

RESOLUTION 4.7

GUIDELINES FOR COMMERCIAL CETACEAN WATCHING 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:

Considering

- that cetacean-watching activities for commercial purposes are increasingly being developed in the ACCOBAMS area and require to be regulated,
- 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,

Noting

- that the International Whaling Commission (IWC), at its 48th annual meeting (1996), adopted the Scientific Committee's recommendations on the general principles for the management of whale-watching (Resolution 1996-2),
- that the Workshop on the Legal Aspects of Whale Watching, held in Punta Arenas, Chile, in 1997 and sponsored by IFAW (International Fund for Animal Welfare), drafted the Options for the Development of Legislation or Guidelines Related to Whale Watching,
- the code of conduct for cetacean watching drafted under the Agreement between France, Italy and Monaco on the Mediterranean Sanctuary for Marine Mammals,
- that legislation or guidelines applying to cetacean-watching activities has been adopted by a number of Countries,

Acknowledging

- that under Article II, paragraph 1, of ACCOBAMS, 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,
- that under Chapter 2 of Annex 2 to ACCOBAMS, when necessary, the Parties shall develop guidelines and/or codes of conduct to regulate or manage activities which create interactions between humans and cetaceans, such as touristic activities,
- 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 establishing the conditions under which such activities may be conducted,
- that under Article III.8.c) of ACCOBAMS, the Meeting of the Parties makes recommendations to the Parties as it deems necessary or appropriate and adopts specific actions to improve the effectiveness of ACCOBAMS,

Aware that the First Meeting of the Parties already adopted a set of Guidelines for commercial cetacean-watching activities in the ACCOBAMS area (Resolution 1.11) and that the Scientific Committee has proposed a revision of these Guidelines on the basis of the evolution of the scientific knowledge,

1. *Invites* the Parties where commercial cetacean watching activities are carried out:

- to adopt national legislation or regulations in conformity with the Guidelines for commercial cetacean-watching activities in the ACCOBAMS area as presented in Annex ;
- to continue and expand the organisation of national or regional training for operators to inform them about the biology of animals, risks, boat behaviour around the animals, how to achieve accreditation, involvement in scientific research, and so forth;

2. *Asks* the Parties where legislation or regulations on commercial cetacean-watching activities have been adopted to provide the Secretariat with the relevant instruments;
3. *Entrusts* the Scientific Committee with the task to revise, if appropriate, the Guidelines for commercial cetacean-watching activities in the ACCOBAMS area on the basis of the evolution of scientific knowledge and national legislation and regulations;
4. *Decides* that the present Resolution replaces the Resolution 1.11

ANNEX
Guidelines for commercial cetacean-watching in the ACCOBAMS area

Point 1
Scope of the Guidelines

These Guidelines address cetacean-watching activities carried out for commercial purposes and subject to the jurisdiction of the Parties to ACCOBAMS.¹

Point 2
Impact assessment

1. Before allowing cetacean-watching activities, the Parties shall require an assessment on their impact on the favourable conservation status for cetaceans.
2. The impact assessment shall be based on the best available scientific information.
3. No cetacean-watching activities should be authorised if there are threats of significant adverse impact on the behavioural patterns or physiological well-being of cetaceans, having regard to the number and effect of existing cetacean-watching operations.
4. Based on the results of the impact assessment, the Parties should establish special conditions to carry out cetacean-watching activities.
5. The impact assessment shall be repeated at periodic intervals.
6. The impact assessment shall be carried out under a precise procedure established by the Parties.

Point 3
Permit

1. Any commercial cetacean-watching activity should be carried out under a permit granted by the competent authority.
2. Every applicant for a permit for a vessel or aircraft cetacean-watching operations should submit to the competent authority an application in writing setting out:
 - a) the type, number and speed of vessels or aircraft intended for use and the maximum number of vessels or aircraft the operator proposes to operate at any time;
 - b) information relating to the noise level of each vessel or aircraft both above and below the sea;
 - c) the area of operation;
 - d) the base of operation;
 - e) the duration and frequency of trips;
 - f) the species of cetaceans with which the operation will have contact and the kind of contact;

¹ These Guidelines are intended to be illustrative and used to inform the development of guidelines in the ACCOBAMS region. Local considerations may cause the development on national or regional basis of guidelines that differ from those presented here. However, it may be helpful if guideline developers explain why such differences exist. This information can be considered in the further development of these Guidelines.

- g) the method of location of cetaceans;
- h) the maximum number of passengers to be taken on board;
- i) the experience with cetaceans demonstrated by the persons in command of the vessel or aircraft;
- j) the educational materials provided to the passengers;
- k) the altitude of the aircraft.

3. No permit should be granted if the competent national authority is not satisfied that:

- a) the operator and the staff who approach cetaceans have sufficient experience with cetaceans;
- b) the operator and the staff have sufficient knowledge of the local area and of sea and weather conditions;
- c) the operator and the staff who approach cetaceans have no convictions for offences involving the mistreatment of animals;
- d) the operation proposed has sufficient educational value to the public.

4. The competent national authority may at any time suspend or revoke a permit, or restrict the operation authorized by a permit, where:

- a) the holder contravenes or fails to comply with any statutory requirement relating to cetacean-watching or any condition specified in the permit;
- b) to suspend, revoke or amend a permit is necessary, on reasonable grounds, for maintaining the favourable conservation status for cetaceans.

Point 4

Behaviour around cetaceans

The following conditions should apply where cetacean-watching activities are being carried out:

- a) vessels and aircraft should be operated so as not to disrupt the normal movement or behaviour of cetaceans²;
- b) contact with cetaceans should be abandoned at any stage if they show signs of becoming disturbed or alarmed;
- c) no cetacean should be separated from a group;
- d) no rubbish or food should be thrown near or around the cetaceans;
- e) no sudden or repeated change in the speed or direction of vessels or aircraft should be made except in the case of an emergency;
- f) where a vessel stops to enable the passengers to watch a cetacean, the engines should be placed in neutral;
- g) no aircraft should be flown below 183 metres (600 feet) above sea level;
- h) no vessel should approach intentionally within 100 metres of a cetacean;
- i) no vessel should cut off the path of a cetacean
- j) no cetacean should be prevented from leaving the vicinity of the vessel;
- k) a vessel less than 300 metres from cetaceans should move at a constant speed no faster than 5 knots and no faster than the slowest cetacean in the vicinity, and should stop when it approaches within 100 metres of a cetacean;
- l) a vessel departing from the vicinity of cetaceans should proceed slowly until the vessel is at least 300 metres from the nearest cetacean;
- m) aircraft should be operated in such a manner that, without compromising safety, the aircraft's shadow is not imposed directly on cetaceans;
- n) only one vessel or aircraft at any one time should be allowed to stay in the watching area;

² How to recognize disturbance of whales and dolphins in general:

- Rapid changes in swimming direction or speed;
- Escape tactics such as prolonged diving, underwater course changes or rapid swimming away from the vessel;
- Forceful slapping of the tail against the surface of the water;
- Female attempting to shield a calf with her body or by her movements;
- Sudden stop in feeding or resting activities after the vessel's arrival.

- o) the presence in the watching area should be limited to around 15 minutes for vessels or 2 minutes for aircraft, especially if other vessels or aircraft are waiting for their turn;
- p) vessels should approach a cetacean only diagonally from the side;
- q) activities such as swimming with cetaceans should be forbidden or strictly regulated;
- r) cetaceans should not in any other way be disturbed or harassed.

Point 5
Training and special quality mark

1. The Parties should organise training courses for operators and staff and grant them a certificate.
2. The Parties should allow the use of [label] to the operators who have behaved in conformity with the applicable regulations or guidelines, have obtained a training certificate and have a qualified guide on board.

Point 6
Sanctions and remedies

1. The Parties should impose sanctions of sufficient gravity to deter violations of the present Guidelines, including the suspension or revocation of permits.
- 2.

