

Summary of Infractions Reports Received in 2010

(Prepared by the Secretariat)

1. INFRACTIONS REPORTS FROM CONTRACTING GOVERNMENTS

1.1 Reports for 2009

A summary of the commercial and aboriginal catches and of the infraction reports received by the Commission for the 2009 season is given as Appendix 1.

No infractions were reported by Japan, Norway, St Vincent and the Grenadines or the Russian Federation this year.

3.2 Follow-up on earlier reports

Information on the four unresolved infractions from previous seasons (numbers 2005.1, 2006.3, 2006.4 and 2008.2), are given in Appendix 1 table 3.

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. In their Infractions Report Denmark (Greenland) reported that their catches were subjected to a random check.

5. CHECKLIST OF INFORMATION REQUIRED OR REQUESTED UNDER SECTION VI OF THE SCHEDULE

The 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, whether the whale is pregnant and/or lactating and the length and sex of any foetus if present is collected for between 73-100% of the catch, depending on the item. The position of each whale killed is collected for 62% of the catch and the name of the area where whales are hunted is reported for all of the remainder. Information on killing methods and struck and lost animals is also collected.

USA: Information on date, time, species, position, length, sex, the length and sex of any foetus if present, killing method and number of struck and lost is collected for 97-100% of the catch. Biological samples are collected from at least 71% 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. Biological sampling was conducted on 61 gray whales.

St. Vincent and the Grenadines: Information on date, time, species, length, sex and numbers struck and lost is collected for 100% of the catch.

Norway and Iceland: the required information has been submitted to the Secretariat as noted in the Scientific Committee report (IWC/62/Rep 1).

6. SUBMISSION OF NATIONAL LAWS AND REGULATIONS

A summary of national legislation supplied to the Commission is given in Table 1.

7. OTHER MATTERS

7.1 Reports from Contracting Governments on availability, sources and trade in whale products

No reports were received by the Secretariat.

Table 1
National Legislation details supplied to the IWC ¹

Country	Date of most recent material	Country	Date of most recent material
Antigua and Barbuda	None	Kiribati	None
Argentina	2003	Korea, Republic of	1996
Australia	2000	Laos	None
Austria	1998	Lithuania	None
Belgium	2002	Luxembourg	None
Belize	None	Mali	None
Benin	None	Marshall Islands, Republic of	None
Brazil	2008	Mauritania	None
Bulgaria	None	Mexico	2006
Cambodia	None	Monaco	None
Cameroon	None	Mongolia	None
Chile	1983	Morocco	None
China, People's Republic of	1983	Nauru	None
Congo, Republic of	None	Netherlands, The	2002
Costa Rica	None	New Zealand	1992
Cote D'Ivoire	None	Nicaragua	None
Croatia, Republic of	None	Norway	2000
Cyprus	None	Oman	1981
Czech Republic	None	Palau, Republic of	None
Denmark (including Greenland)	2009	Panama	None
Dominica	None	Peru	1984
Dominican Republic	None	Poland	None
Ecuador	None	Portugal	2004
Eritrea	None	Romania	None
Estonia	2008	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
Ghana, Republic of	None	Slovak Republic	None
Greece	None	Slovenia	None
Grenada	None	Solomon Islands	None
Guatemala	None	South Africa	1998
Guinea-Bissau	None	Spain	2008
Guinea, Republic of	None	Suriname	None
Hungary	None	Sweden	2004
Iceland	1985	Switzerland	1986
India	1981	Tanzania	None
Ireland	2000	Togo	None
Israel	None	Tuvalu	None
Italy	None	UK	1996
Japan	2008	Uruguay	2002
Kenya	None	USA	2004

NOTES:

- Up to the middle of April 2010. Dates in the table refer to the date of the material not the date of submission.
- Member states of the European Union (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and UK) are subject also to relevant regulations established by the Commission of the European Union. The date of the most recent EU legislation supplied to the International Whaling Commission is 2005

Appendix 1

SUMMARY OF INFRACTIONS REPORTS RECEIVED BY THE COMMISSION IN 2010

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.

Catch and associated data for commercial and scientific permit catches were submitted to the IWC Secretariat (IWC/62/Rep 1). Aboriginal subsistence and commercial catches and infractions are summarised in tables 1a and b.

Table 2 gives details of the infractions reported in the 2009 season and Table 3 gives information on the four unresolved infractions from previous seasons (numbers 2005.1, 2006.3, 2006.4 and 2008.2).

Table 1a. Summary of Aboriginal subsistence catches and infractions reported for the 2009 season.

Nation	Species	Males	Females	Total Landed	Struck and lost	Total Strikes	Infractions/Comments
DENMARK							
West Greenland	Fin	1	7	8	2	10	1 ¹
	Minke	47	105 ²	153 ^{2,3}	11	164	1 ⁴
	Bowhead	1	2	3	0	3	None
East Greenland	Minke	3	1	4	0	0	None
ST VINCENT AND THE GRENADINES							
	Humpback	1	0	1	0	1	None
USA							
	Bowhead	12	18	31 ⁵	7	38	2 ⁶
RUSSIAN FEDERATION							
	Gray	58	57	115	1	116	None

Table 1b. Summary of Commercial catches and other infractions reported for the 2009 season.

Nation	Species	Males	Females	Total Landed	Lost	Total	Infractions/Comments
ICELAND							
	Fin	67	58	125	0	125	2 ⁷
	Minke	64	14	78	3	81	1
NORWAY							
	Minke	125	355	484 ⁸	0	484 ⁸	None
REPUBLIC OF KOREA							
	Minke						16 ⁹

¹ See table 2, infractions 2009.1² Not including 1 female minke whale reported as a bycatch.³ Includes 1 animal of unknown sex⁴ See table 2, infraction 2009.2⁵ Includes 1 animal whose sex was not determined; results of genetic testing to determine gender are pending⁶ See table 2, infractions 2009.3 and 2009.4⁷ See table 2, infractions 2009.5, 2009.6 and 2009.7⁸ Including 4 animals of unknown sex but not including 1 minke whale of unknown sex which was trapped and died in a salmon cage at a fish farm.⁹ See table 2 infractions 2009.8 – 2009.21.

Table 2. List of infractions from the 2009 season

Ref.	Nation	Species	Sex	Length	Date	Infraction (specify)	Explanation	Penalty/Action	Investigatn. complete?
2009.1	Greenland /Denmark	Fin	Female	24.5 m	15/7/2009	Waste of meat	Ilulissat (West Greenland). Only part of the meat was removed for consumption.	Reported to the police. Investigation is on-going.	No. Expected in 2010
2009.2	Greenland /Denmark	Minke	?	?	September 2009	Hunting method	Uummannaq (Northwest Greenland). A hunter in a skiff mistook a small minke whale for a dolphin. The whale was lost	Case given up by the police, since further investigation was expected not to result in any prosecution.	Case suspended
2009.3	USA	Bowhead	Female	6.6 m	29 Sep 09	Calf	This whale was seen swimming in the Beaufort Sea near the Village of Kaktovik. The crew identified it as an independent sub-adult whale. After landing the baleen was found to be 38 cm in length. There was no milk in the stomach; however, based on the length of the animal and its baleen, it was classified as a calf ¹	The AEWC Commissioners held a hearing by teleconference during their quarterly meeting in December 2009. Crews reported a number of small whales in the area, but had no reason to believe that the whales were calves rather than independent sub-adults. Therefore, due to the circumstances of the take, the Commissioners determined that no action would be taken against the captain and crew.	Yes
2009.4	USA	Bowhead	Female	6.2 m	13 7Sep 09	Calf	This whale was seen swimming in the Beaufort Sea near the Village of Nuiqsut. The crew identified it as an independent sub-adult whale. After landing it was found that the whale measured 6.2 m in length. The baleen was not measured. There was no milk present in the stomach; however, based on length of the animal, it was classified as a calf ¹	The AEWC Commissioners held a hearing by teleconference during their quarterly meeting in December 2009. Crews reported a number of small whales in the area, but had no reason to believe that the whales were calves rather than independent sub-adults. Therefore, due to the circumstances of the take, the Commissioners determined that no action would be taken against the captain and crew.	Yes
2009.5	Iceland	Fin	Male	49'	9 Jul 2009	Short whale	Whale under the 50' size limit taken. Report from Hvalur hf.	Yes	Yes
2009.6	Iceland	Fin	Female	67'	19 Jul 2009	Lactating	Lactating whale taken. Report from Hvalur hf.	Yes	Yes
2009.7	Iceland	Minke	Male	7.98m	10 Aug 2009	Grenade	Hvalgranad 99'' not used.	Under police investigation	In progress
2009.8	Korea	Minke	Unk.	Unk.	20 Jan 09	No Quota	A minke whale was caught by unidentified persons in coastal waters about 3 miles from Yeongdeok-gun GyeongBuk Korea, and cut up to give 89 bags of meat. These bags were attached to a buoy in order to transport them by boat to the nearby shore.	<ul style="list-style-type: none"> • Three violators: 6 months imprisonment and 1 year probation • One violator: 10 months imprisonment and 2 years probation • All meat was confiscated 	Yes
2009.9	Korea	2 Minke	Unk.	Unk.	29 Jan 09	No Quota	2 minke whales were caught in coastal waters about 8 miles from Yeongdeok-gun GyeongBuk Korea.	<ul style="list-style-type: none"> • Two violators: 8 months imprisonment and 2 years probation • One violator: 8 months imprisonment 	Yes
2009.10	Korea	Minke	Unk.	Unk.	22 May 09	No Quota	A minke whale entangled with a buoy was caught in coastal waters about 15 miles from Pohang Port in	<ul style="list-style-type: none"> • One violator: 8 months imprisonment and 2 years probation with community service command 	Yes

¹ A bowhead < 7.5 m in length and with baleen < 60 cm is typical of a calf (George and Suydam, 2006). Determining the exact length of a whale is very difficult while it is swimming and determining the baleen length is impossible. The length and age at weaning (i.e., independence) is not known for bowheads but is likely to occur within the first year.

Ref.	Nation	Species	Sex	Length	Date	Infraction (specify)	Explanation	Penalty/Action	Investigatn. complete?
							GyeongBuk Korea, and carried to the nearby shore.	<ul style="list-style-type: none"> • One violator: fine US\$ 4,000 • All meat was confiscated 	
2009.11	Korea	Minke	Unk.	Unk.	25 Jul 09	No Quota	A minke whale was caught with a harpoon in coastal waters near Pohang GyeongBuk Korea, and cut into pieces on board.	<ul style="list-style-type: none"> • One violator: 12 months imprisonment and 2 years probation with community service • All meat was confiscated 	Yes
2009.12	Korea	Minke	Unk.	5.4m	14 Aug 09	No Quota	A minke whale was caught with a harpoon in coastal waters near Pohang GyeongBuk Korea, and cut into pieces on board.	<ul style="list-style-type: none"> • One violator: 12 months imprisonment and 2 years probation with community service 	Yes
2009.13	Korea	Minke	Unk.	Unk.	28 Aug 09	No Quota	A minke whale was caught with a harpoon in coastal waters near Yeongdeok-gun GyeongBuk Korea.	<ul style="list-style-type: none"> • Two violator: 6 months imprisonment and 2 years probation • Three violators are pending prosecution 	Yes
2009.14	Korea	Minke	Unk.	Unk.	7 Sep 09	No Quota	In coastal waters near Pohang GyeongBuk Korea a vessel, which received 125 bags of meat from an unidentified vessel, capsized.	<ul style="list-style-type: none"> • One violator: 8 months imprisonment and 2 years probation with community service • One violator: 4 months imprisonment and 1 year probation • All meat was confiscated 	Yes
2009.15	Korea	Minke	Unk.	Unk.	12 Sep 09	No Quota	A truck with 80 bags of meat from a minke whale caught by an unidentified person was delivered on the street of Pohang GyeongBuk, Korea.	<ul style="list-style-type: none"> • One violator: 8 months imprisonment and 2 years probation with community service • One violator: pending prosecution 	Yes
2009.16	Korea	Minke	Unk.	Unk.	25 Sep 09	No Quota	94 bags of meat from an unidentified person were delivered on the street of Pohang GyeongBuk, Korea.	<ul style="list-style-type: none"> • Three violators are pending prosecution 	Yes
2009.17	Korea	Minke	Unk.	Unk.	20 Nov 09	No Quota	An unidentified vessel with 34 bags of meat approached Pohang Port GyeongBuk, Korea where the bags were loaded onto a truck	<ul style="list-style-type: none"> • All violators are pending prosecution 	Yes
2009.18	Korea	Minke	Unk.	4.5m	22 Nov 09	No Quota	A minke whale was caught with a harpoon in the coastal waters of Uljin GyeongBuk, Korea	<ul style="list-style-type: none"> • The suspects are being investigated 	No (to be completed in 2010)
2009.19	Korea	Minke	Unk.	Unk.	23 Nov 09	No Quota	A minke whale was caught with a harpoon in the coastal waters near Yeongdeok-gun GyeongBuk, Korea, and cut up. The meat was then taken on board a boat	<ul style="list-style-type: none"> • One violator: fine US\$ 5,000 • Three violators: pending prosecution 	Yes
2009.20	Korea	Minke	Unk.	Unk.	2 Dec 09	No Quota	58 bags of meat which had been cut up on an identified vessel 20 miles from Pohang GyeongBuk, Korea, were loaded onto another boat in order to deliver them to the nearby shore.	<ul style="list-style-type: none"> • All violators are pending prosecution 	Yes
2009.21	Korea	2 Minke	Unk.	Unk.	2 Dec 09	No Quota	167 bags of meat from 2 minke whales caught by an unidentified vessel in the coastal waters of the East Sea, were taken by truck to a port in Uljin GyeongBuk, Korea	<ul style="list-style-type: none"> • All violators are pending prosecution 	Yes

Table 3. List of unresolved infractions from previous seasons and follow-up actions

Ref.	Nation	Species	Sex	Length	Date	Infraction (specify)	Explanation	Penalty/Action	Investigatn complete?
2005.1 ⁵	Greenland /Denmark	Fin	Unk	Unk	Sept 2005	Unreported struck and lost whale	A dead whale with a harpoon embedded on its flank was seen near Maniitsoq (West Greenland).	Case given up by the police, since further investigation was expected not to result in any prosecution.	Case suspended
2006.3	Greenland /Denmark	Humpback	Unk.	Unk.	14 Sept 06	Prohibited species	A humpback whale with bullet wounds was observed at Niaqornaarsuk (West Greenland). Fate unknown.	Case given up by the police, since further investigation was expected not to result in any prosecution.	Case suspended
2006.4	Greenland /Denmark	Sei	Unk.	Unk.	21 Aug 06	Prohibited species	A sei whale was taken at Uummannaq (Northwest Greenland) by hunters licensed to catch a minke whale	Reported to the police. Investigation ongoing.	No. Expected in 2010
2008.2	Greenland /Denmark	Minke whale	Unk	4 m	Nov 2008	Illegal rifle hunt	Reported catch after the allocated quota had been taken in Qasigianniguit (West Greenland). The catch was left on a beach after it was reported as an illegal catch. Participating hunters are known.	Reported to the police. Investigation ongoing.	No. Expected in 2010