



CONVENTION ON MIGRATORY SPECIES

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ADVERSE HUMAN INDUCED IMPACTS ON CETACEANS

Adopted by the Conference of the Parties at its Eighth Meeting (Nairobi, 20-25 November 2005)

Recognising that, under Article II paragraph 1 of the Convention, Parties acknowledge the importance of Range States agreeing to take action for the conservation of migratory species whenever possible and appropriate, paying special attention to migratory species the conservation status of which is unfavourable, and taking individually or in cooperation appropriate and necessary steps to conserve such species and their habitats;

Recognising that, under Article II paragraphs 2 and 3 of the Convention, Parties acknowledge the need to take action to avoid any migratory species becoming endangered and, in particular, to endeavour to provide immediate protection for migratory species listed in Appendix I to the Convention;

Acknowledging Resolution 8.13 (Climate Change and Migratory Species) and Resolution 8.14 (By-catch) also adopted by the 8th Meeting of the Conference of the Parties;

Recognising that Article III paragraph 4 (b) of the Convention requires Parties to endeavour *inter alia* to prevent, remove, compensate for or minimise, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of migratory species listed in Appendix I;

Recalling several resolutions and recommendations adopted in the framework of CMS, the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) and the International Whaling Commission (IWC), that recognized ship strikes, marine noise, entanglement and by-catch, and pollution, as well as habitat and feeding ground degradation, as potential threats to the conservation of cetacean populations and recognizing the particular competence of ACCOBAMS and ASCOBANS in their respective regions;

Recalling the Convention on Biological Diversity (CBD), 1992, and the Jakarta Mandate on Marine and Coastal Biological Diversity adopted by the CBD Conference of the Parties in 1995;

Recalling that the Parties to the CBD committed themselves to achieve by 2010 a significant reduction of the current rate of biodiversity loss (decision VI/26 adopted by CBD CoP6), and that this target has been endorsed in the Plan of Implementation adopted at the 2002 World Summit on Sustainable Development (paragraph 44);

Noting that the CBD has recognized CMS as the lead partner in the conservation and sustainable use of migratory species over their entire range (decision VI/20 adopted by CBD CoP6);

Recalling the obligation of States Party to the United Nations Convention on the Law of the Sea (UNCLOS) to protect and preserve the marine environment (cf. art. 192 ff) and to cooperate on a global and regional basis to conserve marine mammals (cf. art. 65 and 120), paying special attention to highly migratory species, including cetaceans listed in Annex I of UNCLOS;

Taking into account the lack of data on the distribution and migration of some populations of migratory cetaceans and the adverse human-induced impacts on cetaceans;

Acknowledging that human induced impacts on cetaceans are increasing; and

Underlining that other marine migratory mammals, reptiles, birds or fish species will also benefit from this resolution;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Urges* Parties and non-Parties which exercise jurisdiction over any part of the range of cetacean species listed on the appendices of CMS, or over flag vessels which are engaged outside national jurisdictional limits to cooperate as appropriate with relevant international organizations; and to promote the integration of cetacean conservation into all relevant sectors by coordinating their national positions among various conventions, agreements and other international fora;
2. *Encourages* the further use of CMS existing and future cetacean-related agreements by all relevant stakeholders;
3. *Requests* the CMS Secretariat and Scientific Council to:
 - a. Cooperate with the IWC which also has competency for the conservation and management of cetacean populations, working through the Memorandum of Understanding between the two bodies, by collaborating with the IWC work programmes which address human induced impacts to cetaceans, and by working with the organisation's Scientific and Conservation Committees to further identify priority impacts and regions requiring urgent attention;
 - b. Review, in collaboration with the scientific advisory bodies of CMS cetacean-related Agreements, the extent to which CMS and CMS cetacean-related Agreements, are addressing the following human induced impacts through their threat abatement activities:
 - i. entanglement and by-catch;
 - ii. climate change;
 - iii. ship strikes;
 - iv. pollution;
 - v. habitat and feeding ground degradation;
 - vi. marine noise;

- c. Prioritise the impacts and regions requiring most urgent attention and develop recommendations for how these priorities can be addressed by CMS;
 - d. Liaise with other relevant international bodies including the International Maritime Organization (IMO), the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR), the Cartagena Convention and the UNEP Regional Seas Programme, the United Nations Informal Consultation on Protection of the Oceans and the Law of the Sea (UNICPOLOS) to determine their work programmes on these issues and to ensure that there is a full exchange of information and collaboration with CMS and its Scientific Council and that there is no duplication of effort or gaps between these bodies;
 - e. Make this information readily available to Parties and report progress to the CMS Standing Committee at its 2007 meeting; and
 - f. Propose a work programme to the ninth meeting of the CMS Conference of the Parties of further strategic action that considers the work of the following organizations: CMS cetacean-related Agreements, IMO, IWC including its Scientific and Conservation Committees, OSPAR, UNICPOLOS, the UNEP Regional Seas Programme, and promotes collaboration and synergies between them;
4. *Instructs* the Secretariat and, where appropriate and feasible, the Chairperson and members of the Standing Committee and Scientific Council to draw this resolution to the attention of other relevant intergovernmental organizations, such as the United Nations Environment Programme (UNEP), namely its Governing Council and Regional Seas Programme, UNICPOLOS, IMO, United Nations Food and Agricultural Organisation (FAO) and its Committee on Fisheries Industries (COFI) and Regional Fisheries Management Organisations (RFMOs), for the purpose of information and co-operation, and to keep the Parties informed of progress on this Resolution; and
5. *Invites* the Contracting Parties, without prejudice to their obligations under the Convention, to strive to ensure wherever possible that their activities within the scope of this resolution avoid harm to cetaceans.