



CMS



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Agenda Item 24.1

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

Summary

This document summarizes comments submitted by the Parties on the proposals for the amendment of CMS Appendices to be considered by the 11th Meeting of the Conference of the Parties (COP11).

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

(Prepared by UNEP/CMS Secretariat)

1. In accordance with the provisions of Article XI of the Convention, the Governments of Costa Rica, Ecuador, Egypt, Ethiopia, Fiji, Kenya, Monaco, Mongolia, Niger, Norway, Paraguay, the Philippines and Senegal and the European Union and its twenty-eight Member States submitted proposals for amendments to Appendices I and II of the Convention for consideration by the 11th Meeting of the Conference of the Parties (COP11).
2. In accordance with Article XI, paragraph 3, of the Convention, Parties were invited to communicate any comments on the proposals to the Secretariat by 4 September 2014.
3. As of the deadline of 4 September 2014, the Secretariat received submissions of comments from the following Parties: Argentina, Ecuador, Egypt, the European Union and its twenty-eight Member States, Fiji, Guinea, Guinea-Bissau, Monaco, Mongolia and Palau.
4. The comments received can be grouped in the following three categories:
 - Complementary information on some of the listing proposals, provided by the same Parties that submitted them, mainly in response to comments on the proposals made by the 18th meeting of the Scientific Council. Comments belonging to this category are summarized in section A below.
 - Comments on listing proposals by Parties other than those that submitted them. These comments are compiled in section B below.
 - Expressions of support/co-sponsoring of listing proposals. These comments are compiled in section C below.

A. COMPLEMENTARY INFORMATION ON LISTING PROPOSALS

The Governments of Ecuador, Fiji, Monaco and Mongolia submitted complementary information on their proposals concerning *Sphyrna lewini* (Scalloped Hammerhead Shark), *Manta alfredi* (Reef Manta Ray), *Mobula* spp. (Mobula rays), *Anguilla anguilla* (European Eel) and *Otis tarda* (Great Bustard). In the case of *Sphyrna lewini*, *Anguilla anguilla* and *Otis tarda* the additional information transmitted had already been integrated in a revised version of the original proposal. For these cases, a revised version of the original proposal has been published.

Sphyrna lewini UNEP/CMS/COP11/Doc.24.1.16/Rev.1

The Government of Ecuador revised the proposal to include additional information in sections 2 (mainly 2.1, 2.3 and 2.4), 3.1, 3.5, 4.1 and 4.2 and additional bibliographic references in section 8.

Anguilla anguilla UNEP/CMS/COP11/Doc.24.1.18/Rev.1

The Government of Monaco revised the proposal to include additional information in sections 4.2 on the international projection status. They added a new section, 4.4 on a proposed cooperative action for discussion.

Otis tarda UNEP/CMS/COP11/Doc.24.1.4/Rev.1

Most of the changes are editorial except one substantive addition which is the following: “The IUCN Bustard Specialist Group unanimously endorses this proposal regarding listing of global populations of Great Bustard on CMS Appendix I”. A few bibliographic references were also added to section 8.

In the case of the proposals concerning *Manta alfredi* and *Mobula* spp., the additional information is made available as addenda to the original proposals (UNEP/CMS/COP11/Doc.24.1.9/Addendum and UNEP/CMS/COP11/Doc.24.1.10/Addendum)

B. COMMENTS ON LISTING PROPOSALS BY PARTIES OTHER THAN THOSE THAT SUBMITTED THEM

The Government of Argentina and the European Union and its twenty-eight Member States submitted comments on the proposals for the listing of *Panthera leo persica* (Asiatic Lion), *Calidris pusilla* (Semipalmated Sandpiper) and *Ursus maritimus* (Polar Bear).

B.1 Comments submitted by the Government of Argentina

Regarding the proposal submitted by Ecuador and Paraguay to include the Semipalmated Sandpiper in Appendix I, Argentina considers that, on the basis of the criteria to include species under CMS and a revision on the literature on the species' conservation status, there are not enough reasons to include this species under Appendix I.

Although it is evident that the numbers of the Semipalmated Sandpiper have declined, the estimated size of the three populations existing in the Arctic are, at a minimum, in the order of hundreds of thousands. It is evident that the population trend is negative, but it is understood that Appendix I is reserved for those species or biogeographic populations under serious threat or danger, and that abusing listing in Appendix I would be to the detriment of the species concerned.

It should be remembered that Article III of the Convention states that Appendix I shall list migratory species which are endangered and that a migratory species maybe listed in Appendix I provided that reliable evidence, including the best scientific evidence available, indicates that the species is endangered.

Therefore, it is considered that until new scientific evidence is gathered to advise inclusion in Appendix I, the agreements that CMS foresees for species included under Appendix II should be sufficient to improve its conservation status.

B.2 Comments submitted by the European Union and its twenty-eight Member States

Preliminary views of the EU and its Member States on the listing proposals

These preliminary views are intended to seek additional information on some aspects of the listing proposals in order to facilitate internal discussions on the listing proposals. They do not express a position of the EU and its Member States on the proposals at this stage nor do they prejudge the future position of the EU and its Member States on any listing proposal ahead of the COP.

Prop. 2 - *Panthera leo* - Kenya – the subspecies *persica* is proposed to be listed in Appendix I while the other subspecies are proposed for Appendix II.

In relation to the Asiatic Lion (*Panthera leo persica*), where the proposal refers to a single population in a protected area in Gujarat State, India, additional information on how far this population moves or if those movements are trans-boundary and migratory would be helpful. Moreover, additional information should be presented on the conservation benefits for this

subspecies that are expected to arise from the proposed listing in Appendix I. The opinion of India would also be helpful to better understand its commitment on the proposed listing.

Prop. 5 – *Calidris pusilla* – Ecuador and Paraguay - Appendix I.

In the proposal, a decline of 80% between 1982 and 2011 in a key wintering area is reported, together with a current total population size estimate of 2,260,000 individuals. Additional information regarding threats would be very much appreciated and would facilitate further consideration of the proposal.

Prop. 11 - *Ursus maritimus* - Norway - Appendix II.

There are several measures in place aimed at protecting the Polar Bear, including its recent addition to the CITES Review of Significant Trade and many others quoted in the proposal.

It is generally accepted that the fragmentation and loss of sea-ice are the most critical conservation concerns for Polar Bears today and that the species' long-term conservation depends upon successful mitigation of climate change (including steps taken through the UNFCCC). The proposal suggests that other threats are having direct or significant impacts on Polar Bear populations. It would be helpful if the proponents could clarify how a CMS Appendix II listing would assist in addressing the known threats to the Polar Bear, over and above the actions currently in place.

Given that Norway is the only Polar Bear range State currently member of CMS, it would also be helpful if the proponent could explain what additional benefits the proposed Appendix II listing would provide, noting the limited distribution of the species in Norway, with respect to its whole range.

C. EXPRESSIONS OF SUPPORT/CO-SPONSORING OF LISTING PROPOSALS

The Governments of Egypt, Guinea, Guinea-Bissau and Palau submitted statements indicating their support to individual listing proposals.

C.1 Egypt

Egypt is pleased to co-sponsor the hammerhead proposals of Ecuador and Costa Rica.

Moustafa FOUDA

C.2 Guinea

Referring to the recommendations of CITES COP16 the CITES Focal Point of Guinea supports the inclusion of sawfishes into the Appendices of CMS. As the Focal Point through the management authority of my country we have renewed our engagement to support the sustainable conservation of sawfishes throughout the world at the regional workshop in Dakar held 12-14 August 2014.

Mamadou Bella Diallo
CITES Focal Point

C.3 Guinea-Bissau

Guinea-Bissau, through the Ministry of Fisheries, has supported and still supports responsible management of all fishery resources, in particular those species of shark that are subject to a criminal exploitation.

Our country expressed its agreement without reservation to the inclusion of sawfishes in the Appendices of CMS, as has been shown by our active engagement since before COP16. We have supported this listing since the workshop in Dakar (February 2013) and voted in favour in Bangkok; we will support its implementation.

We recommend all Contracting Parties as of September 2014 to apply the Convention rigorously and respect its engagement,

The N.F.P, in regular consultation with CIPA supports the inclusion of sawfishes into the Appendices of CMS.

Fai Djedjo
CITES Management Authority
Bissau

C.4 Palau

Palau would be happy to co-sponsor and support all the proposed sharks/mobula listings to be considered at this year's CMS COP meeting.