

**Progress Report on Relevant Activities Undertaken within the Framework of the
Convention on the Conservation of Migratory Species of Wild Animals (CMS)
for the United Nations Open-ended Informal Consultative Process on Oceans and
the Law of the Sea**

Introduction

1. The Convention on Migratory Species is a Multilateral Environmental Agreement (MEA), signed in 1979 and in force since 1983. It currently has 130 Parties. This treaty of the United Nations Environment Programme (UNEP) aims to facilitate close cooperation on the conservation of migratory species between the countries through which these animals travel on their annual journeys. Among the species that do so and that are listed on the Convention's Appendices are many marine mammals, marine turtles, fish and seabirds. CMS is actively engaged in many global and regional species-specific activities, but also a large range of broader environmental ocean matters such as unsustainable fishing, including bycatch, vessel collisions, ocean noise and marine pollution, including marine debris.

2. CMS Appendix I contains migratory species that are endangered throughout all or a significant portion of their range. Parties that are Range States for Appendix I species endeavour to conserve and restore habitats; to prevent, remove, compensate for or minimise, as appropriate, the adverse effects of activities or obstacles, which prevent or impede migration; and to prevent, reduce or control factors that endanger the species. Taking of specimens of Appendix I species is generally prohibited and Parties allowing exceptions must inform the Secretariat.

3. CMS Appendix II contains species with an unfavourable conservation status that would significantly benefit from the international co-operation that could be achieved through international agreements for their conservation and management. Currently there are also twelve individual agreements under CMS, which are explicitly aimed at marine taxonomic groups, such as turtles, whales, dolphins, sharks, dugongs, albatrosses and petrels. Detailed information can be accessed at <https://www.cms.int/en/cms-instruments/agreements> for legally binding agreements, and <https://www.cms.int/en/cms-instruments/mou> for non-binding memoranda of understanding.

4. The CMS Appendices as amended at the 13th Meeting of the Conference of Parties in February 2020 can be accessed at <https://www.cms.int/en/species/appendix-i-ii-cms>. In recent years, a number of shark and ray species have been added.

Progress Report

5. The outcomes of the Thirteenth Meeting of the Conference of Parties, which took place in February 2020 in Gandhinagar, India, provide a good overview of the considerable contribution that this focussed treaty makes to the global protection of ocean biodiversity.

6. A number of Resolutions and related Decisions focus specifically on marine issues, and are listed below. Many others are of overarching interest. All CMS Resolutions currently in force can be downloaded here: <https://www.cms.int/documents/cop-resolutions>. Decisions adopted at COP13, containing recommendations to Parties or instructions to a specific committee or the Secretariat and remaining in effect until the particular task has been completed, are accessible at <https://www.cms.int/en/documents/decisions/cop13>.

7. The following issues are specifically noteworthy in the context of General Assembly Resolution 74/19:

Resolutions and Decisions

- Resolution 13.3 [Chondrichthyan Species \(Sharks, Rays, Skates and Chimaeras\)](#) and [Decisions 13.71 to 13.73](#)
The Resolution requests Parties to strengthen measures to protect migratory chondrichthyan species against processes that pose threats, including habitat loss and destruction and unsustainable fisheries.
- Resolution 13.5 [Light Pollution Guidelines for Wildlife](#) and [Decisions 13.138 to 13.139](#)
Annexed to the Resolution are [Light Pollution Guidelines for Wildlife including Marine Turtles, Seabirds and Migratory Shorebirds](#). The Guidelines are designed to assist Parties in managing artificial light so that migratory species are not disrupted within, nor displaced from, important habitat, and are able to undertake critical behaviours such as foraging, reproduction and migration.
- [Decisions 13.69 to 13.70 - Marine Turtles](#)
These Decisions request the development of a Single Species Action Plan for the conservation of Hawksbill Turtles to address their trade and use in South-East Asia, and the adjacent Western Pacific.
- [Decisions 13.76 to 13.79 - European Eel](#)
These Decisions request the development of an Action Plan for the European Eel (*Anguilla anguilla*).
- Resolution 12.13 [Important Marine Mammal Areas \(IMMAs\)](#) and [Decisions 13.54 to 13.57](#)
These Decisions request Parties to make use of IMMAs when identifying habitat at risk or designing threat mitigation measures, and when designating marine protected areas, for marine spatial planning purposes, for CMS-listed pinnipeds, sirenians, otters, Polar Bears and cetaceans.
- Resolution 12.14 [Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species](#) and [Decisions 13.58 to 13.60](#)
Annexed to the Resolution are Guidelines on Environmental Impact Assessment for Marine Noise-generating Activities.

- Resolution 12.15 [Aquatic Wild Meat](#) and [Decisions 13.64 to 13.65](#)
The Resolution and Decisions set up mechanisms aimed at increasing understanding of the impacts of subsistence use of CMS-listed species as aquatic wild meat on the survival and regeneration of these species, in the context of growing human populations and pressures on wildlife resources and ecosystems, and at improving management to ensure any such use is sustainable.
- Resolution 12.16 [Recreational In-Water Interaction with Aquatic Mammals](#), Resolution 11.29 (Rev.COP12) [Sustainable Boat-based Marine Wildlife Watching](#) and [Decisions 13.66 to 13.68 - Marine Wildlife Watching](#) [Species-specific Guidelines for Boat-based Wildlife Watching](#) are annexed to Resolution 11.29 (Rev.COP12). The Decisions request the development of guidelines, including a recommended code of conduct for operators on recreational in-water interactions with CMS-listed species.
- Resolution 12.17 [Conservation and Management of Whales and their Habitats in the South Atlantic Region](#) and [Decisions 13.84 to 13.85](#)
The Decisions request the Secretariat to organize a regional workshop to improve capacity for the implementation of the Action Plan for the Protection and Conservation of South Atlantic Whales.
- Resolution 12.20 [Management of Marine Debris](#) and [Decisions 13.122 to 13.125 - Impacts of Plastic Pollution on Aquatic, Terrestrial and Avian Species](#)
The Decisions request the development of a concise report summarizing the status of knowledge on the impact of plastic pollution on CMS-listed species that inhabit in terrestrial and freshwater ecosystems, as well as a summary of existing guidance on measures to address such threats. Based on this report, possible next steps for addressing this threat to CMS-listed species are to be recommended.
- Resolution 12.22 [Bycatch](#) and [Decisions 13.61 to 13.63](#)
The Resolution and Decisions give guidance to Parties on implementing a best practice approach to mitigating bycatch, with a specific focus on cetaceans, and request a review of current data and knowledge about levels of bycatch of CMS-listed chondrichthyan species and existing measures to mitigate bycatch based on species, fishing area, fisheries, fishing season and gear type.
- Resolution 12.24 [Promoting Marine Protected Area Networks in the ASEAN Region](#)
The Resolution encourages ASEAN members to promote marine protected area networks and connectivity that will improve the identification and governance of important sites for migratory species.
- Resolution 11.22 (Rev.COP12) [Live Capture of Cetaceans from the Wild for Commercial Purposes](#) and [Decisions 13.74 to 13.75](#)
Annexed to the Resolution are Best Practice Guidelines relating to the Live Capture of Cetaceans from the Wild for Commercial Purposes.
- Resolution 10.15 (Rev.COP12) [Global Programme of Work for Cetaceans](#) and [Decisions 13.80 to 13.83](#)
The Decisions request consultations regarding the development of an action plan for cetaceans in the Red Sea region, as well as collaboration with the International Whaling Commission with a view to co-hosting a workshop on the role of cetaceans in ecosystem functioning.

Concerted Actions

8. Concerted Actions are priority conservation measures, projects, or institutional arrangements undertaken to improve the conservation status of selected Appendix I and Appendix II species or selected groups of Appendix I and Appendix II species. The following ones are currently active:

- 13.5 [Concerted Action for the Irrawaddy Dolphin \(*Orcaella brevirostris*\)](#)
- 13.6 [Concerted Action for the Ganges River Dolphin \(*Platanista gangetica gangetica*\)](#)
- 13.7 [Concerted Action for the Harbour Porpoise \(*Phocoena phocoena*\) in the Baltic Sea and the Iberian Peninsula](#)
- 13.8 [Concerted Action for the Common Guitarfish \(*Rhinobatos rhinobatos*\), the Largetooth Sawfish \(*Pristis pristis*\) and the Smalltooth Sawfish \(*Pristis pectinata*\)](#)
- 13.9 [Concerted Action for the Common Guitarfish \(*Rhinobatos rhinobatos*\) and the Bottlenose Wedgefish \(*Rhynchobatus australiae*\)](#)
- 13.12 [Concerted Action for the Antipodean Albatross \(*Diomedea antipodensis*\)](#)
- 12.2 (Rev.COP13) [Concerted Action for Sperm Whales \(*Physeter macrocephalus*\) of the Eastern Tropical Pacific](#)
- 12.3 (Rev.COP13) [Concerted Action for the Atlantic Humpback Dolphin \(*Sousa teuszii*\)](#)
- 12.4 (Rev.COP13) [Concerted Action for the Humpback Whales \(*Megaptera novaeangliae*\) of the Arabian Sea](#)
- 12.5 (Rev.COP13) [Concerted Action for the Angelshark \(*Squatina squatina*\)](#)
- 12.6 (Rev.COP13) [Concerted Action for the Mobulid Rays \(Mobulidae\)](#)
- 12.7 (Rev.COP13) [Concerted Action for the Whale Shark \(*Rhincodon typus*\)](#)

Memoranda of Understanding

9. The *Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia* (IOSEA Marine Turtle MOU) and associated Conservation and Management Plan came into effect on 1 September 2001. The 8th Meeting of the Signatories ([MOS8](#)) took place in October 2019 in Da Nang, Viet Nam. Topics discussed included the IOSEA Network of Sites of Importance, capacity-building needs identified by Signatories, guidelines for the review of environmental impact assessments (EIAs) of developments impacting on sea turtles and turtle habitat, illegal take and trade of marine turtles, opportunities for collaboration with CMS and other international organizations, and guidance on beach management and hatcheries. Recommendations for follow-up by Signatory States, the Advisory Committee and the Secretariat were included in a Work Programme for the years 2020-2024.

10. The *Memorandum of Understanding on the Conservation of Migratory Sharks* (Sharks MOU), which came into effect in 2010, is a global instrument that aims to restore a favourable conservation status for migratory shark and ray species. It complements existing international wildlife conservation agreements, fisheries agreements and regional fisheries management organizations. The Conservation Plan, which was adopted by the Signatories in 2012, is based on five objectives: (1) Increasing public awareness of threats to sharks; (2) Improving the understanding of migratory shark populations through research; (3) Ensuring that directed and non-directed fisheries for sharks are sustainable; (4) Protecting critical habitats and migratory corridors; and (5) Enhancing national, regional and international cooperation. The 3rd Meeting of the Signatories took place in December 2018 in Monaco. Eight new species of shark and ray were added to the species Annex, bringing the overall number of listed species to 38, ways to improve cooperation with relevant organizations were discussed, a capacity-building plan to support Signatories with the implementation of the MOU was agreed, recommendations for species-

specific conservation measures were reviewed and a comprehensive Programme of Work was agreed for the triennium 2019-2021.

Projects

11. The Secretariat collaborates with BirdLife International on the implementation of the project *Minimizing Bycatch of Seabirds and Sea Turtles in West African Industrial Fisheries*, funded by MAVFA, and which addresses bycatch of marine turtles and seabirds in West African industrial fisheries. The project aims at improving fisheries governance through a revision of policy, conducting research on bycatch and mapping hotspots, setting up observer programmes, where needed, and developing standards and providing training for data collection. Activities are being implemented in seven countries in the region (Cabo Verde, the Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone) with support from a range of national and international partners, which are working on the various components in each country.