site for the species, gave cause for concern. BirdLife International urged the Australian Government to reject this proposed development.
362. Australia recognized that the loss of intertidal habitats had severely impacted shorebird populations along the East Asian-Australasian Flyway, and strongly supported the draft resolution. Australia was fully aware of its obligations under the Ramsar Convention. A proposal for development at Morton Bay had been received, and Australia's commitments under MEAs would be fully taken into account. No decision had been taken as to whether or not the development would go ahead, but a rigorous Environmental Impact Assessment would be conducted to support that decision.
363. Norway supported the draft resolution and stressed the importance of connectivity between sites.

364. At the request of the Chair the EU and its Member States presented their proposed amendments orally.
365. The Philippines considered these amendments to be acceptable.
366. The Chair concluded that the COW endorsed the document to be forwarded to plenary for adoption.

Item 24.4.11. Improving Ways of Addressing Connectivity in the Conservation of Migratory Species

367. The Chair of the Scientific Council presented document UNEP/CMS/COP12/Doc.24.4.11, including the draft Resolution in Annex 1, and the draft decision in Annex 2.
368. The Chair opened the floor for comment.
369. India supported the draft resolution and draft decision and reported that its own approach to biodiversity conservation was moving away from a protected area focus towards landscape and seascape approaches, including bilateral cooperation with neighbours.
370. Norway also supported the resolution and urged the Convention to realize its potential for making a huge difference by shifting from a focus on working species by species to a much greater emphasis on habitats and the dependence of species and humans on them.
371. The EU and its Member States supported the draft resolution and draft decision, but wished to propose a number of editorial amendments.
372. At the invitation of the Chair, the EU and its Member States presented the proposed amendments orally.
373. The Chair of the Scientific Council confirmed that these points did not raise any substantive issues.
374. Uganda fully supported, underlining the importance of habitat restoration and rehabilitation.
375. Kenya supported the draft resolution but tabled an amendment to include a reference to Serial World Heritage Sites.
376. Angola supported the draft resolution and proposed making reference to the migratory corridors used by giraffes moving between Angola and Botswana.
377. Costa Rica supported the draft resolution on behalf of Latin America and the Caribbean.
378. BirdLife International fully supported the draft resolution and proposed a minor amendment making reference to the world database on Key Biodiversity Areas (KBAs).
379. The Chair requested all those who had proposed amendments to provide text to the Secretariat. None of the proposals appeared controversial. Therefore, subject to incorporation of the amendments, the COW could endorse the document for forwarding to plenary for adoption.

Item 24.4.12. Transfrontier Conservation Areas for Migratory Species

380. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.4.12, including the draft decisions contained in Annex 1, and noted the link with UNEP/CMS/COP12/Doc.21.2.11.
381. This item had been discussed in the Terrestrial Working Group and consensus had been reached.

382. The Chair adjourned further discussion of this item, pending receipt of a CRP taking into account the consensus reached in the Terrestrial Working Group.
383. Once the CRP was made available, the COW endorsed the document for forwarding to Plenary and recommended its adoption.

Item 24.4.13. Community Participation and Livelihoods

384. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.4.13, including the draft decisions contained in Annex 1.
385. The Chair asked whether this item had been addressed by the Terrestrial Working Group.
386. The Secretariat confirmed that this was the case and that consensus had been reached on wording.
387. Australia had been unable to attend the Working Group and wished to propose a small amendment to terminology used throughout the document in relation to indigenous peoples, to make these references more consistent and bringing them into line with the terminology used in the UN Declaration on the Rights of Indigenous Peoples.
388. India supported the draft decisions.
389. The Chair adjourned further discussion of this item, pending receipt of a CRP taking into account the agreement reached in the Terrestrial Working Group and incorporating the adjustments to terminology proposed by Australia.
390. Once the CRP was made available, the COW endorsed the document for forwarding to Plenary and recommended its adoption.

ITEM 25. AMENDMENT OF CMS APPENDICES

Item 25.1. Proposals for Amendment of Appendices I and II of the Convention

391. The Chair confirmed that he would give the floor to the proponent(s) of each listing proposal to make a brief introduction. He would allow for statements of support, but urged that, in the interests of efficiency, these be brief and limited in number. It would be especially important to hear about concerns or objections that Parties might have in relation to any of the proposals. In the case of two or more listing proposals for the same species, each proponent would be invited to make a brief introduction and comments on all related proposals would then be taken together.
392. The representative of the EU and its Member States indicated that while he would intervene further in relation to some species or groups of species, the EU supported all of the listing proposals and thanked all those involved in preparing them.
393. With the permission of the Chair, the International Council for Game and Wildlife Conservation (CIC) delivered a general statement in relation to listing proposals under this agenda item (Annex).

Item 25.1.1. Proposal for the inclusion of the Chimpanzee (*Pan troglodytes*) on Appendix I and II of the Convention

394. The Republic of Congo briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.1, submitted jointly by Republic of Congo and United Republic of Tanzania.

395. The Chair opened the floor for comments, requesting that delegates should make their interventions as brief as possible.
396. Côte d'Ivoire supported the proposal.
397. Senegal, also supporting the proposal, underlining that listing of Chimpanzee on the CMS Appendices was warranted by the adverse conservation status of populations throughout Africa, and continuing habitat loss.
398. Uganda presented the following statement:
- “Uganda would like to thank all nations and organizations that support conservation of Chimpanzees. Indeed, Uganda as an ardent champion and host of high proportions of global populations of great apes, fully agrees that we must double our efforts to improve the conservation situation of Chimpanzees and indeed all great apes.*
- Uganda has carefully examined the proposal, the Scientific Council opinion and the CMS text and attendant Resolutions. Uganda is convinced beyond reasonable doubt that chimpanzees are not migratory species within the meaning of Article I 1 a) of the Convention. We respectfully remind the proponents of this proposal that migration within CMS does not mean cross-border movement alone.*
- Uganda has an established long-term monitoring program for Chimpanzees and Mountain Gorillas in the Bwindi Impenetrable National Park. We have a ranger-based routine monitoring program but also a scientific research-based monitoring program managed by the Institute of Tropical Forest Conservation, which is actually based in the very landscape.*
- From our long-term monitoring program dating back to 1965, we confirm with scientific certainty that the chimpanzee population of Uganda is not migratory within the meaning of Article I 1 a) of the Convention. We are indeed deeply concerned that a proposal is being made to list a species which is clearly not a migratory species.*
- It is our considered view, that cross-border movement alone is not sufficient to qualify a species as migratory within the meaning of Article I 1 a) of the Convention text. For any cross-border movement to qualify as migratory, it must be cyclical, predictable and must involve a significant proportion of the global population of the species.*
- We call upon all CMS loving nations and stakeholders to protect and guard the sanctity of the agreement by not setting a wrong precedent of flagrant breach of Article I 1. a) of the agreement by listing species which are not migratory.*
- Uganda therefore on legal and scientific grounds strongly objects to the listing of the species and respectfully requests the proponents to consider withdrawing this proposal in the spirit of protecting the integrity of CMS Convention.*
- Uganda remains steadfast and fully committed to global and regional efforts for the conservation of the species. Our firm commitment to conservation of wildlife is not derived from listing of species but rather the conviction of the need to pursue sustainable development.*
- In the event that the withdrawal is not tenable, Uganda will, in the interest of not blocking consensus, enter a reservation to exclude her population from the listing.”*
399. Peru supported the listing proposal, recalling that Chimpanzees were categorized as Endangered on the IUCN Red List of Threatened Species. As Chimpanzees regularly and predictably crossed boundaries, the species qualified as migratory under the CMS criteria
400. The EU and its Member States supported the listing proposal for the reasons given by Peru and other Parties speaking in favour of listing.
401. Gambia supported the listing proposal.
402. Burundi was fully aware of the importance of protecting wildlife, but without repeating

points already made, did not support the proposal.

403. The Chair asked those Parties objecting to the proposed listing to indicate whether they were prepared to block consensus.
404. Uganda did not want to block consensus and therefore requested that its population be excluded from the listing. A reservation would be entered accordingly.
405. The Chair invited the Republic of Congo as a proponent of the listing proposal to respond to Uganda's position.
406. The Republic of Congo could live with making an amendment to accommodate Uganda's wishes if that was what was required under the Rules of Procedure, but sought advice from the Secretariat
407. The EU and its Member States understood that Uganda had indicated its intention to enter a reservation, not to amend the proposal. Clarification was therefore needed.
408. The Chair invited Uganda to respond.
409. Uganda stated that it would opt for an amended proposal, as offered by the Republic of Congo, to go forward by consensus.
410. Senegal urged that the original proposal should go forward unamended. The Ugandan population of Chimpanzee had no biologically distinguishing features that supported its exclusion. For this objective reason, Senegal was against amending the proposal to exclude the population of Uganda.
411. The Chair sought the view of the United Republic of Tanzania as co-proponent of the proposal, given that any amendment would have to be made by the proponents themselves.
412. The United Republic of Tanzania indicated its acceptance of Uganda's intention to enter a reservation.
413. The Chair stated that there were two possibilities for accommodating the wishes of Parties objecting to the proposal. Either the listing proposal could be amended, or the objecting Parties could enter reservations.
414. The Secretariat further clarified that proponents of a proposal could amend their proposal at any time. If the present proposal was amended to exclude the Ugandan population, the listing of Chimpanzee on CMS Appendices would not cover the population in Uganda. The second option would be to go forward with the original, unamended proposal. Uganda could then enter a reservation and would not be considered a Party for the purposes of the Appendix I and II listings of Chimpanzee.
415. The Chair requested the United Republic of Tanzania to indicate its preferred option for accommodating Uganda's position.
416. The United Republic of Tanzania responded that it would join the Republic of Congo in allowing the amendment proposed by Uganda.
417. The Chair confirmed that the COW was now considering an amended proposal, excluding the Chimpanzee population of Uganda.
418. Burundi stated that its position was the same as that of Uganda.
419. The Chair enquired whether the Republic of Congo and the United Republic of Tanzania

- were willing to further amend the proposal to exclude the Chimpanzee population of Burundi.
420. The Republic of Congo stated that it could accept the amendment if this was required under the Rules of Procedure.
421. The Chair clarified that acceptance of any amendment was up to the proponents of the proposal; there was no requirement to do so.
422. The United Republic of Tanzania felt that it had no option but to accept the wishes of Burundi and to engage in bilateral discussion ahead of the next COP.
423. The Chair concluded that it was clear the proposal had been amended and he was putting the amended proposal to the COW for consideration.
424. Kenya recalled that during earlier discussion of the listing proposal for African Lion, concerns had been raised about creating a precedent by excluding populations from an Appendix listing when there was no biologically valid reason for doing so. Excluding the populations of Uganda and Burundi from the current listing proposal would create a bad precedent for the Convention. Kenya had furthermore understood that the Republic of Congo had requested guidance from the Secretariat.
425. Senegal concurred with Kenya; what had not been accepted previously for African Lion, should not be accepted now for Chimpanzee. Since populations overlapped and moved freely across borders, how could the species be protected if some populations were included and others excluded? Even if accepting the proposed amendments did not break the Rules of Procedure, it would not be good scientifically or for Chimpanzees.
426. The EU and its Member States supported Kenya and Senegal, and wished to retain the unamended text of the listing proposal. The EU and its Member States could not accept a precedent through which populations that were not biologically distinct were excluded from a listing. It would be easier to reach consensus if those countries objecting to the original listing proposal would enter reservations.
427. Uganda recalled that under Rule 21 of the Rules of Procedure, once a proposed amendment had been accepted by the proponents, the amendment stood and could not be debated again.
428. The Chair concurred and indicated that this was the procedure he was following. However, he wished to confirm that the Republic of Congo, as a proponent, was content to amend the proposal, which would therefore exclude the populations of Uganda and Burundi.
429. The Republic of Congo observed that Uganda was a sovereign country and that Uganda's premise that Chimpanzees did not migrate had been discussed in the Terrestrial Working Group. As a last resort, maybe it would be necessary to withdraw the proposal.
430. The Chair sought further clarification of whether Republic of Congo accepted the amendments to exclude the two populations.
431. The Republic of Congo felt it had to go along with Burundi's proposed amendment, but noted that the population of Burundi had not been discussed by the Terrestrial Working Group.
432. The Chair reiterated that there was no requirement for proponents to accept amendments. He asked once more for the Republic of Congo to state whether it accepted the amendment proposed by Burundi.
433. The Republic of Congo indicated its acceptance of the amendment.

434. The Chair enquired whether there was consensus on the listing proposal as amended to exclude the populations of Burundi and Uganda.
435. The United Republic of Tanzania felt trapped between a rock and a hard place. Since the United Republic of Tanzania considered Chimpanzees to be migratory, it was doubtful whether the proposal should go forward if the populations of Burundi and Uganda were excluded. Looking at the biology of the species, these populations were interlinked with others.
436. The Chair asked one final time if both the Republic of Congo and the United Republic of Tanzania agreed to amending their proposal to exclude the populations in Burundi and Uganda.
437. The Republic of Congo observed that the discussion had been fast-moving and rather confusing. The Republic of Congo had presented the listing proposal at the very beginning of the agenda item and wished to proceed with the original text. If it were to be amended, the meeting would never arrive at a decision.
438. The Chair noted that since any amendment had to be accepted by both proponents of the listing proposal, the proposed amendments to exclude the populations in Uganda and Burundi did not stand. The original text of the listing proposal was now under consideration.
439. Uganda stated for the record its view that the manner in which business had been conducted under this item was neither acceptable nor in the good interests of the Convention. Uganda considered that the original proposal had been amended and that the amendment should stand unless further amended.
440. The Chair stated his ruling that, following clarification from the Republic of Congo, the original proposal had not been amended. The COW would proceed to consider the original proposal. He asked if the meeting could accept the original text by consensus.
441. Uganda stated that it would not challenge the ruling of the Chair, though respectfully disagreed with it. Uganda objected to the original proposal.
442. The Chair proceeded to call for a vote by a show of hands.
443. At the request of Uganda, the Chair initiated a roll-call vote. All Parties in favour of the original listing proposal should vote 'Yes'; those against the listing proposal should vote 'No'.
444. The Chair announced the result of the roll-call vote as recorded by the Secretariat. Of those Parties accredited to vote and present, 71 Parties had voted 'Yes', 3 Parties had voted 'No' and 4 Parties had abstained. The proposal to list Chimpanzee on Appendices I and II of the Convention had therefore been endorsed by the COW to be forwarded to plenary for adoption.
445. The Chair reminded those Parties that had voted against the proposal of the possibility to enter a reservation.
446. Uganda confirmed its intention to enter a reservation within 90 days of the COP concerning the Ugandan populations of Chimpanzee and African Lion.

Item 25.1.2. Proposal for the inclusion of the Hoary Bat (*Lasiurus cinereus*), Eastern Red Bat (*Lasiurus borealis*), Southern Red Bat (*Lasiurus blossevillii*), and Southern Yellow Bat (*Lasiurus ega*), on Appendix II of the Convention

447. Peru briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.2, noting that the four species were widely distributed in the Americas, highly migratory, and highly susceptible to mortality through collision with wind turbines.
448. Norway enquired whether there was an Action Plan for these species.
449. Rodrigo Medellin (COP-Appointed Scientific Councillor for Neo-Tropical Fauna) replied that an Action Plan was being drafted, but that it remained unfinished.
450. Ecuador supported the proposed listing on behalf of the Central and South America and Caribbean region, noting the seed dispersal and other ecological services provided by bats.
451. The Philippines also expressed support for the proposal.
452. The AEWA Secretariat, speaking on behalf of EUROBATS, also welcomed the proposal.
453. The Chair concluded that the meeting had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 25.1.3. Proposal for the inclusion of the Lion (*Panthera leo*) on Appendix II of the Convention

454. Togo briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.3 submitted jointly by Chad, Niger and Togo.

455. South Africa presented the following statement:

“South Africa would like to thank Chad, Niger and Togo for the presentation of the proposal.

Chair, the 2016 regional IUCN Red list assessment (South Africa, Lesotho and Swaziland) list the African lion as Least Concern. South Africa has implemented various actions to secure the conservation of the species, including a Biodiversity Management Plan for the African lion to complement the regional strategy adopted in 2006. South Africa supports initiatives aimed at maintaining or where required, improving the conservation status of the African lion and appreciates the support received to date from CMS and CITES in this regard.

South Africa does, however, not support the proposed listing of the African lion in Appendix II.

The reasons why this proposed listing is not supported are as follows:

- *First and foremost, the African lion is not a migratory species as defined in the Articles of the Convention. A significant proportion of the South African population of African lion does not cyclically and predictably cross one or more national jurisdictional boundaries.*
- *South Africa is of the view that sound scientific information must inform decision-making. Unfortunately, the proposal fails to support the assertion that the African Lion is a migratory species. Information relating to home range utilization of Lion, dispersal and responses to drought is used to justify the perceived migratory nature of the species. None of these arguments validates the assertion that the lion is a migratory species.*
- *In the proposal, reference is made to transboundary African lion populations that occur in Trans Frontier Conservation Areas (TFCAs). These areas were established by the respective countries to create a large ecological region that straddles the boundaries of two or more countries, encompassing one or more protected areas,*

as well as multiple resource use areas. The proponents consider the African Lion in these populations migratory, but South Africa is of the view that these populations are not migratory.

- Chair, it is clear that there are divergent views and interpretations of the term migratory species, especially in terms of transboundary populations and South Africa would like to use the opportunity to highlight this interpretation challenge.
- The second key concern about the proposed listing relates to the key threats to the African Lion. African Lion Range States re-confirmed the main threats to lion at the Range States meeting in Entebbe, Uganda. These include (1) Unfavourable policies, practices and political factors (in some countries); (2) Ineffective lion population management; (3) Habitat degradation and reduction of prey base; (4) Human-lion conflict; (5) Adverse socio-economic factors; and institutional weaknesses. The question is how a CMS listing would assist in addressing these threats that require first and foremost national interventions.
- Last, but not least Chair, as mentioned before the African lion population of South Africa does not have an unfavourable population status and is currently listed as Least Concern.

Chair, South Africa therefore does not support the listing of its population of African Lion in the Appendix II of CMS.”

456. The United Republic of Tanzania presented the following statement:

“The United Republic of Tanzania strongly objects to the listing of the Lion, Leopard and Giraffe on the CMS Appendices as:

- *The proposed species for listing are not migratory species;*
- *Most of the species are transboundary;*
- *In this proposal, cyclical and predictable movements are “suspected” in a number of Lion populations;*
- *For the Leopard, dispersal is without exception assumed as being migration, as well as their “highly variable home ranges”, so is the case for the Giraffe;*
- *For the Leopard and Lion, the populations that might be subject to transboundary movement are listed, but do not give a proportion of the population that is migratory;*
- *Countries proposing (Chad, Togo and Niger) the listing of Lion are not Range States for the species, though they are historic Range States except Chad;*
- *The proposal for Leopard and Lion listing is made out of intuition, with least data;*
- *The species fail to meet the test of the migratory criteria of CMS:*

“Migratory species” means the entire population or any geographically separate part of the population of any species or lower taxon of wild animals, a significant proportion of whose members cyclically and predictably cross one or more national jurisdictional boundaries.

The United Republic of Tanzania identifies areas of concentration of CMS for non-migratory species (Lions, Leopards and Giraffes) that are however threatened and of transboundary nature, and require:

- *Technical advice through the Scientific Council on the probable measures to improve the conservation of the species;*
- *Forging implementation of MOAs-MOUs between Range States;*
- *Collaboration in landscape management, policy reviews and national framework development and enforcement, and prioritization of the funding to the non-migratory species which are threatened and needing international concerted efforts;*
- *Supporting range state to improve their landscape management capacity;*
- *Reviewing the concept of synergies between the conventions and develop a simplified guidance on how synergies can be effected between with CITES and other MEAs;*
- *Review and align definitions of migratory species to avoid listing any species contrary to the articles of the convention; and*
- *Confirming that cross-border cooperation between Range States does not necessarily need CMS-listing of a species.”*

457. Zimbabwe emphasized its support for wildlife conservation at national, regional and global scales. The statements by South Africa, and the United Republic of Tanzania in relation to African Lion and the earlier CIC statement in relation to mammal listing proposals, echoed those of Zimbabwe, which therefore strongly opposed listing on the same grounds.

458. Uganda presented the following statement:

“Uganda would like to thank the proponents of African Lion listing proposal for highlighting the conservation plight of the African Lion. Indeed, Uganda agrees that there is need to support conservation efforts to improve the conservation status of Lion species.

Uganda has carefully examined the proposal, the Scientific council opinion and the CMS Agreement text and attendant Resolutions. Uganda is convinced beyond reasonable doubt that the African Lion is not a migratory species within the meaning of Article I paragraph 1 a) of the Agreement. We respectfully remind the proponents of this proposal that migration within CMS does not mean cross-border movement alone.

We wish to bring to the attention of this meeting that, Article I paragraph 1 a) requires that for a species to be regarded as migratory, a significant proportion of it must move across borders cyclically and predictably. In the instant case, Uganda as a Range State with one of the most health Lion populations that is on the positive growth trajectory is convinced that this proposal is not in the best interest of the species and indeed not in the best interest of CMS Convention.

Uganda wishes to call upon the proponents to consider withdrawing this proposal to avoid the COP breaching the provisions of the CMS text that establishes legitimacy of the process of listing.

We have given our legal and scientific reasons for our strong objections, and we remain optimistic that the proponents will consider withdrawing this proposal in the interest of the spirit of the convention and in the best interest of the species.

We wish to reiterate that CMS is a Convention on migratory species and not a Convention on all endangered species. We respectfully request that proponents take into account this fundamental principle to ensure that we do not lose focus on the purpose for which this convention was established.

As observed by the International Council for Game and Wildlife Conservation, We are deeply concerned that politically motivated determination of species for listing without due regard to science and biology of species will significantly dent the image and integrity of CMS as a science-based Convention.

We once again call upon the Range States to stick to the Lion Range States consensus arrived at in Entebbe, Uganda.”

459. Kenya presented the following statement:

“Kenya would like to thank the proponent for this proposal to enhance the conservation of one of Africa’s iconic species.

In our view, the African Lion meets the criteria of migratory species as outlined in Article IV.

The available data clearly show that the species is currently facing unfavourable conservation status in most of its current range. Its range has been shrinking and overall population has declined significantly.

(1) population dynamics data indicate that the migratory species is not maintaining itself on a long-term basis as a viable component of its ecosystems;

(2) the range of the migratory species is currently being reduced, and is likely to be reduced, on a long-term basis;

(3) there is, and will be in the foreseeable future, no sufficient habitat to maintain the population of the migratory species on a long-term basis;

(4) Potentially suitable ecosystems do not exist and to the extent consistent with wise wildlife management;

There is therefore an urgent need for an international agreement for the species conservation and management, and many of the sub-populations will significantly benefit from the international co-operation.”

460. Senegal concurred with Kenya. The status of Lions in Africa was highly alarming. Current data showed that the population was about 400 Lions for the whole region of West Africa, and in Central Africa, fewer than 500. At continental level the situation required immediate listing on CMS Appendix II. The CMS Scientific Council, which included a number of carnivore specialists, had determined that the species indeed met the relevant CMS criteria for listing. Senegal requested all Parties to consider supporting the proposal.

461. The EU and its Member States presented the following statement:

“The EU and its Member States welcome this proposal submitted jointly by Chad, Niger and Togo. The Lion is classified by IUCN globally as Vulnerable due to its population decline of 43 per cent. Yet, across the majority of its range the IUCN suggests that lion qualifies for an Endangered listing by virtue of an inferred decline in numbers exceeding 50 per cent. Threats to lions identified include habitat loss and conversion, prey base depletion, human-lion conflict, unfavourable policies, practices and political factors, ineffective lion population management, poorly managed trophy hunting operations for some populations, and the use of lion bones and other body parts in legal and illegal trade. CMS Resolution 11.32 on the Conservation and Management of Panthera leo notes that Panthera leo, as defined by Wilson & Reeder (2005), and all its evolutionarily significant constituents, including Panthera leo persica, satisfy the Convention’s definition of ‘migratory species’. Furthermore, the Resolution ‘Invites the Range State Parties to work towards an Appendix II listing proposal to be presented to the 12th Meeting of the Conference of the Parties’. Participants at the CITES/CMS African Lion Range State Meeting which took place in Entebbe, Uganda, in May 2016 and was supported by Germany, the Netherlands and the United Kingdom, recognized the need for transboundary cooperation and management systems in light of the high number of transboundary Lion populations. With its unfavourable conservation status and 23 transboundary populations requiring international cooperation for their conservation, the species qualifies for an Appendix II listing. Like the CMS Scientific Council, we strongly support acceptance of this proposal.”

462. Angola supported the proposal, giving examples of regular and predictable transboundary movements of Lions between Angola and Botswana in response to seasonal rains. If this was not considered migration, then everything being discussed was in vain.

463. Peru presented the following statement:

“The Republic of Peru, together with Honduras, Ecuador, Costa Rica, Paraguay, Panama, Argentina, Bolivia and Uruguay is grateful for the proposal to include Panthera leo “African Lion” presented by the Governments of Togo, Nigeria and Chad, which we support as fulfilling the migration criteria foreseen in the CMS, considering the threats that this species currently faces, such as habitat loss, illicit hunting, and disease that threaten its populations.”

464. Ethiopia presented the following statement:

“Like the case of other Range States, the present range of African Lion in Ethiopia is limited to certain wild areas though recent studies conducted in collaboration with Born Free Foundation and the IUCN SSG show that its distribution extends further to the western and north-west Ethiopia as well as eastern Sudan. In general, Ethiopia believes the lion is no longer playing its pivotal role in the prey-predator relationship in most ecosystems of East Africa. The fact that the incidence of human-lion conflict is increasing at an alarming rate reveals the existing imbalance in the region’s wild habitats.

Despite this fact, some countries in different regions argue that their population of African Lion is increasing. We applaud the effort of the Parties whose Lion population shows significant increase. We however commend that their reports need to base on scientific study and reliable data and thus should be free of individuals or groups interest.

Besides, what so ever the general truth is, we need also to take into consideration, as a party, the synergies between CITES and CMS as well as other MEAs. In this regard, we recall the Resolution 11.32 of CMS which i) invited Range State Parties, subject to the findings of consultations among Range States and relevant stakeholders, to work towards an Appendix II listing proposal to be presented to the 12th Meeting of the CMS COP; and also ii) called an examination of the regional conservation strategies in the light of the latest IUCN assessment.

Chair, our position in this regard more or less steaks to the consensus reached during the Joint CITES-CMS Lion Range State Meeting, that was held in May, 2016, Entebbe, Uganda as it discussed the contentious issues and recognized the main threats to and the status of African lion. The joint meeting acknowledged that there is a need to improve the collection of scientific information and data. It called upon CITES, CMS and IUCN to actively support the conservation endeavours in this regards and inclusion of African Lion in Appendix II is in line with this and Ethiopia is in support of the proposal.”

465. Wildlife Conservation Society (WCS) delivered the following statement:

“WCS appreciates the submission of this proposal by the Governments of Niger, Chad and Togo. WCS works in the wild and with our government partners on the conservation of lions and their habitats in seven African countries—Cameroon, the DRC, Nigeria, Mozambique, Uganda, the United Republic of Tanzania and South Sudan. We appreciate the productive discussions in the Terrestrial Working Group, we regret the lack of consensus, and congratulate those countries with excellent lion conservation programs.

WCS is concerned about the threats to African Lions, including habitat loss and degradation, reduction of wild prey, human-wildlife conflict, illegal killing, unsustainable or unregulated hunting, and disease. More effort is needed to support a broader land use and management framework that addresses threats within and outside protected areas. More research is also needed to inform the conservation of lions across their range, along with further transboundary cooperation and prioritization. All of the aforementioned, vital to Lion conservation, could benefit from an Appendix II listing. Although we respect the concerns of those Parties that oppose the proposal, and agree that in future more consultation on proposals is desirable, we recommend that Parties adopt the proposal today. We also encourage participation by Range States in the African Carnivores Initiative, and we encourage governments and donor agencies to provide sufficient resources for implementation of CMS Decisions related to African Lions.”

466. The Born Free Foundation, speaking also on behalf of Animal Defenders International, Animal Welfare Institute, Born Free USA, Center for Biological Diversity, Humane Society International, International Fund for Animal Welfare, Natural Resources Defense Council, Pro Wildlife, and World Animal Protection, presented the following statement:

“We would like to thank the proponents for this important proposal.

The European Union has already highlighted that CMS Resolution 11.32, adopted by consensus at COP11, noted that the species satisfies the Convention’s definition of ‘migratory species’, and invited Parties to work towards an Appendix II listing at COP12, which led to the development of the proposal currently under consideration.

The proposal lays out in detail the alarming situation facing this species across much of its remaining range.

In its assessment of this proposal, which is available as Doc.25.1.3/Addendum 1, the Scientific Council agreed that the lion “satisfies the listing criteria of the Convention”,

and noted that – and I quote - “International cooperation is required to implement the 2006 IUCN regional conservation strategies for African lions, which are still valid today. CMS is well placed to support and monitor this”.

Furthermore, in a recently published peer-reviewed scientific paper on International Law and Lions, which is available as Inf Doc 31, researchers concluded – and again I quote - “The CMS holds particular potential [in regard to lion conservation] and our analysis provides strong support for listing the lion in its Appendices”

Mr Chair, CMS is clearly well placed to deliver improvements to the implementation of lion conservation efforts by encouraging and facilitating collaboration among range States and wider partners.

The listing of lions on Appendix II will also provide CMS with the mandate to devote resources to the fulfilment of the proposed Decisions on the Conservation and Management of the African Lion in document 24.3.1.3. This could potentially be achieved via the proposed joint CMS/CITES African Carnivores Initiative so as to bring the complementary strengths of the two conventions to bear for the sake of the future of this iconic, and beleaguered, species.

We strongly endorse this proposal and urge Parties to support its adoption.

467. The Chair noted that some Parties were in favour of the listing proposal, and some against. He asked Parties, especially those against the proposal, if they would object to the meeting endorsing the proposal by consensus and, if so, how the meeting should proceed.
468. Uganda suggested that, for the purposes of moving forward and not blocking consensus, the Ugandan population of African Lion be excluded from the listing proposal.
469. South Africa, the United Republic of Tanzania and Zimbabwe took similar positions for their respective Lion populations.
470. The Chair invited Togo, as a proponent of the listing proposal, if amending the proposal as suggested by South Africa, Uganda, the United Republic of Tanzania, and Zimbabwe was acceptable.
471. Togo stated that it would remain firm with its original proposal.
472. The Chair confirmed that the original proposal stood. He invited the Parties objecting to the original proposal to indicate whether they would block consensus.
473. Uganda confirmed that it was prepared to block consensus if its offer for consensus building was not accepted.
474. Zimbabwe took the same position.
475. The Chair stated his intention to move to a vote.
476. Referring to the interim report of the Credentials Committee earlier that afternoon, which had mentioned the Committee’s approval of the credentials of the Netherlands, Israel enquired how many votes the EU would have. It was important to know overall how many Parties were accredited as present and eligible to vote.
477. The EU and its Member States explained why they had concerns about excluding Lion populations of some countries and why they understood that the proponents had not changed the original proposal. The populations in the countries concerned were not biologically distinct, in contrast to populations of other species excluded in the past.

478. Uganda, responding to the point raised by Israel, considered that the Rules of Procedure were not explicit with regard to how the EU exercised the rights of its Member States. It was Uganda's understanding that the EU should exercise votes according to the number of Member States present with verified credentials.
479. The Secretariat referred to the second sentence of Rule 13 of the Rules of Procedure. This provided for the EU, as a regional economic integration organization, to exercise its right to vote with 28 votes, equal to the number of its Member States that were Parties. It did not say equal to the number of its Member States that were Parties "*present and voting*". The Conference of Parties had adopted this Rule as a proper exercise of its authority as the decision-making body for the Convention under Article VII, paragraph 1, of the Convention.
480. The Chair confirmed his ruling that the EU was entitled to vote on behalf of the 28 Member States that were Parties.
481. Uganda challenged the Chair's ruling, as provided for within the Rules of Procedure (Rule 10.1).
482. The Chair noted that under Rule 10.1, one Party would be permitted to speak in support of Uganda's challenge and two other Parties could speak against the challenge.
483. Zimbabwe supported Uganda's challenge to the Chair's ruling.
484. The EU and its Member States, and Cameroon spoke against the challenge, and in support of the ruling made by the Chair.
485. The Chair moved to a vote on his ruling, noting that in accordance with Rule 10.1 a majority of two-thirds of the Parties present and voting would be required to overturn the ruling. He advised Parties that they should vote either 'Yes' to overturn his ruling, or 'No' to agree to his decision.
486. A Point of Order was raised requesting clarification about the decision that Parties were being asked to vote on.
487. The Chair stated that his decision was that the EU, as a regional economic integration organization, had the right to exercise its vote on behalf of all 28 EU Member States. He called for a show of hands.
488. Uganda raised a Point of Order, noting that it was not clear who was entitled to vote.
489. The Secretariat read the list of Parties whose credentials the Credentials Committee had found to be in order.
490. The Chair reiterated that a 'Yes' vote would be in support of the challenge, and that the EU was not entitled to vote for all of its 28 Member States; a 'No' vote meant the challenge was not valid.
491. Uganda requested a roll-call vote under Rule 13.3 of the Rules of Procedure.
492. The Secretariat explained that the Chair would read out the name of each Party alphabetically and ask each Party to vote 'Yes', 'No', or Abstain.
493. Israel recommended that since it was not yet clear how many votes the EU was entitled to exercise, the EU's vote should be held until all other votes had been tallied, so it would be clear whether the number of votes cast by the EU would have made a material difference to the overall outcome of the vote.

494. The Chair proceeded with the roll-call vote, following the procedure explained by the Secretariat. He reiterated that a 'Yes' vote meant the EU could not vote for its 28 Member States; a 'No' vote meant that the EU could vote for its 28 Member States.
495. The Secretariat announced that the totals of votes cast were 17 'Yes', 25 'No' (not counting any votes from the EU) and 8 'Abstain'. The ruling of the Chair therefore stood, since even without the EU votes, the required two-thirds majority to overturn the Chair's ruling had not been reached.
496. The Chair reconfirmed his earlier ruling that the EU was entitled to vote on behalf of all 28 of its Member States.
497. Brazil enquired whether proceeding with a vote on the listing proposal now, would avoid the need to vote again in plenary.
498. The Secretariat advised that a vote by the COW would not preclude a further vote in plenary.
499. Brazil suggested that in order to avoid duplication of voting, the discussion should be adjourned and taken up in plenary.
500. The Chair confirmed that Rules of Procedure permitted a request for adjournment to be made, but that this would then require inviting one Party to support the proposal, inviting two Parties to oppose, and then voting on the proposal.
501. Brazil stated that its intention had been to save procedural burden, rather than add to it. If a further vote in plenary could be avoided, that would be appreciated by everyone. Brazil withdrew its suggestion to adjourn the debate.
502. The Chair confirmed his intention to move to a vote on the listing proposal. A 'Yes' vote would be in favour of the inclusion of African Lion on Appendix II of the Convention; a 'No' vote would oppose the inclusion of African Lion on Appendix II of the Convention.
503. Uganda requested a roll-call vote under Rule 13.3 of the Rules of Procedure.
504. The Chair moved to a roll-call vote, following the same procedure as during the earlier roll-call vote. He reiterated that a 'Yes' vote was in favour of listing African Lion on Appendix II, while a 'No' vote was against inclusion of African Lion on Appendix II.
505. The Secretariat announced that the totals of votes cast were 72 'Yes', 4 'No' and 3 'Abstain'.
506. The Chair concluded that the COW had endorsed the proposal for inclusion of African Lion on Appendix II of the Convention, to be forwarded to plenary for adoption.
507. Brazil suggested that the Standing Committee and Secretariat should consider clarifying interpretation of Rule 13.1, since, in Brazil's view, only accredited Parties should be included in the block vote of regional economic integration organizations.
508. The EU and its Member States considered that Article 13.1 was already very clear, and it was therefore unnecessary to spend further time on this matter.

Item 25.1.4. Proposal for the inclusion of the Leopard (*Panthera pardus*) on Appendix II of the Convention

509. The Islamic Republic of Iran introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.4. Ghana, Kenya and Saudi Arabia were co-proponents.
510. The Chair enquired whether there were any objections to the proposal.

511. South Africa raised an objection. It did not consider the Leopard to be a migratory species, and the proposal did not provide sufficient scientific evidence for this.
512. The Chair enquired whether South Africa was willing to block consensus.
513. South Africa responded affirmatively.
514. Zimbabwe and Uganda also opposed the proposed listing, noting that they did not believe the Leopard met the necessary criteria to be considered a migratory species.
515. Note by the Secretariat: Although it did not take the floor under this agenda item, the written statement tabled by the United Republic of Tanzania following its intervention under agenda item 25.1.4 (the listing proposal for Lion), also contained an objection to the listing proposal for Leopard.
516. The representative of Senegal responded to the objections, giving examples of the migratory character of the Leopard, and pointing out that experts in the Scientific Council had approved the proposal. He considered that a vote would be preferable to excluding the populations of the objecting countries from the listing.
517. South Africa presented the following statement explaining its objection to the listing:
- “The reasons why this proposed listing is not supported are as follows:*
- *The Leopard is not a migratory species as defined in the Articles of the Convention. A significant proportion of the South African population of Leopard does not cyclically and predictably cross one or more national jurisdictional boundaries.*
 - *South Africa would like to re-emphasize the need to base decision-making on sound scientific information. Unfortunately, scientific information relating to the purported migration of Leopard does not exist. The proponents themselves state in the proposal that the scientific evidence for transboundary movements and long-range dispersal of Leopards is only of anecdotal character.*
 - *In terms of the interpretation of sub-adult dispersal, as the so-called “migratory stage”, South Africa would like to point out that various assumptions are made in an attempt to substantiate this statement. This includes an assumption that a significant proportion of the sub-adults will disperse across an international border. There is no scientific information to substantiate these assumptions. South Africa would like to express concerns about decision-making based on unsubstantiated assumptions and anecdotal information and the lack of scientific rigour.”*
518. The Humane Society International delivered the following statement, also on behalf of the Born Free Foundation, Center for Biological Diversity, International Fund for Animal Welfare, Natural Resources Defense Council, Pro Wildlife, World Animal Protection, Wildlife Conservation Society, and Wild Migration:
- “The 2016 IUCN Red List assessment of the Leopard demonstrates the precipitous deterioration of the status of the species over the past 15 years: in 2002, the species was considered Least Concern; in 2008, Near Threatened; and in 2016, Vulnerable. 78 per cent of the leopard range is transboundary and there are 26 transboundary populations in Africa and at least 14 in Asia. Leopards cyclically and predictably cross national boundaries as part of their territorial movements and dispersal. Due to significant habitat fragmentation, continued transboundary movement in key habitat along country boundaries is essential. The Scientific Council regards the leopard as fulfilling the listing criteria of the Convention and recommended the proposal for adoption.*
- An Appendix II listing will facilitate in the development of Leopard conservation strategies and their implementation; will offer greater access for financial and institutional support; encourage increased sharing of data and best practices, among other benefits. Therefore, our organizations strongly encourage the Parties to adopt this proposal.”*

519. The Chair proceeded to call for a vote by a show of hands. All Parties in favour of the original listing proposal should vote 'Yes'; those against the listing proposal should vote 'No'
520. The Chair announced the result of the vote as recorded by the Secretariat. Of those Parties accredited to vote and present, 68 Parties had voted 'Yes', 8 Parties had voted 'No' and 4 Parties had abstained. The proposal to list Leopard on Appendix II of the Convention had therefore been endorsed by the COW to be forwarded to plenary for adoption.
521. Referring to Rule 22.5 of the Rules of Procedure, the Chair advised the COW that the draft resolution mentioned in document UNEP/CMS/COP12/Doc.25.1.4 was not admissible since it had been circulated as an information document only and therefore had not been translated. Consideration of the draft resolution was therefore liable to unduly hinder the proceedings of the COP.
522. Uganda and Zimbabwe confirmed their intention to enter reservations within 90 days.

Item 25.1.5. Proposal for the inclusion of the Gobi Bear (*Ursus arctos isabellinus*) on Appendix I of the Convention

523. Mongolia briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.5, noting that this was a distinctive species of which fewer than 50 individuals remained in Mongolia, and which undertook a 200-kilometre migration to China.
524. There being no requests for the floor, the Chair concluded that the meeting had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 25.1.6. Proposal for the inclusion of the Caspian Seal (*Pusa caspica*) on Appendix I and II of the Convention

525. The Islamic Republic of Iran briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.6, noting that this was an endangered species that migrated to the north Caspian Sea to breed each year.
526. Peru supported the proposal, and recommended inclusion of the species under CITES if it was subject to international trade.
527. The Chair concluded that the meeting had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 25.1.7(a) and Item 25.1.7(b). Proposals for the inclusion of the African Wild Ass (*Equus africanus*) on Appendix I and II of the Convention

528. Eritrea and Ethiopia briefly introduced their respective proposals contained in documents UNEP/CMS/COP12/Doc.25.1.7(a) and UNEP/CMS/COP12/Doc.25.1.7 (b), noting that this was the most threatened equid in the world, with a population estimated at 150 individuals being confined to Ethiopia and Eritrea.
529. Eritrea informed the meeting that it was withdrawing its proposal to list the species on Appendix II.
530. Senegal supported the proposals.
531. The Chair concluded that the meeting had endorsed the proposals for inclusion in Appendix I and that the proposals would be forwarded to plenary for adoption.

Item 25.1.8. Proposal for the inclusion of the Przewalski's Horse (*Equus przewalskii*) on Appendix I of the Convention

532. Mongolia briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.8.

533. Switzerland supported the proposal.

534. There being no further requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 25.1.9. Proposal for the inclusion of the Chinkara (*Gazella bennettii*) on Appendix II of the Convention

535. The Islamic Republic of Iran confirmed that it was withdrawing the proposal contained in document UNEP/CMS/COP12/Doc.25.1.9, pursuant to the advice of the Scientific Council contained in Addendum 1.

Item 25.1.10. Proposal for the inclusion of the Giraffe (*Giraffa camelopardalis*) on Appendix II of the Convention

536. Angola briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.10.

537. The Chair opened the floor for discussion.

538. Zimbabwe opposed the listing, stating that it was not clear that the Giraffe met the necessary criteria to be considered a migratory species.

539. South Africa also noted that it did not support the listing, and presented the following statement:

"The South African population of Giraffe does not have an unfavourable conservation status. In fact, the 2016 regional Red List status is Least Concern and the species is widespread throughout southern Africa. In fact, we observed a population increase of 54 per cent over three generations in 13 protected areas.

The giraffe is not a migratory species as defined in the Articles of the Convention. A significant proportion of South Africa's Giraffe population does not cyclically and predictably cross one or more national jurisdictional boundaries.

The proponent states in the proposal that the predictability and/or cyclical nature of giraffe migrations and transboundary movements has never truly been quantified across their range and as such greater research is required to better understand this. This research should be undertaken before a proposal to list the species can be considered.

The proponent also does not provide information relating to the proportion of the population that migrate, because the species does not migrate".

540. Uganda supported Zimbabwe and South Africa, and presented the following statement:

"Uganda would like thank the proponents of Giraffe listing proposal for highlighting the conservation plight of the giraffe. Indeed, Uganda agrees that there is need to support conservation efforts to improve the conservation status of giraffe species.

Uganda has carefully examined the proposal, the Scientific council opinion and the CMS Agreement text and attendant Resolutions. Uganda is convinced beyond reasonable doubt that giraffes are not migratory species within the meaning of Article I paragraph 1 a) of the Agreement. We respectfully remind the proponents of this proposal that migration within CMS does not mean cross border movement alone.

*We wish to bring to the attention of this meeting that, Article I paragraph 1 a) requires that for a species to be regarded as migratory, a significant proportion of it must move across borders cyclically **and** predictably. In the instant case, Uganda as a range state with one of the most healthy Giraffe populations that is on the positive growth trajectory*

is convinced that this proposal is not in the best interest of the species and indeed not in the best interest of CMS.

Uganda wishes to call upon the proponents to consider withdrawing this proposal to avoid the COP breaching the provisions of the CMS Agreement text that establishes legitimacy of the process of listing.

We have given our legal and scientific reasons for our strong objections, and we remain optimistic that the proponents will consider withdrawing this proposal in the interest of the spirit of the convention and in the best interest of the species.

We wish to reiterate that CMS is a Convention on migratory species and not a Convention on all endangered species. We respectfully request that proponents take into account this fundamental principle to ensure that we do not lose focus on the purpose for which this convention was established”.

541. Senegal responded to Zimbabwe, South Africa and Uganda, pointing out that most Giraffe populations in West Africa were now extinct, but that historically, there had been seasonal migrations to Chad, and that the extant population of *peralta* in Niger also migrated seasonally, and now numbered fewer than 200 individuals.

542. The United Republic of Tanzania also objected to the listing, and provided a written statement (summarizing its position on the listing proposals for African Lion and Leopard as well as that for Giraffe). The parts of the statement applicable to the Giraffe read as follows:

“on the listing of the ... Giraffe, the United Republic of Tanzania strongly objects the listing of the species on the CMS appendices as;

- The proposed species for listing are not Migratory Species;*
- Most of the species are trans boundary;”*

543. Kenya strongly supported the listing, and presented the following statement:

“Giraffe species have been recently uplisted to Vulnerable on the IUCN Red List assessment, having declined by an estimated 40 per cent in the last 30 years, increasing the need to protect them. Giraffe occur in 21 sub-Saharan African countries, where they travel transboundary in a number of countries. Giraffe migrations are largely driven by habitat availability, forage resources, search for mates and/or in minimizing conflict/predation, has been observed in many parts of its range.

Importantly, many of the giraffe populations found in Africa cross international boundaries within the definition provided by the Bonn Convention in Article I, paragraph 1 (a) and CMS Resolution 11.33 on Guidelines for Assessing Listing Proposals to Appendices I and II of the Convention.

Giraffe currently face a number of direct and indirect threats throughout their range but different countries have varying levels of protection for Giraffe in their policies. It is envisaged that listing giraffe on the CMS appendix II will raise awareness for giraffe conservation, promote collaboration between Giraffe Range States for better conservation and management practices and increase fundraising opportunities to support giraffe conservation across Africa. Kenya therefore supports the Angolan proposal to list the Giraffes on Appendix II of CMS.”

544. The EU and its Member States expressed strong support for the proposed listing, for the reasons given in the statement of Kenya.

545. Burkina Faso, Cabo Verde, Gambia, Liberia and Togo also expressed strong support for the proposed listing.

546. Pro Wildlife, speaking also on behalf of Born Free, the Humane Society International, Center for Biological Diversity, International Fund for Animal Welfare, Natural Resources Defence Council, and World Animal Protection, delivered the following statement:

“We would like to highlight one particular aspect of this debate: Over the last several years, giraffes have been experiencing what many experts are calling a “silent extinction”.

While various conventions have focused on other important species, giraffe populations have declined an estimated 40 per cent in the last 30 years, a situation that the international community has yet to address. Currently, Giraffes are not protected under any international treaty and, in some cases, lack sufficient protections at national level.

The Parties here today have the unprecedented opportunity to be the first to fill this gap and begin the process of recovery for the species. The CMS Scientific Council agreed, and recommended adoption of the proposal to list Giraffes on Appendix II, having determined that they meet the definition of a migratory species under the Convention. Therefore, we urge the parties to support the proposal to list the Giraffe on Appendix II of CMS.”

547. The Chair enquired whether those Parties that had opposed the listing were prepared to block consensus.
548. Zimbabwe requested an amendment to exclude Southern African Giraffes from the listing. If the proponent did not wish to amend its proposal, Zimbabwe would block consensus.
549. The Chair enquired whether Angola was willing to make the requested amendment.
550. Angola did not accept the proposed amendment to the proposal.
551. The Chair proceeded to call for a vote by a show of hands. All Parties in favour of the original listing proposal should vote ‘Yes’; those against the listing proposal should vote ‘No.’
552. The Chair announced the result of the vote by a show of hands as recorded by the Secretariat. Of those Parties accredited to vote and present, 68 Parties had voted ‘Yes’, 4 Parties had voted ‘No’ and 6 Parties had abstained. The proposal to list Leopard on Appendix II of the Convention had therefore been endorsed by the COW to be forwarded to plenary for adoption.

Item 25.1.11. Proposal for the inclusion of the Christmas Island Frigatebird (*Fregata andrewsi*) on Appendix I of the Convention

553. The Philippines briefly introduced the draft listing proposal contained in UNEP/CMS/COP12/Doc.25.1.11.
554. Australia fully supported the proposal.
555. There being no further requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 25.1.12. Proposal for the inclusion of the Black Noddy (*Anous minutus*) on Appendix II of the Convention

556. The Philippines briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.12.
557. There being no requests for the floor, the Chair concluded that the COW had endorsed the proposal, and that it would be forwarded to plenary for adoption.

Item 25.1.13(a) and Item 25.1.13(b). Proposal for the inclusion of the Steppe Eagle (*Aquila nipalensis*) on Appendix I of the Convention

558. Mongolia briefly introduced the proposal contained in document UNEP/CMS/COP12/Doc.25.1.13(a).
559. Saudi Arabia briefly introduced the proposal contained in document UNEP/CMS/COP12/Doc.25.1.13(b).
560. There were no requests for the floor.
561. There being no requests for the floor, the Chair concluded that the COW had endorsed the proposal, and that it would be forwarded to plenary for adoption.

Item 25.1.14. Proposal for the inclusion of four vulture species occurring in Asia on Appendix I of the Convention

562. Pakistan briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.14.
563. Statements of support were made by the EU and its Member States (in support of all of the listing proposals for vulture species), and Peru.
564. There being no further requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 25.1.15. Proposal for the inclusion of five vulture species occurring in Sub-Saharan Africa on Appendix I of the Convention

565. Kenya briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.15.
566. Statements of support were made by Ecuador and Peru.
567. The statement of support made by the EU and its Member States under item 25.1.14 also applied to this proposal.
568. In response to a question from the Secretariat of the Raptors MOU, Kenya confirmed that it had accepted the minor amendments recommended by the Scientific Council, as listed in Addendum 1.
569. The Chair concluded that the COW had endorsed the proposal, subject to inclusion of the minor amendments recommended by the Scientific Council, and that it would be forwarded to plenary for adoption.

Item 25.1.16(a) and 25.1.16(b). Proposal for the inclusion of the Lappet-faced Vulture (*Torgos tracheliotos*) on Appendix I of the Convention

570. Israel briefly introduced the proposal contained in document UNEP/CMS/COP12/Doc.25.1.16(a) and urged vigilance to ensure that the exceptions allowed for under Article III 5 (c) of the Convention text did not undermine listing on Appendix I.
571. Saudi Arabia briefly introduced the proposal contained in document UNEP/CMS/COP12/Doc.25.1.16(b). Saudi Arabia appreciated the comments of the Scientific Council contained in Addendum 1, but requested that the proposal be endorsed as submitted.
572. There were no requests for the floor.
573. The statement of support made by the EU and its Member States under item 25.1.14 also applied to this proposal, as did the statement of support made by Peru under item 25.1.15.

574. The Chair concluded that the COW had endorsed the proposal, and that it would be forwarded to plenary for adoption.

Item 25.1.17. Proposal for the inclusion of the Yellow Bunting (*Emberiza sulphurata*) on Appendix II of the Convention

575. The Philippines briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.17.

576. There being no requests for the floor, the Chair concluded that the COW had endorsed the proposal, and that it would be forwarded to plenary for adoption.

Item 25.1.18. Proposal for the inclusion of the Great Grey Shrike (*Lanius excubitor*) on Appendix II of the Convention

577. The EU and its Member States briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.18.

578. There being no requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 25.1.19. Proposal for the inclusion of the Lesser Grey Shrike (*Lanius minor*) on Appendix II of the Convention

579. The EU and its Member States briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.19.

580. There being no requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 25.1.20. Proposal for the inclusion of the Whale Shark (*Rhincodon typus*) on Appendix I of the Convention

581. The co-proponents Philippines, Israel and Sri Lanka, briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.20

582. Peru stated its support for all of the listing proposals for aquatic species.

583. Additional statements of support were made by Ecuador, the EU and its Member States, India and Senegal.

584. The following statement was made by Greenpeace, speaking also on behalf of Blue Resources Trust, Defenders of Wildlife, Humane Society International, the International Fund for Animal Welfare, the Pew Charitable Trusts, Pro Wildlife, Project AWARE and the Wildlife Conservation Society, Save Philippine Seas, Marine Wildlife Watch of the Philippines, and Large Marine Vertebrates Research Institute Philippines:

"We are delighted to see that action is continuing here at COP12 to further establish CMS as an international convention fundamental to the comprehensive global effort needed to better manage and conserve the world's sharks and rays. It is hugely encouraging to see that this vulnerable and largely unmanaged group of species has again become a priority here in Manila. We applaud the leadership shown by our hosts the Philippines, along with Honduras, Israel, Mauritania, Monaco, Samoa, Senegal, Sri Lanka and Togo to propose listings of shark and ray species on the convention's appendices. Also of note is the momentum behind the CMS Shark MOU, back in the city where the agreement was finalized. We commend Benin, Brazil, Ecuador and Sri Lanka for their further commitment as new Signatories to the MOU, to ensure these species survive and thrive, and continue to fulfil their key roles in the ocean ecosystems of the world. As the Scientific Council clearly noted, all of these species meet the CMS listing criteria and are recommended for adoption. We call upon all Parties present to adhere to the scientific advice and adopt these important proposals."

585. There being no further requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 25.1.21. Proposal for the inclusion of the Dusky Shark (*Carcharhinus obscurus*) on Appendix II of the Convention

586. Honduras briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.21.

587. Statements of support were made by Argentina, Ecuador and Israel. Israel drew attention to the risk of confusion between this species and Sandbar Shark *C. plumbeus*.

588. There being no further requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 25.1.22. Proposal for the inclusion of the Blue Shark (*Prionace glauca*) on Appendix II of the Convention

589. Samoa, and co-proponent Sri Lanka, briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.22.

590. Statements of support were made by Brazil, the Cook Islands, Ecuador, Fiji, and India.

591. New Zealand made the following statement:

“New Zealand has concerns relating to the proposal to list Blue Shark on Appendix II of CMS.

New Zealand is an advocate for effective, science-based species conservation and management. In the case of Blue Shark, we recognize the potential value of this listing for some regions such as the Mediterranean. However, it is unclear how a CMS Appendix II listing will significantly benefit the conservation status of global Blue Shark populations.

Regional Fisheries Management Organisations have conducted stock assessments in the Pacific and Atlantic Oceans that indicate that those Blue Shark stocks are healthy. While there are currently no catch limits for shark species in these RFMOs, measures are in place, including those to ensure data collection to support stock assessments. We therefore have some concerns regarding the rationale for the global listing proposal. It is important to carefully and objectively consider the case for each listing proposal in order to maintain the credibility of CMS. Not to do so risks undermining CMS appendix listings, potentially diverting attention from more deserving or ‘at risk’ species, especially those for which there are no existing management mechanisms. We are concerned also that the listing of Blue Sharks may create a disincentive for large fishing nations to join either CMS or the MOU on Sharks. Inclusion of such states was an aim discussed at the MOU Sharks Meeting of Signatories in Costa Rica last year. While we do not intend to block consensus on agreement to this proposal, we would like our concerns to be noted.”

592. Norway associated itself with the remarks of New Zealand. It was important that CMS followed its own science-based criteria for listing. Some proponents seemed to have turned this upside down. As was recognized by the proponents for this proposal, there was often a lack of data. As mentioned by New Zealand, a number of other species would also qualify, and that could undermine Parties’ relationships with Regional Fisheries Management Organizations. Norway believed that this listing proposal was premature, especially in relation to the text submitted by the proponents, which was simply lacking data. While Norway would not block any consensus, it wished to see its statement included in the record of the meeting.

593. There being no further requests from the floor, the Chair concluded that the COW had endorsed the proposal, and that it would be forwarded to plenary for adoption. The

reservations contained in the statements made by New Zealand and Norway were noted.

Item 25.1.23. Proposal for the inclusion of the Angelshark (*Squatina squatina*) on Appendix II of the Convention

594. The Principality of Monaco briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.23.

595. Statements of support were made by Morocco and Senegal.

596. There being no further requests from the floor, the Chair concluded that the COW had endorsed the proposal, and that it would be forwarded to plenary for adoption.

Item 25.1.24(a). Proposal for the inclusion of the Common Guitarfish (*Rhinobato rhinobatus*) on Appendix II and the Mediterranean Sea population of the same species on Appendix I of the Convention

Item 25.1.24(b), (c) & (d). Proposal for the inclusion of the Common Guitarfish (*Rhinobato rhinobatus*) on Appendix II

597. Israel briefly introduced the Mediterranean component of the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.24(a), and again drew attention to potential risks associated with the provisions of Article III 5 (c) of the Convention.

598. Senegal, supported by Mauritania and Togo, briefly introduced the listing proposal contained in documents UNEP/CMS/COP12/Doc.25.1.24 (b), (c) & (d).

599. Monaco supported the proposal.

600. Australia recalled that it had commented on the pre-COP draft, ahead of the official deadline, and had requested a factual correction, given that Australia had been erroneously included in the list of Range States for Common Guitarfish. However, Australia still appeared in the list of Range States in the current text.

601. The Secretariat confirmed that the document had now been corrected.

602. The Chair concluded that the COW had endorsed the proposal tabled by Israel (inclusion of the species on Appendix II and inclusion of the Mediterranean population on Appendix I), subject to inclusion of the correction tabled by Australia, and that it would be forwarded to plenary for adoption.

Item 25.1.25. Proposal for the inclusion of the White-spotted Wedgefish (*Rhynchobatus australiae*) on Appendix II of the Convention

603. The Philippines briefly introduced the listing proposal contained in document UNEP/CMS/COP12/Doc.25.1.25.

604. Statements of support were made by Cook Islands, Fiji, India, Sri Lanka, Bahrain and Haribon Foundation, the latter speaking also on behalf of NGOs for Fisheries Reform (NFR), Tubbataha Management Office (TMO), Communities Organized for Resources Allocation (CORA), Coastal Conservation and Education Foundation (CCEF), Project Sharklink, Large Marine Vertebrates Research Institute Philippines (LAMAVE), Reef-World, Reef Check Philippines, Oceana Philippines, WWF-Philippines, Save Philippine Seas, Marine Wildlife Watch of the Philippines, and Greenpeace.

605. Australia thanked the Philippines and participants in the Aquatic Working Group for constructive discussion of this proposal. A further revision of the document would contain an updated distribution map and list of Range States. Australia was not questioning that the species had an unfavourable conservation status, but rather whether it met the first test for inclusion on either CMS Appendix, concerning regular and predictable migration. Australia would be making a short statement during the plenary session on 28 October.

606. The Chair concluded that the COW had endorsed the proposal, and that it would be forwarded to plenary for adoption, taking note of Australia's statement.

Item 25.2. Revision of the Template and Guidelines for the Drafting of Proposals for the Amendments of the Appendices

607. The Secretariat introduced document UNEP/CMS/COP12/Doc.25.2, including the Format for Proposals to Amend CMS Appendices, as adopted by the Standing Committee at its 45th Meeting, contained in Annex 1. COP12 was invited to confirm the use of the template and guidelines for submission of proposals to subsequent meetings of the COP and to approve the revised template and guidelines as an annex to Resolution 11.33 (Rev.COP12).

608. Proposals to amend the Explanatory Note contained in Annex 1 were tabled by Brazil (in relation to paragraph 5) and Israel (in relation to paragraph 9).

609. Following discussion, with contributions from Australia, the EU and its Member States, New Zealand, South Africa, Uganda and the Secretariat, the Chair concluded that the COW had endorsed the document to be forwarded to plenary, subject to: replacement of the word "*should*" with "*shall*" in the first line of paragraph 9 of the Explanatory Note; and amendment of section 5.1 of the Explanatory Note to clarify that conservation status and threats should be considered at both global and Range State levels.

Item 25.3. Taxonomy and nomenclature

610. The Secretariat presented a summary of document UNEP/CMS/COP12/Doc.25.3, including the draft resolution contained in Annex 4 (with its annexed List of Standard References), and the draft decision contained in Annex 5. The Secretariat also pointed out the linkage with document UNEP/CMS/COP12/Doc.21.2.2 Rev.1 concerning the consolidation of CMS resolutions.

611. The Chair understood that relevant sections had been addressed by the Avian and Aquatic Working Groups, and that the Aquatic Working Group had completed its deliberations without proposing any changes, but that discussions within the Avian Working Group were continuing.

612. The EU and its Member States were unable to support the adoption of the draft resolution, due to concerns about four matters. First, adoption of the Handbook of the Birds of the World/BirdLife Illustrated Checklist of the Birds of the World Volume 2 (HBW2) for passerine species was premature until the results of the Scientific Council's detailed analysis were available; secondly, under the proposal for non-passerine species it appeared there would be a discrepancy between the taxonomy to be applied by CMS for albatrosses and petrels and that applied by ACAP; thirdly; the synonymization of *Manta* and *Mobula* rays was not accepted under CITES; and finally there was a need for the Scientific Council to review the scientific literature concerning mammal taxonomy with a view to bringing forward a recommendation to COP13. The EU and its Member States would have a number of amendments to propose to the draft resolution and draft decision as a consequence of these concerns.

613. Saudi Arabia supported the proposals in the document, notably the use of HBW2 for passerines.

614. Following discussion with contributions from the EU and its Member States, the Chairs of relevant Working Groups, and the Secretariat, the Chair concluded that the issues raised by the EU should be further addressed by the Aquatic, Avian and Terrestrial Working Groups in order to seek a consensus way forward. The COW would return to this item when these further consultations had been completed.

615. When this issue was reconsidered, and in response to a question from Australia, the Chair

of the Avian Working Group confirmed that the square brackets appearing in one paragraph were the result of an administrative oversight and should be ignored; the error would be corrected in the final version of the text.

616. The Chair concluded that, subject to this editorial correction, the COW had endorsed the document for forwarding to plenary and was recommending its adoption

ITEM 26. IMPLEMENTATION OF THE CONCERTED ACTION PROCESS

Item 26.1. Concerted Actions

617. 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.

618. The Chair enquired whether the COW was ready to endorse the document draft resolutions and decisions for adoption by plenary.

619. The EU and its Member States supported the three Annexes.

620. 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.

Item 26.2. Designation of species for Concerted Actions for the triennium 2018-2020

Item 26.2.1. Proposal for Concerted Action for the European Eel (*Anguilla anguilla*) already listed on Appendix II of the Convention

621. The Principality of Monaco briefly presented document UNEP/CMS/COP12/Doc.26.2.1.

622. The EU and its Member States welcomed the proposal and the announcement of a second meeting of the Range States.

623. Morocco supported the proposal, and expressed regret that it had missed the first Range State workshop in Ireland in 2016 due to conflicting commitments.

624. IUCN supported the proposal, noting that its Anguillid Eel Specialist Group would continue to cooperate with CMS.

625. There being no further requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 26.2.2. Proposal for Concerted Action for the Eastern Tropical Pacific Sperm Whales (*Physeter macrocephalus*)

626. Giuseppe Notarbartolo di Sciara (COP-Appointed Councillor for Aquatic Mammals) briefly presented the proposal contained in document UNEP/CMS/COP12/Doc.26.2.2, noting that this proposal focussed on four clans of Sperm Whales with unique vocalization patterns.

627. The Chair opened the floor for comment.

628. Peru and Ecuador welcomed and supported this proposed Concerted Action.

629. There being no further requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 26.2.3. Proposal for Concerted Action for the Atlantic Humpback Dolphin (*Souza teuszi*)

630. Giuseppe Notarbartolo di Sciara (COP-Appointed Councillor for Aquatic Mammals) briefly presented the proposal contained in document UNEP/CMS/COP12/Doc.26.2.3.
631. Senegal supported all initiatives which would provide Concerted Action on this species, having contributed to work on its listing on CMS Appendix I and Appendix II.
632. Sea Shepherd Legal formally offered its services to the Secretariat in performing a gap analysis of Range State legislation.
633. The Chair thanked Sea Shepherd Legal for this helpful offer.
634. There being no further requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 26.2.4. Proposal for Concerted Action for the Arabian Sea Humpback Whales (*Megaptera novaeanglia*)

635. Giuseppe Notarbartolo di Sciara (COP-Appointed Councillor for Aquatic Mammals) presented the proposal contained in document UNEP/CMS/COP12/Doc.26.2.4, noting that this was a threatened population numbering about 250 individuals, with no connections to other populations of the species.
636. Statements of support were made by Ecuador, India, Islamic Republic of Iran, Oman, Pakistan, Saudi Arabia, and United Arab Emirates.
637. The IWC stated that its Scientific Committee had recommended this population for a Conservation Management Plan.
638. There being no requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 26.2.5. Proposal for Concerted Action for the Angelshark (*Squatina squatina*)

639. The Principality of Monaco presented the proposal contained in document UNEP/CMS/COP12/Doc.26.2.5, noting that this proposal was conditional on the adoption of the proposal to list the species on Annexes I and II of the Convention contained in document UNEP/CMS/COP12/Doc.25.1.23.
640. There being no requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 26.2.6. Proposal for Concerted Action for Mobulid Rays (Mobulidae)

641. The Manta Trust briefly introduced the proposal originally contained in document UNEP/CMS/COP12/Doc.26.2.6, as submitted by the Manta Trust and Wildlife Conservation Society. This document had been discussed in the Aquatic Working Group and circulated as document UNEP/CMS/COP12/CRP15 'Proposal for the designation of all species of the Mobulid rays (Mobulidae) for Concerted Actions'.
642. The Chair asked the COW to consider document UNEP/CMS/COP12/CRP15 for forwarding to plenary.
643. Statements of support were made by Ecuador, the EU and its Member States, Fiji, India and the Philippines.
644. There being no further requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 26.2.7. Proposal for Concerted Action for the Whale Shark (*Rhincodon typus*)

645. The Philippines briefly introduced the proposal contained in document UNEP/CMS/COP12/Doc.26.2.7.
646. Ecuador, the EU and its Member States and Madagascar expressed support for the proposal.
647. There being no further requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

Item 26.2.8. Proposal for Concerted Action for the Asian Great Bustard (*Otis tarda*)

648. Mongolia briefly introduced the proposal contained in Document UNEP/CMS/COP12/Doc.26.2.8.
649. The Islamic Republic of Iran supported this opportunity to better conserve the Great Bustard and cooperate with other Range States.
650. IUCN welcomed the proposal, noting that Concerted Actions between Range States would greatly benefit the conservation of this species.
651. There being no further requests for the floor, the Chair concluded that the COW had endorsed the proposal and that it would be forwarded to plenary for adoption.

ITEM 27. MANILA DECLARATION ON SUSTAINABLE DEVELOPMENT AND MIGRATORY SPECIES

652. The Chair referred participants to document UNEP/CMS/COP12/Doc.27 Sustainable Development and Migratory Species, and invited the Philippines to deliver a progress report.
653. The Philippines outlined the global context for the Manila Declaration, which would be based on the text contained in the document but further enriched by the deliberations of the High-Level Panel that had been chaired by the Philippines Head of Delegation and Chair of the COP, Secretary Roy A. Cimatu. Key recommendations to be included in the Manila declaration were presented.
654. The Chair sincerely trusted that the COW could recommend endorsement of a draft resolution for forwarding to Plenary and noted that a revised text would be needed first. With this understanding, he opened the floor to comments.
655. The EU and its Member States supported the adoption of the proposed resolution and the draft decision, including with the amendments made by the Philippines, and welcomed, in particular, the amendments aimed at enhancing the relationship between efforts for migratory species and the global context of the Aichi Targets and the SDGs. The EU and its Member States furthermore believed that the COP should provide a clear mandate to the CMS Secretariat to be involved in the follow up to the Strategic Plan for Biodiversity, to ensure adequate integration of migratory species issues in both strategic planning beyond 2020 and the Biodiversity summit foreseen for 2020.
656. Brazil commended the Philippines and supported adoption of what had been a carefully negotiated text.
657. Monaco and Kenya also confirmed strong support for the draft resolution.
658. The Chair welcomed the enthusiastic support from Parties for the Manila Declaration but reiterated that the COW would still require a CRP containing the finally proposed version of the text for consideration. Those Parties that had been working together with the Philippines and the Secretariat to progress the Manila Declaration were invited to continue

working so that the final draft could be considered by COW on 26 October 2017.

659. Philippines indicated its agreement with the approach recommended by the Chair.

ITEM 28. INTERIM AND FINAL REPORTS OF THE CREDENTIALS COMMITTEE

ITEM 29. REPORTS OF SESSIONAL COMMITTEES

660. During the course of its deliberations, from 23 to 28 October 2017, the COW received regular progress reports from the Chairs of the Credentials Committee, Budget Committee, Avian Working Group, Aquatic Working Group, Terrestrial.

661. The Working Group Review of Decisions and ad hoc Working Groups each delivered final reports to the final session of the COW.

662. During the concluding Plenary session, held on 28 October 2017, the Chair of the Credentials Committee (Uruguay) reported that the credentials of 80 Parties had been found to be in order. He had been informed by the Secretariat that 91 Parties had taken part in COP12 meaning that 88 per cent of Parties had presented credentials found to be in order. This was an excellent achievement, considering the growth in the number of Parties in recent years, but it was important to encourage further progress towards 100 per cent at future COPs. Thanks were due to the Secretariat for its diligent work with Parties, both before and during the COP, as well as to Uruguay's fellow members of the Credentials Committee: Congo, Ghana, Norway and Saudi Arabia. Finally, special thanks went to the Government of the Philippines for its excellent organization of the COP.

663. There being no requests for the floor, the Chair ruled that the COP had approved the Final Report of the Credentials Committee.

ITEM 30. ADOPTION OF RESOLUTIONS, DECISIONS AND AMENDMENTS TO THE APPENDICES

Amendments to the Appendices

664. The Chair read the list of proposed amendments to the CMS Appendices, as endorsed by the COW.

665. Eritrea pointed out that the African Wild Ass proposal had been amended for inclusion in CMS Appendix I only, not Appendix II as well.

666. The Chair confirmed that this error would be corrected.

667. At the invitation of the Chair, the COP adopted Amendments to the Appendices of the Convention through inclusion of the following taxa in the Appendix (or Appendices) indicated in the list below:

Mammals

• Chimpanzee (<i>Pan troglodytes</i>)	Appendix I & Appendix II
• Southern Red Bat (<i>Lasiurus blossevillii</i>)	Appendix II
• Eastern Red Bat (<i>Lasiurus borealis</i>)	Appendix II
• Hoary Bat (<i>Lasiurus cinereus</i>)	Appendix II
• Southern Yellow Bat (<i>Lasiurus ega</i>)	Appendix II
• Lion (<i>Panthera leo</i>)	Appendix II
• Leopard (<i>Panthera pardus</i>)	Appendix II
• Gobi Bear (<i>Ursus arctos isabellinus</i>)	Appendix I
• Caspian Seal (<i>Pusa caspica</i>)	Appendix I & Appendix II
• African Wild Ass (<i>Equus africanus</i>)	Appendix I
• Przewalski's Horse (<i>Equus ferus przewalskii</i>)	Appendix I
• Giraffe (<i>Giraffa camelopardalis</i>)	Appendix II

Birds

- Christmas Island Frigatebird (*Fregata andrews*) Appendix I
- Black Noddy (*Anous minutus* subsp. *worcesteri*) Appendix II
- Steppe Eagle (*Aquila nipalensis*) Appendix I
- White-rumped Vulture (*Gyps bengalensis*) Appendix I
- Indian Vulture (*Gyps indicus*) Appendix I
- Slender-billed Vulture (*Gyps tenuirostris*) Appendix I
- Red-headed Vulture (*Sarcogyps calvus*) Appendix I
- White-backed Vulture (*Gyps africanus*) Appendix I
- Cape Vulture (*Gyps coprotheres*) Appendix I
- Rüppell's Vulture (*Gyps rueppelli*) Appendix I
- Hooded Vulture (*Necrosyrtes monachus*) Appendix I
- White-headed Vulture (*Trigonoceps occipitalis*) Appendix I
- Lappet-Faced Vulture (*Torgos tracheliotos*) Appendix I
- Yellow Bunting (*Emberiza sulphurata*) Appendix II
- Great Grey Shrike (*Lanius excubitor excubitor*) Appendix II
- Lesser Grey Shrike (*Lanius minor*) Appendix II

Fish

- Whale Shark (*Rhincodon typus*) Appendix I
- Dusky Shark (*Carcharhinus obscurus*) Appendix II
- Blue Shark (*Prionace glauca*) Appendix II
- Angelshark (*Squatina squatina*) Appendix I & Appendix II
- Common Guitarfish (*Rhinobatos rhinobatos*) Appendix I
- Mediterranean Sea population Appendix I
- global population Appendix II
- White-spotted Wedgefish (*Rhynchobatus australiae*) Appendix II

668. Uganda made the following statement:

“Uganda would like to state that the Lion, Giraffe, Chimpanzee and Leopard are not migratory species within the meaning of Article I, paragraph 1a) of the Convention and thus Uganda does not in principle support listing of these species. Uganda would however in the spirit of moving forward, not block the consensus but request that her reservation be recorded in record of the COP as Uganda will be excluding her populations through a reservation.”

669. Australia stated that it was not questioning the unfavourable conservation status of the White-spotted Wedgefish, but rather whether it met the criteria for being considered a migratory species. Research showed that the species undertook only episodic movements, and that these were neither regular nor predictable in nature. Furthermore, there should have been adequate consultation on the listing proposal prior to the COP.

670. At the invitation of the Chair, the COP adopted the Resolutions, Decisions and other documents listed below, all of which had been endorsed by the COW, following review and amendment, as appropriate, by COP Working Groups. A few documents had been further amended by the COW itself. No additional amendments were tabled during the plenary session; all texts adopted were therefore the versions endorsed by the COW. The documents are listed below in the sequence of their adoption (which followed Agenda item order) by the COP:

- UNEP/CMS/COP12/CRP33 Financial & Administrative Matters and UNEP/CMS/COP12/CRP 33.1 Programme of Work 2018-2020
- UNEP/CMS/COP12/CRP21 Strategic Plan for Migratory Species 2015–2023
- UNEP/CMS/COP12/CRP22 Revising the Format for National Reports
- UNEP/CMS/COP12/CRP31 Establishment of a Review Mechanism and a National Legislation Programme
- UNEP/CMS/COP12/Doc.21/Rev.2 Review of Decisions, including:

- Adoption of the five decisions contained in UNEP/CMS/COP12/Doc.21
- Adoption of the repeal in part of 21 CMS Resolutions or Recommendations*
- Adoption of the repeal in full of four CMS Resolutions or Recommendations, as listed in document UNEP/CMS/COP12/Doc.21.1
- Adoption of two further recommendations from the Secretariat
- Adoption of three decisions, as contained in document UNEP/CMS/COP12/CRP111 Resolutions to Repeal in Part
- Adoption of the COW's recommendation to consolidate a number of Resolutions as contained in document UNEP/CMS/COP12/Doc.21.2**

*These include, *inter alia*, those covered by the following CRPs:

UNEP/CMS/COP12/CRP103 Resolutions to Repeal in Part – Resolution 3.1, Listing of Species in the Appendices of the Convention

UNEP/CMS/COP12/CRP104 Resolutions to Repeal in Part – Resolution 7.2, Impact Assessment and Migratory Species

UNEP/CMS/COP12/CRP105 Resolution 7.5, Wind Turbines and Migratory Species

UNEP/CMS/COP12/CRP106 Resolution 7.3, Oil Pollution and Migratory Species

UNEP/CMS/COP12/CRP107 Resolution 11.8, Communication, Information and Outreach Plan

UNEP/CMS/COP12/CRP108 Consolidation of Resolutions: Marine Turtles

UNEP/CMS/COP12/CRP109 Resolution 10.15, Global Programme of Work for Cetaceans

UNEP/CMS/COP12/CRP110 Resolution 11.27, Renewable Energy and Migratory Species

**These include, *inter alia*, those covered by the following CRPs:

UNEP/CMS/COP12/CRP101 Consolidation of Resolutions: National Reports

UNEP/CMS/COP12/CRP102 Consolidation of Resolutions: Wildlife Disease and Migratory Species

- UNEP/CMS/COP12/CRP42 Synergies & Partnerships
- UNEP/CMS/COP12/CRP27/Rev.1 The Prevention of Illegal Killing, Taking and Trade of Migratory Birds
- UNEP/CMS/COP12/CRP32 Action Plan for Migratory Landbirds in the African-Eurasian Region
- UNEP/CMS/COP12/CRP29 Preventing Poisoning of Migratory Birds
- UNEP/CMS/COP12/CRP7/Rev.1 Conservation of African-Eurasian Vultures
- UNEP/CMS/COP12/CRP34 Flyways and UNEP/CMS/COP12/CRP34.1 Action Plan for the Americas
- UNEP/CMS/COP12/CRP30/Rev.1 Action Plan for Birds
- UNEP/CMS/COP12/CRP8 Important Marine Mammal Areas (IMMAs)
- UNEP/CMS/COP12/CRP9/Rev.1 Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species and UNEP/CMS/COP12/CRP9.1 Annex to Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species
- UNEP/CMS/COP12/CRP2 Aquatic Wild Meat
- UNEP/CMS/COP12/CRP3 Live Capture of Cetaceans from the Wild for Commercial Purposes
- UNEP/CMS/COP12/CRP10/Rev.1 Recreational In-Water Interaction with Aquatic Mammals
- UNEP/CMS/COP12/CRP5 Conservation and Management of Whales and their Habitats in the South Atlantic Region
- UNEP/CMS/COP12/CRP18 Joint CMS-CITES African Carnivores Initiative
- UNEP/CMS/COP12/CRP36 Conservation and Management of Cheetah (*Acinonyx jubatus*) and Wild Dog (*Lycaon pictus*)
- UNEP/CMS/COP12/CRP38 Conservation and Management of the African Lion, (*Panthera leo*)

- UNEP/CMS/COP12/Doc.24.3.2 Conservation of the African Wild Ass (*Equus africanus*) The draft resolution and decision contained in this document had not been amended by the COW; therefore, a CRP was not tabled and the original text stood.
- UNEP/CMS/COP12/CRP28 Adoption of the African Elephant Action Plan
- UNEP/CMS/COP12/CRP17 Management of Marine Debris
- UNEP/CMS/COP12/CRP40 Climate Change and Migratory Species
- UNEP/CMS/COP12/CRP12 Conservation Implications of Animal Culture and Social Complexity
- UNEP/CMS/COP12/CRP25 Bycatch
- UNEP/CMS/COP12/CRP13 Sustainable Boat-based Marine Wildlife Watching
- UNEP/CMS/COP12/CRP11 Energy and Migratory Species
- UNEP/CMS/COP12/CRP39 Addressing Unsustainable Use of Terrestrial and Avian Wild Meat of Migratory Species of Wild Animals
- UNEP/CMS/COP12/CRP24 Sustainable Tourism and Migratory Species
- UNEP/CMS/COP12/Doc.24.4.9 Promoting Marine Protected Area Networks in the ASEAN Region The draft resolution contained in this document had not been amended by the COW; therefore, a CRP was not tabled and the original text stood.
- UNEP/CMS/COP12/CRP26 Promoting Conservation of Intertidal and other Coastal Habitats for Migratory Species
- UNEP/CMS/COP12/CRP112 Improving Ways of Addressing Connectivity in the Conservation of Migratory Species
- UNEP/CMS/COP12/CRP19 Transfrontier Conservation Areas for Migratory Species
- UNEP/CMS/COP12/CRP4 Community Participation and Livelihoods
- UNEP/CMS/COP12/CRP23 Guidelines for Assessing Listing Proposals to Appendices I and II of the Convention
- UNEP/CMS/COP12/CRP20 Taxonomy and Nomenclature
- UNEP/CMS/COP12/CRP1 Concerted Actions
- UNEP/CMS/COP12/CRP14 Proposal for a Concerted Action for the European Eel (*Anguilla anguilla*) already Listed on Appendix II of the Convention
- UNEP/CMS/COP12/Doc.26.2.2 Proposal for a Concerted Action for Eastern Tropical Pacific Sperm Whales (*Physeter macrocephalus*)*
- UNEP/CMS/COP12/Doc.26.2.3/Rev.1 Proposal for a Concerted Action for the Atlantic Humpback Dolphin (*Souza teuszii*)*
- UNEP/CMS/COP12/Doc.26.2.4 Proposal for a Concerted Action for the Arabian Sea Humpback Whale (*Megaptera novaeangliae*)*
- UNEP/CMS/COP12/Doc.26.2.5 Proposal for a Concerted Action for the Angelshark (*Squatina squatina*)*
- UNEP/CMS/COP12/CRP15 Proposal for the Designation of All Species of the Mobulid Rays (Mobulidae) for Concerted Actions
- UNEP/CMS/COP12/ CRP16, Proposal for the Designation of the Whale Shark (*Rhincodon typus*) for Concerted Actions
- UNEP/CMS/COP12/Doc.26.2.8 Proposal for a Concerted Action for the Asian Great Bustard (*Otis tarda*)*

*These documents had not been amended by the COW; therefore, CRPs were not tabled and the original texts stood.

- UNEP/CMS/COP12/CRP35 Designation of Species for Concerted Actions for the Triennium 2018-2020
- UNEP/CMS/COP12/CRP41 Presidency of the Conference of Parties
- UNEP/CMS/COP12/CRP37 Scientific Council

671. Switzerland considered the Resolution adopted as part of document UNEP/CMS/COP12/CRP31 (Establishment of a Review Mechanism and a National Legislation Programme) to be one of the most important for the CMS during the last decade. Only a year ago, the 'zero option' had been the most likely outcome of the Review Mechanism discussions, but now this excellent result had been achieved. Thanks were

due to the Chair of the intersessional Working Group and to other contributors, especially the EU and the Africa region. Switzerland was able to announce co-funding for an initial project and wished to support the position taken by of EU and its Member States during the closing session of the COW, that confidentiality should be the exception, not the rule, when implementing the Review Mechanism. Finally, NGOs had an important part to play in the Review Mechanism but also had a responsibility “*not to overload the truck*”.

672. Norway endorsed and supported these remarks and welcomed Switzerland’s announcement of co-funding. Norway was also pleased with the outcome; the merging of the two resolutions had been resolved in a good and sensible manner.
673. The Philippines, supported by Israel, called on local and international NGOs that had already expressed their commitment to the Concerted Action for Whale Shark to continue supporting implementation now that the proposal contained in document UNEP/CMS/COP12/CRP16 had been adopted by the COP.

ITEM 31. DATE AND VENUE OF THE 13TH MEETING OF COP

674. A video presentation was introduced by the delegation of India, inviting COP13 to meet in India.
675. The Plenary greeted the presentation of India with acclamation.
676. The Executive Secretary referred delegates to document UNEP/CMS/COP12/Doc.31/Rev.1 and the two draft decisions it contained.
677. At the invitation of the Chair, the COP adopted the document, thereby formally accepting the invitation of the Government of India.

ITEM 32. ADOPTION OF THE REPORT

678. At the invitation of the Chair, the Plenary adopted the Draft Report of the Meeting (Days 1 to 4), noting that corrections and other proposed amendments could be submitted to the Secretariat within a period of one month. The Secretariat was entrusted with finalizing the Report, accordingly.

ITEM 33. ANY OTHER BUSINESS

679. Prior to the closing of the session on 26 October, Argentina presented the following statement on behalf of the Central and South America and Caribbean region:
- “Argentina, representing the Central and South America and Caribbean region, wishes to express its position with respect to the lack of availability of translation in several areas, including: documents, working programme and website pages, among others. We understand that producing translations requires, time, money, and human resources, but the Convention text and Rules of Procedure (Part VI, Article 18) establish and state that the work must be done in the three official languages. Therefore, we wish to respectfully request compliance with the provisions of the Convention. We ask the Secretariat to make a greater effort so that the countries of our region can properly contribute, in a fair and equitable way, to the CMS.”*

680. The Chair thanked Argentina for the region’s statement.

ITEM 34. CLOSURE OF THE MEETING

681. Dr. Hay, in concluding the businesses of the COW, said that it had been a huge privilege to serve the COW as its Chair and he wished to convey his deep gratitude to all those who had facilitated the work of COP12 thus far, “*Starting with our wonderful host the Government of the Philippines. You’ve welcomed, nourished and protected us; informed, educated and inspired us.*” He went on to thank the staff of the Philippine International Convention Center (PICC); the interpreters, translators and rapporteurs; the media; the Earth Negotiations Bulletin (ENB) team; display and side-event organizers; the Scientific

Council; the Secretariat; and Mongolia in its capacity as Vice-Chair of the COW. However, the true heroes were the participants themselves, representing Parties, observers, IGOs and NGOs. In closing the COW, he observed: *“I reject the notion that CMS is losing its reputation as ‘the friendly convention’. Just because we have to debate and vote doesn’t mean that we are not friends. The positive spirit of debate is palpable and bodes well for the future of CMS.” Like crossing a busy road in Manila, guiding the negotiations to a successful outcome required patience, a clear indication of intent, boldness, alertness, and help from others. “Eventually the way clears, a safe path is found and the destination is revealed. There has to be a better future for migratory animals and for us all.”*

682. Dr. Hay was given a standing ovation by delegates.
683. The Executive Secretary thanked Dr. Hay for his dedication, professionalism, stamina and good humour in leading the COW through its agenda, in a manner that had won both hearts and minds.
684. A closing statement was made by Rodolfo C. Garcia, Undersecretary and Chief of Staff at the DENR on behalf of the Government of the Philippines.
685. COP12 had been a successful event and a major milestone, being the most-attended CMS COP to date, with participation of nearly all Parties, 45 IGOs and numerous NGOs. The hashtag #CMSCOP12 had also generated a great deal of interest through social media. It was hoped that this increased profile would lead to more action for the common cause of conserving migratory species throughout their ranges. Through reviewing and renewing commitments and implementing new decisions taken during the meeting, there was hope that the Whale Shark, alongside other species whose survival was intricately linked to that of humanity’s, could be brought back from the brink. The Philippines greatly appreciated the spirit of cooperation shown during negotiation of the Manila Declaration and pledged to working intersessionally towards achieving the goals set by COP12. The Government of the Philippines extended the assurance of its full support for the Government of India in assisting with preparations for COP13.
686. At the invitation of the Chair, the Plenary adopted by acclamation The Manila Declaration on Sustainable Development and Migratory Species (document UNEP/CMS/COP12/CRP6).
687. In his closing remarks, the Executive Secretary of CMS reflected on some of the key outcomes of COP12, including not only the Manila Declaration, but also adoption of Concerted Actions; a wide range of other conservation measures and related guidance for migratory birds, mammals and fish; the addition of a range of taxa to the Convention’s Appendices; adoption of the Review Mechanism, and adoption of the Programme of Work for the upcoming triennium. In Dr Chambers’ view, the votes held during the COP debate on additions to the CMS Appendices were a sign of maturity; as the Convention continued to grow, it would not always be possible to resolve all differences of view through consensus positions. CMS prided itself on good science, had benefited from the sound advice of the Scientific Council during the COP, and would continue to do so in the future. He warmly thanked the Government of the Philippines as Host of COP12 and the many individuals that had worked so hard for the success of the meeting. He recognized in particular the Deputy Executive Secretary, Mr. Bert Lenten, who would shortly be retiring after many years of service to the CMS Family, and Ms. Ingrid Catton, who was retiring as Chief Interpreter.
688. The Chair moved a vote of thanks to the Executive Secretary expressing his admiration at the way Dr. Chambers had responded to extraordinarily difficult personal circumstances during the run-up to the meeting.
689. COP12 was duly closed, with a reminder to the newly elected Standing Committee that the 47th Meeting of the Standing Committee would convene immediately.