



CONVENTION ON MIGRATORY SPECIES

UNEP/CMS/Resolution 14.9

Original: English

CONSERVATION PRIORITIES FOR CETACEANS

Adopted by the Conference of the Parties at its 14th Meeting (Samarkand, February 2024)

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.COP14) *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.COP14) *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 12.13 *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 (Rev.COP14) *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 (Rev.COP14) *Climate Change and Migratory Species*, Resolution 12.22 *Bycatch*, Resolution 12.23 (Rev.COP14) *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 13.5 (Rev.COP14) *Light Pollution Guidelines for Wildlife*, and Resolution 14.16 *Ecological Connectivity*,

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 ACCOBAMS¹ and ASCOBANS², 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

¹ Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area

² Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas

advice and guidance for conservation actions on a global and regional scale, as appropriate,

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 14.15 *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.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 14.5 *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 (Rev.COP14) *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 14.6 *Deep-Seabed Mineral Exploitation Activities and Migratory Species*;

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.COP14) *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 14.16 *Ecological Connectivity*;
- 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; and

8. *Repeals* Resolution 10.15 (Rev.COP12) *Global Programme of Work for Cetaceans*.