

**International Whaling Commission**

## **Appendix A**

# **Guidelines for Cetacean Conservation Management Plans**

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## Introduction

Over-exploitation severely reduced many populations of the world's great whales, some to near extinction. Despite cessation of whaling on most of these, some populations remain severely depleted.

Cetacean populations face a suite of contemporary and emerging threats arising from direct sources (such as fishing bycatch, ship strikes and direct takes) and indirect sources (such as habitat loss and degradation, pollution, climate change, and acoustic disturbance).

As these threats may increase in frequency and intensity, the need to understand their impacts on cetaceans, evaluate them and where necessary develop and implement mitigation measures and monitor the success of these, is crucial to the conservation of cetaceans and their habitat.

Introduced at the 2008 International Whaling Commission annual meeting (IWC60), Conservation Management Plans (CMPs) can provide the IWC with a practically-focused management tool for improving conservation outcomes for the most at risk cetacean populations.

Based on the best available science and management expertise, CMPs should focus on reasonable, practical and achievable management actions that have the greatest chance of achieving measurable improvements in the conservation status of cetacean populations, including the necessary levels of protection for critical habitats. CMPs are living documents that are reviewed periodically based on monitoring of the populations/habitats concerned, assessment against measurable milestones, and compliance with and enforcement of agreed measures.

The development and effective implementation of CMPs require that they complement existing international conventions and agreements, as well as current national legislation and management regimes in participating range states. It is important to note that CMPs are designed to address, in a coordinated and collaborative way, transboundary gaps in existing conservation measures, but are not designed to supplant or 'override' domestic measures. An essential component is the active involvement of key stakeholders - including those whose actions contribute to the threats.

A Small Advisory Group on Conservation Management Plans (SAG) has been established within the Conservation Committee to oversee the development of CMPs<sup>1</sup>.

The first draft CMP - for the Western North Pacific gray whale population - was endorsed at IWC62 (SC/62/BRG24), at which time the Conservation Committee highlighted the need to agree upon and articulate clear policy objectives for CMPs, and to produce an agreed framework and electronic templates for applications to develop future CMPs and to guide their subsequent development. These were considered necessary to assist countries wishing to develop conservation management proposals and plans; and to assist the determination of conservation priorities for the implementation of CMPs that would be supported by the IWC.

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<sup>1</sup> Current members are Argentina, Australia, Belgium, Brazil, Mexico, New Zealand, South Africa, the United Kingdom and the United States of America, with observers from Spain, and the IWC Scientific Committee.

## Conservation Management Planning

To contribute to the IWC's work to support the recovery and conservation of cetaceans, the development of CMPs needs to be both rigorous and timely. Rigorous in that the resulting plans need to effectively target the most appropriate actions to address the most important problems, and timely in that their nomination, development and adoption should be able to be undertaken relatively quickly – important for populations or threats that require urgent action.

Since they are management tools, CMPs require clear, achievable goals and objectives; practical, prioritised mitigation actions; regular monitoring and reporting; and clear governance structures to coordinate the engagement of key stakeholders. Conservation management planning requires a balance between information and action. All plans should be informed by rigorous science, while at the same time adhering to the principles of the precautionary approach<sup>2</sup>. They should also be multilateral in scope – that is: plans should be developed and implemented by more than one range state along with relevant stakeholders.

To be effective, CMP implementation must be adaptive – subject to modification from new findings, changes in species status, and completion of planned actions. They are living documents.

### Governance and support

Experience to date indicates that effective coordination is critical to the timely and rigorous development and implementation of a CMP. In order to ensure CMPs are progressed effectively, there would appear to be a clear benefit from the appointment of a designated coordination position, supported by a steering committee, at the earliest practical point in the CMP cycle.

Access to guidance from the Commission itself is equally important, and to this end, the SAG has been re-established as a standing working group of the IWC Conservation Committee, known as the 'Standing Working Group on Conservation Management Plans' (the CMP Working Group) to be the primary source of such guidance. Members are drawn from both the Conservation and Scientific Committees and reporting to the Commission is via the Conservation Committee, with advice from the Scientific Committee as required. Assistance from the Secretariat, Scientific Committee or Conservation Committee may also be requested via the Commission at any stage of the CMP process.

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<sup>2</sup> The Precautionary Approach should be used when considering conservation management actions in the CMP nomination. Insufficient information relating to a particular characteristic of the nomination need not preclude the development of a CMP. Obtaining scientific data or developing effective mitigation measures can form key actions as part of an initial plan – as noted, a CMP is a living document.

## **Funding**

Funding for CMPs will be drawn from a range of sources. It is assumed that proponents of a CMP, including signatory range states to the nomination and subsequent plan, will be the primary source of funding for the development and implementation of the CMP.

However, parties to a CMP nomination may not always have sufficient resources or expertise to nominate, develop or implement, monitor and review a CMP. In such circumstances, funding support, in particular for co-ordination purposes, may be available from the IWC. It may assist the IWC in its consideration of a proposed CMP for parties to a CMP nomination to outline funding contributions in support of the proposed CMP that will complement funding from the IWC, including contributions from nominating parties and other sources.

There are currently two streams of IWC funding that may be available for this purpose - voluntary contributions from member states for conservation purposes, and the Scientific Committee Research Fund. Information on CMP funding principles and processes are set out in **Annex 1**.

## **Process**

The CMP planning process involves a number of interrelated stages – CMP nomination; plan development; plan implementation, monitoring and review.

These are illustrated in Figure 1.

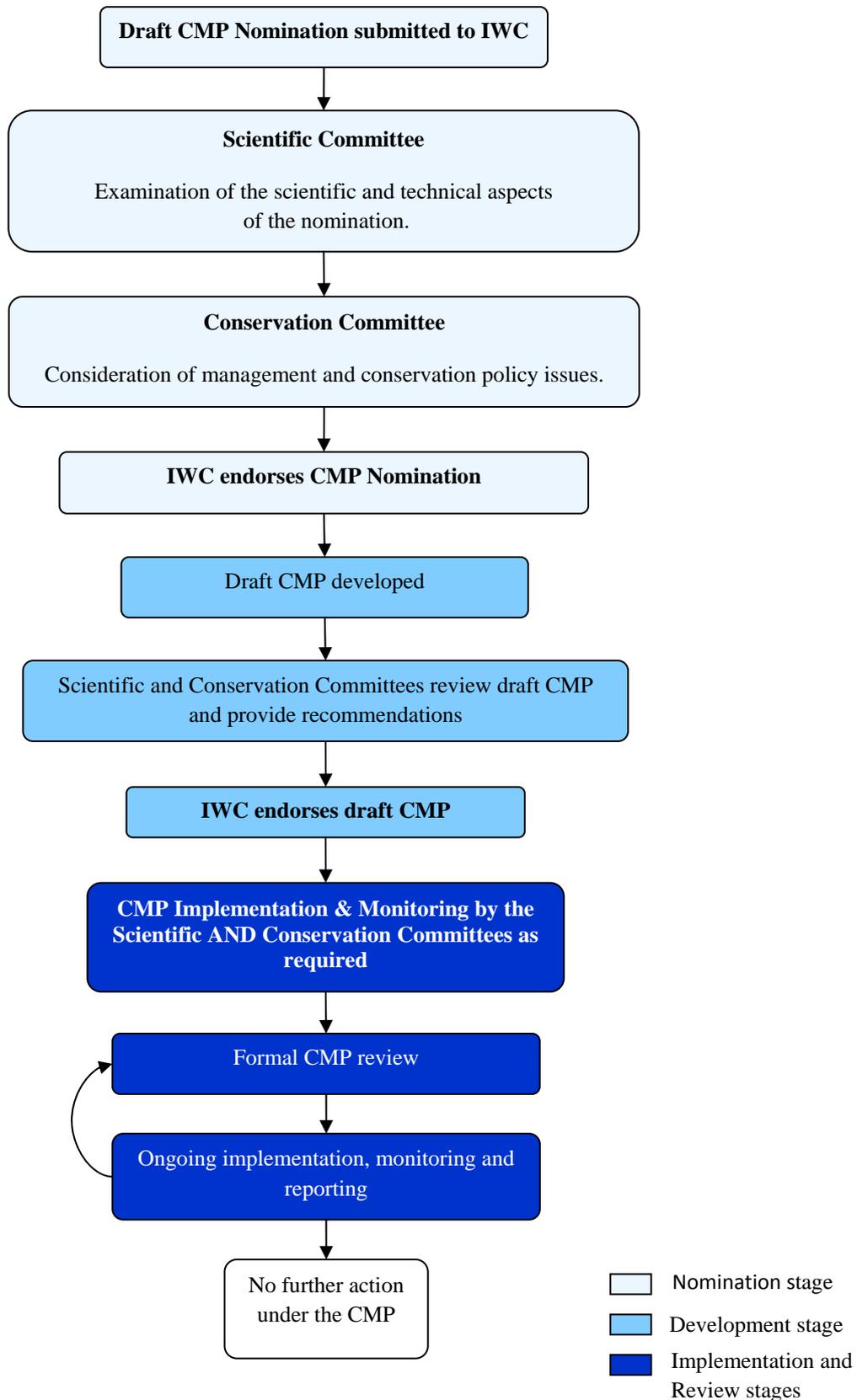


Figure 1. Steps in Conservation Management Planning

## **CMP Nomination**

When a cetacean population, threat or critical habitat has been identified as being a candidate for a CMP, a nomination is required in order to commence the formal IWC approval process.

### **Purpose of a CMP nomination**

The nomination process is designed to ensure that investment of time, energy and resources by the IWC is warranted, in that a) the underlying science demonstrates that urgent conservation action is needed for a specific population, threat or habitat; and b) that positive conservation gains are likely to be achieved through the implementation of a CMP.

The nomination should provide the information necessary to allow the IWC's Scientific and Conservation Committees to consider these questions, and formulate their advice to the Commission.

### **Who can make a nomination?**

While the development and implementation of plans and their component actions may involve a range of players – states, scientists, industries, communities and non-government organisations; nominations to the IWC can be made in only two ways: either by IWC member states (or groups of states) or by the Commission itself, through its Scientific or Conservation Committees.

### **Key issues covered in the nomination**

The following issues should be considered in the nomination:

- A summary of the **underlying science** supporting the need for the plan to address threats to a population/populations and/or to a critical habitat.
- Overall **objectives** and anticipated short, medium and long term **outcomes** in terms of anticipated recovery or conservation benefits, and their relationship with aims and objectives of the IWC.
- Potential **mitigation measures**, including any critically urgent measures that may need to be pursued in parallel to development of a full plan.
- Agreed and anticipated **partners** (both within and outside the IWC) in the development and implementation of the planned CMP.
- Key elements of the **process** to be adopted in developing the plan.
- Anticipated **timeframe** for the development of a plan.

In the event that the nominating state(s) intends to seek **resources** from or through the IWC for the development of the CMP itself, the nomination should include both a **budget** and an outline of the proposed **governance arrangements**.

The investment of appropriate time and resources in the development of the nomination is critical, as the analysis and information contribute to the CMP itself.

**CMP Nomination Process**

The CMP Working Group plays an important coordinating and supporting role during the nomination process. IWC member states planning to develop a nomination should initially discuss their proposal with the Group.

This allows for the early testing of ideas and issues and for informal engagement with both the Scientific Committee and the Conservation Committee. Liaison with members of the Conservation and Scientific Committees, who are not members of the CMP Working Group, may also occur. The early appointment of a co-ordinator for the proposed CMP is invaluable in this respect.

It may be that one or either of the Committees is actively considering the populations and/or threats which will form the basis of the nomination and guidance can be provided in the drafting of the nomination, facilitating and expediting subsequent formal consideration by the respective Committees.

Completed nominations are submitted to the IWC Secretariat. Formal advice on the nominations is then sought from the Scientific and Conservation Committees.

Each Committee will assess the nomination using its respective expertise as a baseline. The Scientific Committee will examine the feasibility of the CMP by considering all technical matters pertaining to the nomination. This advice would then be passed to the Conservation Committee to inform its subsequent considerations of the nomination with respect to management and conservation policy matters.

The Nomination, and the Committees’ advice and recommendations, will then be put to the Commission for consideration. Key issues considered by the Committees are set out in Table 1.

**Table 1. Key issues for consideration in the review of CMP Nominations**

|    | Scientific Committee   | Conservation Committee  |
|----|--|---|
| 1. | Is the proposed CMP the most efficient management tool for addressing the conservation needs of the nominated population(s)?   |   |
| 2. | Are the short, medium and long-term goals clearly defined?<br>Have the objectives, to the extent feasible, been quantified?<br>Have the objectives been prioritised?                 |   |
| 3. | Is the underpinning scientific rationale supporting the nomination reasonable?<br>Have threats been evaluated on the basis of a scientific assessment? If not, what is the evidence? | Are the identified goals and actions consistent with IWC policies, programs and initiatives; and with any other relevant multi-lateral environmental agreements (MEAs), or regional natural resource management arrangements? |

|    |   |   |
|----|---|---|
| 4. | Is scientific uncertainty appropriately reflected and taken into account in the goals, actions and anticipated outcomes?  | Are research, data collection and capacity building activities clearly linked to subsequent on-ground actions and measurable conservation outcomes? |
| 5. | Is the relationship between the threats and the impacts on the nominated population or habitat established? If yes, has it been quantified?<br><br>Do the identified actions directly address the threats or its symptoms?              | Will proposed governance arrangements support effective delivery, coordination and reporting of actions?  |
| 6. | Is the CMP, if successfully implemented, likely to provide positive conservation outcomes for the nominated population or habitat?<br><br>Could the likelihood of success of alternative management actions be evaluated by simulation? | Does the nomination include the required partners for effective conservation actions?   |

### CMP Nomination Template

A template has been developed to assist parties in the preparation of CMP nominations (**Annex 2**).

**Note**

*Once agreed and approved, the template will be presented as an electronic web-based tool with appropriate drop down menus and hyperlinks.*

## **CMP Development**

Nominations should be developed in response to significant existing and/or emerging threats. To maintain the momentum of the CMP, material prepared for the nomination can be incorporated into the plan itself and plan development can start as soon as a nomination has been prepared, anticipating acceptance by the Commission.

Continuing work will also facilitate the timely development of the plan, allowing for endorsement of the plan itself at the earliest possible opportunity – ideally the following IWC meeting. The Commission’s document submission deadlines require the draft CMP to be submitted to the IWC Secretariat no less than 60 days prior to an annual meeting. Should a draft CMP be submitted beyond that date, it may not be considered until the following annual meeting, resulting in unhelpful delays. There should, however, be few impediments to the start of agreed and non-Commission funded recovery or mitigation actions prior to formal endorsement of the plan.

### **Core Components of a CMP**

While the focus of a CMP will vary depending on its key objectives (for example, recovery of a critical population(s); mitigation of key threats to one or more populations or recovery of critical habitats), there are a number of core information sets/components that all plans should address to varying degrees. These are outlined in Figure 2 below.

Co-operation between participating jurisdictions is of paramount importance to the success of the CMP in achieving its objectives. While enforcement measures are a matter for participating jurisdictions, the nominating states may wish to outline in their plan any enforcement measures they propose to adopt to assist in the effective implementation of the plan.

#### *Goals and objectives*

The manner and nature of the material used to address each core component will vary depending on the issue. However, as CMPs are management tools, appropriate attention must be given to the clear articulation of goals (short, medium and/or long term) against which progress milestones can be effectively measured and reported. To this end agreed actions arising from identified mitigation measures need to be clearly aligned with goals and objectives and a monitoring programme incorporated as an integral part of the CMP.

#### *Actions*

These form the key component of any CMP. While there may be overlap, these can generally be incorporated under the following categories:

- co-ordination;
- public awareness and capacity building;
- research essential for providing adequate management advice or filling knowledge gaps;
- monitoring; and
- mitigation measures.

It is important that actions be realistic and effective. They should be well specified and generally include the following information, where relevant:

- (1) Description (including concise objective, threats to which relevant and how, rationale, target data or activity, method, implementation timeline);
- (2) Actors (responsible for implementation and relevant stakeholders);
- (3) Evaluation (actors responsible);
- (4) Priority (importance to the plan and feasibility);
- (5) Costs (where appropriate).

### *Governance*

In the event that a co-coordinator (and supporting steering committee) has not yet been appointed, this should be considered as a priority.

### *Stakeholder engagement*

Serious consideration should be given, early in the development process, to the involvement of stakeholders including the timing and nature of engagement opportunities. These may include other IWC range states, non-member range states, non-government organisations, scientists, industries, communities and civil society more generally.

The ultimate success of a CMP will depend on its effective adoption and implementation by stakeholders, and experience suggests that in general, early and ongoing opportunities for engagement during development are beneficial.



**Figure 2. Core components of a CMP**

### Process

At the request of the proponent or the range state, the CMP Working Group may continue to play a supporting role during the development of a CMP, providing advice as required.

The opportunity also exists for the establishment of short term CMP-specific working groups within the respective Committees to support range state(s) during the development of the plan. This may also expedite subsequent formal review by the Committees.

Once completed, draft plans are submitted to the IWC Secretariat. The Scientific and Conservation Committees will then be requested to formally review the draft CMP. Key issues considered by the Committees in their reviews will include both those matters considered in reviewing the Nomination, as well as a number of other questions. These are set out in Table 2, and the list is not exhaustive. The Committees and nominating range states may also need to consider human capacity implications if any CMP actions fall out of range state jurisdiction.

**CMP Development Table 2. Key issues for consideration in the review of a draft CMP.**

|    | Scientific Committee  | Conservation Committee   |
|----|---|--|
| 1. | <p>Are the short, medium and long-term goals clearly defined?</p> <p>Will the proposed actions measurably deliver on the stated goals and objectives?</p> <p>Are the proposed actions the most appropriate response measure?</p> <p>Have proposed actions been appropriately prioritised?</p> <p>Have any key actions been omitted?</p> <p>Have the budget implications for proposed actions and mitigation measures been considered?</p> <p>Has the effectiveness of the scientific monitoring program for a plan been considered?</p> <p>Will the proposed scientific monitoring program be used to assess the effectiveness of the plan?</p> <p>Are the proposed actions achievable within the lifespan of the plan?</p> |  |
| 2. | <p>Is the underpinning scientific rationale supporting the plan reasonable?</p> <p>Does it provide the necessary scientific justification for implementation of the plan?</p>   | <p>Where actions relate to activities addressed by other MEAs and regional arrangements, will the actions further advance progress beyond these existing arrangements?</p> |
| 3. | <p>Is the relationship between the threats and the impacts on the nominated population or habitat established?</p> <p>Have those relationships been quantified and if so, have they been shown to be statistically significant?</p>   | <p>Are research, data collection and capacity building activities clearly linked to subsequent on-ground actions and measurable conservation outcomes?</p>                 |
| 4. | <p>Do the identified actions address the threats or its symptoms?</p> <p>Has the impact of alternative actions been evaluated by simulation?</p>  | <p>Will proposed governance arrangements support effective delivery, coordination and reporting of actions?</p>  |
| 5. | <p>Is scientific uncertainty appropriately reflected and taken into account in the goals, actions and anticipated outcomes?</p>   | <p>How effectively does the scientific data underpin management decisions?</p>   |
| 6. |   | <p>Is the CMP consistent with the principles of adaptive management?</p> <p>How often will CMP performance reviews take place?</p>   |

The Draft CMP, and the Committees’ advice and recommendations, will then be put to the Commission for consideration.

## CMP Implementation, Monitoring & Reporting and Review

### **Implementation**

Where nominations come from member states, the specifics of implementation post Commission endorsement are at the discretion of the participating range states and associated stakeholders. Notwithstanding this, inclusion of an implementation strategy to give effect to critical elements of the CMP will still form an important component of review and endorsement by the Commission (Item 4, Table 2). National legislation will, however, always provide the overarching framework for cetacean conservation measures in participating range states.

An implementation strategy can be helpful where a high degree of coordination is required in the delivery of agreed actions; or where actions have significant associated costs and where resources may be sought from parties outside the participating range states.

Where funding for actions is sought from the Commission, an implementation strategy will be required, setting out costs, timelines and deliverables, and associated reporting on progress in the delivery of funded actions and their contribution to agreed objectives.

An implementation strategy can usefully be developed at the same time as a draft CMP and may be submitted with the draft to the IWC.

### **Monitoring & Reporting**

The establishment of appropriate monitoring and compliance regimes will play an important role in securing endorsement by the IWC. Participating range states will need to consider advice from the Scientific and Conservation Committees on requirements for reporting.

### **Review – adaptive management**

Adaptive management requires periodic review and adjustment of the CMP and its recommended actions based on both improvements in scientific understanding and management practices, and from changed conditions arising from the implementation of actions and the attainment of objectives, over time.

The scheduling and nature of review(s) of the success of the CMP in the light of monitoring and reporting will form an important part of securing endorsement by the Commission. Review by the Commission and its Scientific and Conservation Committees will form an important component of the review process.

### **CMP Template**

A template (**Annex 3**) has been developed to assist parties in their preparation of draft plans.

While plans will be developed to address different objectives, for the sake of clarity, the template has been prepared using a single example – recovery of a population.