

**REVISED 10 Oct 2022**

## **Cooperation with other Organisations**

IWC Secretariat

### **Introduction**

The Commission and the Scientific and Conservation Committees have adopted numerous recommendations over the years for strengthening engagement with other organisations. The IWC Secretariat, in collaboration with members of the SC, CC and SWGs have been working to carry out these mandates, in addition to exploring newly emerging opportunities. This paper provides an update to the Commission and to the Finance and Administration Committee Planning Group on engaging other organisations, for information, for comments and decisions on formal agreements (Memorandum of Understanding, Letter of Agreement, Cooperation Agreement).

#### **1. CCAMLR**

Scientists at the British Antarctic Survey (BAS) have been working with the IWC Secretariat regarding opportunities to enhance scientific collaboration through the Scientific Committee of CCAMLR. A draft work plan has been developed, based on an independent review of the two IGO scientific bodies. However, the implementation of this work plan has been delayed due to Covid-19 and the requirement to meet virtually with restricted agendas. There was discussion of this plan at the recent meeting of CCAMLR's Scientific Committee. This plan may include the development of an MoU or other formal agreement. There have also been ongoing discussions between the science leads as well as the two Executive Secretaries (including an in-person meeting in February 2022 at the Red House) regarding practical ways to increase scientific collaboration. Members of the CCAMLR Scientific Committee participated in IWC's Scientific Committee meetings in April/May 2022 (IWC68D) and requested assistance to address recent whale entanglements in CCAMLR krill fisheries.

#### **2. Cooperation with Protocol on Specially Protected Areas and Wildlife (SPA) of the Cartagena Convention for the Wider Caribbean**

The Secretariat has continued working with counterparts in SPAW on areas of common interest in cetacean science and stewardship, particularly in small scale coastal fisheries, as time and resources allow. Areas of common interest and possibly collaboration include small scale fishery bycatch, ship strikes, strandings response, entanglement response training, whale watching and swim-with programmes. In the spirit of cooperation, the Secretariat has participated in several virtual meetings of various SPAW activities, including technical meetings of SPAW-STAC (Scientific and Technical Advisory Committee) and their COP. In addition, members of the Secretariat have continued to engage with stranding, entanglement, and research initiatives in the Region. The CARI'MAM project, which was part of the wider SPAW protocol, hosted the Marine Mammal Stranding Workshop virtually on 17 November 2021. The IWC Secretariat was invited to participate in the workshop and the Ship Strikes and Strandings Data Manager provided a brief overview on the scoping for a global strandings database.

A draft MoU with SPAW UNEP is presented in an F&A document (Proposed Memorandum of Understanding between IWC and SPAW-UNEP, FA/68/3.4.2/01) for consideration by the F&A Committee as well as the Commission in its plenary sessions

### **3. Marine Traffic**

The Secretariat continue to work with the SC Human-induced mortality (HIM) Convenor to request AIS data as needed for scientific research. The plan to develop an MoU between IWC and Marine Traffic has been put on hold, however the provision of data on shipping for scientific studies is still possible, for which the IWC is most grateful. The goal of formalizing the collaboration (through an MoU or otherwise) is to allow the IWC to serve as a single point for data requests in a standardised format, minimising work for the data provider. Most importantly, the access to shipping traffic data afforded through Marine Traffic is critically important to research on areas of overlap and therefore relatively higher risk of ship strikes. Indeed, Marine Traffic data were vital for the analyses of areas of ship strike risk around Greece that informed the [agreement](#) with the shipping industry to voluntarily re-route traffic to avoid sperm whale ship strikes.

### **4. Food and Agriculture Organisation (FAO) and Committee on Fisheries (COFI) and the Regional Secretariats' Network (RSN)**

The IWC Executive Secretary and BMI Coordinator attended the virtual meeting of the 34th session of the FAO Committee on Fisheries (COFI) in February 2021 and the FAO COFI 35<sup>th</sup> meeting in person in September 2022. In 2021, IWC interventions were provided in relation to the need to address cetacean bycatch, to welcome the new [Technical Guidelines to Reduce and Prevent Marine Mammal Bycatch in Capture Fisheries](#), and to promote collaborative opportunities between the FAO, fisheries management organisations and the IWC. The FAO's Responsible Fishing Operations Workplan references collaboration between the FAO and the BMI, which was put into action when the FAO contracted with the IWC Secretariat to prepare Fact Sheets that support the implementation of the marine mammal bycatch guidelines. These will be finished by November 2022, including a review by the Bycatch Expert Panel.

The IWC Secretariat has continued to engage with the FAO Secretariat in relation to potential collaboration to promote the guidelines, including through capacity building efforts; in pilot projects; review and updated technical information on mitigation measures; and in development of outreach material such as technical factsheets and audio-visual materials explaining different mitigation measures in the guidelines.

The IWC Secretariat is also collaborating with the FAO, providing annual statistics on anthropogenic cetacean mortality for their annual publication of fishery data, using information from the IWC Progress Reports or submitted directly to the IWC. The IWC Secretariat participates in several task groups under the Coordinating Working Party on Fishery Statistics, including the ad-hoc task group on reference harmonization standard, the ad-hoc task group on fishing effort concepts and the ad-hoc task group on catch concepts.

In a process connected to the COFI meeting, the FAO hosts the Regional Secretariats' Network (RSN) which is an organisation of Executive Secretaries/Directors of Regional Fishery Management Organisations and other Regional Bodies, including IWC. The IWC Secretariat's Executive Secretary joined the RSN's virtual meeting in February 2021 and in person meeting in September 2022. The RSN

is an excellent opportunity for the IWC to exchange information on Secretariat-level issues (such as the mechanics for virtual meetings) and is particularly important for collaboration on bycatch with RFMOs. The IWC Executive Secretary participated in a small group of RSN members preparing comments on the Terms of Reference for the RSN to increase its potential for effective cross-RSN leadership collaboration.

IWC participated in the Indian Ocean Regional Fishery Management workshop in Mozambique on 22-25 June 2022. This workshop focused on illegal, unreported, and unregulated (IUU) fishing as well as bycatch of protected species in the Indian Ocean region fisheries. It was an excellent opportunity to network with IGOs working in the area that could be interested in participating in the GEF/FAO Common Oceans ABNJ Tuna Phase 2 project (described below). The IWC has been invited to a second regional workshop for the North and Eastern Atlantic to be held in Accra in November-December 2022.

The IWC Secretariat's engagement with RSN and FAO COFI is in large part a reflection of the IWC mandate to pursue collaborative actions to address monitoring and mitigation of cetacean bycatch in active and ghost fishing gear.

#### **5. Regional Fishery Management Organisations (RFMOs) and Common Oceans Project**

Working in collaboration with RFMOs, SPREP and other partners, the BMI submitted a draft concept proposal to the GEF/FAO Common Oceans Areas Beyond National Jurisdiction (ABNJ) Tuna Phase 2 project development team. The overall project is focused on improving the sustainability of the world's tuna fisheries. The IWC's proposed capsule (sub-project) aims to collaboratively advance efforts to assess and mitigate cetacean bycatch in tuna fisheries across two ocean basins - the Indian Ocean and the Pacific Ocean. The project would also lay the foundation to scale up to other regions and fisheries.

At regional level, the proposed activities fall across three themes:

- 1) Assessing cetacean bycatch, and data gaps across an ocean basin to inform RFMOs on the scale and scope of issues in relevant fisheries and provide a baseline;
- 2) Building regional capacity and awareness on cetacean bycatch and available solutions; working with key countries to train fishers, fisheries managers and observers in cetacean bycatch mitigation, monitoring, safe handling and release and the review and dissemination of relevant information on best practices to address bycatch.
- 3) Collaboratively developing recommendations to address cetacean bycatch across multi-lateral environmental and fisheries agreements.

The IWC will focus on developing recommendations for cetacean conservation through its own Committees and Commission processes and build a coordinated and collaborative approach with national governments participating in both IWC and the relevant RFMOs.

The Common Oceans ABNJ II programme began in July 2022 and final arrangements are underway. The Secretariat is working with the FAO administrators on a contract, which is in the form of a Letter of Agreement (LoA) to formalize the four-year programme with the IWC, as noted in the section at the end of this paper and in the draft contract in F/68/3.4.4/01.

## **6. Indian Ocean Tuna Commission (IOTC)**

In relation to cetacean bycatch, the IWC Secretariat has prioritised engagement with the Indian Ocean Tuna Commission (IOTC). The IWC Scientific and Conservation Committees both recommended that the IOTC be prioritised given growing concerns regarding the science and stewardship of Indian Ocean cetaceans. The IWC and IOTC Secretariats have held several joint meetings to discuss collaborative activities on cetacean bycatch (which was briefly presented to the IOTC's 16th Working Party on Ecosystems and Bycatch (WPEB) meeting).

The IOTC's Working Party on Ecosystems and Bycatch (WPEB) has included work on an ecological risk assessment for cetaceans across the region in their programme of work for the coming years, but this has still been assigned a low priority by the group, and thus funding has not yet been assigned to this work. Discussion in the WPEB and in IOTC's Scientific Committee have led to increased awareness of bycatch and an interest in developing collaborative work to find practical and workable solutions.

The Secretariats of the IWC and IOTC have drafted a Cooperation Agreement (CA) to formalise collaboration on joint activities, particularly those found in the Common Oceans ABNJ Tuna Phase II project. This CA was agreed by the IOTC Commissioners and is posted as FA/68/3/4/3/01. As noted in the paper, the IOTC had asked the IWC to consider CA as a document that can be used in the near term to undertake collaborative work as laid out in the CA, pending the FAO approval of the LoA.

## **7. Western and Central Pacific Fisheries Commission (WCPFC)**

For two years the IWC Secretariat has been an observer at the WCPFC Scientific Committee meetings, most recently in August 2022. This has been an opportunity to present available information on the possible interactions between the WCPFC fisheries and cetaceans. The goal is for the WCPFC to join the IWC, along with SPREP and other regional partners to implement the bycatch capsule in the FAO ABNJ Common Oceans II project, a four-year project to find monitoring and mitigation tools to address cetacean bycatch.

## **8. International Maritime Organisation (IMO) – Underwater Noise**

Resolution 2018-4 on underwater anthropogenic noise was adopted at IWC67, calling on both the SC and CC to work on aspects of underwater noise and its impacts on cetaceans and their prey, as well as mitigation and management (recommendations CO1880 and CO1881). IWC recommendations relevant to shipping noise were presented to the International Maritime Organisation (IMO) in 2018 and the Secretariat attended an IMO workshop on Quieting Ships in 2019 which considered ship-based noise limits and technical means of noise reduction. It was anticipated that IWC would attend the IMO Marine Environment Protection Committee (MEPC) 75 in early 2020 but the meeting was postponed due to COVID-19. Underwater Noise was considered at MEPC76 in June 2021 and the IWC Secretariat submitted a short paper outlining recent IWC work on underwater noise and highlighted the desire to work with IMO on this issue.

In particular, the IWC could contribute to the proposed outputs of raising awareness related to the available scientific evidence on the impacts of underwater vessel noise on marine ecosystems, and to the evaluation of measures to further prevent and reduce underwater radiated noise in terms of the expected benefits to cetaceans. The paper also highlighted connections between reducing underwater noise and ship strike risk associated with slower vessel speeds.

At MEPC 76 in 2021, the IMO agreed to review the 2014 guidelines and identify next steps. This was addressed in the Ship Design and Construction Sub-Committee (SDC 8) in January 2022 and IWC contributed a short paper (SDC 8/14/5). An outcome from this meeting was the establishment of a correspondence group (CG) to work on updating the IMO noise guidelines and identification of next steps. The Convenor of HIM, Chair of the CC Anthropogenic Underwater Noise ICG and Secretariat are on the CG and have begun reaching out to SC and CC Noise group members for input on the areas we can contribute to most effectively. The work plan envisages that recommendations for the next steps to be undertaken to establish international solutions for the reduction of underwater noise could be submitted to SDC9 in January and the Marine Environment Protection Committee (MEPC 80) in 2023.

#### **9. Convention on Biological Diversity (CBD) - Liaison Group of Biodiversity-related Conventions (BLG)**

As a member of the Liaison Group of Biodiversity-related Conventions (BLG), the IWC has been invited to participate in various meetings and discussions of this group as part of the development of the post 2020 framework for biodiversity and associated targets and indicators. The Secretariat has organised and hosted several recent BLG virtual meetings and provided interventions on behalf of the BLG at several events.

The Secretariat seeks to raise awareness with the CBD and other relevant organisations of the scientific and conservation programmes of IWC that are already underway to ensure that this work is made available for as broad a range of needs as possible. Given the significant investments made through the SC scientific budget and a range of programmes supported by voluntary funds, ensuring the proper dissemination and use of this information is fundamental to ensuring healthy cetacean stocks, particularly for those threats whose mitigation is not under the purview of IWC. Sharing IWC's outcomes also helps avoid duplication in an era of ever-shrinking budgets and ensures maximum impact of IWC's products. Along these lines in November 2021 the Secretariat contributed comments and text to the CBD Technical Series on Anthropogenic Underwater Noise.

The Secretariat has compiled the information on potential elements of the post-2020 CBD process in terms of indicators and programmes. These include for example the IWC compilation of population estimates, and status as provided on the IWC website, the SC and CC work on the BMI, ship strikes, underwater noise, pollution, and other programmes. The IWC Secretariat also notes the key role of IWC in working with ASW countries to establish whaling quotas.

The Chair of IWC and several members of the Secretariat have participated in various virtual meetings of the CBD, including its Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and Post-2020 preparatory meetings in the fall of 2021. The Chair of IWC and the Executive Secretary of IWC attended the series of in-person meetings held at the UN facilities in Geneva in May 2022. Additional preparatory meetings are planned both in-person and virtually. The venue for the CBD COP will be in Montreal in December 2022 and the IWC Secretariat plans on attending some or all of these final discussions of the Post-2020 biodiversity framework and targets.

The Secretariat continues to engage with this process based primarily on how the IWC's ongoing scientific and stewardship work can contribute to tracking and reaching the Post-2020 goals and targets. The IWC Secretariat is also exploring the possibility of working with the Biodiversity Indicators Partnership ([BIP](#)) to facilitate this coordination with the overall CBD process.

When engaging in this process, the Secretariat will continue to highlight issues most directly relevant to healthy cetacean populations. These include key threats to cetaceans and any opportunities for these to be addressed or strengthened in the framework and promoting opportunities to address these threats including through increased cooperation, capacity building, engagement of key sectors (e.g., shipping and fisheries) and data management and reporting. These efforts will highlight opportunities for IWC scientific information to support monitoring of progress in achieving the new framework of targets. The Secretariat will bring to the attention of Contracting Governments the Secretariat's engagement in the final negotiations of the Post-2020 framework in December 2022.

#### **10. UN**

The IWC Secretariat provided comments on the draft Ministerial Statement and virtually attended the Ministerial Conference on Marine Litter and Plastic Pollution on 1-2 September 2021. The meeting was an informal consultation addressing the mandates of UNEA 3/7 and 4/6 towards the 5th UN Environmental Assembly (UNEA-5.2). The webinar on 21 October 2021 presenting the From Pollution to Solution: A Global Assessment of Marine Litter and Plastic Pollution report was also attended by the IWC. In relation to this the Global Partnership on Marine Litter (GPML) held the GPML Action Track 5 and Digital Platform phase 3 release webinar on 17 February 2022 which the Secretariat also attended. This work is particularly relevant to the proposed Resolution on Marine Plastic Pollution that will be considered at IWC68 (IWC/68/8.1/01).

#### **11. Secretariat of the Pacific Regional Environmental Programme (SPREP)**

SPREP hosted one of a series of Chair's IWC virtual Regional Meetings in the Pacific Islands in April 2021. This was an opportunity to update the Commissioners in the Pacific Islands region on intersessional activities of the IWC, encourage engagement in the WG-OE process for the governance review, and join on-line meetings of the Scientific and Conservation communities. At this Chair's Regional meeting it was noted that in August 2021 there would be a meeting of signatories to the CMS MoU on the Conservation of Pacific Islands Cetaceans and Their Habitats. As many SPREP members are also members of IWC, SPREP invited a member of the IWC Secretariat to join this meeting. The IWC Secretariat has held several meetings with the SPREP Secretariat in relation to work areas of common interest and overlap, including bycatch and whale watching.

The IWC Secretariat is planning specific collaboration with SPREP and other regional organisations on the ABNJ Common Oceans II Bycatch capsule funded under the Common Oceans Programme (see FAO section above). SPREP is currently involved in an EU-funded project through its Pacific-European Union Marine Partnership (PEUMP), which includes a multi-taxa bycatch component focused on coastal fisheries. The SPREP Secretariat is also actively engaged in raising awareness on cetacean bycatch in the Western Central Pacific Fisheries Commission (WCPFC).

#### **12. Convention on Migratory Species (CMS) and its daughter agreements**

The Secretariat has continued its co-operation with the CMS and its daughter agreements ASCOBANS and ACCOBAMS on a wide range of common challenges, including bycatch, strandings, CMPs, ship strikes, ecosystem functioning and whale watching. The IWC has an MoU with the CMS and is exploring a refresh of the workplan under the MoU. Each Executive Secretary has visited the headquarters offices of her counterpart to meet with staff and discuss areas of mutual interest.

Joint work has continued with CMS on the IWC Whale Watching Handbook (particularly translations). Both the CC and SC WW groups have provided input to the CMS Guidelines for in-water interactions with wildlife in February 2022, the Secretariat is waiting to see the revised document.

There is a strong, long-standing collaboration between the IWC and ACCOBAMS on many issues including matters related to population assessment, ship strikes, bycatch, whale watching, noise, chemical pollution and CMPs. The IWC and ACCOBAMS co-convened, along with IUCN, a workshop on ship strikes in the Mediterranean (Greece, 2019). The need to continue and improve co-operation has continually been underscored and opportunities for further collaboration were recently discussed in a virtual meeting between the IWC and ACCOBAMS Secretariats. Members of the Secretariat joined the 14<sup>th</sup> Meeting of the ACCOBAMS Scientific Committee 22 – 26 November 2021. The shared interests and strong collaboration between the two committees was apparent throughout the discussions and in the subsequent report. The former Bycatch Coordinator was a member of this Working Group and it is hoped the new Coordinator will be able to continue in this position.

ASCOBANS held a virtual meeting on 23 September 2021 to discuss the potential for a global strandings database. In addition to IWC, ACCOBAMS and the Baltic Marine Environment Protection Commission – also known as the Helsinki Commission (HELCOM) were in attendance. It was agreed upon that a platform should be developed that gathers data from multiple sources and visualizes the data in one location for increased data access. The scale and size of this proposed platform should be discussed in a workshop. IWC is awaiting final details regarding this workshop.

### **13. International Union for Conservation of Nature (IUCN)**

There is a long-standing collaboration between IUCN and the IWC on matters of mutual interest. In recent years these have focussed on the Western Gray Whale Advisory Committee (WGWAP) and the newly formed IUCN Marine Mammal Protected Areas Task Force (MMPATF). The Secretariat Head of Science, Conservation and Management and the Executive Secretary joined the on-line meetings of the WGWAP in November 2021 which marked the final year of the programme. The panel were presented with recommendations from the IWC Scientific Committee and a report from the Russia Gray Whale Project part funded by the IWC.

The IUCN Global Species Programme has contacted the Secretariat to offer an opportunity to review the 'GSAP Action Table' which contains the CBD Post-2020 Targets (1-20). Each target has an indicative set of draft actions, and the goal is to support and complement the implementation of the post-2020 framework. As staff time allows, the Secretariat will continue to strive to provide comments on this document.

### **14. ICES**

The IWC Executive Secretary has met with her counterpart at ICES in July 2022 and will continue this dialogue. Areas of particular interest for collaboration include multidisciplinary work on ecosystems (including PICES) and bycatch. Discussion had been underway with the Bycatch Coordinator regarding ICES' Working Group on Bycatch (WGBYC) and this is now becoming broader to look at "reviewing selected aspects of marine mammal-fishery interactions and assembling data and qualitative information available from other sources not fully covered by WGBYC (notably strandings) on marine mammals". This was building on the possible value of a common database for strandings information to avoid countries sending information on strandings and diagnosed bycatches separately to multiple

organisations. The IWC Secretariat will continue to discuss options with a number of organisations that have similar interest in development of this shared data platform.

### **15. Pelagos Sanctuary**

The Pelagos Sanctuary held the 8th Meeting of the Parties of the Pelagos Agreement on 15-16 December 2021 and the Ship Strikes Workshop on 17 December 2021. The IWC was invited as a virtual observer for both. The IWC Executive Secretary was invited to attend an event launching a new film documenting cetaceans in the Pelagos Sanctuary (June 2022) which was also an opportunity to meet the Executive Director of the Sanctuary and discuss possible joint actions.

### **16. CITES**

The Secretariat continues to engage with CITES on several issues including the development of a procedure for transboundary transport of diagnostic specimens for cetacean disease investigations in emergency situations. In addition, following recommendations made by the SC in 2021 (SC21193-194) the Secretariat is working with CITES to investigate several cases of capture and trade of live animals. IWC has been invited to participate in the November 2022 19<sup>th</sup> meeting of the Conference of the Parties to CITES.

### **17. NAMMCO**

The North Atlantic Marine Mammal Commission held its annual Commission meeting (hybrid) on 12-14 September 2022. Members of the IWC Secretariat attended various sessions virtually. NAMMCO and the IWC share common scientific and programmatic areas of work including cetacean surveys, stock assessments, bycatch and entanglement response. In June 2022, the Secretariats had a meeting to update each other on activities. The IWC Secretariat invited NAMMCO to prepare a presentation on their training videos to IWC's WKM&WI meeting on 14 October 2022 prior to the IWC68 meeting.

### **18. PICES**

The Biological Oceanography Committee of the North Pacific Marine Science Organization (BIO-PICES) held its annual meeting online in September 2021. The IWC was invited as observers and the Executive Secretary gave a presentation about the work of the IWC.

### **19. COMHAFAT/ATLAFCO**

The Secretariat maintains regular communication with COMHAFAT as a means to ensure effective outreach and increased engagement of the IWC member countries in Africa in all activities of IWC. The Secretariat continues to collaborate with COMHAFAT for regular updates for the Commissioners in Africa on intersessional activities of the IWC, encourage engagement on-line meetings of the Scientific and Conservation communities. COMHAFAT hosted a call with the Secretariat to encourage and enhance engagement of African countries in the provision of National Progress Reports. At SC68C, there was agreement by the SC to establish an intersessional working group to pursue the design and implementation of capacity building workshops in West Africa focused on at-sea surveys and abundance estimation for cetaceans in the waters off West Africa ([SC/68C/ASI/09](#)). A steering Group was established and charged with follow-up work. A pilot internship programme is underway to host a scientist or policy specialist from a COMHAFAT country for two months. An MoU between the COMHAFAT and IWC Secretariats is being put forward for adoption at the IWC68 (see section 21 at the end of this paper)



## **20. OTHER- the [Ocean Governance Project](#)**

IWC has provided input to the information pages on the Marine Mammal Twinning website and factsheets on topics of mutual interest. This includes suggestions for additional factsheets and how IWC can provide advice. The Secretariat participated in their Workshop in May 2022 to present the outcomes of the CC workshop on Socio-Economic Values of the Contribution of Cetaceans to the Ecosystem Functioning. Discussion have begun regarding possible development of a Letter of Agreement to become a partner in this project.

BERN II – The second Consultation Workshop of Biodiversity-related Conventions on the Post-2020 Global Biodiversity Framework was held from 18 Jan to 2 Feb 2021. The IWC attended this consultation workshop of biodiversity-related conventions as part of the development of the post-2020 global biodiversity framework and its commitments to the Biodiversity Liaison Group (BLG). To explore synergies further, the IWC is participating in the technical expert group tasked with identifying relevant common indicators and data related to UN SDGs and other biodiversity-related goals.

## **21. Formalizing IWC collaboration with IGOs and other organizations**

Following a discussion at IWC67 on formalizing collaboration with other organizations, the Secretariat was asked to prepare a review of existing cooperation and propose a strategy for the development of further agreements. This paper provides the overview requested by the Commission and a perspective based on emerging or evolving partnerships over the four years since IWC67. This background is relevant to the five agreements to be considered at IWC68.

The Secretariat's collaboration with a broad array of institutional partners is based on recommendations from the Commission and its subsidiary bodies to engage on issues that are of greatest relevance to the IWC's mandated work. Intergovernmental Organisations are the primary type of partner, including United Nations (UN) agencies (Convention on Biological Diversity, International Maritime Organisation, Convention on Migratory Species and daughter agreements, the Food and Agriculture Organisation, United Nations Environmental Program, others) as well as other IGOs such as the Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean (ATLAFCO/COMHAFAT).

This growing range of cooperation reflects the increased focus by the Commission as well as the Scientific and Conservation Committees on threats to cetaceans from human activities other than direct harvest, such as shipping (underwater noise and ship strikes), fishing and other resource extraction (bycatch and entanglement), pollution and climate change. Commission recommendations, including two of the proposed resolutions for IWC68, on plastics and on food security, call for increased collaboration with other relevant institutions.

In some cases, these partnerships are already formalized through a Memorandum of Understanding (MoU), such as for CMS and the Center for Coastal Studies. A previous four-year cooperative agreement with NOAA has come to conclusion and the Secretariat have worked with NOAA to obtain a new four-year agreement, agreed in August 2022. This award is created as a Cooperative Agreement for a total of US \$200,000 and covers six areas: Aboriginal Substance Whaling, Bycatch Mitigation, Whale Watching, Ship Strikes, Internship Programme and Updating the IWC Rules of Procedure. In addition, a small contract (US \$15k) was agreed with FAO in May 2022 to produce "Promotional material for the FAO Guidelines to prevent and reduce bycatch of marine mammals in capture fisheries (2021)". In the form of a Letter of Agreement (LoA), the contract is for IWC to prepare, in consultation

with the Bycatch Expert Group, the text and images for fifteen FAO Marine Mammal Bycatch Prevention Factsheets to facilitate implementation of the FAO Guidelines. Other partners are working with the IWC in a more *ad hoc* informal fashion.

Five draft agreements are being presented to the Commission at IWC68. Two of these are in fact contracts (Center for Coastal Studies and FAO) and the other three are for collaborative work in line with Commission mandates and priorities. In all cases, the partner has requested the formalisation of the collaborative work, as a contract requirement or as a framework upon which to plan future work activities.

The five draft agreements are addressed in turn below:

**Contracts:**

- 1) MoU with the Center for Coastal Studies (CCS): this is a renewal of the existing contract with CCS, with a few updates to reflect the current work programme. The CCS receives funding from the IWC to cover 2/3 of the salary of the Technical Advisor for entanglement response (David Mattila). This collaboration has made it possible to develop guidelines and to host almost 1300 trainees in more than 30 countries around the world to safely respond to entanglement incidents. The MoU is basically the contract that facilitates this arrangement.
- 2) Letter of Agreement (LoA) FAO for Common Oceans ABNJ Part II (2022-2026): this is a contract to conduct collaborative work with two tuna RFMOs on monitoring and mitigating bycatch in tuna fisheries in the Western Pacific and the Indian Ocean. The Secretariat has been working over the past three years with the Bycatch Expert Panel and the Bycatch Standing Working Group (SWG) to develop this 4+ year project that will benefit from significant funding from this global effort to address sustainable fisheries. This is one capsule in a larger set of projects addressing global fisheries and their impact on the marine ecosystems, known as the Common Oceans ABNJ Part II.

**Collaboration**

- 3) Cooperation Agreement (CA) with Indian Ocean Tuna Commission (IOTC) of the FAO; this is the framework under which the two Secretariats will facilitate their collaborative work under the umbrella of the FAO for Common Oceans ABNJ Part II. The CA was adopted by consensus by the Commissioners of the IOTC.
- 4) MoU with ATLAFCO/COMHAFAT: this MoU reflects the growing partnership between IWC and ATLAFCO over the past four years, including an internship programme, enhanced communication, and capacity building with the IWC's Scientific Committee for at-sea cetacean surveys and data analyses to estimate population status and trends off West Africa. The MoU was requested by ATLAFCO/COMHAFAT in order to provide a framework for the collaborative work.
- 5) MoU with SPAW UNEP: this is a revision of the MoU brought to the Commission at IWC67. The Secretariat is keen to increase the IWC's scientific and stewardship presence in the Caribbean as this region addresses some of the key areas of concern for cetaceans, such as bycatch, ship strikes, whale watching, and more. The MoU was requested by SPAW UNEP in order to provide a framework for our collaboration.

***UN agency requirements***

The IOTC, FAO and SPAW UNEP are all UN agencies and therefore subject to the standard language from the UN for any form of agreement, including the CA, LoA and MoU, respectively, with these organisations. The IWC Secretariat made a request in writing for alternative language for the Dispute Resolution clause in these agreements, however this was not possible given UN 'boilerplate' language. The FAO noted that *'the General Terms and Conditions of the LoA are not changeable because the clauses in the templates are specifically formulated to reflect FAO's status as a UN Specialized Agency, established under the FAO Constitution. The standard clause on 'conflict resolution' is one of those legal clauses that can't be modified.'* They added that we would all of course strive to resolve potential disputes through discussions and negotiations as is usually the case.

The Secretariat sent a follow-up message to the FAO noting the concern raised at IWC67 regarding these UN agreements, which is whether the Dispute Resolution clauses could have legal implications for the IWC as a whole, including its contracting governments.

As is customary, the Secretariat will continue to report annually on the work conducted under each of the existing and future formalized agreements through the reports to the SC, CC and Commission on Cooperation with International Organisations.