

**DRAFT REPORT OF THE 13<sup>th</sup> MEETING  
OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE  
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS**

**Day 2 – Tuesday 18 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 1.

<b>Committee of the Whole 09.40–13.05</b>
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**BUDGET AND ADMINISTRATION (ITEM 13 – CONTINUED)**

**(b) Budget 2021-2023 and Programme of Work for the intersessional period between COP13 and COP14 (Item 13.2)**

54. The Executive Secretary introduced document UNEP/CMS/COP13/Doc.13.2. She recalled that the Prime Minister of India, Narendra Modi, had considered migratory species conservation sufficiently important to have supported it through a live address during the opening ceremony of COP13. CMS found itself in a year of very high expectations, but with a budget deficit and levels of arrears in contributions at historically negative levels.
55. Four budget scenarios for 2021-2023 were proposed:
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|------------|---|
| Scenario 1 | Zero nominal growth scenario – maintaining the current position and maintaining UN salaries including the statutory 2 per cent increase. This scenario would require cuts to programmes.  |
| Scenario 2 | Zero real growth scenario – also keeping on a par with the 2018-2020 budget but including a consideration of inflation at 2 per cent on costs beyond salaries, with an additional €10,000 per year for staff training.  |
| Scenario 3 | Strengthening the Secretariat scenario – addressing some staffing needs. Considerable restraint had recently been exercised in this area and this scenario would add one new P post and one GS post, while extending some part-time posts. This scenario would add 12.7 per cent to the cost of scenario 2.   |
| Scenario 4 | Scenario 3 plus additional items central to the work of the Secretariat, namely: <ul style="list-style-type: none"><li>• Analysis of national reports, with an estimated budget of €30,000;</li><li>• Development of report on the State of the World’s Migratory Species with an estimated €150,000 budget.</li><li>• Additional outreach activities at an estimated cost of €60,000.</li></ul> This scenario would add 2.82 per cent to the cost of scenario 3. |
56. The document also referred to the possibility of introducing the minimum contribution of Parties to €1,000 or €2,000 per annum, as mandated by the 48<sup>th</sup> meeting of the Standing Committee in October 2018. This approach was already in use by EUROBATS and AEWA.
57. The proposed Programme of Work for the intersessional period between COP13 and COP14 was detailed in Annex 6 of document UNEP/CMS/COP13/Doc.13.2.
58. Uganda expressed deep concern about the proposal for minimum contributions. The UN scale of assessment provided a fair and agreed method of establishing contribution rates according to ability to pay. The proposal seemed likely to increase the level of arrears and damage the work of CMS. Uganda implored delegates to retain the existing scale of contributions.

59. The United Kingdom said that the high quality of the budget documents and scenarios placed Parties in a strong position for the discussions ahead. It was only right that Parties should have high ambitions, but these needed funding to become a reality. It was, first of all, crucial that CMS was able to function efficiently. After that, it was up to Parties to decide the scale of ambition.
60. Brazil especially appreciated the specific activities identified in Scenario 4 and expressed great concern that only 14 per cent of the budget for the 2018-2020 Programme of Work had been funded. Brazil was also concerned by paragraph 11 of the Draft Resolution, where one substantial and worrying change had not been presented or highlighted. This change, under which Parties three or more years in arrears with their contributions would face sanctions, would affect many countries. Brazil was completely against this provision and considered it not to have been presented in a transparent manner.
61. Switzerland considered it essential to aim for what was necessary in the budget to achieve the required outcomes. Biodiversity was in crisis, and immediate, effective action was needed. Switzerland called on Parties to be ambitious in setting targets, and also when setting the budget.
62. Argentina, Costa Rica and Peru supported Brazil's objection to Paragraph 11 of the Draft Resolution. Argentina also pointed out that some essential text was missing from the Spanish translation of paragraph 11 of the Draft Resolution.
63. Zimbabwe added that some countries were in arrears because the payment method was not flexible or user friendly.
64. Mongolia supported an ambitious Programme of Work and a strong Secretariat, and considered the 'State of the World's Migratory Species' report to be essential. Mongolia would actively join the Budget Working Group.
65. Israel supported the proposal of the Secretariat for an increase in the budget. The scenarios presented were realistic and achievable. Considering the very poor state of the budget, Israel supported the proposal in paragraph 11 of the Draft Resolution and considered it reasonable. Late payment of contributions was a major challenge for the Convention and a compliance mechanism to encourage payment was needed.
66. Australia and New Zealand agreed with Israel, and Australia added that it seemed logical that countries that were preventing implementation of the Programme of Work should not be allowed to make additions to it by submitting more documents.
67. The Seychelles considered it essential to reduce the level of arrears in contributions and appealed to all Parties to consider ways forward.
68. Bangladesh stressed the importance of outreach activities and was pleased to see the increase in this area proposed in Scenario 4.
69. The Executive Secretary provided clarification of Paragraph 11 of the Draft Resolution. She pointed out that the idea had been proposed by the Finance and Budget Subcommittee as a creative way of encouraging Parties to pay their contributions. Any lack of transparency in presenting the budget had been unintentional, and she acknowledged that explanation of this point would have been useful. If this approach was objectionable to the COP, other creative ways of tackling the issue should be proposed.

70. BirdLife International urged Parties to opt for Scenario 4. The unavoidable reduction in staffing in the Avian Programme at the Secretariat had resulted in negligible progress on a number of important programmatic initiatives. There was a need for a coordinator for landbirds, and for development of fundraising capacity. Environment ministries often had low budgets and there was scope for the involvement of industry in fundraising.

### **(c) Resource Mobilization (Item 13.3)**

71. The Secretariat introduced document UNEP/CMS/COP13/Doc.13.3/Rev.1. Voluntary and in-kind contributions from eight countries and the European Union amounted to nearly €4.9 million, almost half of which covered activities that would continue into the next triennium. The agreement with the Environment Agency - Abu Dhabi, had recently been renewed for a further four years.

## **STRATEGIC PLAN (ITEM 14)**

### **(a) Progress in the Implementation of the Strategic Plan for Migratory Species 2015-2023 (Item 14.1)**

72. Kelly Malsch (UNEP-WCMC) presented document UNEP/CMS/COP13/Doc.14.1, which provided an interim assessment of progress towards the achievement of the 16 targets in the Strategic Plan for Migratory Species (SPMS), based on the indicators identified in the plan itself. The document included a draft decision concerning the final assessment of the implementation of the SPMS 2015-2023 to be submitted to COP14 for consideration.
73. The EU and its Member States took note of the assessment of progress, and acknowledged the positive progress in some areas, but expressed deep concern about the lack of progress in mitigating unsustainable use. They supported the adoption of the draft decision with the inclusion of a minor amendment which would be submitted in writing.
74. South Africa appreciated the report, including the options offered for follow-up of the present SPMS, and called for consideration to be given to extending the mandate, terms of reference and composition of the existing Strategic Plan Working Group, subject to the availability of resources, to allow for continuity of expertise.

### **(b) Options for a follow-up to the Strategic Plan for Migratory Species 2015-2023 (Item 14.2)**

75. The Executive Secretary introduced document UNEP/CMS/COP13/Doc.14.2. It was essential that development of a revised Strategic Plan for CMS should complement the Post-2020 Global Biodiversity Framework, to be finalized in October 2020 at COP15 of the Convention on Biological Diversity (CBD). Since the current SPMS extended to 2023, a revised version would need to be developed intersessionally with a view to adoption at COP14. A draft COP13 decision contained in COP13/Doc.14.2 requested the Secretariat to analyse the final text of the Post-2020 Global Biodiversity Framework and to make recommendations to the Standing Committee, which would then further consider options and next steps.
76. The EU and its Member States supported the adoption of the draft decision but proposed minor amendments which would be provided in writing.
77. The United Kingdom considered it crucial that migratory species were appropriately reflected in the Post-2020 Global Biodiversity Framework, supported the draft decision, and welcomed a cross-cutting approach to developing a Strategic Plan. There was a need for CMS to identify how it could most effectively contribute to the Post-2020 Framework and to learn lessons from other multilateral environment agreements (MEAs).

78. The CBD Secretariat welcomed the recommendations contained in COP13/Doc.14.1 and COP13/Doc.14.2, underlining the importance of taking account of ongoing international processes, and noting that 28 countries shared the same National Focal Points for both CBD and CMS.

## **SCIENTIFIC COUNCIL (ITEM 15)**

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

79. Ms Narelle Montgomery (Australia) introduced document UNEP/CMS/COP13/Doc.15.1, which reported on the activities of the Sessional Committee of the Scientific Council in reviewing this issue. In order to better understand areas where expert advice would be valuable to the work of the Convention, relevant outcomes of the last three COPs had been identified, and additional resources such as the National Reports, the CMS Strategic Plan, as well as, for example, the Aichi Targets and the Sustainable Development Goals had been used.
80. A second activity had been the establishment of a continuing review process for these subject areas. This process was summarized in Annex 2 of document UNEP/CMS/COP13/Doc.15.1.
81. The review had resulted in the identification of the following subject areas for COP-Appointed Councillors: Birds, Terrestrial Mammals, Aquatic Mammals, Marine Fish, Climate Change, Connectivity/Networks, Marine Pollution, Bycatch, and Invasive Species. Nominations for each position were listed in Document UNEP/CMS/COP13/Doc.15.1/Add.1/Rev1.
82. The EU and its Member States, supported by Peru, speaking on behalf of South and Central America and the Caribbean, took note of the recommendations of the Sessional Committee of the Scientific Council. They agreed in principle with the selected subject areas but considered some additional subject areas also to be a priority, particularly insects, animal culture, and freshwater fish.
83. Wildlife Conservation Society (WCS) pointed out that IPBES recognized the over-exploitation of species as one of the five main drivers of biodiversity loss. This was considered to be a major gap in the subject areas identified. It was suggested that illegal taking and trade in species should be included as a future subject area for a COP-Appointed Councillor.
84. The Chair requested Argentina, Australia, the EU, New Zealand and Peru to constitute a Friends of the Chair group, chaired by Australia, to engage in further discussions on this topic, and to advise the Chair of the COW on how best to move forward.

### **(b) Appointment of Members of the Sessional Committee of the Scientific Council (Item 15.2)**

85. The Secretariat presented document UNEP/CMS/COP13/Doc.15.2/Rev.1, which provided information to assist the Parties. Resolution 12.4 outlined the composition of the committee and the process for nomination of members and alternate members of the Sessional Committee of the Scientific Council for election during the closing plenary of the COP. The regional groups were requested to submit nominations of eligible candidates before the evening of 19 February.
86. Senegal sought clarification as to its eligibility for nomination. Senegal was three years in arrears with its contributions, though the responsible ministry had undertaken to pay in full.
87. The Chair advised that the Bureau would consider this matter at its meeting during the evening of 18 February.

88. Costa Rica reported on behalf of Central and South America and the Caribbean that the region had agreed to retain its existing membership during the coming triennium.
89. The Africa region, represented by South Africa, advised the meeting of nominations as follows:

<u>Members</u>	<u>Alternates</u>
Senegal*	Ghana
Uganda	Ethiopia
Zimbabwe	Seychelles

\*Subject to the outcome of Bureau deliberations.

#### **ELECTION OF PARTIES TO THE STANDING COMMITTEE (ITEM 16)**

90. The Secretariat introduced document UNEP/CMS/COP13/Doc.16 *Election of Parties to the Standing Committee*. Parties were recommended to consult within regional groups and to determine which Parties would be nominated as regional or alternate members of the Standing Committee. The formal election of Parties to the Standing Committee, in accordance with Resolution 9.15, would take place on the closing day of the COP.
91. South Africa, speaking on behalf of the Africa regional group, advised the meeting of nominations as follows:

<u>Members</u>	<u>Alternates</u>
Mali	Zimbabwe
Algeria	Gabon (subject to consultation with the Bureau)
Kenya	Uganda

92. Costa Rica, speaking on behalf of South and Central America and the Caribbean, advised the meeting of nominations as follows:

<u>Members</u>	<u>Alternates</u>
Panama	Trinidad & Tobago
Uruguay	Peru

93. The Chair urged other regional groupings to conclude their deliberations as soon as possible and to communicate their proposed nominations to the Secretariat by the evening of 19 February for review by the Bureau and confirmation by the COP on 22 February.

#### **CMS CONTRIBUTION TO THE POST-2020 BIODIVERSITY FRAMEWORK (ITEM 17)**

94. The Executive Secretary introduced documents UNEP/CMS/COP13/Doc.17 *CMS Contribution to the Post-2020 Biodiversity Framework*; UNEP/CMS/COP13/Doc.17/Add.1 *Scientific Council Comments*; and UNEP/CMS/COP13/Doc.17/Add.2 *CMS Priorities for the Post-2020 Global Biodiversity Framework and Preliminary Views on Zero Draft and Indicators*.
95. There was no draft COP decision on this item, which would instead be taken forward through the proposed Gandhinagar Declaration, at the initiative of the Government of India in its capacity as host country of COP13.

96. A video message was delivered by the Co-Chairs of the Convention on Biological Diversity's Open-ended Working Group on the Post-2020 Global Biodiversity Framework. This briefly outlined the timeline of the process, the overarching theory of change, the structure of the Zero Draft (including five measurable goals and implementing actions), and the potential contributions of CMS.
97. India recalled the process to date for development of the Gandhinagar Declaration, including the incorporation of key messages arising from the COP13 High-Level Segment convened on 16 February. A revised draft of the Declaration would be communicated to Parties in due course.
98. Interventions – all broadly supportive of the efforts made by CMS to engage in the process for the development of the Post-2020 Global Biodiversity Framework, as well as the development of the Gandhinagar Declaration – were made by Brazil, the European Union and its Member States, Seychelles, and Togo, as well as by the observers from the South Asia Co-operative Environment Programme (SACEP), Born Free Foundation and Wildlife Conservation Society (WCS).
99. The Chair asked those delegations that wished to propose specific text for potential inclusion in the Gandhinagar Declaration to do so in writing as soon as possible, using the dedicated COP13 email address. Once a revised draft of the Declaration had been received from the Government of India, the meeting might wish to consider establishment of a Contact Group.

#### **SYNERGIES AND PARTNERSHIPS (ITEM 18)**

100. The Secretariat presented document UNEP/CMS/COP13/Doc.18 *Synergies and Partnerships*.
101. Wildlife Conservation Society (WCS), speaking also on behalf of BirdLife International, International Crane Foundation, Born Free Foundation, OceanCare and International Fund for Animal Welfare (IFAW), highlighted key findings of the review '*Conservation Collaboration: Strengthening the relationship between CMS and its NGO partners when the world needs us most*'. An executive summary of this review was contained in Annex 3 to document COP13/Doc.18, whilst the full text could be found in COP13/Inf.33. The COP was encouraged to adopt the amendments to Resolution 11.10 (Rev.COP12) contained in Annex 1 and the draft decision on NGO participation in CMS processes contained in Annex 2 of COP13/Doc.18
102. Switzerland supported the proposed draft amendments to Resolution 11.10 (Rev. COP12) and emphasized the importance of focusing on synergies between the biodiversity-related MEAs wherever possible, including with regard to knowledge management. Switzerland was therefore tabling an amendment to Annex 1 of COP13/Doc.18, highlighting the importance of knowledge management at national level and making reference to the Data Reporting Tool (DaRT) for MEAs.
103. Australia and New Zealand broadly welcomed the work done on synergies and partnerships, but, referring to the draft decision contained in Annex 2 to COP13/Doc.18, considered that the tasks proposed for assignment to the Standing Committee should in fact be the subject of decisions taken by the Parties at COP14.

104. The European Union tabled the following statement:

“The EU and its Member States welcome the cooperation with other UN entities, including biodiversity-related conventions, and NGOs, especially in relation to the development of the post-2020 global biodiversity framework. We take note of the executive summary and recommendations of the review “Conservation Collaboration: Strengthening the relationship between CMS and its NGO partners when the world needs us most” in Annex 3, which is based on the full review contained in UNEP/CMS/COP13/Inf.33. We acknowledge the very important role NGO partners have in implementing the Convention and support the further work as proposed in draft decision. However, we consider proposed recommendations in Annex 3 to be a starting point for further deliberations. As regards the engagement with indigenous peoples, youth groups and local communities, we are of the view that the Secretariat should first investigate the options rather than immediately taking actions. Therefore, we suggest some changes to the text as drafted, before supporting the adoption of the proposed amendments in Resolution 11.10 (Rev. COP12) contained in Annex 1 and draft Decisions contained in Annex 2. The EU and its Member States will submit the proposed changes in writing.”

105. Brazil tabled an amendment to Annex 1 to COP13/Doc.18 to underline that CMS was supporting the development and implementation of the post-2020 Global Biodiversity Framework.

106. Brief interventions were made by the observers from OceanCare and Young Naturalist Network.

107. The Chair reminded those delegations that had tabled amendments to the texts contained in Annex 1 and Annex 2 of document COP13/Doc.18 to submit their proposals in writing to the Secretariat as soon as possible.

#### **Committee of the Whole 15.10–18.15**

#### **SYNERGIES AND PARTNERSHIPS (ITEM 18 – CONTINUED)**

108. The Chair reported that during the lunch break, the Secretariat had engaged in consultations with Parties that had raised concerns with regard to the proposed amendments to Resolution 11.10 (Rev.COP12) contained in Annex 1 to COP13/Doc.18.

109. The Secretariat provided clarifications for two paragraphs of Annex 1 and, with regard to the concerns raised by Australia and New Zealand during the morning session, confirmed that informal consultations suggested that giving decision-making authority to COP14 would be the best approach. An amendment to this effect should be possible without the need to establish a Contact Group.

110. Australia, New Zealand, and the European Union indicated their acceptance of this proposed way forward. New Zealand confirmed it would submit drafting suggestions to the Secretariat.

111. The Chair asked that these be communicated to the Secretariat as soon as possible to facilitate preparation of a final draft for further consideration by the COW.

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

112. Saudi Arabia reported that the Credentials Committee had held its first and second meetings on 17 and 18 February, respectively. The meetings had been attended by representatives of Malawi, the Netherlands, Saudi Arabia and Uruguay. Saudi Arabia had been elected as Chair of the Committee. The credentials of 57 Parties had been examined and found to be in order. All those Parties yet to submit credentials were urged to do so as soon as possible and no later than the close of the present session of the COW.

## **SYNERGIES AND PARTNERSHIPS (ITEM 18 – CONTINUED)**

### **(a) Cooperation with IPBES (Item 18.1)**

113. The Secretariat presented document UNEP/CMS/COP13/Doc.18.1, including the proposed amendments to Resolution 10.8 (Rev.COP12) contained in Annex 1 and the draft COP13 decisions contained in Annex 2. Document UNEP/CMS/COP13/Doc.18.1/Add.1 contained comments from the Scientific Council.
114. The European Union and its Member States supported the adoption of both Annex 1 and Annex 2, subject to the incorporation of minor amendments to both; these were presented orally and would be submitted in writing.
115. Mongolia welcomed the document and supported the amendments tabled by the EU.
116. Israel requested the EU to reconsider its proposal to delete paragraph 2bis of Annex 1.
117. The EU agreed that the paragraph in question could remain.
118. The Chair requested the Secretariat to revise the document taking into account the amendments received in writing and to present an updated in-session draft for further consideration by the COW.

### **(b) World Migratory Bird Day (Item 18.2)**

119. The Secretariat introduced document UNEP/CMS/COP13/Doc.18.2 *World Migratory Bird Day*, including proposed amendments to Resolution 11.9 contained in Annex 1.
120. Statements of general support for the text of Annex 1 were made by Ecuador, Madagascar, Mauritius, Nigeria, Senegal, South Africa, and East Asian-Australasian Flyway Partnership (EAAFP).
121. The European Union and its Member States also supported Annex 1, subject to minor editorial amendments that would be submitted in writing.
122. Saudi Arabia supported Annex 1 but sought clarification of the process for selecting the theme of each World Migratory Bird Day (WMBD).
123. Uganda suggested that consideration be given to broadening the scope of WMBD to cover other groups of migratory animals.
124. BirdLife International strongly supported Annex 1 but tabled a proposed amendment concerning consultation with stakeholders about the theme of WMBDs.
125. Saudi Arabia confirmed that the amendment tabled by BirdLife International would address the point it had raised earlier.



126. The Chair observed that there was general support for the draft decision and that the meeting took note of the advice received. The Secretariat was requested to prepare a revised in-session document for further consideration by the COW, incorporating the amendments tabled.

## **CONSERVATION ISSUES (ITEM 26)**

### **(a) Avian Species (Item 26.1)**

127. The Chair recalled that the Avian Species Working Group would be treating this item in depth; delegates were therefore invited to keep their interventions in the present session of the COW as brief as possible.

#### **(i) The Prevention of Illegal Killing, Taking and Trade of Migratory Birds (Item 26.1.1)**

128. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.1.1, including the proposed amendments to Resolution 11.6 (Rev.COP12) contained in Annex 1, the draft COP13 decisions contained in Annex 2. The comments of the Scientific Council, including a number of additional amendments to Annexes 1 and 2, were contained in document UNEP/CMS/COP13/Doc.26.1.1/Add.1
129. Statements of support were made by Australia and Israel.
130. The European Union and its Member States supported Annex 1 and Annex 2 in principle, but would be submitting proposed amendments in writing.
131. The Chair noted general support for the document and invited all those with proposed amendments to submit these in writing to the Secretariat, for consideration by the Avian Working Group alongside the proposals of the Scientific Council. The Working Group would bring forward an integrated in-session document for further consideration by the COW.

#### **(ii) Action Plan for Migratory Landbirds in the African-Eurasian Region (Item 26.1.2)**

132. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.1.2 including the proposed amendments to Resolution 11.17 (Rev.COP12) contained in Annex 1 and the draft COP13 decisions contained in Annex 2, and the Action Plan contained in Annex 3. The comments of the Scientific Council were contained in UNEP/CMS/COP13/Doc.26.1.2/Add.1.
133. The European Union and its Member States supported Annex 1, and – subject to incorporation of minor amendments – the adoption of Annex 2 and Annex 3.
134. BirdLife International strongly supported the Action Plan, which had immense strategic importance for CMS. BirdLife International nevertheless wished to table several minor amendments to strengthen Annex 2.
135. The Chair requested that proposed amendments be submitted in writing for further consideration by the Avian Working Group, alongside the comments from the Scientific Council. The Working Group would prepare an integrated in-session document for further consideration by the COW.

#### **(iii) Preventing Poisoning of Migratory Birds (Item 26.1.3)**

136. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.1.3, including proposed amendments to Resolution 11.15 (Rev.COP12) in Annex 1 and draft COP13 decisions contained in Annex 2. The comments of the Scientific Council were contained in UNEP/CMS/COP13/Doc.26.1.3/Add.1.

137. The European Union and its Member States generally supported Annex 1 and Annex 2. However, a number of proposed amendments would be submitted in writing and the EU and its Member States were unable to accept the text relating to the REACH regulation in Annex 2.
138. Norway supported the suggestions made by the EU and proposed a further amendment concerning the phasing-out of lead ammunition and fishing weights.
139. The Chair asked the Avian Working Group to review the amendments submitted by Parties alongside the proposals from the Scientific Council and to prepare an integrated in-session document for further consideration by the COW.

**(iv) Flyways (Item 26.1.4)**

140. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.1.4, including proposed amendments to Resolution 12.11 contained in Annex 1, and draft COP13 decisions contained in Annex 2. Comments and proposals from the Scientific Council were contained in UNEP/CMS/COP13/Doc.26.1.4/Add.1.
141. India indicated its readiness to continue and strengthen its leadership role with regard to the Central Asian Flyway (CAF), as highlighted in the keynote address by the Honourable Prime Minister of India during the COP13 opening ceremony. There was a particular need for an independent institutional mechanism and for technical support within the region. India stood ready to assist and would be tabling corresponding amendments to Annex 1 and Annex 2.
142. Saudi Arabia welcomed the statement of India and stressed the importance of having clear timelines for the proposed reinvigoration of work on CAF.
143. New Zealand pointed out that some avian migration routes did not fit into the conventional model of north-south flyways; the Antipodean Albatross (*Diomedea antipodensis*) being just one such example. New Zealand would table proposed amendments to Annex 1 in this regard.
144. Statements of general support for the document were made by the East Asian-Australasian Flyway Partnership (EAAFP) and by Mongolia. Mongolia particularly welcomed the intervention of India with regard to the CAF.
145. The Chair asked the Avian Working Group to review the amendments submitted by Parties alongside the proposals from the Scientific Council and to prepare an integrated in-session document for further consideration by the COW.

**(v) Action Plans for Birds (26.1.5)**

146. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.1.5, including proposed amendments to Resolution 12.12 contained in Annex 1 and draft COP13 decisions contained in Annex 2. Comments from the Scientific Council were contained in UNEP/CMS/COP13/Doc.26.1.5/Add.1.
147. The Secretariat reported that the document had been discussed by the Avian Working Group during the evening of 17 February. The Working Group had cleared all of the proposed amendments to Annex 1 and Annex 2 and had recommended a further amendment to Annex 2 with regard to *Emberiza* buntings.
148. India tabled a number of additional amendments to both Annex 1 and Annex 2 with regard to Indian Skimmer (*Rhynchops albicollis*).

149. The Chair invited India to submit its proposed amendments in writing to the Secretariat so that the Avian Working Group could finalize a revised version of the document for consideration by the COW.

**(b) Aquatic Species (Item 26.2)**

150. The Chair recalled that the Aquatic Species Working Group would be treating this item in depth; delegates were therefore invited to keep their interventions in the present session of the COW as brief as possible.

**(i) Conservation Measures Relevant for CMS-listed Species evident from the Identification of Important Marine Mammal Areas (Item 26.2.1)**

151. The COP-Appointed Councillor for Aquatic Mammals (Dr. Giuseppe Notarbartolo di Sciara) introduced document UNEP/CMS/COP13/Doc.26.2.1/Rev.1, including the draft COP13 decisions contained in Annex 2.
152. India, Seychelles, OceanCare, and Young Naturalist Network supported the adoption of Annex 2, notably with regard to the potential inclusion of regional populations of Dugong (*Dugong dugon*) in CMS Appendix 1.
153. The European Union and its Member States also supported Annex 2, subject to inclusion of one amendment.
154. The Chair asked the Aquatic Working Group to review the amendments submitted by Parties alongside the proposals from the Scientific Council and to prepare an integrated in-session document for further consideration by the COW.

**(ii) Marine Noise (Item 26.2.2)**

155. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.2.2/Rev.1, as well as related information (Inf.) documents. The Annex to COP13/Doc.26.2.2/Rev.1 contained draft COP13 decisions.
156. Argentina, India and Peru, as well as the International Whaling Commission (IWC), supported the document.
157. WWF noted that it had communicated a number of proposed amendments to the Aquatic Working Group.
158. The Chair asked the Aquatic Working Group to prepare an updated in-session document for further consideration by the COW.

**(iii) Bycatch (Item 26.2.3)**

159. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.2.3, including draft COP13 decisions contained in the Annex, and referred to supporting information (Inf.) documents. Comments and proposed amendments to the draft decisions from the Scientific Council were contained in UNEP/CMS/COP13/Doc.26.2.3/Add.1.
160. India and Senegal supported the document, and briefly outlined relevant national and regional issues, respectively, related to bycatch.
161. The European Union and its Member States welcomed the initiative but outlined its proposals for a number of small amendments to provide technical clarifications. These would be submitted in writing.

162. New Zealand summarized a number of proposed amendments that were similar in nature to those made by the EU and which had already been communicated to the Secretariat in writing.
163. The United Kingdom welcomed in principle the draft decisions contained in the Annex and particularly commended the close working relationship between CMS and IWC. Capitalizing on this would help to avoid duplication and thereby make cost efficiencies.
164. IWC also welcomed the collaboration with CMS and underlined the importance of avoiding redundant work, but also the need to work with Regional Fisheries Management Organizations (RFMOs) and other bodies that directly regulated fishing.
165. The Chair asked the Aquatic Working Group to review the amendments submitted by Parties alongside the proposals from the Scientific Council, and to prepare an integrated in-session document for further consideration by the COW.

**(iv) Aquatic Wild Meat (Item 26.2.4)**

166. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.2.4/Rev.1, including draft COP13 decisions contained in Annex 1, as well as the associated documents UNEP/CMS/COP13/Doc.26.2.4/Rev.1/Annex 2 *The Harvest of CMS Appendix I-listed Sharks and Rays as Aquatic Wild Meat* and UNEP/CMS/COP13/Doc.26.2.4/Rev.1/Annex 3 *Determining the Extent of Interplay between Bycatch and Aquatic Wildmeat Harvest*.
167. Argentina and Ecuador supported the document, including the draft decisions in Annex 1. Ecuador emphasized the importance of reliable data to support conservation measures.
168. OceanCare, supported by the International Whaling Commission, underlined the huge challenges associated with the lack of enforcement measures to control use and trade, thereby exacerbating threats to the aquatic species covered by this agenda item.
169. There being no proposals for amendments, and at the invitation of the Chair, the COW endorsed the draft decision contained in Annex 1 for submission to the COP plenary for final approval.

**(v) Marine Wildlife Watching (Item 26.2.5)**

170. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.2.5 *Marine Wildlife Watching*, including draft COP13 decisions contained in Annex 1. The Scientific Council had recommended adoption of the document, as confirmed in document UNEP/CMS/COP13/Doc.26.2.5/Add.1.
171. Statements of general support for Annex 1 were made by Argentina, Brazil, Ecuador, Madagascar, Peru and Uruguay.
172. Brazil confirmed that it would be submitting proposals for two small amendments to Annex 1.
173. The Chair asked the Aquatic Working Group to consider the amendments being submitted by Brazil and to prepare an updated in-session document for further consideration by the COW.

**(vi) Marine Turtles (Item 26.2.6)**

174. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.2.6/Rev.2, including the draft COP13 decision contained in the Annex, and drew attention to a suggestion contained in document COP13/Doc.26.4.11 that consideration of infrastructure-related impacts on beaches and nearby habitats might be incorporated into the present document.
175. Brazil, Costa Rica and Peru supported the Annex in its present form.

176. The European Union and its Member States also supported the Annex, subject to the inclusion of minor changes to one sub-paragraph.
177. Senegal supported the Annex, as amended by the EU, and suggested inclusion of an additional paragraph on the importance of identifying any remaining unknown turtle nesting beaches.
178. Australia noted that a later agenda item would deal with the light pollution guidelines prepared by Australia. In addition, development of a Single Species Action Plan for Hawksbill Turtles (*Eretmochelys imbricata*) should await the completion of ongoing international initiatives for this species, thereby ensuring the availability of key information.
179. WWF nevertheless considered that the SSAP for Hawksbill Turtles could be ready for adoption by COP14, and that the possibility of deferral to COP15, as permitted by the current wording of the Annex, should be excluded.
180. CITES noted that the document did not yet reflect the substantial outcomes of CITES COP18 with regard to marine turtles. It was hoped that these would be taken into consideration in the final version.
181. The Chair asked the Aquatic Working Group to consider proposed amendments and to prepare an updated in-session document for further consideration by the COW.

**(vii) Chondrichthyan Species (Sharks, Rays, Skates and Chimaeras) (Item 26.2.7)**

182. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.2.7, including the Draft Consolidated Resolution contained in Annex 2 and the detailed explanation of proposed amendments contained in Annex 1, as well as the draft COP13 decisions contained in Annex 3.
183. The European Union and its Member States were broadly supportive of the Draft Consolidated Resolution but would submit a few proposed editorial amendments to improve clarity in Annex 2.
184. Madagascar, Peru, the United Arab Emirates, and speaking also on behalf of WWF, IFAW, Shark Advocates International, OceanCare, Humane Society International, Humane Society Australia, Blue Resources Trust, and Save our Seas Foundation, Wildlife Conservation Society (WCS) – supported Annexes 2 and 3.
185. The Chair requested the Aquatic Working Group to review proposed amendments and to prepare a revised in-session document for further consideration by the COW.

**(viii) Live Capture of Cetaceans from the Wild for Commercial Purposes (Item 26.2.8)**

186. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.2.8, including the proposed COP13 decisions contained in the Annex. The Scientific Council had recommended adoption of the draft decisions, as confirmed in UNEP/CMS/COP13/Doc.26.2.8/Add.1.
187. The European Union and its Member States supported the Annex but proposed inclusion of one minor amendment.
188. Australia supported the Annex, including the amendment proposed by the EU.
189. Argentina, Ecuador and Peru all supported the Annex, as did Whale and Dolphin Conservation, which highlighted the ongoing live capture of cetaceans in some parts of the world.

190. The Chair requested the Aquatic Working Group to review proposed amendments and to prepare a revised in-session document for further consideration by the COW.

**(ix) European Eel (Item 26.2.9)**

191. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.2.9 submitted in connection with the Concerted Action for the European Eel (*Anguilla anguilla*), including the draft COP13 decisions contained in Annex 3. The Scientific Council had recommended adoption of the draft decisions, as confirmed in UNEP/CMS/COP13/Doc.26.2.9/Add.1.

192. Belarus referred to the ban on exports of European Eel from the EU to third countries and stated that this had caused serious difficulties for eel conservation work in Belarus. This should be reflected in an amendment to Annex 2 of COP13/Doc.26.2.9, identifying the export ban as an additional threat to European Eel.

193. The EU and its Member States stated their commitment to protection of the European Eel and referred to the many actions taken at EU level. Both export and import to/from third countries had been banned since 2010. This was an important measure for stock recovery. The EU had imposed eel fishery closures since 2018. CMS had the potential to contribute to enhanced international cooperation for improving the conservation status of the European Eel. In this context, the EU and its Member States welcomed the development of a non-binding Action Plan for European Eel. The discussion at COP13 should focus on the structure and scope of the proposed Action Plan. The EU and its Member States had some technical clarifications and other amendments to suggest and these would be submitted in writing. With regard to financial support, the EU and its Member States needed to consider whether this was feasible in view of current financial constraints. However, the EU could consider hosting the next meeting of eel Range States and supported consultations with all Range States, non-Range States and other stakeholders.

194. The CITES Secretariat recalled that CITES had paid considerable attention to this species. At CITES COP18, Parties had adopted further relevant decisions. CITES was grateful for the good cooperation with CMS and the Action Plan proposed in the present document would be very helpful.

195. The Chair requested the Aquatic Working Group to review proposed amendments and to prepare a revised in-session document for further consideration by the COW.

**(x) Global Programme of Work for Cetaceans (Item 26.2.10)**

196. The Secretariat introduced document UNEP/CMS/COP13/Doc.26.2.10/Rev.2, including the draft decisions contained in Annex 2.

197. The Secretariat also drew attention to a suggestion contained in document COP13/Doc.26.4.11 that consideration of infrastructure-related impacts on beaches and nearby habitats might be incorporated into the present document.

198. Argentina and Peru expressed their support of Annex 2.

199. Brazil and Whale and Dolphin Conservation also supported Annex 2 but would be submitting proposals for minor amendments.

200. The Chair requested the Aquatic Working Group to review proposed amendments and to prepare a revised in-session document for further consideration by the COW.