

Report from the International Whaling Commission on progress relevant to the Resolution adopted by the General Assembly on 9 December 2021, 76/72 of Oceans and Law of the Sea

June 2022

Summary

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 cetaceans. 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. The Convention has 88 member governments and over a hundred accredited observers.

The biggest threats to healthy cetacean stocks are not under the regulatory authority of the IWC and, as such the IWC places a high value on co-operation with other intergovernmental organizations, industry (fishing, shipping, etc.) and the wider non-governmental and research community, as well as on the development of regional approaches to conservation and management. The IWC is mandated to co-operate with other intergovernmental organisations including the International Maritime Organisation (IMO), the Food and Agricultural Organization of the United Nations (FAO), Regional Fisheries Management Organisations (RFMOs), UN Environment and the Biodiversity-related MEAs (particularly the Convention on Biological Diversity (CBD), Convention on Migratory Species (CMS) and Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The IWC is a member of the Liaison Group of Biodiversity-related Conventions (BLG) and is actively inputting to the development of the Post 2020 Framework for Biodiversity. The IWC is particularly pleased to be a member of the Regional Secretariat's Network in order to pursue collaboration with regional fishery bodies and RFMOs.

The work of the Commission and its subsidiary bodies has considered an ever expanding range of issues that are also addressed by UNCLOS and by the UN General Assembly resolution 76/72 including:

- *Capacity building* – Nurturing scientists from developing countries is an important aspect of IWC work, including the Global Whale Entanglement Response Network creating a global network of professionally trained and equipped responders to whale entanglements; the Bycatch Mitigation initiative (BMI) building capacity within national governments and fisheries management bodies to help understand and select the most appropriate tools for bycatch assessment and management; supporting the development of cetacean strandings response and investigation through the IWC Strandings Initiative; supporting the development of a responsible whale watching industry; allocation of funds to priority projects on small cetacean conservation; and provision of scientific advice on research projects and publication of papers. One of the aims of the IWC's Journal on Cetacean Research and Management is to support authors from developing countries.

- *Sustainable fishing* – The IWC'S Bycatch Mitigation Initiative (BMI) addresses the critical need to monitor and mitigate cetacean bycatch in fisheries around the world. The BMI collaborates with global, regional and community fisheries fostering an ecosystem approach to ensure viable fisheries. As the greatest direct cause of cetacean mortality, bycatch is one of the most critically important issues for the IWC. With the FAO and other partners, the IWC developed the world's first guidelines on cetacean bycatch, which support the design and implementation of practical solutions for its mitigation (see <http://www.fao.org/3/cb3116en/cb3116en.pdf>). Future collaboration with the FAO will be through its Responsible Fishing Operations Workplan (see: <http://www.fao.org/3/ne659en/ne659en.pdf>). The IWC will join several RFBs in an FAO workshop in June 2022 focused on collaboration in the Indian Ocean. Finally, starting in July 2022, the IWC will also lead a Common Oceans ABNJ Tuna Phase II capsule project, in collaboration with RFBs and RFMOs in two ocean basins – the Indian Ocean and the Western Pacific.
- *Marine safety* – Ship strikes can have negative consequences 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). A ship strike database has been developed and is under evaluation to facilitate this research.
- *Climate change* - This continues to be considered by the IWC's Scientific and Conservation Committees and a new programme of work is being developed. A workshop was held in December 2021, where recommendations, priority research and future steps were agreed.
- *Marine debris* –The IWC workshop report (*Marine Debris: The Way Forward*, Dec 2019) and its recommendations have been [published](#), and efforts are underway to ensure the findings are taken into account in other IWC work programmes. The IWC collaborates with the Global Ghost Gear Initiative, and the Scientific Committee continues to review new work on marine debris.
- *Chemical Pollution*- In response to the impacts of chemical pollutants on cetacean populations, the IWC Scientific Committee has initiated four comprehensive research programmes: Pollution 2000, Pollution 2000+ and Pollution 2020 which recently concluded its work. In November 2021 a further workshop, Pollution 2025, was held focusing on Cumulative Effects and Multiple Stressors. The workshop report and its recommendations have been published and are available [online](#). Through IWC funding the Contaminant Mapping tool and a model to estimate the effects of pollutants on cetacean populations will be updated and allow free access.
- *Marine Protected Areas* – The IWC has currently designated two Sanctuaries, the Indian Ocean Sanctuary and the Southern Ocean Sanctuary around Antarctica. The IWC also engages with the CBD process on scientific criteria for ecologically or biologically significant marine areas (EBSAs), the IUCN Important Marine Mammal Areas (IMMAS) and aspects of the IMO Particularly Sensitive Sea Areas.
- *Underwater noise*– Since 2014, the IWC has been working to reduce anthropogenic underwater noise. This includes 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. Recent work focuses on engagement with IMO and efforts to address underwater noise from shipping. IWC members are part of the Correspondence Group currently reviewing the 2014 Guidelines for the Reduction of Underwater Noise. A global review on marine seismic surveys has just begun.

- Whales and ecosystems - The IWC has long recognised the importance of whales in the functioning of ecosystems. The Commission adopted Resolutions directing work on the issue in [2016](#) and [2018](#), and the Conservation and Scientific Committees have both focused efforts on different aspects of this topic. In recent years, a range of global organisations have contributed to a rapid increase in knowledge and interest in the role played by whales in ecosystems. In 2022, the IWC held a workshop on the socio-economic value of cetacean contributions to ecosystem functioning. In 2022, [the Sixth Assessment Report](#) of the International Panel on Climate Change proposed whales as potential blue carbon ecosystems.

The Covid-19 pandemic has meant that the IWC continues to operate in a flexible format for the majority of its meetings. The three most recent Scientific Committee meetings were held virtually, and the Conservation Committee met virtually in September 2020. The Commission meeting will be held in person (with some hybrid arrangements) in October 2022, after being postponed. The pandemic also presents a number of challenges to scientific research, capacity building and implementation of IWC work programmes. However, despite these challenges, opportunities have also arisen as a result of the reduction in human activities. Reports of cetaceans returning to areas where they have previously been excluded (e.g., due to high vessel traffic), quieter oceans potentially allowing animals to communicate more easily, and a probable reduction in overall stress for ocean dwellers are all scenarios that offer a glimpse into how cetaceans may respond in times of rapid environmental change. The need to switch to virtual meetings accelerated discussions of how long-term reductions in our carbon footprint overall could be achieved. The IWC is particularly pleased that participation in virtual meetings was stronger from a broader range of countries including the developing world.

As a global community it is important that we can identify the lessons we might learn from COVID-19 and move forward with a socially and environmentally responsible recovery. The recent Scientific Committee of the IWC recognised the importance of the 'One Health' approach which recognises that the health of people is closely connected to the health of animals and our shared environment **Error! Hyperlink reference not valid.**

Detailed progress report relevant to sections of the General Assembly Resolution 76/72

1. Capacity building

Section II of Resolution 76/72 addresses the need for capacity building and paragraph 11 “Emphasizes that capacity-building is essential to ensure that States, especially developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, as well as coastal African States, are able to fully implement the Convention, benefit from the sustainable development of the oceans and seas and participate fully in global and regional forums on ocean affairs and the law of the sea”. The IWC contributes to such capacity building efforts through a number of programmes:

1.1 *The IWC entanglement programme* was established in 2011 to address the growing problem of whale entanglement in fishing gear and marine debris by building a global network of professionally trained and equipped entanglement responders. Since its first training workshop in 2012 this initiative has provided IWC consensus training to 1,293 participants from 34 countries. In addition, it has hosted apprentices from Argentina, Brazil, Chile, Mexico, Norway and Oman. The programme now has eight trainers from North, Central and South America, as well as the Pacific Islands and Africa, with the capacity to deliver training in

English, Spanish and Portuguese. While physical training sessions have been placed on hold during the pandemic, the initiative has facilitated virtual workshops on releasing entangled Orca, and entangled, but free-swimming river dolphins in South America.

- 1.2 The IWC *Bycatch Mitigation Initiative (BMI)* was established in 2016 in recognition that bycatch in fishing gear is the major conservation issue posed to cetaceans. The BMI aims to raise awareness at national and international levels of the need to address cetacean bycatch and share the tools available to understand and mitigate the issue. It aims to promote solutions for monitoring and management and promote collaborative, multi-disciplinary and inclusive approaches to bring about lasting change. The BMI is collaborating with partners to build capacity within national governments and fisheries management bodies, to support decision makers in the most appropriate tools for bycatch assessment and management. This includes training workshops on bycatch management methodologies, collaboration on pilot projects (including Peru, Republic of Congo) to test and demonstrate solutions and working on novel approaches to sustainable financing for bycatch research and management implementation. The IWC Secretariat has contracted with the FAO to prepare Fact Sheets that support the implementation of the marine mammal bycatch guidelines, to be finished by September 2022 and to begin the Common Oceans ABNJ Tuna Phase II capsule project with an initial assessment of available data and information on bycatch, fishing effort, and, if possible, the status of cetacean populations in the Indian and Western Pacific regions that are prone to bycatch and entanglement. The BMI's Expert Panel also provides multi-disciplinary expertise and provides technical advice upon request.
- 1.3 The IWC *Strandings Initiative* aims to build capacity of countries to respond to and investigate cetacean strandings including through the provision of virtual, real-time advice during ongoing strandings events, allocation of funding for emergency response and investigations, support for the development of strandings networks and training in "on the beach" response and necropsy. Online training is in development.
- 1.4 The IWC *Small Cetacean Conservation Research Fund* supports high priority research and capacity building projects that improve conservation outcomes for populations of small cetaceans, particularly those that are threatened or especially vulnerable to human activities.
- 1.5 Ongoing research led the IWC to develop the General Principles for sustainable whale watching to help guide the development of whale watching regulations around the world. These are currently being updated and will be available soon. The IWC Whale Watching Strategic Plan (2018-2024) and related work of the IWC Scientific and Conservation Committees includes a significant component on capacity building. The programme facilitates cooperation and sharing of information/expertise amongst Contracting Parties and others to support the development of responsible whale watching and the provision of benefits to local communities. The IWC [Whale Watching Handbook](#) is a comprehensive online tool for regulators, industry, and the general public.
- 1.6 The Commission *Voluntary Assistance Fund* provides support for countries of limited means to participate in the work of the Commission. The IWC plans to make such funding available to support participation in its next Commission meeting in October 2022.

- 1.7 The IWC's Journal of Cetacean Research and Management actively encourages and supports scientists from developing countries in publishing their work in an international peer-reviewed fully open access journal that has no fees.
- 1.8 In collaboration with ATLAFCO/COMHAFAT (also a member of RSN), the IWC is launching a programme to host interns from African countries within the Secretariat. A pilot internship is planned for September-October 2022 as an opportunity for direct, hands-on engagement in the preparatory work in the lead-up to the Commission meeting and the running of the meeting itself.

2. Marine environment and marine resources

Section IX of Resolution 76/72 addresses the Marine environment and marine resources and the need to protect and preserve the marine environment and its living marine resources against pollution and physical degradation. This reflects key priorities for the IWC which is active in several areas addressed in this section including:

2.1 Climate change

Paragraphs 206 and 208 of the Resolution "*Notes with concern the impacts of climate change..*" and "*Recognises the importance of improving understanding of the impact of climate change on oceans and seas...*"

IWC's current work on climate change is primarily undertaken by the IWC's Scientific Committee, though the topic is now addressed jointly with the Conservation Committee. This has been and continues to be considered through a range of scientific and technical workshops and has included work focussed on biological, socio-economic and development effects on the Arctic. The Scientific Committee recognises that climate change has a bearing on work across its entire agenda, given the far-reaching implications to cetaceans of observed and predicted changes in the marine environment and associated changes in human behaviour.

In December 2021, the IWC held the fifth in a series of workshops on climate change ([see report](#)). An expert group gathered virtually to review the latest scientific research and assess both observed and predicted effects of climate change on cetaceans, including on their prey and habitats. The focus was on how to better integrate this issue into IWC's work programmes, identification of research programme areas to fill priority gaps and identifying priority mitigation and management issues for the IWC and other international and national authorities.

2.2 Marine pollution

Paragraph 222 of the Resolution recalls that in "The future we want", States noted with concern that the health of oceans and marine biodiversity are negatively affected by marine pollution, including marine debris, especially plastic, persistent organic pollutants, heavy metals and nitrogen-based compounds, from a number of marine and land-based sources. . . .'

2.3 Marine debris

Paragraph 229 (*inter alia*) notes the work of the International Whaling Commission on assessing the impacts of marine debris on cetaceans. The IWC has undertaken extensive work on this issue to understand and mitigate potential threats from a range of different types of debris. The IWC is part of the Global Partnership on Marine Litter and is looking forward to more formal involvement

with the GGGI. In addition, the IWC continues to facilitate communication between stakeholders in the Arctic for the purposes of assessing the extent, and possible removal of, ghost crab gear from bowhead whale habitat.

2.4 Chemical pollution

The IWC has been concerned about the impact that chemical pollutants may have on cetacean populations since the early 1980s. Many chemical pollutants, particularly the persistent organic pollutants are 'endocrine disrupters' and as such they can increase susceptibility to disease and reduce reproductive success. This is a complex issue given the huge number of synthetic chemicals introduced into the environment, the ways in which they may interact with each other, the difficulty in establishing whether they cause adverse health effects, and the difficulty quantifying any potential impacts on whale populations.

In response to this challenge, the IWC Scientific Committee has initiated four comprehensive research programmes: Pollution 2000, Pollution 2000+, Pollution 2020 which recently concluded its work, and the current Pollution 2025 programme. These initiatives progressed from examining tissue concentrations for priority pollutants in key cetacean species, through to determining toxicological markers and health assessment endpoints that could be used to determine adverse health effects, culminating in the development of tools and techniques to estimate population level effects. The current programme focuses on multidisciplinary pollution/cumulative effects.

A summary of the major activities that have occurred during the first three phases of the IWC Environmental Concerns Pollution Initiative (2000, 2000+, 2020) was recently presented to the IWC Scientific Committee (Hall, 2020) and is available [here](#). Among other important outcomes, an individual based model to assess risks to cetacean populations was developed and is now available as open-source model through the IWC website which also includes a contaminant mapping tool (<https://iwc.int/chemical-pollution>). The Pollution 2025 Cumulative Effects and Multiple Stressors Workshop was held in November 2021, where they discussed and recommended new methods to assess pollution effects, how to use and combine different sources of information, and population consequences of exposure to multiple stressors ([report here](#)).

3. Marine biodiversity

Section X of Resolution 76/72 addresses the conservation and sustainable use of Marine Biodiversity. Ongoing IWC work directly contributes to priorities in this section including:

Paragraph 260 specifically relates to areas beyond national jurisdiction and, "the conservation and sustainable use of marine biological diversity" IWC is working with FAO and RFMOs to investigate effective management and mitigation of fisheries in regards to bycatch in both the Indian and Pacific Ocean basins (See Section 1.2 *Bycatch Mitigation Initiative*). The IWC Conservation Committee held a workshop in April 2022 on the socio-economic values of the contribution of cetaceans to ecosystem functioning. Several important topics were discussed such as The United Nations System of Environmental Economic Accounting, market and non-market techniques of economic valuation for ecosystem services, and the need to ensure good governance to integrate socio-economic data in marine science policy. A working group was established to review the IWC-CMS workshop table of cetacean traits. This group aims to clarify concepts and discuss how any cetacean traits could be (or not) related to a socio-economic valuation.

3.1 Area based management

Paragraphs 270-276 of Resolution 76/72 address area-based management including marine protected areas. Paragraph 275 notes the work of States, relevant intergovernmental organizations and bodies, including the Convention on Biological Diversity, in the assessment of scientific information on and compilation of ecological criteria for the identification of marine areas that may require protection. The IWC has actively engaged in CBD work on the application of scientific criteria for ecologically or biologically significant marine areas (EBSAs) and aspects of the IMO Particularly Sensitive Sea Areas (paragraph 279). In addition, IWC collaborates with the IUCN led programme for the development of Important Marine Mammal Protected Areas (IMMAs).

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 sanctuary was adopted in 1994 and covers the waters of the Southern Ocean around Antarctica. A revised Southern Ocean Sanctuary Management Plan was endorsed by the Commission in 2018. The Southern Ocean sanctuary will be reviewed again at the next SC meeting and preparations to review the IO will begin. Both sanctuaries will be reviewed soon.

3.2 Ocean noise

Paragraph 286 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 has been addressing anthropogenic underwater noise since 2014. Previous IWC work on ocean noise is summarised in the Contribution from the Secretariat of the International Whaling Commission to Part 1 of the Report of the UN Secretary General on Oceans and Law of the Sea on Anthropogenic Underwater noise (IWC, 2018). The IWC was represented at the Open-Ended Informal Consultative Process on Oceans and Law of the Sea focused on Anthropogenic Underwater noise to report on IWC's work in respect to anthropogenic underwater noise and its effect on cetaceans.

In December 2020, the IWC Conservation Committee held a planning meeting to develop a new work programme focused on management and mitigation of underwater noise. The Conservation Committee is looking to develop productive collaboration with other fora addressing this issue. Members of the CC and SC noise groups are participating in the current review of the IMO Guidelines for the Reduction of Underwater Noise.

References

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International Whaling Commission, 2020b. Report of the pre-meeting on advancing efforts to address underwater noise from shipping, Virtual meeting, 11 May 2020. Paper SC/68b/REP06 presented to the IWC Scientific Committee, May 2020, Cambridge, UK (unpublished). 38pp. [Paper available from IWC].

Infographic (2021) summarising current major threats to cetaceans and ongoing IWC work to address themes

