

**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 2.

**Day 3 – Wednesday 25 October 2017**

<b>Committee of the Whole 09.40–12.30</b>
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**ADDRESS BY UN ENVIRONMENT EXECUTIVE DIRECTOR**

195. An address was made by Erik Solheim, Executive Director of UN Environment. He spoke about the importance of conserving migratory species, highlighting and exemplifying the theme of the COP 'Their Future is Our Future'.

**REPORT OF THE UNITED NATIONS ENVIRONMENT PROGRAMME (ITEM 9)**

196. Elizabeth Mrema, Deputy Director of UN Environment, briefly introduced the report contained in document UNEP/CMS/COP12/Doc 9.

**STATEMENTS FROM IGOs AND NGOs (ITEM 13)**

197. Statements were provided by the representatives of the Secretariats of the following CMS Family Agreements:

- ACAP – Agreement on the Conservation of Albatrosses and Petrels;
- ACCOBAMS – Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (referring to information document UNEP/CMS/COP12/Inf.6.2);
- AEWA – Agreement on the Conservation of African–Eurasian Migratory Waterbirds; and
- EUROBATS – Agreement on the Conservation of Populations of European Bats (referring to information document UNEP/CMS/COP12/Inf.6.6).

**INTERIM REPORT OF THE CREDENTIALS COMMITTEE (ITEM 28)**

198. The Chair of the Credentials Committee (Uruguay) reported that the Committee had held its second meeting on 24 October 2017 and that the credentials of a further 43 Parties had been reviewed and found to be in order.

**REPORTS FROM COW COMMITTEES AND WORKING GROUPS**

199. The Chairs of the six Committees and Working Groups established on 23 October 2017 presented brief updates on the progress of discussions within their respective groups.

## ADJUSTMENT OF THE AGENDA

200. The Chair noted that in accordance with discussions by the Bureau of the COP, the content and sequence of items on the COW's agenda for the morning session had been amended to expedite handling of a number of items.

## CONSERVATION ISSUES (ITEM 24 CONTINUED)

(f) Conservation and management of Whales and their Habitats in the South Atlantic Region (Item 24.2.6 continued).

201. The Chair recalled that when this item has been discussed by the COW on 24 October, South Africa had raised a point concerning the alignment of the proposed CMS Action Plan for the Protection and Conservation of South Atlantic Whales with processes underway within IWC. South Africa, and Brazil, the proponent of document UNEP/CMS/COP12/Doc.24.2.6, had been requested to meet bilaterally.
202. Brazil reported that the two Parties had agreed textual amendments.
203. South Africa presented the agreed amendments orally and confirmed its readiness to support the amended document.
204. The Chair concluded that, subject to the inclusion of the amendments tabled by South Africa, the COW endorsed the draft resolution, draft decisions and Action Plan, to be forwarded to plenary for adoption.

## AVIAN SPECIES (ITEM 24.1, CONTINUED)

205. The Chair invited Parties who wished to comment on any of the sub-items (e) to (k) to do so once all of the sub-items had been introduced (with the exception of sub-item (j) Action Plan for the Americas Flyway, which was not yet ready for discussion).

(e) Action Plan for the Yellow-breasted Bunting (Item 24.1.5)

206. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.1.5 and relevant provisions of the draft resolution and draft decisions contained in document UNEP/CMS/COP12/Doc.24.1.11 Action Plans for Birds.

(f) Action Plan for the European Turtle Dove (Item 24.1.6)

207. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.1.6, including the International Single Species Action Plan for the Conservation of European Turtle Dove *Streptopelia turtur* (2018 to 2028) contained in Annex 1, and relevant provisions of the draft resolution and draft decisions contained in document UNEP/CMS/COP12/Doc.24.1.11 Action Plans for Birds.

(g) Action Plan for the Far Eastern Curlew (Item 24.1.7)

208. Australia (Chair of the Far Eastern Curlew Task Force of the East Asian–Australasian Flyway Partnership) introduced document UNEP/CMS/COP12/Doc.24.1.7, including the International Single Species Action Plan for the Conservation of the Far Eastern Curlew *Numenius madagascariensis* contained in Annex 1, and relevant provisions of the draft resolution and draft decisions contained in document UNEP/CMS/COP12/Doc.24.1.11 Action Plans for Birds.

(h) Action Plan for the Baer's Pochard (Item 24.1.8)

209. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.1.8, including the International Single Species Action Plan for the Conservation of the Baer's Pochard *Aythya baeri* contained in Annex 1, and relevant provisions of the draft resolution and draft decisions contained in document UNEP/CMS/COP12/Doc.24.1.11 Action Plans for Birds.

(i) Action Plan for the European Roller (Item 24.1.9)

210. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.1.9, including the Flyway Action Plan for the European Roller *Coracias garrulus* contained in Annex 1, and relevant provisions of the draft resolution and draft decisions contained in document UNEP/CMS/COP12/Doc.24.1.11 Action Plans for Birds.

j) Action Plan for the Americas Flyways (Item 24.1.10)

211. The Chair recalled his earlier statement that this item was not yet ready for discussion.

k) Action Plans for Birds (Item 24.1.11)

212. The Secretariat introduced UNEP/CMS/COP12/Doc.24.1.11/Rev.1, including the draft resolution contained in Annex 1, and draft decisions in Annex 2. The draft resolution provided for adoption of the finalised Action Plans for Far Eastern Curlew, Baer's Pochard and European Roller, and mandated the Standing Committee to adopt those Action Plans being prepared intersessionally. Addendum 1 included a proposal from the Scientific Council that the AEWA Action Plans for Dalmatian Pelican *Pelecanus crispus* and White-headed Duck *Oxyura leucocephala* should also be incorporated in the list of Plans that could be adopted intersessionally by the StC.

213. The Chair invited comments on the individual Action Plans and the draft resolution and draft decisions.

214. The EU and its Members States supported intersessional adoption of the Action Plan for Yellow-breasted Bunting *Emberiza aureola*, but wished to propose a small amendment to the relevant draft decision.

215. The EU and its Member States noted that the Action Plan for the European Turtle Dove presented to COP12 was not the final version and therefore proposed amending the draft resolution and draft decisions to authorise the StC to adopt the finalized Action Plan intersessionally.

216. The EU and its Member States welcomed the draft resolution overall and thanked those institutions that had led preparation of the Action Plans discussed. The EU and its Member States reiterated support for the adoption by COP12 of the Action Plans for Baer's Pochard, Far Eastern Curlew and European Roller and for intersessional adoption of the finalized Action Plans for Yellow-breasted Bunting and European Turtle Dove

217. In response to a question from the AEWA Secretariat, the Chair clarified that the AEWA Action Plans for Dalmatian Pelican and White-headed Duck would be included in the list of plans that the StC would be authorised to adopt intersessionally.

218. The Chair concluded that, subject to inclusion of the proposed amendments, the draft resolution and draft decisions had been endorsed by the COW to be forwarded to plenary for adoption.

## **CMS STRATEGIC PLAN (ITEM 15)**

219. The Chair of the intersessional Strategic Plan Working Group, Ines Verleye (Belgium) presented a summary of document UNEP/CMS/COP12/Doc.15. Parties were requested to take note of the work done by the SPWG 2015-2017, to adopt the amendments to Resolution 11.2 contained in Annex 1, adopt the set of indicators in Annex B, endorse the further development of the Indicator Factsheets (UNEP/CMS/COP12/Inf.26), and adopt the draft decisions contained in Annex 2. The Companion Volume was provided as an online tool; further information was available in UNEP/CMS/COP12/Inf.28. COP12 was invited to endorse the approach taken in the development, further development and maintenance of the Companion Volume as an evolving online resource.
220. The Chair opened the floor for discussion, noting that further discussion by an ad hoc Working Group would be necessary if substantive negotiation was required.
221. The EU and its Member States supported much of the content of the document, but wished to make substantial amendments, including the deletion of the whole of Annex 2, where the decisions referring to national reporting would be better dealt with under agenda item 19.2.
222. South Africa considered it essential for Parties and partners to ensure the allocation of sufficient resources for effective implementation of the Strategic Plan, and wished to see this point more explicitly reflected in the draft decisions.
223. The Chair established a small ad hoc Working Group, including the EU and its Member States and South Africa. COP Appointed Councillor, Colin Galbraith, was available to act as facilitator. The ad hoc Working Group would also be asked to deal with matters relating to item 19 on National Reports, to take account of the linkages mentioned by the EU and its Member States.

## **NATIONAL REPORTS (ITEM 19)**

### **(a) Revision of the Format for National Reports (Item 19.2)**

224. The Secretariat introduced Document UNEP/CMS/COP12/Doc.19.2, including the draft decision contained in Annex 1. COP11, through Resolution 11.2, had requested the Secretariat to consider the format for National Reports with respect to two issues: assessing implementation of the Strategic Plan, and streamlining to reduce reporting burden. The document reported on the work undertaken since COP11, while the draft decision, if adopted, would mandate the Standing Committee and Secretariat to finalize a revised and streamlined format intersessionally, in time to be used for COP13.
225. The EU and its Member States supported revising the format for National Reports, but had a number of amendments to propose to ensure, among other things, that the reporting burden on Parties was reduced, and that sufficient time was allowed for Parties to complete their reports. Inclusion of the suggested structure, appended to Annex 1, was premature.
226. Seychelles fully supported the revision of the National Report format, and stressed the importance of permitting sufficient time for Parties to meet their reporting obligations.
227. Australia wished to make minor amendments to the draft decision.
228. The Secretariat stressed that timely intersessional adoption of a revised format by the Standing Committee would depend on rapid feedback from Parties and other stakeholders when the Secretariat initiated further consultations.

229. The Chair adjourned further discussion by the COW, pending consideration by the ad hoc Working Group established under item 15, and invited interested Parties to ensure that proposed amendments were brought to the attention of that group.

### **SYNERGIES AND PARTNERSHIPS (ITEM 23.1)**

230. The Secretariat presented a summary of document UNEP/CMS/COP12/Doc.23.1, including the proposed amendments to Resolution 11.10 contained in Annex 1.
231. Brazil and Ghana underlined the importance of the relationship between the CMS Family and civil society and the significant role played by NGOs and other civil society stakeholders in supporting implementation of the Convention. They would propose further amendment to operative paragraph 5 of Annex 1 in this respect to reinstate language that had been dropped from an earlier version of the document.
232. Acknowledging the work undertaken to prepare the document, the EU and its Member States nevertheless wished to propose a number of additional, mostly minor, amendments.
233. The Chair requested those Parties that had proposed amendments to provide the corresponding text to the Secretariat. The Secretariat would then circulate a revised version of the document to the relevant Parties and ensure that all were comfortable with the amendments made.
234. The Chair concluded that, subject to inclusion of the additional amendments being submitted by Brazil, Ghana and the EU and its Member States, the proposed amendments to Resolution 11.10 could be endorsed by the COW, to be forwarded to plenary for adoption.
235. Wild Migration (speaking also on behalf of other NGOs) thanked Brazil and Ghana for championing the role of civil society in the Convention and reiterated some of the many ways that NGOs contributed to implementation of CMS.

<b>Committee of the Whole 15.15–18.30</b>
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### **MANILA DECLARATION ON SUSTAINABLE DEVELOPMENT AND MIGRATORY SPECIES (ITEM 27)**

236. The Chair referred participants to document UNEP/CMS/COP12/Doc.27 Sustainable Development and Migratory Species, and invited the Philippines to deliver a progress report.
237. The Philippines outlined the global context for the Manila Declaration, which would be based on the text contained in the document but further enriched by the deliberations of the High Level Panel that had been chaired by the Philippines Head of Delegation and Chair of the COP, Secretary Roy A. Cimatu. Key recommendations to be included in the Manila declaration were presented.
238. The Chair sincerely trusted that the COW could recommend endorsement of a draft resolution for forwarding to Plenary and noted that a revised text would be needed first. With this understanding, he opened the floor to comments.
239. The EU and its Member States supported the adoption of the proposed resolution and the draft decision, including the amendments made by the Philippines, and welcomed in

particular the amendments aimed at enhancing the relationship between efforts for migratory species and the global context of the Aichi Targets and the SDGs. The EU and its Member States furthermore believed that the COP should provide a clear mandate to the CMS Secretariat to be involved in the follow up to the Strategic Plan for Biodiversity, to ensure adequate integration of migratory species issues in both strategic planning beyond 2020 and the Biodiversity summit foreseen for 2020.

240. Brazil commended the Philippines and supported adoption of what had been a carefully negotiated text.
241. Monaco and Kenya also confirmed strong support for the draft resolution.
242. The Chair welcomed the enthusiastic support from Parties for the Manila Declaration but reiterated that the COW would still require a CRP containing the finally proposed version of the text for consideration. Those Parties that had been working together with the Philippines and the Secretariat to progress the Manila Declaration were invited to continue working so that the final draft could be considered by COW on 26 October 2017.
243. The Philippines indicated its agreement with the approach recommended by the Chair.

#### **CROSSCUTTING CONSERVATION ISSUES (ITEM 24.4)**

##### **(a) Marine Debris (Item 24.4.1)**

244. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.4.1, including the draft resolution contained in Annex 1, and drew attention to the linkage with document UNEP/CMS/COP/Doc.21.2.13/Rev.1 Consolidation of Resolutions: Management of Marine Debris.
245. The Chair noted that the Aquatic Working Group had concluded its work on this item, and adjourned discussion pending receipt of the CRP.

##### **(b) Climate Change and Migratory Species (Item 24.4.2)**

246. The COP-Appointed Councillor for Climate Change and Chair of the Scientific Council's Working Group on Climate Change, Colin Galbraith, presented a summary of Document UNEP/CMS/COP12/Doc.24.4.2, including the draft resolution contained in Annex 1 and the associated Programme of Work.
247. The Chair opened the floor for discussion.
248. The EU and its Member States expressed support for the Programme of Work. Proposed editorial amendments to the draft resolution had been sent to the Secretariat.
249. Brazil noted that it also had minor proposals to amend the draft; these could be forwarded to the Secretariat or discussed in an ad hoc Working Group.
250. The representative of Mongolia supported the document, commenting that her country was one of those most vulnerable to climate change.
251. The Chair concluded that in the interests of efficiency, he would ask the EU and Brazil to work with the Chair of the Working Group on Climate Change to produce a final draft of the Document. The Chair of the Working Group would decide whether it was appropriate to prepare a CRP, or a further working draft for discussion by the COW.

##### **(c) Conservation Implications of Animal Culture and Social Complexity (Item 24.4.3)**

252. The Chair of the Expert Working Group on Culture and Social Complexity, Giuseppe Notarbartolo di Sciara, introduced document UNEP/CMS/COP12/Doc.24.4.3, including the draft decisions contained in Annex 2.
253. ACCOBAMS, and Whale and Dolphin Conservation supported the document and the draft decisions.
254. The EU and its Member States proposed minor editorial amendments which, at the invitation of the Chair were presented orally.
255. The Chair concluded that subject to inclusion of these amendments, the COW endorsed the document and the draft decisions to be forwarded to plenary for adoption.

(d) Bycatch (Item 24.4.4)

256. The COP-Appointed Councillor for Bycatch, Barry Baker, introduced Document UNEP/CMS/COP12/Doc.24.4.4, including the draft resolution contained in Annex 1, and drew attention to the linkage with document UNEP/CMS/COP/Doc.21.2.4/Rev.1 Consolidation of Resolutions: Bycatch. The Aquatic Working Group had completed its work on this item and a CRP was in preparation.
257. The Chair opened the floor for comments.
258. Argentina, supported by Ecuador and Peru, noted that the drafting of the Spanish text was unclear in two places, and read out alternative wording with a request that this be reflected in the document.
259. The Chair confirmed that the amended wording would be used for the Spanish text.
260. IWC emphasized the scale of the problem of bycatch and highlighted the need for strengthened collaboration between all stakeholders with an interest in the issue. IWC had done extensive work on this and welcomed CMS as a member of its Standing Working Group on Bycatch.
261. The representative of SPREP announced the initiation of a bycatch mitigation project in the Pacific Islands region during the period 2018-2022, and noted that he would be happy to collaborate with any interested parties in the planning and implementation of the programme.
262. Humane Society International highlighted that there was an animal welfare issue as well as a conservation issue, and that there was little data or information on this.
263. The Chair adjourned the debate, and asked the Appointed Councillor for Bycatch, in his role as Chair of the Aquatic Working Group, to decide how best to take the document forward.
264. The Chair of the Aquatic Working Group thanked the COW for their strong support and looked forward to finalizing the Document.

(e) Sustainable Boat-Based Wildlife Watching Tourism (Item 24.4.5)

265. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.4.5, including draft amendments to Resolution 11.29 contained in Annex 1, Species-specific guidelines for boat-based wildlife watching contained in Annex 2, and draft decisions in Annex 3. The Aquatic Working Group had considered this issue, included some minor amendments and concluded its work.

266. The Chair looked forward to the submission of a CRP by the Working Group and opened the floor for brief comments
267. IWC supported the document and referred to collaborative work being undertaken with CMS, including preparation of an online handbook on whale watching.
268. ACCOBAMS noted that it also had a working group on whale watching, and was developing guidelines for a monitoring programme to assess the effects of whale watching on populations.
269. The Chair adjourned further discussion, pending the availability of a CRP.

(f) Energy and Migratory Species (Item 24.4.6)

270. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.4.6, including the draft decision contained in Annex 1. Thanks were due to the Federal Government of Germany for supporting the work of the Scientific Council's Energy Task Force through the Migratory Species Champion Programme, and to BirdLife International for serving as Task Force coordinator. Attention was drawn to an additional draft decision contained in comments by the Scientific Council.
271. The EU and its Member States welcomed the work done by the Energy Task Force, and supported the draft decisions, including the additional decision recommended by the Scientific Council.
272. The Chair concluded that the COW had endorsed the draft decisions, including the Scientific Council recommendation, to be forwarded to the plenary for adoption.

(g) Addressing Unsustainable Use of Terrestrial and Avian Wild Meat (Item 24.4.7)

273. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.4.7, including the draft decisions contained in Annex 1. The Terrestrial Working Group had discussed this item, but its deliberations were not yet finalized.
274. ACAP drew attention to an emerging threat to seabirds in the South Atlantic, where recent observations had indicated that many seabirds, especially albatrosses, were deliberately captured and killed, especially on squid jigger vessels.
275. The Chair adjourned further discussion, pending the availability of a CRP.

(h) Sustainable Tourism and Migratory Species (Item 24.4.8)

276. The Philippines introduced document UNEP/CMS/COP12/Doc.24.4.8, which included a draft resolution.
277. The EU and its Member States recognized the importance of this issue and supported the document, but considered that it would be strengthened by redrafting in places.
278. Ecuador and Norway also expressed support, and wished to see amendments to the text.
279. The Chair suggested the establishment of a Contact Group coordinated by the Philippines, with participation of Ecuador and Norway, and facilitated by the Secretariat, to prepare a revised text.
280. The Parties concerned agreed to this way forward.

(i) Promoting Marine Protected Area Networks in the ASEAN Region (Item 24.4.9)

281. The Philippines introduced document UNEP/CMS/COP12/Doc.24.4.9, which included a draft resolution.
282. The Chair noted that the document had been tabled in the Aquatic Working Group, but that there had been no requests for discussion and no amendments proposed. He opened the floor for comments.
283. There being no requests for the floor, the Chair concluded that the COW had endorsed the document to be forwarded to the plenary for adoption.
- (j) Promoting Conservation of Critical Intertidal and other Coastal Habitats for Migratory Species (Item 24.4.10)
284. The Philippines introduced document UNEP/CMS/COP12/Doc.24.4.10, which included a draft resolution.
285. The EU and its Member States recognized the critical importance of coastal habitats and supported the document and draft resolution. The draft required amendment to clarify the separate roles of CMS and the Ramsar Convention on Wetlands, and to make the role of CMS explicit.
286. BirdLife International welcomed the draft resolution. There was an urgent need to protect the remaining, highly threatened, intertidal habitats in the East Asian-Australasian Flyway. Australia had made great efforts in the conservation of the Globally Threatened Far Eastern Curlew *Numenius madagascariensis*, but proposed development at the Morton Bay Ramsar Site, an important site for the species, gave cause for concern. BirdLife International urged the Australian government to reject this proposed development.
287. Australia recognized that the loss of intertidal habitats had severely impacted shorebird populations along the East Asian-Australasian Flyway, and strongly supported the draft resolution. Australia was fully aware of its obligations under the Ramsar Convention. A proposal for development at Morton Bay had been received, and Australia's commitments under MEAs would be fully taken into account. No decision had been taken as to whether or not the development would go ahead, but a rigorous Environmental Impact Assessment would be conducted to support that decision.
288. Norway supported the draft resolution and stressed the importance of connectivity between sites.
289. At the request of the Chair the EU and its Member States presented their proposed amendments orally.
290. The Philippines considered these amendments to be acceptable.
291. The Chair concluded that the COW endorsed the document to be forwarded to plenary for adoption.
- (k) Improving Ways of Addressing Connectivity in the Conservation of Migratory Species (Item 24.4.11)
292. The Chair of the Scientific Council presented document UNEP/CMS/COP12/Doc.24.4.11, including the draft Resolution in Annex 1, and the draft decision in Annex 2.
293. The Chair opened the floor for comment.

294. India supported the draft resolution and draft decision and reported that its own approach to biodiversity conservation was moving away from a protected area focus towards landscape and seascape approaches, including bilateral cooperation with neighbours.
295. Norway also supported the resolution and urged the Convention to realise its potential for making a huge difference by shifting from a focus on working species by species to a much greater emphasis on habitats and the dependence of species and humans on them.
296. The EU and its Member States supported the draft resolution and draft decision, but wished to propose a number of editorial amendments.
297. At the invitation of the Chair, the EU and its Member States presented the proposed amendments orally.
298. The Chair of the Scientific Council confirmed that these points did not raise any substantive issues.
299. Uganda fully supported, underlining the importance of habitat restoration and rehabilitation.
300. Kenya supported the draft resolution but tabled an amendment to include a reference to Serial World Heritage Sites.
301. Angola supported the draft resolution and proposed making reference to the migratory corridors used by giraffes moving between Angola and Botswana.
302. Costa Rica supported the draft resolution on behalf of Central and South America and Caribbean Region.
303. BirdLife International fully supported the draft resolution and proposed a minor amendment making reference to the world database on Key Biodiversity Areas (KBAs).
304. The Chair requested all those who had proposed amendments to provide text to the Secretariat. None of the proposals appeared controversial. Therefore, subject to incorporation of the amendments, the COW could endorse the document for forwarding to plenary for adoption.

(l) Transfrontier Conservation Areas for Migratory Species (Item 24.4.12)

305. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.4.12, including the draft decisions contained in Annex 1, and noted the link with UNEP/CMS/COP12/Doc.21.2.11.
306. This item had been discussed in the Terrestrial Working Group and consensus had been reached.
307. The Chair adjourned further discussion of this item, pending receipt of a CRP taking into account the consensus reached in the Terrestrial Working Group.

(m) Community Participation and Livelihoods (Item 24.4.13)

308. The Secretariat introduced document UNEP/CMS/COP12/Doc.24.4.13, including the draft decisions contained in Annex 1.
309. The Chair asked whether this item had been addressed by the Terrestrial Working Group.

310. The Secretariat confirmed that this was the case and that consensus had been reached on wording.
311. Australia had been unable to attend the Working Group and wished to propose a small amendment to terminology used throughout the document in relation to indigenous peoples, to make these references more consistent and bringing them into line with the terminology used in the UN Declaration on the Rights of Indigenous Peoples.
312. India supported the draft decisions.
313. The Chair adjourned further discussion of this item, pending receipt of a CRP taking into account the agreement reached in the Terrestrial Working Group and incorporating the adjustments to terminology proposed by Australia.

## **FUTURE SHAPE AND STRATEGIES OF CMS AND THE CMS FAMILY (ITEM 16)**

### **(a) Restructuring the Scientific Council (Item 16.2).**

314. The Secretariat introduced document UNEP/CMS/COP12/Doc.16.2, which reported progress in the implementation of Resolution 11.4, and included, in Annex 1, the Terms of Reference (ToR) for the CMS Scientific Council, as provisionally adopted by the CMS Standing Committee at its 44<sup>th</sup> Meeting. COP12 was invited to take note of the progress report, to review and adopt the ToR, and to approve their incorporation as an annex to the consolidated resolution on the Scientific Council.
315. The Chair opened the floor for comments.
316. The EU and its Member States supported the adoption of the ToR but had a number of amendments to propose.
317. At the invitation of the Chair, the EU and its Member States presented their proposed amendments orally and confirmed these would be transmitted in writing to the Secretariat.
318. In response to a point raised by the EU and its Member States, the Secretariat noted that it was not yet completely clear how past resolutions that had been consolidated should be referenced in future.
319. The Chair concluded that, subject to incorporation of the amendments tabled by the EU and its Member States, the COW could endorse the document for forwarding to plenary for adoption. The referencing issue identified by the EU and its Member States was noted and the Secretariat would consider possible solutions.

### **(b) Appointment of Members of the Sessional Committee of the Scientific Council (Item 17.2)**

320. The Secretariat introduced document UNEP/CMS/COP12/Doc.17.2. COP12 was invited to consider the option for appointment of alternate members for the regional membership of the Sessional Committee of the Scientific Council (SC); to appoint the Sessional Committee of the SC for the next intersessional period (taking into account recommendations of the Standing Committee and Secretariat); and provide guidance on the need for renewal of the COP-appointed membership of the Sessional Committee of the SC.
321. The EU and its Member States supported the proposal to appoint alternate members for the regional membership of the Sessional Committee. If the number of COP-appointed members of the Scientific Council exceeded nine, there would be a need to decide which of them would serve on the Sessional Committee.

322. The Secretariat would check the extent to which the decision on this matter would need to be reflected in other documents, for example the Terms of Reference of the Scientific Council.
323. The Chair concluded that, subject to incorporation of the amendments tabled by the EU and its Member States, the COW could endorse the document for forwarding to plenary for adoption.

### **AMENDMENT OF CMS APPENDICES (ITEM 25)**

#### **(a) Taxonomy and nomenclature (item 25.3)**

324. The Secretariat presented a summary of document UNEP/CMS/COP12/Doc.25.3, including the draft resolution contained in Annex 4 (with its annexed List of Standard References), and the draft decision contained in Annex 5. The Secretariat also pointed out the linkage with document UNEP/CMS/COP12/Doc.21.2.2 Rev.1 concerning the consolidation of CMS resolutions.
325. The Chair understood that relevant sections had been addressed by the Avian and Aquatic Working Groups, and that the Aquatic Working Group had completed its deliberations without proposing any changes, but that discussions within the Avian Working Group were continuing.
326. The EU and its Member States were unable to support the adoption of the draft resolution, due to concerns about four matters. First, adoption of the Handbook of the Birds of the World/BirdLife Illustrated Checklist of the Birds of the World Volume 2 (HBW2) for passerine species was premature until the results of the Scientific Council's detailed analysis was available; secondly, under the proposal for non-passerine species it appeared there would be a discrepancy between the taxonomy to be applied by CMS for albatrosses and petrels and that applied by ACAP; thirdly; the synonymization of *Manta* and *Mobula* rays was not accepted under CITES; and finally there was a need for the Scientific Council to review the scientific literature concerning mammal taxonomy with a view to bringing forward a recommendation to COP13. The EU and its Member States would have a number of amendments to propose to the draft resolution and draft decision as a consequence of these concerns.
327. Saudi Arabia supported the proposals in the document, notably the use of HBW2 for passerines.
328. Following discussion with contributions from the EU and its Member States, the Chairs of relevant Working Groups, and the Secretariat, the Chair concluded that the issues raised by the EU should be further addressed by the Aquatic, Avian and Terrestrial Working Groups in order to seek a consensus way forward. The COW would return to this item when these further consultations had been completed.