



**CONVENTION ON
MIGRATORY
SPECIES**

UNEP/CMS/COP14/Doc.30.3.1/Rev.1

31 July 2023

Original: English

14th MEETING OF THE CONFERENCE OF THE PARTIES
Samarkand, Uzbekistan, 12 – 17 February 2024
Agenda Item 30.3

INFRASTRUCTURE DEVELOPMENT AND MIGRATORY SPECIES

(Prepared by the Scientific Council and the Secretariat)

Summary:

This document reports on the implementation of Decisions 13.130-13.134 *Infrastructure Development and Migratory Species*. It provides proposals for amendments to Resolution 7.2 (Rev.COP12) and draft Decisions.

This document was revised by the Scientific Council at its 6th Meeting of the Sessional Committee in July 2023.

INFRASTRUCTURE DEVELOPMENT AND MIGRATORY SPECIES

Background

1. Infrastructure development has been a long-standing topic of discussion for the Conference of the Parties (COP) and its subsidiary bodies. COP7 (2002) adopted Resolution 7.2 *Impact Assessment and Migratory Species*,¹ which emphasizes the importance of good quality environmental impact assessments (EIA) and strategic environmental assessments (SEA) as tools for implementing the Convention. COP11 (2014) adopted Resolution 11.27 *Renewable Energy and Migratory Species*,² which established the Energy Task Force as a multi-stakeholder platform that works towards reconciling renewable energy developments with the conservation of migratory species. At the same meeting, Parties adopted the *Guidelines for Addressing the Impact of Linear Infrastructure on Large Migratory Mammals in Central Asia*, outlining the application of best practices to address the impacts of linear infrastructure development at the project and national level in order to maintain connectivity for wildlife populations in the face of growing infrastructure development in Central Asia.
2. Building on existing work, COP13 (2020) adopted Decisions 13.130-13.134 *Infrastructure Development and Migratory Species*.
3. Decision 13.130 requested the Parties to provide information, via their National Reports, on measures taken to implement paragraph 2 of Resolution 7.2 (Rev.COP12) *Impact Assessment and Migratory Species*, and share information on challenges, lessons learned and needs for further capacity development.
4. COP13 also requested the Scientific Council to establish a multi-stakeholder Working Group on linear infrastructure.
5. Decisions 13.130-13.134 read as follows:

Decision 13.131 Directed to the Scientific Council

The Scientific Council is requested to, subject to the availability of resources establish a multi-stakeholder Working Group on linear infrastructure composed of stakeholders with experience and knowledge on the impact of linear infrastructure development on migratory species and options for mitigation. The Working Group is asked to:

- a) *review available information relevant to linear infrastructure development and potential impacts on migratory species, the compilation of responses received under Decision 13.130 as compiled by the Secretariat in accordance with Decision 13.133 (a), and other relevant information;*
- b) *identify areas where further assistance is needed to enhance the implementation of Resolution 7.2 (Rev.COP12) Impact Assessment and Migratory Species paragraph 2, which urges Parties to include in EIA and SEA, wherever relevant, as complete a consideration as possible of effects involving impediments to migration, in furtherance of Article III (4) (b) of the Convention, of transboundary effects on migratory species, and of impacts on migratory patterns or on migratory ranges;*
- c) *develop a workplan and identify priority tasks for the Working Group based on the existing information, such as standards, guidelines, best practices related to addressing the impact of linear infrastructure development as well as the review of the compilation under paragraph (a);*

¹ Now Resolution 7.2 (Rev.COP12)

² Now Resolution 11.27 (Rev.COP13)

- d) *provide recommendations on the future direction of work under the Convention to support Parties in addressing the impact of linear infrastructure on migratory species.*

Decision 13.132 Directed to the Scientific Council

- a) *identify the types of infrastructure that have not been addressed under CMS and are of particular relevance to the conservation of CMS-listed species, provide advice on possible actions that could be taken to address such infrastructure, and report the findings to the 14th meeting of the Conference of the Parties;*
- b) *consider the outputs of the Working Group on linear infrastructure and make recommendations to the 14th meeting of the Conference of the Parties.*

Decision 13.133 Directed to the Secretariat

- a) *identify information gaps regarding the implementation of Resolution 7.2 (Rev.COP12) Impact Assessment and Migratory Species and, based on any identified gaps, consider improvements to guidance on preparing National Reports to improve collection of information regarding infrastructure development for review by the Standing Committee as part of amendment(s) to the National Report format under Decision 13.14;*
- b) *compile existing standards, guidelines, and best practices related to addressing the impact of linear infrastructure development and make them available online;*
- c) *subject to the availability of funds, convene at least one meeting to assist the Working Group in implementing Decision 13.131;*
- d) *liaise with the United Nations Environment Programme, the Convention on Biological Diversity, the International Association for Impact Assessment, the World Bank and other relevant international and regional organizations, multilateral environmental agreements, the private sector, development banks, financial institutions, donors, non-governmental organizations and academic institutions, as appropriate, to support the operation of the Working Group and to assist Parties in addressing the impacts of linear and other infrastructure on migratory species such as through joint capacity development activities.*
6. At its 5th meeting, the Sessional Committee of the Scientific Council (ScC-SC5, online, 2021) established an Intersessional Working Group on linear infrastructure and migratory species and developed the terms of reference for the Working Group (contained in [UNEP/CMS/ScC-SC5/Outcome 13](#)), which mandated the Secretariat to assist with organizing meetings and the administration of the Group (paragraph 4).

Implementation of Decisions 13.130, 13.131 (a) – (d) and 13.133 (a): analysis of responses in National Reports

7. The Secretariat commissioned an EIA/SEA expert to assist with the implementation of the above Decisions. The commissioning of the expert and the Working Group meeting were funded by the Government of Germany.
8. The Secretariat, as requested under Decision 13.133 (a), compiled the responses provided by Parties in their National Reports submitted to COP13. Only five National Reports included specific mention of the implementation of Resolution 7.2 (Rev. COP12), likely due to the fact that the National Report template did not include such a focus.
9. This prompted the Secretariat to consider improvements to guidance on preparing National Reports to enhance the collection of information regarding infrastructure development, which was reviewed by the Standing Committee as part of amendments

to the National Report format under Decision 13.14. The outcome of this discussion can be found in *Format and Guidance for 2023 CMS National Report* contained in [UNEP/CMS/StC52/Outcome 1](#).

Implementation of Decisions 13.131 (a) – (d) and 13.133 (a) – (b): compilation of existing standards, guidelines and best practices

10. An analysis by the EIA/SEA expert commissioned by the Secretariat compiled existing standards set by multilateral development banks, guidance on EIA, SEA and landscape approaches, and best practices employed by different stakeholders. The report, *Linear Infrastructure and Migratory Species – The Role of Impact Assessment and Landscape Approaches*, is contained in [UNEP/CMS/ScC-SC5/Inf.3](#). The analysis outlines a proposed workplan and priority tasks for the Working Group based on the compilation of existing standards, guidelines and best practices. It also makes broad suggestions for the composition of the Working Group, and along with the workplan, provided the basis for its discussions.

Implementation of Decisions 13.131, 13.133 (c) – (d) and ScC-SC5 Outcome 13: establishment and meeting of the Working Group

11. A meeting of the Intersessional Working Group on linear infrastructure was organized in collaboration with the German Federal Agency for Nature Conservation (BfN) and held in June 2022 at the International Academy for Nature Conservation on the Isle of Vilm, Germany.
12. The findings of the Working Group can be found in the Meeting Report contained in [UNEP/CMS/LI-IWG/Report](#), and are categorized under the themes of Data and Species' Needs, Standards and Governance, and Central Asian Mammals Initiative.

Implementation of Decision 13.132 (a)

13. The Sessional Committee of the Scientific Council at its 6th meeting identified dams and urban sprawl and development as types of infrastructure that have not been addressed under CMS and that are of particular relevance to the conservation of CMS-listed species. The Scientific Council recommends COP14 to adopt Decision 14.BB contained in Annex 2 to this document calling for the establishment of a working group on infrastructure that would be mandated, among other things, to provide advice on possible actions that could be taken to address the impact of the identified types of infrastructure.

Additional considerations regarding cumulative effects assessments

14. The Secretariat has identified a need, particularly in relation to aquatic species, for considering cumulative effects assessment (CEA) where this is not currently common practice. The Convention has given extensive advice on environmental impact assessment (EIA), including specific guidance on what they need to contain in order to assess the possible impacts of proposed projects on migratory species. Increasingly, however, it is recognized that these impacts can be cumulative, whereby the impacts of multiple activities have a greater combined impact than those from one activity alone. Hence, CEAs are an important additional component of EIAs.

Discussion and analysis

15. The Working Group's findings reveal significant gaps in infrastructure development planning regarding migratory species, including a lack of consideration and limited accessibility to relevant data. The Working Group found that decision makers in finance,

planning and development sectors demonstrate insufficient awareness of the importance of animal movements and lack the capacity to implement international policies and guidelines. The ongoing and projected increase in linear infrastructure, and the consequent destruction and fragmentation of habitats, poses a significant threat to migratory species. Urgent action is needed to address these challenges and ensure the conservation of migratory species in the face of infrastructure development.

16. The Working Group found that additional activities could be undertaken by Parties, the Scientific Council and the Secretariat. These are included in the proposed amendments to Resolution 7.2 (Rev.COP12) contained in Annex 1 of this document and in the draft Decisions in Annex 2 of this document.
17. Regarding cumulative effects assessments, it is proposed that the Scientific Council considers this topic further, including through a review of current practice and relevant literature, and makes recommendations accordingly. There may be benefits in developing guidance that considers the specific needs of migratory species. At the initial stage, it is proposed that this work focuses on marine mammals, which are thought to be particularly at risk of cumulative impacts affecting their conservation status.

Recommended actions

18. The Conference of the Parties is recommended to:
 - a) adopt the proposed amendments to Resolution 7.2 (Rev.COP12) contained in Annex 1 of this document;
 - b) adopt the draft Decisions contained in Annex 2 of this document; and
 - c) delete Decisions 13.130-13.134.

PROPOSED AMENDMENTS TO RESOLUTION 7.2 (REV.COP12)

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

IMPACT ASSESSMENT AND MIGRATORY SPECIES

Concerned that avoidable detriment to migratory species often occurs through lack of adequate prior assessment of the potential environmental impacts of projects, plans, programmes and policies, carried out in a way that is systematic and formally taken into account in decision-making,

Emphasizing that migratory species are especially in need of international cooperation in this respect owing inter alia to their particular susceptibility to impacts which may be manifest far beyond the territory of the country in which they originate, and to cumulative impacts,

Desirous that migratory species interests be given improved treatment in biodiversity-related aspects of environmental impact assessment, including through cumulative effects assessments, and strategic environmental assessment,

Conscious that Article I (1) (c) of the Convention defining favourable conservation status, Article II (2) regarding avoiding endangerment of species and Article III (4) regarding protection of Appendix I species all imply a need to anticipate and predict effects,

Aware that many ~~Contracting~~ Parties already operate legal and institutional systems of environmental assessment in various forms, but that most would benefit from international harmonization of guidance on principles, standards, techniques and procedures, and confirmation of their applicability to migratory species interests,

Aware that environmental impact assessment is foreseen in other conventions concerned with biodiversity conservation, and in CMS Agreements,

~~*Further aware* that the respective Conferences of the Parties to the Ramsar Convention on Wetlands and the Convention on Biological Diversity (CBD) have in recent years adopted or endorsed decisions and guidelines on environmental impact assessment which have relevance to cooperation between those conventions and the Convention on Migratory Species,~~

~~*Noting in particular* that the CBD's Decision IV/10c on impact assessment and minimization of adverse effects specifically encouraged collaboration between the CBD, the Ramsar Convention, CMS, the International Association for Impact Assessment and the International Union for the Conservation of Nature on this matter,~~

Noting also that CBD's Decision V/18 on impact assessment, liability and redress specifically encouraged similar cooperation in relation to the development of guidelines for incorporating biodiversity-related issues into legislation and/or processes on strategic environmental assessment, and included the CMS Scientific Council among those with whom cooperation was requested,

Welcoming the endorsement by CBD COP6 of the "Guidelines for Incorporating Biodiversity-related Issues into Environmental Impact Assessment Legislation and/or Processes and in Strategic Environmental Assessment" annexed to its Decision VI/7, ~~and~~

Taking note of the Kunming-Montreal Global Biodiversity Framework and Target 14 requesting governments to ensure the full integration of biodiversity and its multiple values into policies, regulations, planning and development processes, poverty eradication strategies, strategic environmental assessments, environmental impact assessments and, as appropriate, national accounting, within and across all levels of government and across all sectors, in particular those with significant impacts on biodiversity, progressively aligning all relevant public and private activities, and fiscal and financial flows with the goals and targets of this framework, and

Desiring as always to maximize synergy and joint working efficiencies between all biodiversity-related Conventions,

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

1. Emphasizes the importance of good quality environmental impact assessment (EIA), including cumulative effects assessment (CEA), and strategic environmental assessment (SEA) as tools for implementing Article II (2) of the Convention on avoiding endangerment of migratory species and Article III (4) of the Convention on protection of Appendix I species, and as important elements to include in AGREEMENTS concluded under Article IV (3) of the Convention in respect of Appendix II species, and in agreements concluded under Article IV (4) of the Convention in respect of Appendix II and other species;
2. Urges Parties to include in EIA and SEA, wherever relevant, as complete a consideration as possible of effects involving impediments to migration, in furtherance of Article III (4) (b) of the Convention, of transboundary effects on migratory species, and of impacts on migratory patterns or on migratory ranges in EIAs and by applying strategic environmental assessment in the early stages of planning and policy development in sectors linked to infrastructure (e.g. transport, energy, water), and in planning for economic corridors and linear infrastructure programmes (e.g. Trans-European Transport Network (TEN-T), Belt and Road Initiative, etc.);
- 2-bis Requests Parties to publicly disclose and share information on linear infrastructure development plans and impact assessments affecting migratory species, taking as an example the 1997 United Nations Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its 2003 Protocol on Strategic Environmental Assessment (Kyiv Protocol);
- 2-ter Asks Parties to include migratory species when revising legal requirements for impact assessment and when generating considerations for screening criteria, including the construction of barriers such as fences and walls;
- 2-quater Requests Parties to ensure the recovery potential of CMS-listed species is considered when planning new infrastructure or when mitigating for the impacts of existing linear infrastructure;
- 2-quinquies Recommends Parties, when not formally required, to encourage project proponents to prepare and implement biodiversity management plans for linear infrastructure developments that impact CMS-listed species;

3. *Further urges* Parties to make use, as appropriate, of the “Impact Assessment: Voluntary Guidelines on Biodiversity-inclusive Impact Assessment” endorsed by Decision VIII/8 of CBD COP 8;
4. ~~*Further requests*~~ *Requests* the Secretariat to pursue its contacts with secretariats of other multilateral environmental agreements in evaluating with them the potential implications of the decisions of their Conferences of the Parties on the conservation of migratory species; ~~and~~
- 4-bis *Further requests the Secretariat to cooperate with other biodiversity-related conventions and raise the issue of linear infrastructure development impact on migratory species within the Biodiversity Liaison Group to foster synergies and jointly engage with sectors relevant to infrastructure development to contribute to and influence infrastructure planning and design;*
- 4-ter *Instructs the Secretariat to explore opportunities of engaging with and contributing expertise on migratory species to policies and processes of international and regional forums, such as multilateral development banks’ safeguards working groups, G20 Quality Infrastructure Investment Principles, the Belt and Road Initiative, the EU Green Deal, Global Gateway and Green Infrastructure, Blue Dot Network, Regional Economic Communities, UN Economic and Social Commissions, International Federation of Consulting Engineers (FIDIC), SOURCE (the Multilateral Platform for Sustainable Infrastructure), infrastructure ecology networks and knowledge-sharing platforms (e.g. IENE, ICOET, www.TransportEcology.info), Task Force for Nature-related Financial Disclosures (TNFD), Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), etc.;*
- 4-quater *Instructs the Secretariat to engage with the Global Environment Facility, development finance institutions, multilateral development banks, bilateral donors, and commercial banks to explore opportunities for including CMS guidelines in, and sourcing relevant expertise in support of, their policies, guidance materials, strategic plans, periodic country strategies, and performance indexes to encourage the consideration of migratory species both at strategic and project levels;*
5. *Encourages* Parties to establish contact with relevant national contact points from within the networks of the International Association for Impact Assessment with a view to identifying sources of expertise and advice for assisting with migratory species-related impact assessment as part of impact assessment procedures in general; and
- 5-bis *Encourages project proponents that are designing mitigation measures for the impacts of linear infrastructure for migratory species, to take into account benefits for associated species and their habitats.*

ANNEX 2**DRAFT DECISIONS****INFRASTRUCTURE DEVELOPMENT AND MIGRATORY SPECIES*****Directed to Parties***

14.AA Parties are requested to:

- a) submit tracking and tagging data of CMS-listed species, including data resulting from public and private research and monitoring to publicly accessible databases, as identified by the Scientific Council in line with Decision 14.BB(d);
- b) submit spatial data on existing, planned and foreseen linear infrastructure, including data held by multilateral development banks, bilateral donors, private investors and development finance institutions to publicly accessible databases identified by the Secretariat;
- c) identify opportunities for mitigation of barriers to migration, mortality hotspots and bottlenecks caused by existing linear infrastructure;
- d) identify, in collaboration with experts, border fences and walls that pose significant threats to migratory species, and facilitate dialogue among Parties, with support of the Secretariat, on mitigating their effects.

Directed to the Scientific Council

14.BB The Scientific Council is requested to establish a working group, consisting of experts identified in cooperation with the Secretariat, to advise the Scientific Council and Secretariat on issues of infrastructure and migratory species, including to:

- a) provide advice on possible actions that could be taken to address the impacts of dams and urban sprawl and development on CMS-listed species;
- b) assess whether current methodologies and criteria for the definition of “critical habitat”, as used by financial institutions and the impact assessment community, are an appropriate trigger to undertake further assessment on risks to and impacts on migratory species and their habitats; and if these methodologies and criteria are deemed not appropriate, make proposals on how they can be improved;
- c) assess whether current best practice strategic environmental assessment and environmental impact assessment methodologies, including the preparation of environmental/biodiversity management plans, sufficiently address the impact linear infrastructure projects have on migratory species throughout the infrastructure’s lifecycle;
- d) develop guidance, based on the above assessments, on:
 - i. the scoping process which includes migratory species in the tasks and scope of investigations;

- ii. scientifically robust and cost-effective means of monitoring, evaluation and reporting on the effectiveness of mitigation measures in linear infrastructure developments;
- e) identify reliable data on and databases containing the movements, habitats and occurrence of CMS-listed species as a body of knowledge in support of planning, assessment and decision-making, and, with the support of the Secretariat, establish relationships with institutions holding that data;

Directed to the Secretariat

14.CC The Secretariat shall:

- a) include in its communication strategy engagement with the financial and infrastructure-related sectors;
- b) subject to the availability of external resources, organize regional and national workshops to raise the awareness and increase the capacity of government representatives who are working in sectors concerned with linear infrastructure development of the needs and requirements of migratory species, in close collaboration with public and private sector stakeholders, multilateral development banks, bilateral development banks, donors and other organizations and institutions that are involved in linear infrastructure development;
- c) develop and circulate among Parties a questionnaire on the availability of data on migratory species and linear infrastructure and repositories of this data, and report the results to the Scientific Council;
- d) identify databases for spatial data on existing and planned linear infrastructure in cooperation with relevant experts;
- e) establish an online library of:
 - i. existing databases on the movements, habitats, and presence and absence of migratory species, such as Movebank, EURING and IBAT and those identified by the Scientific Council,
 - ii. guidelines, and
 - iii. learning resources;
- f) review the implementation of *Guidelines for Addressing the Impact of Linear Infrastructure on Large Migratory Mammals in Central Asia* by Parties and update the Guidelines on the basis of the lessons learned from their review and other sources;
- g) develop guidelines for preparing and using ecological connectivity plans as tools for migratory species conservation;
- h) subject to the availability of external resources, develop and circulate among Parties impact assessment (including strategic environmental assessment) screening guidelines including requirements of migratory species and ecological connectivity in linear infrastructure development, as guidance materials for the implementation of CMS Resolution 7.2 (Rev.COP12) *Impact Assessment and Migratory Species*;

- i) subject to the availability of external resources, develop guidelines, including checklists, on the impact of infrastructure sectors (e.g., transport, energy, water) on migratory species for all geographic regions on the basis of the lessons learned from the Central Asian Mammals Initiative (CAMI) infrastructure guidelines review and other sources; and translate CMS guidelines into national languages;
- j) compile available information, in cooperation with partners, on the effectiveness of CMS-listed species-specific mitigation solutions, including lessons learned, for landscapes and types of barriers in the CAMI region and beyond; and identify those species that need further analysis/research;
- k) subject to the availability of external resources, update the Central Asian Mammals Migration and Linear Infrastructure Atlas (CAMI Atlas) through improving resolutions and making the maps more user-friendly and accessible online; updating range delineation and linear infrastructure information, where necessary; and extending it to include all CAMI species and countries;
- l) subject to the availability of external resources, include in its communication programme:
 - i. development of fact sheets and policy briefs based on CMS guidance materials; and
 - ii. visualization of species distribution, and existing and planned infrastructure extracted from interactive online tools (including the CAMI Atlas and Bird Migration Atlas).

IMPACT ASSESSMENT AND MIGRATORY SPECIES

Directed to the Parties

14.AA Parties are requested to:

- a) Through the Secretariat, inform the Scientific Council at the 7th meeting of the Sessional Committee about national policies regarding cumulative effects assessments, including any experiences and lessons learned, as well as indicating whether there is a need for guidance on cumulative effects assessments for marine mammals;
- b) If a need for guidance on cumulative effects assessments for marine mammals is identified, support the Secretariat in securing the external expertise required to develop it.

Directed to the Scientific Council

14.BB The Scientific Council is requested to, subject to the availability of external resources, consider the information submitted by Parties regarding the application of cumulative effects assessments and the need for further guidance, prepare a report on how such assessments are undertaken and the relevance for migratory species conservation, and develop guidance on cumulative effects assessments for marine mammals if required, with a view to presenting any outputs to the 15th meeting of the Conference of the Parties.

Directed to the Secretariat

14.CC The Secretariat shall:

- a) Request information from Parties about national policies regarding cumulative effects assessments, including any experiences and lessons learned, as well as indicating whether there is a need for guidance on cumulative effects assessments for marine mammals, in time for consideration by the 7th meeting of the Sessional Committee of the Scientific Council;
- b) Support the development of the report on cumulative effects assessments and of guidance, as required.