

**DRAFT REPORT OF THE 12<sup>TH</sup> MEETING  
OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE  
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS**

Note: Paragraph numbering continues from the Draft Report of Day 4.

**Day 5 – Saturday 28 October 2017**

<b>Committee of the Whole 08.30–09.45</b>
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**REPORTS OF SESSIONAL COMMITTEES (ITEM 29)**

607. The Chair of the ad hoc Working Group on Climate Change (Colin Galbraith, UK) reported that members of the group had engaged in very productive discussions. The group had agreed a number of amendments to the draft Resolution and draft Decisions included in document UNEP/CMS/COP12/Doc.24.4.2, and were reflected in document UNEP/CMS/COP12/CRP40 *Climate Change and Migratory Species*. However, two additional amendments to operative paragraphs 1 and 3 of the draft Resolution could be agreed only when document UNEP/CMS/COP12/CRP40 had been finalized. At the request of the chair, Mr. Galbraith introduced orally the two amendments. As there were no comments, the chair considered that the two amendments had been agreed by the COW.
608. The Chair of the Review of Decisions Working Group (James Njogu, Kenya) reported that the Working Group proposed that the Recommendation 8.12 Improving the Conservation Status of Raptors and Owls in the African-Eurasian Region (Doc. 21.1.16) and Resolution 11.23, Conservation Implications of Cetacean Culture (Doc.21.1.32) and the consolidation Doc.21.2.11 on Ecological Networks, and Doc. 21.2.12 on Interpretation of Articles IV and V of the Convention be revised as originally recommended by the Secretariat. In addition, the Working Group decided not to revise Recommendation 7.5 on a Range State Agreement for Dugong (*Dugong dugong*) Conservation (Doc 21.1.13) and Recommendation 8.16 on Migratory Sharks (Doc. 21.1.17) beyond what the Secretariat had proposed. The working group recommended that the Parties adopt three decisions that ask the Scientific Council to review these recommendations in order to update them, if needed, and for the Standing Committee to review the recommendations of the Scientific Council. This Committee had previously adopted those Decisions in CRP111. The working group further recommended that the Parties repeal in full Recommendation 4.3, Conservation Status of *Crex crex* (Doc.21.1.2), Recommendation 5.3, Development of an Action Plan for the Great Cormorant in the African-Eurasian Region (Doc. 21.1.5), Resolution 6.3, Southern Hemisphere Albatross Conservation (Doc. 21.1.7) and Resolution 8.10, Implementation of the CMS Information Management System (Doc. 21.1.15). Lastly, the Working Group further recommended a change to one outdated paragraph in the preamble to Resolution 7.3, Oil Pollution and Migratory Species (CRP106).
609. The Chair opened the floor for comment.
610. South Africa felt that Resolution 6.3 on Southern Hemisphere Albatross Conservation required further consideration before being repealed in full, and proposed that it be dealt with in same manner as Recommendations 7.5 on Dugong and 8.16 on Migratory Sharks, namely that the Scientific Council should be asked to review the Resolution intersessionally and to report accordingly to COP13.

611. The Chair enquired if there was any objection to proceeding in the manner proposed by South Africa. There being no such objection, he concluded that the matter was so decided.

**CONSIDERATION OF CONFERENCE ROOM PAPERS (CRPs)  
TO BE FORWARDED TO PLENARY FOR FINAL REVIEW AND ADOPTION**

612. The Chair announced that the COW would proceed to considering all remaining Conference Room Papers (CRPs). These had all now been posted in three languages.
613. In response to a request from Norway, and at the invitation of the Chair, the Secretariat read a list of those CRPs that had already been dealt with by the COW during its evening session on 26 October, and those being tabled for consideration during the present session.
614. In response to a question from Togo, the Chair confirmed that square brackets had accidentally been left in the text of UNEP/CMS/COP12/CRP18 Joint CMS-CITES African Carnivores Initiative, which had been endorsed by the COW on 26 October, for forwarding to Plenary. He confirmed that the square brackets would be removed from the final version.

**UNEP/CMS/COP12/CRP6 Sustainable Development and Migratory Species**  
(UNEP/CMS/COP12/Doc.27)

615. The Chair opened the floor for comment.
616. There were no interventions from the floor.
617. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP9 Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species** (UNEP/CMS/COP12/Doc.24.2.2 and UNEP/CMS/COP12/Doc.21.2.3)

618. The Chair opened the floor for comment.
619. Fiji proposed deletion of one of the preambular paragraphs to the Draft Resolution (beginning "*Noting the ICES report...*") to reflect improved knowledge since 2005.
620. The ACCOBAMS Secretariat recalled that three ACCOBAMS Resolutions since 2005 (namely 4.17, 5.15 and 6.17) had addressed mitigating the impact of all sources of marine noise, including military sonar.
621. The Chair enquired if there was any objection to the amendment proposed by Fiji. No objections were raised.
622. In response to a question from the European Union and its Member States, the Chair confirmed that the Annex to the document, distributed as CRP9.1, would be included in the version being forwarded to plenary.
623. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption, subject to inclusion of the amendment tabled by Fiji, and incorporation of the Annex, CRP9.1.

**UNEP/CMS/COP12/CRP20 Taxonomy and Nomenclature** (UNEP/CMS/COP12/Doc.25.3 and UNEP/CMS/COP12/Doc.21.2.2/Rev.1)

624. The Chair opened the floor for comment.
625. In response to a question from Australia, the Chair of the Avian Working Group confirmed that the square brackets appearing in one paragraph were the result of an administrative oversight and should be ignored; the error would be corrected in the final version of the text.
626. The Chair concluded that, subject to this editorial correction, the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP21 Strategic Plan for Migratory Species 2015–2023**  
(UNEP/CMS/COP12/Doc.15)

627. The Chair opened the floor for comment.
628. There were no interventions from the floor.
629. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP22 Revising the Format for National Reports**  
(UNEP/CMS/COP12/Doc.19.2)

630. The Chair opened the floor for comment.
631. There were no interventions from the floor.
632. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP23 Guidelines for Assessing Listing Proposals to Appendices I and II of the Convention** (UNEP/CMS/COP12/Doc.21.1.35 and UNEP/CMS/COP12/Doc.25.2)

633. The Chair opened the floor for comment.
634. There were no interventions from the floor.
635. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP24 Sustainable Tourism and Migratory Species**  
(UNEP/CMS/COP12/Doc.24.4.8)

636. The Chair opened the floor for comment.
637. There were no interventions from the floor.
638. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP25 Bycatch** (UNEP/CMS/COP12/Doc.24.4.4 and UNEP/CMS/COP12/Doc.21.2.4)

639. The Chair opened the floor for comment.

640. There were no interventions from the floor.

641. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP26 Promoting Conservation of Intertidal and other Coastal Habitats for Migratory Species** (UNEP/CMS/COP12/Doc.24.4.10)

642. The Chair opened the floor for comment.

643. There were no interventions from the floor.

644. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP27 The Prevention of Illegal Killing, Taking and Trade of Migratory Birds** (UNEP/CMS/COP12/Doc.24.1.1 and UNEP/CMS/COP12/Doc.21.1.29)

645. The Chair opened the floor for comment.

646. Switzerland referred to paragraph 12 BB of the Draft Decisions and proposed changing "*invited*" to "*encouraged*".

647. Australia observed that Annex 2 to the document appeared to be missing.

648. The Chair of the Avian Working Group clarified that Annex 2 remained an integral part of the document, but, in the interests of simplicity, had not been reproduced because it had not been amended in any way.

649. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption, subject to inclusion of the amendment tabled by Switzerland, and incorporation of Annex 2.

**UNEP/CMS/COP12/CRP28 Adoption of the African Elephant Action Plan** (UNEP/CMS/COP12/Doc.24.3.3)

650. The Chair opened the floor for comment.

651. There were no interventions from the floor.

652. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP29 Preventing Poisoning of Migratory Birds** (UNEP/CMS/COP12/Doc.24.1.3)

653. The Chair opened the floor for comment.

654. The EU and its Member States drew attention to a translation error in the French text, where the noun “*lead*”, referring to the metal, had been mistranslated as the verb “*to lead*”.
655. There being no other interventions, the Chair concluded that, subject to correction of the French translation, the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP30 Action Plan for Birds** (UNEP/CMS/COP12/Doc.24.1.11)

656. The Chair opened the floor for comment.
657. There were no interventions from the floor.
658. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP31 Establishment of a Review Mechanism and a National Legislation Programme** (UNEP/CMS/COP12/Doc.20 and UNEP/CMS/COP12/Doc.22)

659. The Chair opened the floor for comment.
660. There were no interventions from the floor.
661. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP32 Action Plan for Migratory Landbirds in the African-Eurasian Region** (UNEP/CMS/COP12/Doc.24.1.2 and UNEP/CMS/COP12/Doc.21.1.30)

662. The Chair opened the floor for comment.
663. There were no interventions from the floor.
664. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP33 Financial & Administrative Matters**  
(UNEP/CMS/COP12/Doc.14.2)

665. The Chair invited the Chair of the COP12 Budget Committee to introduce the document.
666. The Chair of the Budget Committee (Norway) thanked members of the Committee for their very hard work and for finding a compromise solution that everyone could live with. Referring to the fifth preambular paragraph, beginning “*Recalling Resolution 10.1...*”, he noted that it might be prudent to clarify that the review of grading of Secretariat posts had been completed. He therefore proposed adding a reference to the corresponding report, as contained in Annex 5 to document UNEP/CMS/COP12/Doc.14.2.
667. The Chair enquired if this proposed amendment was acceptable to Parties.
668. There being no further interventions, the Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption, subject to inclusion of the amendment tabled by the Chair of the Budget Committee.

**UNEP/CMS/COP12/CRP34 Flyways** (UNEP/CMS/COP12/Doc.24.1.10 and UNEP/CMS/COP12/Doc.21.2.8)

669. The Chair opened the floor for comment.
670. The United Kingdom noted that the version of the CRP posted on the COP12 website did not reflect the agreement between Argentina and UK that had previously been drawn to the attention of the COW.
671. The Chair confirmed that this was simply a technical oversight, which would be corrected.
672. Argentina made the following statement:

*“La República Argentina, con respecto al documento UNEP/CMS/COP12/Doc.24.1.10 Plan de Acción para el Corredor Aéreo de las Américas, desea reiterar los términos de la declaración que formulara en su instrumento de adhesión a la Convención sobre la Conservación de las Especies Migratorias de Animales Silvestres (CMS) del 23 de junio de 1979, remitido al depositario de la Convención mediante nota verbal fechada 4 de octubre de 1991, en virtud de la cual la Argentina rechaza la extensión de la aplicación de dicha Convención, por parte del Reino Unido, a las Islas Malvinas, Georgias del Sur y Sándwich del Sur, y los espacios marítimos circundantes.*

673. The United Kingdom made the following statement:

*“The United Kingdom has no doubt about its sovereignty over the Falkland Islands and South Georgia & South Sandwich Islands and surrounding maritime areas of both territories, nor about the principle and the right of the Falkland Islanders to self-determination as enshrined in the UN Charter and in article one of the two UN Covenants on human rights, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.”*

674. Ecuador called for a revision of the Spanish translation of document CRP34.1. Americas Flyways to ensure that the Spanish version was correct and, at the invitation of the Chair, undertook to provide specific comments to the Secretariat.
675. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption, subject to inclusion of the editorial correction identified by the United Kingdom, and correction of the Spanish translation requested by Ecuador.

**UNEP/CMS/COP12/CRP35 Designation of Species for Concerted Actions for the Triennium 2018-2020** (UNEP/CMS/COP12/Doc.26.2)

676. The Chair opened the floor for comment.
677. There were no interventions from the floor.
678. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP36 Conservation and Management of Cheetah (*Acinonyx jubatus*) and Wild Dog (*Lycan pictus*)** (UNEP/CMS/COP12/Doc.24.3.1.2)

679. The Chair opened the floor for comment.

680. South Africa noted that part of Draft Decision paragraph 12 FF should be amended from “*paragraphs 1-6*” to “*paragraphs 1-7*”.

681. There being no objection to this amendment and no further request for the floor, the Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption, subject to inclusion of the amendment tabled by South Africa.

**UNEP/CMS/COP12/CRP37 Scientific Council** (UNEP/CMS/COP12/Doc.21.2.6 and UNEP/CMS/COP12/Doc.16.2)

682. The Chair opened the floor for comment.

683. There were no interventions from the floor.

684. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP38 Conservation and Management of the African Lion, *Panthera leo*** (UNEP/CMS/COP12/Doc.24.3.1.3)

685. The Chair opened the floor for comment.

686. There were no interventions from the floor.

687. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP39 Addressing Unsustainable Use of Terrestrial and Avian Wild Meat of Migratory Species of Wild Animals** (UNEP/CMS/COP12/Doc.24.4.7)

688. The Chair opened the floor for comment.

689. There were no interventions from the floor.

690. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP40 Climate Change and Migratory Species** (UNEP/CMS/COP12/Doc.24.4.2)

691. The Chair opened the floor for comment, recalling that this matter had been dealt with at the beginning of the present session of the COW, when the Chair of the ad hoc Working Group on Climate Change had tabled two amendments, which had been accepted by the COW.

692. There were no interventions from the floor.

693. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption, subject to inclusion of the amendments tabled by the Chair of the ad hoc Working Group on Climate Change.

**UNEP/CMS/COP12/CRP41 Presidency of the Conference of Parties**  
(UNEP/CMS/COP12/Doc.4.2)

694. The Chair opened the floor for comment.

695. There were no interventions from the floor.

696. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP42 Synergies & Partnerships** (UNEP/CMS/COP12/Doc.23.1)

697. The Chair opened the floor for comment.

698. There were no interventions from the floor.

699. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP106 Resolutions to Repeal in Part - Resolution 7.3, Oil Pollution and Migratory Species** (UNEP/CMS/COP12/Doc.21.1.9)

700. The Chair opened the floor for comment.

701. There were no interventions from the floor.

702. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

**UNEP/CMS/COP12/CRP111 Resolutions to Repeal in Part**  
(UNEP/CMS/COP12/Doc.21.1.13 and UNEP/CMS/COP12/Doc.21.1.17)

703. The Chair opened the floor for comment.

704. There were no interventions from the floor.

705. The Chair concluded that the COW had endorsed the document for forwarding to plenary and was recommending its adoption.

706. The Chair announced that the COW had now completed its consideration of Conference Room Papers and had therefore concluded its agenda. It had been a huge privilege to serve the COW as its Chair and Dr. Hay wished to convey his deep gratitude to all those who had facilitated the work of COP12 thus far, *“Starting with our wonderful host the Government of the Philippines. You’ve welcomed, nourished and protected us; informed, educated and inspired us.”* He went on to thank the staff of the Philippine International Convention Center (PICC); the interpreters, translators and rapporteurs; the media; the Earth Negotiations Bulletin (ENB) team; display and side-event organizers; the Scientific Council; the Secretariat; and Mongolia in its capacity as Vice-Chair of the COW. However, the true heroes were the participants themselves, representing Parties, observers, IGOs and NGOs. In closing the COW, he observed: *“I reject the notion that CMS is losing its reputation as ‘the friendly convention’. Just because we have to debate and vote doesn’t mean that we are not friends. The positive spirit of debate is palpable and bodes well for the future of CMS.”* Like crossing a busy road in Manila, guiding the negotiations to a successful outcome required patience, a clear indication of intent, boldness, alertness, and help from others. *“Eventually the way*

*clears, a safe path is found and the destination is revealed. There has to be a better future for migratory animals and for us all."*

707. Dr. Hay was given a standing ovation by delegates.
708. The Executive Secretary thanked Dr. Hay for his dedication, professionalism, stamina and good humour in leading the COW through its agenda, in a manner that had won both hearts and minds. The meeting would shortly re-convene in Plenary session; he enquired of the Philippines whether the Chair of COP12 was available to preside.
709. The Philippines requested a short recess.

#### **Plenary 10.00–13.00**

710. The Philippines confirmed that the Secretary of Environment and Natural Resources, Roy Cimatu would be unable to Chair the Plenary session, due to illness.
711. The Executive Secretary noted that under the Rules of Procedure the task of presiding over the Plenary session would pass to the Vice-Chair of COP12, Dr. Rod Hay (New Zealand), who had just completed his duties as Chair of the COW.
712. Dr. Hay's statement that he would be honoured to Chair the Plenary session was greeted by warm applause from the floor.
713. Taking up his role as Chair of the Plenary session, Dr. Hay observed with satisfaction that the session was commencing on schedule, in accordance with the COP12 agenda.

#### **CREDENTIALS COMMITTEE FINAL REPORT (ITEM 28)**

714. The Chair of the Credentials Committee (Uruguay) recalled that the Committee had met on several occasions throughout the week and had presented regular updates on the progress of its work to the COW. The credentials of 80 countries had been found to be in order. He would not read the full list, as the names of the Parties concerned had already been presented to the COW. He had been informed by the Secretariat that 91 Parties had taken part in COP12 meaning that 88 per cent of Parties had presented credentials found to be in order. This was an excellent achievement, considering the growth in the number of Parties in recent years, but it was important to encourage further progress towards 100 per cent at future COPs. Thanks were due to the Secretariat for its diligent work with Parties, both before and during the COP, as well as to Uruguay's fellow members of the Credentials Committee: Congo, Ghana, Norway and Saudi Arabia. Finally, special thanks went to the Government of the Philippines for its excellent organization of the COP.
715. There being no requests for the floor, the Chair ruled that the COP had approved the Final Report of the Credentials Committee.

#### **REPORT OF UNEP (ITEM 9)**

716. The Chair noted that this agenda item had already been completed during the COW.

## STATEMENTS FROM STATES (ITEM 11)

### a) Depositary and Host Country (Item 11.1)

717. The Depositary and Host Country, Germany, presented document UNEP/CMS/COP12/Doc.11.1, drawing particular attention to the four new Parties to CMS, for which the Convention had entered into force since COP11, namely (in chronological order of accession): Islamic Republic of Afghanistan (August 2015), Federative Republic of Brazil (October 2015), United Arab Emirates (May 2016) and Republic of Iraq (August 2016). There were now 124 Parties, including 123 Member States and the EU. The Dominican Republic was currently making final arrangements to become a Party. Australia, through its Note Verbale of January 2015, had made a reservation concerning the inclusion of five shark species in Appendix II of the Convention. The Czech Republic, through its Note Verbale of February 2017, had withdrawn its reservations with respect to Appendices I & II.

### b) Party States (Including REIOs) (Item 11.2)

718. The Chair encouraged submission of written statements, for inclusion in the COP Proceedings, under this sub-item, but noted that any Party or non-Party State wishing to make an oral statement was free to do so.

719. Mongolia, speaking on behalf of the Asia region, thanked the Government of the Philippines, the Chair of the COW and current Plenary session, as well as the Secretariat under the leadership of the Executive Secretary. It was good to see the growing membership of the Convention and its MOUs. The region was delighted that Bahrain, the Maldives and Oman, had attended COP12 as Observer States, and looked forward to welcoming them as Parties.

720. The Maldives thanked those who had facilitated its participation in the COP. The Maldives would soon become a signatory to the Sharks MOU and had initiated the process for becoming a Party to the Convention; something that would hopefully be achieved before COP13.

721. The representative of Brazil expressed the honour his country felt in attending its first COP as a CMS Party and thanked other delegations for the welcome afforded to Brazil. Thanks were due to the host country and to the Secretariat.

722. The EU and its Member States reflected on a very productive COP, which would result not only in a record number of resolutions and decisions, but also the addition of a large number of species to the Annexes of the Convention. There had been important advances in the governance of CMS, which was now equipped with a Strategic Plan and a Review Mechanism. The EU and its Member States encouraged waiving of confidentiality under the Review Mechanism wherever possible. Deliberations on the National Report Format, Scientific Council and other topics had also reached satisfactory outcomes, contributing to a stronger and more effective CMS. The Government of the Philippines had been an excellent host of a fruitful and enriching COP and was undertaking truly impressive conservation measures on the ground.

723. India greeted delegates in its capacity as prospective host of the next COP and thanked the Philippines for hosting COP12, as well as the Secretariat for its work. India believed firmly in participatory and inclusive development and this was something that would be facilitated by the work of the COP in sealing deals for the conservation of wildlife.

724. Senegal thanked the Philippines for its wonderful welcome and hospitality. During COP12 African Parties had requested the listing of a number of terrestrial and aquatic species and hoped that the corresponding Concerted Actions would strengthen their conservation. NGO observers were invited to join countries in implementing measures for the conservation of these species.
725. Uganda, speaking on behalf of the Africa region, congratulated all those involved with hosting and running to the COP for a job well done. Africa looked forward with optimism to the outcomes of COP12 making a difference to the conservation of migratory species.
726. Bahrain reported its intent of building its National Biodiversity Strategy and Action Plan in synergy with CMS and offered congratulations to all those involved with the organization and hosting of COP12.
727. Malawi also recorded its thanks and reiterated its commitment to the conservation of migratory species. Malawi hoped to become a member of the CMS Family before the end of 2017.
728. Australia, speaking on behalf of the Oceania region, thanked its Oceanian partner and neighbour, the Philippines, for hosting COP12, and extended gratitude to the Chair of the opening Plenary, to the Chair of the COW, to Parties and other delegates, the chairs of intersessional and sessional committees and working groups, the Executive Secretary and the dedicated Secretariat.

#### **STATEMENTS ON COOPERATION FROM IGOs AND NGOs (ITEM 13)**

729. Statements were presented by the following:
- Secretariat of the Pacific Regional Environment Programme (SPREP)
  - International Whaling Commission (IWC)
  - UN Environment
  - Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
  - Wild Migration
  - Defenders of Wildlife (speaking also on behalf of other NGOs)

#### **REPORTS OF SESSIONAL COMMITTEES (ITEM 29)**

730. The Chair recalled that the COW had recently concluded its business and that regular reports on the progress of Sessional Committees had been received by the COW.
731. The Chair of the Budget Committee confirmed that he had nothing further to add to the report he had presented to the COW earlier that morning, though he wished to thank all those who had taken part in meetings of the Committee, or otherwise facilitated its work.
732. The Chair concluded that the Reports of Sessional Committees had been duly noted.

## ELECTIONS (ITEM17)

733. At the invitation of the Chair, nominations for election to the Standing Committee were made as follows:

### Africa

Permanent Representatives: Republic of Congo, South Africa, United Republic of Tanzania

Alternate Representatives: Algeria, Kenya, Mali

### Asia

Permanent Representatives: Kyrgyzstan, Mongolia.

Alternate Representatives: Pakistan, Tajikistan

### Europe

Permanent Representatives: France, Georgia, Norway

Alternate Representatives: Latvia, Switzerland

### Oceania

Permanent Representative: Fiji

Alternate Representative: Palau

### South & Central America and the Caribbean

Permanent Representatives: Bolivia, Costa Rica

Alternate Representatives: Argentina, Panama

734. The Chair confirmed that the Chair and Vice-Chair of the new Standing Committee would be elected during a short meeting of the Committee that would take place immediately after the close of the COP.

735. At the invitation of the Chair, the COP approved the composition of the Standing Committee for the 2018-2020 triennium.

### **a) Scientific Council (Item 17.2)**

#### **Doc. UNEP/CMS/COP12/Doc. 17.2**

736. The Chair enquired if the COP was content to re-appoint the existing COP-Appointed Councillors.

737. There being no objection, the Chair confirmed that the current COP-Appointed Scientific Councillors had been reappointed for the 2018-2020 triennium. He thanked all of the individuals concerned for their tremendous work prior to and during COP12.

738. At the invitation of the Chair, nominations (from among Party-Appointed Scientific Councillors) for Regional Membership of the Sessional Committee of the Scientific Council were made as follows:

#### Africa:

Mr. Djibril Diouck (Senegal), Dr. Samuel M. Kasiki (Kenya) and Ms Nopasika Malta Qwathekana (South Africa).

#### Asia

Dr. Lkhagvasuren Badamjav (Mongolia), Dr. Hany Tatwany (Saudi Arabia) and Mr. Daniel Fernando (Sri Lanka).

The names of Alternates would be provided in due course.

#### Central and South America and the Caribbean

Dr. Carlos Mario Orrego Vásquez (Costa Rica), Ms. Patricia Pereira Serafini (Brazil) and Mr. Héctor Samuel Vera Alcaraz (Paraguay).

The names of Alternates would be provided in due course.

#### Europe

Dr. Anatolii Poluda (Ukraine), Dr. Jean-Philippe Siblet (France) and Dr. Fernando Spina (Italy).

Alternates: Ms. Daliborka Stankovic (Serbia) and Dr. James M. Williams (UK).

#### Oceania

Dr. Vincent Hilomen (Philippines) and Ms. Narelle Montgomery (Australia), Mr. Graeme Taylor (New Zealand).

The names of Alternates would be provided in due course.

739. At the invitation of the Chair, the COP endorsed the Regional Membership of the Sessional Committee of the Scientific Council.

### **ADOPTION OF RESOLUTIONS, DECISIONS AND AMENDMENTS TO THE APPENDICES (ITEM 30)**

#### **Amendments to the Appendices**

740. The Chair read the list of proposed amendments to the CMS Appendices, as endorsed by the COW.
741. Eritrea pointed out that African Wild Ass was proposed for inclusion in CMS Appendix I, but not Appendix II.
742. The Chair confirmed that this error would be corrected.
743. At the invitation of the Chair, the COP adopted Amendments to the Appendices of the Convention through inclusion of the following taxa in the Appendix (or Appendices) indicated in the list below:

#### Mammals

- |   |                          |
|---|--------------------------|
| • Chimpanzee ( <i>Pan troglodytes</i> )                 | Appendix I & Appendix II |
| • Southern Red Bat ( <i>Lasiurus blossevillii</i> )     | Appendix II              |
| • Eastern Red Bat ( <i>Lasiurus borealis</i> )          | Appendix II              |
| • Hoary Bat ( <i>Lasiurus cinereus</i> )                | Appendix II              |
| • Southern Yellow Bat ( <i>Lasiurus ega</i> )           | Appendix II              |
| • Lion ( <i>Panthera leo</i> )                          | Appendix II              |
| • Leopard ( <i>Panthera pardus</i> )                    | Appendix II              |
| • Gobi Bear ( <i>Ursus arctos isabellinus</i> )         | Appendix I               |
| • Caspian Seal ( <i>Pusa caspica</i> )                  | Appendix I & Appendix II |
| • African Wild Ass ( <i>Equus africanus</i> )           | Appendix I               |
| • Przewalski's Horse ( <i>Equus ferus przewalskii</i> ) | Appendix I               |
| • Giraffe ( <i>Giraffa camelopardalis</i> )             | Appendix II              |

#### Birds

- |   |             |
|---|-------------|
| • Christmas Island Frigatebird ( <i>Fregata andrewsi</i> )      | Appendix I  |
| • Black Noddy ( <i>Anous minutus</i> subsp. <i>worcesteri</i> ) | Appendix II |

- Steppe Eagle (*Aquila nipalensis*) Appendix I
- White-rumped Vulture (*Gyps bengalensis*) Appendix I
- Indian Vulture (*Gyps indicus*) Appendix I
- Slender-billed Vulture (*Gyps tenuirostris*) Appendix I
- Red-headed Vulture (*Sarcogyps calvus*) Appendix I
- White-backed Vulture (*Gyps africanus*) Appendix I
- Cape Vulture (*Gyps coprotheres*) Appendix I
- Rüppell's Vulture (*Gyps rueppelli*) Appendix I
- Hooded Vulture (*Necrosyrtes monachus*) Appendix I
- White-headed Vulture (*Trigonoceps occipitalis*) Appendix I
- Lappet-Faced Vulture (*Torgos tracheliotos*) Appendix I
- Yellow Bunting (*Emberiza sulphurata*) Appendix II
- Great Grey Shrike (*Lanius excubitor excubitor*) Appendix II
- Lesser Grey Shrike (*Lanius minor*) Appendix II

#### Fish

- Whale Shark (*Rhincodon typus*) Appendix I
- Dusky Shark (*Carcharhinus obscurus*) Appendix II
- Blue Shark (*Prionace glauca*) Appendix II
- Angelshark (*Squatina squatina*) Appendix I & Appendix II
- Common Guitarfish (*Rhinobatos rhinobatos*)
  - Mediterranean Sea population Appendix I
  - global population Appendix II
- White-spotted Wedgefish (*Rhynchobatus australiae*) Appendix II

744. Uganda made the following statement:

*“Uganda would like to state that the Lion, Giraffe, Chimpanzee and Leopard are not migratory species within the meaning of Article I, paragraph 1a) of the Convention and thus Uganda does not in principle support listing of these species. Uganda would however in the spirit of moving forward, not block the consensus but request that her reservation be recorded in record of the COP as Uganda will be excluding her populations through a reservation.”*

745. Australia stated that it was not questioning the unfavourable conservation status of the White-spotted Wedgefish, but rather whether it met the criteria for being considered a migratory species. Research showed that the species undertook only episodic movements, and that these were neither regular nor predictable in nature. Furthermore, there should have been adequate consultation on the listing proposal prior to the COP.

746. At the invitation of the Chair, the COP adopted the Resolutions, Decisions and other documents listed below, all of which had been endorsed by the COP, following review and amendment, as appropriate, by COP Working Groups. A few documents had been further amended by the COW itself. No additional amendments were tabled during the plenary session; all texts adopted were therefore the versions endorsed by the COW. The documents are listed below in the sequence of their adoption (which followed Agenda item order) by the COP:

- UNEP/CMS/COP12/CRP33 Financial & Administrative Matters and UNEP/CMS/COP12/CRP 33.1 Programme of Work 2018-2020
- UNEP/CMS/COP12/CRP21 Strategic Plan for Migratory Species 2015–2023
- UNEP/CMS/COP12/CRP22 Revising the Format for National Reports
- UNEP/CMS/COP12/CRP31 Establishment of a Review Mechanism and a National Legislation Programme

- UNEP/CMS/COP12/Doc.21/Rev.2 Review of Decisions, including:
  - Adoption of the five decisions contained in UNEP/CMS/COP12/Doc.21
  - Adoption of the repeal in part of 21 CMS Resolutions or Recommendations\*
  - Adoption of the repeal in full of four CMS Resolutions or Recommendations, as listed in document UNEP/CMS/COP12/Doc.21.1
  - Adoption of two further recommendations from the Secretariat
  - Adoption of three decisions, as contained in document UNEP/CMS/COP12/CRP111 Resolutions to Repeal in Part
  - Adoption of the COW's recommendation to consolidate a number of Resolutions as contained in document UNEP/CMS/COP12/Doc.21.2\*\*
- \*These include, *inter alia*, those covered by the following CRPs:
  - UNEP/CMS/COP12/CRP103 Resolutions to Repeal in Part – Resolution 3.1, Listing of Species in the Appendices of the Convention
  - UNEP/CMS/COP12/CRP104 Resolutions to Repeal in Part – Resolution 7.2, Impact Assessment and Migratory Species
  - UNEP/CMS/COP12/CRP105 Resolution 7.5, Wind Turbines and Migratory Species
  - UNEP/CMS/COP12/CRP106 Resolution 7.3, Oil Pollution and Migratory Species
  - UNEP/CMS/COP12/CRP107 Resolution 11.8, Communication, Information and Outreach Plan
  - UNEP/CMS/COP12/CRP108 Consolidation of Resolutions: Marine Turtles
  - UNEP/CMS/COP12/CRP109 Resolution 10.15, Global Programme of Work for Cetaceans
  - UNEP/CMS/COP12/CRP110 Resolution 11.27, Renewable Energy and Migratory Species
- \*\*These include, *inter alia*, those covered by the following CRPs:
  - UNEP/CMS/COP12/CRP101 Consolidation of Resolutions: National Reports
  - UNEP/CMS/COP12/CRP102 Consolidation of Resolutions: Wildlife Disease and Migratory Species
- UNEP/CMS/COP12/CRP42 Synergies & Partnerships
- UNEP/CMS/COP12/CRP27/Rev.1 The Prevention of Illegal Killing, Taking and Trade of Migratory Birds
- UNEP/CMS/COP12/CRP32 Action Plan for Migratory Landbirds in the African-Eurasian Region
- UNEP/CMS/COP12/CRP29 Preventing Poisoning of Migratory Birds
- UNEP/CMS/COP12/CRP7/Rev.1 Conservation of African-Eurasian Vultures
- UNEP/CMS/COP12/CRP34 Flyways and UNEP/CMS/COP12/CRP34.1 Action Plan for the Americas
- UNEP/CMS/COP12/CRP30/Rev.1 Action Plan for Birds
- UNEP/CMS/COP12/CRP8 Important Marine Mammal Areas (IMMAs)
- UNEP/CMS/COP12/CRP9/Rev.1 Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species and UNEP/CMS/COP12/CRP9.1 Annex to Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species
- UNEP/CMS/COP12/CRP2 Aquatic Wild Meat
- UNEP/CMS/COP12/CRP3 Live Capture of Cetaceans from the Wild for Commercial Purposes
- UNEP/CMS/COP12/CRP10/Rev.1 Recreational In-Water Interaction with Aquatic Mammals
- UNEP/CMS/COP12/CRP5 Conservation and Management of Whales and their Habitats in the South Atlantic Region
- UNEP/CMS/COP12/CRP18 Joint CMS-CITES African Carnivores Initiative
- UNEP/CMS/COP12/CRP36 Conservation and Management of Cheetah (*Acinonyx jubatus*) and Wild Dog (*Lycaon pictus*)

- UNEP/CMS/COP12/CRP38 Conservation and Management of the African Lion, *Panthera leo*
- UNEP/CMS/COP12/Doc.24.3.2 Conservation of the African Wild Ass (*Equus africanus*) The draft resolution and decision contained in this document had not been amended by the COW; therefore a CRP was not tabled and the original text stood.
- UNEP/CMS/COP12/CRP28 Adoption of the African Elephant Action Plan
- UNEP/CMS/COP12/CRP17 Management of Marine Debris
- UNEP/CMS/COP12/CRP40 Climate Change and Migratory Species
- UNEP/CMS/COP12/CRP12 Conservation Implications of Animal Culture and Social Complexity
- UNEP/CMS/COP12/CRP25 Bycatch
- UNEP/CMS/COP12/CRP13 Sustainable Boat-based Marine Wildlife Watching
- UNEP/CMS/COP12/CRP11 Energy and Migratory Species
- UNEP/CMS/COP12/CRP39 Addressing Unsustainable Use of Terrestrial and Avian Wild Meat of Migratory Species of Wild Animals
- UNEP/CMS/COP12/CRP24 Sustainable Tourism and Migratory Species
- UNEP/CMS/COP12/Doc.24.4.9 Promoting Marine Protected Area Networks in the ASEAN Region The draft resolution contained in this document had not been amended by the COW; therefore a CRP was not tabled and the original text stood.
- UNEP/CMS/COP12/CRP26 Promoting Conservation of Intertidal and other Coastal Habitats for Migratory Species
- UNEP/CMS/COP12/CRP112 Improving Ways of Addressing Connectivity in the Conservation of Migratory Species
- UNEP/CMS/COP12/CRP19 Transfrontier Conservation Areas for Migratory Species
- UNEP/CMS/COP12/CRP4 Community Participation and Livelihoods
- UNEP/CMS/COP12/CRP23 Guidelines for Assessing Listing Proposals to Appendices I and II of the Convention
- UNEP/CMS/COP12/CRP20 Taxonomy and Nomenclature
- UNEP/CMS/COP12/CRP1 Concerted Actions
- UNEP/CMS/COP12/CRP14 Proposal for a Concerted Action for the European Eel (*Anguilla anguilla*) already Listed on Appendix II of the Convention
- UNEP/CMS/COP12/Doc.26.2.2 Proposal for a Concerted Action for Eastern Tropical Pacific Sperm Whales (*Physeter macrocephalus*)\*
- UNEP/CMS/COP12/Doc.26.2.3/Rev.1 Proposal for a Concerted Action for the Atlantic Humpback Dolphin (*Souza teuszii*)\*
- UNEP/CMS/COP12/Doc.26.2.4 Proposal for a Concerted Action for the Arabian Sea Humpback Whale (*Megaptera novaeangliae*)\*
- UNEP/CMS/COP12/Doc.26.2.5 Proposal for a Concerted Action for the Angelshark (*Squatina squatina*)\*
- UNEP/CMS/COP12/CRP15 Proposal for the Designation of All Species of the Mobulid Rays (Mobulidae) for Concerted Actions
- UNEP/CMS/COP12/ CRP16, Proposal for the Designation of the Whale Shark (*Rhincodon typus*) for Concerted Actions
- UNEP/CMS/COP12/Doc.26.2.8 Proposal for a Concerted Action for the Asian Great Bustard (*Otis tarda*)\*
- UNEP/CMS/COP12/CRP35 Designation of Species for Concerted Actions for the Triennium 2018-2020
- UNEP/CMS/COP12/CRP41 Presidency of the Conference of Parties
- UNEP/CMS/COP12/CRP37 Scientific Council

\* These documents had not been amended by the COW; therefore CRPs were not tabled and the original texts stood.

747. Switzerland considered the Resolution adopted as part of document UNEP/CMS/COP12/CRP31 (Establishment of a Review Mechanism and a National Legislation Programme) to be one of the most important for the CMS during the last decade. Only a year ago, the 'zero option' had been the most likely outcome of the Review Mechanism discussions, but now this excellent result had been achieved. Thanks were due to the Chair of the intersessional Working Group and to other contributors, especially the EU and the Africa region. Switzerland was able to announce co-funding for an initial project and wished to support the position taken by of EU and its Member States during the closing session of the COW, that confidentiality should be the exception, not the rule, when implementing the Review Mechanism. Finally, NGOs had an important part to play in the Review Mechanism but also had a responsibility "*not to overload the truck*".
748. Norway endorsed and supported these remarks and welcomed Switzerland's announcement of co-funding. Norway was also pleased with the outcome; the merging of the two resolutions had been resolved in a good and sensible manner.
749. The Philippines, supported by Israel, called on local and international NGOs that had already expressed their commitment to the Concerted Action for Whale Shark to continue supporting implementation now that the proposal contained in document UNEP/CMS/COP12/CRP16 had been adopted by the COP.

#### **DATE AND VENUE OF THE 13<sup>TH</sup> MEETING OF COP (ITEM 31)**

750. A video presentation was introduced by the delegation of India, inviting COP13 to meet in India.
751. The Plenary greeted the presentation of India with acclamation.
752. The Executive Secretary referred delegates to document UNEP/CMS/COP12/Doc.31/Rev.1 and the two draft decisions it contained.
753. At the invitation of the Chair, the COP adopted the document, thereby formally accepting the invitation of the Government of India.

#### **ADOPTION OF THE REPORT (ITEM 32)**

754. At the invitation of the Chair, the Plenary adopted the Draft Report of the Meeting (Days 1 to 4), noting that corrections and other proposed amendments could be submitted to the Secretariat within a period of one month. The Secretariat was entrusted with finalizing the Report, accordingly.

#### **ANY OTHER BUSINESS (ITEM 33)**

755. There were no items of other business.

#### **CLOSURE OF THE MEETING (ITEM 34)**

756. A closing statement was made by Mr. Rodolfo C. Garcia, Undersecretary and Chief of Staff at the DENR on behalf of the Government of the Philippines.

757. COP12 had been a successful event and a major milestone, being the most-attended CMS COP to date, with participation of nearly all Parties, 45 IGOs and numerous NGOs. The hashtag #CMSCOP12 had also generated a great deal of interest through social media. It was hoped that this increased profile would lead to more action for the common cause of conserving migratory species throughout their ranges. Through reviewing and renewing commitments and implementing new decisions taken during the meeting, there was hope that the Whale Shark, alongside other species whose survival was intricately linked to that of humanity's, could be brought back from the brink. The Philippines greatly appreciated the spirit of cooperation shown during negotiation of the Manila Declaration and pledged to working interessionally towards achieving the goals set by COP12. The Government of the Philippines extended the assurance of its full support for the Government of India in assisting with preparations for COP13.
758. At the invitation of the Chair, the Plenary adopted by acclamation The Manila Declaration on Sustainable Development and Migratory Species (document UNEP/CMS/COP12/CRP6).
759. In his closing remarks, the Executive Secretary of CMS reflected on some of the key outcomes of COP12, including not only the Manila Declaration, but also adoption of Concerted Actions; a wide range of other conservation measures and related guidance for migratory birds, mammals and fish; the addition of a range of taxa to the Convention's Appendices; adoption of the Review Mechanism, and adoption of the Programme of Work for the upcoming triennium. In Dr Chambers' view, the votes held during the COP debate on additions to the CMS Appendices were a sign of maturity; as the Convention continued to grow, it would not always be possible to resolve all differences of view through consensus positions. CMS prided itself on good science, had benefited from the sound advice of the Scientific Council during the COP, and would continue to do so in the future. He warmly thanked the Government of the Philippines as Host of COP12 and the many individuals that had worked so hard for the success of the meeting. He recognized in particular the Deputy Executive Secretary, Mr. Bert Lenten, who would shortly be retiring after many years of service to the CMS Family, and Ms. Ingrid Catton, who was retiring as Chief Interpreter.
760. The Chair moved a vote of thanks to the Executive Secretary expressing his admiration at the way Dr. Chambers had responded to extraordinarily difficult personal circumstances during the run-up to the meeting.
761. COP12 was duly closed, with a reminder to the newly elected Standing Committee that the 47<sup>th</sup> Meeting of the Standing Committee would convene immediately.