

Report from the International Whaling Commission on progress relevant to the Resolution adopted by the General Assembly on 29 December 2014. 69/245 Oceans and Law of the Sea

July 2015

Summary

The IWC was set up in 1946 as an international agreement to regulate whaling and to provide for conservation of whale stocks. The Commission has a membership of 88 Contracting Governments. The International Convention for the Regulation of Whaling contains an integral Schedule which sets out specific measures that the IWC has collectively decided are necessary in order to regulate whaling and conserve whale stocks. In addition, the IWC co-ordinates and funds conservation work on many species of cetacean. Through its Scientific Committee it undertakes extensive study and research on cetacean populations, develops and maintains scientific databases, and publishes its own peer reviewed scientific journal, the *Journal of Cetacean Research and Management*. IWC is mandated, on many issues, to cooperate with other intergovernmental organisations including the International Maritime Organisation (IMO), the Regional Marine Fisheries Organisations (RFMOs), the Marine Council, UNEP, FAO and the biodiversity-related MEAs (CMS, CBD and CITES).

The work of the Commission and its sub-groups has increasingly considered a wide range of issues that are also addressed by UNCLOS and included in the UN General Assembly resolution 69/245. Progress on these issues (many of which overlap) has included collaboration with other international organisations:

- Climate change - this continues to be considered through a range of scientific and technical workshops including a recent one focussing on biological, socio-economic and development effects on the Arctic;
- Marine debris – two recent workshops have focussed on the scientific aspects and potential threats of debris (with a focus on fishing gear, plastics and microplastics) and on ways to mitigate these including international collaboration and waste management;
- Marine safety – collisions of cetaceans with vessels can have negative effects for both humans and cetaceans and the IWC has focussed on collaborative ways to minimise such occurrences including work with IMO, governments and regional organisations (e.g. on shipping lanes, speed reductions, guidance to marine users);
- Habitat degradation – including scientific work on chemical pollution and quantifying population level effects, underwater noise including assisting with IMO initiatives, the development of guidelines for responsible seismic surveys and the minimisation of the impacts of marine renewable resource developments on cetaceans;
- Marine Protected Areas – including engagement with the CBD process on scientific criteria for ecologically or biologically significant marine areas (EBSAs) and aspects of the IMO Particularly Sensitive Sea Areas;
- Marine Science – the IWC is a leading exponent of many aspects of cetacean research in coastal areas and upon the high seas including that related to biodiversity, sustainability and the precautionary approach, quantitative incorporation of ecosystem considerations, threats and their mitigation, and contributions to the *Census of Marine Life*.

- Capacity building –is an increasingly important aspect of IWC work and includes a wide variety of topics ranging from training to build up a global network of professionally trained and equipped responders to whale entanglements, provision of scientific advice on research projects and publication of papers, scientific and technical aspects of whalewatching, allocation of funds to priority projects on small cetacean conservation and the development of new approaches to funding.

Progress report relevant to sections of the General Assembly Resolution 69/245

1. Capacity building

Section II of resolution 69/245 addresses the need for capacity building to ensure that States (*inter alia*) are able to fully implement the Convention and, in this context, paragraph 25 “Acknowledges the importance of capacity building for developing States, in particular the least developing countries and small island developing States, as well as coastal African states, for the protection of the marine environment and the conservation and sustainable use of marine resources”. The IWC contributes to such capacity building efforts through a number of programmes.

The IWC entanglement programme was established in 2011 to address the growing problem of whale entanglement by building a global network of professionally trained and equipped entanglement responders. Since its first training workshop in 2012 this initiative has reached more than 500 scientists, conservationists and government representatives from over 20 countries.

The IWC *Small Cetacean Conservation Research Fund* supports high priority research and capacity building that improve conservation outcomes for populations of small cetaceans, particularly those that are threatened or especially vulnerable to human activities.

Ongoing research has led the IWC to develop *principles and guidelines for whalewatching* which have helped guide the development of whalewatching regulations around the world. The IWC five year whale watching strategy was published in November 2011 and includes a significant component on capacity building to identify methods to facilitate cooperation and information/expertise sharing between Contracting Parties and others to support the development of a responsible whalewatching sector and the provision of benefits to local communities. The IWC is working with partners to support the implementation of the strategic plan and is presently examining opportunities to develop capacity in the Indian Ocean.

At its Commission meeting in September 2014, the IWC re-established an intersessional working group to look at options to support countries of limited means to participate in the work of the Commission. The group will report on its progress at the Commission meeting to be held in 2016.

2. Marine environment and marine resources

Section IX of Resolution 69/245 addresses the Marine environment and marine resources. The IWC is active in a number of areas addressed in this section including:

2.1 Climate change

Paragraph 171. *Encourages* States, individually or in collaboration with relevant international organisations and bodies to enhance their scientific activity to better understand the effects of climate change on the marine environment and marine biodiversity.

Work on climate change is primarily undertaken by the IWC's Scientific Committee. This has been and continues to be considered through a range of scientific and technical workshops including a recent one focussing on biological, socio-economic and development effects on the Arctic. The Scientific Committee has identified key actions needed relating to research on the impact of climate change on cetaceans and has recognised the need for cooperation with other organisations to progress this topic.

2.2 Marine debris

Paragraph 181 notes with concern that the health of the oceans and marine biodiversity are negatively affected by marine debris, especially plastic, from land-based marine sources, and thus recognizes the need for better understanding of the sources, amounts, pathways, distribution trends, nature and impacts of marine debris. Paragraph 182 (*inter alia*) notes the recent work of the International Whaling Commission on assessing the impacts of marine debris on cetaceans.

The IWC is working through a number of programmes to understand and mitigate potential threats from a range of different types of debris. This has included two workshops that have focussed on the scientific aspects and potential threats of debris (with a focus on fishing gear, plastics and microplastics) and on ways to mitigate these including international collaboration and waste management. As part of its work on pollution, the Scientific Committee is studying the origin, fate and distribution of microplastics. The IWC is planning a workshop (April 2016) on prevention of the incidental capture of cetaceans.

3. Marine biodiversity

Section X of resolution 69/245 addresses Marine Biodiversity. Ongoing IWC work is relevant to a number of issues in this section including:

3.1 Ecosystem approach

Paragraph 202 invites competent organizations and bodies that have not yet done so to incorporate an ecosystem approach into their mandates, as appropriate in order to address impacts on marine ecosystems. The IWC Working Group on Ecosystem Modelling was established under the Scientific Committee in 2007. It informs the Committee on relevant aspects of the nature and extent of ecological relationships between whales and the ecosystems with which they live. The work of this group includes reviewing the latest ecosystem modelling efforts undertaken outside the IWC; exploring how ecosystem models can contribute to developing scenarios for stimulation and testing of the Revised Management Procedure (RMP) and other issues relevant to the Committee.

3.2 Area based management

Paragraphs 224 – 232 of Resolution 69/245 address area based management including marine protected areas and the ongoing work under the CBD on the application of scientific criteria for ecologically or biologically significant marine areas (EBSAs).

Two Sanctuaries are currently designated by the International Whaling Commission. The Indian Ocean Sanctuary, was established in 1979 and covers the whole of the Indian Ocean south to 55°S. The second was adopted in 1994 and covers the waters of the Southern Ocean around Antarctica. An additional proposal for a Sanctuary in the South Atlantic Ocean has been repeatedly submitted to the Commission in recent years but has, to date, failed to achieve the three-quarters majority of votes needed to become designated by the IWC.

The IWC participated in the CBD workshop on EBSAs in the North West Indian Ocean Region and notes that marine mammals are significant in all of the EBSAs proposed. The IWC is exploring scope for engagement with the rest of the EBSA programme given the high correlation between EBSA identification and marine mammal occurrence.

The IWC has also engaged with aspects of the IMO Particularly Sensitive Sea Areas.

3.3 Ocean noise

Paragraph 237 notes (*inter alia*) the potential significant adverse impacts of ocean noise on living marine resources, affirms the importance of sound scientific studies in addressing this matter, and encourages further research, studies and consideration of the impacts of ocean noise on living marine resources.

The IWC Scientific Committee has been considering anthropogenic noise since 2004. Recent work has included a joint workshop with the US National Oceanic and Atmospheric Administration (NOAA) in 2014 entitled “Predicting Soundfields-Global Soundscape Modelling to Inform Management of Cetaceans and Anthropogenic Noise”. This aimed to provide support for decision-makers seeking to characterize, monitor and manage the potential impacts of chronic or cumulative anthropogenic noise on marine animals. In 2016, the Environmental Concerns Group of the IWC Scientific Committee will focus on examining concerns related to the 'masking' effect of anthropogenic sound on cetaceans.