

The potential contribution of the work implementing *Resolution 8.22: Adverse Human Induced Impacts on Cetaceans* to the Future Shape process

1 Following the recent Standing Committee meeting and comments that the work towards implementing *Resolution 8.22: Adverse Human Induced Impacts on Cetaceans* might also usefully contribute to the Future Shape process, this briefing has been developed by the Whale and Dolphin Conservation Society (WDCS) to expand how such a contribution might be possible.

2 This briefing outlines to existing commitment and timeline to complete work under the Partnership Agreement between CMS and WDCS, and offer suggested additional areas of review that WDCS would willing undertake in order to also facilitate the Future Shape discussions as they relate to cetacean conservation.

The challenges posed by migratory marine species

3 Marine cetaceans live within a vast aquatic environment that covers over 71% of the Earth's surface. Their habitats are foreign to humans, comprising extensive submerged landscapes of mountain ranges, plains, volcanoes and deep trenches; often eclipsing the size or majesty of many of their terrestrial counterparts. Driven by massive and layered currents and counter-currents, channels and columns of water, the ocean mass is a complex three dimensional environment. Some of these three dimensions masses remain isolated for tens of thousands of years. Within this complex environment are the migratory pathways and habitats of marine species - the living threads that link currents, channels, columns and basins; conduits between separated ecosystems and habitats.

4 Cetacean habitats can be difficult to conceptualize compared to those of their terrestrial counterparts. Sometimes 'place' and sometimes 'condition', the habitats of cetaceans are spread across the globe in oceans, coasts and rivers, from the Arctic south through the equatorial tropics to the Antarctic south.

5 Where riverine and many coastal species and populations have more restricted ranges and specific habitats that may be fixed, predictable and visible to a degree, the habitats of many pelagic species and populations are defined by oceanic characteristics

rather than geography; by 'fluid' parameters including temperature, salinity, and current: such as feeding areas that are dependent on seasonal and shifting upwelling of nutrients or other ever-changing oceanographic conditions.

6 Cold, warm and tropical water cetacean species and populations are usually recognised with distinct and sometimes overlapping distributions, yet some species and populations use more than one primary habitat during different parts of their regular migrations.

7 The migration of many marine species appears cyclical and predictable, coinciding with changes in season and the recurring changes in food availability. Other migratory journeys can appear random, or driven by unique circumstances. These may not appear predictable, with movements inside enormous 'home ranges', but they constitute migrations in the sense that such forays might involve the animal travelling the length and breadth of its normal home range, comprising several thousand miles and sometimes entirely on the High Seas. For many of these species the data about the subtleties and extent of such migrations and impetus for such movements are not yet available. Migration routes may cross regularly between the national jurisdiction of coastal states or between national jurisdictions and the High Seas. These long journeys while not entirely regular or predictable may still constitute migration under the working definition of CMS.

CMS Resolution 8.22: Adverse Human Induced Impacts on Cetaceans

8 The CMS Secretariat and Scientific Council have been formally tasked by *UNEP/CMS Resolution 8.22: Adverse Human Induced Impacts on Cetaceans* (and reaffirmed by *UNEP/CMS Resolution 9.26: Migratory Marine Species*) to:

- a) develop an analysis of the global/regional threats to cetaceans, specifically:
 - i) entanglement and by-catch;
 - ii) climate change;

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- iii) ship strikes;
 - iv) pollution;
 - v) habitat and feeding ground degradation; and
 - vi) marine noise;
- b) evaluate the extent to which these threats are being addressed through specific Multilateral Environment Agreements (MEAs) including CMS and its agreements, the International Maritime Organization (IMO), the International Whaling Commission (IWC) and its Scientific Committee (IWC SC) and Conservation Committee (IWC CC), the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR), the United Nations Informal Consultation on Protection of the Oceans and the Law of the Sea (UNICPOLOS) and Cartagena Convention and the United Nations Environment Programme (UNEP) Regional Seas Programme;
- c) analyze the gaps and overlaps between these MEAs; and
- d) propose a CMS programme of work focusing on cetacean conservation for the CMS Parties to consider.
- 9 This work is being undertaken by WDCS, under the supervision of Secretariat and William Perrin (CMS Appointed Councillor for Aquatic Mammals) and as part of the Partnership Agreement between the CMS Secretariat and WDCS.
- 10 The analysis and programme of work proposal is being developed in three parts:
- a) an overview of global threats to cetaceans that is further broken in geopolitical regions closely aligned with the FAO marine regions for fisheries;
 - b) the MEA coverage, overlap and gap analysis; and
 - c) the draft programme of work for CMS.
- 11 An advanced draft of the first part has been completed and recently circulated for detailed expert comment and input through the IUCN Cetacean Specialist Group (CSG), under the supervision of William Perrin and Randall Reeves (IUCN CSG Chair). The comments have now been collected and are being incorporated. This section of the document will be sent to the CMS Secretariat in the coming two weeks.
- 12 An advanced draft of the MEA analysis is also being finalised and is still scheduled for circulated for MEA Secretariat comment and input in February 2011.
- 13 The third part will be developed in the coming months when wider comments on sections one and two have been drawn in. It is anticipated that the full document will be circulated to CMS Contact Points in April 2011 for their comment and input, with the intention of completing the document for consideration during CMS CoP10.

Proposed additional work to also service the Future Shape process

- 14 Noting the work of Flyways Working Group Flyways and the three reviews completed on migratory birds and flyways, we have looked at the direction articulated in *UNEP/CMS Resolution 8.22: Adverse Human Induced Impacts on Cetaceans* and offer the following suggested additions to the document delivery, to:
- a) include the other biodiversity-related conventions - Convention on Biological Diversity (CBD), World Heritage Convention, Ramsar Convention on Wetlands (Ramsar) and the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), as well as the European Union Habitats and Species Directive in the MEA analysis.
 - b) ensure that the analysis and programme of work proposal also takes note of more recent developments, such as the revision of the IUCN Red Lists, the proceedings and recommendations of the First International Conference on Marine Mammal Protected Areas and the release of various key publications that provide novel information for consideration.
 - c) develop and present, in consultation with the IUCN CSG, a ranking of indicative importance for each region, to provide the basis for developing a CMS programme of work. This ranking level will be drawn from the evidence available but ultimately requires the Parties to CMS to apply a layer political analysis before conclusion.
- 15 We believe that with the additional pieces of work, the analysis and programme of work proposal requested as part of Resolution 8.22 can also serve to inform the CMS Future Shape Process. We would anticipate a minor delay in presenting the draft document, but a more complete picture would be made available through doing so.