



**CONVENTION ON  
MIGRATORY  
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12<sup>th</sup> MEETING OF THE CONFERENCE OF THE PARTIES  
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Agenda Item 24.2.4

**LIVE CAPTURE OF CETACEANS FROM THE WILD FOR COMMERCIAL PURPOSES  
– ANALYSIS OF SURVEY RESPONSES**

*(Prepared by the Task Lead for the Scientific Council Sessional Committee)*

Summary:

The 1<sup>st</sup> Meeting of the Sessional Committee of the Scientific Council requested that further analysis of the responses received to the April 2016 questionnaire on cetacean live capture-related legislation be performed. This was to look at possible legal inconsistencies, as well as the situation in non-Parties, as far as known.

This work was undertaken by the CMS partner organization Whale and Dolphin Conservation (WDC), assigned as lead to this task by the Committee.

## LIVE CAPTURE OF CETACEANS FROM THE WILD FOR COMMERCIAL PURPOSES – ANALYSIS OF SURVEY RESPONSES

### A CMS Parties

1. In April 2015, the Secretariat requested from Parties information on any existing national legislation to prohibit the live capture of cetaceans from the wild for commercial purposes, or any plans of the government to develop such legislation. Furthermore, information was requested on any national legislation that amounts to stricter measures in line with CITES Article XIV<sup>1</sup> with regard to the import and international transit of live cetaceans, or on any plans to develop such legislation.
2. Forty-five Parties provided information in response to the Secretariat's request. The information was collated and analysed and made available to the 1<sup>st</sup> Meeting of the Sessional Committee of the Scientific Council (ScC-SC1) as [UNEP/CMS/ScC-SC1/Inf.4](#).
3. At CMS ScC-SC1, in the Programme of Work on Aquatic species conservation issues (Working Group 3), the Working Group agreed to perform further analysis of survey responses by Parties to the form sent by the Secretariat during 2015, including possible legal inconsistencies, and consider the situation in non-Parties.
4. The spreadsheet of survey responses prepared for ScC-SC1 was updated with two new sections:
  - a) a "gaps and inconsistencies review", with colour coding identifying
    - i) 38 Parties with legislation fully implementing the live captures resolution (NO GAPS);
    - ii) 20 Parties with partial legislation implementing the resolution (GAPS EXIST);
    - iii) One Party with an inconsistent position;
    - iv) 60 Parties who've provided no information;
    - v) Three Parties who responded but said they don't have relevant legislation;
  - b) additional information with regard to relevant Party legislation.
5. For practical reasons, the spreadsheet is made available as a separate Annex to this document, available [Here](#).

### *Capture*

6. Honduras permits the live capture of bottlenose dolphins for a hotel company that trains and exhibits them. Live captures of bottlenose dolphins have also occurred in Cuba (Van Waerebeek et al, 2006) but the current situation is unknown.

### *Import and Export*

7. The two cetacean species most heavily traded internationally for display in zoos and aquaria are bottlenose dolphins and belugas. The CITES Trade Database records the import by CITES Parties who are also Parties to CMS of 117 wild-caught bottlenose dolphins (*Tursiops truncatus*) between 2010 and 2015: Armenia (4), Belarus (9), Egypt (11), Georgia (8), Israel (4), Kazakhstan (2), Montenegro (6), Saudi Arabia (12), Tunisia

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<sup>1</sup> 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.

(5), Ukraine (56). It further records the export (including re-export) by CITES Parties who are also Parties to CMS of 179 wild-caught bottlenose dolphins (*Tursiops truncatus* and *Tursiops aduncus*) between 2010 and 2015: Philippines (25), Armenia (4), Benin (4), Cuba (103), Kyrgystan (2), Pakistan (3), Saudi Arabia (3), Ukraine (35). Actual figures should be determined with each Party as reporting problems have been identified in the database (Reeves and Fisher, 2005).

8. The CITES Trade Database also records the import by CITES Parties who are also Parties to CMS of 11 wild-caught belugas (*Delphinapterus leucas*) between 2010 and 2015: Kazakhstan (4), Pakistan (1), Ukraine (6). It further records the export of one wild-caught beluga from Pakistan and two from Uzbekistan. These are probably re-exports.

## B. Countries not Party to CMS

9. Captures and trade continue in a number of non-Parties.
10. Japan sets an annual quota for the killing and live capture in drive hunts of 1,820 individual dolphins of seven different species in the waters off the town of Taiji and has recently agreed to allow a further two species to be added to the list – melon-headed whales and rough-toothed dolphins (Palmer, 2017a).
11. During the 2016-17 drive hunt season, 232 dolphins were captured live, including 179 bottlenose, 32 Pantropical spotted, 20 Pacific white-sided dolphins and one short-finned pilot whale (Ceta Base 2017). Many others were released back into the ocean (and not counted against the quota, although it is likely that many of these died due to trauma and physiological stress (Palmer, 2017b)). Many of the live captured dolphins are exported overseas for display in zoos and aquaria.
12. Russia sets quotas for the live capture of belugas and orcas in its Far East waters for display in Russia and overseas. This includes 150 belugas in the North-West Okhotsk Sea where belugas are taken from the Sakhalin-Amur population, which is estimated to comprise just under 4,000 individuals (Shpak and Glazov, 2014). This population has recently been included in the US Marine Mammal Protection Act as a 'depleted' population, prohibiting imports into the US. In a recent example, in 2013, 81 beluga individuals were captured and transported to holding facilities in Russia prior to onward transfers to national and international aquaria. Thirty-four whales are believed to have died during capture, seven died at the holding facilities and three considered at risk of death were released (Shpak and Glazov, 2014).
13. The Russian government also sets an annual quota for the live capture of 10 orcas. Although three individuals from captures between 2012 and 2014 are held at a public display facility in Moscow, a further reported at least 16 are either already in China or thought to be destined for facilities there (Whale and Dolphin Conservation, 2017). Orca populations studied by the Far East Orca Project are similar in structure to those studied in the Pacific Northwest, in that they are small and vulnerable to live captures (Ivkovich et al., 2009).
14. The CITES Trade Database records the import by CITES Parties who are not Parties to CMS of 577 wild-caught bottlenose dolphins (*Tursiops truncatus* and *Tursiops aduncus*) between 2010 and 2015. By far the largest number of dolphins imported was by China, with 255 individuals imported, followed by the Dominican Republic (54), Republic of Korea (46) and the Russian Federation (46). The Database also records the import by CITES Parties who are not Parties to CMS of 209 wild-caught belugas (*Delphinapterus leucas*) between 2010 and 2015. Of these, 175 were imported by China. The Database further records the export (including re-export) by CITES Parties who are not Parties to CMS of 522 wild-caught bottlenose dolphins (*Tursiops truncatus*) between 2010 and 2015. Of these, 460 were exported by Japan. It also records the export of 217 wild-caught belugas

between 2010 and 2015. Of these, 211 were exported the Russian Federation.

### C. Conclusion

15. Implementation of legislation adhering to Resolution 11.22 by Parties to CMS supports international concern about the conservation and welfare impact of live captures of cetaceans from the wild for commercial purposes. CMS Parties interested in improving existing national legislation or developing new laws relating to the live capture of cetaceans from the wild for commercial purposes are encouraged to use the draft best practice guidelines developed by the Secretariat (see UNEP/CMS/COP12/Doc.24.2.4).

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**Annex**

**CATALOGUE OF RESPONSES TO CMS LIVE CAPTURES QUESTIONNAIRE**

<http://www.cms.int/en/document/annex-inf-doc-24-catalogue-responses-cms-live-captures-questionnaire>