

Agenda Item 7

Cooperation with other Bodies

Cooperation and Joint Initiatives with CMS

Document Inf.7.2

**Overview of relevant CMS COP12 documents**

**Action Requested**

- Take note
- Comment

Submitted by

Secretariat



**NOTE:  
DELEGATES ARE KINDLY REMINDED  
TO BRING THEIR OWN COPIES OF DOCUMENTS TO THE MEETING**

## **Secretariat's Note**

The Rules of Procedure adopted at the 19<sup>th</sup> Meeting of the ASCOBANS Advisory Committee remain in force until and unless an amendment is called for and adopted.

## Overview of Relevant CMS COP12 Documents

1. The Twelfth Meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS COP12) will be held in Manila, at the kind invitation of the Government of the Philippines from 23 to 28 October 2017.
2. The provisional agenda for the Conference can be accessed at <http://www.cms.int/en/document/provisional-agenda-and-documents-7>. In particular, agenda item 24 “Conservation Issues” contains many relevant items for ASCOBANS. In this document, a brief overview is given of those issues under the responsibility of the CMS Aquatic Species Team, of which the ASCOBANS Secretariat is also part.
3. It should be noted that many other agenda items, such as those dealing with climate change, renewable energy or connectivity, are also relevant to ASCOBANS. Details on what will be discussed at CMS COP12 can be found on the CMS website at <http://www.cms.int/en/meeting/twelfth-meeting-conference-parties-cms>, where following COP12 also the final resolutions and decisions will become available.

### Doc.24.2.1 Important Marine Mammal Areas

4. Important Marine Mammal Areas (IMMAs) are defined as ‘discrete portions of habitat, important to marine mammal species, that have the potential to be delineated and managed for conservation’. They are an advisory, expert-based classification applied to the world’s oceans, coastal waters and shorelines, and relevant inland water bodies, consisting of areas that may merit area-based protection and/or monitoring for marine mammals. Four criteria for the identification of IMMAs were developed by the IUCN Task Force on marine mammal protected areas. They are being applied on a regional basis to cover the world’s oceans and seas.
5. The document contains a Draft Resolution (Annex 1) endorsing the IMMA criteria and selection process and requesting support for it, and Draft Decisions (Annex 3) addressing collaboration between the CMS Scientific Council and Secretariat and the IUCN Joint SSC/WCPA Marine Mammal Protected Areas Task Force. Doc.24.2.1/Add.1 (<http://www.cms.int/en/document/scientific-council-comments-11>) contains the supportive comments of the 2<sup>nd</sup> Meeting of the Sessional Committee of the CMS Scientific Council.

### Doc.24.2.2 Marine Noise

6. CMS COP9 in 2008 and COP10 in 2011 adopted Resolutions on Underwater Noise, recognizing it as a serious threat to marine species. While initial focus of scientific and policy interest was mainly on effects of noise on cetaceans, by now it has become evident that a range of CMS-listed species, species covered by CMS Agreements and MOUs, and their prey species are affected by marine noise.
7. Resolutions of ASCOBANS, ACCOBAMS and CMS call for noise-related considerations to be taken into account as early as the planning stages of activities, especially by making effective use of Environmental Impact Assessments (EIA). However, existing national and regional operational guidelines focus mostly on the impacts to be avoided and mitigation measures to be taken during proposed operations; also, most operational guidelines focus on cetaceans, with few covering other species. Almost none cover the specific content that should be provided in (EIAs) before approvals and permits are granted. As a consequence, submitted EIAs are often poorly developed or provide limited explanation about the source of data or the level of uncertainty inherent in the documentation. Subsequent decisions are being made on the basis of erroneous information and are vulnerable to criticism.

8. Understanding the impacts of any proposed activity by itself, and the cumulative effects of many parallel noise-generating activities, is a challenge for managers. To assist with this, thanks to funding kindly provided for this purpose by the Principality of Monaco, CMS commissioned the development of draft guidelines on using EIAs to assess the impacts of anthropogenic marine noise on CMS-listed species and their prey. ASCOBANS was fully involved in the process from the start:
  - Consultancy advertised in October 2015, based on TOR agreed between Secretariats of CMS, ACCOBAMS and ASCOBANS
  - First draft of Guidelines sent out for consultations with CMS, ACCOBAMS and ASCOBANS constituency in April 2016, deadline June 2016
  - Revised draft published in July 2016, discussed at ASCOBANS MOP in September 2016
  - Technical Support Information separated (UNEP/CMS/COP12/Inf.11)
  - Second consultation round launched in November 2016, deadline February 2017
  - Revised draft presented to CMS COP12
9. The Guidelines contained in the draft resolution are designed to provide regulators with tailored advice presenting Best Available Techniques (BAT) and Best Environmental Practice (BEP) to apply in domestic jurisdictions. They are provided in modular format to enable regulators to apply specific information of relevance to their jurisdiction. Their overall aim is to ensure that decision-makers are presented with sufficient information to make an informed decision about impacts.
10. The following industries/noise sources are addressed in the Guidelines:
  - Military and civil high-powered sonar
  - Shipping and vessel traffic
  - Seismic surveys (air gun and alternative technologies)
  - Construction works
  - Offshore platforms
  - Playback and sound exposure experiments
  - Pingers (acoustic deterrent/harassment devices, navigation)
  - Other noise-generating activities (acoustic data transmission; wind, tidal and wave turbines, future technologies)
11. Doc. 24.2.2 contains a consolidated and updated Draft Resolution (Annex 1) which adopts the Guidelines (Annex 2), and Draft Decisions (Annex 3) focusing mainly on collaboration on this important issue. Doc.24.2.2/Add.1 (<http://www.cms.int/en/document/scientific-council-comments-12>) contains the supportive comments of the 2<sup>nd</sup> Meeting of the Sessional Committee of the CMS Scientific Council.

### **Doc.24.2.3 Aquatic Wild Meat**

12. At the 1<sup>st</sup> Meeting of the Sessional Committee of the CMS Scientific Council, the Aquatic Mammals Working Group (AMWG) brought the issue of “aquatic bushmeat” to the attention of the Council. For COP12, under the lead of the AMWG, an expanded report on the state of knowledge regarding the harvest of aquatic wild meat was prepared (Annex 1). A Draft Resolution (Annex 2) seeks to give recognition to this topic, which unlike its terrestrial counterpart “bushmeat” has not yet been the focus of international policy efforts. It also requests the Scientific Council to establish a thematic working group dealing with Aquatic Wild Meat, the tasks of which are detailed in the Draft Decisions (Annex 3). Doc.24.2.3/Add.1 (<http://www.cms.int/en/document/scientific-council-comments-13>) contains the supportive comments of the 2<sup>nd</sup> Meeting of the Sessional Committee of the CMS Scientific Council.

#### **Doc.24.2.4 Live Capture of Cetaceans from the Wild for Commercial Purposes**

13. CMS COP11 adopted Res.11.22 on this topic, which calls upon Parties to develop and/or implement national legislation prohibiting the live capture of cetaceans for commercial purposes, and urges Parties to consider taking stricter domestic measures in line with CITES Article XIV with regard to the import and international transit of live cetaceans.
14. The CMS Secretariat, with funding kindly provided by the Principality of Monaco, developed draft Best Practice Guidelines to assist Parties with implementation of this Resolution. The document contains a comprehensive report on the legal situation (Annex 1), a Draft Resolution (Annex 2) amended to adopt the Guidelines, and Draft Decisions (Annex 3). Doc.24.2.4/Add.1 (<http://www.cms.int/en/document/scientific-council-comments-14>) contains the supportive comments of the 2<sup>nd</sup> Meeting of the Sessional Committee of the CMS Scientific Council.

#### **Doc.24.2.5 Recreational In-Water Interaction with Aquatic Mammals**

15. The 1<sup>st</sup> Meeting of the Sessional Committee of the CMS Scientific Council requested the AMWG to provide a briefing paper on the impacts of recreational in-water interaction with aquatic mammals, often called “swim-with” activities, to ScC-SC2 and to make recommendations to COP12 on how CMS could address this growing concern. The report (Annex 1) concludes that “swim-with programmes” are a fast-growing phenomenon worldwide and are likely to bring widespread disturbance to aquatic mammals, with potentially serious conservation consequences. Sustainable regulation and management is required quickly before unsustainable practices become firmly established in many places.
16. The Draft Resolution (Annex 2) gives recognition to this threat to aquatic mammals, urges the adoption of appropriate national measures to regulate such activities, and calls for research on effects and significance of these disturbances. The Draft Decisions (Annex 3), among other things, request the Council to develop guidelines and recommended code of conduct for operators. Doc.24.2.5/Add.1 (<http://www.cms.int/en/document/scientific-council-comments-15>) contains the supportive comments of the 2<sup>nd</sup> Meeting of the Sessional Committee of the CMS Scientific Council.

#### **Doc.24.4.1 Management of Marine Debris**

17. The largest component of marine debris is plastic, making up over three quarters of total quantities. The two major risks for marine species associated with macroplastics are entanglement in and ingestion of marine debris. An estimated ten per cent of global marine litter is “ghost gear” or abandoned, lost or otherwise discarded fishing gear (ALDFG). Microplastics are generally defined as items smaller than 5mm. They are of concern because they act as a ‘sponges’ removing and concentrating contaminants from the water, leading to bioaccumulation in the food chain.
18. The Draft Resolution contained in Annex 1 of the document consolidates the two existing CMS Resolutions on the topic, updates the text and brings it in line with UNEA Resolution 2/11 on Marine Plastic Litter and Microplastics (2016). Doc.24.4.1/Add.1 (<http://www.cms.int/en/document/scientific-council-comments-22>) contains the supportive comments of the 2<sup>nd</sup> Meeting of the Sessional Committee of the CMS Scientific Council.

#### **Doc.24.4.3 Conservation Implications of Animal Culture and Social Complexity**

19. CMS Resolution 11.23 requested the Scientific Council to establish an intersessional expert working group to address the conservation implications of culture and social complexity, with a focus on, but not limited to, cetaceans. This Expert Group was

established in June 2015, and its second report is presented in Annex 1. The report also contains recommendations for further work on this subject, which are presented in the draft Decision in Annex 2. Doc.24.4.3/ Add.1 (<http://www.cms.int/en/document/scientific-council-comments-67>) contains the supportive comments of the 2<sup>nd</sup> Meeting of the Sessional Committee of the CMS Scientific Council.

#### **Doc.24.4.4 Bycatch**

20. Bycatch is the incidental capture of a non-target species in fisheries and is a universal phenomenon. While is not the only threat to aquatic species listed by CMS and covered by its Agreements, for many species or populations it remains the most severe. Addressing it effectively requires collaboration between all relevant stakeholders, and significant improvements in monitoring and mitigation.
21. The CMS COP adopted several resolutions on bycatch over the years. These were consolidated and the resulting complex text simplified and recent developments incorporated, including a clear structuring of the operative part:
- Participation in Regional Fisheries Management Organizations
  - Bycatch Mitigation Methods and Data Collection
  - Collaboration and Cooperation
  - Technological and Financial Assistance
22. Doc.24.4.4/Add.1 (<http://www.cms.int/en/document/scientific-council-comments-23>) contains the supportive comments of the 2<sup>nd</sup> Meeting of the Sessional Committee of the CMS Scientific Council.

#### **Doc.24.4.5 Sustainable Boat-based Marine Wildlife Watching**

23. CMS Resolution 11.29 requested the Scientific Council to develop guidelines on marine boat-based wildlife watching for different taxonomic groups. Thanks to funding kindly provided for this purpose by the Principality of Monaco, CMS commissioned the development of draft guidelines, which are presented in Annex 2 and cover:
- General considerations concerning boat-based wildlife watching, including the need for Environmental Impact Assessments (EIAs), considerations about vessels, licensing/permits and other matters
  - Species-specific considerations for developing national guidelines for boat-based wildlife watching focusing on sirenians, pinnipeds, elasmobranchs, seabirds and marine turtles
  - Each species chapter outlines the specific risks, describes early indicators of disturbance, factors to consider, management considerations, guidelines and suggested thresholds
24. The guidelines do not cover in-water interactions, such as “swim-with” or “dive-with” activities. Regarding cetacean watching, CMS is collaborating with the International Whaling Commission, which is taking the lead in the development of a joint IWC-CMS Whale Watching Handbook.
25. Doc.24.4.5/Add.1 (<http://www.cms.int/en/document/scientific-council-comments-24>) contains the supportive comments of the 2<sup>nd</sup> Meeting of the Sessional Committee of the CMS Scientific Council.