



Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Secretariat provided by the United Nations Environment Programme (UNEP)

**Progress report on relevant activities undertaken within the framework of
CMS, ASCOBANS and ACCOBAMS to the 57th meeting of the
International Whaling Commission
Ulsan, Republic of Korea, 20-24 June 2005**

I. CMS, its Agreements and the IWC Conservation Committee: possible synergies

The Convention on Migratory Species is an intergovernmental treaty, concluded under the aegis of the United Nations Environment Programme, concerned with the conservation of wildlife and habitats on a global scale. It aims to conserve and manage avian, marine and terrestrial migratory species, as well as their habitats, through their range.

The CMS Appendices are one of the ways through which CMS addresses the conservation of migratory species. Parties strive to strictly protect Appendix I species, conserving and restoring habitats important to them, mitigating obstacles to their migration and curbing factors that might endanger them. Appendix I to the Convention currently lists 107 species, among which are 11 species or populations of cetaceans. The Conference of the Parties (COP) can encourage the Parties and instruct the Secretariat to develop concerted actions and prepare review reports on priority species included in Appendix I. CMS also promotes coordinated action among Range States of Appendix II listed species, encouraging relevant Range States to negotiate legally binding global or regional Agreements or less formal instruments such as Memoranda of Understanding or Action Plans. At present Appendix II includes 39 species of cetaceans.

In the international arena, the Convention on Biological Diversity (CBD) has recognized CMS as the lead partner in conserving and sustainably using migratory species over their entire range and in providing an international legal instrument through which range states can cooperate on migratory species issues (CBD COP decision VI/20).

Since the adoption of the 2010 target by CBD of significantly reducing the rate of biodiversity loss, subsequently endorsed by WSSD, CMS is actively committed to contributing to its achievement. In this regard, CMS considers its work and the work of two relevant Agreements concluded under its auspices - the Agreement on the Conservation of Small Cetaceans in the North and Baltic Sea (ASCOBANS) and the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and the Contiguous Atlantic Area (ACCOBAMS) on cetacean conservation as crucial components for the achievement of the 2010 target. To contribute to the reduction of biodiversity loss CMS, ASCOBANS and ACCOBAMS count on a number of projects, specific initiatives and resolutions of their respective COPs and MOPs and relevant guidance to Parties.

CMS and its specialized regional Agreements, ACCOBAMS and ASCOBANS, view the Conservation Committee as a potentially useful additional vehicle for promoting cetacean conservation provided that it interfaces effectively with the global biodiversity and conservation work of other international Conventions and Agreements which are already active in delivering inter-governmentally agreed programmes for cetacean conservation, which in turn contribute to the 2010 targets for biodiversity agreed by CBD and the World Summit on Sustainable Development. It appears self-evident that in order to realize its full potential, the Committee, in addition to focusing on issues and species, which fall into the remit of the IWC, will need to avoid duplication of effort by cooperating with specialized international conservation instruments and drawing on the experience and expertise these instruments can provide. In this context, it is worthy of notice that most of the issues on the Committee's ambitious draft agenda are currently being addressed by UNEP/CMS itself and/or the relevant members of the UNEP/CMS family of agreements. In particular, on the provisional programs of work of the Conservation Committee, as outlined in document IWC/57/CC7:

1. *Human impacts (point 1)*: with the exception of pollution, which is primarily covered by other specialized

agencies and where the CMS and Agreements have a supporting role, CMS and its Agreements have a proven record of action on the issues listed, namely ship strikes, marine noise, entanglement and other by-catch.

2. *Endangered species and populations (point2)*: as this item is at the core of the work of CMS and its Agreements, conservation measures and policies including international action plans on species migrating across national boundaries were undertaken and initiated. We would welcome the Conservation Committee's future work on surveys as well as on species not covered by CMS and its Agreements and recognize the potential for synergies in these areas.
3. *Cetacean habitats (point3) and supply of conservation-related data (point 4)*: habitat conservation is covered by the main provisions of the Convention for species listed on Appendix I and of its Agreements for species listed on Appendix II. It should be noted that under the Convention and its Agreements Parties are obliged to report on cetacean conservation measures. While the viability and added value of global inventories and databases such as those proposed in the draft agenda remain to be explored, CMS would be a suitable agency to undertake the proposed work on the world inventory on cetacean habitat protection (3.2) as well as relevant databases, provided that adequate funding is made available.

The UNEP/CMS family looks forward to fruitful cooperation with the IWC CC in working towards the achievement of these objectives and offers its support to the Committee in those of its endeavours not covered by current or projected activities of CMS and its Agreements. This cooperation should be beneficial to the global conservation agenda and reinforce the complimentary competencies that CMS and IWC have on a range of matters.

II. Progress report

A. Convention on Migratory Species (UNEP/CMS)

Small-scale projects funded or co-funded by the CMS Trust Fund

A project aimed at investigating key aspects of the biology and ecology of the Franciscana dolphin (*Pontoporia blainvillei*) was completed. The project provided for aerial surveys for abundance estimation, studies on the use of habitat and behaviour, stock identification by genetic analysis and convening of a workshop to present and discuss the results of the research activities. The project was implemented through Fundación Vida Silvestre Argentina, representing WWF in Argentina, under the coordination of Dr. Enrique Crespo.

A project aimed to (i) train local scientists in India, Bangladesh, Myanmar and Sri Lanka in cetacean research and conservation techniques, (ii) contribute to an assessment of the status of, and threats on cetaceans in the Bay of Bengal (notably interaction with fisheries) and (iii) improve cooperation among the riparian states on matters concerning cetacean research and conservation is in progress. From 23 February to 6 March 2005 a team of 12 scientists from Bangladesh, India, Myanmar, Sri Lanka, Thailand and the USA conducted a vessel-based line-transect survey for cetaceans in the nearshore waters of the Mergui Archipelago, Myanmar. The survey was preceded by a training course on cetacean assessment techniques conducted on 21-22 February in Ranong, Thailand. The project is co-funded and implemented by the Whale and Dolphin Conservation Society (WDSCS) and the Wildlife Conservation Society (WCS).

Studies and Publications

The *Report of the Second Workshop on the Biology and Conservation of Small Cetaceans and Dugongs of South-East Asia* (Dumaguete, Philippines, July 2002) is being published as CMS Technical Series Publication No. 9. The report will be available as hard copy from the CMS Secretariat and as a pdf file downloadable from the CMS website <http://www.cms.int>

A comprehensive review report on small cetaceans throughout the world, compiled for CMS by Dr. Boris Culik, is being published by CMS and UNEP as Marine Mammal Action Plan/Regional Seas Reports and Studies no. 177. The report, published under the title *Review of Small Cetaceans - Distribution, Behaviour, Migration and Threats*, includes accounts for 72 species of toothed whales. The report in its book version will be launched at the 8th meeting of the CMS Conference of the Parties at UNEP HQ in November 2005. We expect it to become a key publication in its field.

Development of new regional initiatives

Work is in progress for the elaboration of a Memorandum of Understanding on the Conservation and Management of Marine Mammals in the South Pacific. To that purpose a drafting working group consisting of representatives of 11 countries and several collaborating agencies was established at the SPREP/CMS workshop held in Apia in March 2004. A meeting of the group is scheduled in Nadi, Fiji, 5-7 July 2005. The Executive Secretary of CMS has recently accepted an invitation from SPREP to present a progress report to the 16th SPREP meeting in Samoa in September 2005.

Global Plan of Action for the Conservation, Management and Utilization of Marine Mammal (MMAP)

UNEP Headquarters are in the process of reviewing the Global Marine Mammal Action Plan. UNEP has so far provided the secretariat/ coordination function for the plan, which was endorsed by the UNEP Governing Council originally in 1984 and also supported by a number of other bodies including IWC. The UNEP/CMS Secretariat, with the relevant CMS Agreements, have indicated to UNEP HQ that there could be potential for reviving and modernizing the Plan, possibly in partnership format but retaining the original concept ie that MMAP is an inter-agency rather than an inter-governmental body. A meeting of stakeholders is being considered as one possible way forward.

B. Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (UNEP/ASCOBANS)

In the past year, UNEP/ASCOBANS has made considerable progress in implementing the work plan adopted by MOP 4, held in Esbjerg, Denmark, in August 2004. In particular:

Recovery plans: progress and meetings

A workshop on the projected recovery plan for harbour porpoises in the North Sea took place in Hamburg, Germany from 6-8 December 2004. The workshop was open to scientists, administrators, environmental groups, fishermen and other stakeholders and discussed the further development of the recovery plan. The draft plan previously considered by the 11th Meeting of the Advisory Committee (Jastrzebia Góra, Poland, April 2004) served as the basis for discussions at the Hamburg workshop. The further draft was subsequently transmitted to the 12th Meeting of the Advisory Committee for further review.

In March 2005, the UNEP/ASCOBANS Jastarnia Group met for the first time in Bonn, Germany. The meeting was organized by the UNEP/ASCOBANS Secretariat and hosted by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety. The Jastarnia Group was established to carry forward the Agreement's Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan). At its very successful first meeting, the Group took stock of progress achieved in implementing the Plan and made numerous recommendations for the future. Most of these recommendations were endorsed by the 12th Meeting of the Advisory Committee.

SCANS- II (Small Cetaceans in the European Atlantic and North Sea)

UNEP/ASCOBANS has continuously been involved in the preparations for SCANS-II. On 11 April 2005, the Sea Mammal Research Unit (SMRU) of the University of St Andrews in cooperation with the UNEP/ASCOBANS Secretariat organized a SCANS-II workshop on European cetacean monitoring and management in Brest, France. The workshop provided an opportunity for managers to contribute to the achievement of the monitoring and management objectives of SCANS-II and aimed at making related recommendations. Among other recommendations, it was suggested to re-establish an IWC/harbour porpoise working group.

12th Meeting of the Advisory Committee

The 12th Meeting of the Advisory Committee (AC 12) was held in Brest from 12 – 14 April 2005. The Advisory Committee addressed a wide range of issues related to the Agreement's triennium workplan, including: (i) the implementation of the Jastarnia Plan, in particular in light of the outcome of the first Jastarnia Group meeting; (ii) the North Sea Recovery Plan; (iii) progress on SCANS-II; and (iv) the implications of the extension of the Agreement.

On the occasion of AC 12, the ASCOBANS award, a biennial award to be presented to an individual or institution in recognition of the best cetacean conservation-related PR/educational initiative, was presented for the first time. The jury unanimously decided in favour of the University of Gdansk's Hel Marine Station, in recognition of their relentless and very successful efforts to promote awareness of the situation of harbour porpoises in the Baltic Sea.

Other ongoing work

While bycatch remains at the center of attention for UNEP/ASCOBANS, the Agreement also continues to address other threats facing cetaceans in the Agreement Area, including acoustic disturbance and marine pollution. In close cooperation with other international organizations, UNEP/ASCOBANS is working to reduce the level of hazardous substances in the marine environment. The Agreement Secretariat continues to monitor and compile information on high-speed ferries, which may have adverse effects on whales and dolphins.

UNEP/ASCOBANS continues to make its contribution to much needed research on cetaceans in the Agreement area. A number of research activities are being undertaken within the framework of, in cooperation with or with the support of UNEP/ASCOBANS. The Agreement also continues to build, maintain and enhance links with other relevant international organizations.

On membership, ASCOBANS currently has eight Parties. Lithuania has ratified the Agreement and France is expected to do so shortly.

C. Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (UNEP/ACCOBAMS)

Capacity building and research

The following capacity-building activities were undertaken by the Agreement:

- Development of cetological expertise for scientists of institutes in charge of cetacean conservation (Morocco, Bulgaria, Romania, Italy, Libya, Greece and Slovenia) and for public administrations involved in the management of the Pelagos Sanctuary (Italy);
- More specialised programmes (photo-identification) for Black Sea scientists (Ukraine, Russian Federation and Georgia) in collaboration with Tethys Research Institute;
- Participation in sightings programmes and acoustic studies (IFAW and Ocean Alliance);
- Setting up of a regional stranding network and establishment of a national network programme (pilot workshop in Syria);
- On site evaluation in Georgia in order to draw up capacity building programmes for the country;
- Research programs and surveys have been undertaken in collaboration with NGOs (SEC, IFAW and Ocean Alliance) in western and central Mediterranean with the participation of guest scientists from the ACCOBAMS Range States.

Communication and information

- Leaflets and awareness material in English and French, prepared in collaboration with the Whale and Dolphin Conservation Society (WDCS) and ASMS Ocean Care, were published and distributed to raise awareness on cetacean conservation, on the Agreement and its objectives. An electronic newsletter called FINS was produced and distributed to over 3000 correspondents.
- A compilation of press articles concerning ACCOBAMS was prepared for presentation at MOP2 and approximately 50 articles were collected.
- The preparation of a CD-Rom is in progress as well as of a folder including a complete set of information sheets on the Agreement.
- Two complete booklets, on guidelines on whale watching and on the development of national stranding networks were published in collaboration with the Regional Activity Centre for Specially Protected Areas of the Barcelona Convention.

Projects

In the frame of developing actions to mitigate the human-cetaceans interactions, the project on “Assessing and mitigating the adverse impacts of interactions between cetaceans and fishing activities in the ACCOBAMS area” was elaborated and funds were requested. Within the Educational Strategy, a project on “Education strategy and program” was prepared by WDCS and ASMS Ocean Care (ACCOBAMS’ Partners) and approved by the Meeting of the Parties. The “Conservation Plan for short-beaked common dolphins in the Mediterranean Sea” was also approved by the Parties.

The Second Meeting of the Parties, November 2004, Palma de Majorca, Spain

A comprehensive Working Program that lists eleven priority actions for the period 2005 – 2007 was agreed on by the Parties. The encouraged close collaboration with related Conventions, International Organizations and ACCOBAMS` Partners shall guarantee the effective implementation of the Program.

The Parties highly welcomed a Conservation Plan for the Common Dolphin in the Mediterranean Sea. Moreover, the Parties agreed on the Resolution urging Range States to take special care and, if appropriate, to avoid any use of man made noise in habitat of vulnerable species and in areas where marine mammals or endangered species may be concentrated. Parties shall consult with any profession conducting activities to produce underwater sound with the potential to cause adverse effects on cetaceans and extreme caution should be exercised in the ACCOBAMS area until satisfactory guidelines are developed.

By-catch of cetaceans is identified as one of the main concerns of CMS and its Regional Agreements being one of the major causes of mortality from human activities. Special concern has been expressed by the ACCOBAMS Parties over the continued use of pelagic gill nets in the Agreement Area in contrast to mainstream international and national legislation. In a Resolution the Parties are urged to ensure that their fishing operations are conducted in full accordance with the relevant existing regulations aimed at the mitigation of cetacean by-catch. A progressive and precautionary step forward has been made by adopting “Guidelines for technical measures to minimize cetacean-fishery conflicts in the Mediterranean and Black Seas“. Parties are urged that the use of pingers, where authorized and appropriate, only be conducted with controlled studies to ensure that they are an effective mitigation measure and link any use of pingers with an observer scheme designed to monitor their effectiveness over time.

The development of criteria for the selection of Special Protected Areas for cetacean conservation, the adoption of “Framework guidelines on the exceptions for the purpose of non-lethal in situ research aimed at maintaining a favourable conservation status for cetaceans“, the undertaking of a massive project on the abundance and distribution of cetaceans within the ACCOBAMS area, the promotion of photo-identification activities, providing support to the Tissue Bank system and the development of and engagement in an Educational Strategy and program as part of the awareness raising initiatives of the Agreement have been other important items the Parties welcomed and agreed on.

Other Meetings and workshops

The following other meetings were organized in 2004-2005:

- workshop on by-catch and interactions between cetaceans and fisheries (Rome, Italy, 18-22 April 2004);
- workshop on the drafting of guidelines for the use of pingers (Rome, Italy, 28 June – 1 July 2004);
- workshop on the establishment of a national strandings network (Lattakia, Syria, 2-6 July 2004);
- workshop on the elaboration of the guidelines for Tissue Banks (Tajura, Libya, 29 May – 3 June 2004).
- Third Meeting of the Scientific Committee (Cairo, Egypt, 15-17 May 2005).

Membership

The Contracting Parties to the Agreement are currently 18 and 2 countries have their accession process almost concluded.