



**CONVENTION ON
MIGRATORY
SPECIES**

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Agenda Item 21.1.1

RESOLUTIONS TO REPEAL IN PART

RESOLUTION 3.1, LISTING OF SPECIES IN THE APPENDICES OF THE CONVENTION

(Prepared by the Secretariat on behalf of the Standing Committee)

Summary:

This document repeals in part [Resolution 3.1, Listing of Species in the Appendices of the Convention](#).

The Secretariat has also proposed, in Annex 3, two draft Decisions to resolve an issue caused by changes to IUCN's definitions of key terms used by CMS.

DRAFT RESOLUTION

RESOLUTION 3.1, (REV.COP12)

LISTING OF SPECIES IN THE APPENDICES OF THE CONVENTION

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

Paragraph	Comments
The Conference of the Parties to the Convention on the Conservation of Migratory Species	Move below for consistency with more recent resolutions
<i>Recalling</i> that Resolution 1.4 from its first meeting directed the Scientific Council to formulate guidelines on terms used in the Convention and to review the species listed in its Appendices,	Retain
<i>Noting</i> with thanks that the Council has now reported to the Conference of the Parties on these matters and has made a number of recommendations to it,	Retain
<u><i>The Conference of the Parties to the Convention on the Conservation of Migratory Species</i></u>	New location
<p>1. Agrees that, in applying the guideline for interpretation of the term "endangered" adopted in Resolution 2.2 from the second meeting of the Conference of the Parties, the following general principles should apply:</p> <p style="padding-left: 40px;">(a) The restriction of the listing of species in Appendix I to those which are "endangered" applies to the consideration of future proposals, but not necessarily retrospectively to species already listed;</p> <p style="padding-left: 40px;">(b) Bearing in mind that Article III, paragraph (3) (b) of the Convention provides that a migratory species may be removed from Appendix I when it is determined that the species is not likely to become endangered again because of loss of protection due to its removal from Appendix I, species categorized by the World Conservation Union <u>International Union for Conservation of Nature (IUCN)</u> as "endangered" (E), "vulnerable" (V) or "insufficiently known" (K*) should be retained in Appendix I, together with any rare species breeding at a limited number of inherently vulnerable sites;</p>	Retain. This paragraph makes reference to IUCN species categories that are no longer in use and for which it is not possible to determine an equivalence with the current categories. However, it sets a principle that could be interpreted in the light of the new categories and Resolution 11.33.
2. Agrees that further 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 already in Appendix II need only be identified when AGREEMENTs were being prepared;	Retain
3. <i>Adopts</i> the guideline that a State should be considered a "Range State" for a migratory species when a significant proportion of a geographically separate population of that species occasionally occurs in its territory;	Retain
<p>4. Requests the Depository, when up-dating the Appendices, to correct names for the following species to reflect current standard nomenclature as follows:</p> <p>Appendix I</p>	Repeal; task completed

Paragraph	Comments
<p>MAMMALIA CETACEA</p> <p>————— Balaenidae</p> <p>Delete ————— <i>Eubalaena glacialis</i> (s.1.) Insert ————— <i>Eubalaena glacialis</i> ————— <i>Eubalaena australis</i></p> <p>ARTIODACTYLA</p> <p>————— Camelidae</p> <p>Delete ————— <i>Lama vicugna*</i> (except Peruvian populations) Insert ————— <i>Vicugna vicugna*</i> (except Peruvian populations)</p> <p>Appendix II</p> <p>MAMMALIA CETACEA</p> <p>————— Delphinidae</p> <p>Delete ————— <i>Globicephala melaena</i> (only North and Baltic Sea populations) Insert ————— <i>Globicephala melas</i> (only North and Baltic Sea populations)</p> <p>and to footnote the revised Appendices as appropriate to indicate the former listing;</p>	
<p>5. 4 Requests Parties preparing proposals for addition of a species to Appendix I to consider whether that species should also be listed in Appendix II;</p>	<p>Retain</p>
<p>6. 5 Urges any Party proposing the addition to Appendix II of a species for which it is a Range State to initiate negotiations with other Range States towards an AGREEMENT for that species;</p>	<p>Retain. This provision is not directly contradicted by subsequent resolutions, but the Parties now have alternatives to AGREEMENTS, including Concerted Actions and MOUs.</p>
<p>7. Urges Parties to submit proposals in accordance with Article XI of the Convention for consideration by the fourth meeting of the Conference of the Parties for the listing in Appendix II of those species already listed in Appendix I of the Convention which would benefit from such listing and, in the meantime, to take appropriate measures to develop AGREEMENTs for such species;</p>	<p>Repeal; task completed</p>
<p>8. 6 Encourages Parties to consider submitting proposals for the listing of species from regions of the world currently under-represented in the Appendices and to assist developing country Parties to prepare such proposals.</p>	<p>Retain</p>

RESOLUTION 3.1 (REV. COP12)

LISTING OF SPECIES IN THE APPENDICES OF THE CONVENTION

Recalling that Resolution 1.4 from its first meeting directed the Scientific Council to formulate guidelines on terms used in the Convention and to review the species listed in its Appendices,

Noting with thanks that the Council has now reported to the Conference of the Parties on these matters and has made a number of recommendations to it,

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Agrees* that, in applying the guideline for interpretation of the term "endangered" adopted in Resolution 2.2 from the second meeting of the Conference of the Parties, the following general principles should apply:
 - a) The restriction of the listing of species in Appendix I to those which are "endangered" applies to the consideration of future proposals, but not necessarily retrospectively to species already listed;
 - b) Bearing in mind that Article III, paragraph (3) (b) of the Convention provides that a migratory species may be removed from Appendix I when it is determined that the species is not likely to become endangered again because of loss of protection due to its removal from Appendix I, species categorized by the International Union for Conservation of Nature (IUCN) as "endangered" (E), "vulnerable" (V) or "insufficiently known" (K*) should be retained in Appendix I, together with any rare species breeding at a limited number of inherently vulnerable sites;
2. *Agrees* that further 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 already in Appendix II need only be identified when AGREEMENTs were being prepared;
3. *Adopts* the guideline that a State should be considered a "Range State" for a migratory species when a significant proportion of a geographically separate population of that species occasionally occurs in its territory;
4. *Requests* Parties preparing proposals for addition of a species to Appendix I to consider whether that species should also be listed in Appendix II;
5. *Urges* any Party proposing the addition to Appendix II of a species for which it is a Range State to initiate negotiations with other Range States towards an AGREEMENT for that species;
6. *Encourages* Parties to consider submitting proposals for the listing of species from regions of the world currently under-represented in the Appendices and to assist developing country Parties to prepare such proposals.

ANNEX 3

DRAFT DECISIONS

Directed to the Scientific Council

12.AA The Scientific Council shall:

- a) Consider a revision of paragraph 1(b) of Resolution 3.1 (Rev.COP12), taking into account the IUCN Red List Categories and Criteria (Version 3.1, second edition) and Resolution 11.33.
- b) Based on the outcomes of work undertaken pursuant to Decision 12.AA(a), submit recommendations for consideration by the Thirteenth Conference of the Parties.