

Chair's Report on the Outcomes of the Contact Group on disaggregation of higher taxa at the 5th Meeting of the Sessional Committee of the Scientific Council – ScC-SC5

Membership of the Contact Group: Narelle Montgomery, SC Chair; Barry Baker, SC CAC; Olivier Biber, AEML WG Chair; Philippa Brakes, CMS Chair Culture WG; Krishna Bonavides, Party Brazil; Rob Clay, SC CAC; Stephen Garnett, SC CAC; Suresh Kumar, Party India; Joao Loureiro, SC EUR; Ruben Moreno-Opo, SC EUR; Carlos Orrego, SC LATAM; Margi Prideaux, CMS Chair Aq. Wildmeat WG; Ian Redmond, CMS Ambassador; Sarah Scott, Party UK; Patricia Serafini, SC LATAM; Mark Simmonds, CAC Marine Pollution, Fernando Spina, SC CAC; Graeme Taylor, SC Oceania; Hector Vera-Alcaraz, SC LATAM; James Williams, SCC OBS UK; Suren, Gazaryan, Eurobats Secretariat; Marco Barbieri, Ivan Ramirez, Tilman Schneider, Tine-Lindberg-Roncari (all CMS Secretariat), Nicola Crockford, Vicky Jones (both Birdlife International); Rebecca Regnery, HIS; Frances Davis, WCMC

The Contact Group on Agenda item 8.2 Disaggregation of higher taxa listed on Appendix II examined the document assigned to it and concluded its business.

ScC-SC5/Doc.8.2 Disaggregation of higher taxa listed on Appendix II

In response to the tabling of UNEP/CMS/COP13/Doc.27.3, COP13 accepted the offer of the Scientific Council to work during the intersessional period and to provide advice to COP14 on the advantages and disadvantages of the various ways of treating the species currently aggregated under families or genera under CMS Appendix II. This document aims at providing elements for the consideration of this issue by the 5th meeting of the Sessional Committee, including an overview of relevant work undertaken in the intersessional period between COP12 and COP13, and some suggestions on possible approaches for the disaggregation of higher taxa listed on Appendix II. The Sessional Committee is requested to make recommendations on what is now required to arrive at a considered opinion on the advantages and disadvantages of the various ways of treating the species currently aggregated under families or genera under Appendix II.

Summary of changes made to existing documents

None

General comments from the Contact Group to be considered by Plenary

A short presentation was made by Professor Stephen Garnett, Chair of the contact group and author of the paper, on the subject matter and the analysis of the disaggregation of higher taxa of birds listed on CMS Appendix II. Options as outlined in the document were presented. The purpose of the contact group was to discuss advantages and disadvantages in treating species currently aggregated under higher taxa on CMS Appendix II. The contact group thanked Stephen Garnett for his effort invested into the work on the analysis of the 63 bird families and three genera listed on Appendix II.

While the document concerned birds, considerations concerning approaches for treating the species currently aggregated in higher taxa was also applicable to two families of mammals (Rhinolophidae and Vespertilionidae) and two families of reptiles (Cheloniidae and Dermochelyidae). Therefore, the discussion also reflected on the relevance for these bat and turtle families.

Additional background

The Secretariat provided some additional elements relevant to the issue.

- The Convention, at present and since it was opened to signature in 1979, has considered higher taxa on Appendix II as covering all the migratory species included in those taxa (Appendix II, Interpretation, paragraphs 1 and 2)
- For some higher taxa, their coverage in species has already been clarified when Art. IV Agreements covering those taxa were negotiated: these include AEWA, the Raptors MOU, EUROBATS, IOSEA and the Atlantic Turtle MOU.

In terms of available options, it was clarified that option i. implies the development of a supplementary list that would include the species covered under the higher taxa. The composition of the list would depend on the criteria adopted, therefore different options could be envisaged based on the criteria. A differentiation could be made only to species that are migratory under CMS, or species with unfavourable conservation status. It was also pointed out that none of the options proposed took into consideration the criteria for listing on App. II of whether species “*require international agreements for their conservation and management*”, or “*have a conservation status which would significantly benefit from the international cooperation that could be achieved by an international agreement*” (Art. IV para. 1 of CMS). The importance of acknowledging the full range of criteria was emphasized, including the criterion that the species would significantly benefit from a listing to an agreement. Based on the current Appendix II in its interpretation section, “*when reference was made to higher taxa, all species under this higher taxon could significantly benefit from an international agreement.*”

Arguments for disaggregation of higher taxa under reduction of the number of species listed raised

Several participants stated a preference for option ii) described in the document, i.e. *replacing family names with those of the species that belong to the families and genera currently aggregated under Appendix II that have been judged to have an unfavourable conservation status (i.e. those species not assessed as Least Concern) and, after consultation with range states, are determined to meet the definition of Migratory Species set out in Article 1.1 of the Convention.*

An argument raised was that a listing of higher taxa created ambiguity for Parties and Range States, who had legally binding obligations to conserve the species concerned, as well as regarding reporting. Listing all species that had an unfavourable conservation status and are migratory would provide clarity. Those Eurobats species listed under CMS could be explicitly listed by species. In the later discussion, participants clarified that it was not sought to remove species from existing agreements, but that it was to the discretion of the agreements to make decisions in that regard.

The migratory character and the conservation status were emphasized as the most relevant criteria in this context. The importance was expressed of taking concerted actions and establishing agreements between Parties for those species identified being in more urgent need, and not to dilute efforts by listing all migratory species contained in the higher taxa regardless of their conservation status. In addition, species currently not listed might require such listing more urgently. Resolutions and guidelines would be used to refine the process, and opened the opportunity for Parties to take action rather on population scale. For migratory species that were only threatened on regional scale, only the regional population should be listed.

Option iv), i.e. *deleting any species in a disaggregated family unless there is a full nomination for inclusion on Appendix II*, was considered unrealistic and none of the members supported it.

Arguments raised against reduction of the number of species on App II in the course of potential disaggregation

Some participants raised concerns regarding creating a generic rule for Appendix II listed species under higher taxa, and potentially undermining daughter agreements. Apart from birds, reference was made to bat and turtle higher taxa listed on Appendix II. The European populations of Vespertilionidae and Rhinolophidae species covered by EUROBATS were those covered by Appendix II. Eurobats used a different process on taxonomy, considering current data from experts and from the Article 17 reporting of EU Member States, than the taxonomy adopted by CMS, i.e. Wilson and Reeder (2005). It was raised that IUCN listings of bats listed under Eurobats usually lagged behind the actual status by several years, and that a disaggregation and potential delisting would raise questions in the context of the European assessments, which assessed European bats as Vulnerable or Threatened.

The relevance of regional populations with distinct statuses was mentioned. Reference was made to cetaceans, which were listed as populations in a higher proportion than it was the case for other taxonomic groups, and for which agreements were in place doing successful conservation work, and involving Range States that are not CMS Parties.

Several opinions raised indicated a preference for option iii), i.e. *replacing family names with those of the species that belong to the families and genera currently aggregated under Appendix II that have been judged as meeting the definition of Migratory Species of the Convention, regardless of the IUCN Red List status.*

As another possibility, it was suggested to elaborate an option between option ii) and iii), expanding option ii) to include, in addition to the Globally Threatened and the Near Threatened species, those Least Concern species that have a decreasing global population trends according to the global IUCN Red List authority. It was suggested that this would be more in line with the Agreement Text definition of 'unfavourable conservation status' which covers species not meeting any one of 4 tests: 1) population dynamics indicating the species can maintain itself on a long term basis species 2) species range not being or not likely to be reduced on a long term basis, 3) Sufficient habitat to maintain the population on a long term basis, 4) Distribution and abundance approaching historic coverage and levels to the extent suitable ecosystems exist and consistent with wise management.

Not meeting one of those four criteria could be defined as being in an unfavourable status. Declining global population trends were considered to clearly indicate that a species was meeting the criterion for unfavourable conservation status. For birds, more than 80 percent of the family listings related to landbirds, and the proposed expansion of option ii) could merit the criteria for categorizing these species within the African-Eurasian Migratory Landbirds Action Plan (AEMLAP), in which Category A contained Globally Threatened and Near Threatened species, and Category B contained Least Concern species with declining global population trends. Including Globally Threatened and Near Threatened and globally declining species in disaggregated listings would be in line with both the Convention Text's definition of unfavourable conservation status, and for birds with the categorization within AEMLAP, the most relevant CMS instrument for the bulk of the family-level listings.

Agreement to limit work to birds

Although cetaceans, bats and turtles were discussed, it was agreed that work on disaggregation mandated by COP13 was confined to the families and genera listed on Appendix II.

Next steps recommended by the contact group

In conclusion, the contact group recommends that an intersessional working group on the issue of disaggregation of higher taxa of birds listed on CMS Appendix II be established. A draft Terms of Reference of the working group can be found in CRP8.2. These propose that working group prepare a paper on the disaggregation of *bird* families and genera listed on Appendix II of the CMS that will explore the consequences of options 1-3 listed as alternative treatments in UNEP/CMS/ScC-SC5/Doc.8.2. This will require gathering further information on the following:

The Working Group would explore the consequences of options 1-3 listed as alternative treatments in UNEP/CMS/ScC-SC5/Doc.8.2. This will require the following work:

- Determining which of the species that cross boundaries cyclically and predictably but are not listed as threatened (Extinct in the Wild, Critically Endangered, Endangered, Vulnerable) or Near Threatened under the IUCN Red List Criteria
 - may have populations of unfavourable conservation status that could be listed under Appendix II
 - may be Data Deficient, or have populations that have negative population trends even though listed as Least Concern
- Identifying which members of the aggregated families are already listed under daughter agreements of CMS, as well as species listed under those daughter agreements in non-aggregated families that are not on Appendix II
- The administrative procedures required for each option; i.e. pathways for how recommendations from the Scientific Council would be taken through to a proposal that would be considered by the CoP
- Listing the advantages and disadvantages of each option for consideration at the next Scientific Council meeting and recommending a preferred option