



**CONVENTION ON
MIGRATORY
SPECIES**

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Manila, Philippines, 23 - 28 October 2017
Agenda Item 25.1

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

(Prepared by the Secretariat)

Summary:

This document contains the comments submitted by the Parties on the proposals for the amendment of CMS Appendices to be considered by the 12th Meeting of the Conference of the Parties (COP12).

COMMENTS FROM THE PARTIES ON 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 following Parties have submitted proposals for amendments to Appendices I and II of the Convention for consideration by the Twelfth Meeting of the Conference of the Parties: Angola, Chad, Congo (Republic of the), Eritrea, Ethiopia, European Union and its Member States, Ghana, Honduras, Iran (Islamic Republic of), Israel, Kenya, Mauritania, Monaco, Mongolia, Niger, Pakistan, Peru, Philippines, Samoa, Saudi Arabia, Senegal, Sri Lanka, Tanzania (United Republic of), Togo.
2. In accordance with Article XI, paragraph 3, of the Convention, Parties were invited to communicate any comments on the proposals to the Secretariat by 23 August 2017.
3. As of the deadline of 23 August 2017, the Secretariat has received comments from Australia and Israel. The present document, which constitutes an Addendum to the document UNEP/CMS/COP12/Doc.25.1, includes copies of the original submissions from Australia (Annex 1) and Israel (Annex 2).
4. The comments from Australia include a reference to the paper: Giles JL, Riginos C, Naylor GJP, Dharmadi, Ovenden JR (2016) Genetic and phenotypic diversity in the wedgefish *Rhynchobatus australiae*, a threatened ray of high value in the shark fin trade. *Mar Ecol Prog Ser* 548: 165-180. <https://doi.org/10.3354/meps11617> . In case of difficulty to obtain the paper, COP12 participants can contact the Secretariat.



Australian Government
 Department of the Environment and Energy

Mr Bradnee Chambers
 Executive Secretary
 UNEP/CMS Secretariat
 United Nations Campus
 Platz der Vereinten Nationen 1 53113 Bonn
 GERMANY

Dear Mr Chambers

Australia would like to avail itself of the opportunity to provide written comments on a number of species listing proposals submitted for consideration at the Convention on Migratory Species 12th Conference of the Parties (COP12).

During our national consultation, a number of minor errors have been identified relevant to Australia. I submit the following comments and request that consideration be given to amending the listing proposals accordingly:

- Christmas Island Frigatebird – The listing proposal uses the incorrect common name of 'Christmas Frigatebird'. The conventionally accepted common name is Christmas Island Frigatebird.
- Common Guitarfish – Australia is identified as a range state in the Common Guitarfish listing proposals by virtue of being a fishery nation operating in high seas areas where the species occurs. The species does not occur in Australian waters and we have confirmed with the Australian Fisheries Management Authority that there are no Australian flagged vessels operating in the range of the Common Guitarfish. As such, we respectfully request that Australia is removed as a range state from all four proposals.
- White-spotted Wedgefish – Australia noted with interest the comments of the Scientific Council regarding the lack of information contained in the proposal on the migratory nature of the species. We understand that recent data suggests that the species makes episodic migrations between Australian and Indonesia. Furthermore, recent genetic work does not support any substantial connectivity between population occurring in Australia, Southeast Asia and the Andaman Sea. I attach a recent scientific paper, Giles et al. 2016, that may assist in further deliberations regarding whether this species meets the definition of migratory under the Convention.

In the lead up to COP12, Australia looks forward to working cooperatively with the Secretariat and Parties to ensure a successful meeting.

Yours sincerely

Geoff Richardson
 Assistant Secretary
 Protected Species and Communities Branch

8 August 2017



Science Division
Department of Information Services

Scientific Councillor for the CMS Convention

Jerusalem, 21 August 2017

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Comments from Israel on Proposals for CoP 12 to Amend the CMS Appendices

In response to Notification 2017/010 and in accordance with Article XI, paragraph 3 of the Convention, Israel is pleased to offer on the following pages, comments on some of the draft proposals for amending the appendices of the Convention on Migratory Species at the 12th Meeting of the Conference of the Parties (Manila, October 2017).

Sincerely,

Dr. Simon Nemtzov
Wildlife Ecologist and Coordinator for International Treaties
Israel's Scientific Councillor for the CMS Convention

Comments from Israel**Proposal No. 4. Leopard (*Panthera pardus*).**

Israel is a range states for this species. The proposal lists Israel's population as being "possibly extinct", but this is not accurate as reliable leopard sightings (of the subspecies *P. p. nimr*) have been recorded in many places in Israel. However such sightings are not publicized and these data are not available to the public because the leopards are indeed scarce¹, and this is to prevent them from being disturbed in the wild.

Leopards are fully protected in Israel, and no hunting or trading in leopards, including all parts and derivatives, is allowed.

Israel supports the inclusion of this species in Appendix II.

¹ Perez I., Geffen E. & Mokady O. (2006). Critically Endangered Arabian leopards *Panthera pardus nimr* in Israel: estimating population parameters using molecular scatology. *Oryx* 40, 295.

Proposal 13. Steppe Eagle (*Aquila nipalensis*)

The Steppe Eagle occurs in Israel during its migration. All raptors, including this species, are fully protected in Israel and they may not be harmed, captured, kept, or traded. Training any wildlife is illegal in Israel; therefore, the sport of falconry is also illegal in Israel.

Because of these laws for the protection of migrating wildlife, Israel is an important safe sanctuary for all migrating raptors, including the Steppe Eagle.

This migratory species is in need of international cooperation for its protection; therefore, Israel supports the inclusion of this species in Appendix I.

Proposal 16a. Lappet-faced vulture (*Torgos tracheliotos*)

Israel is the proponent of this proposal to include the species in Appendix I.

As is mentioned in the proposal, the subspecies *T. t. negevensis* definitely bred in Israel and at least three birds remained in Israel until 1994, but the species is considered extinct in Israel as a breeder since 1989² and vagrants are occasionally recorded.

Because of Israel's successful raptor breeding programs and its strict wildlife laws for the protection of all raptors, Israel an important safe sanctuary for all migrating and breeding raptors. Given that vagrants are occasionally reported in Israel, we hope to see this species nesting in Israel once again in the future where it will definitely benefit from full protection; therefore we called on all Parties to support listing this species on Appendix I.

Israel has gained a lot of experience in mitigating anthropogenic threats to migrating raptors, especially damage from electrical infrastructure such as power lines and pylons, and we welcome the chance to share this information and methodology with other Parties as part of the concerted actions for protection of this species.

As the proponent of this proposal, we wish to emphasize that the provision under Article III of the Convention for potential exception to the prohibition of taking to accommodate the needs of traditional subsistence users for Appendix I species, could potentially undermine the benefits of an Appendix I listing of this species. Therefore the Conference of the Parties is encouraged to reiterate and emphasize during its acceptance of this proposal that belief-based use is not equivalent to subsistence use, and is therefore prohibited for all Appendix I species.

² Meretsky, V. J. and D. Lavee. (1991). Conservation and Management of the Negev Lappet-faced vulture in Israel. Israel Nature Reserves Authority. 166 pp [in Hebrew]

Proposal 19. Lesser Grey Shrike (*Lanius minor*)

This species is very common in Israel during fall migration (north to south), but rare during spring migration (south to north). The species does not nest in Israel. The birds migrating through Israel are part of the European population (that is being proposed for listing), and this is in accordance with the information in the proposal, especially Figure 2 which shows the routes of migration of the European population.

The species is fully protected in Israel, but as is mentioned in the proposal, the threats to this species are many, and the primary causes of the species' decline are not fully defined. There is no doubt that enhanced international cooperation will lead to a better understanding and mitigation of the threats, and for a better conservation status for the species; therefore Israel supports listing the European population of this species on Appendix II.

Proposal 20. Whale shark (*Rhincodon typus*)

Israel is a co-proponent of this proposal to list the species in Appendix I

Israel has territorial waters not just in the Mediterranean Sea, but also in the Red Sea (in the Gulf of Eilat, also known as the Gulf of Aqaba). Whale sharks do not occur in the Mediterranean Sea, but they migrate annually into Israeli waters in the Gulf of Eilat, after having crossed through the territorial waters of neighboring countries, such as Jordan, Saudi Arabia, Egypt and possibly others. The whale shark, like all sharks and rays, is fully protected in Israeli waters, but it is not protected in all Red Sea range states. Therefore international cooperation is essential for protection of these “gentle giants”, which serve also as important iconic flagship species for protection of the tropical marine environment.

We encourage the Conference of Parties to include this species in Appendix I while maintaining its existing listing in Appendix II.

Proposal 21. Dusky shark (*Carcharhinus obscurus*)

The recent IUCN assessment of this species categorizes the Mediterranean Sea population as Data Deficient and states: “Nothing is known of population size or trend in the Mediterranean Sea. Around 20 specimens have been recorded from various locations across the region to date” (Musick et al., 2016)³.

While population size and trends for the whole Mediterranean Sea are difficult to assess, it is clear that the species occurs in Israeli waters and is actually relatively common there.

A recent, unpublished genetic study of Carcharinid sharks from the eastern Mediterranean Sea⁴, shows that dusky sharks occur in Israeli waters, and are far more common than was previously realized and this is apparently for a number of reasons:

1. A more common shark *C. plumbeus*, which is very similar morphologically to *C. obscurus*, has often been misidentified as *C. obscurus*. Genetic analysis of Carcharinid requiem sharks caught in Israeli Mediterranean waters, showed that out of 58 sharks, 51 were *C. plumbeus* (88%) and 7 (12%) were *C. obscurus* (Barash 2014).
2. For some of them, their origin is clearly from migrants from the Red Sea. “An indication of Lessepsian migration [from the Red Sea to the Mediterranean Sea,] was found for 3 out of the 7 (43%) *C. obscurus*, as these were found to originate from Indo-Pacific origins (Barash 2014)”.
3. There has been a general upsurge in the numbers of large sharks along Israel’s coast over the last decade or so, due to changing anthropogenic influences; namely, greater legal protection, leading to reduction in taking, and also the construction of new large power plants and desalination plants providing warm water effluent along the Israeli coast at a number of sites.

Israel supports the inclusion of this species in Appendix II.

³ Musick, J., Grubbs, D., Baum, J.K. & Cortés, E. (2016). *Carcharhinus obscurus* - Mediterranean Sea Assessment. The IUCN Red List of Threatened Species, 2016

⁴ Barash, A. (2014). Species identification, phylogeography and spatio-temporal distribution of requiem sharks (genus *Carcharhinus*) along the Israeli Mediterranean coast. Masters’ Degree Thesis. University of Haifa, Faculty of Natural Sciences. 47 pp.

Comments from Israel

Proposal 22. Blue shark (*Prionace glauca*)

As the proposal shows, the population in the Mediterranean Sea has greatly declined and the Mediterranean Sea population is considered Critically Endangered.

As mentioned in the proposal, Israel is one of the few range states wherein this species is already fully protected, yet in Israel we rarely find it.

Israel supports the inclusion of this species in Appendix II.

Proposal 23. Angelshark (*Squatina squatina*)

This species occurs in the Mediterranean Sea, but is rare in the eastern Mediterranean, and even in Israel we rarely find it.

As mentioned in the proposal, Israel is one of the few range states wherein this species is already fully protected.

Israel supports the inclusion of this species in Appendix I and II.

Proposal 24a. Common guitarfish (*Rhinobatos rhinobatos*)

Israel is the proponent of this proposal which is similar to those submitted by a number of Parties, to include the species in Appendix II. In addition, Israel alone proposes also to include the Mediterranean Sea population of this species in Appendix I.

As mentioned in the proposals, the species is extinct already in the western Mediterranean Sea, and also in many parts of the eastern Mediterranean Sea.

We wish to emphasize that once the Mediterranean Sea population is listed in Appendix I, the Parties may allow exception to the prohibition of taking, in order to accommodate the needs of traditional subsistence users, under Article III paragraph 5(c) of the Convention. However, this allowance could potentially undermine the benefits of an Appendix I listing of this species if the taking is unregulated and unsustainable. Therefore, we encourage the Conference of the Parties to reiterate and emphasize during its acceptance of this proposal, that Parties that wish to make exceptions under Article III paragraph 5(c), should,

1. regulate and monitor the taking by traditional subsistence users in order to ensure that the conservation status of this population (which is already endangered and unfavorable), does not worsen due, and
2. in the event that the conservation status of the population worsens, to reduce or eliminate the taking by traditional subsistence users.