

# Annex I

## Report of the Conservation Committee

Tuesday 17 June 2008, Santiago, Chile

The meeting was opened by Hyun-Jin Park (Republic of Korea), who welcomed participants. A list of participants is given in Appendix 1.

### 1. INTRODUCTORY ITEMS

#### 1.1 Election of Chair

Hyun-Jin Park (Republic of Korea) was confirmed as Chair.

#### 1.2 Appointment of rapporteur

James Gray (United Kingdom) was appointed rapporteur.

#### 1.3 Review of documents

A list of documents is attached as Appendix 2.

### 2. ADOPTION OF THE AGENDA

The Agenda, as circulated, was adopted without change (see Appendix 3). The Chair suggested that papers IWC/60/14rev, IWC/60/CCInfo1, IWC/60/15 and IWC/60/16 (see Appendix 2) be addressed under Item 9 'Other Matters'.

Iceland read a brief statement expressing regret that approximately half the Commission were not present and that many countries found the basis of the Committee unacceptable and divisive. Iceland indicated that it would make no further interventions stressing that its silence should not be taken as acceptance of any further comments made or decisions reached and noting that no decisions of the Committee could be reported as being reached by consensus.

Australia was pleased that so many countries continued to support the work of the Committee and saw conservation issues as a key priority of the IWC. Austria stated its belief that the work of the Conservation Committee was in line with current scientific strategies addressing the proper management and conservation of whales and that this year again almost 50% of all the scientific literature published on cetaceans dealt with environmental and conservation issues and many others contained related themes. Brazil supported the views expressed by Australia and Austria and encouraged all members to participate in the work of the Committee. Korea hoped that the difficulties over the establishment of the Conservation Committee as referred to by Iceland could be resolved thus enabling all members to participate in future.

### 3. INVESTIGATION OF INEDIBLE 'STINKY' GRAY WHALES

#### 3.1 Report on progress

The Chair recalled that during the meeting of the Conservation Committee at IWC/57 in Ulsan in 2005, it was agreed to establish a research programme to address

the issue of inedible 'stinky' gray whales caught by the Chukotkan aboriginal subsistence hunters. The Chair invited the Russian Federation and the USA to report on progress.

The USA reported on continuing joint research to address the issue and noted that the Russian Federation had provided a total of six tissue samples to the IWC Scientific Committee for analysis this year. Research was on-going and a report on the findings would be available for review at IWC/61 next year in Madeira.

#### 3.2 Committee discussions and recommendations

There being no discussion, the Chair welcomed the research and looked forward to receiving the report at next year's meeting.

### 4. SHIP STRIKES

#### 4.1 Report from the Ship Strikes Working Group

The Chair noted the Third Progress Report from the Ship Strikes Working Group (SSWG) (IWC/60/CC3).

The Chair also noted that Australia, New Zealand, USA, France and Spain had submitted documents relating to ship strikes and that a relevant extract from the report of the Scientific Committee was also available. He suggested that these papers be dealt with first.

#### *National Reports*

New Zealand thanked Belgium for its chairmanship of the SSWG and noted that the work of the SSWG was providing a practical information source that could be used to help mitigate problems in its own area of the world. New Zealand was pleased to see the issue of ship strikes raised at the International Maritime Organization (IMO) and congratulated the SSWG on the excellent progress it had made. As mentioned in last year's report, the problem of ship strikes is becoming of increasing concern in the Hauraki Gulf in New Zealand. Following IWC/59, New Zealand reported that it had convened a specialist Workshop on ship strikes led by Dr Michael Moore, an experienced forensic veterinary scientist from Woods Hole Oceanographic Institute in the USA. Dr Moore provided clear directions for conducting a necropsy of a dead beached whale to investigate whether or not vessel strike is likely to have been the cause of death. Key features of such necropsies include: the need for a small but skilled team to conduct the necropsy, the importance of having heavy machinery at hand to assist with dismantling the carcass in a careful manner to look for signs of vessel strike and the importance of pathological and histological investigations of tissues to look for indications of vessel strike at the cellular level.

New Zealand noted that the Workshop had been followed by a seminar with stakeholders including Ports of Auckland, Auckland Regional Council, *Professional Skipper* magazine and the New Zealand Navy. Stake-

holders were very sympathetic to the problem and expressed a willingness to consider the development of mitigation measures such as speed restrictions or changes to shipping lanes should the weight of scientific evidence point towards vessel strike as a major source of avoidable mortality. Subsequent to the Workshop, two of the stakeholders provided financial and material support to allow for a more detailed examination of the records of possible ship strikes in the Hauraki Gulf area. The results of this work have been submitted to the Scientific Committee as SC/60/BC9, and will be submitted for publication shortly. The number of ship strikes on Bryde's whales reported in this paper should be regarded as more reliable than the provisional estimates reported last year.

Spain introduced IWC/60/CC12 (Interaction between maritime traffic and cetaceans in the Canary Archipelago). It reported that significant steps have been undertaken to avoid ship strikes, including recent legislative developments to ensure greater protection for marine mammals. Recent developments include a 'Royal Decree Establishing Measures for the Protection of Cetaceans' which had been adopted by the Spanish Central Government in December 2007. The objective of the Royal Decree, to be applied in Spanish jurisdictional waters, is the establishment of specific protection measures for cetaceans to improve the ecological status of their populations. The Decree established a 'Mobile Area for the Protection of Cetaceans', defined as a cylinder of 500m of radius, 500m high and 60m deep, around a cetacean or group of cetaceans. The mobile area distinguishes five different sub areas: which are:

- (1) Area of exclusion;
- (2) Area of restricted stay;
- (3) Area of approximation;
- (4) Aerial area; and
- (5) Submarine area.

Special attention is given to impacts from whale watching activities, for which the Royal Decree provides a specific code of conduct.

An Agreement between the Ministry of Defence, the Ministry of Environment and the Regional Government of the Canary Islands aimed at the conservation and research of cetaceans populations in order to prevent accidental strandings entered into force in November 2007. Biological, pathological, physiological and behavioural studies as well as spatial and temporal distribution studies on the cetaceans of the Canary archipelago, with special attention to sperm whales and beaked whales, will be carried out. It is expected that these studies will lead to the establishment of measures to reduce the impact of Navy sonars on cetaceans.

Spain further reported on progress in the understanding of the interaction between maritime traffic and cetaceans in the Canary Archipelago through monitoring of stranded cetaceans. This work had been carried out by the regional Government of the Canary Islands in collaboration with cetacean biological and pathological experts. Since 2000, the average number of stranded cetaceans per year in the Canary Islands has been 44 animals. Since that year, the coverage of the stranding network in the islands is complete and homogenous. The data of stranded cetaceans showing definite or probable signs of collision with ships represent around 10-11% of all the mortality factors of the stranded and analysed cetaceans. The regional Government of the

Canary Islands has the intention to present an exhaustive and detailed study at IWC/61 in Madeira.

The USA introduced IWC/60/CC7 (Update on the United States actions to reduce the threat of ship collisions with large whales). The USA provided new information regarding four deaths of blue whales in waters off Southern California and northern Baja California, Mexico in September 2007 with injuries consistent with collision with a large vessel. At the time of the events, working cooperatively, NOAA's Fisheries Service, Channel Islands National Marine Sanctuary and the Weather Service, together with the USCG, and the Ports of Los Angeles and Long Beach quickly prepared and began to broadcast advisories for mariners entering the Santa Barbara shipping channel. Based on aerial surveys, hourly notices of whale locations were broadcast to mariners and large vessels were requested voluntarily to decrease speeds to no greater than 10 knots while transiting the channel. Vessel monitoring by the ports initially indicated that voluntary compliance was high. After the guidance had been issued, only one further blue whale death attributed to ship strikes was reported.

The USA also reported that it has developed regulatory and non-regulatory measures to reduce ship strikes, including proposed operational measures for vessels, education and outreach programmes, technological research, and research and monitoring activities. It further acknowledged the important work of the SSWG in promoting this issue on a global scale.

France presented IWC/60/CC9-FR (Whale-ship collisions: work and outlook from a team in the pelagos Sanctuary). It reported that the western basin of the Mediterranean and especially the Pelagos Sanctuary zone constitute an ideal 'test area' for measures designed to reduce collision risks which is suitable for replication in other seas and oceans of the world. Maritime traffic in the sector is particularly intense and is growing. These ecological and human parameters combine to make the Pelagos Sanctuary a high-risk collision zone.

France reported that it has introduced applications to reduce the risks of collisions, most recently developing a real-time whale-position reporting network for merchant ships (REPCET; REal-time Plotting of CETaceans). This system allows for the better exchange of information between merchant ships in the Mediterranean to help crews avoid instances of ship strikes. Sightings of cetaceans are transmitted to a land based observer which is then sent to all ships in the area allowing vessels to adapt speed or alter course according to the presence of whales thereby reducing the risk of collision.

Australia reported seven instances of ships strikes on cetaceans in 2007 (further details can be found in IWC/60/CC4). It was pleased to note the successful proposal to add measures to prevent ship strikes on cetaceans to the work programme of the IMO Marine Environment Protection Committee. The aim of the work is *inter alia* to develop an IMO guidance document for use by IMO member governments in addressing the issue of ship strikes. Australia looked forward to further work being done and encouraged the continued process of the IWC attaining IGO status in the IMO.

#### *Ship Strikes Working Group (SSWG)*

Alexandre de Lichtervelde from Belgium (Chair of the SSWG) introduced the Third Progress Report from the SSWG (IWC/60/CC3) and noted they had in addition met

on Monday 16 June 2008 to review progress and to develop recommendations for further work for review by the Conservation Committee. The report of that meeting, including the further recommendations, is included as Appendix 4. He noted that significant progress has been made, primarily in relation to the IMO, where ship strikes are now on the agenda of the work programme of the Marine Environment Protection Committee, but also regarding future IWC observer status, and in the development of a global database on ship strikes, which now includes 763 records.

The SSWG Chair outlined current progress against each of the ongoing recommendations in the current SSWG work plan, noting that progress had been made in all areas except the development and implementation of national legislation. He encouraged IWC members to continue to include ship strikes data in national progress reports and noted that work has been carried out with success to set up a centralised international database on ship strikes and develop it as proposed by the Scientific Committee.

The SSWG Chair noted that introducing national and regional legislation to reduce the impact of ship strikes, with priority for high-risk areas, remained valid and is the responsibility of Contracting Governments and further noted that the Canary Islands and Hauraki Gulf are the first two examples of high-risk areas for consideration by the SSWG. He noted that some progress has been made to identify and circulate information on training material for crew and maritime officials and that it will remain an ongoing process. Spain was welcomed as a new member of the SSWG and the group was encouraged to circulate the progress report and other ship strikes information more widely and to all stakeholders.

The SSWG Chair noted the intention of several countries to submit collisions data at IWC/61 in 2009 and further stressed the importance of the variety of sources for ship strike information and data, e.g.: stranding networks; scientific research; port authorities; and international organisations such as the FAO; and dedicated marine mammal observers.

Updates were provided on mitigation measures in the USA and on progress with intergovernmental organisations and NGOs, in particular IUCN and UNEP. It was reported that the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) adopted, during its third meeting of Contracting Parties, a resolution on ship strikes on large whales in the Mediterranean Sea (Res. 3.14).

It was further reported that UNEP has 'recognised the matter of ship strikes as an issue of concern and informed that it will be interested in developing a closer dialogue on the ways it could, together with IMO and other relevant organisations bring this matter to a higher place on the marine environmental conservation and management agenda'. With regard to shipping and other industries, it was noted that BP Shipping is funding a Marine Mammal Observation Pack to be used onboard its oil and chemical tankers.

Outlining the next steps to be taken, the SSWG Chair suggested the establishment of a steering committee to develop terms of reference and a proposal for an interdisciplinary Workshop on ship strike mitigation. It was also proposed that the event be focused on the Mediterranean. Regarding the global collisions database, the Chair of the Bycatch Sub-Committee and the

Secretariat explained the required tasks to develop it further and stressed its usefulness for future modelling.

Concluding, the SSWG Chair was pleased to see that the issue of ship strikes had now developed a higher profile in the international community, including increased awareness of the problem, that more data are now available and some technical solutions under development, and that there was a greater involvement of international organisations. He welcomed continued work on this issue and thanked Italy for its voluntary financial contribution for further work.

Attention was drawn to the four major recommendations of the Ship Strikes Working Group to the Conservation Committee.

- (1) The SSWG endorses the recommendations of the Scientific Committee for future work, including that the Secretariat develop and maintain the ship strikes database and integrate it in the IWC website.
- (2) The Conservation Committee should request Contracting Governments to use the agreed ship strike template and submit ship strikes data to the IWC Secretariat on a regular basis.
- (3) The Conservation Committee should request contracting governments to communicate ship strikes data and information to relevant maritime sector bodies, including port authorities, shipping federations, coast guards and other relevant bodies.
- (4) The establishment of a Steering Committee for a multidisciplinary Workshop on ship strike mitigation, noting that Workshop participants should represent experts from within the Commission, the Scientific Committee and appropriate other organisations.

The Committee endorsed these recommendations.

The Chair of the SSWG thanked all countries, the Secretariat, and NGOs for their contribution on the issue.

The UK and Brazil thanked the Chair for the work of the SSWG and welcomed its continued development.

## **5. SOUTHERN RIGHT WHALE POPULATION OF CHILE-PERU**

### **5.1 Reports from the Workshop and Scientific Committee**

Chile reported on the outcome of the Workshop on the status of the southern right whale population held in May 2008 (SC/60/BRG36). The Workshop had analysed existing information on the status of the population and reviewed ecological and biological data on the species. Participants recognised the 'critically endangered' status of this population and the need for greater protection. A number of studies were presented which, upon request, will be sent to interested delegations.

Chile thanked the Governments of Brazil, Uruguay, Peru and Argentina for contributing to this work. Five recommendations came from this Workshop, including the establishment of a large marine protected area and the promotion of increased regional co-operation to enhance knowledge, training and exchange of information internationally and in the Southern Hemisphere. The group hope to submit a report at IWC/61 on progress and recommendations.

In addition the Chair of the Scientific Committee put forward a number of complimentary recommendations including endorsing further international research.

### 5.2 Committee discussions and recommendations

Australia 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. Argentina and Brazil associated itself with the comments of Australia and encouraged further work.

New Zealand reported a similar experience it had had with dwindling numbers of right whales in its territorial waters. The population is now recovering and stands at between 1,000-1,200 animals due in part to the establishment of protected areas and limiting whale watching operations until the population had shown signs of recovery. New Zealand encouraged the work of the group and was keen to investigate collaborative opportunities.

Chile requested that the item be retained on future agenda of the Conservation Committee. The Committee agreed.

## 6. WHALEWATCHING

### 6.1 Report from the Scientific Committee

The Chair of the Scientific Committee introduced the report of the Sub-Committee on Whalewatching. He highlighted the compelling evidence that whalewatching may have effects on whale population levels. The Chair further presented the report of the Intersessional Workshop (SC/60/Rep6) to plan a Large-Scale Whalewatching Experiment (LaWE). The Committee endorsed the report of the Workshop.

The Scientific Committee noted that due to enforcement difficulties, adherence to regulations governing vessel behaviour around whales and dolphins, or to codes of conduct, is sometimes poor and that there can be resistance to 'top down' management. The Committee recommended that codes of conduct should be supported by appropriate legal regulations. Brazil supported the continued work of the Scientific Committee on this issue. Brazil will look to develop its national framework in support of the proper management of whalewatching and will draw on experience and best practice elsewhere.

### 6.2 Committee discussions and recommendations

Austria pointed to the wealth of information on the potential problems that exist with whalewatching and was pleased to note countries' willingness to engage in discussion and to look for practical ways to mitigate the effects. It urged countries with active whalewatching activities to find a balance between supportive national legislation and voluntary codes of conduct in order to better regulate the industry and provide for the proper management of cetaceans. In addition, it underlined the importance of submitting whalewatching data to the scientific community.

South Africa noted a concern of the Scientific Committee over aerial whalewatching activity. It was pleased to note information on this issue will be collated for consideration and requested, if possible, that the Scientific Committee could provide some scientific recommendations at next year's meeting.

Australia noted the recent successful work of South Pacific Regional Environment Programme (SPREP) working group on whale and dolphin watching. Australia reported that it had pledged \$25,000 in voluntary

contributions to support a potential Workshop to look at developing voluntary 'best practice' guidelines for the industry.

Brazil requested that the management of whalewatching be included as a regular item on the Committee's agenda, recognising that whalewatching has its own challenges and impacts. It noted that scientific aspects of whalewatching have been addressed by the Scientific Committee for a number of years, but that it is not able to follow-up on recommendations relating to management of the activity. Brazil believed that the Conservation Committee was ideally suited to do this. This proposal was welcomed by the Committee and the Chair requested Brazil to develop a more detailed proposal to which South Africa agreed to contribute.

Mexico pointed out that the development of whalewatching as an economic activity has been faster than the development of knowledge to assess impacts of whalewatching on whales. Reports of the Scientific Committee have pointed out that some ecotourism operations may have a negative impact on small cetaceans. However, to date, no such studies have been conducted concerning the possible impacts of whalewatching on large whales. We have a global activity that involves millions of people/year and exposes 700-1,000 cetacean populations to whalewatching worth millions of dollars. Given the lack of definitive studies to guide management of whalewatching, it is important to attain the best and most responsible practises for whalewatching management. Mexico further supported the work of the Whalewatching sub-committee and the establishment of an intersessional correspondence group to look at all aspects of whalewatching and make recommendations for any potential future Workshop. Herman Oosthuizen (South Africa) agreed to convene this group. Brazil supported this idea and recognised Australia's contribution in furthering work on this issue. Mexico expressed its willingness to take part in any group.

Argentina reports that the Argentine Government hosted the Second Latin-American Meeting on Cetacean Conservation on 4-5 December 2007 in Buenos Aires. The meeting underscored the need to strengthen the activities of the Commission, especially those regarding the non-lethal use and conservation of whales, such as the work of the Conservation Committee and continuation of the work on whale killing methods and associate welfare issues. Argentina reported that participants at the December meeting had agreed 'The Latin American Cooperative Strategy for the Conservation of Cetaceans' which promotes *inter alia* the development of responsible whalewatching tourism in the region through regional Workshops for training and exchanging national experiences as well as the exchange of experiences on the enforcement of pertinent national legislations in cetacean conservation and management.

As reported previously, the government of Chubut (Patagonia, Argentina) began a participative process in 2006 to discuss changes that needed to be made to its whalewatching regulations. As a result of this process carried out by the province of Chubut, whalewatching companies, non-governmental organisations and local authorities, Law N° 5714 which regulates southern right whale watching was approved in March 2008. For all these reasons, Argentina endorsed the proposal of Brazil and South Africa.

The Russian Federation highlighted the plight of the critically endangered western gray whale, which may number about 100 animals and made reference to the intensity of on-going research. The Russian Federation asked what effect such research has on this population and what rules apply for such research and asked for recommendations. The Scientific Committee Chair noted these remarks that he would report to the Scientific Committee. He would also investigate whether the Scientific Committee could consider the impact of scientific research on this population and report back to the Conservation Committee next year. Australia urged research groups to collaborate in order to minimise any effects. The Committee endorsed this recommendation.

## 7. WHALE SANCTUARIES

The Chair of the Scientific Committee reported that no new proposals had been presented at this year's Scientific Committee meeting. He noted the possible Scientific Committee collaboration on the forthcoming First International Conference on Marine Mammal Protected Areas to be held in Hawaii.

Brazil highlighted its intention to once again submit the proposal to the Commission for the creation of a South Atlantic Whale Sanctuary, and noted that this proposal has been endorsed by the Conservation Committee on a previous occasion. Denmark asked the Scientific Committee to review and provide advice on any new proposal for sanctuaries. The Chair of the Scientific Committee confirmed that a procedure is already in place that allows for discussion on any new or re-submitted sanctuary proposal.

Germany noted the ninth meeting of the Conference of Parties of the Convention on Biological Diversity working group on marine and coastal biodiversity which invited Governments to identify significant marine areas in need of protection and to implement conservation and management measures.

## 8. NATIONAL REPORTS ON CETACEAN CONSERVATION

### 8.1 Introduction of national reports

National Cetacean Conservation reports had been submitted by Australia, France, New Zealand, USA, Argentina, Italy, Brazil, the UK and Mexico. As in previous years, such reports were welcomed by the Committee and other countries were encouraged to submit them in future.

Mexico reported on the conservation status and protection of the critically endangered vaquita river dolphin and thanked those countries supporting its work in this area, noting its protection was being co-ordinated by the Office of the President and thanking other countries for their input into its conservation. Mexico was pleased to record that \$US18 million are available to be invested in a net buy-out scheme to aid the protection of the species.

## 9. OTHER MATTERS

Australia presented two further papers introduced to the Scientific Committee this year, as the Committee may be the forum in which to take these initiatives forward.

Firstly, IWC/M08/Info11 (Whale Conservation and Management: A Future for the IWC), which was introduced at the intersessional meeting in March this year, proposed a strategy for modernising the role of the IWC towards contemporary conservation and management focused on conservation of whale populations and managing non-consumptive use of whales.

In this paper, Australia suggests that the IWC can begin to address these shortfalls by: developing internationally agreed, co-operative conservation management plans, taking into account all whale related issues and threats; launching regional, non-lethal, collaborative research programmes to improve management and conservation outcomes for cetaceans; and reforming the management of science conducted under ICRW and IWC auspices, including agreed priorities and criteria for research, and an end to unilateral 'special permit' scientific whaling. New Zealand, the UK and Brazil welcomed the views expressed.

Australia further noted the importance of Conservation Management Plans, as outlined in IWC/60/15, that would enable the Commission to more adequately address non-whaling objectives and non-consumptive uses of cetaceans; respond to emerging non-whaling threats to vulnerable cetacean populations; foster co-operation to improve the conservation status of species; build on the technical work of the Scientific Committee and draw on the strategic management advice of the Conservation Committee. It considered that the Conservation Committee will fulfil a crucial role in the development of these plans.

Australia also introduced its paper on collaborative, regional non-lethal research partnerships, outlining a proposal for the southern ocean (IWC/60/16). In this paper, which was also discussed by the Scientific Committee, Australia proposes the formalised development of regional, non-lethal cetacean research partnerships which will strengthen the performance of the IWC as well as improve whale conservation, management and recovery. Australia has proposed, as an example of such a collaborative research program, a Southern Ocean non-lethal whale research partnership which Australia will develop over the next several Austral summers. The Southern Ocean partnership will be an inclusive program that will encourage cooperation between all IWC members interested in contributing to non-lethal cetacean research in the Southern Ocean. Australia intends to host a planning meeting between now and IWC/61 to refine the goals and methodology of this partnership. There will be an open invitation to IWC members to attend this meeting.

Australia drew attention to the progress made by the Scientific Committee on the forthcoming Climate Change Workshop, noting the primary purpose of the Workshop is to assess the current position and to identify which other kinds of data should be collected. The Workshop is scheduled for spring 2009, with Mark Simmonds as Convenor and Nick Gales as Chair.

Australia, as the current Chair of the CMS standing committee, also thanked the Committee for the opportunity to present IWC/60/CCInfo1 (Developing a CMS programme of work to address adverse human induced impacts on cetaceans). This highlighted the active role CMS plays in cetacean conservation. At the 8<sup>th</sup> CoP, the secretariat of the CMS Scientific Council was requested to develop a draft programme of work for consideration at the 9<sup>th</sup> Meeting of Parties in November 2008.

Australia also called for collaboration between CMS and IWC and their relevant committees, highlighting resolution 8.22 of CMS which requests specific consideration of entanglement, bycatch, climate change, ship strikes, pollution, habitat, feeding ground degradation among others. The paper further details the specific activities to be undertaken and requests the support of the IWC Conservation Committee and the Scientific Committee, in particular Bill Perrin (IWC Scientific Committee observer to the CMS) and Greg Donovan (Head of Science at the IWC).

Belgium introduced IWC/60/CC14rev (Future IWC work on cetacean conservation issues, including budgetary implications) and proposed that the following steps be considered by the Commission:

- (1) the budget should be adjusted to provide sufficient funds for the conservation projects recommended by

the Conservation Committee to ensure the scientific needs of the Commission's conservation agenda are met;

- (2) the Conservation Committee should put forward a recommended work plan; and
- (3) the Secretariat should include the required resources, to the extent possible, in its overall budget.

Australia, supported by Brazil and the UK welcomed this initiative and looked forward to further discussion in the Commission.

Brazil thanked the Chair for running an excellent meeting.

## 10. ADOPTION OF REPORT

The report was adopted 'by post' on 22 June 2008.

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## Appendix 1

### LIST OF PARTICIPANTS

#### Argentina

Miguel Iñiguez

#### Australia

Donna Petrachenko

Nick Gales

Andrew McNee

Pam Eiser

Milena Rafic

Lesley Gidding

#### Austria

Andrea Nouak

Michael Stachowitsch

#### Belgium

Alexandre de Lichtervelde

#### Brazil

José Palazzo

Onildo João Marini Filho

#### Chile

Cristian Maquieira

Francisco Ponce

Maximiliano Bello

Ximena Alcayaga

Karin Mundnich

Francisco Berguño

#### Czech Republic

Pavla Hýčová

#### Denmark

Nette Levermann

#### Finland

Esko Jaakkola

Penina Blankett

#### France

Vincent Ridoux

#### Germany

Oliver Schall

Petra Deimer Schütte

Walter Duebner

Karl Hermann-Kock

#### Iceland

Stefán Ásmunsson

#### Italy

Roberto Giangreco

Caterina Fortuna

Andrea Lorenzoni

#### Republic of Korea

Zang Geun Kim

Yeon-Suk Lee

Hyun-Jin Park (Chair)

#### Luxembourg

Pierre Gallego

#### New Zealand

Geoffrey Palmer

Michael Donoghue

#### Mexico

Lorenzo Rojas-Bracho

#### Netherlands

Maaïke Moolhuijsen

#### Norway

Hild Ynnesdal

Egil O. Øen

#### Portugal

Marine Sequiera

#### Russian Federation

Valentin Ilyashenko

Rudolf Borodin

#### South Africa

Herman Oosthuizen

#### Spain

Carmen Asencio

Santiago Lens

#### Sweden

Bo Fernholm

Stellan Hamrin

#### Switzerland

Bruno Mainini

#### UK

Richard Cowan

Trevor Perfect

Luke Warwick

Panayiota Apostolaki

Chris Parsons

Claire Bass

Jennifer Lonsdale

#### USA

Roger Eckert

Rollie Schmitten

Michael Tillman

Shannon Dionne

John Field

Terra Lederhouse

Ryan Wulff

Heather Rockwell

Bob Brownell

Doug Demaster

Cheri McCarty

#### Scientific Committee

Arne Bjorge

#### Secretariat

Nicky Grandy

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**Appendix 2****AGENDA**

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| <ol style="list-style-type: none"> <li>1. Introductory items           <ol style="list-style-type: none"> <li>1.1 Appointment of Chair</li> <li>1.2 Appointment of rapporteur(s)</li> <li>1.3 Review of documents</li> </ol> </li> <li>2. Adoption of the Agenda</li> <li>3. Investigation of inedible 'stinky' gray whales           <ol style="list-style-type: none"> <li>3.1 Report on progress</li> <li>3.2 Committee discussions and recommendations</li> </ol> </li> <li>4. Ship strikes           <ol style="list-style-type: none"> <li>4.1 Report from the Ship Strikes Working Group</li> <li>4.2 Committee discussions and recommendations</li> </ol> </li> <li>5. Southern right whale population of Chile-Peru</li> </ol> | <ol style="list-style-type: none"> <li>5.1 Reports from the Workshop and Scientific Committee</li> <li>5.2 Committee discussions and recommendations</li> <li>6. Whalewatching           <ol style="list-style-type: none"> <li>6.1 Report from the Scientific Committee</li> <li>6.2 Committee discussions and recommendations</li> </ol> </li> <li>7. Whale sanctuaries</li> <li>8. National reports on cetacean conservation           <ol style="list-style-type: none"> <li>8.1 Introduction of national reports</li> <li>8.2 Committee discussion and recommendations</li> </ol> </li> <li>9. Other matters</li> <li>10. Adoption of the Report</li> </ol> |
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**Appendix 3****LIST OF DOCUMENTS**

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| <p>IWC/60/CC</p> <ol style="list-style-type: none"> <li>1rev Revised Draft Agenda</li> <li>2 List of documents</li> <li>3 Ship Strikes Working Group: Third progress report to the Conservation Committee</li> <li>4 Country Report on Ship Strikes: Australia</li> <li>5 Voluntary National Cetacean Conservation Report: Australia</li> <li>6 Voluntary National Cetacean Conservation Report: USA</li> <li>7 Update on the United States' Actions to Reduce the Threat of Ship Collisions with Large Whales</li> <li>8 Voluntary National Cetacean Conservation Report: UK</li> <li>9rev Whale-ship collisions: work and outlook from a team in the Pelagos Sanctuary. The example of the REPCET project (submitted by France) – also available in French (IWC/60/CC9-FR)</li> <li>10 Voluntary National Cetacean Conservation Report: New Zealand</li> <li>11 Voluntary National Cetacean Conservation Report for the Year 2007 (submitted by France)</li> </ol> | <ol style="list-style-type: none"> <li>12 Interaction between maritime traffic and cetaceans in the Canaries Archipelago (submitted by Spain and the Regional Government of the Canary Islands)</li> <li>13 Voluntary National Cetacean Conservation Report: Argentina</li> <li>14 Voluntary National Cetacean Conservation Report: Brazil</li> <li>Info1 Developing a CMS programme of work to address adverse human induced impacts on cetaceans (submitted by CMS)</li> </ol> <p>IWC/60/</p> <ol style="list-style-type: none"> <li>14rev Future IWC work on cetacean conservation issues, including budgetary implications (submitted by Belgium and France)</li> <li>15 Conservation Management Plans for Improved Cetacean Management (submitted by Australia)</li> <li>16 Regional Non-Lethal Research Partnerships: a proposal for the Southern Ocean (submitted by Australia)</li> </ol> <p>IWC/60/Rep</p> <ol style="list-style-type: none"> <li>1 Scientific Committee Report (extracts; Annex M)</li> </ol> |
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## Appendix 4

### REPORT OF THE SHIP STRIKES WORKING GROUP

16 June 2008, Santiago, Chile

#### 1. Chair's welcome and opening remarks

The meeting was chaired by Alexandre de Lichtervelde (Belgium), who welcomed the group and in particular the newest member to the Ship Strikes Working Group (SSWG), Spain. The list of participants is given as Adjunct 1.

#### 2. Appointment of rapporteur

Lesley Gidding (Australia) was appointed as rapporteur.

#### 3. Adoption of agenda

The proposed agenda of the meeting was adopted (see Adjunct 2).

#### 4. Review of available documents

See Adjunct 3.

#### 5. Review of progress made since the 59<sup>th</sup> Annual Meeting of the IWC (Anchorage, 2007)

The Chair presented the Third Progress Report of the SSWG to the Conservation Committee (IWC/60/CC3) noting significant progress has been made, primarily in relation to the cooperation with the International Maritime Organization (IMO) and in the development of a global database on ship strikes.

##### *Cooperation with IMO*

The Chair reported that a joint submission has been prepared by a core group of countries and organisations, coordinated by Belgium, for submission to the 57<sup>th</sup> meeting of the IMO Marine Environment Protection Committee (MEPC57). This invited the Committee to add a new item to its work programme on measures for minimising the risks of ship strikes with cetaceans. The proposal, presented by Belgium, was adopted with strong support and the issue received a high priority. The work of the IMO will include scoping of the issue, preparing an IMO guidance document and the consideration of any gaps in actions that may be taken. This proposal will be further discussed at the next MEPC meeting in October 2008.

The IWC Secretary (Nicky Grandy) reported that the Secretariat wrote to the Secretary-General of IMO expressing IWC's interest in concluding an agreement of co-operation with IMO and thus gaining status as an accredited Inter-Governmental Organisation (IGO). Draft *Terms of an Agreement of Cooperation Between IMO and IWC* have been developed and will be reviewed by the IMO Council at its meeting 16-20 June 2008 and by the Commission during its plenary (23-27 June 2008). It is hoped that the IMO Council will grant the IWC interim IGO status until formal approval can be considered at the next IMO General Assembly in 2009.

##### *Global database on ship strikes*

Russell Leaper, Chair of the Sub-Committee on Estimation of Bycatch and Other Human-Induced Mortality, reported on the progress of the global IWC database of ship strikes. The database design developed by the Vessel Strike Data

Standardisation Group was agreed by the Scientific Committee in 2007 and it has also been approved by ACCOBAMS for their work. Subsequently, a small group of scientists have been populating the database. To date, 763 records, mainly from published sources, have been entered. The second report of the Vessel Strike Data Standardisation Group (SC/60/BC5) identified some problems encountered during data entry, particularly validation of data sources and assessing the uncertainty surrounding source data. Consideration is now being given to the best way to continue the data collection process, including ongoing maintenance and quality control of the database and the development of a web-based data entry system. The Scientific Committee has formed a Ship Strikes Data Review Group to validate all data and develop a recommended way forward for the coming year, as discussed further below.

##### *Other progress*

The Chair provided a summary of other progress that has been made since IWC/59, including the following.

- Steps taken to minimise the threat or severity of ship strikes in Glacier Bay National Park and Preserve, USA. The actions include restrictions on the number of vessels entering the Park, boater education on operating safely in the presence of whales, restrictions on vessel speed and course and specified approach distances.
- ACCOBAMS adoption of a resolution on ship strikes on large whales in the Mediterranean Sea.
- The IUCN Western Gray Whale Advisory Panel (WGWAP) continued consideration of the mitigation of vessel collision risk on the feeding grounds, including recommendations that marine mammal observers be placed on all key vessels.
- The Chair will be leading a discussion group on collisions at the 4<sup>th</sup> World Conservation Congress (IUCN) in Barcelona in October 2009 and is seeking to gather a group of experts representative of the different aspects of the issue.
- Following contacts at high level with UNEP, the organisation communicated that it will be interested to develop a closer dialogue to bring this matter to a higher place on the marine environmental conservation and management agenda.
- Information on ship strikes has been provided by the IWC Secretariat as input to the UN Secretary General annual report on Oceans and the Law of the Sea.

##### *Review of Scientific Committee and Conservation Committee documents*

Russell Leaper summarised the ship strike-related discussions of the Sub-Committee on Estimation of Bycatch and Other Human-Induced Mortality. SC/60/BC6 reports that 11% of 556 cetacean carcasses found ashore in the Canary Islands between 1991 and 2007 had been classified as fatalities from collisions with vessels. It was noted that lethal ship strikes appear to have increased considerably in recent years and that sperm whales were

the most frequently reported. Potential mitigation measures were discussed, as was the importance of determining whether the animals had been struck before or after death. SC/60/BC9 reported on ship collisions with Bryde's whales off northern New Zealand. Vessel traffic coincides with Bryde's whale habitat, especially around the main port of Auckland, in the Hauraki Gulf. A review of stranding data for northern New Zealand, showed that between 1989 and 2007, about 34% of Bryde's whale carcasses ( $n=38$ ) were confirmed or suspected to have died due to vessel strike injuries.

Leaper reiterated that abundance and trend data are required to understand population level significance of ship strike mortality as well as to interpret changes in reported collision rates, and compare areas thought to have the highest collision risk with reported stranding or carcass locations.

#### *Information from country reports and industry*

South Africa informed the meeting that it is looking to identify capacity to work on collating ship strikes information and a South Africa ship strikes report will be submitted to IWC/61. Brazil commented that it is currently finalising the 3<sup>rd</sup> edition of their National Action Plan for the Conservation on Marine Mammals which will include monitoring and mitigation of ship strikes, in particular evaluating the possibility to modify shipping routes and vessel speeds. Brazil noted that there have only been two cases of reported ship strike per year for the past two years so there is no evidence that the incident of ship strikes is currently increasing in Brazilian waters. The US noted that it will be in the position to submit a paper at IWC/61 on the incident of ship strikes in Hawaiian waters. Belgium noted that BP Shipping has commissioned a Marine Mammal Observation Pack to be used on board its oil and chemical tankers. Argentina reported that there is a potentially increasing risk of ship collisions to right whales off the coast of Argentina (as outlined in IWC/60/BC4). From 1974 to 2004, the southern right whale population observed at Peninsula Valdés has grown at an annual rate of approximately 7% and coincidentally, in the same time period, the human population of the city of Puerto Madryn and vessel activity in the bay in front of the city (Bahía Nueva) had the same average annual growth rate of 7%. The local coast guard are currently looking at ways to minimise the risk to right whales.

In its summary of IWC/60/CC12, Spain reported that for many years, a thorough monitoring of stranded cetaceans has been carried out by the regional Government of the Canary Islands in collaboration with cetacean biological and pathological experts. Since 2000, the average number of stranded cetaceans per year in the Canaries has been 44 animals. Those related to interaction with ships or that show definite or probable signs of collision with ships represent around 10-11% of all the mortality factors of the stranded and analysed cetaceans. Taking into account all the data available to the regional administration, an exhaustive revision of strandings related to collisions is being done. A detailed report with the data of all the historic records of cetacean collision, including the analysis on the degree of certainty of the collision, probability and whether the collision occurred before or after death, will be submitted to IWC/61. A three year Agreement between the Ministry of Defence, the Ministry of the Environment and

the Regional Government of the Canary Islands aiming at the conservation and research of cetaceans populations in order to prevent collisions was entered into force in November 2007. Biological, pathological, physiological and behavioural studies, as well as spatial and temporal distribution studies on the cetaceans of the Canary archipelago, with a special attention to sperm whales and beaked whales, will be carried out.

New Zealand congratulated Belgium on the excellent progress the SSWG has made since Belgium became the Chair on this issue. It then provided a summary of the ship strike issues of the Hauraki Gulf area. The outcome of work undertaken to determine whether stranded whales were the result of ship strikes was that it is not always obvious from the injuries on the animal whether it had been involved in a ship strike and it is important to have a skilled team and the right equipment on the scene to accurately assess the physical damage to the animal. New Zealand has managed to secure funding to further develop this work. New Zealand would like to thank France and others for their contributions to the ship strikes work and it is particularly interested in the work that France is developing in its REPCET programme. New Zealand would like to introduce a similar programme and would like to collaborate with France on this.

France introduced its REPCET programme, which was developed in consultation with NGOs and industry. The concept is to develop a system that allows watch keepers and marine mammal observers on merchant ships in the Pelagos Sanctuary area to report in real time on a web-based system the location, species, and behaviour of cetacean sightings. This system was developed in response to a significant ship strike issue in the busy shipping lanes of the Mediterranean Sea potentially impacting important isolated Mediterranean populations. This project is in the early stages and had recently received funding support from ACCOBAMS and the French government. Italy asked if the French scientists involved in this work would be able to attend the IWC/61 Scientific Committee so that they may discuss this work in details and offered to assist in funding their attendance if necessary. France indicated that the relevant scientists would be attending IWC/61.

Greg Donovan (IWC Secretariat and member of the IUCN Western Gray Whale Advisory Panel) reported that the Panel, although recommending that dedicated marine mammal observers be placed on all vessels in the Western gray whale feeding grounds, has undertaken simulation studies that revealed that their effectiveness was limited, especially in poorer weather conditions, and, of course at night and in fog.

An NGO representative from Uruguay noted that they have provided a for information document commenting on collisions with southern right whales in Uruguayan waters.

Australia, who submitted a brief ship strikes report this year, thanked the Chair for his excellent work in taking the ship strikes work forward and the many contributors to this work.

## **6. Review of the overall SSWG work plan and cooperation with other organisations**

### *6.1 SSWG work plan*

The Chair outlined the current progress against each of the ongoing recommendations in the current SSWG work plan.

*Rec. 1 All National Progress Reports on cetacean research submitted by IWC members should include ship strike data in a format allowing their full utilisation*

The Chair noted that this work is ongoing and encouraged the SSWG to continue submitting data to this work. The current summary table drawn from national progress reports indicates that 26 animals from five species have been reported as ship strike incidents.

*Rec. 2 Set up a centralised international database on ship strikes*

The Chair noted that this work has been carried out with success and is to be progressed.

*Rec. 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.*

The Chair noted that this work is still valid and is the responsibility of contracting governments. The Chair further noted that the Canary Islands and Hauraki Gulf are the first two examples of high-risk areas for consideration by the SSWG.

*Rec. 4 Identify and circulate information on training material for crew and maritime officials*

The Chair noted that some progress has been made and that it will remain an ongoing process.

*Rec. 5 Continue the work within the ship strikes working group, widen its membership and circulate the progress report widely.*

The Chair welcomed Spain as a new member of the SSWG and encouraged the group to circulate the progress report and other ship strikes information more widely and to all stakeholders.

The Chair stressed the importance to consider the variety of sources for ship strike information and data. For example stranding networks, scientific research, port authorities, international organisations such as the FAO and dedicated marine mammal observers. The United Kingdom agreed with the Chair and suggested as a further source of information ocean yacht associations and that the SSWG should develop a reporting template for circulation to potential collision data providers.

Australia recommended that on a practical level, the SSWG work plan should be updated to reflect the current status of progress and formatted so that the status of the recommendations and the current work items can be easily identified. The Secretariat supported this recommendation. It was agreed that Australia should help in redrafting the work plan.

## *6.2 Cooperation with other organisations*

The Chair outlined the process that will be followed at the next IMO MEPC meeting in October and explained that relevant Conservation Committee and Scientific Committee papers will also be submitted as supporting documentation. He stressed that ship strikes is a three-pronged issue, as it has potential impacts on human safety and potential economic implications besides impacts on cetacean conservation. Germany suggested that the IWC could make a recommendation to the IMO. The Chair referred to the current consideration by the IMO of IWC observer status and that it would become clearer how to proceed when the decision has been taken this month.

The Secretariat (Greg Donovan) commented on the excellent cooperation that the IWC has now developed on

this issue, particularly with ACCOBAMS and ASCOBANS. For example, the ACCOBAMS scientific steering group established to take this work forward with the IWC comprises three IWC Scientific Committee members.

## **7. Next steps**

### *7.1 Global database on ship strikes*

Russell Leaper and the Secretariat (Greg Donovan) outlined that the required tasks were divided into 'one-off' items and ongoing work. The one-off tasks are: (1) to generate a web-based data entry system; and to (2) further refine the database design. Ongoing tasks are to:

- (1) continue to investigate sources of historical records to populate the database;
- (2) receive and process additional records that have not been presented to the Committee;
- (3) follow up with data holders on summary reports in National Progress Reports in order to ensure as much detail as possible about each incident is entered into the database; and
- (4) follow up with authors of papers presented to the Scientific Committee that include data on incidents that are not already in the database.

Leaper also commented on the future use of the database and that, with a few more years of data, modelling will be able to provide an assessment of the correlation between whale populations, abundance and location and shipping routes to quantify the risk of collisions. Donovan noted the link between the database and the modelling work. He stressed the importance of developing a sound scientific basis for both identifying where ship strikes represented a threat to the status of particular cetacean populations and for identifying and developing effective mitigation measures. He noted that the particular contribution that the SSWG can make at this stage is in encouraging governments to obtain and provide data for the database. Australia added its support to this work, also noting the importance of linking this work to actions to mitigate ship strikes. The USA reminded the meeting that the quality of the data used in the database needs to be verified to a high standard, noting that this is of particular importance to the USA due to regulatory pressures.

Donovan noted that the Scientific Committee has approved a budget request to be submitted to the Commission to take this work forward in the coming year.

### *7.2 Multidisciplinary Workshop on ship strike mitigation*

The Chair suggested the establishment of a steering committee to develop terms of reference and proposal for an interdisciplinary Workshop on ship strike mitigation. The Chair suggested that the Workshop be held after IWC/61 when there is sufficient data available, that other organisations should be invited to be represented and that it could focus on the Mediterranean as a case study. The Secretariat (Greg Donovan) supported these suggestions and commented that the date for the Workshop should not be set at this stage, but rather be determined in the light of progress made with respect to the database. Donovan also commented on the importance of the Workshop including all stakeholders as well as representatives from both the Commission and the Scientific Committee. The Chair called for expressions of interest to participate in the steering committee. Australia indicated its interest in being part of the steering committee.

### 7.2 Funding

Italy has provided a voluntary contribution to the Conservation Committee of 12,000 Euro for its ship strikes work; the utilisation of these funds will be discussed by the Conservation Committee. Belgium announced a 17,000 Euro internal budget to promote the collisions database and its utilisation within the maritime transport sector.

### 8. Recommendations of the Ship Strikes Working Group to the Conservation Committee

The Ship Strikes Working Group meeting of 16 June 2008 agreed the following recommendations for further work and forwards them to the Conservation Committee for consideration.

- (1) The SSWG endorses the recommendations of the Scientific Committee for future work, including that

the Secretariat host the ship strikes database and integrate it in the IWC website.

- (2) The Conservation Committee should request Contracting Governments to use the agreed ship strike template and submit ship strikes data to the IWC Secretariat on a regular basis.
- (3) The Conservation Committee should request Contracting Governments to communicate ship strikes data and information to relevant maritime sector bodies, including port authorities, shipping federations, coast guards and other relevant bodies.
- (4) The development of a Steering Committee for a multidisciplinary Workshop on ship strike mitigation, noting that Workshop participants should represent experts from within the Commission, the Scientific Committee and appropriate other organisations.

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### Adjunct 1: List of Participants

#### Argentina

Miguel Iñiguez

#### Australia

Andrew McNee  
Lesley Gidding

#### Belgium

Alexandre de Lichtervelde (Chair)  
Gian Paolo SaninoVattier

#### Brazil

Onildo João Marini

#### Denmark

Amalie Jessen  
Nette Levermann

#### France

Vincent Ridoux

#### Germany

Oliver Schall  
Walter Dübner  
Petra Deimer-Schütte  
Karl-Herman Kock

#### Italy

Caterina Fortuna

#### Luxembourg

Pierre Gallego

#### Mexico

Lorenzo Rojas-Bracho

#### Netherlands

Maaïke Moolhuijsen

#### New Zealand

Mike Donoghue

#### Portugal

Marina Sequeira

#### South Africa

Herman Oosthuizen

#### Spain

Carmen Asencio

#### UK

Russell Leaper  
Jennifer Lonsdale  
Luke Warwick

#### USA

Doug DeMaster  
Robert Brownell  
David Mattila  
Teri Rowles  
Debra Palka

#### IWC Secretariat

Greg Donovan  
Nicky Grandy

#### NGO REPRESENTATIVES

#### Canada

Ericka Ceballos

#### Denmark

Birgith Sloth

#### Poland

Andrzej Kepel

#### Uruguay

Rodrigo García

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### Adjunct 2: Agenda

1. Chair's welcome and opening remarks
  2. Appointment of rapporteur(s)
  3. Adoption of the Agenda
  4. Review of available documents (Adjunct 3)
  5. Review of progress made since the 59<sup>th</sup> Annual Meeting in Anchorage
  6. Review of the overall SSWG work plan and co-operation with other organisations
  7. Next steps
  8. Recommendations
    - 8.1 Recommendations relevant to the Conservation Committee
    - 8.2 Recommendations relevant to the Scientific Committee
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**Adjunct 3: List of documents****Conservation Committee documents**

IWC/60/CC

- 3 Ship Strikes Working Group: Third Progress Report
- 4 Country Report on Ship Strikes - by Australia
- 7 Update on the United States' Actions to Reduce the Threat of Ship Collisions with Large Whales - by USA
- 9 Whale-ship collisions - by France
- 10 Voluntary national cetacean conservation report - by New Zealand
- 12 Interaction between maritime traffic and cetaceans in the Canaries Archipelago - by Spain

**Scientific Committee documents**

IWC/60/Rep

- 1 Report of the Sub-Committee (extracts on Bycatch and other Human-Induced Mortality, including Annex J)

SC/60/BC

- 3 Leaper, R. and Danbolt, M. Use of Automatic Identification Systems (AIS) data to estimate patterns of shipping density for use in modelling collision risk with whales. 8pp.

- 4 Martinez, D.P. and Guzman, J. Whales and the city: A southern right whale ship strike scenario in Peninsula Valdes? 18pp.
  - 5 Van Waerebeek, K. and Leaper, R. Second report of the IWC Vessel Strike Data Standardisation Working Group. 8pp.
  - 6 Carrillo, M. and Ritter, F. Increasing numbers of ship strikes in the Canary Islands: Proposals for immediate action to reduce risk of vessel-whale collisions. 9pp.
  - 7 Panigada, S., Donovan, G.P. and Hammond, P.S. Work programme and protocols to assess human induced mortality on fin whales and ship strikes with large whales and smaller cetaceans in the ACCOBAMS area. 5pp.
  - 8 Williams, R. Modelling ship strike risk to fin, humpback and killer whales in British Columbia, Canada. 18pp.
  - 9 Behrens, S. and Constantine, R. Large whale and vessel collisions in northern New Zealand. 14pp.
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