



**CONVENTION ON
MIGRATORY
SPECIES**

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Agenda Item 21.1.35

RESOLUTIONS TO REPEAL IN PART

**RESOLUTION 11.33, GUIDELINES FOR ASSESSING LISTING PROPOSALS TO
APPENDICES I AND II OF THE CONVENTION**

Prepared by the Secretariat on behalf of the Standing Committee)

Summary:

This document repeals in part [Resolution 11.33, Guidelines for Assessing Listing Proposals to Appendix I and II of the Convention.](#)

DRAFT RESOLUTION

RESOLUTION 11.33, GUIDELINES FOR ASSESSING LISTING PROPOSALS TO APPENDICES I AND II OF THE CONVENTION

NB: Proposed new text is underlined. Text to be deleted is ~~crossed-out~~.

| Paragraph | Comments |
|---|-----------------|
| <i>Recalling</i> 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; | Retain |
| <i>Emphasizing</i> 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); | Retain |
| <i>Noting</i> that in Res.5.3 <u>Resolution 5.3</u> 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 <i>considering</i> that this interpretation should be maintained; | Retain |
| <i>Further noting</i> that in Res.2.2 <u>Resolution 2.2</u> , 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 <i>considering</i> that these interpretations should be maintained; | Retain |
| <i>Noting with appreciation</i> the work undertaken by the CMS Scientific Council through Document UNEP/CMS/COP11/Doc.24.2/ <u>Rev.1</u> 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; | Retain |
| <i>Considering</i> that the best scientific evidence available should be used in assessing listing proposals; | Retain |
| <i>Considering</i> the unique features and phenomenon of migratory species and significance of ecological networks in this regards; | Retain |
| <i>Considering further</i> that there should be conservation benefit expected to arise from a listing proposal being adopted; | Retain |
| <i>Recalling</i> that in Res.3.4 <u>Resolution 3.1</u> 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; | Retain |
| <i>Further recalling</i> 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 are complementary; | Retain |
| <i>Further recalling</i> that RFMOs establish conservation and management measures for many marine species (target or by-catch) 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 | Retain |

| Paragraph | Comments |
|---|--|
| <i>Recognizing</i> the value of seeking views from other intergovernmental bodies with respect to proposals for amendments to the Appendices; | Retain |
| <i>The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals</i> | |
| 1. <i>Decides</i> 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”; | Retain |
| 2. <i>Decides</i> 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; | Retain |
| 3. <i>Resolves</i> 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; | Retain |
| 4. <i>Instructs</i> the Scientific Council to trial the use of the guidelines as documented in the Annex to this Resolution, as a guide in assessing proposals to list migratory species in Appendices I and II, and report back to the 13th Meeting of the Conference of the Parties (COP13) on their effectiveness; | Convert to a Decision. See Annex 3. |
| 5. <i>Instructs</i> the CMS Scientific Council and Secretariat to update Res.1.5 by developing a new template and guidelines for the drafting of listing proposals in line with the Annex of this Resolution, for adoption by the 44th or 45th Meeting of the Standing Committee in time for its use for proposals to be submitted to the Conference of the Parties at its 12th Meeting; | Repeal; work will be completed by COP12 |
| 6. <i>Requests</i> the Scientific Council to clarify the meaning of the phrase “significant proportion” in Article I, paragraph 1 (a) of the Convention Text, and report back to the COP; | Repeal if work is completed by COP12; otherwise convert to a Decision. |
| 7. <u>4.</u> <i>Requests</i> 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 | Retain |
| 8. <u>5.</u> <i>Decides</i> that this Resolution replaces Resolutions 2.2 and 5.3 for assessing listing proposals to Appendix I and II of the Convention. | Retain |
| Annex to Resolution 11.33 GUIDELINES FOR ASSESSMENT OF APPENDIX I AND II LISTING PROPOSALS [Omitted due to length] | Retain |

RESOLUTION 11.33 (REV. COP12)

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

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 regards,

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 are complementary,

Further recalling that RFMOs establish conservation and management measures for many marine species (target or by-catch) 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. *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
5. *Decides* that this Resolution replaces Resolutions 2.2 and 5.3 for assessing listing proposals to Appendix I and II of the Convention.

**Annex
GUIDELINES FOR ASSESSMENT OF APPENDIX I AND II LISTING PROPOSALS**

[Omitted due to length]

DRAFT DECISIONS OF THE PARTIES

Directed to the Scientific Council

- 12.AA ~~Instructs~~ The Scientific Council ~~to~~ shall trial the use of the guidelines as documented in the Annex to this Resolution, as a guide in assessing proposals to list migratory species in Appendices I and II, and report back to the 13th Meeting of the Conference of the Parties (COP13) on their effectiveness;
- 12.BB ~~Requests~~ The Scientific Council ~~to~~ shall clarify the meaning of the phrase “significant proportion” in Article I, paragraph 1 (a) of the Convention Text, and report back to the COP.