60th Annual Meeting of the International Whaling Commission

SHIP STRIKES WORKING GROUP

THIRD PROGRESS REPORT
TO THE CONSERVATION COMMITTEE

MAY 2008

1. BACKGROUND TO THE THIRD PROGRESS REPORT

The Ship Strikes Working Group (SSWG) was established at IWC/57 in 2005 by the Conservation Committee to examine the issue of ship strikes with cetaceans. The group comprises Argentina, Australia, Belgium, Denmark/Greenland, France, Germany, Italy, Republic of Korea, Luxemburg, New Zealand, South Africa, UK and the USA (see Appendix 1 for an updated list). Belgium is chairing the Working Group. The SSWG submitted its first progress report to the Conservation Committee at IWC/58 in St. Kitts and Nevis. A work plan was subsequently developed and is provided in Appendix 2.

At IWC/59 last year, the Conservation Committee reviewed progress with the work as provided in the Second Progress Report (IWC/59/CC3) and the following recommendations for further work proposed by the SSWG:

Co-operation with IMO
i. The Secretariat should continue to follow up with the IMO to seek IGO status. Attaining IGO status will be facilitated by support from Contracting Governments that are also members of IMO. Contracting Governments are therefore urged to support IWC’s application.
ii. IWC Contracting Governments that attend the IMO’s Marine Environment Protection Committee (MEPC) are encouraged to take a common approach at its meetings to ensure a place for ship strikes on the MEPC’s agenda.

Global database on ship strikes
In endorsing the work of the Vessel Strike Data Standardisation Group, the SSWG recommends:
iii. that the proposed small expert group (see Adjunct 4) start to populate the database with historical vessel strike data (Phase II). The proposed budget of £11,400 for this work is approved and will be met by a voluntary contribution from the Government of Australia.
iv. the collection of new data using the template.

Adoption of national and regional legislation, rules and action plans to reduce the impact of ship strikes, with priority for high-risk areas (Recommendation 3 of SSWG’s First Progress Report to the Conservation Committee)
v. The establishment of a small expert group to determine how Recommendation 3 can be implemented through specific action plans with priority for high-risk areas. It was noted that the SSWG and Conservation Committee could make an important contribution to this work by facilitating access to shipping information.

Multidisciplinary expert workshop on ship strike mitigation
vi. A Steering Committee should be established after IWC/59 to consider whether a multidisciplinary expert workshop could contribute to ship strike mitigation and if so, to develop a detailed proposal, including time-scale.

Recommendations relevant to the Scientific Committee
vii. Further work is developed on histopathology methods to confirm ship strikes.
viii. Research on increased mortality caused by the whale watching industry be continued and intensified to obtain long-term trends data.

The SSWG will meet at IWC/60 in Santiago on 16 June 2008. At this meeting it will: (1) review progress made since last year; (2) review the overall work plan (Appendix 2) to assess whether any of the items need to be revised or changed in focus; and (3) identify next steps and identify recommendations relevant to the Conservation Committee and to the Scientific Committee. A summary report of its meeting will be presented to the Conservation Committee when it meets on 17 June.

This report therefore:

1. reports on progress with the work plan, including last year’s recommendations; and
2. provides updated and new information on ship strikes on cetaceans collected since IWC/59.
2. PROGRESS MADE WITH RECOMMENDATIONS

2.1 Co-operation with IMO

2.1.1 Including ship strikes on IMO’s agenda
A submission (document MEPC 57/18/2, in Appendix 3) was prepared by a core group of countries and organisations, coordinated by Belgium, for the IMO Marine Environment Protection Committee at its 57th meeting (31 March - 3 April 2008). Australia, Belgium, Italy, UNEP/CMS/ASCOBANS, IUCN and IFAW co-sponsored the proposal to have ship strikes as a new agenda item on the IMO work programme. The proposal, presented by Belgium, was adopted with strong support and the issue received a high priority. The work will include scoping of the issue, preparing of an IMO guidance document and the consideration of any gaps in actions that may be taken. Commission members were informed of this activity via Circular Communication IWC.ALL.121 of 1 May 2008. The next MEPC meeting will take place from 6 to 10 October 2008.

2.1.2 Establishing an Agreement of Co-operation with IMO
At IWC/58 following recommendations from SSWG, the Conservation Committee recommended inter alia that the Secretariat approach IMO regarding the possibility of setting up a collaborative agreement between IWC and IMO.

Discussions subsequently took place between IWC and IMO Secretariats, as reported to Commissioners and Contracting Governments via Circular Communication IWC.CCG.595 of 12 February 2007 and also during IWC/59 last year. The Secretary subsequently wrote to the Secretary-General of IMO expressing IWC’s interest in concluding an agreement of co-operation with IMO and thus gaining IGO status.

After some further discussion with the IMO Secretariat, “Draft Terms of an Agreement of Co-operation Between IMO and IWC” were developed and circulated to Commissioners and Contracting Governments for review (see Circular Communication IWC.CCG.682 of 19 March 2008). These Draft Terms are also being submitted to the IMO Council for consideration at its meeting to be held from 16-20 June 2008. It is not anticipated that the agreement will lead to IWC incurring costs other than minimal costs associated with attendance at relevant IMO meetings, and that in any case, IWC will determine beforehand, the nature of any co-operative activities with IMO.

If approved by the IMO Council in June, IWC would be given interim IGO status. Formal approval will have to wait until the next meeting of the IMO General Assembly in 2009 after which the Agreement can be signed (by the Secretary-General for IMO and by the Secretary for IWC).

While the impetus for closer co-operation between IWC and IMO has been in relation to ship strikes on cetaceans, there are a number of other issues of potential mutual relevance including habitat degradation (e.g. via noise, chemical pollutants, oil spills, etc). Furthermore, closer co-operation will also be in keeping with the suggestion from the recent intersessional meeting on the future of IWC that co-ordination with other relevant international conventions be improved.

While the Draft Terms will be reviewed by the Commission at IWC/60 under agenda item 13.2, Commissioners were invited to send any comments to the Secretariat by 11 April so that any concerns could be conveyed to the IMO before the meeting of its Council. No comments were received.

2.2 Global database on ship strikes
At IWC/59 an Access database template was agreed upon by the Vessel Strike Data Standardization Working Group (Van Waerebeek and Leaper, 2007) under the general supervision of the Bycatch and other human-induced mortality Subcommittee. Information on vessel collision events with whales and smaller cetaceans were searched in the published primary literature, ‘grey’ literature (reports), selected internet sources, IWC National Progress Reports, conference abstracts and personal communications. Records were critically reviewed and where possible (infrequently) and necessary, verified at source. As of April 2008, the database contained 763 records, most of these ‘historical’. A summary of database composition is available (Van Waerebeek and Leaper, 2008).

Italy kindly forwarded a summary list of collisions in the Mediterranean Sea (1897-2004).
2.3 Adoption of national and regional legislation, rules and action plans to reduce the impact of ship strikes, with priority for high-risk areas (Recommendation 3 of SSWG’s First Progress Report to the Conservation Committee)

Only Germany informed the SSWG chair of its willingness to participate in the expert group. No further action was undertaken.

2.4 Multidisciplinary expert workshop on ship strike mitigation

The Steering Committee was not established. Informal communications with experts suggested that such a workshop may be premature, as relevant work is incipient or ongoing, with few definitive technical results.

2.5 Recommendations relevant to the Scientific Committee

No action was taken.

3. UPDATED AND NEW INFORMATION RECEIVED ON SHIP STRIKES SINCE IWC/59

Nations with binding and non-binding action in territorial or EEZ waters

USA

In 2008, the United States submitted two vessel routing proposals to the International Maritime Organization (IMO) to reduce the risk of ship strikes to North Atlantic right whales. The proposals will be considered at the July 2008 meeting of the IMO’s Subcommittee on Safety of Navigation. One proposal is to amend the north-south leg of the IMO-adopted traffic separation scheme (TSS) “In the approach to Boston, Massachusetts” by narrowing the width of each of the lanes from two miles to a mile and a half, leaving the western boundary of the TSS and the width of the mile separation zone unchanged. This amendment would move ships away from the greatest density of right whales and minimize the overlap between whales and ships, while making the width of the north-south lanes of the Boston TSS consistent with the width as the east-west lanes.

The second proposal is to establish a recommended, seasonal area to be avoided (ATBA) in the Great South Channel off of Massachusetts. The time that the ATBA would be operational has been constrained to accomplish the biological objective of protecting the remaining right whales while minimizing the adverse impact on shipping and accounting for maritime safety.

Glacier Bay National Park and Preserve. The U.S. National Park Service, which has jurisdictional control over the marine waters within the park, has taken steps, with substantial guidance from Biological Opinions that resulted from consultation with NOAA Fisheries under Section 7 of the Endangered Species Act, to minimize the threat or severity of ship strikes. These 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 within designated areas based on historical and real-time aggregations of whales, and specified approach distances when in the known presence of a whale. Conservation actions also include regular monitoring of the humpback whale population and distribution within the park, and a research effort using observers placed aboard cruise ships to document the encounters and strikes that may occur.

Intergovernmental organisations, NGOs and Programmes

ACCOBAMS

The Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area adopted, during its third meeting of Contracting Parties, a resolution on ship strikes on large whales in the Mediterranean Sea (Res 3.14). The meeting also adopted a follow-up document of the ACCOBAMS/PELAGOS workshop on large whale ship strikes in the ACCOBAMS area.

ASCOBANS

At the 15th Advisory Committee meeting (31 March - 3 April 2008) of the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, information was submitted by Parties in response to the High-Speed Ferry Questionnaire (focussing on commercial passenger vessels capable of travelling at speeds in excess of 30 knots). Belgium, Finland, Germany, Sweden and the United Kingdom responded. An analysis of these responses, including an assessment of the impact of shipping upon cetaceans in the region was made.
BARCELONA CONVENTION
During the 15th Ordinary Meeting, in Almeria (Spain, 15-18 January 2008), of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, Decision IG 17/9 was adopted on Guidelines Concerning Pleasure Craft Activities and the Protection of the Marine Environment in the Mediterranean.

IUCN
At its third meeting in November 2007, the Western Gray Whale Advisory Panel reiterated its previous recommendation that marine mammal observers should be placed on the crew change vessel operating between Nogliki and the Lunskoye A drilling platform at all times. The Panel which includes representatives of IUCN and the industry was established in 2006 to mitigate the impact of the Sakhalin oil and gas exploitation project. At the 57th session of IMO’s Marine Environment Protection Committee, IUCN submitted an information document (INF.9) on Risks from maritime traffic to biodiversity in the Mediterranean Sea. The document refers i.a. to ship strikes. On the occasion of the IUCN 4th World Conservation Congress (Barcelona, 5-14 October 2008), the SSWG chair is scheduled to give a presentation on ship strikes.

NGOs
The French NGO Souffleurs d’écume is developing ‘REPCET’ (REal-time Plotting of CETaceans), an electronic system for great whale position reporting that would be used by the maritime transport sector. It is a partnership between the NGO, academic institutions and the maritime sector. The objective is to test the system in the Pelagos international marine mammal sanctuary in the Mediterranean.

UNEP
UNEP has “recognized 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 organizations bring this matter to a higher place on the marine environmental conservation and management agenda”. UNEP MAP, at the Meeting of the Mediterranean Action Plan focal points in Madrid, Spain (16-19 October 2007), adopted a draft Decision on the adoption of the guidelines concerning pleasure craft activities and the protection of the marine environment in the Mediterranean. The draft decision will be considered at the 15th Meeting of Parties.

UN
The Office for Ocean Affairs of the United Nations contacted the IWC Secretariat to gather information for the Secretary General annual report on Oceans and Law of the Sea. Information on ship strikes was communicated on this occasion. The SG report will be considered as from October 2008 during the 63rd session of the UN General Assembly.

Country reports and public information

Australia
Australia has submitted a country report on ship strikes to the Conservation Committee (IWC/60/CC 4).

Canada
A new Recovery Strategy for the North Atlantic right whale is due to be released sometime in 2008 under the Canadian Species at Risk Act (SARA). Its overall goal is to achieve an increasing trend in population abundance over three generations. The first of the seven objectives of the strategy is to reduce mortality and injury as a result of vessel strikes. One of the measures envisaged is the identification of critical habitats. Another development relates to the Roseway Basin, where an Area to Be Avoided (IMO) is coming into effect: under this measure, it is recommended that ships of 300 gross tonnage and upwards solely in transit during the period of 1 June through 31 December should avoid the area.

France
France has indicated its intention to submit to the IWC Conservation Committee an information paper on a whale reporting system developed in the Pelagos sanctuary (REPCET).

New Zealand
New Zealand has indicated that they would submit a country report on Large Whale and Vessel Collisions in northern New Zealand.
USA

The USA has indicated their intention to submit a report to the Conservation Committee on ship collisions with large whales. In Hawaii, the Superferry linking Oahu, Honolulu and Maui, Kahului has now two full-time lookouts on board to minimize the risk of collisions with whales. This ferry can go up to 38 knots.

**Shipping and other industries**

A US-based company, Excelerate Energy LLC, paid for a whale monitoring system as part of a mitigation package the Texas state ordered when approving Liquefied Natural Gas (LNG) terminals. The system is made of buoys equipped with microphones and antennas (see section below: reference to Cornell Lab).

BP Shipping is funding a Marine Mammal Observation Pack to be used onboard its oil and chemical tankers. ProSea Foundation (The Netherlands) has been tasked with the development of this marine awareness pack which will i.a. include information on the risk of ship strikes. The SSWG chair has agreed to contribute to the content of the information pack to be completed in 2008.

The International Association of Oil and Gas Producers (OGP) funded a software called PAMGUARD, which is meant to address the fundamental limitations of existing cetacean passive acoustic monitoring (PAM) software capabilities by creating an integrated PAM software infrastructure that is open source and available to all PAM users for the benefit of the marine environment. It is funded through of the Exploration & Production Sound and Marine Life Joint Industry Programme (JIP). See [http://www.pamguard.org](http://www.pamguard.org).

INTERTANKO, the international federation of tankers, has developed an environment section on its website which contains information on whale and cetacean conservation ([www.intertanko.com](http://www.intertanko.com)). Access to this section is for authorized users only.

**Recently published papers and information on ship strikes**


**4. VOLUNTARY CONTRIBUTIONS**

Italy has pledged to support the work of the IWC Scientific Committee on the topic of collisions with a contribution of 12,000 euros.
### Appendix 1:
**Membership of the Ship Strikes Working Group as per 15 May 2008**

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<td>Miguel Iñiguez</td>
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<td>Alexandre de Lichtervelde</td>
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Appendix 2: Work plan 2006-2007 (IWC/59/CC3)

RECOMMENDATION 1: All national progress reports on cetacean research submitted by IWC members should include ship strikes data in a format allowing their full utilisation.

Addressees of the recommendation: IWC Members and Secretariat.

Comment
The template for the National Progress Reports requests information on ship strikes. At its meeting at IWC/58, the Scientific Committee reviewed the information provided on ship strikes and noted that some known incidents had not been reported. It encouraged all efforts to include as much data as possible in future and recommended some changes to the template for the Reports.

Further action
• The Secretariat will make these changes and encourage Contracting Governments to report as fully as possible when the request for reports is sent out next year prior to IWC/59.
• The fullness of reporting can be reviewed again at IWC/59 and further recommendations/encouragement to report made then.

RECOMMENDATION 2: Set up a centralized international database on ship strikes
• using a template with standardized parameters
• developing a data repository.

Addressees: intersessional group under K. Van Waerebeek (standardizing issues only); IWC Secretariat Head of Science

Current activity
At IWC/58, the Scientific Committee endorsed the recommendation from the CMS-ACCOBAMS Workshop on Large Whale Ship Strikes concerning the development of an international database of vessel strikes, believing it would be extremely valuable. The SC considered that in the first instance, particular attention should be given to the standardisation of information and data quality control, i.e. before establishing a database. The SC established an intersessional email group named Vessel Strike Data Standardization Group (convened by Koen Van Waerebeek, Belgium) to develop a process by which data provided from a range of sources could be stored in a database in a standardised way that clearly identifies the level of (un)certainty in the data. However, there is at this stage no decision on how and by whom such a database would be operated. A report will be available for review by the SC at IWC/59 and this will include a proposal for a draft structure of a ship strikes database.

The ACCOBAMS’s Scientific Committee discussed the issue of ship strikes at its meeting in Monaco in November 2006. The IWC’s Head of Science (Greg Donovan) is a member of the ACCOBAMS Scientific Committee and attended. He stressed the need for co-operation and co-ordination of ACCOBAMS with the IWC and in particular the intersessional email group under Van Waerebeek. ACCOBAMS supported the initiative of IWC’s Scientific Committee and agreed to co-operate with IWC. ACCOBAMS did not initiate any new separate work with respect to development of a database.

At its 8th meeting in November 2005, the CMS Conference of Parties (COP) adopted Resolution 8.22 on Human Induced Impacts on Cetaceans. Through this, the COP requested the CMS Secretariat and Scientific Council to ‘co-operate with IWC, working through the Memorandum of Understanding between the two bodies, by collaborating with the IWC work programmes which address human induced impacts to cetaceans, and by working with the organisation’s Scientific and Conservation Committees to further identify priority impacts and regions requiring urgent attention’. The IWC and CMS will meet to discuss co-operation, including work on ship strikes.

Further action
• There is no need for further action before IWC/59 given the activities underway within the IWC Scientific Committee, ACCOBAMS’s support of the Committee’s initiatives and that the IWC and CMS Secretariats will be meeting to discuss future co-operation.
At IWC/59 progress with the Scientific Committee’s work should be reviewed and recommendations developed for further work towards establishing a database for the Scientific Committee and/or the Conservation Committee/Ship Strikes Working Group, as appropriate.

Note:
Clearly there will need to be a discussion (involving IWC, CMS-ACCOBAMS, SPREP for the South Pacific region and others) at some point on whether a centralised international database will be established, or whether there could be a series of (regional) compatible databases.

RECOMMENDATION 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.

Addressees: Members of the Commission, regional organisations, international governmental and industry organisations

Following IWC/57 in Ulsan, Alexandre de Lichtervelde, SSWG Chair, wrote to SSWG members and national ship strike contact points, requesting legislation relevant to ship strikes. This provided the information included in the section of the first SSWG progress report titled ‘Global overview of existing ship strike mitigation legislation, programmes, measures, resolutions and recommendations’.

The compilation of present legislation, rules and action plans (LRAPs) is valuable and should be continued. The existing LRAPs should be reviewed for content and consistency with current knowledge which could ultimately result in a ‘best practice’ guide. It will require co-operation with relevant other bodies including industry. The question of ‘high risk areas’ requires input from inter alia the Scientific Committee (see below).

Further action
- Secretariat to write to all Contracting Governments and relevant intergovernmental organisations and others to request submission of LRAPs (while recognising that some legislation has already been collected). This letter will be sent out in December, with a request for information in March 2007. The information will be collated by the Secretariat and made available to the SSWG prior to IWC/59.
- The SSWG reviews the information provided and makes recommendations to the Conservation Committee at IWC/59 on how to take the work forward. If sufficient information is made available, it should be reviewed for content and consistency with current knowledge. If funds are available, such a review might best be done at least initially by a consultant engaged for this purpose. A consultant could develop a paper, including recommendations for ‘best practice’. Alternatively, a multidisciplinary group of volunteers could be established to undertake this work.

Note:
Consideration could be given to holding a multi-disciplinary expert workshop between IWC/59 and IWC/60 so as to achieve wider participation and buy-in to any recommendations for ‘best practice’. Given the proposal to establish a case study on the Mediterranean to identify large and small-area ‘hot spots’ for ship strikes (see below), consideration could be given to holding the workshop jointly with ACCOBAMS. Plans/proposals for any workshop would need to be developed by the SSWG for review at IWC/59 by the Conservation Committee and Commission. The SSWG may wish to meet prior to the meeting of the Conservation Committee (see also Recommendation 4).

RECOMMENDATION 4: Identify and circulate information on training material for crew and maritime and marine officials.

Addressees: Members of the Commission and of the Ship Strikes Working Group, IMO, regional organisations, industry organisations

While the identification and collection of information on training material needs to be done, it would be useful to develop guidance on best practice rather than simply to circulate training material.

Action
- The Secretariat to write to all Contracting Governments and relevant intergovernmental organisations and others to request submission of any such material. The letter will be sent out in December with a request for information/feedback in March 2007.
IWC/60/CC 3
Agenda item 4.1

- Information received will be collated by the Secretariat and made available to the SSWG prior to IWC/59.
- The SSWG reviews the information and makes recommendations to the Conservation Committee at IWC/59 on how to proceed. As with Recommendation 3 above, if sufficient information is provided and if funds are available, a review might best be done by a consultant engaged for this purpose (it could be the same consultant as for Recommendation 3). A consultant could develop a paper, including recommendations for guidance on ‘best practice’. Alternatively, a multidisciplinary group of volunteers could be established to undertake this work.

RECOMMENDATION 5: Continue the work within the Ship Strikes Working Group, widen its membership and circulate the progress report widely.

Addressees: Chair of the Ship strikes working group, Chair of the Conservation Committee, Members of the Commission and Secretariat.

This work is ongoing. The First Report of the Ship Strikes Working Group was made available to all Contracting Governments prior to the Annual Meeting in St. Kitts and Nevis. It was also submitted to IMO’s Marine Environment Protection Committee (that met on 9-13 October 2006) and to the Secretariat of CMS.

While it may be useful to widen the membership of the SSWG, if the purpose of the WG is to organise work and prepare proposals for review by the Conservation Committee, it should be kept at a manageable size. It would therefore be preferable to encourage Contracting Governments to identify national contact points. Currently only 15 member countries have identified national contact points.

RECOMMENDATIONS FOR FOLLOW-UP BY THE SHIP STRIKES WORKING GROUP (SSWG)

(i) identify large-area and small-area hot spots of dense shipping globally;

In the First Report of the Ship Strikes Working Group (IWC/58/CC3), a preliminary listing of high-risk areas due to intense shipping was made, serving as mere examples. However, in making this list, no quantitative data were used, but rather common knowledge of some areas with dense shipping traffic. The report suggested that the number of vessels transiting per day would be a logical parameter to use to measure shipping density, but pointed out that the question remains of which dataset(s) to choose and under what authority the data would be used. The report did identify some potential information sources.

The important factors in identifying ‘hot-spots’ require information on both vessel traffic and cetacean occurrence. The latter will require Scientific Committee input. At a meeting with IMO on 20 November 2006, attended by Alexandre de Lichtervelde as SSWG Chair and Nicky Grandy and Greg Donovan of the Secretariat, IMO indicated that they did not hold information on vessel traffic themselves, but indicated that they could help put IWC in contact with others who may be able to help.

Given the complexity of the issue, it may be best to initiate work through a case study of a particular area where there appears to be reasonable amounts of data on both cetacean densities and shipping. On the basis of this study, the SSWG may be able to identify factors that appear to be important and relevant elsewhere, as well as possible mitigation approaches. It was previously suggested that the Mediterranean Sea could be selected as a test case. Given that some work is already being done in the Mediterranean (i.e. through ACCOBAMS), that reasonably good information on ship strikes and cetacean occurrence exists and that it should be possible to get vessel traffic information, the selection of the Mediterranean as a case study seems appropriate. It would also help to consolidate co-operation with ACCOBAMS.

New Zealand noted that with respect to identifying hotspots, it may be useful to check the GROMS (migratory species) database. If this has maps of whale migration routes, overlaying them with vessel traffic maps could provide interesting information.

Action:
- Collection of information on ship strikes and cetacean occurrence is being done by the Scientific Committee.
- The Secretariat will approach IMO and others in December 2006/January 2007 for help with identifying vessel traffic information in the Mediterranean and in general.
- Co-operation with ACCOBAMS Scientific Committee can be initiated by Donovan.
• New Zealand may wish to follow up on its suggestion of examining GROMS, in particular to see if the information it provides is of a suitable level of detail for the work proposed

(ii) offer guidance for improved reporting and data management and processing from IWC member nations as well as others;
This is related to Recommendations 1 and 2 and thus follow-up could be done as indicated above.

(iii) review geographical distribution of stranding networks to identify gaps in coverage;
This could be an action for the Scientific Committee who periodically reviews the question of stranding networks (information on these for IWC members is included in some progress reports). However, stranding networks seem to be more organisationally determined than scientifically determined (i.e. by governments, NGOs, coastal municipalities, etc) with, for example, the boundaries of network competence being determined typically by pure administration criteria rather than by biogeographic or oceanographic criteria. The SSWG could therefore consider whether the Conservation Committee would be better placed to carry out this review.

In earlier correspondence, Fabian Ritter (Germany’s representative on the SSWG) reported that he had recently prepared a list of worldwide stranding networks and would offer this to be used by the SSWG. This would provide initial information on the geographical distribution of stranding networks from which it would be possible to identify potential gaps. However, with respect to the relevance of these networks to gathering information on ship strikes, it will be necessary to have information on their temporal as well as geographical coverage and also to what extent information on the cause of death is identified/recorded.

Action
• Secretariat to request list of stranding networks from Fabian Ritter. This can be done in December 2006.
• Secretariat to write to all Contracting Governments on behalf of the SSWG, providing the list of stranding networks for information and with a request to update this as appropriate, and in particular, to discover the extent to which attempts are made to identify cause of death and how this is done

(iv) initiate a cost-benefit analysis of selected mitigation measures;
(v) further work to develop mitigation measures, including: a) development of surveillance systems for different whale species in high risk areas, b) development of predictive models based on environmental conditions (depth, bathymetry, sea surface temperature)
(vi) evaluate the potential for whale-related data into Automatic Identification System (AIS) data that appear on vessel radar screens.

While this would be very valuable, particularly when attempting to determine ‘best practice’, action on Recommendations 3 and 4 above is needed first before a cost-benefit analysis could be made.

While this is clearly important, action on Recommendations 3 and 4 above is needed first.

It is suggested that this is really part of action (v). In any case, a specialist workshop would be needed to undertake such an evaluation.

As suggested above, consideration should be given to holding an expert workshop on mitigation measures, including reviewing present legislation, action plans and training materials as discussed under Recommendations 3 and 4 above. Such a workshop could be held jointly with ACCOBAMS. This could be discussed by the Scientific Committee and the Conservation Committee at IWC/59.

Action:
• Secretariat to put issue on the draft agendas of the Scientific and Conservation Committees for IWC/59.
Appendix 3: Submission to IMO MEPC 57 on ship strikes

INTERNATIONAL MARITIME ORGANIZATION

MARINE ENVIRONMENT PROTECTION MEPC 57/18/2
COMMITTEE
57th session
Agenda item 18

WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

Measures for minimizing the risks of collisions with cetaceans

Submitted by Australia, Belgium, Italy, IUCN, IFAW and the UNEP/CMS/ASCOBANS Joint Secretariat

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Introduction

1 This document is submitted in accordance with the provisions of the Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (MSC-MEPC.1/Circ.1 of 15 December 2006) and invites the MEPC to consider adding a new item to its work programme.

Background

2 Although collisions with cetaceans (otherwise known as ship strikes) have been recognized as a threat to some vulnerable cetacean populations for some time, the development of faster and larger ships, and increased ship traffic, have led to increasing concern about the risks associated with ship strikes with cetaceans. Some of these issues and concerns have previously been outlined to the Committee (MEPC 55/INF.22 submitted by Belgium on behalf of the International Whaling Commission and in document MEPC 55/22).

3 In addition, concerns about the risks of ship strikes with cetaceans have been raised through other international fora, including the International Whaling Commission (IWC), Bonn Convention on the Conservation of Migratory Species of Wild Animals (CMS), the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) and the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS).
The Conservation Committee of the IWC called for inter alia:

1. further co-operation with IMO on the development of international measures to address ship strikes with cetaceans;
2. continued development of an international database on ship strikes with cetaceans;
3. adoption of national and regional legislation, rules and action plans to address ship strikes with cetaceans; and
4. consideration of a multi-disciplinary expert workshop on mitigation measures to reduce risk of ship strikes with cetaceans.

Compelling need for the work programme item

Ship strikes with cetaceans have had serious economic, human and environmental impacts worldwide.

Economic impacts

Collisions with whales result in costs to the shipping industry. They incur direct costs related to damage to vessels and disruption to services, as well as a number of indirect costs related to possible accident compensation and potential loss of business. In addition, ship strikes may also result in a loss of revenue to related industries, such as the whale-watching industry and the associated tourism. While measures to reduce risks of collisions with whales will have economic benefits, these measures should be based on sound evidence and aim to minimize the impact on the shipping industry.

Human impacts

The human impacts from collisions between whales and vessels are related to vessel and passenger safety. Transport links that rely on a ferry service may also suffer if a vessel is damaged and out of service for some period. Rapid course changes, violent deceleration or impact damage to vessels that raise safety issues are most likely to occur with small and high speed vessels. Serious or fatal injuries to passengers have occurred involving hydrofoil ferries, whale watching vessels, and recreational craft. Moreover, in areas where ship traffic is increasing and whale populations are also increasing (e.g., humpback whales in Hawaii), this issue poses a complex issue for policy makers to resolve, taking into account the public interest in boating and shipping and its concern for whale conservation.

Environmental impacts

Collisions between whales and vessels raise both conservation and animal welfare concerns. Known and estimated levels of cetacean mortalities from ship strikes suggest that in some regions ship strikes pose a significant threat to some vulnerable populations (e.g., North Atlantic right whale, Nelson et al., 2007, Western Pacific grey whale, IUCN, 2005, Mediterranean fin whale population, Panigada et al., 2006).

Ship strikes with cetaceans are a risk posed by all vessel types, from small yachts, fishing vessels, high-speed ferries, to large trading vessels. To effectively reduce the risks of ship strikes with cetaceans, consideration should be given to a range of measures that will be effective for the diversity of vessel types and activities. Recognizing that different approaches will be necessary for different vessel types, flexibility will be important in developing practical and effective strategies for reducing the risk of ship strikes.

To date, the IMO has partially addressed the ship strikes with cetaceans issue through, for example, the adoption of a mandatory reporting system and routing of ships for the protection of the North Atlantic right whale. More generally, this issue is addressed through revisions to the High Speed Craft Code and should be considered in accordance with SOLAS chapter V (regulation 34) and the guidelines for voyage planning (resolution A.893(21)). Many of the factors contributing to the impact of shipping on whale populations may, therefore, be addressed through measures that are currently available to the MEPC and MSC or to a State under international law. However, ship strikes remain an issue due, in part, to a lack of detailed understanding of the problem and also knowledge of precise measures available, and their application, for this specific issue.
11 MEPC 55 agreed that IMO is the competent body to address ship strikes with cetaceans, and invited delegations to submit proposals to relevant Committees and Sub-Committees for consideration (MEPC 55/23, paragraph 22.15).

12 While several Member States (notably the USA and Canada) have developed strategies to protect the highly-endangered North Atlantic right whale, there remains little or no guidance for Member States as to how to respond to such a threat in other circumstances, or the considerations involved, including possible use of international laws, in particular the strategies that the IMO has developed.

13 The IMO has a track record of developing comprehensive guidance in response to specific identified environmental threats from shipping. However, the impact of ship strikes on whale populations has not been fully addressed by the IMO, and its guidance is urgently needed to minimize the risks of ships colliding with cetaceans. Furthermore, specific guidance on this matter developed by the IMO will help to ensure that this issue is considered in a co-ordinated and consistent manner, thus benefitting the shipping industry.

14 It is consistent with the IMO’s objectives that new issues that might adversely affect the marine environment, such as the risks of ship strikes with cetaceans, should be identified at the earliest feasible stage and action taken to avoid or mitigate such effects. Such action is also consistent with the precautionary approach (MEPC resolution 67(37) setting out Guidelines on Incorporation of the Precautionary Approach in the context of specific IMO activities).

Analysis of the issues involved, including minimizing adverse impacts on the maritime industry

15 Under the proposed work programme item, the range of considerations to address the risks of ship strikes with cetaceans should be examined. Taking into account the full range of measures available to Member States, a guidance document should be prepared to provide them with information on how to comprehensively respond to ship strikes that may impact cetacean populations. In developing such guidance, emphasis would be placed on practical, cost-effective solutions that minimize any adverse effects on the shipping industry. Consideration should also be given to the identification of potential gaps to address this issue more effectively.

Benefits that justify the proposed action

16 Measures to minimize the risk of ship strikes with cetaceans across all sectors of the shipping industry will have environmental benefits. For some sectors (particularly high-speed passenger craft) reducing collision risk will bring safety and operational benefits by reducing the risk of injuries to passengers and damage to vessels. To maximize the benefits of considering this issue, and of any measures taken, and to minimize any adverse impacts on industry, better sharing of information and a better understanding of the factors affecting risks of vessels colliding with whales is needed. Examples of regions where collisions are of particular concern include:

1.1 North America: Ship strikes have been identified as the main threat to the recovery of the critically endangered North Atlantic right whale. Traffic separation schemes in the Bay of Fundy and approaches to the port of Boston have been moved away from areas of high whale density. Surveillance systems to detect whale presence using visual and passive acoustic monitoring have also been developed. IMO has also adopted two mandatory ship reporting systems to reduce the risk of ship strikes.

1.2 North Asia: Ship strikes have been identified as one of the main threats to the recovery of the critically endangered Western Pacific grey whale population. One company has developed a Marine Mammal Protection Plan with measures to mitigate the risk of ship strikes that include controlling vessel routes, and using Marine Mammal Observers. Ship strikes with cetaceans near the Tsushima Strait between Korea and Japan are so frequent that some high-speed hydrofoil passenger ship operators are concerned that it may put them out of business. A possible ship strike with a cetacean in April 2007 resulted in one passenger dying and 27 people being injured on a high-speed ferry travelling between Japan and Korea.

1.3 Europe and North Africa: A passenger of a fast ferry operating between Tenerife and Gran Canaria died as the result of a ship strike with a cetacean. High levels of ship strikes in the Straits of Gibraltar, within the Pelagos Sanctuary and around the Canary Islands may threaten populations of fin and sperm whales.
Priority and target completion date

17 It is proposed that this issue be added to the work programme of the Committee. As set out above, ship strikes with cetaceans are a growing concern with serious economic, human and environmental impacts. To facilitate co-ordinated and consistent treatment of this issue by Governments, action by IMO is necessary. Moreover, the Committee has already agreed that the IMO is the competent body to address this issue.

18 While a range of actions may be appropriate to address the threats that ship strikes pose to cetaceans, instances of actions taken are limited to a few specific examples. The lack of IMO guidance specifically relating to this issue is mainly due to a lack of awareness among States as to what this issue involves and how it may be addressed.

19 It is estimated that three sessions would be required to complete the work, given the need to carefully scope the issue, prepare and approve a circular guidance document and consider any gaps in actions that may be taken.

Specific indication of the action required

20 The Committee is invited to develop an IMO guidance document for use by Member Governments in addressing this issue.

Alignment with the IMO’s objectives

21 Addressing the issue of ship strikes with cetaceans aligns with the objectives of the Organization in the 2000s (resolution A.900(21)) that trends which might adversely affect the safety of ships, and those on board, and/or the environment may be identified at the earliest feasible stage and action taken to avoid or mitigate such effects.

Alignment with Strategic Plan and High-level Action Plan of the Organization

22 This proposal aligns with the IMO’s Strategic Direction 7 of the Strategic Plan for the Organization (resolution A.989(25)). Under this strategic direction, the IMO will focus on reducing and eliminating any adverse impact by shipping on the environment by identifying and addressing possible adverse impacts.

23 This proposal is consistent with the high-level actions necessary to achieve the IMO’s strategic direction, specifically the following contained in the High-level Plan of the Organization and priorities for the 2008-2009 biennium (resolution A.990(25)):

.1 monitor pollution and adverse impacts on the marine environment caused by ships and their cargoes; and

.2 keep under review measures to reduce adverse impacts on the marine environment by ships and their cargoes.

Analysis of whether adequate industry standards exist or are being developed

24 There are currently no industry standards specifically relating to minimizing the risks of ship strikes with cetaceans.

Action requested of the Committee

25 The Committee is invited to consider adding a new item on ship strikes with cetaceans to its work programme with a view to developing an IMO guidance document for use by Member Governments.