

## WDCS Position Statement and Report to CMS CoP10

1. WDCS, Whale and Dolphin Conservation Society, is an international non-governmental organization with cetacean conservation and protection activities spanning more than 25 countries around the world. WDCS expertise crosses the spectrum from conservation science and field research, to the development of habitat protection models and policy implementation.
2. WDCS and CMS have been working closely together since 2002. A formal Partnership Agreement was signed between WDCS and CMS CoP8 in November 2005 and a three-year Joint Programme of Work designed to directly support CMS's own Strategic Plan (as directed by the Governments that are Parties to CMS in 1999, 2002 and again in 2005) was agreed in January 2006.
3. WDCS takes note of the work conducted by the CMS Secretariat since the last CoP and thanks and congratulates the Secretariat staff for their work to further cetacean conservation around the world
4. WDCS remains committed to working closely with CMS through both the daughter agreements of ACCOBAMS, ASCOBANS and the Pacific Cetaceans MoU, attending the agreement meetings and providing technical and advisory support to the Secretariats, Signatories and Parties and the regional conservation communities, as well as facilitating and conducting on-ground research programmes that support each of the agreements action plans.
5. We are also currently considering how we can best assist with capacity building to underpin the West African Aquatic Mammals MoU and to regional discussions in South East Asia and the Indian Ocean on the development of future instruments for cetacean conservation.

### Agenda Item 16 (a) Development of new and future Agreements

6. WDCS notes that Asian river dolphins – both the Ganges River dolphin and the Irrawaddy dolphin - are on CMS Appendix I but that there are no concerted actions in place yet for them. These species are at high risk due to gillnet fishing and other threats. Their habitats are restricted in terms of both distribution and range, and they are always in very close proximity to human populations, which further exacerbates their plight. Both species require a dramatic increase in effective action to protect them from further declines and slipping towards extinction. Many other cetacean populations in the Indian Ocean and South East Asia are facing significant threats.
7. We urge Range State Parties of South East Asia and the Indian Ocean to demonstrate preparedness to commence negotiations for two separate cetacean related agreements by identifying a lead Party for each agreement and a timetable for commencement. We strongly urge against the retirement of these two agreement proposals.

### Agenda Item 13: Process regarding the Future Shape of CMS

8. WDCS believes that CMS is at an important point in its growth concerning cetaceans, and without doubt is becoming more central to the politics that surround these unique, much loved and in many instances increasingly threatened species. We believe that it is important that CMS continues to develop its work in this area, both protecting the integrity and focus of the convention and also building mechanisms to bind the cetacean related agreements together by establishing a formalized linkage between CMS, ACCOBAMS, ASCOBANS, the Pacific Cetaceans MoU, the Western African Aquatic Mammals MoU, and any future cetacean related instruments by establishing a strong marine mammal focused policy and science programme. We also believe that CMS's primary strength is in its regionally focused mechanisms, and we hope that these will be retained.
9. We urge CMS Parties to:
  - a) Ensure that civil society has full and transparent access to all Future Shape discussions during CMS CoP10, and any on-going processes agreed in the coming triennium – specifically the intercessional work on the elaboration of the next Strategic Plan 2015-2020 described in Resolution 10.5
  - b) Reject proposals for 'taxonomic or geographic clustering' of any agreements while they are in their infancy, unless a solid species conservation benefit can be demonstrated;
  - c) Reject proposals to shelve or retire any CMS agreements as 'non-performing' until adequate budgets have been allocated to each, and an appropriate period of performance gauged;
  - d) Actively champion an increase in CMS budget to enable appropriate agreement growth, provide

**WDCS International and UK**  
Brookfield House, 38 St Paul Street  
Chippenham, Wiltshire SN15 1LY  
United Kingdom  
Phone: +44 1249 449 500  
Fax: +44 1249 449 501

**WDCS Deutschland**  
Altostr. 43, 81245 München  
Deutschland  
Phone: +49 89 6100 2393  
Fax: +49 89 6100 2394

**WDCS Latinoamérica**  
Potosí 2087  
B1636BUA  
Olivos, Buenos Aires  
Argentina  
Phone +5411 4796 3191  
Fax +5411 4796 3191

**WDCS North America**  
7 Nelson Street,  
Plymouth, MA 02360  
United States of America  
Phone: +1 508 746 2552  
Fax: +1 508 746 2537

**WDCS Australasia**  
PO Box 720, Port Adelaide Business Centre  
South Australia 5015  
Australia  
Phone: +61 8 8440 3700  
Fax: +61 8 8447 4211

for regular funding to ensure agreement progress; and sufficient resources to ensure the tangible reporting of conservation successes to CMS CoP11;

- e) Range States for all outstanding agreements should meet in the margin of CoP10 to identify and agree on a process and lead country/s for moving forward with the negotiation of these agreements in the coming triennium, and to report these discussions to the plenary; and to
- f) Commence a dialogue with CMS Partner NGOs about potential Partners support of specific agreements.

## **Agenda Item 19 Conservation Issues**

### ***Resolution 10.3: Critical Sites and Ecological Networks***

10. WDCS commends CMS for taking this important area forward, and we urge Parties to support the tenor of the draft Resolutions. Given the extra legal/jurisdiction complications with designing and declaring protected areas beyond the State, we believe it is important that to CoP10 makes explicit mention of including oceanic habitats and in particular high seas within the Resolution

### ***Resolution 10.19: Climate change and migratory species***

11. Resolution 10.19 is a solid forward step, calling for adaptive management; a standardized methodology for evaluating the susceptibility of species to climate change; and CMS lists of Appendix listed species vulnerable to climate change.

### ***Resolution 10.14: Assessment of Bycatch in Gill Net Fisheries***

12. Noting that cetaceans are the most represented taxon of the forty listed species identified as most exposed to risk from gillnet fishing, WDCS strong urges CMS to support this work area. CMS's engagement with RFMOs needs to increase dramatically, and this area of the CMS work programme requires significant additional human and financial resources to enable CMS's involvement in RFMO meetings where the fisheries activities can be modified. We believe that the Parties identified in the areas of greatest exposure should also provide mitigation reports to CMS CoP11, including their active involvement in existing and new agreements that can highlight and mitigate this threat. We believe that this review, as well as the Programme of Work for Cetaceans (Res 10.15), makes a strong case that the proposed cetacean agreements for the Indian Ocean and South-East Asia should be a priority.

### ***Resolution 10.15: Programme of Work for Cetaceans***

13. WDCS strongly supports this Resolution, and we commend the CMS Secretariat for its support in facilitating the completion of this work. We believe there should be a formalised linkage between CMS, ACCOBAMS, ASCOBANS, the Pacific Cetaceans MoU, the Western African Aquatic Mammals MoU, and any future cetacean-related instruments by strengthening the Aquatic Mammals Working Group in the Scientific Council and ensuring that this body is able to support and collaborate with the Technical bodies of each of the cetacean agreements. Noting Resolution 10.14 on gillnet fisheries we suggest there is strong merit in adding two key points to Resolution 10.15, including:

- a) That specific linkages be made with the gillnet review and amending the section on key regions to name species RFMOs for CMS to actively collaborate with
- b) That the CMS Secretariat should be directed to communicate with these RFMOs, bringing Res 10.15 to their attention and requesting an early meeting with each to develop a joint programme of work that can reduce the impact to the listed species for each region

14. We urge that the CMS Scientific Council receives approval to conduct a review on social complexity and culture in migratory species that:

- a) establishes a specialist working group to oversee the review and continue provision of advice to the CMS CoP in the coming decade;
- b) develops a draft definition of culture in non-human societies for consideration by CMS CoP11; and
- c) develops draft advice on how the removal of individuals from a population where cultural transmission plays an important biological role may be integrated into the longer-term conservation activities of CMS.

### ***Resolution 10.24: Underwater Noise***

15. We commend the European Union for bringing forward this important Resolution on noise pollution. We suggest the following amendments, which will serve to toughen and focus the Resolutions further:

- a) operative paragraph 1 should reaffirm the need for regulations of underwater noise instead of research to determine if limitations should be applied;
- b) operative paragraph 2 should put in place measures to restrict and/or eliminate noise, rather than avoiding noise; and seasonally and geographically protecting cetacean habitat from noise;
- c) a new operative paragraph 5 should encourage the integration of anthropogenic noise in management plans for marine protected areas; and avoiding or minimizing producing noise in marine protected areas, as well as in particular in areas containing critical habitat of cetaceans likely to be affected by man-made sound; and

- d) Within the existing operative paragraph 5, 'mitigation measures' should be removed from private sector influence in. Mitigation measures should be developed by appropriate governmental management authorities.

***Resolution 10.4: Marine debris***

16. We commend the Government of Australia for bringing forward this solid and important first step for CMS in addressing this growing issue and we urge Parties to adopt the Resolution.

**Agenda Item 21: Budget and administration**

17. We appreciate the difficulties and constraints involved in budgeting for the many complex and interrelated aspects of the work of the CMS, but we urge you not to handicap the convention at this point in its evolution. Its position in the global conservation effort is vital, and it is imperative that we sufficiently support the CMS in order to drive an agenda that is of the greatest importance to us all.

18. All Partners to CMS are stakeholders in the conservation agenda of CMS. As civil society, we contribute substantially to this convention, through voluntary and financial contributions and strong programmes of work supporting and promoting and implementing on-ground conservation activities that are decided during CMS CoPs. On this basis, we request that CMS Partners be invited, as participating observers, to the Budget Working Group that will convene during the CMS CoP10

***Small Grants Programme***

19. We believe that the small grants programme is the lifeblood of the CMS, providing vital support and encouragement across the whole range of CMS activities. In the past, these projects have underpinned and contributed significantly to the development of most of the agreements and action plans that are now part of the CMS suite of tools. These projects have assisted developing countries, by helping to address and raise the profile of a range of threats to migratory species. Furthermore there is a considerable leveraging mechanism in these small grants and other project money made available by the Convention.

***Scientific Council***

20. None of the work of CMS can be progressed without a strong programme of scientific support. WDCS believes that the CMS Scientific Council underpins the work of the entire organisation and we feel that we should at this time be building its competency. An increased budget is required to enable the Scientific Council to commission reviews and reports, to convene key workshops and ensure that the work programme it is set can move forward.

***Financial sustainability of existing and future agreements***

21. Finally, WDCS believes that the regional agreements are primarily where the conservation work of CMS takes place. The Secretariat is to be commended for their strong performance in negotiating agreements over the past triennium under difficult budget circumstances. However, agreements must have resource to progress. As a Collaborating Organisation, WDCS has already committed substantive resource to the Pacific Cetaceans MoU and will continue with our long-term commitments to all the cetacean-related agreements. But it is vital that the more recent cetacean/aquatic mammal MoUs (e.g. - Pacific and West African) and any newly developed agreements (e.g. - South-East Asia and Indian Ocean) receive core budget funds from the CoP if they are to thrive and meet the ambitious but important conservation goals that have been set.