
GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. 722

4 July 2008

MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)

POLICY ON BOAT-BASED WHALE AND DOLPHIN WATCHING

I, Marthinus van Schalkwyk., Minister of Environmental Affairs and Tourism,
hereby publish the Policy on Boat-Based Whale and Dolphin Watching in the
Schedule hereto for general information.

MARTHINUS VAN SCHALKWYK

MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM



**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
BRANCH MARINE AND COASTAL MANAGEMENT**

POLICY ON BOAT-BASED WHALE AND DOLPHIN WATCHING

July 2008

This Policy is also available at www.mcm-deat.gov.za

Table of Contents

1.	Introduction	5
2.	Background to the development of the industry	5
3.	Previous management efforts to regulate whale watching	6
4.	Policy objectives	6
5.	Policy implementation	7
6.	Permits	7
7.	Optimal socio-economic benefits	8
8.	Vessels	8
9.	Responsibilities	9
10.	Ongoing Applications for Permits	9
11.	Experimental permits in the Plettenberg Bay area	9
12.	Observer programme	9
13.	Transfer of Permits	9
14.	Annexure A: Criteria for the allocation of BBWW permits	
15.	Annexure B: Number of Operational Areas	
16.	Annexure C: Application Process	

Glossary of Terms

Department	The Department of Environmental Affairs and Tourism.
Minister	The Minister of Environmental Affairs and Tourism.
Fishery Control Officer	Any incumbent of a post of Fishery Control Officer designated by the Minister in terms of section 9 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998).
Boat-Based Whale Watching	The observing of whales and dolphins from Sea-going vessels.
Delegated Authority	A person to whom power has been delegated in terms of section 79 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998).
Suitable BBWW vessel	A vessel that is registered by SAMSA as being suitable for BBWW.
BBWW	Boat-Based Whale and Dolphin Watching
DEAT	Department of Environmental Affairs and Tourism
HDIs	Historically Disadvantaged Individuals
MCM	Marine and Coastal Management branch of the Department
MLRA	Marine Living Resources Act, 1998 (Act No. 18 of 1998)
SAMSA	South African Maritime Safety Authority, statutory body established in terms of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998)
BBWW Policy	Policy on Boat-based Whale and Dolphin Watching
VMS	Vessel Monitoring System

1. Introduction

This policy on *Boat-based Whale and Dolphin Watching* ("BBWW Policy") is issued by the Minister of Environmental Affairs and Tourism in terms of the Marine Living Resources Act, 1998 (Act No.18 of 1998) ("the MLRA"). The MLRA, a statute for the conservation of the marine ecosystem and the long-term sustainable utilisation of marine living resources, provides the legislative framework for the exercise of control over the exploitation of marine living resources so as to ensure their sustainable use and exploitation in a fair and equitable manner. This policy is issued together with a set of *Regulations for Boat-based Whale and Dolphin Watching* ("the BBWW Regulations").

2. Background to the development of the Industry

Boat-based Whale Watching (BBWW), the observing of whales and dolphins from sea-going vessels, is a fast-growing activity across the world. This activity generates considerable economic benefits for coastal communities and provides educational benefits for those with an interest in the cetacean family (both for recreational and research purposes). Starting as a commercial activity in 1955, in North America, it has become the most acceptable sustainable use of the cetacean resource compatible with Agenda 21. This commercial activity has grown significantly in the 1990s into a distinct industry within the tourism sector. Between 1991 and 1992 there were about 50 countries that practised BBWW, 65 in 1998 and 87 in 2002, benefiting more than 500 coastal communities through the creation of job opportunities.

BBWW currently contributes more than US\$1billion annually to the economies of coastal states around the world. Japan began whale watching in 1998 and now has more than 100,000 mostly Japanese whale watchers a year. In Norway whale watching is now a significant tourist attraction with whale watchers spending more than US\$12 million in 1998 (Berrow, 2003).

3. Previous Management Efforts to Regulate Whale Watching

In South Africa, BBWW was regulated for the first time in 1998 when three year experimental permits were issued. In 1998/9 20 areas of operation were demarcated,