

# **REPORT OF THE CONSERVATION COMMITTEE**

**Tuesday 15 June 2010, Agadir, Morocco**

The meeting was opened by Thomas Schmidt (Germany) who welcomed the participants. A list of participants is given in Appendix 1.

## **1. INTRODUCTORY ITEMS**

### **1.1 Appointment of Chair**

Thomas Schmidt (Germany) was confirmed as the Chair. He thanked the Government of Morocco for hosting the meeting.

### **1.2 Appointment of rapporteur**

Mike Donoghue (New Zealand) was appointed as the rapporteur.

### **1.3 Review of documents**

A list of documents is given as Appendix 2.

## **2. ADOPTION OF THE AGENDA**

The agenda was adopted as proposed (Appendix 3).

## **3. INVESTIGATION OF INEDIBLE ‘STINKY’ GRAY WHALES**

During the meeting of the Conservation Committee at IWC/57 in Ulsan in 2005, it was agreed that a research programme be established to address the issue of inedible ‘stinky’ gray whales caught by Chukotkan aboriginal subsistence hunters.

No report was provided under this Agenda Item this year and there was no discussion.

## **4. SHIP STRIKES**

In 2005 the Conservation Committee agreed to initiate work on the issue of whales being killed or seriously injured by ship strikes, recognising that this is also a matter addressed by the Scientific Committee. The Ship Strikes Working Group (SSWG) was established to develop more detailed proposals and to co-ordinate any work initiated. It has since submitted progress reports to the 2006, 2007, 2008 and 2009 meetings of the Conservation Committee.

### **4.1 Report from the Scientific Committee**

The Chair of Scientific Committee (SC) referred to a number of papers it had reviewed regarding ship strikes.

Seven southern right whales observed in Uruguayan waters during 2003 to 2007 had large wounds, presumably due to ship collisions. Of these seven whales, five had stranded dead during the time period when right whales are commonly seen.

A near-miss in the Antarctic had been reported between a humpback whale and a cruise ship. The SC agreed that a study of near-misses may yield insight into the dynamics of ship strikes and thus could provide input into modelling the risk of ship strikes.

In addition the SC received a report of a study taking place in the Pelagos Sanctuary, in the Mediterranean Sea near the Italian coast. This study is conducting fin whale seasonal distribution and abundance surveys and collecting vessel data using an Automatic Identification System (AIS). One of the goals of the study is to evaluate the conservation implications of human-induced mortalities, including ship strikes. The SC encouraged this type of work because it can help to model the risk of strikes to fin whales in the Mediterranean Sea, and to understand the impacts of ship strikes on this fin whale population.

Since 2007 the IWC has been developing a global database of incidents involving collisions between vessels and whales, which is recognised by both the International Maritime Organization (IMO) and ACCOBAMS as a valuable tool. The Chair of the SC reported that good progress has been made with improving the data entry system. However, the SC recommends that consideration be given to the appointment of a dedicated coordinator to handle the increasing workload and proposed intersessional tasks. These tasks include data validation, creation of a handbook and data entry of incidents reported in the National Progress Reports. A budget request to undertake these tasks has been made. The SC agreed that, at this stage, publicly available data should be limited to confirmed definite incidents, although this

should be re-evaluated in the future. The SC also agreed that requests for full access to the data should be dealt with on a case-by-case basis.

The Chair of the SC reported that it is collaborating with ACCOBAMS to hold a joint workshop near Monaco from 21-24 September 2010. This workshop will be aimed at reducing the risk of collisions between vessels and cetaceans. The focus is to be on the Mediterranean Sea and the Canary Islands, although many agenda items are globally relevant (such as data gathering methods and methods to estimate the number of collisions). This workshop is also addressed in the next section.

In addition, the IWC is collaborating with IMO on efforts to minimize the risk of ship strikes and to reduce underwater noise from commercial shipping.

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

#### **4.2 Report of the Ship Strikes Working Group (SSWG)**

Alexandre de Lichtervelde (Belgium), the Chair of the Ship Strikes Working Group presented a Progress Report of activities conducted over the past year. There are seven main points of progress:

- Collaboration with IMO on ship strike, habitat degradation and noise. The IMO Marine Environment Protection Committee adopted a guidance document for minimizing the risk of ship strikes with cetaceans;
- National legislation or initiatives were developed by Argentina, Chile, New Zealand, Spain and the USA (who introduced two routing changes for shipping in June 2009);
- The agenda for the ACCOBAMS/IWC workshop, to be held 21-24 September 2010, includes possible mitigation measures and development of a workplan for the IWC. Fifteen papers are in preparation, including regional case studies and possible measures that might be taken through the IMO;
- Good progress has been made in awareness-raising, with more scientists becoming involved. The SSWG Chair has made presentations in Auckland and Marseilles, and Belgium has produced a pamphlet that has been distributed as a pdf to MARMAM and the IMO. The relevance of the IWC stranding database to this initiative is also noted;
- CMS and ASCOBANS (ACCOBAMS) – At the second Meeting of Signatories to the CMS Memorandum of Understanding for the Conservation of Cetaceans and Their Habitats in the Pacific Islands Region (28-29 July 2009, Auckland, New Zealand), the Signatory States have adopted a Whale and Dolphin Action Plan for the MoU. The final stage of the review and the draft CMS Programme of Work for Cetaceans will be completed in the second half of 2010, including an analysis of listed impacts and threat abatement that will be sent to IMO, IWC SC and CC, OSPAR, UNICPOLOS and UNEP for their individual input and comment.
- An ASCOBANS study on ship strikes is underway. It uses ships' Automatic Identification System (AIS) data to match distribution of shipping with distribution of cetacean taxa which may be vulnerable to ship strikes;
- The ship strike database now has almost 1000 entries, with 30 more contained in this year's National Progress Reports. Most of these entries, however, have been supplied by scientists, not mariners and the entries may be historical as well as contemporary. The importance of these data was stressed for the estimation of other sources of human-induced mortality in the RMP;
- Both France (7,500 Euros) and Belgium (20,000 Euros as a contribution to the IWC/ACCOBAMS workshop) have made significant voluntary donations to the work of the Ship Strike Working Group.

Several Governments including New Zealand, Argentina, Mexico, the USA, the UK, Spain, Brazil and Australia congratulated Mr de Lichtervelde for his exemplary leadership of the Ship Strike Sub-Committee. Belgium was commended for its hard work and for the guidance it had provided to IMO.

Both Argentina and the UK expressed support for the IWC/ACCOBAMS workshop.

New Zealand thanked Mr de Lichtervelde for his attendance at the Auckland stakeholders workshop in November 2009, which discussed the problems of ship strike on Bryde's whales in the Hauraki Gulf, adjacent to Auckland. As a direct consequence of that workshop, the Auckland Regional Council had produced a pamphlet 'Look Out! Whales About!', copies of which were made available to the meeting. The workshop agreed on the following mitigation measures to minimize the likelihood of vessel collisions with whales in the Hauraki Gulf:

- Keep a lookout
- Reduce speed when in whale habitat
- If necessary, make changes to existing shipping lanes

Argentina was pleased with the considerable progress made on the issue of ship strikes since 2005, when the SSWG was initiated. Progress is slow but encouraging, and all IWC countries should work together to reduce ship strike. In its Voluntary Report on Cetacean Conservation (IWC/62/CC14), Argentina reported that the Wild Fauna and Flora Directive together with the Ministry of the Environment and the Control of Sustainable Development of the province of Chubut have developed a series of recommendations to diminish the risks of collisions. These recommendations are in addition to the regulation reported last year restricting navigation to a single corridor and a mandatory reduction of speed below 10 knots for all vessels during the southern right whale season between May and December. The Fauna and Flora Directive has established an agreement with a local scientist for the development of an applied research programme to reduce the risk of collision by sport and commercial vessels operating from local ports.

Mexico commended the work of the SSWG as a good example of what can be achieved by the Conservation Committee and reported that Mexico is developing Conservation Action Plans for large whales that will, inter alia, address ship strikes.

The USA outlined the steps it is continuing to take to reduce ship strikes, including ship speed regulations, vessel routing activities, federal vessel protective measures, and education and outreach programs. It drew attention to the use of auto detection buoys in the Boston traffic separation scheme as described in IWC/62/CC5. In the spring of 2007, a programme was implemented to reduce the threat to endangered large whales of ship strikes resulting from the transport of Liquefied Natural Gas in New England waters. The programme established three passive acoustic arrays for the detection of calling whales. The buoys automatically detect northern right whale contact calls and transmit alerts in real time. In addition, a new project will send right whale detections from the acoustic network directly to a ship's bridge. An extremely successful pilot project was completed in 2009 and all Liquefied Natural Gas ships will be receiving messages in 2010. Attempts will be made to expand the programme in 2010.

Spain is currently developing a European LIFE+ Project focusing on the "Inventory and designation of marine Natura 2000 areas in the Spanish sea". This project contains a specific action to identify, assess and mitigate the impacts of maritime traffic activities on marine biodiversity, with a special emphasis on cetacean populations and marine protected areas.

The project's activities will be carried out between May 2009 and December 2013. Among the expected results, the following are highlighted:

- The estimation of maritime traffic volumes in the study areas, in relation to the presence of protected species and their habitats;
- Assessment of the role of the Spanish Merchant Marine Agency in the management of MPAs;
- The mitigation of marine acoustic pollution;
- The identification of emerging issues requiring coordination between policies related to marine conservation and the management of maritime traffic;
- The promotion of the awareness of the values of marine biodiversity within the maritime sector;
- The production of communication materials (websites, articles, newsletter, posters, etc.).

Brazil has been working on an Action Plan for Aquatic Mammal Conservation, including the mitigation of ship strikes. It also established two MPAs this year.

Australia commended the progress made by the Sub-Committee and considered the development of the Belgian pamphlet to be an excellent initiative. Nine ship strikes were reported in Australia last year as detailed in IWC/62/CC4. A national ship strike strategy is under development involving State Governments which should help to identify areas of special concern, reduce under-reporting, and facilitate a cross jurisdictional approach. Australia stressed the importance of reporting of ship strikes, and called on all contracting governments to make use of the available tools and provide reports to the IWC.

## **5. SOUTHERN RIGHT WHALES IN CHILE AND PERU**

At its meeting in 2008, the Conservation Committee had received reports from a workshop on the status of southern right whales from Chile-Peru and from the Scientific Committee. At that meeting the Conservation Committee: (1) stated the importance of continuing work on the status of right whales and recommended that this issue remain a high priority in the future work of the Scientific Committee; and (2) agreed the item be retained on the Conservation Committee's agenda.

The Scientific Committee did not receive any new information on this population this year.

Chile highlighted the critical status of the Chilean population of southern right whales and estimated that it probably consisted of less than 50 mature whales. One animal was found dead last year, bearing signs of human interaction, and

there were only two reports of sightings. The conservation status of these whales is of great concern, and the development of a conservation management plan is crucial. Chile recommended this item be retained on the Conservation Committee's agenda.

Australia reinforced Chile's concern over the status of this population, which is discussed further under Agenda Item 8.

## **6. WHALEWATCHING**

At IWC/59 in 2007, it was noted that while the Scientific Committee's Whalewatching Sub-committee deals exclusively with scientific aspects of whalewatching, the Conservation Committee could usefully address aspects related to management, including the implementation of the Scientific Committee's recommendations in this area, socio-economic aspects and international co-operation.

### **6.1 Report from the Scientific Committee**

The Chair of Scientific Committee summarised the relevant parts of the Scientific Committee report (IWC/62/Rep 1). In recent years the Scientific Committee has noted increasing disturbance of cetaceans through whalewatching activities. To address this issue, a large-scale whalewatching experiment (LaWE) has been proposed to assist in describing effects of whalewatching, to improve understanding of mechanisms and to develop mitigation measures. The Scientific Committee received a proposal from the LaWE intersessional steering group elaborating on the objectives, aims, methodology, design, management and funding considerations for this initiative.

The Scientific Committee agreed a procedural mechanism to manage the different components of the LaWE project, with a top down approach (hierarchical structure) at the initial stage of the project progressing into a mechanism where the IWC would play more of a coordinating role (network structure) (see IWC/62/Rep 1 Annex M, item 5.1). IWC member nations will be able to use the results of the project as the basis for appropriate scientific management of whalewatching. The information collected during LaWE will also provide data on general biology and life history parameters of cetaceans that are relevant to other aspects of the SC's work. A variety of potential funding sources for the LaWE effort were identified and a budget request has been made to assist the LaWE intersessional work.

The Chair of Scientific Committee then reported on the Population Consequence of Acoustic Disturbance (PCAD) project. Three statistical models are to be developed to provide the linkages from disturbance to population dynamics. Work has focussed on the first models (disturbance to physiological conditions) and first implementations with simple systems (southern elephant seals at-sea movement) proved extremely successful. A similar, albeit more complex, model was developed for coastal dolphin population case studies and will be implemented over the next year.

A report of whalewatching off North Africa was received by Scientific Committee describing cetacean sightings, local human activities and conservation off São Tomé, Gulf of Guinea, West Africa. The Scientific Committee noted the lack of information on whalewatching activities in western and northern Africa, expressed concern at the potential for expansion of whalewatching activities in the region without sufficient scientific information and called for an assessment of the scope of activities to be made by relevant authorities as soon as possible.

In addition, the Scientific Committee was informed that an overview of whalewatching activities in the Mediterranean will be prepared under ACCOBAMS and will be available on their website.

This year the Scientific Committee received several papers accessing the impact of whalewatching on cetaceans, some of which are highly relevant to the LaWE objectives. SC/62/WW4 reported on the critically endangered Irrawaddy dolphin population inhabiting the Mekong River. The Scientific Committee reiterated its concern over this population and strongly recommended that the Cambodian government and relevant agencies make every effort to reduce the exposure of dolphins to vessel-based tourism in deep-water pools in the Mekong River.

SC/62/WW1 investigated behavioural responses of southern right whales to human approaches in Argentina. SC/62/WW2 summarised recent advances in whalewatching research. SC/62/WW3 reported on the US's efforts to develop management plans to reduce the exposure of resting spinner dolphins to human activities in Hawaiian waters. SC/62/WW8 discussed the possibility of confounding variables when interpreting correlations between whalewatching exposure and reproductive parameters of female humpback whales. Parrot et al. (2010) presented a simulation of movements of individual whales and vessel traffic in the St. Lawrence Estuary. This platform can be used to inform decision-making by simulating different vessel and whale-watching traffic scenarios.

The Scientific Committee also reviewed the reports from two intersessional working groups:

- An online database for world-wide tracking of commercial whale watching and associated data collection intended to facilitate studies of whalewatching impact as well as to allow better assessments of the scientific

value of data collection programs. Database development has made considerable progress intersessionally and should be available to go online prior to next year's annual meeting;

- Swim with-whale operations. A draft questionnaire is ready to be distributed and plans are in place to do so in the Dominican Republic and possibly Australia before next year's meeting.

Information from platforms of opportunity was reviewed including efforts to stimulate submission of opportunistic data from ecotourism cruise ships in the Southern Ocean to the Antarctic Humpback Whale Catalogue and long-term research from whalewatching vessels off the coast of the Canary Islands. The Scientific Committee reiterated the value of collaboration between researchers and whalewatching operations and other platforms of opportunity

The compendium 'Whalewatching Guidelines and Regulations around the World' is in the process of being updated and will be available on the IWC's website in August.

The Sub-Committee noted the report of the Scientific Committee and its recommendations and thanked them for their work on whalewatching. South Africa stressed the importance of collaboration between the Scientific Committee and the Conservation Committee on research studies and management workshops.

## **6.2 Report from the Standing Working Group on Whalewatching**

Last year an intersessional correspondence group was established to look at all aspects of whalewatching and make recommendations for any potential future workshop. The group identified three key areas of activity/themes of interest to the IWC and its members, i.e. research and assessment, management and capacity building and development. The group suggested that these areas of activity could be described as objectives that the Commission could seek to promote as part of an integrated body of work over time. The focus of the objectives would be to: (1) develop tools to assess and understand the opportunities for whalewatching while also evaluating any risks; (2) support and promote effective management of sustainable whalewatching activities, based on science; and (3) realise the social and economic potential of whalewatching for the global community.

The group made a number of recommendations that were endorsed by the Conservation Committee. These included *inter alia*: that a Standing Working Group on Whalewatching be established to prepare, in consultation with the Scientific Committee, a five-year strategic plan for consideration at IWC/62; that support be given to an intersessional workshop to be held in late 2010 to initiate the strategic plan; and that a small Steering Committee be established to oversee workshop preparations.

Argentina presented IWC/62/CC8 on behalf of the Working Group (WG) on whalewatching, co-sponsored by Australia, Brazil, Mexico, South Africa, United Kingdom, United States and Argentina. The group met on 5 March 2010, following the intersessional meeting of the IWC in St Petersburg, Florida.

IWC/62/CC8 documents the preliminary strategic plan, identifying the main priorities for the Working Group over the five-year period, 2010 to 2015. There are three key elements: research and assessment; management; and capacity building and development. The WG will provide practical guidelines for member states seeking to identify the real potential of whalewatching to contribute to the socio-economic growth of their communities and to exploit that potential sustainably, consistent with a precautionary approach. Over the next five years the WG will develop the tools necessary to assist and empower countries to implement the three core elements in building sustainable whalewatching industries.

To move forward with this process, a workshop will be hosted by Argentina in Buenos Aires, from 4-6 November 2010. The workshop will bring together experts from research, management and industry and interested communities to begin a discussion on the three key themes for responsible whalewatching activities and identify the goals and products to be achieved as part of the five-year strategic plan. It will have a practical focus and seek to identify simple and effective ways to respond to key questions from countries seeking support in the development of sustainable whalewatching. A Steering Committee composed of Australia, United Kingdom, USA and Argentina has been established to oversee preparations for the workshop. A report of the workshop will be submitted to the Conservation Committee at IWC 63.

## **6.3 Committee discussions and recommendations**

The Chair of Scientific Committee reported that the Scientific Committee had taken note of IWC/62/CC8 and the possible interface between the Conservation Committee's work and the SC's own work on whalewatching. Clarification was requested on the mechanism by which the provision of expert assistance through the Scientific Committee's sub-committee on whalewatching will inform the work of the Standing Working Group on Whalewatching. One possible mechanism, for example, would be to designate a representative from the Committee to work directly with the Conservation Committee on this issue, thereby providing a formal interface.

The Scientific Committee is also seeking clarification on the envisioned management objectives for whalewatching, since IWC/62/CC8 states both 'growth' and 'sustainability' objectives. Clarification will guide the scientific work of the Committee for Objective 7 of the LaWE project ('Develop an integrated and adaptive management framework for whalewatching that accounts for uncertainties, and includes monitoring and feedback mechanisms').

Finally, the Chair of the SC drew attention to the definitions of whale ecotourism developed at previous meetings, and stressed the importance of a good scientific basis for the work the Scientific Committee is recommending. She also noted that it would be valuable to explore possibilities to collaborate with the UN World Tourism Organization, as its remit complements the work of the Committee in a number of respects.

Mexico welcomed the recommendations of the Scientific Committee noting that some of the questions it had raised reflected Mexico's own concerns, for example, the lack of global oversight or standards for whalewatching worldwide. It questioned whether the goal of assessing ecologically sustainable whalewatching by 2015 was realistic. However it is clear that the health of odontocetes repeatedly exposed to whalewatching traffic can be compromised (e.g. Irrawaddy dolphins in the Mekong River). Thus ecologically sustainable whalewatching must be developed based on scientific advice from the LaWE initiative.

Several countries supported the close collaboration of the Conservation Committee and the Scientific Committee, with Mexico and South Africa believing that this would be facilitated by the appointment of a liaison officer. South Africa emphasised that whalewatching can offer many benefits, and a balance is required between science and management.

Belgium noted that 13 million people go whalewatching each year and that poorly regulated whalewatching can be harmful. A strategic plan for a global overview of sustainable whalewatching is highly desirable. To achieve this, it is necessary to integrate the work of the Scientific Committee and the Conservation Committee as closely as possible. The LaWE can be a test bed for the development of whalewatching, especially for areas that are currently underdeveloped. This can be achieved by comparing areas in which whalewatching is carried out with pristine areas and by collecting and archiving long-term data series in whalewatching areas.

New Zealand and the USA welcomed the work of the Working Group, asserting that whalewatching deserved greater attention by the Commission. Economic development is the key benefit and the Conservation Committee is well placed to provide guidance for appropriate economic development. Whalewatching provides a major economic benefit to New Zealand, providing over US\$80 million annually, approximately half of which is generated in the town of Kaikoura, which has consequently been transformed, and now attracts 100,000 visitors annually. This has been of particular benefit to the local Maori people, who operate the whalewatch tours. It was also stated that NZAID had recently supported a workshop in Vava'u, Tonga, to assist the Government of Tonga in the development of legally-binding regulations for the management of whalewatching. New Zealand appreciates the input of Scientific Committee, which had been informative in the management of dolphin watching in Fiordland, conducted under the provisions of the Marine Mammals Protection Regulations, because effective management requires good scientific input.

The USA firmly believes that valuable benefits can be derived from the non lethal use of cetaceans. The whale watching industry can serve the two objectives of the Convention by contributing to the conservation of whale stocks while developing a sustainable industry to utilise whale stocks.

The UK referred to the small villages in western Scotland that have been rejuvenated by whalewatching, which now generates 12% of the local income. Assessing the opportunities for coastal communities to develop economic benefits through whalewatching under best international practice would be a very worthwhile exercise. It welcomed the opportunity to promote a closer collaboration between the Scientific Committee and the Conservation Committee on the effectiveness of management (such as Regulations). To improve communication between the Scientific Committee and the Conservation Committee over issues related to whalewatching and to facilitate the work of the Standing Working Group on Whalewatching, the UK proposed that an additional, regular meeting be held between the Scientific Committee and Conservation Committee meetings comprising members of the Standing Working Group and relevant members of the Scientific Committee's Whalewatching Sub-committee.

A number of countries, including Mexico, Brazil, Spain, Australia and the USA expressed support for the proposed workshop and gratitude to Argentina for hosting it. Financial support for the workshop, the budget for which is US\$ 70,000, was offered by Australia (Au\$ 25,000) and by the USA. Australia noted that this work reaches beyond the Conservation Committee to communities around the world. Although the IWC cannot itself regulate whalewatching, it can develop best practice guidelines, and all members should be encouraged to attend and contribute to the workshop.

## 7. WHALE SANCTUARIES

### 7.1 Report from the Scientific Committee

The Head of Science reported that the last substantive discussions on this topic had been held in Scientific Committee in 2004, and that no new proposals for whale sanctuaries had been received this year. The item will remain on the Agenda for future meetings.

### 7.2 Committee discussions and recommendations

The USA reported that it had hosted the First International Conference on Marine Mammal Protected Areas (ICMMPA) on Maui, Hawai'i, in April 2009. This was a highly successful meeting, with over 200 managers and scientists from 40 countries attending, and several valuable initiatives had been developed. An Executive Summary of the conference had been presented at IWC 61, but the full proceedings are now online at [www.icmmpa.org](http://www.icmmpa.org). Printed copies of the Proceedings were also made available.

France announced that the French agency for Marine Protected Areas (MPAs) has offered to host the second ICMMPA in Martinique, French Caribbean, from 7-11 November 2011. The site was chosen because of its proximity to the Marine Mammal Sanctuary, *Agoa*. The agency for MPA is already working in close association with the ICMMPA Steering Committee to develop the programme and organise the logistics of the conference. Two planning meetings have already been held. The general theme "Endangered Spaces, Endangered Species" will be elaborated in plenary sessions, workshops, training and poster sessions. The target audience includes scientists, MPA managers and administrative and political officers in charge of marine conservation policies. Countries and organizations that would like to contribute to the success of the meeting are very welcome. New information will shortly be released on the ICMMPA website. France looked forward to welcoming participants to Martinique next year.

Australia and Mexico expressed thanks to the USA for hosting the first ICMMPA, and to France for its offer to host ICMMPA 2. Australia particularly appreciated the attention that had been given to the involvement of managers and the consideration of practical aspects of management.

Germany noted that last year CCAMLR had adopted a Marine Protected Area within its Convention Area (in the South Orkney Islands), and has more MPAs under consideration. While MPAs in the CCAMLR Area are not specifically for whales, collaboration between CCAMLR and the IWC would be valuable.

France introduced SC/62/E14 describing the ambitious project by the French agency, REMMOA, to map the diversity and relative density of cetaceans and other pelagic megafauna in the EEZs and adjacent waters of French territories in tropical latitudes in the Caribbean, Indian Ocean and South Pacific Ocean. The intention of the presentation to the Conservation Committee was to facilitate regional collaborations where necessary.

In order to establish a baseline map of cetaceans and other pelagic megafauna (such as sirenians, seabirds, sea turtles, large fish, sharks and rays) a series of aerial surveys will be conducted. The general design is based on dedicated aerial survey methodology initially designed for developing abundance estimates for small cetaceans, but data for other marine mammals, seabirds, sea turtles and large fish are also collected. Human activities (fishing vessels, boating and merchant ships, marine debris > 0.5m size) are also recorded. The general aim of the analyses is to map regional diversity and relative abundance of cetaceans and other megafauna across oceanic regions and identify zones where hotspots of biodiversity and abundance overlap with hotspots of human activities in order to help locate priority areas for conservation.

The study areas will ultimately include all sectors of the French EEZ in the tropical Atlantic, Indian and South Pacific Oceans. The first surveys were conducted from February-March 2008 across the EEZs of Martinique and Guadeloupe and in October 2008 off Guiana. A further survey was conducted from December 2009 to April 2010, in the southwest Indian Ocean. It was designed and implemented regionally under the framework provided by the Indian Ocean Commission's (IOC) regional agreement including Comoros, Réunion Island for France, Madagascar, Mauritius and the Seychelles. The study area was approximately 5 million km<sup>2</sup>, and about 90 thousand km of aerial survey, or 500 hours of effort, was deployed. The South Pacific regions will be surveyed during the years 2010-11 (French Polynesia) and 2011-12 (southwest Pacific Ocean around New Caledonia and Wallis and Futuna).

Given the surface areas to be covered, a regional approach is essential. To enable such collaborations, contacts must be established with countries to act as partners and regional agreements be identified to provide the frameworks for collaboration.

New Zealand welcomed this bold initiative and said that it would hold further discussions with France about the planning and implementation of the surveys in the South Pacific.

## 8. CONSERVATION MANAGEMENT PLANS

### 8.1 Report from the Scientific Committee

#### Western Gray Whales

In 2009, the Scientific Committee received the report of the IUCN range wide workshop (IWC, 2010) and endorsed its recommendation to develop a conservation plan for western gray whales. This year, the Scientific Committee received the first draft of this important plan (SC/62/BRG24) and commended the authors, who include scientists from range states as well as elsewhere. The plan follows the guidelines developed for such plans by Donovan et al. (2008) that were endorsed by the Committee (IWC, 2009). Much of it is based on the report and recommendations of the IUCN range wide workshop, which have also been endorsed by this Committee. The Committee emphasised that the plan should be supported and endorsed by many stakeholders, including national and local governments, industry, and non-governmental organisations, as well as international organisations such as the IWC and IUCN.

The overarching goal of the plan is to reduce mortality related to anthropogenic activities to zero as quickly as possible. The plan includes 11 focussed actions (related to co-ordination, public awareness, conservation research, monitoring and mitigation) of high importance for the conservation of this critically endangered population. The most immediate is the appointment of a Steering Committee and of finding funds for, and appointing, a full-time Co-ordinator. This is also critical to the need, identified by the authors, to engage broad stakeholder participation in the plan as soon as possible.

The Scientific Committee strongly endorsed the draft Plan and commended it to the Commission and range states. It also recommends that it is broadly distributed, including being posted on the IWC and IUCN websites. The Committee recommends the plan as a model for the development of other conservation plans for cetacean populations.

Australia warmly welcomed the draft Plan for this critically-endangered small population, and acknowledged the work that had gone into its production. It strongly supports the appointment of a coordinator, the provision of adequate funding and the engagement of all range states. Australia noted that the draft Plan is a good example of a practical form for a Conservation Management Plan, similar to a template that they had provided at IWC 61.

#### Arabian Sea Population of Humpback whales

The Head of Science then reported on another critically-endangered small population – humpback whales in the Arabian Sea. The population is believed to be resident solely in the Arabian Sea, is currently estimated at 82 individuals and was recently listed by the IUCN as endangered. The Committee strongly recommended the continuation of research on humpback whales in the Arabian Sea in light of the small population size and escalating threat. It noted that given that this is a small population with known anthropogenic threats, it may well benefit from the development of a conservation management plan and recommended its consideration by the Conservation Committee.

Australia noted that this population has been reviewed by the Scientific Committee as part of the Comprehensive Assessment of humpback whales, and agreed this is a very important issue. Agreement of the range states to their engagement is a prerequisite for the production of a Conservation Management Plan. If endorsed by the range states, Australia would strongly support the development of a Conservation Management Plan.

South Africa agreed with Australia and recommended that a budget should be drawn up for the production of a Conservation Management Plan.

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

### 8.2 Report from the small specialist group

At last year's meeting, the Conservation Committee endorsed the formation of a small specialist group to construct a list of candidate management plans.

Australia introduced IWC/62/CC7, the report of the small specialist group, involving representatives from Argentina, Australia, Belgium, Brazil, and the USA. The group met in March 2010 to discuss and develop the key issues around the development of Conservation Management Plans. Attachment A of IWC/62/CC7 sets out a draft framework, and Attachment B is an electronic template which is recommended for use by countries when developing a draft Conservation Management Plan. The paper concluded that the development of a Plan was most urgently needed for the Chile-Peru population of southern right whales, and also, in light of the recent die-off, for southern right whales in Argentina. The group recommended the use of the voluntary funds to support an intersessional workshop to finalise the framework and assess the best Conservation Management Plan proposal.

### 8.3 Committee discussions and recommendations

There was widespread support for the concept of Conservation Management Plans and many countries thanked Australia for taking the initiative in the group and for submitting the report.

Mexico and Argentina consider Conservation Management Plans to be the most important approach in the development of conservation strategies. They should be living documents subject to regular review, and the Conservation Committee should collaborate closely with the Scientific Committee in their production.



Argentina further stated that it will work with other South American range states on the regional populations of southern right whales. Chile and Brazil welcomed South American southern right whales as candidates for future Conservation Management Plans.

The USA believes Conservation Management Plans can be important tools for the recovery of whale stocks, providing conservation objectives and a road map of actions to be taken. In this way, they help co-ordinate and focus conservation efforts for the maximum effect and will help the Commission focus on the most immediate conservation issues it faces. The USA also expressed support for the work and recommendations of the Scientific Committee on this issue.

Belgium observed that small cetaceans also need Conservation Action Plans and noted the priority given by the Scientific Committee this year to addressing threats to the following critically endangered species of small cetaceans – the vaquita, the Baltic Sea harbour porpoise, the franciscana dolphin, and local populations of the Irrawaddy dolphin, among others. For these and other small cetacean species, by-catch is a major source of mortality, and the By-Catch Sub-committee can make a significant contribution to addressing this. Conservation Action Plans should complement rather than replace existing legislation and measures by the Scientific Committee by-catch Sub-committee to address this problem.

The UK noted that Conservation Management Plans can be a valuable tool, but they need to be flexible and functional, without impeding national jurisdiction. It stated its support for the prioritisation of threatened small cetaceans; for the intersessional workshop; and for South American southern right whales as candidates for future Conservation Management Plans.

In response to a question from the Chair, Australia confirmed that it supported the use of funds it had voluntarily contributed to support the intersessional workshop, and that the workshop could be held in Argentina in September 2011 (concurrently with the Comprehensive Assessment workshop). The Working Group will meet later this week to proceed with planning the workshop.

Belgium introduced IWC/62/CC11rev1: 'Small cetaceans and the IWC: A contribution to the discussions on the Future of the IWC'. It thanked the four co-sponsors (Australia, Brazil, Switzerland and the UK) and the other contributors. The paper was intended as a contribution to the discussions on the Future of the IWC, taking into account that small cetaceans, as a category a) issue, constitute one of the priorities of this process. References to small cetaceans can be found in both the SWG report and the Chair's consensus decision.

However, after careful consideration, Belgium thought preferable to put it on the agenda of the Conservation Committee. This would postpone any thorough discussion of it until after Agadir, depending upon the outcome of the discussions on the Chair's Consensus Decision. At this stage, therefore, the co-sponsors were willing to receive additional comments in order to further enhance the document.

Belgium has long considered it important to address issues related to small cetaceans. However, the main reason for submitting IWC/62/CC11rev1 is that small cetaceans have not formed part of the core business of the Commission since 1993. Scientific work has progressed since 1975, but in a scattered way. The document first identifies direct and indirect threats to small cetaceans and then describes ways in which these threats are addressed (or not addressed). A third chapter is devoted to the debate around IWC competence. Chapter IV gives recommendations for further work on small cetaceans, the most important being: broadening the Scientific Committee mandate and increasing its effectiveness; clarifying the terms of reference for the use of money from the Small Cetaceans Fund (currently £256,000); establishing a Commission Sub-committee on Small Cetaceans; including small cetaceans in the development of Conservation Management Plans; and, last but not least, enhancing collaboration between the IWC and other MEAs.

In this respect, the Secretariat of the Convention on Migratory Species has been consulted and sees an opportunity for the IWC to provide financial and technical support for existing (or emerging) initiatives such as the CMS Agreements and MoUs. Following discussions at its Scientific Committee meeting this year, it appears that NAMMCO might also be favourably disposed to increased cooperation with the IWC on small cetaceans.

The recommendations are further elaborated in Chapter V, where they are grouped according to the body concerned, i.e. the Commission, the Scientific Committee or the Conservation Committee. The document also contains a number of tables which, *inter alia*, summarize directed takes of small cetaceans worldwide and list the priorities of SC work on small cetaceans during the past decades. Annex I lists the membership of regional and international agreements related to small cetaceans, to illustrate the global nature of concern for these species; Annex IV shows the geographical range of small cetaceans, to give context to the discussion about global threats. From discussions at this year's Scientific Committee, attention is also drawn to the issue of so-called 'marine bush meat'. Due to the decline of fisheries, small cetaceans in Africa have been more and more subjected to directed takes in recent years.

In conclusion the co-sponsors:

- hope this initiative will raise the profile of small cetaceans in the IWC and provide a meaningful contribution to the discussions on the reform of the organisation;
- believe there is great potential in developing a strategy for working on small cetaceans, through limited changes to the current framework, especially given the substantial amount of money available in the special fund;
- await with interest to see whether a way forward will come out of the Chair's Consensus Decision, which foresees the establishment of a Working Group to examine reform of the Commission, including small cetaceans;
- welcome members' views on IWC/62/CC11rev1, in particular the recommendations on pages 17 and 18. Since this is a living document, a revised version will contain any additional comments and will be circulated after the Commission meeting with a view to being used intersessionally or at the next annual meeting.

Many countries thanked Belgium for its leadership in developing IWC/62/CC11rev 1, including its assessment of threats. Austria, Luxembourg, and the USA all supported the establishment of a Small Cetaceans Working Group by the Conservation Committee.

France observed that the document provides a detailed review of direct and indirect threats to small cetaceans and of existing management and protection measures. It contains an in-depth analysis of the role that the IWC could play and makes many detailed recommendations on these issues. The authors fully recognise the disagreements among member states regarding the competence of the IWC on small cetacean issues. The paper is a very constructive contribution to the ongoing debate.

New Zealand supported the proposals in IWC/62/CC11rev1. However, it noted that the document highlights a problem, namely that although many resolutions on small cetaceans have been passed in recent years, they have had little practical effect, because of differences over the IWC's competence to manage small cetaceans. These could only be solved by amending the Convention, but it would still be difficult to develop a compliance mechanism for small cetaceans, since they are widely distributed around the world, many of them in the waters of non-IWC nations. All members need to reflect on this.

The UK supports more work on small cetaceans and suggested that the IWC work with other MEAs, Conventions and RFMOs through cooperative efforts guided by Conservation Management Plans. Effective and enforceable management strategies would also need to be developed.

Mexico reminded the Committee that 300,000 small cetaceans die annually as by-catch in gill nets, and that this serious problem must be addressed.

Finland, Brazil and Italy agreed on the need for international cooperation to improve the status of small cetaceans. Italy drew attention to the potential use of the small cetaceans voluntary fund to address this.

Denmark stated that while it does not object to countries discussing small cetaceans, substantive debate on this issue can only be held if the Chair's Proposal is adopted, and that Denmark's views on this issue are well known.

## **9 NATIONAL REPORTS ON CETACEAN CONSERVATION**

Several countries had submitted voluntary national citation reports: Australia (IWC/62/CC3), USA (IWC/62/CC6), New Zealand (IWC/62/CC9), UK (IWC/62/CC12), Brazil (IWC/62/CC13), Argentina (IWC/62/CC14), Chile (IWC/62/CC15) and France (IWC/62/CC16).

Australia introduced IWC/62/CC3, reporting that the Australian Marine Mammal Centre is providing scientific advice to guide the management of humpback, blue, southern right and sperm whales. It is leading the Southern Ocean Research Programme (SORP), and in collaboration with New Zealand planned and implemented the Antarctic Whale Expedition to the Ross Sea and the Balleny Islands in February/March 2010. Australia is also supporting the Indo-Pacific Cetacean Research Fund, an important initiative for regional conservation; has provided support for the Hawai'i workshop on entanglement; and is engaged in research into the impacts of seismic surveys on cetaceans and the management of strandings.

In IWC/62/CC13 Brazil announced that it was developing a National Plan of Action for Aquatic Mammals, with a specific focus on the franciscana dolphin, and that it is reviewing the methodology for classifying endangered species, to bring their system more into line with that of IUCN. During the past year, it has also conducted a necropsy workshop with a particular focus on post-mortem examination to determine whether death had been caused by seismic activities. Two MPAs had also been created.

IWC/62/CC14 reported the activities developed by the government of Argentina on cetacean conservation, summarising four activities that were carried out during the past year:

- a.) Investigation of the interactions between seagulls and southern right whales in the Peninsula Valdes area;
- b.) Ship strike mitigation;
- c.) Development of a coastal fauna network in Chubut Province, one of the main aims of which is to respond to stranding events of southern right whales;
- d.) Cooperation programmes with other Latin American countries on whalewatching and strandings.

Chile advised that its National Regulation on Whalewatching will be made official this year. The Regulation refers to the observation of marine mammals, sea birds and marine reptiles, and establishes procedures and requirements for the recording of whale sightings.

France highlighted the section in IWC/62/CC16 concerning the REPCET system which is aimed at lowering ship strike risk in the northwest Mediterranean by warning commercial ship crews of the presence of fin whales through a satellite relay system. The system allows real-time plotting and broadcasting of the positions of large whales. At present the software is being tested in field conditions by a limited number of merchant and passenger ships in order to verify its functionality and reliability. It is hoped that France will be in a situation to report on this feasibility study next year.

## **10 OTHER MATTERS**

The USA noted that only approximately 20 of the 88 IWC member nations had attended the meeting the Conservation Committee. Regardless of the result of discussions on the Future of the Commission, the USA hopes that the Conservation Committee can in the future more effectively collaborate on conservation initiatives. It believes that all member countries should agree that the conservation of whale populations and stocks is a priority of the Commission, especially since whales face new threats to their existence from those faced when the Commission was established.

France drew the Committee's attention to the Maldives Declaration (Lankanfinolhu Declaration). To mark the 30th anniversary of the Indian Ocean Sanctuary, the Indian Ocean Cetacean Symposium was convened in Maldives, in July 2009. Sixty delegates, from 15 government agencies, 13 NGOs, 6 IGOs and 11 academic institutions, travelled from 22 countries to participate in the symposium where results of cetacean research carried out in 18 coastal countries and on the high seas were presented. The participants agreed on a final declaration on cetacean conservation in the Indian Ocean that is largely directed to the IWC.

France drew the attention of the Committee to key extracts from the Declaration, adopted on 20th July 2009 which are of particular relevance to the IWC. These are reproduced in Annex 4. France considers that, given the convergence on many issues, it was sufficiently important for the Lankanfinolhu Declaration to be brought to the attention of the Conservation Committee and also to the Commission. The full declaration is available at [www.mrc.gov.mv](http://www.mrc.gov.mv)

## **11. ADOPTION OF REPORT**

The report was adopted 'by post' on 20<sup>th</sup> June 2010.

**Appendix 1**  
**CONSERVATION COMMITTEE**  
**LIST OF PARTICIPANTS**

**Argentina**

Miguel Iniguez  
Mario Oyarzabal

**Australia**

Donna Petrachenko  
Nick Gales  
Peter Komidar  
Thomas Fink  
Gavin Hinten  
Pam Eiser

**Austria**

Andrea Nouak  
Michael Stachowitsch

**Belgium**

Alexander de Lichtervelde  
Fabian Ritter

**Brazil**

Fabia Luna

**Chile**

Marcela Zamorano

**Costa Rica**

Eugenia Arguedas

**Denmark**

Ole Samsing  
Nette Levermann  
Leif Fontaine  
Amalie Jessen

**Finland**

Esko Jaakkola  
Penina Blankett

**France**

Vincent Ridoux  
Greg Donovan

**Germany**

Thomas Schmidt (Chair)  
Karl-Hermann Kock

**Iceland**

Asta Einarsdottir  
Gisli Vikingsson

**Italy**

Caterina Fortuna

**Korea, Republic of**

Sang Joon Hong  
Cheol Woo Lee  
Zang-Geun Kim  
Hyun-Jin Park

**Luxembourg**

Pierre Gallego

**Mexico**

Lorenzo Rojas Bracho

**New Zealand**

Geoffrey Palmer  
Jan Henderson  
Mike Donoghue  
Karena Lyons

**Norway**

Ole David Stenseth  
Egin Ole Øen  
Hild Ynnesdal

**Portugal**

Jorge Palmeirim  
Marina Sequeira

**Russian Federation**

Valentin Ilyashenko  
Igor Mikhno  
Alexey Ottoy

**South Africa**

Herman Oosthuizen

**Spain**

Santiago Lens  
Ana Tejedor

**Sweden**

Bo Fernholm  
Stellan Hamrin

**UK**

Nigel Gooding  
Panayiota Apostolaki  
James Gray  
Jennifer Lonsdale  
Mark Simmonds  
Chris Parsons  
Beatriz Roel

**USA**

Keith Benes  
Bob Brownell  
Roger Eckert  
David Matilla  
Elizabeth Phelps  
Allison Reed  
Michael Tillman  
Ryan Wulff

**Chair of SC**

Debra Palka

**IWC Secretariat**

Nicky Grandy  
Simon Brockington

**Appendix 2**  
**CONSERVATION COMMITTEE**  
**LIST OF DOCUMENTS**

<b>Conservation Committee documents</b>			<b>Agenda item</b>
IWC/62/CC	1	Revised Draft Agenda	
	2	List of Documents	
	3	Voluntary National Cetacean Conservation Report (Australia)	9
	4	Country Report on Ship Strikes (Australia)	4
	5	Update on the United States' Actions to Reduce the Threat of Ship Collisions with Large Whales (USA)	4
	6	Voluntary National Cetacean Conservation Report (USA)	9
	7	Report on Conservation Management Plans (Australia on behalf of the Small Advisory Group on Conservation Management Plans)	8
	8	Report of the Working Group on Whalewatching (Argentina, Australia, Brazil, Mexico, South Africa, UK, and USA)	6
	9	Voluntary National Cetacean Conservation Report (New Zealand)	9
	10	Ship Strikes Working Group fifth Progress Report to the Conservation Committee	4.2
	11Rev1	Small cetaceans and the IWC: A contribution to the discussions on the 'Future of the IWC' (Australia, Belgium, Brazil, Switzerland and UK )	8 & 10
	12	Voluntary Cetacean Conservation Report, 2010 (United Kingdom)	9
	13	Voluntary National Cetacean Conservation Report, 2010 (Brazil)	9
	14	Voluntary National Cetaceans Conservation Report (Argentina)	9
	15	Voluntary National Cetaceans Conservation Report (Chile)	9
	16	France voluntary report to the Conservation Committee for the year 2009	9
<b>Commission documents</b>			
IWC/62/	Rep 1	Report of the Scientific	
<b>Other</b>			
SC/62/	E14	Mapping diversity and relative density of cetaceans and other pelagic megafauna across the tropics: general design and progress of the REMMOA aerial surveys conducted in the French EEZ and adjacent waters	

**Appendix 3**  
**CONSERVATION COMMITTEE**

Tuesday 15 June 2010

**AGENDA**

1. INTRODUCTORY ITEMS
  - 1.1 Appointment of Chair
  - 1.2 Appointment of rapporteur(s)
  - 1.3 Review of documents
2. ADOPTION OF THE AGENDA
3. INVESTIGATION OF INEDIBLE 'STINKY' GRAY WHALES
  - 3.1 Report on progress
  - 3.2 Committee discussions and recommendations
4. SHIP STRIKES
  - 4.1 Report from the Scientific Committee
  - 4.2 Report from the Ship Strikes Working Group
  - 4.3 Committee discussions and recommendations
5. SOUTHERN RIGHT WHALE POPULATION OF CHILE-PERU
6. WHALEWATCHING
  - 6.1 Report from the Scientific Committee
  - 6.2 Report from the Standing Working Group on Whalewatching
  - 6.3 Committee discussions and recommendations
7. WHALE SANCTUARIES
  - 7.1 Report from the Scientific Committee
  - 7.2 Committee discussions and recommendations
8. CONSERVATION MANAGEMENT PLANS
  - 8.1 Report from the Scientific Committee
  - 8.2 Report from the small specialist group
  - 8.3 Committee discussions and recommendations
9. NATIONAL REPORTS ON CETACEAN CONSERVATION
  - 9.1 Introduction of national reports
  - 9.2 Committee discussion and recommendations
10. OTHER MATTERS
11. ADOPTION OF THE REPORT

**Annex 4**

**Extracts from the Maldives Declaration (Lankanfinolhu Declaration)**

Participants in the Indian Ocean Cetacean Symposium, (South Africa, Mozambique, Tanzania, Mauritius, Madagascar, Comoros, France (Mayotte), Seychelles, Oman, Pakistan, India, Maldives, Sri Lanka, Bangladesh, Myanmar, Thailand, Indonesia and Australia) (South Africa, Mozambique, Tanzania, Mauritius, Madagascar, Comoros, France (Mayotte), Seychelles, Oman, Pakistan, India, Maldives, Sri Lanka, Bangladesh, Myanmar, Thailand, Indonesia and Australia):

*Congratulate* the International Whaling Commission on the formation and the continuation of the Indian Ocean Sanctuary;

*Call upon* the IWC to ensure the continuation of the Indian Ocean Sanctuary in perpetuity;

*Encourage* all fishing nations that have cetacean by-catches and directed catches to determine the scale of these catches and reduce them to the minimum level possible;

*Urge* all Indian Ocean coastal states to strengthen national legislation and compliance to protect all cetaceans and their habitats within their EEZ;

*And*

*Reiterate* the commitments made under various international bodies to conserve highly migratory species and to manage fisheries for prey species in such a manner as not to impede the biological productivity of dependent species;

*Urge* organizations using seismic surveys to adopt international best practice to minimize impacts on cetaceans;

*Support* the wider adoption of responsible whale and dolphin watching guidelines and regulations, for the long-term benefit of both cetaceans and humans;

*And finally;*

*Encourage* Indian Ocean states, in collaboration with the IWC to develop a collectively agreed action plan to improve conservation outcomes for cetaceans in the IOS;