

Annex E

Instructions from the Commission to the Scientific Committee for Reviews of Sanctuaries

Amendments to the Schedule, including the establishment of Sanctuaries 'shall be based on scientific findings' (Article V2b). There is a divergence of views within the Commission as to the extent to which other issues (e.g. socio economic and cultural) can be used as the basis for Sanctuaries. Clearly, the Scientific Committee shall only consider scientific aspects when reviewing existing sanctuaries or proposals for new sanctuaries.

General

In reviewing existing sanctuaries, the Scientific Committee should give primary attention to assessing how well the scientific aspects of the agreed objectives of the sanctuary have been met and how well they might be met if the sanctuary continues.

In reviewing proposed sanctuaries, the Scientific Committee should give primary attention to considering the scientific feasibility of meeting the scientific aspects of the stated objectives, and, if necessary, recommend amendments to the objectives, or changes to the proposal to better meet its objectives.

Specific

The following specific guidelines relate primarily to the review of proposed sanctuaries but should also be used in reviewing existing sanctuaries where relevant. The Commission instructs the Scientific Committee to:

1. Provide advice on the status and trends of whale stocks in the (proposed) sanctuary in so far as these are known. Assess whether the sanctuary distinguishes between species and stocks that are depleted and apparently slow to recover, those that are increasingly rapidly, and those that are abundant and not threatened. Assess the present and potential threats to whale stocks and their habitats in

the area of the (proposed) sanctuary and how the (proposed) Sanctuary addresses these. Such factors may include inter alia:

- a. whaling;
- b. fishing, including by-catch;
- c. oil and gas exploitation, including seismic surveys;
- d. shipping;
- e. whalewatching;
- f. climatic change;
- g. other environmental factors.

It should also consider the relationship of the (proposed) Sanctuary with other existing measures to protect whales from such anthropogenic and other environmental factors.

2. Assess the anticipated effects of the proposed sanctuary in terms of:
 - a. improving protection of whales, in breeding areas, feeding grounds and/or migratory routes;
 - b. improving the conservation of breeding sites, migratory routes and/or feeding grounds; and
 - c. complementing existing or potential protection including the Commission's current management regime and regional and international agreements concerning biodiversity and conservation of nature.
3. Provide advice on whether the proposed boundaries of the sanctuary are ecologically appropriate.
4. Provide advice on whether the sanctuary addresses the issue of critical habitat* and non-critical whale habitat.
5. Evaluate whether the sanctuary may contribute to or impede the conduct of scientific research useful for meeting IWC objectives and facilitate coordinated and integrated research and monitoring programs.
6. Provide advice on whether the sanctuary is consistent with the precautionary approach.

* Critical habitat as referred to in point 4 is not the same as the term used in the USA's domestic legislation.