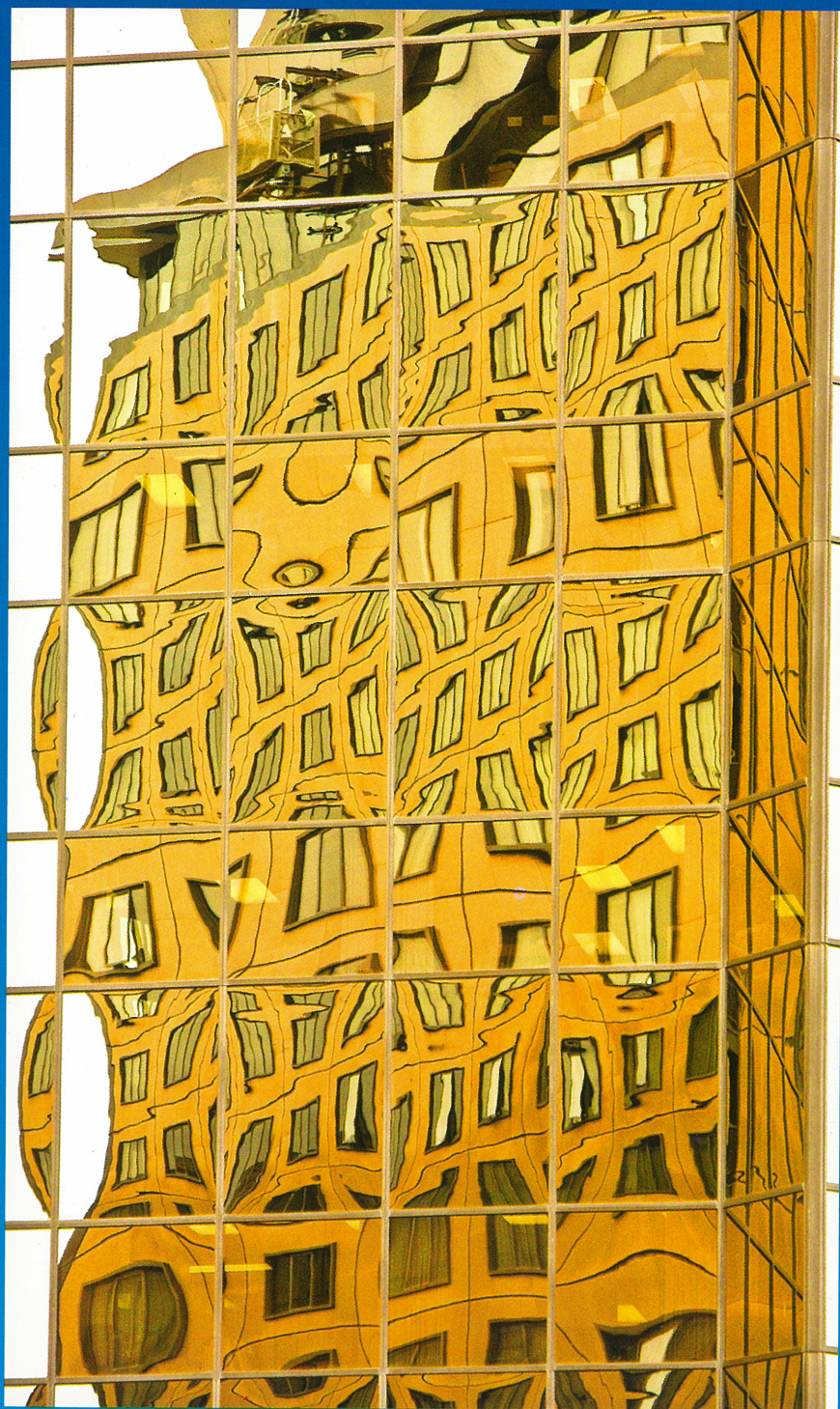


# Annual Report of the International Whaling Commission 2007

Covering the  
2006-2007  
financial year  
and the 59th  
Annual Meeting  
held in  
Anchorage  
Alaska  
in 2007



# **Annual Report of the International Whaling Commission 2007**

**THE INTERNATIONAL WHALING COMMISSION WAS CONSTITUTED UNDER THE  
INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING SIGNED AT  
WASHINGTON ON 2 DECEMBER 1946**



International Whaling Commission  
The Red House, 135 Station Road, Impington, Cambridge, UK, CB24 9NP  
Tel: +44 (0)1223 233971  
Fax: +44 (0)1223 232876  
E-mail: [secretariat@iwcoffice.org](mailto:secretariat@iwcoffice.org)

**Cambridge 2008**

ISSN: 1561-0721

## List of Members of the Commission

<i>Contracting Government</i>	<i>Adherence</i>	<i>Commissioner</i>	<i>Appointment</i>
Antigua and Barbuda	21/07/82	Mr. A. Liverpool	02/07/04
Argentina	18/05/60	Ambassador E. H. Iglesias	08/02/02
Australia	10/11/48	Ms. D. Petrachenko	09/08/07
Austria	20/05/94	Dr. A. Nouak	09/08/96
Belgium	15/07/04	Mr. A. de Lichtervelde	14/07/04
Belize	17/06/03	Ms. B. Wade	17/05/06
Benin	26/04/02	Mr. J. Ouake	06/05/02
Brazil	04/01/74	Mr. B.P. Velloso	31/08/07
Cambodia	01/06/06	Mr. P. Try	06/06/06
Cameroon	14/06/05	Dr. B. M. Ousman	04/08/05
Chile	06/07/79	Ambassador C. Maquieira	05/06/06
People's Republic of China	24/09/80	Mr. Li Jianhua	06/06/00
Costa Rica	24/07/81	Dr. R. Dobles-Mora	23/05/07
Côte d'Ivoire	08/07/04	Dr. D. A. Jeanson	16/07/04
Croatia	10/01/07	Mr. Z. Šikić	16/02/07
Cyprus	26/02/07	Ms. M. Hadjichristoforou	13/03/07
Czech Republic	26/01/05	Dr. P. Hycova	17/03/05
Denmark	23/05/50	Mr. O. Samsing	01/10/06
Dominica	18/06/92	Mr. L. Pascal	10/07/01
Ecuador	10/05/07	Dr. D. Salgado Campana	30/05/07
Finland	23/02/83	Mr. E. Jaakkola	15/04/99
France	03/12/48	Mr. S. Louhaur	01/09/05
Gabon	08/05/02	Dr. G. A. Rerambyath	13/04/04
The Gambia	17/05/05	Mr. S. Jabai	22/05/06
Germany	02/07/82	Mr. G. Lindemann	20/04/07
Greece	16/05/07	Ambassador A. Rallis	25/5/07
Grenada	07/04/93	Hon. G. Bowen	25/06/04
Guatemala	16/05/06	Ms. M. J. Iturbide Flores	22/05/07
Guinea-Bissau	29/05/07	Mr. D. Gomes	18/08/07
Republic of Guinea	21/06/00	Mr. I. S. Touré	29/07/03
Hungary	01/05/04	Dr. K. Rodics	06/06/04
Iceland	10/10/02	Mr. S. Asmundsson	14/10/02
India	09/03/81	Dr. R. B. Lal	29/11/06
Ireland	02/01/85	Mr. J. Fitzgerald	15/05/07
Israel	07/06/06	Ms. E. Efrat-Smilg	07/06/06
Italy	06/02/98	Mr. G. Ambrosio	01/01/02
Japan	21/04/51	Mr. M. Morimoto	12/11/99
Kenya	02/12/81	Not notified	
Kiribati	28/12/04	Mrs. R. Nikuata-Rimon	07/06/06
Laos	22/05/07	Dr. B. Khambounheuang	01/10/07
Luxembourg	10/06/05	Mr. C. Origer	10/06/05
Republic of Korea	29/12/78	Mr. J-H Son	27/02/06
Mali	17/08/04	Dr. H. Coulibaly	20/04/05
Republic of the Marshall Islands	01/06/06	Hon. J. Silk	12/06/06
Mauritania	23/12/03	Mr. M. A. Dia	15/03/06
Mexico	30/06/49	Dr. L. Rojas Bracho	10/05/05
Monaco	15/03/82	Prof. F. Briand	13/06/03
Mongolia	16/05/02	Mr. T. Damdin	09/01/08
Morocco	12/02/01	Mr. A. Fahfouhi	01/04/04
Nauru	15/06/05	Mr. J. Dowiyogo	20/02/07
Netherlands	14/06/77	Mr. G. B. Raaphorst	11/07/02
New Zealand	15/06/76	Rt Hon. Sir G. Palmer	02/12/02
Nicaragua	05/06/03	Not notified	
Norway	03/03/48	Ambassador K. Klepsvik	26/11/04
Oman	15/07/80	Mr. I. S. Al-Busaidi	17/03/03
Republic of Palau	08/05/02	Hon. K. Nakamura	17/05/02
Panama	12/06/01	Ms. D. Siraze	21/05/07
Peru	18/06/79	Mrs. D. Sotomayor	26/10/06

Cont.

<i>Contracting Government</i>	<i>Adherence</i>	<i>Commissioner</i>	<i>Appointment</i>
Portugal	14/05/02	Prof. J. M. M. M. Palmeirim	25/01/06
Romania	09/04/08	Not notified	
Russian Federation	10/11/48	Mr. V. Y. Ilyashenko	02/05/95
San Marino	16/04/02	Mr. D. Galassi	10/10/02
St Kitts and Nevis	24/06/92	Mr. C. Liburd	12/04/01
St Lucia	29/06/81	Dr. J. E. Edmunds	17/04/07
St Vincent and The Grenadines	22/07/81	Senator E. Snagg	05/03/03
Senegal	15/07/82	Mme. N. Ticke	09/11/05
Slovak Republic	22/03/05	Ms. K. Slabeyova	07/04/06
Slovenia	20/09/06	Mr. R. Bolješič	18/06/07
Solomon Islands	10/05/93	Mr. S. Diake	15/03/04
South Africa	10/11/48	Mr. H. Oosthuizen	10/04/06
Spain	06/07/79	Mr. D. R. Centenera	01/08/04
Suriname	15/07/04	Mr. J. Sahtoe	09/07/04
Sweden	15/06/79	Prof. B. Fernholm	15/02/96
Switzerland	29/05/80	Mr. B. Mainini	03/06/05
Togo	15/06/05	Dr. B. K. Batassé	11/01/08
Tuvalu	30/06/04	Mr. P. Nelesone	13/07/04
UK	10/11/48	Mr. R. Cowan	21/05/01
Uruguay	27/09/07	Ambassador A. Gallardo	20/12/07
USA	10/11/48	Dr. W. Hogarth	06/02/06

Dr N. Grandy, Secretary to the Commission, 16 April 2008

---

## Preface

---

Welcome to the tenth of the series, the '*Annual Report of the International Whaling Commission*'. Subscription details for the publications of the International Whaling Commission can be found on the Commission web site ([www.iwcoffice.org](http://www.iwcoffice.org)), by e-mailing [subscriptions@iwcoffice.org](mailto:subscriptions@iwcoffice.org) or by the more traditional means of writing, telephoning or faxing the Office of the Commission (details are given on the title page and on the back cover of this volume).

This report contains the Chair's Report of the Fifty-Ninth meeting of the IWC, held in Anchorage, Alaska, USA in May 2007. The text of the Convention and its Protocol are also included, as well as the latest versions of the Schedule to the Convention and the Rules of Procedure and Financial Regulations. The Chair's Report includes the reports of the Commission's technical and working groups as annexes.

Cover photograph: reflection of the Captain Cook conference venue in a nearby building.

G.P. DONOVAN

Editor

# Contents

CHAIR'S REPORT OF THE FIFTY-NINTH ANNUAL MEETING. ....	7
FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 AUGUST 2007. ....	133
INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946. ....	141
Full text. ....	143
Protocol. ....	145
SCHEDULE OF THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946. ....	147
RULES OF PROCEDURE AND FINANCIAL REGULATIONS. ....	161
Rules of Procedure. ....	163
Financial Regulations. ....	167
Rules of Debate. ....	170
Rules of Procedure of the Technical Committee. ....	171
Rules of Procedure of the Scientific Committee. ....	172

# **Chair's Report**

# Chair's Report: Contents

<b>1. INTRODUCTORY ITEMS</b> .....	7
1.1 Date and place .....	7
1.2 Opening ceremony and welcome address .....	7
1.3 Opening statements .....	8
1.4 Credentials and voting rights .....	8
1.5 Meeting arrangements .....	8
<b>2. ADOPTION OF AGENDA</b> .....	8
<b>3. WHALE STOCKS</b> .....	8
3.1 Antarctic minke whales .....	8
3.2 Western North Pacific common minke whales .....	9
3.3 Southern Hemisphere humpback whales .....	10
3.4 Southern Hemisphere blue whales .....	11
3.5 Western North Pacific gray whales .....	11
3.6 Other small stocks – bowhead and right whales .....	12
3.7 North Pacific sei whales .....	12
3.8 Other .....	13
<b>4. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES</b> .....	13
4.1 Report from the Working Group on Whale Killing Methods and Associated Welfare Issues .....	13
4.2 Commission discussion and action arising .....	14
<b>5. ABORIGINAL SUBSISTENCE WHALING</b> .....	16
5.1 Aboriginal Subsistence Whaling Management Procedure (AWMP) .....	16
5.2 Advice on other Greenlandic stocks .....	16
5.3 Aboriginal Whaling Scheme .....	17
5.4 Aboriginal subsistence whaling catch limits .....	17
5.5 Other .....	23
<b>6. REVISED MANAGEMENT SCHEME</b> .....	23
6.1 Revised Management Procedure (RMP) .....	23
6.2 Revised Management Scheme (RMS) .....	25
<b>7. THE IWC IN THE FUTURE</b> .....	26
7.1 Introduction .....	26
7.2 Commission discussions and actions arising .....	28
<b>8. SANCTUARIES</b> .....	31
8.1 Issues raised in the Scientific Committee .....	31
8.2 Proposal to amend the Schedule to establish a South Atlantic Whale Sanctuary .....	31
<b>9. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING</b> .....	33
9.1 Use of cetaceans within the context of responsible use of marine resources and their contribution to sustainable coastal communities, sustainable livelihoods, food security and poverty reduction .....	33
9.2 Proposed Schedule amendment .....	33
<b>10. SCIENTIFIC PERMITS</b> .....	38
10.1 Improving procedures for reviewing scientific permit proposals .....	38
10.2 Review of results from existing permits .....	38
10.3 Review of new or continuing proposals .....	39
<b>11. SAFETY ISSUES AT SEA AND THEIR IMPLICATIONS</b> .....	41
<b>12. ENVIRONMENTAL AND HEALTH ISSUES</b> .....	42
12.1 Scientific Committee activities .....	42
12.2 Reports from Contracting Governments .....	44
12.3 Health issues .....	44
<b>13. WHALEWATCHING</b> .....	44
13.1 Report of the Scientific Committee .....	44
13.2 Commission discussions and action arising .....	45
<b>14. CO-OPERATION WITH OTHER ORGANISATIONS</b> .....	47
14.1 Report of the Scientific Committee .....	47
14.2 Commission discussions and action arising .....	47



<b>15. OTHER SCIENTIFIC COMMITTEE ACTIVITIES, ITS FUTURE WORK PLAN AND ADOPTION OF THE SCIENTIFIC COMMITTEE REPORT</b>	49
15.1 Small cetaceans	49
15.2 Other activities	51
15.3 Scientific Committee future work plan	52
15.4 Adoption of the Report	54
<b>16. CONSERVATION COMMITTEE</b>	54
16.1 Report of the Conservation Committee	54
16.2 Commission discussions and action arising	55
<b>17. CATCHES BY NON-MEMBER NATIONS</b>	55
<b>18. INFRACTIONS, 2006 SEASON</b>	55
18.1 Report of the Infractions Sub-committee	55
18.2 Commission discussions and action arising	56
<b>19. ADMINISTRATIVE MATTERS</b>	56
19.1 Annual Meeting arrangements and procedures	56
19.2 NGO participation and accreditation	58
19.3 Legal advice in relation to the IWC	58
19.4 Amendments to the Rules of Procedure and Financial Regulations	58
19.5 Website	59
<b>20. SECRETARIAT OFFICES</b>	59
20.1 Report from the F&A Committee	59
20.2 Commission discussions and action arising	59
<b>21. FORMULA FOR CALCULATING CONTRIBUTIONS</b>	60
21.1 Report of the F&A Committee	60
21.2 Commission discussions and action arising	61
<b>22. FINANCIAL STATEMENTS AND BUDGETS</b>	61
22.1 Review of the Provisional Financial Statement, 2006/2007	61
22.2 Consideration of estimated budgets, 2007/2008 and 2008/2009	61
<b>23. ADOPTION OF THE REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE</b>	62
<b>24. DATE AND PLACE OF ANNUAL AND INTERSESSIONAL MEETINGS</b>	62
24.1 60 <sup>th</sup> Annual Meeting, 2008	62
24.2 61 <sup>st</sup> Annual Meeting, 2009	62
<b>25. ADVISORY COMMITTEE</b>	62
<b>26. SUMMARY OF DECISIONS AND REQUIRED ACTIONS</b>	62
<b>27. OTHER MATTERS</b>	62
<b>28. AMENDMENTS TO THE SCHEDULE</b>	62
Annex A Delegates and Observers Attending the 59 <sup>th</sup> Annual Meeting	63
Annex B Agenda for the 59 <sup>th</sup> Annual Meeting	68
Annex C Report of the Working Group on Whale Killing Methods and Associated Welfare Issues	71
Annex D Report of the Sub-Committee on Aboriginal Subsistence Whaling	76
Annex E Resolutions Adopted at the 59 <sup>th</sup> Annual Meeting	90
Annex F Report of the Conservation Committee	94
Annex G Report of the Infractions Sub-Committee	105
Annex H Catches by IWC Member Nations in the 2006 and 2006/2007 Seasons	111
Annex I Report of the Finance and Administration Committee	112
Annex J Proposed Budget for 2007/2008 and Forecast Budget for 2008/2009	129
Annex K Scientific Committee Funding Requirements for 2007/2008	130
Annex L Amendments to the Schedule Adopted at the 59 <sup>th</sup> Annual Meeting	131

**SUMMARY OF MAIN OUTCOMES, DECISIONS AND REQUIRED ACTIONS  
FROM THE 59<sup>TH</sup> ANNUAL MEETING**

The main outcomes, decisions and required actions arising from the 59<sup>th</sup> Annual Meeting of the IWC are summarised in the table below.

Issue	Outcomes, decisions and required actions
<b>Status of stocks</b>	<p><b>Antarctic minke whales</b></p> <ul style="list-style-type: none"> <li>• Completion of the revised abundance estimate for Antarctic minke whales continues to be a high priority given that there is no agreed current estimate. The Scientific Committee expects to agree estimates at IWC/60 in 2008.</li> </ul> <p><b>Western North Pacific common minke whales</b></p> <ul style="list-style-type: none"> <li>• As part of the in-depth assessment, the Scientific Committee has begun specifying plausible hypotheses for stock structure and expects to draw conclusions about stock structure in the Sea of Japan at next year's meeting.</li> </ul> <p><b>Southern Hemisphere humpback whales</b></p> <ul style="list-style-type: none"> <li>• Substantive progress on the Comprehensive Assessment was made last year for Breeding Stocks A (eastern South America), D (western Australia) and G (western South America). Information presented this year on Breeding Stocks B and C off western and eastern Africa respectively, suggests that both stocks are sub-structured. Further work is needed before abundance estimates can be agreed.</li> </ul> <p><b>Southern Hemisphere blue whales</b></p> <ul style="list-style-type: none"> <li>• New estimates of abundance and trends for Antarctic blue whales were accepted. Although still at a fraction of their unexploited population size, they were increasing at around 8% per year for the period 1978/79 to 2003/04. The abundance estimate for the approx. mid year of 1997/98 was estimated as 2,300 (95% CI 1,150-4,500).</li> </ul> <p><b>Western North Pacific gray whales</b></p> <ul style="list-style-type: none"> <li>• Great concern has been expressed over this critically endangered species whose only known feeding grounds lie along the northeastern coast of Sakhalin Island, where existing and planned oil and gas developments pose potentially serious threats. Entanglements in fishing gear throughout the range also pose a serious threat.</li> <li>• Population modelling work reviewed this year indicated a high probability of population increase to 2050 provided there is no additional mortality (to the expected natural mortality) and no disturbance to reproduction. However, a projection of the female population indicated a high probability of population decline and a substantial risk of extinction by 2050 if the recent rate of deaths (four females in the last two years) continues. Concern was expressed that further seismic surveys are scheduled near the Sakhalin feeding ground in 2008. The urgency of reducing anthropogenic mortality to zero in this population was again stressed</li> </ul> <p><b>Southern Hemisphere right whales</b></p> <ul style="list-style-type: none"> <li>• New information on right whales off the southern Australian coast and from New Zealand's sub-Antarctic Auckland Islands and Brazil was welcomed. The rate of increase of cow/calf pairs off southern Australia was estimated at about 7.5% for the period 1993-2006.</li> </ul> <p><b>North Atlantic right whales</b></p> <ul style="list-style-type: none"> <li>• Noting two fatal ship strikes in 2004 and one reported bycatch, the Scientific Committee re-iterated its recommendation that it is a matter of absolute urgency that every effort be made to reduce anthropogenic mortality of this stock to zero.</li> </ul> <p><b>Small cetaceans</b></p> <ul style="list-style-type: none"> <li>• This year the Scientific Committee focused on a global review of killer whales. It noted that a poor understanding of population structure and very little information on any aspect of killer whale biology in many areas hinders any assessment of their status. However, it identified a number of stocks for which there is clear concern.</li> <li>• Information was received suggesting that the baiji is now probably extinct. Great concern was expressed that despite extensive scientific discourse for over 20 years, little effort was made to implement any real conservation measures.</li> <li>• With the likely extinction of the baiji, the vaquita of the upper Gulf of California is probably the most endangered cetacean species. Available information suggests that the current population decline is close to 10% annually, with a critical threshold in approximately eight years. The Committee reiterated its extreme concern and recommended that resources be found to design and implement a comprehensive programme to eliminate entangling nets from the range of the vaquita. The Commission endorsed the Committee's concerns and adopted Resolution 2007-5: "The vaquita, from critically endangered to facing extinction."</li> </ul>

Issue	Outcomes, decisions and required actions
<b>Aboriginal subsistence whaling</b>	<ul style="list-style-type: none"> <li>The Commission agreed 5-year catch limits for: (1) the Bering-Chukchi-Beaufort Seas stock of bowhead whales; (2) the Eastern stock of gray whales in the North Pacific; (3) minke whale stocks off Greenland, West Greenland stocks of fin and bowhead whales; and (4) North Atlantic humpback whales off St. Vincent and The Grenadines. The quota each year for the West Greenland bowhead whales only becomes operative on advice from the Scientific Committee that the strikes will not endanger the stock.</li> </ul>
<b>Whale killing methods and associated welfare issues</b>	<ul style="list-style-type: none"> <li>As usual, data on whales killed (e.g. weapons used, times to death, instantaneous death rates, numbers struck and lost) and on improving the humaneness of whaling operations (weapons improvement programmes, training etc) were reviewed.</li> <li>The Commission agreed that a one-day workshop should be held in conjunction with next year's meeting to address welfare issues associated with entrapped large cetaceans that cannot be released alive.</li> </ul>
<b>The Revised Management Scheme (RMS)</b>	<p><b>Revised Management Procedure (RMP)</b></p> <ul style="list-style-type: none"> <li>The Scientific Committee completed the <i>Implementation</i> for western North Pacific Bryde's whales. The <i>Implementation</i> for North Atlantic fin whales would be initiated after the meeting. Given new information on stock structure becoming available, it was agreed that the <i>Implementation Review</i> for western North Pacific common minke whales could not be done in a single meeting and that the two-year process envisaged under the 'Requirements and Guidelines for <i>Implementation</i>' be followed. The Committee hopes to complete an <i>Implementation Review</i> for central and northeastern Atlantic common minke whales prior to next year's Annual Meeting.</li> <li>The Committee reviewed progress in estimating indirect removals including those from bycatch in fishing gear and ship strikes.</li> </ul> <p><b>RMS</b></p> <ul style="list-style-type: none"> <li>Last year the Commission accepted that an impasse had been reached at the Commission level on RMS discussions and no formal activity prior to IWC/59 was identified. It noted that individual governments or groups of governments could work towards the development of an RMS during the intersessional period. No such reports were received and no further work on the RMS was identified.</li> </ul>
<b>The future of the IWC</b>	<ul style="list-style-type: none"> <li>The Commission agreed that an intersessional meeting should be held prior to the 2008 Annual Meeting to provide an opportunity for Contracting Governments to discuss the future of the organisation, given <i>inter alia</i> the impasse reached on the RMS and the number of issues for which polarisation rather than consensus appear to be the norm. It agreed to establish a Steering Group to help prepare the meeting. The Steering Group comprises the Commission Chair, Vice Chair and representatives (from Chile, New Zealand and Palau) of three non-IWC meetings held between the 2006 and 2007 Annual Meetings to discuss the future of IWC.</li> </ul>
<b>Sanctuaries</b>	<ul style="list-style-type: none"> <li>A proposed Schedule amendment to create a South Atlantic Sanctuary was not adopted.</li> </ul>
<b>Socio-economic implications and small-type whaling</b>	<ul style="list-style-type: none"> <li>A proposed Schedule amendment from Japan to allow the taking of minke whales from the Okhotsk Sea-West Pacific stock of the North Pacific each year until 2011 and a Resolution that <i>inter alia</i> reaffirmed the Commission's recognition of the socio-economic and cultural needs of Japan's small-type whaling communities were withdrawn in view of the lack of support they received.</li> </ul>
<b>Scientific permits</b>	<ul style="list-style-type: none"> <li>The Commission adopted a revised procedure for reviewing new permit proposals and, in principle, to periodic and final reviews of data from existing permits.</li> <li>The Scientific Committee reviewed results from Japan's research programmes in the Antarctic (JARPA and JARPA II) and North Pacific and Iceland's programme in the North Atlantic with a focus on a review of the 18-year JARPA programme. Different views on the value of these research programmes were expressed in the Scientific Committee and in the Commission.</li> </ul> <p><b>Safety issues at sea and their implications</b></p> <ul style="list-style-type: none"> <li>As a result of continuing protest activities against Japan's whale research vessels in the Antarctic and concern over the implications of such activities, the Commission passed Resolution 2007-2 on safety at sea and protection of the environment.</li> </ul>

Issue	Outcomes, decisions and required actions
<b>Environmental and health concerns</b>	<ul style="list-style-type: none"> <li>• The impact on cetaceans of infectious and non-infectious diseases in marine mammals was discussed in a two-day meeting. A Scientific Committee Working Group to better address those aspects of current and emerging diseases relevant to IWC was established.</li> <li>• With respect to ecosystem modelling, the Committee reviewed progress <i>inter alia</i> with: (1) preparation of the CCAMLR/IWC workshop on modelling Antarctic krill predators; (2) collaboration with FAO and participation in FAO's July 2007 expert consultation on modelling ecosystem interactions for informing an ecosystem-based approach to fisheries; and (3) the development of ecosystem models.</li> <li>• It was agreed to initiate Phase II of POLLUTION 2000+, concentrating on developing: (1) an integrated modelling framework to examine the effects of pollutants on cetacean populations; and (2) a protocol for validating the use of biopsy samples in pollution-related studies.</li> <li>• The Commission supported a proposal for a workshop on climate change and impacts on cetaceans to be held after the 2008 Annual Meeting.</li> <li>• In relation to the handling and release of entangled cetaceans, the Scientific Committee stressed that the most valuable use of disentanglement data is for developing new fishing gear and practices that prevent lethal entanglements of large whales, where entanglement is inhibiting the recovery of extremely endangered species or populations.</li> <li>• The Scientific Committee urged that appropriate mitigation measures be employed in the use of mid-frequency sonar associated with two naval exercises potentially affecting beaked whales off Australia and harbour porpoises in the Baltic Sea.</li> <li>• The SOCER report this year focused on the Mediterranean and Black Seas.</li> </ul>
<b>Whalewatching</b>	<ul style="list-style-type: none"> <li>• Last year the Scientific Committee agreed that research effort should concentrate on understanding the interactions between whalewatching impacts on cetaceans and other anthropogenic disturbances and ecological factors. A workshop to develop a research framework for whalewatching studies will be held prior to next year's Annual Meeting.</li> <li>• The compendium of whalewatching guidelines and regulations was updated. The Committee noted that statutory regulations are preferable to voluntary guidelines.</li> <li>• The Commission adopted Resolution 2007-3 on the non-lethal use of cetaceans. The Resolution recognises the valuable benefits that can be derived from the non-lethal use of cetaceans as a resource and as a legitimate management strategy, and encourages Contracting Governments to work towards the incorporation of the needs of non-lethal users of whale resources in any future decisions and agreements.</li> </ul>
<b>Co-operation with other organisations</b>	<ul style="list-style-type: none"> <li>• The Commission adopted Resolution 2007-4 on IWC's relationship with CITES that <i>inter alia</i> requests Contracting Governments to respect the relationship between the IWC and CITES conventions and not to seek the transfer of cetacean species from CITES Appendix I while the commercial whaling moratorium remains in place.</li> </ul>
<b>Conservation Committee</b>	<ul style="list-style-type: none"> <li>• Although disagreement within the Commission continues over the establishment and terms of reference for this Committee, the Committee reviewed progress with two ongoing areas of work, i.e. (1) an investigation of inedible 'stinky' gray whales in the Chukotkan aboriginal subsistence hunt; and (2) ship strikes on cetaceans. It supported initiation of new work on the endangered eastern South Pacific right whale population and for the management of whalewatching to be included as an item on its agenda.</li> <li>• Regarding ship strikes, the Conservation Committee agreed to future work on: (1) further co-operation with IMO; (2) continued development of an international database on ship strikes; (3) adoption of national and regional legislation, rules and action plans; (4) consideration of a multidisciplinary expert workshop on ship strike mitigation; and (5) recommendations to the Scientific Committee regarding histopathology and research on increased mortality caused by the whalewatching industry.</li> </ul>

Issue	Outcomes, decisions and required actions
<b>Future work of the Scientific Committee</b>	<p>The Commission adopted the report from the Scientific Committee, including its proposed work plan for 2007/2008 that includes activities in the following areas:</p> <ul style="list-style-type: none"> <li>• RMP, particularly with respect to: (1) agreeing abundance estimates for western North Pacific Bryde's whales; (2) completing the <i>Implementation Review</i> for North Atlantic fin whales; (3) initiating the <i>Implementation</i> process for North Atlantic fin whales; and (4) developing an inventory of new data available for western North Pacific common minke whales;</li> <li>• estimation of bycatch and other human induced mortality for use in the RMP;</li> <li>• Aboriginal Subsistence Whaling Management Procedure, particularly the development of an <i>SLA(s)</i> to provide long-term management advice for the Greenlandic fisheries;</li> <li>• reviews of catch data and management advice for whale stocks subject to aboriginal subsistence takes;</li> <li>• in-depth assessments, with particular emphasis on agreeing abundance estimates for Antarctic minke whales, elucidation of stock structure of western North Pacific common minke whales and completion of the assessments for Southern Hemisphere humpback whales Breeding Stocks B and C;</li> <li>• continued work on the conservation of endangered populations with emphasis on western gray whales and northern right whales;</li> <li>• review of new information on southern right whale populations;</li> <li>• review of the concept of 'stock' in a management context;</li> <li>• reviews of existing/new scientific permits and finalisation of the mechanism for undertaking such reviews;</li> <li>• environmental concerns, with a focus on: (1) plans for a workshop on climate change; (2) plans for Phase II of POLLUTION 2000+; (3) reviewing the report from the pre-meeting workshop on skin diseases in cetaceans of South America; (4) the results of work on the Southern Ocean collaboration; and (5) the SOCER report;</li> <li>• ecosystem modelling with a focus on planning the joint CCAMLR/IWC workshop on modelling Antarctic krill predators;</li> <li>• whalewatching (WW) with a focus on: (1) reviewing the report of the workshop on strategic planning of large-scale WW research; (2) developing methodology and assessing the biological impacts of WW on cetaceans; and (3) reviewing WW in South America; and</li> <li>• small cetaceans, including a review of conservation issues regarding small cetaceans in the South-East Pacific.</li> </ul>
<b>Administration</b>	<p><b>Use of languages other than English</b></p> <ul style="list-style-type: none"> <li>• The Commission agreed to further improvements regarding interpretation and translation facilities for French and Spanish speaking countries and agreed to establish an intersessional email group to consider approaches to translation of IWC's website.</li> </ul> <p><b>NGO participation</b></p> <ul style="list-style-type: none"> <li>• Changes to the procedure governing accreditation and participation of NGOs in IWC meetings were agreed, enabling national as well as international organisations to become accredited and removing the current restriction of one person per organisation in the meeting room at any one time. Registration fees will be set per individual.</li> </ul> <p><b>Amendments to the Rules of Procedure and Financial Regulations</b></p> <ul style="list-style-type: none"> <li>• The Commission agreed to add a footnote to Rule of Procedure Q.2 to clarify the rules applying to documents identified as confidential.</li> </ul> <p><b>Website</b></p> <ul style="list-style-type: none"> <li>• The Commission agreed to create links from its website to websites of Contracting Governments where governments express their views and positions on IWC matters.</li> </ul>

Issue	Outcomes, decisions and required actions
<b>Secretariat offices</b>	<ul style="list-style-type: none"> <li>Following last year's decision to invite Contracting Governments to indicate their interest in hosting the Secretariat, two expressions of interest were received that were reviewed by the F&amp;A Committee. Concern was expressed that relocation of the Secretariat away from Cambridge may result in a regrettable loss of expertise. The view was taken that discussions on this topic had already been going for a long time, that further delay would be bad for staff morale and that the deadline for the expiry of the current lease in March 2009 was too close to delay matters further. The F&amp;A Committee agreed and recommended to the Commission to close discussions on relocation of the Secretariat away from the Cambridge area for the time being and to only re-open them if a positive decision to do so was taken at some point in the future. After some discussion in plenary, the Commission agreed.</li> </ul>
<b>Financial Contributions Formula</b>	<ul style="list-style-type: none"> <li>The Commission agreed: (1) to review the cut-off points defining the capacity-to-pay groups and amend as appropriate; (2) that when assessing financial contributions, Contracting Governments would be allocated into the capacity-to-pay groups using the World Bank Data available on 31 December of the following year; and (3) to amend the procedure for assigning shares in relation to meeting attendance of host governments.</li> </ul>
<b>Financial Statements and Budget</b>	<ul style="list-style-type: none"> <li>The Commission approved: (1) the Provisional Financial Statement for 2005/06 subject to audit; (2) the budget for 2006/07, including the research budget, and (3) increases in the media fee from £40 to 45 for 2007. The new fee structure for NGOs is to be set by the Secretariat on an income-neutral basis.</li> </ul>
<b>Date and place of Annual Meetings</b>	<ul style="list-style-type: none"> <li>The 60<sup>th</sup> Annual and associated meetings in 2008 will be held in Santiago, Chile during the period 1-27 June.</li> <li>The 61<sup>st</sup> Annual Meeting in 2009 will be held in Madeira, Portugal. The dates and venue are to be determined.</li> </ul>
<b>Advisory Committee</b>	<ul style="list-style-type: none"> <li>The Commissioner from Chile was elected onto the Advisory Committee to replace the Commissioner for the UK. The Advisory Committee now comprises the Chair (USA), the Vice-Chair (Japan), the Chair of the F&amp;A Committee (Antigua and Barbuda), the Commissioner for Cameroon and the Commissioner for Chile.</li> </ul>

# Chair's Report of the 59<sup>th</sup> Annual Meeting

## 1. INTRODUCTORY ITEMS

### 1.1 Date and place

The 59<sup>th</sup> Annual Meeting of the International Whaling Commission (IWC) took place at the Hotel Captain Cook, Anchorage, Alaska from 28 to 31 May 2007. It was chaired by Dr Bill Hogarth (USA). It was attended by 73 of the 77 Contracting Governments. A list of delegates and observers attending the meeting is provided in Annex A. The associated meetings of the Scientific Committee and Commission sub-groups were held at the same venue in the period 7 to 25 May.

### 1.2 Opening ceremony and welcome address

The Chair welcomed everyone to the meeting. He noted that it had been a privilege to have been elected as Chair by the Commission last year and that it was especially important since IWC/59 was being hosted by the USA for the first time since the mid 1980s. The Chair recalled that, as he had indicated in the private meeting of Commissioners the day before, his goal was to do everything in his power to see that there is a thorough, efficient and open discussion of each item on this year's agenda. He considered it important that all Contracting Governments have the opportunity to express their points of view and he hoped that this could be done without interruption. He stressed the importance of finding a way for the Commission members to work together, not just for the 59<sup>th</sup> Annual Meeting, but also so as to find a way for the IWC to be the effective organisation for the management and conservation of whales it was intended to be.

An opening prayer by Alberta Stephan, an Elder from the native village of Eklutna, was followed by welcome addresses from the Honourable Mark Begich, Mayor of the City of Anchorage, the Honourable Sarah Palin, Governor of the State of Alaska, VADM Conrad C. Lautenbacher Jr, NOAA Administrator and Undersecretary of Commerce for Oceans and Atmosphere and the Honourable Ted Stevens, United States Senator for Alaska.

Mayor Begich noted that Anchorage was honoured that the IWC chose to meet in the city whose residents are keenly interested in its deliberations and for whom whales and whaling are not abstract topics. He further noted that the people live with whales in Cook Inlet and that they respect and value the unique cultural role of subsistence whaling by Alaska Native people. Mayor Begich referred to concern over the status of beluga whales in Cook Inlet which NOAA had recently proposed listing as endangered and indicated that he supported measures to improve their status. While this may be a local issue, he believed that it resembles many of the broader issues the organisation would be discussing at its meeting. In the forthcoming deliberations he urged the Commission to keep in mind the following values: respect for indigenous people; the affection of the world's people for the whale; and the need of humankind to make use of natural resources. Mayor Begich believed that a balance among these values could be achieved and that they did not need to conflict.

Governor Palin stressed the deep understanding and appreciation that Alaskans, and in particular the native

peoples, have of their land and waters which play an important role in their lives. She believed that the work that will be done by the Commission during the 2007 Annual Meeting would be important for the sustainability of whales, of marine tourism, of whole ecosystems, of local and global economies, and of the rich culture of Alaska's Native people. She stressed the great extent to which the social structure of coastal Eskimos is dependent on the capture of bowhead whales and the myriad of accompanying activities and that Alaska's whaling captains and their families are respected in their communities. She noted that their traditional knowledge, gained from countless generations, supplements the technology-based research that informs the decisions of IWC. Governor Palin reported that over the last 30 years, Alaska's Department of Fish and Game has worked closely with the Alaska Eskimo Whaling Commission (AEWC) and the North Slope Borough to better understand the biology of the western Arctic bowhead whales, the population of which is now over 10,000 animals and is continuing to grow. She believed that the AEWC had done a tremendous job in managing the sustainability of the hunt and urged the Commission to support the renewal of the bowhead quota. She thanked IWC for its role in the sustainable management of whales for future generations.

Senator Stevens believed that IWC's stewardship had ensured the recovery of whale stocks around the world for more than 60 years. Like other speakers he drew attention to the historical, cultural and nutritional importance of the bowhead subsistence hunt to Alaska's Native people. He defended these peoples' right to harvest bowhead whales in a sustainable manner, believing that to deny them this right would jeopardise their way of life. He noted that the suspension in 1977 of the bowhead hunt had shocked the Alaska Natives since they believed that there were thousands of whales in the area and more than enough to sustain the bowhead hunt. This had galvanised them into forming the AEWC, with the help of the federal government, with the result that the hunt was resumed in 1978 and has continued since. Governor Stevens stressed that the Native people have never taken whales for commercial purposes and never will. He did not believe that IWC should be concerned about the sustainability of the hunt since the very survival of the Eskimo people is tied to the survival of the Arctic bowhead whales. He urged the Commission to join with the USA in continuing to recognise their right to harvest bowhead whales.

VADM Lautenbacher welcomed the Commission to Alaska on behalf of the Government of the USA and Commerce Secretary Gutierrez. He noted that the USA is honoured to host the meeting in Alaska and thanked Governor Palin and Mayor Begich for providing world-class meeting facilities. He stressed the USA's great interest in the conservation and management of cetaceans and while noting that it has domestic legislation for the conservation of marine mammals it recognised that effective conservation and management of cetaceans requires international co-operation through IWC. VADM Lautenbacher noted that the USA was proud to be one of the original signatories to the 1946 Convention and that it had participated actively in IWC's work since then.

The opening ceremony was concluded by dance troops from the Alaskan, Makah and Chukotkan native peoples.

### 1.3 Opening statements

The Chair welcomed the following new Contracting Governments who had adhered to the Convention since the last Annual Meeting:

- Slovenia – adhered on 20 September 2006;
- Croatia – adhered on 10 January 2007;
- Cyprus – adhered on 27 February 2007;
- Ecuador – re-adhered on 10 May 2007;
- Greece – adhered on 16 May 2007;
- Laos – adhered on 22 May 2007.

Guinea-Bissau subsequently adhered to the Convention on 29 May 2007.

The Chair invited the new member countries to address the meeting if they so wished. This invitation was also extended to Guatemala who had adhered prior to last year's meeting but had not been represented in St. Kitts and Nevis. Slovenia, Croatia, Ecuador, Greece, Laos, Guatemala and Guinea-Bissau made opening statements. They all thanked the Government of the USA for hosting the meeting.

### 1.4 Credentials and voting rights

The Secretary reported that the Credentials Committee (Japan, New Zealand and the Secretary) agreed that all credentials were in order for those Contracting Governments present at the beginning of the meeting. She noted that voting rights were suspended for Cameroon, Kenya, Nicaragua, Solomon Islands and Togo. The Secretary noted that when voting commenced, she would call on Peru to vote first.

### 1.5 Meeting arrangements

The Chair asked Contracting Governments to keep Resolutions to a minimum and to consult widely in their preparation, and be brief and to the point in their interventions, associating themselves, where possible, with earlier speakers who had similar views. He reconfirmed previous arrangements regarding speaking rights for Intergovernmental Organisations (IGOs), i.e. that he would allow them to make one intervention on a substantive agenda item and that any IGO wishing to speak should let him know in advance. The Secretary drew attention to the arrangements for the submission of Resolutions and other documents.

## 2. ADOPTION OF THE AGENDA

The Chair drew attention to the Annotated Provisional Agenda and to his proposed order of business.

Japan referred to the comments it submitted on the Draft Agenda circulated in February 2007. It noted that in the past it has expressed the view that the Commission should focus on its core responsibilities consistent with the Convention and that it has proposed the deletion of a number of agenda items including: whale killing methods and associated welfare issues; proposals for new sanctuaries; health issues; whalewatching; small cetaceans and the Conservation Committee. While stressing that its position on these matters remains the same, Japan indicated that in keeping with its attempt to reduce conflict within the IWC and as part of its efforts to normalise the organisation, it would not propose the deletion of these or

any other agenda items this year. It requested that its views be reflected in the meeting report.

In commenting on the Draft Agenda, Norway recalled that while it had not supported the establishment of a Conservation Committee under the Commission, it believed that the Committee's sponsors wish to place emphasis on issues related to habitat and environmental questions. Norway had therefore suggested that: (1) agenda item 12 (Environmental and Health Issues) be deleted and that these issues be deferred to agenda item 16 (Conservation Committee); (2) item 13 (Whalewatching) be deleted from the agenda (since, in its view, whalewatching falls outside the scope of the Convention), or deferred to agenda item 27 (Other Matters) or agenda item 16 (Conservation Committee). Norway had also noted the Chair's proposal to include an item on 'The IWC in the Future' (item 7). It saw some merit in this item if the intention is to invite discussion on how to make the IWC fulfil its role as a proper management organisation for whale resources. However, it noted that it may have more specific comments on this item once the Chair's intention has been expressed in more detail. In the Commission, Norway referred to its earlier comments, but taking note of the mood of the meeting and the Chair's request for constructive debate suggested that the Annotated Provisional Agenda remain unchanged.

The Chair thanked Japan and Norway for their constructive approaches. The adopted Agenda is given in Annex B.

## 3. WHALE STOCKS<sup>1</sup>

### 3.1 Antarctic minke whales

#### 3.1.1 Report of the Scientific Committee

Before addressing Antarctic minke whales specifically, the Scientific Committee had reviewed the results from the 2006/07 SOWER cruise in the Antarctic, the 29<sup>th</sup> cruise in the series. The Committee reported that the cruise was very successful and would assist it greatly in its examination of abundance estimates. The Committee expressed its gratitude to the Government of Japan for providing the vessel and thanked the officers and crew, as well as the international researchers on board.

With respect to Antarctic minke whales, the Committee reminded the Commission that the IDCR/SOWER cruises from 1978/79 to 2003/04 have been divided into three circumpolar series (the CPI, II and III) and that abundance estimates for these surveys show an appreciable decline for CPIII. The Committee has, for some years, been trying to ascertain whether this represents a real decline in abundance or whether there are other explanations for the differences<sup>2</sup>. The Committee had hoped to present revised estimates this year. This had not been possible, although progress was made. The Committee did however agree a way forward, including an intersessional workshop, to allow for new abundance estimates to be developed before

<sup>1</sup> For details of the Scientific Committee's deliberation on this Item, see *J. Cetacean Res. Manage (Suppl.)* 10 (2008).

<sup>2</sup> The last agreed estimates for each of the six management Areas for minke whales were for the period 1982/83 to 1989/90. At the 2000 meeting, the Committee agreed that whilst these represented the best estimates for the years surveyed, they were no longer appropriate as estimates of current abundance. An initial analysis of available recent data had suggested that current estimates might be appreciably lower than the previous estimates.



next year's annual meeting so that the estimates can be evaluated and issues relating to trends discussed at IWC/60 in Chile.

The Committee continued discussions, begun at the JARPA review meeting held in Tokyo in December 2006 (see section 10.2.1.1), on the information on abundance and trends in part of the Antarctic that could be forthcoming from the JARPA data. Particular effort was spent considering the possible effects of a change in timing of surveys in the ice edge strata, especially in the context of trends in abundance. The Committee recognised that reviewing the JARPA abundance estimates has been a lengthy process and there has not always been clarity about the complex analyses suggested and the results reported. As a way to expedite progress, the Committee established an expanded Advisory Group to work intersessionally.

Little time had been available to discuss the reasons for differences between abundance estimates from CPII and CPIII. Most of the discussions centred on the issue of whales found in the ice outside the range of the survey vessels. A number of papers confirmed that considerable numbers of Antarctic minke whales are found within the ice and the Committee developed a number of research recommendations to try and quantify this and whether changes in ice pattern over time may explain or help to explain the difference between abundance estimates from the circumpolar series.

The Committee had also considered catch-at-age analyses. These analyses are important when examining the consistency of any trends in estimated abundance with those in biological parameters. A number of issues were considered including those arising from discussions at the JARPA review meeting. A way forward was developed that will allow progress to be made on evaluating the differences found between length-at-age values for younger animals between the commercial data and the later JARPA data. Discussions also included a review of preliminary modelling work.

Finally, the Committee had received new information on the occurrence of dwarf minke whales off South America and a possible migration route was suggested. The Committee welcomed this information and encouraged further work to investigate the migratory corridor proposed.

### 3.1.2 Commission discussion and action arising

New Zealand supported strongly the proposed intersessional workshop. Given that there is currently no agreed abundance estimate for Antarctic minke whales, it has been concerned for many years regarding the status and trends in abundance of Antarctic minke whales, particularly in relation to a possible decline in abundance between CPII and CPIII. It looked forward to receiving advice on these matters next year.

Japan also noted that the status of Antarctic minke whale stocks is an important issue and welcomed the progress being made by the Scientific Committee. It believed that in view of the work done so far by the Committee, it has become clear that there is some uncertainty around the estimation methods used previously. It noted that the Committee now considers that the large changes in abundance reported relate mainly to Areas II (Weddell Sea) and V (Ross Sea) and that one analysis showed no statistically significant changes in abundance in other areas. Japan therefore welcomed the further work

planned by the Committee, including the intersessional workshop, particularly in relation to Areas II and V where ice coverage is an important factor. Japan stressed that the Committee has been very cautious so far in how it describes apparent differences in minke whale abundance between CPII and CPIII and that it had never concluded that there had been a decline. Because of the technicalities of the issue, it felt it very important that care be taken in the way results are presented. In addition to looking at minke whales, Japan believed it important to consider other whale species. It noted that the Committee has agreed that humpback and fin whale stocks have increased substantially over the period between CPII and CPIII and suggested that a shift in species composition is being observed.

Australia shared the concerns expressed by New Zealand. Mexico and Argentina made similar remarks. Reacting to Japan's comments, Australia suggested that an indication of a decrease in abundance of minke whales suggested the application of a more cautious approach. It reported that it would collaborate with Japan on a survey in 2008 which uses non-lethal research methods. Australia looked forward to the results being presented at next year's meeting.

Mali recognised the importance of the Committee's work on this matter and hoped that in due course, some consideration could be given to the evaluation of whale stocks off the African coast.

The Commission noted the Scientific Committee report and endorsed its recommendations.

## 3.2 Western North Pacific common minke whales

### 3.2.1 Report of the Scientific Committee

The Scientific Committee work on the in-depth assessment of western North Pacific common minke whales, with a special emphasis on the J-stock, continues. This year the Committee received new information on genetic analyses from Japan and Korea. Specification of some plausible hypotheses for stock structure had begun and the Committee expects to draw conclusions about stock structure in the Sea of Japan at next year's meeting and then to consider information on stock structure in the waters east of Japan. The Committee recommended that analyses of both mtDNA and microsatellites should be made based on recent samples and samples from 27 animals from 1982, as these have previously indicated an inshore/offshore structure. However, despite progress on stock structure, the Committee noted that there is still a lack of information from two sub-areas which are very important to the in-depth assessment (sub-areas 10 and 11). It recommended strongly that the Commission requests the Russian Federation to give permission for biopsy samples to be taken during surveys in its waters in these areas as a matter of priority.

With respect to abundance estimates, the Committee was pleased to note that permission had been granted for an international survey in May/June 2006 to enter the 200 mile Economic Exclusive Zone (EEZ) of the Russian Federation. The common minke whales were widely distributed in the Russian zone and a higher density was observed in the northern area between the continent and Sakhalin Island. Preliminary estimates from this survey and a Korean survey were reviewed. The Committee provided advice on further analytical refinements to be presented next year and discussed how to progress with regard to

combining the abundance data from all the areas and years to generate the best available abundance estimates for these areas and also trends for some sub-areas if possible.

The Committee also received a brief summary of work undertaken at a November 2006 regional intersessional workshop in Ulsan, Republic of Korea, held in response to Commission Resolution 2005-2<sup>3</sup>. It looked forward to receiving a full report next year.

The Committee welcomed plans for further Japanese surveys in the Okhotsk Sea and the Sea of Japan in June 2007, and plans for a Korean survey in the Yellow Sea in the spring of 2008. It looked forward to receiving results from these surveys at its next meeting. To obtain estimates of abundance in the western part of sub-area 5, the Committee requested the Commission to encourage China and the Republic of Korea to collaborate to conduct sighting surveys in this area.

Finally, following a discussion of estimation of bycatch entering Korean markets, the Committee reiterated its previous recommendation that bycatch be reported separately for O and J-stock.

### 3.2.2 *Commission discussion and action arising*

The USA expressed concern that J-stock animals continue to be taken as bycatch in Japanese and Korean waters. It noted that bycatch in Japanese waters continues to increase and that the Scientific Committee had considered a paper that estimated that bycatch in Korean waters is 1.8 times higher than reported. The USA believed that more work is needed on structure of the J-stock and endorsed the Committee's recommendations in this regard. It also remained concerned regarding the structure of W and O stocks off Japan's Pacific coast and supported the Committee's request to the Russian Federation to give permission for biopsy samples to be taken during sighting surveys in its waters. The USA also supported the Committee's call for Korea and China to collaborate on sighting surveys.

The UK endorsed the remarks of the USA and shared its concerns regarding the J-stock. Noting that J-stock distribution is thought to be such that within three nautical miles of the Japanese coast the chance of any whale being a J-stock minke whale is as high as 50%, the UK urged Japan in its research under JARPNII to consider restricting the take allowed within the 10 nautical mile limit and preferably restricting catches to outside of the three nautical mile limit altogether. Regarding its concern over the level of bycatch, the UK encouraged a greater amount of genetic analyses. With respect to Korean bycatch, the UK was concerned that the demand for whale meat in Korea may encourage targeted bycatch, targeted direct takes and possibly illegal catches. It therefore hoped that Korea would establish a DNA register so that it would be possible to check that whale meat on its market comes from legally and properly-reported bycatch. Austria noted that the Commission is becoming increasingly reliant on genetic methods to answer many questions. Like the UK, it believed that DNA registers are needed, together with regular updates to the Commission on their functioning. Mexico also noted the absence of precise bycatch data.

Japan thanked the Government of Korea for organising and hosting the regional workshop held in Ulsan to improve co-operation between range states with regard to

sighting surveys and welcomed the Scientific Committee's progress with the in-depth assessment of western North Pacific minke whales. Japan noted that it has provided substantial additional information useful for stock structure studies. Noting the importance of biopsies to this work, Japan thanked the Russian Federation for granting it permission to conduct sighting surveys in its waters last year and hoped that permission would again be granted this year. With respect to bycatch, particularly of J-stock animals, Japan also expressed concern. It reported that it has introduced measures to collect DNA samples and to monitor the situation more closely. Finally Japan observed that while the number of set nets, which are responsible for 100% of the incidental catch, has been stable for some time (as has the level of fishing effort), the amount of bycatch has increased thus providing some indications on the status of the J-stock.

The Republic of Korea thanked the participants of the Ulsan workshop and the Scientific Committee for their work. It believed the work was going well in most areas but noted the absence of sighting surveys in waters under the jurisdiction of North Korea and China. It reported that it is considering some joint work with North Korea in 2008 and hoped that it could collaborate with China soon. It noted that its joint research with Japan on stock structure would continue. With respect to the interventions on bycatch, the Republic of Korea noted that this matter was discussed by the Scientific Committee at IWC/57 in Ulsan in 2005. It therefore saw no justification for the matter being raised again this year via a paper submitted to the Committee that presented no new data or analyses. As it had in the Committee, it called into question the quality of the paper which had been quoted by many news media and had misled the public. The Republic of Korea regretted this situation and requested that it did not happen again. It noted that commercial whaling in Korea had been banned since 1986 and that it has a system in place to monitor any illegal whaling.

The Commission noted the Scientific Committee report and endorsed its recommendations.

## 3.3 Southern Hemisphere humpback whales

### 3.3.1 *Report of the Scientific Committee*

Substantive progress was made last year on the in-depth assessment for Breeding Stocks A (eastern South America), D (western Australia) and G (western South America) and high priority was given this year to Breeding Stocks B and C off western and eastern Africa respectively.

Before focusing on Stocks B and C, the Committee reviewed a paper giving estimates of the genetic structure of feeding aggregations of humpback whales in the Southern Ocean using microsatellite loci and mitochondrial genetic data. The Committee noted that the interchange of whales from different breeding populations on the feeding grounds and the migratory process between breeding stocks and feeding stocks are not yet well understood. It recommended that increased effort be made to sample the feeding areas associated with stocks A and E (eastern Australia) and in general to try to obtain a better understanding of the relationship between breeding and feeding grounds.

With respect to Stocks B and C, information presented suggested that both stocks are sub-structured and that further work is needed before abundance estimates can be agreed. This work will be undertaken during the

<sup>3</sup> *Ann. Rep. Int. Whaling Comm.* 2005: 66.

intersessional period and it is hoped that the assessment of these stocks will be completed at the 2008 Annual Meeting.

The Committee had also examined new information from other stocks, including information on co-operative regional work from Latin America and the South Pacific. The Committee recommended that the availability of additional catch data relating to waters around Tonga be further investigated.

The Committee received a report of the Antarctic humpback whale catalogue to which a further 288 individuals had been added, bringing the total number in the catalogue to over 3,000. It recommended that this valuable work continues.

### 3.3.2 *Commission discussions and action arising*

New Zealand considered the exploitation last century of humpback whales in the Southern Hemisphere as a tragic tale, noting that between 1900 and 1970, 95% of the original population had been killed in commercial whaling operations, with those of the South Pacific being hardest hit. It recalled that from 1937 until 1954, the Antarctic feeding grounds of South Pacific humpbacks were established as a sanctuary, but that when this protection was rescinded, hunting began in earnest, with an illegal operation of the Soviet Union continuing long after humpbacks had received protection from the IWC. New Zealand therefore noted that the Pacific Island humpbacks have had the least time to recover and are still in a severely-depleted state. It referred to satellite tagging information that implied that some humpbacks wintering in the Cook Islands feed in the waters of Area VI, an area that, New Zealand noted with concern, is included in the JARPAII research area. New Zealand went on to highlight its concern about the proposed lethal take of humpbacks this Antarctic summer that it believed would pose a grave threat to the recovery and even the survival of small and vulnerable humpback whale breeding populations in a number of Pacific Island countries. It explained that for New Zealanders, humpback whales are iconic animals and it appealed to Japan to remove them from the JARPAII programme. It would be deeply grateful for such a gesture of goodwill.

Australia, Brazil, France and Mexico endorsed the remarks of New Zealand. Australia noted that the taking of any humpback whales as part of JARPAII would have a significant impact on Australian public opinion. Brazil appealed to Contracting Governments, particularly Japan, to consider the problems arising when whale stocks used in a non-lethal manner are subject to takes under special permit. France gave particular importance to the protection of humpback whales and drew the Commission's attention to a document (IWC/59/8) that it had submitted that reviewed commercial whalewatching activities in the South Pacific (see section 13.2).

Japan responded that JARPAII has a scientific basis and that it is applying science equally to all cetaceans. It is trying to make decisions based on science. However, it understood the special feeling some have for certain whale species and that there is a need for understanding and further dialogue on this issue. Japan was open for discussion on this matter.

The Commission noted the Scientific Committee report and endorsed its recommendations.

## 3.4 Southern Hemisphere blue whales

### 3.4.1 *Report of the Scientific Committee*

The Committee began the process of reviewing the status of Southern Hemisphere blue whales last year. This year, new estimates of abundance and trends for Antarctic blue whales were accepted. Although blue whales are still at a tiny fraction of their unexploited population size, they were increasing at around 8% per year for the period 1978/79 to 2003/04. The abundance estimate for the approximate mid-year of 1997/98 was estimated at 2,300 blue whales (95% confidence intervals of 1,150-4,500).

The Committee also gave some preliminary consideration to blue whales off Chile. It agreed that these should be managed separately from Antarctic and pygmy blue whales since they are distinctive in their distribution, acoustics and length frequencies. It noted that further genetic studies are needed to try to elucidate the taxonomic status of these whales. Further examination of the history of catches and biological data from Chilean whaling operations is also needed before the status of these whales can be assessed.

The Committee recommended continuation of photo-identification research on these whales.

### 3.4.2 *Commission discussion and action arising*

Brazil, Argentina, Costa Rica, Mexico and Ecuador congratulated Chile for the progress made with its research on blue whales. Chile received these comments with thanks and reported that it hopes to present new results at next year's meeting.

The Commission noted the Scientific Committee report and endorsed its recommendations.

## 3.5 Western North Pacific gray whales

The Scientific Committee and the Commission have expressed great concern over the critically endangered western gray whale on a number of occasions. It is probably the most endangered population of large whales. The only known feeding grounds lie along the northeastern coast of Sakhalin Island, where existing and planned oil and gas developments pose potentially serious threats to the population, through habitat damage, ship strikes, noise pollution and oil spills. Entanglements in fishing gear throughout the range also pose a serious threat to the population.

### 3.5.1 *Report of the Scientific Committee*

This year the Committee received new information from the joint Russian-USA research programme on the Sakhalin feeding grounds. Population modelling work using photo-identification data indicated a high probability of population increase to 2050 provided that there is no additional mortality (to the expected natural mortality) and no disturbance to reproduction. However, a projection of the female population indicated a high probability of population decline and a substantial risk of extinction by 2050 if the recent rate of deaths (four females in the last two years) continues. This led to a discussion of the entrapment of gray whales in trap net fisheries. The Committee again stressed the urgency of reducing anthropogenic mortality to zero in this population and it made several suggestions towards an effective mitigation strategy for releasing entrapped animals. It appreciated the intention of Japan to address the issue of bycatch of this stock, which will be a priority stock at next year's meeting,

and it requested that a person qualified to discuss issues related to the trap net fishery be present at that meeting.

The Committee again recommended that every effort be made to ascertain whether all of the entrapped western gray whales that died were previously identified from the Sakhalin feeding ground and that arrangements be made for samples and photographs from these whales to be sent to the archives of the joint Russia-USA programme. It also noted with concern that further seismic surveys are scheduled near the Sakhalin feeding ground in 2008 (see also section 12.1.1.3) and that this issue is being addressed by the IUCN western gray whale advisory panel (WGWAP) of which several Committee members are members.

The Committee also reviewed the use of telemetry studies to provide information that could assist in mitigation of seismic surveys and prevention of incidental captures. Both the Committee and WGWAP have recognised the potential benefits of this work but agree that it must only be undertaken under the most rigorous, risk-averse conditions. It recommended a process by which this could be achieved. A co-ordination group has been established and will report back next year.

### *3.5.2 Commission discussion and action arising*

Australia, Mexico, Germany, UK, Japan and the USA all voiced their concern regarding the status of this stock. Australia noted its willingness to share its expertise on releasing entangled cetaceans. Germany urged range states to follow the Scientific Committee's recommendations. The UK welcomed the urgent tone of the Committee's report. It believed the work of the WGWAP to be vital and urged all oil exploration companies to participate fully and to provide data. It also urged Japan and others to do all they can to address the problem of entanglement. Noting that IWC is often divided, the UK hoped that this is an issue on which all Contracting Governments could unite. Japan regretted the entanglements and noted that its national government has sent instructions to the local government and fisheries authorities to not disturb the gray whale's migration and to do their utmost to release alive any whales that become entangled. It reported that after the last entanglement, it had strengthened its response and is now considering listing the gray whales under its Fisheries Protection Act to provide better protection. Japan hoped that this would be successful.

The Commission noted the Scientific Committee report and endorsed its recommendations.

## **3.6 Other small stocks – bowhead and right whales**

### *3.6.1 Report of the Scientific Committee*

#### **3.6.1.1 SMALL STOCKS OF BOWHEAD WHALES**

With respect to Eastern Arctic bowhead whales, the Committee reviewed recent telemetry and other information on movement patterns of whales in waters between West Greenland and eastern Canada that indicated that these whales are one highly segregated stock. Previously it had been thought that there were multiple stocks (including a Hudson Bay/Foxe basin stock and a Baffin Bay/Davis Strait stock). The Committee agreed that a single Eastern Canada-West Greenland stock should be recognized as the working hypothesis and recommended a thorough discussion of stock structure including comprehensive analyses of genetic data at the 2008 Annual Meeting. The Committee also accepted an abundance

estimate for part of this putative Eastern Canada-West Greenland stock, i.e. 1,230 whales with a 95% confidence interval of 495-2,940. This is representative of the number of animals off West Greenland in April 2006.

The Committee also received information on eight sightings of 17-20 bowhead whales between East Greenland and Svalbard during the second half of April 2006. It recommended continuation of these surveys to increase the limited information available on these animals.

#### **3.6.1.2 NORTH ATLANTIC RIGHT WHALES**

North Atlantic right whales are among the most endangered of all the large whales, with a remaining western North Atlantic population of around 300 animals. The Committee welcomed information on new survey and photo-identification efforts in the USA but was concerned to note two fatal ship strikes in the USA in 2004 and the reporting of one animal bycaught in Canada. The Committee re-iterated its recommendation that it is a matter of absolute urgency that every effort be made to reduce anthropogenic mortality to zero. Right whales continue to die or become seriously injured by entanglements in fishing gear or ship strikes.

#### **3.6.1.3 NORTH PACIFIC RIGHT WHALES**

North Pacific right whales are also at very low levels. In the western North Pacific, 14 right whales were sighted by the offshore component of JARPNII and a number of photographs were obtained. A USA survey for right whales in the eastern North Pacific is planned for the summer of 2007.

#### **3.6.1.4 SOUTHERN HEMISPHERE RIGHT WHALES**

The Scientific Committee received new information on right whales off the southern Australian coast, where the rate of increase in cow/calf pairs in the period 1993-2006 was estimated at about 7.5%. New abundance information was also available from New Zealand's sub-Antarctic Auckland Islands and Brazil. The Committee discussed briefly right whales in the southeast Pacific where thousands were taken in the 19<sup>th</sup> century. It found it surprising that no increase in abundance has been observed. This population will be considered in more detail next year.

The Committee agreed that the photo-identification studies started recently in Brazil and the long-term series available from the Auckland Islands, Australia, South Africa and Argentina are extremely important. It repeated its previous recommendation that relevant member governments should provide funding for long-term monitoring programmes.

### *3.6.2 Commission discussion and action arising*

Chile indicated that it was pleased that southern right whales off Peru and Chile would be the focus of discussions next year. There were no other comments.

The Commission noted the Scientific Committee report and endorsed its recommendations.

## **3.7 North Pacific sei whales**

### *3.7.1 Report of the Scientific Committee*

Last year the Committee agreed that it should consider whether it was possible to undertake an in-depth assessment of this stock or stocks. This year, potential sources of information that would facilitate a Comprehensive Assessment of North Pacific sei whales were identified and the Committee agreed on how to proceed with work prior to assessment. An intersessional

working group was established to facilitate progress and the Committee agreed that the working group should first concentrate on work that does not relate to JARPNII data. That focus could occur after the six-year review of that programme.

### 3.7.2 Commission discussion and action arising

The Commission noted the Scientific Committee report and endorsed its recommendations.

## 3.8 Other

### 3.8.1 Report of the Scientific Committee

The Committee continued its consideration of the possibility of undertaking an in-depth assessment of sperm whales at some time in the future. In the light of its current commitments however, the Committee agreed that it could not undertake such an assessment in the near future but it encouraged work to be undertaken outside of the Scientific Committee.

### 3.8.2 Commission discussion and action arising

The Commission noted the Scientific Committee report and endorsed its recommendations.

## 4. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES

### 4.1 Report from the Working Group on Whale Killing Methods and Associated Welfare Issues

The Working Group met on Tuesday 22 May 2007. It was chaired by Esko Jaakkola (Finland) and attended by delegates from 23 Contracting Governments. A summary of the Working Group's discussions is included below. The full report is available as Annex C.

#### 4.1.1 Data provided on whales killed

Data on whales killed had been provided on a voluntary basis by Denmark, Norway, the Russian Federation, and the USA. The UK expressed disappointment that many countries did not provide complete data sets under this agenda item as recommended by Resolution 1999-1<sup>4</sup>.

Denmark had reported on killing methods and times to death in the 2006 Greenland hunt of minke and fin whales. This had involved the landing of: 175 minke whales from the West Greenland stock (with an additional 6 whales being struck and lost); 3 minke whales from the Central stock/East Greenland (plus 1 whale being struck and lost); and 10 fin whales from the West Greenland stock (plus 1 whale being struck and lost). However, Denmark had noted that based on the misuse of Greenland data last year, it is considering whether to continue submitting data on whale killing methods to the IWC. It reported that it is participating actively in associated activities within the North Atlantic Marine Mammal Commission (NAMMCO). Iceland also expressed concern that the IWC has not been a neutral forum in which to discuss animal welfare matters and considered that NAMMCO provides a functional platform for such work. It intended to continue to utilize NAMMCO for that purpose. Japan made similar remarks, noting that all data submitted to NAMMCO are public and available. Germany called upon all IWC member countries to submit data to the IWC on this topic, noting that the data are essential to IWC's work. Austria agreed, asserted the

primacy of the IWC on these matters and noted that NAMMCO is not an alternate competent body.

Norway had presented a summary of minke whaling in 2006. During that hunt, 546 animals were taken from 28 vessels. Four whales were reported lost after they were dead, and no whales were reported to have escaped wounded. At-sea inspection was carried out by the Electronic Trip Recorder. Four inspectors from the Directorate of Fisheries were also present at sea and on land to monitor whaling activities. No violations of national regulations were reported. Norway noted that it has been conducting research on hunting and whale killing methods since 1981. From 1992 to 2003, twenty-six extensive reports and publications with results from the hunt have been presented to and discussed in five workshops organized by the IWC, as well as in annual reports. Norway expected that results from the 2000-02 hunts will be published this year or early next year. Norway noted that the results from each of the three years are consistent and that it is no longer necessary to collect information on each hunt on a regular basis. As in other activities where animals are killed, for example the slaughter of farm animals, common practice is that once a given killing method has been approved and implemented on the basis of scientific scrutiny there is no longer any need for continuous monitoring. Periodic checks are used. The UK expressed concern regarding the inability of the Electronic Trip Recorder to provide information on time to death (TTD) and animal welfare issues and noted the need to review the TTD criteria. The UK also expressed concern regarding the Norwegian statement that the average time to death of two minutes potentially included periods where the animal may have been unconscious or already dead. It considered that some animals may still be sensible and stressed the need to review the time to death criteria as a matter of urgency.

The Russian Federation presented a summary of data from the 2006 hunt. During that period, 129 whales were harvested and five whales were struck and lost. The 129 whales included five inedible 'stinky whales' that the Russian Federation did not consider as part of its quota, since they were lost for nutritional purposes. It noted that even with very experienced hunters and good equipment, a short time to death cannot be pursued if human life is at stake.

The United States had presented information from the 2006 bowhead hunt during which 39 bowhead whales were struck, 31 were landed and eight were struck and lost. The efficiency of the 2006 hunt was 79.5%. This is slightly lower than last year's rate of 81%, but it was noted that weather and ice conditions play a significant role in determining the efficiency of the aboriginal bowhead whale hunts.

New Zealand had introduced a document focusing on the results of a 2006 NAMMCO workshop held to address the issue of struck and lost animals in marine mammal hunting. It noted that the workshop acknowledged that this is a serious problem in marine mammals hunts and that better data are needed. New Zealand noted: (1) that Japan, Norway and Iceland had announced at IWC/58 that they would no longer provide struck and lost data to the Commission; and (2) data on struck and lost animals submitted to the Scientific Committee should also be reported to this Working Group. It stressed the importance of providing data in a standardised format and noted that

<sup>4</sup>Resolution 1999-1: Resolution Arising from the Workshop on Whale Killing Methods. *Ann. Rep. Int. Whaling Comm.* 1999: 51-52.

the IWC Working Group on Whale Killing Methods and Associated Welfare Issues is the competent body for this issue. Norway clarified that the NAMMCO workshop was not just focused on whales, but included a number of marine species and that 24 recommendations had been made concerning the hunting of marine mammals; 6 recommendations of general nature; and 16 specific recommendations for seals, walrus, small whales and large whales. Norway noted that some of the quotations New Zealand referenced were not specifically made for large whales. The Chair directed participants in the Working Group to the NAMMCO website ([www.nammco.no](http://www.nammco.no)), where a copy of the workshop report could be obtained.

#### *4.1.2 Information on improving the humaneness of whaling operations*

Denmark had presented a white paper outlining the steps that Greenland has taken to improve the humaneness of whaling methods in response to Resolution 1997-1<sup>5</sup>. It noted the mandatory courses used to train hunters on the handling and use of the Norwegian penthrite grenade. The harpoon cannons are also checked every other year by persons that have taken a course on the mounting and renovation of harpoon cannons. The UK expressed appreciation for these measures that had resulted in decreased times to death, but questioned whether information from the experiences of Greenland, Iceland and Japan with hunting larger whales, particularly fin whales, were available. It was concerned that the killing of larger whales, which can take longer to die, raises welfare concerns that have not been properly addressed. Denmark noted that the relevant information was contained in its document. Japan confirmed that it would not be providing welfare data from its JARPNII programme to IWC.

Norway had noted that it has been conducting research since 1981, has collected data for more than 5,550 whales and has provided 26 extensive reports and publications to the IWC in addition to annual reports. These studies found that when cold harpoons were used, the average time to death in the Norwegian hunt was more than 11 minutes. However, results from the 2000-02 hunt using the new penthrite grenade, showed that at least 80% of the whales were rendered unconscious or dead instantaneously. Norway noted that the collaborative nature of its work has resulted in the transfer of technology and methods to improve hunting methods in a number of other countries. Norway stated that it intends to continue such work.

The USA had presented a Report on Weapons, Technologies, and Observations in the Alaskan Bowhead Whale Subsistence Hunt, which was accompanied by a PowerPoint presentation describing the Alaska Eskimo Whaling Commission (AEWC) whaling killing methods and weapons. It was noted that the AEWK was in the process of expanding the use of the penthrite grenade in the bowhead whale hunt.

The Netherlands had requested clarification from Japan regarding reports of a drive net fishery for dolphins in Japan. It believed this hunting method could cause unnecessary injury and stress to the dolphins and expressed concern that such a hunt was unethical from an animal welfare perspective. The Netherlands asked Japan to change the hunt to limit the suffering of the dolphins. Japan

responded that this was an issue of small cetaceans over which it believes IWC does not have competency and requested that the Netherlands redirect its question to the Government of Japan bilaterally.

#### *4.1.3 Other*

Norway referred to a paper entitled, 'Fatally entangled right whales can die extremely slowly,' noting that during the last 20 years, 66 North Atlantic right whales have been entangled. The paper estimated times to death of 5-6 for those animals that were entangled, and suggested that these data represent a gross abuse of wild animal sensibility. Norway believed that it is the responsibility of the Government of the USA to deal with this issue since it is occurring in their waters and urged the euthanasia of entangled animals. The USA responded by noting that they have made significant efforts to improve fishing gear, have a strong disentanglement programme and that any decision regarding euthanasia would be made on a case-by-case basis. It undertook to present a paper on its efforts to prevent entanglements and disentangle whales to the Commission plenary. Australia pointed out that this problem was not confined to the USA and was instead a global problem. Australia noted that it is currently looking at incentives and disincentives to deal with derelict fishing gear and suggested that the matter could be examined by the Conservation Committee.

## **4.2 Commission discussions and action arising**

### *4.2.1 Data provided on whales killed*

The UK regretted that so few countries are submitting data on whales killed to the Commission and urged those not currently doing so to reconsider their positions. As it had in the past, the UK indicated that if the Commission is ever to authorise the resumption of commercial whaling, then it has an ethical and moral obligation to take steps to minimise suffering and distress caused to hunted whales. Germany, Argentina, Monaco, Spain, Sweden, Switzerland, New Zealand and Luxembourg also called for more data to be submitted. Argentina referred to a number of Resolutions calling for the provision of animal welfare information from hunts and questioned the will of the Commission to deal with the matter properly. Sweden noted that comparative data from the hunting of other large animals should also be provided. Switzerland noted that if data are not available, then the Commission cannot draw any conclusions regarding improvements in animal welfare issues, but it hoped that any data submitted would be used in a proper manner. Costa Rica was willing to support initiatives in this area. The Netherlands valued the ongoing efforts to improve whale killing methods and urged continuation of this work by countries with whale hunts. At the same time it believed that there is a need to improve the transparency of hunting practices from all Contracting Governments and to share this information within IWC.

Noting its view that animal welfare issues are not within IWC's mandate, Japan nevertheless indicated that it considers the improvement of whale killing methods and the reduction of TTD, together with the collection and analysis of whale killing data, as important. It would continue to work towards improvements. It noted that TTD in the whaling operations of all countries have reduced and that in the case of Japan, more than 50% of the whales taken are killed instantaneously. It was proud of this improvement. Japan did not believe that its submission

<sup>5</sup>Resolution 1997-1 on Improving the Humaneness of Aboriginal Subsistence Whaling. *Rep. Int. Whal. Comm.* 1998: 45.

of data to NAMMCO created any problems with transparency. Responding to a question from New Zealand, Japan reported that it had not supplied data from JARPAII as the programme is still ongoing.

Norway referred to its significant efforts over the years to improve its whale hunts. In response to a question from Sweden as to whether the problem over the supply of time delay fuses (for the penthrite grenade) had been resolved<sup>6</sup>, Norway noted that these may now be supplied by a German manufacturer. If this proved impossible, Norway would manufacture the part itself. Finally, Norway reported as incorrect the comment made by New Zealand in the Working Group that Norway had announced last year that it would no longer provide struck and lost data to the Commission.

The Russian Federation stressed that it provides data to the Working Group on a voluntary basis, but that it intends to continue to do so. It noted that in the Chukotka hunts, long-term data show that TTDs are decreasing. It suggested that this is a reflection, in part, of the hunters reviving their knowledge but also noted that such improvements would be impossible without the use of modern weapons. The Russian Federation thanked the AWEC for its assistance with hunting equipment. It also thanked Dr Egil Øen (Norway) for his continued support and advice and the Netherlands for the financial support it gave to a training workshop. It hoped that such co-operation could continue and that others would also contribute in the form of actions rather than words. The USA associated itself with the remarks of the Russian Federation. It also wished to acknowledge the help provided over the years by Dr Øen.

NAMMCO referred to its international workshop held in Copenhagen in November 2006 to address the problems of struck and lost animals in seal, walrus and whale hunting and noted that its outcome was discussed by the Working Group. Given this, NAMMCO wished to point out that the workshop was attended by some 50 hunters, managers, scientists and NGO representatives (including those from organisations like animal welfare societies and Humane Society International) from 11 countries. Twenty-two recommendations were adopted by consensus and were both of a general and species-specific nature for:

- (1) reducing the incidence of lost animals in hunting;
- (2) better monitoring and reporting;
- (3) improving communication between hunters, scientists and managers;
- (4) improving techniques and equipment; and
- (5) improving hunter safety.

NAMMCO reported that it has organised most of its work related to/on hunting methods through the convening of international workshops, the November 2006 workshop being the fourth since 1999. It considered that this workshop series had successfully developed into an arena where hunters, managers, technical experts and scientists could sit together and discuss openly issues of common interest in an atmosphere of mutual respect and cooperation. As a result, consensus recommendations had been reached and acted upon. NAMMCO noted that all its reports are available on its website ([www.nammco.no](http://www.nammco.no)). NAMMCO was pleased that its work was appreciated and referred to in other fora. However, it requested that its

work was correctly quoted and referred to in the proper context. It believed that to do otherwise when discussing what is often perceived as sensitive and critical issues only serves to create mistrust by those involved and is counter-productive. NAMMCO noted that it has never differentiated between subsistence whaling and commercial whaling and that it believes in the right of all coastal peoples to manage their natural resources within the framework of sustainability and the ecosystem at large, and as such that marine mammals are no different from other marine or terrestrial species. Finally, NAMMCO noted that it is a fully competent international organisation for the management of cetaceans under the United Nations Convention on the Law of the Sea.

#### *4.2.2 Information on improving the humaneness of whaling operations*

There were no specific comments on the Working Group's report. The UK presented a statement from its Prime Minister indicating the UK's continued opposition to all whaling apart from limited aboriginal subsistence whaling and its continued support of the commercial whaling moratorium. The UK considered that its whaling policy reflects: (1) the fact that historical whaling brought many whale populations to the brink of extinction; (2) takes into account that many populations have not recovered from past overexploitation; and (3) that whale populations now face other serious man-made threats such as pollution and climate change. The UK considered that whaling involves an unavoidable level of suffering and distress. Its position is that whalewatching is the only use of whales that is sustainable and that the benefits derived from this activity far exceed those likely to result from whaling. The UK believed that whalewatching is of potential great value to many developing nations and rural communities. It reported that the vast majority of British people believe that commercial whaling and whaling for what it considered the ostensible purpose of scientific research should cease. The UK hoped that the Commission's deliberations would be guided by sound principles of conservation and welfare.

#### *4.2.3 Other*

In response to the issue raised by Norway in the Working Group regarding entanglement of North Atlantic right whales, the USA tabled a document that described: (1) what it is doing to reduce the entanglement of large whales in its waters; (2) the response protocol used once an entangled large whale is encountered; and (3) its policy on the euthanasia of entangled large whales in its waters.

Norway thanked the USA for its very informative paper. As suggested in the paper, Norway agreed that the entanglement of large whales is a worldwide and probably increasing problem with serious animal welfare implications, particularly as whale stocks are generally increasing in size at a time when fishing is increasingly conducted on migration routes and on feeding grounds. Norway considered that there are two categories of entanglement: (1) when whales are entangled in debris or fishing gear that is anchored to the sea bed rendering the whale stationary; and (2) part disentanglement, i.e. when whales are swimming free but dragging gear with them. In the former category, such entangled whales can be observed and monitored over a period of time. In the latter, such entangled animals are observed only incidentally and they are usually difficult to relocate unless tagged.

<sup>6</sup> *Ann. Rep. Int. Whaling Comm.* 2005: 95 and *Ann. Rep. Int. Whaling Comm.* 2006: 15.

Norway noted with satisfaction the significant efforts made by the USA in developing equipment and techniques for dealing with entangled whales, including training courses, and was aware of the successful release of several entangled whales as a result of this programme. It was aware that such releases are often conducted under significant risk to the personnel involved. However, Norway recognised that it is not always possible to disentangle whales and that it is these cases that are of the greatest concern from an animal welfare perspective. Injuries caused by entanglement in debris will worsen as it is dragged through the water, with inflammation easily spreading. It therefore considered that animals that cannot be disentangled should be euthanased as soon as possible.

For partly disentangled whales swimming free, Norway recommended that euthanasia should be done immediately as such whales will be difficult to relocate if this is not done. It noted that this is the practice currently followed in Norway where the minke whale hunters request advice from qualified veterinarians. The hunters are reluctant to kill the whales themselves in case these animals are counted as part of their quota – the meat from such whales probably being inedible and rejected by the national inspectors. The advice normally given to the hunters is to kill an entangled whale, document their actions and to sort out any problems in relation to allocation against quotas later. For whales rendered stationary by entanglement, Norway believed that the situation is not so acute, with time being available for some consideration on the best way to proceed.

Norway believed that approaches to the euthanasia of entangled whales would benefit from more in-depth discussions and recommended that a one-day workshop be held in association with next year's Annual Meeting. This was supported by the Commission and an Organising Committee was established comprising Norway, Australia, USA, Denmark (Greenland) and the Secretariat to develop a draft agenda and plans for the workshop.

## 5. ABORIGINAL SUBSISTENCE WHALING<sup>7</sup>

The meeting of the Aboriginal Subsistence Whaling Sub-committee took place on 23 May 2007. It was chaired by Halvard Johansen (Norway) and attended by delegates from 27 Contracting Governments. The Chair of the Scientific Committee's Standing Working Group on the Development of an Aboriginal Whaling Management Procedure (SWG) reported the outcome of the Committee's work and discussions. A summary of the discussions of the Sub-committee is included below. The full Sub-committee report is available as Annex D.

### 5.1 Aboriginal Subsistence Whaling Management Procedure (AWMP)

#### 5.1.1 Report of the Aboriginal Subsistence Whaling Sub-committee

##### 5.1.1.1 PROGRESS WITH THE GREENLANDIC RESEARCH PROGRAMME

As stated on many occasions, the Scientific Committee has never been able to provide satisfactory management advice for either the fin or common minke whales off West Greenland. This has reflected a lack of information on stock structure which precluded a proper interpretation of

the few available abundance estimates, and the absence of appropriate assessments.

The SWG Chair had reported that the Committee was therefore pleased with the new information and analyses received this year. With respect to stock structure, a good number of samples were collected this year. Whether sex ratio data can be used to form the basis of an assessment for common minke whales was a major topic for discussion. Further analyses (which should be completed next year) are needed before this can be determined.

The Committee adopted updated abundance estimates for common minke whales (i.e. 10,800 with a wide 95% confidence interval from 3,600 to 32,400) and fin whales (i.e. 3,200 whales with 95% confidence interval of 1,400 to 7,200).

No progress had been made with the development of management procedures because of the focus on obtaining satisfactory assessment methods. However, the Committee aims to develop satisfactory *SLAs* (*Strike Limit Algorithms*) for the Greenlandic fisheries as soon as possible so as to be able to provide robust long-term advice. The multi-species nature of the fishery will form part of any considerations of *SLAs*.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

##### 5.1.1.2 IMPLEMENTATION REVIEW FOR BOWHEAD WHALES

The SWG Chair had reported on the completion of the extensive *Implementation Review* that began in 2005, focusing on stock structure. The results showed that the *Bowhead SLA* performs adequately for all of the stock structure hypotheses and all trials. The Committee had strongly recommended that the *Bowhead SLA* continues to be used to provide management advice. In addition to the work on simulation trials, the Committee also agreed that the evidence available supports the single-stock hypothesis used in developing the *Bowhead SLA*.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

##### 5.1.1.3 PREPARATION OF THE IMPLEMENTATION REVIEW FOR GRAY WHALES

The SWG Chair had noted that this review is scheduled for 2009. The Committee had also received a paper dealing with the issue of 'stinky' whales and the need for (1) a definition of such whales for inclusion in the Schedule and (2) a proposal as to how such inedible whales can be taken into account when setting catch limits where advice is provided by the *Gray Whale SLA*. The Committee agreed that this matter should be referred to the Commission's ASW Sub-committee. It noted that if the question of 'stinky' whales was incorporated in a need statement then this could be dealt with by the *SLA*.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

#### 5.1.2 Commission discussions and action arising

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

### 5.2 Advice on other Greenlandic stocks

At last year's meeting, Denmark noted that its quotas, supplying only some 450 tons of whale meat did not meet the documented need accepted by the Commission of 670 tons of meat from large whales. Bearing in mind that the absence of scientific knowledge on minke and fin whale stocks could lead to a reduction in quota of large whales,

<sup>7</sup> For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 10 (2008).



Denmark had requested the Scientific Committee to evaluate the situation regarding other large whales off West Greenland. In particular it was seeking advice on the viability of obtaining the missing 220 tons of meat from catches of other species of large whale such as bowheads and humpbacks. The Commission had agreed to this request.

#### 5.2.1 Report of the Aboriginal Subsistence Whaling Sub-committee

The Scientific Committee had noted that it had done its best, in the time available, to provide the advice sought by Denmark, but emphasised its concern over giving *ad hoc* interim advice on catch limits, considering it inappropriate to do so for long time periods. It stressed that the use of thoroughly-tested *SLAs* is the correct approach. The important question of time spans and *ad hoc* interim advice will be considered further next year.

With respect to humpback whales, the Committee agreed that the appropriate management unit is the West Greenland feeding aggregation, which is part of the larger West Indies breeding population. Concerns over an abundance estimate and assessment method presented to the Committee meant that it could not provide management advice this year. It will be in a better position to do so next year.

With respect to bowhead whales, the Committee accepted a working hypothesis of a single shared Eastern Canada-West Greenland stock. It noted the new agreed abundance estimate of 1,230 (95% CI: 500-2,940; 90% CI: 570-2,550) in the survey area, but also noted that this does not reflect the total population size of the putative Eastern-Canada West-Greenland stock, but only the animals present in West Greenland in the winter. No assessment of the putative stock was undertaken. However, the Committee considered that the abundance estimate of whales wintering off West Greenland could form the basis of *ad hoc* interim management advice since it has in the past provided advice based on 1% of the lower 95% confidence limit of the abundance estimate, i.e. 5 whales in this case. A full review of stock structure will take place next year.

In the Sub-committee, Denmark introduced the Greenland Home Rule Government White Paper on Hunting of Large Whales in Greenland and as last year, stressed that the present quotas do not fulfil the need of 670 tonnes of whale meat. It noted that: (1) humpback whaling had a long history in Greenland before the quota was removed in 1986; and (2) that bowhead whales are found in the area near Disko Bay and could help alleviate the need in that area.

Comments were made by Sub-committee members on the following issues: the provision of *ad hoc* advice; possible substitution of meat from large whales to replace meat from small cetaceans; conversion factors used to obtain meat yields; and the importance of sustainability of hunts.

After this exchange of views the Sub-committee noted the report of the Scientific Committee and its recommendations.

#### 5.2.2 Commission discussions and action arising

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

### 5.3 Aboriginal Whaling Scheme

#### 5.3.1 Report of the Aboriginal Subsistence Whaling Sub-committee

The Scientific Committee again recommended, as it has done each year, the scientific components of an aboriginal whaling management scheme to the Commission, noting that they form an integral part of the long-term use of *SLAs*.

The Sub-committee endorsed the report of the Scientific Committee and noted its recommendations.

#### 5.3.2 Commission discussions and action arising

The Commission noted this part of the Sub-committee report.

### 5.4 Aboriginal subsistence whaling catch limits

#### 5.4.1 Bering-Chukchi-Beaufort Seas stock of bowhead whales

##### 5.4.1.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The SWG Chair had reported that in 2006, for Alaska, 31 bowhead whales (21 males and 10 females) were landed and eight struck and lost. Difficult ice and weather conditions challenged hunters during the spring, resulting in the lowest spring harvest for the past 35 years. This contributed to an overall lower harvest in 2006 when compared to the previous 10 years. No catches were taken off Russia due to adverse ice and weather, as well as technical issues.

The Scientific Committee had recommended strongly that the *Bowhead SLA* remains the best tool for providing management advice on bowhead whaling and showed that the present strike and catch limits are acceptable.

In the Sub-committee, the USA and the Russian Federation presented their needs statements. Although the Russian Federation identified a need for 10 whales, it asked only for five landed with up to two struck and lost. There was no suggestion to increase the total bowhead quota from previous years.

Questions concerning the availability of native handicrafts in Anchorage shops and CITES regulations were raised. The USA noted that it is legal for such products to be sold in the USA.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

##### 5.4.1.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission noted the report of the Aboriginal Subsistence Whaling Sub-committee.

The USA and the Russian Federation introduced a joint proposed Schedule amendment to renew the existing aboriginal subsistence whaling quota for bowhead whales by changing the dates but leaving the remainder of the paragraphs the same, with the exception of deletion of subparagraph (iii) which is no longer applicable. They urged that the proposal be adopted by consensus. The proposed amendments to Schedule paragraph 13(b)(1) are illustrated below:

- (1) The taking of bowhead whales from the Bering-Chukchi-Beaufort Seas stock by aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided that:
  - (i) For the years ~~2003, 2004, 2005, 2006 and 2007~~ **2008, 2009, 2010, 2011 and 2012**, the number of bowhead whales landed shall not exceed 280. For each of these years the number of bowhead whales struck shall not exceed 67, except that any unused portion of a strike quota

from any year (including 15 unused strikes from the ~~1998-2002~~ 2003-2007 quota) shall be carried forward and added to the strike quotas of any subsequent years, provided that no more than 15 strikes shall be added to the strike quota for any one year.

- (ii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.
- (iii) ~~The findings and recommendations of the Scientific Committee's in depth assessment for 2004 shall be binding on the parties involved and they shall modify the hunt accordingly.~~

Several Contracting Governments noted that they could support the quota renewal because of the clear advice from the Scientific Committee. While Switzerland supported the proposal, it encouraged the subsistence hunters to work to reduce struck and lost rates. India encouraged the subsistence communities to seek alternative food sources so as to reduce their need for, and dependency on whale meat. Argentina noted that it could support the proposal but at the same time requested reciprocity and understanding of its own interests for the non-lethal use of whale resources. Brazil and Costa Rica supported this view. Japan drew attention to its well-known policy that whaling should be science-based and sustainable but that there should also be respect for food culture. It congratulated the Scientific Committee for the open and transparent procedure that led to its management advice. It supported the Committee's report and noted that it could also support adoption of the Schedule amendment by consensus. Japan requested that the same standards be applied to all whaling, including small-type coastal whaling, believing that consistency in approach to these issues is necessary. Mali, Morocco, Senegal, the Republic of Guinea, Iceland and Gabon also called for consistency in approach.

The Commission adopted the Schedule amendment by consensus.

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

##### 5.4.2.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The SWG Chair had reported that in 2006, for Russia, 129 gray whales (55 males and 74 females) were landed and five struck and lost. Five inedible whales (known as 'stinky' whales) were caught.

The Scientific Committee had reaffirmed its advice that the *Gray Whale SLA* remains the most appropriate tool for providing management advice and shows that the present strike and catch limits are acceptable. An *Implementation Review* is scheduled for 2009.

In the Sub-committee, the Russian Federation presented its needs statement, i.e. annual estimated needs are about 100kg per person but at present only about 30kg per person are obtained. It noted that in recent years, the problem of 'stinky' whales has emerged, reducing the amount of available quota for consumption while native populations are increasing. Despite the discrepancy between needs and the current quota, the Russian Federation indicated its willingness to maintain the *status quo* regarding quota.

The Makah Tribe presented its needs statement. It was reported that they have applied for a waiver of the US Marine Mammal Protection Act (which prohibits whaling by them) and that the application is pending.

The Sub-Committee endorsed the report of the Scientific Committee and its recommendations.

#### 5.4.2.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Russian Federation and the USA introduced a joint proposed amendment to Schedule paragraph 13(b)(2) to renew the existing aboriginal subsistence whaling quota for gray whales as follows:

- (2) The taking of gray whales from the Eastern stock in the North Pacific is permitted, but only by aborigines or a Contracting Government on behalf of aborigines, and then only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.
  - (i) For the years ~~2003, 2004, 2005, 2006 and 2007~~ 2008, 2009, 2010, 2011 and 2012, the number of gray whales taken in accordance with this sub-paragraph shall not exceed 620, provided that the number of gray whales taken in any one of the years ~~2003, 2004, 2005, 2006 and 2007~~ 2008, 2009, 2010, 2011 and 2012 shall not exceed 140.
  - (ii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.

The Russian Federation recalled that many documents have been presented over the years regarding the gray whale subsistence hunt and that the matter has been discussed in great detail both by the Scientific Committee and the Aboriginal Subsistence Whaling Sub-committee. While the history of gray whale hunting goes back over 2,000 years, the Russian Federation reported that the hunt remains important today. During the Soviet period, although the people of Chukotka were provided with whale meat sufficient to meet their needs (i.e. 100 kg/person), they were denied their traditional hunting practices since whales were taken by a whale catcher boat on their behalf. Today, the people of Chukotka are reviving their hunt, although they are only able to meet some 30% of their needs. The Russian Federation noted that this shortfall has been compounded in recent years by the appearance of 'stinky' whales (i.e. whales that are landed as part of the quota but that do not contribute to meeting nutritional needs), a problem that it anticipated would worsen in future. However, as it had indicated in the Sub-committee it was not seeking to increase the quota. The USA joined in this request noting the situation with regard to the Makah hunt.

The Commission adopted the Schedule amendment by consensus.

The UK commended the Russian Federation in basing its request on science and sustainability rather than pushing for an increased quota to meet needs. Finland, Italy, India and Monaco supported these remarks. Denmark hoped that the quota could be increased at some point in the future so that documented needs could be met. Japan hoped that the issues surrounding the Makah hunt could be resolved favourably for them. Iceland again called for consistency in approach to all whale hunts.

#### 5.4.3 Minke, fin and other large whales off Greenland

##### 5.4.3.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

A general discussion of all the Greenland catch limits was taken under the item on catch limits for other large whales off Greenland (see section 5.4.4.1.3 below).

##### 5.4.3.1.1 MINKE WHALES

For 2006 the SWG Chair had reported that the catches for common minke whales were: (1) West Greenland: 175 landed (43 males; 128 females; 4 unidentified sex) plus 6 struck and lost; and (2) East Greenland: 2 males landed plus 1 struck and lost animal.

## WEST GREENLAND

The SWG Chair reported that the Scientific Committee is in a considerably stronger position to provide management advice than it has been in recent years. A new abundance estimate (10,800, 95%; CI: 3,600-32,400) was presented and great progress had been made on an assessment method incorporating sex ratio data. Next year it will decide whether this method can be used to give management advice in the short (5-year) term and if so, provide that advice. Questions about stock structure remain. The survey estimate does not apply to the whole population but it is not known by how much it is an underestimate. However, despite the great improvement, the Committee agreed that it is not possible for it to give more than interim *ad hoc* advice for the forthcoming season, and recommended that any quota be limited to one year only.

While the Committee did not recommend a single number, following the approach of last year it offered the following advice to the Commission: under the assumption that: (a)  $MSYR_{mat}$  is 3%<sup>8</sup>; (b) the true population has a sex ratio of 1:1; and (c) the population is underestimated by factors between 2 and 2.7<sup>9</sup>, the estimated annual replacement yield ranges from about 170 to 230 whales if the lower bound of the revised 2005 aerial survey estimate is used.

The Committee agreed that the Commission should exercise caution when setting catch limits for this stock. It emphasised its strong recommendation that safe long-term management of aboriginal whaling is best accomplished under an agreed AWMP *SLA*. It therefore agreed that development of an *SLA* for this fishery should begin as soon as practical.

## EAST GREENLAND

The Committee agreed that the present catch limit of 12 animals poses no threat to the stock.

## 5.4.3.1.2 WEST GREENLAND STOCK OF FIN WHALES

The catch of West Greenland fin whales in 2006 was 9 landed (2 males; 6 females; 1 unidentified sex) plus 1 struck and lost animal.

The Committee was pleased to have an agreed assessment method for West Greenland fin whales for the first time. It also had received a new abundance estimate (3,200, 95%; CI: 1,400-7,200) and was able to provide interim management advice for the 5-year block period. The assessment results suggest that the stock is above maximum sustainable yield level and perhaps considerably above it.

The Committee advised that for the preferred estimate of productivity, the estimated posterior median for  $Q_1$  is 26 while the lower 5% credibility value is 14; the comparable values for current depletion shows the stock to be at 97% and 75% of its initial size, respectively<sup>10</sup>.

<sup>8</sup> The Committee has elsewhere suggested that the likely value for common minke whales lies towards the upper end of the range 1-4% - see *J. Cetacean Res. Manage. (Suppl.)* 6: 10.

<sup>9</sup> Although not accepted as appropriate to use to provide management advice at this meeting, the value of 2.7 is broadly compatible with the results of the methods that attempted to use sex ratio information to obtain a lower bound for the total population abundance.

<sup>10</sup>  $Q_1$  is a quantity that allows the proportion of the net recruitment allocated to recovery to increase if the stock is believed to be depleted. There is a 50% probability that the correct value of  $Q_1$  is really below (or above) the posterior median estimate given here, and a 95% probability that it is below (above) the lower 5% credibility limit.

Although the Committee was pleased to be in a position to provide this interim advice, it emphasised that safe long-term management of aboriginal whaling is best accomplished under an agreed AWMP *SLA*. It therefore agreed that development of an *SLA* for this fishery should begin immediately.

## 5.4.3.1.3 CATCH LIMITS FOR OTHER LARGE WHALES OFF GREENLAND

Greenland presented its request for catch limits for the forthcoming five year block to the Sub-committee.

For the West Greenland area the request was for:

- (1) a quota of 200 minke whales struck annually (the range in the Scientific Committee report is 170-230), including a carry-over of maximum 15 non-used quotas in the following year, with an annual review of data as suggested by the Scientific Committee;
- (2) a quota of 19 fin whales struck annually (the Scientific Committee had given a range of 14-26);
- (3) a quota of 10 humpback whales struck annually, including bycaught animals but postponed until 2008 after the Scientific Committee's review; and
- (4) a quota of two bowhead whales struck annually and including bycaught animals (the Scientific Committee had stated up to five).

For the East Greenland area the request was for an annual quota of 12 minke whales struck, including a carry-over of maximum three non-used animals (the Scientific Committee had stated that this was acceptable).

There was considerable discussion in the Sub-committee of this proposal ranging from questions about bowhead stock structure to concerns about interim *ad hoc* advice. Some requested Greenland to reflect further on its proposals. Others supported the following suggestion from Norway for West Greenland: (1) for the full five years the catch of 19 fin whales and two bowhead whales; (2) catches of 200 common minke whales and 10 humpback whales for 2008, with a review of the limits for 2009-2012 next year in the light of Scientific Committee's advice at that time.

The Sub-committee noted the report of the Scientific Committee and its recommendations.

## 5.4.3.2 COMMISSION DISCUSSIONS AND ACTION ARISING

## 5.4.3.2.1 PRESENTATION AND DISCUSSION OF DENMARK'S FIRST PROPOSED SCHEDULE AMENDMENT

Before introducing its proposed Schedule amendment as described in section 5.4.3.1.3, perspectives on the Greenland hunt were given by a representative from the Greenland hunters (Mr Leif Fontaine) and from a biologist (Mr Fernando Ugarte).

Mr Leif Fontaine reported that an increasing number of large whales are now being seen in Greenlandic waters, demonstrating the sustainability of their hunts. Since the mid 1990s, the hunters have observed a dramatic increase in humpback whales, some of which are now even being seen wintering near the Arctic Circle. The increase in numbers has been causing problems for the local fishermen with expensive gear being destroyed when whales become entangled and fishing boats having to zigzag through schools of whales to avoid collisions. The hunters dislike seeing large whales suffering and dying when entangled in fishing nets and gear and would prefer to be allowed to hunt humpback and bowhead whales so that they can be killed effectively and humanely. It was noted that the International Labour Organisation (ILO) conferred the

right to manage and conserve their own resources which have been part of the Greenland culture for thousands of years. Mr Fontaine noted that NAMMCO had recently concluded that a removal of 10 humpbacks per year would not harm the stock. On behalf of the hunters, he urged the Commission to support Greenland's request to extend its hunt to bowhead and humpback whales so as to allow the taking of traditionally targeted species of special interest to Greenlanders.

Noting its assumption that most members of the Commission could accept renewed quotas for minke and fin whales but that some would have difficulties extending the hunt to include new species, Mr Ugarte focused his presentation on explaining why the requests for humpback and bowhead whales would be sustainable. He first reported that the methods employed to study the humpback and bowhead whale populations had included satellite telemetry, DNA analysis from biopsy sampling and aerial and ship-based surveys to develop abundance estimates. With respect to humpback whales, he noted that estimates from aerial and ship-based surveys conducted in 2005, in which some 300 animals were observed, gave a population estimate of around 1,200 animals. However, satellite tracking data demonstrated that the range covered by West Greenland humpback whales extends well beyond the survey area indicating that the population size is larger than that estimated. It was therefore considered that even if the Scientific Committee had not yet endorsed this estimate, the proposed catch of 10 humpbacks per year, which is <1% of the best estimate available, would be sustainable. In any case, Denmark was offering to review this catch limit as soon as the Scientific Committee provided new advice.

With respect to bowhead whales, Mr Ugarte noted that until recently, the bowheads of Eastern Canada and Western Greenland had been considered as being from two separate stocks. However, he reported that recent research (e.g. satellite tracking and genetic data) has demonstrated that they are in fact a single stock. An abundance estimate of 1,230 bowheads (95% CI: 500-2,940; 90% CI: 570-2,550) in the survey area had been endorsed by the Scientific Committee who also noted that this does not reflect the total population size of the putative Eastern-Canada West-Greenland stock, but only the animals present in West Greenland in the winter. Noting that the Scientific Committee considered that this abundance estimate could form the basis of *ad hoc* interim management advice since it has in the past provided advice based on 1% of the lower 95% confidence limit of the abundance estimate (i.e. 5 whales in this case), it was suggested that a take of 2 bowhead whales a year, which would mean a lot to the people of the region, should not cause a problem to the stock.

The Commission's attention was also drawn to the White Paper on Hunting of Large Whales in Greenland which described: the long tradition of the hunting of large whales in Greenland; the regulations and systems used to set quotas and monitor the hunt; hunting methods, times to death and struck and lost rates; Greenland's need of whale meat; environmental and health reasons for consuming whale meat in Greenland; and reasons for extending the hunt to include humpback and fin whales. Attention was drawn in particular to the relatively low environmental cost of harvesting whales from coastal waters compared with the importation of meat from land animals farmed

elsewhere. Regarding health, it was noted that the traditional Greenlandic diet protects against several diseases including cardiovascular diseases, some types of cancer and arterial sclerosis. In addition, Inuit people are genetically conditioned to extract vitamin D from traditional meat and can suffer vitamin deficiency with a westernised diet.

A proposed Schedule amendment that incorporated Denmark's request as discussed by the Aboriginal Subsistence Whaling Sub-committee (see section 5.4.3.1 above) was then introduced. In doing so, the Commission was requested to accept that cultural differences exist. Many people like to see whales only when they are alive. In Greenland, people also like to see live whales but also view them as an important food item and as part of their cultural life. Particular attention was drawn to the discrepancy between the documented need accepted by the Commission in 1991 and the meat available from the agreed quotas and the limited ability of Greenland to make up any difference from farmed animals. Greenland considered it important that IWC allowed its need for large whales to be satisfied by increasing the quota for fin and minke whales and by allowing the take of bowhead and humpback whales. It considered that the prospects of obtaining approval from IWC for quotas for 2008-12 were particularly good for a number of reasons:

- (1) the IWC Scientific Committee had recently provided interim *ad hoc* advice of catches from 170 to 230 minke whales off West Greenland per year;
- (2) the Scientific Committee had advised that catches of 14-26 fin whales off West Greenland would be sustainable;
- (3) the Scientific Committee had provided interim *ad hoc* advice of catches of up to 5 bowhead whales per year;
- (4) there is evidence that humpback whales in West Greenland number at least several hundreds, probably thousands and certainly more than the 350 individual humpback whales observed by scientists in the aerial survey of 2005;
- (5) the control and monitoring systems are functioning well and the block quotas for the period 2003-07 have not been exceeded;
- (6) with the current quotas, West Greenland is 220 tonnes short of the documented need of 670 tonnes of meat from large whales that was approved by the IWC in 1991; and
- (7) the numbers of Greenland-born persons has increased about 10% since 1990, when the need of 670 tonnes were accepted by the IWC, indicating a current need of around 740 tonnes of meat per year for West Greenland.

Greenland suggested that, on the basis of advice from the Scientific Committee, the Commission should be able to approve larger quotas for the 2008-12 period than those agreed for the period 2003-07. It believed that the proposed quotas would be sustainable and noted that the hunt would be well regulated and that it would continue to work actively to improve the welfare aspects of whale hunting in cooperation with hunters and experts.

A number of countries indicated that they could not support the proposed Schedule amendment. Germany noted that while it could support renewal of the *status quo* regarding species and quota, it had serious concerns with the current proposal which went beyond this, i.e. through

an increase in the quota for minke whales off West Greenland and expansion of the hunt to include two further species (bowhead and humpback whales). With respect to minke whales off Greenland, Germany drew attention to the Scientific Committee's advice, including that the Commission should exercise caution when setting catch limits for this stock. Germany also cautioned against the provision of *ad hoc* advice for bowheads and humpback whales. Italy expressed a similar view. Referring to the use by Denmark of information from NAMMCO's Scientific Committee to support its quota request for humpback whales, Italy believed that NAMMCO does not have a role in IWC's procedure to set catch limits and did not recognise its competency in this matter. France, the Netherlands and Argentina made similar remarks. Italy was also concerned that the driver in Denmark's arguments was an increase in need because of an increasing population. For Italy, it is the sustainability of the resource that is most important and not the supposed needs. Furthermore, Italy believed that whales are charismatic megafauna and that their value as individuals cannot be diminished. It was uneasy about treating them merely as quantities of meat rather than as evolved beings. In the absence of an AWMP, Italy believed that a precautionary approach must be followed which meant sticking to the *status quo* until more information was available.

The Netherlands indicated that it could not support the current proposal since it contained serious flaws related to its scientific basis and lack of a sufficiently precautionary approach. Brazil associated itself with the remarks of Italy and the Netherlands. Mexico noted that while there had been an improvement in the data available for whale stocks off Greenland, the information still fell short of that now available for the Bering-Chukchi-Beaufort Seas stock of bowhead whales. Mexico congratulated the work done by the people of Barrow, Alaska and suggested that Denmark/Greenland follow their example. The UK noted that at some point, there could be justification to go beyond the *status quo* but that it could not support takes of humpbacks without advice from IWC's Scientific Committee.

Like others, Costa Rica referred to the lack of Scientific Committee advice regarding takes of humpback whales. In addition, noting the highly migratory nature of humpback whales making them a shared resource, Costa Rica also stressed the need to recognise the non-lethal use of these whales by other countries. It noted the restricted range of the bowhead whale stock and suggested that because of this, the stock should be dealt with more carefully than species with a wider range. Costa Rica believed that the Commission should await the outcome of the Scientific Committee's work next year before increasing the take of minke whales off West Greenland.

Monaco urged renewal of the *status quo* for two reasons: (1) the scientific uncertainty regarding the bowhead and humpback whale stocks; and (2) serious concerns regarding the effects of increasing consumption of whale meat on human health. Belgium associated itself with the remarks of Germany, Italy and others. It noted that the confidence interval on the abundance estimate for West Greenland minke whales was rather wide, reflecting the uncertainty of the estimate. Noting that new surveys were planned to address this and that new estimates were expected next year it recommended that, if possible, new quotas for a 5-year block be established next year. Austria,

Israel, Switzerland, Australia, Argentina, Luxembourg also indicated that they could not support the proposal.

The USA recognised the importance of aboriginal subsistence whaling for Greenland and noted that its proposal met the identified needs of the community. It indicated that it could support the request for 19 fin whales and 12 minke whales of East Greenland. It could also support some increase in the take of minke whales off West Greenland, but sought further discussion on where in the range indicated by the Scientific Committee the quota should be selected. However, the USA could not support, without less equivocal advice, the requested takes of bowhead and humpback whales. It hoped that these two requests could be deferred until the Scientific Committee could provide further advice. Sweden considered that undue concern should not be allowed to cloud the issue. It could support Denmark's proposal with the exception of the request for takes of humpback whales in view of the lack of Scientific Committee advice.

In responding to comments regarding expression of need in terms of tonnes of meat, Denmark explained that if only one species is being hunted, need can be expressed in terms of numbers of whales. However, if more than one species is hunted, as is the case in Greenland, need is expressed in terms of weight in recognition that different species are different in size. Denmark clarified that the stated need refers to meat and blubber and that it does not include the takes of small cetaceans.

Noting that several speakers had referred to IWC as the only competent body for whale management, the Russian Federation reminded delegates that paragraph 65 of UNCLOS talks about the competency of organisations in the plural. It disagreed with Italy's statement regarding the competency of NAMMCO, an organisation with which IWC co-operates actively. The Russian Federation, despite not being a member of NAMMCO, was prepared to consider and accept NAMMCO recommendations. It also disagreed with Italy's statement that an increasing population is not an important indicator of need given that Denmark had reported an increase in Greenland's population of 10% over the last 10 years or so. The Russian Federation stressed the delicate nature of this issue and the necessity of considering the real needs of the people. It supported Denmark's proposed Schedule amendment and called for the matter to be resolved by consensus.

St. Lucia, Iceland, Norway, Antigua and Barbuda and St. Vincent and The Grenadines supported Denmark's proposal in its entirety. Iceland noted that Denmark's request is more conservative than the Scientific Committee's advice, e.g. (1) it was only asking for two bowheads, when the Committee's interim advice would allow a take of up to five animals and, (2) it was asking for a take of 200 minke whales off West Greenland, when the Committee identified an acceptable range of 170 to 230 whales. Referring to Italy's comment on charismatic megafauna, Iceland urged the Commission to focus on the sustainability of hunts, not on perceived 'cuteness' of animals. Norway made similar remarks regarding the conservative nature of Denmark's requests. While it acknowledged that IWC's Scientific Committee had been unable to provide clear management advice with respect to humpbacks, it noted that some information is available indicating high abundance. It reminded the Commission that the Scientific Committee hopes to agree an abundance estimate next year. In the meantime, Norway suggested

that, following the same calculation method as used to provide advice on bowhead whales off Greenland, the humpback quota could be reduced from 10 to five. Norway also recalled that last time the subsistence quotas were renewed (i.e. in 2002), even though there was some concern regarding the stock structure of B-C-B bowhead whales, a quota for interim years was granted. Antigua and Barbuda also considered it misleading to suggest that there is no scientific advice and like Iceland and Norway, noted that there is a precautionary approach included in Denmark's proposal. Japan congratulated Denmark for its proposal and detailed presentation. It had no substantial problem with the proposal and like Iceland, noted that the charisma of animals is irrelevant in this context.

Noting that there was clearly no consensus on Denmark's proposal, the Chair suggested that the item be left open to allow time for Denmark to reconsider its request and to consult further. Denmark thanked those supporting its proposal but agreed to the Chair's suggestion.

#### 5.4.3.2.2 PRESENTATION AND DISCUSSION OF REVISED SCHEDULE AMENDMENT PROPOSALS

Denmark subsequently returned to the Commission with a revised proposal. The main change was the deletion of the request for a quota for humpback whales, although the following were also included: (1) a requirement for an annual review by the Scientific Committee of the take of minke whales off West Greenland; and (2) the bowhead quota for each year would only become operative when the Commission has received advice from the Scientific Committee that the take is unlikely to endanger the stock.

The USA, the Netherlands, Switzerland, Spain, Finland and Portugal indicated that they could now support a Schedule amendment with these changes. Switzerland requested Greenland to provide more information on beluga and narwhal hunts to allay concerns regarding these species. Several countries that had supported the initial proposal commended Denmark's efforts and spirit of compromise. However, some countries continued to have concerns. Germany indicated that while in a spirit of compromise it could now accept the proposed quota for minke whales, it remained concerned regarding bowheads. However, it would not block consensus. France also expressed concern regarding the bowhead quota, believing that scientific advice based on an *SLA* is needed before a quota is set. However, like Germany, it indicated that it would not block consensus. Luxembourg associated itself with France.

The UK recognised the considerable effort made by Denmark to modify its proposal. It noted that while it could now accept the proposed provisions for fin and minke whales, it continued to have difficulty with the proposal regarding bowhead whales. The UK indicated that it would prefer the amendment to say that the Commission declares a willingness to amend the Schedule again in 2008 on receipt of appropriate advice from the Scientific Committee. It also noted that the Schedule language should refer to whales 'struck' and not 'taken' and that the proposed amendment should be revised accordingly. Australia, Italy and Argentina associated themselves with the UK's position. Brazil and Monaco still believed that there should be no departure from the *status quo*, although Monaco appreciated the suggestion of the UK with respect to bowhead whales and suggested the removal of the provision for carry-over with respect to bowheads.

Noting that the Commission was close to a compromise, Chile proposed that a vote on the revised proposal be avoided and that any decision be deferred until the next day. It suggested that this would provide time to explore the willingness of countries to co-operative in other areas. Brazil and Argentina supported Chile. The Chair indicated that it was Denmark's prerogative to decide how to proceed. Denmark agreed to postpone discussions and returned the following day with a slightly revised proposal to reflect the UK's comment that the amendment should refer to whales 'struck' rather than 'taken'. The quota requests remained unchanged. The proposed amendment was as follows:

Amend paragraph 13.(b)(3) to read:

- (3) The taking by aborigines of minke whales from the West Greenland and Central stocks and fin whales from the West Greenland stock **and bowhead whales from the West Greenland feeding aggregation** is permitted and then only when the meat and products are to be used exclusively for local consumption.
  - (i) The number of fin whales **struck** from the West Greenland stock ~~taken~~ in accordance with this sub-paragraph shall not exceed ~~the limits shown in Table 1~~ **19 in each of the years 2008, 2009, 2010, 2011 and 2012.**
  - (ii) The number of minke whales **struck** from the Central stock ~~taken~~ in accordance with this sub-paragraph shall not exceed 12 in each of the years ~~2003, 2004, 2005, 2006 and 2007~~ **2008, 2009, 2010, 2011 and 2012**, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any **of the** subsequent years, provided that no more than 3 shall be added to the quota for any one year.
  - (iii) The number of minke whales struck from the West Greenland stock shall not exceed ~~175 200~~ **200** in each of the years ~~2003, 2004, 2005, 2006 and 2007~~ **2008, 2009, 2010, 2011 and 2012**, except that any unused portion of the ~~strike~~ quota for each year shall be carried forward from that year and added to the strike quota of any subsequent years, provided that no more than 15 strikes shall be added to the strike quota for any one year. This provision will be reviewed ~~if new scientific data become available within the 5 year period and if necessary amended on the basis of the advice of the Scientific Committee annually by the Commission, according to the findings and recommendations by the Scientific Committee, which shall be binding.~~
  - (iv) **The number of bowhead whales struck off West Greenland in accordance with this sub-paragraph shall not exceed 2 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than 2 shall be added to the quota for any one year. Furthermore, the quota for each year shall only become operative when the Commission has received advice from the Scientific Committee that the strikes are unlikely to endanger the stock.**

Amend Column 'FIN', Table 1 as follows:

- footnote 2 should read: 'Available to be **struck** by aborigines pursuant to paragraph 13(b)3. Catch limit for each of the years **2008, 2009, 2010, 2011 and 2012.**'
- footnote Δ should be deleted.

Monaco, Germany and France indicated that while they could accept the proposed quota of 200 minke whales from the Central stock, they could not accept the proposed bowhead quota. Belgium indicated that it could support neither, preferring to await Scientific Committee advice next year. Denmark was not prepared to make further changes and requested that its proposed Schedule amendment be voted upon. When put to a vote, the proposal achieved the required three-quarter majority, there

being 41 votes in support, 11 against and 16 abstentions. Argentina, who had abstained, explained that it had opted to do so given the conflict of interest it saw between consumptive and non-lethal use of whale resources.

#### 5.4.4 North Atlantic humpback whales off St. Vincent and The Grenadines

##### 5.4.4.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The SWG Chair had reported that the catch in 2007 was one female. Information on genetic and photo-identification work was welcomed by the Scientific Committee. The Committee agreed that renewal of the current catch limit (20 in total) for another 5-year block will not harm the stock.

In the Sub-committee, St. Vincent and The Grenadines referred to its previous needs statements and requested no change in the catch limits for 2008-2012.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

##### 5.4.4.2 COMMISSION DISCUSSIONS AND ACTION ARISING

St. Vincent and The Grenadines introduced its proposed amendment to Schedule paragraph 13(b)(4) to renew the existing quota as follows:

- (4) For the seasons ~~2003-2007~~ **2008-2012** the number of humpback whales to be taken by the Bequians of St. Vincent and The Grenadines shall not exceed 20. The meat and products of such whales are to be used exclusively for local consumption in St. Vincent and The Grenadines. ~~The quota for the seasons 2006 and 2007 shall only become operative after the Commission has received advice from the Scientific Committee that the take of 4 humpback whales for each season is unlikely to endanger the stock.~~

St. Vincent and The Grenadines hoped that IWC could recognise that the use of cetaceans contributes to its food security, and noted that the cultural and nutritional need of Bequians for whale meat had been established by the Commission at IWC/54 in 2002.

Many Contracting Governments spoke in support of the proposal that was adopted by consensus. Several also welcomed the scientific work being done by St. Vincent and The Grenadines and commended its quality.

#### 5.5 Other

In the Commission, Japan drew attention to the concern raised at the 'Conference on Normalising the IWC', held under its auspices in Tokyo in February 2007, regarding use of the term 'aboriginal' that some found to be derogatory. It noted that at that meeting, consideration had been given to proposing that this term be deleted from the Schedule. Japan noted that it recognised the implications to the Schedule of such a change, and suggested that if there was sufficient support, it would like to explore this matter further. It indicated that it was not in a hurry to come to a conclusion in the short-term, but would appreciate hearing the views of other Contracting Governments.

St. Vincent and The Grenadines and St. Kitts and Nevis did not believe the term 'aboriginal' to be appropriate and supported further consideration of this matter. The USA did not believe the term should be removed and drew attention to the aboriginal subsistence whaling caucus statement from 2007 (see Appendix 3 of Annex D). In that statement it was noted that changes to the term 'aboriginal subsistence whaling' may have significant legal consequences both at an international and domestic level. Costa Rica, Monaco and Peru supported the view of the USA. The Chair proposed that the matter be left open. In

the event, due to time constraints no further discussions were possible and the Chair proposed that these discussions are resumed at next year's meeting.

## 6. REVISED MANAGEMENT SCHEME

### 6.1 Revised Management Procedure (RMP)<sup>11</sup>

#### 6.1.1 Report of the Scientific Committee

##### 6.1.1.1 GENERAL RMP ISSUES

Discussions focused on three issues: (1) finalising the requirements and guidelines for implementing the RMP; (2) *Maximum Sustainable Yield Rates (MSYR)*; and (3) a mechanism for revision of the RMP.

With respect to the first issue, the Scientific Committee finalised the remaining part of its 'Requirements and Guidelines for *Implementations*' and recommended that the Guidelines be updated with the new text on threshold levels for interpreting the results of *Implementation Simulation Trials*. Last year, the Scientific Committee had noted that further work would be needed to evaluate fully the values for thresholds defining 'acceptable', 'borderline' and 'unacceptable' performance criteria in the *Implementation Simulation Trials*.

At last year's meeting, the Committee agreed that sufficient new information was available to warrant a review of the plausible range of *MSYR* for baleen whales used in RMP trials and an intersessional steering group was established to begin work. This is important both in context of *Implementations* and *Implementation Reviews*, as well as in considering proposed revisions to the *CLA (Catch Limit Algorithm)*. This year, the Committee reviewed progress and developed a work plan, including an intersessional workshop, which should allow completion of the review next year.

At the 2004 Annual Meeting, Norway had indicated that it may submit a proposal for the revision of the *CLA* and the base-case and *Robustness Trials*. Last year, the Committee discussed a Norwegian paper considering two aspects of this (related to the length of the simulation period and *MSYR*). This year, the Committee noted the results submitted for all single stock trials for a proposed alternative *CLA*, as required for consideration of a proposed revision of this nature. It agreed that detailed consideration of the results submitted by Norway would best be left until completion of discussions on *MSYR*.

##### 6.1.1.2 PREPARATIONS FOR IMPLEMENTATION

The Committee is examining four cases: the western North Pacific Bryde's whales; North Atlantic fin whales; western North Pacific common minke whales; and central and northeastern Atlantic common minke whales.

#### WESTERN NORTH PACIFIC BRYDE'S WHALES

The Committee completed the *Implementation* for western North Pacific Bryde's whales this year and in accordance with the time-frame given in the Requirements and Guidelines for *Implementations* and *Implementation Reviews*. This was the first *Implementation* undertaken using this process. Last year a final set of *Implementation Simulation Trials* for the various stock structure hypotheses and other factors were agreed. This year, the results of these trials were reviewed at an intersessional workshop. The Committee endorsed the workshop view that RMP

<sup>11</sup> For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 10 (2008).

variants 1, 3 and 4 performed acceptably from a conservation perspective. The Committee reported that each of these variants could be implemented and recommended them to the Commission.

The workshop had also agreed that RMP variant 2 (which involves all of the catches being taken close to Japan), was a possible candidate for the option that could be implemented along with a research programme. Under the Requirements and Guidelines, this option can be used only if the variant meets certain conditions, i.e. if: (1) the conservation performance of the use of the variant for ten years, followed, after a five-year phase-in period, by one of the other variants, is 'acceptable without research'; and (2) a research programme can be developed which, within a ten-year period, could feasibly address the uncertainties for which the variant performed unacceptably. The Committee examined the results of trials designed to evaluate the conservation performance of the 'with research' option and agreed that it was acceptable. It then considered what might be an acceptable research programme and developed stringent conditions for this, and reviewed progress on elucidating a programme. To make the Committee's review of any proposed research programme easier in future, it developed a standard *pro forma* and recommended that this be appended to the Requirements and Guidelines. A conceptual outline research plan from Japan was discussed. This included work on genetics, telemetry and assessing ageing errors. A full proposal may be submitted next year for the Committee's review.

The Committee also considered the information needed to actually implement the RMP if requested to do so by the Commission, namely a final catch series and abundance estimates. It agreed the catch series but noted that further work is needed on abundance estimates. To facilitate that work, the Committee developed some guidelines for the presentation of results and recommended that these are added to the 'Requirements and Guidelines for Conducting Surveys and Analysing Data'. The Committee expects to be in a position to review the abundance estimates for western North Pacific Bryde's whales at next year's meeting.

#### NORTH ATLANTIC FIN WHALES

The Committee recommended that it begin its *Implementation* for North Atlantic fin whales this year. This will entail a meeting of a small technical group and the holding of the First Intersessional Workshop in 2007/08. A Steering Group was established to guide the intersessional work.

#### WESTERN NORTH PACIFIC COMMON MINKE WHALES

Regarding an *Implementation Review* for western North Pacific common minke whales, the Committee noted that considerable new information on stock structure had become available since the *Implementation* was completed in 2003 and that further data will be forthcoming from the review of the JARPN programme (this is due shortly). Given this new information, it believed that it would not be feasible to carry out an *Implementation Review* in a single meeting, and recommended that the two-year process envisaged under the 'Requirements and Guidelines for *Implementation*' be followed. The Committee agreed that the new information should be discussed and synthesised before the *Implementation Review* is initiated.

#### CENTRAL AND NORTHEASTERN ATLANTIC COMMON MINKE WHALES

The Committee discussed the *Implementation Review* for central and northeastern Atlantic common minke whales. The objective is to review new information on, for example, stock structure and abundance and to determine whether the current trials adequately cover the uncertainties surrounding common minke whales in this region. The Committee hopes to complete the work during a pre-meeting before the 2008 Annual Meeting.

The Committee noted the importance of obtaining an abundance estimate for the eastern Barents Sea for this review and recommended that the Commission requests the relevant Russian authorities to grant permission for Norwegian research vessels to survey in its EEZ waters this year.

#### 6.1.1.3 ESTIMATION OF BYCATCH AND OTHER HUMAN-INDUCED MORTALITY

The RMP estimates a limit for the number of non-natural removals, not simply a catch limit for commercial whaling. It is therefore important to estimate the numbers of whales removed from the population by indirect means including bycatch in fishing gear and ship strikes, for example.

#### BYCATCH

The Committee reviewed progress towards estimating bycatch using: (1) fisheries data and observer programmes; and (2) genetic data from market sampling.

#### ESTIMATION OF BYCATCH BASED ON FISHERIES DATA AND OBSERVER PROGRAMMES

These have been used successfully for several small cetacean populations and the Committee has agreed that independent observer schemes are generally the most reliable means of estimating bycatch rates in a statistically rigorous manner, but that they may not always be practical and will require careful design.

The Committee reviewed progress with co-operation with FAO on fishing fleet data and the Fishery Resources Monitoring System (FIRMS) partnership. Time constraints had limited progress towards integrating IWC bycatch data with the FAO fishery database, but work had begun on consolidating the IWC data from the National Progress Reports. With respect to the FIRMS partnership, the Memorandum of Understanding (MoU) with FAO has yet to be completed. However, a meeting of the FIRMS partnership is planned for late 2007, and if the existing IWC data have been entered in a final agreed format, the MoU may be concluded at that meeting.

The Committee also addressed the complex issue of estimating mortality rates of entangled whales. Reports on work from a number of regions were received. In general, the Committee considered that: (1) collection of relevant data (e.g. genetic or photo-identification data that can allow for repeat identification of individuals) should be undertaken by trained personnel; (2) archiving information and material maximises its value; and (3) telemetry work can, amongst other things, provide information on survival. The Committee welcomed work that used information on the distribution of fishing effort and of whale distribution to identify high risk areas.

Reports on other international efforts to collect information on bycatch were received, including the work of project GloBAL, two projects of ACCOBAMS related to the Mediterranean and Black Seas, and two aspects of the work of CMS. With respect to the latter, the Committee recommended close co-ordination between the IWC and



CMS to ensure that the efforts of both organisations are complementary.

The Committee noted that one of the main difficulties in bycatch work is attributing the cause of death. A paper suggesting that this might be possible for harbour porpoises using a histological technique was received and the Committee suggested that the technique should be tested on large whales.

Finally the Committee agreed to clarify the instructions given on reporting bycatch in the National Progress Reports.

#### ESTIMATION OF BYCATCH BASED ON GENETIC DATA

The Committee has agreed that although genetic methods based on market samples may not be the primary approach to estimating bycatch, they could provide useful supplementary data that could not be obtained in another way. The use of market samples to provide absolute estimates should not be ruled out. However, further developments in sampling design with input from experts with detailed knowledge of market sampling issues are needed. A workshop on that subject was held immediately prior to the 2005 meeting, in Ulsan, Korea. As a result, the Committee agreed that market sampling provided potentially useful methods to supplement bycatch reporting schemes and agreed to a proposal for a follow-up workshop to investigate this further. It also agreed that any such bycatch estimates obtained from market surveys would be improved considerably if carried out in conjunction with the use of data from DNA registers on whales entering the market. Whilst recognising the political sensitivity of market-related issues in an IWC context, the Committee respectfully requested relevant governments to consider a collaborative effort to investigate these methods as a potentially valuable source of information for management and use in the RMP.

At the 2007 meeting, additional simulation studies on the use of market sampling to estimate bycatch were presented. These confirmed the Committee's earlier view that the mark-recapture method using all recaptures gave consistent but negatively biased estimates of the number of whales entering the market. It re-iterated that the most precise estimates will come if the work is carried out in conjunction with DNA registers and more detailed information on markets. The Committee agreed that more data are required before holding a second stage workshop on this issue. Two general papers on market sampling were also considered.

Finally the question of Japanese legislation relating to bycatch of baleen whales was considered and the Committee requested Japan to provide copies of the original documents to the Secretariat so that translations can be made.

#### VESSEL STRIKES

The Committee examined information on the value of dedicated observers on vessels to increase the possibility of whales being detected and agreed that such observers can be useful. It also received information from Hawaii suggesting that there may be under-reporting of collisions by whalewatching vessels. A review of vessels strikes from Alaska was received and the Committee agreed that this work should continue.

The Committee reviewed progress of the Vessel Strike Data Standardisation Group in developing a relational database template that could be used for archiving ship

strike data globally. The Committee recommended that the database be further fine-tuned and forwarded to the Commission's Ship Strikes Working Group for comment (see Section 16.1.2.2).

Progress on addressing recommendations made last year was also reviewed. An update of ship-strike events with large whales reported in Italian waters in 2006 was presented and the Committee looked forward to additional analyses of this valuable time series of data next year. A report detailing research on ferry traffic and collisions in the Canary Islands was also received. The Committee endorsed its recommendations especially those relating to estimating mortality. The Committee encouraged further work to determine the rates and outcomes of ship strikes.

Given the scope for work on ship strikes, the Committee also considered setting priorities for species and areas. Ship-strike mortality is a concern for management for two reasons: (1) setting commercial and aboriginal/subsistence whaling catch limits; and (2) evaluating threats to the survival of endangered stocks. The Committee noted that: (1) present areas of RMP interest are the central and northeastern Atlantic and the western North Pacific; and (2) the list of endangered species and stocks would suggest that areas of concern might also include the northwest Atlantic for right whales, the area from the China Sea north to the Okhotsk Sea for western Pacific gray whales, and the Straits of Gibraltar and Mediterranean for fin whales, sperm whales and possibly other species.

The Committee welcomed news from Spain concerning the relocation of the Cabo de Gata Traffic Separation Scheme, partly due to concerns over cetaceans, especially sperm whales. It suggested that a comparison be made of ship strike data prior to and after the scheme came into effect.

#### *6.1.2 Commission discussions and action arising*

##### **6.1.2.1 GENERAL ISSUES**

The Commission noted this part of the Scientific Committee's report and endorsed its recommendations. There was no discussion.

##### **6.1.2.2 PREPARATION FOR IMPLEMENTATION**

Noting that abundance estimates for western North Pacific Bryde's whales are needed to implement the RMP and that the Committee hopes to review these next year, Japan suggested that the Commission should be able to adopt the outcome of the implementation without difficulty. There were no other comments.

The Commission noted this part of the Scientific Committee's report and endorsed its recommendations.

##### **6.1.2.3 ESTIMATION OF BYCATCH AND OTHER HUMAN-INDUCED MORTALITY**

The Commission noted this part of the Scientific Committee's report and endorsed its recommendations. There was no discussion.

#### **6.2 Revised Management Scheme (RMS)**

At last year's Annual Meeting, the Commission accepted that an impasse had been reached at the Commission level on RMS discussions and did not identify any formal activity prior to IWC/59. However, it noted that individual governments or groups of governments could work towards the development of an RMS during the intersessional period. This item was retained on the agenda in Anchorage to provide an opportunity for governments to report on any intersessional activities and/or to propose further work. No

such reports were received and no further work on the RMS was identified by the Commission.

The UK raised its concern that in the absence of an RMS, Iceland had resumed commercial whaling in October 2006. The UK was deeply disappointed with this decision and noted that it had already made its view clear to the Icelandic Government. It believed that Iceland's decision deliberately defied the commercial whaling moratorium and undermined the status of IWC. In deference to the new Icelandic Government, that had not yet decided how to go forward on this issue and in the spirit of co-operation, the UK reported that it had decided not to table a Resolution despite considerable pressure from its constituents to do so. However, it noted that should Iceland's position remain unchanged at next year's meeting, it may feel obliged to table a Resolution at that time. Brazil, Argentina, Monaco, Costa Rica and Australia associated themselves with the UK's remarks. Argentina commented on what it saw as the illegitimacy of Iceland's commercial whaling and expressed concern regarding the way in which Iceland's re-adherence to the Convention with a reservation to the moratorium had been decided. Iceland acknowledged that the UK had already made its position regarding Iceland's resumption of commercial whaling clear and believed that there was no reason to take up the matter at this meeting. It welcomed the decision not to table a Resolution but acknowledged the opinions expressed. However, regarding the remarks of Argentina, Iceland stated that nothing it was doing was illegal and that the circumstances of its re-adherence had been discussed before and a conclusion arrived at in October 2002 during the 5<sup>th</sup> Special Meeting of the Commission<sup>12</sup>.

## 7. THE IWC IN THE FUTURE

### 7.1 Introduction

When introducing this item, the Chair noted that when developing the draft agenda for this meeting, both he and the Vice-Chair believed that it would be useful for the Commission to have a general discussion concerning the future of IWC, given *inter alia* the impasse reached on the RMS and the number of issues for which polarisation rather than consensus appears to be the norm. He noted that since IWC/58 there had been two meetings held outside the auspices of IWC that addressed the future of the organisation. The first was hosted by the Japanese Government in February 2007 and the second was organised by the Pew Foundation and held in New York in April 2007. He believed that there were some common themes arising from the two meetings and expressed the hope that fruitful discussions on the future of the organisation could now take place within IWC involving all parties.

Argentina drew attention to a meeting held in Buenos Aires in December 2006, attended by a number of Latin American countries, which also addressed *inter alia* the future of IWC. It noted that the Buenos Aires Declaration that arose from this meeting had been circulated by the Secretariat at its request to all Contracting Governments in December. Argentina requested that the outcome of the Buenos Aires meeting be considered alongside the

outcomes of the Tokyo and New York meetings. The Chair agreed.

The Chair invited the outcomes of the three meetings to be reported to the Commission.

#### 7.1.1 Conference for the Normalisation of the International Whaling Commission, Tokyo

Mr Nakamura, the Commissioner for Palau and Chair of the Tokyo conference noted that the aims of the conference were to discuss and recommend specific measures to restore the IWC as an effective resource management organisation in accordance with its mandate prescribed by the 1946 International Convention for the Regulation of Whaling and to promote dialogue and reduce the confrontational nature of the discourse that had become entrenched in IWC. It was to his regret, therefore, that participation in the meeting was not fully reflective of the views held among Commission members even though invitations had been extended to all Contracting Governments. Mr Nakamura noted that discussions at the meeting had taken place in plenary and in four Working Groups addressing: consensus building, building trust and procedural issues; public education; cultural diversity; and the interpretation of the ICRW and other instruments. It was his view that the IWC could not continue in the same way as at present and that the Tokyo and New York meetings provided a starting point for improving the situation.

Mr Nakamura highlighted the major conclusions of the meeting which included:

- (1) that the principle of sustainable use of resources is a universal principle and that whales should not be exempt from such use;
- (2) that diverse cultural values and dietary practices must be respected, noting that the responsible management of marine living resources is particularly important for the food security of many developing countries;
- (3) given that whaling is occurring and will continue into the future, IWC needs something like Chairman Fischer's RMS package<sup>13</sup> which came close to being a reasonable compromise;
- (4) that the commercial whaling moratorium was intended to be a temporary measure and that its continued application is of questionable legality;
- (5) that regional management organisations such as NAMMCO could provide an alternative to IWC;
- (6) that IWC should ensure that the culture related to the hunting of whales is maintained and that there should be further examination of other international instruments that deal with cultural diversity such as the UNESCO conventions;
- (7) that the use of the term 'aboriginal' is considered by some to be disrespectful and derogatory and that alternative language should be considered;
- (8) that research under Article VIII should be done in a responsible way and that the determination of whether such research is responsible must be done by the permit-issuing state in the context of the ICRW; and
- (9) that the focus should be on sustainable whaling rather than having different categories as at present.

Recommendations on ways to improve how IWC conducts its business included:

<sup>12</sup> *Ann. Rep. Int. Whaling Comm.* 2003: 139-142.

<sup>13</sup> *Ann. Rep. Int. Whaling Comm.* 2004: 82-92.

- (1) seeking consensus solutions before voting;
- (2) showing a willingness to compromise;
- (3) the need for science-based solutions;
- (4) examining how to create the political will to resolve the current situation;
- (5) the need to work and speak in less confrontational ways;
- (6) consideration of how to bring strong anti-whaling countries to the negotiating table;
- (7) consideration of looking at governments rather than Commissioners to resolve the situation;
- (8) that important findings of the Scientific Committee including agreements on stock abundance should be made available to the public through press releases from the IWC Secretariat;
- (9) that proposals to amend the Schedule might be looked at by a special group with the purpose of ensuring consistency with Article V.2; and
- (10) that an outside legal opinion might be sought when there is disagreement over the interpretation of the ICRW or Commission decisions.

Mr Nakamura believed that there were some commonalities between the comments and recommendations arising from the Tokyo and New York meetings and that these provided a starting point for the dialogue that is both desirable and necessary. He noted that he had already had some discussions with Sir Geoffrey Palmer, Chair of the Pew Foundation meeting in New York, regarding the outcome of both meetings. He undertook to continue such discussions but would welcome the involvement of others in seeking a way forward for IWC.

#### *7.1.2 Symposium on the State of the Conservation of Whales in the 21<sup>st</sup> Century, New York*

Sir Geoffrey Palmer, New Zealand Commissioner and Chair of the Pew Foundation meeting thanked Mr Nakamura for his courtesy in discussing with him how to proceed with presenting the outcome of the meetings. He found Mr Nakamura's remarks highly constructive. Sir Geoffrey considered it notable that three meetings had taken place within one year directed at addressing the impasse afflicting IWC. He considered the session at IWC/59 provided an opportunity to build bridges.

Turning to the Pew Foundation meeting, Sir Geoffrey noted that it had not been a government-sponsored meeting, but that it was organised by the Pew Foundation, an NGO, and co-sponsored by UNEP. He had chaired the meeting in his personal capacity. The meeting had been divided into four sessions covering:

- (1) the status of whale stocks;
- (2) developments in oceans law since 1946;
- (3) the history of whaling diplomacy; and
- (4) possible ways forward.

One third of participants had an IWC background, another third were representatives of NGOs and another were participants who had no previous connection with IWC. He believed that the meeting had produced some new ideas on how healing the divisions within IWC might be approached. He reported that there had been a general acceptance, expectation and hope that IWC would survive and that the current impasse, recognised by both 'sides' would be resolved, although he stressed that the difficulties in doing so should not be underestimated. He stressed that the outcomes of the meeting did not represent a package

but rather a menu from which choices could be made. He noted that a number of approaches had been identified. One of these was to maintain the *status quo*, i.e. to keep the current policies and accept that the debate might be divisive and deadlocked as there may be no other route available to reduce or control commercial and scientific permit whaling, but at the same time to continue efforts to further a conservation agenda within IWC. A second approach was to negotiate compromises within the IWC, recognising that this would require a more diplomatic atmosphere within IWC meetings and an end to the use of derogatory language. In this respect, one idea put forward was to negotiate a new protocol to the Convention that would: remove or restrict the open-ended use of Article VIII relating to scientific permit whaling; establish a Compliance Review Committee that would have new powers of enforcement; include a new dispute settlement provision; stipulate that there can be no reservations to the new rules; prevent countries from opting out of IWC rules; include a management objective implementing the precautionary and ecosystem approaches and including non-consumptive uses; and include provisions allowing amendment of the Convention. Other ideas included: (1) a whaling-free Southern Hemisphere; (2) a re-examination and revision of the 'Irish Proposal'<sup>14</sup>; and (3) an RMS+ strategy with the following four fundamental components: phasing out of lethal scientific research; phasing out of whaling in sanctuaries; lifting of the commercial whaling moratorium upon completion of RMP modelling and Commission action on a case-by-case basis; and a prohibition on the international trade of whale meat. A third approach was to seek a final settlement by a 'higher' authority, through, for example an Independent World Commission on the Conservation of Whales, a Ministerial Summit on the 60<sup>th</sup> Anniversary of IWC, a mutually-agreed, binding mediation or arbitration procedure, an International Diplomatic Conference under the auspices of the UN, an independent group of qualified eminent persons, bringing the IWC into the framework of the UN and integrating whale conservation as an issue into broader oceans, biodiversity and species protection agendas and instruments.

Sir Geoffrey noted a number of additional points and recommendations, including:

- (1) that further research into the economics of whaling should be conducted and in particular the degree to which the industry is subsidised by governments;
- (2) that there should be stakeholder dialogue on whale conservation within pro-whaling countries;
- (3) improved dialogue through the establishment of a working group comprising a diverse mix of interests and views to find common ground; and
- (4) exploration of new approaches to conflict management in IWC, noting that the techniques of conflict management had not been exercised in IWC to the degree that they should.

Finally, Sir Geoffrey highlighted the common elements of the outcome of the Tokyo and New York meetings, i.e. a willingness to seek areas of commonalities, a clear commitment to end the use of derogatory language, an improved mechanism for conflict management (letting others know what you want so as to build trust) and a

<sup>14</sup> *Ann. Rep. Int. Whaling Comm.* 1998: 35-36.

shared interest in elevating discussions to a higher level. He believed that the Commission should take the opportunity to explore the common ground, but stressed that this will require a change in the way the organisation conducts its business, with governments talking to, rather than past, each other.

### 7.1.3 Buenos Aires Declaration

Mr Javier Figueroa, Alternate Commissioner for Argentina reported on the outcome of the December 2006 Buenos Aires meeting that had been chaired by Ambassador Eduardo Iglesias. He noted that the Latin American region had already begun in 2005, at an earlier meeting, to consider alternative approaches that could be used to modernise the organisation and overcome the impasse within IWC (it preferred the term 'modernisation' to 'normalisation' believing the latter to have derogatory connotations for some). This was continued through the meeting held in Buenos Aires in December 2006 that included representatives of Argentina, Chile, Panama, Ecuador, Guatemala, Dominican Republic and diplomatic observers from Colombia, Uruguay and Venezuela. Participants at the meeting had been in favour of improved dialogue and an end to the use of derogatory terms within IWC. They considered that the debate on the future of the organisation must take place within IWC so as to guarantee the greatest participation. The meeting believed that since IWC was created, it had contributed to the conservation of whales and the recovery of whale stocks, with the important work of the Scientific Committee being extensively recognised. Mr Figueroa noted that for the Latin American region, it is vital that any debate include certain elements such as:

- (1) mechanisms to facilitate the participation of developing countries, not just from a financial perspective but also from a scientific and technical point of view;
- (2) the promotion of the non-lethal use of whale resources;
- (3) the promotion and creation of new sanctuaries; and
- (4) the strengthening of the Conservation Committee to address new threats to cetaceans.

The region would be supportive of any initiative that would re-launch negotiations. Finally, there was the view that scientific permit whaling should be suspended at least until conditions exist to advance such negotiations.

## 7.2 Commission discussions and actions arising

Denmark noted that IWC is now so polarised that it cannot take decisions to find its way out of the current impasse. It recalled that at IWC/57 in 2005 it had, together with the Republic of Korea, proposed a way forward for the Commission but that this had been rejected<sup>15</sup>. While Denmark welcomed the new-found politeness of discussions at the 59<sup>th</sup> Annual Meeting, it stressed that the organisation needs to go beyond this if the impasse is to be overcome. It considered that if IWC fails to fulfil its dual role of conservation and management, there is a real risk that the organisation will collapse, which would be to the benefit of no-one. Denmark wanted IWC to function properly but noted that for this to occur, a give and take on both sides is necessary. It suggested that those opposing whaling must drop the position that no whaling at all can

take place and that pro-whaling countries must drop the position that the provisions in the Convention concerning scientific permit whaling and whaling under objection are beyond a compromise. Denmark believed that work should resume on the RMS/RMP or similar system and that discussions should focus on areas where agreement might be achieved in the shorter-term rather than on areas where reaching agreement would be more difficult. It stressed the need to re-build trust and confidence among IWC members and indicated that it would like all Contracting Governments to pledge their willingness to be prepared at future meetings to compromise on essential matters.

Brazil noted that the outcome of the Buenos Aires meeting reflected its views on what is needed if IWC is to re-state its role as the global organisation with a mandate on whales and whale resources. It noted that while the outcomes of the Tokyo and New York meetings were interesting, the meetings were held outside IWC. Brazil believed that solutions to the current impasse must be found inside IWC since Contracting Governments are the ones who should be interpreting the Convention.

St. Kitts and Nevis recalled that the St. Kitts and Nevis Declaration adopted by the Commission last year (Resolution 2006-1<sup>16</sup>) addressed issues of sustainable use of marine living resources and the past, present and future contribution of cetaceans to sustainable livelihoods, food security and poverty reduction. Since the passing of the Declaration, it was pleased to see a movement in the debate. It was heartened by the reports from the Tokyo, New York and Buenos Aires meetings believing that they would help the 'normalisation' or 'modernisation' of IWC. St. Kitts and Nevis considered that it might be useful to establish a Committee to review the recommendations from the three meetings as a way to begin discussions on a way forward for the Commission.

The representative from St. Lucia noted that he had returned to IWC after some years' absence and found that many of the same problems still existed. He noted that the reports from the three recent meetings continued to refer to 'whaling' and 'anti-whaling' groups, which he believed was at the heart of the problem. He believed that decisions of the Commission should be based on science and reason and not on emotion and suggested that use of the terms pro- and anti-whaling should cease and that instead the needs of people should be addressed. Senegal associated itself with these remarks. It believed that IWC is at a watershed and that continuation of the *status quo* is not an option. It called on the Chair to do all he could to resolve the impasse.

France agreed that there is a need to re-establish an atmosphere of trust among the Commission and believed that there are now encouraging signs that this can begin. It considered it premature to decide at this meeting on the specific future path for the organisation, but noted that it would support moves to seek resolution. It noted that issues important to France included the removal of the objection procedure and the provision allowing scientific permit whaling. It also believed that the Commission should, as a body, be able to impose sanctions when infractions of the provisions of the Convention and Schedule occur.

South Africa noted that it recognises IWC as the only relevant and legitimate organisation dealing with all cetaceans and expressed concern that its effectiveness is compromised by the current impasse. Like Denmark, South

<sup>15</sup> *Ann. Rep. Int. Whaling Comm.* 2005: 27-29.

<sup>16</sup> *Ann. Rep. Int. Whaling Comm.* 2006: 68.

Africa believed that it is in no-one's interest for the IWC to collapse or wither away. It welcomed constructive debate within IWC, but also suggested that informal processes can sometimes generate new ideas and help build trust among participants. It believed that discussions on the future of the organisation should address all issues of importance to member countries, including the non-consumptive use of whale stocks. It viewed the Convention as an old convention requiring some modernisation, but noted that IWC has some positive assets to build on, particularly the credibility and integrity of its Scientific Committee.

The UK associated itself with many of the remarks of South Africa and Denmark, believing the latter to have raised the level of debate. The UK considered that the present situation can only lead to the demise of IWC. However, it noted that it considered the following elements to be important if real progress is to be achieved:

- (1) a review of special permit whaling and regulation of it so that permits are only issued with the approval of the Scientific Committee;
- (2) a compliance procedure with sanctions so that if catch limits are exceeded the Commission as a body can take action;
- (3) breaking any link between discussions on the RMS and on the lifting of the commercial whaling moratorium;
- (4) that the regulation of whale hunts must contain welfare criteria to minimise suffering and a requirement that data are submitted to demonstrate whether the criteria are met; and
- (5) a recognition of the increasing importance of the non-lethal use of whales not only in view of welfare concerns but also as an economic resource.

Sweden associated itself with the remarks of Denmark. It noted that since Sweden's re-adherence to the Convention in 1979, it had supported the principle of sustainable use and the application of the precautionary principle. It believed that Commission decisions should be based on science without undue political considerations. It would continue to support the commercial whaling moratorium until an RMS is in place and until IWC has taken full control over all types of whaling. At this point, Sweden could accept the resumption of commercial whaling at the same time as others' interest in whalewatching is recognised and respected. It welcomed the reports from the three meetings, all of which underlined the importance of respect for the views of others and the need to establish ways for improved communication. Sweden noted that it would support future meetings to find a way forward for IWC if they were open to all countries involved and if the range of views held by members was fully reflected. It considered that participation of those not usually involved in IWC matters might be useful, but it stressed that the goal must be to find a solution to the present impasse. It believed that sustainable commercial whaling and sustainable whalewatching must be part of the solution. Finally, Sweden noted its preference for the term 'harmonisation' of the Commission rather than 'normalisation' or 'modernisation' and drew attention to its remarks on this matter last year<sup>17</sup>.

Mali noted that the opening addresses to the Annual Meeting served as a reminder of the importance of whales

to various communities. It believed that it is for individual countries to decide how they wish to utilise whale stocks and that preservation and sustainable use should be key to any activities. It also believed that full protection should be extended to whale stocks when necessary, as is the case in the management of other species. With respect to trust, Mali suggested that there had been a show of trust earlier in the day when the Commission endorsed parts of the Scientific Committee report concerning whale stocks and the RMP. Like others, it considered that the reports from the three intersessional meetings had some common denominators.

Iceland welcomed activities that would result in a positive outcome whether they were held within or outside of IWC. It believed a positive development had already taken place at this meeting when there had been a consensus in favour of sustainable whaling in relation to subsistence whaling<sup>18</sup> and it hoped for consistency in positions when other types of whaling were discussed. However, Iceland considered that the key problem has been that until now, there has not been the necessary political will to achieve a compromise. It believed that the Commission has an idea of what form a compromise may take (i.e. Chairman Fischer's RMS proposal) and recognised the key role played by Denmark in this. It also recognised the significant amount of technical work done on the development of an RMS and the ideas forthcoming from the recent meetings. However, Iceland believed that what is now needed is not more technical work but the political will to reach a realistic compromise conclusion.

Germany believed that a process of reflection was needed within IWC so as to find a way forward. Like a number of other countries, it believed the Commission should talk in terms of modernising the organisation rather than normalising it. It believed discussions should be fully inclusive and transparent, but that in the process, what it considered to be major achievements of IWC (e.g. the creation of sanctuaries and the commercial whaling moratorium) should not be ignored.

Japan hoped that IWC would take action to overcome the current impasse. It believed that if the *status quo* remains, the organisation will continue to have fruitless confrontations and whaling will continue outside of IWC control. It also believed the IWC to be endangered and facing extinction. Japan recalled the remarks of the previous Secretary to the Commission, Dr Ray Gambell, who had noted that IWC had two options: either to maintain the *status quo* or to develop a solid approach to management. Like Dr Gambell, Japan preferred the latter option and therefore regretted that work on the RMS had come to a halt. Japan recognised that while the Tokyo and New York meetings were different in some ways, some common ground had emerged including an agreement that something needed to be done to break the impasse. Japan stressed the need to overcome the mutual distrust that existed among Commission members.

Like others, the Netherlands welcomed the reports from the three intersessional meetings and believed that the common ground emerging should be an incentive to

<sup>18</sup>Note that when the item on the future of the IWC was discussed, aboriginal subsistence quotas had been renewed by consensus for aboriginal subsistence whaling involving the USA and Russian Federation (for bowhead and gray whales) and St. Vincent and The Grenadines (humpback whales). Negotiations regarding the Greenland hunt were still ongoing.

<sup>17</sup>Ann. Rep. Int. Whaling Comm. 2006: 48.

develop a package to take to IWC/60 on the way forward for the organisation. It considered that the RMS should be part of the package but that there should also be respect for other practices and points of view. Areas of importance for the Netherlands included compliance, the proper reporting and control of all whaling including special permit whaling, proper mediation procedures and the possibility for imposing sanctions in cases of non-compliance (e.g. loss of quota, loss of permits). The Netherlands noted that it would favour an open-ended working group reflecting the different views within the Commission. The working group would be tasked with developing a package regarding the future of IWC to present to the Commission at IWC/60. If this was not achieved, then the Netherlands would support a high level political meeting to break the deadlock.

Australia noted that times have changed since the Convention was drafted in the 1940s. The whale oil industry had disappeared and whalewatching had become a significant economic activity. It was in no doubt that the most significant benefit to coastal communities from whale resources was from whalewatching rather than whaling (i.e. whales in the water rather than on the butchers hook). Australia believed that the changed context needs to be recognised in any discussions on modernisation or renewal of the Convention. It also believed that science needs to be recognised and respected properly rather than being given a token deference. Australia considered that if scientific permit whaling is to have any value, it must have independent credentials from the Scientific Committee or another body. It believed that such whaling, together with whaling under objection or reservation, undermines the credibility of the Commission. Australia took the view that any revised or new Convention must respect science and the growing economic importance of whalewatching and that there must be satisfactory and enforceable means of compliance.

Norway noted that there is a general consensus that IWC is at a standstill and that its future might be at risk. It agreed with others that if IWC is to be made relevant, then full and frank discussions on its future must be held. It found the reports from the three intersessional meetings helpful, but expressed concern that in their interventions, several Contracting Governments had already identified certain demands that must be met before negotiations have even started. Norway urged members to keep in mind that a three-quarter majority is needed to change the Schedule and that countries therefore have to work together. It was somewhat concerned that there was a lack of a specific proposal on how to move forward, but supported the suggestion made by St. Kitts and Nevis that a Committee be established.

Costa Rica supported modernisation of the organisation by consensus. It was pleased with the language and tone of the meeting and believed this represented a fundamental step forward. It thanked the Chair and the Secretariat for their efforts to promote consensus.

Chile was also pleased to see a notable change in the atmosphere in which the meeting was being conducted. It suggested that the Commission should be working to modernise, rather than normalise, since the latter implied that it had not been working in a normal manner. Like Australia, Chile commented that the world has changed since the Convention was agreed. It believed that the structure, objectives and purpose of the IWC needed to be

updated. In any discussions on the future of IWC, Chile thought it important to note that no member country in the Southern Hemisphere is interested in the lethal use of whales and that there is considerable support for non-lethal use of whale resources. It was interested in South Africa's comment on the usefulness of informal meetings and stressed that as the host of the next Annual Meeting it would do everything within its power to make progress towards an IWC that addresses the concerns of the 21<sup>st</sup> century.

Like many others, Belgium welcomed the reports from the three intersessional meetings. It noted that it had participated in the New York meeting where it had stressed the need to put whales back into the ocean and the importance of taking account of threats other than whaling (e.g. ship strikes, entanglement, climate change) which affect more whales than whale hunting. Belgium believed that addressing these other threats provides an opportunity for the Commission to work on non-divisive issues, but noted that the current budget constrains the number of topics that can be addressed. It also encouraged increased collaboration with other organisations at a scientific and policy level. Belgium indicated its support for a process to address the future of IWC.

India re-iterated its full commitment to IWC. It believed that conservation should be coupled with sustainable development and that the issues faced by the organisation could be resolved with scientific reasoning. Panama also encouraged further dialogue. The Republic of Korea congratulated the Chairs of the three meetings and considered it fortunate to witness that the importance of resolving the problems of IWC is recognised. With respect to the New York meeting, it noted mention in the report that to engage in negotiations for a protocol to the Convention, there would be a requirement for conservation countries to provide incentives to whaling countries that would be sufficient for the latter to agree to certain compromises. The Republic of Korea asked what sort of incentives had been discussed.

The Republic of Guinea expressed concern regarding the current polarisation of the organisation and believed that the opportunity should be taken to get it back on track. In this regard it proposed that a committee, comprised of both views, be established to take stock of what appears to be the common ground, what issues are divisive and to propose solutions. It further recommended that an extraordinary meeting of the Commission be held to review the outcome and to negotiate a way ahead for the organisation. In a similar vein, Spain thought that it would be useful to extract the positive elements from the reports of the three meetings and for an intersessional group to review these and look for common ground. It also believed that IWC should be modernised and that any solution should include a robust and modern RMS that includes best practices applied elsewhere and a compliance mechanism as mentioned by the Netherlands. Spain appreciated the improved standard of dialogue.

After hearing all the interventions, the Chair noted that there is a general agreement on the need to move forward taking account of the three intersessional meetings. He therefore asked to be allowed to work with the Commissioners of Palau and New Zealand and a representative from the Latin American region to develop a proposal on how to proceed. He would come back to the

Commission with this proposal before the end of the meeting. The Commission agreed to this approach.

On the last day of the meeting, the Chair reported that he had met with the Vice-Chair, the Commissioners from Chile, New Zealand and Palau and the Secretary to discuss how to move forward. On the basis of this, he proposed that an intersessional meeting of the Commission be held prior to IWC/60. The meeting would be open to all Contracting Governments and observers. If the Commission could agree to this, the Chair proposed that he would use the small group to prepare a draft agenda and documents for the meeting. The draft agenda would be circulated to all Contracting Governments for review. The Commission agreed with this approach. Brazil requested that the intersessional meeting be held in a convenient location.

## 8. SANCTUARIES

When opening this agenda item, the Chair drew attention to Japan's comments to the Draft Agenda. Japan had noted that in the past it had proposed amendments to paragraph 7(b) of the Schedule (i.e. in relation to the Southern Ocean Sanctuary) to the effect that it becomes consistent with Article V(2) of the Convention. In keeping with its attempts to reduce conflict within the IWC, Japan had indicated that it did not intend to propose a Schedule amendment under this agenda item at IWC/59 and urged other Contracting Governments to refrain from presenting proposals for the establishment of sanctuaries.

### 8.1 Issues raised in the Scientific Committee

No issues were raised.

### 8.2 Proposal to amend the Schedule to establish a South Atlantic Whale Sanctuary

#### 8.2.1 Introduction of the proposal

On behalf of the other principal co-sponsors (Argentina and South Africa), Brazil introduced a proposal to create a South Atlantic Whale Sanctuary. The amendment proposed was the same as in the previous six years, i.e., the inclusion of a new sub-paragraph in Chapter III of the Schedule as follows:

In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the South Atlantic Whale Sanctuary. This Sanctuary comprises the waters of the South Atlantic Ocean enclosed by the following line: starting from the Equator, then generally south following the eastern coastline of South America to the coast of Tierra del Fuego and, starting from a point situated at Lat 55°07,3'S Long 066°25,0'W; thence to the point Lat 55°11,0'S Long 066°04,7'W; thence to the point Lat 55°22,9'S Long 065°43,6'W; thence due South to Parallel 56°22,8'S; thence to the point Lat 56°22,8'S Long 067°16,0'W; thence due South, along the Cape Horn Meridian, to 60°S, where it reaches the boundary of the Southern Ocean Sanctuary; thence due east following the boundaries of this Sanctuary to the point where it reaches the boundary of the Indian Ocean Sanctuary at 40°S; thence due north following the boundary of this Sanctuary until it reaches the coast of South Africa; thence it follows the coastline of Africa to the west and north until it reaches the Equator; thence due west to the coast of Brazil, closing the perimeter at the starting point. This prohibition shall be reviewed twenty years after its initial adoption and at succeeding ten-year intervals, and could be revised at such times by the Commission. Nothing in this sub-paragraph shall prejudice the sovereign rights of coastal states according to, *inter alia*, the United Nations Convention on the Law of the Sea.'

Brazil reminded the Commission that it had first given notice of its intention to propose the creation of a South Atlantic Whale Sanctuary at IWC/50 in Oman in 1998. It had submitted a proposed Schedule amendment at IWC/53 in London in 2001 and then at each Annual Meeting since then. Despite it not yet being adopted, Brazil indicated that it remains convinced that such a sanctuary had not outlived its purpose, which is to promote conditions for benefiting from, managing and enhancing the knowledge of cetaceans in the region in a non-lethal manner. It noted that the Scientific Committee reviewed the proposal in 2005, that it was endorsed by the Conservation Committee (with the exception of Denmark) last year, and that it has been reviewed by many independent scientists and natural resource managers from within the South Atlantic region. Noting the past reckless slaughter in this area of most species of large whales by coastal whaling and by pelagic whaling largely by fleets foreign to the region, Brazil indicated that creation of a sanctuary would reassert the conservation and economic interests of many of the regions developing countries in the sustainable non-lethal use of whale resources, particularly through whalewatching. It believed that since the International Convention for the Regulation of Whaling was signed in 1946, the world's perception of the conservation and management of natural resources in general and marine resources in particular, had evolved dramatically, illustrated by a number of international conventions including new obligations for managing and regulating uses of the oceans. Brazil drew particular attention to the provisions of UNCLOS and the Convention on Biodiversity (CBD). Finally, Brazil urged the Commission to consider the sanctuary proposal as a means of promoting optimum conditions for exercising the responsible use of cetacean resources in a non-lethal manner.

As a range state of the proposed sanctuary, South Africa referred proudly to its record on the conservation and use of marine resources and to its chosen policy of the sustainable use of whales through whalewatching, an activity that has contributed significantly to the social and economic needs of its impoverished coastal communities. South Africa believed it had an obligation to ensure that whale resources are protected and therefore supported creation of the sanctuary.

Like Brazil, Argentina stressed that it remains committed to the creation of the sanctuary and requested that IWC members give the same consideration and respect to coastal communities in the South Atlantic region as is given to communities elsewhere with respect to the use of whale resources. It further noted that many coastal communities in the region depend on the non-lethal use of whale resources through whalewatching and observed that no Southern Hemisphere countries engage in whaling. Argentina drew attention to the Workshop on the Zone of Peace and Co-operation of the South Atlantic<sup>19</sup> held in Buenos Aires from 7-9 May 2007 at which participants released a statement that included *inter alia* reaffirmation of their support for the conservation of marine resources and their desire to co-operate in the non-lethal use of cetaceans. It reported that this meeting had been attended

<sup>19</sup>This 'Zone' was declared by the United Nations General Assembly Resolution 41/11 of October 1986. The ZPCSA is a forum in which Latin American countries co-operate in several fields with certain African countries.

by representatives of Angola, Argentina, Brazil, Cameroon, Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, Gambia, Guinea, Liberia, Namibia, Nigeria, Senegal, Togo and Uruguay. It considered it important to consider this reaffirmation when discussing the proposed sanctuary.

#### 8.2.2 *Commission discussions and action arising*

Costa Rica, USA, Monaco, Mexico, UK, Portugal, Peru, Italy, Spain, Hungary, New Zealand, Australia, Germany, Chile, Panama, France, India, Oman, Luxembourg, Cyprus, Czech Republic, Croatia, the Netherlands, Ecuador, Greece and Switzerland all spoke in support of the sanctuary. Costa Rica noted that it supported the proposal because none of the range states has an interest in whaling and because the sanctuary would favour the real recovery of depleted whale populations. The USA considered that the proposed sanctuary would protect whales in their critical feeding and breeding grounds and provide opportunities for non-lethal research to be conducted on undisturbed whale stocks, including studies on life-history and population dynamics. Monaco noted that sanctuaries are used in conservation science to manage and sustain vulnerable stocks and provide opportunities for international co-operation in non-lethal research. Like Costa Rica, it noted that none of the range states to the proposed sanctuary are whaling nations and suggested that the sanctuary would boost the economies of poor coastal communities through whalewatching. Monaco considered that it would be paradoxical to vote against creation of the sanctuary and at the same time to speak in favour of the development of poor communities. It therefore urged Contracting Governments to vote in favour of the sanctuary or to at least abstain in any vote. Mexico noted that creation of the sanctuary would be consistent with its own policy for the protection of marine mammals, noting that its own legislation has, over the last 50 years, prioritised the establishment of sanctuaries, refuges and Marine Protected Areas for several cetacean species in its own jurisdictional waters. The UK supported the proposal and commended, in particular, the connection made by Brazil to the Convention on Biodiversity. Italy also supported the use of sanctuaries to promote cetacean conservation, referred to its role as a promoter of the Pelagos Sanctuary in the Mediterranean and looked forward to the establishment of sanctuaries in other parts of the world. It believed that in a framework of sustainable use, non-lethal use of whale resources is a better approach and more profitable than whaling. Spain was pleased to receive the information provided by Argentina on the statement released from the recent workshop. New Zealand congratulated the principal co-sponsors for the degree of consensus achieved among the range states. It stressed that even though New Zealand and Australia were not proposing establishment of a South Pacific Sanctuary at this meeting, they had not lost commitment to the policy of establishing whale sanctuaries. Switzerland noted that it does not oppose whaling in general provided it is sustainable, but believed that sanctuaries have a role to play in whale conservation and management.

As previously, while Iceland recognised each country's right to designate sanctuaries and ban whaling in their national waters it did not agree that there is the same right with respect to the high seas. It did not believe that the proposal met criteria set out in the Convention, particularly

in relation to Article V.2 (a), (b) and (d)<sup>20</sup> and as a consequence did not consider the proposal as being permissible under the terms of the Convention. This view was supported by Japan and St. Kitts and Nevis. Iceland requested the sanctuary sponsors to explain how they believe the proposal meets the Convention criteria. Brazil expressed irritation that Iceland was repeating questions that it had answered on previous occasions. With regard to whether the proposal was necessary to carry out the objectives and purpose of the Convention, Brazil believed that it was from both a conservation perspective and from an interest in moving the Commission forward. It considered the South Atlantic Whale Sanctuary proposal an essential political tool in advancing any negotiated solution regarding the future of IWC. Noting that the area was ravaged in the past by pelagic whaling fleets foreign to the region, it believed the proposal would provide for the conservation, development and optimum utilisation of whale resources. Brazil acknowledged its part in the improper use in the past of cetaceans through coastal whaling, but stressed that it is now trying to make amends through conservation policies that have taken decades to develop and implement. Brazil reported that the proposal had been developed by a team of international experts, scientists and wildlife managers and therefore was based on scientific findings. It also believed the proposal took into consideration the consumers of whale products. Brazil considered that in the 21<sup>st</sup> century, interest in the conservation and use of whale resources has gone beyond whaling. While it recognised that some cultures and nations do wish to carry on whaling, it believed that the South Atlantic region's consumers of whale products appropriated by non-lethal means (e.g. use of whales through whalewatching) deserved the same respect as others. Several countries spoke in support of Brazil's explanation.

Côte d'Ivoire, Japan, Republic of Guinea, Benin, Senegal, St. Kitts and Nevis, Russian Federation, Gabon, China, Norway, Gambia, Antigua and Barbuda, Togo, Kiribati and St. Lucia also indicated that they could not support creation of the sanctuary. Noting that they had been included in the countries listed by Argentina as having reaffirmed their support to marine mammal conservation and their wish to co-operate on the non-lethal use of cetaceans, Côte d'Ivoire, Republic of Guinea, Benin, Senegal, Gabon and the Gambia stressed that this did not mean that they had agreed to the establishment of the South Atlantic Whale Sanctuary. Côte d'Ivoire acknowledged that it had been contacted on this matter, but indicated that it was unaware of any agreement it had given to creation of the sanctuary. It did not believe the sanctuary to be necessary and considered that individual countries should have the freedom to make their own decisions on how to manage and utilise whale resources in their own territorial waters. While Côte d'Ivoire recognised that whalewatching can generate income, it noted that the major beneficiaries of such activities are the developers and tour operators and not the local communities. It confirmed that whales are not taken for food in the region but expressed concern about

<sup>20</sup> i.e. that Schedule amendments be: as necessary to carry out the objectives and purposes of the Convention and to provide for the conservation, development and optimum utilisation of the whale resources; based on scientific findings; and take into consideration the interests of consumers of whale products and the whaling industry.



the interaction between whales and fish and the need to take an ecosystem approach to the management of marine living resources. The Republic of Guinea made similar remarks and suggested that the absolute protection of whales via sanctuaries would reduce the fish stocks that currently guarantee the food security of its population. The Gambia also indicated its concern regarding food security. Senegal indicated that it is not against establishment of the sanctuary *per se*, but insisted that the decision to establish it should be based on reliable scientific data. It therefore requested that further scientific information be developed and made available and asked that African scientists be involved in such a process. Kiribati noted its heavy dependence on fish resources and shared the concerns of others regarding establishment of a sanctuary. Japan stressed that whalewatching and sustainable whaling are not mutually exclusive and can co-exist. The Russian Federation did not consider it necessary to discuss sanctuaries before implementation of the RMP. China also believed that a sanctuary is not necessary given the current commercial whaling moratorium. Noting the amicable discussions within the Commission on aboriginal subsistence quotas and the future of IWC, St. Kitts and Nevis found it unfortunate that such a controversial Schedule amendment was being proposed. While St. Lucia appreciated the rationale given by Brazil and others, it believed it would be regrettable to establish a sanctuary without the full support of all range states. Believing that there is no urgency to create the sanctuary, St. Lucia urged that due time is given for further deliberations.

Noting that there was clearly no consensus on the proposed sanctuary, the Chair asked the co-sponsors how they wished to proceed. Brazil acknowledged both the opposition and support for the proposed sanctuary but considered it important to gauge more accurately the level of support. For this purpose, rather than from a desire to disrupt proceedings, Brazil requested that the proposal be put to a vote. The proposal failed to achieve the required three-quarter majority support, there being 39 votes in support, 29 against and three abstentions. Following the vote, Brazil (supported by Mexico, Argentina and Ecuador) stressed the need for greater involvement in IWC of scientists from the region and encouraged their participation in the Scientific Committee as Invited Participants.

## 9. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING

### 9.1 Use of cetaceans within the context of responsible use of marine resources and their contribution to sustainable coastal communities, sustainable livelihoods, food security and poverty reduction

This item had been included on the agenda at the request of St. Kitts and Nevis. However, at the meeting, St. Kitts and Nevis indicated that it had already spoken on the issues it wished to raise under item 7, IWC in the future.

### 9.2 Proposed Schedule amendment

#### 9.2.1 Introduction by Japan

Japan proposed that the following sub-paragraph be added to paragraph 10 of the Schedule:

(f) Notwithstanding the other provisions of paragraph 10, the taking of up to ( )\* minke whales from the Okhotsk Sea-West Pacific stock of the North Pacific in the coastal waters east of Japan north of 35N and west of 150E (excluding the Okhotsk Sea) shall be permitted for each of the years 2007, 2008, 2009, 2010 and 2011 and the meat and products are to be used exclusively for local consumption.

\*Japan did not provide an indication of the number of minke whales to be taken.

It noted that this text, together with details of the proposed monitoring and control regime, had been posted on IWC's website some time before the meeting to ensure maximum transparency regarding its request.

Japan introduced representatives from its four coastal communities (Taiji, Abashiri, Ayukawa and Wada) for whom small-type whaling is an important part of their culture with a tradition going back hundreds of years.

Japan highlighted what it saw as a history of broken promises since the commercial whaling moratorium became effective in 1985/86. Recalling that the moratorium had been brought in against the advice of the Scientific Committee, Japan noted that while it had initially lodged an objection to this decision, it subsequently withdrew its objection under pressure from the USA in connection with a fisheries agreement. However, three years later, the USA had expelled all Japanese fishing vessels from its EEZ. Japan drew attention to the statement in Schedule paragraph 10(e) that indicated that the moratorium would be:

kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits.

It noted that while 17 years have lapsed since the 1990 deadline, the moratorium remains in place and that although the RMP was adopted in 1994, the Commission has not requested that it be implemented despite the extensive work of the Scientific Committee. Japan also drew attention to the fact that despite many years of work, there has been no agreement on an RMS and that despite the adoption of a series of Resolutions recognising the social, economic and cultural needs of Japan's small-type coastal whaling communities, no interim allocation had been granted by the Commission.

Japan noted that one of the arguments made against granting a quota to its small-type coastal whaling communities is the commercial nature of the hunt. It asked what is wrong with this in a world where most things have a commercial component. It questioned why only commercial whaling, rather than aboriginal subsistence whaling is considered evil, and, noting that handicrafts produced from aboriginal hunts can be sold for thousands of US dollars (with which it had no problem), it questioned why the selling of the meat is wrong. Japan also drew attention to the fact that prior to the development of *Strike Limit Algorithms* for subsistence whaling, interim advice had been given and questioned why this could not be done for small-type coastal whaling. Japan wished for consistency in treatment.

Turning to the proposed Schedule amendment for the taking of minke whales from the Okhotsk Sea-West Pacific stock of the North Pacific, Japan believed that it is the best proposal it has developed to date. This proposal would allow Japan's community-based whaling to reinstate traditional and local practices associated with catching,

processing, distribution and consumption of whale meat and to revitalise traditional festivals and rituals of the regions. Japan stressed that it was not seeking the lifting of the commercial whaling moratorium, even though its general policy is against this measure, but rather, as a compromise, that an exemption to this be granted. Japan noted that the proposed Schedule amendment did not specify the number of minke whales to be taken and that it was prepared to negotiate on this matter. It also indicated that it was prepared to reduce the number of minke whales taken from this stock under JARPNII, such that the total take would remain the same. It reported that if a quota was granted only five small vessels would be involved (some smaller than those used by subsistence hunters in Greenland), engaging only in day-trips. It also explained that to ensure that catches will have no negative impact on J-stock, whaling grounds would be restricted to areas 10 nautical miles or more off the Pacific coast of northern Japan and the whaling season would be a consecutive six-month period within the period 1 March to 30 November. Japan drew attention to the strengthened monitoring and control part of the proposal; national inspectors would be on board each vessel and at land stations, international observers would be accepted, VMS would be required on all whaling vessels, all whales taken would be included in its domestic DNA register and an Oversight Committee, formed by a team of technical experts, would be established to review the results of implementing and monitoring measures. Japan noted that its proposal had also been submitted to the Scientific Committee for review.

A statement on traditional small-type coastal whaling in Ishinomaki was made by its mayor. He conveyed the desire of the people of Ishinomaki for the swift resumption of responsible and sustainable small-scale coastal whaling.

Finally, Japan informed the Commission that the level of frustration within its small-type coastal whaling communities is almost at a limit and that if there is no tangible outcome from the Commission's discussions of this proposal, it would give serious consideration to alternatives. Noting again the discussions on aboriginal subsistence whaling, Japan again called for consistency in treatment. It could see no reason why its request should be denied.

### 9.2.2 Report of the Scientific Committee

The Scientific Committee Chair confirmed that the Committee had received a request from Japan after last year's meeting to review the scientific aspects of its proposal to the Commission regarding small-type whaling in its coastal waters. He noted that in accordance with past precedent, the Committee agreed to discuss this request with a time limit. However, he stressed that the Committee wished to draw the Commission's attention to its already heavy workload and noted that it requests advice on how it should deal with individual requests from Commissioners in the future.

The Committee had established an *ad hoc* Plenary Working Group 'to examine the scientific content of the Japanese Proposal and indicate whether it reflects our present knowledge and uncertainty over the key issues, primarily those of stock structure, abundance and trends, anthropogenic removals and productivity'. It agreed that the most appropriate way for it to provide advice on the effects of catches on stocks of whales not subject to aboriginal subsistence whaling is within the framework of

the RMP. The Committee noted that the context of the request from Japan was different to that of providing advice under the RMP. It therefore requested advice from the Commission on how to deal with any possible similar future requests either by the Commission itself or an individual government.

The Committee could not agree on whether it was appropriate to provide short-term interim advice at intervening times between *Implementations* and *Implementation Reviews*. It recalled the uncertainty concerning stock structure in North Pacific common minke whales that remained following completion of the *Implementation* in 2003. Some members believed that the new information presented in the proposal had reduced this uncertainty and clarified understanding of stock structure. Other members believed that progress on addressing uncertainty in stock structure could only be made by consideration of all relevant data within the framework of an *Implementation Review* under the RMP. In relation to this, the Committee Chair drew attention to his report on the *Implementation Review* of North Pacific common minke whales under item 6.1.1.2.

### 9.2.3 Commission discussions and action arising

#### 9.2.3.1 PROPOSED SCHEDULE AMENDMENT

Cambodia, the Russian Federation, Norway, St. Kitts and Nevis, the Republic of Guinea, Grenada, St. Vincent and The Grenadines, Republic of Palau, Dominica, Benin, Mali, Morocco, Senegal, Iceland, St. Lucia, Antigua and Barbuda and Laos spoke in support of Japan's proposed Schedule amendment. Many of them called for the same degree of consensus as had prevailed for the renewal of the aboriginal subsistence quotas and called for consistency in treatment of quota requests.

Noting that there is historical evidence showing that Japanese coastal whaling is twice as old as Arctic whaling, the Russian Federation believed that Japan has similar problems as Norway and Iceland in terms of providing its people with traditional food currently prohibited by IWC. It considered that Japan's proposals for monitoring and control would be quite burdensome.

Norway considered that Japan was not only willing to comply, but to over comply with the ICRW. It found Japan's case for small-type coastal whaling just as compelling as those of aboriginal subsistence whalers. Norway therefore believed that Japan's proposal should be accepted so as to fulfil the Commission's obligations under the Convention. St. Kitts and Nevis associated itself with Norway's remarks. It supported sustainable whaling, whether aboriginal subsistence or not. While it expressed full support for the Alaskan subsistence hunt, it believed that it is commercial given the income derived from the sale of handicrafts. The Republic of Guinea made similar remarks and noted that it is in favour of the sustainable use of marine resources in general.

Grenada saw no major distinction between small-type coastal whaling and the Alaskan bowhead hunt. It believed both fulfil cultural and subsistence needs and that both are commercial in nature. It recalled the Resolutions of the past calling on the Commission to work expeditiously to resolve this issue and considered that the time had come for it to be properly addressed. Grenada believed that the proposed take of minke whales would not adversely affect the stock and that the Scientific Committee should be encouraged to undertake the *Implementation Review*. It believed that while conservation and sustainable use can go hand in

hand, the current numbers game within the Commission is not sustainable and called for a spirit of compromise to prevail. The Republic of Palau did not consider Japan's proposal as commercial whaling and requested that it be treated in the same manner as the aboriginal subsistence requests. Dominica believed that the Commission has practiced injustice, inconsistency and double standards for too long. While it saw similarities between the needs of aboriginal subsistence and small-type whaling communities, it saw no similarities with the over exploitation of the past. Benin thought that while there are communities demonstrating the need to take whales, the Commission has a duty to show some humanity towards them. As others, it believed that fairness in treatment should prevail. Morocco believed that the arguments presented by Japan are consistent and convincing and that if IWC wishes to work consistently and with equity, it should agree to Japan's proposal. St. Lucia, Laos and Antigua and Barbuda made similar remarks.

Iceland noted its own policy of the sustainable use of living marine resources and recalled the consensus reached over the renewal of the aboriginal subsistence quotas. It expressed disappointment that this consensus over sustainable whaling appeared to be fading.

New Zealand, Sweden, Austria, Brazil, the USA, Netherlands, Costa Rica, Mexico, India, Australia, the UK, Argentina, Monaco, Finland, Switzerland, Israel, Republic of Korea and France indicated that they could not support the proposed Schedule amendment as presented.

New Zealand noted the long history behind this proposal. However it viewed the small-type coastal whaling proposed by Japan as commercial whaling and could not allow this to occur while the commercial whaling moratorium remains in place. New Zealand believed that there is nothing wrong with commerciality *per se*, but believed that granting Japan's request would undermine the moratorium. Regarding the similarities with aboriginal subsistence whaling mentioned by others, it did not believe Japan's proposal met the requirements of Schedule paragraph 13. It remained opposed to Japan's request. India made similar remarks.

Several countries, including Sweden, Finland and the Republic of Korea stressed that the RMP should be used to calculate such quotas and that an RMS should be in place before new hunts can be accepted. The Netherlands considered small-type coastal whaling as being different in nature to aboriginal subsistence whaling and was opposed to establishing a third whaling category. It believed that this type of whaling belongs under the RMP/RMS. It also expressed concern regarding Japan's direct request to the Scientific Committee, believe that this should be done via the Commission. Argentina and Israel made similar remarks. While Monaco appreciated parts of Japan's proposal, it considered that significant obstacles remain. Like others, it was against creating in effect a new category of whaling and it noted that the coastal communities mentioned by Japan already receive whale meat taken under special permit. It suggested respectfully that a way forward could be for Japan to drastically reduce takes under special permit and to apply for an aboriginal subsistence quota under Schedule paragraph 13. Israel also noted similarities between Japan's request and aboriginal subsistence whaling, but it could not support the commercial aspect of Japan's proposal. Mexico identified what it believed to be an important difference between

Japan coastal communities and the aboriginal subsistence communities, i.e. the former have access to whale meat from small cetaceans, bycatch and special permit whaling while this is not the case for the latter.

Referring to Japan's introduction, Brazil did not consider that any promises had been broken. It noted that all the compliance elements of Japan's proposal were voluntary and believed that these should be mandatory. Costa Rica stressed that it favours the non-lethal use of whale resources through whale watching and therefore could not support Japan's proposal.

Regarding the sale of handicrafts from the Alaskan subsistence hunt, the USA noted that its native communities have harvested whales for food for centuries. It stressed that byproducts from the hunt have always been used to create traditional tools and artworks and that this is legal under national law. Regarding Japan's proposal, the USA remained concerned about the large removals of minke whales off Japan and the Republic of Korea and noted that without a complete review of all data, the Scientific Committee cannot address this issue. Furthermore, the USA could not support the commercial nature of the proposed hunt.

Australia associated itself with the remarks of New Zealand, Brazil and the USA. It believed that the Convention essentially recognises two types of whaling, i.e. commercial whaling and aboriginal subsistence whaling, the latter being a clear exception and for which the categories are closed. In addition, Article XIII of the Convention provides for whaling under special permit which Australia considered was being used as a loophole of enormous scale and scope. It considered that the adoption of Japan's proposal would set a bad precedent, leading to the erosion of the moratorium. While it could not support the proposal, Australia indicated that it is committed to the constructive and open-minded review of the reform of the Convention and in this process would expect the views of all IWC members would be respected.

The UK suggested that in its introduction of the proposal, Japan was using the tone of a victim. The UK did not believe this to be the case and like others suggested that adoption of the proposal would break the commercial whaling moratorium. It found as no surprise that Japan would negotiate on the number of minke whales to be taken since its proposal is not targeting the whales but rather the principal of the moratorium. The UK believed that the Commission must not return to commercial whaling. Regarding Japan's preparedness to reduce the takes under JARPNII, the UK suggested that this proves that its scientific programme is not a scientific programme in anything but name – good science does not kill more animals than are required to achieve clear data and sound conclusions. Argentina made similar remarks. Given that small-type coastal whaling is not the same as aboriginal subsistence whaling and that Japan stated that it was not seeking to remove the moratorium, the UK believed that Japan's proposal could only be presented as a new form of whaling. In relation to this, it noted Iceland's earlier insistence that the rules of the Commission be followed (see section 8.2.2). It further noted that the Convention only recognises commercial and aboriginal subsistence whaling and that given this it trusted that Iceland would vote against Japan's proposal. Finally, the UK expressed concern about the J-stock (see comments under section 3.2.2), noted that the Scientific Committee had been unable

to provide unambiguous advice to the Commission regarding Japan's proposal and highlighted the lack in the proposal of any consideration of animal welfare issues.

In responding to Australia and the UK, Iceland noted that in fact the Convention only talks about sustainable whaling, rendering as factually incorrect their statements that the Convention recognises only commercial and aboriginal subsistence whaling. It further noted that the provisions for the moratorium and aboriginal subsistence whaling are contained in the Schedule to the Convention, which can be amended providing amendments meet the requirements of Article V.2 of the Convention – which it believed Japan's proposal did.

Austria drew attention to a paper that it had submitted entitled 'Ecosystem-based management in multi-lateral environmental agreements: Progress towards adopting the ecosystem approach in the international management of living marine resources: Executive Summary'. It believed it could provide guidance on how the management of whales should now be conducted.

Argentina, while respecting the presentations given by Japan and the mayor of Ishinomaki, considered it incorrect to say that any promise had been made at the time the moratorium was adopted concerning the future resumption of commercial whaling. France also expressed respect for Japan's coastal communities but could not support the proposed Schedule amendment since the commercial aspect breaches the moratorium. It also expressed concern over the uncertainty relating to the stocks in question.

Seeing that there was clearly no consensus, the Chair asked Japan how it wished to proceed.

Japan thanked those supporting its proposal but found it regrettable to hear the same comments in opposition as made in previous years. It noted that many of those opposing appeared to be doing so because of the commercial nature of the proposed operation and that the existing moratorium should be used as the basis for any decision. However, Japan had heard no convincing reason why the moratorium applies only to commercial whaling or why commerciality is wrong *per se*, particularly when this seems only to be applied to whaling. It noted that it was not aware of moratoria being applied, for example, to commercial fishing, forestry, media or the manufacture of computers and mobile phones. Japan suggested that rather than simply identifying commerciality as a problem, that effort be expended to resolve the problem. It was certainly prepared to discuss the scientific sustainability of small-type whaling. With respect to concerns expressed about the J-stock, Japan noted that its proposal included provisions to minimise catch of these animals through a restriction in the area in which whaling operations would take place. Regarding comments seeking respect for the right to use whales in a non-lethal manner, Japan noted that its proposal does not deny this and that in fact Japan has its own whalewatching enterprises. Like Iceland, it noted that aboriginal subsistence whaling is not defined in the Convention, only in the Schedule, and that while whaling under special permit is considered by some to be a loophole to commercial whaling even though it is provided for in Article VIII of the Convention, aboriginal subsistence whaling is not referred to in the same way. Japan indicated to the Chair that it was prepared to continue discussions on its proposal (some were already ongoing) and requested that the item be kept open for the time being. The Chair agreed to this request.

The Commission did not return to this matter until the last day of the meeting when Japan returned with a draft Resolution on small-type coastal whaling.

#### **9.2.3.2 PROPOSED RESOLUTION ON SMALL-TYPE COASTAL WHALING**

Referring to the comments made on its proposed Schedule amendment, Japan accepted that such an amendment would not be possible at this stage. It had therefore drafted a Resolution in consultation with a number of countries and had received comments on this draft from a number of others, for which it was grateful. The operative paragraphs of the draft Resolution were that the Commission: (1) reaffirms its recognition of the socio-economic and cultural needs of the small-type coastal whaling communities in Japan and its commitment to work expeditiously to alleviate their distress; (2) requests the Scientific Committee to develop a species-specific method for calculating sustainable catch limits for North Pacific minke whales taking into account its review of the JARPN program for consideration by the Commission at its annual meeting in 2008; and (3) agrees that it will consider implementation of interim arrangements that would alleviate the distress of small-type coastal whaling communities in Japan.

While it asked that the draft Resolution be adopted by consensus, it did expect to receive some opinions. However, it did not wish to have a lengthy discussion or repetition of points made previously. The Commission agreed to its proposal to have three countries speak in support of the Resolution and three to speak against.

Iceland, St. Lucia and the Republic of Guinea spoke in support of the draft Resolution. Iceland once again called for consistency in deciding who can whale sustainably. It believed that the Resolution was simply a recognition of the situation of Japan's coastal whaling communities who, like others elsewhere, have a long history of whaling. Iceland believed that it is the sustainability of the whaling operations that is the important matter and noted that the draft Resolution requests that catch limits are calculated by the Scientific Committee – a request that it hoped no-one would oppose. St. Lucia noted that it is not 'for' or 'against' whaling but rather supported the coastal communities. For this reason and on the basis of equity it could support the draft Resolution. The Republic of Guinea found it unacceptable that the Commission could have double standards and saw no need to differentiate between recognised aboriginal subsistence whaling communities and the coastal whaling communities of Japan. It stressed that the discussions related to small communities, not commercial enterprises and requested that the different cultures of peoples be respected.

New Zealand, the USA and Costa Rica explained why they could not support the draft Resolution. New Zealand stated that it could not bind itself to future actions, as requested by the draft Resolution. It also believed that the Commission has, in the past, done a mis-service to Japan by adopting the earlier Resolutions which created an expectation of future action. New Zealand could also not agree to the creation of new categories of whaling while the moratorium remains in force. Commenting specifically on the proposed operative paragraphs, New Zealand noted that regarding the first, there was no legal or procedural effect, the second was contrary to the Scientific Committee's view that this type of whaling be dealt with under the RMP and thirdly it could not accept anything that

it believed to breach the commercial whaling moratorium. The USA noted its appreciation of Japan's efforts to adopt a more conservative approach to small-type whaling operations, demonstrating a willingness to accommodate the calls of many Contracting Governments for more transparency and oversight. It understood that Japan had tabled the Resolution so as to seek continued engagement on this issue and to further the scientific analysis of their proposed take. The USA noted its commitment to work with Japan in the Scientific Committee to analyse the impact of current total removals but stressed that the Committee would need 2-3 years to develop any new such *CLA* if asked to do so by the Commission. It indicated that it could only support a hunt if it was sustainable, consistent with IWC's management objectives and if not commercial in nature. Costa Rica noted that it supports aboriginal subsistence whaling, the definition of which it believes is clear. However, it considered that the small-type coastal whaling being proposed by Japan would be a violation of the moratorium which it could not support.

Japan thanked those speaking in support of the draft Resolution and noted the points made against it. It suggested that all Contracting Governments were aware that addressing small-type coastal whaling under the existing RMP/RMS framework would not work and that it is clear that this type of whaling would not be accepted as aboriginal subsistence whaling. Japan noted that the Commission had, through a number of Resolutions adopted by consensus, recognised the difficulties faced by its coastal whaling communities and had therefore explored a new approach to addressing this matter. It announced that it would not put the draft Resolution to a vote as it believed this would only further divide the Commission and provoke confrontation. Japan also withdrew its proposed Schedule amendment. It commented that it saw no way to resolve this matter except perhaps by changing the IWC.

Japan reported that it had seen IWC/59 as the last opportunity for IWC's mandate to be restored, but believed that the discussions revealed the organisation to still be polarised, dysfunctional and applying double standards. It believed that it had presented a modest proposal for coastal whaling that incorporated many monitoring, control and surveillance aspects from the RMS package put forward by Henrik Fischer when he was Commission Chair<sup>21</sup> and could see no logical reason for its proposal to be rejected. It believed that those voting against the proposal were denying IWC's role as a resource management organisation and thus demonstrated the application of double standards in a public way that would push IWC into further disarray. In this regard, it noted that all Contracting Governments under whose auspices aboriginal subsistence whaling is conducted supported its proposal with the exception of the USA, even though there are aspects of commerciality in the Alaskan hunt. Japan reported that it has been working with other Contracting Governments who share its concern over the current status of IWC. It had participated in Chairman Fischer's group and despite serious difficulties with some of his recommendations, had supported the then RMS package in a spirit of compromise. It referred to the 'normalisation' meeting it had held in Tokyo in February 2007 (see section 7) and that it had held numerous meetings in Anchorage with a range of countries in an effort to ensure dialogue rather than confrontation but to no

avail. Japan had been encouraged at the start of this year's meeting by how the discussions on the renewal of aboriginal subsistence quotas had proceeded and the adoption by consensus of the Resolution on Safety at Sea and Protection of the Environment (see section 11). However, it noted with regret that some Contracting Governments had insisted on pushing to a vote provocative draft Resolutions despite the Chair's remarks at the opening of the meeting. Japan reported that its patience was running thin and indicated that there is a real possibility that Japan will review at a fundamental level how it will engage with IWC in the future. Such a review could include consideration of its withdrawal from the Convention, establishment of a new organisation and a voluntary resumption of small-type coastal whaling. It noted its particular interest in holding preparatory talks on the establishment of an alternative new intergovernmental organisation to manage cetacean resources. It had believed that it would be worthwhile to develop a deeper understanding of different views, but felt that while such fundamentally different views were held on matters of a crucial nature, it did not expect much to be resolved. Japan reaffirmed that its basic stance is to uphold the principles of the sustainable use of all living marine resources based on science and within the relevant legal framework and would continue to co-operate with nations supporting these principles. It hoped its message would serve to awaken others to the extraordinary situation in which it believes IWC is now placed and that this will in turn lead to changes in attitudes.

#### 9.2.3.3 ADVICE TO THE SCIENTIFIC COMMITTEE

When presenting the Report of the Scientific Committee on Japan's request regarding proposed takes of North Pacific minke whales in its coastal waters, the Committee Chair drew attention to its already heavy workload and requested advice from the Commission regarding how it should deal with requests from individual Commissioners in the future. Past precedent has been for the Scientific Committee, where possible, to accommodate such requests to the extent feasible by allocating strictly limited time for discussions.

Mexico, Argentina, Costa Rica, Brazil, Ecuador, Australia, Panama, Italy, India and the UK considered that particularly given the heavy workload of the Scientific Committee, any request to the Scientific Committee should be done through the Commission. They considered that the Scientific Committee should not be deflected from its high priority issues. St. Kitts and Nevis recognised that the Scientific Committee is subordinate to the Commission, but was concerned that there would be a danger in the Committee losing its independence if this approach was taken. It also questioned how a decision to refer a request to the Scientific Committee would be taken if there was no consensus among the Commission. It wondered whether a majority would be required or a significant number speaking in support of any request. Japan recognised the Committee's heavy workload but supported continuation of the *status quo* in how it deals with requests from individual Commissioners. It felt that having to go through the Commission to seek advice would limit the right of Contracting Governments to ask legitimate scientific questions that they are not able to deal with themselves. This might be particularly the case for developing countries. Japan felt the option to seek advice from the Scientific Committee should be open to all Contracting Governments without censorship from the Commission.

<sup>21</sup>Ann. Rep. Int. Whaling Comm. 2004: 82-91.

Mali and Iceland agreed, although Iceland questioned whether the current process requires clarification. Dominica also felt it prudent to recognise the needs of individual states and proposed that the *status quo* be maintained as it has worked well to date.

The Chair proposed that the *status quo* be retained but that he would work with the Secretary and the Chair of the Scientific Committee to assess whether the procedure required clarification. The Commission agreed to this approach.

## 10. SCIENTIFIC PERMITS<sup>22</sup>

### 10.1 Improving procedures for reviewing scientific permit proposals

#### 10.1.1 Report of the Scientific Committee

Last year, the Scientific Committee agreed that the process it has been using for reviewing scientific permit proposals needed to be improved. In this respect it was agreed that the primary elements of an improved process should *inter alia* include:

- (1) that proposals would be submitted to the Chair of the Scientific Committee at least six months prior to the Annual Meeting following a *pro forma* supplied by the Secretariat (a *pro forma* was agreed and recommended to the Commission);
- (2) a review process would be followed, where the initial review of the proposal would take place at a small specialist workshop held at least 100 days before the Annual Meeting; the composition of the invited experts being determined by the Chair, Vice-Chair and Head of Science in conjunction with Convenors for that year;
- (3) the terms of reference for the workshop would primarily be to review the proposal in light of the stated objectives;
- (4) the report of the workshop would be completed 80 days prior to the Annual Meeting;
- (5) the original special permit proposal, the report of the specialist workshop, opinions of the proponents of the proposal, and any revised permit proposal from the Contracting Government would be submitted to the Scientific Committee no later than 40 days before the Annual Meeting; and
- (6) in principle, a similar approach would be used for the review of periodic or final research results from Scientific Research programmes.

In addition, it was agreed that at the Scientific Committee meeting the report of the specialist workshop would be discussed, but not amended. The comments of the Scientific Committee would be included in the Scientific Committee report and provided to the Commission.

The Chair of the Scientific Committee reported that substantial progress was made this year. The Committee agreed that the process described above represents a great improvement on the existing process and concluded discussions on a few items left over from last year, as follows. Noting that the key feature of the new process is the holding of a specialist workshop to review proposals for, and results from scientific permits, the Committee

agreed that a Standing Steering Group (SSG) established by the Chair of the Scientific Committee would develop an initial list of potential candidates to serve as independent experts at the workshop. The final list would be agreed by the Chair, Vice-Chair and Head of Science. The Committee also agreed: (1) that the Terms of References for the specialist workshop should be developed by the SSG and submitted to the Scientific Committee at the Annual Meeting prior to the workshop; (2) travel expenses of invited participants to the specialist workshop should be budgeted as part of the annual expenses of the Scientific Committee; (3) that scientists selected to be proponents of a proposal for a special permit can participate in the specialist workshop but that participation will be limited to: (a) providing information to the invited experts in addition to that contained in the proposal or research results; and (b) answering questions posed by the invited experts. The findings and recommendations in the workshop report will only reflect the opinions of the independent experts.

The Committee recommended the adoption of this revised process for new proposals and in principle to periodic and final reviews. It was recognised that additional work was needed to implement this new process for the review of results and an intersessional working group with broad participation was established to facilitate that revision. It is anticipated that a final protocol will be ready for adoption at the 2008 Annual Meeting. This protocol would allow for the orderly review of results from JARPN II and the Icelandic programme.

The Committee was informed that no new special permit proposals are anticipated in the foreseeable future.

#### 10.1.2 Commission discussions and action arising

Japan thanked the Scientific Committee for its efforts which were much appreciated. It believed the new protocol is a big improvement over past procedures but considered that some thought is still needed to applying the new process when reviewing results from existing permit programmes. It hoped progress could be made intersessionally and at IWC/60 next year.

The UK also believed that good progress had been made but noted that this was only a first step. It suggested that if this new procedure results in an independent peer review, then the Commission needs to consider at some point what the consequence of such a review would be.

Mali noted that it trusts fully the integrity of the Scientific Committee and that therefore it is unnecessary to resort to using independent third party scientists. The Russian Federation was not clear what was meant by the term 'independent scientist' and requested that in future, lists be provided of those scientists invited by IWC and those who were self-invited. The Chair noted that the Secretariat would provide such information in future.

There were no other comments and so the Commission noted this part of the Scientific Committee's report and endorsed its recommendations.

### 10.2 Review of results from existing permits

#### 10.2.1 Report of the Scientific Committee

Discussions at this year's meeting focused on the Committee's review of results from the JARPA research programme, an 18-year programme that finished in the 2004/05 Antarctic season.

<sup>22</sup>For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 10 (2008).

**10.2.1.1 JARPA**

The Scientific Committee Chair reported that an intersessional meeting to review the results from the JARPA research programme was convened in Tokyo in December 2006. It was noted that considerable data have been collected by the JARPA programme by both lethal and non-lethal methods, but there was disagreement at the workshop regarding analysis and interpretation of some of these data. A number of recommendations for further research were made and further analyses based on JARPA data were addressed by relevant sub-committees at this Annual Meeting.

The Scientific Committee endorsed the conclusions and recommendations from the workshop, the main topics and conclusions being mentioned below.

Considerable progress had been made in addressing Antarctic minke whale abundance and trends and, provided that the recommendations from the workshop are followed, the Committee may be able to agree estimates. For humpback whales the abundance estimates provided useful steps towards acceptable estimates of abundance.

A considerable amount of work had been undertaken on population structure since the mid-term review of the JARPA programme. It was agreed that there are at least two stocks of Antarctic minke whales present in the JARPA research area, and an area of transition in the region around 150°-165°E was suggested. The data do not support the current IWC management Areas for Antarctic minke whales. Samples from the breeding areas would greatly facilitate these analyses and are likely to be required to resolve issues relevant to stock structure and mixing within the JARPA research area.

While the estimation of natural mortality was the main initial objective of JARPA, the confidence limits around the current estimate spanned such a wide range that the parameter is still effectively unknown. More precise estimates of natural mortality rates depend on the use of commercial catch-at-age data, but there are some as yet unresolved problems with these data.

The Committee welcomed the oceanographic and krill-related work undertaken since the 1997 Workshop. The Committee also agreed that considerable relevant data had been collected by the JARPA programme on matters related to body condition and feeding. However, it is clear that the nature of the analyses presented at the JARPA review meant that relatively little progress had been made in addressing the role of Antarctic minke whales in the ecosystem. However, a number of more refined analyses were presented and discussed.

Levels of toxic metals and organochlorine compounds were low compared with levels in whales in the Northern Hemisphere.

The Committee concurred that *'The results of the JARPA programme, while not required for management under the RMP, have the potential to improve management of minke whales in the Southern Hemisphere'* in a number of ways. As has been the case in past Committee discussions on of the respective merits of lethal and non-lethal methodology, it was not possible to reach consensus amongst the participants.

**10.2.1.2 RESULTS FROM RESEARCH UNDER OTHER PERMITS**

Summaries of findings from the JARPA II and JARPN II research programmes were reported to the Committee. Discussions on JARPA II focused on the representativeness

of samples, as well as the impact on the research of having to terminate the field season prematurely.

A summary of the Icelandic research programme on common minke whales in Icelandic waters was also reported. The main objective of this programme concerns feeding ecology, energetics and multispecies modelling. However several additional subprojects are included in the programme involving scientists from various research institutions and universities in addition to the Marine Research Institute.

*10.2.2 Commission discussions and action arising*

Discussions in the Commission focused on the results from JARPA. Mexico noted that while Japan has good scientists, the scientific objectives of JARPA worried it greatly. Other concerns included the very large number of whales that have been taken over the period of the programme, that the stock structure results are still incomplete and that the estimate for natural mortality rate (the main objective of JARPA when the programme was initiated) is still effectively unknown because of the wide confidence limits.

Japan thanked the scientists that attended the JARPA review meeting in Tokyo. As noted by the Scientific Committee Chair, JARPA had provided a large amount of data, although there was some disagreement over its analysis. Japan noted that it had responded to these disagreements in its submission to the Scientific Committee and that it would continue to use the data and improve its analysis in the future. It further noted that its data are shared under the Scientific Committee's Data Availability Agreement. With respect to the contribution of JARPA to management, Japan noted that the statement from the mid-term review of the programme (see last paragraph of 10.2.1.1 above) is often selectively quoted, leaving out the part that refers to the potential of the programme to improve the management of minke whales by helping to improve the RMP itself. Japan further commented that it has now expanded the ecosystem aspect of its programme in the Antarctic which it is certain will be able to contribute to scientific understanding.

Further comments in relation to JARPA were made when discussing the draft Resolution on JARPA (see section 10.3.2.1 below).

**10.3 Review of new or continuing proposals***10.3.1 Report of the Scientific Committee*

There were no new special permit proposals to review this year. The Scientific Committee did not have time to consider the continuing research proposals of Japan and Iceland, but noted that there were no substantial changes in these proposals since the previous reviews by the Committee. The Committee therefore referred the Commission to its previous comments<sup>23</sup>. However, the Committee was informed that the sampling phase of the Icelandic programme will be completed in the 2007 field season, bringing the total number of minke whales sampled to 200 in accordance with the original plan.

*10.3.2 Commission discussions and action arising*

The Commission noted this part of the Scientific Committee's report.

<sup>23</sup>See for example: *Ann. Rep. Int. Whaling Comm.* 2005: 37-38; 2004: 38; 2003: 29.

### 10.3.2.1 DRAFT RESOLUTION ON JARPA

New Zealand introduced a draft Resolution on JARPA on behalf of a number of other co-sponsors (Australia, Argentina, Austria, Brazil, Chile, Czech Republic, Ecuador, France, Germany, Hungary, Italy, Luxembourg, Monaco, Mexico, Netherlands, Peru, Portugal, South Africa, UK, USA). Spain requested that its name be added to the list of sponsors.

New Zealand noted its very strong opposition to Japan's lethal research programmes in the Antarctic and recalled that it had already spoken under agenda item 3.3 of its depth of feeling regarding the proposed inclusion in 2007/08 of humpback whales. It found it regrettable that since last year's meeting, there had been a series of events that reinforced its concerns including those related to the environment. It called on Japan to suspend indefinitely the lethal aspects of JARPA II conducted within the Southern Ocean Whale Sanctuary. While New Zealand recognised that the Committee considered that results from the initial JARPA programme have the potential to improve the management of minke whales in the Southern Hemisphere, it found it sobering that the Committee concluded that results from JARPA were not required for management under the RMP despite 18 years of research and the killing of nearly 7,000 minke whales. It therefore questioned the usefulness of JARPA II but also expressed alarm that the programme had been expanded to include endangered fin whales and vulnerable humpback whales. New Zealand did not believe that JARPA was good science and doubted that the science conducted under JARPA II would be any better. Finally, it welcomed the Scientific Committee's proposals for a new procedure for reviewing scientific permit proposals which it considered was long overdue.

Australia believed that the Convention had been brought in to replace unilateral action with the protection of whales through international regulation. It therefore considered scientific permit whaling to be contrary to this purpose as it is not subject to international control. It believed that scientific permit whaling is being used as a means to return to unilateral whaling. Australia considered that whale research could be done using non-lethal techniques, in which it was a leader. Contrary to comments made earlier, Australia suggested that a significant amount of data from JARPA had not been reported to the Commission and that the publication record of peer-reviewed papers from Japan's lethal research programmes is poor. It noted that the JARPA II programme is of particular importance to Australia in view of the proposed inclusion in the 2007/08 season of takes of humpback whales. Australia reported that it had been in discussions with Japan in which it had taken an open and constructive approach. It believed Japan should show goodwill and at least withdraw the proposed takes of humpback whales even if it would not drop all lethal aspects of the programme. It also believed that the taking of humpback whales would further inflame an already heated debate and would cause an adverse reaction of the Australian public against Japan which it considered would be regrettable.

Brazil associated itself with the remarks of New Zealand and Australia and commented that it did not believe that the JARPA programmes are scientific in nature. France *inter alia* recalled that it had always supported the view that non-lethal research on whales is sufficient. Italy considered that there are a number of key issues that need to be addressed for the organisation to function properly. It

believed that one of these is scientific permit whaling which it considered to be dangerous to whale resources and contrary to the commercial whaling moratorium. Monaco expressed concern regarding the continuing take of whales in the Southern Ocean Sanctuary and suggested that Japan should drastically reduce them. Switzerland indicated that it did not oppose whaling in general but could not support scientific permit whaling at the current level. Germany called on all countries conducting scientific permit whaling or commercial whaling to refrain from such activities.

Drawing attention to its long-standing policy on Resolutions concerning Article VIII, Denmark reported that it would not participate in any vote.

Norway, Antigua and Barbuda, Iceland, Mali, St. Kitts and Nevis, St. Lucia, Morocco, Republic of Guinea, Benin, Republic of Korea and Senegal spoke against the draft Resolution.

Norway did not agree with New Zealand's conclusion that JARPA had not provided useful information. As recognised by the Scientific Committee, Norway considered that the programme had yielded valuable results useful in providing information: (1) on changes in the ecosystem; and (2) for management (e.g. on stock structure). Antigua and Barbuda referred to discussions on the future of the organisation and noted that if governments are to be sincere in their efforts to improve the organisation, there must be a commitment to stop the grandstanding style used in debates, particularly when the press are present. Regarding comments on the abuse of Article VIII, Antigua and Barbuda believed that the Convention is as good today as it was in 1946 and that regardless of whether some Contracting Governments did not like the concept, scientific permit whaling is expressly condoned in the Convention. It could not, therefore, support the draft Resolution. Iceland also referred to the rights of governments under the Convention and associated itself with the remarks of Norway. It further noted that lethal research on animals is conducted in every country sponsoring the draft Resolution. It believed that the opposition to Japan's research programmes derives from countries treating whales differently from other animals. Mali made similar remarks. Portugal noted that while lethal research on animals is performed in many countries, it is only acceptable when there are no alternatives. St. Kitts and Nevis congratulated Japan for its extensive research. It viewed the draft Resolution as frivolous, devoid of factual information and emotive. St. Lucia noted the tendency of some governments to focus on some parts of the Convention and not others and drew attention to the fact that the Scientific Committee had agreed that the JARPA programme had provided valuable information. Morocco believed that research should be encouraged. It noted that while it might have been able to support a Resolution fine-tuning Japan's research programme in the Antarctic, it could not support the simple Resolution proposed.

Japan noted that the issue of scientific permit whaling has been one of the most contentious and confrontational issues within IWC for many years and that the content of the draft Resolution simply carried the same message as previous Resolutions. It believed that the value of a research programme should be judged on the value of the science performed and not on the kind of animals involved. Responding to a number of comments made by the proponents of the Resolution, Japan noted that it receives many requests for its data from scientists from almost all



member countries only to be told by some that the data are useless. It could not understand why requests were made if the data are considered useless. It was disappointed to hear the partial quotation by New Zealand of the comments made by the Scientific Committee on the value of JARPA, particularly given Japan's comments under item 10.2. While Japan did not deny the value of non-lethal research methods, it disputed the claim that all required data could be obtained by such means. It noted that when studying the ecosystem, information is often required on energy flow between species which is often represented by information on what different organisms eat and when and where they do so. While some claim that such information can be gathered from the analysis of whale faeces, Japan questioned this, even if faeces could be collected given the difficult conditions of working in the Antarctic. It recognised that while an analysis of faeces might provide information on what a whale had eaten, it would not be possible to ascertain when food and where food items were taken. In addition, obtaining useful quantitative information from analysis of faeces would be difficult. As it had in the past, Japan also noted that it is not possible to get information on age using non-lethal methods. Regarding criticism of the lack of published peer-reviewed papers, Japan drew attention to the fact that western publications will often not accept its papers as the data have been derived from lethal research programmes. Finally it noted that it would not participate in any vote on the draft Resolution as it believed that such a vote would be controversial and divisive.

New Zealand thanked those countries speaking in support of the draft Resolution. Recalling the comments from a number of those opposing the Resolution that the scientific data from JARPA have been useful, it again challenged this view, suggesting that these countries had not properly read the Scientific Committee report. It again highlighted the importance this issue has for both New Zealand and Australia, demonstrated by the fact that both countries had sent cabinet ministers to the Annual Meeting.

On being put to a vote, Resolution 2007-1 was adopted, there being 40 votes in support, 2 votes against and 1 abstention (see Annex E). Twenty-seven countries did not participate in the vote as they believed that the submission of the proposal was not conducive to building bridges within the Commission.

## 11. SAFETY ISSUES AT SEA AND THEIR IMPLICATIONS

In commenting on the Draft Agenda circulated 100 days before the Annual Meeting, Japan had noted its serious concerns about harassment directed against JARPA II research activities during 2006/2007 and asked that the issue be added to the Commission's agenda. At the same time, New Zealand had indicated that it wished to add an item on 'Search and Rescue and Environmental Concerns in the Antarctic' to the agenda to raise concerns about safety at sea in the Antarctic and the potential for environmental damage resulting from whaling and protest activities. Given that the concerns of Japan and New Zealand were clearly related, it had been agreed to deal with them under a single agenda item. Both Contracting Governments submitted supporting documents and Japan also showed film footage of the activities of the protest vessels. Japan and New Zealand had collaborated on the

drafting of a Resolution on Safety at Sea and Protection of the Environment that they hoped could be adopted by consensus.

In beginning its intervention, Japan drew attention to Resolution 2006-2 on the Safety of Vessels Engaged in Whaling and Whale Research-related Activities adopted by consensus last year<sup>24</sup>. In that Resolution, the Commission had: (1) agreed and declared that the Commission and its Contracting Governments do not condone any actions that are a risk to human life and property in relation to these activities of vessels at sea, and urged persons and entities to refrain from such acts; and (2) encouraged Contracting Governments to take appropriate measures, consistent with IMO guidelines, to ensure that the substance and spirit of the Resolution are observed both domestically and internationally. Japan noted that despite last year's Resolution, dangerous and violent acts had again been perpetrated against its research vessels during its 2006/07 research programme in the Antarctic. Japan's accompanying document summarised the protest activities by Greenpeace and Sea Shepherd Conservation Society from 1987/88 to date, but noted that the most recent attacks on its vessels were the worst to date. In response to what Japan believed to be an intensifying level of violence, it wished to bring to the Commission evidence of the serious nature of the protest activities. It noted a series of harassments to its vessels conducted by Sea Shepherd boats including: a smoke bomb and chemical (butyric acid) attack on the *Nisshin Maru* by the *Farley Mowat* and the *Robert Hunter* causing injury to two crew members; the throwing of wires and ropes in an attempt to damage/disable the propeller of the *Nisshin Maru*; a smoke bomb attack on the sighting vessel *Kaiko Maru*; the repeated ramming of the *Kaiko Maru* by the *Robert Hunter*; and damage to the propeller of the *Kaiko Maru* as a result of the repeated throwing of ropes from a Sea Shepherd inflatable that resulted in a distress call. Japan viewed the activities of the Sea Shepherd Conservation Society to be acts of terrorism, illegal and which furthermore could result in the entanglement of marine species. Japan also reported that after a fire on the *Nisshin Maru* that resulted in the death of a crew member and loss of power to the vessel, the Greenpeace ship *Esperanza* took advantage of the situation by conducting an anti-whaling campaign in front of the crew of the *Nisshin Maru*. It considered this to be highly insensitive. Japan considered that these types of actions should not be tolerated by any nations.

New Zealand drew attention to its document on 'Search and Rescue and Environmental Issues in the Antarctic', noting that it has responsibility for search and rescue co-ordination in the Ross Sea area where the Japanese vessels were conducting whaling under special permit between December 2006 and February 2007. Because of these responsibilities, New Zealand's Minister of Conservation had contacted the Government of Japan and the two NGOs that were sending vessels to the Antarctic (i.e. Sea Shepherd Conservation Society and Greenpeace) in advance of the 2006/2007 JARPA II programme. It reported that it had urged all parties to exercise restraint, follow the International Regulations for the Prevention of Collisions at Sea, and respect IWC Resolution 2006-2. New Zealand noted that it had also stressed to all parties

<sup>24</sup>Ann. Rep. Int. Whaling Comm. 2006: 69.

that the Antarctic is one of the most isolated and dangerous places on earth and that because of this, New Zealand's search and rescue capacity in the region was limited. In the event, New Zealand noted that its concerns had been justified and that in the course of the 2006/2007 JARPA II programme, it had responded to distress calls related to four incidents: a seriously ill crew member needing medical evacuation from one of the Japanese vessels; two Sea Shepherd Conservation Society crew members lost at sea in heavy fog in an inflatable boat for several hours; confrontations between two Sea Shepherd vessels and a Japanese vessel; and the fatal fire on board the Japanese whaling fleet factory ship, the *Nisshin Maru*. Of the events, New Zealand considered that the fire on board the *Nisshin Maru* was perhaps the most serious and it very much regretted the tragic loss of life and extended its condolences to the Government of Japan and to the family of the seaman who died. But New Zealand believed that all the events highlighted the extent to which they could have precipitated a serious environmental emergency. With respect to the fire on board the *Nisshin Maru*, New Zealand had remained in contact with the Government of Japan and the vessel throughout the incident and requested repeatedly that the vessel be removed from the Antarctic Treaty Area as soon as was possible. It believed that vessels operating in this area should be adequately equipped to do so. New Zealand felt that some distinction should be drawn between the nature of the activities of the Sea Shepherd Conservation Society vessels and those of Greenpeace's vessel the *Esperanza*. It noted that the *Esperanza* responded to the *Nisshin Maru*'s mayday call for help, stood by the vessel and provided information on ice conditions gathered from its helicopter. New Zealand reported that it had no information to suggest that the behaviour of Greenpeace had been anything other than helpful and that expected of responsible mariners.

Turning to the draft Resolution on Safety at Sea and Protection of the Environment that it had prepared jointly with Japan, New Zealand noted that during the protests against the JARPA II vessels during the 2006/2007 programme, a great deal of international law had been broken that it found intolerable. It hoped that the draft Resolution that *inter alia* declares that Contracting Governments do not condone any actions that are a risk to human life and property in relation to the activities of vessels at sea could be adopted by consensus. Japan believed that the harassment of its vessels by the Sea Shepherd Conservation Society vessels was very serious and should not be overlooked. It noted that it is considering taking legal action against the Sea Shepherd Conservation Society. Like New Zealand, Japan too hoped that the draft Resolution could be adopted by consensus.

Many governments spoke in strong support of the draft Resolution. Regarding the flag status of the *Robert Hunter* (of the Sea Shepherd Conservation Society), the UK reported that it had given one-month's notice to the owners of the *Robert Hunter* that the vessel would be removed from the UK register and that at the time of the ramming incident in the Antarctic the vessel had been de-registered. St. Lucia considered that the language in the draft Resolution should be strengthened, suggesting that not only did the Commission not condone actions that are a risk to human life and property but that it also condemns such activities. This proposal was supported by many and Japan and New Zealand agreed to revise the draft Resolution

accordingly. After several further minor amendments, Resolution 2007-2 was adopted by consensus (see Annex E). The operative paragraphs of Resolution 2007-2 read as follows:

NOW THEREFORE THE COMMISSION:

AGREES AND DECLARES again that the Commission and its Contracting Governments do not condone and in fact condemn any actions that are a risk to human life and property in relation to the activities of vessels at sea;

URGES persons and entities to refrain from such acts;

FURTHER URGES Contracting Governments to have regard for the importance of protecting the environment, and in particular the fragile Antarctic environment;

URGES all Contracting Governments concerned to take appropriate measures, consistent with IMO guidelines, in order to ensure that the substance and spirit of this Resolution are observed both domestically and internationally;

URGES Contracting Governments to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders;

URGES Contracting Governments to cooperate in accordance with UNCLOS and other relevant instruments in the investigation of incidents at sea including those which might pose a risk to life or the environment.

## 12. ENVIRONMENTAL AND HEALTH ISSUES

### 12.1 Scientific Committee activities<sup>25</sup>

#### 12.1.1 Report of the Scientific Committee

##### 12.1.1.1 DISEASES OF MARINE MAMMALS AND IMPACTS ON CETACEANS

The impact on cetaceans of infectious and non-infectious diseases was addressed by a two-day workshop prior to the start of the Scientific Committee meeting. The objectives of the workshop were to:

- (1) review case-studies where infectious and non-infectious diseases are impacting wild populations;
- (2) review the modelling and risk assessment approaches for incorporating disease data;
- (3) determine the types of data needed for assessments;
- (4) standardise the collection of samples and data; and
- (5) enhance collaboration between the various disciplines.

The workshop focussed on three major topics: harmful algal blooms and their associated biotoxins; infectious diseases in marine mammals; and modelling and risk assessment approaches for understanding the impacts of these organisms, toxins or diseases on cetacean populations.

Based on the outcome of the workshop, the Committee recognised:

- (1) that there are increases in the frequency, type and duration of harmful algal blooms and increases in biotoxin and pathogen related diseases in cetaceans throughout the world;
- (2) the need for increased research and standardised reporting in a wide number of disciplines dealing with cetacean health; and
- (3) the need for a better understanding of the epidemiology and clinical aspects of infectious and

<sup>25</sup>For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage (Suppl.)* 10 (2008).

non-infectious diseases that may affect cetacean population status.

A Working Group was established to better address those aspects of current and emerging diseases relevant to the IWC.

#### 12.1.1.2 ECOSYSTEM MODELLING

The question of ecosystem modelling in the context of cetacean conservation is important and has been addressed by the Scientific Committee on a number of previous occasions. This year the Committee reviewed progress with:

- (1) preparation of the joint CCAMLR/IWC workshop on modelling Antarctic krill predators, to be held probably in mid 2008, but after IWC/60;
- (2) collaboration with FAO and in particular the participation of Committee members in FAO's expert consultation on modelling ecosystem interactions for informing an ecosystem-based approach to fisheries, to be held in July 2007;
- (3) the development of ecosystem models with case-studies being reported from the North Pacific and the Southern Ocean; and
- (4) a review of data relevant to parameter estimation and ecological interactions.

The objective of the joint CCAMLR/IWC workshop is to review input data required for ecosystem models being developed to provide management and conservation advice on krill predators in the Antarctic marine environment. The Committee agreed that the Joint Steering Group made up of representatives from both organisations established in 2006 should continue to plan for the workshop.

#### 12.1.1.3 OTHER HABITAT RELATED MATTERS

##### POLLUTION 2000+<sup>26</sup>

Based on results from a recent workshop that reviewed the POLLUTION 2000+ Phase I projects, the Committee recommended that Phase II be initiated. Initial work will concentrate on developing: (1) an integrated modelling framework for examining the effects of pollutants on cetacean populations; and (2) a protocol for validating the use of biopsy samples in pollution-related studies. A multidisciplinary workshop to develop detailed plans for Phase II projects is expected to take place after the 2008 Annual Meeting.

##### SOUTHERN OCEAN COLLABORATION AND CLIMATE CHANGE

A Southern Ocean Collaboration Working Group was established some years ago to investigate effects of climate change on cetaceans. It is anticipated that the main body of analytical work will be presented to the Committee next year. The Committee supported a proposal for a workshop on climate change and impacts on cetaceans to be held after the 2008 Annual Meeting. A workshop planning meeting will be held prior to next year's Annual Meeting.

##### HANDLING AND RELEASE OF ENTANGLED CETACEANS

The Committee emphasised the potential danger in attempting to release large whales from entanglements, and recommended that those who wish to establish disentanglement teams in their countries should work with the appropriate local governmental authorities and seek

training from professionals with a track record of safety and success. While it recognised the usefulness of data on the fate of released whales, the Committee stressed that the most valuable use of disentanglement data is for developing new fishing gear and practices that prevent lethal entanglements of large whales where entanglement is inhibiting the recovery of extremely endangered species or populations.

##### ACOUSTICS

The Committee had previously emphasised the importance of monitoring impending military exercises and other acoustic events that could have injurious or lethal effects on cetaceans. This year, the Committee urged that appropriate mitigation measures be employed with respect to the use of mid-frequency sonar associated with two naval exercises potentially affecting beaked whales off Australia and harbour porpoises in the Baltic Sea. Following a discussion of seismic surveys and plans for such surveys in Arctic waters of relevance to bowhead whales and the endangered North Pacific right whales and western gray whales, the Committee expressed concern about the potential impact of these activities on cetaceans and made a series of recommendations for the industry, governments and other users of seismic technology. These included that special consideration is given to protecting known or predicted areas of biological significance, especially relating to B-C-B bowhead whales and the critically endangered western gray and North Pacific right whales and that seismic surveys should be planned to avoid areas/times where/when these whales aggregate for feeding, breeding, calving or migration.

##### ARCTIC ISSUES

The Committee reviewed research activities and plans relevant to Arctic issues and sea ice and noted that increased marine transport and access to resources across the Arctic associated with global warming is the focus of an assessment planned by a working group under the Arctic Council. The Committee received a review of how climate-related changes in the Antarctic sea ice ecosystem may impact populations of baleen whales through effects on krill, their primary prey.

##### SOCER

The SOCER (State of the Cetacean Environment Report) report this year focused on the Mediterranean and Black Seas.

#### 12.1.2 Commission discussions and action arising

Discussions focused on plans for a workshop on climate change and concerns with respect to the impact of noise on cetaceans.

Mexico, the UK, South Africa, Austria, India, Mali, Australia, Senegal, Argentina, Costa Rica, Ecuador and Spain all spoke in support of the proposed workshop on climate change. South Africa's offer to host the workshop in Cape Town was welcomed by the Commission. Austria called on governments, intergovernmental and non-governmental organisations to support the workshop, including financially. Senegal suggested that the workshop should cover other species, not just cetaceans.

The UK highlighted the Scientific Committee's concerns regarding the potential impacts of oil and gas development on eastern North Pacific gray whales, one of the most endangered whale populations. It noted that two areas have been designated as critical habitat for this

<sup>26</sup>POLLUTION 2000+ has two aims: to determine whether predictive and quantitative relationships exists between biomarkers (of exposure to and/or effect of PCBs) and PCB levels in certain tissues; and to validate/calibrate sampling and analytical techniques.

population, one being an area within the Gulf of Alaska and the other being Bristol Bay within the Bering Sea. Given that a considerable proportion of the right whale population in Bristol Bay occurs within an area that has recently been proposed for oil and gas leasing, that oil and gas exploration and production are recognised to have impacts on whales and that even the loss of a small number of cows or calves would jeopardise the conservation of this population, the Scientific Committee had expressed concern about off-shore development within this region primarily because of eastern North Pacific right whales. It encouraged the government of the USA to take all steps possible to reduce anthropogenic mortality in this stock and in the 15 other whale species occurring in this area. Mexico shared the UK's concern and stressed the need for co-operation between all stakeholders, particularly industry.

Australia welcomed the Committee's recommendations regarding the forthcoming extensive naval training exercise 'Talisman Sabre 2007' to be carried out by the Australian and USA defence forces. It stressed that best practice mitigation measures will be used during the exercise. It noted that it issues public information on these exercises, conducts environmental assessments, reviews the activities, works closely with its Defence Department and has guidelines and stringent measures on how such exercises should be conducted. It therefore welcomed the Scientific Committee's recommendations and urged other Contracting Governments to take a similar approach.

The Commission noted the Scientific Committee's report and endorsed its recommendations.

### 12.2 Reports from Contracting Governments

There were no reports from Contracting Governments on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals.

### 12.3 Health issues

Monaco noted with regret that this item tends to be dealt with very briefly at Commission meetings given that the consumption of whale meat can lead to the accumulation of chemicals such as heavy metals, pesticides, polychlorinated biphenyls (PCBs), persistent organic pollutants (POPs) and pharmaceutical products due to biomagnification through the food chain. It expressed concern regarding promotion of the idea that consumption of whale meat can be beneficial to human health and believed that the IWC is perhaps the only organisation in the world that has the capacity to collate and discuss data on the impact of consuming whale meat. Monaco believed that in addition to the Secretariat developing closer links with the appropriate part of WHO, Contracting Governments have a moral obligation to alert health ministries to potential effects of the consumption of whale meat. It also considered that there should be improved and more frequent reporting by Contracting Governments on this matter.

Norway acknowledged that there are some health concerns over the consumption of whale meat, mainly in relation to levels of mercury and PCBs, but noted that the same concerns apply to the consumption of some long-living fish species such as halibut and tuna. However, Norway noted that there is also well-documented evidence of the beneficial human health effects from the consumption of oil from marine mammals. It informed the

Commission that a NAMMCO workshop on this issue was planned to take place in October 2007. Japan reported that, like all governments, it takes food safety very seriously. Its Ministry of Health had conducted an extensive survey and had issued notifications and warnings in relation to the consumption of meat and products from some coastally-caught toothed whales. It noted that results from JARPA have demonstrated low levels of contamination of human origin in Antarctic minke whales. Iceland associated itself with the remarks of Norway and Japan.

## 13. WHALEWATCHING

### 13.1 Report of the Scientific Committee<sup>27</sup>

The Scientific Committee examined a number of issues related to whalewatching.

With respect to possible biological impacts of whalewatching (including swim-with programmes) on cetaceans, two case-studies on population-level effects were considered, i.e. one on movements of vessels and 'Northern Resident' killer whales in a marine reserve in British Columbia, Canada and the other examining whether whalewatching vessel exposure affected either the calving rates or calf survival up to the age of two in humpback whales on their feeding grounds off southern New England. The Committee agreed that such long-term studies in areas where whalewatching activities are taking place, especially those studies that measure reproductive and survivorship rates over time, are extremely valuable. Funding of such studies was encouraged.

The Committee also reviewed a number of papers addressing short-term/behavioural effects. These included: an evaluation of the impact of boat activity, kayak and dolphin-swim activity on Hawaiian spinner dolphins; an investigation of the responses of Indo-Pacific bottlenose dolphins to whalewatching traffic; a study of changes in *Sotalia* resulting from exposure to boat traffic, including whalewatching vessels; a study of the appropriateness of distance-limit regulations in the Azores; an investigation of the impact of whalewatching in Witless Bay, Newfoundland; an examination of how the activities and energetics of bottlenose dolphins are affected by boats and a study examining the influence of boat traffic on southern resident killer whales. These studies illustrated the validity of the Committee's repeated recommendations that vessel interaction studies begin before whalewatching traffic reaches saturation point. There is evidence that habitat degradation is influencing whale behaviour but determining the mechanism (e.g. whether driven by acoustics or boat behaviour) needs further work. The Committee agreed that a meta-analysis of recent studies would be valuable and an intersessional working group will address this issue.

Last year the Committee agreed that research effort should concentrate on understanding the interactions between whalewatching impacts on cetaceans and other anthropogenic disturbances and ecological factors. A workshop to develop a research framework for whalewatching studies will be held prior to next year's Annual Meeting.

<sup>27</sup>For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 10 (2008).

The Committee noted the potential importance of data collected from platforms of opportunity (e.g. whalewatching boats, cruise ships, ferries and other types of vessels). It recommended: (1) the documentation of cetacean sightings and behaviours by photography/video whenever possible; and (2) the submission of new information based on such certified documentation of species and behaviours to peer-reviewed journals. The Committee welcomed progress with respect to the work of the intersessional working group to identify data sources from platforms of opportunity of potential value to the Scientific Committee. The Committee also encouraged modifications to the template for National Progress Reports to facilitate provision of opportunistic data.

Because of the location of this year's Annual Meeting, whalewatching in Alaska was discussed as a separate item. These operations are highly seasonal and the main target species are humpback whales and killer whales. For application in other situations, the Committee expressed interest in the design of a study aimed at using ferries to gather survey data and to help assess collision risk. The Committee recommended that this basic information about the whalewatching industry be collected worldwide.

The compendium of whalewatching guidelines and regulations was updated and is available on IWC's website ([www.iwcoffice.org](http://www.iwcoffice.org)). The Committee noted that statutory regulations are preferable to voluntary whalewatching guidelines (a growing number of scientific studies have shown that voluntary guidelines are often not effective). The Committee recommended that whalewatching activities are monitored for compliance and that regulations should be actively enforced. The Committee encouraged the enactment of regulations that are science-based, but recognised that in some cases, regulations based on best practice will be most precautionary.

Management measures taken by Contracting Governments in response to earlier recommendations of the Committee regarding specific whalewatching activities/operations were reviewed. The Committee commended the Australian Government for its decision to reduce the number of dolphin-watch licenses from two to one in Shark Bay, partly as a result of one of its recommendations made last year. There was considerable discussion of the dolphin population in Doubtful Sound, New Zealand. While the Committee noted that the New Zealand Government had taken some action to address this issue, it urged that government to develop management measures to address the issues identified by the Committee. It recommended that the Government of New Zealand increase protection for this population and other bottlenose dolphin populations in Fiordland as a matter of urgency.

Last year the Committee reviewed a proposal to improve monitoring and management of the effects of whalewatching in a protected area in Brazil. The Committee welcomed the implementation of its recommendation on this matter and commended the Brazilian Government for its actions. The Committee welcomed a collaborative initiative in Peru to promote sustainable cetacean watching and encouraged such initiatives wherever whalewatching activities occur or are planned. It stressed the importance of the collection of baseline data before an industry had developed to any significant degree. The Committee also welcomed guidelines for whalewatching in blue whale feeding grounds in southern Chile.

The Committee repeated its previous recommendation that it is extremely important to obtain baseline data from areas where whalewatching has not yet developed but is likely to begin. The Committee recommended that carefully designed studies be undertaken to determine the effectiveness of whalewatching guidelines in minimising disturbance responses in the target animals.

### 13.2 Commission discussions and action arising

Brazil, Costa Rica, Mexico, Australia, India, France, Ecuador, Chile and Argentina welcomed the work of the Scientific Committee on whalewatching and recognised the need for proper management in which, they believed, the Commission has an important role to play. A number of them stressed the economic benefits accruing to local communities from whalewatching operations which they considered far outweigh economic benefits from whaling. In particular, Australia reported that recent studies in the South Pacific have shown a ten-fold increase in the number of people participating in whalewatching between 1998 and 2005 and noted that the income from this activity in 2005 was some US\$21 million. France drew attention to documents it had submitted to the Commission on commercial whalewatching activities off its Mediterranean coast and in the South Pacific (humpback whales). Ecuador had also provided a paper describing its own whalewatching activities.

St. Lucia also welcomed the Scientific Committee's work but, noting the Committee's report, expressed concern about the possible adverse effects of whalewatching on whales, particularly in areas where whalewatching takes place on whale breeding grounds, as it does in the Caribbean. It considered the development of whalewatching guidelines based on best practice to be very important, especially for small islands where pressure is being exerted to establish such activities on the assumption that it is easy to do so. Norway stated that it supports whalewatching and that it has its own whalewatching activities. It believed that whalewatching and commercial whaling can co-exist. Noting that some delegations claim that the only sustainable use of whales is through whalewatching, Norway drew attention to the Committee's concerns regarding whalewatching in Shark Bay, Australia and in Doubtful Sound, New Zealand. It was confident that regulations could be changed to rectify the problems with these activities but suggested that the interest of whalewatchers would diminish if boats were prohibited from moving close to the whales and dolphins. Norway suggested that whalewatching and whaling can be carried out in both a sustainable and an unsustainable manner. Australia considered it paradoxical that some Contracting Governments were calling for regulations to manage whalewatching when at the same time they were opposing the establishment of rules regarding whaling under special permit. New Zealand endorsed these remarks and clarified that in Doubtful Sound, it is not whalewatching vessels that are causing the problem but other maritime traffic. As last year, it reported that its Department of Conservation is looking at ways to address the problem.

Like Norway, Japan and Antigua and Barbuda also believed that whalewatching and whaling are not mutually exclusive. Japan reminded the Commission that one of its scientists currently chairs the Sub-committee on Whalewatching and has done so for some time. It noted that it is co-operating on this issue and would continue to

do so. Antigua and Barbuda questioned the real benefit accruing to local communities from whalewatching and sought answers to a number of questions including: (1) the proportion of whalewatching vessels owned by grass-roots people in local communities; (2) the percentage of local people employed as crew members; and (3) the number of coastal villages and communities that have been transformed/improved in areas such as health care and education as a result of whalewatching activities. Antigua and Barbuda believed that whalewatching, like snorkelling and scuba diving, are activities under the control of a privileged few. Costa Rica responded that it has had many good experiences from whalewatching. It noted that its government supports local enterprises to prevent large tour operators taking over. It believed that in Latin America, the beneficiaries of whalewatching are the poor communities and that countries in the region have considerable experience in this area from which others could benefit. Argentina also highlighted the benefits its local communities have received from whalewatching and the increased tourism resulting from this.

The Commission noted the Scientific Committee's report and endorsed its recommendations.

#### *Resolution on the non-lethal use of cetaceans*

Argentina introduced a proposed Resolution on the use of non-lethal cetaceans on behalf of the other co-sponsors (Australia, Austria, Brazil, Chile, Costa Rica, Ecuador, France, Hungary, Italy, Mexico, New Zealand, Panama, Peru, Portugal and the UK). The proposed Resolution: (1) recognised the valuable benefits that can be derived from the non-lethal use of cetaceans, both in terms of socio-economic and scientific development; (2) recognised non-lethal use as a legitimate management strategy; and (3) encouraged member States to work constructively towards the incorporation of the needs of non-lethal users of whale resources in any future decisions and agreements. Argentina noted that great efforts had been made to avoid controversial language in the text and it therefore hoped that the Resolution could be adopted by consensus. It noted the fast-growing nature of whalewatching and the benefits accruing to local communities. Argentina considered that all countries could benefit from non-lethal use of whale resources and that such use should be reflected in the Commission's activities. It indicated its desire that non-lethal use be included in any future discussions and negotiations aimed at breaking the current deadlock in the organisation. Spain and Monaco indicated that they wished to be included in the list of sponsors.

Denmark indicated that it could support the proposed Resolution as it did not conflict with IWC's objectives but recognised that non-lethal use is an emerging activity that will have to be taken into account in future endeavours of the organisation. It hoped the Resolution could be adopted by consensus.

Japan expressed two concerns with the proposed Resolution. Firstly it considered that the text in the first pre-ambular paragraph did not accurately reflect the objectives of the 1946 Convention. Rather than referring to the objective given in the last pre-ambular paragraph of the Convention (i.e. *'to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry'*), the Resolution stated that the objective of the Convention is to safeguard the natural resources represented by whale stocks for the

benefit of future generations – a statement Japan suggested was based on text from the second pre-ambular paragraph of the Convention<sup>28</sup>. It requested that the first pre-ambular paragraph of the Resolution be revised to reflect what it considered to be the real objectives of the Convention. Secondly, while Japan did not oppose non-lethal use of whale stocks, it wished the Resolution to also refer to lethal use to give a better balance between the two activities. Japan indicated that it could only support the Resolution if these revisions were made. Mali made similar remarks.

In response to Japan, Costa Rica indicated that the proposed Resolution did not deny lethal use but simply focused on non-lethal use and its advantages. Therefore it did not believe it necessary to include Japan's proposed revisions. After thanking Denmark for its support (noting that this was one of the few times a country with different views on the management of cetacean resources had expressed solidarity with those supporting non-lethal use), Brazil re-iterated Argentina's earlier remarks regarding the extensive consultation that had taken place in developing the proposed Resolution. It noted that of the 28 amendments received, none were from Japan despite a request for comment. Given this, like Costa Rica, Brazil indicated that it could not accept any revisions to the text. Iceland suggested that no delegation was opposed to non-lethal use and that it should be possible to reach consensus on a Resolution. However, it also believed that the Resolution's proponents should have known that some of the wording, particularly in relation to the Convention's objective, would be controversial since this matter had arisen many times before. It called for further work on the proposed Resolution. Argentina suggested that it was not the Latin American countries that had opposed dialogue and called for a vote. The Russian Federation did not see the proposed Resolution as a threat and indicated that it could support it without further amendment. However, it expressed surprise at the 'ultimatum' nature of the dialog, which it found unacceptable, and the reluctance shown by the Resolution's proponents to entertain further discussion in an attempt to reach consensus. It noted that Denmark had changed its proposed amendment regarding aboriginal subsistence whaling on three occasions without complaint. The Russian Federation called for further work on the proposal.

Suggesting that this would be an excellent opportunity to reach consensus, the Chair indicated that it was his preference for further work to be done on the Resolution text so that a vote could be avoided. This was not acceptable to the proponents who noted that consultations had already been lengthy. On being put to a vote, Resolution 2007-3 on the non-lethal use of cetaceans (see Annex E) was adopted. There were 42 votes in favour, 2 against and 2 abstentions; 20 countries did not participate in the vote because they felt that with more time, a consensus Resolution could have been developed. Switzerland noted that it had supported the Resolution because it dealt with an important issue. However, it was disappointed with how the matter was handled and disappointed that it was put to a vote because of time pressures. Responding to Switzerland, Brazil reported that

<sup>28</sup>The second pre-ambular paragraph of the Convention reads: *'Recognising the interest of the nations of the world in safeguarding for future generations the great natural resources represented by whale stocks'*.

the Resolution proponents at no time had problems with contributions received and with attempts to reach consensus. However, what it considered unbearable was the lack of respect with which their interests have been dealt with in the Commission. It regretted that at the last minute, attempts were made, through technicalities, to stop what it considered to be a non-confrontational Resolution. It again thanked Denmark for its support.

## 14. CO-OPERATION WITH OTHER ORGANISATIONS

### 14.1 Report of the Scientific Committee<sup>29</sup>

The Scientific Committee received reports of its co-operation with CMS (Convention on the Conservation of Migratory Species), ASCOBANS (Agreement on Small Cetaceans of the Baltic and North Seas), ACCOBAMS (Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area), IATTC (Inter-American Tropical Tuna Commission), ICES (International Council for the Exploration of the Sea), ICCAT (International Commission for the Conservation of Atlantic Tuna), CCAMLR (Convention for the Conservation of Antarctic Marine Living Resources), Southern Ocean GLOBEC, NAMMCO (North Atlantic Marine Mammal Commission), IUCN (International Union for the Conservation of Nature), PICES (North Pacific Marine Science Organisation), ECCO (Eastern Caribbean Cetacean Commission) and UNEP (United Nations Environment Programme – Protocol on Specially Protected Areas and Wildlife of the Cartagena Convention for the Wider Caribbean).

### 14.2 Commission discussions and action arising

In the Commission, UNEP Caribbean Environment Programme (CEP) gave an update on work relating to its Protocol on Specially Protected Areas and Wildlife (SPA) of the Cartagena Convention for the Wider Caribbean. It welcomed the appointment by IWC's Scientific Committee of an observer to its activities. The Secretary reported on progress on furthering co-operation with IMO (International Maritime Organisation), particularly in relation to ship strikes on cetaceans.

India stressed the need to enhance co-operation between IWC and other organisations, particularly FAO with whom it believed there was considerable overlap in relation to fisheries, and bycatch in particular. France welcomed the co-operation between the IWC and UNEP CEP and noted that under the Cartagena Convention it works with Caribbean countries on the protection and management of marine biodiversity. It supported the IWC's co-operation with other organisations and believed that the IWC had an important role to play in co-ordination of work particularly related to cetaceans.

As it had on previous occasions, Monaco drew attention to the inclusion on the Commission's agenda of an item on human health issues. It noted that this item stemmed from concerns that the consumption of cetacean meat could be detrimental to human health because of high levels of certain contaminants. Monaco recalled that in recent years there has been the emergence of particularly toxic and new

types of contaminants that have highlighted the importance of this issue. It also recalled that although the Commission had requested increased collaboration between IWC and WHO (World Health Organisation) some years ago, little had happened. It therefore encouraged both organisations, perhaps starting with an initiative from the IWC Secretariat, to meet and exchange information on the risk to humans of consuming large quantities of whale meat.

### *Resolution on CITES*

The UK introduced a draft Resolution on IWC's relationship with CITES on behalf of the other co-sponsors (Argentina, Australia, Austria, Belgium, Brazil, Chile, Costa Rica, Ecuador, France, Germany, Greece, Hungary, Italy, Luxembourg, Panama, Peru, Mexico, New Zealand, Spain, UK and USA). The UK noted that although not perhaps immediately apparent, barriers on the development of commercial whaling other than the moratorium do exist, a key one being that trade in whale products is banned under the terms of CITES. It believed that if this was not the case, the pressure to resume commercial whaling and the extent of any whaling operations could be considerably greater than at present. The UK suggested that those countries favouring whaling often seize the opportunity to play IWC and CITES off against each other, demonstrated this year by two proposals to CITES COP14 to review CITES listings of cetacean species in Appendix I (that bans international trade). The UK considered the proposed reviews to be unnecessary and undesirable. Noting that the IWC is internationally recognised as the body competent to manage whale stocks on a global basis, the UK believed that assessing the abundance of whale stocks is the role of IWC's Scientific Committee. It welcomed the fact that in the past CITES has recognised IWC as the major source of information on whale stocks, as enshrined in CITES Resolution 11.4 agreed at COP12. The UK was not suggesting that IWC should instruct CITES or any other intergovernmental organisation how to act, but considered it timely to remind CITES and others that the commercial whaling moratorium remains firmly in place and that it continues to be relevant in the protection of cetaceans. The UK believed that the introduction of the moratorium was a bold environmental step years ahead of its time and that the reasons which persuaded the Commission to adopt it in 1982 remain valid. It believed that pressures on whale stocks have increased rather than decreased and although some stocks are practically recovered, many are still listed by IUCN as threatened, vulnerable or endangered. The UK noted that among the pressures on whale stocks is the effect that climate change may have on cetaceans and their habitat. It believed that such effects are incompletely understood and thus merited the continued application of the precautionary principle to the management of whale stocks. The UK stressed the importance of the restriction in trade in whale products in ensuring that the moratorium remained effective and considered it to CITES' credit that it has followed closely IWC's lead by listing species on CITES Appendix I. The UK noted that whaling has a long history of illegal catches and that should any relaxation of current trade restrictions promote commercial whaling on any significant scale, no management system is currently in place to police it. It believed that any increase in trade would put pressure on the moratorium and open the possibility for illegal whaling to become profitable and more viable. The UK therefore considered it imperative that the Commission send a clear message to CITES as to

<sup>29</sup>For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 10 (2008).

the continued need for the moratorium and the consequent undesirability of the proposed stock status review.

Given time restrictions (the draft Resolution was discussed on the last day of plenary) and aware that this was a matter on which consensus would not be reached, the Chair proposed that five countries speak in favour and five against the proposed Resolution. The Commission agreed.

Australia, Argentina, Costa Rica, New Zealand and India spoke briefly in support of the proposed Resolution and endorsed the UK's remarks. New Zealand added that the commercial whaling moratorium is part of IWC's rules and considered that the proposals to CITES were not only inappropriate but also showed a lack of confidence in the Scientific Committee and the Commission.

Japan, St. Kitts and Nevis, Iceland, Mali and the Russian Federation spoke against the proposed Resolution. Japan suggested that while the proposed Resolution appeared to address the relationship between IWC and CITES, the real underlying issue is the commercial whaling moratorium. It questioned whether so-called 'anti-whaling' countries would accept commercial whaling if scientific evidence indicated that sustainable whaling is possible. While it believed that some could accept commercial whaling, others could not, suggesting that the issue is not about science at least for some countries. Japan acknowledged CITES Resolution 11.4, but drew the Commission's attention to the repeated requests from CITES that IWC complete the RMS as soon as possible. It noted that because CITES is trying to base its work on science it has recognised that some whale species do not meet its listing criteria for Appendix I. However, these species have been retained on Appendix I because the IWC has given reassurances on several occasions that the RMS was nearly complete and that any re-assessment of listing should wait until this was done. Japan noted that last year the Commission as a body stopped work on the RMS. In relation to whether any relaxation of current trade restrictions would promote commercial whaling on a significant scale, Japan suggested that because whales are now taken for food the demand is much smaller than in the past when whales were a source of oil. Japan noted that endangering species is inconsistent with its sustainable use objective and that better enforcement tools are now available than in the past to police whaling operations, including international observers, vessel monitoring systems, and DNA registers. Regarding IWC's competency to manage whale stocks, Japan noted that Article 65 of UNCLOS refers to international organisations. It suggested that if the IWC cannot fulfil its role based on the Convention, then other organisations should have competency. Finally Japan indicated that it was wrong for the IWC to tell CITES what to do and because of this legal situation it would not participate in any vote on the proposed Resolution.

St. Kitts and Nevis shared Japan's view regarding the interpretation of Article 65 of UNCLOS. It also recalled that in the private meeting of Commissioners held the day before the plenary began, the Chair had asked Contracting Governments not to use any majority they may have to nullify past Resolutions. It viewed the proposed Resolution as a direct attempt to nullify the provisions of Resolution 2006-1: The St. Kitts and Nevis Declaration adopted last year<sup>30</sup> and was against the spirit of co-operation that the

Chair had been trying to build. It believed that proposals of this nature would only continue to divide the organisation and widen gaps between opinions instead of bringing countries closer together to resolve differences. Like Japan it did not believe that IWC should be imposing itself on the authority of CITES and believed that if the organisation was not careful, the difficulties being experienced within the IWC would spread to other organisations. St. Kitts and Nevis respectfully requested that the proposed Resolution be suspended to allow countries to engage in further discussions. If this was not done, St. Kitts and Nevis indicated that it would not take part in any vote on the Resolution. In response to the comment of St. Kitts and Nevis on the danger of IWC's difficulties spreading to other organisations, the UK observed that if the proposals for reviews had not been made to CITES, the proposed Resolution would not have been necessary.

Iceland noted that the reviews proposed to CITES were simply in relation to an assessment of whether the current listing of whale species fulfil the CITES listing criteria. It believed that those proposing the Resolution did so knowing that it would create disagreements. It regretted this at a time when the organisation should be working to build agreement. Iceland found the content of the Resolution to be unnecessarily provocative, for example, in referring to the IWC as *the* internationally competent organisation for the conservation and management of whales and to the reasons for the moratorium remaining valid when there is good information available on abundance indicating that sustainable whaling is possible on some stocks. Iceland stressed that trade is outside the competence of the IWC and that CITES has its own criteria that should be respected. It believed that CITES should be allowed to make its own decisions based on its own criteria and not based on IWC politics. Iceland considered the proposed Resolution to be inappropriate and indicated that it would not participate in any vote.

Mali considered that it was IWC's responsibility to decide whether or not it retained the commercial whaling moratorium. It noted that CITES recognises the competency of IWC in providing scientific information on whale stocks and expected that in the framework of co-operation, IWC would recognise the areas of competency and internal procedures of CITES. The Commissioner for Mali noted that because he did not hold the authority within his country to deal with CITES issues he would abstain in any vote.

The Russian Federation stressed that it did not represent any block of countries and held its own views on this issue. It reported that while it has a reservation to the commercial whaling moratorium it had no intention of using this. It also noted that while it did have a reservation to CITES listings of whale species, this had been voluntarily revoked. However, it believed that the inclusion of all large whales in CITES Appendix I is not only contrary to maintaining cultural diversity it also went against educational needs such as the provision of animals for dolphinarium. The Russian Federation considered that there were many points in the proposed Resolution that are controversial and that one Convention should not pressurise another, particularly when there is no consensus on a particular matter. It asked the sponsors to withdraw the proposed Resolution in the spirit of co-operation. However, if put to a vote, the Russian Federation indicated that it would vote against the Resolution.

<sup>30</sup> *Ann. Rep. Int. Whaling. Comm.* 2006: 68.



The sponsors did not wish to withdraw the Resolution which was adopted when put to a vote (Resolution 2007-4 – see Annex E). There were 37 votes in favour, 4 against and 4 abstentions; 26 countries did not participate in the vote as they believed it was inappropriate. The Resolution:

- (1) affirms that the moratorium on commercial whaling remains in place and that the reasons for the moratorium are still relevant;
- (2) expresses appreciation that CITES recognises the IWC's Scientific Committee as the universally recognised international organisation with international expertise to review and evaluate the status of the world's whale stocks;
- (3) reaffirms the important role of CITES in supporting the IWC's management decisions with regard to the conservation of whale stocks and the importance of continued cooperation between CITES and IWC;
- (4) reaffirms the importance of continued co-operation between CITES and IWC with regard to the conservation of whale stocks through the regulation and management of international trade in whale products;
- (5) considers that the IWC has not yet completed the necessary measures to regulate commercial whaling;
- (6) considers that any weakening of existing restrictions on trade under CITES could have significant adverse effects on the moratorium on commercial whaling and increase threats to whales;
- (7) requests Contracting Governments to respect the relationship between the two conventions and not to seek the transfer of cetacean species from CITES Appendix I; and
- (8) requests the Secretariat to send a copy of this Resolution to the CITES secretariat.

## **15. OTHER SCIENTIFIC COMMITTEE ACTIVITIES, ITS FUTURE WORK PLAN AND ADOPTION OF THE SCIENTIFIC COMMITTEE REPORT**

### **15.1 Small cetaceans**

#### *15.1.1 Report of the Scientific Committee*

This year the Scientific Committee focused on a global review of killer whales, considering information on distribution and abundance, stock structure, life history, ecology, habitat, directed takes, incidental mortality and status. It noted that knowledge of killer whales varies considerably from region to region. The Committee encouraged the continuation of long-term programmes and the establishment of new programmes to increase understanding of killer whales worldwide. Regarding directed takes and incidental mortality, the Committee made a number of recommendations and requests for information regarding live-captures (for dolphinarium) and depredation by killer whales on longlines (where there is concern about retaliation by fishermen, depletion of prey resources and the potential for incidental hook or entanglement). The Committee noted that a generally poor understanding of the population structure of killer whales (which is complex) and very little information on any aspect of killer whale biology in many areas hinders any assessment of their status. Nevertheless, the Committee identified a number of stocks for which there is clear concern, i.e. (1) the southern resident killer whale

population from the coasts of Washington State and British Columbia; (2) killer whales in Greenland; (3) killer whales found near the Strait of Gibraltar; and (4) killer whales of the Oyashio Current ecosystem. A number of recommendations were made regarding the need to gather further information on these stocks.

The Scientific Committee also reviewed progress on previous recommendations with respect to the baiji of the Yangtze River, the vaquita, harbour porpoise (exposed to high bycatch throughout its range), the *Sotalia* in Venezuela (exposed to bycatch and habitat degradation), small cetaceans hunted in Greenland (concern regarding the sustainability of hunts of narwhals, belugas, harbour porpoises, killer whales, long-finned pilot whales), illegal takes of botos in Brazil and the hand-harpoon hunts for Dall's porpoise in Japan (concern regarding sustainability).

With respect to the baiji, the Committee had repeatedly expressed concern over its critical conservation status and made recommendations accordingly. This year, the Committee received information suggesting that the baiji is now probably extinct. It expressed great concern that despite extensive scientific discourse for more than two decades, little effort was made to implement any real conservation measures. It noted that such highly endangered species require swift and decisive human intervention if extinction is to be avoided.

With the likely extinction of the baiji, the vaquita of the upper Gulf of California is probably the most endangered cetacean species. The Scientific Committee reported that available information suggests that the current population decline is possibly close to 10% annually, with a critical threshold in approximately eight years. The Committee reiterated its extreme concern for this species and recommended strongly that resources be found to design and implement a comprehensive programme to eliminate entangling nets from the range of the vaquita through a buy-out programme (with enforcement and control measures) or other system of compensation to affected fishing communities.

As usual, the Scientific Committee also reviewed a table of incidental captures of small cetaceans. It welcomed the information submitted by some Contracting Governments and encouraged others to contribute data also. It also noted that live captures were planned in several parts of the world, including Panama, Turkey and the Solomon Islands. The Committee re-iterated its long-standing recommendation that no removals of small cetaceans should be authorised until a full and complete assessment has been made of their sustainability.

#### *15.1.2 Commission discussions and action arising*

Several countries commended the Scientific Committee for its work on small cetaceans. Switzerland believed that the Committee's work demonstrated the importance of including all cetaceans in the work of IWC. It urged all countries mentioned by the Committee to take action as requested and called on others to provide help as appropriate.

Argentina, Sweden and New Zealand expressed concern regarding Greenland's takes of small cetaceans. Argentina asked Greenland why it is taking killer whales and whether work is being done to assess its killer whale populations. Sweden noted that its concerns were shared by the Scientific Committees of NAMMCO and IWC. It noted that Greenland's takes of some species are above

recommended levels and that the Scientific Committee had recommended that small cetaceans should remain the focus of major conservation efforts. It asked Denmark how it will react to the Committee's recommendations. New Zealand associated itself with Sweden's remarks and asked whether, given the increase in aboriginal subsistence quota agreed by the Commission, Denmark would be able to adjust the takes of small cetaceans, particularly belugas. Denmark responded that Greenland's takes of killer whales are for food and that work is done to assess killer whale populations. Denmark hoped that there would be more equal pressure on cetacean populations given the newly-agreed subsistence quotas. However, it stressed that this is a matter to be dealt with by the Greenland Home Rule Government. Sweden also expressed concern regarding the harbour porpoise in the Baltic, noting that one animal had been bycaught last year. It asked whether other Baltic countries had any further information. Denmark reported that it did not have that information with it at the meeting. Belgium associated itself with the remarks of Sweden and New Zealand.

Monaco expressed particular interest in the Committee's report on a new non-lethal method for estimating ages of killer whales from measurements of specific fatty acids present in their outer blubber layer. It encouraged further work on this, noting that it looked like a promising technique for use with other species.

With respect to the baiji, China agreed that it is extremely endangered but hoped that it is not yet extinct, referring to a sighting of an animal in February 2006 in a national nature reserve. China reported that since 1992 it had made great efforts to protect and conserve the baiji and its habitat, spending US\$2 million. It had established three national reserves and five conservation stations and was involved in routine monitoring and public education. China regretted that even with these efforts, the baiji had become even more endangered. It reported that it is starting to protect the river porpoise, which has declined to around 1,300 animals, and welcomed co-operation and support from countries and relevant international organisations in its efforts. China hoped that extinction of the river porpoise could be avoided.

The UK again expressed concern about Dall's porpoise and Japan's directed hand-held harpoon hunt. It noted that the hunt is the largest direct hunt of any cetacean species in the world and therefore deserves IWC's attention. It was concerned regarding the sustainability of the hunt since the two Dall's porpoise populations have been subject to high takes in the past since quotas are based on an abundance estimate generated from surveys conducted over 17 years ago. The UK informed the meeting that it had not tabled a Resolution in recognition that this is a sensitive area for the Government of Japan and that it wished to appear reasonably co-operative. It recalled its previous requests to Japan to provide scientific data to enable a stock status review to be carried out and noted that as the Scientific Committee had not received data it had been unable to perform such a review. However the UK welcomed the new information on the hunt made available by Japan via the website of the National Research Institute of Far Seas Fisheries. It was also encouraged to hear that Japan is considering other methods to assess status of stocks. The UK was aware that new abundance surveys have been carried out, but noted that no new abundance estimates appeared to be available and that there had been no

evaluation of the effect of the takes, which continue to be high, on the stocks. The UK considered that the Scientific Committee was the appropriate place for a review of stock status, requiring participation of Japanese scientists. It therefore encouraged Japan to provide data to the Committee to enable the review to be performed. Finally, while the UK welcomed Japan's move to consider alternative methodologies for setting catch quotas for Dall's porpoise, it urged Japan to suspend the hunt pending completion of a stock assessment by the Scientific Committee. Finland associated itself with the UK's remarks.

Responding to the UK, Japan reported that stock assessment and the setting of quotas is under the jurisdiction of the national government and that control and surveillance of the hunt is conducted by the prefectural government. It referred to its well-known position regarding IWC's competency in managing small cetacean hunts and that it does not participate in the small cetaceans sub-committee. Japan noted that it would continue to manage the Dall's porpoise hunt based on scientific information.

Morocco and Spain acknowledged the Committee's concern regarding the status of killer whales in the Straits of Gibraltar, the call for the two governments to co-operate to monitor the status of the killer whales and to assess the need for conservation action, and the recommendation that population structure be investigated on an urgent basis to determine the degree of isolation of this small group of whales. Spain supported the recommendations. Morocco noted that it would take measures to carry out the necessary surveys. However, it stressed that there were no direct takes of killer whales for meat in this area and that its experience was that the whales are sufficiently numerous to be now having an impact on tuna and other fisheries in the region.

Noting the Committee's reference to planned live captures, Panama reported that it is undertaking studies on this issue and has not yet reached a decision.

The Commission noted the Scientific Committee report and endorsed its recommendations.

#### **RESOLUTION ON THE VAQUITA**

Belgium, on behalf of the other co-sponsors (Argentina, Australia, Austria, Belize, Brazil, Costa Rica, Ecuador, Finland, France, Chile, Croatia, Germany, Italy, Luxembourg, Mexico, Netherlands, New Zealand, Oman, Panama, Peru, Portugal, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States) introduced a draft Resolution on the Vaquita: 'From Critically Endangered to Facing Extinction'. Building on the concerns and recommendations of the Scientific Committee the draft Resolution: (1) commended Mexico's intense recent efforts to prevent the extinction of the vaquita despite the difficulties involved in reducing bycatch to zero, and especially given the difficulties of providing alternative livelihoods to isolated fishing communities in the Northern Gulf; (2) further commended the President of Mexico for the recent announcement on the Conservation Program for Endangered Species (PROCEP), which calls for the implementation of specific Species Conservation Action Programs (PACE) for a list of selected species (the vaquita being among the top five species on this list); and (3) urged members of IWC and the world community to support Mexico's efforts to prevent the extinction of the vaquita by reducing bycatch to zero in

the immediate future and assisting in providing financial resources and technical as well as socio-economic expertise.

While noting their well-known positions on the competency of IWC to address small cetaceans, Japan, Russian Federation, Iceland and Korea indicated that they would not block consensus on the proposed Resolution. Japan further reported that it had supported initiatives to try to prevent extinction of the baiji through the provision of funds and expertise. It considered that with respect to the baiji, attempts to prevent extinction had failed partly through differences of opinion on how to act (e.g. whether to pursue live capture or to maintain the species in the wild). Japan believed these differences had delayed action. It reported that it would continue to provide help to China with a view to saving the finless porpoise. The Russian Federation supported conservation measures for small cetaceans but believed they should be discussed in a different forum. Mali agreed. Iceland welcomed the very open manner in which the draft Resolution had been developed.

China agreed with the Scientific Committee's conclusions regarding the vaquita and supported the draft Resolution. Dominica also supported the draft Resolution but noted that the actions recommended will have severe implications for local fishermen. It hoped that these implications would be taken into account.

The Commission then adopted Resolution 2007-5 by consensus noting the comments of Japan, Russian Federation, Iceland, Korea and Mali (see Annex E)

## 15.2 Other activities

### 15.2.1 Report of the Scientific Committee

#### 15.2.1.1 STOCK DEFINITION

Of general concern to the assessment of any cetaceans is the question of stock definition. Examination of this concept in the context of management plays an important role in much of the Committee's work, whether in the context of the RMP, AWMP or general conservation and management. In recognition of this, the Committee has established a Working Group to review theoretical and practical aspects of the stock concept in a management context. The Committee has noted that it is important, in any application of stock structure methods, to examine the sensitivity of conclusions to different *a priori* decisions about the definition of initial units, and as to which population structure hypotheses to examine.

The Committee reviewed progress with the TOSSM project (Testing of Spatial Structure Models). The aim of TOSSM is to develop simulation tools that can be used to examine the performance of current and future genetic methods to investigate stock structure in a management context. Together with last year's work, the Committee has now seen five population genetics methods undergo exploratory testing under TOSSM. The broad plan is to move forward on three tasks. The first task is to increase the suite of methods tested. This entails identifying a 'champion' for each method who will take the lead in turning the method into a BSA (boundary setting algorithm). The second task is to take TOSSM beyond the exploratory-dataset phase into development of an initial set of performance trials, representing a common set of tests that any population genetic method being tested in TOSSM should undergo. The third task is to further develop the control program used to simulation-test a BSA. The

Committee identified a number of features requiring further development. In particular, further clarification of the documentation, including worked examples of BSA, is important to ensure the continued and expanded involvement of the non-IWC population genetics community.

#### 15.2.1.2 DNA TESTING

This item is discussed in response to Commission Resolution 1999-8<sup>31</sup>. The DNA working group first addressed questions related to genetic methods for species, stock and individual identification and made a number of recommendations on this topic. The Scientific Committee was also pleased to receive information on the collection and archiving of samples from the catches and bycatch for the DNA registers held by Norway, Japan and Iceland.

#### 15.2.1.3 WORKING METHODS

Two topics were discussed, i.e. the practice concerning working papers and the Data Availability Agreement.

In response to a request last year by Brazil, the Committee reviewed and summarised its present policy on working papers. The Committee noted that the primary purpose of working papers is to facilitate discussion in sub-committees, working groups and the Committee. Working papers can only be distributed when approved by the Scientific Committee Chair. There are three possible fates for working papers: (a) they are appended to the report or subsumed into the text of the report; (b) they are upgraded to the status of a full paper, given a document number and become available as part of the meeting record; or (c) they disappear – within this option is the possibility that the author(s) are requested to develop a full paper for the following year's meeting. The rationale for this latter option is that working papers are developed to facilitate discussion and debate. They are often produced in a hurry and there are a number of reasons why a particular author may not wish them to survive (e.g. they may contain errors or be produced in 'devil's advocate' fashion to stimulate debate). The Committee saw retention of this option as important as without it, members may be reluctant to write them which would only be to the detriment of the Committee's work. The Committee therefore recommended that there be no changes to the current policy.

The Data Availability Agreement (DAA) was developed some years ago and has succeeded in providing a stable framework for ensuring transparency while preserving the rights of data owners. Finding this balance was a difficult task and it remains a tribute to the Committee that it was adopted by consensus; there is no doubt that it represents a major advance in the Committee's working methods. However, the Committee recognised that any such document can benefit from periodic review in the light of experience gained since its inception. This year, for example saw the first *Implementation* completed under the new 'Requirements and Guidelines for RMP *Implementations* and *Implementation Reviews*' as well as the first AWMP *Implementation*. As a result, the Committee agreed that it is timely to review the DAA and to consider if, and if so where, it can benefit from clarifications or modifications whilst preserving its original philosophy. The review should also take into account practical considerations in terms of improving efficiency

<sup>31</sup>*Ann. Rep. Int. Whaling Comm.* 1999: 55.

and ensuring that mistakes or misunderstandings do not occur. The Data Agreement Group will begin work on the review intersessionally. The Committee also agreed to establish a small group to examine specific issues relevant to the AWMP and to consider whether there might be value in incorporating them into the Aboriginal Subsistence Whaling Scheme.

#### 15.2.1.4 LIST OF RECOGNISED CETACEAN SPECIES

The Committee recommended that the following three new species be added to its List of Recognised Species of Cetaceans: (1) the Omuras's whale, *Balaenoptera omurai* split out of the Bryde's whale; (2) the Australian snubfin dolphin *Orcaella heinsoni* split from the Irrawaddy dolphin *Orcaella brevirostris*; and (3) the marine form *Sotalia guianensis* split from the riverine form *Sotalia fluviatilis*.

#### 15.2.1.5 LONG-TERM ISSUES REGARDING SOWER CRUISES

A paper presented to the Committee introduced a new methodology to examine the precision that might be obtained from line transect surveys when covariate-based spatial models are used to analyse the data and when there is only one survey vessel available. Preliminary results suggested that an optimal survey design would continue to allocate more effort to the southernmost region of the survey area, and that a reduction in the proportion of Closing mode effort would improve precision in the abundance estimate. Tentatively, the authors of the paper considered that with an appropriate survey design and a spatial analysis, reasonably precise estimates of minke whale abundance could be achieved from SOWER surveys using only one vessel.

The Committee found these results encouraging, recommended that this investigation continue and that further work on the long-term future of the SOWER programme be discussed at the next planning meeting.

#### 15.2.2 Commission discussions and action arising

The Commission noted this part of the report and endorsed its recommendations.

### 15.3 Scientific Committee future work plan

#### 15.3.1 Report of the Scientific Committee

The Chair of the Scientific Committee described the work plan drawn up by the sub-committee Convenors, with the agreement of the Scientific Committee, after the close of the Committee meeting. The work plan takes account of: (1) priority items agreed by the Committee last year and endorsed by the Commission and, within them the highest priority items agreed by the Committee on the basis of sub-committee discussions; (2) general discussions in the full Committee on this item and in particular the need to reduce the Committee's workload; and (3) budget discussions in the full Committee.

#### 15.3.1.1 RMP

The highest priority will be to:

- (1) complete the audit of the survey data and agreeing abundance estimates for western North Pacific Bryde's whales;
- (2) start the *Implementation* process for North Atlantic fin whales (including holding an intersessional workshop);
- (3) review MSY rates and if appropriate suggest changes to the plausible range (in an RMP context), including holding an intersessional workshop;

- (4) complete the *Implementation Review* for North Atlantic common minke whales; and
- (5) develop an inventory of the new data available and review progress (in the spirit of a *pre-Implementation assessment*) for west Pacific common minke whales.

#### 15.3.1.2 AWMP

The highest priority will be to:

- (1) develop appropriate long-term management advice for the Greenlandic fisheries (including an intersessional Workshop) with the primary focus on:
  - (a) completing work on a sex-ratio based assessment of common minke whales off West Greenland;
  - (b) further consideration of the assessment of humpback whales off West Greenland; and
  - (c) beginning work on developing *SLAs* for Greenlandic fisheries with an initial focus on fin whales and noting the multispecies nature of Greenlandic fisheries;
- (2) further consider issues arising out of the *Implementation Review* with special reference to the Data Availability Agreement and the AWS;
- (3) further consider issues related to the provision of *ad hoc* interim advice, particularly with respect to timeframes; and
- (4) validate and amend computer programmes associated with *Implementations* and assessments.

#### 15.3.1.3 BOWHEAD, RIGHT AND GRAY WHALES

The highest priority will be to:

- (1) review new information on western North Pacific gray whales;
- (2) prepare for the *Implementation Review* of eastern North Pacific gray whales in 2009;
- (3) review stock structure and abundance for eastern Arctic bowhead whales; and
- (4) review new information on right whales.

The following will only be considered a priority item at the Commission's request:

- (5) perform the annual review of catch information for the B-C-B bowhead and eastern North Pacific gray whales.

#### 15.3.1.4 IN-DEPTH ASSESSMENT

The highest priority will be to:

- (1) produce agreed abundance estimates of Antarctic minke whales using SOWER<sup>32</sup> data;
- (2) review reasons for (possibly area specific differences) between Antarctic minke whale abundance estimates from CPII and CPIII; and
- (3) develop recommendations for future SOWER cruises, both for the short- and long-term.

The following will be discussed only if there is time and documentation available:

- (4) review catch-at-age analyses of the Antarctic minke whales.

<sup>32</sup>JARPA data will be considered in 2009.

**15.3.1.5 IN-DEPTH ASSESSMENT OF WESTERN NORTH PACIFIC COMMON MINKE WHALES WITH A FOCUS ON J-STOCK**

The following issues have high priority:

- (1) stock structure in the Sea of Japan:
  - (a) increase data available and update knowledge on stock structure; and
  - (b) investigate plausible hypotheses on stock structure for J-stock;
- (2) continued work on distribution and abundance:
  - (a) explore the possibility of surveys in unsurveyed areas;
  - (b) integrate abundance estimates with the assumption of  $g(0)=1$  in surveyed areas; and
  - (c) update  $g(0)$  estimates by taking covariates into account.

The following will be discussed only if there is time and documentation available:

- (3) work towards developing a standard CPUE series for population assessments.

**15.3.1.6 BYCATCH AND OTHER ANTHROPOGENIC REMOVALS**

The following issues have high priority:

- (1) estimating mortality from:
  - (a) bycatch;
  - (b) entanglement;
  - (c) ship strikes;
  - (d) marine debris;
  - (e) acoustic noise; and
- (2) data collection, collation and sharing (IWC and IGOs).

The following will be discussed only if there is time and documentation available:

- (3) bycatch in longline fisheries; and
- (4) progress towards a second Workshop on estimating bycatch through genetic market sampling.

**15.3.1.7 SOUTHERN HEMISPHERE WHALES OTHER THAN ANTARCTIC MINKE WHALES**

High priority will be given to:

- (1) the assessment of Southern Hemisphere humpback whales, Breeding Stocks B and C:
  - (a) abundance from populations B1 and C3 using photographic and genetic data;
  - (b) relationship between areas B1 and B2 and C1 and C3;
  - (c) estimate proportional representation of B and C stocks on the feeding grounds; and
  - (d) population assessment modelling.

The following will be discussed only if there is time and documentation available:

- (2) the continued assessment of Antarctic blue whales:
  - (a) results from contract study.

**15.3.1.8 ENVIRONMENTAL CONCERNS**

High priority will be given to:

- (1) planning the climate change Workshop (including reviewing report from scoping group);
- (2) planning for Phase II of POLLUTION 2000+ (including reviewing report from scoping group);

- (3) the report from the CERD (cetacean emerging and resurging diseases) working group; and
- (4) the SOCER report.

The following will be discussed only if there is time and documentation available:

- (5) anthropogenic noise and cetaceans; and
- (6) marine renewable energy and cetaceans.

**15.3.1.9 ECOSYSTEM MODELING (EE)**

High priority will be given to:

- (1) planning of the joint IWC/CCAMLR workshop on modelling Antarctic krill predators.

The following will be discussed only if there is time and documentation available:

- (2) review and update relevant models; and
- (3) review and update model parameters.

**15.3.1.10 STOCK DEFINITION**

High priority will be given to:

- (1) statistical and genetic issues relating to stock definition; including further discussion of DNA data quality; and
- (2) progress on TOSSM;

The following will be discussed only if there is time and documentation available:

- (3) criteria for unit-to-serve.

**15.3.1.11 WHALEWATCHING**

High priority will be given to:

- (1) reviewing the report of the workshop on strategic planning of large-scale whalewatching research;
- (2) developing methodology of and assessing the biological impacts of whalewatching on cetaceans;
- (3) reviewing whalewatching in South America; and
- (4) reviewing reports of intersessional Working Groups.

The following will be discussed only if there is time and documentation available:

- (5) considering information from platforms of opportunity of potential value to the Scientific Committee;
- (6) reviewing whalewatching guidelines and regulations; and
- (7) reviewing risks to cetaceans from collisions with whalewatching vessels.

**15.3.1.12 SMALL CETACEANS**

High priority will be given to:

- (1) reviewing conservation issues regarding small cetaceans in the southeast Pacific;
- (2) reviewing progress on previous recommendations; and
- (3) reviewing takes of small cetaceans.

**15.3.1.13 DNA**

High priority will be given to:

- (1) reviewing genetic methods for species, stock and individual identification;
- (2) conducting the first round of sequence validation and continue discussion of plans for sequence validation;
- (3) collecting and archiving of tissue samples from catches and bycatches; and
- (4) reference databases and standard for diagnostic DNA registries.

### 15.3.2 Commission discussions and action arising

Denmark repeated its statement made in association with its quota renewal (see section 5.4.3) that next year the Scientific Committee review its request for the aboriginal subsistence humpback whale quota for the Greenland hunt.

The Commission endorsed the programme recommended by the Scientific Committee, including Denmark's request.

### 15.4 Adoption of the Report

Before seeking adoption of the report, the Chair drew attention to the comments made by Japan to the draft agenda, i.e. that it intended to recommend that important findings of the Scientific Committee, including agreements on abundance estimates, be made available to the public through press releases issued by the Secretariat. Japan confirmed that it wished to proceed with this recommendation and offered to provide any help needed. The Secretary confirmed that this recommendation is in line with current practice. For some years, the Secretariat has posted short daily reports of the Annual Meeting on its website. It also updates the website based on the outcome of the Scientific Committee meeting, particularly in relation to stock abundance estimates.

The Commission adopted the Scientific Committee report and its recommendations, including the future work plan.

St. Lucia congratulated the Scientific Committee for the enormous amount of work it has done over the years, serving all Contracting Governments. Mexico also thanked the Scientific Committee, the Chair of the Committee and the Head of Science for their work. It requested that next year, the Scientific Committee consider ways in which the participation of experts from Latin America could be increased.

The Scientific Committee Chair thanked the Commission for supporting its recommendations and requests, particularly in relation to Resolution 2007-5 on the vaquita. He also thanked Greg Donovan for his hard work and congratulated the Chair on the way he had run the meeting.

## 16. CONSERVATION COMMITTEE

The Conservation Committee met on 22 May and was chaired by Hyun-Jin Park (Republic of Korea). Delegates from 28 Contracting Governments participated. A summary of the discussions is provided below. The full report is given in Annex F.

### 16.1 Report of the Conservation Committee

#### 16.1.1 Further consideration of Terms of Reference

The Chair had noted that Terms of Reference for the Committee had not yet been agreed and that some Contracting Governments continue to believe that there are some outstanding issues in relation to the establishment of the Committee that need to be resolved to enable all IWC members to participate. He invited comment from the meeting.

Having observed that approximately half the Commission were not present and that many countries found the basis of the Committee unacceptable, Iceland stressed that it was attending the meeting in good faith in a show of willingness to bridge gaps. When it saw no sign of a willingness to change the basis for the Committee was

forthcoming, it indicated that it would not take part in substantive discussions. It stressed that its silence should not be taken as acceptance of any further comment made or decisions reached and noted that no decisions of the Committee could be reported as being reached by consensus. Others however had felt that the Conservation Committee is an important and legitimate body and that its most useful role would be to focus on threats to whale populations other than whaling. After further discussion the Committee had agreed that addressing its Terms of Reference should be properly dealt with by the Commission.

#### 16.1.2 Conservation Agenda

##### 16.1.2.1 INVESTIGATION OF INEDIBLE 'STINKY' GRAY WHALES

The USA and Russian Federation had introduced papers regarding the on-going investigation of 'stinky' whales, including results from chemical and toxicological studies. Stinky whales (as indicated by a medicinal odour) had first been noted by hunters in the 1960s/70s but have been seen increasingly in recent years. Hunters estimate that up to 10% of the stock could comprise stinky whales. This phenomenon has also been noted in seals, walrus and cod, and in the eggs of murre. When meat from the 'stinky' whales is eaten, short-term medical problems such as numbing of oral cavities, skin rashes and stomach ache have been reported but no long-term effects have been detected.

The USA and Russian Federation reported that the reason for the odour remains unclear. One hypothesis is that the phenomenon is caused by the presence of ketones, aldehydes and alcohols resulting from a change of diet (arctic cod and unusually high amounts of algae have been reported as stomach contents of 'stinky' whales). Another is the presence of a specific bacteria, fungus and/or biotoxin. In the Committee, Mexico suggested that the first hypothesis could be discarded due to this phenomenon appearing in other marine mammals. It considered that the second hypothesis is the most likely and that it should be pursued through increased sampling. The USA confirmed that the phenomenon had not been recorded in the western North Pacific gray whale, but had in other marine mammals and fish. It reported that there is no information available to determine whether the 'stinky' whale condition is indicative of a negative population effect.

Due to the uncertainty over the issue, the Russian Federation requested that, as the stinky whales are inedible, consideration at next year's meeting be given to the need: (1) to define 'stinky' whales in the Schedule; and (2) for a proposal for how to account for stinky whales that are landed but inedible for the subsistence communities.

##### 16.1.2.2 SHIP STRIKES

The Second Progress report of the Ship Strikes Working Group (SSWG) was reviewed. The Chair of the SSWG informed the Committee that the group had met the day before to discuss its progress and to develop recommendations for future work. Recommendations were made in relation to the following five areas:

- (1) further co-operation with IMO;
- (2) continued development of an international database on ship strikes;
- (3) adoption of national and regional legislation, rules and action plans;

- (4) consideration of a multidisciplinary expert workshop on ship strike mitigation; and
- (5) recommendations to the Scientific Committee regarding histopathology and research on increased mortality caused by the whalewatching industry.

It was also recommended that the SSWG be asked to continue with its work. The Committee supported these recommendations. It also commended the SSWG report, in particular the progress on setting up a global ship strikes reporting database and cooperation with IMO.

National reports on ship strikes were submitted by the USA and Australia and outlines of mitigation measures in place were given by Spain and the Republic of Korea. Proposed and implemented mitigation methods ranged from the realignment of shipping lanes, restrictions on ship speed in key aggregation areas, hot spot avoidance areas and detection systems such as side scanning sonar. In addition, educational and formal training material had been produced and there were a number of broadcast warnings and ship strikes report systems put in place.

#### 16.1.2.3 OTHER ISSUES

The Committee discussed including 'the impact of climate change on cetaceans' as a future item on its Conservation Agenda. Noting that the Scientific Committee is planning a workshop on the issue, it was agreed that once the workshop is held, it would be useful for the Conservation Committee to consider what role it might play. There was also support for including on the Conservation Agenda: (1) work on the endangered eastern South Pacific right whale population; and (2) management of whalewatching. Written proposals were submitted on these two issues (see Appendices 5 and 6 of Annex F).

#### 16.1.3 Whale sanctuaries

##### 16.1.3.1 UPDATE ON WHALE PROTECTION MEASURES IN THE SOUTH PACIFIC

Australia introduced an information paper that drew attention to the whale protection measures already in place in the EEZs of some South Pacific countries and commended the development of a Memorandum of Understanding (MoU) in the region under the auspices of the Convention on Migratory Species (CMS). It reported that a proposal to create a South Atlantic Sanctuary would again be put forward at a future IWC meeting.

##### 16.1.3.2 OTHER

France reported on two of its initiatives, i.e. the marine mammal sanctuary in the French West Indies and the Pelagos Sanctuary in the Mediterranean. It stressed that the sanctuary in the French West Indies applies only to the EEZs of French territories but expressed the hope that it could be extended through the participation of other interested countries. The proposal would continue to remain under review. France noted that the Pelagos Sanctuary was established in 1999 and came into force in 2002 and is a joint venture of France, Monaco and Italy aimed at protecting marine mammals from disturbance from human activity.

#### 16.1.4 National reports on cetacean conservation

The Committee welcomed reports submitted by Australia, France, New Zealand, USA, Argentina, Italy, Brazil, UK and Mexico. Other countries were again encouraged to submit such reports to future meetings.

#### 16.1.5 Other

The Russian Federation introduced a paper on the study of sea ice conditions in the East Siberian, Chukchi, Bering and Beaufort Seas. The paper looked at the distribution of sea ice over the past hundred years and also at future projections. It was suggested that the area would continue to lose sea ice and experience an increase in sea temperature. The Russian Federation noted that this has a relevance to stinky gray whales and the fact that their feeding habitats, diets and distribution were already beginning to change. The Russian Federation expressed concern over the impact of this on aboriginal subsistence communities.

Two further issues were raised. Firstly, it was noted that the CMS will be developing a work programme in the coming year and it was proposed that the CMS Secretariat be invited to the Conservation Committee meeting at IWC/60 to present it. It was also suggested that a collaborative consultation process be developed between the two organisations. Secondly, it was noted that in a survey conducted in the framework of the State of the Cetacean Environment Report (SOCER), of almost 700 papers available, almost half dealt with environmental and conservation issues relevant to the Committee.

#### 16.2 Commission discussions and action arising

Because of time limitations, the Conservation Committee's report was not discussed in detail by the Commission. However, the Commission Chair noted the continued disagreement over the establishment and Terms of Reference of the Conservation Committee. He indicated that he would address this intersessionally and report back at next year's meeting.

### 17. CATCHES BY NON-MEMBER NATIONS

There were no contributions or discussions under this item.

### 18. INFRACTIONS, 2006 SEASON

The Infractions Sub-committee met on 24 May with delegates from 23 Contracting Governments. The Sub-committee's Chair, Bruno Mainini (Switzerland), summarised the group's discussions. The full report is given in Annex G.

As in previous years, despite differences of opinion as to whether the item concerning stockpiles of whale products and trade questions is within the scope of the Convention, the Sub-committee agreed that an exchange of views was useful.

The summary of catches by IWC member nations in the 2006 and 2006/2007 seasons is available as Annex H.

#### 18.1 Report of the Infractions Sub-committee

##### 18.1.1 Infractions reports from Contracting Governments REPORTS FOR 2006

Infractions reports were received from Denmark, the USA, the Russian Federation, St. Vincent and The Grenadines and the Republic of Korea. Norway and Iceland reported no infractions from their commercial whaling operations.

Denmark, the USA and the Republic of Korea reported infractions and details are given in Table 2, Appendix 3 of Annex G. Denmark reported four infractions: one concerning the hunting method, failure to report and a wasting of meat; two concerning the taking of prohibited species (i.e. one humpback whale and one sei whale); and

one concerning the taking of a fin whale from a prohibited stock. Investigations are ongoing. The USA reported the accidental killing of a bowhead whale calf. No penalty was imposed. The Republic of Korea reported two infractions. Two minke whales had been taken (on different occasions) without a quota, cut into pieces on board and the meat covertly conveyed to land. The meat and money from sales were confiscated, the licences of the fishing vessels involved were revoked or suspended and fines and prison sentences were imposed.

The USA also reported that a stranded humpback whale was taken in Kotlik village and that the matter is under investigation.

#### FOLLOW-UP ON EARLIER REPORTS

New Zealand noted the infractions reported by Denmark for which investigations are ongoing and also the 2005 case which was closed due to lack of information. Denmark confirmed that there had not been any convictions in cases of this sort in the past three or four years and that it is continuing to follow up all reported incidents.

Austria was pleased to learn that all the reports of infractions and aboriginal catches this year had been made using the revised forms which were introduced last year. It noted that all infractions from the previous two seasons had been resolved but that there may be some infractions from earlier years which remain open. Austria suggested that these be considered next year.

#### 18.1.2 Surveillance of whaling operations

The USA, the Russian Federation and St. Vincent and The Grenadines stated that 100% of their catches are under direct national inspection. Denmark (Greenland) stated that 2% of their catch was inspected under an international programme and in addition their catches are subjected to random checks.

#### 18.1.3 Checklist of information required or requested under section VI of the Schedule

The following information was provided.

**Denmark:** Information on date, species, length, sex and the length and sex of any foetus if present is collected for between 80-100% of the catch, depending on the item. The position of each whale killed is collected for 59% of the catch and the name of the area where whales are hunted is reported for most of the remainder. Information on killing methods and struck and lost animals are also collected.

**USA:** Information on date, species, position, length, sex, the length and sex of any foetus if present, killing method and number of struck and lost is collected for 100% of the catch. Biological samples are collected for about 67% of animals.

**Russian Federation:** Information on date, time, species, position, length, sex, the length and sex of any foetus if present, killing method and numbers struck and lost is collected for 100% of the catch.

**St. Vincent and The Grenadines:** Information on date, time, species, position, length and sex is collected for 100% of the catch. Biological samples are also collected.

**Norway and Iceland:** the required information was submitted to the Secretariat as noted in the Scientific Committee report<sup>33</sup>.

#### 18.1.4 Submission of national laws and regulations

A summary of national legislation supplied to the Commission was prepared by the Secretariat (see Annex G). New information had been provided in the past year by Japan. Denmark and Australia reported on new legislation in their countries which they will provide to the Secretariat.

Japan clarified that the legislation it had provided was not new and had been discussed previously by the Subcommittee. It included a general prohibition on catching of whales and also specified how to handle whales by-caught in set nets and stranded or drifted whales.

#### 18.1.5 Other matters

The Secretariat had received no reports from Contracting Governments on availability, sources and trade in whale products and no comments were made during the meeting.

### 18.2 Commission discussions and action arising

The Commission took note of and adopted the Subcommittee's report. There was no discussion.

## 19. ADMINISTRATIVE MATTERS

Agenda items 19 to 22 covering administrative and financial matters were considered first by the Finance and Administration (F&A) Committee that met on 24 May under the chairmanship of Anthony Liverpool (Antigua and Barbuda). Delegates from 35 Contracting Governments attended the meeting. The F&A Committee report is included as Annex I.

### 19.1 Annual Meeting arrangements and procedures

#### 19.1.1 Need for a Technical Committee

The Technical Committee (TC) has not met since IWC/51 in 1999. However, the F&A Committee recommended that the need for the TC be kept under review and remain on the agenda since it may have a role to play if and when the RMS is completed and catch limits set. The Commission agreed.

#### 19.1.2 Use of languages other than English

##### 19.1.2.1 REPORT OF THE F&A COMMITTEE

The Secretariat had introduced a document developed in response to Resolution 2006-3 on 'French and Spanish as Working Languages of the Commission' that *inter alia*:

- (1) considered the current situation and Rules of Procedure regarding use of languages at IWC;
- (2) reviewed the practice of 11 intergovernmental organisations regarding official and working languages;
- (3) sought clarification about the Commission's intention in introducing French and Spanish as working languages;
- (4) presented four options and associated cost estimates for the implementation of Resolution 2006-3 (see Tables 1 and 2 of Annex I; and
- (5) considered the time-frame in which the options could be introduced and identified some implications of taking this approach.

The Secretariat had also drawn attention to some of the implications of introducing French and Spanish as working languages. These included: costs; the need not to hinder the ability of the Secretariat to deal expeditiously with Contracting Governments; the possible future need to have linguistic expertise at the Secretariat; the need to respect

<sup>33</sup>J. Cetacean Res. Manage. (Suppl.) 10 (2008).



document submission deadlines; and the status of translations.

A variety of views were expressed within the F&A Committee regarding the need to introduce further working languages and how this might be done. Some believed that any move to increase the provision for more languages should be delayed until the future of the organisation was more settled. Several countries supported Option 4 (i.e. equal use of English, French and Spanish) as the ultimate objective but were prepared to take a phased approach to achieving this. Others wished to take a cautious approach given the implications, particularly financial, to the IWC's budget, but were prepared to introduce Option 1 for next year. Option 1 would provide: (1) simultaneous interpretation for French and Spanish during the Commission plenary and private meetings of Commissioners; and (2) translation into French and Spanish of the Chair's Summary Report of the previous Commission plenary meeting, the Annotated Provisional Agenda, summaries of the reports of the Scientific Committee and the Commission's other sub-groups and proposed Schedule amendments and Resolutions.

However, after extensive discussions the F&A Committee recommended to the Commission that: (1) Option 1 be adopted and implemented for IWC/60 next year; and (2) that the Secretariat report to the Commission in 2009 on experiences with this option. At that point the Commission could decide on next steps and further broadening as appropriate of the use of French and Spanish. The Secretariat noted that budgetary provision had been made in the proposed 2007-2008 budget that should cover the implementation of Option 1. The F&A Committee also agreed that a revision to the Rules of Procedure was not yet needed.

#### 19.1.2.2 COMMISSION DISCUSSIONS AND ACTION ARISING

France congratulated the Secretariat for the quality of the documents it had produced and noted that the contribution made by French-speaking countries had been enhanced owing to the availability of simultaneous interpretation and the translation of summaries of some documents. It saw this as an important step forward for the Commission. It recognised that while broad consensus could be achieved on the implementation of Option 1, at least in the short-term, it believed it important to continue the impetus in the introduction of new working languages into the Commission and that perhaps an amendment to the Rules of Procedure could already be countenanced. France reported that prior to the Annual Meeting it had met with representatives of the French media, who claimed to have no knowledge of IWC's website. It therefore considered that a phased-in translation of the website should be pursued and suggested that an email working group be established to develop ideas on how this might be done.

While it saw Option 4 as the long-term objective, Dominica endorsed the recommendations of the F&A Committee and associated itself with the remarks of France. Mali also associated itself with the remarks of France and suggested that the translation of the principal documents of the Commission, such as the Convention and Schedule, should be translated into French and Spanish. Spain supported the F&A Committee recommendations and thanked the Secretariat for the way in which it had implemented last year's recommendations. It found that the availability of interpretation had allowed it to make its points more readily and to follow the discussions more

easily. It complimented the interpreters on their work. Spain supported France regarding a phased-in approach to translation of the Commission's website. Mexico made similar remarks. Monaco supported the comments made by France, suggesting that introduction of French and Spanish as working languages be continued but in a prudent manner. Senegal associated itself with the remarks of France, Mali and Monaco and thanked France and Monaco for their voluntary contributions. Argentina also associated itself with France and noted that it would be willing to join an email working group. It supported the recommendations of the F&A Committee but suggested that consideration be given to providing similar facilities for intersessional meetings. The Republic of Guinea was very pleased with the changes introduced and encouraged the Commission to continue with work in this area. It thanked all those that had already contributed. The Republic of Guinea supported the F&A Committee recommendations and expressed the hope that as of the 2009 Annual Meeting, the use of French and Spanish would be on an equal footing with that of English. It too supported the creation of the email working group to consider approaches to translation of the website. The USA was comfortable with the F&A Committee's recommendations, believing that the increase in number of Contracting Governments allows an increase in the budget set aside for interpretation/translation. It looked forward to joining the email working group. The USA noted the 60-day notice period for making changes to the Rules of Procedure and suggested that this be addressed at a future meeting. Sweden noted the usefulness for others of the provision of simultaneous interpretation and supported France's proposal regarding translation of the website. Morocco noted that the dialogue during the meeting had improved and supported the remarks of France, as did Greece. Finally Denmark noted that it could accept the implementation of Option 1, but stressed that it should be viewed as a concession.

Given the comments made, the Chair noted that the Commission: (1) endorsed the F&A Committee's recommendations on the use of other languages; and (2) agreed to establish an email working group to consider approaches to the translation of the Commission's website. With respect to the latter, the Chair noted that the Secretariat would send out a Circular Communication requesting Contracting Governments to indicate their interest in joining an email working group.

#### 19.1.3 Frequency of meetings

This was first discussed during a Special Session of the Committee on 23 May. At that session the Secretariat had presented the following four options for consideration regarding the frequency and duration of meetings of the Commission and its subsidiary bodies:

- (1) the *status quo*, i.e. annual meetings of the Scientific Committee, Commission sub-groups and Commission;
- (2) annual meetings of the Commission and its subsidiary bodies, but a reduction in the overall length of the meeting series;
- (3) annual meetings of the Scientific Committee, but biennial meetings of the Commission and its other sub-groups; and
- (4) biennial meetings of the Commission, Scientific Committee and other sub-groups.

The Secretariat had noted that a further 'option' would be, given the present uncertainty about the organisation, for the

Commission to agree that it is premature to make a decision and to retain the *status quo* for the present.

During the Special Session there was clearly no consensus on how to proceed, with some countries favouring retention of the *status quo* and others supporting a move to biennial meetings of the Commission and its sub-groups (excepting the Scientific Committee) as soon as practicable. There were no further remarks during the Committee's meeting on 24 May and it was agreed to raise the issue in the private meeting of Commissioners on Sunday 27 May rather than bringing the matter directly to the plenary. The matter was not resolved despite further brief discussions during the private meeting of Commissioners and during the plenary. The Commission therefore agreed to retain this item on the agenda of future meetings. The Chair noted that consideration of meeting frequency should be included in discussions on the future of the organisation.

### 19.2 NGO participation and accreditation

Last year, while a number of countries indicated that they considered it is time to change the criteria/conditions for NGO accreditation, the F&A Committee was unable to reach agreement on any revisions to current procedures. However, it agreed to Australia's suggestion that it work with a small group of countries to develop a specific proposal for consideration by the Commission in plenary (i.e. IWC/58/24). Because of time constraints, the document was not reviewed at IWC/58 and the Commission agreed that the paper be addressed by the F&A Committee in Anchorage.

At the Committee's meeting in Anchorage, a range of views were expressed and recommendations made regarding the proposals contained in last year's document. A small working group comprising Australia (as convenor), the USA, the Netherlands, Japan and New Zealand was established to review and revise as necessary the proposals in IWC/58/24 and to submit a proposal to plenary as appropriate.

The recommendations from the small group were adopted by the Commission. These included endorsement of the following revisions to the Rule of Procedure C.1 as it relates to non-governmental organisation observers:

#### C. Observers

1. (a) Any Government not a party to the Convention or any intergovernmental organisation may be represented at meetings of the Commission by an observer or observers, if such non-party government or intergovernmental organisation has previously attended any meeting of the Commission, or if it submits its request in writing to the Commission 60 days prior to the start of the meeting, or if the Commission issues an invitation to attend.
- ~~(b) Any international organisation with offices in more than three countries may be represented at meetings of the Commission by an observer.~~
  - ~~→ if such international organisation has previously attended any meeting of the Commission,~~
  - ~~or~~
  - ~~→ if it submits its request in writing to the Commission 60 days prior to the start of the meeting and the Commission issues an invitation with respect to such request.~~

*Any non-governmental organisation which expresses an interest in matters covered by the Convention may be accredited as an observer. Requests for accreditation must be submitted in writing to the Commission 60 days prior to the start of the meeting and the Commission may issue an invitation with respect to such request. Such submissions shall include the standard application*

*form for non-governmental organisations which will be provided by the Secretariat. These applications shall remain available for review by Contracting Governments.*

~~Once an international organisation is accredited, it remains a non-governmental organisation has been accredited through the application process above, it will remain accredited until the Commission decides otherwise.~~

*Observers from each non-governmental organisation will be allowed seating in the meeting. However, seating limitations may require that the number of observers from each non-governmental organisation be limited. The Secretariat will notify accredited non-governmental organisations of any seating limitations in advance of the meeting.*

- (c) The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of observers accredited in accordance with Rule C.1.(a) and (b). The registration fee will be treated as an annual fee covering attendance at the Annual Meeting to which it relates and any other meeting of the Commission or its subsidiary groups as provided in Rule C.2 in the interval before the next Annual Meeting.

The Commission also agreed: that a fee per individual observer (which is income neutral to the IWC) should apply to non-governmental organisations; that the Secretariat should inform all currently-accredited non-governmental organisations of this decision within ninety days of the meeting, including a request to submit the standard Observer Application Form<sup>34</sup> prior to the start of the next Annual Meeting of the IWC; that currently accredited non-governmental organisations that do not provide the standard Observer Application Form to the Secretariat before the start of the next Annual Meeting, shall be removed from the list of accredited observers, noting that such removal is without prejudice to such non-governmental organisations receiving accreditation in future years; to review the effectiveness of the new Rules of Procedure after a two-year operating trial (i.e. at IWC/62).

### 19.3 Legal advice in relation to the IWC

This issue has been on the Commission's agenda since the 5<sup>th</sup> Special Meeting of the Commission in Cambridge in October 2002 with a view to how the IWC should deal with future legal issues it may face. As last year, no further work had been done intersessionally.

Although a number of countries attending the F&A Committee meeting considered this to be an important issue, they considered that the Commission is not in a position at present to advance the issue but that perhaps it could be revisited in future. It therefore recommended to the Commission that this item be removed from the agenda, noting that it could be re-introduced at some future time as appropriate. The Commission agreed.

### 19.4 Amendments to the Rules of Procedure and Financial Regulations

Japan had proposed an addition to the Rules of Debate as follows: '*A.5. Slanderous verbal statements and/or slanderous language in Resolutions is prohibited.*' In the F&A Committee, Japan had noted that its goal was not to revise the Rules of Procedure but rather to have Commission discussions conducted in a more polite and diplomatic fashion. If this could be achieved without

<sup>34</sup>The Commission also adopted the Observer Application Form proposed by the small group. This requests that in addition to contact details, each NGO provides a statement of its interest in IWC and its mission statement or charter.

revising the Rules of Debate, Japan indicated that it would not insist on its revision. These remarks were endorsed by others. New Zealand noted that rather than use the term slander, it would be more appropriate to make the declaration that *'the use of provocative, offensive and un-diplomatic language shall be avoided in the proceedings of the Commission'*. It did not believe that this needed to be reflected in a Rule of Debate, but rather applied as a rule of general practice. Japan indicated that it would agree with the general statement made by New Zealand and wished it to be recorded in the Committee's report which could then be endorsed by the Commission. The F&A Committee and the Commission agreed.

The UK had proposed an amendment to the Commission Rule of Procedure Q.2<sup>35</sup> that would have the effect of removing the possibility for documents submitted to the Scientific Committee to be designated as restricted (i.e. confidential). It noted that in the past there had been difficulties dealing with documents submitted to the Scientific Committee as confidential and the UK believed that removing this possibility would be in the interest of transparency and public debate. In the F&A Committee, Japan and Denmark expressed concern with the proposal, believing that some documents are politically sensitive and need to be handled with more care than others. They were concerned that the objectivity of the Scientific Committee may be influenced if such documents were publicly available in advance of a meeting. Brazil understood these concerns but believed that the confidentiality rules did not allow for governments to consult with scientists who are not members of the Scientific Committee thus discriminating against developing countries with small delegations. A number of delegations noted that it was their understanding that the confidentiality rules allow governments to consult with experts at their discretion and the Committee agreed that it would be useful to have this practice clarified. The Commission subsequently adopted the following footnote, proposed by the Secretariat, to the first sentence of Rule of Procedure Q.2: *This does not prevent Contracting Governments from consulting as they see fit on such documents providing confidentiality is maintained as described in Rule of Procedure Q.1.*

### 19.5 Website

During the F&A Committee meeting, Japan drew attention to a recommendation arising from the Conference on Normalising the IWC, held under its auspices in Tokyo in February 2007, that the Secretariat might consider establishing links from the Commission's website ([www.iwcoffice.org](http://www.iwcoffice.org)) to websites of Contracting Governments where governments express their views and positions on IWC matters. The aim would be to make the views and positions of Contracting Governments equally available to the public. The Committee found Japan's proposal of interest and asked the Secretariat to develop a short paper for plenary that addressed the practical arrangements and implications, including cost, of establishing these links.

<sup>35</sup>Rule of Procedure Q.2 reads: 'Any document submitted to the Commission for distribution to Commissioners, Contracting Governments or members of the Scientific Committee is considered to be in the public domain unless it is designated by the author or government submitting it to be restricted. Such restriction is automatically lifted when the report of the meeting to which it is submitted becomes publicly available under 1. above.'

In its paper submitted to plenary, the Secretariat noted that amending the Commission's website and creating links to websites of Contracting Governments would not present any difficulties, would not be time-consuming and would have no cost implications given that a member of staff already has responsibility for management and updating of the website. The Secretariat proposed to establish the links via the existing Member Government page on IWC's website. Links to the websites of Contracting Governments would be made via the Country name on that page. With regard to the content of Government's websites, the Secretariat suggested that the current IWC disclaimer regarding links to external websites should be appropriate.

The Commission agreed that such links be created. The Secretariat will request appropriate URLs from Contracting Governments by Circular Communication.

## 20. SECRETARIAT OFFICES

### 20.1 Report from the F&A Committee

The issue of Secretariat offices has been discussed for some time. Last year, at the request of the Commission, a questionnaire prepared by the Secretariat and Advisory Committee was circulated inviting interested governments to identify what they would be prepared to offer to host the Secretariat in their country. Two expressions of interest were received, one from Switzerland and another from Germany.

The F&A Committee thanked Switzerland and Germany for the considerable effort they made in preparing their offers and acknowledged that both would be excellent hosts for the Secretariat. However, recognising the competence of the Secretariat staff, concern was expressed that relocation of the Secretariat away from Cambridge may result in loss of expertise which would be regrettable. The view was taken that discussions on this topic had already been going for a long time, that further delay would be bad for staff morale and that the deadline for the expiry of the current lease in March 2009 was too close to delay matters further. The F&A Committee agreed to recommend to the Commission that the matter of Secretariat relocation away from the Cambridge area is closed for the time being and that it should only be re-opened if a positive decision to do so was taken at some point in the future.

### 20.2 Commission discussions and action arising

Discussions were re-opened in the Commission where some Contracting Governments expressed the view that a detailed comparison of the offers from Switzerland and Germany and existing conditions in the UK should be done before making any sort of decision.

Monaco regretted that it had not been able to attend the F&A Committee meeting but felt that this issue is too important to be dealt with in a brief manner. It asked whether the UK government would be able to make comparable arrangements to those proposed by Switzerland and Germany and believed that purchase of a property in the UK for the Secretariat should not be done prior to proper consideration of all options available for the location of the Secretariat. France, Mali, Belgium, Austria, Luxembourg, Sweden and the Czech Republic supported

the comments made by Monaco. Germany and Switzerland reconfirmed their offers to host the Secretariat. Switzerland believed that it should at least have the opportunity to describe its offer to the Commission in plenary.

Dominica was perplexed at these latest remarks given the discussions in the F&A Committee where it was felt that relocation of the Secretariat did not appear to be sensible given the difficulties of having to replace Secretariat staff and the finances that would be required. It understood the outcome of the F&A Committee discussions to have been clear and that both Germany and Switzerland had agreed with the outcome. Dominica hoped that discussions could be refocused on the F&A Committee recommendation. The USA, Japan, Mexico, Italy and Denmark agreed with these remarks. Japan noted that the Secretariat had provided information on the implications of a relocation of the Secretariat and that the F&A Committee discussed the issue on this basis. Denmark believed that relocation of the Secretariat would have human as well as economic costs and doubted that such a move would be of economic, scientific or professional benefit to the organisation.

In replying to Monaco, the UK reported that it would not amend the current Head Quarters Agreement. While it would not oppose the relocation of the Secretariat if this is the wish of the Commission, it believed that this would result in the loss of expertise. Greece associated itself with these remarks.

Noting that there appeared to be no agreement on the matter, the Chair proposed that the only recourse would be to put the F&A Committee recommendation to a vote. In response Switzerland indicated its appreciation of support from various countries, but stressed that it did not wish to have a dispute by voting on the F&A Committee recommendation. Monaco did not believe a vote was necessary but that a detailed comparison of the different offers should be prepared. Dominica stressed that the issue came about not because of a problem of the Secretariat being located in the UK but rather as to whether or not the Commission wanted to renew the lease on the current Secretariat offices or to purchase its own offices. Mali requested that the UK make a proposal and expressed opposition to the purchase of offices in the UK.

The UK noted that the Secretariat does derive some benefit from its location in the UK (e.g. it is not subject to Value Added Tax and Secretariat staff are subject to internal rather than UK taxation) but feared that given the discussions there was no alternative but to vote on the F&A Committee recommendations. The Chair agreed. However, Switzerland, did not believe that going to a vote would be in the best interest of IWC. It further noted that it would not participate in any vote on this matter and therefore withdrew its offer to host the Secretariat in Geneva. Germany also indicated that it did not wish the F&A Committee recommendation to be voted upon.

The Chair concluded that the Commission endorsed the F&A Committee recommendation that the matter of Secretariat relocation away from the Cambridge area is closed for the time being and that it should only be re-opened if a positive decision to do so was taken at some point in the future. He noted with appreciation the attitude of Switzerland and Germany in helping to resolve the matter.

## 21. FORMULA FOR CALCULATING CONTRIBUTIONS

### 21.1 Report of the F&A Committee

Recognising the potential implications for any revised contributions formula of work on the RMS, the work of the Contributions Task Force (CTF) had been put on hold until these implications could be assessed. At IWC/57 in 2005, the Commission agreed to resume work on the contributions formula by holding a Task Force meeting at IWC/58. Despite the Commission agreeing to inter-sessional work of the CTF after IWC/58 it had not been possible to schedule any meetings. The F&A Committee Chair therefore questioned whether governments believed that the Interim Measure<sup>36</sup>, adopted at IWC/54 in Shimonoseki in 2002 and currently in place, could be improved upon. There were no proposals to resume the work of the CTF, but two issues relating to how financial contributions are currently calculated were raised.

#### 21.1.1 Allocation of countries into capacity-to-pay groups

A statement was made by Spain concerning the working of the Interim Measure and the effect on Spain's Financial Contribution for 2007-2008. It noted that in 2002 and subsequent years, it was included in capacity-to-pay Group 3. It further noted that, according to new data released by the World Bank in April 2007 and only very recently communicated to Spain by the Secretariat, Spain now has a GNI of US\$1,095 million, thus placing Spain into Group 4. This would have the effect of more-or-less doubling its contribution. Spain considered the move from the Group 3 country band to the Group 4 country band to be unfair for a number of reasons including: (1) that the short notice given to Spain regarding its reclassification creates major difficulties as there was no opportunity for the Spanish Government to plan for such a sudden increase in Financial Contributions; and (2) that while inflation has been allowed for in the IWC budgets it has not been taken into account in the cut-off points defining capacity-to-pay groups within the Interim Measure. Spain stressed that it was not challenging the Interim Measure or criteria within it, but the unfair situation imposed by the lack of adjustment of cut-off points between capacity-to-pay groups.

The Czech Republic who, along with Hungary, had been reclassified from Group 2 to a Group 3 country expressed similar concerns as Spain regarding the short notice given of these changes. Like Spain, its financial contribution was set to double. There was general sympathy expressed regarding the reclassification of these countries and broad support was given for a review of the cut-off points. However, it was felt that appropriate rules needed to be developed to ensure that the Interim Measure remained fair for all countries. The F&A Committee therefore recommended to the Commission that the Secretariat be asked to review the cut-off points defining capacity-to-pay

<sup>36</sup>The Interim Measure takes account of: (1) membership; (2) whaling activities; (3) the size of delegations to the Commission's Annual Meeting; and (4) a country's capacity to pay. Contracting Governments are allocated into one of four 'capacity-to-pay' groups depending on their GNI and GNI per capita as follows: Group 1 – countries with GNI <US\$10,000,000,000 and GNI/capita <US\$10,000; Group 2 – countries with GNI >US\$10,000,000,000 and GNI/capita <US\$10,000; Group 3 – countries with GNI <US\$1,000,000,000,000 and GNI/capita >US\$10,000; Group 4 – countries with GNI >US\$1,000,000,000,000 and GNI/capita >US\$10,000.

groups and to report back at IWC/60 with recommendations for how they may be changed.

### 21.1.2 Assessment of meeting attendance shares for host governments

Brazil noted that in preparation for and hosting an Annual Meeting, governments find it helpful to have larger delegations. This has financial implications if a government that usually has a small delegation of 3 or less increases the size of its delegation. It therefore proposed that a host government (regardless into which capacity-to-pay group it is allocated) be allowed to have up to 6 delegates for the cost of 1 share (currently a delegation of 3 attracts 1 share, a delegation of 4-7 attracts 2 shares) at the meeting before the one it hosts and at the one it hosts. Brazil agreed to work with Chile and the Secretariat to develop a proposal that would be submitted to the plenary.

## 21.2 Commission discussions and action arising

### 21.2.1 Allocation of countries into capacity-to-pay groups

In the Commission, Spain made the following two proposals:

- (1) considering the F&A Committee recommendation that the Secretariat be asked to update the cut-off points defining capacity-to-pay groups and report back next year, it proposed that updating of cut-off points is done periodically from then on; and
- (2) that Contracting Governments be allocated to capacity-to-pay groups using the World Bank data on GNI and GNI per capita available on 31 December of the previous year. It further proposed that if adopted by the Commission, this proposal would take effect for the calculation of financial contributions for 2007-2008.

The Commission adopted the first proposal by consensus. There was some discussion on what the interval should be between reviews of the criteria defining the capacity-to-pay groups and it was agreed to consider this next year.

Regarding the second proposal, the Czech Republic, Hungary, Monaco, Côte d'Ivoire and Argentina spoke in support. Monaco believed it was normal practice to provide sufficient time for governments to allow sufficient budgetary provision. Côte d'Ivoire agreed and re-iterated its view that the contributions of Côte d'Ivoire should be reviewed given the problems it faced. The UK considered that the most up-to-date World Bank data should be used to allocate countries into capacity-to-pay groups. It believed that a change would be unfair to those governments that have faced this situation in the past and noted that account should be taken not only of countries whose incomes have increased but also those that have decreased. The UK believed that it was premature to take a decision. Dominica agreed. The proposal was then adopted noting the comments of the UK and Dominica.

### 21.2.2 Assessment of meeting attendance shares for host governments

Brazil and Chile reminded the Commission that the annual financial contribution paid by Contracting Governments currently takes account of the size of delegations to the Commission's Annual Meeting in the following way:

Size of delegation at Plenary Commission meeting	Number of shares assigned
1-3 delegates	1 share
4-7 delegates	2 shares
8-13 delegates	3 shares
14-22 delegates	4 shares
23+ delegates	5 shares

They noted that meeting attendance is based on the number of delegates attending the Annual Meeting immediately preceding the financial year for which contributions are to be calculated. Interpreters are not included in delegations for the purposes of calculating contributions. At the 54<sup>th</sup> Annual Meeting in 2002, the Commission agreed that, for the purposes of calculating financial contributions the size of the delegation of a host country (at the meeting it hosts) should be assessed using an average of its delegation size over the previous three years.

Referring to the concerns expressed in the F&A Committee meeting, Brazil and Chile proposed that for the purposes of calculating financial contributions in future, a host government be allowed to have up to six delegates for the cost of 1 share at: (a) the meeting before the one it hosts; and (b) at the meeting that it hosts. This would apply to all host governments, regardless of the capacity-to-pay group in which a host government is placed. The number of 'shares' for a host government would therefore be calculated as follows:

Size of delegation of host country (1) the year before it hosts an Annual Meeting and (2) the year it hosts an Annual Meeting	Number of shares assigned
1-6 delegates	1 share
7-10 delegates	2 shares
11-16 delegates	3 shares
17-25 delegates	4 shares
26+ delegates	5 shares

Brazil and Chile proposed that this system replace that agreed at IWC/54. They noted that the Secretariat had advised that the impact on the financial contributions of other Contracting Governments would be minimal.

The Commission agreed to the proposal by consensus.

## 22. FINANCIAL STATEMENTS AND BUDGETS

The F&A Committee had received the report of the Budgetary Sub-committee that had worked interessionally and had met during IWC/59 with Joji Morishita (Japan) as Chair. The Budgetary Sub-committee had reviewed the provisional financial statement for 2006/2007 and the proposed budgets for 2007/2008 and 2008/2009.

### 22.1 Review of the Provisional Financial Statement, 2006/2007

At the recommendation of the F&A Committee, the Commission approved the Provisional Financial Statements subject to audit.

### 22.2 Consideration of estimated budgets, 2007/2008 and 2008/2009

As recommended by the F&A Committee, the Commission:

- (1) adopted the proposed budget for the 2007/2008 financial year (Annex J) and the provision for research expenditure (Annex K);
- (2) agreed that for the 2008 Annual Meeting the media fee be set at £50; and
- (3) noted the forecast budget for 2008/2009 (Annex J).

NGO fees are yet to be decided given the change in the basis for their calculation (see section 19.2). The understanding, however, is that the changes should be income-neutral for the IWC. The registration fee for non-member governments and intergovernmental organisations remains unchanged at £800 per individual.

### **23. ADOPTION OF THE REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE**

The Commission adopted the report of the F&A Committee, and thanked Mr Liverpool for his chairmanship.

### **24. DATE AND PLACE OF ANNUAL AND INTERSESSIONAL MEETINGS**

#### **24.1 60<sup>th</sup> Annual Meeting, 2008**

Chile reported that IWC/60 will be held at the Sheraton Hotel in Santiago. It looked forward to welcoming delegates and observers next year.

The Secretary introduced a provisional schedule for the meeting. The Commission agreed with the timing proposed, i.e. that the Scientific Committee meet from Sunday 1 to Friday 13 June (with pre-meetings in the period 30-31 May), the Commission sub-groups in the period from 16-20 June, and the Commission from Monday 23 to Friday 27 June.

#### **24.2 61<sup>st</sup> Annual Meeting, 2009**

At last year's meeting, the Commission had noted offers from Portugal and Japan to host IWC/61 in 2009<sup>37</sup>.

Japan announced with regret that it was withdrawing its offer to host IWC/61 in Yokohama City. While noting that hosting the Annual Meeting would have been an honour for the people of Yokohama, particularly in the year commemorating the 150<sup>th</sup> year of the port of Yokohama, it believed that this would be inappropriate at a time when Japan believes that IWC is not fulfilling its mandate as a resource management organisation. It extended its best wishes to Portugal and the island of Madeira.

The Commission was therefore pleased to accept the invitation from Portugal for the 61<sup>st</sup> Annual Meeting in 2009 to be held in Madeira. Portugal noted that it would work hard to provide a good meeting. The Secretariat will work with Portugal to determine the venue and timing for the meeting.

Brazil suggested that the Commission seek a way to receive and accept proposals in future that would not put it in a situation of having to choose between offers for the

same meeting. The Chair agreed to work with the Advisory Committee and Secretary of this issue and to report back next year.

### **25. ADVISORY COMMITTEE**

The Commissioner from Chile was elected onto the Advisory Committee for two years to replace the Commissioner for the UK. He joins the Chair (USA), the Vice-Chair (Japan), the Chair of the Finance and Administration Committee (Antigua and Barbuda) and the Commissioner for Cameroon.

### **26. SUMMARY OF DECISIONS AND REQUIRED ACTIONS**

The Chair noted that the Secretariat had posted reports on the IWC website at the end of each day of the plenary.

A summary of decisions and actions required is provided at the beginning of this report.

### **27. OTHER MATTERS**

The Chair extended his thanks to all delegates and observers, to the Secretariat for its support throughout the meeting, to all those involved in providing security, to the staff of Visions (engaged by the USA Government as the event organiser), to the Hotel Captain Cook who had gone out of its way to accommodate the meeting, and to the interpreters. He also thanked Doug DeMaster for acting as USA Commissioner throughout the meeting and Cheri McCarty (USA) for her support during the year. The Chair noted that he is concerned about the future of IWC and reminded the meeting that when he was appointed last year, he noted that one of his aims was to try to find a solution to the organisation's problems. He noted that since IWC/58, he had travelled many miles learning about IWC and had talked to representatives in many member countries. He noted a need to learn more about regional aspects and issues and promised to try to meet with those countries he had not yet visited in the course of the next year. While he believed that IWC/59 had experienced its ups and downs, he did sense a different attitude to discussions emerging. He considered that this provided hope for finding a way forward for IWC.

On behalf of the Latin American countries, Costa Rica thanked the Chair and the Secretariat for the excellent and effective conduct of the meeting. It noted its appreciation of the work of all of the Commission's sub-groups and thanked the people of Alaska and the City of Anchorage for their hospitality.

The meeting was closed at 17.00 on Thursday 31 May 2007.

### **28. AMENDMENTS TO THE SCHEDULE**

The amendments to the Schedule adopted at the meeting are provided in Annex L.

<sup>37</sup>Portugal first indicated its interest in hosting IWC/61 at IWC/57 in 2005.

## Annex A

### Delegates and Observers Attending the 59<sup>th</sup> Annual Meeting

(C) Commissioner; (AC) Alternate Commissioner; (I) Interpreter; (S) Support staff; (Alt) Alternate Observer

#### Antigua and Barbuda

Anthony Liverpool (C)  
Joanne Massiah (AC)

#### Argentina

Eduardo Iglesias (C)  
Javier Figueroa (AC)  
Miguel Iñiguez (AC)

#### Australia

Donna Petrachenko (C)  
Malcolm Turnbull (AC)  
Zena Armstrong (AC)  
Andrew McNee (AC)  
Lesley Gidding (AC)  
Steve Kennedy  
John Quinn  
Pam Eiser (S)  
Mick McIntyre (S)  
Helen Georgopolous (S)  
Philip Burgess (S)  
Dale Starr (S)

#### Austria

Andrea Nouak (C)  
Michael Stachowitsch (AC)  
Gerald Dick (S)  
Antje Helms (S)

#### Belgium

Alexandre de Lichtervelde (C)  
Koen Van Waerebeek (AC)

#### Belize

Beverly Wade (C)

#### Benin

Joseph Ouake (C)

#### Brazil

Maria Teresa Mesquita Pessôa (C)  
Régis Pinto Lima (AC)  
José Truda Palazzo (AC)

#### Cambodia

Nao Thuok (AC)  
Sin Phalkun (S)

#### Chile

Mariano Fernández (C)  
Francisco Berguño Hurtado (AC)  
Fernando Danus Charpentier  
Ximena Alcayaga Claussen  
Elsa Cabrera Peñuela

#### China

Fan Xiangguo (AC)  
Zhu Baoying (AC)  
Hu Bin (S)

#### Costa Rica

Roberto Dobles Mora (C)  
Javier Rodríguez-Fonseca (AC)

#### Côte d'Ivoire

Anvra Jeanson Djobo (C)

#### Croatia

Ida Mataušić (C)  
Sandra Štetić (AC)

#### Cyprus

Myrofora Hadjichristoforou (C)

#### Czech Republic

Pavla Hýčová (C)

#### Denmark

Ole Samsing (C)  
Amalie Jessen (AC)  
Kaj Mortensen (AC)  
Maj Friis Munk (AC)  
Leif Fontaine  
Ole Heinrich  
Mads Lunde  
Fernando Ugarte

#### Dominica

Lloyd Pascal (C)  
Andrew Magloire (AC)

#### Ecuador

Agustin Fornell (C)  
Nancy Hilgert (AC)  
Cristina Castro (AC)

#### Finland

Esko Jaakkola (C)  
Penina Blankett (AC)

#### France

Stephane Louhaur (C)  
Vincent Ridoux

#### Gabon

Rosalie Avomo Ebolo (C)

#### Gambia

Suwareh Jabai (C)

#### Germany

Gert Lindemann (C)  
Marlies Reimann (AC)  
Andreas Von Gadow (AC)  
Lars Puvogel  
Ulrike Hinrichs  
Sabrina Führlich  
Oliver Schall

#### Greece

Alexandros Rallis (C)

#### Grenada

Claris Charles (C)  
Justin Rennie (AC)  
Frank Hester

#### Guatemala

Maria Jose Iturbide (C)  
Julio Armando Martini Herrera

#### Guinea, Republic of

Amadou Telivel Diallo (AC)  
Abdellah Regragui (I)

#### Guinea-Bissau

Artur Silva (AC)

#### Hungary

Zoltan Czirak (C)

#### Iceland

Stefán Ásmundsson (C)  
Ragnar Baldursson (AC)  
Gísli Víkingsson  
Kristján Loftsson  
Jón Gunnarsson

#### India

Ravindra Lal (C)  
Anmol Kumar (AC)  
Shri Ajay Bhattacharya (AC)

#### Ireland

John Fitzgerald (C)  
David Kelly (AC)

#### Israel

Esther Efrat-Smilg (C)

#### Italy

Riccardo Rigillo (C)  
Caterina Fortuna (AC)  
Michele Alessi  
Federico Cinquepalmi

**Japan**

Minoru Morimoto (C)  
 Ryotaro Suzuki (AC)  
 Akira Nakamae (AC)  
 Joji Morishita (AC)  
 Shunichi Suzuki  
 Itsunori Onodera  
 Motohiko Kondo  
 Daishiro Yamagiwa  
 Yoshihiko Noda  
 Kimio Doi  
 Shinetsu Oikawa  
 Kiyoshi Ejima  
 Yukihiko Fukuda  
 Hiromi Uchida  
 Yukari Oda  
 Kazutaka Sangen  
 Katsutoshi Mihara  
 Yoshitsugu Kaino  
 Yoji Ozeki  
 Hayato Sakurai  
 Hiroshi Nakada  
 Yoto Eguchi  
 Hitoshi Kohbayashi  
 Takemitsu Hasegawa  
 Nobuyasu Kaneko  
 Kozo Hayashishita  
 Yuko Zama  
 Rumi Kawakami  
 Maho Watanabe  
 Koichi Ouchi  
 Shigeki Takaya  
 Jiro Hyugaji  
 Hideaki Okada  
 Ryoichi Nakamura  
 Kiyomi Hyoe  
 Takumi Fukuda  
 Akihiro Aoki  
 Yoshio Uchiyama  
 Yoshinari Watanabe  
 Shuji Inoue  
 Hiroshi Hatanaka  
 Yoshihiro Fujise  
 Yasuo Iino  
 Kayo Ohmagari  
 Gabriel Diaz Gomez  
 Dan Goodman  
 Masato Hayashi  
 Ichiro Wada  
 Makoto Ito  
 Konomu Kubo  
 Minoru Ito  
 Iwao Isono  
 Yoshinori Shoji  
 Yoichi Mizutani  
 Chikao Kimura  
 Yoshihiro Takagi  
 Noriyoshi Hattori  
 Hitoshi Kikawada  
 Rei Kawagishi (I)  
 Midori Ota (I)  
 Saemi Baba (I)  
 Yoshikuni Ogawa  
 Yuko Yasutake

**Kiribati**

Reteta Nikuata-Rimon (C)

**Republic of Korea**

Jae-Hak Son (C)  
 Chiguk Ahn (AC)  
 Yong Rock An (AC)  
 Yong Seok Choi  
 Hyun Jin Park

**Lao PDR**

Phomma Khammanichanh (C)

**Luxembourg**

Pierre Gallego (C)

**Mali**

Hery Coulibaly (C)

**Republic of the Marshall Islands**

Robert Muller (AC)

**Mauritania**

Mamoudou Aliou Dia (C)

**Mexico**

Lorenzo Rojas-Bracho (C)  
 Maria Isabel Garza Hurtado

**Mongolia**

Gavaa Enhkee (C)

**Monaco**

Frederic Briand (C)

**Morocco**

Abdesallam Fahfouhi (C)  
 Abdelouahed Benabbou (AC)

**Nauru**

Dowiyogo Jesaulenka (C)  
 Kennan Adeang (AC)

**Netherlands**

Giuseppe Raaphorst (C)  
 Maaïke Moolhuijsen (AC)  
 Martijn Lucassen (AC)  
 Peter Reijnders  
 Cindy Heijdra

**New Zealand**

Geoffrey Palmer (C)  
 Chris Carter (AC)  
 Nigel Fyfe (AC)  
 Jan Henderson (AC)  
 Jim McLay (AC)  
 Michael Donoghue  
 Nick Maling  
 Indra Prasad (S)

**Norway**

Karsten Klepshvik (C)  
 Turid Eusébio (AC)  
 Halvard Johansen (AC)

Hild Ynnesdal

Lars Walløe

Egil Øen

Jan Skjervø (S)

Petter Meier (S)

**Oman**

Ibrahim Al-Busaidi (C)

**Republic of Palau**

Kuniwo Nakamura (C)  
 Victorio Uherbelau (AC)

**Panama**

Déborah Siraze (C)  
 Anna Nuñez (AC)

**Peru**

Doris Sotomayor Yalan (C)

**Portugal**

Jorge Palmeirim (C)  
 Marina Sequeira (AC)  
 Maria Da Graca Luis  
 Luis Freitas (S)

**Russian Federation**

Valentin Ilyashenko (C)  
 Rudolf Borodin (AC)  
 Alexy Dronov (AC)  
 John Tichotsky (I)  
 Olga Ipatova (I)  
 Alyona Selhay (I)  
 Irina Danielsen (I)  
 Svetlana Burton (I)  
 Gennady Inankeuyas (S)  
 Igor Mikhno (S)  
 Alexander Borodin (S)  
 Gennady Gorbunov (S)  
 Nikolai Ettene (S)  
 Alexey Ottoy (S)  
 Peter Omrynto (S)  
 Validimir Etylin (S)  
 Edward Rypkhirgin (S)  
 Vladimir Melnikov (S)  
 Ida Ruchira (S)

**Saint Kitts and Nevis**

Cedric Liburd (C)  
 Joseph Simmonds  
 Daven Joseph (AC)

**Saint Lucia**

Joseph Edmunds (C)  
 Vaughn Charles (AC)

**Saint Vincent and The Grenadines**

Edwin Snagg (C)  
 Raymond Ryan (AC)

**San Marino**

Dario Galassi (C)



**Senegal**

Moustapha Thiam (C)

**Slovak Republic**

Katarina Slabeyova (C)

**Slovenia**

Janez Kastelic (AC)

Samuel Zbogar (AC)

**South Africa**

Herman Oosthuizen (C)

Alf Wills (AC)

Les Manley (AC)

Maria Mbengashe (AC)

Marthinus van Schalkwyk

Daryl Swanepoel

Ed Couzens

Marika Willemse (S)

**Spain**

Carmen Asencio (C)

**Suriname**

Jaswant Sahtoe (C)

**Sweden**

Bo Fernholm (C)

Stellan Hamrin (AC)

Anna Roos (AC)

**Switzerland**

Bruno Mainini (C)

Nathalie Bösch (AC)

**Togo**

Kombiagou Kinam (AC)

**Tuvalu**

Panapasi Nelesone (C)

Tupulaga Poulasi (AC)

**UK**

Richard Cowan (C)

Barry Gardiner (AC)

Trevor Perfect (AC)

Laurence Kell (AC)

Panayiota Apostolaki (AC)

James Gray (AC)

Paul Dolder

Mark Simmonds

Jennifer Lonsdale

Douglas Kerr

Doug Wilson

Deborah Wells

**USA**

Bill Hogarth (C)

Doug DeMaster (AC)

Bill Brennen (AC)

John Field (AC)

Kevin Allexon

Robert Brownell

Cesar Niles

Shannon Dionne

Roger Eckert

Mike Gosliner

Jeff Klein

Emily Lindow

Lauren Lugo

Cheri McCarty

Brad Smith

Scott Smullen

Stanley Speaks

Frank Stone

Elizabeth Van Velzen

Todd Bertosen

Amy Fraenkel

Arne Fuglvog

Amanda Hallberg

Kevin Kennedy

Dave Whaley

John Arum

Ryland Bowechop

Brian Gruber

Keith Johnson

Micah McCarty

Anne Renker

Eugene Brower

Harry Brower

Raymond Hawley

Edward Itta

Merlin Koonooka

George Noongwook

Eugenio Piñeiro-Soler

Heather Rockwell

Rolland Schmitten

Michael Tillman

John Oliver (S)

Jessica Kondel (S)

Maria Ohsiek (S)

Shannon Bettridge (S)

Kirsten Erickson (S)

Sheela McLean (S)

Mike Silah (S)

Jessica Leonard (S)

Martina Foley (S)

Steve Wackowski (S)

Mark Robbins (S)

Jim Egan (S)

David Ramseur (S)

Mary Hughes (S)

Jerry Hood (S)

Kevin Sweeney (S)

Arnold Hunter (S)

Shannon Atkinson (S)

Pete Jones (S)

Barbara Schmitten (S)

Mary Hogarth (S)

**Interpreters**

Schéhérazade Matallah-Salah

Mohammed Bennis

Youssef Benabdeljalil

Cynthia Diez Menk

Letitia Saenz

**SCIENTIFIC COMMITTEE**

Arne Bjørge

**NON-MEMBER GOVERNMENT OBSERVERS****Canada**

Jeff MacDonald

**INTERGOVERNMENTAL ORGANISATION OBSERVERS****European Community**

Soledad Blanco

Hugo-Maria Schally

Irene Plank

Carlos Berrozpe Garcia

**IUCN**

Justin Cooke

**NAMMCO**

Charlotte Winsnes

**UNEP Caribbean Environment Programme**

Alessandra Vanzella-Khoury

**NON-GOVERNMENTAL ORGANISATION OBSERVERS****Alaska Cambridge Group**

Alan Tenenbaum

Ronald Miller (Alt)

Sarah Hurst (I)

**All Japan Seamen's Union**

Masashige Wada

Mitsuhara Matsuura (I)

**Animal Care International**

Niki Entrup

**American Cetacean Society**

Jonathan Stern

**American Friends Service Committee**

Isaac Nukapigak

**Animal Welfare Institute**

Susan Millward

Laura Rojas Ortega (I)

**Association of Traditional Marine Mammal Hunters of Chuktoka**

Vladimir Susip

Edward Zdor (I)

**Australians for Animals**

Sue Arnold

**Barrow Arctic Science Consortium**

Ludmilla Ainana  
Don Callaway (Alt)  
Gennady Zelenky (I)

**Beluga Hunters International**

Willie Goodwin  
John Craig George (Alt)  
Elsie Itta (I)

**Beluga Researchers International**

Robert Suydam  
Cheryl Rosa (Alt)

**Beneficiaries of the Sea Coalition**

Michiko Ichizaki  
Naoya Tanikawa (I)

**Biodiversity Action Network East Asia (BANEA)**

Shohei Yonemoto  
Atsushi Ishii (Alt)  
Ayako Okubo (I)

**Born Free Foundation**

Milko Schwartzman  
Samuel Leiva (I)

**Campaign Whale**

Andy Ottaway

**Canadian Marine Environment Protection Society**

Ericka Ceballos  
Dan Morast (I)

**Center for Respect of Life and Environment**

Kitty Block

**Cetacean Legal Defense Network**

Alice Stroud

**Cetacean Society International**

Kate O'Connell  
Barbara Kilpatrick (I)

**Concepesca**

Miguel Marenco

**ConocoPhillips**

Caryn Rea  
Marnie Isaacs (Alt)  
Steve deAlbuquerque (Alt)  
Lynn DeGeorge (Alt)

**Conservacion de Mamiferos de Mexico**

Beatriz Bugada  
Mercedes Ansurers Aguilar  
Albert Szekely (I)

**Cousteau Society**

Clark Lee Meriam

**David Shepherd Wildlife Foundation**

Josephine Clark

**Dolphin and Whale Action Network**

Nanami Kurawasa

**Dolphin Connection**

Yolanda Alaniz Pasinito

**Earth Island Institute**

Mark Palmer  
David Rinehart (Alt)

**Earthtrust**

Karen Sack

**Earth Voice**

Bernard Unti  
Naomi Rose (Alt)

**Eastern Caribbean Coalition for Environmental Awareness (ECCEA)**

Lesley Suttty  
Stéphane Jérémie (I)

**Ecodetectives**

Danielle Grabiell  
Dave Eastman (I)

**Environmental Investigation Agency**

Clare Perry  
Edwin Castro (I)

**Eurogroup for Animal Welfare**

Lasse Bruun  
Marcela Vargas (I)

**European Bureau for Conservation & Development**

Despina Symons

**Exxon Mobil Corporation**

Bruce A. Tackett  
John Young (Alt)

**Florida Caribbean Conservation Coalition**

Julie Hathaway

**Friends of the Gray Whale**

Donald Schubert  
Margaret Owens (I)

**Gesellschaft zum Schutze der Meeressäuger e.V. GSM**

Birgith Sloth

**Global Guardian Trust**

Toshikazu Miyamoto

**Greenpeace International**

Junichi Sato

**Group to Preserve Whale Dietary Culture**

Komei Wani  
Yoko Shimozuru (I)

**High North Alliance**

Gunner Bergmann Jonsson

**Humane Society International**

Patricia Forkan

**Indigenous World Association**

Jessica Lefevre

**Instituto de Conservacion de Ballenas**

Roxana Schteinbarg  
Heather Shannon Bradner (I)

**International Association for Religious Freedom**

Jack Panik

**International Environmental Advisors**

Shane Rattenbury

**International Fund for Animal Welfare**

Joth Singh  
Kate Natrass (I)

**International League for the Protection of Cetaceans**

John Frizell

**International Marine Mammal Association Inc.**

Vassili Papatravrou

**International Marine Researchers**

Thilo Maack  
Thomas Henningsen (I)

**International Transport Workers' Federation**

Hiroshi Eguchi  
Hideo Kon (I)

**International Wildlife Coalition**

Monica Medina  
Duncan Currie (I)

**Inuit Circumpolar Council**

Lene Holm

**Inuit Circumpolar Council Environmental Commission**

Duane Smith

**IWMC World Conservation Trust**

Eugene Lapointe  
 Ian Butterfield (Alt)  
 Helene Lapointe (I)

**Japan Fisheries Association**

Jay Hastings

**Japan Small-Type Whaling Association**

Yuichi Hino  
 Masashi Hino (I)

**Japan Whale Conservation Network**

Naoko Funahashi  
 Masha Vorontsova (I)

**Japan Whaling Association**

Yukiko Ohnishi  
 Toru Yamamoto (I)

**LegaseaS International**

Michael Iliff

**Living Earth Foundation**

George Ahmaogak

**Minority Rights Group**

Elijah Rock  
 Mrs Elijah Dorcus Rock (I)

**Natural Resources Defence Council**

Joel Reynolds  
 Cara Horowitz (Alt)

**Nature Conservancy**

Taqulik Hepa  
 Tom Lohman (Alt)

**Nordic Council for Animal Welfare**

Linda Rognli  
 Dena Jones (I)

**Oceana**

Jim Ayers  
 Christopher Krenz (Alt)  
 Janis Searles (Alt)  
 Jon Warrenchuk (Alt)  
 Dennis Kelso (Alt)

**OceanCare**

Sigrid Lueber  
 Marsha Green (I)

**Project Jonah**

Seni Nabou

**Shell Exploration and Production**

Jamie Walls  
 A. Michael Macrander (Alt)  
 James Ray (Alt)

**Survival International**

Joseph Kaleak

**Te Ohu Kaimoana**

Peter Douglas  
 Ngahiwi Tomoana (I)

**Varda Group**

Rémi Parmentier  
 Alex Garcia Wylie (I)

**Waterlife Association**

Frode Pleym

**Werkgroep Zeehond**

Geert Drieman

**Whaleman International Ltd**

Jeff Pantukhoff  
 Serda Ozbenian (I)

**Whale and Dolphin Conservation Society**

Philippa Brakes

**Whale and Dolphin Watch Australia Inc.**

Frank Future  
 Steve Mitchell (Alt)  
 Monique Bortoli (Alt)  
 Skye Bortoli (Alt)  
 Ayesha Future (I)

**Whales Alive**

Donald Rothwell

**Windstar**

Nancy Azzam

**Women's Forum for Fish**

Yuriko Shiraishi  
 Izumi Cantlay (Alt)  
 Akiko Sato (I)

**Women's International League for Peace and Freedom**

Sarah Jensen

**World Society for the Protection of Animals**

Leah Garces  
 Claire Bass (I)

**WWF International**

Gordon Shepherd  
 Wendy Elliot (I)

# Annex B

## Agenda

1. INTRODUCTORY ITEMS
  - 1.1 Welcome address
  - 1.2 Opening statements
  - 1.3 Secretary's Report on Credentials and Voting Rights
  - 1.4 Meeting arrangements
  - 1.5 Review of documents
2. ADOPTION OF THE AGENDA
3. WHALE STOCKS  
(*Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 5*)
  - 3.1 Antarctic minke whales
    - 3.1.1 Report of the Scientific Committee
    - 3.1.2 Commission discussion and action arising
  - 3.2 Western North Pacific common minke whales
    - 3.2.1 Report of the Scientific Committee
    - 3.2.2 Commission discussion and action arising
  - 3.3 Southern Hemisphere humpback whales
    - 3.3.1 Report of the Scientific Committee
    - 3.3.2 Commission discussion and action arising
  - 3.4 Southern Hemisphere blue whales
    - 3.4.1 Report of the Scientific Committee
    - 3.4.2 Commission discussion and action arising
  - 3.5 Western North Pacific gray whales
    - 3.5.1 Report of the Scientific Committee
    - 3.5.2 Commission discussion and action arising
  - 3.6 Other small stocks – bowhead and right whales
    - 3.6.1 Report of the Scientific Committee
    - 3.6.2 Commission discussion and action arising
  - 3.7 North Pacific sei whales
    - 3.7.1 Report of the Scientific Committee
    - 3.7.2 Commission discussion and action arising
  - 3.8 Other
4. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES  
(*Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 6*)
  - 4.1 Report from the Working Group on Whale Killing Methods and Associated Welfare Issues
  - 4.2 Commission discussions and action arising
5. ABORIGINAL SUBSISTENCE WHALING  
(*Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 7*)
  - 5.1 Aboriginal Subsistence Whaling Management Procedure
    - 5.1.1 Report of the Aboriginal Subsistence Whaling Sub-committee
    - 5.1.2 Commission discussion and action arising
  - 5.2 Advice on other Greenlandic stocks
    - 5.2.1 Report of the Aboriginal Subsistence Whaling Sub-committee
    - 5.2.2 Commission discussion and action arising
  - 5.3 Aboriginal Whaling Scheme
    - 5.3.1 Report of the Aboriginal Subsistence Whaling Sub-committee
    - 5.3.2 Commission discussion and action arising
  - 5.4 Aboriginal subsistence whaling catch limits
    - 5.4.1 Report of the Aboriginal Subsistence Whaling Sub-committee
    - 5.4.2 Commission discussions and action arising
- 5.5 Other
6. REVISED MANAGEMENT SCHEME (RMS)  
(*Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 8*)
  - 6.1 Revised Management Procedure (RMP)
    - 6.1.1 Report of the Scientific Committee
      - General issues
      - *Implementation* process (Western North Pacific Bryde's whales, North Atlantic fin whales)
      - Bycatch
    - 6.1.2 Commission discussion and action arising
  - 6.2 Revised Management Scheme
  - 6.3 Other
7. THE IWC IN THE FUTURE
8. SANCTUARIES  
(*Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 9*)
  - 8.1 Issues raised in the Scientific Committee
    - 8.1.1 Report of the Scientific Committee
    - 8.1.2 Commission discussion and action arising
  - 8.2 Proposal to amend the Schedule to establish a South Atlantic Whale Sanctuary
    - 8.2.1 Introduction of the proposal
    - 8.2.2 Commission discussion and action arising
  - 8.3 Other
9. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING  
(*Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 10*)
  - 9.1 Use of cetaceans within the context of responsible use of marine resources and their contribution to sustainable coastal communities, sustainable livelihoods, food security and poverty reduction
    - 9.1.1 Introduction by St. Kitts and Nevis
    - 9.1.2 Commission discussion and action arising
  - 9.2 Proposal to amend the Schedule
    - 9.2.1 Introduction by Japan
    - 9.2.2 Commission discussion and action arising
  - 9.3 Other
10. SCIENTIFIC PERMITS  
(*Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 11*)
  - 10.1 Report of the Scientific Committee
    - 10.1.1 Improving procedures for reviewing scientific permit proposals
    - 10.1.2 Review of results from existing permits (including JARPA review workshop)
    - 10.1.3 Review of new or continuing proposals
    - 10.1.4 Other
  - 10.2 Commission discussions and action arising

11. SAFETY ISSUES AT SEA AND THEIR IMPLICATIONS
- 11.1 Safety of vessels and crew
  - 11.2 Interference with research
  - 11.3 Environmental concerns
12. ENVIRONMENTAL AND HEALTH ISSUES  
(Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 12)
- 12.1 Diseases of marine mammals and impacts on cetaceans
    - 12.1.1 Report of the Scientific Committee
    - 12.1.2 Commission discussion and action arising
  - 12.2 Ecosystem modelling
    - 12.2.1 Report of the Scientific Committee
    - 12.2.2 Commission discussion and action arising
  - 12.3 Other habitat-related issues
    - 12.3.1 Report of the Scientific Committee
      - POLLUTION 2000+
      - Southern Ocean collaboration (inc. CCAMLR International Polar Year survey)
      - Handling and release of entangled cetaceans
      - Climate change workshop preparations
      - State of the Cetacean Environment (SOCER)
      - Other
    - 12.3.2 Commission discussion and action arising
  - 12.4 Reports from Contracting Governments on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals
  - 12.5 Health issues - Commission discussion and action arising
  - 12.6 Other
13. WHALEWATCHING  
(Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 13)
- 13.1 Report of the Scientific Committee
  - 13.2 Commission discussions and action arising
14. CO-OPERATION WITH OTHER ORGANISATIONS  
(Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 14)
- 14.1 Report of the Scientific Committee
  - 14.2 Other reports
  - 14.3 Commission discussions and action arising
15. OTHER SCIENTIFIC COMMITTEE ACTIVITIES, ITS FUTURE WORK PLAN AND ADOPTION OF THE SCIENTIFIC COMMITTEE REPORT  
(Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 15)
- 15.1 Small cetaceans
    - 15.1.1 Report of the Scientific Committee
    - 15.1.2 Commission discussion and action arising
  - 15.2 Other activities
    - 15.2.1 Report of the Scientific Committee
    - 15.2.2 Commission discussion and action arising
  - 15.3 Scientific Committee Future Work Plan
    - 15.3.1 Report of the Scientific Committee
    - 15.3.2 Committee discussion and action arising
  - 15.4 Adoption of the Report
16. CONSERVATION COMMITTEE  
(Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 16)
- 16.1 Report of the Conservation Committee
  - 16.2 Commission discussions and action arising
17. CATCHES BY NON-MEMBER NATIONS  
(Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 17)
- 17.1 Commission discussions and action arising
18. INFRACTIONS, 2006 SEASON  
(Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 18)
- 18.1 Report of the Infractions Sub-committee
  - 18.2 Commission discussions and action arising
19. ADMINISTRATIVE MATTERS  
(Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 20)
- 19.1 Annual Meeting arrangements and procedures
    - 19.1.1 Report of the Finance and Administration Committee
      - Need for a Technical Committee
      - Use of languages other than English
      - Frequency of meetings
    - 19.1.2 Commission discussion and action arising
  - 19.2 NGO accreditation and participation
    - 19.2.1 Report of the Finance and Administration Committee
    - 19.2.2 Commission discussion and action arising
  - 19.3 Legal advice in relation to the IWC
    - 19.3.1 Report of the Finance and Administration Committee
    - 19.3.2 Commission discussion and action arising
  - 19.4 Amendments to the Rules of Procedure, Financial Regulations and Rules of Debate
    - 19.4.1 Report of the Finance and Administration Committee
    - 19.4.2 Commission discussion and action arising
20. SECRETARIAT OFFICES AND POSSIBLE RELOCATION OF SECRETARIAT  
(Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 22.4)
- 20.1 Report of the Finance and Administration Committee
  - 20.2 Commission discussions and action arising
21. FORMULA FOR CALCULATING CONTRIBUTIONS  
(Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 21)
- 21.1 Report of the Finance and Administration Committee
  - 21.2 Commission discussions and action arising
22. FINANCIAL STATEMENTS AND BUDGETS  
(Chair's Report of the 58<sup>th</sup> Annual Meeting, Section 22)
- 22.1 Review of the provisional financial statement, 2006/2007
    - 22.1.1 Report of the Finance and Administration Committee
    - 22.1.2 Commission discussion and action arising
  - 22.2 Consideration of estimated budgets, 2007/2008 and 2008/2009
    - 22.2.1 Report of the Finance and Administration Committee
    - 22.2.2 Commission discussions and action arising
  - 22.3 Other

- |  |   |
|--|---|
| 23. ADOPTION OF THE REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE | 25. ADVISORY COMMITTEE                        |
| 24. DATE AND PLACE OF ANNUAL AND INTERSESSIONAL MEETINGS               | 26. SUMMARY OF DECISIONS AND REQUIRED ACTIONS |
| 24.1 60 <sup>th</sup> Annual Meeting, 2008                             |   |
| 24.2 Future Commission meetings  |   |
| 24.3 Other   | 27. OTHER MATTERS                             |
-

## Annex C

# Report of the Working Group on Whale Killing Methods and Associated Welfare Issues

Tuesday 22 May 2007, Anchorage, Alaska

The list of participants is given in Appendix 1. The Working Group was established to review information and documentation available with a view to advise the Commission on whale killing methods and associated welfare issues (*Ann. Rep. Int. Whal. Comm.* 2000: 17).

### 1. INTRODUCTORY ITEMS

#### 1.1 Appointment of the Chair

Esko Jaakkola (Finland) was appointed as Chair of the Working Group.

#### 1.2 Appointment of rapporteurs

Emily Lindow (USA) was appointed as rapporteur.

#### 1.3 Review of documents

The Chair reviewed the list of documents available to the Working Group (see Appendix 2) and drew attention to specific documents to be addressed under Agenda Items 3, 4, and 5.

### 2. ADOPTION OF THE AGENDA

The agenda given in Appendix 3 was adopted by consensus.

### 3. DATA PROVIDED ON WHALES KILLED

Documents presented under this agenda item were provided to meet the request of IWC Resolutions 1999-1 and 2001-2.

Denmark offered a summary of activities related to the Action Plan on Whale Killing Methods (IWC/59/WKM&AWI3) specific to the 2006 minke and fin whale hunt. They also presented a portion of the White Paper on Hunting of Large Whales in Greenland (IWC/59/ASW8rev) related to animal welfare issues. This document provided information regarding the methods of whaling in Greenland, time to death, instantaneous death and loss rates, and measures utilised to reduce animal suffering. There were no comments on this report.

Norway presented a summary of minke whaling in 2006 (IWC/59/WKM&AWI6). The weapons used to hunt these whales were 50mm and 60mm harpoon guns equipped with Norwegian penthrite grenades. Rifles with a full metal jacket and round nosed bullets with a minimum calibre of 9.3mm were used as backup weapons. In 2006, 546 animals were taken from 28 vessels. Four whales were reported lost after they were dead, and no whales were reported to have escaped wounded. At-sea inspection was carried out by the Electronic Trip Recorder. Four inspectors from the Directorate of Fisheries were also present at sea and on land to monitor whaling activities. No violations of national regulations were reported.

The UK expressed disappointment that many countries did not provide complete data sets as recommended by IWC Resolution 1999-1, but noted that it was appreciative of the Russian Federation submission. It asked whether other countries intend to present time to death for each animal killed. On the subject of the Norwegian report, the UK expressed concern regarding the inability of the 'blue box,' or the Electronic Trip Recorder, to provide information on time to death and welfare issues. They acknowledged the existence of random checks at sea by Norwegian personnel, but pointed out that information regarding the frequency or results of those checks had not been provided to the IWC. The UK also expressed concern regarding the Norwegian statement that the average time to death of two minutes potentially included periods where the animal may have been unconscious or already dead. It considered that some animals may still be sensible and stressed the need to review the time to death criteria as a matter of urgency.

Norway responded that they have been conducting research on hunting and whale killing methods since 1981. From 1992 to 2003, 26 extensive reports and publications with results from the hunt have been presented to and discussed in five workshops organised by the IWC, as well as in annual meetings. Norway expects that results from the 2000-2002 hunts will be published this year or early next year. Norway noted that the results from each of the three years are consistent and that it is no longer necessary to collect information on each hunt on a regular basis. As in other activities where animals are killed, for example the slaughter of farm animals, common practice is that once a given killing method has been approved and implemented on the basis of scientific scrutiny there is no longer any need for continuous monitoring. Periodic checks are used.

Iceland noted the importance of continually improving whale killing methods, but expressed concern that the IWC has not been a neutral forum in which to discuss these matters. They expressed the position that the North Atlantic Marine Mammal Commission (NAMMCO) has been a functional platform for such work, and that they intend to continue to utilise NAMMCO for that purpose.

Japan expressed agreement with the views expressed by Iceland and Norway. It drew attention to page 78 of last year's IWC Annual Report, which expresses their position on this topic. It noted that it submitted data to the recent NAMMCO workshop, at which constructive discussions took place. Japan also reminded the group that all data submitted to NAMMCO is public and available.

Denmark reported that they have been submitting documents on this topic for many years. However, given the previous misuse of Greenland data last year, they are still considering whether or not to continue submitting data on whale killing methods to the IWC. Denmark noted that

they are actively participating in associated activities within NAMMCO and agreed with the remarks of Iceland.

Germany called upon all IWC member countries to submit data on this topic, noting that the data is essential to the work of the IWC. Australia agreed with the comments of Germany, asserted the primacy of the IWC on these matters, and noted that NAMMCO is not an alternate competent body.

The Russian Federation noted that it works to provide all the information required under the new procedures for managing the resource, but it is understandable that not all countries are able to provide all of the data. The Russian Federation noted that the submission of this data is done on a voluntary basis. It reminded members that the information it submits is not exact since considerable estimation occurs during the data collection process. The relevant Russian Federation data under this agenda item are contained in IWC/59/ASW5 and in IWC/59/WKM&AWI5. In 2006, 129 whales were harvested: 88 with a darting gun, 109 with a rifle, and all whales with a harpoon and a float. Five whales were struck and lost. The 129 whales included 5 inedible 'stinky whales'. The Russian Federation noted that it did not consider those whales to be part of their quota, since they were lost for nutritional purposes. It noted that even with very experienced hunters and good equipment, a short time to death cannot be pursued if human life is at stake.

The United States noted that last year prior to the St. Kitts Workshop on Whale Killing Methods and Associated Welfare Issues, aboriginal hunters from the countries of Denmark (on behalf of Greenland), the Russian Federation and the United States met for the first time to share information on whale killing methods and animal welfare issues. The hunters agreed at that meeting to four major points:

- (1) subsistence hunting is for food to meet cultural and nutritional needs, to guarantee the sustainable survival of the native people, and the human health of native peoples depends on the consumption of traditional marine mammal products;
- (2) the safety of his crew is a whaling captain's most important responsibility;
- (3) with safety assured, achieving a humane death for the whale is the highest priority; and
- (4) efforts to modernise native whaling equipment and practices can be made only within the context of each community's economic resources and the need to preserve the continuity of Native hunting traditions.

The United States also presented data under this agenda item contained in IWC/59/WKM&AWI9. They noted that 39 bowhead whales were struck and 31 were landed in 2006. Of those struck, 35 were taken using the traditional hand-thrown darting gun harpoon, with the traditional shoulder gun used as the secondary killing method. Four whales were taken using the penthrate projectile. Eight whales were struck and lost in 2006, with a rate of efficiency of 79.5%. This rate was slightly lower than last year's rate of 81%, but weather and ice conditions play a significant role in determining the efficiency of the aboriginal bowhead whale hunts.

Eugene Brower, Chairman of the Alaska Eskimo Whaling Commission (AEWC) Weapons Improvement Committee, provided a description of the AEWC hunt in the United States. He noted that aboriginal subsistence

whaling takes place in ten communities in Alaska. Many of these villages are extremely remote, and depend on the land and sea for sustaining their populations. There are 8 villages that hunt in the spring, and 3 villages that hunt in the autumn. Barrow is the only village that hunts in both the spring and autumn. The primary weapon used by the hunters is the harpoon, and the secondary weapon is a shoulder gun. He noted that they hunt whales to feed families and the community - it is not a sport or a commercial hunt. They do everything possible to ensure that the whales die quickly, both in order to prevent suffering of the animal and to protect the whaling crew. He reminded members that whaling is very dangerous, and fatalities are sometimes a tragic part of the hunt. They have undertaken a programme to improve hunting methods, and appreciate the help of Dr. E.O. Øen from Norway for his help in the weapons improvement programme. They have also developed a training manual for captains and crew for use of the new weapons. Sweden asked if the United States had a timeline for when the penthrate projectile would replace the use of black powder in the Alaska hunt. Brower responded that there have been some problems regarding procurement of the delayed fuse of the projectiles that had resulted in a temporary setback. He noted that Norway has helped to address this issue, and they are in the process of ordering 100 projectiles that they hope will be ready for the autumn hunt.

New Zealand introduced IWC/59/WKM&AWI8, which focuses on the results of a 2006 NAMMCO workshop held to address the issue of struck and lost in whales in marine mammal hunting. New Zealand pointed out the workshop acknowledgement that struck and lost is a serious problem in marine mammal hunts, and that better data are needed. They noted that Japan, Norway and Iceland had announced at IWC/58 that they would no longer provide struck and lost data to the Commission. New Zealand also noted that a number of countries have provided information related to struck and lost in documents submitted to the IWC Scientific Committee, and that the data should also be reported to this Working Group. It noted that there are disincentives for hunters to report true rates of struck and lost, however they believed that a full and frank discussion is in everyone's best interests. New Zealand pointed out that the NAMMCO workshop provided a great deal of useful information, including steps that can be taken to mitigate struck and lost rates. They stressed the importance of data being provided in a standardised format and noted that the IWC Working Group on Whale Killing Methods and Associated Welfare Issues is the competent body over this issue. Contracting Parties were urged to provide such data to the IWC Secretariat for discussion by the Working Group.

Norway thanked New Zealand for referring to the NAMMCO workshop. It clarified that the workshop was not just focused on whales, but included several marine mammals. The outcome of the workshop was 24 recommendations concerning the hunting of marine mammals; 6 recommendations of a general nature; and 16 specific recommendations for seals, walrus, small whales and large whales. All the recommendations were accepted by consensus. Some of the quotations New Zealand referenced were not specifically made for large whales. In response to a question from the USA, Norway also noted that the title of the paper was misleading since the NAMMCO workshop included commercial and scientific



whaling as well as aboriginal subsistence hunting. The UK noted that the NAMMCO workshop provided important information, and the IWC should be focused on improving struck and lost rates. Denmark noted that several quotes in the paper were taken out of context since they applied to species other than whales. The Chair directed members to the NAMMCO website ([www.nammco.no](http://www.nammco.no)), where they could obtain a copy of the workshop report.

#### **4. INFORMATION ON IMPROVING THE HUMANENESS OF WHALING OPERATIONS**

Denmark presented a portion of their White Paper on Hunting of Large Whales in Greenland (IWC/59/ASW/8rev), which outlines the steps that Greenland has taken to improve the humaneness of whaling methods following IWC Resolution 1997-1. They noted the mandatory courses used to train hunters on the handling and use of the Norwegian penthrite grenade. The harpoon cannons are also checked every other year by persons that have taken a course on mounting and renovation of harpoon cannons.

The UK expressed appreciation toward Greenland for implementing these measures, noting that they have resulted in decreased times to death. The UK questioned whether information from their experiences, together with those of Iceland and Japan with hunting larger whales, particularly fin, were available. It noted concern that the killing of larger whales, which can take longer to die, raises welfare concerns that have not been properly addressed. Denmark responded that the relevant information was contained in its document. Iceland referred to its earlier statement (see section 3). In response to a question from the UK, Japan confirmed that it would not be providing welfare data from its JARPN II programme to IWC.

Norway presented information from IWC/59/WKM&AWI6 related to research on improving whale killing methods. It noted that it has been conducting research since 1981, and has collected data for more than 5,550 whales. It has provided 26 extensive reports and publications to the IWC in addition to annual reports. These studies have found that the average time to death in the Norwegian hunt was more than 11 minutes when cold harpoons were utilised. However, the results from the 2000-02 hunt with the new penthrite grenade showed at least 80% of the whales were rendered unconscious or dead instantaneously. Norway noted that the collaborative nature of its work has resulted in the transfer of technology and methods to improve hunting methods in a number of other countries. Norway stated that it intends to continue such work. It also noted that NAMMCO does not differentiate between subsistence and commercial whaling.

The United States presented a Report on Weapons, Technologies, and Observations in the Alaskan Bowhead Whale Subsistence Hunt (IWC/59/WKM&AWI4), which

was accompanied by a PowerPoint presentation describing the AEWK whaling killing methods and weapons.

The Netherlands noted that the Dutch Minister of Agriculture, Nature and Food Quality had received a question from Parliament regarding reports of a hunting method used in Taiji, Japan for dolphins consisting of the use of underwater sound to herd them into drive nets, followed by the live transport of the dolphins to a site where they are killed. The Netherlands noted that this hunting method could cause unnecessary injury and stress to the dolphins. They asked Japan to clarify whether this was an accurate description of the hunt. The Netherlands stressed that if it is accurate, their view would be that the hunt was not ethical from an animal welfare perspective. They also asked Japan to improve the hunting method in order to limit the suffering of the dolphins as much as possible by shortening the time of distress. The Netherlands also noted appreciation for the ongoing attempts to improve whale killing methods for animal welfare reasons. Japan responded that this was an issue of small cetaceans over which it believes the IWC does not have competency. It therefore requested that The Netherlands redirect its question to the Government of Japan in a bilateral fashion.

#### **5. OTHER**

Norway referred to a paper entitled, 'Fatally entangled right whales can die extremely slowly' (IWC/59/WKM&AWI7) co-authored by a number of US scientists. Norway noted that during the last 20 years, 66 North Atlantic right whales have been entangled. The paper estimated 5.6 months to death for those animals that were entangled, and asserted that these data represent one of the grossest abuses of wild animal sensibility. Norway believed that it is the responsibility of the US Government to deal with this issue since it is occurring in their waters, and recommended changing fishing practices or increasing disentanglement efforts. Norway urged that entangled animals should be euthanised, rather than allowed to suffer. The United States responded by noting that they have made significant efforts to improve fishing gear, have a strong disentanglement programme, and that any decision regarding euthanasia would be made on a case-by-case basis. The United States indicated that they will develop a paper on their efforts to prevent entanglements and disentangle whales for presentation during Plenary. Australia pointed out that this problem was not confined to the United States, and was instead a global problem. Australia noted that they are currently looking at incentives and disincentives to deal with derelict fishing gear, and suggested that the matter could be examined under the Conservation Committee.

#### **6. ADOPTION OF THE REPORT**

The report was adopted 'by post' on 24 May 2007.

## Appendix 1

### LIST OF PARTICIPANTS

#### **Argentina**

Miguel Iñiguez

#### **Australia**

Donna Petrachenko  
Philip Burgess  
Zena Armstrong  
Lesley Gidding  
Pam Eiser  
Andrew McNee

#### **Austria**

Michael Stachowitsch  
Andrea Nouak

#### **Belgium**

Alexandre de Lichtevelde

#### **Brazil**

José Truda Palazzo  
Régis Pinto Lima

#### **Chile**

Ximena Alcayaga Claussen

#### **Denmark**

Maj Fris Munk  
Ole Heinrich  
Fernando Ugarte  
Amalie Jessen  
Leif Fontaine  
Mads Lunde  
Ole Samsing

#### **Finland**

Esko Jaakola (Chair)

#### **Germany**

Marlies Reimann

#### **Iceland**

Stefán Ásmundsson  
Gísli Víkingsson

#### **Italy**

Riccardo Rigillo  
Caterina Fortuna  
Federico Cinquepalmi

#### **Japan**

Minoru Morimoto  
Joji Morishita  
Shigeki Takaya  
Jiro Hyugaji  
Ryoichi Nakamura  
Hiroshi Hatanaka  
Kayo Ohmagari  
Saemi Baba (I)

#### **Republic of Korea**

Chiguk Ahn  
Yong Rock An  
Hyun Jin Park

#### **Luxembourg**

Pierre Gallego

#### **Mexico**

Lorenzo Rojas-Bracho

#### **New Zealand**

Geoffrey Palmer  
Jan Henderson  
Michael Donoghue  
Indra Prasad

#### **Norway**

Turid Eusébio  
Halvard Johansen  
Hild Ynnesdal  
Lars Walløe  
Egil Øen  
Jan Skjervø

#### **Portugal**

Marina Sequeira

#### **Russian Federation**

Valentin Ilyashenko  
Rudolf Borodin  
Igor Mikhno  
Nikoley Etyne  
Alexsey Ottoy  
John Tichotsky (I)  
Olga Ipatova (I)

#### **Saint Lucia**

Vaughn Charles

#### **South Africa**

Herman Oosthuizen

#### **Spain**

Carmen Ascencio  
Renaud de Stephanis

#### **Sweden**

Bo Fernholm

#### **UK**

Richard Cowan  
Trevor Perfect  
Paul Dolder  
James Gray  
Laurence Kell  
Panayiota Apostolaki  
Mark Simmonds  
Jennifer Lonsdale  
Douglas Kerr

#### **USA**

Doug DeMaster  
Cheri McCarty  
Roger Eckert  
Shannon Dionne  
Mike Tillman  
Rollie Schmitt  
Bob Brownell  
John Field  
Heather Rockwell  
Micah McCarty  
Keith Johnson  
John Arum  
Brian Gruber  
Anne Renker  
Stanley Speaks  
Harry Brower  
Edward Itta  
George Noongwook  
Merlin Koonooka  
Raymond Hawley  
Eugene Brower  
Emily Lindow (rapporteur)

#### **Secretariat**

Nicky Grandy

## Appendix 2

### LIST OF DOCUMENTS

#### IWC/59/WKM&AWI

- 1 Draft Agenda
- 2 List of documents
- 3 Summary of Activities Related to the Action Plan on Whale Killing Methods (based on Resolution 1999-1) submitted by Denmark (Greenland)
- 4 Report on weapons, techniques, and observations in the Alaskan bowhead whale subsistence hunt (submitted by the USA)
- 5 Summary of Activities Related to the Action Plan on Whale Killing Methods (based on Resolution 1999-1) submitted by the Russian Federation
- 6 Norwegian minke whaling 2006 (submitted by Norway)
- 7 Fatally entangled right whales can die extremely slowly (submitted by Norway)
- 8 'Struck and lost' whales in commercial and special permit hunting (submitted by New Zealand)
- 9 Summary of Activities Related to the Action Plan on Whale Killing Methods (based on Resolution 1999-1) submitted by the USA

#### IWC/59/ASW

- 5 Aboriginal harvest of gray and bowhead whales in Russian Federation in 2006 (submitted by the Russian Federation)
- 8 rev White paper on hunting of large whales in Greenland (submitted by the Greenland Home Rule Government)

---

## Appendix 2

### AGENDA

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Introductory items           <ol style="list-style-type: none"> <li>1.1 Appointment of Chair</li> <li>1.2 Appointment of rapporteurs</li> <li>1.3 Review of documents</li> </ol> </li> <li>2. Adoption of Agenda</li> </ol> | <ol style="list-style-type: none"> <li>3. Data provided on whales killed</li> <li>4. Information on improving the humaneness of whaling operations</li> <li>5. Other</li> <li>6. Adoption of the Report</li> </ol> |
|---|--|
-

## Annex D

# Report of the Sub-Committee on Aboriginal Subsistence Whaling

Wednesday 23 May 2007, Anchorage, Alaska

### 1. INTRODUCTORY ITEMS

The list of participants is given as Appendix 1.

#### 1.1 Appointment of Chair

Halvard Johansen (Norway) was appointed as Chair.

#### 1.2 Appointment of Rapporteur

Philip Burgess (Australia) was appointed as Rapporteur, with assistance from Greg Donovan (Chair of the SWG).

#### 1.3 Review of documents

The documents for discussion included:

IWC/59/ASW

- 1 Revised draft agenda (and annotations)
- 2 List of documents
- 3 Rationale for needs of aboriginal people of the Russian Federation for gray and bowhead whales harvest in 2008-2012 (submitted by the Russian Federation)
- 4 Studies of Sea Ice Condition in the East Siberian, Chukchi, Bering and Beaufort Seas (1979-2006) (submitted by the Russian Federation)
- 5 Aboriginal harvest of gray and bowhead whales in Russian Federation in 2006 (submitted by the Russian Federation)
- 6 Quantification of subsistence and cultural need for bowhead whales by Alaska Eskimos: 2007 update based on 2000 US Census data (submitted by the USA) (This document is supported by document IWC/54/AS1)
- 7 Considerations of management implications of 'stinky' gray whales for the eastern North Pacific stock (submitted by the Russian Federation)
- 8 White paper on hunting of large whales in Greenland (submitted by the Greenland Home Rule Government)
- 9 Whale Hunting and the Makah Tribe: A needs statement, April 2007 (submitted by the USA)

IWC/54/AS1

Quantification of subsistence and cultural need for bowhead whales by Alaska Eskimos: 1997 update based on 1997 Alaska Department of Labor Data (submitted by the USA)

IWC/59/Rep 1 (extract)

Report of the Scientific Committee

### 2. ADOPTION OF THE AGENDA

The adopted agenda is given as Appendix 2.

After the Agenda was adopted, a statement was made on behalf of the Aboriginal Subsistence Whaling Caucus. This caucus is made up of representatives of aboriginal subsistence whaling (ASW) groups, including the Alaska Eskimo Whaling Commission (AEWC), the Makah Tribe, the whale hunters of Chukotka, the Organisation of Fishermen and Hunters of Greenland, and St. Vincent and The Grenadines. Their statement is given in full in

Appendix 3. *Inter alia* it called for the IWC to respect their way of life and to make decisions based on reason and science that meet the Commission's conservation objectives and aboriginal subsistence needs. It also referred to the issues of the use of the term 'aboriginal subsistence whaling', safety, the humaneness of the hunts and 'stinky' whales.

In response, Brazil noted that it and several other developing countries have consistently supported the rights and needs of aboriginal whaling communities and the allocation of adequate quotas for the provision of such needs. Brazil stated that it and other countries were therefore deeply disappointed that some ASW countries have consistently acted in the IWC against the needs and wishes of its coastal communities, actively fighting against the approval of measures such as new sanctuaries and the discussion of non-lethal management issues, which are essential to ensure that these coastal communities can profit from the appropriation of whale resources with the same legitimacy and pride as the ASW communities have done. In this context, Brazil invited the ASW communities to learn more about its concerns and their own delegations' approach to the needs of coastal communities in Brazil and other Southern Hemisphere countries, in order to ensure that the IWC treats all community rights in a fair and equitable manner.

### 3. ABORIGINAL SUBSISTENCE WHALING MANAGEMENT PROCEDURE

#### 3.1 Progress with the Greenlandic Research Programme

##### 3.1.1 Report of the Scientific Committee

The Chair of the Scientific Committee's Standing Working Group on the Development of an Aboriginal Whaling Management Procedure, Greg Donovan (hereafter Chair of the SWG), reported on the Scientific Committee's work in this regard.

As it has stated on many occasions, the Committee has never been able to provide satisfactory management advice for either the fin or common minke whales off West Greenland. This has reflected a lack of information on stock structure which precluded a proper interpretation of the few available abundance estimates, and the absence of appropriate assessments. It has viewed this matter with great concern and was the primary reason the Committee first called for the Greenland Research Programme in 1998.

The Committee was pleased with the new information and analyses received this year. With respect to stock structure, a good number of samples were collected this year. A strategic decision on the most appropriate analyses for these samples will be taken next year, after a decision is taken on whether we can use the sex ratio data for common minke whales to form the basis of an assessment.

This subject formed a major part of the discussions this year. Progress was made on this issue at a Workshop in Copenhagen and further data and analyses were received here in Anchorage. Despite this progress, further analyses of the catch data are needed before it can be determined whether the data provide a sufficient basis for an assessment (and ultimately a *Strike Limit Algorithm* or *SLA*). An intersessional workplan has been developed to ensure that work is completed.

In receiving the new abundance estimates for West Greenland last year from the aerial survey, it was recognised that they were underestimates and we identified a number of analyses that could be undertaken to improve them. The Committee was pleased to receive these updated analyses this year. The main aim of the new analyses was to correct for two kinds of bias, both of which lead to underestimates in abundance. The first relates to the fact that whales are underwater a lot of the time and the second relates to the fact that observers can miss whales, even if they are at the surface.

With respect to common minke whales, it was possible to correct for both of these kinds of bias. The resultant estimate was 10,800 whales with a wide 95% confidence interval from 3,600-32,400. The wide confidence intervals reflect the uncertainty in the elements making up the correction factors. For fin whales, data were only available to correct for the second type of bias. The new estimate is of 3,200 whales in 2005 with a 95% confidence interval of 1,400-7,200. These estimates were adopted by the Committee.

Finally, no direct progress was made with the development of management procedures, because efforts have focussed on obtaining satisfactory assessment methods. However, the Committee re-emphasises the importance it attaches to developing satisfactory *SLAs* for the Greenlandic fisheries as soon as possible, so that it can provide robust long-term management advice (and see IWC/59/Rep1 Items 9.4 and 9.6). The multispecies nature of the fishery will form part of any considerations of *SLAs*.

### 3.1.2 Discussion and recommendations

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

## 3.2 Implementation Review for bowhead whales

### 3.2.1 Report of the Scientific Committee

The Chair of the SWG reported on the completion of the *Implementation Review* this year.

The Committee has been working on an extensive *Implementation Review* for bowhead whales since 2005 with a focus on issues relating to stock structure. The accepted *Bowhead SLA* was developed and tested for a single stock. The review process has involved work by both the SWG on the AWMP and the sub-committee on bowhead, right and gray whales. Two intersessional Workshops have been held since the 2006 Annual Meeting. The process has benefited tremendously from the considerable effort that had been extended in field and laboratory work, and in analyses of genetic and other data related to stock structure.

The first Workshop was held in Seattle in January 2007. At that Workshop the SWG considered a tremendous amount of genetic and other information and agreed four stock structure hypotheses that were sufficient for testing the *Bowhead SLA* and its robustness to stock structure

uncertainty. Three of the four involved either two stocks or feeding ground site fidelity. The relative plausibility of the hypotheses was not considered as this was to be the focus of discussions at the Annual Meeting. The second Workshop was held in Copenhagen and was primarily a technical workshop to finalise the simulation trials and the computer program to run them. A major part of the work was to assign past catches to the hypotheses and to ensure that uncertainty in this process was also captured within the trials.

At the present Annual Meeting, the Committee reviewed the results of the trials. The Committee agreed that the results showed that the *Bowhead SLA* performs adequately for all of the stock structure hypotheses and all trials. The *Implementation Review* had been extremely thorough and the Committee commended the efforts of all of the scientists involved in the process. It strongly recommended that the *Bowhead SLA* continues to be used to provide management advice.

In addition to the work on simulation trials, the Committee had undertaken a final examination of the information on stock structure. After extensive discussions of the genetic and other information, the Committee agreed that the evidence supports a single-stock hypothesis (the one originally used to develop the *Bowhead SLA*). The experience of the *Implementation Review* process will be used to refine the Committee's guidelines on data availability and the use of genetic data.

The Chair of the SWG concluded that it was particularly pleasing to have completed the long and complex *Implementation Review* for B-C-B bowhead whales. He paid tribute to the hard work of all the scientists who participated in the review and recognised the tremendous field, laboratory and analytical effort involved, as well as the sterling work undertaken by Allison and Punt with respect to computing. Completion of the *Review* will allow more time to address the important issue of moving from interim management advice to more thorough *SLA*-based advice for other aboriginal subsistence fisheries.

### 3.2.2 Discussion and recommendations

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

## 3.3 Preparation of the Implementation Review for gray whales

### 3.3.1 Report of the Scientific Committee

The Chair of the SWG noted that this review is scheduled for 2009 and the Committee is beginning its preparations so that a full discussion can occur next year with the review being completed in 2009. The Committee also received information on the issue of 'stinky' whales. The paper dealt with the issue of 'stinky' whales and the need for (1) a definition of such whales for inclusion in the Schedule and (2) a proposal to be made as to how such inedible whales can be taken into account when setting catch limits where advice is provided by the *Gray whale SLA*. The Committee agreed that this matter should be referred to the Commission's ASW Sub-committee. It noted that the *SLA* approach provides advice on the 'need' requirements agreed by the Commission. If the question of 'stinky' whales was incorporated in a need statement then this could be dealt with by the *SLA*. It also agreed that the Committee (and the Commission) would be interested in

receiving a document reviewing the annual occurrence of stinky whales in the catch in recent years.

### 3.3.2 Discussion and recommendations

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

## 4. ADVICE ON OTHER GREENLANDIC STOCKS

### 4.1 Report of the Scientific Committee

The Chair of the SWG recalled that this item had been included on the agenda in response to a request made at the last Commission meeting by Denmark, and the Commission had agreed that this topic could be added to the Committee's workplan.

He noted that the Committee wished to draw the Commission's attention to the following concerns. It noted that it had done its best to provide this advice in the time available. However, it emphasised the difficulties surrounding the provision of *ad hoc* interim advice on catch limits. This is particularly true for new populations for which there has been relatively short notice that advice would be required and for which the Committee has not recently assessed their status. It believes that it is inappropriate to provide *ad hoc* interim advice for long time periods. That should be done through the development of *SLAs* that have been thoroughly tested for robustness to uncertainty and for which it has been agreed that they can meet the Commission's stated long-term management objectives. Any *ad hoc* interim advice must not be seen as a replacement for *AWMP SLAs* and its provision should not slow down their development. Given these concerns, he noted that the important question of time spans and *ad hoc* interim advice will be considered further at next year's annual meeting.

#### 4.1.1 Humpback whales

The Committee agreed that the appropriate management unit was the West Greenland feeding aggregation. This is part of the larger West Indies breeding population. The Committee received an abundance estimate from the 2005 aerial survey of 1,218 (95% CI 423-3,508). There was considerable discussion of this estimate and the analytical methods used in the Committee. Noting the negative biases as a result of not incorporating perception or availability bias, however, the Committee agreed that the new data suggest that West Greenland humpback whale abundance is probably higher than previously believed. It looks forward to the results from new surveys this year. The Committee also considered an assessment method. The Committee was not able to accept the method at this meeting for a number of reasons, particularly involving the issue of the allocation of historical catches.

Given these uncertainties, the Committee agreed that it was unable to respond to the request for management advice at this time. It noted that the lower confidence bound for abundance would be one which, if endorsed after future study (new abundance estimates should be available next year), might permit formulation of *ad hoc* interim management advice. It agrees that it will be in a better position to provide management advice at the next annual meeting. It also drew the Commission's attention to its view on the problems associated with the provision of *ad hoc* interim advice.

#### 4.1.2 Bowhead whales

The Committee noted its view that a single shared Eastern Canada-West Greenland stock in the eastern Arctic should be recognised as the working hypothesis and the need for a thorough discussion of stock structure, including comprehensive analyses of genetic data, at the next annual meeting. It also noted the new agreed abundance estimate of 1,230 bowhead whales (95% CI: 500-2,940; 90% CI: 570-2,550) in the survey area. This estimate does not reflect the total population size of the putative Eastern Canada-West Greenland stock, but only the animals present in West Greenland in the winter.

The Committee emphasised that no assessment of this putative stock has been undertaken. The new abundance estimate of whales wintering off West Greenland could form the basis of *ad hoc* interim advice since the Committee has in the past provided advice based on 1% of the lower 95% confidence limit of the abundance estimate. For the present estimate that would be five whales. However, the Committee draws the Commission's attention to its view on the problems associated with the provision of *ad hoc* interim advice. It also noted that it would carry out a full review of stock structure issues next year.

### 4.2 Discussion and recommendations

Denmark introduced the Greenland Home Rule Government White Paper on Hunting of Large Whales in Greenland (IWC/59/ASW 8) which includes: a brief review of Greenland's whaling history; an update of the current stocks of large whales found around Greenland; a summary of legislation and monitoring systems regarding hunting of large whales; updated statistics and work on the welfare aspects of the hunt; and a discussion of current needs and motivation and future plans. In particular, it stressed that the present quotas do not fulfil the need of 670 tonnes of whale meat that had been agreed by the Commission in 1990; in fact they are short by over 220 tonnes and this did not take into account the increase in the population of Greenland since 1990. It noted that humpback whaling had a long history in Greenland before the quota was removed in 1986. Bowhead whales are found in the area near Disko Bay and could help alleviate the need in that area. It would return to the question of catch limits later in the agenda. A full statement is given as Appendix 6.

A number of points were raised in discussion. The UK indicated that it shared the concern of the Scientific Committee over requests for *ad hoc* advice. It commented that it believed that this may have led to less time for consideration on bowhead whales than was appropriate. Japan thanked the Scientific Committee for the manner in which it handled the request for interim advice and believed it was appropriate to give such advice whilst awaiting the development of an *SLA* approach.

Norway noted the concerns expressed by the NAMMCO Scientific Committee as well as the IWC Scientific Committee over the sustainability of the catches of white whales and narwhals in Greenland. It asked whether an increase in the catches of large whales such as bowheads and humpbacks could substitute for over-hunting of belugas and narwhals. Switzerland stated its belief that the IWC had responsibility for managing all cetaceans and asked whether the need calculations included small cetaceans. Denmark stated that it was not possible to give an answer at this stage to Norway but noted that it may be

possible to consider this further in a different context. It explained that the present calculation of need related to large whales in West Greenland only.

The Russian Federation complimented the Scientific Committee for its work and noted that there were problems with the issue of substitution of one type of whale meat for small cetacean meat. Moreover, for Russian native people it is not possible even to substitute meat from bowhead whales with meat from gray whales. The priority issue should be to maintain the health and historical and traditional dietary needs of native peoples.

A number of comments were made with respect to the need request being expressed in tonnes of whale meat rather than in numbers of animals, as was generally the case. Austria and Germany questioned the basis for the conversion factors used in the document and the latter asked if these had been reviewed by the Scientific Committee. The UK commented that it believed need should be expressed in a common way for all fisheries.

The Chair of the SWG noted that the Scientific Committee's primary concern is with numbers of animals as this is how it can examine sustainability of populations. While it could comment on weights of animals, this could not be equated with weights of edible products. It had recognised the need for consideration of the multispecies nature of the Greenlandic hunt and would take this into account when developing *SLAs*. The question of need was the province of the Commission's ASW Sub-committee.

Denmark referred to table 6 of IWC/59/ASW8 and the conversion factors therein (8 metric tonnes for humpback whales, 10 tonnes for fin whales and 2 tonnes for minke whales). There was no conversion factor as yet for bowhead whales.

Iceland and Dominica both supported the approach of the Scientific Committee agreeing that sustainability was the primary consideration, whilst stressing the need to then try to meet dietary and cultural needs.

After this exchange of views the Sub-committee noted the report of the Scientific Committee and its recommendations.

## 5. ABORIGINAL WHALING SCHEME (AWS)

### 5.1 Report of the Scientific Committee

The Chair of the SWG noted that in 2002, the Committee had developed scientific aspects of an aboriginal whaling scheme (AWS) intended for use in conjunction with the *Bowhead SLA*. These proposals were agreed by the Scientific Committee and reported to this Aboriginal Whaling Sub-committee (the specifications can be found in *Ann. Rep. Int. Whaling Comm. 2002: 74-5*). He reported that the Scientific Committee again **recommends**, as it has done each year, the scientific components of an aboriginal whaling management scheme to the Commission, noting that they form an integral part of the long-term use of *SLAs*. It will keep this item on its agenda.

### 5.2 Discussion and recommendations

The Sub-committee endorsed the report of the Scientific Committee and noted its recommendations.

## 6. ABORIGINAL SUBSISTENCE WHALING CATCH LIMITS

### 6.1 Bering-Chukchi-Beaufort Seas stock of bowhead whales

#### 6.1.1 Report of the Scientific Committee

The Chair of the SWG reported that in 2006, a total of 39 bowhead whales were struck, resulting in 31 animals landed, of which 21 were males and 10 were females. Ice and weather conditions challenged hunters during spring, resulting in the lowest spring harvest ( $n=5$ ) for the past 35 years. This contributed to an overall lower harvest in 2006 when compared to the previous 10 years. No catches were taken of bowhead whales off Russia due to adverse ice and weather, as well as technical issues.

After full consideration of the stock structure discussions, the Committee strongly recommended that the *Bowhead SLA* remains the best tool for providing management advice on bowhead whaling, noting that it was robust to a wide range of stock structure hypotheses. The results from the *SLA* showed that the present strike and catch limits are acceptable. The *SLA* has been run assuming 67 strikes per year i.e. 335 strikes for the 5-year block; a strike is always assumed to result in death. Between block and between year carryover is allowed under the proposed AWS.

#### 6.1.2 Discussion and recommendations

The Need Statement for the USA was presented by Harry Brower, Chairman of the Alaska Eskimo Whaling Commission (SC/59/ASW6 and Appendix 4).

The Russian Federation reminded the Sub-committee of the importance of bowhead whales to the people of Chukotka (and see IWC/59/ASW3). It also noted the practical difficulties it faced in relation to taking its full need. Technical reports and data indicate a requirement of at least 10 bowhead whales annually but at this point they could not take more than 5 bowhead whales with 2 'struck and lost'. This amount was reached in agreement with the USA within the existing quota. It wished to maintain the *status quo*. It also reminded the Sub-committee of its previous comments that replacement of bowhead whales with gray whales was not an option.

Austria remarked on the availability of whale products in the Anchorage shops and that there was no CITES information with those products. They sought advice from the US regarding sales and or seizures in the US and questioned whether it was really subsistence whaling if products were sold. The US noted this was a discussion which had a long history in the IWC and the use of non-edible products for handicrafts was an accepted practice. Export was regulated in accordance with CITES rules. However, it was legal for such products to be sold in the USA.

After this discussion the Sub-committee endorsed the report of the Scientific Committee and its recommendations.

### 6.2 North Pacific Eastern stock of gray whales

#### 6.2.1 Report of the Scientific Committee

The Chair of the SWG reported that during the Russian aboriginal hunt for gray whales in 2006, a total of 129 gray whales were landed (including 55 males and 74 females) and 5 gray whales were struck and lost. Only 16 of the 22 whaling villages in Chukotka were able to participate in the

hunt due to severe ice and weather conditions, and for technical reasons. Five inedible whales (known as 'stinky' whales) were caught.

The Committee **reaffirms** its advice from last year that the *Gray whale SLA* remains the most appropriate tool for providing management advice for this harvest. The results from the *SLA* show that the present strike and catch limits are acceptable (a total catch of up to 620 for the five year block). An *Implementation Review* is scheduled for 2009.

#### 6.2.2 Discussion and recommendations

The Russian Federation noted the extensive work on the needs of the Russian aboriginal people since 1982 and introduced IWC/59/ASW3. This document indicates annual requirements of 350 gray whales and 5 bowheads and that approximately one third of the 1960s/1970s harvest is currently undertaken; this reflects practical difficulties associated with the changing political situation. While annual needs have been estimated at about 100kg per person, the reality is currently that only about 30kg per person are obtained. In addition, in recent years the problem of stinky whales has emerged, reducing the amount of available quota for consumption while native populations are increasing. Despite the disparity between needs and current quota, for the present, the Russian Federation indicated its willingness to maintain the *status quo*.

The Makah Tribe presented their needs statement (Appendix 5). Austria requested clarification of US domestic law concerning the Makah hunt. The US explained that the Makah Tribe have applied for a waiver of the US Marine Mammal Protection Act and that application is pending.

After this discussion, the Sub-committee endorsed the report of the Scientific Committee and its recommendations.

### 6.3 North Atlantic humpback whales off St. Vincent and The Grenadines

#### 6.3.1 Report of the Scientific Committee

The catch in 2007 for St. Vincent and The Grenadines was reported to be one female; it was not accompanied by a calf and was not lactating.

The Committee was informed that genetic samples for the whales caught in 2005, 2006, and 2007 have been collected and plans for analysis are in place. Fluke photographs for the 2000, 2003, 2005, and 2006 catches had been submitted for comparison to the North Atlantic Humpback catalogue, and no matches were identified. It welcomed this information and particularly commended the collection of genetic samples and fluke photos. It strongly encouraged the continued collection of such data from future catches.

The Committee agreed that the animals found off St. Vincent and The Grenadines are part of the large West Indies breeding population. The Commission adopted a total block catch limit of 20 for the period 2003-07. The Committee agreed that renewal of this catch limit for another 5-year block will not harm the stock.

#### 6.3.2 Discussion and recommendations

St. Vincent and The Grenadines referred the Sub-committee to IWC/54/AS7 which established their needs for take of humpback whales and noted their requirement for an annual quota of 4 humpback whales. They encouraged the Sub-committee to recommend for St.

Vincent and The Grenadines a humpback take not to exceed 20 for the period 2008-2012.

The United Kingdom congratulated St. Vincent and The Grenadines on providing appropriate genetic and photo-identification data.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

### 6.4 Minke whale stocks off Greenland

#### 6.4.1 Report of the Scientific Committee

The Chair of the SWG reported the following catch information for 2006 for common minke whales: East Greenland: 2 common minke whales landed (2 males; 0 females; plus 1 struck and lost); West Greenland: 175 common minke whales landed (43 males; 128 females; 4 unidentified sex; plus 6 struck and lost).

##### 6.4.1.1 WEST GREENLAND

The Chair of the SWG reported that the Committee had stressed that it is in a considerably stronger position than it has been in recent years. There was a new abundance estimate from the 2005 aerial survey of 10,800 with 95% confidence interval 3,600-32,400 (see IWC/59/Rep1, item 8.2.3). Considerable progress had been made on developing an assessment method incorporating sex ratio data. It believes that it will be possible to make a final recommendation on whether this method can be used to give management advice in the short (5-year) term and if so, to provide that advice. Should this work prove successful, it would open the door to beginning development of a full *SLA* approach for providing long-term advice.

Questions about stock structure remain. Although the survey estimate does not apply to the whole population available it is not known by how much. This issue will be addressed should the proposed assessment method prove to be applicable next year. However, despite the great improvement, the Committee remains concerned that it is not in a position to give authoritative advice on safe catch limits this year. Given that, it agreed that it is not possible for it to give more than interim *ad hoc* advice for the forthcoming season, noting that it believed that there was a reasonable chance that it would be in a position to provide advice at the 5-year block timescale next year. Therefore, the Committee recommended that any quota established by the Commission on the basis of the interim *ad hoc* advice below be limited to one year only.

While the Committee does not feel in a position to recommend a single number, it offered the following advice to the Commission, following the approach of last year: under the assumption that (a)  $MSYR_{mat}$  is 3%<sup>1</sup>; (b) that the true population has a sex ratio of 1:1; and (c) that the population is underestimated by factors between 2 and 2.7<sup>2</sup>, the estimated annual replacement yield ranges from about 170 to 230 whales if the lower bound of the revised 2005 aerial survey estimate is used.

The Committee agreed that the Commission should exercise caution when setting catch limits for this stock. It

<sup>1</sup>The Committee has elsewhere suggested that the likely value for common minke whales lies towards the upper end of the range 1-4% (*J. Cetacean Res. Manage. (Suppl.)* 6: 10 [2004].

<sup>2</sup>Although not accepted as appropriate to use to provide management advice at this meeting, the value of 2.7 is broadly compatible with the results of the methods that attempted to use sex ratio information to obtain a lower bound for the total population abundance.



emphasised its strong recommendation that safe long-term management of aboriginal whaling is best accomplished under an agreed AWMP *SLA*. It therefore agreed that development of an *SLA* for this fishery should begin as soon as practical.

Finally, the SWG noted that new aerial and shipboard surveys will be undertaken this summer and autumn as part of the extensive T-NASS survey endorsed by the Committee last year and it expects new abundance estimates to be provided next year.

#### 6.4.1.2 EAST GREENLAND

The Chair of the SWG reported that no new information on stock structure, abundance or trends was available this year. However, catches off East Greenland are believed to come from the Central stock of minke whales. The Committee notes that the present catch limit represents a very small proportion of the Central stock that numbers well over 60,000 animals. The Committee agreed that the present catch limit of 12 animals poses no threat to the stock. New abundance estimates will be available from the forthcoming T-NASS survey.

#### 6.4.2 Discussion and recommendations

General discussion of all of the Greenland catch limits was taken under Item 6.6.

### 6.5 West Greenland stock of fin whales

#### 6.5.1 Report of the Scientific Committee

The Chair of the SWG noted that the catch of West Greenland fin whales in 2006 was 9 landed fin whales (2 males; 6 females; 1 unidentified sex; plus 1 'struck and lost').

The Committee was very pleased this year to have an agreed assessment method for the first time for West Greenland fin whales. In addition, there is a new estimate of 3,200 whales in 2005 with a 95% confidence interval of 1,400-7,200. The Committee therefore believed that it was able to provide interim management advice for this stock for the 5-year block period. The assessment results suggest that this fin whale stock is above its maximum sustainable yield level - perhaps considerably above it.

The Committee recommended the following advice to the Commission: for the preferred estimate of productivity, the estimated posterior median for  $Q_i$  is 26 while the lower 5% credibility value is 14; the comparable values for current depletion shows the stock to be at 97% and 75% of its initial size, respectively<sup>3</sup>.

Although the Committee is pleased to be in a position to provide this interim advice, it emphasised that safe long-term management of aboriginal whaling is best accomplished under an agreed AWMP *SLA*. It therefore agreed that development of an *SLA* for this fishery should begin immediately.

### 6.6 Catch limits for other large whales off Greenland

#### 6.6.1 Discussion and recommendations

Greenland referred to (IWC/59/ASW8) and then presented its request for catch limits for the forthcoming five year block. For the West Greenland area the request is for:

- (1) a quota of 200 minke whales struck annually (the range in the Scientific Committee report is 170-230), including a carry-over of maximum 15 non-used quotas in the following year, with an annual review of data as suggested by the Scientific Committee;
- (2) a quota of 19 fin whales struck annually (the Scientific Committee had given a range of 14-26);
- (3) a quota of 10 humpback whales struck annually, including bycaught animals but postponed until 2008 after the Scientific Committee's review; and
- (4) a quota of 2 bowhead whales struck annually and including bycaught animals (the Scientific Committee had stated up to 5).

For the East Greenland area the request is for an annual quota of 12 minke whales struck, including a carry-over of maximum 3 non-used quotas (the Scientific Committee had stated that this was acceptable).

In response to a question from Austria about whether these whales were the same whales that the Commission had in the past been concerned about even a single take from Canada, the Chair of the SWG clarified that this was before the Scientific Committee had received new information in recent years clarifying stock structure. Where once there were thought to be several small stocks, the Committee's working hypothesis now is that there is a single larger eastern Canada/West Greenland stock. The Scientific Committee is planning a major review of stock structure next year.

The UK indicated that while it recognised Greenland's long whaling tradition, it was not happy with its proposed catch limits. Given concerns over abundance estimates of Western Greenland minke whales it believed that it was less than precautionary to increase the take from 175 to 200. While they recognise the Scientific Committee's interim advice that a limited take of bowheads may be sustainable, it believed that that advice was equivocal. With respect to humpback whales, the UK referred to the problems with *ad hoc* advice. It requested Greenland to further reflect on these matters. There was support for this approach from Brazil, Germany, Chile, Netherlands, Switzerland and Luxembourg.

Iceland noted that in light of the advice of the Scientific Committee, and taking into account information that it had from the NAMMCO Scientific Committee, they could support the proposal from Greenland, which it believed in general could be seen as conservative.

Norway commented that its view was that it was important to consider the advice of the Scientific Committee when considering the Greenlandic request. It therefore proposed that it could accept for the full five years the catch of 19 fin whales and 2 bowhead whales. For common minke whales off West Greenland it could accept the value of 200 proposed for 2008, with a review of the limits for 2009-2012 next year in the light of the Scientific Committee's advice at that time. With respect to humpback whales, it could support the proposed catch of 10 (noting the view of NAMMCO's Scientific Committee) for 2008, with a review of the limits for 2009-2012 next year in the light of the Scientific Committee's advice at that time.

Denmark noted that it could accept the Norwegian suggestion. A number of other countries including Grenada, the Russian Federation, St. Vincent and The

<sup>3</sup> $Q_i$  is a quantity of that allows the proportion of the net recruitment allocated to recovery to increase if the stock is believed to be depleted. There is a 50% probability that the correct value of  $Q_i$  is really below (or above) the posterior median estimate given here, and a 95% probability that it is below (above) the lower 5% credibility limit.

Grenadines, St. Lucia, Dominica and Japan supported the Norwegian proposal. Japan also commented that IWC members should work to seek consensus and not take the ASW quotas to a vote in Plenary.

The Sub-committee noted the report of the Scientific Committee and its recommendations.

## 7. OTHER MATTERS

No other matters were raised.

## 8. ADOPTION OF THE REPORT

The report was adopted 'by post' on 26 May 2007.

---

### Appendix 1

#### LIST OF PARTICIPANTS

##### Argentina

Miguel Iñiguez

##### Australia

Donna Petrachenko  
Philip Burgess (Rapporteur)  
Zena Armstrong  
Lesley Gidding  
Pam Eiser  
Andrew McNee

##### Austria

Andrea Nouak  
Michael Stachowitsch

##### Belgium

Alexandre de Lichtervelde  
Koen Van Waerebeek

##### Brazil

Régis Pinto Lima  
José Truda Palazzo

##### Chile

Francisco Berguño Hurtado  
Elsa Cabrera Peñuela

##### Czech Republic

Pavla Hycova

##### Denmark

Ole Samsing  
Amalie Jessen  
Maj Friis Munk  
Leif Fontaine  
Ole Heinrich  
Mads Lunde  
Fernando Ugarte

##### Dominica

Lloyd Pascal  
Andrew Magloire

##### Ecuador

Agustin Fornell  
Nancy Hilgert  
Cristina Castro

##### Finland

Esko Jaakola  
Penina Blankett

##### France

Stephane Louhaur  
Vincent Ridoux

##### Germany

Marlies Reimann  
Lars Puvogel

##### Grenada

Justin Rennie  
Frank Hester

##### Iceland

Stefán Ásmundsson  
Gísli Víkingsson

##### Italy

Riccardo Rogillo  
Caterina Fortuna  
Frederico Cinquepalmi

##### Japan

Minoru Morimoto  
Joji Morishita  
Shigeki Takaya  
Jiro Huagiji  
Ryoichi Nakamura  
Kayo Ohmagari  
Dan Goodman  
Saemi Baba (I)

##### Republic of Korea

Chiguk Ahn  
Yong Rock An  
Hyun Jin Park

##### Mexico

Lorenzo Rojas-Bracho

##### Netherlands

Maaïke Moolhuijsen

##### New Zealand

Geoffrey Palmer  
Jan Henderson

Michael Donoghue  
Indra Prasad

##### Norway

Turid Eusébio  
Halvard Johansen (Chair)  
Hild Ynnesdal  
Lars Walløe  
Egil Øen

##### Russian Federation

Valentin Ilyashenko  
Rudolf Borodin  
Igor Mikhno  
Alexey Ottoy  
Nikolai Etyne  
Gennady Inankeuyas  
Vladimir Etylin  
John Tichotsky (I)

##### Spain

Carmen Asencio

##### St. Vincent and The Grenadines

Raymond Ryan

##### Sweden

Bo Fernholm

##### Switzerland

Bruno Mainini

##### UK

Richard Cowan  
Trevor Perfect  
Paul Dolder  
James Gray  
Laurence Kell  
Panayiota Apostolaki  
Mark Simmonds  
Jennifer Lonsdale

##### USA

Bill Hogarth  
Doug DeMaster  
Cheri McCarty  
Roger Eckert  
Emily Lindow  
Shannon Dionne

Robert Brownell  
 Brad Smith  
 John Field  
 Rollie Schmitt  
 Michael Tillman  
 Heather Rockwell  
 Micah McCarty  
 Keith Johnson

John Arum  
 Brian Gruber  
 Anne Renker  
 Stanley Speaks  
 Harry Brower  
 Edward Itta  
 George Noongwook  
 Merlin Koonooka

Raymond Hawley  
 Eugene Brower  
 Kirsten Erickson  
 Shannon Bettridge

**Secretariat**  
 Greg Donovan

## Appendix 2

### AGENDA

1. Introductory items
  - 1.1 Appointment of Chair
  - 1.2 Appointment of rapporteur
  - 1.3 Review of documents
2. Adoption of the Agenda
3. Aboriginal Subsistence Whaling Management Procedure
  - 3.1 Progress with the Greenlandic Research Programme (regarding fin and minke whales)
    - 3.1.1 Report of the Scientific Committee
    - 3.1.2 Discussion and recommendations
  - 3.2 *Implementation Review* for bowhead whales
    - 3.2.1 Report of the Scientific Committee
    - 3.2.2 Discussion and recommendations
  - 3.3 Preparation of the *Implementation Review* for gray whales
    - 3.3.1 Report of the Scientific Committee
    - 3.3.2 Discussion and recommendations
4. Advice on other Greenlandic stocks
  - 4.1 Report of the Scientific Committee
  - 4.2 Discussion and recommendations
5. Aboriginal Whaling Scheme (AWS)
  - 5.1 Report of the Scientific Committee
  - 5.2 Discussion and recommendations
6. Aboriginal subsistence whaling catch limits
  - 6.1 Bering-Chukchi-Beaufort Seas stock of bowhead whales
    - 6.1.1 Report of the Scientific Committee
    - 6.1.2 Discussion and recommendations
  - 6.2 North Pacific Eastern stock of gray whales
    - 6.2.1 Report of the Scientific Committee
    - 6.2.2 Discussion and recommendations
  - 6.3 North Atlantic humpback whales off St. Vincent and The Grenadines
    - 6.3.1 Report of the Scientific Committee
    - 6.3.2 Discussion and recommendations
  - 6.4 Minke whale stocks off Greenland
    - 6.4.1 Report of the Scientific Committee
    - 6.4.2 Discussion and recommendations
  - 6.5 West Greenland stock of fin whales
    - 6.5.1 Report of the Scientific Committee
    - 6.5.2 Discussion and recommendations
  - 6.6 Catch limits for other species off West Greenland
7. Other matters
8. Adoption of the Report

### TERMS OF REFERENCE

The Terms of Reference of the Aboriginal Subsistence Whaling Sub-committee are to consider the relevant information and documentation from the Scientific Committee, and to consider nutritional, subsistence and cultural needs relating to aboriginal subsistence whaling

and the use of whales taken for such purposes, and to provide advice on the dependence of aboriginal communities on specific whale stocks to the Commission for its consideration and determination of appropriate management measures (*Rep. int. Whal. Comm.* 48: 31).

### Appendix 3

#### ABORIGINAL SUBSISTENCE WHALING (ASW) CAUCUS STATEMENTS

##### (A) From the meeting in 2006

On 10 June 2006, aboriginal subsistence whalers from the countries of Denmark on behalf of Greenland, the Russian Federation, and the USA met for a historic first-time meeting to share information on whale killing methods and animal welfare issues. The meeting participants consisted of the Organization of Fishermen and Hunters in Greenland, the Association of Traditional Marine Mammal Hunters of Chukotka, the Alaska Eskimo Whaling Commission, and the Makah Whaling Commission. On behalf of these groups, we would like to thank the organizing committee of the IWC Workshop on Whale Killing Methods for recognizing the need to involve the aboriginal subsistence hunters in the workshop and their recognition of the need to seek practical solutions in advancing the recommendations of the workshop.

We unanimously agreed that in our communities, subsistence whaling is a critical activity; providing food for nutrition and serving to reinforce and maintain our cultural identity. As subsistence hunters, our traditions and our concern for other living creatures dictate a rapid and humane death for the whales we hunt. The most highly respected hunters are those who can take a whale quickly, humanely, and efficiently. This also serves a practical purpose since the more quickly a whale can be taken, the less chance it will be lost. Finally, we recognize and agree that in all hunting situations human safety must be given first priority.

We agreed to four major points affecting each aboriginal hunt.

- (1) Subsistence hunting is for food to meet cultural and nutritional needs. It guarantees the sustainable survival of the Native people. The human health of our peoples depends on the consumption of traditional marine mammal products.
- (2) The safety of his crew is a whaling captain's most important responsibility. For example, in the past five years, from one to six hunters annually collectively have died in the Chukotka Native and Alaska Eskimo hunts.
- (3) With safety assured, achieving a humane death for the whale is the highest priority.
- (4) Efforts to modernize our whaling equipment and practices can be made only within the context of each community's economic resources and the need to preserve the continuity of our hunting traditions.

As aboriginal subsistence whalers, we welcome the opportunity to consider incorporating more technologically advanced equipment into our traditional hunts. As we consider these opportunities, we also find that they present us with challenges. We each come from small communities with limited economic resources. Therefore, acquiring more expensive, modern equipment can prove difficult if not impossible. It is also important to be aware that innovations in our hunting techniques must be consistent with our traditional equipment and practices, or we risk losing the very culture we are working to conserve.

Training in whale hunting methods is a critical aspect in continuing the traditional subsistence whale hunt. All

aboriginal groups spend significant resources and time on training. Training guarantees efficiency, safety, and transfer of traditional knowledge from the older generation to the younger generation.

In discussions on time to death, we agreed that from a practical standpoint, we accept the 1990 IWC indicators of death which include: open jaw, slack flippers and cessation of movement which also are consistent with our traditional indicators. However, each aboriginal subsistence hunter may assess them differently. We noted several differences among our hunts, including differences in environmental conditions, differences in the species we hunt, and differences in the equipment we use. There are no 'textbook' solutions that can apply to all aboriginal subsistence whale hunts.

We also noted similarities in that all aboriginal subsistence whalers show respect for the animal. As whaling captains, each of us gives greatest priority to the safety of our crew members. Once a whale is struck, we look for indicators that the whale has died, but we recognize that these are just indicators and are not guarantees. So each captain, to protect his crew, gives the whale an additional amount of time based on his experience and judgment. Therefore, when asked to report the time to death, the best we can offer is an estimate.

In summary, we benefited from this opportunity to talk and learn about each other's hunting methods and found many similarities. We noted differences in environmental conditions and cultural traditions of our hunts. But, it is clear that within each of our cultures, achieving safe, humane, and efficient harvest methods is the most important goal of our subsistence hunts provided that it is economically viable and consistent with our traditions.

##### (B) From the meeting in 2007

Representatives of aboriginal subsistence whaling (ASW) groups, including the Alaska Eskimo Whaling Commission (AEWC), the Makah Tribe, the whale hunters of Chukotka, the Organisation of Fishermen and Hunters of Greenland, and St. Vincent and the Grenadines, met in caucus on 21 May 2007 to discuss issues of mutual importance in advance of the 59<sup>th</sup> Annual Meeting of the International Whaling Commission. This statement reflects the consensus position of all aboriginal subsistence whaling groups.

"Mr. Chairman, IWC/58 was a historic meeting for the Aboriginal Subsistence Whaling countries. They met in unity for the first time and developed a statement of principles for the ASW countries and their whaling communities. IWC/59 is a significant year to ASW countries and we wish to comment on the Commission's review of aboriginal subsistence catch limits as that review may affect our traditional way of life.

Most of the aboriginal hunts have a history that goes back many centuries - in fact more than 3,000 years - and over that time our people have accumulated a huge store of traditional knowledge about whales, about the sea and about the weather, and developed the appropriate equipment, boats and weapons as well as our own humane methods and hunting techniques. The whale is a large part

of our traditions and cultures, and needed for subsistence. In accordance with our traditions, we are determined to take measures to conserve whales and pass on our whale hunting culture and traditions to the next generations. We see ourselves as part of our environment. For many centuries our native peoples have shown the world excellent examples of conservation and rational, sustainable use of natural resources. We don't take from the environment more than we need for food and supporting the life of our coastal communities. We ask the IWC to respect our way of life.

Specifically, we ask the IWC to consider that all issues relating to aboriginal subsistence whaling should be decided at the IWC by consensus, which will serve as recognition of the right of aboriginal peoples to obtain their traditional food in their traditional way. Decision by consensus also will serve as recognition of their nutritional and cultural reliance on these traditional practices. And we ask that the IWC make its decision based on reason and science and not political expediency.

In 2007, the Commission must establish quotas for all whale stocks under its jurisdiction that are subject to aboriginal subsistence whaling. All members of ASW caucus express mutual support for quotas that are consistent with the Commission's conservation objectives and meet aboriginal subsistence needs.

The ASW caucus understands that certain members of the Commission have raised concerns about the term 'aboriginal subsistence whaling' in the Schedule. However, no specific changes to the term 'aboriginal subsistence whaling' have yet been proposed. The caucus believes that any changes to the term 'aboriginal subsistence whaling' may have significant legal consequences, both at an international and domestic level.

During the first meeting of the ASW caucus, we reviewed parameters for the IWC concept of 'time to death' and concluded that 'from a practical standpoint, we accept the 1990 IWC indicators of death which include:

open jaw; slack flippers; and cessation of movement which also are consistent with our traditional indicators. However, each aboriginal subsistence hunter may assess them differently. We noted several differences among our hunts, including differences in environmental conditions, differences in the species we hunt, and differences in the equipment we use. There are no 'textbook' solutions that can apply to all aboriginal subsistence whale hunts... [t]herefore, when asked to report the time to death, the best we can offer is an estimate.

In general we agree with the principle of minimizing time to death, but because safety of whaling crews is the first priority, it must be left to the discretion of each captain to manage time to death issues. We will continue to provide the IWC with the best possible data under the respective circumstances of each aboriginal hunt.

We recall and restate the second major point of our statement from the 2006 meeting: 'The safety of his crew is a captain's most important responsibility.'

The ASW caucus will continue to support the collection of data as currently requested by the IWC. We have concerns over potential misuse of new data. We are on record with our 2006 statement and its four points in reference to this data.

The ASW caucus discussed the Chukotkan whalers' take of 'stinky' whales. The Chukotkan whalers have proposed that since the AWMP *Implementation Review* will occur in 2009, the definition of 'stinky whale' for the ICRW Schedule and solution of how 'stinky' whales will be considered by the AWMP and *SLA* need to be adopted by the next IWC session in 2008. The ASW caucus supports the Chukotkan whalers proposed approach, which is consistent with achieving conservation goals.

The ASW caucus intends to conduct regular meetings to discuss issues of mutual concern and expects to provide consensus recommendations to the Commission at future meeting."

---

## Appendix 4

### QUANTIFICATION OF SUBSISTENCE AND CULTURAL NEED FOR BOWHEAD WHALES BY ALASKA ESKIMOS: 2007 UPDATE BASED ON 2000 US CENSUS DATA

#### INTRODUCTION

This document is essentially identical to the previously prepared 2002 'Update based on 2000 US Census data' (Stephen R. Braund and Associates [SRB and A] 2002) and is resubmitted at this time to provide a current (2007) subsistence and cultural need statement. As in 2002, this needs assessment relies on the 2000 US Census. The quantification of subsistence and cultural need for bowhead whales by Alaska Eskimos has not been updated with 2007 population information because the last US Census was in 2000 and the next US Census will not be conducted until 2010.

In previous subsistence and cultural needs assessments submitted to the International Whaling Commission (IWC) for years between the decennial US Census, the calculation depended on the most current Alaska Department of Labor Data population estimates for the communities multiplied by the percent Native from the 1980 and 1990 US Census. However, the most reliable information for assessing subsistence and cultural need using the IWC accepted method is to rely on the US Census. Thus, the 2007 needs assessment is based on the 2000 US Census and is the same as the 2002 needs calculation.

Like the 2002 report, this document is intended to be an addendum to SRB and A (1997)<sup>4</sup>. The 1997 report should be read in conjunction with this document as the former report provides relevant discussion and references for the historic context of this report. That discussion is not repeated in this brief report.

This report provides the seventh (although identical with the sixth) calculation of subsistence and cultural need for bowhead whales by Alaska Eskimos and is based on the same methodology used in the previous six 'needs' assessments. The first calculation of subsistence and cultural need submitted to the IWC was undertaken in 1983 (US Government, 1983<sup>5</sup>). The second calculation was submitted to the IWC in 1988 (Braund *et al.*, 1988<sup>6</sup>) when more extensive research provided additional historical whaling and human population data. The 1988 study used the most recent Eskimo population data available at that time, ranging from 1983 to 1987, to calculate current need. The third calculation of need, performed in 1992, was based on 1990 US Census population data. This update was presented to the Alaska Eskimo Whaling Commission (AEWC), but not to the IWC (SRB and A, 1992<sup>7</sup>). The

fourth calculation of need was conducted in 1994 based on July 1, 1992 population data generated by the State of Alaska, Department of Labor (SRB and A, 1994<sup>8</sup>). The fifth calculation (fourth presented to the IWC) was based on July 1, 1997 population data generated by the State of Alaska, Department of Labor (SRB and A, 1997<sup>9</sup>). The calculation of need for the 2002 and this report relies on 2000 US Census data. This is the third time since 1983 that US Census data have been used for the Alaska Eskimo needs calculation. All of the calculations of need since 1988 utilize the same method that was accepted by the IWC in 1988.

#### 2007 UPDATE BASED ON 2000 US CENSUS DATA

In preparation for the May 2007 IWC meeting, the Alaska Eskimo Whaling Commission (AEWC) requested an update of cultural and subsistence need for bowhead whales. Because the most reliable population information is from the US Census, this update is based on the 2000 US Census data for the 10 Alaska bowhead whaling communities. The 1997 update was based on the five year old 1997 population information. Furthermore, the human population estimates used in 1997 were based on estimates provided by the Alaska State Demographer (ADOL, 1997<sup>10</sup>) for each year (e.g., 1991-1997) since the 1990 US Census. The Alaska State Demographer prepares these updates annually and they include the total population (Native and other) in each of the communities and do not contain any information related to race. The Native population then has to be estimated from these total population data. Estimating the Native population in the ten Alaska bowhead whaling communities between decennial censuses is a complex process that relies on the Alaska Department of Labor population estimates and then applies the percent Native American from the latest (e.g., 1990 or 2000) US Census to these annual population estimates (see SRB and A (1997): tables 2 and 3). However, the 2000 US Census has race information, and the Alaska Native population in each of the whaling communities is reported. For this reason, the 2000 US Census is used for the 2007 needs update. Applying the IWC accepted method of calculating need (see Braund, Stoker and Kruse, 1988), SRB and A updated need based on 2000 US Census data. The only variable that has changed since 1988 for this calculation is the Alaska Native population for the ten whaling communities.

Only the Native population of each community is considered. The 2000 US Census Alaska Native population data represent 'American Indian or Alaska Native alone or

<sup>4</sup>Braund, S.R. and Associates. 1997. Quantification of subsistence and cultural need for bowhead whales by Alaska Eskimos - 1997 update based on 1997 Alaska Department of Labor Data. prepared for The Alaska Eskimo Whaling Commission, Barrow, Alaska.

<sup>5</sup>US Government. 1983. Report on Nutritional, subsistence and cultural needs relating to the catch of bowhead whales by Alaskan Natives. Submitted to the 35<sup>th</sup> Annual Meeting of IWC.

<sup>6</sup>Braund, S.R., Stoker, S.W. and Kruse, J.A. 1988. Quantification of subsistence and cultural need for bowhead whales by Alaska Eskimos. Stephen R. Braund and Associates, Anchorage, Alaska. Submitted to the 40<sup>th</sup> Annual Meeting of IWC as TC/40/AS2.

<sup>7</sup>Braund, S.R. and Associates. 1992. Quantification of subsistence and cultural need for bowhead whales by Alaska Eskimos - 1992 update based on 1990 US Census. Prepared for the Alaska Eskimo Whaling Commission, Barrow, Alaska.

<sup>8</sup>Braund, S.R. and Associates. 1994. Quantification of subsistence and cultural need for bowhead whales by Alaska Eskimos - 1994 update based on 1992 Alaska Department of Labor Data. Prepared for the Alaska Eskimo Whaling Commission, Barrow, Alaska.

<sup>9</sup>Braund, S.R. and Associates. 1997. Quantification of subsistence and cultural need for bowhead whales by Alaska Eskimos - 1997 update based on 1997 Alaska Department of Labor Data. prepared for The Alaska Eskimo Whaling Commission, Barrow, Alaska.

<sup>10</sup>Alaska Department of Labor, Research and Analysis Section. 1997. Alaska population overview - 1997 estimates (forthcoming 1998). Table 4.2. Population of places by Borough and Census Area, 1990-1997.

in combination with one or more other races.' Based on 2000 US Census data, the number of bowheads needed by each community and by the region as a whole (all ten communities) is derived by multiplying the mean number of whales landed per capita over the base time period (1910-1969) by the 2000 Alaska Native population for each community and for the region as a whole. Using this method, the need for each community is shown on Table 1. Based on the 2000 census data, the cultural and subsistence

need in the ten Alaska Eskimo communities is 56 landed bowhead whales (58 if rounded up). In 1997 and 2002, it was also 56 landed bowheads. Applying the mean of 0.008621 bowhead landed *per capita* for all ten communities for the historical period (1910-1969) to the 2000 regional Native population of 6,633 results in a 2000 regional cultural and subsistence need of 57 landed bowhead whales. In 1997, this regional calculation was 56 landed bowhead whales.

Table 1  
Ten Alaska Eskimo whaling villages' subsistence and cultural need for landed bowhead whales, 2000.<sup>1</sup>

Community	Number of observations <sup>2</sup>	Total Eskimo population for each year of a bowhead observation <sup>3</sup>	Number of bowheads landed 1910-1969 <sup>4</sup>	Mean landed <i>per capita</i> 1910-1969 <sup>5</sup>	2000 Alaska Native population <sup>6</sup>	2000 bowhead need (landed) <sup>7</sup>	2000 need (landed) rounded <sup>8</sup>
Gambell	39	11,883	68	0.005722	622	3.6	4
Savoonga <sup>9</sup>	0	-	-	0.005722	614	3.5	4
Wales	42	6,907	5	0.000724	137	0.1	1
Diomede <sup>10</sup>	30	3,250	11	0.003678	137	0.5	1
Kivalina	7	926	3	0.003240	364	1.2	1
Point Hope	50	12,467	209	0.016764	686	11.5	12
Wainwright	49	10,723	108	0.010072	508	5.1	5
Barrow	60	44,687	379	0.008481	2,933	24.9	25
Nuiqsut <sup>9</sup>	0	-	-	0.008481	386	3.3	3
Kaktovik	3	327	3	0.009174	246	2.3	2
Totals	280	91,170	786		6,633	55.9	58
Region <sup>11</sup>	208	91,170	786	0.008621	6,633	27.2	57

<sup>1</sup>Subsistence and cultural need is based on historic per capita harvest per community multiplied by the 2000 Alaska Native population of each community.

<sup>2</sup>The number of observations represents the number of years for which data on landed whales were available for each community (See Appendices 1 and 2 of Braund, Stoker and Kruse (1988) and Table 1 of SRB and A (1991\*)).

<sup>3</sup>Total Eskimo population represents the sum of the Eskimo population for each year there was an observation of a landed bowhead whale (only includes the 1910-1969 'Base Period'; see Braund, Stoker and Kruse (1988)).

<sup>4</sup>Number of bowheads landed represents the sum of the observed bowheads landed between 1910 and 1969.

<sup>5</sup>The mean landed bowhead whales per capita is based on the total number of whales landed between 1910 and 1969 for each community divided by the sum of the total Eskimo population for each village for each year landed whale data existed between 1910 and 1969 (See Appendices 1 and 2 in Braund, Stoker and Kruse (1988) and Tables 1 and 3 in SRB and A (1991)). The sum of the total Eskimo population was calculated by adding the Population estimates for each community for each year that there was a landed whale observation. For example, Barrow's 389 landed whales from 1910-1969 was divided by the total Eskimo population sum of 44,687 for this 60 year period (i.e., 379 divided by 44,687 = 0.008481).

<sup>6</sup>2000 Alaska Native population data for each community are from the 2000 US Census. They represent the category 'American Indian or Alaska Native alone or in combination with one or more other races.'

<sup>7</sup>The number of bowheads needed is derived by multiplying the mean per capita landed whales (1910-1969) by the 2000 Alaska Native population for each community. The true column total of 55.9 is shown and is less than the sum of its parts because of their being rounded up.

<sup>8</sup>The number of bowhead whales needed per individual community is rounded to the nearest whole number unless the product was less than 0.5; such cases were rounded up to one.

<sup>9</sup>Because there are no landed bowhead data for either Savoonga or Nuiqsut between 1910-1969, the mean per capita landed whales for Gambell was used for Savoonga and the mean for Barrow was used for Nuiqsut.

<sup>10</sup>Due to uncertainties in the landed whale data for Little Diomede Island, four different calculations of subsistence and cultural need, ranging from 0.4 to 1.0 bowheads, were presented (see Table 4 SRB and A (1991)). The Little Diomede mean landed whale per capita (1910-1969) in this table represents the mean of these four calculations.

<sup>11</sup>The mean per capita landed whales for the region represents the total number of whales landed for all ten communities between 1910 and 1969 divided by the sum of the total Native population for all communities for each year landed whale data existed between 1910 and 1969 (i.e., 786 whales divided by 91,170 = 0.008621).

## Appendix 5

### USA: STATEMENT ON THE MAKAH NEEDS STATEMENT

The Makah Tribe has a documented history of whaling activities that date back at least 3,000 years. Whaling continues to be of central importance to Makah Tribal culture, identity, and health, and is a key part in the education of the Tribe's children. We have discussed the importance of Makah whaling to its culture and identity at past IWC meetings, so I intend to concentrate on current information that supports the importance of whaling to contemporary tribal members.

In addition to a thorough anthropological discussion of Makah whaling, the current Needs Statement for the Makah Tribe conveys a number of important points regarding the Tribe's whaling activities:

- (1) A household survey conducted in December 2006 indicated that an overwhelming number of Makah reservation residents continue to support the Tribe's whaling efforts. The survey also indicated that a substantial majority of households wanted more access to whale products, and desired to incorporate whale

products into their regular diets. Many saw traditional foods as a means to increase the health of Tribal members while reducing nutritionally-based diseases that plague the Tribe. Nutrigenomic research supports this opinion.

- (2) The 2006 Household Survey demonstrated the Tribe's commitment to preserving its whaling activities with another datum. Many of the Tribe's members now report that they actively engage in the complex spiritual and religious activities that surround successful whaling; this datum represents a significant increase in ceremonial participation since the last survey five years ago.

The Needs Statement clearly indicates that the Makah community has a need to continue its whaling activities, and that the Tribe's members desire and support opportunities to maintain the central role that the whale has provided for the Tribe's health and well-being for at least the last three millennia.

---

## Appendix 6

### GREENLAND INTRODUCTION OF THE WHITE PAPER AND STATEMENT ON QUOTA REQUEST

Finn Karlsen, Minister of Fisheries, Hunting and Agriculture, Greenland Home Rule Government

#### Introduction of the white paper

On behalf of Denmark and the Minister of Fisheries, Hunting and Agriculture in Greenland, it is my privilege to introduce you to the 'White Paper on Hunting of Large Whales in Greenland', which has been submitted as document IWC/59/ASW8rev.

The aim of the white paper is to give an overview of the hunting of large whales in Greenland as it is done today. The document includes:

- a brief review of our long whaling history;
- an update of the current status of the stocks of large whales found around Greenland;
- a summary of our legislation and monitoring system regarding hunting of large whales;
- an explanation of our work aimed at improving the welfare aspects of the hunt, with updated statistics;
- a discussion of our current need of whale meat and our motivation for whaling; and
- a mention of our future plans regarding hunting of large whales, including the health effects of eating whale products.

Since the last half of the 20<sup>th</sup> century, Greenland has gone through enormous changes. We have become a modern nation but still relying on natural resources like fish and marine mammals. We have always regarded whales as an exploitable natural resource, and sustainable whaling is vital for our culture, socio economy and for our local economy. We make efforts to keep up with technology and to train our hunters in order to ensure that large whales are killed as humanely as possible, while at the same time taking into consideration the safety of the crews.

I hope that the 'white paper' will give IWC members and others a better understanding of the hunting of large whales in modern Greenland. We need this understanding in order to obtain international approval for the continuation of sustainable catches of large whales in future years.

#### Statement on quota request

Currently, West Greenland has an aboriginal subsistence quota of 175 minke whales and 19 fin whales per year in West Greenland and 12 minke whales in East Greenland. The fin whale quota was voluntarily reduced to 10 for the years 2006 and 2007. The West Greenland catches in 2006 brought approximately 462 tons of whale meat to our people, which were 208 tonnes less than needed. The West Greenland quota this year will only bring 438 tons, which is 232 tons less of what we need in order to satisfy West Greenland's need of 670 tons. In 1990 the IWC accepted that the amount of meat from large whales needed to satisfy West Greenland's need is 670 tonnes.

It is important that the IWC quotas can satisfy the documented need of meat from large whales of 670 tons for West Greenland. This could be achieved by increasing the current quota of minke whales and fin whales and by allocating quotas of other species as well.

During the last 20 years, the knowledge about the status of the stocks of large whales was insufficient to grant optimal allocation of quotas.

Fortunately, surveys for large whales have been successful during 2005 and 2006, and the IWC is now in a better position to approve new quotas, including quotas for bowhead whales and humpback whales.



Humpback whales played an important role in meat supply for Greenlanders for thousand years and were hunted until 1986. Many adult people have expressed their appreciations for old days and long for humpback whale meat and mattak. Therefore, the Greenlanders who grew up with humpback whale meat would very much appreciate if Greenland could obtain a quota for these species.

The Greenland Institute of Natural Resources has submitted an assessment of the population dynamics of humpback whales in West Greenland to the IWC Scientific Committee. This work estimated that yearly catches of up to 30 humpback whales would be sustainable. The IWC Scientific Committee had a number of observations regarding the analysis of this data, and agreed that the committee would be in a stronger position to provide management advice for this species in 2008.

I would like to point out that the scientists actually observed 350 individual humpback whales during the aerial survey in 2005. This means that the population size must be much larger than the 350 whales seen during the survey.

Bowhead whales are confined to Disko Bay and adjacent waters and, although they have been totally protected in the past 70 years, a quota for this species will greatly alleviate the need of whale products in this area.

Furthermore, the IWC Scientific Committee has agreed that the new abundance estimate of bowhead whales wintering off West Greenland could form the basis of *ad hoc* interim advice of 5 animals per year.

In summary, the prospects of obtaining approval from IWC for quotas for 2008-2012 are particularly good for a number of reasons.

- First, the IWC Scientific Committee has recently provided with an interim *ad hoc* advice of catches from 170 to 230 minke whales off West Greenland per year.
- Second, the Scientific Committee has advised that catches of 14-26 fin whales of West Greenland would be sustainable.
- Third, the Scientific Committee has provided with an interim *ad-hoc* advice of catches of up to 5 bowhead whales per year.
- Fourth, there is evidence that humpback whales in West Greenland number at least several hundreds, probably thousands and certainly more than the 350 individual humpback whales were observed by scientists in the aerial survey of 2005.
- Fifth, the control and monitoring systems are functioning well and the block quotas for the period 2003-2007 have not been exceeded.
- Sixth, with the current quotas West Greenland is 220 tons short of the documented need of 670 tons of meat from large whales that was approved by the IWC in 1991.
- And finally, the numbers of Greenland born persons has increased about 10% since 1990, when the need of 670 tons were accepted by the IWC. Thus, the current need should be around 740 tonnes of meat per year for West Greenland.

With basis on the advice from the Scientific Committee, the IWC should be able to approve quotas for Greenland that are larger than the ones for the period 2003-2007. These quotas would be sustainable and the hunt would be well regulated. Furthermore, Greenland will continue

working actively on improving the welfare aspects of whale hunting in cooperation with hunters and experts.

On behalf of the Greenland Cabinet I kindly request acceptance of following 5 year quotas.

#### *For West Greenland area*

- (1) A quota of 200 minke whales struck annually, including a carry-over of maximum 15 non-used quotas in the following year, and an annual review of data as suggested by the Scientific Committee.
- (2) A minimum quota of 19 fin whales struck.
- (3) A minimum quota of 10 humpback whales struck, including bycaught animals.
- (4) A minimum quota of 2 bowhead whales struck and including bycaught animals.

If the proposed quota is accepted, and landed, this will result in approximately 690 tons of whale meat, assuming that a bowhead whale gives as much as a fin whale. We would like to provide more accurate conversion factor for bowhead whales of West Greenland as soon as possible after the first animal has been caught. We are proposing a conservative approach, since the requested 690 tons are well below our estimated current need of 740 tons of whale meat per year.

In relation to the request of quota on humpback whales, Greenland is aware of the lack of a clear advice from the Scientific Committee, and therefore requests the Scientific Committee to finalise the evaluation of the submitted data on humpback whales. Due to the described situation, Greenland would also like to request that IWC does not make any decision about a quota on humpback whales at this year's annual meeting, but returns to the request from Greenland at the next annual meeting to make a final decision. Greenland would also like to request that the allocated quota come to effect in 2008 at the earliest. It is the sincere hope and expectation from Greenland that the Scientific Committee completes its work on humpback whales expeditiously and at the latest prior to the next Annual Meeting of the IWC.

#### *For East Greenland area*

Minimum quotas of 12 minke whales struck, including a carry-over of maximum 3 non-used quotas.

#### **Conclusion**

Greenlandic whaling is the continuation of a very old tradition performed according to needs in a contemporary society. Hunting in general and hunting of large whales in particular are integral parts of the culture, socio-economy and the local economy of the country. A Greenland without hunting is therefore unimaginable. For this reason, Greenland has the intention to hunt large whales both in the near-term and in the long-term future.

The Greenland Home Rule Government hopes that the IWC will be able to take management decisions based on the best available scientific knowledge and respect for the cultural, nutritional and economical needs of Greenlanders. Allowing Greenland to obtain sufficient whale meat to fulfil the documented need will be a way to protect the environment by rationally utilising the natural resources at hand.

## **Annex E**

### **Resolutions Adopted at the 59<sup>th</sup> Annual Meeting**

#### **Resolution 2007-1**

#### **RESOLUTION ON JARPA**

WHEREAS paragraph 7(b) of the Schedule establishes a sanctuary in the Southern Ocean;

RECALLING that the Commission has repeatedly requested Contracting Parties to refrain from issuing special permits for research involving the killing of whales within the Southern Ocean Sanctuary, has expressed deep concern at continuing lethal research within the Southern Ocean Sanctuary, and has also recommended that scientific research involving the killing of cetaceans should only be permitted where critically important research needs are addressed;

CONSCIOUS that the Scientific Committee last year convened a Workshop to analyse the results of JARPA I, which is reported in SC/59/Rep1;

NOTING that the Workshop agreed that none of the goals of JARPA I had been reached, and that the results of the JARPA I programme are not required for management under the RMP;

FURTHER NOTING that the Government of Japan has authorised a new special permit programme in the Antarctic, JARPA II, in which the take of minke whales

has been more than doubled, and fin whales and humpback whales have been added to the list of targeted species;

CONCERNED that fin whales in the Southern Hemisphere are currently classified as endangered, and that humpback whales in the JARPA II research area may include individuals from depleted breeding populations overwintering in the waters of certain Pacific Islands; and

CONVINCED that the aims of JARPA II do not address critically important research needs;

NOW THEREFORE THE COMMISSION:

CALLS UPON the Government of Japan to address the 31 recommendations listed in Appendix 4 of Annex O of the Scientific Committee report relating to the December 2006 review of the JARPA I programme to the satisfaction of the Scientific Committee; and

FURTHER CALLS UPON the Government of Japan to suspend indefinitely the lethal aspects of JARPA II conducted within the Southern Ocean Whale Sanctuary.

---

**Resolution 2007-2****RESOLUTION ON SAFETY AT SEA AND PROTECTION OF THE ENVIRONMENT**

WHEREAS the safety of vessels and crew, the order of maritime navigation, and environmental protection, are, and have long been, the common interests of nations worldwide;

WHEREAS the Commission and Contracting Governments support the right to legitimate and peaceful forms of protest and demonstration;

RECALLING that the 58<sup>th</sup> Annual Meeting of the Commission adopted Resolution 2006-2 in which the Commission agreed and declared that the Commission and its Contracting Governments did not condone any actions that are a risk to human life and property in relation to the activities of vessels at sea, and urged persons and entities to refrain from such acts;

SERIOUSLY CONCERNED that certain confrontations and actions at sea relating to whaling and whale research activities risk human life, property, the marine environment, and the order of maritime navigation, and may lead to grave accidents;

RECOGNISING the need for all States to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate as appropriate to prevent and suppress actions that risk human life and property at sea;

RECALLING the Convention on the International Regulations for Preventing Collisions at Sea which set uniform principles and rules for avoiding collisions at sea;

NOTING the general obligation in Article 192 of the United Nations Convention on the Law of the Sea that States protect and preserve the marine environment as well as Article 194 (1) and (5) on the need to prevent, reduce and control pollution in the marine environment including by taking measures necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life;

FURTHER NOTING that Article 197 of UNCLOS requires that States co-operate on a global basis and, as appropriate, on a regional basis, directly or through competent international organisations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with UNCLOS, for the

protection and preservation of the marine environment, taking into account characteristic regional features;

MINDFUL of the fact that issues relating to confrontation between vessels at sea and in port have been discussed by this Commission as well as in other international fora including the International Maritime Organisation;

RECALLING applicable international instruments, including the Convention for the Suppression of Unlawful Acts against the Safety of Navigation, relating to international cooperation for the prevention of unlawful acts against the safety of maritime navigation and actions against alleged offenders; and

NOTING also that MARPOL 73/78 and in particular its Annexes I and V designate the Antarctic as a Special Area due to the ecological importance of the fragile ecosystems of the area;

NOW THEREFORE THE COMMISSION:

AGREES AND DECLARES again that the Commission and its Contracting Governments do not condone and in fact condemn any actions that are a risk to human life and property in relation to the activities of vessels at sea;

URGES persons and entities to refrain from such acts;

FURTHER URGES Contracting Governments to have regard for the importance of protecting the environment, and in particular the fragile Antarctic environment;

URGES all Contracting Governments concerned to take appropriate measures, consistent with IMO guidelines, in order to ensure that the substance and spirit of this Resolution are observed both domestically and internationally;

URGES Contracting Governments to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders; and

URGES Contracting Governments to cooperate in accordance with UNCLOS and other relevant instruments in the investigation of incidents at sea including those which might pose a risk to life or the environment.

**Resolution 2007-3****RESOLUTION ON THE NON-LETHAL USE OF CETACEANS**

RECALLING the objective of the 1946 International Convention for the Regulation of Whaling to safeguard the natural resources represented by whale stocks for the benefit of future generations;

NOTING that many coastal States, including developing countries, have adopted policies of non-lethal use of cetaceans in the waters under their jurisdiction, in accordance with their sovereign rights reinforced by, *inter alia*, the United Nations Convention on the Law of the Sea (UNCLOS) and the Rio Declaration;

AWARE that most whale species are highly migratory and thus shared biodiversity resources;

CONCERNED that negotiations aimed at resolving the impasses at the International Whaling Commission must address the issue of non-lethal use to take into account the interests of a substantial portion of IWC membership;

NOTING that, under domestic management by coastal States, non-lethal utilisation of whales is a rapidly growing activity that provides substantial socio-economic opportunities, including promoting employment in coastal communities, especially in developing countries;

NOTING FURTHER that the moratorium on commercial whaling has been in effect since 1986 and has

contributed to the recovery of some cetacean populations essential for the promotion of non-lethal uses in many countries;

CONCERNED that whales in the 21<sup>st</sup> century face a wider range of threats than those envisaged when the ICRW was concluded in 1946; and

NOTING that the Buenos Aires Declaration states that 'high quality and well managed implementation of whale watching tourism promotes economic growth and social and cultural development of local communities, bringing educational and scientific benefits, whilst contributing to the protection of cetacean populations';

NOW THEREFORE THE COMMISSION:

RECOGNISES the valuable benefits that can be derived from the non-lethal uses of cetaceans as a resource, both in terms of socio-economic and scientific development;

RECOGNISES non-lethal use as a legitimate management strategy; and

ENCOURAGES member States to work constructively towards the incorporation of the needs of non-lethal users of whale resources in any future decisions and agreements.

**Resolution 2007-4****RESOLUTION ON CITES**

RECOGNISING that the International Whaling Commission (IWC) is the internationally competent organisation for the conservation and management of whale stocks;

FURTHER RECOGNISING that the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) passed Resolution Conference 11.4 (Rev. CoP12) which acknowledges the IWC as the major source of information on whale stocks around the world;

NOTING that the IWC Scientific Committee continuously reviews the status of all whale stocks;

NOTING that the moratorium on commercial whaling has been in effect since 1986, remains in effect and the reasons for the moratorium remain valid;

WELCOMING the continuing cooperation between CITES and the IWC on issues related to international trade in whale products, and urging all governments to continue to support IWC and CITES obligations with respect to this issue; and

FURTHER NOTING the existence of CITES Resolution Conference 11.4 (Rev. CoP12) on the conservation of cetaceans, trade in cetacean specimens and the relationship with the International Whaling Commission which *inter alia* expresses concern that international trade in meat and other products of whales is lacking adequate international monitoring or control, recognises that the IWC is the major source of information on whale stocks around the world and recommends that the Parties to CITES agree not to issue any import or export permit, or certificate for introduction from the sea under CITES for primarily commercial purposes for any specimen of a species or stock protected from commercial

whaling by the International Convention for the Regulation of Whaling;

NOW THEREFORE THE COMMISSION:

AFFIRMS that the moratorium on commercial whaling remains in place and that the reasons for the moratorium are still relevant;

EXPRESSES APPRECIATION that CITES recognises the IWC's Scientific Committee as the universally recognised international organisation with international expertise to review and evaluate the status of the world's whale stocks;

REAFFIRMS the important role of CITES in supporting the IWC's management decisions with regard to the conservation of whale stocks and the importance of continued cooperation between CITES and IWC;

REAFFIRMS the importance of continued cooperation between CITES and IWC with regard to the conservation of whale stocks through the regulation and management of international trade in whale products;

CONSIDERS that the IWC has not yet completed the necessary measures to regulate commercial whaling;

CONSIDERS that any weakening of existing restrictions on trade under CITES could have significant adverse effects on the moratorium on commercial whaling and increase threats to whales;

REQUESTS Contracting Governments to respect the relationship between the two conventions and not to seek the transfer of cetacean species from CITES Appendix I; and

FURTHER REQUESTS the Secretariat to send a copy of this Resolution to the CITES secretariat.

**Resolution 2007-5****THE VAQUITA, FROM CRITICALLY ENDANGERED TO FACING EXTINCTION**

CONCERNED with the finding of the Scientific Committee concurring with the recent results of the baiji survey in the Yangtze River that has led the scientific community to conclude that the baiji is functionally extinct. It is the first cetacean species to disappear in modern times. The main factors that drove the baiji (*Lipotes vexillifer*) to extinction were habitat degradation and incidental catch;

RECALLING that since 1991 the IWC Scientific Committee has recommended that conservation actions must be taken immediately to eliminate bycatch of the vaquita (*Phocoena sinus*) in the northernmost Gulf of California, Mexico, to prevent its extinction. Moreover, since 1997 the International Committee for the Recovery of Vaquita (CIRVA) has recommended that bycatch be reduced to zero by banning entangling nets throughout the vaquita's range whilst noting the difficulties involved in trying to reconcile the vaquita's need for immediate protection with the needs of the affected people;

FURTHER RECALLING that IUCN has listed the vaquita as Vulnerable in 1978, Endangered in 1990 and Critically Endangered since 1996;

NOTING that CIRVA recommended a staged reduction in fishing effort starting in January 2000, with the expectation that gillnetting would be completely eliminated by January 2002;

FURTHER NOTING that in March 2007 the IUCN Director-General expressed, through a letter to the President of Mexico, that organization's grave concern about the future of the vaquita. IUCN also acknowledged the serious social and economic implications of banning the use of entangling nets in the Northern Gulf and indicated that conservation efforts must include programmes that will help meet the needs of people in the region;

FURTHER NOTING that Mexico has followed many of the recommendations to protect and monitor the vaquita, e.g. by closing the totoaba fishery, protecting the vaquita's habitat through Marine Protected Areas (Biosphere Reserve of the Upper Gulf of California and Delta of the Colorado River and the recently declared Vaquita Refuge), and implementing an acoustic monitoring program;

FURTHER RECALLING that the Ministry of Environment and Natural Resources and the Ministry of Agriculture, Livestock and Fisheries have been working cooperatively with several non-governmental organisations to implement a comprehensive recovery plan with a strong socio-economic component as recommended by CIRVA;

FURTHER CONCERNED that progress towards reducing/eliminating entanglement has been very slow despite efforts to ban gillnets from the vaquita's core area of occurrence and elsewhere in the Northern Gulf. The baiji experience shows that extinction can happen rapidly and without evidence of a steady or prolonged decline, if appropriate conservation actions are not taken promptly; and

FURTHER NOTING that the vaquita's survival is at a critical juncture. The best hope for the species is that the international community and non-governmental organisations will support the Government of Mexico by providing technical and financial assistance in the implementation of CIRVA's Recovery Plan and the Biosphere Reserve;

**NOW THEREFORE THE COMMISSION:**

COMMENDS Mexico's intense recent efforts to prevent the extinction of the vaquita despite the difficulties involved in reducing bycatch to zero, and especially given the difficulties of providing alternative livelihoods to isolated fishing communities in the Northern Gulf;

FURTHER COMMENDS the President of Mexico for the recent announcement on the Conservation Program for Endangered Species (PROCER), which calls for the implementation of specific Species Conservation Action Programs (PACE) for a list of selected species. The vaquita is among the top five species on this list; and

URGES the Members of IWC and the world community to support Mexico's efforts to prevent the extinction of the vaquita by reducing bycatch to zero in the immediate future and assisting in providing financial resources and technical as well as socio-economic expertise.

## Annex F

# Report of the Conservation Committee

Tuesday 22 May 2007, Anchorage, Alaska

The meeting was opened by Hyun-Jin Park (Republic of Korea), who welcomed participants. A list of participants is given in Appendix 1.

### 1. INTRODUCTORY ITEMS

#### 1.1 Election of Chair

Hyun-Jin Park (Republic of Korea) was confirmed as Chair.

#### 1.2 Appointment of rapporteur

Paul Dolder (United Kingdom) was appointed rapporteur.

#### 1.3 Review of documents

A list of documents is attached as Appendix 2.

### 2. ADOPTION OF THE AGENDA

The Agenda, as circulated, was adopted without change (see Appendix 3). The Chair suggested that the paper submitted by the Russian Federation detailing studies on the effect of sea ice in the East Siberian, Chukchi, Bering and Beaufort Seas (IWC/59/ASW4) be addressed under Agenda Item 7, 'Other Matters'.

### 3. FURTHER CONSIDERATION OF TERMS OF REFERENCE

In introducing this item, the Chair noted that the Terms of Reference were reviewed at IWC/57 and briefly addressed at IWC/58 last year. He noted that Terms of Reference had not yet been agreed and that some Contracting Governments continue to believe that there are some outstanding issues in relation to the establishment of the Committee that need to be resolved to enable all IWC members to participate. He invited comment from the meeting.

Iceland highlighted that approximately half the Commission were not present, that many countries found the basis of the Committee unacceptable and that Iceland was attending in good faith in a show of willingness to bridge gaps. It hoped to see signs during this meeting of a willingness to change the basis for the Committee to make it more broadly acceptable. When no comments were received on this statement, Iceland expressed disappointment. Brazil stated that, likewise, it is disappointed over the lack of participation but for different reasons. It was willing to bridge gaps on the pre-condition that non-lethal management of whales is accepted widely as a valid modern management regime, recognising that we are no longer living in 1946 when the Convention was agreed. It recognised that the basis for the work of the Committee does not include whaling, but noted that it includes all other issues related to the conservation of whales.

Australia supported the views expressed by Brazil. It considered that the Conservation Committee is an important and legitimate step in the evolution of the IWC

into a modern international body. It noted that the creation of the Committee was in line with Article III.4 of the Convention, that it had been legally established and that its most useful role would be to focus on threats to whale populations other than whaling. Australia reiterated its view that the Terms of Reference should be addressed by the Chair of the IWC and not the Conservation Committee itself.

Iceland stated that it believed that no Contracting Government is against whale conservation, but considered that the Conservation Committee had been established as a deliberate attempt to divide the organisation. Iceland indicated that given the outcome of discussions so far, it would not take part in discussions on substantive items. It stressed that its silence should not be taken as acceptance of any further comment made or decisions reached, noting that no decisions of the Committee could be reported as being reached by consensus. In response to a question from the Netherlands on how Iceland would propose to change the basis for the Conservation Committee, it suggested that Resolution 2003-1 that established the Committee should be renounced and a new Resolution adopted. It regretted that the discussions at IWC/56 in Sorrento had not succeeded in developing terms of reference that were broadly acceptable. The Russian Federation stated views similar to those of Iceland. New Zealand commented that the Conservation Committee could not reconstitute itself and that, if this were to be done, it should be done by the Commission.

The Chair noted that the Terms of Reference of the Committee are a difficult issue to tackle and suggested that the Item be left open and revisited toward the end of the meeting. He agreed with the view that it is a matter that should be properly dealt with by the Commission, noting that this does not prevent the Committee making recommendations to the Commission. On later returning to this issue the Chair repeated his view and there were no further comments.

### 4. CONSERVATION AGENDA

#### 4.1 Progress with ongoing work

##### 4.1.1 Investigation of inedible 'stinky' gray whales

##### REPORT ON PROGRESS

The Chair invited the Russian Federation and the USA to introduce their papers. The Russian Federation (IWC/59/ASW7) recalled that at IWC/58 last year, it reported that in addition to chemical analyses on samples taken from 'stinky' gray whales, toxicological studies would also be carried out and the results reported to IWC/58. It noted that work has been done by a group of scientists from the Russian Federation, the USA, Japan, Norway and Mexico. The Russian Federation reported that the phenomenon of 'stinky' whales was first noticed in the late 1960s/early 1970s by hunters in Chukotka and that the number of these whales has been increasing. Hunters

estimate that up to 10% of the stock could be comprised of 'stinky' whales. This phenomenon has also been noticed in the meat of ringed and Bearded seals, walruses, and cod, and in the eggs of murre. Those who have eaten 'stinky' meat have reported a number of short term medical problems including the numbing of oral cavities, skin rashes and stomach aches. No long term effects have been recorded.

The Russian Federation noted that the reason for the strong medicinal odour is unclear. The odour was sometimes detected in the blow of the whale, at other times it would not be noticed until heat was applied in cooking. Two hypotheses have been put forward as reasons for the smell:

- (1) the presence of ketones, aldehydes and alcohols as a result of a change of diet; and
- (2) the presence of a specific bacteria, fungus and/or biotoxin.

The Russian Federation reported that it is unclear whether there is a hereditary factor, whether the odour disappears after the winter or whether the smell is linked to a change in the gray whale diet. It has been observed by hunters that 'stinky' whales have seaweed and arctic cod in their stomachs which is uncharacteristic.

Due to the uncertainty over the issue of 'stinky' whales the Russian Federation requested two considerations to be discussed at next years' meeting to improve management options. Firstly, the need for a definition in the Schedule for 'stinky' whales; secondly a need for a proposal for how to account for 'stinky' whales that are landed but inedible for the hunting communities.

The USA introduced a joint USA/Russian Federation paper on toxicology studies of 'stinky' whales (IWC/59/CC15). The approach has been to collect samples from 'stinky' and 'non-stinky' gray whales and to submit them to several laboratories for analysis of the following: persistent organochlorines (OCs); polyaromatic hydrocarbons (PAHs); heavy metals; stable isotopes and volatile organic compounds (VOCs). The objective was to compare chemical concentrations of 'stinky' and 'non-stinky' whale tissues for obvious differences to provide leads for further investigation into the cause of the offensive odour. Over 2003, 2004, 2005 and 2006 samples from 'stinky' and 'non-stinky' whales have been collected and analysed by laboratories in the USA and the Russian Federation. Results of chemical analyses from the Russian laboratory have been reviewed by Japanese and Norwegian toxicologists. In addition to this effort, the USA and Mexico have initiated a pilot project to evaluate the composition of gray whale breath in eastern North Pacific gray whales in the breeding lagoons of Mexico for comparison with the samples taken in the Russian hunts.

Based on the samples evaluated so far, few differences were noted between the chemical compositions of 'stinky' whale tissues and 'non-stinky' whale tissues using OC, PAH and lipid analysis. Some PCB and DDT levels were found to be similar. Trace elements and stable isotopes in 'stinky' whale samples were not different to those found in 'non-stinky' whales. There were no detectable PAHs found in samples taken in the USA laboratories, but low concentrations were found in the samples analysed by the Russian laboratories. Blubber lipid percentage in 'stinky' whales was similar to that in 'non-stinky' whales.

Volatile organic compounds caused the most intriguing results with more than a hundred volatile compounds being detected in the tissues of the whales. However some of the compounds could have been as the result of repeated freezing of the samples or other handling issues.

The determination of what is responsible for the 'stinky' odour from gray whale tissues is not as conclusive as would be desired. No single chemical compound or process has been identified as being responsible and the results do not indicate an obvious anthropogenic source. Furthermore, there is no information available to determine whether the 'stinky' whale condition is indicative of a negative population effect. The USA noted that it would be informative to ensure that any further 'stinky' whale investigations are co-ordinated to evaluate environmental change and gray whale populations. To date there is no direct evidence of long-term health consequences of the consumption of 'stinky' whale meat.

#### COMMITTEE DISCUSSIONS AND RECOMMENDATIONS

Mexico thanked the USA and the Russian Federation for the reports and believed that of the two hypotheses, the first could be discarded due to the presence of this phenomenon appearing in other marine mammals. It considered that the second hypothesis is the most likely and that it should be pursued through increased sampling. In responding to a question from Belgium, the USA confirmed that the phenomenon had not been recorded in the western North Pacific gray whale, but had in other marine mammals and fish.

In response to a question from the UK, the Russian Federation confirmed that when a stinky odour was detected then the entire animal was discarded. This is in line with Russian Federation law. Even so, it noted that the meat from stinky whales is inedible, even as dog food. On responding to a question from Sweden on the stomach content of the stinky whales and the high levels of seaweed found, the Russian Federation confirmed that there had been no statistical analysis to compare with the level of seaweed found in non-stinky whales, although it was thought to be in small quantities. Further research would be undertaken on this. South Africa noted that this problem related to top predators and that it would be useful to investigate whether it applied to lower trophic levels also.

#### 4.1.2 Ship strikes

The Chair noted that in addition to the Second Progress Report from the Ship Strikes Working Group (IWC/59/CC3), Australia and the USA had submitted documents relating to ship strikes. A relevant extract from the report of the Scientific Committee was also available. He suggested that the papers be dealt with first.

#### NATIONAL REPORTS

The USA introduced IWC/59/CC11 and explained that there were only 300 individuals left in the population of North Atlantic right whales and that ship strikes are the greatest threat to this population. The USA outlined a number of current and proposed efforts to mitigate the effects of shipping on this population, including realigning the traffic separation scheme serving Boston. This is expected to reduce right whale ship collisions by 58% in the area.

The USA also noted that recommended shipping routes have been established in key aggregation areas for right whales off Cape Cod and off three ports in Georgia and

Florida. Speed advisories recommending speeds of 10 knots or less are also issued to mariners in areas and at times where right whales occur. These advice bulletins are broadcast via weather radio reports, Mandatory Ship Reporting Systems, the US coastguard broadcast to mariners and other media. Further to this there are proposals to regulate shipping speed on the US east coast in areas where relatively high right whale and ship densities overlap and the US is developing a proposal to submit to the International Maritime Organisation to develop 'areas to be avoided' in critical right whale habitat.

The USA reported that it has developed a multi-media guide entitled 'The Prudent Mariner's Guide to Right Whale Protection' that is intended for mariners attending training at maritime academies across the US east coast. This CD was made available to the Conservation Committee. In addition to these initiatives, the USA noted that there are ongoing aircraft surveys and right whale alerts and a Mandatory Ship Reporting System.

Spain outlined two significant steps that have been undertaken to avoid ship strikes; the separation of the traffic scheme due to high risk of collision and a notice to mariners in the Strait of Gibraltar to be radioed in the area. The aim is to raise awareness of the risk of ship strikes, encourage caution and reduce shipping speed to <13 knots. New Zealand viewed ship strikes as a prevalent and expanding problem and reported that a review had been undertaken of baleen whale deaths due to ship strikes in the Hauraki Gulf between 1997 and 2007. Of the 25 large whale deaths identified, 23 were Bryde's, 1 sei and 1 pygmy blue. The Hauraki Gulf is an area with significant maritime traffic and there have been noticeable impact wounds on whale carcasses recovered. There is a population of 150-200 Bryde's whales in the Hauraki Gulf and it was at high risk. New Zealand commended the report from the USA which provided a great deal of valuable information that would assist in addressing this issue and indicated that they would welcome technical assistance, especially with guidelines for conducting necropsies.

Korea explained that in recent years it has become increasingly concerned about ship strikes with whales. Several ship collisions with unidentified objects, possibly whales, have been reported by the high speed jet foil ferry operator operating between the two ports of Busan, Korea and Fukuoka, Japan. In 2005, 14 whales were spotted and in 2006, 27 whales on the same sea route. During March 2006, three consecutive collisions with unidentified objects were reported. As a consequence, the Ministry of Maritime Affairs and Fisheries of the Korean Government conducted a study between July and November 2006 on how to prevent collisions with whales. Several mitigation measures were suggested. Among them was a proposal to establish a 'Vessel Safety Call Center'. The centre would monitor the sea route as much as it could and notify the vessels operating on the sea route of any information on floating objects.

It was also suggested that whale detection equipment such as the Forward Looking Sonar be developed for use on vessels.

#### **SHIP STRIKES WORKING GROUP (SSWG)**

Alexandre de Lichtervelde from Belgium (Chair of the SSWG) drew attention to the second progress report from the Ship Strikes Working Group (IWC/59/CC3) and noted that in addition, the SSWG had met on Monday 21 May 2007, to review progress and to develop recommendations

for further work for review by the Conservation Committee. The report of the 21 May meeting, including the further recommendations, is included as Appendix 4. He summarised the progress and recommendations which were supported by the Committee.

In addition to these reports, the SSWG Chair noted that the enforcement of endangered species legislation can be very strict: in a cruise line collision case of 2001 judged in Alaska in January 2007, a fine of US\$750,000 was applied for having failed to reduce speed in the presence of humpback whales in Glacier Bay National Park, resulting in the death of one animal. Another serious case occurred in April this year, involving a fast ferry off South Korea, and resulted in the death of one passenger and 27 injured. The need to not underestimate the economic and human safety impacts of ship strikes was highlighted.

The expansion of the SSWG was welcomed, with Germany contributing to its work and increasing membership to 13 countries. Finally, the SSWG Chair thanked delegations for having submitted a national conservation report that includes ship strikes information. Korea indicated that they would submit their own report next year.

Mexico congratulated Belgium on its hard work and noted that it would provide more information on its recent activities in this area to the group shortly. Brazil likewise was encouraged by the progress and highlighted the importance of stranding networks in identifying ship strikes. Similarly, Australia, the UK, and Germany commended the work undertaken.

The Committee Chair asked whether it would be possible to raise the issue of ship strikes in the Maritime Safety Committee (MSC) of the IMO as well as IMO's Marine Environment Protection Committee (MEPC) as it is clearly relevant. Belgium recognised the relevance of the MSC but considered that the MEPC is the primary body with whom IWC should make contact at this point. Other IMO committees and bodies could be involved as appropriate in a second step. With respect to submitting a working paper to IMO, Belgium considered that more substantial information should be collected first so that a convincing case could be presented to IMO as to why the issue of ship strikes should be included on its agenda.

#### **4.2 Other issues**

On other issues, New Zealand suggested that the impact of climate change on cetaceans might be an appropriate area for the Conservation Committee to consider in future. It noted that the Scientific Committee is planning a major workshop on this topic and suggested that once this had been held, the Conservation Committee might consider what role it could play in this area that would add value to the work of the Scientific Committee. There was support for this approach.

Chile, supported by Belgium, Brazil, Mexico, USA, Argentina, Australia and the Netherlands proposed that work on the endangered eastern South Pacific southern right whale population off Chile and Peru be placed on the Committee's agenda. It noted that the last review of this stock was in 1998 and that there has been no observed increase in the population which is thought to be as low as 50 animals. The Chair asked Chile to develop a more detailed proposal of what work the Committee might do and this is included as Appendix 5.



Brazil requested that the management of whalewatching be included as a regular item on the Committee's agenda, recognising that whalewatching has its own challenges and impacts. It noted that scientific aspects of whalewatching have been addressed by the Scientific Committee for a number of years, but that it is not able to follow-up on recommendations relating to management of the activity. Brazil believed that the Conservation Committee was ideally suited to do this. This proposal was welcomed by the Committee and the Chair requested Brazil to develop a more detailed proposal to which South Africa agreed to contribute (see Appendix 6). The Chair stressed the importance of not duplicating the work of the Scientific Committee.

## 5. WHALE SANCTUARIES

### 5.1 Update on whale protection measures in the Pacific region

Australia introduced its information paper (IWC/59/CC5). It recalled that the proposal for a South Pacific whale sanctuary had been submitted several times before and that, whilst it is still in favour of the establishment of the sanctuary, it would not be bringing the issue to the plenary of IWC/59. Instead it drew attention to the number of South Pacific Islands who have declared their Exclusive Economic Zones (EEZs) as protected. Australia commended the Memorandum of Understanding (MoU) developed in the region under the auspices of the Convention of Migratory Species (CMS) and detailed the need for future protection, especially considering the proposed take of vulnerable humpback whales under JARPA II. It reported that a proposal for a South Pacific Sanctuary would be put forward at a future IWC meeting.

New Zealand supported these remarks, with support from Brazil who noted that there is more than one whale management regime and that the Southern Hemisphere countries have adopted non-lethal management as their regime.

### 5.2 Other

France gave an update on its project for a marine mammal sanctuary in the French West Indies. It noted that currently the sanctuary only applies for the EEZs of French territories but hopes that it can be extended through the participation of other interested countries. It stressed the importance of keeping the sanctuary under review and that Martinique and Guadeloupe were jointly in charge and had formed the steering committee for the project. France considered that the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region could be a good forum for discussing the expansion of this initiative.

The UK welcomed the initiative and was supportive. However, it reminded the Committee of discussions during the IW/58 plenary and stressed the importance of ensuring other countries in the region are involved and supportive. France reported that it would provide an update on this at the plenary.

France also introduced a paper (IWC/59/CC8) on the Sanctuary in the Mediterranean (the Pelagos Sanctuary) that was established in 1999 and came into force in 2002. This is a joint venture by Monaco, Italy and France with the objective of protecting marine mammals against all types of disturbance by human activity. Its objective is to

reconcile the harmonious development of socio-economic activities with the necessary protection of habitats and species.

## 6. NATIONAL REPORTS ON CETACEAN CONSERVATION

National cetacean conservation reports had been submitted by Australia, France, New Zealand, USA, Argentina, Italy, Brazil, the UK and Mexico. As in previous years, such reports were welcomed by the Committee and other countries were encouraged to submit them in future.

## 7. OTHER MATTERS

The Russian Federation introduced its paper on the study of Sea Ice Condition in the East Siberian, Chukchi, Bering and Beaufort Seas (IWC/59/ASW4). It explained that the paper was distributed as an overview of the topic. Climatologists had looked at the distribution of sea ice over the past hundred years and also looked at the likely future projections. They have suggested that this area of the Arctic, as climate change develops, will see a loss of ice and a water temperature rise. They noted that this was an important document as it related to several issues including the stinky gray whales and feeding habitats and pointed to the fact that diets and distributions of whales were already beginning to change. This has also been seen for bowhead whales. The Russian Federation noted that this causes a problem for the aboriginal hunts as the ice edge moves away and the whales are harder to catch. This is the reason why the Russian Federation ASW quota is not totally harvested. If this continues to happen, the Russian Federation explained there could be an issue of need leading to a detrimental situation for the aboriginal whalers. It asked that needs be kept in mind when setting quotas. The Russian Federation believed that this related to stocks/sub-stocks and the continual move west and further from the hunting areas. It outlined the need to take consideration of the historical records including an example of a bowhead whale that was taken and found with a Norwegian harpoon. It believed that this was an indication of the previous effects of climate change.

Austria raised two further issues. Firstly, it referred to the Resolution 8.22 of the Convention on Migratory Species on adverse human-induced impacts on cetaceans that calls for co-operation with IWC. It noted that CMS will be developing its work plan in the coming year and proposed that the CMS Secretariat be invited to the Conservation Committee meeting at IWC/60 to present it and that a collaborative consultative process be developed between the two organisations. Australia and Belgium indicated support for inviting CMS to present its programme at the IWC/60 Conservation Committee meeting. Secondly, Austria noted that in a survey conducted in the framework of the State of the Cetacean Environment Report (SOCER), of almost 700 papers available, almost half dealt with environmental and conservation issues, indicating the relevance of the Conservation Committee.

New Zealand thanked the Chairman for running an excellent meeting.

## 8. ADOPTION OF REPORT

The report was adopted 'by post' at 19:00 on 25 May 2007.

## Appendix 1

### LIST OF PARTICIPANTS

#### **Argentina**

Miguel Iñiguez

#### **Australia**

Donna Petrachenko  
Philip Burgess  
Zena Armstrong  
Lesley Gidding  
Pam Eiser  
Andrew McNee

#### **Austria**

Michael Stachowitsch  
Andrea Nouak

#### **Belgium**

Koen Van Waerebeek  
Alexandre de Lichtervelde

#### **Brazil**

José Truda Palazzo  
Régis Pinto Lima

#### **Chile**

Francisco Berguño Hurtado  
Ximena Alcayaga Claussen  
Elsa Cabrera Peñuela  
Francisco Ponce

#### **Czech Republic**

Pavla Hycova

#### **Denmark**

Amalie Jessen  
Maj Friis Munk  
Leif Fontaine  
Ole Heinrich  
Mads Lunde  
Fernando Ugarte

#### **Ecuador**

Agustin Fornell  
Nancy Hilgert  
Cristina Castro

#### **Finland**

Esko Jaakkola  
Penina Blankett

#### **France**

Vincent Ridoux

#### **Germany**

Marlies Reimann  
Lars Puvogel

#### **Iceland**

Stefán Ásmundsson

#### **Italy**

Riccardo Rigillo  
Caterina Fortuna  
Federico Cinquepalmi

#### **Republic of Korea**

Chiguk Ahn  
Yong Rock An  
Hyun Jin Park (Chair)

#### **Luxembourg**

Pierre Gallego

#### **Mexico**

Lorenzo Rojas-Bracho

#### **Netherlands**

Maaïke Moolhuijsen

#### **New Zealand**

Geoffrey Palmer  
Jan Henderson  
Michael Donoghue  
Indra Prasad

#### **Norway**

Lars Walløe  
Egil Øen

#### **Portugal**

Marina Sequeira

#### **Russian Federation**

Valentin Ilyashenko  
Rudolf Borodin  
Igor Mikhno  
John Tichotsky (I)  
Nikolai Etyne

Alexey Ottoy

Svetlana Burton (I)

#### **South Africa**

Herman Oosthuizen

#### **Spain**

Carmen Ascencio  
Renaud de Stephanis

#### **Sweden**

Bo Fernholm

#### **Switzerland**

Bruno Mainini

#### **UK**

Richard Cowan  
Trevor Perfect  
Paul Dolder (Rapporteur)  
James Gray  
Laurence Kell  
Panayiota Apostolaki  
Mark Simmonds  
Jennifer Lonsdale

#### **USA**

Bill Hogarth  
Doug DeMaster  
Cheri McCarty  
Roger Eckert  
Emily Lindow  
Shannon Dionne  
Robert Brownell  
Rollie Schmitten  
Michael Tillman  
Heather Rockwell  
Brian Gruber  
Kirsten Ericksson  
Shanon Bettridge

#### **Scientific Committee**

Arne Bjørge

#### **Secretariat**

Nicky Grandy  
Greg Donovan

## Appendix 2

### LIST OF DOCUMENTS

- |   |  |
|---|--|
| <p>IWC/59/CC</p> <ol style="list-style-type: none"> <li>1 rev Revised Draft Agenda</li> <li>2 List of Documents</li> <li>3 Ship Strikes Working Group: Second progress report to the Conservation Committee</li> <li>4 Country Report on Ship Strikes: Australia</li> <li>5 Update on whale protection measures in the Pacific Region: Information Paper (submitted by Australia)</li> <li>6 Australia: Voluntary National Cetacean Conservation Report</li> <li>7 The project for a marine mammal sanctuary in the French West Indies in 2007 (submitted by France – also available in French)</li> <li>8 Pelagos Sanctuary for marine mammals in the Mediterranean (submitted by France in the name of the secretariat of Pelagos and the three parties of the agreement – Monaco, Italy, France – also available in French)</li> <li>9 France voluntary cetacean conservation report for the year 2006</li> <li>10 New Zealand: Voluntary National Cetacean Conservation Report</li> <li>11 Update on the United States' Actions to Reduce the Threat of Ship Collisions with North Atlantic Right Whales</li> <li>12 United States of America: Voluntary National Cetacean Conservation Report, 2007</li> </ol> | <ol style="list-style-type: none"> <li>13 Argentina: Voluntary National Cetacean Conservation Report</li> <li>14 Italy: Voluntary National Cetacean Conservation Report</li> <li>15 Summary of findings on the investigation of the stinky whale condition in eastern north pacific gray whales (submitted by the USA and the Russian Federation)</li> <li>16 Brazil Voluntary National Cetacean Conservation Report 2007</li> <li>17 UK: Update to Voluntary National Cetacean Conservation Report of 2006</li> <li>18 Recommendations of the Ship Strikes Working Group to the Conservation Committee</li> </ol> <p>IWC/59/ASW</p> <ol style="list-style-type: none"> <li>4 Studies of Sea Ice Condition in the East Siberian, Chukchi, Bering and Beaufort Seas (1979-2006) (submitted by the Russian Federation)</li> <li>7 Considerations of management implications of 'stinky' gray whales for the eastern North Pacific stock (submitted by the Russian Federation)</li> </ol> <p>IWC/59/Rep</p> <ol style="list-style-type: none"> <li>1 Extract from the Scientific Committee report relevant to ship strikes – more detail is given in Annex J</li> </ol> |
|---|--|

## Appendix 3

### AGENDA

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Introductory items             <ol style="list-style-type: none"> <li>1.1 Appointment of Chair</li> <li>1.2 Appointment of rapporteur(s)</li> <li>1.3 Review of documents</li> </ol> </li> <li>2. Adoption of Agenda</li> <li>3. Further consideration of Terms of Reference</li> <li>4. Conservation agenda             <ol style="list-style-type: none"> <li>4.1 Progress with ongoing work                 <ol style="list-style-type: none"> <li>4.1.1 Investigation of inedible 'stinky' gray whales                     <ul style="list-style-type: none"> <li>• Report on progress</li> <li>• Committee discussion and recommendations</li> </ul> </li> <li>4.1.2 Ship strikes                     <ul style="list-style-type: none"> <li>• Report on progress</li> <li>• Committee discussion and recommendations</li> </ul> </li> </ol> </li> <li>4.2 Other issues</li> </ol> </li> </ol> | <ol style="list-style-type: none"> <li>5. Whale sanctuaries             <ol style="list-style-type: none"> <li>5.1 Update on whale protection measures in the Pacific region                 <ol style="list-style-type: none"> <li>5.1.1 Introduction by Australia</li> <li>5.1.2 Committee discussion and recommendations</li> </ol> </li> <li>5.2 Other</li> </ol> </li> <li>6. National reports on cetacean conservation             <ol style="list-style-type: none"> <li>6.1 Introduction of national reports</li> <li>6.2 Committee discussion and recommendations</li> </ol> </li> <li>7. Other matters</li> <li>8. Adoption of the Report</li> </ol> |
|---|--|

## Appendix 4

### REPORT OF THE SHIP STRIKES WORKING GROUP MEETING

21 May 2007, Anchorage, Alaska

#### 1. Chair's welcome and opening remarks

The meeting was chaired by Alexandre de Lichtervelde (Belgium), who welcomed the Group and thanked them for having the opportunity to meet before the meeting of the Conservation Committee. The list of participants is given as Adjunct 1.

#### 2. Appointment of rapporteur

Jennifer Lonsdale (UK) was appointed rapporteur.

#### 3. Adoption of the Agenda

The proposed agenda of the meeting was adopted (see Adjunct 2).

#### 4. Review of available documents

See Adjunct 3.

#### 5. Progress since IWC/58 (St. Kitts and Nevis)

The Chair presented the Second Report of the SSWG to the Conservation Committee (IWC/59/CC3) and noted that it included five main items:

- The revised Work Plan
- Progress with recommendations and follow-up actions
- Co-operation with the IMO
- Updated and new information received
- Voluntary financial contributions.

The Chair informed the Meeting about the responses to requests for information made to Contracting Governments and IGOs and NGOs with IMO consultative status. With respect to Recommendation 3 of the Progress Report - adopting national legislation to reduce the impact of ship strikes, the IMO will have a key role. Two countries, the USA and Spain, have recently adopted binding and non-binding rules, ranging from notices to mariners, traffic separation schemes and recommended routes, to temporary vessel speed limits. In the Pacific, new actions have been undertaken by IGOs. With respect to Recommendation 4 - identifying information on training material for crew and marine officials, valuable material was received which includes interactive CDs. The Chair further noted that the International Sailing Federation (ISAF) had contacted him regarding international yachting races and information on ship strikes mitigation. With respect to the review of the geographical distribution of stranding networks, in addition to the information supplied by Germany, which has now joined the Working Group, considerable new information was received from scientists and Contracting Governments' Progress Reports, compiled by the Secretariat.

In July 2006, mandated by the IWC, Belgium raised the issue of ship strikes at the 55<sup>th</sup> meeting of the IMO's Marine Environment Protection Committee (MEPC). A follow-up meeting took place in November at IMO's headquarters between the SSWG Chair, the IWC Secretariat and the head of the IMO Marine Environment division. The meeting helped to clarify whether IMO does archive specific data on global vessel traffic, which is

unfortunately not the case. It also provided the opportunity to get advice on how the IWC should apply for IGO status with IMO.

Australia thanked the Chair and the Secretariat on their work with the IMO and agreed that the MEPC is the relevant IMO Committee to address this issue. It was also noted that a paper on ship strikes should be submitted to the MEPC as a joint effort by several members. The specific format for the submission is not onerous but a compelling case must be produced considering that the MEPC handles a very full agenda. Australia suggested, and it was agreed, that this should be raised at the MEPC's meeting in July 2007. In addition, Australia noted that a side-event on ship strikes at that MEPC meeting would also be helpful.

The Chair agreed, but remarked it might be more feasible to present the document to the MEPC's March 2008 meeting, allowing more time for its preparation. The IWC Secretary noted that with respect to IGO status, advice has been received on the format of the letter of request and it will be sent to the IMO Secretary General soon. At that time it will be necessary for members who are also IWC members to speak up in support of the request because the IMO is not necessarily keen to take new IGOs on board. It was agreed that the Secretariat would continue its informal co-operation with the IMO while the process of obtaining IGO status is ongoing. IWC Contracting Governments attending IMO meetings are encouraged to attend MEPC meetings so as to ensure a place for ship strikes on its agenda. Korea and Australia indicated they support this approach.

The Chair referred to the voluntary contributions made by Austria (6,000 GBP, of which 1,000 GBP was allocated to ship strikes) and Australia (12,300 GBP) to support the ship strikes work and he thanked both countries.

Van Waerebeek, convenor of the intersessional Vessel Strike Data Standardisation Group, summarised progress to date, which was also extensively reported to the Scientific Committee (SC/59/BC12). Last year, the Sub-committee on Estimation of Bycatch and other Human-induced mortality established a group to prepare a standardised database template to record vessel collisions and prepare a global data repository. This followed a recommendation by the SSWG, endorsed by the Commission. Fourteen group members signed up to the group. The Terms of Reference were: 'to develop a process by which data provided from a range of sources could be stored in a database in a standardised way that clearly identifies the level of (un)certainly'. The rationale for this exercise is based on the fact that currently available datasets are: (1) still relatively small and isolated; (2) not necessarily comparable between them; (3) typically lack information on the vessels involved; (4) strongly biased towards areas and countries where reporting systems currently exist; (5) current collision rate estimates do not reflect true incidence of mortality and trauma due to significant under-reporting.

A comprehensive database with both biological and vessel information could: (i) help detect global trends; (ii) be used in modelling (e.g. estimate probabilities of

collisions and bow-draping); (iii) provide more accurate estimates of true mortality rates; and (iv) point to causative factors and unsuspected global hot spots of collisions. The Scientific Committee considered that in first instance attention should be paid to standardisation of variables and data quality control before proceeding with discussion of organisational issues, which were referred to the SSWG. Designing the database consisted of agreeing on a set of necessary parameters that can fully document both biological and maritime aspects of collision events. An initial list of 143 variables (afterwards reduced) was produced and a relational database was designed in MS ACCESS. The database template consists of five separate raw data tables plus some lookup tables. These consist of a Record Manager (contains a unique record for each potential incident with links to other reports), Specimen on Shore, Specimen at Sea (multiple records possible), Incident at Sea and Whale Stuck on Bow. All these tables interrelate and can be queried.

New Zealand asked if each country would collect data and submit it annually. Van Waerebeek suggested that the template be distributed as widely as possible and it was envisioned that data could be entered even on board vessels. Asked how easy it would be to use, Van Waerebeek said a simplified but fully compatible version of the template was being considered. He suggested that a copy of the central database would be placed with the IWC Secretariat.

Van Waerebeek summarised seven papers on ship strike issues presented to the Scientific Committee. These covered information from research on vessel strikes and highlighted an apparent increase in occurrence, the need to reduce them and to increase the reporting.

The US presented a comprehensive report on its North Atlantic Right Whale Programme and noted that ship strikes are one of the two primary reasons for non-recovery of this species. The Chair thanked the US for the presentation and noted that the North Atlantic right whale was one of the greatest challenges with respect to ship strikes.

## 6. Next steps

### *6.1 Development of a centralised global database and allocation of funding*

Van Waerebeek discussed the development of a template for a relational database for ship strikes as reported in SC/59/BC12. The database is now ready for data entry and a budget of £11,400 is proposed for this work. Initially the database will be populated with historical data and work carried out to fine tune the database template. Ways of widely distributing the template to ensure it becomes the global standard for ship strike data archiving will be explored. Van Waerebeek indicated that experience with data entry is expected to lead to specific suggestions on how updating with new data could be handled in the future with optimal results.

Australia asked how the database would be maintained in the future and if there would be funds available for its maintenance. Van Waerebeek explained that this aspect had not been finalised, but suggested that initially the three members of the expert group would have copies of the database including back-up copies and a further copy would be lodged with the Secretariat. At present, records of all e-mails and information received are being stored for future use and cross checking. Van Waerebeek noted that

the proposed budget is for a four person-months consultancy, during which time much of the historical data would be entered into the database which would include extensive cross checking.

Italy thanked the Chair and Van Waerebeek and stated that it is very supportive of this work. It noted that the database would be very useful for Scientific Committee work, particularly on bycatch. Italy explained that its National Progress Report included information on the funding by its Ministry of Environment, Land and Sea of a project to carry out comprehensive post-mortems on large whales. The database and the Expert Group could provide useful information for those carrying out this work.

Portugal also thanked Van Waerebeek. It noted that the template will be widely distributed to ships' captains and others and asked who would validate the information gathered. Van Waerebeek replied that the current Phase II proposal is for the entering of 'historical' (public domain) information and that the methodology for entry of new data still requires discussion. Expertise gathered from implementing Phase II is expected to guide the development of the third and last phase, the set up of a fully operational global database continuously updated in near-real time. There is however much work to be done before this can be implemented.

Argentina thanked the Chair and Van Waerebeek for their very valuable work and hoped that funding would be made available for the work to continue and develop. This was supported by Italy.

### *6.2 Implementation of Recommendation 3/action plans (p.16 of IWC/59/CC3)*

Van Waerebeek and de Lichtervelde suggested the establishment of a small expert group to determine how Recommendation 3 of IWC/59/CC3 can be implemented in practice with the emphasis on very specific Action Plans. New Zealand noted that, as a fitting example, Bryde's whales in the Hauraki Gulf should be added to the priorities due to a high number of ship strikes. Training on specialised necropsies and histopathological methods to confirm ship strikes would be of benefit to New Zealand.

There was agreement that this work could increase the support for addressing the issue of ship strikes, particularly at governmental level.

### *6.3 Adding value to the stranding networks list (appendix 4 of IWC/59/CC3)*

The value of the stranding networks draft list in appendix 4 of IWC/59/CC3 was discussed and appreciation was expressed for the submission of this list by Ritter (Germany). In order to make it a useful tool for the identification of gaps in the monitoring of strandings, a critical evaluation of spatial and temporal coverage of stranding networks globally and of the type of information collected would be required.

### *6.4 Exchange of views on possible other options*

It was noted that a multidisciplinary expert workshop on ship strikes would be beneficial in the medium term if and when more data would become available. It was agreed that a steering group be established to develop criteria for a potential workshop. Australia supported this and noted that it is important that the results of the database analysis be widely disseminated. It was noted that funding should be made available for continuation of this work.

## 7. Recommendations of the Ship Strikes Working Group to the Conservation Committee

The Ship Strikes Working Group (SSWG) meeting on 21 May 2007 agreed the following recommendations for further work and forwards them to the Conservation Committee for its consideration.

### *Co-operation with IMO*

- (i) The Secretariat should continue to follow up with the IMO to seek IGO status. Attaining IGO status will be facilitated by support from Contracting Governments that are also members of IMO. Contracting Governments are therefore urged to support the IWC's application.
- (ii) IWC Contracting Governments that attend the IMO's Marine Environment Protection Committee (MEPC) are encouraged to take a common approach at its meetings to ensure a place for ship strikes on the MEPC's agenda.

### *International database on ship strikes*

In endorsing the work of the Vessel Strike Data Standardisation Group, the SSWG recommends:

- (iii) that the proposed small expert group (see Adjunct 4) start to populate the database with historical vessel strike data (Phase II). The proposed budget of £11,400 for this work is approved and will be met by a voluntary contribution from the Government of Australia;

- (iv) the collection of new data using the template.

*Adoption of national and regional legislation, rules and action plans to reduce the impact of ship strikes, with priority for high-risk areas (Recommendation 3 of SSWG's First Progress Report to the Conservation Committee)*

- (v) The establishment of a small expert group to determine how Recommendation 3 can be implemented through specific action plans with priority for high-risk areas. It was noted that the SSWG and Conservation Committee could make an important contribution to this work by facilitating access to shipping information.

### *Multidisciplinary expert workshop on ship strike mitigation*

- (vi) A Steering Committee should be established after IWC/59 to consider whether a multidisciplinary expert workshop could contribute to ship strike mitigation and if so, to develop a detailed proposal, including time-scale.

### *Recommendations relevant to the Scientific Committee*

- (vii) Further work is developed on histopathology methods to confirm ship strikes.
- (viii) Research on increased mortality caused by the whale watching industry be continued and intensified to obtain long term trends data.

### *General*

- (ix) That the SSWG be asked to continue with its work.

---

## Adjunct 1: List of Participants

### **Argentina**

Miguel Iñíguez

### **Australia**

Philip Burgess

### **Belgium**

Alexandre de Lichtervelde  
Koen Van Waerebeek

### **Italy**

Caterina Fortuna

### **Luxembourg**

Pierre Gallego

### **Netherlands**

Maaïke Moolhuizen

### **New Zealand**

Mike Donoghue

### **Portugal**

Marina Sequiera

### **Republic of Korea**

Hyun-Jun Park  
Yong-Rock An  
Chiguk Ahn

### **UK**

Jennifer Lonsdale

### **USA**

Shannon Bettridge

### **Secretariat**

Nicky Grandy

---

## Adjunct 2: Agenda of the IWC Ship Strikes Working Group (SSWG) Meeting, Anchorage, 21 May 2007

1. Chair's welcome and opening remarks
  2. Appointment of rapporteur(s)
  3. Adoption of agenda
  4. Review of available documents (Adjunct 3)
  5. Progress since IWC/58, St. Kitts and Nevis
    - 5.1 Discussion of Second Progress Report of the SSWG to the Conservation Committee including revised work plan (IWC/59/CC3, Annex 1, p.15) and progress on recommendations.
    - 5.2 Centralised database: Vessel Strike Data Standardisation Group Report (SC/59/BC12)
    - 5.3 Papers presented in the SC relevant for the SSWG (see Chair's summary of the Subcommittee on Bycatch and Other Human-Induced Mortality)
  6. Next steps
    - 6.1 Exchange of views on possible options
    - 6.2 Development of a centralised global database
    - 6.3 Implementation of Rec. 3 (IWC/59/CC3, p.16)
    - 6.4 Adding value to the stranding networks list (appendix 4 of IWC/59/CC3)
    - 6.5 Funding: allocation of voluntary contributions
  7. Recommendations
    - 7.1 Recommendations to the Conservation Committee
    - 7.2 Suggestions of recommendations to the Scientific Committee
-

### Adjunct 3: List of documents

- |   |  |
|---|--|
| <p>(1) IWC/59/CC3<br/>Second Progress Report of the SSWG</p> <p>(2) SC/59/BC12<br/>Report from the IWC Vessel Strike Data Standardisation Group</p> <p>(3) IWC/59/Rep 1 Item 7.3</p> <p>(4) NOAA Technical Memorandum<br/>Evaluation of northern right whales ship strikes reduction measures</p> | <p>(5) IWC/59/CC11<br/>Update on the United States' actions to reduce the threat of ship collisions with North Atlantic right whales</p> <p>(6) IWC/59/SSWG WP1<br/>Proposed Action on Recommendation 3 of the Second Progress Report of the SSWG</p> <p>(7) IWC/59/SSWG WP2<br/>Implementation of Recommendation 2 of IWC/59/CC3: set up of an international, centralised database on vessel strikes with cetaceans. Phase II</p> |
|---|--|
- 

### Adjunct 4: Implementation of Recommendation 2 of IWC/59/CC3: set up an international, centralised database on vessel strikes with cetaceans. Phase II.

K. Van Waerebeek, R. Leaper and M.F. Van Bresseem (Proponents)

#### Background

During 2006-07, the newly formed Vessel Strike Data Standardisation Group (convened by Van Waerebeek) successfully completed the task set out at IWC/58 (Phase I) to develop a template for a standardised, relational database for ship strikes, as reported in SC/59/BC12. The database is now ready for data entry.

distribution of the database template, with the aim to ensure that this template becomes the global standard for ship strike data archiving.

#### Composition of multidisciplinary expert group

*Koen Van Waerebeek, co-ordinator (Belgium)*

Population biologist with broad expertise in cetacean necropsies, anatomy and epidemiology; familiar with ships and nautical topics.

*Russell Leaper (UK)*

Mathematician specialised in modelling of cetacean ecological parameters; applied marine technology.

*Marie Van Bresseem (Germany)*

Research veterinarian and epidemiologist, with vast track record of cetacean necropsies. Co-convenor of the new IWC Cetacean Emerging and Resurging Diseases Working Group (CERD).

#### Terms of Reference of Phase II

- (i) Populate the database with 'historical' vessel strike data (publications, reports, unpublished data); coordinate with entities that might decide parallel data-entry into the same template as to avoid duplication, while ensuring full compatibility (*cf.* announced US database).
- (ii) Initiate in contacting (where possible) primary sources of collision events to retrieve previously unreleased, archived information. Depending on data volume, follow-up might need to be extended beyond the foreseen period in the present proposal.
- (iii) Fine-tune the database template as to solve relatively minor practical problems that might arise with data-entry from varied sources.
- (iv) In close co-operation with the SSWG, explore and implement practical ways to enhance wide

#### Formal deposit of database

Secretariat of the International Whaling Commission.

#### Proposed budget: £11,400

Covering 4 consultant-months, and associated costs:

Consultants: 4 months @ £ 2,600/month £10,400

Internet, phone, computing/printing £1,000.

---

### Appendix 5

#### PROPOSAL TO INCLUDE SOUTHERN RIGHT WHALE POPULATION OF CHILE-PERU IN THE CONSERVATION COMMITTEE AGENDA (SUBMITTED BY CHILE)

This year, the Scientific Committee received information that briefly summarises the status of southern right whales off Chile and Peru. It was noted that the last major review of the species was conducted by the IWC in 1998, but little information was available for the eastern South Pacific although thousands of animals were taken in 19<sup>th</sup> century. It was also noted that in recent years, southern right whale stocks have grown in three major regions in the Southern Hemisphere (South Africa, Argentina and Australia). By contrast, no increase has been observed in the Chile and Peru population. It was pointed out that although no abundance estimates exist, the scarcity of sightings makes it very probable that the mature population size is below 50 individuals, where it was once numerous.

It was agreed by the Scientific Committee that the southern right whale population of Chile-Peru will be considered at the next meeting of IWC that will be held in Santiago, Chile in June 2008.

The current situation of the southern right whale population of Chile-Peru is of concern and there is an urgent need to understand conservation problems and effectively work on any identified conservation measures.

Overall we need to improve our understanding of this critically endangered population.

Chile would like to propose to the Conservation Committee that it consider the southern right whale population of Chile-Peru as a species to be addressed by the Conservation Committee during the next few years and include it in its agenda for the 2008 IWC meeting.

With a view to presenting an initial working document to the Conservation Committee at the 2008 meeting and taking into account the findings of the Scientific Committee, Chile will be conducting a historical catch data review for Chilean waters and an analysis of sightings of the species through existing sighting networks. There will also be a strengthening of cetacean data collection to increase sighting effort.

Chile will be organising an independent workshop on the status of the Chile-Peru southern right whale population. This workshop may be organised before the beginning of the IWC Scientific Committee meeting in 2008, so as to facilitate participation of interested researchers and parties. The outcome of this workshop will be presented by Chile to the Conservation Committee.

### Appendix 6

#### PROPOSAL FOR WHALEWATCHING TO BE ADDED TO THE CONSERVATION COMMITTEE AGENDA

Brazil and South Africa propose that whalewatching be added as a permanent item to the Conservation Committee's agenda. The Scientific Committee's Whalewatching Sub-committee deals exclusively with scientific aspects of this important activity, and that aspects related to management, including the implementation of the subcommittee recommendations, socio-economic aspects and international cooperation can be addressed in the Conservation Committee. These are aspects of whalewatching that have particular importance to developing States where this option to appropriate whale resources is growing, and will further strengthen the importance of the IWC proceedings to these member States.

It is further proposed that under this new agenda item the Conservation Committee consider the appointment of a review group to look into all available best practice guidelines. This exercise might lead to the proposal of a scoping meeting with the aim to have a workshop on

developing voluntary international best practices for whale watching, utilising *inter alia* the pertinent inputs from the Scientific Committee.

It is expected that in the next meeting of the Conservation Committee, we will receive the report of the Whalewatching Subcommittee and review its implications for management, and also begin receiving documents from member States on whalewatching matters other than scientific research.

It is recognized that the IWC role in whalewatching management is subsidiary and its recommendations are subject to the sovereign decisions of member States in relation to their jurisdictional waters. Nevertheless, recommendations arising from the discussions at the Conservation Committee, in close cooperation and coordination with the Scientific Committee, will constitute valuable guidance to interested parties in order to promote the non-lethal use of whale resources in a sustainable and equitable manner.



## Annex G

### Report of the Infractions Sub-Committee

Thursday 24 May 2007, Anchorage, Alaska

**Terms of reference:** The Infractions Sub-committee considers matters and documents relating to the International Observer Scheme and Infractions insofar as they involve monitoring of compliance with the Schedule and penalties for infractions thereof (*Rep. int. Whal. Commn 29: 22*).

#### 1. INTRODUCTORY ITEMS

A list of participants is given in Appendix 1.

##### 1.1 Appointment of Chair

Bruno Mainini (Switzerland) was elected Chair.

##### 1.2 Appointment of rapporteur

Cherry Allison (Secretariat) was appointed rapporteur.

##### 1.3 Review of documents

The following documents were available to the sub-committee.

IWC/59/Inf

- 1 Revised Draft Agenda
- 2 Annotated Draft Agenda
- 3 National Legislation details supplied to the IWC
- 4 Draft summary of Infraction Reports received by the Commission in 2006

IWC/59/ASW

- Srev White paper on hunting of large whales in Greenland

#### 2. ADOPTION OF THE AGENDA

The Chair noted that in the past some delegations, including Norway, Japan and Iceland, had referred to the terms of reference of this Sub-committee and had stated their belief that Item 7.1, covering stockpiles of whale products and trade questions, was outside the scope of the Convention. Japan continued to hold this opinion but in a spirit of co-operation it did not request the item be deleted. Norway and Iceland agreed. The draft agenda was adopted unchanged (see Appendix 2).

#### 3. INFRACTIONS REPORTS FROM CONTRACTING GOVERNMENTS, 2006

Last year at IWC/58, the Sub-committee adopted a revised form for reporting infractions, including reporting details of any infractions committed in previous years that remain unresolved. This revised form was circulated to Contracting Governments by the Secretariat. While use of the form is not compulsory, Contracting Governments do have to fulfil their reporting obligations under Article IX.4 of the Convention.

#### 3.1 Reports for 2006

The Secretariat introduced IWC/59/Inf3, the draft summary of infraction reports received by the Commission in 2006, which is given as Appendix 3 to this report.

The USA reported on its aboriginal catch in 2006. Information from the Alaskan Eskimo Whaling Commission showed 31 bowhead whales had been landed, including a calf taken accidentally that was reported as an infraction as detailed in table 2 of IWC/59/Inf3. In addition, a stranded humpback whale had been taken in Kotlik village and the matter is under investigation. The Makah did not take any gray whales in 2006 but had begun the application for the domestic legal permission required before they can begin hunting.

#### 3.2 Follow-up on earlier reports

The Secretariat introduced table 3 of IWC/59/Inf3, the draft summary of additional information on infraction reports received by the Commission in previous years, which is given as Appendix 3 to this report.

Norway commented on the difference between the case of terrestrial mammals in which young animals are targeted for harvest, rather than mature animals which are reproducing, in comparison with whaling in which large animals are targeted and calves protected.

New Zealand expressed its appreciation to Denmark and the Greenland Home Rule Government for the detailed information it had provided and noted the four infractions for which investigation is ongoing. It further noted the 2005 case which was closed due to lack of information. In answer to a question Denmark confirmed that there had not been any convictions in cases of this sort in the past three or four years and that it is continuing to follow up all reported incidents.

Austria was pleased to learn that all the reports of infractions and aboriginal catches this year had been made using the revised forms which were introduced last year following a suggestion by Austria. It noted that all infractions from the previous two seasons had been resolved but that there may be some infractions from earlier years which remain open. Austria suggested that these be considered next year.

#### 4. SURVEILLANCE OF WHALING OPERATIONS

The Infractions Reports submitted by the USA, the Russian Federation and St. Vincent and The Grenadines stated that 100% of their catches are under direct national inspection. Denmark (Greenland) stated that 2% of their catch was inspected under an international programme (by an observer from NAMMCO) and in addition their catches are subjected to a random check. Denmark (Greenland) reports on monitoring in IWC/59/ASW8rev (pp.12-15).

The UK was encouraged by the rate of inspection but questioned whether Denmark had plans to increase the inspection rate of the Greenlandic hunt. Denmark responded that it is part of NAMMCO and is subject to

Table 1  
National Legislation details supplied to the IWC.<sup>1</sup>

Country	Date of most recent material	Country	Date of most recent material
Antigua and Barbuda	None	Luxembourg	None
Argentina	2003	Mali	None
Australia	2000	Marshall Islands, Republic of	None
Austria	1998	Mauritania	None
Belgium	2002	Mexico	2006
Belize	None	Monaco	None
Benin	None	Mongolia	None
Brazil	1987	Morocco	None
Cambodia	None	Nauru	None
Cameroon	None	Netherlands, The	2002
Chile	1983	New Zealand	1992
China, People's Republic of	1983	Nicaragua	None
Costa Rica	None	Norway	2000
Cote D'Ivoire	None	Oman	1981
Croatia, Republic of	None	Palau, Republic of	None
Cyprus	None	Panama	None
Czech Republic	None	Peru	1984
Denmark (including Greenland)	1998	Portugal	2004
Dominica	None	Russian Federation	1998
Finland	1983	San Marino	None
France	1994	Saint Kitts and Nevis	None
Gabon	None	Saint Lucia	1984
Gambia	None	Saint Vincent and The Grenadines	2003
Germany	1982	Senegal	None
Grenada	None	Slovak Republic	None
Guatemala	None	Slovenia	None
Guinea	None	Solomon Islands	None
Hungary	None	South Africa	1998
Iceland	1985	Spain	1987
India	1981	Suriname	None
Ireland	2000	Sweden	2004
Israel	None	Switzerland	1986
Italy	None	Togo	None
Japan	2004	Tuvalu	None
Kenya	None	UK	1996
Kiribati	None	USA	2004
Korea, Republic of	1996		

<sup>1</sup>Up to the beginning of May 2007. Dates in the Table refer to the date of the material not the date of submission. Countries which have recently joined the IWC are not included in the above Table as they have not yet had an opportunity to submit legislation. <sup>2</sup>Member states of the European Union are subject also to relevant regulations established by the European Commission. The date of the most recent EU legislation supplied to the International Whaling Commission is 2004.

their inspection scheme. In addition, 8 full time wildlife officers and 12 assistants are employed to carry out random inspections. There are no plans to increase control in this respect.

##### 5. CHECKLIST OF INFORMATION REQUIRED OR REQUESTED UNDER SECTION VI OF THE SCHEDULE

This Checklist was developed as an administrative aid to the Sub-committee in helping it to determine whether obligations under Section VI of the Schedule were being met. It is not compulsory for Contracting Governments to fill in the Checklist although, of course, they do have to fulfil their obligations under this Section of the Schedule.

The available information is summarised below.

**Denmark:** Information on date, species, length, sex and the length and sex of any foetus if present is collected for between 80-100% of the catch, depending on the item. The position of each whale killed is collected for 59% of the catch and the name of the area where whales are hunted is reported for most of the remainder. Information on killing methods and struck and lost animals are also collected.

**USA:** Information on date, species, position, length, sex, the length and sex of any foetus if present, killing method and number of struck and lost is collected for 100% of the

catch. Biological samples are collected for about 67% of animals.

**Russian Federation:** Information on date, time, species, position, length, sex, the length and sex of any foetus if present, killing method and numbers struck and lost is collected for 100% of the catch.

**St. Vincent and The Grenadines:** Information on date, time, species, position, length and sex is collected for 100% of the catch. Biological samples are also collected.

**Norway and Iceland:** The required information has been submitted to the Secretariat as noted in the Scientific Committee report (IWC/59/Rep1).

##### 6. SUBMISSION OF NATIONAL LAWS AND REGULATIONS

A summary of national legislation supplied to the Commission is given in Table 1. New information had been provided in the past year by Japan.

Denmark reported that revised legislation on whale hunting in Greenland was introduced in 2005. The new regulations are only available in Greenlandic and Danish but Denmark will be happy to supply a copy to the Secretariat.

Australia noted that amendments to the Australian Environment Protection and Biodiversity Conservation Act

were enacted in February 2007 to implement new arrangements for permitting of activities interacting with cetaceans in the Australian whale sanctuary. Other amendments have been introduced relating to CITES provisions for export and import of cetacean products. Australia will now implement stricter domestic measures and deal with all cetaceans as though they were listed on Appendix I. Some minor changes in definitions and wording have been introduced to clarify terminology for legal purposes. Australia will provide the required documentation to the Secretariat.

Following a question from New Zealand, Japan clarified that the legislation it had provided was not new and had been previously discussed by this Sub-committee. In 2001 a general prohibition on catching of whales was instituted, closing a legal loophole; prior to this date it had been illegal to catch whales using whaling equipment. The 2001 ordinance also specified how to handle whales by-caught in set nets and DNA testing was introduced at that time. In 2004 similar conditions were applied to stranded or drifted whales.

## 7. OTHER MATTERS

### 7.1 Reports from Contracting Governments on availability, sources and trade in whale products

The Commission has adopted a number of Resolutions inviting Contracting Governments to report on the availability, sources and trade in whale products:

- 1994-7 on international trade in whale meat and products;
- 1995-7 on improving mechanisms to prevent illegal trade in whale meat;
- 1996-3 on improving mechanisms to restrict trade and prevent illegal trade in whale meat;
- 1997-2 on improved monitoring of whale product stockpiles; and
- 1998-8 *inter alia* reaffirmed the need for Contracting Governments to observe fully the above Resolutions addressing trade questions, in particular with regard to the problem of illegal trade in whale products, and urged all governments to provide the information specified in previous resolutions.

No reports were received by the Secretariat on these resolutions and no comments were made during the meeting.

### 7.2 Other

No other matters were raised.

## 8. ADOPTION OF REPORT

The report was adopted 'by post' at 10:00 on 26 May 2007.

---

## Appendix 1

### LIST OF PARTICIPANTS

#### Argentina

Miguel Iñiguez

#### Australia

Donna Petrachenko  
Pam Eiser

#### Austria

Andrea Nouak  
Michael Stachowitsch

#### Belgium

Koen Van Waerebeek

#### Brazil

José Truda Palazzo  
Régis Pinto Lima

#### Chile

Francisco Berguño Hurtado  
Ximena Alcayaga Claussen  
Elsa Cabrera Peñuela

#### Denmark

Amalie Jessen  
Ole Samsing  
Ole Heinrich

Leif Fontaine

Fernando Ugarte  
Maj Friis Munk  
Mads Lunde

#### Germany

Marlies Reimann  
Lars Puvogel

#### Grenada

Justin Rennie  
Frank Hester

#### Iceland

Stefán Ásmundsson  
Gísli Víkingsson

#### Italy

Caterina Fortuna

#### Japan

Mioru Morimoto  
Joji Morishita  
Jiro Hyugaji  
Ryochi Nakamura  
Saemi Baba (I)

#### Republic of Korea

Chiguk Ahn  
Yong Rock An  
Hyun Jin Park

#### Mexico

Lorenzo Rojas-Bracho

#### New Zealand

Geoffrey Palmer  
Jan Henderson  
Michael Donoghue  
Indra Prasad

#### Norway

Turid Eusébio  
Halvard Johansen  
Hild Ynnesdal  
Egil Øen

#### Portugal

Marina Sequeira

#### Russian Federation

Valentin Ilyashenko  
Rudolf Borodin  
Alyona Selhay (I)  
Svetlana Burton (I)

**Saint Vincent and The Grenadines**

Raymond Ryan

**Spain**

Carmen Asencio

**Sweden**

Bo Fernholm

**Switzerland**

Bruno Mainini (Chair)

**UK**

Richard Cowan

**USA**

Bill Hogarth

Doug DeMaster

Cheri McCarty

Roger Eckert

Emily Lindow

Shannon Dionne

Robert Brownell

John Field

Rollie Schmitt

Michael Tillman

Heather Rockwell

Micah McCarty

Keith Johnson

John Arum

Brian Gruber

Anne Renker

Stanley Speaks

Harry Brower

Edward Itta

George Noongwook

Merlin Koonooka

Raymond Hawley

Eugene Brower

**Secretariat**

Cherry Allison (rapporteur)

Greg Donovan

**Appendix 2****AGENDA**

1. Introductory items
  - 1.1 Appointment of Chair
  - 1.2 Appointment of rapporteur
  - 1.3 Review of documents
2. Adoption of Agenda
3. Infractions reports from Contracting Governments
  - 3.1 Reports for 2006
  - 3.2 Follow-up on earlier reports
4. Surveillance of whaling operations
5. Checklist of information required or requested under section VI of the Schedule
6. Submission of national laws and regulations
7. Other matters
  - 7.1 Reports from Contracting Governments on availability, sources and trade in whale products
  - 7.2 Other
8. Adoption of the Report

**Appendix 3****SUMMARY OF INFRACTIONS REPORTS RECEIVED BY THE COMMISSION IN 2006**

Under the terms of the Convention, each Contracting Government is required to transmit to the Commission full details of each infraction of the provisions of the Convention committed by persons and vessels under the jurisdiction of the Government. Note that although lost whales are traditionally reported, they are not intrinsically infractions.

Scientific permit catches were reported to the Scientific Committee (IWC/59/Rep1). Catch and associated data for

commercial and scientific permit catches were submitted to the IWC Secretariat (IWC/59/Rep1). Norway and Iceland reported no infractions from their commercial whaling operations. Aboriginal subsistence catches and infractions are summarised in Table 1.

Table 2 gives details of the infractions reported in the 2006 season and Table 3 gives details of follow up action on infractions from previous seasons.

Table 1

Summary of aboriginal subsistence catches and infractions reported for the 2006 season.

Country	Species	Males	Females	Total landed	Struck and lost	Total strikes	Infractions/comments
<b>Denmark</b>							
West Greenland	Fin	2	6	9 <sup>1</sup>	1 <sup>2</sup>	10	1 <sup>2</sup>
	Minke	43	128	175 <sup>3</sup>	6	181	None
	Humpback						1 <sup>4</sup>
East Greenland	Sei			1			1 <sup>5</sup>
	Fin						1 <sup>6</sup>
	Minke	2	0	2	1	3	None
<b>St Vincent and The Grenadines</b>							
	Humpback	0	1	1	0	1	None
<b>USA</b>							
	Bowhead	21	10	31	8	39	1 <sup>7</sup>
<b>Russian Federation</b>							
	Gray	55	74	129	5	134	None
<b>Republic of Korea</b>							
	Minke			2			2 <sup>8</sup>

<sup>1</sup>Includes 1 animal of unknown sex. <sup>2</sup>See Table 2, infraction 2006.1. <sup>3</sup>Includes 4 animals of unknown sex. <sup>4</sup>See Table 2, infraction 2006.3. <sup>5</sup>See Table 2, infraction 2006.4. <sup>6</sup>See Table 2, infraction 2006.2. <sup>7</sup>See Table 2, infraction 2006.5. <sup>8</sup>See Table 2 infractions 2006.6 and 2006.7.

Table 2

List of infractions from the 2006 season.

Ref.	Nation	Species	Sex	Length	Date	Infraction (specify)	Explanation	Penalty/action	Investigation complete?
2006.1	Greenland/Denmark	Fin	Unk.	Unk.	Aug. 2006	Hunting method, failure to report, waste of meat	Reported on August 22, Qasigianguit (Disko Bay). Skiffs were observed using rifle shots to assist a boat equipped with harpoon cannon. Probably the same whale was found dead later, with only part of the meat removed for consumption.	Reported to the police. Investigation ongoing.	No. Expected in 2007
2006.2	Greenland/Denmark	Fin	Unk.	Unk.	23 Aug. 2006	Prohibited stock	A fin whale with bullet wounds was observed at Kulusuk (East Greenland). Fate unknown.	Reported to the police. Investigation ongoing.	No. Completion unlikely
2006.3	Greenland/Denmark	Hump-back	Unk.	Unk.	14 Sept 2006	Prohibited species	A humpback whale with bullet wounds was observed at Niaqornaarsuk (southwest Greenland). Fate unknown.	Reported to the police. Investigation ongoing.	No. Completion unlikely
2006.4	Greenland/Denmark	Sei	Unk.	Unk.	21 Aug. 2006	Prohibited species	A sei whale was taken by hunters licensed to catch a minke whale at Ummannaq (Northwest Green-land)	Reported to the police. Investigation ongoing.	No. Expected in 2007
2006.5	USA	Bow-head	Unk.	Unk.	29 Sep. 2006	Calf was struck and killed	A small (6.3m) whale was landed at Barrow on 29 Sep. 2006. After examination of the very short baleen (characteristic of a calf) and stomach contents (contained milk), it was determined that the whale was a calf.	The AEWIC held a hearing during December 2006 and summoned all the whaling crews that had been involved in the harvest or towing of the whale to testify. The AEWIC determined that the calf was accidentally harvested. The mother was not in the vicinity when the calf was struck. No penalty.	Yes
2006.6	Korea	Minke	Unk.	5m	1 May 2006	No quota	Whale caught on 26 April 2006 by two fishing vessels with a permits for coastal gillnet and pot fisheries with a harpoon at about 20 miles off Ulsan, Ulju Dongbang. It was cut into 55 pieces on the vessel and covertly conveyed to land.	<b>Administrative sanction:</b> The meat and money (about US\$24,000) from it were confiscated. The licenses of the fishing vessels were revoked for one year. <b>Judicial sanction:</b> Six persons were involved in the violation; two were fined about US\$10,000 and US\$7,000 respectively; two were sentenced to 4 months in jail with probation for 2 years, one was sentenced to 6 months in jail with probation for 2 years; and the last one's prosecution was suspended.	Yes
2006.7	Korea	Minke	Unk.	5m	11 Aug 2006	No quota	Whale caught on 31 July 2006 by a fishing vessel with a permit for coastal gillnet at about 10 miles off Ulsan, Bangeojin Dongbang. It was cut into 50 pieces on the vessel, and covertly conveyed to land.	<b>Administrative sanction:</b> The meat and money (about US\$8,600) from it were confiscated. The license of the coastal gillnet fishery was suspended for 20 days of fishing operation. <b>Judicial sanction:</b> Five persons were involved in the violation; two were sentenced to 6 months in jail with probation for 2 years; two were sentenced to 4 months in jail with probation for 2 years; and the last one was fined about US\$1,000.	Yes

Table 3

List of unresolved infractions from the 2005 season and follow-up actions.

Ref.	Nation	Species	Sex	Length	Date	Infraction (specify)	Explanation	Penalty/action	Investigation complete?
2005.1	Greenland/ Denmark	Fin	?	?	Sep. 2005	Unreported struck and lost whale	A dead whale was seen near Maniitsoq (West Greenland) with a harpoon embedded in its flank.	Case under investigation.	No. Expected in 2007
2005.2	Greenland/ Denmark	Minke	?	?	8 Jul. 2005	Use of illegal bullet size	Bullets smaller than the minimum calibre allowed were found in meat bought in the open market in Nuuk (West Greenland).	Case closed due to lack of paths for further investigation.	Yes: closed 13/09/2006

---

## Annex H

### Catches by IWC Member Nations in the 2006 and 2006/2007 Seasons

Prepared by the Secretariat

	Fin	Humpback	Sei	Bryde's	Minke	Sperm	Bowhead	Gray	Operation
<b>North Atlantic</b>									
Denmark									
(West Greenland)	10 <sup>1</sup>	1 <sup>2</sup>	1 <sup>2</sup>	0	181 <sup>3</sup>	0	0	0	Aboriginal subsistence
(East Greenland)	1 <sup>2</sup>	0	0	0	3 <sup>1</sup>	0	0	0	Aboriginal subsistence
Iceland	0	0	0	0	60 <sup>4</sup>	0	0	0	Special Permit
Iceland	7	0	0	0	1	0	0	0	Whaling under Objection
Norway	0	0	0	0	545 <sup>5</sup>	0	0	0	Whaling under Objection
St. Vincent and The Grenadines	0	1	0	0	0	0	0	0	Aboriginal subsistence
<b>North Pacific</b>									
Japan	0	0	101 <sup>1</sup>	51 <sup>1</sup>	197 <sup>4</sup>	6	0	0	Special Permit
Korea	0	0	0	0	2 <sup>6</sup>	0	0	0	
Russian Federation	0	0	0	0	0	0	3	134 <sup>7</sup>	Aboriginal subsistence
USA	0	0	0	0	0	0	39 <sup>8</sup>	0	Aboriginal subsistence
<b>Antarctic</b>									
Japan	3	-	-	-	508 <sup>9</sup>	-	-	-	Special Permit

<sup>1</sup>Including 1 struck and lost. <sup>2</sup>Prohibited species. <sup>3</sup>Including 6 struck and lost. <sup>4</sup>Including 2 lost. <sup>5</sup>Including 7 lost. <sup>6</sup>The Republic of Korea reported that 2 minke whales had been deliberately killed (see IWC/59/Rep 4 for details). <sup>7</sup>Including 5 struck and lost. <sup>8</sup>Including 8 struck and lost. <sup>9</sup>Including 3 lost.

## Annex I

# Report of the Finance and Administration Committee

Thursday 24 May 2007, Anchorage, Alaska

### 1. INTRODUCTORY ITEMS

The list of participants is given in Appendix 1.

#### 1.1 Appointment of Chair

Anthony Liverpool (Antigua and Barbuda) was appointed as Chair of the Committee. He noted that attendance at the Finance and Administration Committee was limited to delegates and that observers were not permitted to attend.

#### 1.2 Appointment of rapporteur

The Secretariat agreed to act as rapporteurs.

#### 1.3 Review of documents

The documents available to the Committee are listed in Appendix 2.

### 2. ADOPTION OF THE AGENDA

Brazil noted that it wished to raise an item under item 7 'Other Matters' related to the size of delegations for host governments. The agenda was then adopted without amendment (Appendix 3).

### 3. ADMINISTRATIVE MATTERS

#### 3.1 Annual Meeting arrangements and procedures

##### 3.1.1 Need for a Technical Committee

The Chair reminded the Committee that no provision had been made for the Technical Committee to meet at Annual Meetings since IWC/51. However, the Commission had agreed to keep the need for a Technical Committee under review. As last year, he suggested that it would be appropriate to maintain the *status quo*, i.e., keep this item on the agenda since, as previously noted, the Technical Committee may have a role to play if and when the RMS is completed and catch limits set. The Committee agreed.

##### 3.1.2 Use of languages other than English

#### INTRODUCTION BY THE SECRETARIAT

At IWC/59 last year, the Commission agreed on a process for the 2007 Annual Meeting in Anchorage to improve facilities for French and Spanish speaking countries. This included: (1) the provision of both equipment and interpreters for simultaneous interpretation for French and Spanish; and (2) the translation into French of certain documents and summaries (with a summary of the Scientific Committee report also being made available in Spanish). The Commission also agreed Resolution 2006-3 entitled 'French and Spanish as Working Languages of the Commission' by consensus, noting the reservation of Denmark.

The Secretariat noted that it had arranged to provide translation and interpretation in French and Spanish in accordance with agreements in Anchorage and had prepared a document (IWC/59/F&A5) that addressed the requests made in IWC Resolution 2006-3 regarding the

introduction of French and Spanish as working languages of the Commission. The Secretariat drew attention to the documents it had prepared on previous occasions regarding simultaneous interpretation and translation and which also provide useful information (i.e. IWC/55/F&A2, IWC/56/F&A2, IWC/57/F&A3 and IWC/58/F&A6).

The Secretariat noted that the current use of language is governed by Rule of Procedure N.1 which states that 'English shall be the official and working language of the Commission...'. No mention is made in the Convention itself to official or working languages, thus changes could be made by simple majority. However, on a matter of such significance that has implications to the functioning of the organisation and to costs involved, the Secretariat suggested that it would clearly be preferable to have broad agreement on any changes to the *status quo*.

The Secretariat also noted that the discussions at IWC last year and IWC Resolution 2006-3 were not specific regarding what was meant by recognising French and Spanish as working languages of the Commission. Since there appears to be no universally-accepted definitions of the terms 'official' and 'working' languages and that different intergovernmental organisations take different approaches to the use of working languages, the Secretariat suggested that the Commission itself must decide how it wishes to interpret 'working language'. It asked whether the intention is to: (1) arrive at the situation where all IWC meeting documents, publications, website and all official correspondence (i.e. Circular Communications) are available in English, French and Spanish; or (2) improve provision for interpretation and translation for French and Spanish speakers but not go so far as to have them used as extensively in the written form as English. The logistical and financial implications to IWC of these two approaches are quite different. If the former is the intention, the Secretariat suggested that it might be appropriate to implement this in a gradual/phased way as experience is gained.

Noting that Resolution 2006-3 requested the Secretariat to develop options for the implementation of French and Spanish at future meetings of the Commission, including possible time frame and cost implications for a final decision to be taken at the 2007 IWC Annual Meeting, the Secretariat introduced the four possible options shown in Table 1. It drew attention to the fact that none of these consider what (if any) interpretation and/or translation services would be provided for intersessional meetings of the Commission and its sub-groups. Cost estimates for the different options are shown in Table 2. Within each option, total costs vary depending on how many interpreters and translators are working *in situ* at the Annual Meeting. For Option 4, there would be an additional one-off cost for translating the current IWC web site (around £24,000). The Secretariat noted that although it is difficult to compare the estimated costs in Table 2 with costs incurred by other IGOs (e.g. because of differences in the number of



meetings per year, their length of meetings and extent of document translation) it suggested that the estimates in Table 2 did not appear unreasonable in comparison and may be on the low side compared with some organisations.

Given Resolution 2006-3, in preparing the proposed IWC budget for 2007/2008 (see IWC/59/5), the Secretariat reported that it believed it prudent to include some provision for interpretation and translation costs. A sum of £39,500 was included for costs associated with provision of these services at IWC/60 in Chile, noting that this did not have a big impact on individual financial contributions of Contracting Governments. However, it stressed that if the Commission decided against increasing the provision for interpretation and translation, then the 2007/2008 budget would be adjusted accordingly.

With respect to time-frames for introducing French and Spanish as working languages, the Secretariat believed that if funding was made available, Options 1 or 2 could be implemented for financial year 2007/2008 beginning 1 September 2007. Implementation of Option 3, which includes translation of Circular Communications would require longer to implement since there would be a need to identify and engage appropriate translators, although preparatory work could be done for this during 2007/2008. The Secretariat suggested that Option 4, which introduces French and Spanish as working languages at the same level as English, would be difficult to implement in the short-

term since the logistical and financial implications are so much greater and that it would be more practical to implement this in a gradual/phased way as experience is gained.

Finally, the Secretariat drew attention to some of the implications of introducing French and Spanish as working languages. These included:

- (1) costs;
- (2) the possible need to amend Rule of Procedure N.1;
- (3) the need not to hinder the ability for the Secretariat to deal expeditiously with Contracting Governments;
- (4) the possible need, depending on the approach followed, to have linguistic expertise on the Secretariat staff;
- (5) the need to respect document submission deadlines if documents are to be translated; and
- (6) the status of translations.

With respect to the latter, the Secretariat noted that if additional working languages are introduced, consideration would need to be given to the status of translations, particularly in relation to Resolutions and Schedule amendments, i.e. are the versions in all languages equally valid or would the English version remain the 'official' version? This also has practical implications (e.g. timing, costs) if the present system of 'unofficial' translations changes.

Table 1  
Options for consideration regarding introduction of French and Spanish to IWC as additional working languages.

	Option 1	Option 2	Option 3	Option 4
<b>Simultaneous interpretation for:</b>				
Commission sub-groups	No	Yes	Yes	Yes
Commission plenary	Yes	Yes	Yes	Yes
Private meetings of Commissioners	Yes	Yes	Yes	Yes
<b>Translation – Commission Plenary</b>				
Draft Agenda (circulated 100 days before meeting)*	No	No	No	Yes
Annotated Provisional Agenda for Commission Plenary (circulated 60 days before meeting)*	Yes	Yes	Yes	Yes
Chair's Summary Report of previous Commission Plenary meeting*	Yes	Yes	Yes	Yes
[Full] Chair's Report of previous Commission Plenary meeting (i.e. version published in Annual Report)*	No	No	No	Yes
Resolutions	Yes	Yes	Yes	Yes
Schedule amendments	Yes	Yes	Yes	Yes
Reports from Commission sub-groups	Chair's summary only	Chair's summary only	Chair's summary only	Yes (full report)
Scientific Committee report	Summary only	Summary only	Summary only	Summary only
Documents submitted by Contracting Governments and/or Secretariat – not including Resolutions and Schedule amendments*	No	No	No	Yes
<b>Translation – Commission sub-groups</b>				
Draft agenda*	No	No	No	Yes
Documents submitted by Contracting Governments and/or Secretariat*	No	No	No	Yes
<b>Translation – Circular Communications</b>				
	No	No	Yes (covering letter only)	Yes (letter and any attachments)
<b>Journal of Cetacean Research and Management and its Special Publications</b>				
	No	No	No	No
<b>Website</b>				
	No	No	No	Yes

\*These documents can be translated prior to the Annual Meeting. Note that this would require Governments and the Secretariat to have documents prepared well in advance. The question of whether or not to delay the release of all documents until versions in all languages are completed would need to be addressed.

Table 2  
Estimates for annual costs for Options 1 to 4.

	Estimated annual costs (£) for two languages (French and Spanish)			
	Option 1	Option 2	Option 3	Option 4
<b>Simultaneous interpretation and document translation at an Annual Meeting</b>				
A. Team of three individuals per language	29,000	37,500	37,500	n/a
B. Team of 2 interpreters and 2 translators per language	or 37,000	or 43,500	or 43,500	or 43,500
C. Team of 3 interpreters and 2 translators per language	or 45,000	or 54,000	or 54,000	or 54,000
<b>Translation of Annual Meeting documents before meeting</b>				
Chair's Summary Report of previous Commission plenary meeting	1,650	1,650	1,650	1,650
Annotated Provisional Agenda	1,160	1,160	1,160	1,160
Documents for Commission sub-groups	-	-	-	32,940
Documents for Commission plenary	-	-	-	8,276
[Full] Chair's Report of previous Commission plenary meeting	-	-	-	10,788
<b>Translation of Summary of Scientific Committee report (done at Annual Meeting)</b>	3,600	3,600	3,600	3,600
<b>Translation of Circular Communications during the year</b>	0	0	8,000	8,000
<b>Website (updating during the year)</b>	-	-	-	1,196
	<b>Totals</b>			
Scenario A	35,410	43,910	51,910	
Scenario B	43,410	49,910	57,910	102,834
Scenario C	51,410	60,410	68,410	113,334

#### F&A COMMITTEE DISCUSSIONS AND RECOMMENDATIONS

As it had previously, France supported the introduction of French and Spanish as working languages of the Commission. It believed that it is time for IWC to expand its language provision and that this would illustrate that IWC can be modernised. France thought that introduction of new working languages would improve the efficiency of the Commission by allowing increased participation in debates. While it favoured Option 4, it indicated that this could be approached in a step-wise fashion as experience is gained. France suggested however that translation of the website should be considered as it would greatly facilitate communication. It noted that while it has made voluntary contributions towards the provision of French interpretation and document translation at IWC/58 and IWC/59, it will not be able to do so next year. It hoped that consensus recommendations could be developed. Spain made similar remarks. Several countries noted their appreciation of the voluntary contributions of France and Spain and several also supported the translation of the website if funds could be made available. Dominica supported the aspirations of France and Spain also believing that it would strengthen the organisation.

Germany thanked the Secretariat for its document, particularly in relation to the implications it highlighted if other languages were to be introduced. It favoured staying as much as possible to the *status quo*. Germany believed that this issue has great implications and consequences for the IWC budget and requested a prudent approach. Denmark also preferred to retain the *status quo* at least until the future of the organisation was more settled. At that point it would be more ready to accept changes, noting however that there may be other things that needed to be funded in addition to the provision of interpretation and translation. In the mean time, it viewed languages as more of a personal issue that is not greater for large language areas than small. In its delegation, five languages are spoken and interventions are often made in someone's third language.

The USA noted that it had been involved in the development of Resolution 2006-3 last year and had found

it a rewarding experience. However, it wished to work as prudently as possible to accommodate language needs within the current budget. For this reason it could accept Option 2, believing this to provide a reasonable level of interpretation and translation without increasing financial burdens on member countries.

Argentina recognised the budget implications of the introduction of new working languages and favoured the introduction of Option 1. Chile supported the ultimate objectives expressed by France and Spain for Option 4, but considered that Option 1 should be selected as an initial step. It did not believe that there needed to be any delay. Brazil agreed noting that it saw no link between the language issue and the stability of the organisation. Australia also saw no need for delay and could support either Option 1 or 2. Further support for Option 1 as a first step was expressed by Ecuador and Belgium.

The UK believed that considerable progress had been made on this issue since IWC/55 in Berlin in 2003. It had some sympathy with Germany and Denmark, but noted that it could support Option 1 provided that careful thought was given before taking further steps. Sweden made similar remarks and drew attention to the need to consider the status of any translations (see section above). It wondered whether voluntary contributions might be made to fund translation of the website.

In response to a question from Norway, the Secretariat noted that the introduction of Option 1 would not necessarily add to the length of the meeting, as is the case for IWC/59.

After further discussions related to time-frames regarding the introduction of various options, New Zealand noted that the Commission had not yet had a chance to evaluate the measures introduced this year. It therefore suggested that if Option 1 were to be adopted, further experience would need to be gained. Consequently, the Secretariat should be invited to report on its experience after one year's experience with this option, which would mean that this would be reviewed in 2009. The Commission could then decide on next steps and further broadening as appropriate of the use of French and Spanish

at this point. The F&A Committee agreed with this approach.

The F&A Committee therefore **recommends** to the Commission that: (1) Option 1 be adopted and implemented for IWC/60 next year; and (2) that the Secretariat report to the Commission in 2009 on experiences with this option. The Secretariat notes that budgetary provision has been made in the proposed 2007-2008 budget that should cover the implementation of Option 1. The F&A Committee also agreed that a revision to the Rules of Procedure were not yet needed.

### 3.1.3 Frequency of meetings

#### BACKGROUND

A Special Session of the F&A Committee on the Frequency of Meetings was held on Wednesday 23 May. The report from that meeting is available as IWC/59/F&A6. At that meeting, the Secretariat introduced in some detail IWC/59/F&ASS3: Possible options to consider regarding meeting frequency of the Commission and its subsidiary bodies. After summarising comments expressed by Contracting Governments on this issue in the F&A Committee and in the Commission at previous meetings, the Secretariat described four options that the Special Session may wish to consider regarding meeting frequency and duration:

- (1) the *status quo*, i.e. annual meetings of the Scientific Committee, Commission sub-groups and Commission;
- (2) annual meetings of the Commission and its subsidiary bodies, but reduce the overall length of the meeting series;
- (3) annual meetings of the Scientific Committee, but biennial meetings of the Commission and its other sub-groups; and
- (4) biennial meetings of the Commission, Scientific Committee and other sub-groups.

The Secretariat had noted that a further 'option' may be that it is premature to make a decision at present given the uncertainty about the organisation and agree to retain the *status quo* for the present.

With respect to the timing of any move to less frequent meetings, the Secretariat noted that given the current uncertainties over the organisation, including the impasse on development of an RMS, the Commission may consider that it is premature to take a decision now regarding frequency of meetings. As noted by at least one delegation last year, a move to less frequent meetings may hinder the Commission's efforts to break the current deadlock, including development of an RMS. The Commission could therefore keep the possibility in mind, but postpone any decision for the time-being.

If, however, there was consensus among the F&A Committee on one of the four options described above (or variation thereof) which was endorsed by the Commission, the Secretariat noted that it should be possible to make a decision at IWC/59 regarding meeting frequency, recalling that in any case there will be annual meetings of the Commission and its subsidiary bodies at IWC/60 in Santiago, Chile, in 2008. Furthermore, if there was a decision at IWC/59 to alter the frequency of meetings, the Secretariat could prepare any necessary amendments to the Rules of Procedure and Financial Regulations for adoption at IWC/60 as appropriate. Any changes to Commission priorities for the Scientific Committee would need to be agreed at IWC/60.

The Secretariat noted that if there was no consensus within the F&A Committee, and assuming that the matter is not taken to a vote in plenary, then further work would need to be done for discussion and decision-making at IWC/60 in 2008. However, it pointed out that because the venue for Annual Meetings should be decided two years in advance, with the location for IWC/61 in 2009 being decided in Anchorage, then it would probably be necessary to delay any move to less frequent meetings of the Commission and/or its subsidiary bodies until after 2009 (i.e. have a meeting in 2009). This would also enable the Scientific Committee and Commission to keep to the schedule for completion of the RMP *Implementation* for North Atlantic fin whales and also provide time for the Commission to discuss its future.

#### F&A COMMITTEE DISCUSSIONS AND RECOMMENDATIONS

During the Special Session there was clearly no consensus on how to proceed (see IWC/59/F&A6). The Chair directed the Secretariat to develop a report that highlighted the positions of those Governments that took part in discussions. He noted that further discussions would be held during the F&A Committee meeting the following day. Noting the views expressed by the Russian Federation, the Chair urged the F&A Committee to try to seek consensus and develop a definitive recommendation to the Commission.

During the F&A Committee meeting on 24 May, there were no further remarks from the floor. The Chair therefore suggested that he would prefer to raise the issue in the private meeting of Commissioners on Sunday 27 May rather than bringing the matter directly to the plenary. The F&A Committee agreed with this approach.

### 3.2 NGO accreditation

#### Background

The Chair noted that consideration of revisions to NGO accreditation requirements and participation in IWC meetings has been under discussion since IWC/56 in Sorrento in 2004. Last year, the Secretariat had prepared a paper for the F&A Committee that:

- (1) described the current criteria and conditions for IWC and those of other intergovernmental organisations;
- (2) highlighted the drawbacks of the current criteria/conditions;
- (3) proposed revised criteria/conditions for NGO accreditation and participation, including a fee structure;
- (4) considered how any revised criteria/conditions might be introduced; and
- (5) proposed draft revised Rules of Procedure that would give effect to the revised criteria/conditions.

Last year, while a number of countries indicated that they considered it is time to change the criteria/conditions for NGO accreditation, the F&A Committee was unable to reach agreement on any revisions to current procedures. However, it agreed to Australia's suggestion that it work with a small group of countries to develop a specific proposal for consideration by the Commission in Plenary. A proposal was subsequently submitted (see IWC/58/24). However, in view of time considerations and the need for at least a 60-day notice period for changes to the Rules of Procedure, the Commission agreed that the paper be addressed by the F&A Committee at IWC/60.

#### F&A COMMITTEE DISCUSSIONS AND RECOMMENDATIONS

Australia proposed that more time is needed to clarify some of the issues raised in IWC/58/24 and suggested that a revised proposal be introduced for adoption by the Commission next year. The UK could not see a need for such a delay, noting that if the proposal was not adopted until next year, it would not take effect until 2009.

The USA noted that since IWC/58, a number of NGOs had identified a number of concerns with the proposal in IWC/58/24. These related to: (1) the fact that currently-accredited NGOs would have their accreditation removed and would have to reapply; (2) the type of organisation-related information that would need to be provided to the Secretariat; and (3) the issue of competency of an organisation. With respect to the first point, the USA noted that the intention would be that all NGOs would be required to submit the required information and that if this had not been done by a particular deadline, accreditation of those organisations that had not provided this information would be withdrawn. In this way, 'flags of convenience' organisations could be avoided. On the latter point, some NGOs had indicated that they would prefer that any NGO which expresses an interest in the work of IWC should be sufficiently 'qualified'.

Japan expressed a number of concerns with the proposals in IWC/58/24, particularly that there was no limit to the number of observers an NGO could nominate. It considered that this would lead to space problems. Other governments suggested that this would be self-limited by the cost of registration and of sending observers and should therefore not be a problem. One delegate noted that historical data on NGO attendance showed relatively constant numbers of people at IWC meetings over the last 5-10 years.

After further discussion, the F&A Committee agreed to establish a small working group to review and revise as necessary the proposals in IWC/58/24 with a view to submitting a proposal to plenary. The group was to comprise Australia (as convenor), the USA, the Netherlands, Japan and New Zealand.

### 3.3 Legal advice in relation to the IWC

#### *Background*

The Chair recalled that at the 5<sup>th</sup> Special Meeting of the Commission in Cambridge in October 2002, the Netherlands raised the issue of how the Commission might better address legal issues it may face in the future. The Netherlands presented some ideas on this matter to the Commission at IWC/55 and on the basis of these, the Commission agreed to ask the Secretariat to explore how other Conventions deal with legal issues and the legal issues they have faced. The Secretariat reported on these aspects to the Commission at IWC/56. The Netherlands also introduced a paper at IWC/56 that set out options for addressing future legal issues. Due to time constraints, detailed discussion of this paper was deferred to IWC/57. Different views were expressed at IWC/57 and the Commission agreed that the Netherlands should consult with countries expressing concerns to explore how these might be addressed and to report back on the outcome of these consultations at IWC/58. The Netherlands, who had hoped to pursue this matter with interested parties after IWC/57, had been unable to do so, but suggested that an email working group be established to report to the F&A Committee next year. In the absence of expressions of

interest in joining such a group, it was suggested that the Netherlands may itself prepare a paper for consideration at IWC/59. Subsequent to IWC/58, the Netherlands invited interested Contracting Governments to join an email working group. A number of governments responded.

The Chair also drew attention to annotations in the agenda made by Japan. Japan had noted that the Conference on Normalising the IWC, held under its auspices in Tokyo in February 2007, considered that to ensure future decisions of the IWC are consistent with the ICRW, any proposal to amend the Schedule might be looked at by a special group with the specific purpose of ensuring its consistency with Article 5.2. The conference further considered that in cases where there is disagreement among members on the interpretation of the ICRW for IWC decisions, legal opinion from outside the IWC might be sought. Japan had indicated that one or more participants to the conference may raise these matters under this item. In the event this was not done.

#### F&A COMMITTEE DISCUSSIONS AND RECOMMENDATIONS

The Netherlands reported that again no further progress had been made intersessionally and proposed that the Commission should decide on how it wished to proceed. New Zealand indicated that it considered this to be an important issue and that it had been at fault that it had not found the appropriate legal resources to work intersessionally. It believed that legal issues permeate the work of the Commission in many respects and that consideration needs to be given as to how legal principles can be infused into the IWC. New Zealand believed that the Commission is not in a position at present to advance the issue but that perhaps it could be revisited in future.

The Netherlands indicated that it would like to revive the working group if there was sufficient interest but that it could not work in isolation. In response to the Chair's request for expressions of interest, Japan considered that the approach suggested by New Zealand is appropriate. In particular it wished to see how discussions under item 7 of the Commission's agenda (i.e. the future of the IWC) went before making any decisions. Japan recalled that the initiative of the Netherlands arose out of issues the Commission faced in 2002 and that the scope of any future work may be different. New Zealand agreed.

Given these discussions, the F&A Committee therefore **recommends** to the Commission that this item be removed from the agenda, noting that it could be re-introduced at some future time as necessary.

### 3.4 Amendments to the rules of Procedure, Financial Regulations and Rules of Debate

#### *3.4.1 Proposal to amend Rules of Debate by adding A.5*

In commenting on the Draft Agenda, Japan indicated that it intends to propose an addition to the Rules of Debate as follows:

A.5. Slanderous verbal statements and/or slanderous language in Resolutions is prohibited.

Japan indicated that it wished to first discuss this proposal within the F&A Committee so as to seek adoption by consensus.

In the F&A Committee, Japan noted that its goal is not to revise the Rules of Procedure but rather to have Commission discussions conducted in a more polite and diplomatic fashion. If this could be achieved without

revising the Rules of Debate, Japan would not insist on their revision.

The UK and New Zealand fully endorsed these remarks. The UK added that finding an appropriate word to use in any rule would be difficult. New Zealand noted that rather than use the term slander, it would be more appropriate to make the declaration that 'the use of provocative, offensive and undiplomatic language shall be avoided in the proceedings of the Commission'. It did not believe that this needed to be reflected in a Rule of Debate, but rather applied as a rule of general practice. The USA supported the intention of Japan and the sentiments expressed by New Zealand. Sweden agreed and thanked Japan for raising the matter.

Japan indicated that it would agree with the general statement made by New Zealand and wished it to be recorded in the Committee's report which could then be endorsed by the Commission. The F&A Committee agreed.

#### 3.4.2 Proposal to amend Rule of Procedure Q.2

In commenting on the Draft Agenda, the UK indicated that it may propose an amendment to the Commission Rule of Procedure Q.2 as follows:

Q.2. Any document submitted to the Commission for distribution to Commissioners, *and* Contracting Governments ~~or members of the Scientific Committee~~ is considered to be in the public domain unless it is designated by the author or government submitting it to be restricted. Such restriction is automatically lifted when the report of the meeting to which it is submitted becomes publicly available under 1. above. *Documents submitted to the Commission for distribution to members of the Scientific Committee are considered to be in the public domain and may not be designated as restricted.*

In the F&A Committee, the UK noted that in the past there have been difficulties dealing with documents submitted to the Scientific Committee as confidential. It stressed that the UK has always honoured this, but could not readily see what purpose is served by identifying some Scientific Committee documents as confidential and believed that removing this possibility would be in the interest of transparency and public debate.

Japan expressed concern with this proposal. Japan believed it important to be able to keep documents such as those relating to new special permit research proposals confidential before and during the meeting of the Scientific Committee. It noted that these proposals are politically sensitive and was afraid that the objectivity of the Scientific Committee may be influenced if the proposals were publicly available. Japan was not against transparency in principle but believed that some documents needed to be handled with more care than others. It added that in any case, these documents would not remain restricted forever. Denmark expressed similar concerns but related to other issues dealt with by the Commission. Like Japan, it was in favour of transparency, but believed that this could wait until after the Scientific Committee.

Brazil noted that it understood the concerns regarding the nature of some documents, but believed that the confidentiality rules did not allow for governments to consult with scientists who are not members of the Scientific Committee. It considered this to discriminate against developing countries with small delegations.

A number of delegations noted that it was their understanding that common (unwritten) practice is that the confidentiality rules do not mean that a government cannot consult with its experts at its discretion. The F&A Committee agreed that it would be useful to have this practice clarified and agreed that the Secretariat should

consult with the Chair of the Scientific Committee to develop a draft text for subsequent review by the UK, Japan, Brazil and Dominica. The intention would be to submit this to the plenary.

## 4. SECRETARIAT OFFICES AND POSSIBLE RELOCATION OF SECRETARIAT

### 4.1 Background

For several years, the Secretariat has, at the request of the Commission, been exploring alternatives to its current office accommodation (The Red House), including the possibility of relocation to another country. At IWC/56, the Commission: (1) acknowledged that rent of the Red House represented approximately 4% of the total budget and was therefore not an excessive cost; and (2) recognised the need to retain expertise within the Secretariat that would be lost if it were moved away from the Cambridge area. The Secretariat was therefore requested to explore alternatives in the Cambridge area for discussion at IWC/57.

At IWC/57, noting that the current lease on The Red House expires in March 2009, the Commission expressed considerable interest in the Commission purchasing its own office and asked the Secretariat to develop a more comprehensive picture for review at IWC/58 (e.g., identification of all costs, timing of events, cash flows).

In St. Kitts and Nevis the focus of discussions changed. Some countries considered it premature to take a decision on whether to purchase a property before the option of negotiating a more favourable Headquarters Agreement with the UK Government had been explored, and it was also suggested that approaches to other governments willing to host the IWC Secretariat would be worthwhile.

Consequently, at the request of the Commission, a questionnaire prepared by the Secretariat and Advisory Committee was circulated in September 2006 inviting interested governments to identify what they would be prepared to offer to host the Secretariat in their country. Two expressions of interest were received, one from Switzerland and another from Germany, and circulated to Contracting Governments in mid February (documents IWC/59/F&A3 and 4 respectively).

When circulating the questionnaire to Contracting Governments, Bill Hogarth, Chair of the Commission, suggested that if any offers to host the Secretariat were received and the Commission confirms that it wishes to pursue the possibility of relocating the Secretariat, it will be necessary for the Commission to also (at least):

- (1) discuss/identify/set a realistic timescale for any relocation;
- (2) decide on a mechanism for choosing between offers, including keeping the Secretariat in the UK;
- (3) consider whether all current members of the Secretariat staff would be offered relocation or whether this would apply only to certain grades/positions, and if the latter, how these would be determined;
- (4) develop/agree terms of relocation for Secretariat staff; and
- (5) develop/agree terms of redundancy for current Secretariat staff who either do not wish to relocate or who are not offered relocation.

He further proposed that it would be most efficient to first address items (1) to (5) in a small group that could

report to the F&A Committee who would then make recommendations to plenary for decision-making. The 'small group' would be appointed by the Commission but should include the Secretariat.

Although the Commission agreed at IWC/58 that offers to host the Secretariat should be received prior to IWC/59, there was no discussion of when any decision to relocate the Secretariat (or not) would be taken. Given the significant implications of such a step both for the organisation and its employees, the Chair proposed that it would be premature to take a decision at IWC/59. Rather, if the Commission agrees to pursue the possibility of relocating the Secretariat, he suggested that it would be more prudent to establish the small group mentioned above at IWC/59 (including terms of reference) with a view to taking a decision at IWC/60 in 2008.

#### **4.2 Expressions of interest in hosting the IWC Secretariat from Switzerland and Germany**

In introducing its offer (IWC/59/F&A3), Switzerland stressed that its policy is not try to attract organisations already having seats elsewhere and that therefore its offer should not be seen as hostile to the UK. It went briefly through its offer identifying the factors that made Geneva a favourable location for international organisations as well as their employees.

Like Switzerland, Germany also indicated that its offer was submitted with due respect to the UK government and it recognised the dedicated work of the Secretariat. It referred participants to the details of its offer provided in IWC/59/F&A 4 and noted that Bonn is in the process of attracting international organisations to the city, including those of the United Nations. The Secretariats of the Convention for Migratory Species (CMS) and the Agreement on Small Cetaceans of the Baltic and North Seas (ASCOBANS) have their offices in Bonn.

#### **4.2 F&A Committee discussions and recommendations**

Members of the F&A Committee thanked Switzerland and Germany for the considerable effort they made in preparing their offers and that they were sure that both countries would be excellent and very capable hosts for the Secretariat.

Noting that the principle driver for relocation of the Secretariat was potential cost savings, the question was raised as to how much the relocation of the Secretariat from the UK would in fact save. Some members suggested that a detailed comparison between available options, including staying in Cambridge, would be needed before a decision could be taken and that this should be available for review for next year. In response to a question on whether the UK could improve the current Headquarters' Agreement to make it more favourable for the Secretariat to continue to be based there, the UK reported that it had consulted the relevant authorities but that no further offer would be forthcoming.

Recognising the competence of the Secretariat staff, a number of members expressed considerable concern that relocation of the Secretariat away from Cambridge may result in loss of expertise. It seemed to them to be questionable to relocate or replace a Secretariat that is functioning well. They felt that discussions on this topic had already been going for a long time, that further delay would be bad for staff morale and that the deadline for the expiry of the current lease of the Secretariat's offices in

March 2009 was too close to delay matters further. One member suggested that the Committee should focus on the issue of whether to continue to rent or to purchase office premises in the Cambridge area as had been discussed earlier.

A proposal was made that the matter of Secretariat relocation away from the Cambridge area be closed for the time being and that it should only be re-opened if a positive decision to do so was taken at some point in the future. There was consensus support for this proposal. The Chair therefore concluded that the F&A Committee **recommends** to the Commission that relocation should not be considered at this time.

## **5. FORMULA FOR CALCULATING CONTRIBUTIONS**

### **5.1 Background**

Recognising the potential implications for any revised contributions formula of work on the RMS, the work of the Contributions Task Force (CTF) had been put on hold until these implications could be assessed. The Task Force last met in March 2003. At IWC/57 in Ulsan, the view was expressed by some that work to revise the contributions formula should not be linked to completion of the RMS and should therefore be resumed. It was agreed to hold a Task Force meeting at IWC/58. Given this and the impasse reached on the RMS, at IWC/58 the Commission agreed to the Task Force's proposal that work on a revised contributions formula be resumed, building on the work to date. Up to two intersessional Task Force meetings were foreseen (the first in October/November 2006, and the second, if necessary, in February/March 2007). Unfortunately it had not been possible to schedule a time convenient for all Task Force members so a meeting was not held.

### **5.2 F&A Committee discussions and recommendations**

The Chair noted the difficulty in scheduling an intersessional meeting of the CTF. He asked for an indication of whether governments believe that it is likely at present that the Interim Measure could be improved upon given the position reached by the CTF.

A statement was made by Spain concerning the working of the 'Interim Measure' and the effect on Spain's Financial Contribution for 2007-2008. It noted that the annual Financial Contribution payable by Contracting Governments is calculated according to the Interim Measure which was introduced in 2002. The Interim Measure takes into account, amongst other factors, the 'capacity to pay' of countries, placing them in 1 of 4 groups according to GNI (Gross National Income) and GNIPC (Gross National Income per Capita) using World Bank data. Spain noted in particular that the cut-off points between 'capacity to pay' bands have not been revised or updated to reflect real growth and inflation since the formula's introduction.

Spain further noted that in 2002 and subsequent years, it was included in the Group 3 category according to capacity to pay (GNI < US\$1,000 million, GNIPC > US\$10,000). Nevertheless, according to new data released by the World Bank in April 2007 and only very recently communicated to Spain by the Secretariat, Spain now has a GNI of US\$ 1,095 million, thus placing Spain into the Group 4

category. As a Group 3 country Spain, paid around GBP £22,000 in Financial Contributions in 2006-2007, but as a Group 4 country it will be required to pay around GBP £48,000 in 2007-2008 under the current formula. Spain was not challenging the 'Interim Measure' or criteria within it, but the unfair situation that the lack of adjustment of cut-off points between 'capacity to pay' groups had imposed.

In summary Spain considered the move from the Group 3 country band to the Group 4 country band to be unfair for the following reasons.

- Spain might have a GNI of over US\$1,000 billion and be ranked 8<sup>th</sup> in the world using that measure, but it has a GNIPC ranking of 34<sup>th</sup> in the world, below more than 20 other members of the IWC. It is therefore not among the 7 richest countries of this Commission as the direct application of the figures adopted in 2002 would suggest.
- The short notice given to Spain regarding its reclassification creates major difficulties as there was no opportunity for the Spanish government to plan for such a sudden increase in Financial Contributions.
- That while inflation has been allowed for in the IWC budgets it has not been taken into account in the cut-off points defining 'capacity to pay' groups within the 'Interim Measure'.

Spain requested that the cut-off points defining the 'capacity to pay' groups be updated to take into account the real growth and inflation that have occurred during the five years since the Interim Measure was adopted in 2002. The Czech Republic who, along with Hungary, had been reclassified from Group 2 to a Group 3 country expressed similar concerns as Spain regarding the short notice given of these changes. Like Spain, its financial contribution was set to double.

There was general sympathy expressed regarding Spain's reclassification as a Group 4 country and it was noted that changes in 'capacity to pay' grouping were granted to Monaco and San Marino at IWC/56 in 2004 to recognise their situation as being very small countries. Broad support was expressed for a review of the cut-off points as requested by Spain, although it was felt that appropriate rules needed to be developed to ensure that the Interim Measure remained fair for all countries.

A number of suggestions were made as to how the matter might be taken forward. With respect to updating the cut-off points, it was suggested that a rate of inflation to the cut-off points could be applied. The simplicity of the concept was generally accepted, although where the necessary rate of inflation might be found was thought to require advice from appropriate economic sources such as the World Bank.

With respect to sudden increases in Financial Contributions, it was suggested that this might be avoided by using World Bank data one year in arrears. This would allow Contributing Governments to have one year's notice of any change GNI or GNIPC levels that would trigger movement between 'capacity to pay' groups. Concern was expressed that this approach would set a bad precedent if only applied for the setting of 2007/2008 financial contributions.

The question arose as to who should carry out a review taking the above factors into account and when this should be done. Suggestions were made that the Secretariat should perform the review and report back to a special session of

the F&A Committee at IWC/60. Spain could not agree with this proposal as it was seeking an update of the cut-off points to be done in time for the calculation of 2007-2008 Financial Contributions. The Secretariat noted that did not believe that it could review the cut-off points during IWC/59. Other countries noted that they would only be comfortable for the review to be done during the meeting if the appropriate expertise was available.

After further discussion, it was agreed to **recommend** to the Commission that the Secretariat be asked to review the cut-off points defining 'capacity to pay' groups and to report back to the F&A Committee at IWC/60 with recommendations for how they may be changed.

## 6. FINANCIAL STATEMENTS, BUDGETS AND OTHER MATTERS ADDRESSED BY THE BUDGETARY SUB-COMMITTEE

### 6.1 Review of the Provisional Financial Statement, 2006-2007

#### 6.1.1 Report of the Budgetary Sub-committee

The report of the Budgetary Sub-committee (IWC/59/F&A7) was introduced by its Chair Joji Morishita. The Provisional Financial Statement presented in IWC/59/5 was circulated to the Sub-committee in March 2007.

The Secretariat reported that there had not been time to develop a revised version of Table 1 of IWC/59/5, but indicated that the following changes should be noted:

Increases in income are anticipated from:

- Financial Contributions of New Members, i.e. £12.4k (Ecuador £3.7k, Greece £8.7k); and
- Voluntary Contributions: £12.5k is expected from Australia towards ship-strike work arising from the Conservation Committee. The voluntary contribution and associated expenditure for Conservation Committee work will be regarded as part of the General Fund and as such will not be shown in the Financial Statements but will be reported as a note to the accounts (as applied to Voluntary Contributions for the running costs of IWC/58).

A release from provision for doubtful debts is anticipated at £53k (Ecuador cleared £42k of old debt, Costa Rica cleared £11k of old debt) but this may be reduced by provision made at the financial year end for any current debts still outstanding.

Confirmation was sought that the anticipated £53k released from provision for doubtful debts was not included in the projected out-turn in IWC/59/5. This was confirmed by the Secretariat.

The Sub-committee noted that the projected out-turn for 2006-2007 is a generally satisfactory situation as currently presented with no problems foreseen. It accordingly recommended to the F&A Committee that the Provisional Financial Statement (Appendix 4) is forwarded to the Commission with a recommendation that it be approved subject to audit.

#### 6.1.2 Secretary's report on the collection of financial contributions

The Secretariat referred to document IWC/59/F&A8. Total financial contributions and interest outstanding amounted to £447.6k, of which £96k referred to former members and £351.5k referred to current members. The Secretary's report on the collection of financial contributions was noted.

### 6.1.3 Summary of recommendations to the Commission

The F&A Committee **recommends** that the Provisional Financial Statement is approved by the Commission subject to audit and further **recommends** that the Commission takes note of the 'Secretary's report on the collection of financial contributions.'

## 6.2 Consideration of estimated budgets, 2007-2008 and 2008-2009, including the budget for the Scientific Programme

### 6.2.1 Report of the Budgetary Sub-committee

#### REVIEW OF PROPOSED BUDGET 2007-2008 AND FORECAST BUDGET 2008-2009 (APPENDIX 5)

This aspect of the work done by the Budgetary Sub-committee was introduced by its Chair, Joji Morishita. He highlighted the main factors affecting the formulation of the 2007-2008 proposed budget which were as follows.

#### Income

As presented in IWC/59/5, income is projected to increase overall by about 4.6% (from £1,656k in the 2006-2007 Approved Budget to £1,732k in the proposed budget). This is due to increases in Financial Contributions (in total, with minimal increases per country), registration fees, staff assessments and bank interest receivable. For 2007-2008 UK inflation and bank interest rates are projected to be higher than in previous years.

#### Contracting Government Contributions (Appendix 6)

The total contributions required from Contracting Governments is increased for 2007-2008 to £1,407k (from £1,351k). This represents a total increase of 4.1% (just below the current level of UK inflation), but due to more Contracting Governments joining the IWC (and changes in the mix of countries per economic group) the majority of contribution changes per country are minimal (a 0.1% increase for most Group 1 and 2 countries, a decrease for Group 3 countries and an increase of up to 1.4% for Group 4 countries).

Since document IWC/59/5 was distributed in March, two more countries have joined the IWC (Ecuador and Greece) and with the release of new World Bank Data in April, three countries have been moved to higher 'capacity to pay groups' (the Czech Republic and Hungary from Group 2 to Group 3, Spain from Group 3 to Group 4). These changes have resulted in an increase in Financial Contributions for the three re-classified countries and a reduction for the other countries in the groups they have joined. These changes are examined in more detail in document BSC/2007/06 (see Appendix 7).

The forecast budget is increased for 2008-2009 in line with UK inflation.

#### Expenditure

4.2% has generally been used to allow for cost increases for 2007-2008 (2.1% for 2008-2009) except where there are positive indications that different levels are required. This reflects current levels of inflation in the UK. Expenses are expected to be much the same as last year.

The forecast budget is intended to show the general trend in reserve levels where budget deficits are shown in both years.

	Projected result for the year(s) (£)	
	2007-2008	2008-2009
Balance of income and expenditure (deficit)	-87,800	-109,300
Surplus/(deficit) after transfers between Funds	-99,200	-120,900
General Fund Reserves (£)		
	2007-2008	2008-2009
Projected balance on General Fund at year-end	1,157,500	1,036,600
Target level – approximately 6 months costs	910,100	938,700
% of target level	127	110

#### Reserves

Concern was expressed at IWC/57 that the level of reserves should be brought more in line with the 'target level' of 50% of operating expenditure in any year. The proposed budget as currently drafted produces an operating deficit. The forecast budget shows an increase in Financial Contributions in line with the assumed rate of UK inflation at 2.1% to show the cumulative effect on reserves of prudently moving towards the 'target level'.

The projected levels of the reserves at 127% and 110% may be considered satisfactory.

#### RESEARCH BUDGET FOR 2007-2008 (APPENDIX 8)

The Chair invited Arne Bjørge, Chair of the Scientific Committee, to introduce the Committee's proposals for research funding for 2007-2008.

Bjørge reviewed the relevant extracts from the Scientific Committee's report (IWC/59/Rep1, item 23).

The Scientific Committee had identified projects totalling £331,050, which it considered necessary to properly carry out the Commission's requirements. However, the Committee recognised the financial constraints that applied, and accordingly had prepared a reduced list of items to get as near as possible to the target, which had been set at £290,700. The Scientific Committee had developed a reduced budget of £293,350 and 'strongly recommended that, at a minimum, the Commission accepts its reduced budget of £293,350 where all items are regarded as being of high priority'.

#### NGO OBSERVER AND PRESS FEES

The Commission decided in 1992 that fees for Observers from non-member Governments and intergovernmental organisations should be held constant at £800 while the fee for NGO observers should increase annually. The proposed budget for NGO observers allows for an increase from £625 to £650 (+ 4.2% - rounded) at the Annual Meeting in 2008. The nominal Press fee increases from £45 to £50.

The Sub-committee agreed that the levels outlined by the Secretariat should be adopted. Accordingly the Sub-committee recommended that for 2007-2008 the NGO fee be set at £650 and the media fee at £50.

#### CHANGES TO FINANCIAL CONTRIBUTIONS SHOWN IN IWC/59/5 ARISING FROM AN INCREASE IN MEMBERSHIP AND THE RE-CLASSIFICATION OF COUNTRIES BETWEEN 'CAPACITY TO PAY' GROUPS (APPENDIX 7)

Given the increase in membership and the re-classification of capacity to pay group of the Czech Republic, Hungary and Spain, the Budgetary Sub-committee was invited to consider the following two options with respect to setting financial contributions for 2007-2008.

#### Option 1

The 2007-2008 total Financial Contributions can be maintained at the level proposed in IWC/59/5 of £1,407k



(after adjustment for new members and 'capacity to pay' group changes).

#### Option 2

An alternative is to follow the original approach adopted for document IWC/59/5 and to keep the Financial Contribution per country as close to 2006-2007 levels as is practicable. This alternative approach produces a revised total for Financial Contributions of £1,439,200, i.e. an extra £32,200.

Option 2 would provide an opportunity, if desired, to achieve a modest increase in the level of reserves without adding to the existing level of financial contribution of the majority of countries.

The effect of the two options on financial contributions is demonstrated in Table 1 of Appendix 7. [It should be noted that the calculation of column C of Table 1 in Appendix 7 is the end product of the calculation shown in detail in Appendix 6.]

#### SUMMARY OF RESPONSES TO THE 2007-2008 PROPOSED BUDGET

With respect to financial contributions and the two options presented as described above, some members were against additions being made to reserves without specific expenditure in mind (i.e. as in Option 2). Others were against Option 2 in principle even though the impact on the financial contribution of most members was minimal. Some members considered that a reduction of financial contributions for the majority of countries was to be preferred (i.e. as in Option 1). The consensus was that Option 1, i.e. maintaining total financial contributions at the level proposed in IWC/59/5 of £1,407k (after adjustment for new members and 'capacity to pay' group changes) should be recommended to the Finance and Administration Committee.

With respect to expenditure, 4.2% has generally been used to allow for cost increases for 2007-2008 (2.1% for 2008-2009) except where there are positive indications that different levels are required. This was accepted by the committee but a question was raised as to the content of the proposed 'Other Meeting' budget for 2007-2008 for £79,800. The Secretariat responded that this comprised: (1) a provision of £40k for intersessional meetings in 2007-2008 (including facilities hire, translation and interpretation); (2) a provision of £39.7k for 'other costs' associated with provision of document translation and simultaneous interpreters for IWC/60 in Chile. The £40k for intersessional meetings during 2007/2008 had been included to provide for the event that at IWC/59 the Commission agrees to hold an intersessional meeting. If there is no decision to hold an intersessional meeting, the £40k provision can be deducted from the proposed budget. With respect to the £39.7k for 'other costs', at IWC/58, the Commission agreed to provide for (together with some voluntary contributions): (1) simultaneous interpreters for French and Spanish for the Plenary and private meetings of Commissioners at IWC/59; and (2) translation of summary reports of Commission sub-groups, Schedule amendments and Resolutions (see IWC/58/28 and section 20.1.2.2 of the Chair's Report of IWC/58). At IWC/58 the Commission also adopted Resolution 2006-3 on French and Spanish as working languages of the Commission. This Resolution *inter alia* requested the Secretariat to 'develop options for the implementation of French and Spanish at future meetings of the Commission, including possible time frame

and cost implications for a final decision to be taken at the 2007 Annual Meeting'. The £39.7k would provide for an increased level of these services at IWC/60 over those being provided for IWC/59, namely provision of interpreters for the Commission Sub-groups (but not including the Scientific Committee). If the Commission decides against increasing the provision for interpretation and translation, then the budget will be adjusted accordingly.

Some members expressed concern about the implications on cost and complexity of meetings of providing for translation and interpretation.

The consensus on non-research expenditure was that the inflation rise was acceptable, as was the inclusion in the interim of the other meeting provision of £79.8k as long as this was subject to discussion at length at the F&A Committee.

With respect to research, the Chair of the Scientific Committee was complimented on the quality of the Committee's work. Although the reduced budget proposed by the Committee of £293,350 was in excess of the target figure of £290,700 included in IWC/59/5, the increase of £2,650 was regarded as acceptable. Furthermore, the Budgetary Sub-committee did not consider itself to be the competent body to suggest reductions to programmes proposed by the Scientific Committee. The Sub-committee recommended that the increase of £2,650 should be funded from the General Fund rather than from increased financial contributions.

The Chair of the Scientific Committee was questioned about the apparent low funding given to environmental research compared with other areas. The Scientific Committee Chair responded that preparatory meetings for two larger workshops in future years (on POLLUTION 2000+ and climate change) were included within the 2007-2008 budget and that requests for funding of these areas were expected to increase significantly in future years. He noted that the balance of funding between areas varies from year to year and that the provision allotted in any one year to a particular area was not a reflection of the priority given to that work.

The priorities of the Scientific Committee were accepted by the Sub-committee, and the Sub-committee agreed to include the Scientific Committee's £293,350 provision in the proposed budget for 2007-2008 (Appendix 8).

The Sub-committee therefore recommended that the F&A Committee consider and forward the proposed budget for 2007-2008 as given in Appendix 5 together with the indicated level of financial contributions from Contracting Governments to the Commission with a recommendation that it be adopted, but with the caveat that the provision included for interpretation and translation had yet to be discussed by the F&A Committee. (A preliminary estimate of the contribution to be requested from individual governments is given in Appendix 6 and modified in Appendix 7 in the light of recent increases in membership and 'capacity to pay' group changes. It should however be noted that this is indicative only and subject to adjustment and confirmation in the light of factors such as actual meeting attendance).

The Chair of the Scientific Committee raised the issue of the heavy workload faced by scientists and convenors at IWC/59. He requested that consideration be given to extending the time allowed for Scientific Committee work by 1 day, which would allow 15 more working sessions

across the broad range of work dealt with by the Committee. The Budgetary Sub-committee noted that if there were no budgetary implications this might be possible for IWC/60 in Chile without changing the proposed duration of the meeting. The Budgetary Sub-committee asked the Secretariat to consider the request of the Scientific Committee Chair when developing the schedule for IWC/60 and to inform the Scientific Committee Chair if this was not possible, so that more consideration could be given to extending the time available for Scientific Committee work in future years.

#### **FORECAST FOR 2008-2009**

The forecast budget for 2008-2009 is given alongside the 2007-2008 proposed budget. The forecast budget is intended to show the general trend if income and expenditure rise at the forecast level of UK inflation.

A question was raised as to whether recent changes to the distribution of Financial Contributions arising from increased membership and 'capacity to pay' changes would result in substantial increases in individual cases in the forecast budget. The Secretariat indicated that for the forecast budget, increases should only be by inflation.

The Sub-committee therefore recommended that the F&A Committee take note and forward the forecast budget for 2008-2009 (Appendix 5) to the Commission.

#### *6.2.2 Summary of recommendations to the Commission*

The F&A Committee **recommends** that:

- the proposed budget for 2007-2008 (Appendix 5) be forward to the Commission for its adoption;
- that the Commission takes note of the forecast budget for 2008-2009; and
- that for 2007-2008, the NGO fee be set at £650 and the media fee at £50.

## **7. OTHER MATTERS**

### **7.1 Website**

Japan drew attention to a recommendation arising from the Conference on Normalising the IWC, held under its auspices in Tokyo in February 2007, that the Secretariat might consider establishing links from the Commission's website ([www.iwcoffice.org](http://www.iwcoffice.org)) to websites of Contracting Governments where governments express their views and positions on IWC matters. The aim would be to make the views and positions of Contracting Governments equally

available to the public. Japan noted that it would like to go ahead with this recommendation.

The UK considered this to be an interesting idea that it could support in principle but noted that there may be practical difficulties, including the need for some sort of vetting process. The Secretariat noted that creating the links from IWC's web page to the web pages of Contracting Governments would not be difficult or time consuming. It noted however that it could not be responsible for the content or updating of other web sites.

The F&A Committee found Japan's proposal to be interesting and asked the Secretariat to develop a short paper for plenary that addressed the practical arrangements and implications, including cost, of establishing these links.

### **7.2 Delegations of host governments**

Brazil noted that recent Annual Meetings have been hosted in developing countries. It further noted that in preparation for and hosting of a meeting, governments find it helpful to have larger delegations. However, this has financial implications if a government that usually has a small delegation of 3 or less increases the size of its delegation. It therefore proposed that a host government be allowed to have up to 6 delegates for the cost of 1 share (currently a delegation of 3 attracts 1 share, a delegation of 4-7 attracts 2 shares) at the meeting before the one it hosts and at the one it hosts. It clarified that this would apply to all host countries not just to those of developing countries.

While some countries expressed support for this approach, Norway questioned whether it is necessary given that a government can bring as many support staff as it wishes to without any implications to financial contributions. If the reason to have larger delegations relates to educational purposes, Norway considered that designation of support staff should be sufficient. Brazil however noted that the intention was to have delegate status. Japan suggested that the simplest approach would be to take out the size of the delegation of the host government from the three-year average currently used to calculate delegation size of the host country.

After further discussion, Brazil agreed to work with Chile and the Secretariat to develop a proposal that would be submitted to the plenary.

## **8. ADOPTION OF REPORT**

The report was adopted 'by post' at 09:00 on 26 May 2007.

**Appendix 1****LIST OF PARTICIPANTS**

**Antigua and Barbuda**  
Anthony Liverpool (Chair)

**Argentina**  
Miguel Iñiguez

**Australia**  
Donna Petrachenko  
Lesley Gidding  
Pam Eiser

**Austria**  
Andrea Nouak

**Belgium**  
Alexandre de Lichtervelde

**Brazil**  
José Truda Palazzo  
Régis Pinto Lima

**Chile**  
Francisco Berguño Hurtado  
Ximena Alcayaga Claussen  
Elsa Cabrera Peñuela

**Czech Republic**  
Pavla Hycova

**Denmark**  
Ole Samsing  
Maj Friis Munk  
Mads Lunde

**Dominica**  
Lloyd Pascal  
Andrew Magliore

**Ecuador**  
Agustin Fornell  
Nancy Hilgert  
Cristina Castro

**Finland**  
Esko Jaakkola  
Penina Blankett

**France**  
Stephane Louhaur

**Germany**  
Marlies Reimann  
Lars Puvogel

**Grenada**  
Justin Rennie

**Iceland**  
Stefán Ásmundsson  
Gísli Víkingsson

**Italy**  
Riccardo Rigillo  
Caterina Fortuna  
Frederico Cinquepalmi

**Japan**  
Minoru Morimoto  
Joji Morishita  
Shigeki Takaya  
Jiro Hyugaji  
Ryoichi Nakamura  
Yasuo Iino  
Kayo Ohmagari  
Dan Goodman  
Saemi Baba (I)

**Kiribati**  
Reteta Nikuata-Rimon

**Republic of Korea**  
Chiguk Ahn  
Yong Rock An  
Hyun Jin Park (Chair)

**Luxembourg**  
Pierre Gallego

**Mexico**  
Lorenzo Rojas-Bracho

**Netherlands**  
Maaïke Moolhuijsen

**New Zealand**  
Geoffrey Palmer  
Jan Henderson  
Michael Donoghue  
Indra Prasad

**Norway**  
Turid Eusébio  
Halvard Johansen  
Hild Ynnesdal

**Portugal**  
Marina Sequeira

**Russian Federation**  
Valentin Ilyashenko  
Rudolf Borodin  
Alyona Selhay (I)  
Svetlana Burton (I)

**South Africa**  
Herman Oosthuizen

**Spain**  
Carmen Ascencio

**St. Lucia**  
Vaughn Charles

**St. Vincent and The Grenadines**  
Raymond Ryan

**Sweden**  
Bo Fernholm

**Switzerland**  
Bruno Mainini  
Nathalie Bösch

**UK**  
Richard Cowan  
James Gray  
Mark Simmonds  
Jennifer Lonsdale

**USA**  
Emily Lindow  
John Field  
Heather Rockwell  
Keith Johnson  
Stanley Speaks

**Scientific Committee**  
Arne Bjørge

**Secretariat**  
Nicky Grandy (Rapporteur)  
Sean Moran (Rapporteur)  
Sue Morley

## Appendix 2

### LIST OF DOCUMENTS

#### F&A Committee documents

IWC/59/F&A

- 1 Revised Draft Agenda
- 2 List of documents
- 3 Expression of interest from Switzerland in hosting the IWC Secretariat
- 4 Expression of interest from Germany in hosting the IWC Secretariat
- 5 Exploration of the introduction of French and Spanish as Working Languages of the IWC: how to address the requests made in Resolution 2006-3
- 6 Report from the F&A Committee Special Session on Frequency of Meetings
- 7 Report of the Budgetary Sub-committee
- 8 Secretary's report on the collection of financial contributions for 2006-2007
- 9 Scientific Committee Invited Participants 2007

#### Commission Documents

IWC/59/Rep

- 1 (Extract from the) Report of the Scientific Committee

IWC/59/

- 5 Financial Statements

#### Documents from last year

IWC/58/

- 24 Non-governmental organisation accreditation and participation in IWC Annual Meetings: a recommended approach

## Appendix 3

### AGENDA

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Introductory items           <ol style="list-style-type: none"> <li>1.1 Appointment of Chair</li> <li>1.2 Appointment of rapporteurs</li> <li>1.3 Review of documents</li> </ol> </li> <li>2. Adoption of the agenda</li> <li>3. Administrative matters           <ol style="list-style-type: none"> <li>3.1 Annual Meeting arrangements and procedures               <ol style="list-style-type: none"> <li>3.1.1 Need for a Technical Committee</li> <li>3.1.2 Use of languages other than English</li> <li>3.1.3 Frequency of meetings</li> <li>3.1.4 Other</li> </ol> </li> <li>3.2 NGO accreditation and participation</li> <li>3.3 Legal advice in relation to the IWC</li> <li>3.4 Amendments to the Rules of Procedure, Financial Regulations and Rules of Debate</li> </ol> </li> <li>4. Secretariat offices and possible relocation of Secretariat</li> <li>5. Formula for calculating contributions</li> </ol> | <ol style="list-style-type: none"> <li>6. Financial statements, budgets and other matters addressed by the budgetary sub-committee           <ol style="list-style-type: none"> <li>6.1 Review of the provisional financial statement, 2006/2007               <ol style="list-style-type: none"> <li>6.1.1 Report of the Budgetary Sub-committee</li> <li>6.1.2 Secretary's report on the collection of financial contributions</li> <li>6.1.3 F&amp;A Committee discussions and recommendations</li> </ol> </li> <li>6.2 Consideration of estimated budgets, 2007/2008 and 2008/2009, including the budget for the Scientific Programme               <ol style="list-style-type: none"> <li>6.2.1 Report of the Budgetary Sub-committee</li> <li>6.2.2 F&amp;A Committee discussions and recommendations</li> </ol> </li> </ol> </li> <li>7. Other matters</li> <li>8. Adoption of the Report</li> </ol> |
|---|---|

**Appendix 4****PROVISIONAL FINANCIAL STATEMENT 2006 -2007****Income and Expenditure Account**

	Approved Budget		Projected Out-turn	
<b>Income</b>	£	£	£	£
Contracting Government contributions		1,351,350		1,393,800
Recovery of Arrears		0		0
Interest on overdue financial contributions		0		18,600
Voluntary contributions		5,500		24,300
Sales of publications		17,500		17,500
Sales of sponsored publications		1,000		1,000
Observers' registration fees		44,950		44,200
UK taxes recoverable		29,800		20,800
Staff assessments		154,800		154,800
Interest receivable		50,150		58,800
Sundry income		1,000		1,000
		<u>1,656,050</u>		<u>1,734,800</u>
<b>Expenditure</b>				
Secretariat	1,023,480		1,024,400	
Publications	43,350		40,200	
Annual meetings	333,850		333,900	
Other meetings	20,500		20,500	
Research expenditure	274,000		274,000	
Small cetaceans	4,550		19,000	
Sundry	0		0	
	<u>1,699,730</u>		<u>1,712,000</u>	
<b>Provisions</b>				
Unpaid interest on overdue contributions	0		0	
Severance Pay Provision	28,500		26,500	
Provision for other doubtful debts	0		0	
		<u>1,728,230</u>		<u>1,738,500</u>
<b>Excess of expenditure over income</b>		<u>-72,180</u>		<u>-3,700</u>
Net Transfers from or to (-):				
Sponsored Publications Fund		-2,000		-1,800
Small Cetaceans Fund		-6,500		-18,900
Research Fund		-50		5,400
<b>Surplus/Deficit (-) for the year after transfers</b>		<u>-80,730</u>		<u>-19,000</u>

**Appendix 5****PROPOSED BUDGET 2007-2008**

The Proposed Budget 2007-2008 was approved in Commission Plenary with no changes - see Annex J of the Chair's Report.

## Appendix 6

## PROVISIONAL ESTIMATE OF FINANCIAL CONTRIBUTIONS, YEAR BEGINNING 1 SEPTEMBER 2007

		Current scheme	Capacity to pay Group	Red'n Stage 1*	Red'n Stage 2*	Red'n £	Add-on whaling	Add-on Group 3 £	Add-on Group 4 £	Total £
1	Antigua and Barbuda	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
2	Argentina	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
3	Australia	21,730	3	0	0	0	0	6,105	0	27,835
4	Austria	16,297	3	0	0	0	0	6,105	0	22,402
5	Belgium	16,297	3	0	0	0	0	6,105	0	22,402
6	Belize	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
7	Benin	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
8	Brazil	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
9	Cambodia	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
10	Cameroon	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
11	Chile	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
12	China, P.R of	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
13	Costa Rica	10,865	2	-2,716	-815	-3,531	0	0	0	7,334
14	Cote d'Ivoire	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
15	Croatia	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
16	Cyprus	16,297	3	0	0	0	0	6,105	0	22,402
17	Czech Republic	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
18	Denmark	38,027	3	0	0	0	5,524	6,105	0	49,656
19	Dominica	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
20	Finland	16,297	3	0	0	0	0	6,105	0	22,402
21	France	16,297	4	0	0	0	0	0	38,665	54,963
22	Gabon	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
23	Gambia, The	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
24	Germany	21,730	4	0	0	0	0	0	38,665	60,395
25	Grenada	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
26	Guatemala	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
27	Guinea	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
28	Hungary	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
29	Iceland	38,027	3	0	0	0	5,524	6,105	0	49,656
30	India	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
31	Ireland	16,297	3	0	0	0	0	6,105	0	22,402
32	Israel	16,297	3	0	0	0	0	6,105	0	22,402
33	Italy	21,730	4	0	0	0	0	0	38,665	60,395
34	Japan	76,054	4	0	0	0	5,524	0	38,665	120,243
35	Kenya	10,865	2	-2,716	-815	-3,531	0	0	0	7,334
36	Kiribati	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
37	Korea, Rep of	21,730	3	0	0	0	0	6,105	0	27,835
38	Luxembourg	16,297	3	0	0	0	0	6,105	0	22,402
39	Mali	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
40	Marshall Islands	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
41	Mauritania	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
42	Mexico	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
43	Monaco	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
44	Mongolia	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
45	Morocco	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
46	Nauru	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
47	Netherlands	21,730	3	0	0	0	0	6,105	0	27,835
48	New Zealand	27,162	3	0	0	0	0	6,105	0	33,267
49	Nicaragua	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
50	Norway	38,027	3	0	0	0	5,524	6,105	0	49,656
51	Oman	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
52	Palau	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
53	Panama	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
54	Peru	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
55	Portugal	16,297	3	0	0	0	0	6,105	0	22,402
56	Russian Federation	27,162	2	-6,791	-2,037	-8,828	5,524	0	0	23,858
57	San Marino	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
58	Senegal	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
59	Slovak Republic	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
60	Slovenia	16,297	3	0	0	0	0	6,105	0	22,402
61	Solomon Islands	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
62	South Africa	16,297	2	-4,074	-1,222	-5,297	0	0	0	11,001
63	Spain	16,297	3	0	0	0	0	6,105	0	22,402
64	St Kitts and Nevis	21,730	1	-10,865	-2,716	-13,581	0	0	0	8,149
65	St Vincent & The G.	27,162	1	-13,581	-3,395	-16,976	5,524	0	0	15,709
66	St. Lucia	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
67	Suriname	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
68	Sweden	21,730	3	0	0	0	0	6,105	0	27,835
69	Switzerland	16,297	3	0	0	0	0	6,105	0	22,402
70	Togo	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
71	Tuvalu	16,297	1	-8,149	-2,037	-10,186	0	0	0	6,111
72	United Kingdom	27,162	4	0	0	0	0	0	38,665	65,828
73	USA	38,027	4	0	0	0	5,524	0	38,665	82,216
		<b>1,407,000*</b>		<b>-305,574*</b>	<b>-81,079*</b>	<b>-386,653*</b>	<b>38,665*</b>	<b>115,996*</b>	<b>231,992*</b>	<b>1,407,000*</b>
<b>Shortfall for re-distribution -386,653</b>										
Group 1	25								38,665	
Group 2	23								115,996	
Group 3	19								231,992	
Group 4	6								386,653	
	73									

\*Note 1: Totals in this table are rounded

## Appendix 7

**CHANGES TO FINANCIAL CONTRIBUTIONS SHOWN IN IWC/59/5 ARISING FROM AN INCREASE IN MEMBERSHIP AND THE RE-CLASSIFICATION OF COUNTRIES BETWEEN 'CAPACITY TO PAY' GROUPS (FROM BSC/2007/06)**

**Financial Contribution for 2007/2008**

	'Capacity to pay' Group	Country	With levels per country set at approx 06/07 levels (as far as possible) + adjustments for new members and 'capacity to pay' group changes	As per IWC/59/5 adjusted for new members and 'capacity to pay' group changes	As per IWC/59/5	Fin.Cont. 2006/2007 (as per IWC.CCG.574)
			A (Option 2)	B (Option 1)		C
1	1	Antigua and Barbuda	6,087	5,951	6,111	6,105
2	2	Argentina	10,956	10,711	11,001	10,990
3	3	Australia	27,093	26,487	27,835	28,401
4	3	Austria	21,683	21,198	22,402	22,973
5	3	Belgium	21,683	21,198	22,402	22,973
6	1	Belize	6,087	5,951	6,111	6,105
7	1	Benin	6,087	5,951	6,111	6,105
8	2	Brazil	10,956	10,711	11,001	10,990
9	1	Cambodia	6,087	5,951	6,111	6,105
10	2	Cameroon	10,956	10,711	11,001	10,990
11	2	Chile	10,956	10,711	11,001	10,990
12	2	China, P.R of	10,956	10,711	11,001	10,990
13	2	Costa Rica	10,956	10,711	7,334	7,327
14	2	Cote d'Ivoire	10,956	10,711	11,001	10,990
15	2	Croatia	10,956	10,711	11,001	
16	3	Cyprus	21,683	21,198	22,402	
17	3	Czech Republic	21,683	21,198	11,001	10,990
18	3	Denmark	48,776	47,685	49,656	50,099
19	1	Dominica	6,087	5,951	6,111	6,105
20	2	Ecuador	10,956	10,711		
21	3	Finland	21,683	21,198	22,402	22,973
22	4	France	48,938	47,843	54,963	54,203
23	1	Gabon	6,087	5,951	6,111	6,105
24	1	Gambia, The	6,087	5,951	6,111	6,105
25	4	Germany	54,349	53,133	60,395	59,630
26	3	Greece	21,683	21,198		
27	1	Grenada	6,087	5,951	6,111	6,105
28	2	Guatemala	10,956	10,711	11,001	7,327
29	1	Guinea	6,087	5,951	6,111	6,105
30	3	Hungary	21,683	21,198	11,001	10,990
31	3	Iceland	48,776	47,685	49,656	50,099
32	2	India	10,956	10,711	11,001	10,990
33	3	Ireland	21,683	21,198	22,402	22,973
34	3	Israel	21,683	21,198	22,402	22,973
35	4	Italy	54,349	53,133	60,395	59,630
36	4	Japan	113,905	111,357	120,243	119,319
37	2	Kenya	7,304	7,141	7,334	7,327
38	1	Kiribati	6,087	5,951	6,111	6,105
39	3	Korea, Rep of	27,093	26,487	27,835	28,401
40	3	Luxembourg	21,683	21,198	22,402	22,973
41	1	Mali	6,087	5,951	6,111	6,105
42	1	Marshall Islands	6,087	5,951	6,111	6,105
43	1	Mauritania	6,087	5,951	6,111	6,105
44	2	Mexico	10,956	10,711	11,001	10,990
45	2	Monaco	10,956	10,711	11,001	10,990
46	1	Mongolia	6,087	5,951	6,111	6,105
47	2	Morocco	10,956	10,711	11,001	10,990
48	1	Nauru	6,087	5,951	6,111	6,105
49	3	Netherlands	27,093	26,487	27,835	28,401
50	3	New Zealand	32,504	31,777	33,267	33,828
51	1	Nicaragua	6,087	5,951	6,111	6,105
52	3	Norway	48,776	47,685	49,656	50,099
53	2	Oman	10,956	10,711	11,001	10,990
54	1	Palau	6,087	5,951	6,111	6,105
55	2	Panama	10,956	10,711	11,001	10,990
56	2	Peru	10,956	10,711	11,001	10,990
57	3	Portugal	21,683	21,198	22,402	22,973
58	2	Russian Federation	23,712	23,181	23,858	23,734
59	2	San Marino	10,956	10,711	11,001	10,990
60	1	Senegal	6,087	5,951	6,111	6,105
61	2	Slovak Republic	10,956	10,711	11,001	10,990
						<b>Cont.</b>

Financial contributions table cont.			With levels per country set at approx 06/07 levels (as far as possible) + adjustments for new members and 'capacity to pay' group changes	As per IWC/59/5 adjusted for new members and 'capacity to pay' group changes	As per IWC/59/5	Fin.Cont. 2006/2007 (as per IWC.CCG.574)
'Capacity to pay' Group	Country		A (Option 2)	B (Option 1)	C	D
62	3	Slovenia	21,683	21,198	22,402	
63	1	Solomon Islands	6,087	5,951	6,111	6,105
64	2	South Africa	10,956	10,711	11,001	10,990
65	4	Spain	48,938	47,843	22,402	22,973
66	1	St Kitts and Nevis	8,116	7,934	8,149	8,141
67	1	St Vincent & The G.	15,596	15,247	15,709	15,593
68	1	St. Lucia	6,087	5,951	6,111	6,105
69	1	Suriname	6,087	5,951	6,111	6,105
70	3	Sweden	27,093	26,487	27,835	28,401
71	3	Switzerland	21,683	21,198	22,402	22,973
72	1	Togo	6,087	5,951	6,111	6,105
73	1	Tuvalu	6,087	5,951	6,111	6,105
74	4	United Kingdom	59,759	58,422	65,828	65,057
75	4	USA	76,031	74,330	82,216	81,329
			<b>1,439,200</b>	<b>1,407,000</b>	<b>1,407,000</b>	<b>1,351,350</b>

### Proposed Budget 2007-2008, Forecast 2008-2009

*Income and Expenditure Account (revised – see column A option 2 above)*

	Proposed Budget 2007-2008		Forecast Budget 2008-2009	
	£	£	£	£
<b>Income</b>				
Contracting Government contributions		1,439,200		1,469,400
Recovery of Arrears		0		0
Interest on late financial contributions		0		0
Voluntary contributions		2,000		2,000
Sales of publications		17,500		17,600
Sales of sponsored publications		1,500		1,600
Observers' registration fees		48,400		49,400
UK taxes recoverable		24,700		25,300
Staff assessments		162,800		169,600
Interest receivable		67,600		64,900
Sundry income		1,000		1,100
		<u>1,764,700</u>		<u>1,800,900</u>
<b>Expenditure</b>				
Secretariat	1,041,900		1,074,400	
Publications	37,700		38,500	
Annual meetings	347,900		355,200	
Other meetings	79,800		81,400	
Research expenditure	290,700		296,900	
Small cetaceans	1,000		1,000	
Sundry	0		0	
	<u>1,799,000</u>		<u>1,847,400</u>	
<b>Provisions</b>				
Unpaid interest on overdue contributions	0		0	
Severance Pay Provision	21,300		30,000	
Provn for other doubtful debts	0		0	
	<u>0</u>		<u>0</u>	
Excess of expenditure over income		<u>1,820,300</u>		<u>1,877,400</u>
		<u>-55,600</u>		<u>-76,500</u>
<b>Net Transfers from or to (-):</b>				
Sponsored Publications Fund		-2,800		-3,000
Research Fund		-8,000		-8,000
Small Cetaceans Fund		-600		-600
		<u>-67,000</u>		<u>-88,100</u>
<b>Surplus/Deficit (-) for the year after transfers</b>				
		<u>-67,000</u>		<u>-88,100</u>
<b>Projected result for the year(s) (revised)</b>				
			2007-2008	2008-2009
Balance of income and expenditure (deficit)			<u>-55,600</u>	<u>-76,500</u>
Surplus/(Deficit) after transfers between Funds			<u>-67,000</u>	<u>-88,100</u>
<b>General Fund Reserves (revised)</b>				
			2007-2008	2008-2009
Projected balance on General Fund at year-end			<u>1,189,700</u>	<u>1,101,600</u>
Target level – approximately 6 months costs			910,100	938,700
% of Target level			130	117

### Appendix 8

#### SCIENTIFIC COMMITTEE FUNDING REQUIREMENTS FOR 2007/2008

Scientific Committee Funding Requirements for 2007/2008, see table 6 of SC/59/Rep1. The Approved Research Budget as agreed in Commission Plenary is given in Annex K of the Chair's Report.



## Annex J

# Approved Budget for 2007/2008 and Forecast Budget for 2008/2009

### Income and Expenditure Account

	Approved Budget 2007-2008		Forecast Budget 2008-2009	
	£	£	£	£
<b>Income</b>				
Contracting Government contributions		1,407,000		1,436,600
Recovery of Arrears		0		0
Interest on late financial contributions		0		0
Voluntary contributions		2,000		2,000
Sales of publications		17,500		17,600
Sales of sponsored publications		1,500		1,600
Observers' registration fees		48,400		49,400
UK taxes recoverable		24,700		25,300
Staff assessments		162,800		169,600
Interest receivable		67,600		64,900
Sundry income		1,000		1,100
		<u>1,732,500</u>		<u>1,768,100</u>
<b>Expenditure</b>				
Secretariat	1,041,900		1,074,400	
Publications	37,700		38,500	
Annual meetings	347,900		355,200	
Other meetings	79,800		81,400	
Research expenditure	290,700		296,900	
Small cetaceans	1,000		1,000	
Sundry	0		0	
	<u>1,799,000</u>		<u>1,847,400</u>	
<b>Provisions</b>				
Unpaid interest on overdue contributions	0		0	
Severance Pay Provision	21,300		30,000	
Provn for other doubtful debts	0		0	
	<u>0</u>		<u>0</u>	
		<u>1,820,300</u>		<u>1,877,400</u>
Excess of expenditure over income		-87,800		-109,300
<b>Net Transfers from or to (-):</b>				
Sponsored Publications Fund		-2,800		-3,000
Research Fund		-8,000		-8,000
Small Cetaceans Fund		-600		-600
<b>Surplus/Deficit (-) for the year after transfers</b>		<u>-99,200</u>		<u>-120,900</u>

## Annex K

### Approved Research Budget for 2007/2008

		Approved budget (£)
<b>RMP</b>		
1	Audit western NP Bryde's whale survey data	2,000
2	Computing support for <i>Implementations</i>	20,000
3	NA Fin Whale <i>Implementation</i> - technical meeting	5,000
4	1st Intersessional Workshop for the NA Fin Whale <i>Implementation</i>	10,000
5	Workshop to review MSY rates	6,000
<b>AWMP</b>		
6	Assistance for <i>SLA</i> developers	10,000
7	Workshop on Greenland fisheries	10,000
<b>BRG</b>		
8	WN Pacific gray whale telemetry, contingent on meeting the requirements in Annex F	2,000
<b>IA</b>		
9	SOWER 2007/08 cruise and planning meeting	66,750
10	SOWER abundance estimate workshop	4,000
11	Travel for earplug ageing expert in calibration experiment	2,000
12	Analysis of the BT mode data and importation of 2006/07 SOWER data into DESS	10,000
13	Continue development of statistical catch-at-age estimators for Antarctic minke whales	6,000
<b>SH</b>		
14	Finalise assessment of humpback whale Breeding Stocks C and D.	23,000
15	Antarctic humpback whale photo-identification catalogue maintenance	6,600
16	Initiate assessment of Antarctic blue whales	3,300
<b>SD</b>		
17	TOSSM development – programming assistance	9,000
<b>E</b>		
18	Scoping meeting for POLLUTION 2000+ Workshop	5,000
19	Scoping meeting for Climate Change Workshop	6,000
20	Workshop to review of skin diseases in cetaceans of S America	2,000
<b>EM</b>		
21	CCAMLR/IWC Workshop in July 2008	36,000
<b>WW</b>		
22	Workshop for strategic planning of large-scale whalewatching research	6,000
<b>DNA</b>		
23	Validate mtDNA control-region sequences in GenBank for large baleen whales	2,700
<b>Scientific Committee general</b>		
24	Invited Participants to the 2008 Annual Meeting	40,000
<b>TOTAL</b>		<b>293,350</b>

**Note:** A brief description of the items listed above can be found in the Report of the Scientific Committee (IWC/59/Rep1).

## Annex L

### Amendments to the Schedule Adopted at the 59<sup>th</sup> Annual Meeting

At the 59<sup>th</sup> Annual Meeting of the International Whaling Commission held in Anchorage, Alaska from 28-31 May 2007, no modifications were made to the provision for zero catch limits for commercial whaling with effect from the 1986 coastal and the 1985/86 pelagic seasons.

The following amendments to the Schedule of the International Convention for the Regulation of Whaling are therefore necessary (changes in ***bold italic*** type).

*Paragraphs 11 and 12, and Tables 1, 2 and 3:*

Substitute the dates **2007/2008** pelagic season, **2008** coastal season, **2008** season, or **2008** as appropriate.

*Paragraph 13.(b)(1):*

In sub-paragraph (i), substitute the dates 2003, 2004, 2005, 2006 and 2007 by **2008, 2009, 2010, 2011 and 2012** and the dates 1998-2002 by **2003-2007**.

Delete sub-paragraph (iii).

*Paragraph 13.(b)(2)(i):*

Substitute the dates 2003, 2004, 2005, 2006 and 2007 by **2008, 2009, 2010, 2011 and 2012**.

*Paragraph 13.(b)(3) and footnotes 2 and Δ in Table 1:*

Amend paragraph 13.(b)(3) as follows:

(3) The taking by aborigines of minke whales from the West Greenland and Central stocks and fin whales from the West Greenland stock **and bowhead whales from the West Greenland feeding aggregation** is permitted and then only when the meat and products are to be used exclusively for local consumption.

(i) The number of fin whales **struck** from the West Greenland stock ~~taken~~ in accordance with this sub-paragraph shall not exceed ~~the limits shown in Table 1~~ **19 in each of the years 2008, 2009, 2010, 2011 and 2012**.

(ii) The number of minke whales **struck** from the Central stock ~~taken~~ in accordance with this sub-paragraph shall not exceed 12 in each of the years ~~2003, 2004, 2005, 2006 and 2007~~ **2008, 2009, 2010, 2011 and 2012**, except that any unused portion of the quota for each year shall be carried

forward from that year and added to the quota of any **of the** subsequent years, provided that no more than 3 shall be added to the quota for any one year.

(iii) The number of minke whales struck from the West Greenland stock shall not exceed ~~175~~ **200** in each of the years ~~2003, 2004, 2005, 2006 and 2007~~ **2008, 2009, 2010, 2011 and 2012**, except that any unused portion of the strike quota for each year shall be carried forward from that year and added to the ~~strike~~ quota of any subsequent years, provided that no more than 15 strikes shall be added to the strike quota for any one year. This provision will be reviewed ~~if new scientific data become available within the 5 year period and if necessary amended on the basis of the advice of the Scientific Committee~~ **annually by the Commission, according to the findings and recommendations by the Scientific Committee, which shall be binding.**

(iv) **The number of bowhead whales struck off West Greenland in accordance with this sub-paragraph shall not exceed 2 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than 2 shall be added to the quota for any one year. Furthermore, the quota for each year shall only become operative when the Commission has received advice from the Scientific Committee that the strikes are unlikely to endanger the stock.**

Amend Column 'FIN', Table 1 as follows:

(a) footnote 2 should read:

'Available to be **struck** by aborigines pursuant to paragraph 13 (b) 3. Catch limit for each of the years **2008, 2009, 2010, 2011 and 2012.**'

(b) footnote Δ should be deleted.

*Paragraph 13.(b)(4):*

Substitute 2003-2007 by **2008-2012**.

Delete the last sentence starting 'The quota for the seasons....'.

**Financial Statements**  
**for the**  
**Year ended 31 August 2007**

# Financial Statement for the year ended 31 August 2007

## Statement of the Secretary's Responsibilities

The financial responsibilities of the Secretary to the Commission are set out in its Rules of Procedure and Financial Regulations. Fulfilment of those responsibilities requires the Secretary to prepare financial statements for each financial year which set out the state of affairs of the Commission as at the end of the financial year and the surplus or deficit of the Commission for that period. In preparing those financial statements, the Secretary should:

- Select suitable accounting policies and then apply them consistently;
- Make judgements and estimates that are reasonable and prudent;

- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Commission will continue in operation.

The Secretary is responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the Commission. The Secretary is also responsible for safeguarding the assets of the Commission and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

## Independent Auditors' Report to the Commission

We have audited the financial statements of the International Whaling Commission which comprise the accounting policies, the income and expenditure account, the analysis of expenditure, the balance sheet and the related notes 1 to 8. These financial statements have been prepared under the accounting policies set out therein. This report is made solely to the Commission. Our audit work has been undertaken so that we might state to the Commission those matters we are required to state to them in an auditors' report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Commission for our audit work, for this report, or for the opinions we have formed.

### Respective Responsibilities of the Secretary and Auditors

As described in the statement of the Secretary's responsibilities, the Secretary is responsible for the preparation of financial statements.

Neither statute nor the Commission has prescribed that the financial statements should give a true and fair view of the Commission's state of affairs at the end of each year within the specialised meaning of that expression in relation to financial statements. This recognised terminology signifies in accounting terms that statements are generally accepted as true and fair only if they comply in all material aspects with accepted accounting principles. These are embodied in accounting standards issued by the Accounting Standards Board. The Commission has adopted certain accounting policies which represent departures from accounting standards:

- fixed assets are not capitalised within the Commission's accounts. Instead fixed assets are charged to the income and expenditure account in the year of acquisition. Hence, the residual values of the furniture, fixtures and fittings and equipment are not reflected in the accounts;
- publications stocks are charged to the income and expenditure account in the year of acquisition and their year end valuation is not reflected in the accounts;
- provision is made for the severance pay which would be payable should the Commission cease to function.

This is permissible as the financial statements are not required to give a true and fair view.

It is our responsibility to form an independent opinion, based on our audit, on those statements and to report our opinion to you. We also report if the Commission has not kept proper accounting records or if we

have not received all the information and explanations we require for our audit.

### Basis of Opinion

We conducted our audit in accordance with United Kingdom Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Secretary in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Commission's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement whether caused by fraud or other irregularity or error. In forming our opinion, we also evaluated the overall adequacy of the presentation of information in the financial statements.

### Added Emphasis

In forming our opinion we have taken account of the absence of a requirement for the financial statements to give a true and fair view as described above.

### Opinion

In our opinion the financial statements have been properly prepared in accordance with the accounting policies and present a proper record of the transactions of the Commission for the year ended 31 August 2007.

**D.A. Green & Sons**, Chartered Certified Accountants, St Ives, 31 January 2008

## Accounting Policies - Year Ended 31 August 2007

The accounting policies adopted by the Commission in the preparation of these financial statements are as set out below. The departures from generally accepted accounting practice are considered not to be significant for the reasons stated.

### Convention

These accounts are prepared under the historical cost convention (i.e. assets and liabilities are stated at cost and not re-valued).

### Fixed Assets

The full cost of furniture and equipment is written off in the income and expenditure account in the year in which it is incurred. The total cost of equipment owned by the Commission is some £166,000 and its realisable value is not significant. Proposed expenditure on new items is included in budgets and raised by contributions for the year.

### Publications

The full cost of printing publications is written off in the year. No account is taken of stocks which remain unsold at the balance sheet date.

Most sales occur shortly after publication and so stocks held are unlikely to result in many sales, consequently their net realisable value is not significant.

### Severance Pay Provision

The Commission provides for an indemnity to members of staff in the event of their appointment being terminated on the abolition of their posts.

The indemnity varies according to length of service and therefore an annual provision is made to bring the total provision up to the maximum liability. This liability is calculated after adjusting for staff assessments since they would not form part of the Commission's liability.

### Interest on Overdue Contributions

Interest is included in the income and expenditure account on the accruals basis and provision is made where its recoverability is in doubt.

### Leases

The costs of operating leases are charged to the income and expenditure account as they accrue.

### Foreign Exchange

Transactions dominated in foreign currencies are translated into sterling at rates ruling at the date of the transactions. Monetary assets and liabilities denominated in foreign currencies at the balance sheet date are translated at the rates ruling at that date. These translation differences are dealt with in the income and expenditure account.

### Retirement Benefits Scheme

The Commission operates a defined contribution retirement benefits scheme. The costs represent the amount of the Commission's contributions payable to the scheme in respect of the accounting period.

**Income and Expenditure Account (Year Ended 31 August 2007)**

	[Note]	2007		2006	
		£	£	£	£
<b>Income: continuing operations</b>					
Contributions from member governments			1,402,937		1,368,878
Interest on overdue financial contributions			29,256		22,480
Voluntary contributions for research, small cetaceans work and publications			19,771		42,893
Sales of publications			15,860		17,909
Sales of sponsored publications	[1]/8		661		1,526
Observers' registration fees			56,642		45,276
UK taxes recoverable			16,691		23,512
Staff assessments			153,387		145,866
Interest receivable			92,782		74,882
Sundry income			127		964
			<u>1,788,114</u>		<u>1,744,186</u>
<b>Expenditure</b>					
Secretariat	6	999,561		957,007	
Publications	6	35,495		28,071	
Annual meetings		333,850		326,000	
Other meetings		10,514		18,643	
Research expenditure	[2]/6	282,136		307,219	
Small cetaceans	[3]/6	16,882		13,350	
Sundry		4,849		6,501	
		<u>1,683,287</u>		<u>1,656,791</u>	
<b>Provisions made for:</b>					
Unpaid contributions		(34,822)		(23,814)	
Unpaid interest on overdue contributions		6,553		(57,409)	
Severance pay	[5]	27,400		31,600	
Other doubtful debts		753	1,683,171	1,816	1,608,984
<b>Surplus of income:</b>					
Continuing operations	[7]		104,943		135,202
<b>Net transfers from /(to) funds:</b>					
Publications fund	[1]	(1,321)		(2,027)	
Research Fund	[2]	(9,483)		4,898	
Small cetaceans fund	[3]	7,919	(2,885)	(2,325)	546
<b>Surplus for the year after transfers</b>	[4]		<u>102,058</u>		<u>135,748</u>

There are no recognised gains or losses for the current financial year and the preceding financial year other than as stated in the income and expenditure account.

During 2006-07 the Commission was pledged Voluntary Contributions to the General Fund totalling £12.3k in support of an investigation into ship-strike activity. Voluntary Contributions to the General Fund and associated expenditure are not shown in the income and expenditure account. Voluntary Contributions are offset against matching expenditure and therefore have no effect on the surplus or deficit for the year.

**Analysis of Expenditure** (Year Ended 31 August 2007)

	<b>2007</b>	<b>2006</b>
	£	£
<b>SECRETARIAT</b>		
Salaries, national insurance and allowances	651,993	623,168
Retirement and other Benefit Schemes	139,673	128,438
Travelling expenses	3,357	5,320
Office rent, heating and maintenance	121,521	109,997
Insurance	5,101	5,410
Postage and telecommunications	16,763	15,092
Office equipment and consumables	50,549	48,883
Professional fees	8,748	11,066
Training and recruitment	1,159	3,593
Photocopying	697	6,040
Sundries	0	0
	<u>999,561</u>	<u>957,007</u>
<b>PUBLICATIONS</b>		
Annual Report	6,542	6,108
Journal Cetacean Research and Management	28,953	21,963
	<u>35,495</u>	<u>28,071</u>
<b>RESEARCH</b>		
Invited participants	45,530	35,773
<b>SOWER:</b>		
2005/2006 SOWER cruise	1,887	62,761
2006/2007 SOWER cruise	65,814	0
IA SOWER abundance	4,000	0
CCAMLR joint cruise	253	0
Contract 14 - Analysis support including DESS maintenance/development	0	14,675
Contract 16 - Southern Hemisphere humpback catalogue	6,600	7,078
Southern Hemisphere humpback workshop	0	8,055
Southern Hemisphere humpback population dynamics model	2,000	1,004
SO-GLOBEC	30,198	47,089
Pollution 2000+	6,661	31,507
Seismic surveys workshop	0	7,404
BC estimation using market data	0	3,645
AWMP fund for developers	3,609	9,931
AWMP intersessional workshop	20,513	5,608
FAO fisheries workshop	459	656
AS Greenland Research Programme	0	20,553
IA development support	17,452	24,214
Habitat degradation workshop and cetacean environmental projects	3,276	4,542
RMP (SC) intersessional workshop (Bryde's whales)	5,126	7,542
RMP North Atlantic fin whales joint workshop with NAMMCO	0	1,974
E/IA/BRG sea ice and whale habitat	0	43
Southern Hemisphere blue whales data analysis	7,500	1,500
Meeting to obtain SH humpback catch data	1,319	3,590
SD intersessional workshop on TOSSM	564	6,185
Blue whale catalogue	8,532	0
Arctic sea ice	2,008	0
Diseases workshop (VC)	15,674	0
JARPA review workshop	15,673	0
TOSSM project	16,000	0
Other (including exchange differences)	1,488	1,890
	<u>282,136</u>	<u>307,219</u>
<b>SMALL CETACEANS</b>		
Invited participants	10,336	6,181
Bycatch reduction	6,356	7,062
Other (including exchange losses)	190	107
	<u>16,882</u>	<u>13,350</u>

**Balance Sheet 31 August 2007**

	[note]	2007		2006	
		£	£	£	£
<b>CURRENT ASSETS</b>					
Cash on short term deposit					
General fund		1,828,164		1,629,313	
Research fund		137,662		136,263	
Publications fund		27,097		26,492	
Small cetaceans fund		<u>4,980</u>	1,997,903	<u>10,879</u>	1,802,947
<b>Cash at bank on current account</b>					
Research fund		1,000		1,000	
Publications fund		1,000		1,000	
Small cetaceans fund		1,000		1,000	
Cash in hand		<u>293</u>	<u>3,293</u>	<u>55</u>	<u>3,055</u>
			<u>2,001,196</u>		<u>1,806,002</u>
<b>Outstanding contributions from members, including interest</b>					
		436,969		469,261	
Less provision for doubtful debts		<u>(419,272)</u>	17,697	<u>(447,541)</u>	21,720
Other debtors and prepayments			<u>128,959</u>		<u>117,114</u>
			<u>2,147,852</u>		<u>1,944,836</u>
<b>CREDITORS:</b>					
Amounts falling due within one year	[6]		<u>(188,973)</u>		<u>(118,301)</u>
<b>NET CURRENT ASSETS</b>			<u>1,958,879</u>		<u>1,826,535</u>
<b>PROVISION FOR SEVERANCE PAY</b>	[5]		<u>(391,700)</u>		<u>(364,300)</u>
			<u><u>1,567,179</u></u>		<u><u>1,462,235</u></u>
<i>Financed by</i>					
Publications fund	[1]		36,709		35,388
Research fund	[2]		143,397		133,914
Small cetaceans fund	[3]		9,300		17,218
General fund	[4]		<u>1,377,773</u>		<u>1,275,715</u>
	[7]		<u><u>1,567,179</u></u>		<u><u>1,462,235</u></u>

Approved on behalf of the Commission  
**Nicola J. Grandy** (Secretary)  
31 January 2008



## Notes to the Accounts

	2007 £	2006 £
<b>1. Publications fund</b>		
Interest receivable	660	501
Receipts from sales of sponsored publications	661	1,526
Net transfers to income and expenditure account	1,321	2,027
Opening balances at 1 September 2006	35,388	33,361
Closing balances at 31 August 2007	<u>36,709</u>	<u>35,388</u>
<b>2. Research fund</b>		
Allocation for research	274,000	266,000
UK taxes recoverable	450	3,904
Voluntary contributions received	11,036	27,365
Interest receivable	6,133	5,052
Expenditure	(282,136)	(307,219)
Net transfers (to) income and expenditure account	9,483	(4,898)
Opening balances at 1 September 2006	133,914	138,812
Closing balances at 31 August 2007	<u>143,397</u>	<u>133,914</u>
<b>3. Small cetaceans fund</b>		
Voluntary contributions received	8,735	15,528
Interest receivable	229	147
Expenditure	(16,882)	(13,350)
Net transfer from/(to) income and expenditure account	(7,918)	2,325
Opening balances at 1 September 2006	17,218	14,893
Closing balances at 31 August 2007	<u>9,300</u>	<u>17,218</u>
<b>4. General fund</b>		
Opening balances at 1 September 2006	1,275,715	1,139,967
Surplus transferred from income and expenditure account	102,058	135,748
Closing balances at 31 August 2007	<u>1,377,773</u>	<u>1,275,715</u>
<b>5. Provision for severance pay</b>		
Opening balances at 1 September 2006	364,300	332,700
Transfer from (to) income and expenditure account, being:		
Allocation	1,517	24,560
Interest received	25,883	7,040
Closing balances at 31 August 2007	<u>391,700</u>	<u>364,300</u>
<b>6. Creditors:</b>		
Amounts falling due within one year		
Deferred contributions income	101,007	50,415
Other creditors and accruals	87,966	67,886
	<u>188,973</u>	<u>118,301</u>
<b>7. Reconciliation of movement in funds</b>		
Surplus of income over expenditure	104,944	135,202
Opening Funds	1,462,235	1,327,033
	<u>1,567,179</u>	<u>1,462,235</u>
<b>8. Financial commitments</b>		

The Commission had annual commitments at 31 August 2007 under non-cancellable operating leases as set out below and which expire:

	2007		2006	
	Land and Buildings	Office Equipment	Land and Buildings	Office Equipment
	£	£	£	£
Within 2 to 5 years	<u>75,000</u>	<u>24,300</u>	<u>75,000</u>	<u>22,630</u>

**International Convention  
for the  
Regulation of Whaling, 1946**

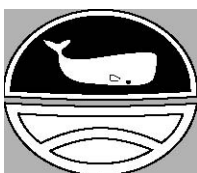
*signed at Washington, 2 December 1946*

and its

**Protocol**

*signed at Washington, 19 November 1956*

**The Schedule which is attached to the Convention and under Article I forms an integral part thereof is amended regularly by the Commission. The most recent version begins on p.147 of this volume.**



# International Convention for the Regulation of Whaling

Washington, 2<sup>nd</sup> December, 1946

The Governments whose duly authorised representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

Considering that the history of whaling has seen over-fishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further over-fishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the number of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling, signed in London on 8th June, 1937, and the protocols to that Agreement signed in London on 24th June, 1938, and 26th November, 1945; and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:-

## Article I

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.
2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

## Article II

As used in this Convention:-

1. "Factory ship" means a ship in which or on which whales are treated either wholly or in part;
2. "Land station" means a factory on the land at which whales are treated either wholly or in part;

3. "Whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

## Article III

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.
2. The Commission shall elect from its own members a Chairman and Vice-Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.
3. The Commission may appoint its own Secretary and staff.
4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.
5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.
6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.
7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.
8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

## Article IV

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently

- (a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;
  - (b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;
  - (c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.
2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

#### Article V

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; and (h) catch returns and other statistical and biological records.
2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.
3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before 1st July, 1949.

#### Article VI

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

#### Article VII

The Contracting Government shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

#### Article VIII

1. Notwithstanding anything contained in this Convention any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.
2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.
3. Each Contracting Government shall transmit to such body as may be designated by the Commission, in so far as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.
4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

#### Article IX

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.
2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.
3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offence.
4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by

its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

#### **Article X**

1. This Convention shall be ratified and the instruments of ratifications shall be deposited with the Government of the United States of America.
2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.
3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.
4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to 1st July, 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to 1st July, 1949.

#### **Article XI**

Any Contracting Government may withdraw from this Convention on 30th June, of any year by giving notice on or before 1st January, of the same year to the depository Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depository Government give notice of withdrawal, so that the Convention shall cease to be in force on 30th June, of the same year with respect to the Government giving such notice of withdrawal.

The Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

In witness whereof the undersigned, being duly authorized, have signed this Convention.

Done in Washington this second day of December, 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

---

## **Protocol**

### **to the International Convention for the Regulation of Whaling, Signed at Washington Under Date of December 2, 1946**

The Contracting Governments to the International Convention for the Regulation of Whaling signed at Washington under date of 2nd December, 1946 which Convention is hereinafter referred to as the 1946 Whaling Convention, desiring to extend the application of that Convention to helicopters and other aircraft and to include provisions on methods of inspection among those Schedule provisions which may be amended by the Commission, agree as follows:

#### **Article I**

Subparagraph 3 of the Article II of the 1946 Whaling Convention shall be amended to read as follows:

“3. ‘whale catcher’ means a helicopter, or other aircraft, or a ship, used for the purpose of hunting, taking, killing, towing, holding on to, or scouting for whales.”

#### **Article II**

Paragraph 1 of Article V of the 1946 Whaling Convention shall be amended by deleting the word “and” preceding clause (h), substituting a semicolon for the period at the end of the paragraph, and adding the following language: “and (i) methods of inspection”.

#### **Article III**

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Contracting Government to the 1946 Whaling Convention.
2. This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Contracting Governments to the 1946 Whaling Convention.
3. The Government of the United States of America shall inform all Governments signatory or adhering to the 1946 Whaling Convention of all ratifications deposited and adherences received.
4. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE in Washington this nineteenth day of November, 1956, in the English Language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all Governments signatory or adhering to the 1946 Whaling Convention.

**International Convention**  
**for the**  
**Regulation of Whaling, 1946**  
  
**Schedule**

**As amended by the Commission at the 59<sup>th</sup> Annual Meeting  
Anchorage, Alaska, 28-31 May 2007**



# International Convention

## for the

# Regulation of Whaling, 1946

## Schedule

### EXPLANATORY NOTES

The Schedule printed on the following pages contains the amendments made by the Commission at its 59<sup>th</sup> Annual Meeting in May 2007. The amendments, which are shown in *italic bold* type, came into effect on 20 September 2007.

In Tables 1, 2 and 3 unclassified stocks are indicated by a dash. Other positions in the Tables have been filled with a dot to aid legibility.

Numbered footnotes are integral parts of the Schedule formally adopted by the Commission. Other footnotes are editorial.

The Commission was informed in June 1992 by the ambassador in London that the membership of the Union of Soviet Socialist Republics in the International Convention for the Regulation of Whaling from 1948 is continued by the Russian Federation.

The Commission recorded at its 39<sup>th</sup> (1987) meeting the fact that references to names of native inhabitants in Schedule paragraph 13(b)(4) would be for geographical purposes alone, so as not to be in contravention of Article V.2(c) of the Convention (*Rep. int. Whal. Commn* 38:21).

### I. INTERPRETATION

- The following expressions have the meanings respectively assigned to them, that is to say:

#### A. Baleen whales

“baleen whale” means any whale which has baleen or whale bone in the mouth, i.e. any whale other than a toothed whale.

“blue whale” (*Balaenoptera musculus*) means any whale known as blue whale, Sibbald’s rorqual, or sulphur bottom, and including pygmy blue whale.

“bowhead whale” (*Balaena mysticetus*) means any whale known as bowhead, Arctic right whale, great polar whale, Greenland right whale, Greenland whale.

“Bryde’s whale” (*Balaenoptera edeni*, *B. brydei*) means any whale known as Bryde’s whale.

“fin whale” (*Balaenoptera physalus*) means any whale known as common finback, common rorqual, fin whale, herring whale, or true fin whale.

“gray whale” (*Eschrichtius robustus*) means any whale known as gray whale, California gray, devil fish, hard head, mussel digger, gray back, or rip sack.

“humpback whale” (*Megaptera novaeangliae*) means any whale known as bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

“minke whale” (*Balaenoptera acutorostrata*, *B. bonaerensis*) means any whale known as lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner.

“pygmy right whale” (*Caperea marginata*) means any whale known as southern pygmy right whale or pygmy right whale.

“right whale” (*Eubalaena glacialis*, *E. australis*) means any whale known as Atlantic right whale, Arctic right whale, Biscayan right whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, or southern right whale.

“sei whale” (*Balaenoptera borealis*) means any whale known as sei whale, Rudolphi’s rorqual, pollack whale, or coalfish whale.

#### B. Toothed whales

“toothed whale” means any whale which has teeth in the jaws.

“beaked whale” means any whale belonging to the genus Mesoplodon, or any whale known as Cuvier’s beaked whale (*Ziphius cavirostris*), or Shepherd’s beaked whale (*Tasmacetus shepherdi*).

“bottlenose whale” means any whale known as Baird’s beaked whale (*Berardius bairdii*), Arnoux’s whale (*Berardius armuxii*), southern bottlenose whale (*Hyperoodon planifrons*), or northern bottlenose whale (*Hyperoodon ampullatus*).

“killer whale” (*Orcinus orca*) means any whale known as killer whale or orca.

“pilot whale” means any whale known as long-finned pilot whale (*Globicephala melaena*) or short-finned pilot whale (*G. macrorhynchus*).

“sperm whale” (*Physeter macrocephalus*) means any whale known as sperm whale, spermacet whale, cachalot or pot whale.

#### C. General

“strike” means to penetrate with a weapon used for whaling.

“land” means to retrieve to a factory ship, land station, or other place where a whale can be treated.

“take” means to flag, buoy or make fast to a whale catcher.

“lose” means to either strike or take but not to land.

“dauhval” means any unclaimed dead whale found floating.

“lactating whale” means (a) with respect to baleen whales - a female which has any milk present in a mammary gland, (b) with respect to sperm whales - a female which has milk present in a mammary gland the maximum thickness (depth) of which is 10cm or more. This measurement shall be at the mid ventral point of the mammary gland perpendicular to the body axis, and shall be logged to the nearest centimetre; that is to say, any gland between 9.5cm and 10.5cm shall be logged as 10cm. The measurement of any gland which falls on an exact 0.5 centimetre shall be logged at the next 0.5 centimetre, e.g.

10.5cm shall be logged as 11.0cm. However, notwithstanding these criteria, a whale shall not be considered a lactating whale if scientific (histological or other biological) evidence is presented to the appropriate national authority establishing that the whale could not at that point in its physical cycle have had a calf dependent on it for milk.

“small-type whaling” means catching operations using powered vessels with mounted harpoon guns hunting exclusively for minke, bottlenose, beaked, pilot or killer whales.

## II. SEASONS

### Factory Ship Operations

2. (a) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales except minke whales, in any waters south of 40° South Latitude except during the period from 12<sup>th</sup> December to 7<sup>th</sup> April following, both days inclusive.
  - (b) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (c) and (d) of this paragraph, and paragraph 5.
  - (c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, an open season or seasons not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.
  - (d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted provided that:
    - (1) a separate open season may be declared for each factory ship and the whale catchers attached thereto;
    - (2) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (a) of this paragraph.
3. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, except minke whales, in any other area except the North Pacific Ocean and its dependent waters north of the Equator for the same purpose within a period of one year from the termination of that season; provided that catch limits in the North Pacific Ocean and dependent waters are established as provided in paragraphs 12 and 16 of this Schedule and provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

### Land Station Operations

4. (a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (b), (c) and (d) of this paragraph.
  - (b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen whales, except minke whales, by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government: provided that a separate open season may be declared for any land station used for the taking or treating of baleen whales, except minke whales, which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen whales, except minke whales, under the jurisdiction of the same Contracting Government.
  - (c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.
  - (d) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (b) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.
 

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.



- (e) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946.

### Other Operations

5. Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this paragraph one continuous open season not to exceed nine months may be implemented so far as Greenland is concerned.

### III. CAPTURE

6. The killing for commercial purposes of whales, except minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1980/81 pelagic and 1981 coastal seasons. The killing for commercial purposes of minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1982/83 pelagic and the 1983 coastal seasons.\*
7. (a) In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Indian Ocean Sanctuary. This comprises the waters of the Northern Hemisphere from the coast of Africa to 100°E, including the Red and Arabian Seas and the Gulf of Oman; and the waters of the Southern Hemisphere in the sector from 20°E to 130°E, with the Southern boundary set at 55°S. This prohibition applies irrespective of such catch limits for baleen or toothed whales as may from time to time be determined by the Commission. This prohibition shall be reviewed by the Commission at its Annual Meeting in 2002.☼
- (b) In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Southern Ocean Sanctuary. This Sanctuary comprises the waters of the Southern Hemisphere southwards of the following line: starting from 40 degrees S, 50 degrees W; thence due east to 20 degrees E; thence due south to 55 degrees S; thence due east to 130 degrees E; thence due north to 40 degrees S; thence due east to 130 degrees W; thence due south to 60 degrees S; thence due east to 50 degrees W; thence due north to the point of beginning. This prohibition applies irrespective of the conservation

status of baleen and toothed whale stocks in this Sanctuary, as may from time to time be determined by the Commission. However, this prohibition shall be reviewed ten years after its initial adoption and at succeeding ten year intervals, and could be revised at such times by the Commission. Nothing in this sub-paragraph is intended to prejudice the special legal and political status of Antarctica.\*\*+

### Area Limits for Factory Ships

8. It is forbidden to use a factory ship or whale catcher attached thereto, for the purpose of taking or treating baleen whales, except minke whales, in any of the following areas:
- (a) in the waters north of 66°N, except that from 150°E eastwards as far as 140°W, the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66°N and 72°N;
- (b) in the Atlantic Ocean and its dependent waters north of 40°S;
- (c) in the Pacific Ocean and its dependent waters east of 150°W between 40°S and 35°N;
- (d) in the Pacific Ocean and its dependent waters west of 150°W between 40°S and 20°N;
- (e) in the Indian Ocean and its dependent waters north of 40°S.

### Classification of Areas and Divisions

9. (a) *Classification of Areas*  
Areas relating to Southern Hemisphere baleen whales except Bryde's whales are those waters between the ice-edge and the Equator and between the meridians of longitude listed in Table 1.
- (b) *Classification of Divisions*  
Divisions relating to Southern Hemisphere sperm whales are those waters between the ice-edge and the Equator and between the meridians of longitude listed in Table 3.
- (c) *Geographical boundaries in the North Atlantic*  
The geographical boundaries for the fin, minke and sei whale stocks in the North Atlantic are:

#### FIN WHALE STOCKS

##### NOVA SCOTIA

South and West of a line through:  
47°N 54°W, 46°N 54°30'W,  
46°N 42°W, 20°N 42°W.

##### NEWFOUNDLAND-LABRADOR

West of a line through:  
75°N 73°30'W, 69°N 59°W, 61°N 59°W  
52°20'N 42°W, 46°N 42°W and  
North of a line through:  
46°N 42°W, 46°N 54°30'W, 47°N 54°W.

\*The Governments of Brazil, Iceland, Japan, Norway and the Union of Soviet Socialist Republics lodged objections to the second sentence of paragraph 6 within the prescribed period. For all other Contracting Governments this sentence came into force on 8 March 1982. Norway withdrew its objection on 9 July 1985 and Brazil on 8 January 1992. Iceland withdrew from the Convention with effect from 30 June 1992. The objections of Japan and the Russian Federation not having been withdrawn, this sentence is not binding upon these governments.

☼At its 54<sup>th</sup> Annual Meeting in 2002, the Commission agreed to continue this prohibition but did not discuss whether or not it should set a time when it should be reviewed again.

\*\*The Government of Japan lodged an objection within the prescribed period to paragraph 7(b) to the extent that it applies to the Antarctic minke whale stocks. The Government of the Russian Federation also lodged an objection to paragraph 7(b) within the prescribed period but withdrew it on 26 October 1994. For all Contracting Governments except Japan paragraph 7(b) came into force on 6 December 1994.

+Paragraph 7(b) contains a provision for review of the Southern Ocean Sanctuary "ten years after its initial adoption". Paragraph 7(b) was adopted at the 46<sup>th</sup> (1994) Annual Meeting. Therefore, the first review is due in 2004.

**WEST GREENLAND**

East of a line through:  
75°N 73°30'W, 69°N 59°W,  
61°N 59°W, 52°20'N 42°W,  
and West of a line through  
52°20'N 42°W, 59°N 42°W,  
59°N 44°W, Kap Farvel.

**EAST GREENLAND-ICELAND**

East of a line through:  
Kap Farvel (South Greenland),  
59°N 44°W, 59°N 42°W, 20°N 42°W  
and West of a line through:  
20°N 18°W, 60°N 18°W, 68°N 3°E,  
74°N 3°E, and South of 74°N.

**NORTH NORWAY**

North and East of a line through:  
74°N 22°W, 74°N 3°E, 68°N 3°E,  
67°N 0°, 67°N 14°E.

**WEST NORWAY-FAROE ISLANDS**

South of a line through:  
67°N 14°E, 67°N 0°, 60°N 18°W, and  
North of a line through:  
61°N 16°W, 61°N 0°, Thyborøn (Western entrance  
to Limfjorden, Denmark).

**SPAIN-PORTUGAL-BRITISH ISLES**

South of a line through:  
Thyborøn (Denmark), 61°N 0°, 61°N 16°W,  
and East of a line through:  
63°N 11°W, 60°N 18°W, 22°N 18°W.

**MINKE WHALE STOCKS****CANADIAN EAST COAST**

West of a line through:  
75°N 73°30'W, 69°N 59°W, 61°N 59°W,  
52°20'N 42°W, 20°N 42°W.

**CENTRAL**

East of a line through:  
Kap Farvel (South Greenland),  
59°N 44°W, 59°N 42°W, 20°N 42°W,  
and West of a line through:  
20°N 18°W, 60°N 18°W, 68°N 3°E,  
74°N 3°E, and South of 74°N.

**WEST GREENLAND**

East of a line through:  
75°N 73°30'W, 69°N 59°W, 61°N 59°W  
52°20'N 42°W, and  
West of a line through:  
52°20'N 42°W, 59°N 42°W,  
59°N 44°W, Kap Farvel.

**NORTHEASTERN**

East of a line through:  
20°N 18°W, 60°N 18°W, 68°N 3°E, 74°N 3°E,  
and North of a line through:  
74°N 3°E, 74°N 22°W.

**SEI WHALE STOCKS****NOVA SCOTIA**

South and West of a line through:  
47°N 54°W, 46°N 54°30'W, 46°N 42°W,  
20°N 42°W.

**ICELAND-DENMARK STRAIT**

East of a line through:  
Kap Farvel (South Greenland),  
59°N 44°W, 59°N 42°W, 20°N 42°W,  
and West of a line through:  
20°N 18°W, 60°N 18°W, 68°N 3°E,  
74°N 3°E, and South of 74°N.

**EASTERN**

East of a line through:  
20°N 18°W, 60°N 18°W, 68°N 3°E, 74°N 3°E,  
and North of a line through:  
74°N 3°E, 74°N 22°W.

**(d) Geographical boundaries in the North Pacific**

The geographical boundaries for the sperm, Bryde's and minke whale stocks in the North Pacific are:

**SPERM WHALE STOCKS****WESTERN DIVISION**

West of a line from the ice-edge south along the 180° meridian of longitude to 180°, 50°N, then east along the 50°N parallel of latitude to 160°W, 50°N, then south along the 160°W meridian of longitude to 160°W, 40°N, then east along the 40°N parallel of latitude to 150°W, 40°N, then south along the 150°W meridian of longitude to the Equator.

**EASTERN DIVISION**

East of the line described above.

**BRYDE'S WHALE STOCKS****EAST CHINA SEA**

West of the Ryukyu Island chain.

**EASTERN**

East of 160°W (excluding the Peruvian stock area).

**WESTERN**

West of 160°W (excluding the East China Sea stock area).

**MINKE WHALE STOCKS****SEA OF JAPAN-YELLOW SEA- EAST CHINA SEA**

West of a line through the Philippine Islands, Taiwan, Ryukyu Islands, Kyushu, Honshu, Hokkaido and Sakhalin Island, north of the Equator.

**OKHOTSK SEA-WEST PACIFIC**

East of the Sea of Japan-Yellow Sea- East China Sea stock and west of 180°, north of the Equator.

**REMAINDER**

East of the Okhotsk Sea-West Pacific stock, north of the Equator.

**(e) Geographical boundaries for Bryde's whale stocks in the Southern Hemisphere****SOUTHERN INDIAN OCEAN**

20°E to 130°E,  
South of the Equator.

**SOLOMON ISLANDS**

150°E to 170°E,  
20°S to the Equator.

**PERUVIAN**

110°W to the South American coast,  
10°S to 10°N.

**EASTERN SOUTH PACIFIC**

150°W to 70°W,  
South of the Equator (excluding the Peruvian stock area).

**WESTERN SOUTH PACIFIC**

130°E to 150°W,  
South of the Equator (excluding the Solomon Islands stock area).

**SOUTH ATLANTIC**

70°W to 20°E,  
South of the Equator (excluding the South African inshore stock area).

**SOUTH AFRICAN INSHORE**

South African coast west of 27°E and out to the 200 metre isobath.

Table 1  
BALEEN WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS\* (excluding Bryde's whales)

Area	SEI		MINKE		FIN		BLUE		RIGHT, BOWHEAD, HUMPBACK		PYGMY RIGHT		GRAY	
	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit
SOUTHERN HEMISPHERE-2007/2008 pelagic season and 2008 coastal season														
I	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	PS	0
II	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	PS	0
III	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	PS	0
IV	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	PS	0
V	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	PS	0
VI	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	PS	0
Total catch not to exceed:														
				0		0						0		0
NORTHERN HEMISPHERE-2008 season														
ARCTIC	.	.	.	.	.	.	.	.	.	.	.	.	PS	0
NORTH PACIFIC														
Whole region	PS	0	.	.	PS	0	PS	0	PS	0	PS	0	PS	0
Okhotsk Sea-West Pacific Stock	.	.	.	0	.	.	.	.	.	.	.	.	.	.
Sea of Japan-Yellow Sea-East	.	.	.	.	.	.	.	.	.	.	.	.	.	.
China Sea Stock	.	.	PS	0	.	.	.	.	.	.	.	.	.	.
Remainder	.	.	IMS	0	.	.	.	.	.	.	.	.	.	.
Eastern Stock	.	.	.	.	.	.	.	.	.	.	.	.	.	SMS
Western Stock	.	.	.	.	.	.	.	.	.	.	.	.	.	PS
NORTH ATLANTIC														
Whole region	.	.	PS	0	.	.	PS	0	PS	0	PS	0	PS	0
West Greenland Stock	.	.	.	.	.	19 <sup>2</sup>	.	.	.	.	.	.	.	.
Newfoundland-Labrador Stock	.	.	.	.	.	0	.	.	.	.	.	.	.	.
Canadian East Coast Stock	.	.	.	0	.	.	.	.	.	.	.	.	.	.
Nova Scotia Stock	PS	0	.	.	PS	0	.	.	.	.	.	.	.	.
Central Stock	.	.	.	.	.	.	.	.	.	.	.	.	.	.
East Greenland-Iceland Stock	.	.	.	.	.	.	SMS	0	.	.	.	.	.	.
Iceland-Denmark Strait Stock	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Spain-Portugal-British Isles Stock	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Northeastern Stock	.	.	PS*	0	.	.	.	.	.	.	.	.	.	.
West Norway-Faroe Islands Stock	.	.	.	.	PS	0	.	.	.	.	.	.	.	.
North Norway Stock	.	.	.	.	.	0	.	.	.	.	.	.	.	.
Eastern Stock	.	0	.	.	.	.	.	.	.	.	.	.	.	.
NORTHERN INDIAN OCEAN														
	.	.	IMS	0	.	.	PS	0	PS	0	PS	0	PS	0

<sup>1</sup> Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 13(b).2.

<sup>2</sup> Available to be struck by aborigines pursuant to paragraph 13(b).3. Catch limit for each of the years 2008, 2009, 2010, 2011 and 2012.

+The catch limits of zero introduced into Table 1 as editorial amendments as a result of the coming into effect of paragraph 10(e) are not binding upon the governments of the countries which lodged and have not withdrawn objections to the said paragraph.

\*The Government of Norway presented objection to the classification of the Northeastern Atlantic stock of minke whales as a Protection Stock within the prescribed period. This classification came into force on 30 January 1986 but is not binding on the Government of Norway.

### Classification of Stocks

10. All stocks of whales shall be classified in one of three categories according to the advice of the Scientific Committee as follows:

- (a) A Sustained Management Stock (SMS) is a stock which is not more than 10 per cent of Maximum Sustainable Yield (hereinafter referred to as MSY) stock level below MSY stock level, and not more than 20 per cent above that level; MSY being determined on the basis of the number of whales. When a stock has remained at a stable level for a

considerable period under a regime of approximately constant catches, it shall be classified as a Sustained Management Stock in the absence of any positive evidence that it should be otherwise classified.

Commercial whaling shall be permitted on Sustained Management Stocks according to the advice of the Scientific Committee. These stocks are listed in Tables 1, 2 and 3 of this Schedule.

For stocks at or above the MSY stock level, the permitted catch shall not exceed 90 per cent of the

MSY. For stocks between the MSY stock level and 10 per cent below that level, the permitted catch shall not exceed the number of whales obtained by taking 90 per cent of the MSY and reducing that number by 10 per cent for every 1 per cent by which the stock falls short of the MSY stock level.

- (b) An Initial Management Stock (IMS) is a stock more than 20 per cent of MSY stock level above MSY stock level. Commercial whaling shall be permitted on Initial Management Stocks according to the advice of the Scientific Committee as to measures necessary to bring the stocks to the MSY stock level and then optimum level in an efficient manner and without risk of reducing them below this level. The permitted catch for such stocks will not be more than 90 per cent of MSY as far as this is known, or, where it will be more appropriate, catching effort shall be limited to that which will take 90 per cent of MSY in a stock at MSY stock level.

In the absence of any positive evidence that a continuing higher percentage will not reduce the stock below the MSY stock level no more than 5 per cent of the estimated initial exploitable stock shall be taken in any one year. Exploitation should not commence until an estimate of stock size has been obtained which is satisfactory in the view of

the Scientific Committee. Stocks classified as Initial Management Stock are listed in Tables 1, 2 and 3 of this Schedule.

- (c) A Protection Stock (PS) is a stock which is below 10 per cent of MSY stock level below MSY stock level.

There shall be no commercial whaling on Protection Stocks. Stocks so classified are listed in Tables 1, 2 and 3 of this Schedule.

- (d) Notwithstanding the other provisions of paragraph 10 there shall be a moratorium on the taking, killing or treating of whales, except minke whales, by factory ships or whale catchers attached to factory ships. This moratorium applies to sperm whales, killer whales and baleen whales, except minke whales.

- (e) Notwithstanding the other provisions of paragraph 10, catch limits for the killing for commercial purposes of whales from all stocks for the 1986 coastal and the 1985/86 pelagic seasons and thereafter shall be zero. This provision will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits.\*#

Table 2  
Bryde's whale stock classifications and catch limits. <sup>†</sup>

	Classification	Catch limit
SOUTHERN HEMISPHERE-2007/2008 pelagic season and 2008 coastal season		
South Atlantic Stock	-	0
Southern Indian Ocean Stock	IMS	0
South African Inshore Stock	-	0
Solomon Islands Stock	IMS	0
Western South Pacific Stock	IMS	0
Eastern South Pacific Stock	IMS	0
Peruvian Stock	-	0
NORTH PACIFIC-2008 season		
Eastern Stock	IMS	0
Western Stock	IMS	0
East China Sea Stock	PS	0
NORTH ATLANTIC-2008 season	IMS	0
NORTHERN INDIAN OCEAN-2008 season	-	0

<sup>†</sup> The catch limits of zero introduced in Table 2 as editorial amendments as a result of the coming into effect of paragraph 10(e) are not binding upon the governments of the countries which lodged and have not withdrawn objections to the said paragraph.

\*The Governments of Japan, Norway, Peru and the Union of Soviet Socialist Republics lodged objection to paragraph 10(e) within the prescribed period. For all other Contracting Governments this paragraph came into force on 3 February 1983. Peru withdrew its objection on 22 July 1983. The Government of Japan withdrew its objections with effect from 1 May 1987 with respect to commercial pelagic whaling; from 1 October 1987 with respect to commercial coastal whaling for minke and Bryde's whales; and from 1 April 1988 with respect to commercial coastal sperm whaling. The objections of Norway and the Russian Federation not having been withdrawn, the paragraph is not binding upon these Governments.

#Iceland's instrument of adherence to the International Convention for the Regulation of Whaling and the Protocol to the Convention deposited on 10 October 2002 states that Iceland 'adheres to the aforesaid Convention and Protocol with a reservation with respect to paragraph 10(e) of the Schedule attached to the Convention'. The instrument further states the following:

'Notwithstanding this, the Government of Iceland will not authorise whaling for commercial purposes by Icelandic vessels before 2006 and, thereafter, will not authorise such whaling while progress is being made in negotiations within the IWC on the RMS. This does not apply, however, in case of the so-called moratorium on whaling for commercial purposes, contained in paragraph 10(e) of the Schedule not being lifted within a reasonable time after the completion of the RMS. Under no circumstances will whaling for commercial purposes be authorised without a sound scientific basis and an effective management and enforcement scheme.'

#The Governments of Argentina, Australia, Brazil, Chile, Finland, France, Germany, Italy, Mexico, Monaco, the Netherlands, New Zealand, Peru, San Marino, Spain, Sweden, UK and the USA have lodged objections to Iceland's reservation to paragraph 10(e).

Table 3  
Toothed whale stock classifications and catch limits<sup>+</sup>

SOUTHERN HEMISPHERE-2007/2008 pelagic season and 2008 coastal season			
Division	Longitudes	Classification	Catch limit
1	60°W-30°W	-	0
2	30°W-20°E	-	0
3	20°E-60°E	-	0
4	60°E-90°E	-	0
5	90°-130°E	-	0
6	130°E-160°E	-	0
7	160°E-170°W	-	0
8	170°W-100°W	-	0
9	100°W-60°W	-	0
NORTHERN HEMISPHERE-2008 season			
NORTH PACIFIC			
Western Division		PS	0 <sup>1</sup>
Eastern Division		-	0
NORTH ATLANTIC		-	0
NORTHERN INDIAN OCEAN		-	0
BOTTLENOSE			
NORTH ATLANTIC		PS	0

<sup>1</sup>No whales may be taken from this stock until catch limits including any limitations on size and sex are established by the Commission.

<sup>+</sup>The catch limits of zero introduced in Table 3 as editorial amendments as a result of the coming into effect of paragraph 10(e) are not binding upon the governments of the countries which lodged and have not withdrawn objections to the said paragraph.

### Baleen Whale Catch Limits

11. The number of baleen whales taken in the Southern Hemisphere in the 2007/2008 pelagic season and the 2008 coastal season shall not exceed the limits shown in Tables 1 and 2.
12. The number of baleen whales taken in the North Pacific Ocean and dependent waters in 2008 and in the North Atlantic Ocean in 2008 shall not exceed the limits shown in Tables 1 and 2.
13. (a) Notwithstanding the provisions of paragraph 10, catch limits for aboriginal subsistence whaling to satisfy aboriginal subsistence need for the 1984 whaling season and each whaling season thereafter shall be established in accordance with the following principles:
  - (1) For stocks at or above MSY level, aboriginal subsistence catches shall be permitted so long as total removals do not exceed 90 per cent of MSY.
  - (2) For stocks below the MSY level but above a certain minimum level, aboriginal subsistence catches shall be permitted so long as they are set at levels which will allow whale stocks to move to the MSY level.<sup>1</sup>
  - (3) The above provisions will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of these provisions on whale stocks and consider modification.
  - (4) For aboriginal whaling conducted under subparagraphs (b)(1), (b)(2), and (b)(3) of this paragraph, it is forbidden to strike, take or kill calves or any whale accompanied by a calf.

For aboriginal whaling conducted under subparagraphs (b)(4) of this paragraph, it is forbidden to strike, take or kill suckling calves or female whales accompanied by calves.

- (5) All aboriginal whaling shall be conducted under national legislation that accords with this paragraph.
- (b) Catch limits for aboriginal subsistence whaling are as follows:
  - (1) The taking of bowhead whales from the Bering-Chukchi-Beaufort Seas stock by aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided that:
    - (i) For the years 2008, 2009, 2010, 2011 and 2012, the number of bowhead whales landed shall not exceed 280. For each of these years the number of bowhead whales struck shall not exceed 67, except that any unused portion of a strike quota from any year (including 15 unused strikes from the 2003-2007 quota) shall be carried forward and added to the strike quotas of any subsequent years, provided that no more than 15 strikes shall be added to the strike quota for any one year.
    - (ii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.
  - (2) The taking of gray whales from the Eastern stock in the North Pacific is permitted, but only by aborigines or a Contracting Government on behalf of aborigines, and then only when the meat and products of such

<sup>1</sup>The Commission, on advice of the Scientific Committee, shall establish as far as possible (a) a minimum stock level for each stock below which whales shall not be taken, and (b) a rate of increase towards the MSY level for each stock. The Scientific Committee shall advise on a minimum stock level and on a range of rates of increase towards the MSY level under different catch regimes.

whales are to be used exclusively for local consumption by the aborigines.

- (i) For the years **2008, 2009, 2010, 2011 and 2012**, the number of gray whales taken in accordance with this sub-paragraph shall not exceed 620, provided that the number of gray whales taken in any one of the years **2008, 2009, 2010, 2011 and 2012** shall not exceed 140.
  - (ii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.
- (3) The taking by aborigines of minke whales from the West Greenland and Central stocks and fin whales from the West Greenland stock **and bowhead whales from the West Greenland feeding aggregation** is permitted and then only when the meat and products are to be used exclusively for local consumption.
- (i) The number of fin whales **struck** from the West Greenland stock in accordance with this sub-paragraph shall not exceed **19 in each of the years 2008, 2009, 2010, 2011 and 2012**.
  - (ii) The number of minke whales **struck** from the Central stock in accordance with this sub-paragraph shall not exceed 12 in each of the years **2008, 2009, 2010, 2011 and 2012**, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any **of the** subsequent years, provided that no more than 3 shall be added to the quota for any one year.
  - (iii) The number of minke whales struck from the West Greenland stock shall not exceed **200** in each of the years **2008, 2009, 2010, 2011 and 2012**, except that any unused portion of the quota for each year shall be carried forward from that year and added to the strike quota of any subsequent years, provided that no more than 15 strikes shall be added to the strike quota for any one year. This provision will be reviewed **annually by the Commission, according to the findings and recommendations by the Scientific Committee, which shall be binding**.
  - (iv) **The number of bowhead whales struck off West Greenland in accordance with this sub-paragraph shall not exceed 2 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than 2 shall be added to the quota for any one year. Furthermore, the quota for each year shall only become operative when the Commission has received advice from the Scientific Committee that the strikes are unlikely to endanger the stock.**

- (4) For the seasons **2008-2012** the number of humpback whales to be taken by the Bequians of St. Vincent and The Grenadines shall not exceed 20. The meat and products of such whales are to be used exclusively for local consumption in St. Vincent and The Grenadines.

14. It is forbidden to take or kill suckling calves or female whales when accompanied by calves.

#### **Baleen Whale Size Limits**

15. (a) It is forbidden to take or kill any sei or Bryde's whales below 40 feet (12.2 metres) in length except that sei and Bryde's whales of not less than 35 feet (10.7 metres) may be taken for delivery to land stations, provided that the meat of such whales is to be used for local consumption as human or animal food.
- (b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken in the Southern Hemisphere for delivery to land stations and fin whales of not less than 50 feet (15.2 metres) may be taken in the Northern Hemisphere for delivery to land stations, provided that, in each case the meat of such whales is to be used for local consumption as human or animal food.

#### **Sperm Whale Catch Limits**

16. Catch limits for sperm whales of both sexes shall be set at zero in the Southern Hemisphere for the 1981/82 pelagic season and 1982 coastal seasons and following seasons, and at zero in the Northern Hemisphere for the 1982 and following coastal seasons; except that the catch limits for the 1982 coastal season and following seasons in the Western Division of the North Pacific shall remain undetermined and subject to decision by the Commission following special or annual meetings of the Scientific Committee. These limits shall remain in force until such time as the Commission, on the basis of the scientific information which will be reviewed annually, decides otherwise in accordance with the procedures followed at that time by the Commission.
17. It is forbidden to take or kill suckling calves or female whales accompanied by calves.

#### **Sperm Whale Size Limits**

18. (a) It is forbidden to take or kill any sperm whales below 30 feet (9.2 metres) in length except in the North Atlantic Ocean where it is forbidden to take or kill any sperm whales below 35 feet (10.7 metres).
- (b) It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the Southern Hemisphere north of 40° South Latitude during the months of October to January inclusive.
- (c) It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the North Pacific Ocean and dependent water south of 40° North Latitude during the months of March to June inclusive.

#### IV. TREATMENT

19. (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales which are classified as Protection Stocks in paragraph 10 or are taken in contravention of paragraphs 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, 16 and 17 of this Schedule, whether or not taken by whale catchers under the jurisdiction of a Contracting Government.
- (b) All other whales taken, except minke whales, shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and parts of whales intended for human food or feeding animals. A Contracting Government may in less developed regions exceptionally permit treating of whales without use of land stations, provided that such whales are fully utilised in accordance with this paragraph.
- (c) Complete treatment of the carcasses of "dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.
20. (a) The taking of whales for treatment by a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcase (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.
- (b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

#### V. SUPERVISION AND CONTROL

21. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection provided that at least one such inspector shall be maintained on each catcher functioning as a factory ship. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship; provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.
- (b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.
- (c) There shall be received such observers as the member countries may arrange to place on factory ships and land stations or groups of land stations of other member countries. The observers shall be appointed by the Commission acting through its Secretary and paid by the Government nominating them.
22. Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that

their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of lactating whales.

23. Whales must be measured when at rest on deck or platform after the hauling out wire and grasping device have been released, by means of a tape-measure made of a non-stretching material. The zero end of the tape-measure shall be attached to a spike or stable device to be positioned on the deck or platform abreast of one end of the whale. Alternatively the spike may be stuck into the tail fluke abreast of the apex of the notch. The tape-measure shall be held taut in a straight line parallel to the deck and the whale's body, and other than in exceptional circumstances along the whale's back, and read abreast of the other end of the whale. The ends of the whale for measurement purposes shall be the tip of the upper jaw, or in sperm whales the most forward part of the head, and the apex of the notch between the tail flukes.

Measurements shall be logged to the nearest foot or 0.1 metre. That is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. Similarly, any whale between 10.15 metres and 10.25 metres shall be logged as 10.2 metres, and any whale between 10.25 metres and 10.35 metres shall be logged as 10.3 metres. The measurement of any whale which falls on an exact half foot or 0.05 metre shall be logged at the next half foot or 0.05 metre, e.g. 76 feet 6 inches precisely shall be logged as 77 feet and 10.25 metres precisely shall be logged as 10.3 metres.

#### VI. INFORMATION REQUIRED

24. (a) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:
- (1) the time when each whale is taken
  - (2) its species, and
  - (3) its marking effected pursuant to paragraph 20(b).
- (b) The information specified in sub-paragraph (a) of this paragraph shall be entered immediately by a factory ship in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:
- (1) time of hauling up for treatment
  - (2) length, measured pursuant to paragraph 23
  - (3) sex
  - (4) if female, whether lactating
  - (5) length and sex of foetus, if present, and
  - (6) a full explanation of each infraction.
- (c) A record similar to that described in sub-paragraph (b) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.
- (d) A record similar to that described in sub-paragraph (b) of this paragraph shall be maintained by "small-type whaling" operations conducted from shore or

- by pelagic fleets, and all of this information mentioned in the said sub-paragraph shall be entered therein as soon as available.
25. (a) All Contracting Governments shall report to the Commission for all whale catchers operating in conjunction with factory ships and land stations the following information:
- (1) methods used to kill each whale, other than a harpoon, and in particular compressed air
  - (2) number of whales struck but lost.
- (b) A record similar to that described in sub-paragraph (a) of this paragraph shall be maintained by vessels engaged in "small-type whaling" operations and by native peoples taking species listed in paragraph 1, and all the information mentioned in the said sub-paragraph shall be entered therein as soon as available, and forwarded by Contracting Governments to the Commission.
26. (a) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of baleen whales by species taken in any waters south of 40° South Latitude by all factory ships or whale catchers attached thereto under the jurisdiction of each Contracting Government, provided that when the number of each of these species taken is deemed by the Secretary to the International Whaling Commission to have reached 85 per cent of whatever total catch limit is imposed by the Commission notification shall be given as aforesaid at the end of each day of data on the number of each of these species taken.
- (b) If it appears that the maximum catches of whales permitted by paragraph 11 may be reached before 7 April of any year, the Secretary to the International Whaling Commission shall determine, on the basis of the data provided, the date on which the maximum catch of each of these species shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The taking or attempting to take baleen whales, so notified, by factory ships or whale catchers attached thereto shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.
- (c) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.
27. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and catcher ships of the following statistical information:
- (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and
  - (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertiliser (guano), and other products derived from them, together with
  - (c) particulars with respect to each whale treated in the factory ship, land station or "small-type whaling" operations as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus.
- The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration of whales.
28. (a) Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and catcher ships of the following statistical information:
- (1) the name and gross tonnage of each factory ship,
  - (2) for each catcher ship attached to a factory ship or land station:
    - (i) the dates on which each is commissioned and ceases whaling for the season,
    - (ii) the number of days on which each is at sea on the whaling grounds each season,
    - (iii) the gross tonnage, horsepower, length and other characteristics of each; vessels used only as tow boats should be specified.
  - (3) A list of the land stations which were in operation during the period concerned, and the number of miles searched per day by aircraft, if any.
- (b) The information required under paragraph (a)(2)(iii) should also be recorded together with the following information, in the log book format shown in Appendix A, and forwarded to the Commission:
- (1) where possible the time spent each day on different components of the catching operation,
  - (2) any modifications of the measures in paragraphs (a)(2)(i)-(iii) or (b)(1) or data from other suitable indicators of fishing effort for "small-type whaling" operations.
29. (a) Where possible all factory ships and land stations shall collect from each whale taken and report on:
- (1) both ovaries or the combined weight of both testes,
  - (2) at least one ear plug, or one tooth (preferably first mandibular).
- (b) Where possible similar collections to those described in sub-paragraph (a) of this paragraph shall be undertaken and reported by "small-type whaling" operations conducted from shore or by pelagic fleets.
- (c) All specimens collected under sub-paragraphs (a) and (b) shall be properly labelled with platform or other identification number of the whale and be appropriately preserved.
- (d) Contracting Governments shall arrange for the analysis as soon as possible of the tissue samples and specimens collected under sub-paragraphs (a) and (b) and report to the Commission on the results of such analyses.
30. A Contracting Government shall provide the Secretary to the International Whaling Commission with proposed scientific permits before they are issued and in sufficient time to allow the Scientific Committee to



review and comment on them. The proposed permits should specify:

- (a) objectives of the research;
- (b) number, sex, size and stock of the animals to be taken;
- (c) opportunities for participation in the research by scientists of other nations; and
- (d) possible effect on conservation of stock.

Proposed permits shall be reviewed and commented on by the Scientific Committee at Annual Meetings when

possible. When permits would be granted prior to the next Annual Meeting, the Secretary shall send the proposed permits to members of the Scientific Committee by mail for their comment and review. Preliminary results of any research resulting from the permits should be made available at the next Annual Meeting of the Scientific Committee.

31. A Contracting Government shall transmit to the Commission copies of all its official laws and regulations relating to whales and whaling and changes in such laws and regulations.

## INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946, SCHEDULE APPENDIX A

### TITLE PAGE

(one logbook per catcher per season)

Catcher name ..... Year built .....

Attached to expedition/land station .....

Season .....

Overall length ..... Wooden/steel hull .....

Gross tonnage .....

Type of engine ..... H.P. ....

Maximum speed ..... Average searching speed .....

Asdic set, make and model no. ....

Date of installation .....

Make and size of cannon .....

Type of first harpoon used ..... explosive/electric/non-explosive

Type of killer harpoon used .....

Length and type of forerunner .....

Type of whaleline .....

Height of barrel above sea level .....

Speedboat used, Yes/No

Name of Captain .....

Number of years experience .....

Name of gunner .....

Number of years experience .....

Number of crew .....

INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946

DAILY RECORD SHEET TABLE 1

Date .....	Catcher name .....	Sheet No.....
Searching:	Time started (or resumed) searching .....	.....
	*Time whales seen or reported to catcher .....	.....
	Whale species .....	.....
	Number seen and no. of groups .....	.....
	Position found .....	.....
	Name of catcher that found whales .....	.....
Chasing:	Time started chasing (or confirmed whales) .....	.....
	Time whale shot or chasing discontinued .....	.....
Handling:	Asdic used (Yes/No) .....	.....
	Time whale flagged or alongside for towing .....	.....
Towing:	Serial No. of catch .....	.....
	Time started picking up .....	.....
	Time finished picking up or started towing .....	.....
Resting:	Date and time delivered to factory .....	.....
	Time stopped (for drifting or resting) .....	.....
	Time finished drifting/resting .....	.....
	Time ceased operations .....	.....
<b>WEATHER CONDITIONS</b>		
Total searching time.....	Wind force and direction .....	.....
Total chasing time .....	Sea state .....	.....
A) with asdic .....	Time .....	.....
B) without asdic .....	Sea state .....	.....
Total handling time .....	Time .....	.....
Total towing time .....	Time .....	.....
Total resting time .....	Time .....	.....
Other time (e.g. bunkering, in port) .....	Time .....	.....
Whales Seen (No. and No. of schools)		
Blue.....	Bryde's .....	.....
Fin.....	Minke .....	.....
Humpback.....	Sperm .....	.....
Right.....	Others (specify) .....	.....
Sci.....	.....	.....
Signed.....	.....	.....

\*Time whales reported to catcher means the time when the catcher is told of the position of a school and starts to move towards it to chase it.

SCHEDULE APPENDIX A

SCHOOLING REPORT

TABLE 2

To be completed by pelagic expedition or coastal station for each sperm whale school chased. A separate form to be used each day.
Name of expedition or coastal station .....
Date .....
Time School Found .....
Total Number of Whales in School .....
Number of Takeable Whales in School .....
Number of Whales Caught from School by each Catcher .....
Name of Catcher .....
Name of Catcher .....
Name of Catcher .....
Name of Catcher .....
Total Number Caught from School .....
Remarks:
Explanatory Notes
A. Fill in one column for each school chased with number of whales caught by each catcher taking part in the chase; if catchers chase the school but do not catch from it, enter 0; for catchers in fleet which do not chase that school enter X.
B. A school on this form means a group of whales which are sufficiently close together that a catcher having completed handling one whale can start chasing another whale almost immediately without spending time searching. A solitary whale should be entered as a school of 1 whale.
C. A takeable whale is a whale of a size or kind which the catchers would take if possible. It does not necessarily include all whales above legal size, e.g. if catchers are concentrating on large whales only these would be counted as takeable.
D. Information about catchers from other expeditions or companies operating on the same school should be recorded under Remarks.

# **Rules of Procedure and Financial Regulations**

As amended by the Commission at the 59<sup>th</sup> Annual Meeting, May 2007  
(amendments are shown in *bold italics*)

<b>RULES OF PROCEDURE . . . . .</b>	<b>163</b>
<b>FINANCIAL REGULATIONS. . . . .</b>	<b>167</b>
<b>RULES OF DEBATE . . . . .</b>	<b>170</b>
<b>RULES OF PROCEDURE OF THE TECHNICAL COMMITTEE. . . . .</b>	<b>171</b>
<b>RULES OF PROCEDURE OF THE SCIENTIFIC COMMITTEE . . . . .</b>	<b>172</b>

## Rules of Procedure

### A. Representation

1. A Government party to the International Convention for the Regulation of Whaling, 1946 (hereafter referred to as the Convention) shall have the right to appoint one Commissioner and shall furnish the Secretary of the Commission with the name of its Commissioner and his/her designation and notify the Secretary promptly of any changes in the appointment. The Secretary shall inform other Commissioners of such appointment.

### B. Meetings

1. The Commission shall hold a regular Annual Meeting in such place as the Commission may determine. Any Contracting Government desiring to extend an invitation to the Commission to meet in that country shall give formal notice two years in advance. A formal offer should include:

- (a) which meetings it covers, i.e. Scientific Committee, Commission sub-groups, Annual Commission meeting;
- (b) a proposed time window within which the meeting will take place; and
- (c) a timetable for finalising details of the exact timing and location of the meeting.

Attendance by a majority of the members of the Commission shall constitute a quorum. Special Meetings of the Commission may be called at the direction of the Chair after consultation with the Contracting Governments and Commissioners.

2. Before the end of each Annual Meeting, the Commission shall decide on: (1) the length of the Annual Commission Meeting and associated meetings the following year; and (2) which of the Commission's sub-groups need to meet.

### C. Observers

1. (a) Any Government not a party to the Convention or any intergovernmental organisation may be represented at meetings of the Commission by an observer or observers, if such non-party government or intergovernmental organisation has previously attended any meeting of the Commission, or if it submits its request in writing to the Commission 60 days prior to the start of the meeting, or if the Commission issues an invitation to attend.

- (b) *Any non-governmental organisation which expresses an interest in matters covered by the Convention, may be accredited as an observer. Requests for accreditation must be submitted in writing to the Commission 60 days prior to the start of the meeting and the Commission may issue an invitation with respect to such request. Such submissions shall include the standard application form for non-governmental organisations which will be provided by the Secretariat. These applications shall remain available for review by Contracting Governments.*

Once a *non-governmental* organisation *has been accredited through the application process above, it will remain accredited* until the Commission decides otherwise.

*Observers from each non-governmental organisation will be allowed seating in the meeting. However, seating limitations may require that the number of observers from each non-governmental organisation be limited. The Secretariat will notify accredited non-governmental organisations of any seating limitations in advance of the meeting.*

- (c) The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of observers accredited in accordance with Rule C.1.(a) and (b). The registration fee will be treated as an annual fee covering attendance at the Annual Meeting to which it relates and any other meeting of the Commission or its subsidiary groups as provided in Rule C.2 in the interval before the next Annual Meeting.
2. Observers accredited in accordance with Rule C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of subsidiary groups of the Commission and the Technical Committee, except the Commissioners-only meetings and the meetings of the Finance and Administration Committee.

### D. Credentials

1. (a) The names of all representatives of member and non-member governments and observer organisations to any meeting of the Commission or committees, as specified in the Rules of Procedure of the Commission, Technical and Scientific Committees, shall be notified to the Secretary in writing before their participation and/or attendance at each meeting. For member governments, the notification shall indicate the Commissioner, his/her alternate(s) and advisers, and the head of the national delegation to the Scientific Committee and any alternate(s) as appropriate.

The written notification shall be made by governments or the heads of organisations as the case may be. In this context, 'governments' means the Head of State, the Head of Government, the Minister of Foreign Affairs (including: on behalf of the Minister of Foreign Affairs), the Minister responsible for whaling or whale conservation (including: on behalf of this Minister), the Head of the Diplomatic Mission accredited to the seat of the Commission or to the host country of the meeting in question, or the Commissioner appointed under Rule A.1.

- (b) Credentials for a Commissioner appointed for the duration of a meeting must be issued as in D.1(a). Thereafter, until the end of the meeting in

question, that Commissioner assumes all the powers of a Commissioner appointed under A.1., including that of issuing credentials for his/her delegation.

- (c) In the case of members of delegations who will attend the Annual Commission Meeting and its associated meetings, the notification may be made *en bloc* by submitting a list of the members who will attend any of these meetings.
- (d) The Secretary, or his/her representative, shall report on the received notifications at the beginning of a meeting.
- (e) In case of any doubt as to the authenticity of notification or in case of apparent delay in their delivery, the Chair of the meeting shall convene an *ad hoc* group of no more than one representative from any Contracting Government present to decide upon the question of participation in the meeting.

#### E. Decision-making

The Commission should seek to reach its decisions by consensus. Otherwise, the following Rules of Procedure shall apply:

1. Each Commissioner shall have the right to vote at Plenary Meetings of the Commission and in his/her absence his/her deputy or alternate shall have such right. Experts and advisers may address Plenary Meetings of the Commission but shall not be entitled to vote. They may vote at the meetings of any committee to which they have been appointed, provided that when such vote is taken, representatives of any Contracting Government shall only exercise one vote.
2. (a) The right to vote of representatives of any Contracting Government whose annual payments including any interest due have not been received by the Commission within 3 months of the due date prescribed in Regulation E.2 of the Financial Regulations or by the day before the first day of the next Annual or Special Meeting of the Commission following the due date, or, in the case of a vote by postal or other means, by the date upon which votes must be received, whichever date occurs first, shall be automatically suspended until payment is received by the Commission, unless the Commission decides otherwise.
- (b) The Commissioner of a new Contracting Government shall not exercise the right to vote either at meetings or by postal or other means unless the Commission has received the Government's financial contribution or part contribution for the year prescribed in Financial Regulation E.3.
3. (a) Where a vote is taken on any matter before the Commission, a simple majority of those casting an affirmative or negative vote shall be decisive, except that a three-fourths majority of those casting an affirmative or negative vote shall be required for action in pursuance of Article V of the Convention.
- (b) Action in pursuance of Article V shall contain the text of the regulations proposed to amend the Schedule. A proposal that does not contain such regulatory text does not constitute an amendment to the Schedule and therefore requires only a

simple majority vote. A proposal that does not contain such regulatory text to revise the Schedule but would commit the Commission to amend the Schedule in the future can neither be put to a vote nor adopted.

- (c) At meetings of committees appointed by the Commission, a simple majority of those casting an affirmative or negative vote shall also be decisive. The committee shall report to the Commission if the decision has been arrived at as a result of the vote.
  - (d) Votes shall be taken by show of hands, or by roll call, as in the opinion of the Chair, appears to be most suitable. The election of the Chair, Vice-Chair, the appointment of the Secretary of the Commission, and the selection of IWC Annual Meeting venues shall, upon request by a Commissioner, all proceed by secret ballot.
4. Between meetings of the Commission or in the case of emergency, a vote of the Commissioners may be taken by post, or other means of communication in which case the necessary simple, or where required three-fourths majority, shall be of the total number of Contracting Governments whose right to vote has not been suspended under paragraph 2.

#### F. Chair

1. The Chair of the Commission shall be elected from time to time from among the Commissioners and shall take office at the conclusion of the Annual Meeting at which he/she is elected. The Chair shall serve for a period of three years and shall not be eligible for re-election as Chair until a further period of three years has elapsed. The Chair shall, however, remain in office until a successor is elected.
2. The duties of the Chair shall be:
  - (a) to preside at all meetings of the Commission;
  - (b) to decide all questions of order raised at meetings of the Commission, subject to the right of any Commissioner to appeal against any ruling of the Chair;
  - (c) to call for votes and to announce the result of the vote to the Commission;
  - (d) to develop, with appropriate consultation, draft agenda for meetings of the Commission:
    - (i) for Annual Meetings:
      - in consultation with the Secretary, to develop a draft agenda based on decisions and recommendations made at the previous Annual Meeting for circulation to all Contracting Governments and Commissioners for review and comment not less than 100 days in advance of the meeting;
      - on the basis of comments and proposals received from Contracting Governments and Commissioners under d(i) above, to develop with the Secretary, an annotated provisional agenda for circulation to all Contracting Governments not less than 60 days in advance of the meeting;
    - (ii) for Special Meetings, the two-stage procedure described in (i) above will be followed whenever practicable, recognising that Rule of Procedure J.1 still applies with respect to any

item of business involving amendment of the Schedule or recommendations under Article VI of the Convention.

- (e) to sign, on behalf of the Commission, a report of the proceedings of each annual or other meeting of the Commission, for transmission to Contracting Governments and others concerned as an authoritative record of what transpired; and
- (f) generally, to make such decisions and give such directions to the Secretary as will ensure, especially in the interval between the meetings of the Commission, that the business of the Commission is carried out efficiently and in accordance with its decision.

#### **G. Vice-Chair**

1. The Vice-Chair of the Commission shall be elected from time to time from among the Commissioners and shall preside at meetings of the Commission, or between them, in the absence or in the event of the Chair being unable to act. He/she shall on those occasions exercise the powers and duties prescribed for the Chair. The Vice-Chair shall be elected for a period of three years and shall not be eligible for re-election as Vice-Chair until a further period of three years has elapsed. He/she shall, however, remain in office until a successor is elected.

#### **H. Secretary**

1. The Commission shall appoint a Secretary and shall designate staff positions to be filled through appointments made by the Secretary. The Commission shall fix the terms of employment, rate of remuneration including tax assessment and superannuation and travelling expenses for the members of the Secretariat.
2. The Secretary is the executive officer of the Commission and shall:
  - (a) be responsible to the Commission for the control and supervision of the staff and management of its office and for the receipt and disbursement of all monies received by the Commission;
  - (b) make arrangements for all meetings of the Commission and its committees and provide necessary secretarial assistance;
  - (c) prepare and submit to the Chair a draft of the Commission's budget for each year and shall subsequently submit the budget to all Contracting Governments and Commissioners as early as possible before the Annual Meeting;
  - (d) despatch by the most expeditious means available:
    - (i) a draft agenda for the Annual Commission Meeting to all Contracting Governments and Commissioners 100 days in advance of the meeting for comment and any additions with annotations they wish to propose;
    - (ii) an annotated provisional agenda to all Contracting Governments and Commissioners not less than 60 days in advance of the Annual Commission Meeting. Included in the annotations should be a brief description of each item, and in so far as possible, documentation relevant to agenda items should be referred to in the annotation and sent to member nations at the earliest possible date;

- (e) receive, tabulate and publish notifications and other information required by the Convention in such form and manner as may be prescribed by the Commission;
- (f) perform such other functions as may be assigned to him/her by the Commission or its Chair;
- (g) where appropriate, provide copies or availability to a copy of reports of the Commission including reports of Observers under the International Observer Scheme, upon request after such reports have been considered by the Commission.

#### **I. Chair of Scientific Committee**

1. The Chair of the Scientific Committee may attend meetings of the Commission and Technical Committee in an *ex officio* capacity without vote, at the invitation of the Chair of the Commission or Technical Committee respectively in order to represent the views of the Scientific Committee.

#### **J. Schedule amendments and recommendations under Article VI**

1. No item of business which involves amendment of the Schedule to the Convention, or recommendations under Article VI of the Convention, shall be the subject of decisive action by the Commission unless the subject matter has been included in the annotated provisional agenda circulated to the Commissioners at least 60 days in advance of the meeting at which the matter is to be discussed.

#### **K. Financial**

1. The financial year of the Commission shall be from 1<sup>st</sup> September to 31<sup>st</sup> August.
2. Any request to Contracting Governments for financial contributions shall be accompanied by a statement of the Commission's expenditure for the appropriate year, actual or estimated.
3. Annual payments and other financial contributions by Contracting Governments shall be made payable to the Commission and shall be in pounds sterling.

#### **L. Offices**

1. The seat of the Commission shall be located in the United Kingdom.

#### **M. Committees**

1. The Commission shall establish a Scientific Committee, a Technical Committee and a Finance and Administration Committee. Commissioners shall notify their desire to be represented on the Scientific, Technical and Finance and Administration Committees 28 days prior to the meetings, and shall designate the approximate size of their delegations.
2. The Chair may constitute such *ad hoc* committees as may be necessary from time to time, with similar arrangements for notification of the numbers of participants as in paragraph 1 above where appropriate. Each committee shall elect its Chair. The Secretary shall furnish appropriate secretarial services to each committee.
3. Sub-committees and working groups may be designated by the Commission to consider technical issues as appropriate, and each will report to the Technical Committee or the plenary session of the Commission as the Commission may decide.

4. The Scientific Committee shall review the current scientific and statistical information with respect to whales and whaling, shall review current scientific research programmes of Governments, other international organisations or of private organisations, shall review the scientific permits and scientific programmes for which Contracting Governments plan to issue scientific permits, shall consider such additional matters as may be referred to it by the Commission or by the Chair of the Commission, and shall submit reports and recommendations to the Commission.
5. The preliminary report of the Scientific Committee should be completed and available to all Commissioners by the opening date of the Annual Commission Meeting.
6. The Secretary shall be an *ex officio* member of the Scientific Committee without vote.
7. The Technical Committee shall, as directed by the Commission or the Chair of the Commission, prepare reports and make recommendations on:
  - (a) management principles, categories, criteria and definitions, taking into account the recommendations of the Scientific Committee, as a means of helping the Commission to deal with management issues as they arise;
  - (b) technical and practical options for implementation of conservation measures based on Scientific Committee advice;
  - (c) the implementation of decisions taken by the Commission through resolutions and through Schedule provisions;
  - (d) Commission agenda items assigned to it; and
  - (e) any other matters.
8. The Finance and Administration Committee shall advise the Commission on expenditure, budgets, scale of contributions, financial regulations, staff questions, and such other matters as the Commission may refer to it from time to time.
9. The Commission shall establish an Advisory Committee. This Committee shall comprise the Chair, Vice-Chair, Chair of the Finance and Administration Committee, Secretary and two Commissioners to broadly represent the interests within the IWC forum. The appointment of the Commissioners shall be for two years on alternative years.
 

The role of the Committee shall be to assist and advise the Secretariat on administrative matters upon request by the Secretariat or agreement in the Commission. The Committee is not a decision-making forum and shall not deal with policy matters or administrative matters that are within the scope of the Finance and Administration Committee other than making recommendations to this Committee.

#### **N. Language of the Commission**

1. English shall be the official and working language of the Commission but Commissioners may speak in any other language, if desired, it being understood that Commissioners doing so will provide their own interpreters. All official publications and communications of the Commission shall be in English.

#### **O. Records of Meetings**

1. The proceedings of the meetings of the Commission and those of its committees shall be recorded in summary form.

#### **P. Reports**

1. Commissioners should arrange for reports on the subject of whaling published in their own countries to be sent to the Commission for record purposes.
2. The Chair's Report of the most recent Annual Commission Meeting shall be published in the Annual Report of the year just completed.

#### **Q. Commission Documents**

1. Reports of meetings of all committees, sub-committees and working groups of the Commission are confidential (i.e. reporting of discussions, conclusions and recommendations made during a meeting is prohibited) until the opening plenary session of the Commission meeting to which they are submitted, or in the case of intersessional meetings, until after they have been dispatched by the Secretary to Contracting Governments and Commissioners. This applies equally to member governments and observers. Such reports, with the exception of the report of the Finance and Administration Committee, shall be distributed to Commissioners, Contracting Governments and accredited observers at the same time. Procedures applying to the Scientific Committee are contained in its Rules of Procedure E.5.(a) and E.5.(b).
2. Any document submitted to the Commission for distribution to Commissioners, Contracting Governments or members of the Scientific Committee is considered to be in the public domain unless it is designated by the author or government submitting it to be restricted<sup>1</sup>. Such restriction is automatically lifted when the report of the meeting to which it is submitted becomes publicly available under 1. above.
3. Observers admitted under Rule of Procedure C.1.(a) and (b) may submit Opening Statements which will be included in the official documentation of the Annual or other Meeting concerned. They shall be presented in the format and the quantities determined by the Secretariat for meeting documentation.
 

The content of the Opening Statements shall be relevant to matters under consideration by the Commission, and shall be in the form of views and comments made to the Commission in general rather than directed to any individual or group of Contracting Governments<sup>2</sup>.
4. All meeting documents shall be included in the Commission's archives in the form in which they were considered at the meeting.

#### **R. Amendment of Rules**

1. These Rules of Procedure may be amended from time to time by a simple majority of the Commissioners voting, but notice of any proposed amendment shall be despatched by the most expeditious means available to the Commissioners by the Secretary to the Commission not less than 60 days in advance of the meeting at which the matter is to be discussed.

<sup>1</sup> This does not prevent Contracting Governments from consulting as they see fit on such documents providing confidentiality is maintained as described in Rule of Procedure Q.1.

<sup>2</sup> [There is no intention that the Secretariat should conduct advance or *ex-ante* reviews of such statements.]

## Financial Regulations

### A. Applicability

1. These regulations shall govern the financial administration of the International Whaling Commission.
2. They shall become effective as from the date decided by the Commission and shall be read with and in addition to the Rules of Procedure. They may be amended in the same way as provided under Rule R.1 of the Rules of Procedure in respect of those Rules.
3. In case of doubt as to the interpretation and application of any of these regulations, the Chair is authorised to give a ruling.

### B. Financial Year

1. The financial year of the Commission shall be from 1<sup>st</sup> September to 31<sup>st</sup> August (Rules of Procedure, Rule K.1).

### C. General Financial Arrangements

1. There shall be established a Research Fund and a General Fund, and a Voluntary Fund for Small Cetaceans.
  - (a) The Research Fund shall be credited with voluntary contributions and any such monies as the Commission may allocate for research and scientific investigation and charged with specific expenditure of this nature.
  - (b) The General Fund shall, subject to the establishment of any other funds that the Commission may determine, be credited or charged with all other income and expenditure.
  - (c) The details of the Voluntary Fund for Small Cetaceans are given in Appendix 1.

The General Fund shall be credited or debited with the balance on the Commission's Income and Expenditure Account at the end of each financial year.
2. Subject to the restrictions and limitations of the following paragraphs, the Commission may accept funds from outside the regular contributions of Contracting Governments.
  - (a) The Commission may accept such funds to carry out programmes or activities decided upon by the Commission and/or to advance programmes and activities which are consistent with the objectives and provisions of the Convention.
  - (b) The Commission shall not accept external funds from any of the following:
    - (i) sources that are known, through evidence available to the Commission, to have been involved in illegal activities, or activities contrary to the provisions of the Convention;
    - (ii) individual companies directly involved in legal commercial whaling under the Convention;
    - (iii) organisations which have deliberately brought the Commission into public disrepute.
3. Monies in any of the Funds that are not expected to be required for disbursement within a reasonable period may be invested in appropriate Government or similar loans by the Secretary in consultation with the Chair.

### 4. The Secretary shall:

- (a) establish detailed financial procedures and accounting records as are necessary to ensure effective financial administration and control and the exercise of economy;
  - (b) deposit and maintain the funds of the Commission in an account in the name of the Commission in a bank to be approved by the Chair;
  - (c) cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or goods have been received, and that payment has not previously been made;
  - (d) designate the officers of the Secretariat who may receive monies, incur obligations and make payments on behalf of the Commission;
  - (e) authorise the writing off of losses of cash, stores and other assets and submit a statement of such amounts written off to the Commission and the auditors with the annual accounts.
5. The accounts of the Commission shall be audited annually by a firm of qualified accountants selected by the Commission. The auditors shall certify that the financial statements are in accord with the books and records of the Commission, that the financial transactions reflected in them have been in accordance with the rules and regulations and that the monies on deposit and in hand have been verified.

### D. Yearly Statements

1. At each Annual Meeting, there shall be laid before the Commission two financial statements:
  - (a) a provisional statement dealing with the actual and estimated expenditure and income in respect of the current financial year;
  - (b) the budget estimate of expenditure and income for the ensuing year including the estimated amount of the individual annual payment to be requested of each Contracting Government.

Expenditure and income shall be shown under appropriate sub-heads accompanied by such explanations as the Commission may determine.
2. The two financial statements identified in Regulation D.1 shall be despatched by the most expeditious means available to each Contracting Government and each Commissioner not less than 60 days in advance of the Annual Commission Meeting. They shall require the Commission's approval after having been referred to the Finance and Administration Committee for consideration and recommendations. A copy of the final accounts shall be sent to all Contracting Governments after they have been audited.
3. Supplementary estimates may be submitted to the Commission, as and when may be deemed necessary, in a form consistent with the Annual Estimates. Any supplementary estimate shall require the approval of the Commission after being referred to the Finance and Administration Committee for consideration and recommendation.



**E. Contributions**

1. As soon as the Commission has approved the budget for any year, the Secretary shall send a copy thereof to each Contracting Government (in compliance with Rules of Procedure, Rule K.2), and shall request it to remit its annual payment.
2. Payment shall be in pounds sterling, drafts being made payable to the International Whaling Commission and shall be payable within 90 days of the said request from the Secretary or by the following 28 February, the "due date" whichever is the later. It shall be open to any Contracting Government to postpone the payment of any increased portion of the amount which shall be payable in full by the following 31 August, which then becomes the "due date".
3. New Contracting Governments whose adherence to the Convention becomes effective during the first six months of any financial year shall be liable to pay the full amount of the annual payment for that year, but only half that amount if their adherence falls within the second half of the financial year. The due date for the first payment by new Contracting Governments shall be defined as 6 months from the date of adherence to the Convention or before the first day of its participation in any Annual or Special Meeting of the Commission whichever is the earlier.  
Subsequent annual payments shall be paid in accordance with Financial Regulation E.2.
4. The Secretary shall report at each Annual Meeting the position as regards the collection of annual payments.

**F. Arrears of Contributions<sup>3</sup>**

1. If a Contracting Government's annual payments have not been received by the Commission by the due date referred to under Regulation E.2. a penalty charge of 10% shall be added to the outstanding annual payment on the day following the due date. If the payment remains outstanding for a further 12 months compound interest shall be added on the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the base rate quoted by the Commission's bankers on the day. The interest, calculated to the nearest pound, shall be payable in respect of complete years and continue to be payable in respect of any outstanding balance until such time as the amount in arrears, including interest, is settled in full.
2. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission within 3 months of the due date or by the day before the first day of the next Annual or Special Meeting of the Commission following the due date, or, in the case of a vote by postal or other means, by the date upon which votes must be received, whichever date occurs first, the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2 of the Rules of Procedure.

3. Any interest paid by a Contracting Government to the Commission in respect of late payments shall be credited to the General Fund.
4. Any payment to the Commission by a Contracting Government in arrears with annual payments shall be used to pay off debts to the Commission, including interest due, in the order in which they were incurred.
5. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission in respect of a period of 3 financial years;
  - (a) no further annual contribution will be charged;
  - (b) interest will continue to be applied annually in accordance with Financial Regulation F.1.;
  - (c) the provisions of this Regulation apply to the Contracting Government for as long as the provisions of Financial Regulations F.1. and F.2. remain in effect for that Government;
  - (d) the Contracting Government concerned will be entitled to attend meetings on payment of a fee per delegate at the same level as Non-Member Government observers;
  - (e) the provisions of this Regulation and of Financial Regulations F.1. and F.2. will cease to have effect for a Contracting Government if it makes a payment of 2 years outstanding contributions and provides an undertaking to pay the balance of arrears and the interest within a further 2 years;
  - (f) interest applied to arrears in accordance with this Regulation will accrue indefinitely except that, if a Government withdraws from the Convention, no further charges shall accrue after the date upon which the withdrawal takes effect.
6. Unless the Commission decides otherwise, a Government which adheres to the Convention without having paid to the Commission any financial obligations incurred prior to its adherence shall, with effect from the date of adherence, be subject to all the penalties prescribed by the Rules of Procedure and Financial Regulations relating to arrears of financial contributions and interest thereon. The penalties shall remain in force until the arrears, including any newly-charged interest, have been paid in full.

**Appendix 1****VOLUNTARY FUND FOR SMALL CETACEANS***Purpose*

The Commission decided at its 46<sup>th</sup> Annual Meeting in 1994 to establish an IWC voluntary fund to allow for the participation from developing countries in future small cetacean work and requested the Secretary to make arrangements for the creation of such a fund whereby contributions in cash and in kind can be registered and utilised by the Commission.

*Contributions*

The Commission has called on Contracting Governments and non-contracting Governments, intergovernmental organisations and other entities as appropriate, in particular those most interested in scientific research on small cetaceans, to contribute to the IWC voluntary fund for small cetaceans.

<sup>3</sup> For the purposes of the Financial Regulations the expression 'received by the Commission' means either (1) that confirmation has been received from the Commission's bankers that the correct amount has been credited to the Commission's account or (2) that the Secretariat has in its possession cash, or bankers draft/international money order of the correct value.

Acceptance of contributions from entities other than Governments will be subject to the Commission's procedures for voluntary contributions. Where funds or support in kind are to be made available through the Voluntary Fund, the donation will be registered and administered by the Secretariat in accordance with Commission procedures.

The Secretariat will notify all members of the Commission on receipt of such voluntary contributions.

Where expenditure is incurred using these voluntary funds the Secretariat will inform the donors of their utilisation.

#### *Distribution of Funds*

1. Recognising that there are differences of view on the legal competence of the Commission in relation to small cetaceans, but aware of the need to promote the development of increased participation by developing countries, the following primary forms of disbursement will be supported in accordance with the purpose of the Voluntary Fund:
  - (a) provision of support for attendance of invited participants at meetings of the Scientific Committee;
  - (b) provision of support for research in areas, species or populations or research methodology in small cetacean work identified as of direct interest or

- priority in the advice provided by the Scientific Committee to the Commission;
    - (c) other small cetacean work in developing countries that may be identified from time to time by the Commission and in consultation with intergovernmental agencies as requiring, or likely to benefit from support through the Fund.
2. Where expenditure is proposed in support of invited participants, the following will apply:
  - (a) invited participants will be selected through consultation between the Chair of the Scientific Committee, the Convenor of the appropriate sub-committee and the Secretary;
  - (b) the government of the country where the scientists work will be advised of the invitation and asked if it can provide financial support.
3. Where expenditure involves research activity, the following will apply:
  - (a) the normal procedures for review of proposals and recommendations by the Scientific Committee will be followed;
  - (b) appropriate procedures for reporting of progress and outcomes will be applied and the work reviewed;
  - (c) the Secretariat shall solicit the involvement, as appropriate, of governments in the regions where the research activity is undertaken.

## Rules of Debate

### A. Right to Speak

1. The Chair shall call upon speakers in the order in which they signify their desire to speak.
2. A Commissioner or Observer may speak only if called upon by the Chair, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
3. A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Chair, give way during his/her speech to allow any other Commissioner to request elucidation on a particular point in that speech.
4. The Chair of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by his/her committee or group.

### B. Submission of Motions

1. Proposals and amendments shall normally be introduced in writing in the working language of the meeting and shall be submitted to the Secretariat which shall circulate copies to all delegations in the session. As a general rule, no proposal shall be discussed at any plenary session unless copies of it have been circulated to all delegations normally no later than 6pm, or earlier if so determined by the Chair in consultation with the Commissioners, on the day preceding the plenary session. The presiding officer may, however, permit the discussion and consideration of amendments, or motions, as to procedure, even though such amendments, or motions have not been circulated previously.

### C. Procedural Motions

1. During the discussion of any matter, a Commissioner may rise to a point of order, and the point of order shall be immediately decided by the Chair in accordance with these Rules of Procedure. A Commissioner may appeal against any ruling of the Chair. The appeal shall be immediately put to the vote and the question voted upon shall be stated as: Shall the decision of the Chair be overturned? The Chair's ruling shall stand unless a majority of the Commissioners present and voting otherwise decide. A Commissioner rising to a point of order may not speak on the substance of the matter under discussion.
2. The following motions shall have precedence in the following order over all other proposals or motions before the Commission:
  - (a) to adjourn the session;
  - (b) to adjourn the debate on the particular subject or question under discussion; and
  - (c) to close the debate on the particular subject or question under discussion.

### D. Arrangements for Debate

1. The Commission may, in a proposal by the Chair or by a Commissioner, limit the time to be allowed to each speaker and the number of times the members of a delegation may speak on any question. When the debate is subject to such limits, and a speaker has

spoken for his allotted time, the Chair shall call him/her to order without delay.

2. During the course of a debate the Chair may announce the list of speakers, and with the consent of the Commission, declare the list closed. The Chair may, however, accord the right of reply to any Commissioner if a speech delivered after he/she has declared the list closed makes this desirable.
3. During the discussion of any matter, a Commissioner may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Commissioner may speak in favour of, and two Commissioners may speak against the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.
4. A Commissioner may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other Commissioner has signified the wish to speak. Permission to speak on the motion for the closure of the debate shall be accorded only to two Commissioners wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

### E. Procedure for Voting on Motions and Amendments

1. A Commissioner may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request of such division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be accorded only to two Commissioners wishing to speak in favour of, and two Commissioners wishing to speak against, the motion. If the motion for division is carried, those parts of the proposal or amendments which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.
2. When the amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Commission shall first vote on the last amendment moved and then on the next to last, and so on until all amendments have been put to the vote. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.
3. If two or more proposals relate to the same question, the Commission shall, unless it otherwise decides, vote on the proposals in the order in which they have been submitted. The Commission may, after voting on a proposal, decide whether to vote on the next proposal.

## Rules of Procedure of the Technical Committee

### A. Participation

1. Membership shall consist of those member nations that elect to be represented on the Technical Committee. Delegations shall consist of Commissioners, or their nominees, who may be accompanied by technical experts.
2. The Secretary of the Commission or a deputy shall be an *ex officio* non-voting member of the Committee.
3. Observers may attend Committee meetings in accordance with the Rules of the Commission.

### B. Organisation

1. Normally the Vice-Chair of the Commission is the Chair of the Technical Committee. Otherwise the Chair shall be elected from among the members of the Committee.
2. A provisional agenda for the Technical Committee and each sub-committee and working group shall be prepared by the Technical Committee Chair with the assistance of the Secretary. After agreement by the Chair of the Commission they shall be distributed to Commissioners 30 days in advance of the Annual Meeting.

### C. Meetings

1. The Annual Meeting shall be held between the Scientific Committee and Commission meetings with reasonable overlap of meetings as appropriate to agenda requirements. Special meetings may be held as agreed by the Commission or the Chair of the Commission.
2. Rules of conduct for observers shall conform with rules established by the Commission for meetings of all committees and plenary sessions.

### D. Reports

1. Reports and recommendations shall, as far as possible, be developed on the basis of consensus. However, if a consensus is not achievable, the committee, sub-committee or working group shall report the different views expressed. The Chair or any national delegation may request a vote on any issue. Resulting recommendations shall be based on a simple majority of those nations casting an affirmative or negative vote.
2. Documents on which recommendations are based should be available on demand immediately following each committee, sub-committee or working group meeting.
3. Technical papers produced for the Commission may be reviewed by the Committee for publication by the Commission.

# Rules of Procedure of the Scientific Committee

## TERMS OF REFERENCE

The Scientific Committee, established in accordance with the Commission's Rule of Procedure M.1, has the general terms of reference defined in Rule of Procedure M.4.

In this regard, the DUTIES of the Scientific Committee, can be seen as a progression from the scientific investigation of whales and their environment, leading to assessment of the status of the whale stocks and the impact of catches upon them, and then to provision of management advice on the regulation of whaling. This can be defined in the following terms for the Scientific Committee to:

- Encourage, recommend, or if necessary, organise studies and investigations related to whales and whaling [Convention Article IV.1(a)]
- Collect and analyse statistical information concerning the current condition and trend of whale stocks and the effects of whaling activities on them [Article IV.1 (b)]
- Study, appraise, and disseminate information concerning methods of maintaining and increasing the population of whale stocks [Article IV.1 (c)]
- Provide scientific findings on which amendments to the Schedule shall be based to carry out the objectives of the Convention and to provide for the conservation, development and optimum utilization of the whale resources [Article V.2 (a) and (b)]
- Publish reports of its activities and findings [Article IV.2]

In addition, specific FUNCTIONS of the Scientific Committee are to:

- Receive, review and comment on Special Permits issued for scientific research [Article VIII.3 and Schedule paragraph 30]
- Review research programmes of Contracting Governments and other bodies [Rule of Procedure M.4]

SPECIFIC TOPICS of current concern to the Commission include:

- Comprehensive Assessment of whale stocks [*Rep. int. Whal. Commn* 34:30]
- Implementation of the Revised Management Procedure [*Rep. int. Whal. Commn* 45:43]
- Assessment of stocks subject to aboriginal subsistence whaling [Schedule paragraph 13(b)]
- Development of the Aboriginal Subsistence Whaling Management Procedure [*Rep. int. Whal. Commn* 45:42-3]
- Effects of environmental change on cetaceans [*Rep. int. Whal. Commn* 43:39-40; 44:35; 45:49]
- Scientific aspects of whale sanctuaries [*Rep. int. Whal. Commn* 33:21-2; 45:63]
- Scientific aspects of small cetaceans [*Rep. int. Whal. Commn* 41:48; 42:48; 43:51; 45:41]
- Scientific aspects of whalewatching [*Rep. int. Whal. Commn* 45:49-50]

## A. Membership and Observers

1. The Scientific Committee shall be composed of scientists nominated by the Commissioner of each Contracting Government which indicates that it wishes to be represented on that Committee. Commissioners shall identify the head of delegation and any alternate(s) when making nominations to the Scientific Committee. The Secretary of the Commission and relevant members of the Secretariat shall be *ex-officio* non-voting members of the Scientific Committee.
2. The Scientific Committee recognises that representatives of Inter-Governmental Organisations with particular relevance to the work of the Scientific Committee may also participate as non-voting members, subject to the agreement of the Chair of the Committee acting according to such policy as the Commission may decide.
3. Further to paragraph 2 above the World Conservation Union (IUCN) shall have similar status in the Scientific Committee.
4. Non-member governments may be represented by observers at meetings of the Scientific Committee, subject to the arrangements given in Rule C.1(a) of the Commission's Rules of Procedure.
5. Any other international organisation sending an accredited observer to a meeting of the Commission may nominate a scientifically qualified observer to be present at meetings of the Scientific Committee. Any such nomination must reach the Secretary not less than 60 days before the start of the meeting in question and must specify the scientific qualifications and relevant experience of the nominee. The Chair of the Scientific Committee shall decide upon the acceptability of any nomination but may reject it only after consultation with the Chair and Vice-Chair of the Commission. Observers admitted under this rule shall not participate in discussions but the papers and documents of the Scientific Committee shall be made available to them at the same time as to members of the Committee.
6. The Chair of the Committee, acting according to such policy as the Commission or the Scientific Committee may decide, may invite qualified scientists not nominated by a Commissioner to participate by invitation or otherwise in committee meetings as non-voting contributors. They may present and discuss documents and papers for consideration by the Scientific Committee, participate on sub-committees, and they shall receive all Committee documents and papers.
  - (a) Convenors will submit suggestions for Invited Participants (including the period of time they would like them to attend) to the Chair (copied to the Secretariat) not less than four months before the meeting in question. The Convenors will base their suggestions on the priorities and initial agenda identified by the Committee and Commission at the previous meeting. The Chair may also consider offers from suitably qualified scientists to contribute to priority items on the Committee's agenda if they submit such an offer to the Secretariat not less than four months before the meeting in question, providing information on the contribution they believe that they can make. Within two weeks of this, the Chair, in consultation with the Convenors and Secretariat, will develop a list of invitees.
  - (b) The Secretary will then promptly issue a letter of invitation to those potential Invited Participants suggested by the Chair and Convenors. That letter will state that there may be financial support available, although invitees will be encouraged to find their own support. Invitees who wish to be considered for travel and subsistence will be asked to submit an estimated airfare (incl. travel to and

from the airport) to the Secretariat, within 2 weeks. Under certain circumstances (e.g. the absence of a potential participant from their institute), the Secretariat will determine the likely airfare.

At the same time as (b) a letter will be sent to the government of the country where the scientist is domiciled for the primary purpose of enquiring whether that Government would be prepared to pay for the scientist's participation. If it is, the scientist is no longer an Invited Participant but becomes a national delegate.

- (c) At least three months before the meeting, the Secretariat will supply the Chair with a list of participants and the estimated expenditure for each, based on (1) the estimated airfare, (2) the period of time the Chair has indicated the IP should be present and (3) a daily subsistence rate based on the actual cost of the hotel deemed most suitable by the Secretary and Chair<sup>4</sup>, plus an appropriate daily allowance.

At the same time as (c) a provisional list of the proposed Invited Participants will be circulated to Commissioners, with a final list attached to the Report of the Scientific Committee.

- (d) The Chair will review the estimated total cost for all suggested participants against the money available in the Commission's budget. Should there be insufficient funds, the Chair, in consultation with the Secretariat and Convenors where necessary, will decide on the basis of the identified priorities, which participants should be offered financial support and the period of the meeting for which that support will be provided. Invited Participants without IWC support, and those not supported for the full period, may attend the remainder of the meeting at their own expense.
- (e) At least two months before the meeting, the Secretary will send out formal confirmation of the invitations to all the selected scientists, in accordance with the Commission's Guidelines, indicating where appropriate that financial support will be given and the nature of that support.
- (f) In exceptional circumstances, the Chair, in consultation with the Convenors and Secretariat, may waive the above time restrictions.
- (g) The letter of invitation to Invited Participants will include the following ideas:

Under the Committee's Rules of Procedure, Invited Participants may present and discuss papers, and participate in meetings (including those of subgroups). They are entitled to receive all Committee documents and papers. They may participate fully in discussions pertaining to their area of expertise. However, discussions of Scientific Committee procedures and policies are in principle limited to Committee members nominated by member governments. Such issues will be identified by the Chair of the Committee during discussions. Invited Participants are also urged to use their

discretion as regards their involvement in the formulation of potentially controversial recommendations to the Commission; the Chair may at his/her discretion rule them out of order.

- (h) After an Invited Participant has his/her participation confirmed through the procedures set up above, a Contracting Government may grant this person national delegate status, thereby entitling him/her to full participation in Committee proceedings, without prejudice to funding arrangements previously agreed upon to support the attendance of the scientist in question.
7. A small number of interested local scientists may be permitted to observe at meetings of the Scientific Committee on application to, and at the discretion of, the Chair. Such scientists should be connected with the local Universities, other scientific institutions or organisations, and should provide the Chair with a note of their scientific qualifications and relevant experience at the time of their application.

## B. Agenda

1. The initial agenda for the Committee meeting of the following year shall be developed by the Committee prior to adjournment each year. The agenda should identify, as far as possible, key issues to be discussed at the next meeting and specific papers on issues should be requested by the Committee as appropriate.
2. The provisional agenda for the Committee meeting shall be circulated for comment 60 days prior to the Annual Meeting of the Committee. Comments will normally be considered for incorporation into the draft agenda presented to the opening plenary only if received by the Chair 21 days prior to the beginning of the Annual Meeting.

## C. Organisation

1. The Scientific Committee shall include standing sub-committees and working groups by area or species, or other subject, and a standing sub-committee on small cetaceans. The Committee shall decide at each meeting on sub-committees for the coming year.
2. The sub-committees and working groups shall prepare the basic documents on the identification, status and trends of stocks, including biological parameters, and related matters as necessary, for the early consideration of the full Committee.
3. The sub-committees, except for the sub-committee on small cetaceans, shall concentrate their efforts on stocks of large cetaceans, particularly those which are currently exploited or for which exploitation is under consideration, or for which there is concern over their status, but they may examine matters relevant to all cetaceans where appropriate.
4. The Chair may appoint other sub-committees as appropriate.
5. The Committee shall elect from among its members a Chair and Vice-Chair who will normally serve for a period of three years. They shall take office at the conclusion of the annual meeting at which they are elected. The Vice-Chair shall act for the Chair in his/her absence.

<sup>4</sup> [Invited participants who choose to stay at a cheaper hotel will receive the actual rate for their hotel plus the same daily allowance.]

The election process shall be undertaken by the heads of national delegations who shall consult widely before nominating candidates. The Vice-Chair will become Chair at the end of his/her term (unless he/she declines), and a new Vice-Chair will then be elected. If the Vice-Chair declines to become Chair, then a new Chair must also be elected. If the election of the Chair or Vice-Chair is not by consensus, a vote shall be conducted by the Secretary and verified by the current Chair. A simple majority shall be decisive. In cases where a vote is tied, the Chair shall have the casting vote. If requested by a head of delegation, the vote shall proceed by secret ballot. In these circumstances, the results shall only be reported in terms of which nominee received the most votes, and the vote counts shall not be reported or retained.

#### D. Meetings

1. Meetings of the Scientific Committee as used in these rules include all meetings of subgroups of the Committee, e.g. sub-committees, working groups, workshops, etc.
2. The Scientific Committee shall meet prior to the Annual Meeting of the Commission. Special meetings of the Scientific Committee or its subgroups may be held as agreed by the Commission or the Chair of the Commission.
3. The Scientific Committee will organise its work in accordance with a schedule determined by the Chair with the advice of a group comprising sub-committee/working group chairs and relevant members of the Secretariat.

#### E. Scientific Papers and Documents

The following documents and papers will be considered by the Scientific Committee for discussion and inclusion in its report to the Commission:

1. Progress Reports. Each nation having information on the biology of cetaceans, cetacean research, the taking of cetaceans, or other matters it deems appropriate should prepare a brief progress report following in the format agreed by the Committee.
2. Special Reports. The Committee may request special reports as necessary on matters to be considered by the Committee for the following year.
3. Sub-committee Reports. Reports of the sub-committees or working groups shall be included as annexes to the Report to the Commission. Recommendations contained therein shall be subject to modification by the full Committee before inclusion in its Report.
4. Scientific and Working Papers.
  - (a) Any scientist may submit a scientific paper for consideration by the Committee. The format and submission procedure shall be in accordance with guidelines established by the Secretariat with the concurrence of the Committee. Papers published elsewhere may be distributed to Committee members for information as relevant to specific topics under consideration.
  - (b) Scientific papers will be considered for discussion and inclusion in the papers of the Committee only if the paper is received by the Secretariat on or by the first day of the annual Committee meeting, intersessional meeting or any sub-group.

Exceptions to this rule can be granted by the Chair of the Committee where there are exceptional extenuating circumstances.

- (c) Working papers will be distributed for discussion only if prior permission is given by the Chair of the committee or relevant sub-group. They will be archived only if they are appended to the meeting report.
  - (d) The Scientific Committee may receive and consider unpublished scientific documents from non-members of the Committee (including observers) and may invite them to introduce their documents at a meeting of the Committee provided that they are received under the same conditions (with regard to timing etc.) that apply to members.
5. Publication of Scientific Papers and Reports.
- (a) Scientific papers and reports considered by the Committee that are not already published shall be included in the Commission's archives in the form in which they were considered by the Committee or its sub-committees. Papers submitted to meetings shall be available on request at the same time as the report of the meeting concerned (see (b) below).
  - (b) The report of the Annual Meeting of the Scientific Committee shall be distributed to the Commission no later than the beginning of the opening plenary of the Annual Commission Meeting and is confidential until this time.

Reports of intersessional Workshops or Special Committee Meetings are confidential until they have been dispatched by the Secretary to the full Committee, Commissioners and Contracting Governments.

Reports of intersessional Steering Groups or Sub-committees are confidential until they have been discussed by the Scientific Committee, normally at an Annual Meeting.

In this context, 'confidential' means that reporting of discussions, conclusions and recommendations is prohibited. This applies equally to Scientific Committee members, invited participants and observers. Reports shall be distributed to Commissioners, Contracting Governments and accredited observers at the same time.

The Scientific Committee should identify the category of any intersessional meetings at the time they are recommended.

- (c) Scientific papers and reports (revised as necessary) may be considered for publication by the Commission. Papers shall be subject to peer review before publication. Papers submitted shall follow the Guidelines for Authors published by the Commission.

#### F. Review of Scientific Permits

1. When proposed scientific permits are sent to the Secretariat before they are issued by national governments the Scientific Committee shall review the scientific aspects of the proposed research at its annual meeting, or during a special meeting called for that purpose and comment on them to the Commission.

2. The review process shall take into account guidelines issued by the Commission.
  3. The proposed permits and supporting documents should include specifics as to the objectives of the research, number, sex, size, and stock of the animals to be taken, opportunities for participation in the research by scientists of other nations, and the possible effect on conservation of the stock resulting from granting the permits.
  4. Preliminary results of any research resulting from the permits should be made available for the next meeting of the Scientific Committee as part of the national progress report or as a special report, paper or series of papers.
3. Information neither required nor requested under the Schedule but which has been or might be made available to the Commission on a voluntary basis.  
This information is of a substantially different status from the previous two types. It can be further divided into two categories:
    - (a) Information collected under International Schemes.
      - (i) Data from the IWC sponsored projects.
      - (ii) Data from the International Marking Scheme.
      - (iii) Data obtained from international collaborative activities which are offered by the sponsors and accepted as contributions to the Comprehensive Assessment, or proposed by the Scientific Committee itself.

Information collected as the result of IWC sponsored activities and/or on a collaborative basis with other organisations, governments, institutions or individuals is available within those contributing bodies either immediately, or, after mutual agreement between the IWC and the relevant body/person, after a suitable time interval to allow 'first use' rights to the primary contributors.
    - (b) Information collected under national programmes, or other than in (a).  
Information in this category is likely to be provided by governments under special conditions and would hence be subject to some degree of restriction of access. This information can only be held under the following conditions:
      - (i) A minimum level of access should be that such data could be used by accredited persons during the Scientific Committee meetings using validated techniques or methods agreed by the Scientific Committee. After the meeting, at the request of the Scientific Committee, such data could be accessed by the Secretariat for use with previously specified techniques or validated programs. Information thus made available to accredited persons should not be passed on to third parties but governments might be asked to consider making such records more widely available or accessible.
      - (ii) The restrictions should be specified at the time the information is provided and these should be the only restrictions.
      - (iii) Restrictions on access should not discriminate amongst accredited persons.
      - (iv) All information held should be documented (i.e. described) so that accredited persons know what is held, along with stated restrictions on the access to it and the procedures needed to obtain permission for access.

### G. Financial Support for Research Proposals

1. The Scientific Committee shall identify research needs.
2. It shall consider unsolicited research proposals seeking financial support from the Commission to address these needs. A sub-committee shall be established to review and rank research proposals received 4 months in advance of the Annual Meeting and shall make recommendations to the full Committee.
3. The Scientific Committee shall recommend in priority order those research proposals for Commission financial support as it judges best meet its objectives.

### H. Availability of data

The Scientific Committee shall work with the Secretariat to ensure that catch and scientific data that the Commission holds are archived and accessible using modern computer data handling techniques. Access to such data shall be subject to the following rules.

1. Information identified in Section VI of the Schedule that shall be notified or forwarded to the IWC or other body designated under Article VII of the Convention.  
This information is available on request through the Secretariat to any interested persons with a legitimate claim relative to the aims and purposes of the Convention<sup>5</sup>.
2. Information and reports provided where possible under Section VI of the Schedule.

When such information is forwarded to the IWC a covering letter should make it clear that the information or report is being made available, and it should identify the pertinent Schedule paragraph under which the information or report is being submitted.

Information made available to the IWC under this provision is accessible to accredited persons as defined under 4. below, and additionally to other interested persons subject to the agreement of the government submitting the information or report.

Such information already held by the Commission is not regarded as having been forwarded until such clarification of its status is received from the government concerned.

<sup>5</sup> [The Government of Norway notes that for reasons of domestic legislation it is only able to agree that data it provides under this paragraph are made available to accredited persons.]

### 4. Accredited persons

Accredited persons are those scientists defined under sections A.1, 2, 3 and 6 of the Rules of Procedure of the Scientific Committee. Invited participants are also considered as 'accredited' during the intersessional period following the meeting which they attend.





The International Whaling Commission  
The Red House, 135 Station Road, Impington, Cambridge CB24 9NP UK  
Tel: +44 (0)1223 233971 Fax: +44 (0)1223 232876  
Subscriptions e-mail: [subscriptions@iwcoffice.org](mailto:subscriptions@iwcoffice.org)  
Web page: <http://www.iwcoffice.org>