

RESOLUTION 6.20

COMMERCIAL CETACEAN WATCHING ACTIVITIES IN THE ACCOBAMS AREA

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area:

Recalling Resolution 4.7 regarding the Guidelines on Commercial Cetacean Watching in the ACCOBAMS Area,

Taking in consideration the Recommendations of the ACCOBAMS Scientific Committee,

Considering that under Article II, paragraph 1, of the Agreement, the Parties shall prohibit and take all necessary measures to eliminate any deliberate taking of cetaceans, including harassing or attempting to engage in any such conduct,

Considering also that under Chapter 1.c) of Annex 2 to ACCOBAMS, the Parties shall require impact assessments to be carried out in order to provide a basis for either allowing or prohibiting the continuation or the future development of activities that may affect cetaceans or their habitat in the ACCOBAMS area, including tourism and cetacean-watching, as well as for establishing the conditions under which such activities may be conducted,

Recalling paragraph 130 of "The Future We Want" that underlines the need to support sustainable tourism activities and relevant capacity-building that promote environmental awareness, conserve and protect the environment, respect wildlife, flora, biodiversity, ecosystems and cultural diversity, and improve the welfare and livelihoods of local communities by supporting their local economies and the human and natural environment as a whole,

Acknowledging that commercial cetacean-watching activities, where properly conducted, should be encouraged as they do contribute to the building of education and awareness on cetaceans and their habitat and present other potential benefits, including economic benefits,

Conscious, as outlined in Resolution 11.29 on sustainable boat based marine wildlife watching, adopted by the Conference of the Parties of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), that disturbance caused by excessive exposure to wildlife watching boats may lead to changes in the target species' behaviour and as a result, to negative consequences, such as emigration, reduced reproduction or reductions of the population,

Acknowledging the extensive work that has been undertaken in other international fora with respect to whale watching activities, in particular the CMS (Resolution 11.29), the International Whaling Commission (IWC), and the Pelagos Agreement,

Congratulating the Permanent Secretariat for having registered the logo "High Quality Whale Watching[®]" at the World Intellectual Property Organisation, and also thanking the Principality of Monaco for its financial support,

Congratulating France and the Principality of Monaco for having implemented the "High Quality Whale-Watching[®]" Certificate,

Stressing that any expansion of cetacean watching activities in the Agreement area should be carefully managed in order to minimise potential adverse impacts on cetacean individuals and populations,

[®]The *High Quality Whale Watching* [®] is a trademark registered by ACCOBAMS and developed in collaboration with the Pelagos Agreement.

1. *Acknowledges* that the HQWW Certificate has been developed jointly by the Pelagos Agreement and ACCOBAMS;
2. *Adopts* the new logo of the “High Quality Whale-Watching®” Certificate as presented in [Annex 1](#) of this Resolution;
3. *Mandates* the Permanent Secretariat, in cooperation with any relevant organisations, to continue the implementation of the “High Quality Whale-Watching®” Certificate in the ACCOBAMS Parties;
4. *Encourages Parties:*
 - to promote the implementation of the “High Quality Whale-Watching®” Certificate on their territory;
 - to support the continuation and expansion of national or regional training courses for operators, covering, inter alia, the biology of animals, risks, boat behaviour around the animals, involvement in scientific research;
5. *Takes note* of the Regulations Governing Use associated with the “High Quality Whale-Watching®” Certificate as presented in [Annex 2](#) of this Resolution;
6. *Encourages* the Scientific Committee to continue consideration, including collation and review of scientific literature on potential adverse effects of cetacean watching on cetaceans and means to mitigate them, with an emphasis on population-level impacts, swim-with activities, use of aerial spotter aircraft and the concept of “carrying capacity”;
7. *Takes note of:*
 - a) the Guidelines for monitoring programs aimed at maximizing the chance of detecting potential adverse impacts of whale watching activities on individual cetaceans and on populations, as presented in [Annex 3](#) of this Resolution,
 - b) the proposed common procedure (data collection system) for whale watching vessels to be implemented in the ACCOBAMS Area, as presented in [Annex 4](#) of this Resolution;
8. *Asks* the Working Group on Whale Watching to:
 - a) provide a definition of the different types of whale watching operators (commercial, research, others)
 - b) test the proposed common procedure (data collection system) for whale watching vessels in pilot areas and a variety of operation types (e.g. the Liguro-Provençal Basin, Gibraltar Strait, and south Portugal);
 - c) revise accordingly, if necessary, the Guidelines mentioned in item 6. a) of the present Resolution and report on this issue to the Seventh Meeting of the Parties
9. *Encourages Parties to:*
 - a) monitor the activity of cetacean watching operators, in order to obtain information on their development and to identify potential problems;
 - b) use the Guidelines and data collection system referred to in paragraph 7. a) and b);
10. *Also encourages* the Permanent Secretariat to disseminate the gathered information through NETCCOBAMS;
11. *Asks Parties* to develop methods to better inform the general public, including yachtsmen and other boaters involved in opportunistic cetacean watching, about responsible boat behaviour around cetaceans;
12. *Encourages* the Permanent Secretariat to continue its collaboration with CBD, CMS, IWC (especially with respect to the online whale watching handbook) and any other relevant organisations on this issue;
13. *Decides* that the present Resolution replaces Resolution 5.10.

ANNEX 1

“HIGH QUALITY WHALE-WATCHING®” CERTIFICATE LOGOS



ANNEX 2

REGULATIONS GOVERNING USE OF THE COLLECTIVE CERTIFICATION MARK "HIGH QUALITY WHALE-WATCHING®"

Introduction

Whale-watching activities are increasing in the Mediterranean. If well managed, and within a substantial framework, they are a wonderful vector for environmental education, contribute to the local economy and can promote research on cetaceans and their conservation. However, in the absence of a framework, they can grow too fast, increasing pressure on the environment and disturbing animals, and give rise to serious repercussions for the populations concerned.

Since 2004, several studies have shown that such activities are increasing in the Mediterranean, particularly in north-western regions. Aware of these challenges, many whale-watching operators from the Pelagos Sanctuary have come together, at the initiative of the Pelagos Sanctuary and the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area (ACCOBAMS), with the support of several Non-Governmental Organizations (NGOs). This collaboration has led to the creation of a consultative and voluntary management tool to ensure the sustainability of these activities – a certification for whale-watching operators that are involved in initiatives fostering quality and environmental responsibility.

In addition, it is important to note:

- That ACCOBAMS Resolutions 4.7 and 5.10 set out Guidelines for the observation of cetaceans for commercial purposes in the ACCOBAMS area;
- That by virtue of Article II, paragraph 1 of ACCOBAMS, the Parties prohibit and take all necessary measures to eliminate any deliberate taking of cetaceans, including disturbing them or attempting to perform such activities;
- That pursuant to Section 1.c) of Annex 2 to ACCOBAMS, the Parties require that impact assessments be carried out in order to provide a basis for either allowing or prohibiting the continuation or the future development of activities that may affect cetaceans or their habitat in the Agreement area, including tourism and cetacean-watching, as well as establishing the conditions under which such activities may be conducted;
- That Resolution 4.5 of the Pelagos Agreement on the creation of a certification for marine mammal-watching activities for commercial purposes in the Pelagos Sanctuary has been adopted by the State Parties;
- That Article 8 of the Pelagos Agreement on the protection of marine mammals in the Mediterranean provides that "In the Sanctuary, the Parties regulate the watching of marine mammals for the purposes of tourism";
- That the Pelagos Sanctuary provides unique potential for tourists to watch marine mammals and for such watching to become an exceptional awareness-raising and educational tool;
- That cetacean-watching activities for commercial purposes, where properly conducted, should be encouraged since they contribute to educating the general public and raising awareness of cetaceans and their habitat, and also have other potential benefits including economic benefits;
- That such activities, if carried out in an inappropriate way, may lead to detrimental disturbance of marine mammals; and lastly
- That paragraph 130 of the document "The Future We Want", adopted in 2012 by the Rio Conference on sustainable development (Rio +20) highlights the necessity of supporting activities related to the sustainable development of tourism and capacity-building in this regard, which foster knowledge of the environment, preserve and protect the

environment, respect wildlife, flora, biodiversity, ecosystems and cultural diversity, and improve living conditions and sources of income for local populations by protecting their economy, as well as the natural environment overall.

Project objectives

In this context, and to meet the requirements of the State Parties to the Agreement, ACCOBAMS and the Pelagos Sanctuary wish to promote good practices for cetacean watching for commercial purposes.

The collective certification mark "High Quality Whale-Watching" is voluntary, individual and participative, and acts as an incentive to ensure that good practices and responsible methods are implemented by operators involved in whale watching at sea, as well as their crews. It also contributes to optimizing existing initiatives.

This initiative is based on these Regulations Governing Use that can be adapted to all professional operators organizing whale watching at sea for commercial purposes.

Regulatory framework

These Regulations Governing Use have been prepared using the Intellectual Property Code which defines the status of a collective mark.

Marine whale-watching operators applying to use the collective certification mark "High Quality Whale-Watching" first undertake to comply with the regulations in force.

The law to be applied to these Regulations Governing Use is Monegasque law. French is the official language of the Regulations Governing Use. Any translation of the Regulations Governing Use that has not been approved by ACCOBAMS has no legal value and may only be considered to be a working document.

Disputes relating to these Regulations Governing Use will be brought before the competent Monegasque Courts.

Article 1 - Owner

The basic collective certification mark represented by the "High Quality Whale-Watching" logo (designed by *Souffleurs d'Ecume* and gifted to ACCOBAMS in a copyright assignment agreement signed on 18/07/2014), reproduced below and described in Article 5.2 is owned by ACCOBAMS, located at Terrasses de Fontvieille, Jardin de l'UNESCO, 98000 MONACO:



The mark has been lodged with the Intellectual Property Department (Business Development Agency - 98000 MONACO). Once registered, it is protected for 10 years as from the date at which the application was filed.

Article 2 - Scope

Article 2.1 - Date of implementation

These Regulations Governing Use enter into force as from their registration on the national brand register.

Article 2.2 - Users of the mark

The "High Quality Whale-Watching" project concerns any operator offering trips out of a harbour to watch cetaceans in their natural environment.

Article 3 - Obtaining the Regulations Governing Use

The Regulations Governing Use are available free of charge and can be downloaded from the ACCOBAMS website: <http://www.accobams.org>.

Article 4 - Conditions of use

Article 4.1 - Conditions for the use of the mark

A general condition regarding the reproduction of the mark and applying to all users:

The following words should be added below the logo:



**"Collective certification mark for whale-watching operators
complying with the Code of Good Conduct"**

Article 4.2 - House style

Operators authorized to use the "High Quality Whale-Watching" certification mark may reproduce, affix or use the "High Quality Whale-Watching" logo on any media for advertising or institutional communication.

Use of the logo must comply with the following house style specifications:

- **Use of colour:**



Pantone colour reference:

Black = 426C

4-colour offset colour references:

Cyan = 100%	Cyan = 54%
Magenta = 100%	Magenta = 50%
Yellow = 100%	Yellow = 45%
Black = 100%	Black = 11%

- **Use of the logo in other colours**

In order to meet users' aesthetic requirements, the logo may be used in the following ways:



4-colour offset colour references:

Cyan = 100%	Cyan = 54%
Magenta = 100%	Magenta = 50%
Yellow = 100%	Yellow = 45%
Black = 100%	Black = 11%



4-colour offset colour references:

Cyan = 76%	Cyan = 36%
Magenta = 6%	Magenta = 3%
Yellow = 41%	Yellow = 20%
Black = 0%	Black = 11%

Article 4.3 - Penalties regarding the conditions for the use of the mark

ACCOBAMS reserves the right to take any necessary measure to guarantee the proper use of the "High Quality Whale-Watching" mark.

For whale-watching operators authorized to use the "High Quality Whale-Watching" mark, non-compliance with the conditions for use of the mark and the house style will lead to the withdrawal of the authorization to use the mark, once the user has been invited to submit his remarks. Withdrawal of authorization will lead, *ipso jure*, to the termination of the agreement authorizing use of the "High Quality Whale-Watching" mark.

As a reminder, any infringement or wrongful or fraudulent use of the "High Quality Whale-Watching" mark, whether the fault of the mark holder or a third party, will entitle ACCOBAMS to take any legal action deemed appropriate, including brand infringement action, without prejudice to criminal proceedings being initiated.

Article 5 - Procedures for obtaining authorization to use the mark

Article 5.1 - Conditions on access to the mark and identification

The "High Quality Whale-Watching" mark may be requested by any operator offering trips to watch cetaceans in their natural environment. In order to benefit from the mark, operators must first follow a training programme, in accordance with the terms of Article 5.2.

Operators also undertake to be up to date with payments of mandatory contributions, confirm that they hold the insurance policies required for their activities, and undertake to provide their services in full compliance with the regulations in force, particularly as regards passenger safety.

Article 5.2. - Undergoing training

High-quality whale-watching activities require a considerable level of skill. It is for this reason that the training of whale-watching operators' management and crew is an essential clause regarding the use of the mark. This training is aimed at:

- giving added value to the operators' trips;
- promoting high quality service and an ecologically sustainable approach as regards the general public;
- restricting the impacts of activities on cetaceans and helping to protect them;
- thus ensuring that whale watching has a sustainable future.

During the training programme, the following issues will be covered:

- Marine ecology: physico-chemical and biological aspects of the Mediterranean, presentation of species that can be observed (fish, turtles, birds);
- Cetology: palaeontology, physiology and adaptation, Mediterranean populations, identification of species, ecology and conservation;
- Disturbances of human origin and measures experimented;
- The challenges of whale watching;
- Approaching cetaceans at sea (Code of Good Conduct);

- Contribution to research and conservation of cetaceans;
- Presentation of the activities of ACCOBAMS and the Pelagos Sanctuary (for operators from the area);
- Information to be disseminated to the general public.

In order to complete the training programme, candidates must attend all sessions and must not make more than 5 errors during the final examination comprising 40 questions. Candidates will then receive a certificate.

In order to use the mark, an executive from the beneficiary entity must on the one hand complete the training programme and on the other must be accompanied on each trip by at least one person that has also completed the training.

Article 5.3. – Compliance with the Code of Good Conduct

In order to obtain the right to use the "High Quality Whale-Watching" mark, **operators undertake to comply with the Code of Good Conduct** of ACCOBAMS and the **Pelagos Sanctuary**, as presented in Appendice 1.

Article 5.4 - Procedure for trips at sea

Operators undertake to organise **nature-oriented trips** rather than excursions focusing solely on cetaceans. The aim is to restrict pressure on the animals whilst ensuring public awareness and satisfaction.

"Big-game" fishing combined with whale watching within a single package is not allowed (the fishing techniques are incompatible with the Code of Good Conduct). To qualify as a mark-holder, entities offering both activities must organise them separately, on different excursions.

Swimming with cetaceans is prohibited under the certification mark, both for safety reasons and so as not to disturb the animals.

Using airborne detection systems to find cetaceans is not recommended (airborne searches are one way to accelerate and facilitate the detection of animals, leading to an increase in pressure and an intensification of activities).

Article 5.5 - Raising passengers' awareness

In compliance with the Code of Good Conduct, the operator undertakes to disseminate a high-quality message on board ship using common content comprising:

- a description and identification of cetaceans and other species that can be watched;
- biological and ecological ideas on the cetaceans and ecosystems of the Mediterranean;
- A presentation of ACCOBAMS and the Pelagos Sanctuary;
- The main existing threats to cetaceans and in particular those related to whale watching that does not comply with the Code of Good Conduct.

Operators awarded the certification mark also undertake to make available to their passengers awareness-raising documents provided by ACCOBAMS and/or the Pelagos Sanctuary.

At the end of the trip, **assessment forms are to be distributed to passengers on every occasion** by the operator, in accordance with Article 6.a.

Article 5.6. - Participation in research and conservation programmes

Owing to their presence at sea and their knowledge of the marine environment, operators can make a significant contribution to research and conservation, thus helping to protect the environment and the species that are involved in their business. This collaboration may also be promoted to passengers.

The cooperation takes the form of observation sheets filled in by the operators and intended to enrich scientific databanks. It may also be extended, as part of specific research programmes (joining working groups, hosting scientists on board, etc.).

All forms completed during the year are to be sent, by December each year, by the operator to the national (public or private) entity that has granted them the right to use the «High Quality Whale-Watching" mark.

Article 6 - Monitoring and penalties

Compliance with these Regulations Governing Use by whale watching operators is a guarantee of credibility for the "High Quality Whale-Watching" mark. In order to assess such compliance, the following will be put in place:

- a) Assessment forms for tourists using the operator's service
- b) Visits on board during trips
- c) A Participative Assessment Committee

a) Assessment forms

Assessment forms, for which a model form will be provided, will enable passengers to express their feelings about their trip and compliance by the operator with the conditions of these Regulations Governing Use.

The assessment forms may be sent to the passengers by email, subject to the operator providing proof of having systematically collected their clients' email addresses and subject to the operator keeping, and making available to ACCOBAMS, proof of dispatch of assessment forms by email for a period of 3 years.

b) Assessment visits and reports

An official will be mandated to go on board operators' vessels during their trips out to sea, with the aim of assessing compliance with these Regulations Governing Use (assessment visit). A report will be produced after the visit.

The choice of operators to be visited each year will be made partly according to assessment forms returned, partly according to the recommendations of previous Participative Assessment Committees, and partly on a random basis. Each operator will be visited at least once every three years.

c) National Participative Assessment Committee

Each year, a National Participative Assessment Committee will meet to assess compliance with the Regulations Governing Use by operators. The Participative Assessment Committee will thus be the guarantor of the credibility of the "High Quality Whale-Watching" mark with the regard to the general public. In accordance with the participative spirit of the certification project, all stakeholders will attend committee meetings. Thus each assessment committee will be composed at least of:

- A representative from the Permanent Secretariat of ACCOBAMS,
- A representative from the Permanent Secretariat of the Pelagos Sanctuary,
- Relevant representatives from ACCOBAMS Partners,
- A certified operator, identified at random in the country concerned,
- A representative from any other (public or private) organization from the country in question.

In issuing its opinion, the National Participative Assessment Committee will examine each inspection report produced since the last Committee Meeting (the procedure is anonymized by blanking out the name of the operator concerned). The opinion of the Participative Assessment Committee, noted on said inspection report, will be issued in line with the provisions set out in Article 6.1., by consensus or, failing this, by show of hands.

The Participative Assessment Committee will also define a list of operators to be inspected for the next season, in accordance with the provisions of point b) of this Article. If necessary, the Committee may recommend an additional inspection visit for one or more operators during the current season, and, if applicable, decide to hold a further meeting.

Article 6.1 - Penalties applied for non-compliance with the Regulations Governing Use

If the undertakings set out in this document are breached, penalties are provided for. The following Table summarizes the procedure:

Infringement level	Description of penalty
1st report (moderate infringement)	Recommendation by letter, plus a reminder of the Regulations Governing Use.
1st report (serious infringement)	Warning by registered letter, possibly with a suspension from use of the High Quality Whale-Watching mark for a period of 1-2 years according to the seriousness of the infringement.
2nd report	Warning by registered letter, plus suspension from use of the High Quality Whale-Watching mark for a period of 1-2 years according to the seriousness of the infringement.
3rd report	Withdrawal of permission to use the "High Quality Whale-Watching" mark, possibly with a prohibition from re-applying for a period of from one to five years, depending on the seriousness of the breach. The person responsible for the entity must once again undergo training if they wish to apply for re-attribution of the "High Quality Whale-Watching" mark at the end of the period of withdrawal.

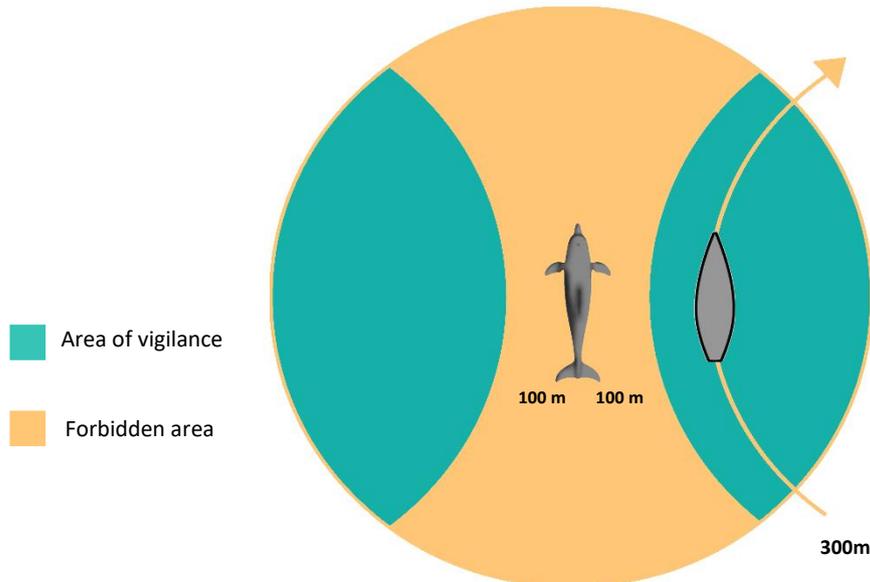
If, once a breach has been reported, the operator does not re-offend for five consecutive years, they will then be deemed never to have committed a breach.

Appendice 1

Code of Good Conduct for whale watching in the Mediterranean Sea

Whale-watching can be a source of serious disturbance if badly done. The following rules allow our impacts on the vital behaviour of dolphins and whales (hunting, repose or inter-individual socialization) to be mitigated. Whether one is an amateur sailor, fisherman, whale watching operator or other user of the marine domain, these rules, set out below, apply equally inside and outside the Pelagos Sanctuary.

The pie chart defines two areas that are essential when approaching cetaceans: the area of vigilance (green) and the forbidden area (yellow).



1. Area of vigilance (green)

The area of vigilance (**300 m**) defines the sector in which the disturbance caused by your boat (presence, noise and exhaust fumes) is strongly felt by the animals. When you enter this area, your behaviour must respect strict rules to limit this disturbance:

- ✓ the boat's speed must be constant and attuned to the speed of the slowest animal. It must not be more than 5 knots;
- ✓ any approach must be made according to a trajectory that gradually draws parallel to the animal's path (green arrow in the pie chart). The boat thus positions itself alongside the cetaceans, moving in the same direction;
- ✓ any sudden change of speed or direction is forbidden;
- ✓ to mitigate acoustic disturbance, sounders and sonar must be switched off;
- ✓ be even more careful, and limit your distance of approach if you remark the presence of new-born animals;
- ✓ you must immediately leave the area of vigilance if the animals are disturbed: for example, flight behaviour (acceleration, changing direction, trying to get away from the observer) must be considered as a sign of disturbance;
- ✓ observation time is limited to half an hour;
- ✓ if many boats are present, only one is tolerated within the area of vigilance. Observation time is then shortened to a quarter of an hour and the other boats have to wait patiently 300 m away. Radio contact between the various boats will enable the watching to be coordinated;
- ✓ when the observation is over, the boat must gradually leave the site, taking a path that clearly signals that it is leaving. The speed will remain moderate for a distance that is sufficient to avoid the risk of collision.

2. Forbidden area (yellow)

The forbidden area defines the sector which your boat must never enter (except when the cetaceans approach the boat of their own accord). This distance is **100 m**. Any nearer than this and the cetaceans will see your presence as a danger or an intrusion into their vital space, and their behaviour will become greatly disturbed by it.

Also, the boat must not enter the sector in front of the animals (reduced field of vision). Neither must it approach them from behind, since the boat may then be seen as a pursuer.

When the boat reaches the outside limit of the forbidden area, its relative speed must be reduced to zero and its engine put into neutral gear.

It is forbidden to enter groups, for this will cause social disturbance.

3. Special case when the animals come to the boat of their own accord

When cetaceans voluntarily approach the boat, the passengers must not try to touch them directly or with an instrument, bathe near them or feed them. Most of the above rules also remain in force, particularly the ban on entering groups, and keeping to a slow, regular pace.

4. Generally speaking...

Once the cetaceans are spotted, or at 1,000 m distance, particular vigilance and a speed limited to 10 knots are compulsory: other animals may be present in the sector and the risk of collision cannot be ruled out. Furthermore, a greater speed would be likely to disturb the animals, even at this greater distance.

Generally speaking, whale watching is not recommended within the 5-mile coastal strip, since the cetaceans there are already greatly disturbed by human activity.

An operator must accompany his trip with an educational talk on cetaceans and the marine environment. This must be given by a qualified, trained guide. He must be able to identify the species encountered, determine their activity phases and notice possible disturbance.

5. In short

- ✓ Slow pace and calm, constant advance the moment the cetaceans are spotted, especially within the 300 m area
- ✓ No approach closer than 100 m
- ✓ Length of observation limited to 30 minutes, 15 minutes if other boats are waiting
- ✓ Only one boat within the 300 m area
- ✓ Never try to touch, feed or swim with a cetacean.

ANNEX 3

PROPOSED GUIDELINES FOR MONITORING PROGRAMS AIMED AT MAXIMIZING THE CHANCE OF DETECTING POTENTIAL ADVERSE IMPACTS OF WHALE WATCHING ACTIVITIES ON INDIVIDUAL CETACEANS AND ON POPULATIONS

Introduction:

The ACCOBAMS region is an important area for a great number of cetacean species, whether as a permanent habitat, a breeding or feeding ground or a migratory corridor. The presence of such a diversity of cetaceans has led to the development of whale watching activities, both on a commercial and recreational basis, which until present still maintains a steady and regular growth within the region.

Whale watching is an important economic activity in many areas of the ACCOBAMS area. Although several countries in the region have already implemented specific codes of conduct and national legislation aimed at regulating and monitoring the activity, this particular tourism activity is not necessary benign.

Management considerations:

In an effort to minimize the risk of adverse impacts of cetacean watching and to ensure the sustainable development of such activities, effective management strategies need to be implemented. Several tools and approaches should be considered:

- 1) National / regional licensing or permitting schemes to regulate:
 - i) the number, size, type and speed of vessels;
 - ii) standards of operation;
 - iii) capacity building;
 - iv) site specific and species specific requirements;
 - v) permitted research and media;
 - vi) training of operators;
 - vii) sanctions for non-compliance.

- 2) National / regional measures to regulate approaches, frequency, length and type of exposure in encounters with cetaceans;

- 3) Development of management provisions through cooperation amongst stakeholders, such as government agencies, NGO's and operators wherever appropriate. Such provisions are subject to adaptive management (as new information becomes available regulations may change to incorporate this new information);

- 4) National / regional management measures to include closed seasons, exclusion zones, speed limits and "no approach times", to provide additional protection to habitats, populations and individuals;

- 5) Assessment of the numbers, distribution and other characteristics of the target population(s) before the implementation of tourism operations to establish the feasibility of the industry and a baseline for future monitoring;

- 6) Where new cetacean watching operations are evolving, start cautiously, moderating activity and adapting management until sufficient information on populations and species is available to guide further development;
- 7) Monitoring compliance with and the effectiveness of management provisions and modifying them as required to reflect new information and circumstances, with the consultation of stakeholders, such as operators and NGO's;
- 8) Establishment of an enforcement framework to ensure compliance with regulations;
- 9) Scientific and socio-economic research and monitoring of potential impacts on cetaceans, and collection and sharing of information by all stakeholders, such as scientists, operators and NGO's;
- 10) Dissemination of information on best practice and research to improve public awareness, including all stakeholders;
- 11) On-going operator, naturalist and industry training and accreditation programmes on the biology and behavior of target species, local ecosystems, navigation, culture, best practice of cetacean watching operations, and the management provisions in effect;
- 12) Development of on-board research protocols to collect data on sighting effort, sighting data and other relevant documentation (e.g. about injuries, entanglements, highly identifiable individuals, vessel-cetacean interactions...) (see SC10/2015/Doc15);
- 13) Supporting and empowering communities' participation and ownership of the cetacean watching industry;
- 14) Development of educational standards for the provision of accurate and informative material to cetacean watching participants, to:
 - i) develop an informed and environmentally responsible public (locals and tourists);
 - ii) encourage development of realistic expectations during encounters;
 - iii) encourage the provision of naturalist guides on all boats;
 - iv) encourage public participation in on-board research and education programmes (e.g. docent and intern training, opportunistic data collection, species identification...);
 - v) encourage awareness of species protection measures and enforcement;
 - vi) assess and evaluate on an on-going basis on-board education programmes.

Cetacean species may respond differently to sound frequencies, relative sound intensity or rapid changes in sound. Such responses may not only be species specific but also differ between individuals and / or age classes. Therefore:

- 1) Vessels, engines and other associated equipment should be designed, maintained and operated during cetacean watching to reduce as far as practicable adverse acoustic and physical impacts on the target species and their environment;
- 2) Vessel design and operation should minimize the risk of injury to cetaceans should contact occur (for example, shrouding of propellers can reduce the risk of injury);

- 3) In order to avoid ship strikes, operators should keep track of cetaceans during an encounter and not engage engines until all cetaceans being watched are on the surface and at safe distance from the vessel.

Swimming with cetaceans may increase the potential for disturbance and displacement and puts cetaceans at additional risk. There are existing swim-with-cetacean programmes but the further development of these programmes is discouraged. For those countries where swim-with activities are currently being undertaken, it is recommended that the following standards be applied to these operations:

1) Scientific studies should be initiated to assess:

- a) the associated risk to the safety of the people and the cetaceans involved in swim-with activities;
- b) the current and potential future impacts of these activities on the target species. Any accidents should be documented and reported to the relevant authorities;
- c) Particularly sensitive animals (e.g. mothers with calves) and sensitive habitats (e.g. calving and/or feeding areas) should be provided with additional protection (see "Management Considerations");
- d) Sub-surface swimming by participants should not be allowed, including the use of underwater breathing apparatus and scooters;
- e) Underwater flash photography or lighted filming should not be allowed;
- f) A precautionary adaptive management approach should be taken when reviewing swim-with operating procedures. Consideration should be given to:
 - Regular review of operational standards as credible scientific information on the impacts of swim-with programmes becomes available;
 - All persons in the water with cetaceans should be accompanied by an appropriately trained naturalist or scientist;
 - Limiting the number of vessels permitted to undertake swim-with activities in a region;
 - Limiting the number of swimmers allowed in the water at any one time;
 - Limiting the maximum duration of in-water time allowed, including maximum swim time for each interaction, time required between successive swims with each cetacean and maximum cumulative interaction time with each cetacean per day;
 - Appropriate drop-off distance for swimmers and minimum swimmer distance from cetaceans;
 - Entering the water with cetaceans during behaviorally sensitive situations (e.g. feeding / foraging) should be discouraged;
 - Prohibit leap-frogging of cetaceans.

Relevant bibliography

IWC 1996 – Guiding Principles for Whalewatching. (downloaded from <https://iwc.int/wwguidelines>).

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ANNEX 4

PROPOSED COMMON PROCEDURE (DATA COLLECTION SYSTEM) FOR WHALE WATCHING VESSELS TO BE IMPLEMENTED IN THE ACCOBAMS AREA

Introduction

At the last meeting of the IWC scientific committee (2014) the sub-committee on whale watching discussed a proposal for data collection from commercial whale watching vessels. Guiding principles for data collection from platforms of opportunity were proposed which would help ensure a higher standard of data collected from whale watching vessels. Although a final version of a data sheet could not be approved and the sub-committee agreed that the submitted proposal could be further refined, this could also be a working document upon which the ACCOBAMS Scientific Committee could work on, bearing in mind the specific characteristics of the agreement area.

Whale watching vessels constitute platforms of opportunity for the collection of data on target cetaceans and have been widely used in data deficient areas, particularly in developing countries. However data collected from whale watching vessels are subject to several types of bias:

1. The purpose of whale watching vessels is to find cetaceans and focus on fulfilling the clients' expectations to encounter the animals. Collecting research data is not their primary purpose and they do not follow scientific line transects. The behavior of whale watching vessels influences the search effort, which is often restricted to localized high abundance areas, sometimes seasonally dependent and species specific. In order to correct for the spatial and seasonal effort of the whale watching vessels, it is crucial that spatial and sighting effort data are collected as well.
2. Because guides and skippers have to perform many tasks on the boat and registering data and taking photographs are sometimes least priority, the quality of acquisition of data is a potential source of bias. However the use of qualified guides has great potential for improving collection of valuable but fairly inexpensive data, particularly in areas where funding is scarce.
3. The whale watching vessels will only spend time with a limited number of animals and not always approach and identify all individuals and groups in the area. There may also be a tendency to approach calm and easily approachable animals, which will lead to non-representative sampling.

Despite it being compulsory in many countries for whale watching vessels to register and report information to a central authority on the activity of the vessel, as well as observations and opportunistic sightings, such information is not collected according to international guidelines and it may be difficult to assess the significance of bias. To enable a reliable scientific outcome and support a high standard of data, the IWC sub-committee on whale watching has been working on a basic data collection protocol and data sheet that, ideally, would be applicable world-wide.

Proposed guidelines for data collection protocol and data sheet for whale watching vessels

From a research point of view, the data collected must be valid and consistent to be useful. Since the focus of whale watching vessels is on the passengers and not always on the data, it is important to simplify the data sheets as well as prioritize the required information.

Table 1 presents a proposal for a basic data collection sheet.

Content of the data sheet

The data sheet should at a minimum include the following parameters (see Table 1):

- Trip information:
 - 1) Date
 - 2) Trip number
 - 3) Departure time from harbor
 - 4) Return time to harbor
 - 5) GPS track of the route taken (if possible) or a tick box with the main "Areas visited"
 - 6) Name(s) of the person responsible for data collection
 - 7) Name of the skipper
 - 8) Weather information: wind direction and wind speed (No whitecaps, Some whitecaps or Many whitecaps or Beaufort scale)
 - 9) Sighting of animals: Yes / No

- Sighting information:
 - 10) Time of encounter
 - 11) Latitude position
 - 12) Longitude position
 - 13) Species
 - 14) Number of adults
 - 15) Number of calves
 - 16) Information about photo documentation
 - 17) Behavior comments
 - 18) Small comment box

Protocol

The protocol explains why the different data parameters are included in the data sheet.

1) Date

2) Trip number

Information about trip number and date is important when analyzing the data. Each trip will be given an ID-number before data can be analyzed and it is important to distinguish the different trips from each other. Some operators have more than 1 trip per day and the trips should have consecutive numbers reflecting the date and time they were conducted.

3) Departure time from harbor/ Start of searching effort

4) Return time to harbor / End of searching effort

The total time spent at sea is necessary to calculate sighting effort.

5) GPS track of route taken

It is crucial to be able to account for the effort spend at sea searching for cetaceans. Time and spatial effort is important reference data when calculating the spatial distribution of a species. Simple notation of start and end time of the trip can increase the quality and usefulness of the data collected. The optimal way to determine effort is to collect GPS tracks of the boat's location, which will also give precise data of the spatial route. Of crucial importance is the collection of information about trips where no cetaceans were sighted. The effort of the boat can be biased towards areas with cetaceans and where cetaceans would have been observed previously. On days with more than 1 trip, animals in the area have a high chance of being sighted consecutive times. If observers are experienced, they can make notes from trip to trip of individual re-sightings.

6) Name(s) of the person(s) responsible for data collection

The quality of the obtained data is dependent on an observer's skills. The quality of observations can be subject to bias when many different observers are involved in data collection.

7) Name of the skipper

8) Wind category (No whitecaps, Some whitecaps or Many whitecaps)

Sighting probability is reduced as weather becomes increasingly rough. To be able to adjust for this in data analysis, it is important for weather conditions to be noted. A suitable cut-off at, say Beaufort 2 (all data collected at or below sea state 2 are included in the analysis), can be applied to the dataset before conducting the analysis (Table 2).

9) Sightings of animals: Yes / No

To be able to account for effort, it is important to have a reference for the number of trips with no sightings, since even with no sightings, effort has been expended searching for animals. Weather data on trips where no animals are sighted are also important.

10) Time of encounter

It is important to distinguish between search and sighting time. By logging the time at each sighting, it will be possible to calculate search effort and sighting effort.

11) Latitude and Longitude positions

It is crucial to obtain location positions of the animals sighted to determine if animals have preferred habitat.

12) Water temperature (if possible)

13) Water depth (if possible)

Water temperature and depth are important factors to record, particularly in data deficient areas since bathymetric data often do not exist in such areas. In order to analyze data in relation to spatial and physical factors, it is important to record such parameters.

14) Species

Simple codes should be used for the relevant species (Table 3).

15) Number of adults

16) Number of calves

The number of adults and calves is important, as it may reveal whether there are specific areas used, for example, as nursery grounds.

17) Information about photo documentation

For photographic material to be useful it should be catalogued the same day and the frame of the photographs should be noted for each sighting where photographic evidence is collected. Setting date and time stamps on the camera is crucial as well. Photos of sightings should be divided with blanks between observations (e.g. a photo of the vessel). A GPS linked to the camera can be a great help during later analysis.

18) Behavioral categories

To enable an efficient and consistent analysis of behavioral data, the data sheet should consist of restricted and simple tick boxes with 4-5 main behavior types (e.g. matting, feeding, travelling and resting) and a comment box for further qualitative details (Table 4).

19) Small comment box

Comments should be minimized. Subjective comments can be very difficult to categorize and analyze.

The data sheet must be filled in at sea *in situ* and should ideally be digitized the same day by the observer. Photographs should be sorted the same day as well and linked to the relevant observations. The process of linking photos to specific observations is time consuming and almost impossible if done retrospectively by more than a few days.

Quality control

In order to ensure the quality of whale watching vessels data, a systematic control effort is necessary. Such a system should ideally be multi-layered, with the first layer being a well-structured data sheet that is easy to fill in.

The second layer should be an online submission system for data collected in the field, where each operator is assigned an ID-number and can log in to their account and enter the data and upload photos from each trip. Each operator's data should be then available to download either as an Excel sheet or Access database.

A third level is the systematic evaluation of the reported data by a qualified researcher with feedback to the reporting vessels.

Relevant bibliography

Vinding, K.; Christiansen, M.; Rose, N. 2014 – Data collection from commercial whale watching vessels: the need for international guidelines and systematic quality control. Paper presented at the IWC 2014 sub-committee meeting on Whalewatching (SC/65b/WW07): 6 pp

Table 1 – Proposed WW data sheet

Boat Based Whale Watching Trip Information													
Operator:			Passenger nrs.:			Areas visited:							
Date:													
Trip nr.:			Trip time:	(start)	(end)								
Vessel:													
Skipper:			Wind:	(direction)	(knots)	Sea state:		no whitecaps					
Data collector:							(circle one)		some whitecaps				
								consistent whitecaps					
Were cetaceans sighted on this trip?			YES	NO									
OBSERVATIONS													
Time	GPS Coord		Species	Nr of adults	Nr of calves	Behavior						Photos	Comments
	LAT	LONG		<i>min / best / max</i>		<i>T</i>	<i>R/L</i>	<i>S</i>	<i>F</i>	<i>M</i>	<i>O</i>		

Table 2 – Weather information

MPH	Beaufort	Knots	Km/h	Code
> 1 mph	0	> 1 kn	> 1 km/h	no whitecaps
1 - 3 mph	1	1 - 2 kn	1.1 - 5.5 km/h	
4 - 7 mph	2	3 - 6 kn	5.6 - 11 km/h	some whitecaps
8 - 12 mph	3	7 - 10 kn	12 - 19 km/h	
13 - 17 mph				consistent whitecaps
18 - 24 mph	4	11 - 15 kn	20 - 28 km/h	
25 - 30 mph	5	16 - 20 kn	29 - 38 km/h	
31 - 38 mph	6	21 - 26 kn	39 - 49 km/h	
39 - 46 mph	7	17 - 33 kn	50 - 61 km/h	
	8	14 - 40 kn	62 - 74 km/h	

Table 3 –Species codes

Scientific name	Code
<i>Eubalaena glacialis</i>	EGL
<i>Balaenoptera acutorostrata</i>	BAC
<i>Balaenoptera physalus</i>	BPH
<i>Blaenoptera boralis</i>	BBO
<i>Balaenoptera musculus</i>	BMU
<i>Megaptera novaeangliae</i>	MNO
<i>Physeter macrocephalus</i>	PMA
<i>Kogia sima</i>	KSI
<i>Kogia breviceps</i>	KBR
<i>Mesoplodon bidens</i>	MBI
<i>Mesoplodon densirostris</i>	MDE
<i>Mesoplodon europaeus</i>	MEU
<i>Mesoplodon mirus</i>	MMI
<i>Ziphius cavirostris</i>	ZCV
<i>Delphinus delphis</i>	DDE
<i>Tursiops truncatus</i>	TTR
<i>Stenella coeruleoalba</i>	SCO
<i>Globicephala melas</i>	GME
<i>Globicephala macrohynchus</i>	GMA
<i>Grampus griseus</i>	GGR
<i>Steno bredanensis</i>	SBR
<i>Orcinus orca</i>	OOR
<i>Phocoena phocoena</i>	PPH

Table 4 – Behavioral categories

Behavior	Description	Code
Travelling	Swimming in one direction for an extended period of time. Moving more quickly than idle speed of the vessel.	T
Resting / Logging	Motionless in same spot except to breath. If moving, then moving more slowly than the idle speed of the vessel.	R
Socializing	Diverse interactive behavior such a body contact, flipper caressing, tail swipes, genital inspections. Dive intervals may vary.	S
Feeding	May be surface apparent in some species (mouth open, baleen rattle). Otherwise indicated by long-term group synchronous diving. Arched backs may indicate deep dives.	F
Milling	Non-directional swimming. Individuals are surfacing in different directions. No net movement.	M
Other	Make a note in the Comments. Examples include spy hopping, breaching, pectoral slapping, tail, slapping and sailing.	O