

## Annex R

### Comments on Plenary Item 17: Whale Sanctuaries

#### ANNEX R1. COMMENTS ON THE PROPOSAL FOR A SOUTH ATLANTIC SANCTUARY BASED ON RECOMMENDATIONS FROM SC/56 – OPPONENTS

(1) The primary goal of the proposed sanctuary – ‘to promote non-lethal utilisation of whale resources’ and the objectives of ‘maximising recovery of whale populations to their natural carrying capacity and to maintain these populations at these levels’ and ‘to develop the sustainable and non-lethal economic use of whales for the benefit of coastal communities in the region through ecotourism and educational activities’ may be the objectives of some individual IWC members but they directly contradict the objectives of the IWC as mandated by the ICRW.

As noted above, IWC/57/4 specifies that the objectives of the proposed sanctuary ‘differ significantly from those of the RMP’ and rejects application of the RMP to whales within the proposed sanctuary area. This statement is illogical and unacceptable since the ICRW applies to all oceans including the South Atlantic. Further, quotas calculated by the RMP for baleen whales will be risk averse and sustainable, making additional protection offered by the proposed sanctuary totally unnecessary and contrary to the objectives of the Convention. Sperm whales in the area, and elsewhere, will remain protected until there is agreement in the Commission on how catch limits for this species will be calculated.

(2) *Appropriate performance measures.* Given that the proposal itself and its objectives are inappropriate the issue of performance measures is irrelevant.

(3) *Systematic inventory and research programmes to build a sanctuary management plan.* Inventories, research programmes and a sanctuary management plan are all mentioned in IWC/57/4, however they lack any specificity. In particular, there are no plans for inventories or research programmes for the huge area of the proposed sanctuary outside of national jurisdictions.

(4) *Sanctuary management plan should clearly outline broad strategies and specific actions.* No management plan is presented in IWC/57/4. In fact, the document says it cannot be done until after the sanctuary is adopted. Also, as is the case for performance measures, given that the proposal itself and its objectives are inappropriate, the issue of a management plan is irrelevant.

(5-7) *Monitoring strategy, review criteria and refined management plan.* As for items (2) and (4) above, the Committee has recommended they be included in the proposal, however, they are not.

#### *Summary*

The proposed sanctuary would apply irrespective of the conservation status of different species and stocks even when scientific evidence does not advise protection for these species and stocks. The proposed sanctuary is a redundant measure because the commercial whaling moratorium is currently effective and when the moratorium is lifted, the risk-averse RMP will provide full protection to whales. The proposed sanctuary is an inappropriate management strategy because it does not provide additional or necessary protection to whales nor does it improve protection of whale habitat. Above all, the proposed sanctuary is against Article V of the International Convention for the Regulation of Whaling which requires that regulations be based on scientific findings.

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#### ANNEX R2. COMMENTS ON THE PROPOSAL FOR A SOUTH ATLANTIC SANCTUARY BASED ON RECOMMENDATIONS FROM SC/56 - PROPONENTS

Regarding the recommendations arising from last year’s meeting of the Scientific Committee, supporters of the SAWS proposal noted that these are addressed in IWC/57/4 and that:

(1) the purposes of the SAWS are very clearly stated and articulated, *verbis*, (1) to maximise the rate of recovery of whale populations to their natural carrying capacity levels, and to monitor and maintain these populations at these levels; (2) to promote the long-term conservation of large whales throughout their life cycle and their habitats; (3) to stimulate co-ordinated research in the region, especially by developing countries, and through international co-operation with the active participation of the IWC; (4) to develop the sustainable and non-lethal economic use of whales, and to provide scientific background to the management of such activities; (5) to develop an overall framework for the development of localised measures, to maximise the conservation benefits at an ocean basin level; and (6) to integrate national research, conservation and management efforts and strategies in a cooperative framework, maximising the effectiveness of management actions (pp. 22-23 of IWC/57/4).

(2) Monitoring programmes necessary to assess the effectiveness of the sanctuary, and to address performance measures and milestones, already exist in the region in relation to large whale species and can be integrated and refined to fulfill monitoring needs. For example, monitoring programmes have been in place for decades for humpback and Southern right whales. Data from these existing, and other expanding, long-term whale monitoring programmes in the South Atlantic can be used to assess whether the goals of SAWS related to the recovery of whale populations are being achieved. These performance measures directly relate to the stated sanctuary objectives (p. 29 of IWC/57/4);

(3) The development of a sanctuary management plan is envisaged. It will address issues related to current international law and the rights of sovereign States under UNCLOS, and the proposed co-operative approach to management is both adequate and realistic.

Moreover, the RMP and sanctuaries are not competing or mutually exclusive management tools, but the notion of separate lethal and non-lethal management regimes in different ocean regions is a valid one taking into account regional options for whale resource use and management.