

Agenda Item 4.7

Review of New Information on Threats to
Small Cetaceans

Emerging Issues

Document 4.7.a

**CMS Resolution 11.22:
Live Captures of Cetaceans from the
Wild for Commercial Purposes**

Action Requested

- Take note

Submitted by

Secretariat



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



CONVENTION ON MIGRATORY SPECIES

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LIVE CAPTURES OF CETACEANS FROM THE WILD FOR COMMERCIAL PURPOSES

Adopted by the Conference of the Parties at its 11th Meeting (Quito, 4-9 November 2014)

Noting the continuing activities targeting wild small cetacean populations for live capture, including several species listed on CMS Appendices I and II, for public display in commercial aquaria and travelling shows;

Noting that the IUCN (through the work of the Species Survival Commission's Cetacean Specialist Group) recognizes that live capture can be a serious threat to local cetacean populations when unmanaged and undertaken without a rigorous programme of research and monitoring, because the removal of live cetaceans from the wild, for captive display and/or research, is equivalent to incidental or deliberate killing, since the animals brought into captivity or killed during capture operations are no longer available to help maintain their natural populations;

Noting the regularly repeated advice from the International Whaling Commission that populations of small cetaceans should not be subject to removals where such removals have not been shown to be sustainable;

Recalling that Article III (5) of CMS requires that Parties that are Range States of a migratory species listed in Appendix I shall in principle prohibit the taking of animals belonging to such species;

Also recalling that CMS Resolution 10.15 on a Global Programme of Work for Cetaceans requests the CMS Secretariat and Scientific Council to continue and increase efforts to collaborate with other relevant international fora with a view to avoiding duplication, increasing synergies and raising the profile of the CMS and CMS cetacean-related agreements in these fora;

Further recalling that Resolution 9.9 on Migratory Marine Species expresses concern that migratory marine species face multiple, cumulative and often synergistic threats with possible effects over vast areas, such as by-catch, over-fishing, pollution, habitat destruction or degradation, marine noise impacts and deliberate hunts as well as climate change;

Noting that Resolution 8.22 on human-induced impacts on cetaceans does not sufficiently address the issue of live capture for commercial purposes;

Reiterating its urgent call in Resolution 10.15 on Parties to promote the integration of cetacean conservation into all relevant sectors by coordinating their national positions among various conventions, agreements and other international fora;

Aware that all regional cetacean-related instruments concluded under CMS contain provisions, or have in place plans, relevant to the issue of live captures, namely that:

- the Whale and Dolphin Action Plan (2013-2017) of the CMS Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region includes “direct take” as one of five major hazards to whale and dolphin populations in the Pacific Islands region and includes minimizing its impact as an objective of the Plan;
- the Small Cetacean Action Plan of the CMS Memorandum of Understanding Concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia calls on Signatories to ensure that any live capture activities in the region do not affect the viability of local populations and comply with international regulations and agreements;
- Paragraph 4 of the Annex to the ASCOBANS Agreement requires Parties to “endeavour to establish (a) the prohibition under national law, of the intentional taking and killing of small cetaceans where such regulations are not already in force” pursuant to the Article 2.1 aim to achieve and maintain a favourable conservation status for small cetaceans; and
- Article II of the ACCOBAMS Agreement requires Parties to “prohibit and take all necessary measures to eliminate, where this is not already done, any deliberate taking of Cetaceans”, subject to limited exceptions “only in emergency situations” and “for the purpose of non-lethal in situ research aimed at maintaining a favourable conservation status for cetaceans”;

Also aware that:

- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) includes all cetacean species in its Appendices I or II, where imports of specimens of CITES Appendix I species to be used for primarily commercial purposes are prohibited;
- the Bern Convention on the Conservation of European Wildlife and Natural Habitats prohibits “all forms of deliberate capture and keeping” of species included in its Appendix II, including the bottlenose dolphin (*Tursiops truncatus*) and the killer whale (*Orcinus orca*);
- European Union Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora lists all cetaceans in its Annex IV and subject to exceptions, requires EU Member States to take requisite measures to establish a system of strict protection for these species in their natural range, prohibiting all forms of deliberate capture or killing of wild specimens, and to prohibit the sale or exchange of cetaceans;

- Article 11 (1) (b) of the Specially Protected Areas and Wildlife Protocol of the Wider Caribbean Region requires each Party to ensure protection and recovery of fauna species on its Annex 2 (including cetaceans) by prohibiting “the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing) or commercial trade” in such species or their parts or products; and
- The so-called Buenos Aires Group, comprised of the majority of Latin American IWC member states, adopted in 2007 the Latin American Strategy for Cooperation on Cetacean Conservation, which assumes among its main commitments non-lethal use of cetaceans;

Acknowledging increasing global concern for animal welfare in relation to the live capture, transport and keeping of cetaceans; and

Acknowledging that a number of countries including Argentina, Australia, Brazil, Chile, China, Costa Rica, India, Lao People’s Democratic Republic, Malaysia, Member States of the EU, Mexico, Monaco, Nicaragua, Peru, Philippines, Singapore, Thailand and Uruguay, have already established total or partial prohibitions of live captures of wild cetaceans in their national waters;

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

1. *Invites* Parties that have not already done so to develop and implement national legislation, as appropriate, prohibiting the live capture of cetaceans from the wild for commercial purposes;
2. *Urges* Parties to consider taking stricter measures in line with CITES Article XIV with regard to the import and international transit of live cetaceans for commercial purposes that have been captured in the wild;
3. *Requests* the Secretariat and the Scientific Council to seek to enhance cooperation and collaboration with CITES and the IWC on small cetacean species targeted by live captures from the wild;
4. *Calls* on Parties to support and, where appropriate and possible, contribute to cooperation and collaboration with CITES and IWC on small cetacean species targeted by live captures from the wild;
5. *Urges* Parties and *encourages* Parties or Signatories to relevant CMS instruments and non-Party States to actively discourage new live captures from the wild for commercial purposes; and
6. *Encourages* Parties to share data and information on live captures with the IWC and other appropriate fora.