

Report of the Conservation Committee

Friday 9 June 2006, St. Kitts and Nevis

The meeting was opened by Bo Fernholm (Sweden), who welcomed participants. A list of participants is given in Appendix 1.

1. INTRODUCTORY ITEMS

1.1 Election of Chair

Bo Fernholm (Sweden) was confirmed as Chair.

1.2 Appointment of rapporteurs

Roger Eckert (USA) was appointed rapporteur.

1.3 Review of documents

The following documents were relevant to the discussions of the Committee:

IWC/58/CC1rev Revised Draft Agenda;

IWC/58/CC2 List of documents;

IWC/58/CC3 Ship Strikes Working Group: First progress report to the Conservation Committee;

IWC/58/CC4 Convention on Migratory Species: Resolution 8.22 on Adverse Human Induced Impacts on Cetaceans;

IWC/58/CC5 South Pacific Whale Sanctuary: threats to whales in the region;

IWC/58/CC6 Australia: Voluntary National Cetacean Conservation Report;

IWC/58/CC7 Chile: Voluntary National Cetacean Conservation Report, 2006;

IWC/58/CC8 United States' actions to reduce the threat of ship collisions with North Atlantic right whales;

IWC/58/CC9 United Kingdom. Voluntary National Cetacean Conservation Report, 2006;

IWC/58/CC10 France: Voluntary Cetacean Conservation report;

IWC/58/CC11 Argentina: voluntary National Cetacean Conservation Report;

IWC/58/CC12 Brazil: Voluntary National Cetacean Conservation Report 2006;

IWC/58/CC13 Mexico: Voluntary National Cetacean Conservation Report;

IWC/58/CC14 New Zealand: Voluntary National Cetacean Conservation Report;

IWC/57/4 The South Atlantic: A Sanctuary for Whales; and

IWC/57/7 Outline Proposal for the IWC Conservation Agenda.

2 ADOPTION OF THE AGENDA

With the following changes, the agenda, as circulated, was adopted (see Appendix 2):

(i) to receive a report from France on the establishment of a sanctuary in the French West Indies under Item 5.3; and (ii) to discuss future work of the Conservation Committee under Item 7.

3 FURTHER CONSIDERATION OF TERMS OF REFERENCE

In introducing this item, the Chair asked whether the Conservation Committee should concentrate its work on the few items already on the agenda. The UK requested a return to the Committee's terms of reference at the end of the meeting in order to discuss other possible work of the Committee. In this regard, the UK suggested work on environmental threats caused by pollution. The Chair indicated that the Committee could take this up under Item 7, Other Matters.

4 CONSERVATION AGENDA

At IWC 57, the Conservation Committee identified two priority areas for future work – 'stinky' gray whales and ship strikes.

4.1 Investigation of inedible 'stinky' gray whales

A group of scientists from the Russian Federation, Mexico and the USA investigated the 'stinky' gray whale problem.

4.1.1 Report on progress

The Chair invited a report on the progress of the investigation into the cause of 'stinky' gray whales. The USA reported that since 1998, Russian aboriginal hunters have been reporting a number of hunted whales that exhibited a strong medicinal odor. Tissues from these whales have been deemed inedible by hunters. Although from 1999-2000 this population of whales underwent a large die-off (>500 whales) and a decrease in calf production which returned to normal in 2001, the stinky whale condition has continued through 2005 and no known cause has been found. As agreed last year a collaborative study has begun, and in 2006 samples were received from two stinky whales from 2005 and analyses are underway in the Russian Federation and the USA. Data will be available in the fall of 2006 for review by scientists in Japan, Norway and other interested countries. A report will be available at the next IWC meeting.

In addition, there is a related gray whale study that was started in Mexico (breeding and calving grounds) in March 2006 to obtain breath samples for chemical analyses from free swimming whales. Samples will also be obtained from free swimming gray whales in the fall, offshore the State of Washington (feeding grounds). Results of these studies will be made available to the Scientific Committee next year.

4.1.2 Committee discussions and recommendations

In response to a question from Belgium, the Russia Federation indicated that there are two publications concerning preliminary work on 'stinky' gray whales, one in 2004 and one in 2005. The Russian Federation further indicated that, in addition to chemistry studies, toxicological studies would also be carried out, and that a full report on the 'stinky' whale problem will be made at the 2007 IWC annual meeting.

Mexico said that in the 2005 IWC Annual Report on page 102, the Russian Federation indicated that there is information that the winter habitat areas of gray whales in Mexico are chemically polluted. Mexico pointed out that it would welcome any information on this report, as well as any studies regarding pollution in these areas. Mexico also indicated that it would be difficult to argue in favour of such pollution and any relation to the health of aboriginal people; there is no agriculture near the breeding lagoons of the area and there is no urban or coastal development in the lagoon areas. The only industry is a saltwork company. Studies on pollution in the 1990's indicate that the lagoons are not a threat to whales in terms of pollutants. In addition, gray whales either do not feed or only feed opportunistically in Mexican waters. This would complicate any interpretation of these whales acquiring any pollutant loads in these winter breeding grounds. Mexico also indicated that it will do whatever is needed to solve the 'stinky' gray whale problem.

4.2 Ship strikes

A small working group of interested parties was established at IWC 57 to examine the second priority area identified by the Conservation Committee – ship strikes. The group was led by Belgium and consisted of Brazil, Australia, Argentina, New Zealand, Luxembourg, UK, South Africa, USA, Italy and France.

4.2.1 Report from the Ship Strikes Working Group

Belgium reported on the progress of the Ship Strikes Working Group, referring to the group's First Progress Report to the Conservation Committee (IWC/58/CC3). Belgium stated that vessel collisions with whales are significant world wide. Belgium also indicated that neither the Conservation Committee nor the Ship Strikes Working Group should duplicate work of the Scientific Committee on ship strikes. Belgium identified four technical mitigation measures: (i) detection and avoidance manoeuvres, (ii) repulsion, (iii) protection, and (iv) training. Belgium indicated that a combination of the four factors is necessary to mitigate ship strikes. Belgium then pointed out the report's five recommendations:

Recommendation 1: All national progress reports on cetacean research submitted by IWC members should include ship strikes data in a format allowing their full utilization.

Recommendation 2: Set up a centralized international database on ship strikes.

Recommendation 3: As appropriate, adopt national and regional legislation, rules and action plans to reduce the impact of ship strikes, with priority for high-risk areas.

Recommendation 4: Identify and circulate information on training material for crew and maritime and marine officials.

Recommendation 5: Continue the work of the Ship Strikes Working Group, widen its membership and circulate the progress report widely.

Belgium also indicated the need for coordination with the International Maritime Organization (IMO) and suggested the possibility of a collaborative agreement between the IWC and the IMO.

Belgium then reviewed the report's list of priority actions after IWC58, i.e., follow-up actions by the Ship Strikes Working Group and actions which might be considered by the Scientific Committee. In conclusion, Belgium indicated

that vessel strikes of right whales are significant, the Ship Strikes Working Group has begun its work, and that input of the Scientific Committee is crucial.

4.2.2 Committee discussions and recommendations

Several countries, including Brazil, Mexico, Germany, Australia, Chile, New Zealand, the UK, Spain, the USA, Argentina, and the Netherlands, thanked Belgium for taking the lead on the Ship Strikes Working Group, and thanked the group's members for having produced an excellent product. They also indicated that the group has raised awareness of the problem. Australia and others repeated Belgium's call for closer coordination with the IMO. The UK recalled some difficulty with the IMO in the past and highlighted the need for any approach to be handled sensitively. Several countries indicated that the work of the Ship Strikes Working Group was evidence of the value of the Conservation Committee. The Conservation Committee agreed with the follow-up recommendations made by the Ship Strikes Working Group, as well as with Belgium's recommendation for coordination with the IMO.

In presenting IWC58/CC8, the USA noted previous IWC resolutions (e.g., 2000-8) urging countries to develop ways to reduce the threat of ship strikes to North Atlantic right whales. The USA provided a summary of United States' actions, including domestic regulatory measures, that have been undertaken or are underway in this regard. The USA's ship strike reduction strategy has five elements: (1) modifications to vessel operations such as routing and speed restrictions; (2) continuation of established and ongoing research, conservation, education and awareness activities; (3) expansion and implementation of mariner education and outreach programs; (4) a review of vessel operations by government agencies and consultation regarding endangered species protection under domestic law; and (5) a bilateral right whale conservation agreement between the United States and Canada. As an example of a vessel operation measure, in April 2006, the USA submitted a proposal to the IMO to narrow and shift the orientation of the Traffic Separation Scheme servicing Boston, Massachusetts. If endorsed, it is expected to provide significant risk reduction for all baleen whale species occurring in the area. The various measures, if successful, may be applicable to reducing ship strike incidents in other geographic locations and on behalf of other taxa.

Belgium asked the USA about right whale fatalities since 2004 and vessel speed restrictions. The USA indicated that the speed advisories are recommendations at this point and that there have been ship strikes and whale fatalities since 2004.

The Chair of the Scientific Committee reviewed an extract of the draft report of the Scientific Committee (IWC/58/Rep1) on ship strikes. Item 7.3.1 of that report describes a workshop on large whale ship strikes in the Mediterranean Sea held jointly by the CMS-ACCOBAMS¹ and the Pelagos Sanctuary. The Scientific Committee endorsed the recommendations from the workshop related to estimating the number of ship strikes. In addition, the Scientific Committee endorsed the workshop's recommendations for joint work between the IWC Scientific and Conservation Committee, and the Secretariats of the IWC and ACCOBAMS. The Scientific Committee made a number of other recommendations for further work on ship strikes. It also agreed that development of a single international database of collisions between whales and vessels along the lines developed in SC/58/BC6 for the Southern Hemisphere would be extremely valuable, and that particular attention should be given to standardization of information and data quality control. In this regard, the Scientific Committee welcomes the Ship Strikes Working Group's recommendation to have a single database.

New Zealand noted that there are several organizations, e.g., ACCOBAMS, IMO, IWC, that are currently looking at ship strikes, and that there is a need for better coordination between these organizations. Austria noted from the Scientific Committee report extract that most ship strikes in Hawaii involve whale watching. Austria stated that there should be efforts to mitigate ship strikes within the whale watching industry. With regard to an international database, Belgium described a preliminary work plan, and indicated that the Ship Strikes Working Group will contact the IMO and develop a working relationship.

The Secretary then described a resolution adopted by the parties to the Convention on Migratory Species (CMS) on Adverse Human Impacts on Cetaceans. The Conservation Committee expressed their support for the resolution and to working with the CMS. The Secretary indicated that the CMS would like to cooperate with the IWC on this matter and that there is an existing Memorandum of Understanding between the IWC and the CMS. The Secretariats of the IWC and CMS will meet in early autumn to find better ways to cooperate. Austria expressly appreciated the cooperation with CMS, the parent convention for ACCOBAMS and ASCOBANS, and hoped that the co-operation will be continued as well as fostered.

The Conservation Committee endorsed the five recommendations of the Ship Strikes Working Group, above. Australia indicated that it would like a reference to collaboration with the IMO. New Zealand recommended that the Secretariat

¹ The Convention on Migratory Species (CMS) and the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS).

forward the Ship Strikes Working Group's Report to the IMO, along with the excerpt of the Scientific Committee report, and that the IMO should be invited into a dialogue with the IWC on ship strikes.

The Secretary indicated that there is no Memorandum of Understanding between the IWC and the IMO, and so, an IMO member country would have to submit these documents. Belgium proposed to do this and noted that the deadline for submission of documents to the IMO in time for its next meeting is 7 July. The USA indicated that the IMO generally only responds to specific proposals and that the receipt of these documents may not get much IMO response. The Chair responded that the Ship Strikes Working Group report has specific recommendations that might provoke discussion within the IMO. The Conservation Committee agreed that Belgium would submit these documents to the IMO on behalf of the Conservation Committee. The Conservation Committee also agreed that the Secretariat should be invited to look into a possible Memorandum of Understanding with the IMO.

Finally, the Conservation Committee welcomed the resolution from the CMS and endorsed the Scientific Committee's report on ship strikes. The Conservation Committee invited the Secretariat to provide a copy of the Ship Strikes Working Group's report to the CMS Secretariat.

4.3 Other issues

No other issues were discussed.

5 WHALE SANCTUARIES

Following the Chair's introduction of this agenda item, Denmark questioned why sanctuaries are addressed in the Conservation Committee as well as in the Plenary session. Denmark felt that the discussion should occur in one place or the other but not both. The Chair responded that the Conservation Committee is still working on its agenda, and on how to coordinate its activities with the Scientific Committee and the Plenary.

5.1 Proposed South Pacific Whale Sanctuary

5.1.1 Introduction by Australia/New Zealand

Australia introduced the paper it co-authored with New Zealand on threats to whales and their habitat in the South Pacific (IWC/58/CC5). Australia noted, among other things, that a South Pacific Whale Sanctuary would: (i) protect whale populations in the region which remain seriously depleted, and facilitate their recovery; (ii) protect critical great whale breeding grounds and migratory routes; (iii) allow stocks to reach their carrying capacity and fluctuate according to natural determinants; (iv) provide a management tool that reinforces the efforts of other mechanisms to prevent species from becoming threatened with extinction; and (v) provide economic benefits through non-consumptive use of whales. Australia reviewed the status and trends of whale populations within the area. Australia also described in detail some of the threats to whales and their habitat in the South Pacific, and cited a need for a precautionary approach.

New Zealand said that while a great amount of work had gone into the paper, there is still only limited knowledge of threats to great whale populations in the South Pacific region. In addition, New Zealand indicated that the marine environment and the state of health of cetaceans in this area need to be carefully monitored.

The paper concludes that the poor population status of most great whales in the region, when considered in light of the absence of detailed biological and habitat use information and the absence of reliable information on threats to these whales, dictates a conservative approach to management. It recommends that the Conservation Committee encourage further work on these issues both in the region and through the IWC.

5.1.2 Committee discussions and recommendation

A number of countries expressed their strong support for the recommendations for further work contained in IWC/58/CC5. The UK and others thanked Australia and New Zealand for their efforts and stated that the paper makes a strong case for a sanctuary.

Denmark indicated that Australia and New Zealand were not proposing the establishment of a sanctuary at this meeting, and expressed its view that this document did not fulfil the criteria for a sanctuary. Australia indicated that it would conduct further work on these issues, that a sanctuary proposal would be made to the IWC in due course, and that the IWC clearly has competence regarding sanctuaries.

The Conservation Committee agreed with the paper's recommendation for further work on issues relevant to threats to whales and their habitat in the South Pacific.

5.2 Proposal to establish a South Atlantic Whale Sanctuary

5.2.1 Introduction by Brazil/Argentina

Brazil introduced the proposal presented by Argentina, Brazil and South Africa at IWC 57 for a South Atlantic Whale Sanctuary (IWC/57/4), and indicated that a sanctuary has a clearly stated goal: that of promoting and consolidating a non-lethal management regime for cetacean resources in the area the sanctuary encompasses. Brazil stressed the sanctuary as a management tool and noted that the lack of scientific data on most cetacean species living there shows how much there is still to be done to assess them properly. Brazil also highlighted that further scientific findings and socio-economic reality prove that the non-lethal management option can be of great benefit to the peoples in the region, thereby justifying the proposal in management terms. Brazil also noted that the parties to the Convention on Biological Diversity embrace non-lethal uses of resources, and that ensuring protection of coastal nations' rights to non-lethal uses is important.

Argentina indicated that the sanctuary is a proposal for non-lethal uses of whales. Argentina also said that the proposed sanctuary will support research on depleted stocks and their habitats, and will promote regional conservation measures and educational activities.

5.2.2 Committee discussions and recommendations

A number of countries expressed their strong support for the proposed South Atlantic Whale Sanctuary. In their comments they considered that sanctuaries can and do play an important role in whale conservation and management.

South Africa stated that it is a range state for a South Atlantic Whale Sanctuary and a co-sponsor of the proposal. South Africa thanked Brazil and Argentina for their work on this proposal and stated its support for the non-consumptive use of cetaceans.

Denmark stated that the Scientific Committee had discussed this proposal last year, and that "consensus was not reached on the scientific merits of the proposed sanctuary." (2005 IWC Annual Report at 33.) Denmark asked whether the Scientific Committee reached any new conclusions this year regarding the proposal. Australia indicated that it had previously co-sponsored the proposal and noted that the Scientific Committee did not consider the South Atlantic sanctuary proposal this year. The Chair of the Scientific Committee confirmed that the Scientific Committee did not receive any new sanctuary proposals this year, and that last year's Scientific Committee response remains the same. Mexico and several other countries were supportive of the sanctuary proposal.

The Conservation Committee endorsed the South Atlantic Whale Sanctuary proposal, with the exception of Denmark. Denmark indicated that it was not supportive and that in its view the proposal does not satisfy the necessary criteria.

5.3 Other

France commented on the establishment of a cetacean sanctuary in the French West Indies and described the sanctuary's goal. New Zealand indicated that Vanuatu recently declared a whale sanctuary in its Exclusive Economic Zone, and that over 11 million square kilometres of the South Pacific are protected by sanctuaries in countries' Exclusive Economic Zones.

6. NATIONAL REPORTS ON CETACEAN CONSERVATION

6.1 Introduction of national reports

The Chair noted that several countries had submitted voluntary national cetacean conservation reports: Australia (IWC/58/CC6); Chile (IWC/58/CC7); UK (IWC/58/CC9) and (IWC/58/CC9 Add); France (IWC/58/CC10); Argentina (IWC/58/CC11); Brazil (IWC/58/CC12); Mexico (IWC/58/CC13); and New Zealand (IWC/58/CC14) and invited these countries to introduce their reports in turn. Several reports addressed the following topics: legal developments, information on whale watching operations, current government conservation programs, current threats to cetacean conservation and management measures taken/proposed, reporting systems for cetacean injuries/mortality/strandings, and international cooperation activities. Australia highlighted that it had finalized whale watching guidelines. Chile noted that whale populations in Chilean waters are important in the development of non-lethal activities. The UK identified, among other things, the importance of whale watching to the rural economy, and encouraged others to submit reports. Argentina described the development of whale watching best practice guidelines. Brazil stated that one of the most important issues addressed in its report is the topic of seismic surveys. New Zealand indicated that these progress reports demonstrate the value of the Conservation Committee because all of these countries are facing similar conservation issues, e.g., habitat, whale watching, and international cooperation.

6.2 Committee discussions and recommendations

Several countries noted the usefulness of these reports and indicated that they fostered information exchange on common issues of cetacean management. The USA thanked the countries for submitting national reports and stated that it would

submit one next year. The Conservation Committee welcomed the voluntary national reports and encouraged more countries to submit such reports next year.

7. OTHER MATTERS

The Chair indicated that the Conservation Committee agreed to discuss its terms of reference under this agenda item. Australia referred to page 50 of the Chair's report from IWC 57 and repeated its view that the Chair of the IWC, not the Conservation Committee, should address the Conservation Committee's terms of reference. Australia also stated its belief that the Conservation Committee should work on priority areas first and that more work needs to be done on the two priority areas already identified by the Committee. Australia indicated that work on these priority areas would build confidence in the Conservation Committee. The USA agreed with Australia. The UK agreed that it is sensible at this stage to limit activities to the two ongoing projects.

Luxembourg referred to the outline proposal for a conservation agenda from last year (IWC/57/CC7), and proposed that the Committee examine impacts of whale watching on small cetaceans as recommended by the Scientific Committee. The Conservation Committee noted Luxembourg's proposal for further work, and invited it to present a written proposal for next year.

Sweden indicated that there are several agenda items for the Plenary session that could be addressed by the Conservation Committee, e.g., whale watching, environmental health and pollution. It noted that perhaps the Conservation Committee should take on these agenda items in the future, but preferred that the Committee focus on the two ongoing priority areas for now. Denmark supported Sweden and indicated that it is sensible that the Conservation Committee address the conservation issues that are currently addressed in the Plenary session. The UK noted that the Committee is not trying to duplicate work of other parts of the Commission, and that the Conservation Committee is seeking to add value in preparing for discussion of issues in Plenary, and can be seen as a complement to the Technical Committee.

Norway indicated that it did not agree with the establishment of the Conservation Committee and for this reason it did not participate in the discussion and would give its view on the questions discussed in the Commission. Korea stated that in its view the discussion was one sided, did not mention sustainable use and consequently was concerned that many IWC member countries are not participating in the Committee. The Chair expressed the hope that, with time, more countries will join in the Committee's work.

Austria stated that a survey conducted in the framework of the State of the Cetacean Environment Report (SOCER) indicated that 44% of all cetacean papers published in peer-reviewed literature in 2005 were primarily on environment and conservation issues, indicating the relevance of the Conservation Committee.

8. ADOPTION OF THE REPORT

The report was adopted 'by post' at 2.00pm on 23rd June..

Appendix 1

List of participants

Argentina

Miguel Iniguez

Australia

Conall O'Connell

Virginia Mudie

Gillian Slocum

Zena Armstrong

Pam Eiser

Phillip Tracey

Austria

Andrea Nouak

Michael Stachowitsch

Belgium

Koen Van Waerebeek

Brazil

Régis Pinto de Lima

José Truda Palazzo Jr.

Marcia Engel

Chile

Elsa Cabrera

Czech Republic

Pavla Hycova

Denmark

Henrik Fischer

Ole Samsing

Leif Fontaine

Ole Heinrich

Amalie Jessen

Maj Friis Munk

Fernando Ugarte

France

Vincent Ridoux

Germany

Marlies Reimann

Karl-Hermann Kock

Italy

Caterina Fortuna

Republic of Korea

Zang Geun Kim

Chiguk Ahn

Hyun-jin Park

Luxembourg

Pierre Gallego

Mexico

Lorenzo Rojas-Bracho

Netherlands

Stefan Verbunt

Maaïke Moolhuijsen

New Zealand

Geoffrey Palmer

Michael Donoghue

Al Gillespie

Indra Prasad

Phillipa Brakes

Norway

Anniken Ramberg Krutnes

Hild Ynnesdal

Portugal

Marina Sequeira

Maria José Pitta Gros

Russian Federation

Valentin Ilyashenko

Rudolf Borodin

Olga Ipatova (I)

South Africa

Herman Oosthuizen

Luyanda Anthony

Spain

Carmen Asencio

Santiago Lens

Renaud De Stephanis

Sweden

Bo Fernholm (Chair)

Switzerland

Bruno Mainini

UK

Richard Cowan

Trevor Perfect

Laurence Kell

Ruth Thirkettle

James Gray

Alice Lacourt

Jenny Lonsdale

Mark Simmonds

USA

William Hogarth

Doug DeMaster

Cheri McCarty

Roger Eckert (rapporteur)

Emily Lindow

John Field

Bob Brownell

Rollie Schmitten

Nathan Pamplin

Greg Silber

Teri Rowles

Scientific Committee

Arne Bjørge

Appendix 2

CONSERVATION COMMITTEE

AGENDA

1. INTRODUCTORY ITEMS
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4. CONSERVATION AGENDA
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 - 4.1.1 Report on progress
 - 4.1.2 Committee discussions and recommendations
 - 4.2 Ship strikes
 - 4.2.1 Report from the Ship Strikes Working Group
 - 4.2.2 Committee discussions and recommendations
 - 4.3 Other issues
5. WHALE SANCTUARIES
6. NATIONAL REPORTS ON CETACEAN CONSERVATION
 - 6.1 Introduction of national reports
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7. OTHER MATTERS
8. ADOPTION OF THE REPORT