

Outline Proposal for the IWC Conservation Agenda

(Proposed by Belgium and supported by Argentina, Australia, Austria, Brazil, France and Monaco)

INTRODUCTION

Commission Resolution 2003-1 established the Conservation Committee and charged it with the following tasks:

1. The preparation and recommendation to the Commission of its future Conservation Agenda, taking full account of this Resolution;
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.

Threats to whales in the 21st century are diverse and increasing, and it is vital that the Conservation Committee (CC) get down to substantive work as soon as possible if the IWC is to maintain its standing as the world's lead agency with respect to whale conservation. The Committee should fulfil its mandate by recommending a Conservation Agenda to the Commission, so that progress on its contents can begin as soon as possible.

This document is a proposal for an initial Conservation Agenda and working methods for the Conservation Committee. The Conservation Agenda can be updated and extended on an ongoing basis, as envisaged in Resolution 2003-1. The Annex to this document contains some ideas for initial programs of work under each item. The intention is that once the Commission has approved the Conservation Agenda, the Conservation Committee could then go on to discuss and propose initial Programs of Work for each item.

In our view, the CC can most usefully focus on threats to whales other than direct hunting. The latter are already covered by existing IWC mechanisms, such as the RMS and ASW Working Groups, and the Scientific Committee review of scientific permit whaling. This will have the advantage that time need not be spent discussing divisive issues such as sustainable use, which took up much of the time of the 1st meeting of the Conservation Committee in Sorrento.

The measures required to implement the Conservation Agenda will in the main be voluntary in the sense of not involving action under Article V of the Convention (amendments to the Schedule) but instead action under Article VI, which empowers the Commission to make recommendations to Contracting Governments on any matters related to whales and the objectives of the Convention. We therefore hope that differences of views regarding the competence of the IWC for the conservation of the various species will not be a major obstacle in drawing up an agreed Conservation Agenda.

PROPOSED INITIAL CONSERVATION AGENDA

1. HUMAN IMPACTS

1.1. Ship strikes

- frequency of occurrence by area/species
- monitoring and reporting
- mitigation measures

1.2. Marine noise

- inventories of noise sources
- research and assessment of effects on cetaceans
- mitigation measures including development of noise standards

1.3. Entanglement and by-catch

- assessment
- monitoring and reporting
- mitigation measures

1.4. Pollution

- contaminants
- organic pollution
- oil and other hydrocarbons
- marine debris

1.5. Whale-watching

- review of extent, current practices and guidelines, known problems
- development and implementation of international guidelines

2. ENDANGERED SPECIES AND POPULATIONS

- selection, e.g. based on IUCN Red List
- national and international recovery plans
- implementation of Scientific Committee recommendations

3. HABITATS

- inventory of cetacean habitats and importance to species/populations
- current and emerging threats to these habitats
- habitat protection measures, including sanctuaries and protected areas

4. SUPPLY OF CONSERVATION-RELATED DATA

- national reports on cetacean conservation
- international co-ordination of data collection for strandings, entanglements, collisions, etc
- monitoring of cetacean populations.

PROPOSED WORKING METHODS FOR THE CONSERVATION COMMITTEE

Relationship with the Scientific Committee. The Conservation Committee should complement rather than duplicate the work of Scientific Committee. The task of the Scientific Committee is to identify conservation problems and assess their severity, and to determine what conservation actions and/or additional information are required. The task of the Conservation Committee is to find ways to make these actions happen, or to find ways to ensure that the required additional data are actually collected. The Conservation Committee can also identify conservation problems and request the Commission to charge the Scientific Committee to investigate and make recommendations.

Programs of work. We propose the Conservation Agenda contain, for each item, a basic outline of the scope of the matter, followed by an initial program of work for taking the issue forward. For some issues, the initial program of work will focus mainly on ensuring that the required data are gathered, with the emphasis shifting to more advanced action as the program of work evolves.

Lead delegation per item. We also propose that for each item on the Conservation Agenda that requires inter-sessional action by the CC, such as the development of a program of work, one delegation be designated the lead country for taking the matter forward, with a nominated contact person, working either alone or as chair of an e-mail working group appointed for the purpose. Such working methods have been found to function effectively in the Scientific Committee. In special cases, a collaborating organisation could be given the task, with the Secretariat as their point of contact with the IWC.

Studies and reviews. Where the CC determines that a study or review of a cetacean conservation problem is required, a delegation should preferably be found that volunteers to provide this study. Where a developing country volunteers to provide the study, other governments are encouraged to make voluntary contributions towards the costs of the study. In special cases, the task of providing the study can be assigned to the Scientific Committee or contracted out.

The results of such studies or reviews should normally be presented first to the Scientific Committee, to review the factual and scientific validity of the study, and to make any scientific corrections that are required. This will enable the Conservation Committee to focus its attention on the recommendations for action arising from the study, rather than spending time discussing scientific questions which are more effectively handled in the Scientific Committee.

Collaborating organisations. As noted in Resolution 2003-1, the IWC will not be able to implement all the Conservation Agenda on its own, because it will involve actions that overlap with the competence of other international organisations. Generally, collaboration with other organisations will be on specific issues as the need arises, but in some cases it will be appropriate to define the scope of collaboration between the IWC and the other organisation through a Memorandum of Understanding, as has already been concluded between IWC and the Convention on Migratory Species (see IWC/56/CC 2). The IWC should avoid duplicating or competing with the work of other organisations

For each item on the Conservation agenda, the organisations with which collaboration is essential or desirable should be identified, and the task on which collaboration is required should be specified as precisely as possible. A member government or the Secretariat could be nominated to co-ordinate the contact with the other organisation, depending on the structure of the collaborating organisation.

ANNEX

BACKGROUND INFORMATION AND PROVISIONAL PROGRAMS OF WORK

In this section we provide some ideas for initial programs of work. These are not part of the proposal for the Conservation Agenda. We envisage that after a Conservation Agenda has been adopted, Programs of Work could be elaborated and these ideas could be used as input into that discussion.

1. Human impacts

1.1. Ship strikes

Collisions with ships can and do kill whales, especially the larger species and those inhabiting waters with high shipping volumes. For at least one species (North Atlantic right whale), ship strikes have been identified along with entanglements as the top two factors that threaten the species with extinction. Apart from certain species and areas (e.g. right whales off USA and Canada), the issue is mainly still at the stage where more information on the extent of the problem and the options for counter-measures needs to be gathered.

Outline Program of Work¹

- (1) Conduct a study of shipping traffic volumes around the world in relation to cetacean occurrence to identify:
 - areas of potentially high interaction;
 - areas of uncertain status due to lack of information on cetacean occurrence;
 - areas of uncertain status due to lack of information on shipping volumes;
 - areas where interaction can be assumed to be relatively low.
- (2) Promote, review and collate research into assessing and improving the efficacy of counter-measures, including:
 - systems for warning vessels of whale presence in the area
 - arrangements for sighting whales and taking avoiding action
 - mechanisms for alerting whales to oncoming vessels
 - relocation of shipping lanes
 - speed limits
- (3) Develop and implement in conjunction with the appropriate maritime organisations of a global scheme for reporting observed or suspected ship strikes. This should be web-based and supervised in close to real time so that the database supervisor can solicit further information from those reporting ship strikes soon after the event.
- (4) Based on the information gathered, identify areas, routes, seasons and species for which priority for preventive action is highest. Develop mitigation plans for these priority cases in collaboration with coastal states and relevant organisations.

1.2. Marine Noise

Sources of marine noise include: shipping, other vessel traffic, e.g. recreational boating, dredging, coastal and offshore construction, wind power generation, seismic surveys, scientific and military sources including sonar, and fishing activities. Noise can cause direct injury to cetaceans or death, interference with communication and echolocation, and/or exclusion of cetaceans from areas of habitat.

Outline Program of Work

The following are points that could be included in an initial plan, with more detail added later as work progresses:

1. Preliminary inventory of ocean noise sources based on known and estimated noise sources, inferred where necessary, e.g. from volumes of shipping traffic, and identification of key information gaps where more research is required.
2. Development of a *pro forma* for national inventories of marine noise sources and recommendations for conducting national inventories.

¹ The subcommittee on By-catch and other human induced mortalities deals with some aspects of ship strikes.

3. In time, establishment of specifications and responsibilities for maintaining an ongoing global inventory of marine noise sources that would draw on national inventories and other sources of information or extrapolation.
4. Action to ensure that the required research is done to determine short and long-term risk thresholds for cetaceans. Short-term thresholds would relate particularly to risks of auditory or bodily injury, while long-term thresholds would be based on habitat exclusion levels.
5. The results would feed into a process for developing environmental noise thresholds to be regarded as targets to be met from parallel actions to address noise source levels.
6. Collaboration with other organisations to develop a legal and operational framework for countering marine noise:
 - With respect to shipping, the development of standard measurements for vessel noise levels, definition of vessel noise classes, and inclusion of noise parameters in shipping register entries. This could lead to the establishment of voluntary noise standards that at some later time could become statutory.
 - With respect to other civilian noise sources, collaboration with the appropriate bodies for developing industry-specific measurements and standards.

1.3. Entanglement & other by-catch

The very high estimates of cetaceans incidentally caught in various fishing gear are a cause of global concern. There is evidence that by-catch levels are unsustainable for some cetacean species and stocks, but data on by-catches worldwide is seriously deficient. The Commission has endorsed a proposal for a series of regional workshops to address cetacean bycatch issues, the first of which is to be held in Argentina in 2005 (2004 Scientific Committee report). Each workshop shall develop both short and long term approaches to the successful management and mitigation of the cetacean bycatch problem in the regions.

Outline Program of Work

(1) Develop a Global Plan of Action for Monitoring and Reducing Incidental Catches of Cetaceans. This should include mechanisms for better integrating by-catch reporting into fishery catch reporting arrangements.

(2) As part of this Global Plan, develop a template for national or regional Plans of Action for reducing cetacean incidental catches. The template can be based on the proposal in Scientific Committee document SC/54/BC6. This template includes: a plan of assessment, for determining the extent of the by-catch problem; prescription of mitigation measures, including decision rules if any; arrangements for research and development, monitoring and evaluation, and education, training and outreach.

1.4. Pollution

This item refers to the direct impact of pollution on cetaceans, while impacts of pollution on cetacean habitats are covered under section 3. It is helpful to divide the pollution issue into the following areas of concern because the nature of the threat and the kinds of mitigation strategies that are required differ greatly between these different types of pollution:

- Contaminants (e.g. heavy metals, organohalogenes) which can affect cetaceans far from the source through bioaccumulation (c.f. Scientific Committee's *Pollution 2000* program);
- Organic pollution (bacteria, toxins) which affects cetaceans especially in highly polluted areas with poor water quality, especially where it causes eutrophication;
- Oil (ingestion and other direct effects);
- Marine debris (ingestion).

We do not propose a programme of work for pollution issues here. The initial task of the CC is to develop such a program.

2. Endangered species and populations

Although most cetacean populations will be expected to benefit from the efforts to reduce threats to cetaceans generally, specific conservation actions are required for the most endangered species and populations. Based on the IUCN Red List of Endangered Species of Flora and Fauna, the following cetacean species and populations are considered Endangered or Critically Endangered:

- Gray whale *Eschrichtius robustus* (western/Asian population)
- Bowhead whale *Balaena mysticetus* (Populations: Baffin Bay - Davis Strait; Okhotsk Sea; Spitsbergen)
- North Atlantic right whale *Eubalaena glacialis*
- North Pacific right whale *Eubalaena japonica*
- Baiji *Lipotes vexillifer*
- Irawaddy dolphin *Orcaella brevirostris* (Populations: Ayeyarwady River; Mahakam River; Malampaya Sound; Mekong River; Songkhla Lake)
- Vaquita *Phocoena sinus*
- Hector's dolphin *Cephalorhynchus hectori*
- Finless porpoise *Neophocaena phocaenoides*
- *Platanista gangetica* (Ganges river dolphins *P.g. gangetica* and Indus river dolphin *P.g. minor*)

The following species are also listed as Endangered, but mainly for the reason of depletion by past exploitation. This is less important for the CC, unless other, newer threats to their survival are identified:

- blue whale *Balaenoptera musculus*
- fin whale *Balaenoptera physalus*
- sei whale *Balaenoptera borealis*

Outline Program of Work

For each endangered species or population the CC should, on a regular basis:

- Request a population assessment from the Scientific Committee, unless a recent assessment is already available;
- Review national, regional and international existing efforts (e.g. population monitoring, recovery plans, research, protection measures, legislation) to conserve the species or population;
- Review the conservation measures recommended by the SC and their implementation, and determine what further measures are needed to ensure that the recommendations are implemented, including where appropriate assistance to the key range states.

In cases where the range of a species or population overlaps more than one country, and where national or other existing conservation plans are not considered adequate, the CC could arrange for the development of an international Action Plan to promote the recovery of the species or population.

3. Cetacean habitats

The threats to cetacean marine habitat include:

- coastal development, including tourism
- marine oil and gas extraction and transport
- other offshore construction
- gravel extraction
- fisheries and aquaculture
- land-based pollution affecting water quality
- disturbance from vessel traffic, including whale-watching

Riverine cetaceans are subject to a range of additional threats including artificial barriers and reduction of water flow.

Outline Program of Work

(1) Construct and maintain a world inventory of cetacean habitats with particular emphasis on:

- Habitats of critical importance for one or more cetacean species or populations
- Habitats of importance for endangered species and populations
- Important cetacean habitats subject to known threats

As a follow-up to the IWC Habitat Degradation Workshop held in November 2004, the proposed classification scheme for cetacean habitats according to their state of degradation should be further developed so that habitats can be classified, or the data required to do so can be identified.

(2) Construct and maintain a world inventory of cetacean habitat protection measures, including Marine Protected Areas (MPAs), whale sanctuaries, and other types of protected area:

- specification of protection measures in place (including protection measures not specifically aimed at cetaceans, but which benefit cetacean conservation) and management plans, if any
- arrangements for monitoring the application and efficacy of protection measures
- current knowledge of cetacean fauna in the area and ongoing and planned research programmes
- monitoring of trends in cetacean abundance in the area
- known threats to cetaceans and arrangements for monitoring threats

Members of the IWC should supply information on their habitat protection measures through the proposed National Cetacean Conservation Reports (see section 4).

(3) Identify further cases where specific measures for protecting cetacean habitat would be warranted, and work with the affected coastal states and relevant agencies to draw up plans for the designation and management of these areas, including taking into account migratory routes.

4. Supply of conservation-related data

Outline Program of Work

- (1) The IWC's State of the Cetacean Environment Report (SOCER), published annually on the IWC web site, is a key source of information and known and new actual and potential environmental threats to cetaceans. The reports should be continued and form part of the annual documentation of the CC.
- (2) The proposal for Voluntary National Reports on Cetacean Conservation (Appendix 4 of the 2004 CC report) should be adopted, with modifications if necessary, and the Secretariat asked to circulate a template to members. The form and content of the report should be reviewed following receipt of the first reports.
- (3) Arrange for global co-ordination of national and regional strandings networks and databases, preferably maintained by a suitably qualified institution on a voluntary collaborative basis with the IWC, with a Memorandum of Understanding if required. The database should not only receive data but also provide guidance on dealing with strandings and entanglements, including:
 - identification of species;
 - live release methods (where possible);
 - diagnosis of probable causes of death;
 - collection and archiving of voucher specimens and tissue samples;
 - collection and reporting of auxiliary information.

The CC should work with member countries, national authorities, scientific organisations and other NGOs to maximise the reporting of strandings and by-catches to the database.

- (4) As a long-term goal, collaborate with the Scientific Committee to develop a global system for the compilation and updating of data on cetacean populations, for the purpose of establishing baselines and means of detecting long-term declines that will be essential for determining future conservation action needs.