



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



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Update on Resolution 11.22 on Live Capture of Cetaceans from the Wild for Commercial Purposes

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Update on Resolution 11.22 on Live Capture of Cetaceans from the Wild for Commercial Purposes

1. At CMS COP11 in Quito in November 2014, the Parties adopted Resolution 11.22 on the Live Capture of Cetaceans from the Wild for Commercial Purposes. This Resolution,

- 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;
- 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;
- 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;
- 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;
- 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
- Encourages Parties to share data and information on live captures with the IWC and other appropriate fora.

2. During 2015, the Secretariat developed a simple form (Annex A) regarding paragraphs 1 and 2 above, that they requested all Parties complete. The Secretariat requested Parties to provide information on any existing national legislation to prohibit the live capture of cetaceans from the wild for commercial purposes, or any plans the governments of CMS Parties may have to develop such legislation. CMS Parties were further more requested to let the Secretariat know about any national legislation that amounts to stricter measures in line with CITES Article XIV with regard to the import and international transit of live cetaceans, or if there are any plans to develop such legislation. Parties were asked to provide this information by completion of the simple form in Annex A.

3. A summary of responses is provided in Annex B.

4. Forty-five Parties provided information in response to the Secretariat's request. Thirty-two of those responding have legislation prohibiting the live capture of cetaceans from the wild for commercial purposes (noting the response of one Party, the EU, covers legislation enacted in 28 Member States¹) with a further four Parties providing a partial ban on such captures, for certain species or with exemptions applied. Nine Parties who responded do not have legislation in place to address the live capture of cetaceans from the wild for commercial purposes but of those, five

¹ Separate responses were received from only 12 Member States

are landlocked countries and a further two have relevant legislation or have plans to develop such legislation.

5. Twenty Parties who provided information in response to the Secretariat's request have 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. Seventeen of those prohibit all trade in live cetaceans for commercial purposes (noting the response of one Party, the EU, covers legislation enacted in 28 Member States). A further three either prohibit imports for commercial purposes, only allow imports in exceptional circumstances or have other relevant legislation providing stricter measures.

**Implementation of CMS COP Resolution 11.22 on
Live Captures of Cetaceans from the Wild for Commercial Purposes**

Questionnaire

In order to assess the level of implementation of this decision, it will be very much appreciated if you could please share any relevant information in the boxes provided. Thank you for your assistance and co-operation.

1. Does your country already have national legislation prohibiting the live capture of cetaceans from the wild for commercial purposes? If no such legislation exists at present, are there any plans to develop such legislation?

Please provide details and links as appropriate.

2. Does your country already have national legislation amounting to stricter measures in line with CITES Article XIV² with regard to the import and international transit of live cetaceans, or any plans to develop such legislation?

Please provide details and links as appropriate.

² CITES *Article XIV*

Effect on Domestic Legislation and International Conventions

1. The provisions of the present Convention shall in no way affect the right of Parties to adopt:
 - (a) stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or
 - (b) domestic measures restricting or prohibiting trade, taking, possession or transport of species not included in Appendix I, II or III.

Annex B

Catalogue of Responses to CMS Live Captures Questionnaire

<http://www.cms.int/en/document/annex-b-inf-doc-4-catalogue-responses-cms-live-captures-questionnaire>