



**CONVENTION ON  
MIGRATORY  
SPECIES**

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EIGHTH MEETING OF THE  
CONFERENCE OF THE PARTIES  
Nairobi, 20-25 November 2005  
Agenda item 17

**COMMENTS FROM THE PARTIES TO THE PROPOSALS FOR  
AMENDMENT OF APPENDICES I AND II OF THE CONVENTION**

1. In accordance with the provisions of Article XI of the Convention, the Governments of Argentina, Australia, Bulgaria, Congo, Democratic Republic of the Congo, France, Kenya, Malta, Monaco, Paraguay, Spain, Tajikistan, United Kingdom of Great Britain and Northern Ireland, Ukraine have submitted proposals for amendments to Appendices I and II of the Convention for consideration by the eight meeting of the Conference of the Parties, to be held in Nairobi, Kenya, from 20 to 25 November 2005.
2. In accordance with Article XI, paragraph 3, of the Convention, Parties were requested to communicate any comments on the proposals to the Secretariat by 21 September 2005.
3. As of the deadline of 21 September 2005, the Secretariat has received comments from the Governments of Norway, South Africa and Uruguay. The present document, which constitutes an Addendum to the document UNEP/CMS/Conf. 8.16, includes copies of the original submissions from the Parties (Annexes 1-3).



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## CMS COP8 - Comments from Norway on listing proposals

We refer to CMS Notification and document Conf. 8.16 on listing proposals to be debated during the CMS Conference of the Parties (CoP8) in Nairobi November 2005.

The Convention on Migratory Species (CMS) has had a focus on listing of endangered species in CMS Appendix I. Cf definition of "endangered" in the criteria as laid out by IUCN, ie the categories Critically endangered (CR) and Endangered (EN). It is with pleasure we note that historically the listings on Appendix I have mainly been such species. We also see the importance of initiating regional cooperation between countries relating to species on Appendix II. Norway has joined one such regional agreement (EUROBATS) and seriously consider to join a further two in the nearest future. For the upcoming CoP we note that some of the proposals concern species that both are gravely endangered and in need of concerted international action. We welcome such proposals and hope that such listings will help to improve the situation for these species.

It is however with regret that we note the increase during the preceding CoPs in accepting proposals of species for listing which are not fully in compliance with the text of the Convention itself.

We have carefully analysed the data presented in the present proposals, and also in relation to Articles III and IV of the Convention. It is interesting to note that many proposals seem not to comply with the mentioned articles on species to be included in Appendices I and II. At the last CoP the listing criteria were debated and it was at that time apparent that some Parties did not understand these articles and the implication they have on listing proposals. This shows that it is required to look more carefully into the listing procedure and possibly develop a more detailed manual on listing proposals and criteria.

At the CMS CoP8 we will take part in the debate on each individual proposal and forward our comments then. In this letter we will comment in more detail only on the proposal to list Basking Shark *Cetorhinus maximus*, as made by the United Kingdom of Great Britain and Northern Ireland.

The interpretation of the presented data in relation to the proposal to list Basking Shark has also previously been thoroughly debated, cf CITES CoPs. Despite widespread opposition this species was listed on CITES Appendix II at the 2002 CITES CoP. Let it be made perfectly clear that we still

believe that the interpretation of the presented data at that time and in the present document is a misuse of lack of population data coupled with fisheries catch data. In other words a decline in fisheries efforts due to a reduction in commercial value cannot alone be taken as proof of a declining population. Coupled with an almost total lack of population data we cannot see how it is possible to fit this proposal within the frames of criteria as set forward for Appendix I or II listing.

It is now a firmly established approach of the CMS and other bodies to initiate regional cooperation and international action plans for selected species. In this respect we note that it is not only species listed on CMS Appendix II that are included in the Appendices of these regional agreements and action plans, but numerous other related species occurring within the geographical area in question. We inform you that the UN body of FAO and its fisheries committee (COFI) for a number of years has in place an action plan for sharks (IPOA Sharks), resulting in increased focus on shark fisheries, populations and management world wide. FAO has a long standing recognition as the world leading authority in management of marine resources.

We are a firm supporter of scientifically based data as a source for taking decisions and implementing action plans or regulating the off take or trade in natural resources. It is a grave situation when irrelevant arguments and motives are used to defend proposals that will deviate from this and the respect of the nations right to manage their own natural resources in a sustainable manner.

Norway of course is ready to support proposals to list marine fish species that are threatened according to Article III and IV of the Convention. However, we fail to see that the data on the Basking Shark presented here supports the criteria of the CMS. In a situation where a number of species worldwide is in desperate need of concerted conservation action, we also fail to see how and why CMS should allocate resources to species failing to fulfil the Conventions own criteria. It would thus also be an advantage for all parties concerned to avoid unnecessary duplication of work.

With reference to the above text Norway oppose the proposal to list Basking Shark on Appendices I and II of the CMS.

Sincerely yours

Jon Barikmo  
Head of Section

Øystein Størkersen  
Senior Advisor

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**COMMENTS ON PROPOSALS FOR THE AMENDMENT OF APPENDICES I  
AND II FOR THE CONSIDERATION BY THE EIGHTH MEETING OF THE  
CONFERENCE OF THE PARTIES TO THE CONVENTION ON MIGRATORY  
SPECIES**

Please find below general comments as per the request from the Secretariat dated 4 August 2005.

At this stage South Africa only has one general recommendation. In cases where species proposed for listing have had action/conservation plans compiled, the action plans should be listed under the References, as this is often not the case. This would ensure that information is complete and accurate.

An action plan is being developed under the AEWA for the Maccoa Duck, *Oxyura maccoa* and one has been compiled for the Spotted Ground Thrush, *Zoothera guttata*.

Berruti, A., N. Baker, D. Buijs, B. Colahan, C. Davies, Y. Dellegn, J. Eksteen, H. Kolberg, Z. Mpofo, P. Nantongo, P. Nnyiti, K. Pienaar, K. Shaw, T. Tyali, J. van Niekerk, M. Wheeler and S.W. Evans. in. prep. *The Maccoa Duck Oxyura maccoa International Species Action Plan*. African Gamebird Research and Education Trust (AGRED). Johannesburg

Ndang'ang'a, K., Sande, E., Evans, S.W., Buckley, P., Newberry, P., Hoffmann, D. A and John, J. (eds). (2005.) *International Species Action Plan for the Spotted Ground Thrush Zoothera guttata*. BirdLife International, Nairobi, Kenya and Royal Society for the Protection of Birds The RSPB), Sandy, Bedfordshire, UK.

Regards,

**Ms Wilma Lutsch**  
**Acting DIRECTOR: BIODIVERSITY CONSERVATION**  
**Date:**

## Comentarios de Uruguay sobre propuestas de enmienda a los Apéndices de la CMS

Estimados colegas:

Con respecto a las propuestas de enmienda recibidos en el corriente mes, relativas a las especies que cuentan con área de distribución en Uruguay, cúmpleme hacerles llegar algunas consideraciones, exceptuando tiburón peregrino *Cetorhinus maximus*, para el cual no existen mayores comentarios:

- Son 6 las especies de aves (Passeriformes) que se proponen incluir en el Apéndice II: *Alectrurus risora*, *Sporophila annamomea*, *Sporophila hypochroma*, *Sporophila palustris*, *Sporophila zelichi* y *Agelaius flavus*.
- TODAS las especies a excepción de *S. hypochroma*, están protegidas por la normativa vigente en Uruguay (Ley 9.481 de 4 de julio de 1935 y Decreto 164/96 de 2 de mayo de 1996). Por cuanto, la caza, transporte, tenencia, comercialización e industrialización está prohibida por la legislación uruguaya.
- En el caso particular de *S. hypochroma*, se trata de una especie recientemente descrita por Santiago Claramunt, con quien intentaré comunicarme, a efectos que nos envíe el artículo o publicación de referencia. Por tanto, no está contemplada en el Decreto 514/001 de 26 de diciembre de 2001, Nómina oficial de las especies de vertebrados de la fauna silvestre.
- Con respecto a los datos de estimación poblacional de *Agelaius flavus* fue expuesta durante la CITES COP9 (Fort Lauderdale, noviembre de 1994), instancia en la cual Uruguay presentó la propuesta de enmienda de la misma en el Apéndice I de la Convención. En esta propuesta se hacía referencia de una población de 1.000 individuos. Consultar en: Cravino, J. y A. Arballo, 1993, Nuevos datos biológicos y situación actual del “dragón” *Xanthopsar flavus* (AVES: ICTERIDAE) en Uruguay. Pp.12. In Libro de resúmenes. Primera Reunión Ornitológica de la Cuenca del Plata. Puerto Iguazú, Argentina.
- Por último, corresponde destacar que en los puntos 4. Situación de protección nacional. Sólo en los casos de *A. risora* y *S. palustris*, se hace referencia que están legalmente protegidas en Uruguay. Tal como se quedó redactado, parecería que estas dos especies gozan de protección legal, lo cual no refleja lo correcto.

Agradeceríamos cualquier comentario al respecto.

Cordiales saludos,

**Marcel Calvar**