PROTECTING THE SOUTHERN OCEAN WHALE SANCTUARY:
DEVELOPMENT OF A MANAGEMENT PLAN

THE ANTARCTIC AND SOUTHERN OCEAN COALITION
(ASOC)

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Abstract

ASOC submitted a paper to the June meeting of the International Whaling Commission in Santiago outlining the reasons why the IWC, in concert with CCAMLR and other appropriate international bodies, should develop a Management Plan for the Southern Ocean Whale Sanctuary. This was made available as an Opening Statement in accordance with IWC rules. Following the IWC meeting, ASOC prepared an updated version of the paper, which is now in circulation to all of the governments participating in the IWC’s Small Working Group. ASOC is sharing this information paper with the CCAMLR community. In this context, ASOC notes that in August the IWC and CCAMLR Scientific Committees held a joint workshop to share scientific information and methodologies for modeling the Southern Ocean. ASOC hopes that this laid a good foundation for further collaborative work, and looks forward to the report of that workshop and future joint work.
I. Summary

The Antarctic and Southern Ocean Coalition (ASOC) submits that it is timely for the International Whaling Commission (IWC) and other appropriate bodies, such as the CCAMLR Commission under the Convention on the Conservation of Antarctic Marine Living Resources, to develop comprehensive Management and Research Plans for the Southern Ocean Whale Sanctuary (SOWS).

Additional steps are needed to help protect the Sanctuary’s integrity, in particular: (1) establishment of a substantive Management Plan, supported by (2) a robust scientific research component. The group of governments involved in Dr. Hogarth’s intersessional meetings should consider the merits of developing such a Management Plan, and the next meeting of the Commission should initiate steps towards it being finished within 2-3 years. Accompanying the Management Plan should be an appropriate non-lethal research program, which will necessitate a shift by governments and international organizations to fund appropriate research.

In the years prior to the IWC’s historic 1982 decision setting all commercial catch limits to zero for an indefinite time (the “moratorium”), the Commission had already put in place a number of important protection measures, among which the setting of individual zero catch limits, over time, for all the large baleen whales in the Southern Hemisphere, a moratorium of indefinite duration on the catching of sperm whales, and a prohibition on pelagic whaling (i.e., whaling using factory ships accompanied by catcher boats) for all species and stocks except the minke whale. Thus the main direct effect of the 1982 decision, as far as the Southern Ocean was concerned, was to set zero catch limits for the minke and Bryde's whales throughout the Southern Hemisphere, and to confirm all of the existing zero catch limits for the other species.

One of the main reasons for the 1982 decision was to allow the depleted species and populations an opportunity to recover, not only in terms of their abundance but also to permit them eventually to reassert a more robust and natural age and sex composition. This was further reinforced by the IWC’s

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1 ASOC is an IRS Section 501(c)(3) environmental organization incorporated in Washington, DC, which has had observer status to the Antarctic Treaty Consultative Meeting and the Convention on the Conservation of Antarctic Marine Living Resources for many years. ASOC also has observer status to the Agreement on Conservation of Albatross and Petrels. Thirty-one environmental organizations around the world are dues-paying members of ASOC. ASOC’s governance documents and information papers may be found at www.asoc.org.

2 ASOC is grateful to Dr. Sidney Holt for his research and assistance in preparing this paper.

3 To this end, ASOC welcomes the call by the Government of Australia, first expressed at the March 2008 IWC Intersessional Meeting in London, for the launch of a cooperative, long-term, non-lethal international research effort, provisionally called the Southern Ocean Whale Research Partnership. ASOC calls on Parties to the International Convention for the Regulation of Whaling (ICRW), Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), the Antarctic Treaty and its Protocol on Environmental Protection, and other international bodies to adjust their collective marine research priorities for the Southern Ocean to take full account of the international community’s long-term duty of care towards the Southern Ocean Whale Sanctuary and the whales in it.
subsequent decision, in 1994, to establish the Southern Ocean Whale Sanctuary (SOWS), covering the summer feeding grounds of an estimated 80-90% of the world’s whales. The rationale for creation of the SOWS included several elements, perhaps most importantly the need for long-term protection of all the whale species for which the IWC has acknowledged conservation responsibility (especially in the context of the development of the Revised Management Procedure (RMP) within the IWC’s Scientific Committee in the early 1990s).

However, in contrast to the 1982 decision, the SOWS proposal included the concept of ecosystem restoration, with a view to healing the deeply wounded Southern Ocean ecosystem as a whole. While some whale species and populations appear to be increasing under protection, it remains unclear to what extent the Southern Ocean ecosystem might return to anything like its bio-diverse and biologically productive state before "modern whaling" began in the early 20th century. For a number of IWC members the SOWS was also part and parcel of a strategy of protecting the precious and unique Antarctic region as a whole. It was furthermore hoped that the creation of the Sanctuary would encourage long-term non-lethal research on these populations, of a type and on a scale that had not been supported by Commission members until then. Since the 1982 decision came into force, however, government funding of research on the status of whales in the Southern Ocean has been largely directed to studies related to the possible resumption of commercial whaling on particular species.

While it is the IWC’s duty to monitor the consequences of its own decisions, prime among them the landmark decisions of 1982 and 1994, a unique opportunity to do so in the Southern Ocean has so far been lost by the IWC not organizing long-term surveillance of the region. The IWC's Scientific Committee now has no accepted estimate even of the approximate number of Southern Hemisphere minke whales. ASOC finds it remarkable that no attempt has yet been made by the IWC to estimate the numbers of the other baleen whale species from the second and third circumpolar sighting series conducted as part of the IWC’s IDCR/SOWER.

Since the Sanctuary was declared in 1994, it has operationally been in a kind of inchoate state, with no Management Plan in place, very little non-lethal research being carried out, and Special Permit whaling at various levels. After fifteen years it is time to breathe life into the Sanctuary by cooperatively developing a Management Plan in keeping with governments’ collective responsibilities in the ICRW, CCAMLR, Environmental Protocol and various IMO treaties with pertinence in the Southern Ocean. In order for this to happen, Parties to the various treaties need to work together.

II. Recommendations

1. The IWC should agree to take the necessary actions to draw up a Management Plan for the SOWS, in the lead up to the 61st IWC meeting in Madeira. In this context, the IWC should begin cooperating with (a) International Maritime Organization (IMO) and the relevant instruments of the Antarctic Treaty in assessing the pollution effects of pelagic whaling operations on the Southern Ocean and especially on the IMO Special Area south of 60 degrees south latitude; (b) Parties to the Convention on Biological Diversity (CBD) and CCAMLR in evaluating the impacts of past and on-going whaling on the biodiversity of the Southern Ocean; (c) the Secretary of the Convention on Migratory Species (CMS) with the aim of bringing forward to the ICRW and CCAMLR Parties proposals regarding the conservation of Southern Ocean cetacean species, practically all of which are designated in the UNCLOS as "Highly Migratory Species", and particularly those for which the IWC as a whole has not accepted regulatory responsibility; (d) the Intergovernmental Oceanographic Commission (IOC) of UNESCO, which should be invited to provide the IWC with a summary of the present state of knowledge of the changing physical and biological oceanography of the Southern Ocean, particularly as it may affect cetaceans and their conservation.
2. The IWC should instruct its Scientific Committee to arrange for the preparation of a comprehensive, non-lethal and long-term programme of research to (a) study and monitor the changes in the Southern Ocean ecosystem as they may affect whales and (b) to track the expected recovery of whale populations and the Antarctic ecosystem structure and properties since the 1982 decision setting all commercial whaling catch limits to zero for an indefinite time (the “moratorium”) and the designation of the Southern Ocean as a sanctuary in 1994. This programme should take into account relevant research continuing outside the orbit of the IWC; should invite international organizations that have in the past contributed to the Commission’s efforts towards the conservation of whales, including but not limited to UNEP, FAO and the World Conservation Union (IUCN), to participate; and steps should be taken by Parties to ensure that adequate funding is made available for this.

3. The IWC Scientific Committee should fully assess the impacts of current and projected climate change on cetaceans in the Antarctic, and identify appropriate management responses to increase resilience of cetaceans to those changes. In this context, the IWC should invite international organizations and national authorities engaged in research on climate change in polar regions, and the interpretation of its consequences for human life and natural ecosystems, to make available pertinent information regarding cetaceans and their conservation.

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4 ASOC suggests that these organizations be asked to resume their participation in meetings of the Commission and its subsidiary bodies and their cooperation in its work, and in particular to advise the Commission on aspects of the ecosystem approach to management of human activities in the Southern Ocean.