

Report from the International Whaling Commission on progress relevant to the Resolution adopted by the General Assembly on 31 December 2020 - 75/239 Oceans and Law of the Sea

June 2021

Summary

The IWC celebrates its 75th anniversary in 2021 having been established in 1946 as an international agreement to regulate whaling and to provide for the conservation of whale stocks. 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 had 15 signatory nations and has grown to 88 member governments and over a hundred accredited observers. Over the past 75 years, hundreds of meetings and workshops have been held on every continent except Antarctica, and the scientific foundation of the IWC has been accompanied by active conservation and welfare programmes. The mandate of the organisation is unchanged: regulation of whaling and conservation of whale stocks. What has changed are the threats to whale stocks, and the work programme of the IWC has evolved and expanded accordingly. As with other international organisations, it is clear that a new, post-Covid chapter will require that we 'build back better' and embrace the concept of 'One Health.' Reflecting on 75 years of evolution, the IWC is also preparing for as yet unknown challenges into the future.

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 Marine Fisheries 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 work of the Commission and its subsidiary bodies has increasingly considered an increasingly wide range of issues that are also addressed by UNCLOS and by the UN General Assembly resolution 75/239 including:

- *Capacity building* – nurturing scientists from developing countries is an increasingly important aspect of IWC work, ranging from work of the Global Whale Entanglement Response Network to create a global network of professionally trained and equipped

responders to whale entanglements; work through the Bycatch Mitigation initiative (BMI) to build capacity within national governments and fisheries management bodies to 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. At the recent Scientific Committee meeting a proposal was advanced to collaborate with [COMHAFAT](#) to provide capacity building for West African scientists in conducting at-sea cetacean survey and stock assessment techniques.

- *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 approach is to collaborate with global, regional and community fisheries in fostering an ecosystem approach to ensuring viable fisheries. As the greatest direct cause of cetacean mortality, this is one of the most critically important issues for the IWC. IWC collaborated with the FAO and other partners to develop the world's first guidelines on cetacean bycatch mitigation, which support the design and implementation of practical solutions for mitigating bycatch (see <http://www.fao.org/3/cb3116en/cb3116en.pdf>). The IWC is hoping to play an active role in future collaboration with the FAO as part of its Responsible Fishing Operations Workplan (see: <http://www.fao.org/3/ne659en/ne659en.pdf>). The IWC has also participated in the Common Oceans ABNJ Tuna Phase II project discussions with a focus on capacity building for addressing bycatch in small scale tuna fisheries managed under tuna RFMOs.
- *Marine safety* – collisions between cetaceans and vessels 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, and a workshop planned, for 2021-2022.
- *Marine debris* – The IWC workshop report (*Marine Debris: The Way Forward*, Dec 2019) and its recommendations have been circulated and efforts are underway to ensure the findings are taken into account in other IWC work programmes. The IWC is looking to develop collaboration with the Global Ghost Gear Initiative, and the Scientific Committee is investigating new work on marine debris from the pandemic. There has been a reported surge in ocean waste due to the pandemic (e.g. PPE) which has led to over 1,000 published cases of entanglement or ingestion.
- *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. A new Pollution 2025 programme is underway. 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* – including engagement 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*– 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. Recent work focuses on engagement with IMO and efforts to address underwater noise from shipping. A global review on marine seismic surveys has just begun.

- *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 to cetaceans and their mitigation. With an ever-growing membership and focused mentoring of new participants (including translations), the Scientific Committee is nurturing incoming scientists to ensure continuity in its work.

Like all organisations across the world IWC has been operating in very different circumstances recently due to the COVID-19 pandemic. This has affected the scope and format of IWC meetings: the two most recent Scientific Committee meetings were held virtually and the Conservation Committee met virtually in September 2020, and the Commission meeting has been postponed until Autumn 2022. 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 potential 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 we might achieve long term reductions in our carbon footprint overall. We are 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

Detailed progress report relevant to sections of the General Assembly Resolution 75/239

1. Capacity building

Section II of resolution 75/239 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:

- *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, with apprentices scheduled for this year from Kenya and Russia. 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.

- 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 BMI's Expert Panel also provides multi-disciplinary expertise and provides technical advice upon request.
- 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.
- 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 led the IWC to research basic principles for sustainable whale watching to help guide the development of whale watching regulations around the world. 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.
- 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 a special virtual meeting of the Commission in September 2021.
- 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.

2. Marine environment and marine resources

Section IX of Resolution 75/239 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

Paragraph 215 of the Resolution “Encourages States, individually or in collaboration with relevant international organizations and bodies, to enhance their scientific activity to better understand the effects of climate change on the marine environment and marine biodiversity, . . .’

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.

The IWC is planning work (including a combined CC/SC workshop) in late 2021 to selectively review and consolidate conclusions and recommendations from previous IWC work in light of recent new information and developments related to climate science and modelling predictions, direct and indirect effects on cetaceans, cetacean ecology and ecological population modelling incorporating habitat related changes. The focus will be 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 217 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. . . .’

- *Marine debris*

Paragraph 224 (*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. Its previous work was summarised in the contribution from the IWC Secretariat to a report of the UN Secretary General on marine debris to the Open-Ended Consultative Process on Oceans and Law of the Sea (International Whaling Commission, 2016). In December 2019, the IWC held a further workshop aiming to progress IWC’s work on this threat by (i) reviewing the latest evidence on interactions with cetaceans (both ingestion and entanglement) and considering evidence for associated toxicology; (ii) identifying best protocols for gross pathology, pathology for microdebris and the standardised classification of recovered plastics and other debris; and (iii) developing liaison with other relevant expert bodies. The workshop includes a series of detailed recommendations, emphasising the importance of long-term studies; the need for standardised approaches to post-

mortem studies; the importance of strandings networks; the assessment of floating debris during aerial surveys and the integration of marine debris concerns into the IWC's Conservation Management Plans, where appropriate. The vulnerability of some species was highlighted and the potential of some to be used as indicator species. Other recommendations covered engagement with international bodies, the development of a marine debris database of information from post-mortem examinations and communications. Please see the report (IWC, 2020) [here](#) for its full recommendations. In addition, the IWC has facilitated communication between stakeholders in the Arctic for the purposes of assessing the extent, and possible removal of, ghost crab gear from bowhead whale habitat.

- *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 a new 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 new 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>).

3. Marine biodiversity

Section X of resolution 75/239 addresses the conservation and sustainable use of Marine Biodiversity. Ongoing IWC work directly to contributes to priorities in this section including:

3.1 Area based management

Paragraphs 265-273 of Resolution 75/239 address area based management including marine protected areas. Paragraph 270 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. In addition, IWC collaborates with the IUCN led programme for the development of Important Marine Mammal Protected Areas (IMMAs). In 2019, the IWC held a joint workshop with the International Union for the Conservation of Nature

(IUCN) and the Agreement for the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS). The workshop looked at how the IUCN's programme to systematically identify Important Marine Mammal Areas (IMMAs) might be overlaid with shipping information and used to help pinpoint ship strike 'hotspots'. The workshop report (IWC, 2019) can be found [here](#).

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. A revised Southern Ocean Sanctuary Management Plan was endorsed by the Commission in 2018 and will be reviewed in 2022.

3.3 Ocean noise

Paragraph 281 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 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. There will be a focus on global seismic surveys during 2021, a further workshop is planned for later this year. The Conservation Committee is looking to develop productive collaboration with other fora addressing this issue.

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

