



Briefing on the IWC's Conservation Committee

1 June 2005

Taking the IWC Conservation Committee forward

At its 55th Annual Meeting in 2003, the International Whaling Commission voted to establish a Conservation Committee. The adoption of Resolution 2003-1, the "Berlin Initiative on Strengthening the Conservation Agenda of the International Whaling Commission", was strongly supported by IFAW and other NGOs. The establishment of the Conservation Committee is fully consistent with the first objective of the International Convention for the Regulation of Whaling, namely "the interest of the nations of the world in safeguarding for future generations the great natural resources represented by whale stocks", as well as with the overwhelming part of the work devoted by the Commission to that objective during the previous 25 years.

The Initiative was aimed at organizing, rationalizing and supporting the work of the Commission in the pursuit of its objective by devising an appropriate agenda to place special emphasis on its benefits for conservation ("the Conservation Agenda").

Specifically, Resolution 2003-1 adopted by IWC 55 charged the Conservation Committee with:

- (1) the preparation and recommendation to the Commission of its future Conservation Agenda;
- (2) the implementation of those items in the Agenda that the Commission may refer to it; and
- (3) making recommendations to the Commission in order to maintain and update the Conservation Agenda on a continuing basis

The Resolution further specified that the Committee meet before the 2004 Annual Meeting to organize its work and prepare a draft Conservation Agenda for consideration by the Commission for adoption. The Committee did make tentative steps towards the development of a Conservation Agenda at its first meeting, identifying six items of common interest. There was further progress with discussions on the further Terms of Reference for the Committee and relationships with other bodies within the Commission and with other organisations. The Committee also recorded the desire to move forward through an open and inclusive process. Any decision on further work required to clarify the work of the new Committee rests with the Commission as a whole or its Chair. The report of the Committee was adopted by consensus in plenary at IWC56.

Below, we the undersigned conservation organisations make recommendations about the nature of the Committee and its operation. Following the initial discussions at IWC56 there are still several key areas needing clarification and agreement.

This briefing is offered in support of:

- the ongoing operation of the Conservation Committee under Resolution 2003-1, and
- any intersessional work undertaken to take forward discussion on the Terms and Reference and Conservation Agenda.

Terms of Reference

Differing views were expressed on the ways to move forward with Resolution 2003-1, the definition of 'conservation' and further Terms of Reference for the Committee. These disagreements slowed progress in agreeing a list of priorities issues for the Committee to begin working on. Whilst we hope that Contracting Government's will participate fully in any intersessional discussions on the Terms of Reference etc, these should not be used as a reason to halt progress towards the development of and work under the conservation agenda.

The Committee already has Terms of Reference to guide such work. The consensus report of the Committee recognises Resolution 2003-1 as a legal fact and the basis for the Conservation Committee's operation until such time as it might be modified. This includes the Terms of Reference for the Committee as established by Resolution 2003-1 (listed above).

Conservation Agenda

The report of the first meeting of the Committee notes six key themes to be addressed on the agenda of future meetings and eight items currently being addressed by the Scientific Committee that should be of interest to the Conservation Committee. However, these were not unanimously endorsed and further development is needed.

In light of this, in the Annex to this briefing we make initial suggestions for regular items on the Conservation Agenda. They do not exhaustively cover the threats facing cetaceans but are considered to be areas where the Committee could usefully make progress in the short term. We call for these topics to be discussed and the IWC to agree a Conservation Agenda so that work on the substance of the topics can begin.

The Conservation Agenda will need to be updated and extended over time. It is neither necessary nor feasible to develop an exhaustive agenda at the outset. A reasonable first step is to establish some standing agenda items under which the Committee can develop its programmes of work. New items can be added over time.

Relationship with the Scientific Committee

The Conservation Committee should try to complement rather than duplicate the work of Scientific Committee. The principal task of the Scientific Committee is to encourage, recommend and review scientific investigations of cetaceans and their environment. The Scientific Committee might therefore be expected to identify conservation problems and assess their severity, and to advise the Conservation Committee what conservation actions and/or additional information are required. The task of the Conservation Committee is to prepare and recommend to the Commission a Conservation Agenda, which will need to include ways to make these actions happen, or to ensure that the required additional data are actually collected.

The interrelationship between these Committees was clarified at IWC56. We recommend that, as a next step, the Conservation Committee itself be an agenda item at the next Scientific Committee meeting—in order to identify conservation issues, assess their severity, and recommend appropriate agenda items for the Conservation Committee to address. Furthermore, we ask that the Scientific Committee be asked to identify the five most endangered stocks of cetaceans —both great whales and small cetaceans--including

information on the most significant threats to these species, for consideration by the Conservation Committee.

Relationship with other organizations

The Resolution directs the Committee to explore how the IWC can develop its Conservation Agenda through greater collaboration with other organisations. Indeed most of the conservation issues it will need to address require action beyond the capacity of the IWC alone, and will therefore require co-ordination with other international organisations. As mandated through UNCLOS and by Agenda 21 of the Earth Summit, the IWC is the appropriate international organisation for the conservation and management of cetaceans. Therefore, the IWC's Conservation Agenda would benefit from discussions with other organisations, in particular the Convention on Biological Diversity, the Convention on Migratory Species, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and the International Maritime Organisation—to gain a full understanding of the pressing conservation issues and threats to cetaceans, and the role the IWC can play.

Following the initial discussions of the paper IWC/56/CC 2 (“Overview of existing collaborations with other organisations”) at IWC56, the Committee should develop and propose specific recommendations for new and improved collaborations with other organisations for consideration by the Commission at IWC57.

National reporting on cetacean conservation

In addition to developing proposals for collective action on threats to cetaceans, the Committee can also provide a forum for member states to report on their own progress with cetacean conservation in their waters, and share experience with other members. We recommend that Contracting Governments develop voluntary reports of the conservation activities within their jurisdictions and submit these annually to the Conservation Committee.

To begin this process the Commission should suggest to countries that they summarise their conservation activities using the template proposed by Brazil and Argentina (in paper IWC/56/CC3) and submit to the next meeting of the Conservation Committee. This would provide information to help inform any discussions at IWC about the priorities for the Conservation Agenda.

Annex - Initial proposals for the work of the IWC Conservation Committee

1. Highly endangered species and populations

The situation of species and populations of whales that are at high risk of extinction can be reviewed annually under this agenda item. In each case, the extent to which the conservation recommendations of the Scientific Committee have been implemented can be reviewed. Where it is found that further action is necessary, the Committee can identify what measures are needed to ensure that the required action is implemented. In some cases this may involve assistance to one or more range states.

Initially, the species and populations to be considered under this item could be those listed as Critically Endangered on the IUCN Red List of Threatened Species. Highly endangered populations of both large and small cetaceans occur in several different regions, in the waters of both developing and developed countries, and in both member and non-member states of the IWC.

The scope under this item could be expanded later to include all Endangered species, in addition to the Critically Endangered. The Scientific Committee's annual State of the Cetacean Environment Report (SOCER) could be a valuable tool in identifying the issues with the highest priority.

2. Laws, regulations and measures for the conservation of cetaceans

IWC Member states are already required, under the ICRW Schedule (Paragraph 31), to submit copies of their laws and regulations relating to whales and whaling, and to notify the Commission of any changes. In practice, members have to date tended only to submit laws and regulations relating specifically to whaling rather than laws and regulations relating to the conservation of whales more generally.

Under this item, the Committee can work to ensure that information on all national laws, regulations and other measures affecting cetacean conservation is submitted, and updated on an annual basis.

From a comparative review of this information the Committee can learn from national experience with cetacean conservation measures, and identify any major gaps that are present, and make recommendations to assist member states. The Committee can also consider regulations adopted by regional organisations or agreements, and the means by which they have been implemented nationally.

It is anticipated that a regular comparison of measures at the national and regional level will provide incentives and perspectives to members for developing their national cetacean conservation measures.

3. Protected areas for cetaceans

The importance of marine protected areas as a conservation tool is becoming steadily more widely recognised.

Although it could be a sub-item under point 2, this is an important enough topic to merit an item in its own right. Protected areas for cetaceans cover a range of sizes and objectives, and incorporate different types and degrees of protective measures, including restrictions on types of fishery gear that pose an entanglement hazard, measures to limit disturbance by boat traffic and whale-watching operations, and protection of habitat. In addition, there are protected areas established not specifically to protect cetaceans, but which also help to enhance cetacean conservation.

Under this item the Committee would receive and collate information on protected areas established by member states and regional agreements. The Committee can work with the

IWC Secretariat to maintain an up-to-date world directory of protected areas for cetaceans. By comparing the experience gained with such areas, the Committee will be able to identify promising approaches to improving the effectiveness of protected areas for cetacean conservation, and to identify the most important gaps, with respect to cetaceans, in the global network of marine protected areas.

The Committee can also assess the particular contribution of protected areas within cetacean sanctuaries established under the ICRW, towards the effectiveness of these sanctuaries, and identify ways of enhancing this contribution. This could be particularly valuable in the wider global context, given the recent decisions on MPAs taken by, *inter alia*, the World Summit on Sustainable Development and the Convention on Biological Diversity.

4. Non-consumptive utilisation of cetaceans (eg Whale watching)

At a global scale, the economic value of the non-consumptive use of whales now substantially exceeds that from consumptive use. Several coastal states now have policies of utilising whale resources on a strictly non-consumptive basis. The Commission adopted a provisional set of General Principles on Whale Watching in 1996 (IWC Resolution 1996:2). Whilst the management of whale watching remains primarily the responsibility of coastal and flag states, the IWC is the appropriate international organisation to develop best-practice guidelines for low-impact whale watching. There is value in sharing information with respect to the development and implementation of standards and certification criteria for whale watching operations, and in particular in the development of principles for the implementation of a precautionary approach to the management of whale watching.

5. Reporting systems for strandings, entanglements and bycatch

Many member states already have systems for reporting cetacean strandings and entanglements, but the coverage varies greatly from one state to another, and there is currently no systematic international collation of this information. Such information is of vital importance for monitoring the occurrence of cetaceans and the threats to them.

Under this agenda item, the Conservation Committee could collate members' descriptions of their reporting systems and identify any important gaps. Based on this information, and advice from the Scientific Committee, the Conservation Committee could develop best-practice guidelines and policy responses. The Committee could recommend improvements to reporting systems, and determine what assistance or other action is needed to enable reporting systems to be established in states and regions where they do not currently exist. Collaboration with the voluntary sector will be particularly important in many areas.

The Committee can work with the IWC Secretariat to ensure that the information is collated internationally and standardised.

The Committee can develop co-operation with the Convention on Migratory Species, the UN Food and Agriculture Organisation, and relevant fishery management organisations to improve assessments of incidental cetacean takes, and for the development of a strategy to ensure that takes are reduced to sustainable levels (see for example, document IWC/SC/54/BC6, Draft International Strategy for Reducing Incidental Mortality of Cetaceans in Fisheries).

Work is being done by the Scientific Committee on bycatch, and efforts would need to be undertaken to coordinate the goals and objectives of both committees.

6. Marine pollution, including Marine noise

Noise pollution in the marine environment can be especially hazardous to cetaceans because of their reliance on the acoustic medium for communication and, in the case of toothed whales, for echo-location. Furthermore, there is evidence that certain types of loud

noise can trigger fatal gas embolisms in deep-diving cetaceans, although the exact mechanism is not yet fully understood (*Nature* 425:575, October 2003).

The oceans are becoming steadily more noisy as vessel traffic, seismic surveys, and other offshore activities increase. It is likely that in future it will become necessary to implement noise standards for seagoing vessels, as is already the case for road vehicles and aircraft. Other important marine noise sources include: icebreaking, dredging, construction and operation of offshore installations, seismic surveying, and sounds produced for scientific and military purposes

Since international law limits the scope of unilateral measures, it will be necessary for the relevant international organisations, such as IWC, IMO and ISO, to work together to promote the development of international standards for marine noise including:

- (a) the measurement and recording of ambient marine noise levels, as part of the work towards compiling an international assessment of marine noise levels;
- (b) the measurement and classification of underwater noise from vessels, survey activities, and stationary sources; and
- (c) noise emission categories and emissions standards for the various classes of seagoing vessels, surveying activities, and other sources.

The Conservation Committee could develop recommendations for how the IWC might ensure that attention is paid to the sources of noise of most potential impact on cetaceans, in terms of frequency, intensity, location, timing and other factors, and to ensure that the specific vulnerabilities of cetaceans are taken into account in the development of approaches to the monitoring and limiting of marine noise.

7. Vessel collisions

Although vessel collision is a problem known to affect several populations, of which the western North Atlantic right whale is one of the best-studied cases, strategies for a general approach to this problem have not yet been developed. A first task under this item would therefore be to refer issues and case studies to the Scientific Committee for advice.

Baseline data and expert opinions could be sought on the following:

- (i) an initial assessment of the problem, including identification of:
 - (a) species and populations;
 - (b) areas and seasons; and
 - (c) vessel types, for which the problem is likely to be most significant;
- (ii) a specification of the most important additional information and data that are required to make an improved assessment of the problem;
- (iii) initial suggestions for the outline of a research and mitigation strategy.

On receipt of a first report from the Scientific Committee, the Conservation Committee could then draw up a plan to address the issue.