**GUIDELINES FOR PREPARING AND ASSESSING PROPOSALS**

**FOR THE AMENDMENT OF CMS APPENDICES**

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*(Prepared by COW)*

DRAFT RESOLUTION

*Recalling* that CMS requirements for listing migratory species in Appendix I are set out in paragraphs 1 and 2 of Article III, and requirements for listing migratory species in Appendix II are set out in paragraph 1 of Article IV of the Convention,

*Emphasizing* that species proposed to be included in either Appendix I or II of the Convention must be migratory species, as defined in Article I, paragraph 1(a),

*Recalling* that Resolution 1.4 from its first meeting directed the Scientific Council to formulate guidelines on terms used in the Convention and to review the species listed in its Appendices,

*Noting* that in Resolution 5.3 the Conference of the Parties decided to interpret ‘endangered’ in Article 1 paragraph 1(e) of the Convention as meaning “facing a very high risk of extinction in the wild in the near future” and *considering* that this interpretation should be maintained,

*Further noting* that in Resolution 2.2, paragraph 1(a) the Conference of the Parties adopted guidelines for the interpretation of the words ‘cyclically’ and ‘predictably’ in the definition of ‘migratory species’ and *considering* that these interpretations should be maintained,

*Noting with appreciation* the work undertaken by the CMS Scientific Council through Document UNEP/CMS/COP11/Doc.24.2/Rev.1 to develop guidelines to assist the Scientific Council and the Conference of the Parties to assess proposals for listing of species in, and the delisting of species from, the Appendices of the Convention,

*Considering* that the best scientific evidence available should be used in preparing and assessing listing proposals,

*Considering* the unique features and phenomenon of migratory species and significance of ecological networks in this regard,

*Considering further* that there should be conservation benefit expected to arise from a listing proposal being adopted,

*Recalling* that in Resolution 3.1 the Conference of the Parties agreed that additions to the Appendices of the Convention should be limited to species or lower taxa and that the migratory species covered by higher taxa listings in Appendix II need only be identified when agreements were being prepared,

*Further recalling* that many species are listed in the Appendices of both the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and CMS and that for States that are Party to both Conventions it is desirable that the actions of the Conventions be complementary,

*Further recalling* that Regional Fisheries Management Organizations (RFMOs) establish conservation and management measures for many marine species (target or bycatch) managed under their purview, as applicable to all fishing vessels operating within the RFMOs Convention Area, based on the advice of the scientific committees of these bodies, and

*Recognizing* the value of seeking views from other intergovernmental bodies with respect to proposals for amendments to the Appendices,

*The Conference of the Parties to the*

*Convention on the Conservation of Migratory Species of Wild Animals*

1. *Decides* to interpret the term “endangered” in Article I, paragraph 1(e), of the Convention, as meaning:

“facing a very high risk of extinction in the wild in the near future”;

1. *Agrees* that, in applying the interpretation of the term "endangered", the following general principles should apply:
2. The restriction of the listing of species in Appendix I to those which are "endangered" applies to the consideration of future proposals, but not necessarily retrospectively to species already listed;
3. Bearing in mind that Article III, paragraph (3) (b) of the Convention provides that a migratory species may be removed from Appendix I when it is determined that the species is not likely to become endangered again because of loss of protection due to its removal from Appendix I, and referring to the interpretation of the term “endangered” provided in this Resolution, species categorized by the International Union for Conservation of Nature (IUCN) Red List Categories and Criteria (Version 3.1, second edition) as ‘Extinct in the Wild’, ‘Critically Endangered’, or ‘Endangered’ using the IUCN Red List criteria should be retained in Appendix I;
4. *Decides* that in the interpretation of the term "migratory species" in Article I, paragraph 1 (a) of the Convention:

(i) The word "cyclically" in the phrase "cyclically and predictably" relates to a cycle of any nature, such as astronomical (circadian, annual etc.), life or climatic, and of any frequency;

(ii) The word "predictably" in the phrase "cyclically and predictably" implies that a phenomenon can be anticipated to recur in a given set of circumstances, though not necessarily regularly in time;

1. *Resolves* that, by virtue of the precautionary approach and in case of uncertainty regarding the status of a species, the Parties shall act in the best interest of the conservation of the species concerned and, when considering proposals to amend Appendix I or II, adopt measures that are proportionate to the anticipated risks to the species;
2. *Agrees* that further additions to the Appendices of the Convention should be limited to species or lower taxa and that the migratory species covered by higher taxa listings already in Appendix II need only be identified when Agreements are prepared pursuant to Art. IV of the Convention;

6. *Adopts* the guideline that when a significant proportion of a geographically separate population of a migratory species occasionally occurs in its territory, that State should be considered a Range State;

1. *Adopts* the *Format for Proposals to Amend CMS Appendices*, contained in Annex 2 to this Resolution;
2. *Requests* Parties preparing proposals for addition of a species to Appendix I to consider whether that species should also be listed in Appendix II;
3. *Urges* any Party proposing the addition to Appendix II of a species for which it is a Range State to initiate negotiations with other Range States towards an Agreement or a Concerted Action for that species;
4. *Encourages* Parties to consider submitting proposals for the listing of species from regions of the world currently under-represented in the Appendices and to assist developing country Parties to prepare such proposals;
5. *Urges* proponents to consult with, as far as possible, Range States and their relevant authorities before the proposal is submitted;
6. *Requests* the Secretariat to consult other relevant intergovernmental bodies, including RFMOs, having a function in relation to any species subject to a proposal for amendment of the Appendices and to report on the outcome of those consultations to the relevant meeting of the Conference of Parties; and
7. *Repeals*
8. Resolution 3.1 (Rev.COP12) Listing of Species in the Appendices of the Convention;
9. Resolution 11.33 (Rev.COP12) Guidelines for Assessing Listing Proposals to Appendices I and II of the Convention.

**ANNEX 1**

**GUIDELINES FOR ASSESSMENT OF APPENDIX I AND II LISTING PROPOSALS**

[Omitted due to length]

**ANNEX 2**

**FORMAT FOR PROPOSALS TO AMEND CMS APPENDICES**

[Omitted due to length]

DRAFT DECISION

**Definition of the terms “rANGE STATE” AND “VAGRANT”**

***Directed to the Scientific Council***

13.AA The Scientific Council, subject to the availability of resources, is requested to:

1. Develop, as practical guidance for CMS Parties, interpretations for when the terms ‘range state’ and ‘vagrant’ apply;
2. Report to the Conference of the Parties at its 14th meeting on the progress in implementing this decision.