

Migratory Marine Species

The survival of migratory marine species such as cetaceans, sharks, marine turtles and seabirds depends upon a range of habitats stretched across their migratory range both within and beyond the limits of national jurisdiction where they feed, rest and breed. Areas within these habitats may be lost or degraded. And when underway these migratory marine species may be subject to a variety of threats including by-catch, entanglement, underwater noise, unsustainable hunting & fishing, pollution, marine debris, and climate change driven alterations to oceanographic features and food webs.



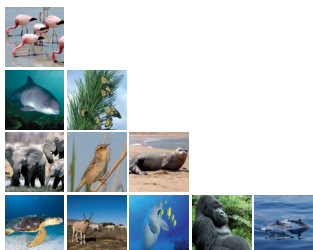
Photo credit: Scott Portelli



Photo credit: Oceans and Coast SA

How CMS Works in ABNJ

CMS is the only existing global biodiversity-related treaty aiming to comprehensively address the conservation and sustainable use of terrestrial, avian and marine migratory species and their habitats across their entire migratory range. It establishes the fundamental principle that its 119 contracting parties act to avoid any migratory species becoming endangered, even when the species' range includes areas beyond the limits of national jurisdiction (ABNJ). Twenty-seven species on CMS Appendix I and 53 species on Appendix II have ABNJ as part of their range.



For migratory marine species whose range includes ABNJ CMS tools include:

National Level Action: Range State Parties are obliged to prohibit taking, and endeavor to restore habitat, remove or minimize adverse effects of obstacles to migration and reduce or control factors endangering or likely to endanger species in their marine and coastal areas listed on CMS Appendix I.

Flag Vessel Jurisdiction: A CMS Party is considered a range state for a migratory marine species when its flag vessels "take" the species in ABNJ. Parties are to report on their flag vessels when they engage in taking or are planning to take the species.

CMS Conference of Parties (COP) resolutions: CMS COP resolutions encourage CMS Party Range States – including their flag vessels in ABNJ – to minimize threats to migratory marine species with respect to by-catch, ocean noise, and adverse impacts on cetaceans. These resolutions, complemented by others addressing marine debris, ecological networks, climate change, and the CMS Global Programme of Work for Cetaceans, form a suite of measures that CMS Parties may implement individually or collectively.

CMS Agreements: CMS Parties (and non-Party Range States) conclude legally binding treaties and less formal memoranda of understanding to coordinate conservation and sustainable use measures. Seven CMS instruments apply to cetaceans, sharks, marine turtles, and albatross and petrels whose migratory range includes ABNJ. Implementation in ABNJ is premised on flag jurisdiction over vessels, either with respect to taking or other activities affecting the conservation status of the species concerned.

Collaboration with other international organisations: CMS and its family of marine-related instruments work to mainstream migratory species conservation considerations into the work programmes of other competent international organizations. CMS works with the CBD and is recognized as its lead partner on migratory species. It also works closely with CITES, FAO and the International Whaling Commission. It has been involved in the implementation of a number of range-wide GEF- and bilaterally supported projects. Fisheries represent one of the most significant threats to migratory marine species. CMS and its marine related instruments collaborate with at least seven regional fisheries management organizations operating in ABNJ, often sharing common State members.

Challenges and Opportunities

No one country or international organization can by itself ensure the conservation and sustainable use of migratory marine species across their range. Ineffective measures in one part of a range undermine those taken elsewhere, depriving individual states and the entire international community of the benefits these species provide to biodiversity and human well-being.

CMS's unique "migratory range approach" is fully consistent with the law of the sea. It provides the basis for like-minded Range States to take individual national level and flag vessel actions within and beyond the limits of national jurisdiction, and to coordinate these across the migratory range of the species concerned.

Despite its track record and flexible approach, CMS is an under-utilized tool whose implementation in relation to migratory marine species exemplifies the challenges the international community faces in crafting a way forward for biodiversity conservation in ABNJ.

CMS's experience highlights the importance of:

- Identifying migratory marine pathways, critical habitats and key threats
- Promoting coordinated efforts across a migratory range both within and beyond the limits of national jurisdiction
- Avoiding fragmentation
- Crafting geographically balanced approaches involving as many range states as possible
- States performing their existing international obligations in relation to migratory species in good faith in accordance with international law
- Increasing the reliability of flag vessel jurisdiction with respect to implementation
- Mainstreaming migratory species considerations into the work of existing international organisations
- Mobilizing adequate financial and other resources to support implementation across a migratory range
- Having an active Conference of Parties and a well-resourced secretariat.

Area-based conservation measures and environmental impact assessment requirements in ABNJ would support CMS efforts, if they are implemented taking into consideration the special needs of migratory marine species and complement CMS's long-standing approach. The CMS Secretariat stands ready to provide the Working Group with additional information as the process continues.



Photo credit: Commonwealth of Australia

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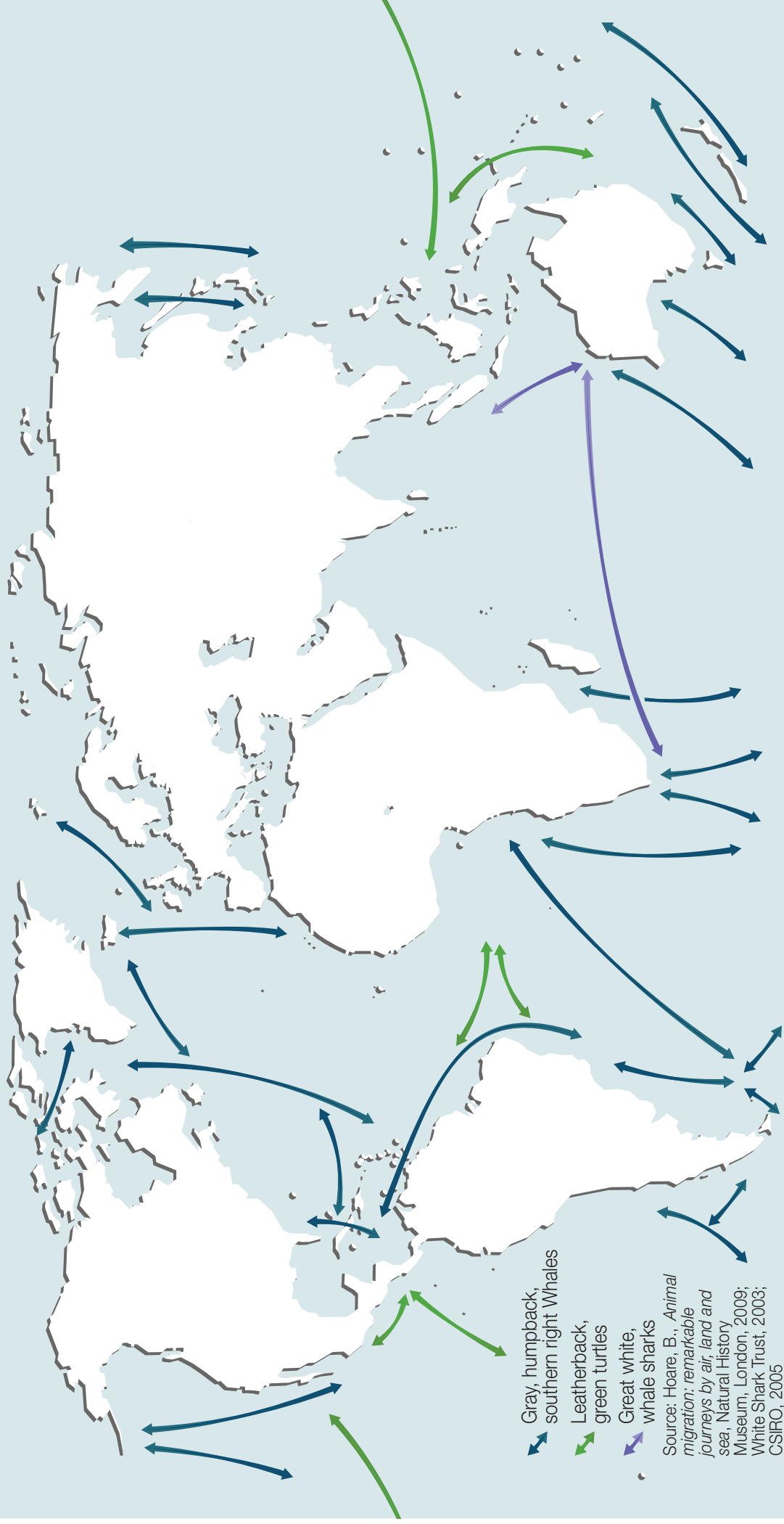
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They swim... Migratory routes for selected marine animals

Image credit: Riccardo Pravettoni, UNEP/GRID-Arendal
<http://www.grida.no/publications/rr/living-planet/>



- Gray, humpback, southern right Whales
- Leatherback, green turtles
- Great white, whale sharks

Source: Hoare, B., *Animal migration: remarkable journeys by air, land and sea*, Natural History Museum, London, 2009; White Shark Trust, 2003; CSIRO, 2005

Migratory whales, marine turtles and sharks migrate throughout the world's oceans. They are subject to many of the same threats such as by-catch, entanglement, underwater noise, unsustainable hunting & fishing, pollution, marine debris, and climate change driven alterations to oceanographic features and food webs.



Species on the CMS Appendices whose range includes ABNJ

Species name	Common name	App.
CETACEANS		
<i>Balaena mysticetus</i>	Bowhead Whale	I
<i>Balaenoptera bonaerensis</i> ¹	Antarctic Minke whale	II
<i>Balaenoptera borealis</i> ^{1,2}	Sei Whale	I/II
<i>Balaenoptera edeni</i> ¹	Bryde's Whale	II
<i>Balaenoptera musculus</i> ^{1,2}	Blue Whale	I
<i>Balaenoptera musculus breviceuda</i> ¹	Pygmy Blue Whale	
<i>Balaenoptera omurai</i> ¹	Omura's Whale	II
<i>Balaenoptera physalus</i> ^{1,2}	Fin Whale	I/II
<i>Berardius bairdii</i> ¹	Baird's Beaked Whale	II
<i>Caperea marginata</i> ¹	Pygmy Right whale	II
<i>Delphinapterus leucas</i>	White Whale, Beluga	II
<i>Delphinus delphis</i> ^{1,2,3}	Common Dolphin	II
<i>Eubalaena australis</i> ¹	Southern Right Whale	I
<i>Eubalaena glacialis</i> ²	Northern Right Whale	I
<i>Eubalaena japonica</i>	North Pacific Right Whale	I
<i>Grampus griseus</i> ²	Risso's Dolphin	II
<i>Hyperoodon ampullatus</i> ³	Northern Bottlenose Whale	II
<i>Lagenodelphis hosei</i> ¹	Fraser's Dolphin	II
<i>Megaptera novaeangliae</i> ^{1,2}	Humpback Whale	I
<i>Monodon monoceros</i>	Narwhal	II
<i>Orcinus orca</i> ^{1,3}	Killer Whale	II
<i>Phocoena dioptrica</i> ¹	Spectacled Porpoise	II
<i>Phocoena phocoena</i> ²	Common Porpoise	II
<i>Phocoenoides dalli</i>	Dall's Porpoises	II
<i>Physeter macrocephalus</i> ^{1,2}	Sperm Whale	I/II
<i>Stenella attenuata</i> ¹	Pantropical Spotted Dolphin	II
<i>Stenella clymene</i>	Clymene Dolphin	II
<i>Stenella coeruleoalba</i> ^{1,3}	Striped Dolphin	II
<i>Stenella longirostris</i> ¹	Spinner Dolphin	II
<i>Tursiops truncatus</i> ²	Bottlenosed Dolphin	II
PINNIPEDS		
<i>Arctocephalus australis</i>	South American Fur Seal	II
SIRENIA		
<i>Dugong dugon</i> ⁴	Dugong	II
SEABIRDS		
<i>Diomedea amsterdamensis</i> ⁵	Amsterdam Albatross	I
<i>Diomedea antipodensis</i> ⁵	Antipodean Albatross	II
<i>Diomedea chrysostoma</i> ⁵	Grey-headed Albatross	II
<i>Diomedea dabbenena</i> ⁵	Tristan Albatross	II
<i>Diomedea epomophora</i> ⁵	Royal Albatross	II
<i>Diomedea exulans</i> ⁵	Wandering Albatross	II
<i>Diomedea irrorata</i> ⁵	Waved Albatross	II
<i>Diomedea sanfordi</i> ⁵	Northern Royal Albatross	II

Species name	Common name	App.
<i>Macronectes giganteus</i> ⁵	Southern Giant Petrel	II
<i>Macronectes halli</i> ⁵	Northern Giant Petrel	II
<i>Phoebastria albatrus</i> ⁵	Short-tailed Albatross	I
<i>Phoebastria bulleri</i> ⁵	Buller's Albatross	II
<i>Phoebastria immutabilis</i> ⁵	Laysan Albatross	II
<i>Phoebastria nigripes</i> ⁵	Black-footed Albatross	II
<i>Phoebetria fusca</i> ⁵	Sooty Albatross	II
<i>Phoebetria palpebrata</i> ⁵	Light-mantled Sooty Albatross	II
<i>Procellaria aequinoctialis</i> ⁵	White-chinned Petrel	II
<i>Procellaria cinerea</i> ⁵	Grey Petrel	II
<i>Procellaria conspicillata</i> ⁵	Spectacled Petrel	II
<i>Procellaria parkinsoni</i> ⁵	Black Petrel	II
<i>Procellaria westlandica</i> ⁵	Westland Petrel	II
<i>Pterodroma atrata</i>	Henderson Petrel	I
<i>Pterodroma cahow</i>	Cahow, Bermuda Petrel	I
<i>Pterodroma phaeopygia</i>	Dark-rumped Petrel, Hawaiian Petrel, Galapagos Petrel	I
<i>Pterodroma sandwichensis</i>	Dark-rumped Petrel, Hawaiian Petrel, Uau	I
<i>Puffinus creatopus</i>	Pink-footed Shearwater	I
<i>Puffinus mauretanicus</i> ⁵	Balearic Shearwater	I
<i>Thalassarche carteri</i> ⁵	Indian Yellow-nosed Albatross	II
<i>Thalassarche cauta</i> ⁵	Shy Albatross	II
<i>Thalassarche chlororhynchus</i> ⁵	Yellow-nosed Albatross	II
<i>Thalassarche eremita</i>	Chatham Albatross	II
<i>Thalassarche impavida</i> ⁵	Campbell Albatross	II
<i>Thalassarche melanophris</i> ⁵	Black-browed Albatross	II
<i>Thalassarche salvini</i> ⁵	Salvin's Albatross	II
<i>Thalassarche steadi</i> ⁵	White-capped Albatross	II
MARINE TURTLES		
<i>Caretta caretta</i> ^{6,7}	Loggerhead Turtle	I/II
<i>Chelonia mydas</i> ^{6,7}	Green Turtle	I/II
<i>Dermochelys coriacea</i> ^{6,7}	Leatherback Turtle	I/II
<i>Eretmochelys imbricata</i> ^{6,7}	Hawksbill Turtle	I/II
<i>Lepidochelys kempi</i> ⁷	Kemp's Ridley Turtle	I/II
<i>Lepidochelys olivacea</i> ^{6,7}	Ridley Turtle, Olive Ridley Turtle	I/II
SHARKS AND RAYS		
<i>Carcharodon carcharias</i> ⁸	White Shark	I/II
<i>Cetorhinus maximus</i> ⁸	Basking Shark	I/II
<i>Isurus oxyrinchus</i> ⁸	Shortfin Mako Shark	II
<i>Isurus paucus</i> ⁸	Longfin Mako Shark	II
<i>Lamna nasus</i> ⁸	Porbeagle	II
<i>Manta birostris</i> ⁸	Manta Ray	I/II
<i>Rhincodon typus</i> ⁸	Whale Shark	II
<i>Squalus acanthias</i> ⁸	Spiny dogfish	II

¹ PIC: Memorandum of Understanding for the Conservation of Cetaceans and Their Habitats in the Pacific Islands Region

² ACCOBAMS: Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area

³ ASCOBANS: Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas

⁴ Dugong MoU: Memorandum of Understanding on the Conservation and Management of Dugongs and Their Habitats Throughout Their Range

⁵ ACAP: Agreement on the Conservation of Albatrosses and Petrels

⁶ IOSEA: Memorandum of Understanding on the Conservation and Management of Marine Turtles and Their Habitats in the Indian Ocean and South East Asia

⁷ Marine Turtles – Africa: Memorandum of Understanding Concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa

⁸ Sharks MoU: Memorandum of Understanding on the Conservation of Migratory Sharks

Note: the CMS Appendices and Agreements cover only some populations for some species – see www.cms.int for details.