

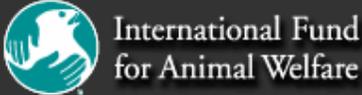
**WILDLIFE AND COUNTRYSIDE LINK BRIEFING**

**TO THE UK GOVERNMENT:**

**KEY ISSUES FOR THE 60<sup>TH</sup> MEETING OF THE**

**INTERNATIONAL WHALING COMMISSION**

**May 2008**

## **Wildlife and Countryside Link briefing to the UK Government: Key Issues for the 60<sup>th</sup> Meeting of the International Whaling Commission**

This briefing is provided on behalf of the following members of Wildlife and Countryside Link:

- Campaign Whale
- Environmental Investigation Agency
- Greenpeace
- International Fund for Animal Welfare
- Marine Connection
- Royal Society for the Prevention of Cruelty to Animals
- Whale and Dolphin Conservation Society
- World Society for the Protection of Animals

The Wildlife and Countryside Link (Link) Whales Working Group is composed of Non-Governmental Organisations with a range of concerns. These include organisations whose mandate relates purely to conservation issues, organisations whose mandate relates purely to welfare issues and organisations that are concerned about both conservation and welfare. Where joint documents include statements on issues relating to whale welfare these do not necessarily represent the views of all groups.

We urge that the UK resist attempts to link items and that every item be considered on its own merits.

The points in this briefing follow the numbering of the Annotated Provisional Agenda.

### **3. Whale stocks**

The Scientific Committee (SC) is expected to agree after considerable difficulty and eight years of work, a new abundance estimate for Antarctic minke whales, which is expected to be considerably lower than the most recently agreed estimate. The *apparent* 60% decline in southern hemisphere minke whale numbers in less than 15 years highlights the potential for large errors in counting whales and so should lead to reduced confidence in the sustainability of catch limits and we urge the UK to highlight this in the SC and plenary. We expect Japan to agree to a lower Antarctic minke estimate but to deny that this represents a real decrease in the minke population. We urge the UK's scientists to challenge any such statement by Japan.

We urge the UK to table a resolution on the western grey whale noting that four western grey whales are known to have been bycaught in last three years, a rate of catch which will drive the population to extinction. The resolution should call for specific actions to end the bycatch. Link will supply further details when more scientific information is available, in advance of the plenary session.

### **4. Whale killing methods and associated welfare issues**

4.1 *Data on whales killed and on improving the humaneness of whaling operations* - We support transparency and suggest that, under this item that the UK strongly urges all

nations with active whaling operations to supply full welfare datasets as requested in Resolution 1999-1.

Japan has never supplied comprehensive data sets for 'Times to Death' and 'Instantaneous Death Rates' for all whales killed under JARPA I/II or JARPN I/II programmes. Furthermore, no data at all – not even in summary statistics – have ever been provided on the 'Times to Death' for the two largest species killed in these programmes, sperm whales and fin whales. The provision of full data sets would allow independent analysis of the spread of these data. This is important as it is the outliers in the data set which are of interest in welfare terms. Instead, where data are provided, these data points are masked by summary statistics.

In 2003 Norway ceased collecting welfare datasets for each animal killed, replacing inspectors with the 'blue box', capable only of recording minimal data such as time of harpoon fire and time of hauling the animal aboard the vessel. We request that the UK raises the point that this lack of oversight and reporting is inconsistent with Norway's provisions for welfare oversight in its other marine mammal hunts (i.e. sealing) and also in its other commercial meat production (in abattoirs).

*4.2 Preparation for the workshop on welfare issues associated with entangled / entrapped cetaceans* - The IWC's one day workshop in 2009 to consider approaches to the euthanasia of entangled whales was motivated by politics, not a conservation / welfare agenda. We urge the UK to use the establishment of a scoping meeting during IWC60 to expand the terms of reference of the workshop to include:

- i. Discussion of the causes and prevention of entanglement (including gear mitigation);
- ii Methods to release trapped whales / remove gear from free-swimming whales (including a discussion of temporary sedation).

Gear entanglement is both a welfare and conservation issue and mortality due to entanglement is critical for some highly endangered whales such as the North Atlantic right whale and the western grey whale. We would like to work with the UK to prepare a document that leads a like-minded strategy to turn this workshop into a programme of work that helps whales and enhances the credibility of the IWC.

We would like the UK to ensure that the Working Group on Whale Killing Methods is scheduled for 2009 even if the Entanglement Workshop also takes place. The Workshop should not replace the Working Group as there are other welfare issues that must be addressed.

## **5. Aboriginal Subsistence Whaling**

*5.2 Aboriginal Whaling Scheme* - Despite the Commission's commitment many years ago to develop an Aboriginal Subsistence Whaling scheme, this scheme has yet to be completed and adopted. We believe that this scheme should be completed and implemented. We also remain concerned that any such scheme should not blur the distinction between aboriginal subsistence whaling, which meets the needs of

indigenous people with a long standing dependence on whaling for local food, and whaling for commercial purposes.

5.3 *Aboriginal subsistence whaling catch limits* - Under this item, Denmark will propose a catch limit for catching of humpback whales off Greenland. At the 2007 meeting, Greenland claimed that its need for whale meat had increased to 730 tonnes annually and asked the IWC for ten humpback whales in addition to 25 extra West Greenland minke whales and two bowhead whales. The Scientific Committee was unable to offer advice on the sustainability of the humpback catch limit because of considerable uncertainty over the large abundance estimate put forward, and Greenland withdrew the humpback request. The UK's scientists should closely examine any new evidence produced by Denmark which aims to facilitate the SC's approval of catch limits for bowhead or humpback whales, such as the shipboard and aerial surveys done in the summer of 2007. Additionally, Link asks the UK to raise the following concerns in the Commission meeting:

- Greenland has consistently hunted fewer whales than the available catch limit allows, but claims that its needs are not being met;
- Greenland's 'conversion factors'<sup>1</sup> for calculating meat yields of minke, humpback and fin whales (two, eight and ten tonnes respectively) have never been assessed by the Scientific Committee and are inconsistently applied. It is important to know whether Greenland includes blubber and muktuk in its calculations as this could increase the number of whales making up the tonnage it seeks;
- Almost three thousand small cetaceans are taken annually in Greenland's unregulated hunts – an average of 2,611 harbour porpoises, 17 orcas and 249 pilot whales since 2003<sup>2</sup>. Greenland does not report these hunts to the IWC;
- Greenland has taken 278 belugas and 575 narwhals annually since 2003<sup>3</sup> and has ignored repeated advice by the Scientific Committee to reduce its narwhal and beluga hunts to levels recommended by NAMMCO and the JCNB<sup>4</sup> to stop dramatic declines in these species;
- Although the IWC grants Greenland's catch limit to meet "local subsistence needs", Greenland commercialises a significant proportion of the meat and other products from its ASW hunts:
  - Between 2001 and the first half of 2006, NUKA A/S (a government owned food processing company) bought 17% of the minke whales landed from hunters and sold meat across Greenland through shops and supermarkets;
  - The West Greenland minke whale is listed on CITES Appendix II which permits international commercial trade. Trade reports to CITES show that

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<sup>1</sup> Greenland submitted a paper to the IWC in 1991 (TC/43/AS 3 ADD), describing how these conversion factors were arrived at.

<sup>2</sup> Anon. 2007. Piniarneq [Greenland Hunting Statistics]. Greenland Ministry of Hunting, Fishing and Settlements. Nuuk.

<sup>3</sup> Anon. 2007. Piniarneq [Greenland Hunting Statistics]. Greenland Ministry of Hunting, Fishing and Settlements. Nuuk.

<sup>4</sup> Joint Committee (Canada/Greenland) on the Conservation and Management of Narwhal and Beluga

between 2002 and 2005, Greenland exported 227 sets of minke whale carvings, 268 individual carvings and 85 bones to 12 EU nations as well as the USA, Australia, Canada, Switzerland, Iceland, Norway, Faroe Islands, Japan, New Zealand, Russia, Estonia, Albania and the Philippines<sup>5</sup>. This international commercial trade conflicts with the requirements of the IWC for ASW to meet local subsistence needs only.

Given these concerns we urge the UK to oppose any additional catch limits for Greenland, particularly bowheads and humpbacks, and to be vigilant for other abuses of the aboriginal subsistence catch limits.

## 6. Revised Management Scheme (RMS)

Progress on the RMS has stalled because the whalers do not want to accept the 'user pays' principle or strict rules such as full observer coverage, real time monitoring and a DNA register held by the Commission. Despite this the whalers blame the lack of progress on the conservation side.

The Scientific Committee will report progress on the implementation process for Western North Pacific Bryde's whales, North Atlantic fin and North Atlantic minke whales. The UK should question why effort is going into implementation trials, the only purpose of which is to set catch limits for commercial whaling and propose that this effort should be diverted elsewhere.

Norway intends to present proposed changes to the RMP. These will be designed to increase quotas in the short term and should be vigorously opposed. In particular they are intended to:

- i. Eliminate or merge the 'small areas' currently recognised as part of the RMP which are required to avoid local depletions of whale populations;
- ii. Change the current 100 year reference time of the RMP to 300 years and so allow greater catch limits in the first few decades which would supposedly be made up by reduced catch limits in the centuries to come;
- iii. Raise the lower limit of the precautionary estimate of reproduction rate, thus greatly increasing the catch limits set under the RMP.

## 7. Sanctuaries

Brazil will propose the South Atlantic Whale Sanctuary (SAWS). The SAWS has received a simple majority at the last meeting but would require considerably more votes to obtain the  $\frac{3}{4}$  majority necessary for adoption. The UK and the other like minded countries should push for the strongest possible vote in order to create momentum for it towards the next meeting. Also, the fact it is being proposed in South America, and the possibility of abstentions, might give it a chance of passing at this meeting. The UK should, however, be vigilant for attempts to link this proposal with any deals to grant community based whaling quotas.

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<sup>5</sup> UNEP-WCMC data

## 8. Socio-economic implications and Small-type whaling

If this proposal were successful it would breach the moratorium and establish a new category of whaling which would blur the distinctions between commercial whaling and aboriginal whaling.

Japan has reserved the right to propose a Schedule amendment saying “(f) *Notwithstanding the other provisions of paragraph 10, the taking of up to x minke whales from the Okhotsk Sea - West Pacific stock of the North Pacific in subarea 7 (excluding Okhotsk Sea) shall be permitted for each of the years 2008, 2009, 2010, 2011 and 2012 and the meat and products are to be used exclusively for local consumption.*”, with the number, x, to be provided before the vote is taken. They say this would only allow community based whaling in order to *'reinstate traditional and local practices associated with the catching, processing, distribution and consumption of whale meat, and revitalise traditional festivals and rituals of the region'*. But 'local consumption' will be taken to mean consumption anywhere within Japan and Link does not believe that the operation could be non-commercial. This whole item is likely to feed into the 'Future of the IWC' discussions, as with the next item. Allowing an arbitrary catch limit that circumvents agreed and tested management procedures would also set a very dangerous precedent.

## 9. Scientific Permits

9.1 *Report of the Scientific Committee* - The Scientific Committee will report on improving procedures for reviewing scientific permit proposals. The criteria are expected to focus on two areas: sustainability (effect on stocks) and quality of science. There is a real risk that under the new procedures a scientific permit proposal could be deemed legitimate if it passes both criteria, even if these are only loosely applied. This brings a risk of perpetuating the current situation of commercial whaling carried out via the scientific loophole and should be rejected if there is any possibility it can be used in this way.

We also urge the UK produce a paper and initiate a discussion within the SC aimed at building support for an end to secrecy of scientific permit proposals, as was proposed last year, so any future proposals can be circulated to all scientists working in the field, not just the IWC's Scientific Committee. This would enable the Committee to have the widest possible input when considering any future proposals.

9.2 *Commission discussions and action arising* - Japan commented that its understanding is that the issue of Scientific Permits will be addressed in the context of discussions on the future of the IWC. We should urge the like minded to adopt the strongest possible resolution opposing JARPA II. This resolution should:

- i. Note or conclude that JARPA II is primarily a commercial activity and not a scientific activity;
- ii. Highlight and express concern over the meaning of the fact that the JARPA II vessels found far fewer minke and fin whales than they were expecting to find;

- iii. Note that JARPA failed to meet a single one of its objectives.

The UK should also express related concerns with respect to JARPN.

## 10. Safety at Sea

Japan will make a presentation as a follow-up to the statement issued at the March intersessional. This may include an effort to eject Greenpeace. Greenpeace has provided a defence to the items they expect Japan to raise, and will provide the UK with a briefing on this issue which they will send separately. Link urges the UK to point out that the IWC is not a maritime court and that information on this comes largely from the ICR's crews and the ICR is an interested party and not a reliable witness.

## 11. Environment and Health Issues

The UK should support the maintenance of these agenda items at the Commission and, in particular, seek to

- i. assist discussion of human health concerns;
- ii. support the holding of the climate change workshop within a reasonable time frame; and
- iii. continue to strongly support the work of the SC on environmental issues, welcoming and endorsing as appropriate

Link asks the UK to urge that these issues be given higher priority in the Scientific Committee. We would like to present a plan before the meeting (details to follow).

## 12. Whalewatching

The UK should welcome the report from the Scientific Committee and also seek to ensure that this Commission agenda item provides a platform for the positive contributions that whale watching is able to make in terms of awareness, education and research.

## 14. Other Scientific Committee Activities, its future work plan and adoption of the Scientific Committee report

### 14.1 *Small cetaceans*

#### ***Baiji***

The UK should forcefully remind the Commission that last year a small cetacean, the Baiji, went extinct, despite a series of warnings from the Scientific Committee and urge that the Commission give a very high priority to ensuring that no more populations go extinct. The words of the 2007 Scientific Committee report should not be forgotten:

*“The extinction of the baiji serves as an urgent warning regarding the vulnerability of extremely small populations of cetaceans. The baiji was the first cetacean species driven to extinction by humans. Without prompt, decisive action, the vaquita, which was only described fifty years ago, will soon become extinct.”*

### **Greenland hunts**

As described under 5.3, Greenland takes very high numbers of small cetaceans annually. The Home Rule government has repeatedly failed to bring catch limits down to levels recommended by NAMMCO and the Joint Canada/Greenland Committee on Conservation and Management of Beluga and Narwhal (JCNB) to prevent further declines in the West Greenland populations. A new catch limit for belugas and narwhals is due to be announced but is expected to be well above the recommended levels. Link asks the UK to raise concerns about these hunts, as well as its unregulated small cetacean hunts, in the Scientific Committee as well as under agenda item 5 (ASW), and to write directly to Denmark in advance of the meeting to raise concerns.

### **Dall’s porpoise**

We expect new data to be presented to the Small Cetaceans Sub Committee on Dall’s porpoises. Link requests that the UK ensures that its scientists participate in the discussion on this item in the Sub-Committee to ensure that it is given the attention that it needs, seeks clarification of the new management system that has been implemented by Japan in 2007 and that the UK works with us to ensure that the language in the final SC report is helpful. EIA and Campaign Whale will provide a briefing on the issue.

In addition, Link asks the UK to consider sponsoring a resolution or at least a strong statement of concern on Dall’s Porpoise. Over 17,000 animals are killed every year and the hunt does not receive the international attention that it deserves. Some Link members will work with other delegations to ensure support for the resolution on the floor of the plenary.

### **Solomon Islands dolphin captures and exports**

Link urges the UK to support a statement in the Scientific Committee and Plenary expressing concern about unsustainable captures and exports of live dolphins from the Solomon Islands. A separate briefing will be provided.

### **Botos**

Recent research by the Sea Mammal Research Unit indicated that half the population in the study area has disappeared over the last five years. An inquiry should be made to Brazil (the range state) about this.

14.3 *New initiatives* - Australia will present new initiatives based on the paper it submitted to the March Intersessional. These will be on developing conservation and management plans for cetaceans and a regional non lethal collaborative research program for the Southern Ocean. We were grateful to the UK for its initial support of these initiatives at the Heathrow meeting and trust it will continue to give them its strong support. We request that those responsible for whaling issues contact the British Antarctic Survey to develop specific ideas for incorporating a whale research component into existing BAS work for further discussion with Australia.

14.4 *Scientific Committee Future Work Plan* - The Scientific Committee will put forward proposals for the priority work it believes it should carry out in the next year. The UK

should support work that aids the conservation of whales and oppose work that is aimed toward setting commercial catch limits.

### **15. Conservation Committee**

We urge the UK to welcome the report and, depending on whether or not Japan continues its boycott (which includes 25 members paid by Japan to attend the IWC) of the Conservation Committee meetings, either call for full participation in the future or note with satisfaction that all members are now participating.

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

A copy of our November 2007 paper has been supplied and should serve as the basis for all discussions under this item. We request that instead of continuing to develop rules and models for commercial whaling the Commission moves its primary focus from the exploitation of cetaceans to their conservation and protection. In order to do this all direct and indirect threats to cetaceans should be addressed by the IWC, including climate change, noise pollution, ship strikes, toxic pollution, habitat destruction and entanglement. It seems clear that there is a strong desire from many parties to wrap up this process by the end of the 61<sup>st</sup> meeting (Portugal, 2009). It is important that this process does not lead to a compromise that would legitimise commercial, scientific or any new category of whaling.

### **19. Administrative matters**

Link requests that the UK opposes any moves to reduce (or otherwise make more difficult) the participation of NGOs in the Commission meetings, including further increases in fees.

Wildlife and Countryside Link  
6<sup>th</sup> May 2008