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Ninth Meeting of the Scientific and Technical Advisory Committee (STAC) to the Protocol Concerning Specially Protected Areas and Wildlife (SPA) in the Wider Caribbean Region

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## **RECOMMENDATIONS TO SUPPORT SUSTAINABLE MARINE MAMMALS WATCHING IN THE WIDER CARIBBEAN REGION**

*For reasons of public health and safety associated with COVID-19, this meeting is being convened virtually. Delegates are kindly requested to access all meeting documents electronically for download as necessary.*



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**ACRONYMS**

ACCOBAMS	Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area
CARI'MAM	Caribbean Marine Mammals Preservation Network
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COP	Conference of the parties of the SPAW protocol
IFAW	International Fund for Animal Welfare
IWC	International Whaling Commission
MPA	Marine Protected Area
NGO	Non-Governmental Organization
RAC	Regional Activity Center
SPAW	Specially Protected Areas and Wildlife
STAC	Scientific and Technical of the SPAW protocol
UNEP	United Nations Environment Programme

## **RECOMMENDATIONS TO SUPPORT SUSTAINABLE MARINE MAMMALS WATCHING IN THE WIDER CARIBBEAN REGION**

### **1. INTRODUCTION**

#### **1.1. Marine mammal watching in the Wider Caribbean Region**

1. Ecotourism to view marine mammals has continued to increase in the Wider Caribbean Region (WCR). The activity of observing marine mammals is defined as "a visit aboard a boat, from the air or the ground, or in the water in order to observe, interact with, or hear marine mammals. It is understood that this activity has a lucrative/commercial aspect" (UNEP, 2011).
2. The unregulated development and conduct of the marine mammal watching industry can have deleterious impacts on marine mammals and the ecosystems they inhabit. Throughout the world, numerous studies and reports highlight the potentially major impacts of marine mammal watching on populations, particularly whales and dolphins, but also on water quality and local infrastructures (Fumagalli et al., 2019; Parsons, 2012; UNEP, 2011). Indeed, unmanaged commercial marine mammal watching causes disturbances likely to prevent the individual animals from fulfilling their vital needs (Mayol and Beaubrun, 2005). When these disturbances are repeated over time, the result can be declining population health, habitat displacement (e.g., changes in migratory corridors), and declining reproduction. They can also have repercussions at the economic (loss of employment in certain sectors) and social levels (pressure on local services, conflicts between users) (UNEP, 2011). In order to reduce these impacts, it is recommended that marine mammal watching activities operate in a responsible and sustainable manner (UNEP, 2011). Responsible marine mammal watching businesses can bring many benefits to operators, tour operators, communities, and even the marine mammals themselves (IWC(a), 2020).
3. At the regional scale, commercial observation of marine mammals began in the early to mid-1980s with the development of dolphin watching and swimming tours in The Bahamas and humpback marine mammal watching off the Dominican Republic. By the 1990s, commercial observation of marine mammals was attracting visitors in Dominica, Turks and Caicos Islands, the United States and British Virgin Islands, Puerto Rico, Martinique, Grenada, St. Vincent and the Grenadines, St. Lucia, St. Kitts and Nevis, St. Barthélemy and Guadeloupe (Hoyt, 1999). Commercial observation of marine mammals is a growing tourism business in the region. An International Fund for Animal Welfare (IFAW) study shows that in Central America and the Caribbean the direct and indirect turnover generated by the economy of this activity went from US\$1.7 million in 1991 to US\$53.7 million in 2009 (O'Connor et al., 2009). As a result of this growth, the impact of this activity on marine mammal populations has become of major concern.
4. In addition to socio-economic development, well-managed marine mammal watching activities can provide opportunities for enhanced awareness of environmental issues; data collection on marine species; and observation and reporting of injured or stranded marine mammals (IWC(a) 2020, IWC(b) 2020).

## 1.2. SPAW Guidelines

5. The SPAW Protocol, in which all marine mammal species are listed in Annex II, is committed to the preservation of these species in the WCR. It means that the countries signatory to the Protocol recognize that these species require the strictest protection afforded under the Protocol and commitment from the parties to ensure that protection. The SPAW Protocol references the regulation of “tourist and recreational activities that might endanger the ecosystems of protected areas or the survival of threatened or endangered species of flora and fauna”, among other measures that should be taken to achieve the objectives of protected areas.
6. UNEP/SPAW marine mammal watching guidelines were developed during a workshop in 2011 (UNEP, 2011) and were endorsed by the SPAW COP and SPAW STAC (UNEP, 2012); they will be referred to as “UNEP guidelines” in this document.
7. A synthesis of the studies conducted in 2020 by SPAW RAC on marine mammal watching regulation (UNEP(DEPI)/CAR WG 42/INF.29, Addendum 2, Addendum 1 and SPAW RAC, 2019<sup>1</sup>) showed that marine mammal watching rules (legislation or voluntary guidelines) have been developed in less than half (N=6) of SPAW countries. Limited resources to implement, valorise and control the rules results in poor compliance with and enforcement of the guidelines. Few WCR countries stakeholders are aware of UNEP guidelines and only a few of them have an actually developed marine mammal watching activity. Therefore, there is a significant need to achieve broader implementation of the UNEP guidelines throughout the WCR.

## 1.3. SPAW RAC proposal to disseminate and implement the UNEP guidelines

8. In order to achieve broader implementation of the UNEP guidelines throughout the WCR, the SPAW species working group has collaboratively written a document that outlines a series of tools that could be implemented to disseminate the guidelines, encourage and facilitate their implementation in all SPAW countries (UNEP(DEPI)/CAR WG 42/INF.32). This document proposed four categories of tools: Education and outreach, Capacity building, networking and a regional certification.
9. Most SPAW species working group members underlined that education, outreach, capacity building and networking should be implemented in priority as they believe the development of a certification in the region was to premature. However, during CARI’MAM meetings, some stakeholders (Marine mammal watcher operators, MPA managers, NGO or government members) from WCR countries where whale-watching is well developed, showed a strong interest in the certification project. Hence, SPAW RAC proposes to support the development of all these tools concomitantly, so that each territory could use the combination of tools that best meets its local needs.
10. As a consequence, in the framework of the SPAW workplan through the CARI’MAM project (UNEP, 2019), SPAW RAC, in collaboration with CARI’MAM network members (CARI’MAM, 2019), has conducted additional work on the certification specifications and on the legal instruments that could be

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1 [https://car-spaw-rac.org/IMG/pdf/marine\\_mamals\\_watching\\_survey\\_en-3.pdf](https://car-spaw-rac.org/IMG/pdf/marine_mamals_watching_survey_en-3.pdf)

suitable to supervise the certification (UNEP(DEPI)/CAR WG 42/INF.31, Addendum 2). The certification specification was defined through a list of potential eligibility criteria that operators will have to commit to to be able to use the certification. In view of the legal study results, national authorization schemes, resulting in the delivery of licences and permits, would be the most effective solution although it depends on each national legislation agenda. If parties cannot engage in the authorization scheme, SPAW RAC proposes another option could be a code of conduct, that includes a capacity building program, protected by a trademark. This option is close to the High-Quality Whale Watching programme of ACCOBAMS (ACCOBAMS, 2014).

11. A synthetic description of each tool is given bellow. A more comprehensive description can be found for part in the documents produced by the SPAW species working group (UNEP(DEPI)/CAR WG 42/INF.32) and by the SPAW RAC in the framework of CARI'MAM (UNEP(DEPI)/CAR WG 42/INF.31 addendum 1).

## 2. TOOLS DESCRIPTION

Tool	Target	Objectives	Description
Education and outreach	SPAW Parties Marine mammal watching regulators Marine mammal watching industry Customers	To disseminate the UNEP marine mammal guidelines To increase awareness of best practices. To increase awareness of the potential negative impacts on marine mammals of poor marine mammal watching practices.	Examples of material that could be developed are: flyers, field leaflet, web pages, social media campaign... These materials should be disseminated throughout the WCR, particularly to all marine mammal watching operators. Readily available materials and existing programs should be identified and integrated. Whenever this seems feasible and valuable, material could be created jointly by the territories that need them.
Capacity building	Marine mammal watching regulators Marine mammal watching industry	To facilitate the implementation of the guidelines. To enable marine mammal watching regulators and operators to understand and correctly implement the UNEP guidelines. To enable regulators to develop operational tools that best match the needs of their country.	Capacity building is a mechanism that allows to provide advice, information and appropriate facilitation of assistance and any other support to the person concerned. <b>2.1.</b> A high quality commercial marine mammal observation activity requires many skills. The training of marine mammal commercial operators and crew is essential. A basic regional training programme could be developed and then adapted to each site to involve local culture and the environment. Any training program should include operational standards such as: (1) knowledge of safety, first aid, hospitality and etiquette; (2) where and when to find marine mammals; (3) knowledge of regulations and techniques; (4) knowledge of marine mammal observation potential impacts on wildlife. The proposed training may build on training already implemented by regional partners such as the Agoa sanctuary or “Souffleurs d’écume” in France for the HQWW (ACCOBAMS).
Networking	Marine mammal watching industry	To disseminate the UNEP guidelines and encourage their implementation. To facilitate developing the technical	Workshop could regularly be organised with the members of the network, along with field sessions, a WhatsApp group should be created, and a Facebook page could be developed.

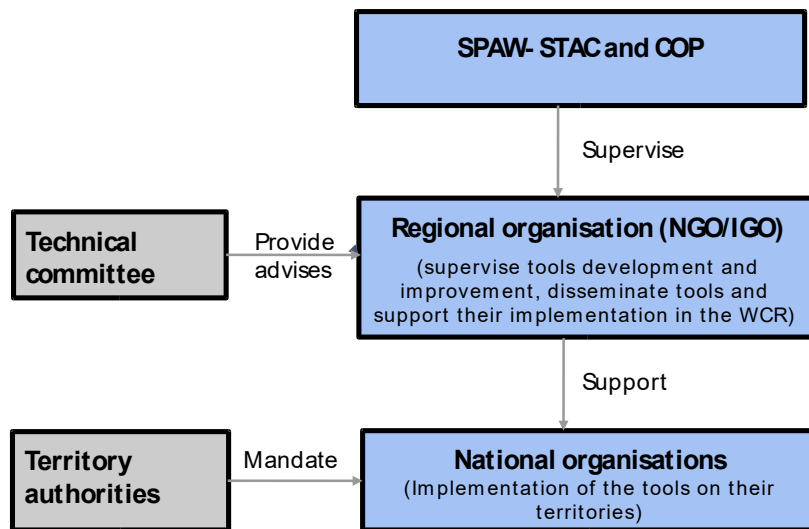


Tool	Target	Objectives	Description
		skills needed by marine mammal watching operators when implementing the UNEP guidelines.	Local NGOs and governments can develop technical exchanges between boat operator apprentice and more experienced operators in the region or in a different country. Renewal or initiation of a regional Whale Watch Operator’s Association (e.g., CaribWhale) should be considered.
Regional certification	Marine mammal watching industry	To encourage or oblige, depending on the legal instrument chosen, operators to implement the UNEP guidelines and support them in their implementation.	Operators will have to commit to a list of eligibility criteria in order to be able to use the certification. These certification specifications are detailed in a dedicated SPAW RAC document (UNEP(DEPI)/CAR WG 42/INF.31 addendum 1). They include rules of approach, a list of activities and vessels that should be prohibited, a list of “eco-commitments” (e.g. contribute to science and education), an a training similar to the capacity building programme. A regional baseline could be defined, with the most important rules, and then adapted to each site to involve local culture and the environment.  In order to supervise the certification, the most relevant instruments are: the national authorization schemes <sup>1</sup> or a code of conduct, that includes a capacity building program, protected by a trademark <sup>2</sup> .

<sup>1</sup>A code of conduct, or charter, is a convention based on shared values, which sets the duties of each. It is a guideline aiming at helping professionals, particularly in tourism, in their approach to reducing impacts, whether environmental or socio-cultural. A code of conduct is a private source of law. None of the commitments they contain can have any legal value. The signing of a code of conduct is a voluntary commitment that values virtuous operators.

<sup>2</sup>A trademark is a work, symbol or picture or the combination used to distinguish the goods of a person or organisation from the goods of others in the marketplace. A registered trademark gives a proprietor exclusive rights to use the mark for the designated services of the mark. It is possible to authorize another person or organization to use the trademark. Indeed, trademark licensing consists in a trademark owner (Licensor) granting permission to another (Licensee) to use that trademark on mutually agreed terms and conditions. If a third party uses the trademark without the Licensor permission, it is possible to defend it by an infringement action.

### 3. SUGGESTIONS REGARDING GOVERNANCE, FUNDING AND AGENDA



12. The SPAW RAC proposal is to develop a programme to support the development and implementation of all these tools concomitantly, so that each territory could use the combination of tools that best meets its local needs.
13. Afterwards, a regional organization, the SPAW RAC, a RAN or other (NGO/IGO), would:
  - supervise the tools development,
  - disseminate the tools in all WCR territories (communication),
  - support the implementation of the programme on each territory by local organizations (local associations, MAPs, public organisations...),
  - periodical improvement of the tools.
14. The regional and national organisations work will rely on the advices of a regional technical committee representative of the actors (marine mammal commercial operators, stakeholders, scientists).
15. The costs of managing the programme (training, folder assembly, etc.) could be partially covered by the operators benefiting from it. Other possibilities include grants from government agencies and ministries. Sponsorships from the private sector (such as business, travel and leisure or commercial associations, individual companies, financing institutions and banks) may provide incentive programmes, operate in areas and with products compatible with the objectives of the programme.

The programme agenda could be the following (please note that it is indicative and experience of ACCOBAMS showed that it could take much longer):

- 2024** (18) Deployment of the certification in volunteering SPAW signatory countries.  
(17) Deployment of the communication strategy phase 2.
- 2023** (16) Deployment of the certification in volunteer SPAW MPAs.  
(15) Register the certification trademark in the volunteering territories.  
(14) Deployment of the communication campaign phase 1.
- 2022** (13) Define a communication strategy.  
(12) Improvement of the certification specifications from the feedback of the volunteering operators and development of a certification logo.  
(11) Field test of the certification specifications with some volunteering whale watching operators.  
(10) Development of education, outreach, capacity building and networking tools.  
(9) Define/choose the official governance of the program (regional and national organisations, scientific committee members).  
(8) If necessary, search for funding to support the proposal implementation  
(7) Presentation of the improved proposal at the COP.
- 2021** (6) Submission of the SPAW RAC “proposal to support sustainable marine mammals watching in the wider Caribbean region” to the Scientific and Technical Advisory Committee (STAC) in early 2021.  
(5) Submission of the documents resulting from steps (1) to (4) to the species working group and improve them according to their remarks (completed).  
(4) Consultation of the MPA managers, stakeholders and some commercial operators Involved in the CARI'MAM project in accordance with the SPAW guidelines in order to define an "ideal" code of conduct for the label that the labelled operators will have to follow (completed, CARI'MAM, 2019).  
(3) Legal study of tools that could be used to promote and implement UNEP guidelines, (completed).  
(2) In-depth analysis of the existing marine mammal watching guidelines worldwide (completed).
- 2020** (1) a review of the national frameworks that govern the marine mammal observation commercial activity in WCR countries (SPAW RAC, 2019) (completed).

## HIGHLIGHTS

1. A synthesis of the studies conducted in 2020 by SPAW RAC on marine mammal watching regulation showed there is a significant need to achieve broader implementation of the UNEP marine mammal watching guidelines throughout the WCR.
2. In order to achieve broader implementation of the UNEP guidelines throughout the WCR, the SPAW species working group has collaboratively written a document that outlines a series of tools that could be implemented to disseminate the guidelines, encourage and facilitate their implementation in all SPAW countries (UNEP(DEPI)/CAR WG 42/INF.32). This document proposed four categories of tools: education and outreach, Capacity building, networking and a regional certification. In addition, as planned through the SPAW workplan and the CARI'MAM project, SPAW RAC has conducted additional work on the certification specifications and on the legal instruments that could be suitable to supervise the certification (UNEP(DEPI)/CAR WG 42/INF.31 addendum 1). These works build upon UNEP guidelines, a review of the national regulations on marine mammal, a review of marine mammal watching best practices, a review of marine mammal watching regulatory instruments and workshops conducted with practitioners of the WCR (CARI'MAM workshops).
3. The SPAW RAC proposal is to develop a programme that will support the development of all these tools concomitantly, so that each territory could use the combination of tools that best meets its local needs.
4. A synthetic description of each tool is given in the present document. A more comprehensive description can be found in the documents produced by the SPAW species working group and the SPAW RAC in the framework of CARI'MAM.
5. The present document also provides suggestions regarding the programme governance and funding, as well as provisional agenda, running from 2021 to 2023.

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