



**CONVENTION ON  
MIGRATORY  
SPECIES**

UNEP/CMS/COP14/Doc.27.5.1/Rev.1

12 October 2023

Original: English

14<sup>th</sup> MEETING OF THE CONFERENCE OF THE PARTIES  
Samarkand, Uzbekistan, 12 - 17 February 2024  
Agenda Item 27.5

**CONSERVATION PRIORITIES FOR CETACEANS**

*(Prepared by the Secretariat and Scientific Council)*

Summary:

This document reports on progress to implement Decisions 13.80-13.85 and contains a draft Resolution and draft Decisions for adoption.

Following discussion at the 6th Meeting of the Sessional Committee of the Scientific Council, a correspondence group was set up to help refine the document further. Rev.1 reflects the changes agreed by this group.

## CONSERVATION PRIORITIES FOR CETACEANS

### Background

1. Resolution 10.15 (Rev.COP12) *Global Programme of Work for Cetaceans* drew together the many individual Resolution commitments negotiated over the previous years. Through a focus on different ocean regions, it was designed to assist Parties to better understand which Resolution commitments were most pressing in their respective regions while also providing greater clarity on National Reporting priorities. It pointed out key partners for collaborations in each sub-region, and formally established a working group under the Scientific Council that can draw on external expertise to supplement the expertise available within the Council. It detailed priorities across regions for the period 2012-2017 and 2017-2024.
2. A number of separate work streams under CMS have arisen from this Resolution, such as those addressing marine noise ([UNEP/CMS/COP14/Doc.27.2.2](#)), animal culture ([UNEP/CMS/COP14/Doc.30.5](#)), marine wildlife watching ([UNEP/CMS/COP14/Doc.27.3.1](#)), aquatic wild meat ([UNEP/CMS/COP14/Doc.30.1.2](#)) and live capture of cetaceans ([Resolution 11.22 \(Rev.COP12\)](#)).
3. COP13 adopted a number of Decisions relating to the *Global Programme of Work for Cetaceans*:

#### **13.80 Directed to the Parties**

*Parties are requested to:*

- a) *liaise with the Secretariat regarding the potential for the development of an Action Plan for the cetaceans in the Red Sea region;*
- b) *provide voluntary contributions to support the implementation of these Decisions.*

#### **13.81 Directed to the Aquatic Mammals Working Group of the Scientific Council**

*The Aquatic Mammals Working Group is requested, subject to the availability of resources, to:*

- a) *review the regional threats for the CMS-listed aquatic mammals not included in the Global Programme of Work (POW) for Cetaceans and undertake a revision of the POW leading up to the 14th meeting of the Conference of the Parties (COP14), including a review of the implementation of the POW to date, preparation of a gap analysis and identification of the priorities going forward;*
- b) *based on this assessment of threats and regional priorities, prepare work programmes for these other aquatic mammal species for consideration by the Scientific Council at its 5th or 6th meeting of the Sessional Committee;*
- c) *if applicable, provide advice on and input to the development of an Action Plan for cetaceans in the Red Sea region.*

#### **13.82 Directed to the Scientific Council**

*The Scientific Council is requested, subject to the availability of resources, to:*

- a) *review the assessments of regional threats and resulting work programmes developed by the Aquatic Mammals Working Group and provide recommendations to COP14;*
- b) *if applicable, review the draft Action Plan for the cetaceans in the Red Sea region and provide recommendations to COP15;*
- c) *promote work in collaboration with the International Whaling Commission (IWC) to address key gaps in knowledge and future research directions to support the implementation of the Action Plan and other conservation measures in the South Atlantic area.*

**13.83 Directed to the Secretariat**

*The Secretariat shall, subject to the availability of resources:*

- a) *consult Red Sea Range States to investigate the potential for the development of an Action Plan for the cetaceans in the Red Sea region;*
  - b) *organize a workshop of interested Parties, scientists and conservation organizations working in the Red Sea region to identify how best to take forward cetacean conservation there and, if so desired by Parties, to assist in the development of an Action Plan;*
  - c) *consult with suitable regional bodies including the Secretariat of the Regional Organization for the Conservation of the Environment in the Red Sea and the Gulf of Aden (PERSGA) to seek its support to take forward cetacean conservation in the Red Sea, as recommended by the above-mentioned workshop;*
  - d) *liaise with the IWC Secretariat with a view to co-hosting a workshop on the role of cetaceans in ecosystem functioning to review the existing data and research and identify opportunities to expand this work;*
  - e) *report on the outcomes of the workshop to the next meeting of the Sessional Committee of the Scientific Council.*
4. In addition, Decisions relating to Resolution 12.17 *Conservation and Management of Whales and their Habitats in the South Atlantic Region*, were renewed at COP13:

**13.84 Decision directed to the Secretariat**

*The Secretariat shall, in collaboration with Parties and relevant international organizations, subject to the availability of external resources:*

- a) *Support capacity-building activities related to cetacean conservation;*
- b) *Organize a regional workshop to improve capacity for the implementation of the Action Plan for the Protection and Conservation of South Atlantic Whales (Annex 1 to Resolution 12.17 Conservation and Management of Whales and their Habitats in the South Atlantic Region).*

**13.85 Decision directed to Parties**

*Parties are requested to report on progress in implementing the Action Plan for the Protection and Conservation of South Atlantic Whales (Annex 1 to Resolution 12.17 Conservation and Management of Whales and their Habitats in the South Atlantic Region), including monitoring and efficacy of measures taken, to the Conference of the Parties at each of its meetings.*

**Implementation of Activities relating to the Action Plan for Cetaceans in the Red Sea Region**

5. The launch of CMS Technical Series No. 33 'Cetaceans in the Red Sea' in 2017 identified concerns regarding the conservation status of cetaceans in the Red Sea, and led to the adoption of Decisions 13.80 a), 13.81 c), 13.82 b) and 13.83 a)-c).
6. In line with instructions in Decision 13.83 a), in December 2022, the Secretariat contacted Focal Points in all Red Sea riparian States, as well as the Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA), to gauge the interest of stakeholders in collaborating with CMS in developing an Action Plan for the cetaceans of the Red Sea region, and in organizing a workshop of interested Parties, scientists and conservation organizations working in the region to identify how best to take forward cetacean conservation. A number of focal points have expressed their interest in taking this action forward.
7. As a next step, funding sources in the region can be explored and mobilized for a workshop on an action plan for cetaceans for Range States of the Red Sea. It is recommended to renew Decision 13.83 to allow for organization of this regional workshop in 2024.

### Implementation of activities relating to aquatic mammals other than cetaceans

8. [UNEP/CMS/COP14/Doc.27.5.3](#) *Sirenians, Pinnipeds and Otters* addresses Decision 13.81 a) (in part) and b), as well as Decision 13.82 a).

### Implementation of activities relating to the Action Plan for the Protection and Conservation of South Atlantic Whales

9. With respect to Decision 13.82 c), the Secretariat continues to liaise closely with the IWC on this and related matters. A proposal for the establishment of a whale sanctuary in the South Atlantic was first discussed at IWC in 1998, and first evaluated in 2001. It has since been discussed by the Commission several times, most recently in 2022, but not yet adopted.
10. With respect to Decision 13.84, the Secretariat has not yet been able to organize a regional workshop to improve capacity for the implementation of the Action Plan, owing to a lack of resources.
11. In addition, and as also reported in [UNEP/CMS/COP14/Doc.27.4.1](#) *Important Marine Mammal Areas (IMMAs)*, the South West Atlantic Ocean IMMA Regional Workshop took place in Praia do Forte, Brazil, in December 2022, led by the former COP-appointed Councillor for Aquatic Mammals who is also the Co-Chair of the IUCN Marine Mammal Protected Areas Task Force. The workshop resulted in the identification of 36 new candidate Important Marine Mammal Areas, or cIMMAs. Participants included 31 scientists who are specialists in large whales, dolphins and porpoises, pinnipeds and sirenians from the region. The South-West Atlantic Ocean, which represents nearly a quarter of the Atlantic Ocean, features substantial populations of Southern Right Whales, Humpback Whales and other species of cetaceans that travel from the Antarctic. There are also species endemic to the region including the Commerson's, Franciscana and Guiana dolphins. The review of the candidate IMMAs resulting from the South-West Atlantic Ocean IMMA Workshop is still ongoing. A final report of the workshop will be publicly available in late 2023.

### Implementation of activities relating to the role of cetaceans in ecosystem functioning

12. Relating to Decision 13.83 d) and e), the Secretariat co-organized a virtual workshop with IWC on the role of cetaceans in ecosystem functioning<sup>1</sup> in April 2021. The workshop reviewed concepts on nutrient circulation, ocean fertilization, whale falls, and cetaceans as predators. It was agreed that often it is not a question of whether whales play a role in ecosystem functioning but rather what role they play, which is largely dependent on the scale being considered – whether local or global. The workshop identified three broad categories, under which a list of ecosystem functions that cetaceans provide was elaborated: 1) nutrient transfer and circulation; 2) feeding-related traits; and 3) provision of habitat, contribution to biodiversity, and blue carbon.<sup>2</sup> The workshop also identified knowledge gaps across the three subject areas and noted the need for more studies into the ecosystem functions of small cetaceans, especially their roles in linking offshore and inshore habitats. Therefore, a list of general questions, hypotheses and tasks were proposed, to be completed or considered for the second workshop. It was agreed that studying human-induced changes, including climate change, and their impact on cetaceans' ecosystem functioning, is important. The workshop report is available [here](#).

---

<sup>1</sup> Ecosystem function refers to the physical, chemical, and biological processes that transform and translocate energy or materials in an ecosystem. ([Report of the IWC-CMS Workshop on Cetacean Ecosystem Functioning \(2021\)](#), Annex D.)

<sup>2</sup> The carbon naturally captured, stored, and sequestered in coastal and marine ecosystems. ([Report of the IWC-CMS Workshop on Cetacean Ecosystem Functioning \(2021\)](#), Annex D.)

13. The second joint workshop on the role of cetaceans in ecosystem functioning will be hosted by CMS in Bonn, Germany, in November 2023. It will focus on the quantification of spatial difference in ecosystem functioning of cetaceans, looking at links with environments and regional ecosystem characteristics (i.e., historical trends in different places); and quantification of temporal changes in ecosystem functioning of cetaceans, with a focus on the difference between pre-whaling and current populations, and identification of information and knowledge.
14. Another IWC workshop on the socio-economic values of the contribution of cetaceans to ecosystem functioning was held online in April 2022. This workshop included a review of market and non-market valuation techniques and considered cetaceans in relation to traits of other marine megafauna. Participants also learned about frameworks to understand the social and economic values of the contribution of cetaceans to ecosystem functioning. The workshop proposed, in the short-term, the development of a pilot project to assess the socio-economic values of a single species to simplify the number of services to be valued. The workshop report is available [here](#).
15. Based on the above, it is proposed that CMS continues its collaboration with IWC on the role of cetaceans in ecosystem functioning.

#### Implementation of activities relating to the Programme of Work (POW) for Cetaceans

16. Decision 13.81 a) requests the Aquatic Mammals Working Group (AMWG) to undertake a review of the implementation of the Cetacean POW to date, prepare a gap analysis and identify priorities to be addressed, to inform a revision of the Cetacean POW. The Scientific Council in Decision 13.82 a) was requested to review the outputs of the AMWG and to make recommendations to COP14.
17. In order to facilitate the task assigned to the AMWG, which is a group composed largely of external experts volunteering their time, the Secretariat contracted CMS partner organization, OceanCare, to develop the requested review, gap analysis and recommendations, in partnership with relevant COP-appointed Councillors. The identification of priorities for cetacean conservation, in general and by sub-region, was based on extensive consultations with experts from across the globe. The resulting review, which was made available to the AMWG for comment, and subsequently substantially revised, can be found in [UNEP/CMS/COP14/Inf.27.5.1a](#) *A Review to Support the Development of a Second CMS Cetacean Programme of Work (2024-2035)*.
18. The review contains chapters summarizing the following threats: intersections with fisheries (entanglement, bycatch and prey depletion); hunting; climate change; pollution (marine debris, chemical and noise); vessel strikes; live captures; disturbance and harassment; disease; 'out of habitat' cetaceans and climate migrants; deep-sea mining; and habitat degradation.
19. Each subsection includes a brief summary of relevant operative paragraphs of each related Resolution in force, referencing the existing commitments of Parties. Recommendations from scientific experts follow. Where feasible, these have been incorporated in the draft Resolution and draft Decisions contained in this document. The review goes on to identify key resources for Parties and others, including CMS documents, relevant IMMAs, and a recent selection of published materials.
20. The review also contains details about each of the related Resolutions in its [Annex 1](#), as well as a prioritized list of threats for each large ocean region with an accompanying species list in its [Annex 2](#).

21. Recommendations for Range States of specific species identified in the review have been reproduced in Annex 1 of this document for ease of access by the Parties concerned.
22. Based on the information contained in the review, the Secretariat has prepared a draft Resolution (Annex 2 of this document) and draft Decisions (Annex 3 of this document). It should be noted that the majority of the recommended actions relate to commitments already made as contained in adopted Resolutions.
23. The review contained far more potential activities for the Scientific Council than can realistically be addressed in one triennium. Accordingly, it is proposed that the Scientific Council revisits the review to see which actions should be brought to the attention of future COPs for the following triennia. To assist in this, the Secretariat has compiled a list of future potential decisions in [UNEP/CMS/COP14/Inf.27.5.1b](#) *Compilation of Recommendations that could be Directed to the Scientific Council at COP14 and Future COPs*.
24. Furthermore, recommendations relating to topics covered in other documents have been included in these documents, as far as feasible. This is the case for [UNEP/CMS/COP14/Doc.27.2.2](#) *Marine Noise*, [UNEP/CMS/COP14/Doc.27.2.3](#) *Vessel Strikes*, [UNEP/CMS/COP14/Doc.27.3.1](#) *Recreational In-Water Interactions*, and [UNEP/CMS/COP14/Doc.27.2.4](#) *Deep-Sea Mining*.
25. Several of the recommendations in the [review](#) relate to animal welfare science, a rapidly evolving scientific discipline prompting a change in the way welfare is considered in a conservation context. Animal welfare science makes the link between the traditional focus of conservation strategies on population-level effects and the fact that populations comprise animals whose conservation potential is first influenced by the welfare of individuals within the population. The growing understanding of how animal welfare science aids conservation and how animal welfare and conservation principles are intrinsically linked is the reason why a more general consideration of this topic by the Scientific Council, in addition to the specific recommendations made in the draft Decisions, is recommended below.

#### Discussion and analysis

26. Given the highly concerning conservation status of many species and populations of cetaceans, as demonstrated clearly in the [review](#), there remains a clear need for a focus on the conservation actions required for this taxonomic group. The draft Resolution and draft Decisions contained in this document seek to provide that focus.
27. Given the diverse scope of the Decisions adopted at COP13 on the subject of cetaceans, separate sets of draft Decisions have been prepared for each group, including ecosystem functioning and two regional cetacean-related initiatives: the potential Action Plan for Cetaceans in the Red Sea Region and the Action Plan for the Protection and Conservation of South Atlantic Whales.

Recommended actions

28. The Conference of the Parties is recommended to:

- a) note the reports and recommendations contained in [UNEP/CMS/COP14/Inf.27.5.1a](#) and [UNEP/CMS/COP14/Inf.27.5.1b](#);
- b) note the conservation recommendations for Range States of specific cetacean species outlined in Annex 1 of this document;
- c) adopt the draft Resolution contained in Annex 2 of this document;
- d) adopt the draft Decisions as contained in Annex 3 of this document;
- e) delete Decisions 13.80-13.85;
- f) repeal Resolution 10.15 (Rev.COP12) *Global Programme of Work for Cetaceans*.

## CONSERVATION RECOMMENDATIONS FOR RANGE STATES OF SPECIFIC CETACEAN SPECIES

(Extracted with some amendments from [UNEP/CMS/COP14/Inf.27.5.1a](#))

The following actions are recommended based on the particular vulnerability of the species to the threat listed, or the severity of the impact on populations. It includes both CMS-listed and non-listed species, and is intended purely for the information of Parties that are range states to these species or populations.

### Intersections with Fisheries: Entanglement, Bycatch and Prey Depletion

1. Range States for the following species should prioritize bycatch mitigation:
  - a) Atlantic humpback dolphin (*Sousa teuszii*, App I and II) throughout its range, but especially in the Gulf of Guinea;
  - b) Harbour porpoise (*Phocoena phocoena*, App II, including the distinctive Baltic Sea and Iberian populations), common dolphin (*Delphinus delphis*, App I and II) and bottlenose dolphin (*Tursiops truncatus*, App II), striped dolphin (*Stenella coeruleoalba*, App II) and sperm whale (*Physeter macrocephalus*, App I) in European and surrounding waters;
  - c) Commerson's dolphin (*Cephalorhynchus commersonii*, App II), Franciscana dolphin (*Pontoporia blainvillei*, App I and II) in the Western South Atlantic;
  - d) Bottlenose dolphin (*Tursiops truncatus*, App II), and Atlantic spotted dolphin (*Stenella frontalis*, not listed) in the Gulf of Mexico;
  - e) Burmeister's porpoise (*Phocoena spinipinnis*, App II) in the Eastern South Pacific;
  - f) Irrawaddy dolphin (*Orcaella brevirostris*, App I and II) throughout East and Southeast Asia, as well as spinner dolphin (*Stenella longirostris*, App II) and Fraser's dolphin (*Lagenodelphis hosei*, App II) in the Philippines, Yangtze River finless porpoise (*Neophocaena asiaeorientalis*, App II) in the Yangtze River and the Taiwanese humpback dolphin (*Sousa chinensis taiwanensis*, App II);
  - g) Indo-Pacific humpback dolphin (*Sousa chinensis*, App II), Indian Ocean humpback dolphin (*Sousa plumbea*, included in App. II listing of *S. chinensis*), and Indo-Pacific bottlenose dolphin (*Tursiops aduncus*, App II) in the Indian Ocean and South China Sea and Risso's dolphin (*Grampus griseus*, App II) in the northwest Indian Ocean.
2. Range States for the following species should prioritize entanglement mitigation:
  - a) humpback whale (*Megaptera novaeangliae*, App I), North Atlantic right whale (*Eubalaena glacialis*, App I), and minke whales (*Balaenoptera acutorostrata*, not listed) in the North Atlantic, North Pacific, and Arabian Sea.

## Climate Change

3. Range States for the following species should develop adaptive conservation efforts for:
  - a) Antarctic populations of blue whales (*Balaenoptera musculus*, App I), southern right whales (*Eubalaena australis*, App I), Atlantic/Indian Ocean fin (*Balaenoptera physalus*, App I and II), and humpback whales (*Megaptera novaeangliae*, App I);
  - b) Bowhead whales (*Balaena mysticetus*, App I), belugas (*Delphinapterus leucas*, App II), and narwhals (*Monodon monoceros*, App II) in the Arctic;
  - c) Subarctic humpback whales (*Megaptera novaeangliae*, App I), fin whales (*Balaenoptera physalus*, App I and II) and common minke whales (*Balaenoptera acutorostrata*, not listed), northern hemisphere sperm whales (*Physeter macrocephalus*, App I and II) and orca (*Orcinus orca*, App I), including other baleen whale species that are migrating earlier and extending their stay in the higher latitudes;
  - d) Mid-latitude striped dolphins (*Stenella coeruleoalba*, App II), common dolphins (*Delphinus delphis*, App I and II), Cuvier's beaked whales (*Ziphius cavirostris*, App I), white-beaked dolphins (*Lagenorhynchus albirostris*, App II), harbour porpoises (*Phocoena phocoena*, App II), northern bottlenose whales (*Hyperoodon ampullatus*, App II), Pacific white-sided dolphins (*Lagenorhynchus obliquidens*).

DRAFT RESOLUTION

**CONSERVATION PRIORITIES FOR CETACEANS**

*Recalling* Article 2, paragraph 1 of the Convention, where “Parties acknowledge the importance of migratory species being conserved”, and *acknowledging* that migratory cetacean species face multiple and cumulative threats with possible effects over vast areas,

*Recalling* Resolution 10.15 (Rev.COP12) *Global Programme of Work for Cetaceans*,

*Acknowledging* other related CMS Resolutions including Resolution 07.02 (Rev.COP12) *Impact Assessment and Migratory Species*, Resolution 07.03 (Rev.COP12) *Oil Pollution and Migratory Species*, Resolution 09.09 (Rev.COP12) *Marine Migratory Species*, Resolution 11.10 (Rev.COP13) *Synergies and Partnerships*, Resolution 11.22 (Rev.COP12) *Live Capture of Cetaceans from the Wild for Commercial Purposes*, Resolution 11.23 (Rev.COP12) *Conservation Implications of Animal Culture and Social Complexity*, Resolution 11.27 (Rev.COP13) *Renewable Energy and Migratory Species*, Resolution 11.28 *Future CMS Activities related to Invasive Alien Species*, Resolution 11.29 (Rev.COP12) *Sustainable Boat-based Marine Wildlife Watching*, Resolution 12.07 (Rev.COP13) *The Role of Ecological Networks in the Conservation of Migratory Species*, Resolution 12.13 *Important Marine Mammal Areas (IMMAs)*, Resolution 12.14 *Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species*, Resolution 12.15 *Aquatic Wild Meat*, Resolution 12.16 *Recreational In-Water Interaction with Aquatic Mammals*, Resolution 12.17 *Conservation and Management of Whales and their Habitats in the South Atlantic Region*, Resolution 12.20 *Management of Marine Debris*, Resolution 12.21 *Climate Change and Migratory Species*, Resolution 12.22 *Bycatch*, Resolution 12.23 *Sustainable Tourism and Migratory Species*, Resolution 12.24 *Promoting Marine Protected Area Networks in the ASEAN Region*, Resolution 12.25 *Promoting Conservation of Critical Intertidal and Other Coastal Habitats for Migratory Species*, Resolution 12.26 (Rev.COP13) *Improving Ways of Addressing Connectivity in the Conservation of Migratory Species*, and Resolution 13.5 *Light Pollution Guidelines for Wildlife*,

*Responding* to widespread concerns that cetaceans, a large and diverse taxonomic group of over 90 species with many discrete populations that can be found in all the world’s oceans and seas and some large river-systems, and which have a crucial role in marine ecosystems and in the mitigation of climate change, are affected by ever-growing and diverse threats, including increasing human-induced impacts,

*Recalling* that over 50 cetacean species are currently listed on the CMS Appendices,

*Recognizing* the value of the knowledge and expertise within the wider CMS Family, especially related to the close collaboration of the CMS with its specialized cetacean-related regional Agreements ACCOBAMS<sup>3</sup> and ASCOBANS<sup>4</sup>, the Memorandum of Understanding concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia, the Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region, and related workstreams, in order to generate the best possible advice and guidance for conservation actions on a global and regional scale, as appropriate,

---

<sup>3</sup> Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area

<sup>4</sup> Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas

*Aware* that many multilateral environmental agreements deal with matters directly or indirectly affecting cetacean conservation and that close collaboration with these MEAs is crucial in order to achieve the desired conservation status for cetaceans,

*Recognizing* the support of partner organizations OceanCare and Whale and Dolphin Conservation in the implementation of the mandates related to reviewing and updating the Convention's work programme on cetaceans,

*Noting* the lack of data on the distribution, migration patterns and conservation status of some populations of cetaceans,

*Noting* the review of the implementation of the Global Programme of Work 2012-2024 and the analysis of the most important threats to cetaceans, along with recommendations, presented in UNEP/CMS/COP14/Inf.27.5.1a,

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

1. *Notes* the recommendations for Parties outlined in UNEP/CMS/COP14/Inf.27.5.1a, and *encourages* Parties that exercise jurisdiction over any part of the range of CMS-listed cetacean species, or over flag vessels that are engaged outside national jurisdictional limits, to consider the recommendations made and address the identified threats;
2. *Calls on* Parties and non-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;
3. *Encourages* Parties and *invites* Parties to cetacean-related Agreements, Signatories to cetacean-related Memoranda of Understanding, partner organizations and the private sector to facilitate the implementation of priority actions for cetaceans with voluntary contributions and in-kind support;
4. *Urges* Parties to:
  - a) Reduce fisheries-related threats such as bycatch, entanglement and prey depletion, in line with the provisions of Resolution 12.22 *Bycatch*, with specific attention to working through Regional Fisheries Management Organizations (RFMOs) and other relevant organizations, developing and using more selective fishing gears, and making efforts to combat illegal, unreported and unregulated (IUU) fishing;
  - b) Reduce takes of cetaceans as aquatic wild meat, in line with, and building on the provisions of Resolution 12.15 *Aquatic Wild Meat* and Resolution 14.[ ] *Action Plan to Address Aquatic Wild Meat Harvests in West Africa*, with specific attention to conducting regular reviews of the direct takes of all Appendix II-listed cetaceans, overlaid with the other threats faced by these species, assessing measures for reducing the takes to ensure the survival of populations, including potential listing on Appendix I, and implementing measures to cease the hunting of all Appendix I-listed cetaceans in line with provisions of CMS Art. III;
  - c) Highlight the positive role of cetaceans in climate change and biodiversity loss mitigation in their conservation strategies, including by encouraging appropriate research as suggested in the report of the 2021 IWC-CMS Workshop on Cetacean Ecosystem Functioning (SC/68C/REP/03);

- d) Reduce the threat posed by marine debris, in line with and building on the provisions of Resolution 12.20 *Management of Marine Debris*, with specific attention to preventing dumping and gear loss and promoting full recovery of fishing gear, fish aggregating devices (FADs), and other debris from all fisheries activities in an environmentally sound manner, removal of marine debris utilising Best Available Techniques (BAT) and Best Environmental Practice (BEP), applying the Voluntary Guidelines for the Marking of Fishing Gear developed by FAO; and developing, implementing and updating national action plans to prevent, reduce and eliminate plastic pollution, and support regional and international cooperation;
- e) Include the impact of chemical pollution on cetacean health in risk analyses and impact assessments, recognizing the cumulative and synergistic effects of multiple stressors, in line with and building on the provisions of Resolution 07.02 (Rev.COP12) [(Rev.COP14)] *Impact Assessment and Migratory Species* and Resolution 07.03 (Rev.COP12) *Oil Pollution and Migratory Species*;
- f) Effectively mitigate marine noise impacts, in line with the provisions of Resolution 12.14 *Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species*, with specific attention to applying the *CMS Family Guidelines on Environmental Impact Assessment for Marine Noise Generating Activities* (Annex 1 to Resolution 12.14) for all marine noise-generating activities, in particular within important habitat areas such as MPAs and IMMAs, and avoiding or minimizing the introduction of potentially harmful impulsive noise within these areas, including noise-related considerations in marine spatial planning procedures, applying BAT and BEP, and promoting the application of vessel speed reductions within the International Maritime Organization (IMO) as an operational measure;
- g) Reduce the threat posed by vessel strikes [in line with the provisions of Resolution 14.[ ] *Vessel Strikes*], with specific attention to reviewing and implementing, where appropriate, speed reductions as a mitigation measure in areas of co-occurrence of whales and shipping, and promoting solutions through the IMO through the modification of shipping lanes and/or the adoption of speed limits, where warranted, supporting the declaration of Particularly Sensitive Sea Areas (PSSAs) in areas of special importance for cetaceans, and encouraging the shipping sector to adopt voluntary measures strikes;
- h) Develop and implement national legislation, as appropriate, prohibiting the live capture of cetaceans from the wild for commercial purposes, and 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, in line with the provisions of Resolution 11.22 (Rev.COP12) *Live Capture of Cetaceans from the Wild for Commercial Purposes*;
- i) Reduce disturbance and harassment from tourist or recreational activities, in line with the provisions of Resolution 11.29 (Rev.COP12) *Sustainable Boat-based Marine Wildlife Watching*, Resolution 12.16 [Rev.COP14] *Recreational In-Water Interaction with Aquatic [Wildlife]* and Resolution 12.23 *Sustainable Tourism and Migratory Species*, as well as the joint IWC-CMS Online Whale Watching Handbook, with specific attention to controlling the size of the boat-based wildlife watching fleet and regulating all boat-based and in-water activities that interact with cetaceans, to ensure that these activities do not have negative effects on the long-term health and survival of populations and habitats and have minimal impact on the behaviour of the exposed animals;

- j) Increase understanding of the impact of disease by preparing for and investigating mortality events in cetacean populations, and supporting functional and fully funded stranding networks to respond to stranding events and obtain standardized and harmonized data which can be used for conservation purposes;
  - k) Apply the precautionary principle with respect to deep-sea mining by prioritizing research to investigate impacts of deep-sea mining and pausing the transition to exploitation [, in line with the provisions of Resolution 14.[ ] *Deep-Sea Mining*];
5. *Further urges Parties to:*
- a) Establish processes for involvement of indigenous peoples and local communities (IPLCs) with cetacean-related activities and decisions, as well as within national jurisdictions, as and where appropriate, in line with the provisions of Resolution 11.10 (Rev.COP13) *Synergies and Partnerships*;
  - b) Protect and restore habitats required by CMS-listed cetaceans throughout their life cycles and migratory ranges;
  - c) Utilise the IMMAs database as a key resource for considering the protection of habitats of critical importance for CMS-listed cetaceans, in line with and building on the provisions of Resolution 12.13 *Important Marine Mammal Areas (IMMAs)*;
  - d) When identifying areas of importance to cetaceans, take into account the relationship between those areas and other areas which may be ecologically linked to them, for example as connecting corridors, or as breeding areas related to non-breeding areas, stopover sites, feeding and resting places, in line with the provisions of Resolution 12.07 (Rev.COP13) *The Role of Ecological Networks in the Conservation of Migratory Species*;
  - e) Use information on the growing understanding of the conservation implications of animal culture and social complexity in an effort to augment existing conservation efforts using insights on aspects of sociality, in line with the provisions of Resolution 11.23 (Rev.COP12) *Conservation Implications of Animal Culture and Social Complexity*;
6. *Requests* the Scientific Council and the Secretariat to continue and increase collaborative efforts with other relevant international fora, including the International Whaling Commission and its Scientific and Conservation Committees and the IUCN Species Survival Commission Cetacean Specialist Group, with a view to avoiding duplication, increasing synergies and raising the profile of CMS and its cetacean-related agreements in these fora;
7. *Requests* the Scientific Council to continue supporting its Aquatic Mammals Working Group chaired by the COP-appointed Councillor for Aquatic Mammals, and *encourages* participation of other Scientific Councillors, representatives of the scientific or advisory bodies of other CMS aquatic mammal agreements, and other relevant experts;
8. *Repeals* Resolution 10.15 (Rev.COP12) *Global Programme of Work for Cetaceans*.

DRAFT DECISIONS

**CONSERVATION PRIORITIES FOR CETACEANS**

***Directed to Parties***

14.AA Parties are requested to:

- a) Review the regional priorities for cetacean conservation identified in Annex 2 of UNEP/CMS/COP14/Inf.27.5.1a for their region as well as the detailed recommendations outlined for each of the priority threats in Resolution 14.[ ] *Conservation Priorities for Cetaceans* and address those of highest urgency, where appropriate coordinating with other countries of the region;
- b) Report on progress through their National Reports;
- c) Where possible, provide technical and capacity-building support to other Parties as required to facilitate knowledge sharing and effective collaboration.

14.BB Parties are encouraged to:

- a) Engage in the negotiation process to develop an international legally-binding instrument to end plastic pollution
- b) Support the implementation of the international legally-binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, in particular the development of robust, modern and uniform Environmental Impact Assessment for all activities with potential impacts on cetaceans in areas within and beyond national jurisdictions;
- c) Include cetaceans within their respective National Biodiversity Strategies and Action Plans and ensure that the goals and targets of the Kunming-Montreal Global Biodiversity Framework are applied in such a way that positively aligns with the conservation priorities for cetaceans.

***Directed to intergovernmental and non-governmental organizations***

14.CC Intergovernmental and non-governmental organizations are encouraged to support Parties with mitigation of priority threats identified for their region in Annex 2 of UNEP/CMS/COP14/Inf.27.5.1a, including through provision of technical support and expertise.

***Directed to the Scientific Council***

14.DD The Scientific Council, subject to the availability of external resources and where applicable with support from the Aquatic Mammals Working Group, is requested to:

- a) In cooperation with the IWC, quantify the contemporary whaling and aquatic wild meat takes of all CMS Appendix I-listed cetaceans in all regions, and make recommendations to Parties;

- b) In the context of threats from climate change, develop a report on the potential impacts that climate-induced migration will have on both the welfare and the conservation outcomes of affected cetacean species, and make recommendations to Parties;
- c) Recommend the use of standard stranding and necropsy protocols, taking into account work done by ACCOBAMS, ASCOBANS and the IWC, in order to help investigate the causes of mortality events;
- d) Develop a report about the monitoring, welfare and conservation of 'Out of Habitat' CMS-listed cetaceans, provide advice on appropriate responses to them, and make recommendations to Parties;
- e) Synthesize research on the emerging understanding of how cetacean welfare can impact conservation outcomes, and make recommendations to Parties;
- f) Review the recommendations for potential future action by the Scientific Council as contained in UNEP/CMS/COP14/Inf.27.5.1b and make recommendations to the 15<sup>th</sup> meeting of the Conference of the Parties on priority actions to progress in the following intersessional period.

***Directed to the Secretariat***

- 14.EE The Secretariat, subject to the availability of external resources, shall support the Scientific Council in the development of the reports and recommendations requested in Decision 14.CC.

**ROLE OF CETACEANS IN ECOSYSTEM FUNCTIONING**

***Directed to the Scientific Council***

- 14.FF The Scientific Council is requested to, through the Aquatic Mammals Working Group, provide advice and input with regards to expanding the work on the role of cetaceans in ecosystem functioning in close collaboration with the IWC.

***Directed to the Secretariat***

- 14.GG The Secretariat shall:

- a) Continue to liaise with the IWC Secretariat regarding work on the role of cetaceans in ecosystem functioning;
- b) Report on the outcomes of the second joint IWC-CMS workshop on cetacean ecosystem functioning to the next meeting of the Sessional Committee of the Scientific Council.

## **ACTION PLAN FOR CETACEANS IN THE RED SEA REGION**

### ***Directed to Parties***

14.HH Parties are requested to work with the Secretariat on the development of an Action Plan for cetaceans in the Red Sea region, and support the organization of a regional workshop.

### ***Directed to the Scientific Council***

14.II The Scientific Council, with support from the Aquatic Mammal Working Group, is requested to:

- a) Provide advice on and input to the development of an Action Plan for cetaceans in the Red Sea region;
- b) Review the final draft Action Plan at the last meeting of the Sessional Committee before COP15 and make recommendations to Parties.

### ***Directed to the Secretariat***

14.JJ The Secretariat shall, subject to the availability of external resources:

- a) Organize a workshop of interested Parties, scientists and conservation organizations working in the Red Sea region to identify how best to take forward cetacean conservation there and assist in the development of an Action Plan;
- b) Consult with relevant regional and technical bodies such as the Secretariat of the Regional Organization for the Conservation of the Environment in the Red Sea and the Gulf of Aden (PERSGA) and the IUCN Species Survival Commission Cetacean Specialist Group to seek their support to take forward cetacean conservation in the Red Sea, as recommended by the above-mentioned workshop;
- c) Present the draft Action Plan to the last meeting of the Sessional Committee of the Scientific Council for review before COP15.

## **ACTION PLAN FOR THE PROTECTION AND CONSERVATION OF SOUTH ATLANTIC WHALES**

### ***Directed to Parties***

14.KK Parties are requested to report through their National Reports on progress in implementing the Action Plan for the Protection and Conservation of South Atlantic Whales (Annex 1 to Resolution 12.17 *Conservation and Management of Whales and their Habitats in the South Atlantic Region*), including monitoring and efficacy of measures taken, to the Conference of the Parties at its 15<sup>th</sup> meetings.

***Directed to the Secretariat***

14.LL The Secretariat shall, subject to the availability of external resources:

- a) Organize a regional workshop to improve capacity for the implementation of the Action Plan for the Protection and Conservation of South Atlantic Whales (Annex 1 to Resolution 12.17 *Conservation and Management of Whales and their Habitats in the South Atlantic Region*);
- b) Continue to collaborate with the IWC on the implementation of the Action Plan for the Protection and Conservation of South Atlantic Whales.