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|  | CONVENTION ONMIGRATORYSPECIES | UNEP/CMS/COP12/CRP10/Rev.1  26 October 2017 |

**RECREATIONAL IN-WATER INTERACTION WITH AQUATIC MAMMALS**

(UNEP/CMS/COP12/Doc.24.2.5)

*(Prepared by the Aquatic Working Group)*

DRAFT RESOLUTION

*Concerned* that recreational in-water interaction with aquatic mammals is a fast-growing tourism and recreational activity that may cause disturbance to aquatic mammals in many different situations and habitats, with potentially serious conservation consequences,

*Noting* that many of the aquatic mammal species affected by in-water interactions are listed on the CMS Appendices, and that impacts on species of other taxonomic groups listed on the Appendices are also concerned,

*Conscious* that a large number of aquatic mammal species are sensitive to the disturbances caused by in-water interactions, and that in addition they carry a risk of direct physical impacts, that can lead to injuries and even death,

*Concerned* that in-water interactions with aquatic mammals put not only the animals at risk, but can also compromise the safety of human participants,

*Aware* that the global growth of the in-water interaction phenomenon has outpaced the advancement of relevant science and the provision of timely and site-specific impact assessments to inform management,

*Concerned* that in many cases effects may only be detected once they have already reached biologically significant levels, hence providing information to decision-makers when impacts are already occurring,

Recognizing the work carried out on whale watching by the IWC;

*Recognizing* that CMS can contribute to regulation and sustainable management of the in-water interaction phenomenon,

*The Conference of the Parties to the*

*Convention on the Conservation of Migratory Species of Wild Animals*

1. *Urges* Parties in whose areas of jurisdiction recreational in-water interactions with aquatic mammals take place, to adopt appropriate measures, such as national guidelines, codes of conduct, and if necessary, national legislation, binding regulations or other regulatory tools, to promote to address the consequences of, and carefully regulate, all such activities;
2. *Encourages* Parties to ensure that these activities do not have negative effects on the long-term survival of populations and habitats and have minimal impact on the behaviour of the exposed animals;
3. *Recommends* that, insofar as they are applicable, measures adopted by the Parties also cover opportunistic in-water encounters with aquatic mammals;
4. *Also recommends* that when vessel-based and in-water activities occur concurrently, measures adopted by the Parties ensure the safety of marine wildlife and human participants;
5. *Encourages* Parties to facilitate research allowing an assessment of the long-term effects and biological significance of disturbances, noting that this requires information on the biology, behaviour and ecology of the species, adequate historical data, and suitable modelling techniques that use behavioural observation collected over shorter time frames to predict potential long-term effects on populations, and use these predictions to inform management decisions; and
6. *Strongly encourages* Parties to review any measures periodically to enable any impacts detected through research and monitoring of the populations to be taken into account as necessary.

DRAFT DECISIONS

***Directed to the Parties***

12.AA Parties are requested to:

1. provide the Secretariat with copies of the relevant documents for any measures as described in paragraph 1 of Resolution 12.[XX] they have adopted regarding recreational in-water interactions with aquatic mammals or other CMS-listed species.

***Directed to the Scientific Council***

12.BB The Scientific Council should:

1. consider combining work streams related to recreational in-water interactions and boat-based wildlife watching in the coming intersessional period, ensuring all CMS-listed species that are the target of swim- or dive-with activities are covered by any guidelines to be developed;
2. review, subject to availability of resources, existing guidelines, good practice and underpinning scientific evidence of the issues of concern, and based on this review develop guidelines on recreational in-water interactions with CMS-listed species;
3. consult the IWC during the preparation of the guidelines and other documents;
4. report to the Standing Committee at its 48th and 49th meetings on the progress in implementing this decision;
5. present the guidelines and recommended code of conduct for operators concerning recreational in-water interaction to the Thirteenth Meeting of the Conference of the Parties for formal consideration;
6. consider, in the light of CMS Technical Series No. 33 Cetaceans of the Red Sea, launched at COP12, how best to take forward the conservation of cetaceans in the Red Sea region, taking into account all relevant threats, and report back on this to the Thirteenth Meeting of the Conference of the Parties.

***Directed to the Secretariat***

12.CC The Secretariat should:

1. transmit to the Scientific Council any documents on national measures adopted regarding recreational in-water interactions with aquatic mammals or other CMS-listed species submitted by Parties;
2. support the Scientific Council in the development of the guidelines on recreational in-water interactions.