

**DRAFT REPORT OF THE 13TH MEETING
OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE CONSERVATION
OF MIGRATORY SPECIES OF WILD ANIMALS**

Day 4 – Thursday 20 February 2020

Note: This draft report follows the sequence in which items were discussed. The final report to be published in the Proceedings of COP13 will be restructured to follow Agenda items in numerical order. Paragraph numbering continues from the Draft Report of Day 3.

Committee of the Whole 09.50–12.50

**INTERIM AND FINAL REPORTS OF THE CREDENTIALS COMMITTEE
(ITEM 29 – CONTINUED)**

351. The Chair of the Credentials Committee, Saudi Arabia, reported that the Committee had held its third meeting on 19 February, with the participation of representatives of Malawi, the Netherlands, Saudi Arabia and Uruguay. The credentials of a further six Parties had been examined and found to be in order. All Parties yet to submit their credentials were invited to do so immediately, and no later than the close of the morning session of the COW on 20 February, to enable the Credentials Committee to complete its work as soon as possible.

**REPORTS FROM SESSIONAL COMMITTEES
(ITEM 30 – CONTINUED)**

352. The Chairs of the four COW Working Groups (Budget, Terrestrial Species, Avian Species, and Aquatic Species) provided further brief reports on the status of the deliberations of each group. Good progress was being made, with relatively few documents remaining to be finalized for further consideration by the COW.

353. New Zealand reported on the work of the Open-ended Contact Group established by the COW on 19 February, under agenda item 21 on the Application of Article III of the Convention. Constructive discussions had been held and it was anticipated that a revised text would soon be available.

SCIENTIFIC COUNCIL (ITEM 15 – CONTINUED)

(a) COP-Appointed Councillor Subject Areas – Analysis, Review and Recommendations (Item 15.1 – continued)

354. The Chair reported that nominations had now been received for each of the Subject Areas already agreed by the COW. In the case of some Subject Areas more than one nomination had been received. The Chair proposed establishing a Friends of the Chair group, to be led by Australia and open to all Parties, to review the nominations received and to make recommendations on the individuals that COP13 should appoint for the respective Subject Areas. The COW indicated its approval of the Chair's proposal.

ADOPTION OF THE REPORT (ITEM 33)

355. The COW endorsed, without amendment, document CMS COP13 *Draft Meeting Report – Day 1*. Amendments to document CMS COP13 *Draft Meeting Report – Day 2* were tabled by Brazil and the European Union, but finalization was deferred to a later session.

CONSIDERATION OF CONFERENCE ROOM PAPERS (CRPs) TO BE FORWARDED TO PLENARY FOR FINAL REVIEW AND ADOPTION – CONTINUED

356. The COW endorsed, without further amendment, the following Conference Room Papers (CRPs) for consideration by plenary:

- CRP 26.1.5 *Action Plans for Birds*
- CRP 26.2.1 *Conservation measures relevant for CMS-listed species evident from the Identification of Important Marine Mammal Areas (IMMAs)*
- CRP 26.2.2 *Adverse impacts of anthropogenic noise on cetaceans and other migratory species*
- CRP 26.2.5 *Marine wildlife watching*
- CRP 26.2.8 *Live capture of cetaceans from the wild for commercial purposes*
- CRP 26.2.9 *European Eel*
- CRP 26.2.10 *Global Programme of Work for Cetaceans*

357. The COW also endorsed CRP 14.2/Rev.1 *Options for a follow-up to the Strategic Plan for Migratory Species 2015-2023* to be forwarded to plenary, subject to inclusion of an amendment tabled by the European Union and its Member States.

AMENDMENT OF CMS APPENDICES (ITEM 27 – CONTINUED)

(a) Proposals for Amendment of Appendices I and II of the Convention (Item 27.1)

(i) Proposal for the Inclusion of the Mainland Asian Elephant/Indian Elephant (*Elephas maximus indicus*) in Appendix I of the Convention (Item 27.1.1)

358. The proponent, India, introduced the listing proposal contained in document UNEP/CMS/COP13/Doc.27.1.1, drawing attention also to the proposal under Agenda Item 28 for a Concerted Action for this species. Comments from the Scientific Council were provided in document UNEP/CMS/COP13/Doc.27.1.1/Add.1.

359. Bangladesh supported the proposal, together with the EU and its Member States and Sri Lanka.

360. IFAW, also speaking on behalf of the Born Free Foundation, Wildlife Conservation Society, and WWF supported the listing proposal, which provided a framework that would catalyse conservation actions. IFAW drew attention to the emerging issue of use of elephant skins, and urged all Parties to support the proposal.

361. Humane Society India and Humane Society International, together with Young Naturalist Network, fully supported the listing proposal, and drew attention to the potential benefits for elephants in India that would otherwise be caught and held in captivity.

362. CMS Ambassador Ian Redmond pointed out that the population of Asiatic Elephant occurring on the island of Borneo migrated between Sabah in Malaysia and Kalimantan in Indonesia. These countries were not yet Parties to the Convention, but if and when they joined, this population would also be eligible for listing on Appendix I.

363. There being no further requests for the floor, the Chair concluded that the COW had endorsed inclusion of Mainland Asian Elephant/Indian Elephant in Appendix I of the Convention, and that it would be forwarded to plenary for adoption.

(ii) Proposal for the Inclusion of the Jaguar (*Panthera onca*) in Appendix I and II of the Convention (Item 27.1.2)

364. Costa Rica, speaking on behalf of the proponents (the Republic of Costa Rica, the Republic of Argentina, the Plurinational State of Bolivia, the Republic of Paraguay, the Republic of Peru and Oriental Republic of Uruguay) introduced the listing proposal contained in document UNEP/CMS/COP13/Doc.27.1.2. Comments from the Scientific Council were provided in document UNEP/CMS/COP13/Doc.27.1.2/Add.1. Additional comments submitted by Costa Rica were contained in document UNEP/CMS/COP13/Doc.27.1.2/Add.2.
365. Switzerland supported the proposal, drawing attention to the fragmented nature of the population and the need for transboundary corridors to permit connectivity.
366. Australia, Eswatini, the EU and its Member States, India, Nigeria, Panama (speaking also on behalf of Brazil and Ecuador), Senegal, and the UK also supported the proposal, before the Chair requested that in the interests of saving time, any further supporting statements from Parties should be submitted in writing to the Secretariat.
367. Australia and the UK commended the robust justification in support of the proposal that had been provided by Costa Rica in response to the comments of the Scientific Council.
368. WCS greatly appreciated the proposal and strongly supported the listing, drawing attention to the vital role played by the Jaguar in indigenous culture in the region, and a recent increase in poaching.
369. International Council for Game and Wildlife Conservation (CIC) did not support the proposal for an Appendix I listing, saying that the Red List status of Jaguar globally was Near Threatened, and that the population in the Amazon basin did not meet the listing criteria. Furthermore, a number of Range States were not Parties to CMS. Listing on Appendix II was warranted because of the existence of transboundary populations. CIC recommended that a Range State analysis should be conducted for consideration at COP14.
370. IFAW, speaking also on behalf of Born Free Foundation, Defenders of Wildlife, Humane Society International, Natural Resources Defense Council, and WWF, congratulated the proponents on their proposal, and on their response to the comments of the Scientific Council. The proposal was an exemplary regional effort that deserved support. There was a particular need to conserve the 26 fragmented and isolated transboundary populations.
371. Young Naturalist Network supported the proposal.
372. The Chair observed that there had been no dissenting views or opposition from any Party.
373. The COW endorsed the inclusion of Jaguar in Appendix I and II of the Convention and recommended the proposed listing for adoption by plenary.

(iii) Proposal for the Inclusion of the Urial (*Ovis vignei*) in Appendix II of the Convention (Item 27.1.3)

374. The Republic of Tajikistan, speaking on behalf of the proponents – the Republic of Tajikistan, the Islamic Republic of Iran, and the Republic of Uzbekistan, introduced the listing proposal contained in document UNEP/CMS/COP13/Doc.27.1.3. Comments from the Scientific Council were provided in document UNEP/CMS/COP13/Doc.27.1.3/Add.1.
375. The European Union and its Member States supported the listing proposal and consequently the potential inclusion of Urial in the Central Asian Mammals Initiative. The EU emphasized the importance of ensuring consistency and coherence of CMS and CITES with regard to this species.

376. India supported the listing proposal.

377. There being no dissenting views, or objections from Parties, the COW endorsed the inclusion of Urial in Appendix II of the Convention and recommended the proposed listing for adoption by plenary.

(iv) Proposal for the Inclusion of the Great Indian Bustard (*Ardeotis nigriceps*) in Appendix I of the Convention (Item 27.1.4)

378. The proponent, India, introduced the listing proposal contained in document UNEP/CMS/COP13/Doc.27.1.4, drawing attention also to the proposal under agenda item 28 for a Concerted Action for this species. Comments from the Scientific Council were provided in document UNEP/CMS/COP13/Doc.27.1.4/Add.1

379. The Plurinational State of Bolivia (speaking on behalf of the South and Central America and the Caribbean region), Ecuador, the EU and its Member States, Mauritius, Peru, Saudi Arabia, Somalia, and Senegal, as well as the Wildlife Conservation Society (WCS), the Corbett Foundation and Young Naturalist Network, supported the listing proposal.

380. There being no dissenting views, or objections from Parties, the COW endorsed the inclusion of Great Indian Bustard in Appendix I of the Convention and recommended the proposed listing for adoption by plenary.

(v) Proposal for the Inclusion of the Bengal Florican (*Houbaropsis bengalensis bengalensis*) in Appendix I of the Convention (Item 27.1.5)

381. The proponent, India, introduced the listing proposal contained in document UNEP/CMS/COP13/Doc.27.1.5, drawing attention also to the proposal under agenda item 28 for a Concerted Action for this species. Comments from the Scientific Council were provided in document UNEP/CMS/COP13/Doc.27.1.5/Add.1.

382. Bangladesh, Costa Rica, the EU and its Member States, as well as Bombay Natural History Society strongly supported the proposal.

383. The International Council for Game and Wildlife Preservation (CIC) stated that it could only tentatively support the listing proposal. The species was already included in CITES Appendix I, but the status of transboundary movements was unclear and needed further research.

384. There being no objections from Parties, the COW endorsed the inclusion of Bengal Florican in Appendix I of the Convention and recommended the proposed listing for adoption by plenary.

(vi) Proposal for the Inclusion of the Little Bustard (*Tetrax tetrax*) in Appendix I and II of the Convention (Item 27.1.6)

385. The EU and its Member States, speaking as proponent of the listing proposal, introduced document UNEP/CMS/COP13/Doc.27.1.6. Comments from the Scientific Council, including the recommendation to adopt the proposal, were provided in document UNEP/CMS/COP13/Doc.27.1.6/Add.1.

386. Costa Rica, Iraq, Mongolia (speaking also on behalf of Kyrgyzstan, Tajikistan and Uzbekistan), Peru, as well as Young Naturalist Network, supported the listing proposal.

387. There being no dissenting views, or objections from Parties, the COW endorsed the inclusion of Little Bustard in Appendix I and II of the Convention and recommended the proposed listing for adoption by plenary.

(vii) Proposal for the Inclusion of the Antipodean Albatross (*Diomedea antipodensis*) in Appendix I of the Convention (Item 27.1.7)

388. New Zealand, speaking on behalf of the proponents – New Zealand, Australia, and Chile – introduced document UNEP/CMS/COP13/Doc.27.1.7, highlighting in particular the threats associated with long-line fishing in the South Pacific, and drawing attention also to the proposal under Agenda item 28 for a Concerted Action on this species. Comments from the Scientific Council, including the recommendation to adopt the proposal, were provided in document UNEP/CMS/COP13/Doc.27.1.7/Add.1.
389. Australia, the EU and its Member States, India, and Uruguay (speaking on behalf of the South and Central America and the Caribbean region), as well as the Secretariat of the Agreement on the Conservation of Albatrosses and Petrels (ACAP), and Young Naturalist Network, supported the listing proposal.
390. There being no dissenting views, or objections from Parties, the COW endorsed the inclusion of Antipodean Albatross in Appendix I of the Convention and recommended the proposed listing for adoption by plenary.

(viii) Proposal for the Inclusion of the Oceanic White-tip Shark (*Carcharhinus longimanus*) in Appendix I of the Convention (Item 27.1.8)

391. The proponent, Brazil, introduced the listing proposal contained in document UNEP/CMS/COP13/Doc.27.1.8/Rev.2. Comments from the Scientific Council were provided in document UNEP/CMS/COP13/Doc.27.1.8/Add.1.
392. Costa Rica, the EU and its Member States, India, Israel, New Zealand, Senegal and Sri Lanka supported the listing proposal.
393. There being no dissenting views, or objections from Parties, the COW endorsed the inclusion of the Oceanic White-tip Shark in Appendix I of the Convention and recommended the proposed listing for adoption by plenary.

(ix) Proposal for the Inclusion of the Smooth Hammerhead Shark (*Sphyrna zygaena*) in Appendix II of the Convention (Item 27.1.9 (a))

394. The proponent, Brazil, introduced the listing proposal contained in document UNEP/CMS/COP13/Doc.27.1.9(a), which referred to the regional population shared by Argentina, Brazil and Uruguay. Comments from the Scientific Council were provided in document UNEP/CMS/COP13/Doc.27.1.9(a)/Add.1.
395. Brazil noted that it also supported the EU proposal for inclusion of the global population of Smooth Hammerhead Shark covered by agenda item 27.1.9 (b).
396. The Chair invited the EU to present its proposal under 27.1.9 (b), given that the global scope of the latter proposal fully embraced the regional listing proposal submitted by Brazil.

(x) Proposal for the Inclusion of the Smooth Hammerhead Shark (*Sphyrna zygaena*) in Appendix II of the Convention (Item 27.1.9 (b))

397. The EU and its Member States, as proponents of the listing proposal, introduced document UNEP/CMS/COP13/Doc.27.1.9(b). Accompanying documents comprised UNEP/CMS/COP13/Doc.27.1.9(a and b)/Add.1 *Scientific Council Comments* and UNEP/CMS/COP13/Doc.27.1.9(b)/Add.2 *Additional Comments* (submitted by the EU).
398. The Chair invited comments from Parties, requesting those intervening to state clearly their preferred proposal text: the global proposal from the EU, or the regional proposal from Brazil.

399. Ecuador, Gambia, India and Senegal supported the global listing proposal.
400. Australia, speaking as one of the Range States for Smooth Hammerhead Shark, was disappointed that it had not been consulted on the global listing proposal prior to its submission. The Scientific Council had reviewed the science, and recommended that the Australian population of Smooth Hammerhead be excluded as it did not meet the definition of migratory under the Convention. Furthermore, when dealing with a geographically isolated population, such as Smooth Hammerhead within Australian waters, it was unclear from the EU's submissions which other jurisdiction Australia should be cooperating with under the Convention to conserve Australia's Smooth Hammerhead population. The Convention was predicated on international cooperation to conserve truly migratory species. The continued lack of consultation by some Parties, and the unwillingness to take other Parties' perspectives into account undermined the spirit of the Convention. The continued inclusion of species on the CMS Appendices that were not eligible, also undermined the credibility of the Convention. Australia stated that it was resolutely opposed to the inclusion of the Australian population of Smooth Hammerhead Shark on CMS Appendix II and requested that the global listing proposal be varied so as to exclude the Australian population from an Appendix II listing for this species, consistent with the Scientific Council's advice.
401. Israel noted that the Rules of Procedure provided for any proposal to be amended. Australia had provided strong justification of its position and Israel therefore supported the EU listing proposal as amended by Australia.
402. Norway and Saudi Arabia also supported the EU listing proposal as amended by Australia.
403. Bangladesh, Côte d'Ivoire, Nigeria, and Senegal supported the global proposal as originally submitted by the EU.
404. The EU and its Member States confirmed that it could not accept the proposed amendment from Australia.
405. The Chair called for a vote on the amendment proposed by Australia, noting that under the Rules of Procedure a two-thirds majority was required for an amendment to a proposal to be passed.
406. The Secretariat confirmed that the credentials of 63 Parties had so far been approved by the Credentials Committee. None of these Parties was in arrears with payment of dues, and all 63 were eligible to vote under this agenda item.
407. The EU advised that it would exercise 28 votes, comprising those of the 27 EU Member States, plus the United Kingdom under the terms of the Withdrawal Agreement concluded by the UK and the EU.
408. The Chair explained the voting procedure to be followed and opened three rounds of voting to support, oppose or abstain from the amendment proposed by Australia to reduce the scope of the EU's global listing proposal for Smooth Hammerhead Shark by excluding the Australian population.
409. The results of the votes were as follows:
- Nine eligible Parties voted to support the amendment proposed by Australia.
 - Forty-seven eligible Parties voted to oppose the amendment.
 - Five eligible Parties abstained.
410. The Chair confirmed that the amendment from Australia had failed to obtain the two-thirds majority required under the Rules of Procedure and that the COW would therefore move to a vote on the original EU proposal.

411. In response to a Point of Order raised by Israel, the Chair confirmed that it was in order to vote on the EU proposal ahead of the proposal from Brazil. Both had been received on the same date and the scope of the Brazilian proposal was wholly within the scope of the EU proposal. If the EU proposal was approved, there would be no need to vote on the proposal from Brazil.
412. The Chair opened three rounds of voting to support, oppose or abstain from the original proposal of the EU to list the global population of Smooth Hammerhead Shark in Appendix II of the Convention. The results of the votes were as follows:
- Fifty-nine eligible Parties voted to support the proposal
 - One eligible Party voted to oppose the proposal.
 - Three eligible Parties abstained.
413. The Chair confirmed that the original EU listing proposal had been endorsed by the COW with a large majority, in excess of that required under the Rules of Procedure, and that it would be recommended to plenary for adoption.

Committee of the Whole 15.20–18.15

MOU Signing Ceremony

414. The representative of Divers for Sharks, Paulo Guilherme, and the representative of Save Our Seas Foundation, Sarah Fowler, signed the Memorandum of Understanding on the Conservation of Migratory Sharks (CMS Sharks MOU) bringing the number of cooperating partners to 15.
- (x) Proposal for the Inclusion of the Tope Shark (*Galeorhinus galeus*) in Appendix II of the Convention (Item 27.1.10)**
415. The European Union, speaking as proponent of the listing proposal, introduced document UNEP/CMS/COP13/Doc.27.1.10. Comments from the Scientific Council were provided in UNEP/CMS/COP13/Doc.27.1.10/Add.1, whilst additional comments submitted by the EU were provided in document UNEP/CMS/COP13/Doc.27.1.10/Add.2.
416. Australia, as with the proposed listing of the Smooth Hammerhead Shark, expressed its disappointment, as a major Range State, for Tope (or School) Shark that it had not been consulted about the proposed listing. There was extensive expertise on the species in Australia and detailed comments on the proposal had been submitted in good time, but disregarded by the proponents, who had also not taken up the recommendations of the Scientific Council. Australia considered the movements of animals between Australia and New Zealand to represent dispersal, not migration, and a high proportion of the population appeared not to undertake any movements. Australia considered the lack of consultation to have been against the spirit of the Convention, and there was a risk that the adoption of this proposal would reduce the credibility and value of the CMS Appendices. Australia was resolutely against the proposed listing and requested that the Australian and New Zealand population should be excluded, in line with the recommendations of the Scientific Council.
417. The Chair pointed out that Australia's request for exclusion of the Australian and New Zealand population from the listing proposal constituted an amendment to the proposal. He opened the floor to discussion of the amendment.
418. Senegal opposed the amendment and preferred to adopt the full proposal, which was supported by both the IUCN Shark Specialist Group, and the Advisory Committee of the CMS Sharks MOU. Most migrant animals appeared to be gravid females and this was the most important portion of the population to conserve.

419. New Zealand echoed Australia's concerns, saying that scientific assessment indicated that the population in Australian and New Zealand waters did not meet the criteria for listing. The New Zealand population did not have an unfavourable conservation status and the population would not benefit from international conservation measures. New Zealand was disappointed that the proponent had not amended the proposal in the light of scientific evidence.
420. Norway supported the amendment proposed by Australia.
421. The EU and its Member States did not accept the Australian amendment.
422. The Brazil Humpback Whale Institute, also representing Divers for Sharks, noted that long migrations by this species had been recorded, as well as globally relevant declines, resulting in all but one of the populations appearing on the IUCN Red List. All Parties were urged to adopt the proposal as submitted by the EU.
423. Save our Seas, also on behalf of Blue Resources Trust, Humane Society International, IFAW, Ocean Care, WCS and WWF reported high quality research from Australia showing that females of the species were migratory, and that the Australian population would not survive without replenishment from New Zealand. Females were believed to return every two years to give birth in the nurseries where they were born.
424. The Chair called for a vote on the amendment proposed by Australia, noting that as before, a two-thirds majority was required for an amendment to a proposal to be passed. Sixty-three Parties were eligible to vote under this agenda item, and the EU would exercise 28 votes.
425. The Chair reiterated the voting procedure and then proceeded to three rounds of voting to support, oppose or abstain from the amendment tabled by Australia to reduce the scope of the EU's global listing proposal for Tope Shark by excluding the Australian and New Zealand population.
426. The results of the votes were as follows:
- Seven eligible Parties voted to support the amendment tabled by Australia.
 - Forty eligible Parties voted to oppose the amendment.
 - Ten eligible Parties abstained.
427. The Chair confirmed that the amendment from Australia had failed to obtain the two-thirds majority required under the Rules of Procedure and that the COW would therefore move to a vote on the original EU proposal.
428. In the interests of time, Australia indicated that it would not oppose the global listing proposal.
429. The Chair thanked Australia for the spirit of this statement and enquired if there was any objection from Parties to approving the global listing proposal made by the EU.
430. There being no such objection from any Party, the COW endorsed the proposal for inclusion of Tope Shark in Appendix II of the Convention and recommended its adoption by plenary.

(b) Guidelines for Preparing and Assessing Proposals for the Amendment of CMS Appendices (Item 27.2)

431. The Chair of the Scientific Council, Fernando Spina, introduced Document UNEP/CMS/COP13/Doc.27.2. The Conference of the Parties was recommended to adopt the proposal for consolidation of Resolutions 3.1 (Rev.COP12) and 11.33 (Rev.COP12) as contained in Annex 1 and Annex 2 of the document; to adopt the draft decision contained in Annex 3; to note the report of the Scientific Council on the effectiveness of the guidelines to assess listing proposals to list migratory species in Appendices I and II; to delete Decisions 12.10 and 12.101; and to repeal Resolutions 3.1 (Rev.COP12) and 11.33 (Rev.COP12).
432. New Zealand expressed two concerns about the listing process; firstly, that some species proposed for listing did not have an IUCN Red List status consistent with the criteria for listing, and secondly, that the importance of consulting with Range States was not acknowledged. New Zealand, supported by Australia and Israel, proposed adding an operative paragraph to the draft Resolution stressing the importance of consultation with Range States when proposing species for listing on CMS Appendices.
433. Israel considered this to be important work, but expressed doubts about the validity of redefining terms that were already in the Convention text, and in one case, changing the meaning of a word. Israel proposed amendments to the draft Resolution to address these concerns.
434. The EU and its Member States supported the adoption of the draft decision and repeal and consolidation of Resolutions 3.1 and 11.33, subject to inclusion of some amendments, which would be provided in writing.
435. Australia reminded Israel that resolutions were the primary mechanism for updating and refining terms and definitions. Many of the Convention texts were 40 years old, and in need of updating and redefining. Parties relied on the threat categories ascribed by IUCN, and it was appropriate to retain the definition of 'Endangered' under paragraph 5.3.
436. The Chair observed that some of the issues raised related to interpretation of the Convention. This warranted the establishment of a Contact Group, open to all Parties, and chaired by Israel, to consider these matters further with the aim of reaching consensus on a way forward.

**CONSIDERATION OF CONFERENCE ROOM PAPERS (CRPs)
TO BE FORWARDED TO PLENARY FOR FINAL REVIEW AND ADOPTION – CONTINUED**

437. The COW considered UNEP/CMS/COP13/CRP1 *Gandhinagar Declaration on CMS and the Post-2020 Global Biodiversity Framework*
438. Brazil underlined that this was a declaration to be adopted by CMS within the mandate of CMS. CMS did not have the mandate to say what should be done by other bodies and also needed to stick to internationally agreed concepts. Brazil had prepared amendments to this effect, which it would submit to the Secretariat.
439. The EU and its Member States proposed a number of amendments, some of which were related to matters raised by Brazil, and was submitting these in writing.
440. Argentina noted that CMS was only mentioned in the last operative paragraph and that many proposals were addressed to CBD. CMS was not a Convention that operated under CBD. CMS should therefore limit itself to statements that related to CMS.
441. The Chair requested India to lead a Contact Group, together with Argentina, Brazil, the EU, and any other interested Parties, to finalize the drafting of the Declaration.

442. The COW endorsed, without further amendment, the following documents for consideration by plenary:

- CRP 17 *CMS contribution to the Post-2020 Global Biodiversity Framework*
- CRP 18 *Synergies and Partnerships*
- CRP 18.1 *Cooperation between the Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services (IPBES) and CMS*
- CRP 18.2 *World Migratory Bird Day*
- CRP 26.2.6 *Marine Turtles*

IMPLEMENTATION OF THE CONCERTED ACTIONS PROCESS (ITEM 28)

(a) Progress in Implementation of Concerted Actions (Item 28.1)

443. The Secretariat introduced document UNEP/CMS/COP13/Doc.28.1 *Progress in Implementation of Concerted Actions*. The COP was recommended to:

- endorse the approach proposed by the Sessional Committee of the Scientific Council to address its mandate included in Decision 12.103;
- delete Decision 12.103, as its purpose of completing the consolidation of the Concerted and Cooperative Actions processes was now achieved;
- adopt the proposed amendment of the format of Annex 3 of Resolution 12.28 included in Annex 2 to the present document;
- take note of the template for reporting on progress in the implementation of Concerted Actions included in Annex 1 to the present document;
- delete Decision 12.104 as completed;
- review progress in the implementation of Concerted Actions as reported in documents UNEP/CMS/COP13/Doc.28.1.1 to Doc.28.1.8; and
- take a decision concerning the continuation of Concerted Actions still to be completed.

444. The Chair enquired if there was any objection from Parties to endorsing the recommended actions. There being no such objections the COW endorsed the recommendations for final confirmation by plenary.

(i) Report on the Implementation of the Concerted Action for the European Eel (*Anguilla anguilla*) (Item 28.1.1)

445. On behalf of the Principality of Monaco, the Secretariat introduced document UNEP/CMS/COP13/Doc.28.1.1. Comments by the Scientific Council were included in document UNEP/CMS/COP13/Doc.28.1.1/Add.1. The Concerted Action had been completed and was therefore not recommended for continuation. However, further work on European Eel was proposed in CMS/COP13/Doc.26.2.9.

446. Belarus observed that some of the potential of the Concerted Action had not been realised, for reasons that Belarus had stated under agenda item 26, including insufficient involvement of non-EU Range States.

447. The COW took note of the report.

(ii) Report on the Implementation of the Concerted Action for the Sperm Whales (*Physeter macrocephalus*) of the Eastern Tropical Pacific (Item 28.1.2)

448. The COP-Appointed Councillor for Aquatic Species introduced document UNEP/CMS/COP13/Doc.28.1.2. The Scientific Council's recommendation for continuation of the Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.1.2/Add.1.

449. The COW took note of the report and endorsed the recommendation for continuation of the Concerted Action.

(iii) Report on the Implementation of the Concerted Action for the Atlantic Humpback Dolphin (*Sousa teuszii*) (Item 28.1.3)

450. Sea Shepherd Legal introduced document UNEP/CMS/COP13/Doc.28.1.3. The Scientific Council's recommendation for continuation of the Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.1.3/Add.1. The COP was strongly encouraged to extend the Concerted Action for a further triennium.

451. The COP-Appointed Councillor for Aquatic Species introduced document UNEP/CMS/COP13/Doc.28.1.3/Add.2 *Concerted Action for the Atlantic Humpback Dolphin (Sousa teuszii) Proposed Activities for 2020-2023*. He urged the international community to learn lessons from the looming extinction of the Vaquita and urged action to avoid a similar fate for the Atlantic Humpback Dolphin.

452. Gambia and Senegal supported the proposed extension of the Concerted Action, but urged that it be assigned as High, rather than Medium, Priority.

453. Whale and Dolphin Conservation, speaking also on behalf of Humane Society International, Born Free Foundation, OceanCare, WWF, WCS and IFAW, strongly supported the extension of the Concerted Action and called for urgent implementation to prevent the extinction of a unique species; there would be no second chance.

454. Argentina and Peru also supported extension of the Concerted Action.

455. There were no opposing views and the COW took note of the report and endorsed the recommendation for extension of the Concerted Action.

(iv) Report on the Implementation of the Concerted Action for Humpback Whales (*Megaptera novaeangliae*) of the Arabian Sea (Item 28.1.4)

456. The COP-Appointed Councillor for Aquatic Species introduced UNEP/CMS/COP13/Doc.28.1.4. and its two addenda: UNEP/CMS/COP13/Doc.28.1.4/Add.1 *Scientific Council comments* and UNEP/CMS/COP13/Doc.28.1.4/Add.2 *Proposal for the Extension of the CMS Concerted Action for Arabian Sea Humpback Whales (Megaptera novaeangliae)*. The COP was requested to take note of the report.

457. India welcomed and supported the Concerted Action but requested efforts to involve the Sultanate of Oman in its implementation as an important Range State for the species.

458. There were no opposing views and the COW took note of the report and endorsed the recommendation for continuation of the Concerted Action.

(v) Report on the Implementation of the Concerted Action for the Angelshark (*Squatina squatina*) (Item 28.1.5)

459. The Secretariat, speaking on behalf of the proponent, the Principality of Monaco, introduced document UNEP/CMS/COP13/Doc.28.1.5. The Scientific Council's recommendation for continuation of the Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.1.5/Add.1. It was recommended that the Concerted Action should be renewed and extended for the following triennium.

460. In the interests of time, the Chair encouraged delegates that wished to support the proposal to do so in writing. He enquired whether there were any opposing views among Parties.

461. There were no opposing views and the COW took note of the report and endorsed the recommendation for renewal and extension of the Concerted Action.

(vi) Report on the Implementation of the Concerted Action for the Mobulid Rays (Mobulidae) (Item 28.1.6)

462. WCS, speaking also on behalf of the other co-proponent Manta Trust, introduced document UNEP/CMS/COP13/Doc.28.1.6. The Scientific Council's recommendation for continuation of the Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.1.6/Add.1.

463. Ecuador supported the document and reported briefly on a number of relevant actions taken at national level.

464. In the interests of time, the Chair encouraged delegates that wished to support the proposal to do so in writing. He enquired whether there were any opposing views among Parties.

465. There were no opposing views and the COW took note of the report and endorsed the recommendation for continuation of the Concerted Action.

(vii) Report on the Implementation of the Concerted Action for the Whale Shark (*Rhincodon typus*) (Item 28.1.7 (a))

(viii) Report on the Implementation of the Concerted Action for the Whale Shark (*Rhincodon typus*) (Item 28.1.7 (b))

466. Two complementary reports on Implementation of the Concerted Action for Whale Shark had been submitted to COP13. These were contained in document UNEP/CMS/COP13/Doc.28.1.7 a – submitted by Sea Shepherd Legal; and document UNEP/CMS/COP13/Doc.28.1.7b – submitted by Large Marine Vertebrates Research Institute Philippines. The Scientific Council's recommendation for continuation of the Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.1.7(a and b)/Add.1, whilst a Draft Revised Concerted Action was contained in UNEP/CMS/COP13/Doc.28.1.7(a and b)/Add.2.

467. In the interests of time, the Chair encouraged delegates that wished to support the proposal to do so in writing. He enquired whether there were any opposing views among Parties.

468. There were no opposing views and the COW took note of the report and endorsed the recommendation for continuation of the Concerted Action.

(ix) Report on the Implementation of the Concerted Action for the Asian Population of the Great Bustard (*Otis tarda*) Item 28.1.8

469. Mongolia introduced document UNEP/CMS/COP13/Doc.28.1.8. The Scientific Council's recommendation for continuation of the Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.1.8 Add.1.

470. In the interests of time, the Chair encouraged delegates that wished to support the proposal to do so in writing. He enquired whether there were any opposing views among Parties.

471. There were no opposing views and the COW took note of the report and endorsed the recommendation for continuation of the Concerted Action.

(b) New Proposals for Concerted Actions for the Triennium 2021-2023 (Item 28.2)

472. The Secretariat noted that document UNEP/CMS/COP13/Doc.28.2 was simply a summary list of the proposals received.

(i) Proposal for a Concerted Action for the Nut-Cracking Chimpanzees of West Africa (*Pan troglodytes*), already listed on Appendices I and II of the Convention (Item 28.2.1)

473. CMS Ambassador Ian Redmond, speaking also on behalf of the Expert Working Group on Culture and Social Complexity, the co-proponent, presented the Concerted Action proposal contained in document UNEP/CMS/COP13/Doc.28.2.1/Rev.1. Additional comments, submitted by members of the Expert Working Group, in collaboration with the authors and editor of the IUCN Action Plan for the Conservation of Western Chimpanzees 2019-2029, were contained in document UNEP/CMS/COP13/Doc.28.2.1/Rev.1/Add.1.

474. Liberia supported the proposal.

475. The Chair encouraged other delegates that wished to support the proposal to do so in writing. He enquired whether there were any opposing views among Parties.

476. There were no opposing views and the COW endorsed the proposed new Concerted Action for adoption by plenary.

(ii) Proposal for a Concerted Action for the Asian Elephant (*Elephas maximus*), proposed for inclusion on Appendix I of the Convention (Item 28.2.2)

477. The proponent, India, introduced the Concerted Action proposal contained in document UNEP/CMS/COP13/Doc.28.2.2/Rev.1. The Scientific Council's recommendation for adoption of the Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.2.2/Add.1.

478. The Chair encouraged delegates that wished to support the proposal to do so in writing. He enquired whether there were any opposing views among Parties.

479. There were no opposing views and the COW endorsed the proposed new Concerted Action for adoption by plenary.

(iii) Proposal for a Concerted Action for the Giraffe (*Giraffa camelopardalis*) already listed on Appendix II of the Convention (Item 28.2.3)

480. The United Republic of Tanzania, speaking on behalf of the proponents (Cameroon, Chad, Ethiopia, Kenya, Niger, the United Republic of Tanzania, and Zimbabwe) introduced the Concerted Action proposal contained in document UNEP/CMS/COP13/Doc.28.2.3. The Scientific Council's recommendation for adoption of the Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.2.3/Add.1.

481. There were no opposing views and the COW endorsed the proposed new Concerted Action for adoption by plenary.

Note for clarification: Item 28.2.4 Proposal for the Continuation of the Concerted Action for Sahelo-Saharan Megafauna, had already been dealt with under agenda item 26.3.4 on 19 February.

(v) Proposal for a Concerted Action for the Irrawaddy Dolphin (*Orcaella brevirostris*) already listed on Appendix I and II of the Convention (Item 28.2.5)

482. The proponent, India, introduced the Concerted Action proposal contained in document UNEP/CMS/COP13/Doc.28.2.5. The Scientific Council's recommendation for adoption of the Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.2.5/Add.1.
483. Bangladesh, as well as Whale and Dolphin Conservation, Humane Society International, WWF and OceanCare, supported the proposal.
484. The Chair encouraged other delegates who wished to support the proposal to do so in writing. He enquired whether there were any opposing views among Parties.
485. There were no opposing views and the COW endorsed the proposed new Concerted Action for adoption by plenary.

(vi) Proposal for a Concerted Action for the South Asian River Dolphin (*Platanista gangetica*) already listed on Appendix I and II of the Convention (Item 28.2.6)

486. The proponent, India, introduced the Concerted Action proposal contained in document UNEP/CMS/COP13/Doc.28.2.6/Rev.2 *Proposal for a Concerted Action for the Ganges River Dolphin (Platanista gangetica gangetica) already listed on Appendix I and II of the Convention*. The Scientific Council's recommendation for adoption of the Concerted Action (with the scope revised to cover Ganges River Dolphin *Platanista gangetica gangetica* only) were provided in document UNEP/CMS/COP13/Doc.28.2.6/Add.1.
487. The Chair encouraged other delegates that wished to support the proposal to do so in writing. He enquired whether there were any opposing views among Parties.
488. There were no opposing views and the COW endorsed the proposed new Concerted Action for adoption by plenary.

(vii) Proposal for a Concerted Action for the Harbour Porpoise (*Phocoena phocoena*) in the Baltic and Iberian Peninsula, already listed in Appendix II of the Convention (Item 28.2.7)

489. Humane Society International, on behalf of the proponents (Coalition Clean Baltic, Whale and Dolphin Conservation, Humane Society International and ORCA) introduced the Concerted Action proposal contained in document UNEP/CMS/COP13/Doc.28.2.7/Rev.1 *Proposal for a Concerted Action for the Harbour Porpoise (Phocoena phocoena) already listed on Appendix II of the Convention*. The Scientific Council's recommendation for adoption of the Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.2.7/Add.1.
490. The Chair encouraged other delegates that wished to support the proposal to do so in writing. He enquired whether there were any opposing views among Parties.
491. The International Whaling Commission welcomed the proposed Concerted Action and briefly identified a number of potential opportunities for support and collaboration.
492. Whale and Dolphin Conservation emphasized that, largely as a direct result of entanglement in fishing gear, the two populations covered by the proposal were in deep trouble, with one on the brink of extinction.
493. There were no opposing views and the COW endorsed the proposed new Concerted Action for adoption by plenary.

(viii) Proposal for a Concerted Action for the Common Guitarfish (*Rhinobatos rhinobatos*), already listed on Appendix II of the Convention, the Largetooth Sawfish (*Pristis pristis*), already listed on Appendix I and II of the Convention and the Smalltooth Sawfish (*Pristis pectinata*), listed on Appendix I and II of the Convention (Item 28.2.8)

494. Senegal, on behalf of the proponent, Gabon, introduced the Concerted Action proposal contained in document UNEP/CMS/COP13/Doc.28.2.8. The Scientific Council's recommendation for adoption of the proposed Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.2.8/Add.1.
495. Sea Shepherd Legal supported the proposal and outlined the dire conservation status of the three species.
496. The Chair encouraged other delegates who wished to support the proposal to do so in writing. He enquired whether there were any opposing views among Parties.
497. The EU and its Member States were generally supportive, but had a small question with regard to the reference in the document to eDNA. In addition, the EU had noted that the proposed Concerted Action applied to only one Range State and enquired whether, as a result, this initiative could still be considered as a Concerted Action.
498. The Secretariat responded that there was nothing that formally excluded it, although it was perhaps not in the general spirit of a Concerted Action.
499. The EU requested that the meeting report should indicate that endorsement of this proposed Concerted Action did not set a precedent for the future and that Concerted Actions in principle should be for more than one country.
500. There were no opposing views and the COW endorsed the proposed new Concerted Action for adoption by plenary.

(ix) Proposal for a Concerted Action for the Common Guitarfish (*Rhinobatos rhinobatos*) and the Bottlenose Wedgefish (*Rhynchobatus australiae*) already listed on Appendix II of the Convention, and the Families Rhinobatidae and Glaucostegidae (Item 28.2.9)

501. The proponent, IUCN Shark Specialist Group, introduced the Concerted Action proposal contained in document UNEP/CMS/COP13/Doc.28.2.9. The Scientific Council's recommendation for adoption of the proposed Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.2.9/Add.1.
502. WCS strongly supported the proposal and underlined its commitment to support implementation.
503. There were no opposing views and the COW endorsed the proposed new Concerted Action for adoption by plenary.

(x) 28.2.10 Proposal for a Concerted Action for the Great Indian Bustard (*Ardeotis nigriceps*), proposed for inclusion in CMS Appendix I (Item 28.2.10)

504. The proponent, India, introduced the Concerted Action proposal contained in document UNEP/CMS/COP13/Doc.28.2.10. The Scientific Council's recommendation for adoption of the proposed Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.2.10/Add.1.

505. There were no opposing views and the COW endorsed the proposed new Concerted Action for adoption by plenary.

(xi) Proposal for a Concerted Action for the Bengal Florican (*Houbaropsis bengalensis bengalensis*), proposed for inclusion in CMS Appendix I (Item 28.2.11)

506. The proponent, India, introduced the Concerted Action proposal contained in document UNEP/CMS/COP13/Doc.28.2.11/Rev.1. The Scientific Council's recommendation for adoption of the proposed Concerted Action and other comments were contained in document UNEP/CMS/COP13/Doc.28.2.1/Add.1.

507. There were no opposing views and the COW endorsed the proposed new Concerted Action for adoption by plenary.

(xii) Proposal for a Concerted Action for the Antipodean Albatross (*Diomedea antipodensis*) (Item 28.2.12)

508. New Zealand, speaking on behalf of the proponents (Australia, Chile and New Zealand) introduced the Concerted Action proposal contained in document UNEP/CMS/COP13/Doc.28.2.12. The Scientific Council's recommendation for adoption of the proposal was contained in document UNEP/CMS/COP13/Doc.28.2.12/Add.1.

509. There were no opposing views and the COW endorsed the proposed new Concerted Action for adoption by plenary.