



**Subject:** Request the urgent implementation of the Chilean Whale Sanctuary (Law 20.293) to prevent the extinction of the Critically Endangered population of southern right whale (*Eubalaena australis*) of the Southeast Pacific

Santiago, Chile, November 3<sup>rd</sup> 2023

Mr. President Gabriel Boric  
President of the Republic of Chile

Mr. President Boric,

On behalf of the undersigned scientists, citizens, and marine conservation organizations, we call your attention to the death of a southern right whale calf<sup>1</sup> (*Eubalaena australis*) in Melinka (Guaitecas Archipelago, Aysen Region), in June 2023 due to entanglement in fishing gear and possible collision with a vessel.

As you are aware, the southern right whale population in the Southeast Pacific is classified as Critically Endangered<sup>2</sup> by the International Union for Conservation of Nature (IUCN), because its population would not exceed 50 mature individuals in the waters of Chile and Peru.

Since 2012, the International Whaling Commission (IWC) has been making efforts to prevent its extinction through a Conservation and Management Plan<sup>3</sup> (CMP) for this population. Complementary, in

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<sup>1</sup> <https://ccc-chile.org/2023/07/29/quienes-son-los-responsables-de-las-muertes-de-las-ultimas-ballenas-francas-australes-en-la-patagonia-chilena/>

<sup>2</sup> <https://www.iucnredlist.org/species/133704/50385137>

<sup>3</sup> <https://iwc.int/management-and-conservation/conservation-management-plans/south-pacific-southern-right-whale>

2018 the governments of Chile and Peru signed a Memorandum of Understanding<sup>4</sup> to strengthen bilateral cooperation for their protection.

The main factors currently affecting migratory routes, feeding, reproduction and breeding areas, are entanglements in fishing gear and anti-predator nets of salmon farms cage rafts, as well as vessel collisions, habitat degradation due to chemical, organic, and plastic pollution, and the effects of the climate crisis. These threats represent a worrying scenario for species classified as Critically Endangered, such as the southern right whale population of Chile-Peru.

During the last seven years, two individuals of this species have died due to entanglement in fishing gear in the coastal regions of Los Lagos and Aysen<sup>5</sup>. These losses significantly undermine international, regional, and national cooperative efforts to prevent the extinction of this population. The IWC CMP for the Chile-Peru southern right whale population is clear in indicating that all anthropogenic mortality for this population must be kept at zero to advance in its recovery. However, the last two records of death of the species indicate the whales died due to human interactions.

Genetic studies<sup>6</sup> revealed that this population would be unique and different from the populations of the Southwest Atlantic (Argentina-Brazil-Uruguay) or the Indo-Pacific (Australia-New Zealand). Therefore, the Chile-Peru population would be isolated from the others, making its recovery even more vulnerable because there would be no possibility of repopulation from individuals from other areas.

The current conservation status of the southern right whales in Chile as Critically Endangered requires immediate attention and precautionary efforts to ensure their long-term survival.

During the government of President Michelle Bachelet, the historic law 20.293, popularly known as the Chilean Whale Sanctuary<sup>7</sup>, was enacted in 2008. It grants full and permanent protection to all cetacean species present in Chilean waters, as well as a regulatory framework for the observation of cetaceans in the country.

Article 3 of the Chilean Whale Sanctuary states that it must *"promote the protection and conservation of whale and dolphin populations, as well as the ecosystems they depend on"*, and *"protect key areas for the development of their life cycles, implementing additional protection measures in breeding, feeding and mating areas, and migratory routes"*.

On the other hand, the general regulations for the observation of marine mammals, reptiles, hydrobiological birds, and cetaceans (D.S.38-2011) establish that the observation of southern right whales along the Chilean coastal ecosystems is strictly limited to coastal platforms, to ensure maximum protection of the species from any anthropic activity and/or harassment by human observers.

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<sup>4</sup> <https://www.subpesca.cl/portal/617/w3-article-102928.html>

<sup>5</sup> <https://ccc-chile.org/2017/03/01/ballena-franca-muere-por-enmallamiento-en-redes-en-chile-cronica-de-una-extincion-aun-evitable/>

<sup>6</sup> <https://pubmed.ncbi.nlm.nih.gov/32347944/>

<sup>7</sup> <https://www.cooperativa.cl/noticias/sociedad/fauna/ballenas/las-ong-celebraron-la-promulgacion-de-ley-que-declaro-a-chile-santuario/2008-10-15/172251.html>

Mr. President Boric, your leadership and action are key to reversing the alarming deaths of southern right whales in Chilean waters, making a significant difference in ensuring their long-term recovery and the proper functioning of their associated marine ecosystems.

Therefore, we request that, according to Chilean legislation and international scientific recommendations, you urgently adopt the actions to implement the following measures:

1. Strengthen and rigorously enforce the provisions of the Chilean Whale Sanctuary (Law 20.293) and the IWC Chile-Peru Right Whale CMP to avoid or mitigate human-induced threats to this species, including at a minimum:
  - a. Regulate maritime traffic and reduce navigation speeds in sighting areas.
  - b. Regulate fishing and intensive industrial aquaculture practices to avoid direct entanglement and eliminate increasing chemical and organic pollution.
2. Eliminate the operations of intensive industrial marine farming centers - and the maritime and logistical support activities of this industry - within maritime national parks, marine protected areas, and marine reserves.
3. Reinforce the application of national whale watching regulations (D.S.38-2011), so that the National Fishing and Aquaculture Service and the General Directorate of Maritime Territory penalize maritime whale watching operations and/or harassment to southern right whale specimens, in compliance with current regulations.
4. Establish mobile and temporary marine protected areas around the animals, to stop human activities for the time that the southern right whales are in an area where they have been sighted, especially mothers with calves. It is worth mentioning that similar measures have been already implemented for this species in 2008 in Quintay and 2013 in San Antonio.
5. Implement the recommendations of the Virtual Expert Workshop on the Chile-Peru Southern Right Whale<sup>8</sup>, held within the framework of the International Whaling Commission (IWC) in 2022, where the current process of expansion of the mega salmon industry in the Chilean Patagonia was identified as one of the greatest threats to the recovery of this Critically Endangered population in the Southeast Pacific. In a complementary manner, the IWC Scientific Committee expressed great concern about the potential impact that salmon farming represents on whales and their marine ecosystems in southern Chile.
6. Allocate human and financial resources to research, monitor, restore, and protect the coastal and oceanic habitats on which southern right whales depend throughout the country.

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<sup>8</sup> <https://archive.iwc.int/?r=19776>

We kindly ask you to support these proposals in order to ensure that the Chilean Whale Sanctuary is a true refuge for these marine mammals and to prevent the decline and potential extinction of the last southern right whales of Chile-Peru.

Sincerely,

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