

IWC/62/OS Member Governments

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INTERNATIONAL WHALING COMMISSION
62 ANNUAL MEETING
Agadir, Morocco, 21-25 June 2010

OPENING STATEMENT OF THE MEMBERS OF THE BUENOS AIRES GROUP
ATTENDING THE 62 IWC MEETING (ARGENTINA, BRASIL, CHILE, COSTA RICA, ECUADOR,
MÉXICO, PANAMÁ, PERÚ, URUGUAY)

We would like to express our appreciation to the Kingdom of Morocco and its people for hosting the 62 Annual Meeting of the International Whaling Commission.

The Buenos Aires Group participates constructively and with optimism in the negotiations on the Future of the International Whaling Commission, as it is convinced that an open dialogue that puts aside confrontations constitutes the best tool for achieving common goals. In this regard, the Group appreciates the cooperation of all delegations and the opportunity to exchange views in an open and franc manner that has prevailed throughout this process and that has led to the presentation of document IWC/62/7rev. The document provides some elements that the Buenos Aires Group agrees with and reflects the progress made in areas related to governance, cooperation among countries, surveillance and control measures, recognition of environmental problems that affect cetaceans, recovery of threatened stocks through collective efforts, and promotion of a wider participation of researchers from developing countries as well as of civil society and intergovernmental organizations.

However, the document presents imbalances that make it inappropriate to constitute the basis for consensus. In particular, it weakens the moratorium, it prevents the development of an international market for whale meat and its by-products, it allocates *ad hoc* quotas without an RMP, it legitimizes scientific whaling precisely in the Southern Ocean Sanctuary, it does not significantly reduce the number of whales being hunted, it allows the catch of endangered and severely depleted species, and it also proposes that the costs of monitoring and control (observers, inspections, surveillance) of whale catches be paid by all Members.

On the other hand, there is only the promise that in the future matters that are fundamental for other Group, such as the amendment of Article V (whaling under objection) and of Article VIII (scientific whaling) of the Convention may be discussed.

In sum, for the Buenos Aires Group, this approach proposed in the document does not satisfy the interests of the countries that it represents.

For the Buenos Aires Group there is the priority to amend the Convention in order to strengthen the objectives and principles that reflect the interest of most IWC Member States to favor the conservation and non-lethal use of whales. To reach such objective, a satisfactory solution must contain the following elements:

- 1- The gradual elimination of all types of whaling in IWC sanctuaries, at the end of the interim period, after which, the prohibition of whaling shall become permanent, and countries shall commit not to allocate themselves quotas under objection or reservation.
- 2- No catch quotas should be allocated for stocks and species that are endangered, severely depleted, and that have not recovered to pre-exploitation levels, or stocks for which no sufficient scientific information is available pending the recommendation of the Scientific Committee.
- 3- The creation of a South Atlantic Ocean Sanctuary for whales, in international waters, as well as in jurisdictional waters of countries that so decide, as provided for in Paragraph 48 of document IWC/62/rev7.
- 4- A express commitment from the Parties to reform Articles V (whaling under objection) and VIII (scientific whaling), in order for their application and interpretation not to go against the fundamental principles of protection and conservation of whales that inspired the adoption of the Convention.
- 5- The implementation of a surveillance and monitoring system that is impartial, transparent and efficient, under IWC control, that includes international observers, vessel inspection and monitoring (VMS), DNA registry and market sampling.
- 6- The costs involved in the monitoring and surveillance system of all whaling operations under IWC control must be paid for entirely by the countries that benefit from the extraction of the resource.
- 7- Additionally, mechanisms and a schedule should be put in place for the Commission to be able to evaluate and analyze other threats that affect cetaceans (such as those derived from climate change, by-catch, ship strikes, emergent diseases, and chemical and acoustic pollution).
- 8- The current scheme of Annual meetings of the Commission should remain until the effective implementation of the interim agreements takes place.
- 9- Favor a wider participation of researchers of developing countries in the Scientific Committee.
- 10- Ensure the participation of civil society, and observers of governmental and non-governmental organizations in the debates on the future of the IWC.

The Buenos Aires Group recognizes the important achievements that the IWC has made since the 1980s, the most important of which is the implementation of the moratorium that has allowed for the recovery of stocks that were overexploited. More recently, the work carried out by the Scientific Committee and the Conservation Committee should be highlighted, in matters that include management procedures, ship strikes, evaluation of the effects of climate change on cetaceans,

emergent diseases, chemical and acoustic pollution, whale and small cetacean watching, among many other.

These achievements are far from being all the challenges faced by the IWC in a process in which it plays a fundamental role. In order to improve its efficiency in these matters, the Buenos Aires Group favors separating the meeting of the Scientific Committee from the Annual Meeting of the Commission with an aim to improving and facilitating the availability of information, in particular for countries that cannot provide for the participation of their researchers in the Committee.

Additionally, the Buenos Aires Group firmly supports the development and strengthening of the agenda of the Conservation Committee (whale and small cetacean watching, ship strikes, management and conservation plans for endangered species, climate change).

It is crucial to continue working with the aim of providing for more transparency in the decision making process of IWC.

These activities where the IWC has been, and continues to be, of major importance must continue, even if no consensus regarding Item 3 of Agenda can be reached in the current meeting.

In this regard, the Buenos Aires Group renews its willingness to continue working with all involved Parties in favor of the negotiation process and of the conservation agenda that the IWC and its Committees have been promoting.



Australian Government

**62nd Annual Meeting of the International Whaling Commission
June 2010, Agadir, Morocco
Opening Statement by Australia**

The Australian Government is pleased to submit the following opening statement on the future of the IWC.

We thank the Kingdom of Morocco for hosting this meeting.

The International Whaling Commission is meeting here in Agadir at a time of both challenges and opportunities for our organisation.

All contracting parties are aware of the challenges involved in achieving consensus at this time on the Future of the IWC, but both this process in itself and some of the results it has produced demonstrate the opportunity to address our differences in a proper, cordial and respectful way and to find common ground in the process. We are all aware of the challenge facing the image of our organisation and yet we have the opportunity to pursue best practice in our organisation and to refurbish our image.

And in recognising the challenges faced by the IWC the trap of a negative mindset must be avoided. This would ignore the excellent work which is done in science and conservation – and the opportunity to do more.

So while it has become almost commonplace in some quarters to say that the IWC is dysfunctional and on the verge of collapse, Australia does not share that view. The IWC stands as the primary international body with the responsibility to conserve and manage cetaceans.

But the fact remains that today around 1,600 whales are killed annually despite the international moratorium on commercial whaling. Around 900 of those are killed in the name of scientific research in what is in reality just a large scale whaling program which uses science as a pretext. This is clearly an unsatisfactory state of affairs and it is time for change; time for resolution, time for the organisation to come into the 21st Century.

In fact Australia believes there is now the opportunity to build on the successes of the past to bring the IWC into line with modern conservation focussed international organisations, capable of effectively addressing contemporary environmental challenges.

Australia's commitment to contribute actively and constructively to this mission has been demonstrated by our approach which is practical, not merely rhetorical. Australia has allocated over AUD 32 million of additional funding over six years to further whale research and conservation.

Important activities under this program include:

- the world's first circumpolar, multidisciplinary, multilateral non-lethal research program - the Southern Ocean Research Partnership;
- groundbreaking non-lethal cetacean research undertaken or coordinated by the Australian Marine Mammal Centre;
- Conservation Management Plans to protect whales from new and emerging threats such as ship-strike, climate change, and habitat degradation; and
- Australia's voluntary contribution to the IWC at IWC61 of AUD 1.5 million to support the implementation of conservation management plans, small cetacean conservation and to facilitate participation in the Southern Ocean Research Partnership.

At last year's annual meeting, Conservation Management Plans and the activities of the Southern Ocean Research Partnership were adopted as part of the IWC's work program and earlier this year the Australian Minister for Environment Protection, Heritage and the Arts had the pleasure of launching the first major research expedition under the Southern Ocean Research Partnership alongside the New Zealand Minister for Research Science, Dr Wayne Mapp. Preliminary results of the voyage, which involved scientists from Australia, New Zealand and France, will be tabled later this week.

Australia is also engaged on practical activities in the Commission to assist the development of whalewatching industries worldwide, and to develop Conservation Management Plans for the world's most endangered whale species.

And our commitment to the IWC is also why for nearly two years now the Australian Government has been actively and constructively engaged in the discussions within the Small Working Group process to assist the Commission to resolve a number of intractable issues which have eluded agreement in the past.

The Australian Government would like to acknowledge the work of all members of the Support Group and Small Working Group and the leadership of their Chairmen.

Australia would like to acknowledge all the hard work that has gone into the discussions on the future of the IWC. Discussions were robust, co-operative and constructive.

The approach presented in the Chair's report includes a laudable vision for the IWC which states that "the IWC will work cooperatively to improve the conservation and management of whale populations and stocks on a scientific basis and through agreed policy measures. By improving our knowledge of whales, their environment and the multiple threats they face, the Commission will strive to ensure that whale populations are healthy and resilient components of the marine environment".

We totally agree with this vision, but what is in the Chair's proposal falls significantly short of it. It is the Australian Government's firm view that the approach, as it stands, demands too many first order concessions from those of us who are committed to an end to commercial and so-called 'scientific' whaling, and does not do enough to conserve and protect whale populations.

Let us be clear about what is proposed in this framework. In practice it undermines the 1986 moratorium on commercial whaling (while legally the moratorium would remain in effect, the agreement would authorise whaling). It would legitimise whaling in the Southern Ocean Whale Sanctuary.

The number of whales killed would be determined arbitrarily and not based on the approved scientific procedures of the IWC. In addition, during the life of the agreement, if the best available science indicates the numbers killed should be lowered, there would be no process to automatically reduce these numbers. Instead a separate decision requiring a 75 per cent majority would be required. In this case unsustainable whaling could continue, pending the decision of the IWC to reduce numbers, in accordance with advice from the Scientific Committee.

It would allow "small type coastal whaling" involving whale populations for which there is significant conservation concern due to their depleted numbers.

Some may argue that the ten-year arrangement discussed in the Chair's report will be an improvement over the *status quo* since there will be an agreed cap on the number of whales killed and new whaling countries will be prohibited. They may argue that there will be a significant reduction in the number of whales killed, and view this as a key criterion from which the entire arrangement should be assessed. Australia does not share this view. In the first place there is no significant reduction. It is marginal. But more importantly, the number of whales killed is only one factor involved in assessing this arrangement.

Ten years or more of legitimised whaling in a sanctuary is objectionable in principle. So is 'scientific' whaling.

All that the ten-year arrangement contains on scientific whaling is a line that states that yet another working group should be formed to talk about the future of Article VIII of the Convention. There is an absence of agreement from the parties to commit to actual reform of Article VIII and this is a major flaw in this arrangement.

Australia's position should come as no surprise. As the record of the Intersessional Meeting of the IWC held last year in Rome about the Future of the IWC (IWC/61/7) stated: "for Australia to join any package, it stressed that such a package would need to contain hard commitments for unilateral special permit programs to be brought to an end. It noted that while several proposals on how the Commission might better regulate the use of Article VIII, including by Australia, had been made, the Small Working Group had yet to explore them".

Even now it has not done so.

The proposed arrangement does have a number of good elements; progress has indeed been made on some issues. Australia submitted specific improvements for the IWC's consideration which were tabled in St Petersburg in March 2010 (IWC/M10/SWG5).

- All existing whaling be under the control of the IWC. Unilateral so-called 'scientific' whaling purportedly conducted under Article VIII and whaling under objection or reservation should be brought to an immediate end. An agreed mechanism and timetable to address the reform of Article VIII and the use of objections and reservations should be established.
- Whaling (other than current aboriginal subsistence whaling) should be phased down within a reasonable timeframe, including the phasing down and out of whaling in the Southern Ocean within five years.
- No new whaling on cetacean species or populations not currently hunted should be allowed.
- Recognising the threats to recovery of whale species and populations, including new and emerging threats associated with climate change, the take for vulnerable species and populations should be reduced immediately to zero.
- Paragraph 10(e) (moratorium on commercial whaling) of the schedule to the International Convention on the Regulation of Whaling will remain in place.
- All whaling should be prohibited in all IWC-recognised whale sanctuaries – including the Southern Ocean Whaling Sanctuary and the Indian Ocean Whale Sanctuary, and the proposed South Atlantic Whale Sanctuary.
- An agreed mechanism and a strategy for implementation to ensure a robust and properly funded monitoring, compliance and enforcement framework for whaling during the phase-out period should be established.
- An agreed mechanism should be established to address new and emerging threats to cetaceans, including climate change, marine pollution, fishing activities, poorly regulated whale watching industries, ship strikes and habitat disturbance; as well as an agreed framework to broaden the management tools available to the Commission to address non-consumptive uses of whales.
- An agreed consensual and principle-based approach, as previously outlined by Australia (IWC/61/9), should be followed for all scientific research conducted under the authority of the Commission. Decisions should be based on IWC-approved scientific procedures.

Australia is committed to IWC reform and to doing all we can to bring about an end to all commercial and so-called scientific whaling. We will continue to engage genuinely and robustly in this process, to find a way forward for the IWC.

So Australia hopes that at this IWC Annual Meeting, member nations can rediscover the same spirit of cooperation that allowed the Commission to achieve the organisation's conservation high water mark back in 1982 when it agreed to implement the moratorium on commercial whaling.

But Australia's will not give up on our organisation and will continue to work with others in addressing its challenges in maximising its positive opportunities.

Opening statement by

AUSTRIA

to the 62nd Annual Meeting of the IWC, Agadir, Morocco, June 2010

in support of and in addition to the EU-Statement

The Austrian delegation is pleased to participate in the 62nd Annual Meeting of the International Whaling Commission and thanks Morocco for its hospitality.

We recognise that the broad range of efforts needed in the management and conservation of cetaceans requires a concerted, collaborative and international effort. Therefore we welcome the intensified IWC **cooperation with international organizations**, especially with the IMO on ship-strikes, the FAO on bycatch, the IUCN on Western North Pacific gray whales as well as with CMS and CITES, to mention only a few. Austria attaches great importance to the **ship strikes and bycatch issues** and continues to look forward to receiving the first report of the EU on its efforts to reduce bycatch based on EU regulation 812/2004.

The contribution of IWC to the **2010 International Year of Biological Diversity** must be to ensure that all cetaceans remain a resilient and healthy component of marine ecosystems. In light of the deeply regrettable **extinction** of the Baiji dolphin, additional test cases for the ability of the IWC to prevent extinctions include the Vaquita, river dolphins, Northern Right Whales and Western North Pacific Gray Whales - to name a few.

We are grateful for the comprehensive program of ongoing work on environmental threats by the Scientific Committee, and we note that one next phase of the committee's work on this theme will be via a **special workshop on the effects of climate change on small cetaceans**. This will be building in particular on the Scientific Committee's successful 2009 workshop on climate change, which was reported on to the Commission last year. The work of the Scientific Committee to date has helped make the IWC the foremost authority on the issue of climate change and cetaceans. This is something to be proud of. We understand that this next workshop has been supported by the USA, Germany, Australia, The World Wide Fund for Nature and the Whale and Dolphin Conservation Society. We thank them all and we are very much looking forward to welcoming it from **29 November to 1 December 2010 in Vienna, Austria**.

In view of the detrimental effects of the deteriorating marine environment on whales and dolphins, the recent **oil spill** in the Gulf of Mexico shows just how quickly environmental concerns and environmental degradation can become an overriding issue if no preventive and precautionary measures are taken. Austria welcomes the compilation of this year's **State of the Cetacean Environment Report - SOCER** with its regional (2010: Arctic Ocean) and global sections. SOCER underlines that the IWC is in full accordance with modern research in promoting environmental and conservation concerns in its agenda. We encourage Member States, scientists, as well as international organizations to continue to provide information and support for this report (2011 regional topic: Southern Ocean).

Opening Statement IWC/62

Denmark

The Kingdom of Denmark supports the sustainable use of all living resources of the sea, based on the best available scientific advice. This applies to fish as well as to whales. Within the Kingdom of Denmark whaling is confined to the waters of the Faroe Islands and Greenland in the North Atlantic, where marine mammals have long been – and continue to be – valuable renewable resources and an important part of the cultures and needs of the Faroe Islands and Greenland.

The future of the IWC is yet again the focus at this meeting. The IWC has been polarized to an extent that makes it nearly impossible to take any decision that requires more than a simple majority. If this continues IWC will collapse in the future. Denmark wants the IWC to survive and believes that the organization has the potential to conserve and manage whale stocks but also to develop other issues relating to the sound utilization of whales.

If we want the IWC to survive as a relevant and responsible conservation and management organization we should all be prepared to give and take in order to reach a common ground. Denmark, which continues to remain in the middle of the IWC, would like to see a constructive result of this meeting, reflecting and respecting, the staggering amount of work and skill put into the chairs “Consensus proposal”.

For the Kingdom of Denmark another important decision to be taken by the IWC this year, either as a part of the Chairs Consensus proposal or individually, relates to the catch quotas for humpback whales and minke whales off West Greenland. The IWC Scientific Committee has approved estimates of abundance for humpback whales of West Greenland since 2008. This information demonstrates that a new quota of humpback whales clearly lies within the limits as specified by the Scientific Committee.

The history of whaling in Greenland is as long as the history of Greenlanders. Greenland of today still depends to a large extent on the hunting of large whales as the needs estimates clearly demonstrates. Not to catch whales is simply not an option and a continued denial of a humpback whale quota to Greenland will lead to reflections on Greenlands continued presence in the IWC.

**62nd Annual meeting of International Whaling Commission to be held in Agadir,
Morocco from 21st to 25th June, 2010**

OPENING STATEMENT- INDIA

Mr. Chairman,

The 62nd Annual meeting of International Whaling Commission is being held at Agadir, Morocco at a very critical juncture when the dangers of unsustainable human activities are looming large all over the World. It is very important to take a pragmatic view of Whale Conservation for future generations. International Whaling Commission has been playing an important role in conservation of whales. This work must be carried out in future as well.

India has always been a strong advocate of Conservation of Whales, linked with only sustainable whaling based on scientific studies. I may submit to this august gathering that in India all the Cetacean Species have been included in the Schedule- I of the India's Wildlife (Protection) Act, thereby affording them the highest degree of protection.

Mr Chairman, India is concerned over the delay in adopting the Revised Management Scheme. It has been under discussion for several years. We support the Revised Management Scheme containing the strong safeguards for conservation of whales along with robust compliance mechanism ensuring implementation of the catch limits and other rules of the Commission. There is also an urgent need to carry out an assessment of the existing whale stocks including the Indian seas.

India is of the opinion that phasing out of the killing of whales needs to be worked out, ultimately leading to total moratorium. We also hold the view that IWC should work for reducing the dependence on whales by the aboriginals in a phased manner through alternate livelihoods, correctly identifying the aboriginals actually dependent on whaling under the changed situations, including opportunities through whale watching and ecotourism.

Mr. Chairman, International Whaling Commission has to play a significant role for Conservation of Whales in future, bringing all the stakeholder countries at one platform through negotiations and peaceful dialogue.

Last but not the least, we take this opportunity to convey our deepest thanks to the Government of Morocco for their warm hospitality and organizing the 62nd Annual meeting at this picturesque place.

A.K. Srivastava

India's Whaling Commissioner for 62nd Annual meeting of IWC

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**JAPAN'S OPENING STATEMENT
TO THE 62nd ANNUAL MEETING OF THE
INTERNATIONAL WHALING COMMISSION**

The Government of Japan expresses its sincere appreciation to the Government of the Kingdom of Morocco for hosting the 62nd Annual Meeting of the IWC and for the warm hospitality we have received.

The 62nd IWC meeting is destined as an historic event in the long and controversial history of the organization. At this meeting, we will discuss the "Proposed Consensus Decision to Improve the Conservation of Whales from the Chair and Vice-Chair of the Commission", which was presented to the members of the IWC on 22 April 2010, make a decision which we hope will change the fate of the IWC.

Japan has been a strong supporter of the "Future of the IWC Process" because we firmly believe that the IWC should be a fully functional international organization for the conservation and management of whales and that a "paradigm shift" is needed to achieve this as noted in the proposed Consensus Decision. No doubt, this is an extremely difficult process for all member countries as the paradigm shift requires compromises equally from those who oppose whaling and those who support sustainable whaling based on scientifically based conservation and management measures. There should be no clear winner or loser in this process because all member countries in the IWC desire healthy whale populations.

In this process, we could all work together with the spirit of collaboration, trust and mutual respect for differences, while without prejudice to the respective fundamental positions on matters of principle or prejudicing their future rights, as the proposed Consensus Decision mentions. We have made a remarkable progress under those efforts. However, some countries have recently made hard proposals to phase out/eliminate whaling activities, and there is an even action outside of the IWC. Japan believes that such acts are not compatible with the spirit we had at the outset of this process and is very much concerned because they might undermine our efforts and achievements. Japan has actively and positively contributed to the negotiation process by offering substantial compromises. In order to have the IWC manage whaling operations, Japan is ready to accept reduced quotas, the placement of international observers on board whaling vessels, the deployment of satellite based real-time vessel monitoring systems (VMS), registers and market monitoring with DNA "finger prints", among others. Japan is also ready to accept the conservation programs included in the proposed Consensus Decision provided that compromises come from all member countries and that the final outcome is fair and balanced.

These are substantial compromises on our part. On the other hand, it is very important for Japan that the Consensus Decision respects Japan's interests. While we appreciate that the proposed Consensus Decision includes a catch limit for Japan's coastal whaling communities, there is still a significant discrepancy between the catch limits proposed for the 10-year interim period and those acceptable for us.

Japan reiterates its strong commitment to continue in good faith the dialogues with all concerned states at this 62nd annual meeting of the IWC for the purpose of achieving a consensus. We urge all member countries to cooperate for the future of the IWC.

Concerning safety at sea, Japan deeply regrets that the dangerous attacks directed against Japanese vessels which are engaged in legitimate research activities in the Antarctic have been conducted again this season by a non-governmental organization, i.e. the Sea Shepherd Conservation Society, despite repeated condemnation from the international community. The attacks constitute a serious threat to the lives and property as well as to the international maritime legal system. It is important for the IWC to share the information about the violent attacks against our research vessels in the Antarctic Ocean and to take coordinated international actions against Sea Shepherd. Japan has issued arrest warrants for the members of Sea Shepherd and will continue to pursue resolute actions. We urge other IWC members to cooperate, especially the flag States and the port States for the Sea Shepherd, to take effective measures to prevent violent actions from happening again, noting previous resolutions and statements by the IWC on this issue. As this is a fundamental safety issue beyond respective positions on whaling, Japan asks all member countries to respond to this issue with strong commitments.

Japan supports the realization of the management, conservation and sustainable utilization of whale resources based on the best scientific information available. Japan also recognizes differences of views concerning whales and whaling among IWC members and the strong emotions of not only those who oppose whaling but also those who support whaling. Exactly because of this, science, international law, and mutual respect should play a more important role in the IWC. The delegation of Japan will make the best effort to address the challenges facing the IWC through diplomatic negotiations.

Opening Statement by the head of Korean Delegation, Dr. Gwang Soo LIM

Mr. Chairman,

It is my great pleasure to attend the 62nd annual meeting of the International Whaling Commission in this beautiful City of Agadir. So, as the head of Korean delegation, I would like to express my gratitude to the Kingdom of Morocco for hosting this meeting as well as to the Chair, Ambassador Mr. Maquieira Christian and the Acting Chair of Mr. Anthony Liverpool, and the Secretariat for arranging the meeting.

First of all, the Republic of Korea wishes with a lot of expectation that member nations would not spare themselves to improve the conservation of whale populations worldwide and the genuine functioning of this organization. We have done the 5 years of hard work through a series of meetings and now we are about to greet the final stage. As we already suggested in the distributed document (IWC62/18 rev2), Korea would like to contribute by managing total removals to ensure a long-term sustainable level of the stock under the implementation of the RMP and setting catch limits in Korean waters as soon as practicable during the proposed interim period. It is not only for the improvement of conservation of whale stocks but also for meeting the traditional food and indigenous need for our coastal communities. In this regard, we strongly wish that this is duly incorporated into the schedule of the Chair's consensus decision proposal.

Along this line, we have to remind you that the people of the Korean metropolitan city of Ulsan are greatly interested in the ongoing reform process, as you have already seen by the presentation made by the Mayor of Ulsan City at the Madeira meeting last year. Unless due regard and equitable considerations for the interest of the Republic of Korea are incorporated in the proposed consensus decision package, Korea would be unable to endorse the Chair's proposal as it stands now. And Korea reserves any right granted to a contracting government under the Convention and in international law.

It is our sincere desire and intention to work with other members of the Commission in a cooperative and constructive spirit towards improving the conservation of whale stocks consistent with the ongoing reform process. In this regard, we are open and prepared to discuss and negotiate our proposal. It is nevertheless our bottom line that our basic position and rights should be properly reflected in the Chair's proposed consensus decision.

Thank you, Mr. Chairman.

OPENING STATEMENT BY NEW ZEALAND

New Zealand thanks the government and people of the Kingdom of Morocco for hosting this 62nd Annual Meeting of the IWC. This is an important meeting. It is clear to us that in order to successfully meet the challenges facing whales and the IWC in the 21st Century, we need a new approach; one that is not rooted in the attitudes prevalent in 1946, when the International Convention for the Regulation of Whaling was first agreed by a small handful of whaling countries.

The IWC has a greatly expanded membership these days and a much wider range of views amongst Contracting Parties. In recent times, New Zealand has proposed amending the Convention to bring it into line with the best international practice reflected in more modern conventions dealing with biodiversity, but we were unable to obtain a consensus amongst members for this approach. Over the past year, therefore, New Zealand has expended significant effort and resources as part of the Chair's Support Group, seeking to find a way forward for this organization.

New Zealand's long-established commitment to the conservation of whales remains unchanged. We support the maintenance of the moratorium on commercial whaling. We seek an end to all Special Permit whaling conducted under Article 8 of the Convention, and particularly the whaling that continues to take place in the Southern Ocean. We want to see the IWC in the future continue to be the pre-eminent body providing guidance to the international community, based on the best available science, for the conservation management of whales. Cetaceans are now threatened by a suite of issues, such as climate change, by-catch and pollution, problems that were totally unknown 62 years ago.

Making the IWC an effective international management body for whales in the 21st Century using a Convention developed for different purposes in a different time is not a simple undertaking.

In order to agree on a consensus way forward, a new framework is needed; one that would significantly improve the conservation management of whales in a rapidly-changing world.

We urge all delegates to IWC 62 to make their utmost efforts to bridge the gaps that currently exist and reach a common commitment to a brighter future for both whales and the IWC.

**62ND ANNUAL MEETING
OF THE INTERNATIONAL WHALING COMMISSION**

**OPENING STATEMENT BY SPAIN ON BEHALF
OF THE EU AND ITS MEMBER STATES**

At this meeting, Spain, which currently holds the Presidency of the European Union, will be speaking on behalf of the European Union and its Member States.

We are encouraged by the ongoing efforts to break the long-standing deadlock at the IWC. Our discussions at this meeting are crucial for the future direction of the IWC. Effective conservation and management of whales worldwide can only be ensured through good co-operation at international level and we therefore hope that all IWC members will join us in playing a constructive role to make these negotiations a success.

The European Union and its Member States are strongly committed to the protection of whales.

Our overarching objective is to ensure an effective international regulatory framework for the conservation and management of whales, that guarantees a significant improvement in their conservation status in the long term and that brings all whaling operations under IWC control.

For us the moratorium on commercial whaling will remain a key tool.

We welcome the IWC Chair's consensus proposal as the basis for discussions this week.

We consider that the proposed package already contains a number of positive elements to help the IWC to become a modern conservation organisation under which the conservation status of whales will be significantly improved both in medium and in longer term.

We particularly welcome the inclusion of the following components in the proposed Consensus Decision:

- Unilaterally determined whaling under special permits (Article VIII), objections (Article V) and reservations are suspended.
- All whaling activities are brought under the control of the IWC, and caps for the next ten years are established.

- No new whaling is allowed on species or populations which are not currently hunted.
- No new countries are allowed to start whaling during the 10-year interim period.
- Provisions are included to reduce quotas if vessels exceed their catch limit and the Contracting Party has failed to take action.
- A new South Atlantic Whale Sanctuary is created.
- Conservation work is enhanced and a Conservation Program Committee is established.
- The provisions on International Observers are made more effective.
- Indigenous subsistence whaling quotas will continue to be set in accordance with the current procedure.

The agreed compromise must establish some "breathing space" that will allow substantive and constructive negotiations to continue and to ensure the successful transformation of the IWC. Nevertheless, the EU and its Member States are not in a position to endorse the revised proposal for a Consensus Decision as it stands now. For a successful outcome a number of issues in the proposed package need to be elaborated further and some new elements need to be included.

More specifically:

1. The Scientific Committee must retain its central role in setting the overall cap on all whaling activities.
2. We find it confusing to include both Indigenous Subsistence Whaling Quotas and other whaling catch limits in Table 4. Indigenous Subsistence Whaling catch limits should continue to be set in accordance with the current procedure as outlined in the Schedule and be subject to the same periodicity of review by the Scientific Committee and the IWC as currently practiced. Therefore, these catch limits should be included in a separate table.
3. The exceptional catch quotas remaining in table 4 should be set on a scientific basis with catch limits not exceeding the agreed published Revised Management Procedure (RMP) levels after being calculated by the Scientific Committee. These catch limits should be regularly reviewed by the Scientific Committee and the IWC.
4. Whale meat and whale products from any whale taken under the whaling operations outlined in table 4 should only be for local consumption in the country that authorised such take, and/or under whose jurisdiction such take occurred. Therefore, we believe that paragraph 38 in the draft Consensus Decision must remain and the square brackets must be removed to ensure that whale meat and products are only for domestic use. Moreover, since we consider that catch limits for indigenous subsistence whaling should be moved to a separate table, we believe that the reference to territory in the current formulation of paragraph 38 is superfluous.
5. We are also concerned about the high Northern Hemisphere catch limits listed in table 4. We seek reduced catch limits that would guarantee a significant improvement in the conservation status of whales in the long term, moving

towards the final goal to ban the whaling activities which are not in line with the moratorium on commercial whaling within an agreed time frame.

6. All whaling in the Southern Ocean should be phased down significantly over the coming years with a phase out of whaling in that ocean as soon as possible within an agreed time-frame. We further consider that to allow whaling to continue in the Southern Ocean Sanctuary would be tantamount to negate all purpose of the latter's nature as a sanctuary. We are convinced that sanctuaries should be "no-take" zones recognised and observed by all IWC members.
7. No whaling for fin whales or any other endangered whale species and populations in the Southern Ocean Sanctuary should be allowed. Therefore, these species and populations should be removed from Table 4.
8. As stated before, we welcome the establishment of the South Atlantic Whale Sanctuary for the 10-year "breathing period". We would support the extension of its operation beyond that period.
9. The commitment to implement the mechanism to address new and emerging threats to cetaceans (including climate change, marine pollution, fishing activities, poorly regulated whale-watching industries, ship strikes and habitat disturbance) must be translated into practical measures including a work plan. This should also include an agreed framework to broaden the management tools available to the Commission to address non-consumptive uses of whales.
10. We welcome the pledge by the IWC members to refrain from exercising rights under Articles V and VIII or in any other way to exempt themselves from these provisions. However, we are convinced that, in order to enhance the effect of these pledges, a "sunset clause" should be included in the text of the Consensus decision, rendering the 10-year arrangements null and void in the event of the use of Article VIII, the lodging of an objection under Article V, or the lodging of a reservation to the ICRW by any Contracting Government which is currently authorising the taking of whales or by any other Contracting Government on the grounds that it might, during the life of the arrangement, wish to take whales.
11. A mechanism and timetable for addressing the revision of ICRW, including the issues of scientific whaling and whaling under objections as well as new and emerging threats to cetaceans should be specified, to ensure that all whaling activities effectively come under IWC control. Such revision should also include a reliable review and compliance mechanism.
12. A detailed road map for the implementation of the revision of the ICRW must be established and attached to the Consensus Decision. This road map should also include all issues identified, in order to resolve the problems contributing to the longstanding deadlock at the IWC. This roadmap should also include a mid-term review of the whole process.

The EU and its Member States are convinced that, after the 10-year period, the desired outcome should be to ensure effective conservation of whales worldwide and to have an effectively functioning IWC in place. To this end we are committed to working with all IWC members this week to reach a consensus decision.

United States Opening Statement IWC62 Agadir, Morocco

The United States is pleased to be in Agadir, Morocco to participate in the 62nd annual meeting of the International Whaling Commission (IWC). We are very grateful to the Kingdom of Morocco for their hospitality. We would also like to thank Dr. Nicky Grandy for all her years of service to the IWC.

First and foremost, the United States continues to support the commercial whaling moratorium. We strongly oppose lethal scientific whaling – we strongly believe it unnecessary for modern whale conservation and management. In particular, the United States is concerned by whaling in the Southern Ocean Sanctuary, and by the increased international trade and black market trade in whale meat and whale products.

The conservation of whales is paramount to the United States. The status of most whale stocks is unknown and concerns remain regarding the inability of certain stocks to recover from the effects of industrial whaling. We would like to see the IWC preserved as the premiere international forum to solve current and emerging whale conservation issues and coordinate critical research. It would be best if the Commission could move beyond the current issues surrounding whaling and instead focus more of its attention on global conservation problems such as climate change, by-catch, pollution and ocean noise, which are increasingly detrimental to whale populations and their habitat.

Conservation issues are an increasingly important part of the IWC's agenda. The United States strongly supports non-consumptive uses of cetacean resources and believes that valuable benefits can be derived from such non-lethal uses. Whale watching is a growing industry worldwide that allows these resources to endure for future generations while bringing much needed revenue to coastal communities.

Aboriginal subsistence whaling fulfills the nutritional and cultural needs of native communities. We acknowledge the great contributions of the Alaska Eskimo Whaling Commission in supporting research that is used to manage its hunt for bowhead whales. This extensive research in the Bering-Chukchi-Beaufort Seas stock of bowhead whales has resulted in it being one of the best understood populations of large whales. Furthermore, we believe it is fundamentally unfair that indigenous whaling be the only whaling regulated by the Commission.

The United States remains concerned about the future of the IWC. The organization has been strongly divided for more than 25 years, and during that time the number of whales being taken each year has risen steadily. Three countries persist in non-indigenous hunting of whales, and they accomplish this by exploiting loopholes in the commercial whaling moratorium. In 1990, the three whaling countries killed a total of 300 whales. In 1995, they killed 750 annually. By 2000, the annual total topped 1,000. By 2005, it was up to 1,700. This year, the three countries issued themselves quotas to kill more than 3,000 whales. Right now, there is little the IWC can do about it.

We would like to resolve these issues and save more whales now. While the United States does not support the Chairs' draft proposal in its current form, we see many positive elements in it. We would like to see a new paradigm at the IWC and will continue to work with other delegations here to try to find a compromise that we can all support – one that is based on sound science and will result in a significant improvement in the conservation of the world's whales. However, the United States does not support an agreement at any cost.