



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



Contribution towards the Secretary-General's Report on "Oceans and the law of the sea"

Executive Summary

1. The Convention on Migratory Species is a Multilateral Environmental Agreement (MEA), signed 30 years ago and in force since 1983. This treaty under the aegis of the United Nations Environment Programme (UNEP) aims to facilitate close cooperation on the conservation of migratory species between the countries through which these animals travel on their annual journeys. Among the species that do so and that are listed on the Convention's Appendices are many marine mammals, fish and seabirds. CMS is actively engaged in many global and regional species-specific activities, but also a large range of broader environmental ocean matters such as unsustainable fishing, including by-catch, and collisions with sea-faring vessels. **There are ten individual agreements under CMS which are explicitly aimed at marine taxonomic groups, such as turtles, whales, dolphins, dugongs, albatrosses and petrels.** Further instruments on sharks and Pacific turtles are currently under negotiation. The outputs of the Ninth Conference of Parties, which took place in December 2008 in Rome, Italy, provide a good overview of the considerable contribution that this focussed treaty with 110 member states (as of 01.01.2009) makes to the global protection of ocean biodiversity and specifically to the target activities of the "Oceans and the law of the sea" consultative process.

2. Recent relevant Resolutions under CMS (from COP9, December 2008)

Since the First CMS Conference of Parties (COP) in 1985, 24 Resolutions and Recommendations have explicitly focussed on marine species and environmental issues concerning the world's oceans (see www.cms.int/bodies/cop_mainpage.htm). The following list provides an overview of the latest relevant Resolutions from December 2008:

a. By-catch

The CMS COP9 requests member countries to mitigate the effect of by-catch on migratory species and to assess the best practices available to do so. The importance of monitoring, data sharing and implementing existent Action Plans is highlighted. Parties are urged to participate in Regional Fisheries Management Organisations (RFMOs) and other relevant fora in order to reduce the impact of by-catch on threatened migratory species.

The CMS Secretariat is requested to produce an analysis on the impact of bycatch on the conservation status of listed species and to identify priority fisheries, regions and species for action. It is further requested to closely liaise with RFMOs to, for example, share information on impacts by their respective fisheries on migratory species listed under CMS and on monitoring and mitigation measures they have implemented.

b. Migratory marine species

This broad resolution emphasises the importance of addressing adverse anthropogenic impacts on migratory species listed under the Appendix I of CMS, in close liaison with numerous international bodies concerned with the conservation and use of marine and arctic migratory species.

c. Adverse anthropogenic marine/ocean noise impacts on cetaceans and other biota

Parties are requested to control the impact of man-made noise pollution on marine species and to apply appropriate mitigation measures to prevent impacts from the high-intensity noise sources, such as sonars, especially in areas known or suspected to be important habitat to sensitive species. A thorough impact assessment and further research is required, as well as wide sharing of information between the international community, academia and industry, in order to find solutions to adverse effects of noise pollution on whales and other marine species.

d. Climate change impacts on migratory species

This Resolution mandates CMS member states to address the urgent need for research to assess the impact of climate change on populations on migratory species. It further requests Parties to urgently act to reduce the threat that climate change and associated threats pose for migratory species, taking into account that the marine habitat is particularly threatened through changes in temperature, ocean chemistry and currents.

3. CMS Agreements in force or in preparation

A number of CMS agreements directly contribute to the topics of focus of the past meetings of the consultative process on "Oceans and the law of the sea". In addition to the ten agreements that are currently in force to conserve marine migratory species, there are two which are currently in preparation for conclusion in 2009, which are relevant to global ocean matters (Table 1).

The most recent developments concern:

a. West African Aquatic Mammals

The CMS Memorandum of Understanding (MoU) on small cetaceans and manatees in the African Atlantic and the Macaronesian island region contributes to the protection of marine biodiversity across a vast area of ocean and aims to facilitate the transboundary cooperation of 29 mainly African range states. The instrument, which entered into effect in October 2008, addresses a multitude of factors such as unsustainable fishing and bycatch, coastal development, pollution and habitat degradation. These factors have led to a sharp decline of the numbers of these marine species in recent years. Further information is available at: www.cms.int/species/waam/index.htm.

b. Dugongs

The dugong is a threatened migratory mammal of the Indo-Pacific, which the CMS MoU from 2007 aims to conserve through national and transboundary level action. A comprehensive management plan provides the foundation for the individual objectives, which focus on the mitigation of anthropogenic threats such as pollutions or collisions with vessels.

c. Sharks

Since 2008 there have been ongoing discussions and preparations for a new agreement on a global scale to protect sharks such as the Whale shark (*Rhincodon typus*) and the Great White Shark (*Carcharodon carcharias*) under the auspices of CMS. An Action Plan is currently in preparation for mid-2009, which will provide the foundation for the agreement finalisation later this year.

d. Pacific turtles

A draft agreement for marine turtles in the Pacific Islands region is currently in preparation. Monitoring and research, with a focus on turtle nesting, as well as community outreach and awareness raising will be included within the objectives of the envisaged instrument.

Table 1: Overview of CMS agreements concerning marine migratory species.

<i>CMS Agreement</i>	<i>Full name</i>	<i>Status</i>	<i>Entry into force</i>
ACAP	Agreement on the Conservation of Albatrosses and Petrels	Binding	01/02/2004
ACCOBAMS	Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area	Binding	01/06/2001
AEWA	Agreement on the Conservation of African-Eurasian Migratory Waterbirds	Binding	01/11/1999
ASCOBANS	Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas	Binding	29/03/1994
Wadden Sea Seals	Agreement on the Conservation of Seals in the Wadden Sea	Binding	01/10/1991
Dugong	Memorandum of Understanding on the Conservation and Management of Dugongs (<i>Dugong dugon</i>) and their habitats throughout their range	Article IV agreement	31/10/2007
Marine turtles Africa	Memorandum of Understanding concerning conservation Measures for Marine Turtles of the Atlantic coast of Africa	Article IV agreement	29/05/1999
Marine turtles IOSEA	Memorandum of Understanding on the conservation and management of marine turtles and their habitats of the Indian Ocean and South-East Asia	Article IV agreement	01/09/2001
Mediterranean Monk Seal	Memorandum of Understanding concerning Conservation Measures for the Eastern Atlantic Populations of the Mediterranean Monk Seal	Article IV agreement	18/10/2007
Pacific Island Cetaceans	Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region	Article IV agreement	15/09/2006
West African Aquatic Mammals	Memorandum of Understanding Concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia	Article IV agreement	03/10/2008
Sharks (global)	-	In preparation	2009/2010
Marine turtles Pacific	-	In preparation	2009/2010

4. CMS Partnerships and engagement with other marine conservation bodies

The Secretariat of the Convention on Migratory Species collaborates closely with a large number and range of other MEAs, Inter-Governmental and Non-Governmental organisations (see UNEP/CMS/Conf. 9.23). With regards to ocean biodiversity conservation, CMS has formed formal partnerships with a number of organisations including: Alliance of Marine Mammal Parks and Aquariums (AMMPA), Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region (Cartagena Convention), International Fund for Animal Welfare (IFAW), International Whaling Commission (IWC), National Oceanic and Atmospheric Administration (NOAA), Pacific Regional Environment Programme (SPREP), Wetlands International (WI), Wildlife Conservation Society (WCS) and the Whale and Dolphin Conservation Society (WDCS).

5. CMS global awareness raising campaigns on marine species

Following the popular Year of the Turtle campaign in 2006, CMS launched the first global CMS campaign on an ocean species: the Year of the Dolphin campaign 2007-2008. This initiative focussed on all aspects of dolphin conservation, including biology and threats. Highlights included a popular educational manual, a website where individuals could take a “dolphin diploma” which registered over 10 million hits during the campaign period and several community-based conservation projects. For a full review of the campaign see UNEP/CMS/Conf. 9.21. 2010 will be the CMS Year of Biodiversity, which will also prominently feature marine migratory species.

6. Procedure of contribution towards the “Oceans and the law of the sea” consultative process

In past years, CMS has regularly contributed towards the consultative process through the provision of detailed briefs on the various means through which the Convention assists the objectives and targets of the “Oceans and law of the sea” process. These briefs have spanned a broad range of matters from new relevant legal provisions, meeting outcomes, further strategies, research and monitoring, as well as outreach matters. CMS is a global Convention of considerable size that is immediately concerned with ocean biodiversity conservation. The Resolutions and publications of the “Oceans and the law of the sea” consultative process would benefit from a reflection of this.