

**NGO BRIEFING  
TO THE UK GOVERNMENT:**

**KEY ISSUES FOR THE 64<sup>TH</sup> MEETING OF THE  
INTERNATIONAL WHALING COMMISSION**

**June 2012**

## **NGO BRIEFING TO THE UK GOVERNMENT:**

### **KEY ISSUES FOR THE 64<sup>th</sup> MEETING OF THE INTERNATIONAL WHALING COMMISSION**

This briefing is provided on behalf of the following organisations<sup>1</sup>:

Campaign Whale  
Environmental Investigation Agency  
Humane Society International  
The Mammal Society  
Whale and Dolphin Conservation Society  
World Society for the Protection of Animals

The points in this briefing follow the numbering of the IWC's provisional annotated agenda.

#### **Introduction**

Events at the 63<sup>rd</sup> meeting in 2011, in particular the adoption of the UK proposal on transparency, demonstrated that the International Whaling Commission (IWC) is capable of improving its governance and achieving consensus on difficult issues. The subsequent disruption by the whaling countries overshadowed the good progress that had been made, denied the proponents of the South Atlantic sanctuary their legitimate right to a vote and prevented discussion on important work. It is crucial this year that the quorum issue is dealt with swiftly and effectively, that the sanctuary proposal is not addressed in any manner that suggests it is a controversial issue (counter to whaling) and that conservation and environmental issues impacting cetaceans are addressed substantively. The UK NGOs draw particular attention to ensuring a sensible outcome to the quorum issue by only including those countries in the calculations that have the right to vote, having fully paid their dues and provided the required credentials.

The recent tragic extinction of the Baiji demonstrates that many of the most threatened populations and species of whales are actually small cetaceans. We would like to thank the UK for its leading role in promoting the conservation and welfare needs of small cetaceans and hope this will continue to be a high priority for the UK in Panama.

#### **1. Election of Chair**

We urge the UK to help find a suitable Chair and Vice Chair for IWC 64 and beyond.

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<sup>1</sup> Those organisations that do not have a mandate for welfare do not take a position on those parts of the briefing that address welfare issues.

#### **4. Sanctuaries**

It was agreed that the South Atlantic Whale Sanctuary (SAWS) would be the first item to be voted upon at the 2012 meeting. We urge HMG to ensure that this happens and that the SAWS is not pushed down the agenda for a vote later in the meeting. There was a 65-70% majority for the SAWS at the 2011 meeting. In order for this vote to pass it is critical that all pro-conservation countries attend the meeting and some of Japan's bloc either abstain or fail to vote. We urge HMG to contact all like minded EU members of the IWC to confirm that they will be attending and to encourage them to attend if they do not plan to. We also urge that demarches be sent to all Commonwealth members of the IWC which support Japan asking them not to oppose the SAWS vote and not to participate in quorum breaking walkouts. We urge the UK to intervene in discussions which imply that the sanctuary proposal is somehow a counter proposal to pro-whaling proposals. This was suggested by the Icelandic commissioner during IWC 63 who claimed the sanctuary proposal was brought merely to disrupt the Future of the IWC talks, despite the fact that the Sanctuary proposal has been on the table for many years before the Future talks even began.

#### **5. The IWC in the Future**

Japan has requested continued inclusion of this item on the agenda and the Commission agreed at the last meeting to continue dialogue and encourage cooperation. These commendable aspirations should not be allowed to overtake or block progress on the increasingly important work of the IWC to address other anthropogenic threats to cetaceans.

We urge the UK to move beyond a 'future' vision that seeks to balance the desires of the tiny whaling minority with those of the anti-whaling majority. Instead, the UK and like-minded countries should work towards the transition of the IWC into a conservation body, focussed on the protection of all cetaceans. This should be the focus of any further reflection, should a further period be agreed. If consensus is not possible the UK and other like minded should be prepared to move in this direction by majority vote.

The IWC has been responsible for an array of conservation achievements, which have been overshadowed by the intractable whaling debate, but should be highlighted by the UK at every opportunity.

A briefing entitled 'Time to Refocus' will be provided which outlines the widely shared NGO vision for the future role for the IWC based on protecting and conserving all cetaceans and their habitats, rather than managing their lethal exploitation. In addition to benefiting cetaceans, this new focus will contribute to the ongoing development of the whale watching industry.

We trust the UK shares this vision and will raise these core values at each opportunity presented, not just under the Future of the IWC agenda item.

## 6. Whale Stocks

PLACEHOLDER. Awaiting information on the possible outcomes of the Antarctic minke discussion and discussion on the western grey whales.

## 7. Aboriginal Subsistence Whaling (ASW)

Those UK NGO groups which work on ASW issues believe that it is vital for the conservation of cetaceans, the needs of the people concerned and the credibility of the IWC, that the IWC effectively addresses the range of problems that threaten the effective management of ASW. We therefore commend the UK for its continued strong engagement on this issue and, in particular, for its longstanding efforts to ensure that ASW whaling in Greenland conforms to IWC regulations. We have the following comments on items not specifically on the IWC64 agenda:

### ASW Working Group

We welcome the creation at IWC63 of an *ad hoc* working group to “address key subsistence whaling issues”. Those NGOs who have followed the discussions of the Working Group closely will provide comments on the documents prepared by members of the Working Group in a separate briefing. We would, however, note here that we were disappointed with the background document prepared by the Secretariat. It contained several omissions and errors and went beyond the instructions of the WG to “*compile a list of previously agreed ASW management measures and definitions into a single document*” by giving its own interpretation of key events. We understand the document has been the topic of significant discussion within the working group. We do not believe it should have any official status without very significant revision.

### Quota blocks

Since 2002, the IWC has set five year quota blocks for all ASW hunts (with different provisions for annual reviews). However, if the IWC moves to biennial meetings it is anticipated that the ASW nations will seek at least six year quotas and some are expected to seek ten year quotas. We note that the Scientific Committee has only been able to develop a Strike Limit Algorithm (SLA) (the agreed basis for any ASW quota) for two of the eight populations hunted under ASW quotas (the BCB bowhead and Eastern North Pacific gray whale). It is a long way from completing SLAs for the other populations. We urge the UK to oppose extending quota blocks beyond five years for all populations for which an SLA is not complete and determined to be safe. This will provide an incentive for the countries concerned (notably Greenland and St Vincent and the Grenadines (SVG)) to ensure that the data required to complete the SLA is made available to the Scientific Committee.

With the exception of Greenland, all the ASW quotas proposed to IWC64 are “bundled” into a single schedule amendment so that they will be approved, or rejected, together. Although ASW quota proposals have previously been amended during a meeting to do this, ASW countries have never before submitted a joint proposal in advance of the meeting. The strategy of “safety in numbers” is presumably intended to protect the weaker proposals; it is therefore striking that

Greenland's proposal is considered so weak that it is not part of the proposal.

Whilst recognising that the EU has taken a position on this already, the UK NGOs believe that bundling ASW quotas unnecessarily protects weaker proposals (in this case the proposals by SVG and the USA for the Makah tribe) that should stand on their own merits, and could compromise the focused analysis and discussion that each ASW quota requires. We encourage the UK to oppose bundling and seek full discussion and a decision on each proposal separately under each population's *action arising*.

We have the following specific comments on agenda item 7, Aboriginal Subsistence Whaling for IWC64:

### **7.1 Aboriginal Subsistence Whaling Management Procedure and 7.2 Aboriginal Whaling Scheme**

The UK should remind the Commission as it renews catch limits in 2012 that it agreed in 1982 to develop an Aboriginal Whaling Management Regime, but postponed work on it while it focused on the RMS and never resumed discussion. In the meantime, the Scientific Committee has developed an Aboriginal Whaling Management Procedure (equivalent to the RMP) and in 2002 proposed scientific aspects of an Aboriginal Whaling Management Regime, including survey intervals, carryover, phase-out rules and guidelines for surveys to ensure that proposed ASW catches are safely within the objectives agreed by the Commission in 1994. However, these elements have not been adopted by the Commission, largely because the USA opposes the proposed grace period (phasing out of ASW quotas in the absence of abundance data). The reality is that a phase-out rule is not a threat to the USA's quota, but may be a problem for Greenland and SVG which do not meet the Scientific Committee's requirements for data.

### **Conversion factors**

Greenland expresses need for an ASW quota in terms of kilograms of edible product, whereas for the development of SLAs, the Scientific Committee expresses need in terms of numbers of strikes. Similarly, the Commission sets a strike or landing limit for a number of whales, not a tonnage of whale meat. We offer the following observations:

In 2010, the Scientific Committee proposed interim conversion factors to convert the tonnage of whale meat sought by Greenland into a quota of whales. It recommended an interim conversion factor per strike of 1.84 tonnes for minke whales, 7.2 tonnes for fin whales, 11 tonnes for bowhead whales and 9.5 tonnes for humpback whales.<sup>2</sup> However, it based this advice on low sample sizes and acknowledged that the lower-than-predicted yields for the larger whales reflected hunters' lack of experience and inefficient flensing practices in Greenland. In order for the interim conversion factors to be reviewed at the end of the next five year quota block (note that this does not take into account that the block adopted in 2012 may be six years or longer), the

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<sup>2</sup> IWC/M10/2. Report of the Small Group on Conversion Factors (From Whales to Edible Products) for the Greenlandic Large Whale Hunt.

Scientific Committee recommended that Greenland undertake a focused attempt to collect new data on actual yields of edible products for the fin, bowhead and humpback whales from its hunts. It also recommended that Greenland provide information on its sampling scheme and data validation protocols to the 2011 meeting. Finally, noting that Greenland's technique for measuring dead whales results in a longer measurement than would be obtained from the standard method, it recommended that Greenland report data using both the 'curved' (over the curvature of the body) and 'standard' (straight line from nose to tail measured parallel to the ground) methods.

Greenland provided only a small data set for humpback, fin and bowhead whales to the 2011 Scientific Committee meeting (it is not clear if it provided length data). The Scientific Committee noted that "*considerably more detail is needed for it to evaluate the proposed programme*", urged Greenland to take advantage of assistance offered, and requested that a detailed report be presented for consideration in 2012<sup>3</sup>. In particular, the report should provide: (1) a description of the field protocols and sampling strategy, including effort and likely sample sizes; (2) a description of analysis methods and models; and (3) a presentation of results thus far, including preliminary analyses with the available data.

### **7.3 Aboriginal subsistence whaling catch limits**

#### **North Pacific eastern stock of gray whales**

Since 1996, the USA and Russian Federation have applied jointly for a quota for this population and have a bilateral arrangement to share this and the bowhead quota. Since 2002, the United States has been barred by an appellate court from permitting the Makah tribe of Washington State to hunt gray whales pending the completion of an Environmental Impact Statement (EIS) and the receipt of a waiver to the Marine Mammal Protection Act's (MMPA) prohibition on the "taking" of marine mammals. The MMPA waiver has not yet been granted and, although the Draft EIS was published in May 2008, it remains unfinished and no final decision has been issued. In addition, the Draft EIS did not consider recent evidence of the distinct genetic differences between "resident" and migratory ENP gray whales<sup>4</sup> or the presence of endangered Western Gray Whales within the migratory corridor of the ENP gray whales.<sup>5</sup> Although the Convention prohibits catch limits being assigned to a specific nation, a footnote to the Schedule could indicate that the gray whale quota is intended to be used only by the Russian Federation.

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<sup>3</sup> IWC/63/Rep 1. Report of the Scientific Committee, 2011. Page 20

<sup>4</sup> See, e.g., Frasier, T.R., S.M. Koroscil, B.N. White, and J.D. Darling. 2010. Population structure in the eastern North Pacific gray whale: Implications for management of aboriginal whaling. SC/62/AWMP1 and Lang, A.R., B.L. Taylor, J.C. Calambokidas, V.L. Pease, A. Klimek, J. Scordino, K.M. Robertson, D. Litovka, V. Burkanov, P. Gearin, J.C. George, and B. Mate. 2011. Assessment of stock structure among gray whales utilizing feeding grounds in the Eastern North Pacific.

<sup>5</sup> In 2010 and 2011 Western Gray Whales have been recorded travelling from Russia across the Bering Sea to the west coast of the United States. See

<http://content.usatoday.com/communities/sciencefair/post/2011/02/rare-gray-whales-route-surprises-scientist/1>), <http://www.iucn.org/wgwap/?7015/Western-gray-whale-makes-unexpected-journey> and <http://www.treehugger.com/natural-sciences/scientists-thrilled-with-whale-journey.html>

As the Commission noted last year, new information about gray whales from the eastern North Pacific population visiting the western North Pacific “*adds uncertainty to the understanding of gray whale stock structure*” and the Scientific Committee stressed the need to estimate the probability of a western gray whale being taken in aboriginal hunts.<sup>6</sup> The Scientific Committee also agreed last year that an immediate new Implementation Review was needed to evaluate “*somewhat complex*” SLAs proposed by the Makah tribe focusing on the small (around 200) Pacific Coast Feeding Group (PCFG).<sup>7</sup> The Scientific Committee is expected to complete the Implementation Review this year and determine whether the Makah SLA is safe. We urge the UK to demand great caution in this exercise bearing in mind that the subsistence needs of the Makah, in resurrecting a whale hunt after such a long hiatus, is highly controversial.

### **West Greenland stock of fin whales**

In 2010, as it sought a humpback quota from the IWC, Greenland offered to accept a reduced fin whale quota from 19 to 16 a year for 2010-12 and additionally volunteered to limit catches to ten. It has now proposed to increase the fin whale quota back to 19. We do not believe that this reflects an increase in need in Greenland but anticipate that the three additional fin whales will be offered in exchange for the additional humpback sought. The UK should point out that Greenland never takes its full fin whale quota. Between 2000 and 2009 when its quota was 19 fin whales a year, Greenland took an average of ten fin whales a year. It took only five in both 2010 and 2011.

### **West Greenland stock of bowhead whales**

Canada and Greenland hunt bowhead whales from the same population, but Canada is not a member of the IWC. In 2008 the Scientific Committee agreed an approach for determining interim management advice for Greenland's hunt on this population that is valid for two five-year blocks (i.e. until 2017). It noted in 2010 that “*If the Canadian catch increases, then the Committee wishes to draw attention to the fact that the total number taken from the stock may be greater than what is safe*”. In 2011, Canadian catch figures presented to the Scientific Committee showed that catches increased six-fold from an average of less than one a year between 1996 and 2007 to three whales landed (plus one struck and lost) in 2009 three landed in 2009 and two landed plus two struck and lost in 2010. The Scientific Committee stated, that “*should Canadian catches continue at a similar level as in recent years (Annex F, Appendix 3) this would not change the Committee's advice with respect to the strike limits agreed for West Greenland*”.<sup>8</sup> However, it is not clear that the Scientific Committee actually considered the quota in light of the new data from the Canadian hunt. Press reports indicate that Canada landed two bowheads in 2011.<sup>9</sup>

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<sup>6</sup> Chair's Report of the 63<sup>rd</sup> Annual Meeting, 2011. Page 20

<sup>7</sup> IWC/63/Rep 1. Report of the Scientific Committee, 2011. Page 17

<sup>8</sup> Chair's Report of the 63<sup>rd</sup> Annual Meeting, 2011. Page 21

<sup>9</sup> <http://www.cbc.ca/news/canada/north/story/2011/08/16/igaluit-bowhead-whale-hunt.html>) and <http://www.cbc.ca/news/canada/north/story/2011/08/16/igaluit-bowhead-whale-hunt.html>

The bowhead carryover of 100% is unique and excessive. It should be reduced or eliminated.

### **Humpback whales off west Greenland**

The UK NGOs oppose Greenland's humpback whale quota for several reasons: Greenland has not substantiated a nutritional need for additional whale meat; there are operational problems with the Greenland's hunt of large whales that result in long times to death and wastage of products; Greenland permits extensive commercialisation of whale products, including to tourists and the hunt targets whales relied upon by a growing domestic whale-watching operation. We strongly urge the UK to oppose an increase in Greenland's humpback whale quota, even if it offers to reduce its fin whale quota (see above).

### **North Atlantic humpback whales off St. Vincent and The Grenadines (SVG)**

The humpback whale hunt in Bequia does not conform to the IWC's definitions and requirements for ASW: It is not conducted by aboriginal/indigenous people and does not have a long and unbroken history as a subsistence hunt (for decades after its inception in 1875 it remained a primarily commercial whaling operation focused mainly on oil). Furthermore, there do not appear to be strong longstanding cultural traditions associated with the hunt and the distribution of the whale products, and there is no pressing nutritional need for whale meat in Bequia. Human population data supporting previous quota requests (and increases) are questionable.

We also have concerns about the operation of the hunt, including the use of speedboats. The hunting techniques (including a cold harpoon) are inhumane and result in long times to death and a high proportion of struck and lost whales. We are also concerned about lack of control of the flensing site and the sale of meat intended only for subsistence consumption on Bequia to markets on St Vincent and to tourists.

SVG has not shown a convincing commitment to its obligations to the IWC. It has a very poor record of providing samples and data requested by the Scientific Committee, provides almost no welfare data to the Whale Killing Methods Working Group, and has never properly substantiated Bequia's cultural and nutritional needs to the ASW sub-committee. SVG finally adopted whaling legislation in 2003, but noting that targeting mother/calf pairs is the preferred method of hunting humpback whales in Bequia and has resulted in many infractions of IWC rules. We are concerned that the regulations do not prohibit the killing of mother whales accompanying non-suckling calves.

We refer the UK to a new report by the Animal Welfare Institute on SVG's hunt and urge the UK to oppose SVG's requests for a quota renewal, if necessary by separating it from the other ASW proposals.

### **SVG annual fees**

The Chairs' Report of the 2011 meeting states that Austria noted that the Commission agreed in 2010 "*to waive the share portion of the annual financial*

*contribution attracted by St. Vincent and The Grenadine's annual hunt under the condition that they collect the samples and data requested by the Scientific Committee and submit those in time to the appropriate body*.<sup>10</sup> We urge the UK to support this position. SVG accepted the new fee arrangement agreed in 2010 but then did not attend the 2011 meeting or provide any data.

## **8. Conservation Committee**

The expanding and deepening work of the Conservation Committee should be congratulated and supported. This year we are pleased to see that the Conservation Committee has been assigned an entire day of the working groups. Given that we have a full day meeting, we presume this will allow for fuller discussion on important issues and documents submitted. We urge the UK to bring as much substantive information and expertise to the meeting as possible, and to encourage its European colleagues to do the same (e.g. ensure submission of national reports on cetacean conservation).

Consideration should be given to developing a productive collaborative relationship between the Scientific Committee and the Conservation Committee, potentially along the lines of the Conservation Management Plans Working Group, so that the Conservation Committee is able to request and benefit from the advice of the Scientific Committee, but also be in a position to consider the management and conservation aspects of issues that have been identified as important by the Scientific Committee. This would also be an entirely appropriate way to ensure that conservation research funded through voluntary contributions to the Small Cetacean Research Fund research is used to develop recovery plans for the most threatened populations and species

### **8.2 Ship Strikes**

The Ship Strikes Working Group has made significant progress to address this problem including through its 2010 Workshop. Due to the tragic death of Alexandre de Lichtervelde, the 'next steps' programme of work has not been developed. It is essential that a new Chair of the Working Group be appointed and this important work progressed, not least because some of the most critically endangered species are threatened by ship strikes.

No funding was provided this year for further development and maintenance of the Ship Strikes database work, despite a request for £5,000. This work is vital if a profile of the extent of the problem is to be realised. We urge the UK to ensure that this work receives some funding in the 2012-2013 budget. Since the research budget from core funds is put together by members of the Scientific Committee, it will be helpful to ensure this budget item is included by the SC budget committee.

Ship strikes would be a good candidate for reassignment of funds by Commission direction – see item 19.4.

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<sup>10</sup> Chair's Report of the 63<sup>rd</sup> Annual Meeting, 2011. Page 22

## **8.5 Marine Debris**

There will be a number of submissions on the effects of marine debris on cetaceans to the Scientific Committee, including the report of the intercessional correspondence group and it is likely that the SC will recommend a workshop to try to take forward matters on this little understood but potentially very significant threat to cetaceans. We urge the UK to strongly support this initiative both on the floor of the Commission and in practical ways as appropriate.

The new standing agenda item allows Contracting Governments to report progress on marine debris related initiatives and we urge the UK to prepare a submission accordingly and encourage other European member states to do the same. We also encourage the UK to support collaboration with the relevant international fora.

## **10. Whale Watching**

We welcome the Conservation Committee's report on the intersessional work to progress some elements of the 5 year strategic plan for whale watching, including capacity building, development and management. We urge HMG to take this opportunity to point out that whale watching now contributes far more money to the global economy than whaling and that the study and management of whale watching is a legitimate activity for the IWC which requires increased resources.

## **11. Whale Killing Methods and Associated Welfare Issues**

### **Welfare and Ethics**

We much appreciate the leadership and initiative of the UK with respect to welfare and ethics, including the follow up intersessional workshop.

We note the conclusions of the workshop and in particular ask the UK to take a lead in urging all Sub-Committees and Working Groups of the IWC to consider the last conclusion in their deliberations - i.e. *that all existing Sub-Committees and Working Groups of the IWC, especially those that deal with issues other than direct takes of whales, should be encouraged to discuss animal welfare in their deliberations.*

We note the recommendations of the Workshop and look forward to further constructive progress on the issues raised. We ask the UK to take a lead in the implementation of its recommendations including a working group/workshop on determining irreversible insensibility and death.

We ask the UK to commend the Workshop on Euthanasia of Stranded Whales and support the development of this work, noting this was also one of the conclusions of the UK hosted workshop.

### **Data provision and improving humaneness of whaling operations**

Icelandic fisheries inspectors were present on only two minke whaling and four fin whaling trips in 2010 and directly observed only the killing of three out of 60 minke whales and six out of 148 fin whales, while the killing of another two minke whales and three fin whales were observed by NAMMCO inspectors. In 2011, Fiskistofa (Directorate of Fisheries Annual Report) observed the killing of 3 minke whales, and NAMMCO observers went on a single trip that resulted in the death of 2 minke

whales, for a total observed kill of 5 out of 58 whales killed in 2011. (source Fiskistofa Starfsskýrsla 2010 and Fiskistofa Starfsskýrsla 2011). Iceland has provided no data on the methods used to kill whales in its whaling operations, including the type of harpoon used in the fin whale hunt.

We ask the UK to question whether Iceland has collected any systematic data on either Instantaneous Death Rate or Time To Death for its commercial whaling operations and raise serious concern about Icelandic hunts and its failure to provide this data.

Norway has failed to provide any new data on its hunt including times to death. We ask the UK to raise serious concern about the lack of new data being provided by Norway.

Japan repeatedly fails to provide any data on times to death, killing methods and the types of harpoons used in its hunts for a number of large whale species. We ask the UK to raise serious concern about this lack of information.

No data has been provided by St Vincent and the Grenadines on the hunt in Bequia. Since it is proposed that the quota for this hunt be renewed this year, it would be appropriate to request information about the methods used to kill the whales and times to death.

Concerns have been repeatedly raised about the methods used to kill whales in Greenland, including the inadequacy of the weapons used and the times to death. We are particularly concerned that killing techniques used in the rifle hunt on minke whales in East Greenland are inhumane: In 2010 a Greenland Fisheries Ministry official acknowledged that hunters aim for the lungs so that the whale remains alive while it is dragged to shore to be flensed.<sup>11</sup> We understand that they are trying to avoid losing a struck dead whale, but ask the UK to raise concerns about this methodology and ask Greenland to explore other techniques to avoid losing a struck whale. Since the Government of Denmark has requested renewed quotas for Greenland, it would be appropriate to request information on these issues and the measures being taken to reduce time to death and suffering.

One of the bowheads killed by Greenland in 2009 was shot with three harpoon grenades over the course of an hour before it died.<sup>12</sup> One of the three bowheads killed in 2010 was harpooned five times and shot with rifles from two vessels and took about two hours to die.<sup>13</sup> The other bowhead killed that year was found to have an unexploded grenade lodged in its skull.<sup>14</sup> These incidents suggest a problem with the grenades used on bowheads. No time to death data are available yet for the one bowhead landed in 2011. We urge the UK to ask Greenland for a report on methods used to kill bowheads, training efforts for hunters, efforts made to improve the humaneness of the hunt and any remaining operational problems.

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<sup>11</sup> WDCS interview with Kaare Winther Hansen, Agency of Ministry of Fisheries, Hunting and Agriculture See <http://www.youtube.com/watch?v=rqOpVm69pw4>. Minute 5.39

<sup>12</sup> Article in Lifestyle section of the newspaper Sermitsiaq June 2009 See appendix for translation

<sup>13</sup> WDCS Interview with hunter Niels Olsvig. See Appendix for translated transcript.

<sup>14</sup> <http://jp.dk/uknews/article2132110.ece>. see appendix for translation

Depending on the outcome of the information provided to the Working Group and its discussions and recommendations, we urge the UK to raise its concerns about the lack of data in the plenary meeting. In addition, we ask the UK to take a lead in ensuring that any recommendations on further work as discussed above are agreed. (Also see cooperation with other organisations regarding the Workshop recommendation).

## **12. Socio-economic implications and small type whaling**

Japan has once again reserved the right to propose an amendment to paragraph 10 of the Schedule to provide a catch quota of minke whales for its small-type whaling, “subject to the circumstances of the Future of the IWC process”. The schedule amendment (IWC/64/9) does not state a catch quota but notes the products will be exclusively for local consumption (Japan in the past has clarified that this means the whole of Japan).

If this is raised, the UK should reject this proposal and note that Japan’s small-type whalers continue to carry out unregulated commercial whaling on minke whales, Baird’s beaked whales, pilot whales, Dall’s porpoises, Risso’s and other dolphins in coastal waters.

## **13. Revised Management Procedure (RMP)**

We note with concern past attempts by Norway in Scientific Committee to revise the IWC-approved RMP and their use of a corrupted version of the RMP in their waters. We urge the UK’s scientists to oppose any attempts to retune or otherwise compromise the RMP.

The UK NGOs urge the UK to use this agenda item to raise the issue of Iceland’s fin whale hunt. Although it appears the hunt will not take place again in 2012, Iceland’s self-awarded quotas remain set at an entirely unsustainable level and the head of the fin whaling company has indicated that he intends to continue whaling in the future. The current quota is more than three times higher than the most conservative variant (variant 6, supplying a catch limit of 46) tested by the Scientific Committee in Implementation Simulation Trials for the 0.72 tuning. Variant 2, with a catch limit of 87, was found to be conditionally acceptable, subject to an approved research programme being implemented. A research proposal will be submitted to this year’s Scientific Committee by Iceland for this purpose. However, regardless of whether it is accepted, it should be noted that the catch limit is still 1.7 times higher than the limit that would be calculated with this variant. Iceland, Norway and Japan should be firmly reminded that the ban on commercial whaling remains in place and it should be complied with.

## **14. Scientific Permits**

We suggest that HMG clearly reminds the meeting for the record that past Resolutions on Special Permits remain in effect, including their operative clauses which call on Japan to suspend these takes.

We would also like the UK to question the validity of Japan’s scientific permit whaling programme since it does not provide data required for management of these populations, noting that the take of fin whales, an endangered species, has been

zero to two animals per year since the quota of 50 per year came into effect. The UK should ask Japan if this level of catch fulfils the stated objectives of the research programme. If it is, then why is the quota set so high? If it is not, then why continue? Catches of minke whales have also dropped sharply over the last two years - a similar argument may be applied to them.

## **15. Safety Issues at Sea**

We urge HMG to refuse to allow a presentation to the plenary session this year – this issue has taken too much time in the past at the cost of time available for discussion of other more important and substantive items on the agenda including the IWC budget. It is also not within the IWC's mandate. If a plenary presentation is allowed it should be the last order of business to avoid disrupting or delaying the meeting and because it has been addressed earlier on the agenda of previous meetings. It would be best to recommend it be an optional side event. If a Resolution on safety at sea is put forward we urge the UK to oppose it, to refuse to join in a consensus, and to insist it be put to a vote. We note that it would most likely be a repeat Resolution and therefore discouraged on principle.

For several years Japan has insisted on doing a one-sided presentation about safety at sea, aimed at an NGO which is not an IWC observer. International law makes it clear that only the flag state of a ship involved, or the state of nationality of crew involved, has authority over those involved in such incidents. The IWC has no authority in this area and should not be involved.

Where cases have come before competent authorities, such as a New Zealand maritime court investigating the loss of a New Zealand flagged vessel after a collision with a member of Japan's JARPA whaling fleet, the court found there was fault on both sides. Japan's presentation to the IWC of this incident portrayed it as entirely the fault of the New Zealand flagged vessel. A US judge refused Japan's 2012 request for an interim injunction against activities in the Antarctic saying that in his view they amounted to no more than minor vandalism.

## **16. Catches by non-member states**

We suggest that it would be useful to draw attention to the catches of bowhead whales in Canada under this agenda item, calling on the Canadian Government to consult with the IWC about this matter.

## **17. Infractions**

We note the high number of infractions reported by Korea. Although the Korean authorities are making efforts to bring this under control it should be recognized that Korea currently has a substantial take of minke whales and that this is driven by commercial considerations.

It is important to remind countries of their international responsibilities to ensure that critically endangered whale species and populations, such as the western gray whale, do not become unintentional victims of deliberate by-catch attempts for other whale species.

## **18. Environment and Health Issues**

We look forward to the report from the SC on its work on chemical and noise pollution, climate change, marine renewables and other environmental issues, including the latest updates provided by the SOCER initiative, and encourage the UK to speak in support of this work. In this context we request that the UK offer its appreciation for any further reporting from US scientists into the consequences of the oil spill and use of dispersants that occurred in the Gulf of Mexico, particularly with respect to the impact on cetaceans.

The UK NGOs urge the UK to support the Resolution on the importance of continued scientific research with regard to the impact of degradation of the marine environment on the health of cetaceans and related human health effects and to ensure that this important Resolution receives maximum support and that the text is not weakened during discussion since it has already been through considerable review. Clearly it would be ideal if the Resolution was adopted by consensus, however, if the whaling countries oppose the Resolution then we urge the UK to support putting the Resolution to a vote.

We also urge the UK to continue strong support for all the environmental research work carried out by the Scientific Committee and within the context of the Conservation Committee, and to congratulate both Committees on their reports. While specific sub-agenda items are dependent on the outcome of the two Committees, we urge the UK to advocate greater resources, both financial and in terms of meeting time, to these issues which constitute a core responsibility of the IWC.

### **Health Issues**

We would like the UK to raise concerns over the continued consumption of polluted cetacean products, particularly in Japan and the Faroe Islands where consumption is in no way related to subsistence needs.

We note that cesium-134 and -137 have been found in several minke whales caught in Ishinomaki, Japan in April 2012.

We suggest the UK asks Japan if any other cetacean species have been tested for radioactive elements, and whether any whale products from scientific whaling (including sperm whales) were disposed of due to high levels of radioactive or other toxic chemicals.

## **19. Other Scientific Committee activities, its future work plan & adoption of the Scientific Committee report**

We urge the UK to request that the Scientific Committee report is made available to observers prior to the first day of the annual meeting. Very few NGOs have the capacity to attend the Scientific Committee, and the length and depth of the report are such that it is impossible for NGOs to absorb and act on key issues emerging from the Scientific Committee.

## **19.1 Small cetaceans**

The priority topic for the small cetacean sub-committee this year is ziphiids of the North Pacific, which includes Baird's beaked whales targeted by Japan in small-type coastal whaling hunts with an annual quota of 62. These are classified as rare in Japanese waters by the Mammalogical Society of Japan. Baird's beaked whales (*Berardius bairdii*), probably the largest of the beaked whales, grow to nearly 13m in length and weigh as much as 12.5 tonnes, making them significantly larger than the minke whale. Despite this, they are not afforded international protection under the International Whaling Commission's 1986 moratorium on commercial whaling. The UK should support the scientific recommendations of the small cetacean sub-committee and urge Japan to reconsider this hunt, which supplies toxic whale meat for human consumption in Japan.

### **Japan and the small cetacean sub-committee**

It is expected that Japan will continue to boycott the small cetacean subcommittee, making a review of these populations impossible to complete. The UK should make an intervention expressing concern over the status of the populations and the lack of data, and request that the populations remain on the priority list of the small cetacean sub-committee until such time as a full review is possible.

The UK should strongly urge that Japan provide catch data on all cetacean hunts. If Japan offers to provide these data on a bilateral basis or through some other mechanism the Secretariat should be tasked with accessing and posting these data.

### **Dall's porpoise hunt**

As the UK is aware, the Dall's porpoise hunt has been of great concern to NGOs as it was the largest direct hunt of any cetacean species for several decades. The Scientific Committee has repeatedly made statements of concern over the sustainability of the hunt.

After the March 2011 tsunami it was widely believed that the hunt had stopped, due to the destruction of dolphin processing sites in the affected area. There are indications that the hunt may have resumed in recent months. We ask that the UK question this resumption and state its concerns. We hope to provide further information.

### **Maui's dolphins**

A paper on the conservation emergency situation for Maui's dolphins in New Zealand will be presented to the small cetacean sub-committee. Maui's dolphins are found only on the west coast of the North Island of New Zealand. They are one of the smallest and rarest cetaceans in the world and are critically endangered, with latest population surveys suggesting around 55 individuals exist. Unsustainable mortalities in gillnets and inshore trawl fisheries are threatening the Maui's dolphins with extinction. The UK should take note of the report and support precautionary recommendations for actions to reverse this trend.

## **Faroes Cetacean Hunts**

We encourage the UK to raise questions about the sustainability of the various takes of small cetaceans in the Faroe Islands.

The small cetacean Conservation Research Fund

A mechanism is required to ensure that research funded by voluntary donations to the Small Cetaceans Conservation Fund is used to develop management plans to aid the recovery of critically endangered populations and species such as the Vaquita. Please also see Agenda item, 8 - Conservation Committee.

## **19.4 Scientific Committee Work Plan**

The UK should scrutinise the SC work plan and budget in the context of its priorities and recommend changes to ensure that environmental and conservation research is funded first and foremost prior to funds being given to research that is concerned with the setting of commercial catch quotas. For example, in 2011, funding was requested and denied in the SC budget for ship strike data coordination (£10,000) and the State of the Cetacean Environment Report (£3,000<sup>15</sup>) and yet over £100,000 of funding was agreed for projects concerned only with setting commercial quotas (e.g. £26,000 for computing work to continue in RMP and NPM). This decision would only require a simple majority and there is precedent for voting on line items of the SC budget.<sup>16</sup>

## **20. Co-operation with other organisations**

### **Monaco Resolution**

Some UK NGOs have not yet taken a position on the Monaco resolution due to concerns about the resolution language.

Those that support the resolution as it stands ask the UK to ensure that Agenda item 20 is addressed early on in the order of business in order to allow adequate time for discussion and adoption of the Resolution. Subsequently these UK NGOs urge the UK to speak in favour of the Resolution and support its adoption. Others ask the UK to work with Monaco to revise the text to ensure it includes reference to the moratorium and ban on international trade in whale products and their great achievements in protecting whales, and the need for them to remain in place for the long term due to the ever increasing threats to the marine environment.

NGOs understand that the Monaco strategy is to affect the United Nations General Assembly Resolution on the Oceans so that it can be used to bring international pressure on the pro-whaling interests to comply with IWC and CITES regulations and

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<sup>15</sup> Although half the requested funding was later provided to this initiative and also some additional funding to the marine renewables workshop via the Secretariat.

<sup>16</sup> A proposal to reallocate funding within the Scientific Committee meeting [IWC/56/43], sponsored by Antigua and Barbuda, Belize, Benin, Dominica, Gabon, Grenada, Republic of Guinea, Japan, Republic of Korea, Mauritania, Mongolia, Morocco, Nicaragua, Norway, Republic of Palau, Panama, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Senegal, Solomon Islands, Suriname and Tuvalu. It sought to reallocate £14,500 away from a workshop on the use of market sampling to estimate bycatch and to items such as estimating the abundance of Antarctic minke whales. It failed by a vote of 19 in favour, 26 opposed and 2 abstaining. Note that such a proposal would not require a Resolution.

cease all activities that are incompatible with the spirit and letter of IWC and CITES decisions, in particular the moratorium, to protect whale populations.

We would note that nothing in this proposal or this strategy should be construed to imply endorsement of coastal whaling or any past, existing or future proposal that would establish commercial whaling, in any form, including within EEZs. Nothing in this proposal is meant to imply that the UK should not honour its commitments to the Convention on Migratory Species (CMS) as a forum of furthering the protection of migratory cetaceans.

## **CITES**

The 16<sup>th</sup> Conference of the Parties to CITES takes place during March 2013. The UK should therefore raise concerns about continued international trade in whale products despite the CITES Appendix 1 listing of all the great whales. Since 2008, Iceland has exported almost 2,000 tonnes of whale product, assumed to be fin whale, to Japan. Although the Hvalur whaling company has declared it will not hunt this season, the exports have continued. In addition there have been exports to Latvia (minke whale), Faroe Islands, Norway and Belarus. The UK should recall for the record in the plenary meeting Resolution 2007-4 and the CITES Appendix 1 listing of all whale species protected by the moratorium, note CITES recognition of the primacy of the IWC and urge Iceland to stop all exports of whale products. Japan, Norway and Iceland should be called up to lift their reservations to the Appendix 1 listings.

## **IMO**

The IWC should continue to build its cooperation with the IMO in the light of the increasing threats to cetaceans including from vessel strikes, marine debris, ocean noise including from vessels, pollution and climate change. It would be helpful for the UK to make reference to the importance of this relationship.

## **CMS and its Agreements including ACCOBAMS**

The IWC should continue to work cooperatively with ACCOBAMS and other MEAs to address the problem of Ship Strikes and other threats to cetaceans.

## **Development of constructive cooperation with other relevant animal welfare bodies**

With reference to the recent Workshop on Welfare and Ethics, hosted by the UK, we ask the UK to request that the Secretariat be directed to a) develop a database of external contacts with expertise in animal welfare science pertinent to work being undertaken by the Commission, and b) recommend to the Commission opportunities for constructive co-operation with other relevant animal welfare bodies.

## **21. Administrative matters**

### **21.1 Quorum**

The 2011 meeting was disrupted when Japan and its allies, many of which it is alleged are paid by Japan to attend the IWC, walked out before a vote on the SAWS, saying that a vote could not be conducted because there was no longer a quorum. Japan claims that a quorum is 50% of the members, i.e. 45 with the current membership of 89. Using that definition would allow Japan to continue to disrupt meetings, particularly since budget constraints are making it more difficult for members to attend.

We note that Annex B of the Draft Recommendations from the Intersessional Group of the Quorum (IWC/2012/IG-Q3) contains the text that would resolve this problem, "Attendance by a majority of the members of the Commission whose right to vote has not been suspended under paragraph E.2 shall constitute a quorum." We note that, not surprisingly, this text received partial support.

Given that the issue will first be discussed in the Finance and Administration Committee, we urge the UK to insist that this text is included in the report of the F&A Committee and then adopted on the floor of the meeting, through a simple majority vote if necessary.

We urge the UK to encourage all EU member states that are Parties to the ICRW to attend. At the 2011 meeting 9 of the 11 absent like minded members [Bulgaria, Croatia, Cyprus, Greece, Lithuania, Romania, San Marino, Slovak Republic, Slovenia] were from the EU or Europe. Had all of them been present in 2011 the quorum could not have been broken with a walkout.

#### **21.1 (4) Observers**

We note that the Secretary at IWC/63 was instructed to convene a working group of Contracting Governments and Observers immediately prior to IWC/64 to consider the role of observers at meetings of the Commission based on experience gained in that regard at IWC/63. The working group is scheduled to meet on 27 June and this item will allow the F&A Committee to report on the group's work and its subsequent discussions and recommendations. We ask the UK to continue to encourage the EU and other nations to allow greater participation by NGO observers in all IWC meetings, including the right to speak.

## **22. Formula for calculating contributions and related matters**

NO COMMENTS

## **23. Report of the Intersessional Correspondence Group on strengthening IWC financing**

The terms of reference for the group said it would seek to 'strike a balance between funding for conservation and funding for management'. The UK NGOs want to see the Commission phase out funding for items that support commercial whaling and redirect that funding into conservation work. 'Management' should be defined as 'management of aboriginal subsistence whaling'.

**24. Financial statements, budgets and other matters considered by the Budgetary Sub-committee**

NO COMMENTS

**26. Date and place of next meeting**



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