

**SC/69A/WW/09**

**Sub-committees/working group name: WW**

**Observations on whale watching and swim-with-whale tourism with pygmy blue whales  
and sperm whales in Timor Leste, South-east Asia**

**Karen Edyvane and Caroline Hoschle**



**INTERNATIONAL  
WHALING COMMISSION**

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## Observations on whale watching and swim-with-whale tourism with pygmy blue whales and sperm whales in Timor Leste, South-east Asia

Karen Edyvane<sup>1</sup> and Caroline Höschle<sup>2</sup>

1 Departamento Pescas e Ciência Marinha, Universidade Nacional Timor Lorosa'e, Avenida Cidade de Lisboa, Dili, Timor Leste

2 BioConsult SH, Schobüller Str. 36, 25813 Husum; Germany

Since 2016, whale tourism has been rapidly growing in the waters of Timor-Leste, with a focus on whale watching and also, swim-with-whale tourism. However, to-date, there remain no regulations governing whale watching activities in Timor-Leste. While national whale-watching guidelines (CI 2018) and preliminary industry certification and accreditation (in media: Tatoli 2020) have been developed, both are voluntary. Despite this, both the whale tourism sector and the Government of Timor-Leste remain fully committed to developing national whale watching laws.

Timor-Leste's waters are recognised as a global 'hotspot' for whales and dolphins, with great potential for ecotourism (in media: Taylor 2008, Dethmers et al. 2009). The country's whale watching industry is primarily focused on the north coast of Timor-Leste in the Ombai-Wetar Strait, a recognized Important Marine Mammal Area and a major migration corridor for large whales, pelagic sharks, sea turtles and other marine megafauna in the western Indo-Pacific (Kahn 2015). The Ombai-Wetar Strait encompasses waters of the Ombai and Wetar Passage, including the 3-km deep waters of the Ombai and Wetar Trough. Annual migrations of whales and large pods of oceanic dolphins along the migration route provide some of the best and most accessible whale watching in the world (Edyvane 2018).

Within the Ombai-Wetar Strait, whale watching and swim-with-whale activities and vessels are primarily focussed in the waters off the capital city of Dili. Particularly in the deep nearshore waters and narrow passage of water between Dili and the island of Atauro, 25 km offshore.

Commercial whale watching in Timor-Leste has been growing rapidly since the 2016, with key target species include migrating Pygmy Blue Whales (*Balaenoptera musculus brevicauda*) and individuals and maternal pods of Sperm Whales (*Physeter macrocephalus*). Whale watching and swim-with-whale tourism predominantly takes place during the 'whale season', particularly during the annual seasonal, southern migration of Pygmy Blue Whales (September – December). During this time, Pygmy Blue Whales transit the waters of Timor-Leste - leaving their breeding grounds in the Banda Sea (Indonesia) with their young offspring to their feeding grounds off southern Australia (Double et al. 2011). Other whale and dolphin species also inhabit or transit the waters of Timor-Leste, including several species of black fish, killer whales, beaked whales and large megapods of oceanic dolphins.

Timor-Leste is a post-conflict, fragile Small Island Developing State (SIDS), with not only one of the highest levels of poverty and food insecurity in South-East Asia – but also, the most oil-dependent economy in the world. As such, marine tourism and particularly, whale tourism, has been recognised as major economic activity and an opportunity to diversify the economy (Edyvane 2018, Edyvane 2019, in media: Mission Blue 2020).

Swim-with-whale tourism in Timor-Leste is currently dominated by international, overseas-based, commercial tour operators and guides (Australia, US, Europe and South-East Asia). Overseas-based tour guides visit and undertake commercial tours, typically on visitor/tourism

visas (without work permits) – and lease local boats or work with local dive companies. Since 2016, this has included regular, unregulated swim-with-whale day tours off Baucau, using local fishing boats. Multi-day tours with underwater photographers and film-makers comprise a rapidly-growing sector of the swim-with-whale tourism sector in Timor-Leste – with tours (in 2023) costing up to US\$11,000 PP (7-day tour) (e.g. in media: Big Animals). With no taxation of overseas-based guides and no regulations or licensing of whale tourism activities – whale tourism currently provides minimal direct economic benefit and major ‘economic leakage’ to the Timor-Leste national economy. And also, significantly, limited recurrent public funding for government to regulate and manage whale tourism.

In the absence of whale watching regulations or accredited training of whale tour operators, reports of poor practice and unsustainable whale tourism are also rising – including distress and harm to animals. Pygmy blue whale mothers and calves and maternal pods of sperm whales with young calves, are particularly vulnerable to disturbance – from vessels and unsupervised in-water swimmers. Including very short minimum distances from animals – and operators also positioning their vessels directly in front of whales, so swimmers have a short distance to swim. When animals are scarce, competition for swim-with-whale encounters has resulted in excessive interactions, with limited time for animals to rest. In the 2022 season, in one incident, 6 whale tour vessels competed for successive and repeated interactions with a pair of pygmy blue whales, with each vessel dropping up to 8 people into the water – with no interval for individual animals to rest.

Over the past few years, there has also been an increase in the number of local recreational boats off Dili with local residents and tourists, undertaking day trips for swim-with-whale activities – often following commercial vessels. This has further increased the number of vessels, swimmers, amount of interaction time and potential disturbance experienced by whales. This has also resulted in reports of observed avoidance behaviour by whales and changes in their swimming direction – and also, distress and harm. In one incident in 2022, a tour vessel was observed ramming a pygmy blue whale calf while trying to coordinate and place swimmers close to whales.

Despite recent efforts by local whale tourism operators and their national marine tourism industry association, Assosiasaun Turizmu Maritima iha Timor-Leste (ATM-TL), to comply with the voluntary whale watching guidelines and also, the production of a public education video on sustainable whale watching – poor practices persist in the sector, among some whale tour operators, guides and clients. Particularly among inexperienced local whale tour operators/staff and also, cinematography and underwater photography tours/charters. Of increasing concern is the widespread poor practices by the growing number of local recreational boats and tourists using local fishing boats. To this end, the ATM-TL and the commercial whale tourism industry have been repeatedly advocating for the implementation of whale watching regulations, licensing, permitting and whale tour operator training and accreditation - as a matter of priority (Baird 2019).

In 2016, Timor-Leste (Director-General, Ministry of Agriculture and Fisheries) formally requested support from Australia (Federal Government) to (a) support for collaborative research to better understand the cetaceans in Timor-Leste waters, particularly pygmy blue whales and sperm whales, which are a major focus for the growing whale tourism industry; (b) support the

development of relevant cetacean legislation and regulatory framework to mitigate/reduce impacts to cetaceans (particularly marine tourism, shipping, fisheries); (c) support for Timor-Leste to join the International Whaling Commission (IWC) and also, develop its first Status Report for the IWC; (4) capacity-building and training of government staff and Timor-Leste whale tour operators in whale conservation, management and sustainable whale tourism.

In 2019, Timor-Leste invited the IWC to Timor-Leste to discuss formal membership of the IWC and priorities for technical support. Since the outbreak of the COVID-19 pandemic, all discussions with the IWC have been suspended.

### **Recommendation to IWC**

Since 2016, whale tourism has been rapidly growing in the waters of Timor-Leste, with a focus on whale watching and also, swim-with-whale tourism. However, to-date, there remain no regulations governing whale watching activities in Timor-Leste. In the absence of whale watching regulations or accredited training of whale tour operators, reports of poor practice and unsustainable whale tourism are also rising – including distress and harm to animals. While national whale-watching guidelines (CI 2018) and preliminary industry certification and accreditation have been developed, both are voluntary. Timor Leste has enormous potential to develop a world-class, sustainable whale tourism industry – including the opportunity to develop community-based whale tourism with local subsistence fishing. However, this is only possible with a ‘best practice’ whale watching regulatory framework and also, an educated and appropriately trained whale tourism sector.

Timor Leste has requested support to formally join the International Whaling Commission – in order to seek expert advice and support from the IWC, and to participate in global cetacean conservation efforts. Currently, the country urgently needs IWC’s expert advice and support to (1) develop/finalise national whale watching legislation to regulate and support sustainable whale tourism and also, reduce economic leakage; and (2) support and assist the whale tourism sector (industry, government) to adopt ‘best practice’, responsible, precautionous and sustainable whale tourism practices (particularly swim-with-whale tourism), through supporting whale watching monitoring, reporting, accreditation and training.

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