CODE OF CONDUCT AND OPERATIONAL GUIDELINES APPLICABLE TO BOAT-BASED WHALE AND DOLPHIN WATCHING SOUTH AFRICA

Best practice guidelines for a sustainable and ethical industry



NVT In support of conservation

30 YEARS OF IGNITING NEW WAYS WWF NEDBANK GREEN TRUST

NELSON MANDELA UNIVERSITY

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INTRODUCTION

The best tours both for the environment are those in which there is the **least disturbance** of the environment by the watchers. This is the underlying premise of this Code of Conduct (CoC) for boat-based whale-watching in South Africa. It provides best practices of ethics, guidelines and ideas that work to minimise any disturbance to the environment, animals and plants. Additionally, it provides suggestions for advertising and interacting with tourists. It is hoped that by following this code of conduct an industry that is economically and ecologically sustainable can be maintained.

RATIONALE

These guidelines were initially developed by Dr V.G. Cockcroft at the inception of a regulated whale watching industry in South Africa. More than 20 years later, this new edition has been updated using the most recent data collected by an independent research project. It aims to assess and encourage a sustainable boat-based whale-watching industry in response to growing economic pressures to expand the marine tourism sector in South Africa.

WHO ARE WE

The project is funded by the World Wildlife Fund South Africa Nedbank Green Trust and implemented by staff and students of the Institute for Coastal and Marine Research (CMR) at Nelson Mandela University, and the Nature's Valley Trust (NVT).

Though not its main aim, this code of conduct also encompasses interactions between operators, both at sea and elsewhere. Operators who put the environment and their clients first will automatically enhance the experience for others doing likewise in the same area. This not only forms a working relationship between operators, but also helps to build a responsible marine tourism industry, and encourages compliance with the South African government's permit regulations for the whale watching industry (see 'boat-based whale-watching know the rules' booklet). To this end, co-operation and consideration should guide our dealings with other operators and their clients.

AIMS OF THIS CODE OF CONDUCT

- Minimise harmful impacts on the marine environment.
- Minimise harmful impacts on marine wildlife
- Educate the public with an understanding of South Africa's marine life and sustainable practices.
- Ensure sustainability of both the industry and the resource being targeted.



ABBREVIATIONS AND DEFINITIONS

BOAT-BASED WHALE-WATCHING

- The activity of observing whales and dolphins at sea from aboard a permitted vessel. Abbreviated to BBWW throughout this document.

CODE OF CONDUCT

- A set of rules and best practice instructions. Abbreviated to CoC throughout this document.

DEFF

- The government Department of Environment Forestry and Fisheries (formerly DEA).

ENVIRONMENT

- The surroundings in which animals or plants live. In the case of this document the environment is the oceans surrounding South Africa.

OCEANS AND COASTS

- A branch of the Department of Environment Forestry and Fisheries responsible for monitoring and research in the ocean and coastal environments.

PERMIT

- A governmentally-issued document giving permission to specific boats/companies to legally run BBWW trips.

SOCIO-ECONOMIC

- The interaction between economic activity and the social processes which affect it.

SUSTAINABILITY

- Current functioning and future growth that meets the needs of the present without compromising the ability of the future generations to meet their own needs, with ecological resources as a priority.



INTRODUCTION TO BEST PRACTICE

Boat-based whale-watching (BBWW) has long been accepted as a more sustainable utilization of cetaceans as opposed to whaling, which was popular throughout the late 19th and early 20th centuries. In this period many whale populations were threatened and some completely depleted. Although BBWW has less obvious directly lethal impacts, it does still have some **negative impacts** on cetaceans. These impacts include boat strikes, noise pollution and disturbance to normal behaviour and communication, which can negatively affect the survival of individual animals and populations.

With rules and regulations in place these negative impacts can be reduced, allowing for people to enjoy the wonder of seeing and appreciating cetaceans in the wild whilst protecting the animals and **ensuring a sustainable industry**.

Best practice takes into account all factors of preparing for and experiencing a BBWW trip, alongside scientific knowledge of cetacean biology, and how they interact with their environment and vessels, as well as insights into advertising and tourist expectations. We are then able to present the best way to approach and enjoy all aspects of a trip, with a focus on minimising any negative impacts on cetaceans. This guide will lead you through how to best run a trip, from tourist interactions to detailed instructions on conduct for close encounters.

With sustainability and respect at the forefront of our interactions with nature, we can form an industry which ensures the future protection of the very species the industry relies on and we are all so keen to experience.



1. GENERAL CONDITIONS

1. Permit holders* are ultimately responsible for the safety and behaviour of all passengers and crew while at sea.

2. The permit holder should ensure that their equipment is safe and meets or exceeds industry and SAMSA standards.

3. Alcohol must not be sold or consumed on board.

4. Smoking is prohibited on all boat-based whale-watching vessels.

5. The skipper should be sufficiently qualified and 'sensitive' to the needs of the clients, ensuring that their experience is safe, comfortable and enjoyable.

6. The skipper should be sufficiently qualified and 'sensitive' to the environment.

7. In context to 2.5 and 2.6, the wellbeing of clients and the environment must take precedence over any business consideration. For example, even if the tour is running late and there is pressure to return to land at speed to meet time deadlines, due consideration must be given to passenger's safety and comfort, as well as to any animals that may be in the area.

8. Operators should be members of the South African Boat Based Whale Watching Association (SABBWWA) and endeavour to meet and uphold their constitutional goals.

9. The operator should be a member of the local tourism structure.

10. All dealings with other operators should be undertaken with a spirit of co-operation and consideration, and with common sustainability goals in mind.

11. All trips should be conducted within national legal restrictions, constitutional goals of SABBWA, and this code of conduct.

* If the permit holder (permitted operator) is not the skipper, the skipper becomes the nominated representative of the permit holder. Therefore, in this document skipper will refer to both.

2. ENVIRONMENTAL SUSTAINABILITY

1. Permit holders will endeavour to not use single use plastic items on their trips, e.g. straws, plastic wrapped snacks, water bottles and other mono use packaging.

2. No rubbish or food will be thrown overboard.

3. All waste collected on trips will not be disposed of in the sea and will be properly and appropriately disposed of on land.

4. Recycling will take place where possible (bins at office/meeting place).

5. Rubbish spotted at sea, e.g. fishing lines or plastic will be collected during trips.

6. Encourage a reduction in energy use and implementation of renewable energy sources.

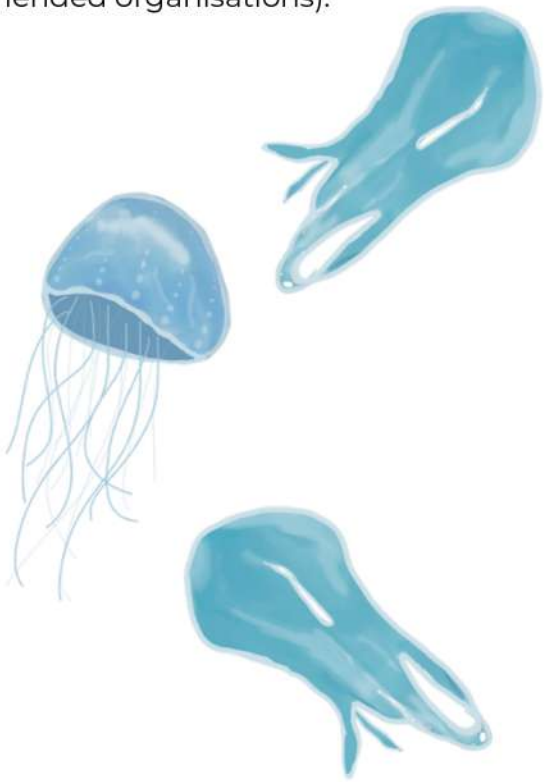
7. Engage with local initiatives that benefit the marine environment.

8. Implement measures to minimise waste dispersion from vessels at sea (including fuel and oil).

9. No underwater sound emitters will be used at sea such as active sonar, depth sounders or other sounds emitted to attract wildlife.

10. Use of reef safe sunscreen will be promoted on board, highlighting negative impacts other creams can have on marine life.

11. Endeavour to achieve certification by a national and or international organisation that undertakes an auditing process (see section 'Certification System' for recommended organisations).



3. SOCIAL SUSTAINABILITY

1. Promotion of the experience should be in line with permit regulations and this code of conduct.

2. Advertising should not use wording or imagery that suggest anything other than a legally permitted trip.

3. Photographic content should always have captions explaining the context of that photograph whether it appears legal or not, and it is recommended that at least half of all photographs must be legal appearing, regardless of captions.

4. Main permit regulations should be clear and displayed in advertising materials both on site and in online material (legal distance to animals, approach speed, approach angles and duration of encounters).

5. All effort to manage expectations before and during the trip to ensure they are realistic should be taken.

6. There should be an equal number of photographs containing passive behaviours such as travelling, a fin shot, or a blow, as there are photographs containing active surface behaviours such as breaching, tail slapping, and tail up dives, to manage expectations of encounters and frequently seen behaviours.

7. Guides must engage with clients to ensure the regulations are explained to them before the trip and during encounters.

8. Safety procedures must be explained before the trip, and all efforts must be made to ensure a safe and comfortable trip at sea.

9. Make clients aware of the sea conditions of the day, and offer appropriate foul weather gear if needed.

10. Education and awareness of marine life and associated threats should be offered onboard.

4. GUIDELINES FOR GUIDES

1. The guide on board must make clients aware of the permit regulations and educate them on why these are in place.

2. The guide should manage customer expectations of the trip.

3. The guide should be knowledgeable on marine life and be able to explain animal behaviours accurately.

4. They should educate on wider marine issues and environmental threats and what actions can be taken to minimise these.

5. They should be engaging, informative and interactive.

6. A good guide should explain to clients the reasons for the different characteristics of individual interactions (e.g. if an animal is showing signs of distress/harassment explain to clients why you are leaving the encounter).

7. A guide should aim to develop and inspire appreciation for marine life, encouraging clients to care for our oceans.



5. ADDITIONAL RECOMMENDATIONS

1. The operator should collaborate with local marine conservation efforts and programs.

2. Collaborate and assist with projects on marine life in association with academic institutions or NGOs.

3. Operators are encouraged to promote the findings of relevant new research and policies to ensure their staff and clients receive the most updated and accurate information.

4. Local sustainability initiatives should be undertaken e.g. be forward thinking and actively organise or support conservation-based school and/or community outreach events.

5. Engage with community events that promote marine sustainability (e.g. beach clean-up events, school outreach, recycling projects, educational projects, local career development).

6. Support and collaborate with local students studying cetaceans or sustainable marine practices.

7. Take and upload fin/fluke ID photos of cetaceans to the relevant databases.

8. Track boat movements and take GPS positions of where different species are encountered.

9. Complete the government issued logbooks for sightings.

BOAT-BASED WHALE AND DOLPHIN WATCHING

BEST PRACTICE AT SEA





6. BOAT POSITION AND APPROACH

AT SEA:

1. To minimise any possible collisions with animals at sea, vessels should maintain the lowest possible speed needed to remain on the plane and achieve the distances required.

2. Whales and dolphins not being visited should be given as much clearance as possible (at least 300 metres).

3. Do not travel in the surf zone unless necessary. Take care to be slow in these areas as this zone is often used by dolphins, particularly endangered humpback dolphins.

4. Do not enter restricted zones such as marine protected areas.

APPROACH DISTANCES:

5. Only permitted vessels can approach cetaceans to a distance closer than 300 metres.

6. On a permitted trip whales may be approached to 50 metres but no closer.

7. If a whale calf is present (usually in the form of a mother-calf pair) they may not be approached closer than 300 metres.

8. Dolphins may be approached up to 25 metres but no closer (except Endangered humpback dolphins, >50m).

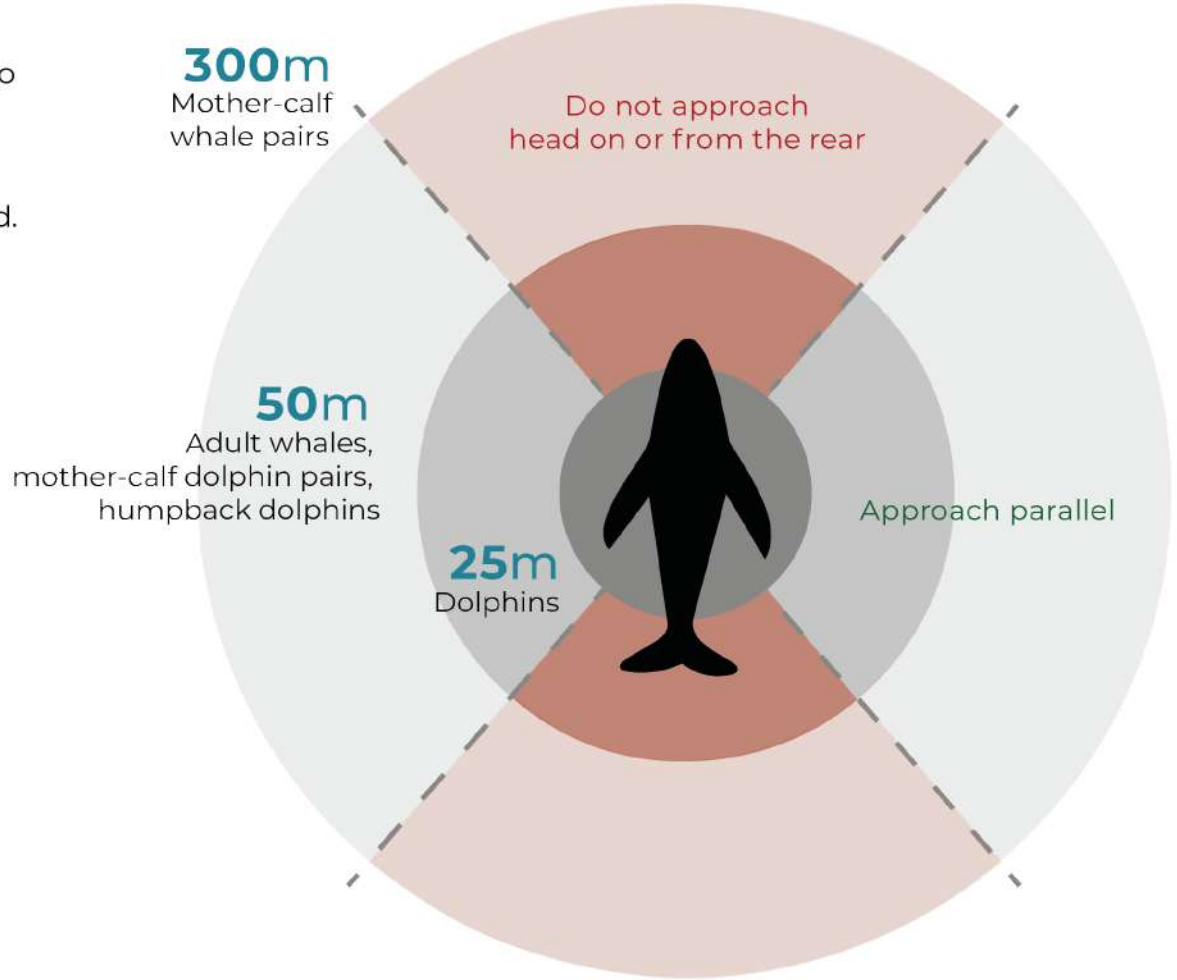
9. If a dolphin calf is present, you must remain at least 50 metres away.

10. If there is already a vessel with the animals, the second vessel must wait at least 100 metres away for dolphins and at least 200 metres away for whales.

11. Be considerate and co-operative towards other vessels. Keep good contact and co-ordinate viewings.

APPROACH TYPE:

12. Once animals are sighted, the vessel should slow down and approach at no-wake speed.
13. Select neutral in good time to allow the vessel to coast to the required distance.
14. Approach parallel to animals. Not from in front or behind.
15. Do not make rapid directional changes.
16. Approach from down-wind where possible.
17. Do not encircle or chase animals.
18. Do not approach in-between animals.



7. CLOSE ENCOUNTER INTERACTIONS

1. Allow animals to control the nature of the interaction and do not force close encounter interactions.

2. Passengers should be discouraged from making loud or disturbing noises at any time.

3. Do not attempt to touch or feed animals.

4. Once at the legal encounter distance maintain even engine revolutions, and a straight, slow course no faster than the slowest animal. Avoid continuous engagement and disengagement of gears and engine revolutions.

5. Do not restrict the movement of animals in any way. Travel parallel with moving animals.

6. Cetaceans have right of way and the skipper must maintain awareness of their movements.

7. Do not 'leap-frog' (manoeuvre ahead of a cetacean blocking its path in an attempt to intercept and impose/force an interaction).

8. Do not cause separation of pods of cetaceans or cause individuals to be segregated.

9. Avoid sudden changes in speed or direction.

10. Do not chase or herd animals.

11. You may only be closer to than the legal distances if the animals approach you and completely control the nature of the interaction. In this instance, engines are to remain on, but gears disengaged.

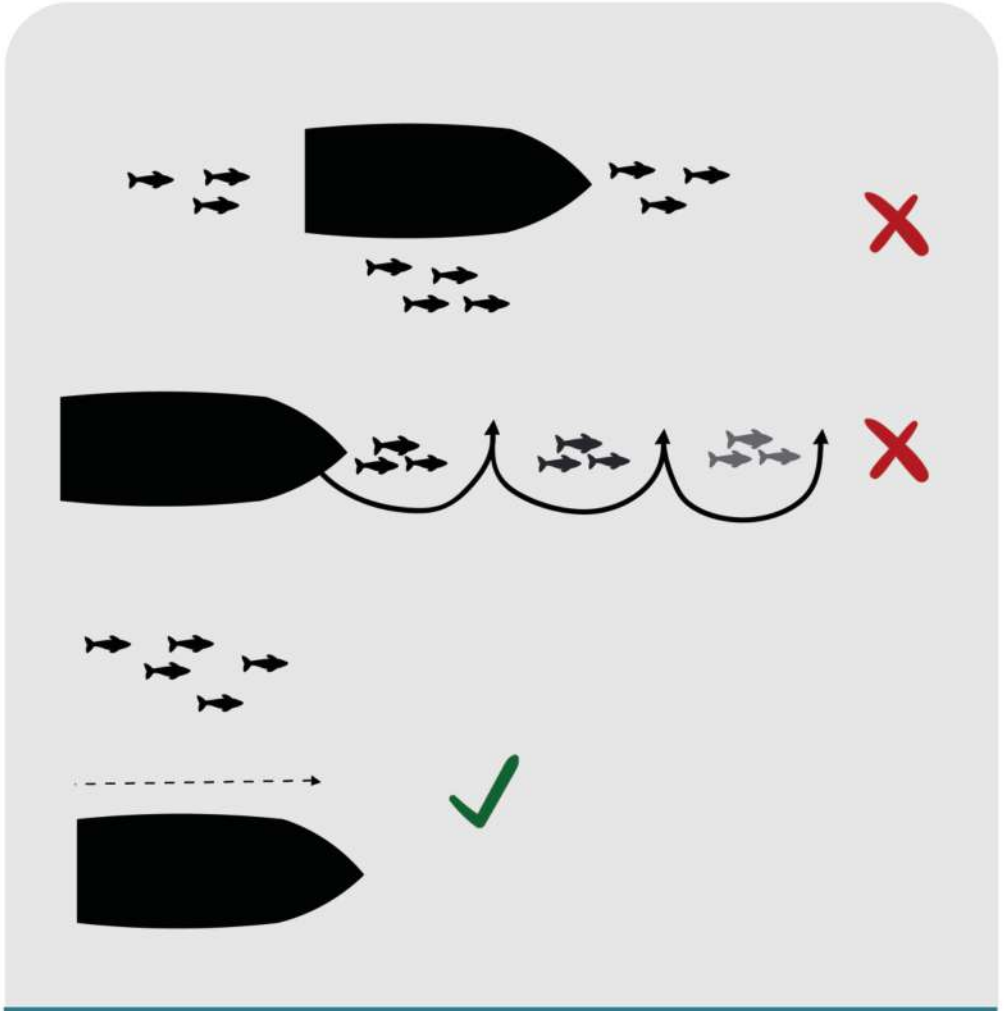
12. If the operator feels dolphins may bow ride, the vessel must be accelerated slowly to **no greater than 8 knots**. The choice to bow ride must be the animals. Vessel speed and direction must be kept as constant as possible.

13. Driving around cetaceans in a circle to encourage bow riding is prohibited.

14. Contact should be discontinued if the skipper feels that the vessel's presence causes disruption to normal behaviour of the observed animals. The following behaviours may indicate stress:
    i. Rapid changes in speed and direction of movement.
    ii. Evasive swimming at the surface, prolonged diving, underwater course changes and underwater exhalations.
    iii. Changes in respiration patterns.
    iv. Surface behaviours such as tail, flipper or jaw slaps.

15. The skipper must remain sensitive to animal behaviour and how it may alter interactions. E.g. Socialising whales may be particularly unaware of a vessel's position and pose a safety threat. Maintain a safe and legal distance.

16. When encountering animals in the surf zone skippers should anticipate the threat of freak wave sets and prioritise client and animal safety over an encounter.



Maintain your course, stay parallel and at the legal distance. Do not leapfrog or split a pod of animals.

8. ENCOUNTER TIME & DEPARTURE

1. The maximum time you can spend at a close encounter is 20 minutes for all cetaceans.

2. If there are multiple vessels this encounter time should drop to 15 minutes per operator.

3. Individual cetaceans, or group of cetaceans, should not be visited more than twice a day by the same operator and should have a minimum of a 3-hours break between visits.

4. Where possible locate animals that have not previously been encountered. This can be achieved by maintaining good communication with other operators in the area.

5. When departing from an encounter the operators should reverse the approach process:

    i. Leave at a slow no-wake speed.
    ii. Do not drive through animals.
    iii. Either allow animals to pass and move away from you or retreat at an angle that does not interfere with animal movements.

6. Debrief clients on their encounter and explain reasonings behind your particular interaction (e.g. time limits, approach angles and speed for minimal disturbance, information on why you may not have approached or stayed for the maximum time such as avoidance behaviours shown).



9. SPECIAL CONSIDERATIONS

Special consideration must be given to vulnerable animals (e.g. calves and those with a threatened, vulnerable or endangered conservation status).

ENDANGERED ANIMALS:

1. Humpback dolphins are classified as Endangered by the International Union for Conservation of Nature (IUCN). They require special rules and consideration in order to best protect them.

2. Humpback dolphins can only be approached to 50 metres.

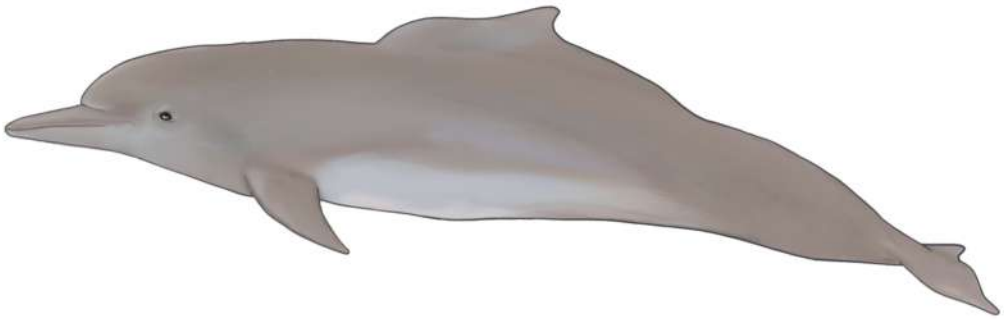
3. Once a pod of humpback dolphins has been encountered there must be a three-hour gap before those animals are re-encountered by any vessel.

4. Due to the shy nature of humpback dolphins, they can be difficult to spot. In areas known for humpback dolphin presence, such as the surf zone, vessels must travel slowly so as to prevent collisions and disturbance.

ENTANGLED ANIMALS:

5. Entangled animals must be reported to the appropriate local networks (NSRI) and GPS points taken. If possible, the WW vessel should remain nearby the animal until the disentanglement team arrives.

6. BBWW vessels should not attempt to undertake any disentanglement.



10. OTHER SPECIES

SEALS AND SEABIRDS:

1. Use the same approach restrictions as for approaching whales and dolphins (parallel approach and no-wake speed).

2. Seals and seabirds in the water can be approached no closer than 10 metres.

3. Seals and seabird colonies may be approached no closer than 15 metres on land.

4. Approach from downwind where possible.

5. Minimise noise when passing colonies, do not startle as this could cause seals to stampede and birds to move off from vulnerable eggs and/or chicks.

6. Do not make any sudden or erratic manoeuvres.

7. Do not chase seals through the water.

8. Be cautious of diving and feeding birds such as gannets, go slowly and give birds time to move away if they choose.

9. Do not drive through flocks of birds sitting on the water.

SHARKS:

10. Great white sharks should not be approached closer than 80 metres.

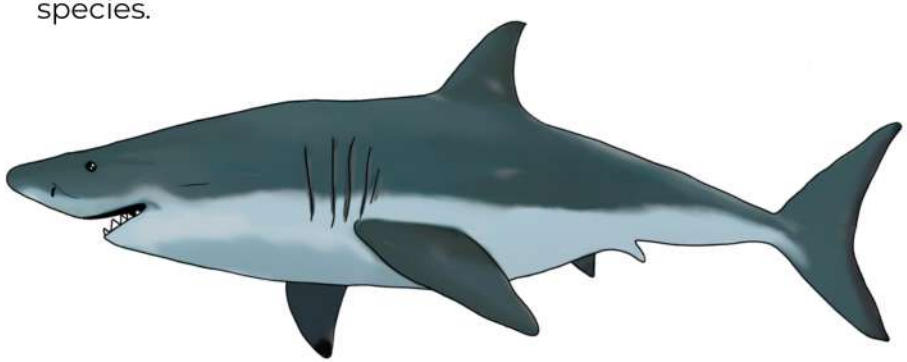
11. Whale sharks and basking sharks should not be approached closer than 20 metres.

12. If accidental approach of protected species occurs (as seen above) do not follow the animal but remain stationary where possible and allow it to pass freely.

13. When approaching other shark species travel at a no-wake speed. Do not disturb their natural behaviour or restrict their course of movement.

14. Do not make sudden manoeuvres and keep a straight slow course where possible. If the shark moves away from you do not pursue.

15. Use shark sightings as an opportunity to educate clients on their behaviour and to promote a more positive image of the species.



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LEGALITIES

By signing this CoC the operator/skipper accepts full responsibility for their conduct and actions at sea, both with regard to clients and animals. Signed copies of this CoC will be available on-board whale-watching vessels.

Signed at _____ on this _____day of _____ 2020.

Operator: _____

Name: _____

Signature: _____

Witness: _____

Name: _____

Witness: _____

Name: _____

CREDITS

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Downloadable resources produced by the WWF SA Nedbank Green Trust funded Sustainable Marine Tourism project available at www.naturesvalleytrust.co.za/programmes/ecological-research/sustainable-marine-tourism:

- Permitted whale watching booklets, providing summarised and illustrated guidance to the government permit regulations and appropriate conduct.
- Recreational boat users - information and advice on how to conduct themselves appropriately in the presence of marine life.
- Guide training manual (for prospective boat-based marine guides).
- Certification System recommendations for the BBWW industry.

Published papers and Technical reports:

- Kingwill J et al 2020. Economic report of the value of boat-based marine tourism to Plettenberg Bay.
- Judge C et al 2020. Clear Waters: Assessing regulation transparency of website advertising in South Africa's boat-based whale-watching industry. Journal of Sustainable Tourism. Available at: https://doi.org/10.1080/09669582.2020.1844723.