



## CONVENTION ON MIGRATORY SPECIES

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### GUIDELINES FOR ASSESSING LISTING PROPOSALS TO APPENDICES I AND II OF THE CONVENTION

Adopted by the Conference of the Parties at its 12<sup>th</sup> Meeting (Manila, October 2017)

*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),

*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 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";

2. *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;
3. *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;
4. *Adopts* the *Format for proposals to amend CMS Appendices*, contained in Annex 2 to this Resolution;
5. *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
6. *Decides* that this Resolution replaces Resolutions 2.2 and 5.3 for assessing listing proposals to Appendix I and II of the Convention.

## Annex 1 to Resolution 11.33 (Rev.COP12)

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

1. CMS requirements for listing species or populations to Appendix I are set out in paragraphs 1 and 2 of Article III:
  - i. *'Appendix I shall list migratory species which are endangered.'*
  - ii. *A migratory species may be listed in Appendix I provided that reliable evidence, including the best scientific evidence available, indicates that the species is endangered.'*
  
2. CMS requirements for listing migratory species on Appendix II are set out in paragraph 1 of Article IV, and states two scenarios – which can be evaluated through three 'tests', the first two of which (tests 1a and 1b) are linked, that need to be considered for a listing proposal to be successful:
 

*'Appendix II shall list migratory species which have an unfavourable conservation status (Test 1a) and which require international agreements for their conservation and management (Test 1b), as well as those which have a conservation status which would significantly benefit from the international cooperation (Test 2) that could be achieved by an international agreement.'*
  
3. Evidence of the migratory status of a species should be clearly demonstrated in a listing proposal. In particular the 'cyclically and predictably' nature of migrations across national boundaries should be demonstrated.
  
4. The IUCN Red List Categories and Criteria (Version 3.1, second edition) should be used as suggested below in assessing proposals to list migratory species on Appendices I and II:
  - a. a taxon assessed as 'Extinct in the Wild', 'Critically Endangered', or 'Endangered' using the IUCN Red List criteria is eligible for consideration for listing in Appendix I, recognizing that CMS Appendix I species are broadly defined as 'endangered'.
  - b. a taxon assessed as 'Vulnerable' or 'Near Threatened' would not normally be considered for listing in Appendix I unless there is substantive information subsequent to the IUCN Red List assessment that provides evidence of deteriorating conservation status, and information about the conservation benefits that an Appendix I listing would bring.
  - c. a taxon assessed as 'Extinct in the Wild', 'Critically Endangered', 'Endangered', 'Vulnerable' or 'Near Threatened' using the IUCN Red List criteria will be eligible for consideration for listing in Appendix II; recognizing that such taxa meet the definition of 'unfavourable conservation status' under the Convention.
  - d. a taxon assessed as 'Data Deficient' using the IUCN Red List criteria should be evaluated in terms of the merit of any individual Appendix II proposal. Information that may be available since the Data Deficient assessment should be considered on a case by case basis. It would be exceptional for a 'Data Deficient' assessed taxon to be considered for listing in Appendix I.
  - e. the scale of the Red List assessment should match the scale of the listing proposal. Thus, for a proposal to include a species in the Appendices, the Red List assessment used should be a global assessment. However, if it is proposed to include a population or geographically separate part of a population of any species, then the

Red List assessment used should be with respect to that population or part of that population.

- f. in making a decision on whether a taxon qualifies for listing in either Appendix I or Appendix II, information which has become available since the last IUCN Red List assessment for a taxon should also be taken into account, using the same principles and percentage changes in populations as the red-listing process.
  - g. if an IUCN Red List assessment is not available for a taxon, equivalent information, using the same principles and percentage changes in populations as the red-listing process, should be provided in the listing proposal to enable it to be assessed on an equivalent basis.
5. The benefits and risks to conservation of listing or delisting should be explicitly stated for both Appendix I and Appendix II proposals. Coherence with existing measures in other multilateral fora should be considered.
6. The consideration of whether species '*require international agreements for their conservation and management*' (Test 1b), or '*have a conservation status which would significantly benefit from the international cooperation that could be achieved by an international agreement*' (Test 2) and thus qualify for inclusion in Appendix II should be decided on a case by case basis. Any proposal to include a species in Appendix II should include an assessment of whether:
- i. existing legislation in the Range States is sufficient, or if further protection is needed;
  - ii. the majority of the population of the species concerned is migratory or sedentary;
  - iii. the factors that have led to an unfavourable conservation status are anthropogenic or natural;
  - iv. existing bilateral or multilateral measures/agreements need to be boosted or amended;
  - v. all Range States already protect the species or have management recovery plans in place; and
  - vi. listing in a CMS Appendix would support measures in other multilateral fora;
- and clearly demonstrate all three of the following:
- a. how the inclusion on Appendix II will benefit the taxon;
  - b. a Party or Parties' intention with respect to concluding an international agreement or concerted action; and
  - c. a Party or Parties' willingness to adopt the role of Focal Point for the nominated taxon and lead the development of an international agreement or concerted action.
7. With regard to removing a species from the Appendices, the Conference of the Parties should follow the processes outlined in Article III and Article XI of the Convention when assessing the status of a migratory species in relation to it being considered for removal from Appendix I and/or II. In those instances where species proposed for delisting are also subject to the provisions of other Conventions and multilateral agreements between States related to the conservation or sustainable use of wild animals, the Secretariat should consult those relevant Conventions regarding the suitability of removing the protection provided by the CMS Appendices. Such consultation should aim to ensure that a complete assessment of

the consequences of delisting a species from CMS have been considered within the context of the whole management of the species.

8. Proposals for the inclusion of taxa above the species level should not normally be accepted unless all of the species within that taxon meet the requirements of the Convention. Information on each species in the higher taxon should be included in the proposal, and each species should be assessed on its own merits. If a proposal is adopted, the individual species within the higher taxon should be listed in the Appendices of the Convention rather than the higher taxon.

**Annex 2 to Resolution 11.33 (Rev.COP12)**

**FORMAT FOR PROPOSALS TO AMEND CMS APPENDICES**

A. PROPOSAL

B. PROPONENT

C. SUPPORTING STATEMENT

1. Taxonomy

- 1.1 Class
- 1.2 Order
- 1.3 Family
- 1.4 Genus, species or subspecies, including author and year
- 1.5 Scientific synonyms
- 1.6 Common name(s), in all applicable languages used by the Convention

2. Overview

3 Migrations

- 3.1 Kinds of movement, distance, the cyclical and predictable nature of the migration
- 3.2 Proportion of the population migrating, and why that is a significant proportion

4. Biological data (other than migration)

- 4.1 Distribution (current and historical)
- 4.2 Population (estimates and trends)
- 4.3 Habitat (short description and trends)
- 4.4 Biological characteristics
- 4.5 Role of the taxon in its ecosystem

5. Conservation status and threats

- 5.1 IUCN Red List Assessment (if available)
- 5.2 Equivalent information relevant to conservation status assessment
- 5.3 Threats to the population (factors, intensity)
- 5.4 Threats connected especially with migrations
- 5.5 National and international utilization

6. Protection status and species management

- 6.1 National protection status
- 6.2 International protection status
- 6.3 Management measures
- 6.4 Habitat conservation
- 6.5 Population monitoring

7. Effects of the proposed amendment

- 7.1 Anticipated benefits of the amendment
- 7.2 Potential risks of the amendment
- 7.3 Intention of the proponent concerning development of an Agreement or Concerted Action

8. Range States

9. Consultations

10. Additional remarks

11. References

N.B. Proponents should refer to Resolution 11.33 *Guidelines for Assessing Listing Proposals to Appendices I and II of the Convention* to ensure the proposal includes all relevant information to enable the Scientific Council and the Conference of the Parties to evaluate the merits of the proposal made.

## Explanatory notes

Information should be provided for all sections of the template – in a concise and factual manner.

A. The proponent(s) should indicate the specific amendment to the Appendices, and in particular

- whether a taxon is proposed to be included in, or removed from one or both Appendices;
- species or sub-species or higher taxon;
- whether the entire population or a geographically separate population of the taxon is concerned by the proposed amendment.

The proponent(s) should justify the basis of the proposed amendment. In particular, in the case of a taxon being proposed for inclusion in the Appendices, the proposal should justify how the taxon meets the relevant criteria (see section 5.1 for details). This is particularly important in cases where the IUCN classification does not align with the Appendix proposed. The proposal should also clearly articulate the benefit expected to result from the species' inclusion on the proposed Appendix. In the case of a taxon being proposed for removal from the Appendices, the proposal should justify why the taxon no longer meets the criteria for inclusion, and no longer needs the protection provided by the listing (see also section 7.2).

Proposals for the inclusion of taxa above the species level should not normally be accepted unless all of the species within that taxon meet the requirements of the Convention. Information on each species in the higher taxon should be included in the proposal, and each species should be assessed on its own merits. If a proposal is adopted, the individual species within the higher taxon should be listed in the Appendices of the Convention rather than the higher taxon.

B. Official name of the Contracting Party to the Convention submitting the proposal. A proposal can be submitted by more than one Party.

C. A selection of the most important scientific data which explain and substantiate the proposal; these data may be gathered from technical literature or from reports which have so far not been published (references and web links should be provided).

1. Taxonomy: the proposal should include sufficient information to allow the Scientific Council and the Conference of the Parties to identify clearly the taxon that is the subject of the proposal.

1.4 If the species concerned is included in one of the standard lists of names or taxonomic references adopted by the Conference of the Parties, the name provided by that reference should be entered here. If a different name is used, the reason for the divergence from the taxonomic reference should be explained. If the species concerned is not included in one of the adopted standard references, the proponent should provide references as to the source of the name used.

1.5 The proponent should provide information on other scientific names or synonyms under which the taxon concerned may be known currently, especially in case of significant dispute on its taxonomic status.

1.6 Common names of the taxon proposed should be provided. As a minimum these should include all of the official languages of the Convention.

2. Overview. This section should provide a brief overview of key elements of the proposal, taken from key sections of the supporting statement.

3. Migrations



Proponents should bear in mind the definition of migration in Article I paragraph 1 (a) of the Convention:

*a) "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;*

3.1 Description of the character of migrations, indicating the geographical extent of population movements. With reference to the definition of "migratory species" in Article I, paragraph 1 (a) of the Convention, as interpreted in Resolution 11.33, the cyclical and predictable nature of migrations across national boundaries should be demonstrated.

Resolution 11.33 Paragraph 2 states:

*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;*

3.2 Information on whether the entire or only part of the population undertakes migrations should be provided, together with why this should be considered a significant proportion of the population. Where only some parts of the population migrate, a description should be provided. Detail on the actual proportion of the species which is migratory should be provided, and the basis on which that is calculated should be stated.

It is difficult to provide a guide on a numerical proportion that should be considered 'significant' due to differences in life history and ecology of the range of taxa to which the Convention applies. Bearing this in mind, a pragmatic approach should be taken. In the spirit of the Convention text, and in the light of existing listings, the species or particular population should benefit from cross-border conservation action. However, some explanation of why the proposal covers a significant proportion of the species concerned (whether a global listing or a geographically distinct population) should be provided to enable reviewers to assess whether the definition is met, as it is the migratory nature of species populations that provides the basis for international co-operation under the Convention.

#### 4. Biological data

4.1 This section should comprise a description of the range, including changes in historical times as well as division of the overall range into reproduction, migrating and wintering (resting) ranges, when applicable; a map should be added, when available. If possible, information should be provided to indicate whether or not the distribution of the species is continuous and, if it is not, to what degree it is fragmented. If relevant, data on the degree and periodicity of fluctuations in the area of distribution should be provided.

4.2 This section should provide an estimate of the current total population or number of individuals differentiated by relevant age classes where possible, or other indices of population abundance, based on the most recently available data. Where appropriate, the number of subpopulations, and their estimated sizes, should be provided. Information on the source of the data used should be provided.

Basic quantitative and qualitative information, when available, should be provided on current and past trends in the species' abundance (providing sources). The period over which these

trends, if any, have been measured should be indicated. If the species naturally undergoes marked fluctuations in population size, information should be provided to demonstrate that the trend transcends natural fluctuations. If generation-time has been used in estimating the trend, a statement should be provided of how the generation-time has been estimated.

4.3 Specification of the types of habitats used by the taxon over its entire migration range and, when relevant, the degree of habitat specificity and dependency.

When available, information on the nature, rate and extent of habitat change (e.g. loss, degradation or modification) should be provided, noting when applicable the degree of fragmentation and discernible changes in the quality of habitat. Where appropriate, the relationship between habitat and population trends should be described.

4.4 Summary of general biological and life history characteristics of the taxon relevant to its conservation status (e.g. reproduction, recruitment, survival rate, sex ratio, reproductive strategies).

4.5 If available, information about the role of the taxon in its ecosystem, and other relevant ecological information, should be provided, as well as about the potential impact of the proposal on that role.

## 5. Threats and conservation status

5.1 This section should provide information on the IUCN Red List assessment for a taxon, at a global and range state level, if available. The scale of the Red List assessment should match the scale of the listing proposal. Thus, for a proposal to include a species in the Appendices, the Red List assessment used should be a global assessment. However, if it is proposed to include a population or geographically separate part of a population of any species, then the Red List assessment used should be with respect to that population or part of that population.

In line with the use of the IUCN Red List Categories and Criteria (Version 3.1, second edition) recommended by Resolution 11.33, a taxon assessed as 'Extinct in the Wild', 'Critically Endangered', or 'Endangered' using the IUCN Red List criteria is eligible for consideration for listing in Appendix I, recognizing that CMS Appendix I species are broadly defined as 'endangered';

Resolution 11.33 Paragraph 1 states:

*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";*

The guidelines annexed to Resolution 11.33 state:

- *a taxon assessed as 'Vulnerable' or 'Near Threatened' would not normally be considered for listing in Appendix I unless there is substantive information subsequent to the IUCN Red List assessment that provides evidence of deteriorating conservation status, and information about the conservation benefits that an Appendix I listing would bring;*
- *a taxon assessed as 'Extinct in the Wild', 'Critically Endangered', 'Endangered', 'Vulnerable' or 'Near Threatened' using the IUCN Red List criteria will be eligible for consideration for listing in Appendix II, recognizing that such taxa meet the definition of 'unfavourable conservation status' under the Convention;*
- *a taxon assessed as 'Data Deficient' using the IUCN Red List criteria should be evaluated in terms of the merit of any individual Appendix II proposal. Information that may be available since the Data Deficient assessment should be considered on a case by case basis. It would be exceptional for a 'Data Deficient' assessed taxon to be considered for listing in Appendix I.*

5.2 This section should include information complementary or equivalent to the IUCN Red List Assessment.

Information that has become available since the last IUCN Red List assessment for a taxon should be provided, using the same principles and percentage changes in populations as the red-listing process.

If an IUCN Red List assessment is not available for a taxon, equivalent information, using the same principles and percentage changes in populations as the red-listing process, should be provided to enable the proposal to be assessed on an equivalent basis.

5.3 This section should include a specification of the nature, intensity and, if possible, relative importance of human-induced threats (e.g. habitat loss or degradation; over-exploitation; effects of competition, predation or disease by introduced species; climate change; toxins and pollutants; etc.). Where possible, a determination of the level of threat should be provided, for the purpose of future assessments of the effects of the amendment.

5.4 This section should include a description of any threat related specifically to the migratory behaviour of the taxon, or affecting it (e.g. obstacles to migration).

5.5 This section should include a description of the types and extent of all known uses of the taxon, indicating trends if possible.

## 6. Protection status and species management

6.1 This section should include details of legislation in relevant Range States relating to the conservation of the species, including its habitat, either specifically (such as endangered species legislation) or generally (such as legislation on wildlife and accompanying regulations). The nature of legal protection (i.e. whether the species is totally protected, or whether harvesting is regulated or controlled) should be indicated. Where appropriate, an assessment of the effectiveness of this legislation in ensuring the conservation and/or management of the taxon should be provided.

6.2 This section should include details of international instruments relating to the species in question, including the nature of the protection afforded by such instruments. This section should also indicate where the species is captured by management measure of a Regional Fisheries Management Organization (RFMO), whether as a targeted species or bycatch. Where appropriate, an assessment of the effectiveness of these instruments in ensuring the conservation and/or management of the species should be provided.

6.3 This section should include details of programmes in place in the individual Range States as well as of joint programmes between Range States to manage populations of the taxon in question (e.g. recovery plans, RFMO management systems and/or conservation measures, controlled harvest from the wild, captive breeding or artificial propagation, reintroduction, ranching, quota systems, etc.). It should include, where appropriate, details such as planned harvest rates, planned population sizes, procedures for the establishment and implementation of quotas, and mechanisms for ensuring that wildlife management advice is taken into account. Where applicable, details should be provided of any mechanisms used to ensure a return from utilization of the species in question to conservation and/or management programmes (e.g. pricing schemes, community ownership plans, export tariffs, etc.).

6.4 This section should provide information, where available, regarding the number, size and type of protected areas relevant to the habitat of the species, and on habitat conservation programmes outside protected areas.

6.5 This section should provide details of programmes in place to monitor the status of wild populations and the sustainability of offtake from the wild (referencing information provided in

section 6.1, 6.2 and 6.3).

## 7. Effects of the proposed amendment

7.1 This section should clearly demonstrate how the proposed amendment will benefit the taxon. Coherence with existing measures in other multilateral fora should be demonstrated. As far as possible information should also be provided on the following:

- i. whether existing legislation in the Range States is sufficient, or if further protection is needed;
- ii. the extent to which the factors that have led to an unfavourable conservation status are anthropogenic or natural;
- iii. whether existing bilateral or multilateral measures/agreements need to be boosted or amended;
- iv. the extent to which all range states already protect the species or have management recovery plans in place; and
- v. how listing in a CMS Appendix would support measures in other multilateral fora, especially those under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), or RFMOs.

7.2 This section should include a statement of the potential risks to conservation of the proposed amendment. In the case of proposals to removing a taxon from the Appendices, an assessment of the suitability of removing the protection provided by the CMS Appendices should be provided. Consideration should also be given to coherence with protection under other regimes – such as CITES or RFMOs.

7.3 The proponent(s) must provide a statement of its/their intention of the following:

- concluding an international agreement or concerted action; and
- adopting the role of Focal Point for the nominated taxon and lead the development of an international agreement or concerted action.

## 8. Range States

The proponent(s) should provide a list of States where the occurrence of species has been proved (indicating, where possible, whether these are breeding, migrating or resting ranges).

## 9. Consultations

The proponent(s) shall consult, as far as possible, nature conservation authorities of the other Range States before the proposal is submitted, and give a brief outline of any comments received upon the proposal. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of the request.

In the case of taxa that are also managed through other international agreements or intergovernmental bodies, consultations should be undertaken to obtain the comments of those organizations or bodies. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of the request.

10. Additional remarks

This section should be used for any other relevant information that does not fit into the sections above. This section may be left blank if there are no additional remarks to be made.

11. References

Full bibliographic references should be provided, including names of all authors so that readers of the proposal who wish to cross-check the references can find them easily. As far as possible references should be from peer-reviewed rather than 'grey' literature or unpublished sources. Where possible please provide web-links or 'doi' numbers to make finding the references easier.