

Background to the Conservation Committees decadal review of the Southern Ocean Sanctuary (SOS)

[Submitted by the Conservation Committee Vice-Chair]

Introduction

1. At its 2015 meeting, the IWC Scientific Committee agreed on a dual process to complete its decadal review of the Southern Ocean Sanctuary (SOS). It was agreed that the Scientific Committee would review the scientific aspects of the SOS and that aspects relating to policy would be referred to the IWC Conservation Committee for the provision of advice to the IWC Commission.
2. The Scientific Committee completed its review of the SOS at its 2016 meeting, identifying a number of questions that are more appropriately addressed by the Conservation Committee.
3. The 2016 planning meeting of the Conservation Committee subsequently agreed a process for developing its review without duplicating effort carried out by the Scientific Committee (see below). Further, the Conservation Committee planning meeting agreed that a joint workshop with the Scientific Committee to review the SOS, as proposed at its 2015 meeting, was no longer required in order to make best use of resources.

Proposed process for the Conservation Committees contribution to the decadal review of the Southern Ocean Sanctuary

4. At its 2016 meeting, the Scientific Committee reviewed the scientific aspects of the SOS, taking into consideration the Terms of Reference agreed by the Commission (IWC/66/Rep01(2015); Annex O, Appendix 3), and the recommendations from its previous review in 2004. The Committee reached a series of conclusions and recommendations, including identifying areas where input from the Conservation Committee was needed (IWC/66/Rep01(2016), Annex Q). Those questions relevant to the Conservation Committee can be found in Annex 1 below.
5. The Conservation Committee planning meeting agreed the following process for reviewing the SOS:
 - a) The Conservation Committee Chair to agree the process and timetable for the review based upon input from the SOS Steering Group established at IWC65¹.
 - b) The SOS Steering Group to draft an initial response to the issues identified by the Scientific Committee for consideration by the Conservation Committee (beginning September 2016)
 - c) Chair of the Conservation Committee to circulate the draft initial response as a working document to Committee members requesting any additional considerations (beginning October 2016).
 - d) Conservation Committee Chair to table the final working document, taking into account any additional contributions, at the Conservation Committee meeting in October 2016 for discussion and agreement.
 - e) The Conservation Committee's review to be presented to the IWC Commission at IWC66 alongside the Scientific Committee's review.

Background

6. The SOS was established in 1994 by a schedule amendment that requires review at ten-year intervals (unless the timing is subsequently revised by the IWC). Having taken account of the original objectives in the proposal by France, and subsequently agreed by the Commission, the revised objectives agreed at IWC 65 are as follows:

¹ Chaired by Mexico and consisting of Australia, France, the United Kingdom and the United States (Circular IWC.ALL.242).

- a) contribute to the rehabilitation of a marine ecosystem damaged by the over-exploitation of whales and allow for the restoration of a complex of whale species and populations;
 - b) secure a long-term satisfactory habitat for cetaceans and other marine life;
 - c) in combination with the Indian Ocean Sanctuary, fully protect at least one population of each of the great whales throughout its migratory range and life-cycle, i.e. on feeding and breeding grounds, to provide for their long-term conservation;
 - d) provide a reference area to allow for the collection of information on levels and trends on unexploited and recovering whale populations;
 - e) allow for the monitoring of the recovery of ecosystems without their being disturbed by further commercial whaling;
 - f) allow for coordinated research on the effects of environmental change on whale stocks;
 - g) allow for the Comprehensive Assessment of the effects of setting zero catch limits on whale stocks; and
 - h) allow for application of the Revised Management Procedure (RMP) to be phased in over limited geographic ranges and species.
7. Guidance for reviewing sanctuaries was agreed by the IWC in 2001 through Annex E to the SC report, *'Instructions from the Commission to the Scientific Committee for Reviews of Sanctuaries'* (**Attachment 2**); and in 2002 through Resolution 2002-1 *'Guidance to the Scientific Committee on the Sanctuary Review Process'* (**Attachment 3**).
8. The SC undertook the first decadal review of the SOS in 2004. The review noted that unclear scientific objectives hampered the review process, and one of its key recommendations was that the purpose of the SOS needed to be better articulated through a set of refined overall objectives. While the 2004 review provided a suite of recommendations to improve future SOS reviews, no follow up action was undertaken by the IWC in the intervening decade. The (then very new) CC did not participate in the 2004 review. Revised objectives for the SOS were agreed at IWC65 (IWC/65/CC05 – **Attachment 1**).
9. In 2014 the SC provided a review of information relevant to the development of the current review of the SOS (IWC/65/CCRep08 Rev1 – **Attachment 7**).

Other Considerations

10. In addition to the SC recommendations in Annex I, the following are additional considerations:
- a) Identification by species of critical habitat, such as foraging grounds, migrations paths and breeding areas. Further information would be useful on the overlap of whale foraging areas with krill and finfish fisheries in Antarctic and sub Antarctic waters. Information on the overlap of whale migration and breeding grounds with fisheries, shipping and other potential anthropogenic threats is also not well documented. This information would be useful in developing additional conservation strategies or research activities, and is something the SC could be asked to undertake.
 - b) Engagement with other international bodies to address factors other than whaling on the conservation and stewardship of large whales in the Southern Ocean (e.g., entanglement in fishing gear, vessel strikes, pollution, climate change, etc.).
 - c) The respective roles of the CC and the SC in developing a SOS management plan.

Key Documents

- Revised SOS objectives - **Attachment 1** (paper IWC/65/CC05).
- Instructions from the Commission to the Scientific Committee for Reviews of Sanctuaries' - **Attachment 2**.
- Resolution 2002-1 'Guidance to the Scientific Committee on the Sanctuary Review Process' - **Attachment 3**.
- 2016 Scientific Committee Report – **Attachment 4** (IWC/66/Rep01(2016)).
- Terms of Reference for the decadal review of the Southern Ocean Whale Sanctuary – **Attachment 5** (IWC/66/Rep01(2015); Annex O, Appendix 3).
- Updated observations relevant to the Scientific Committee's review of the Southern Ocean Sanctuary – **Attachment 6** (SC/66b/SAN).
- Report of the Scientific Committee Intersessional E-mail Group on Sanctuary and Sanctuary Proposals – **Attachment 7** (IWC/65/CCRep08 Rev1)

Annex 1

In its review of the SoS, the Scientific Committee identified the following aspects for the Conservation Committee to elaborate further:

- 1. Consider whether the SOS is consistent with other measures to protect whales from anthropogenic and other environmental factors**
- 2. Assess the effectiveness of the SOS and any adjacent whale sanctuaries in terms of International agreements concerning biodiversity and conservation of nature**
- 3. Assess whether the SOS is consistent with the precautionary approach in accordance to Principle 15 of the 1992 Rio Declaration**

The Scientific Committee also made a number of recommendations that the Conservation Committee may wish to provide additional comments on:

- 4. Appropriate performance measures for the SOS should be developed. These should link the objectives of the SOS with field monitoring programmes. The SC could provide suggestions for appropriate performance measures in relation to the scientific objectives of the SOS to the Commission in future, should the Commission request it.**
- 5. A management plan for the SOS should be developed to clearly outline the broad strategies and specific actions needed to achieve Sanctuary objectives.**
- 6. The development and implementation of a management plan will require explicit funding.**

- 7. Are there any other points or supporting information to include?**