

**NGO BRIEFING
TO THE UK GOVERNMENT:**

**KEY ISSUES FOR THE 63RD MEETING OF THE
INTERNATIONAL WHALING COMMISSION**

June 2011



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This briefing is provided on behalf of the following organisations:

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

Introduction

Events at the 62nd meeting in 2010 demonstrated that if the International Whaling Commission (IWC) is to retain credibility, action is required to combat alleged corruption and improve transparency. IWC63 provides a unique opportunity to reform the IWC for the better. In this context, we commend the UK for developing the Effectiveness Proposals recently submitted by Defra to the IWC, and have already written to the Minister to request this document be made publicly available as soon as possible. The draft resolution has since been published on the IWC website; however, the main text of the document, which is key to ensuring the proposal is successful, has still not been published by the IWC.

The main text of the UK document, which contains the key changes to the rules of procedure and the financial regulations, together with the rationale for those changes, has been put in the category of “Finance and Administration” and as with all F&A Committee documents, it will remain confidential. We support the UK proposals being first discussed in the F&A Committee; however, this does not mean that the document has to be confidential. Indeed, we feel that the document is less likely to be adopted if it remains secret.

There is the possibility of a substantial change in the voting blocs at this meeting. The earthquake and tsunami in Japan may have affected Japan's ability to pay for the 25 delegations who are dependent on this funding for annual contributions, travel and accommodation. There is no confirmation of this but if it should occur, the like minded countries could find themselves enjoying a $\frac{3}{4}$ majority and should be prepared to use it.

IWC Annotated Provisional Agenda

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

4. THE IWC IN THE FUTURE

At the outset of discussions, the UK and other like minded countries should reaffirm the majority view at the end of the Agadir meeting that the Chair's proposal (IWC62/4) does not form a suitable basis for forthcoming discussions on the future of the IWC.

We were surprised that the US, Chile¹ and New Zealand put forward a resolution under this item without consultation with the like minded countries. In addition, there are some points in the resolution which should be corrected.

- In preambular paragraph 1, the words 'in the past' should be deleted. 'Industrial' whaling should be replaced with 'commercial whaling'.
- In preambular paragraph 2, the word 'recovery' should be replaced with 'increases', as these populations are not fully recovered.
- In preambular paragraph 3, the Commission should strive to ensure that whale populations recover, not just become 'healthy and resilient components of the marine environment'.
- The document sometimes refers to whale 'populations' and sometimes to 'stocks'. It should refer to 'populations' throughout.
- The proposed establishment of an ad hoc working group may be unwise; this is further discussed under Item 7 - Aboriginal Subsistence Whaling (ASW).
- The final words 'and the management of whaling', should be deleted.

We urge the like minded countries 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 like minded countries should work towards the conversion of the IWC into a conservation body, mainly orientated to the protection of whales; this should be the focus of any further reflection, should a further period be agreed.

5. WHALE STOCKS

5.1 Antarctic minke whales

Last year we were presented with findings from the JARPA program indicating that there has been a gradual reduction in the blubber thickness of minke whales caught. This year the Scientific Committee (SC) has reviewed a paper indicating that this finding was just a statistical anomaly and does not represent a real change. The UK should point this out, quoting the SC report, to illustrate both the weakness of lethal methods and how little we actually know about the Antarctic minke whales, despite decades of intensive study.

We expect the SC to again fail to agree a population estimate but put forward a range with an upper bound higher than the old estimate. The whalers are likely to cite this as an example of population growth. But evidence reviewed by the SC suggests that the minke population declined by 40% between the 2nd and 3rd circumpolar surveys. The UK should emphasise the apparent decline both to counter the whalers' claims and to again show how little is actually known about the Antarctic minke whales.

6. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES

We commend the UK for its recent workshop on Whale Welfare and Ethics and commit to helping gather support for the recommendations, especially the ad hoc intersessional working group.

Recalling the Commission's concern in Resolution 2004-3 that "data presently collected and submitted to the Commission are of insufficient quality or completeness for it to make a fully informed assessment of the welfare implications of all whaling operations" we note with concern that Iceland has never provided any welfare data to the IWC on its whale hunts, or any information on the techniques used. Noting the need to ensure that large whales, such

¹ Chile subsequently withdrew its support of the resolution

as fin whales, are killed with appropriate calibre weapons, we urge the UK to raise concern about this.

We note that Norway is now quoting eight-year-old Time to Death and Instantaneous Death Rate data and request that the UK raise a concern about this. We also note with concern that Norway has exempted its whaling vessels from mandatory electronic reporting of catches in 2011. Instead these vessels have to report by paper and phone. All whaling vessels continue to have electronic surveillance onboard (the blue box) that monitors the whaling activity and are subject to random inspections and observers. We ask the UK to ask Norway to explain its current inspection procedures, including the practice of random spot checks and the official procedure after a violation of hunting regulations is discovered such as the use of a cold harpoon in 2010 (what happens to the data, are more inspections conducted?).

We also note with concern that Iceland's 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 (the killing of another two minke whales and three fin whales were observed by NAMMCO inspectors²). Inspectors only visited the fin whaling station to observe compliance with whaling regulations twice in 2010 and apparently did not visit minke whaling landing stations at all.

Whale hunts in Greenland

Bowhead hunt

Greenland's whaling regulations prescribe a penthrite harpoon as a primary and secondary killing method in the bowhead hunt and establish the same minimum calibre of 50mm as for fin whales. Greenland's reported welfare data suggest that this grenade is inadequate for the fin whale (average times to death for fin whales between 2000 and 2004 varied between nine and 114 minutes³), which raises serious doubts about its appropriateness for the much larger and bulkier bowhead.

One of the three bowheads killed in 2010 was harpooned five times from two vessels and took about two hours to die which, according to the hunter "*is quick for bowheads*"⁴. One of the bowheads killed in 2009 was shot with three harpoon grenades over the course of an hour before it died⁵. Greenland's Fisheries Minister, Ane Hansen, described Greenland's bowhead hunt as still being subject to a "*trial period during which the use of whale grenades, equipment, ropes and especially routines must be learned*". Noting the Commission's urging of ASW nations in IWC Resolution 1997-1 on improving the humaneness of ASW, to "*do everything possible to reduce still further any unavoidable suffering caused to whales in [ASW] hunts*", Link urges the UK to ask Greenland why five explosive harpoons were needed to kill a single whale in 2010 (did they detonate?).

Rifle hunt for minke whales

In 2010 a Greenland Fisheries Ministry official⁶ acknowledged that hunters using rifles to kill minke whales do not aim for the head, but for the lungs so that the whale remains alive, and does not sink, while it is dragged to shore to be flensed. We ask the UK to raise concerns about this methodology.

² www.fiskistofa.is/media/utgefird_efni/starfsskyrsla_2010.pdf

³ Killing whales under Special Permit: The special case of the fin whale". IWC/58/WKM&AWI 8

⁴ Sermitsiaq, 20 June 2010. Naturhistorik museum kober skelet af gronlandshval

⁵ Translation by Birgith Sloth. Article in Lifestyle section of the newspaper Sermitsiaq June 2009

⁶ Kaare Winther Hansen, Agency of Ministry of Fisheries, Hunting and Agriculture

7. ABORIGINAL SUBSISTENCE WHALING (ASW)

Those groups which work on ASW issues commend the UK for its continued strong engagement on this issue and, in particular, its efforts to ensure that ASW whaling in Greenland conforms to IWC regulations.

We 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 grapples with a range of problems that threaten the effective management of ASW. However, we are concerned that the forum proposed (an ad hoc working group to “address key subsistence whaling issues”, proposed by the US and New Zealand) may be intended to be a small ‘hand-picked’ group, closed to observers like the ‘Small Working Group’ in 2008/9 and the ‘Support Group’ in 2009/10. We urge the UK to argue for the group to be transparent and inclusive and, if it is to meet intersessionally, not to limit attendance. It would be better to extend the terms of reference of the ASW sub-committee than to create an ad hoc group.

In order for the existing ASW quotas to be renewed in 2012, a number of issues (including the extensive commercialisation of whale meat and operational problems in Greenland) must be addressed. This will be particularly true if, as anticipated, the quotas are presented as a block, not individually, for approval. We hope the UK will continue to make clear to the US that it is in a unique position to encourage the other ASW nations to address these concerns and help effect a reform of ASW that will be truly beneficial to the future of the IWC.

We would like to see, as a gesture of good faith from both sides, the Commission's agreement at IWC63 of a template/pro forma for a Needs Statement. Currently only the US provides detailed information describing and quantifying the cultural, subsistence and nutritional needs of certain native Alaskans for a specific number of whales annually. The absence of such information from the other ASW nations, as well as the commercial use of whale meat produced under ASW rules, has been a significant problem in recent years.

The Whale and Dolphin Conservation Society (WDCS) will provide a separate briefing on issues relating specifically to Greenland, including operational problems with the hunt and ongoing commercialisation of whale products.

Based on the discussion under 'Future of the IWC' last year, it is likely that the ASW nations will seek 10 year quotas, double the usual five year blocks. Link would note that the IWC 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). The SC is a long way from completing SLAs for the other populations and recent discoveries about the movements of western gray whales into the eastern Pacific, as well as resident populations of eastern gray whales, may cast doubt on the stock structure and population data underpinning the existing SLA.

In the absence of SLAs the SC has agreed a method for providing interim management advice to the Commission which can be used for up to two five-year blocks whilst SLAs are being developed. We urge the UK to refuse to support interim management advice being extended, or 10 year quotas being granted, for ASW nations which continue to fail to provide the data need to ensure that SLAs can be completed.

Canada and Greenland hunt bowhead whales from the same population, but Canada is not a member of the IWC. In 2008 the SC agreed an approach for determining interim management advice for Greenland's hunt on this population that is valid for two five-year blocks. It noted last year 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”. The Committee recommended that “Given the importance of this issue... the

Secretariat should contact Canada requesting information about catch limits for bowhead whales”.

In 2009 Canada increased the quota six-fold to three whales annually.

Link urges the UK to raise concern that the total number of bowheads taken from the Eastern Canada-West Greenland population may exceed safe limits, and urge the SC to reconsider its advice with respect to the strike limits agreed for West Greenland.

8. REVISED MANAGEMENT SCHEME (RMS)

The last written specification of the RMP was published in 1999. There have since been a number of amendments, and last year the SC made the following recommendation in its report, which was approved by the Commission:

Several amendments to the RMP specifications and annotations had been adopted since the most recent published version (IWC, 1999e). These are listed in Appendix 5. The Committee agrees that the consolidated revised version be published in full in the next supplement to JCRM. [JCRM 12 (Suppl.) p. 8]

However, the RMP has not appeared in the latest supplement which has just been published and distributed and which contains the above recommendation. It is important to restore the credibility of the IWC, in line with the UK Effectiveness Proposals. A key element is to ensure that the IWC Secretariat implements the decisions of the Commission.

The UK should therefore raise this matter, express concern that the RMP has not been published and ask that the RMP is now published.

Commercial Whaling by Norway and Iceland

Iceland

Iceland's unilateral authorisation of astoundingly high catch limits for fin and minke whales continues to be a cause for concern. In addition, its exports of fin whale meat and blubber to Japan violates the CITES international ban on the trade in whale products. Astonishingly, the IWC has yet to make a statement on Iceland's whaling, even though statements have been made in the past about Norway's whaling at much lower levels.

We ask the UK to express extreme concern with respect to whaling in Iceland, including the permitted levels of catches despite the ban on commercial whaling, and the exports of products to Japan. We urge the UK to encourage other IWC member countries to make a unified statement to this effect so that the IWC has a clear view in respect of this issue.

Norway

With Norway continuing to unilaterally authorise catches of minke whales in its coastal waters, we ask the UK to again express its extreme concern about this hunt in light of the continuing ban on commercial whaling.

9. SANCTUARIES

The UK should advocate for the establishment of the South Atlantic whale sanctuary and vote for it. If there is a shift in the voting blocs it is possible this could be adopted.

10. SOCIO-ECONOMIC IMPLICATIONS AND SMALL TYPE WHALING

It is possible that Japan may play the sympathy card under this item, asking for a coastal quota to relieve the distress caused by the earthquake and tsunami. This should be politely refused and it might be noted that Kushiro (to which Japan has transferred Ayukawa's Small Type Whaling (STW) hunt) is not one of the four STW towns for which Japan has traditionally sought the IWC's support for an exception to the moratorium. It could be noted that the transfer to Kushiro means that Japan already has the requested catch which is taken by STW vessels operating as the coastal component of JARPN. The Commission should however, consider the impacts on minke whale stocks, of two hunts off Kushiro per year, as has happened this year.

11. SCIENTIFIC PERMITS

Even as Japan considers the future of its Antarctic programme, which may well continue, it certainly intends to continue JARPN, especially in light of the transfer of the Ayukawa coastal hunt to Kushiro. Unfortunately no resolution on Special Permit whaling has been tabled and the new sixty day rule forbids introducing one now. The UK should make a strong statement opposing Special Permit whaling programs, calling for an immediate end to them and encourage others to do the same.

12. SAFETY ISSUES AT SEA

At the 2010 meeting Japan gave a power point presentation that alleged that a collision between the Ady Gill and the Shonan Maru 2 was entirely the fault of the Ady Gill. The presentation was one sided and there was no opportunity for the operators of the Ady Gil to put their case. A subsequent inquiry by New Zealand, the flag state of the Ady Gill, found that both vessels were to blame. This underlines the fact that the IWC is not a maritime court and has no competence in these matters which are the responsibility of the flag states involved. The Commission should refuse to accept another power point presentation which involves alleged actions of vessels on the high seas and instead make arrangements for Japan to show any such presentation in a break where any interested parties can see it.

13. ENVIRONMENTAL AND HEALTH ISSUES

13.4 The impacts of oil and dispersants on cetaceans

This item apparently stems from efforts to get the US to provide data from the Gulf of Mexico, but could have a broader application as well (for example in protecting the Sakhalin gray whales). We trust that the SC record will reflect that oil is a danger to cetaceans and that dispersants, particularly in ice filled waters, are of little help and may be harmful. We urge the UK to make strong statements about this in plenary.

14. CONSERVATION MANAGEMENT PLANS

Link strongly believes that Conservation Management Plans are an important step in transforming the IWC from a whaling body to a whale conservation body. We urge the UK to support the formation of the proposed Standing Working Group on Conservation Management Plans.

15. WHALE WATCHING

Like conservation plans, whale watching holds hope for the transformation of the IWC. Whale watching is a sustainable use of whales with a much larger financial value than

whaling and a much broader base; it is practiced in well over 100 countries, compared with the three who carry out commercial whaling.

17. OTHER SCIENTIFIC COMMITTEE ACTIVITIES, ITS FUTURE WORK PLAN AND ADOPTION OF THE SCIENTIFIC COMMITTEE REPORT

17.1 Small Cetaceans

We ask the UK to seek progress on establishing an effective mechanism to address small cetacean issues in the IWC. The document submitted by Belgium last year provides a good basis from which to work to achieve this aim.

The Small Cetaceans Sub Committee postponed the Baird's beaked whale review until 2012. Whilst plans agreed in the recent Scientific Committee on future work are unknown at present, the UK should ensure that this important and overdue review takes place in 2012 and that financial resources for invited participants are adequate.

We ask the UK to sensitively request information from Japan on the situation with respect to cetacean hunts in Japan's coastal waters.

It is noted that in 2010 1,107 pilot whales were killed in the Faroe Islands. This is a dramatic increase to recent years and is despite warnings by the Faroe Islands Chief Scientist and Chief Medical Officer that pilot whales are no longer fit for consumption, due to the high levels of pollutants found in the meat and blubber.

We call upon the UK to ask the Danish Government on behalf of the Faroes, to explain why the catches increased in 2010 and what the future prognosis is for the hunt in the light of the health warnings. In addition, the UK should ask Denmark what research is being carried out into the sustainability of the hunts in light of the increased catches.

17.4 Scientific Committee Future Work Plan

The UK and other like minded countries should scrutinise the SC work plan. Funding from one item that is concerned only with setting commercial quotas on whales should be removed and transferred to an item concerned with conservation of whales as a symbolic demonstration of the move toward conservation. For example, the budget presented last year could have been modified by eliminating the provision of £2,500 for "Statistical catch-at-age estimators for Antarctic minke whales" and transferring this funding to "State of the Cetacean environment report", thus increasing its funding from £3,000 to £5,500. This decision would only require a simple majority which will certainly be available at IWC63. There is precedent for voting on line items of the SC budget.⁷

18. CONSERVATION COMMITTEE

The expanding and deepening work of the Conservation Committee should be congratulated and supported. Each year however, its work is crammed into a short time period. This year, despite a crowded agenda, the Conservation Committee is only meeting for little over one morning. The UK should request that the Conservation Committee meets for an entire day at

⁷ 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

the 64th annual meeting, in line with the efforts to change the focus of the IWC more towards whale conservation.

The successful Ship Strikes Workshop showcases the important work being carried out to address this threat to cetaceans. We note that the IWC's work on Ship Strikes is funded by voluntary contributions. We ask that the UK congratulate the Ship Strikes Working Group and its Chair for the successful outcome of its important Workshop and call for funding from the IWC's core budget to contribute to future work on ship strikes.

We note that marine debris has been added to the Conservation Committee agenda and note the paper submitted to SC on this important issue. The IWC is uniquely well-placed to support the already extensive work, coordinated by UNEP, to both study and mitigate the growing threat to marine life from persistent debris. WDCS will provide a briefing setting out how the IWC could take this issue forward from IWC63.

20. INFRACTIONS, 2010 SEASON

South Korea banned commercial hunting in 1986 when the IWC adopted the moratorium on commercial whaling, but has allowed the domestic sale of whales caught dead in fishing nets or washed up dead onshore. About 200 restaurants serve whale meat in South Korea.

Recent genetic analyses of the market in South Korea demonstrated that legal sales of bycaught whales provided cover for illegal hunting; market surveys showed that 827 minke whales were caught in nets between 1999 and 2003 compared to official reports of only 458 over that period.⁸

In January 2011 the South Korean Agriculture Ministry announced that the government would tighten domestic rules on whaling and legislation, establishing a framework to legalise trade, providing certain requirements are met. The legislation allows for scientific whaling and establishes how cetaceans can be legally acquired. It also provides for legal trade in both legally and illegally acquired cetaceans, although proceeds from illegally acquired animals revert to the national treasury. Fishermen who catch whales in their nets are required to report incidents to police immediately and to process and sell the carcasses only at state-designated facilities.

A few months later, the Korean press reported that the price of whale meat had more than doubled (to 100 million won (\$98,000) per whale) in response to falling supplies caused by the tighter rules. Link is concerned that higher prices will encourage more fishermen to illegally hunt whales or target whales in their nets. Korea reports a much higher bycatch of whales than any other IWC member except Japan. We ask the UK to urge Korea to take steps to reduce bycatch and step up enforcement of the ban on whale hunting, rather than seeking simply to control the existing situation.

21. FINANCIAL AND ADMINISTRATIVE MATTERS

21.3 Review of IWC's rules and procedures

Link very strongly supports the UK proposal, which we see as the best chance in decades to end or at least reduce corruption, and increase transparency at the IWC. We believe it is essential that the proposal succeeds.

⁸C. Scott Baker, Justin Cooke, Shane Lavery, Merel L. Dalebout, Yong-un Mas, Naoko Funahashi, Colm Carraher and Robert L Brownell. 2007. *Estimating the number of whales entering trade using DNA profiling and capture-recapture analysis of market products.* *Molecular Ecology* 16. 13. P 2617 – 2626 .

The UK document proposes a range of reforms and provides draft text for all the proposed changes to the rules of procedure and financial regulations. The Secretariat document identifies potential reforms, most/all of which are proposed in the UK draft text, as well as offering two pieces of draft text.

We strongly support the UK approach to these key reforms and note how they compare to the Secretariat proposal below.

1. Payments from the governments to the IWC must be by bank transfer from an account belonging to the government and cash, cheques, money orders and credit cards will not be accepted. The Secretariat proposal would only eliminate cash payments and would not require that the payment originate from the member government involved.
2. To enhance transparency, circular communications to member governments should be in the public domain except in special cases, and the Finance and Administration Committee should be open to observers unless private matters, such as staff issues, are being discussed. The Secretariat has suggested that observer access to the F&A Committee be considered.
3. Decisions can only be adopted (whether by vote or by consensus) if the text of the decision has been distributed in writing to all Commissioners. The text of all adopted decisions must be placed on the IWC's website, in all three official languages, within 14 days of the conclusion of the meeting. The Secretariat proposal is for text to be projected on screens in the meeting room.
4. Observers should be given increased participation including enhanced speaking rights. The Secretariat has suggested that this be considered.
5. That all scientific advice to the Commission be received only via the SC and that the SC report be posted on the IWC website within 14 days of the end of the SC meeting. The Secretariat has suggested that the report become public as soon as it has been circulated to contracting governments. We strongly support the earliest availability of the SC report.

The UK reforms are stronger than the Secretariat ones in all cases and so should be supported if there is conflict.

21.6 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'. Given that 'management' in this context means setting quotas on whales, this should be watched closely. Link wants to see the Commission phase out funding for items that support commercial whaling and redirect that funding into conservation work.

