

Contents:

IWC/62/OS AWI	Animal Welfare Institute
IWC/62/OS CCC	Centro de Conservación Cetacea
IWC/62/OS CMEPS	Canadian Marine Environment Protection Society
IWC/62/OS CS	Cousteau Society
IWC/62/OS CW	Campaign Whale
IWC/62/OS ECCEA	Eastern Caribbean Coalition for Environmental Awareness
IWC/62/OS GGT	Global Guardian Trust
IWC/62/OS HSI	Humane Society International
IWC/62/OS ISS	Irish Seal Sanctuary
IWC/62/OS ITF	International Transport Workers Federation
IWC/62/OS IWMC	IWMC World Conservation Trust
IWC/62/OS JSTWA	Japan Small-Type Whaling Association
IWC/62/OS JSU	All Japan Seamen's Union
IWC/62/OS NRDC	Natural Resources Defense Council
IWC/62/OS OCC	Uruguay Cetacean Conservation Organization
IWC/62/OS PEG	Pew Environment Group
IWC/62/OS SMS	Species Management Specialists
IWC/62/OS TOKM	Te Ohu Kaimoana
IWC/62/OS WF	Whaleman Foundation
IWC/62/OS WWF	WWF International

Opening Statement of the Animal Welfare Institute to the 62nd Meeting of the International Whaling Commission

On April 20, 2010 the Deepwater Horizon drill rig exploded in the Gulf of Mexico. Over two months later it continues to spew tens of thousands of oil and natural gas into the Gulf. By the time the leak is plugged, this will be, by far, the worst environmental disaster ever in North America and possibly in the world with a marine ecosystem damaged for decades at a minimum and likely billions of marine organisms killed and their habitat destroyed. Beyond the human victims of this spill, the animal victims include fish, shrimp, sea turtles, dolphins, and whales. While there's a growing body count of these victims, the true number of those who perish will never be known. This accident was a product of BP's negligence as well as incompetence, corruption, and a lack of transparency within those agencies responsible for the permitting and regulation of oil/gas exploration in the Gulf.

On April 22, 2010, the International Whaling Commission published a Proposed Consensus Decision to reform itself and, ostensibly, to gain control of all whaling, reduce whaling quotas, and increase protection for the world's great whales. The Animal Welfare Institute (AWI) appreciates the effort made by members of the IWC Support Group to develop this plan and concedes that there are elements of the plan that it can support but, the deficiencies in the Proposal far outweigh the benefits necessitating its strenuous opposition to the Proposal. AWI notes that the IWC Proposal was also a product of a process that lacked transparency; where civil society was not included in the effort to craft the Proposal but only asked for its input after the Proposal had been subject to months of discussions.

These two events, occurring within 24 hours of each other, will both impact whales. The first will kill whales as they are exposed to the toxic effects of millions of gallons of oil and gas or when they can no longer find food. The impacts of the second are significant yet more subtle, yet it too will kill whales. Admittedly, the short term numbers may be reduced though, long-term, the implications of an ill-conceived deal would be worse for whales.

The future of the IWC must be one of whale conservation not commercial whaling and where the IWC member nations embrace the potential of whalewatching and not the cruelty of whaling. Some claim that the Proposal represents a significant step toward these goals. AWI disagrees.

If approved, the Proposal will legitimize commercial whaling for the first time in twenty-five years. The whaling itself will remain illegitimate but the practice of commercial whaling will be given the green light by the world's governments. The implications of this are far reaching, having economic, social, legal, and perceptual implications. No longer will the world's whaling nations have to defend their actions to the public or the press as they will have been given a stamp of approval by the IWC with the inherent cruelty of whaling also deemed acceptable by the world's governments. While removing the cloak of "science" from whaling in the Southern Oceans is warranted, this will reward a government for decades of belligerence and tactics designed to promote dysfunction, and, as reported recently, years of corruption linked to vote-buying scandals.

If approved, the commercial whaling moratorium will be lifted. Though some governments have argued that, in fact, the moratorium will remain intact, if commercial whaling is allowed under the Proposal then the moratorium on commercial whaling logically is not longer in effect. It may remain intact on paper but whales don't live on paper, they live in the oceans where they need real protection. The moratorium has saved tens of thousands of whales since 1986 and, though some claim the moratorium has lost its effectiveness as whaling nations increase their self-allocated quotas, AWI believes the increase in whaling is not because the moratorium but is in spite of the moratorium undertaken pursuant to a loophole in the International Convention on the Regulation of Whaling that was never intended to be used to justify the slaughter of whales in such numbers for "science" only for those whales to be cut up, processed and sold for commercial profit.

If approved, there's no guarantee that the Proposal will ban international trade in whale parts, pieces, and products. Bracketed language to restrict use of whale products for domestic purposes only is included in the Proposal but, based on recently concluded Future of the IWC discussions, are not acceptable to all. International trade must not only be permanently banned by IWC member countries but those who have CITES reservations used to circumvent CITES trade restrictions must rescind them.

If approved, the Proposal will allow commercial whaling to continue in a designated sanctuary. A sanctuary represent a place of safety and protection for the world's whales and not a haven for whalers where they can pursue their prey relentlessly and inflict a level of suffering on their victims which is beyond that which should ever be tolerated in a civilized society. AWI concedes that whaling is not the only type of animal exploitation that is cruel but this must not be used as an excuse to whale but, rather, as a reason for all governments to ensure that they too reject those practices that are inherently cruel.

If approved, the Proposal will allow commercial whaling under reservations to continue. The Proposal repeatedly claims that it will achieve a significant reduction in the number of whales killed when, in fact, the reduction is far from significant. In some cases, far from a reduction of any kind, the Proposal will increase the number of whales killed by certain whaling nations unjustly awarding them for decades of intransigence and the willful disregard of international opinion.

If approved, commercial whaling will not be ended as it should and must be, but may continue indefinitely. While AWI concedes that the Proposal contains whale catch limits for the Southern Ocean that are less than numbers currently killed, those numbers were fabricated by the IWC Chair and Vice-Chair and have not been agreed to by any contracting government. Moreover, though the Proposal is replete with claims of what may be done or could be done over the next ten years, there is nothing that ensures that anything will be done to address Article V, Article VIII, reservations or many of the other critical issues that must be resolved to save the whales and their habitat.

AWI is not more interested in saving the moratorium than in saving whales. It is interested in saving both. Though some may label this as unrealistic, AWI would ask, why? The moratorium has been one of the greatest conservation achievements in history so why should AWI or any conservation-minded organization allow it to be extinguished when the consequences of doing so are so severe. And why can't the whales be saved? They should have already been saved and would have been had it not been

for a few countries electing to ignore the will of the majority and/or to abuse provisions in the Convention that were never intended to be interpreted as they are today. Some governments are quick to wave the sustainable use or science banners to defend and justify whaling but why must whales be killed at all? There's little and declining demand for their meat and blubber and, as the majority of whale scientists acknowledge, we don't need to kill whales to study or manage them. Considering the plight of this world's wildlife and wild habitats, it can (and has) been said that if we can't save the whales than what chance do the other wildlife species have.

For three years, the IWC has been so focused on fixing its own perceived dysfunction that it has failed to engage in substantive debates and to make critical decisions to address the abundance of threats to the world's whales. This dysfunction is not real but manufactured by those who stand to benefit from creating a culture of inaction and stalemate within this august body. Now, contracting parties are contemplating a deal that would award those who have created the dysfunction by undermining the significant gains made for whales and their habitats over the past several decades.

This is not to suggest that IWC has become useless over the past several years. Indeed, stellar work continues to be accomplished by the IWC's Scientific Committee and many of its working groups. Most of the world's whale stocks or population, including some believed to be recovered, remain threatened by an assortment of anthropogenic factors (i.e., climate change, pollution, ocean noise, entanglements, ship strikes). Some claim that the Proposal must be approved so that the IWC can focus on these threats. AWI believes that the IWC can do both – continue to discuss its own future while advancing efforts to conserve whales and their habitats. All countries have a duty to their own citizens and to the citizens of the world to fully engage in such efforts as we all share this planet and are responsible for all of its inhabitants.

The IWC is not finished if the Proposal is not adopted though certain delegations are using such preposterous claims as leverage to strike a deal. It will and must continue and, AWI fully expects, that it will continue to discuss its own reform but not at the expense of making substantive progress on protection and conserving the world's whales and their habitats. While the present effort of reform is based on the false premise of dysfunction and stalemate, reform is possible but it must be based on the objective of ending all commercial whaling, prohibiting international trade in all whale products, immediately ceasing whaling in sanctuaries, and reforming the Convention into a meaningful, modern, conservation treaty.

Opening Statement



On the verge of the decision process about the conservation and management of whales that will take place during the 62nd meeting of the International Whaling Commission (June 21st to June 25 in Agadir, Morocco), the Chilean Non Governmental Organization Centro de Conservación Cetacea (Cetacean Conservation Center) would like to address its deep concerns about the consequences of adopting a premature deal that will jeopardize the future of whale populations in the 21st century.

The facts surrounding the negotiation process to define the Future of the International Whaling Commission (IWC) is an illustration to understand the reasons behind the unfortunate state of global environment and the accelerated loss of biodiversity.

As clearly evidenced by the report released earlier last May by the Convention on Biological Diversity (CBD) and the UN Environment Programme (UNEP) on Global Biodiversity Outlook¹ (GBO-3), the leaders of the world had failed to deliver on the target of reducing the rate of biodiversity loss by 2010.

In spite of this reality, member States of the IWC are currently working towards an agreement that could lift the global ban on commercial whaling and legitimize the so called “scientific whaling” operations conducted by Japan in the Southern Ocean Whale Sanctuary instead of consolidating the IWC as the international body in charge of the effective conservation of cetacean populations in the 21st century.

Twenty-five years ago, the IWC adopted the global moratorium on commercial whaling, which is considered as the landmark conservation achievement in international marine policies. The decision was not easy at the time. It took more than ten years of recommendations, hard political negotiations, and strong public pressure, before the interests of the whaling industry weakened, along with the commercial extinction of almost every species of great whales.

As with any visionary step, the proposal to adopt the moratorium on commercial whaling was systematically rejected by whaling members of the Commission, until it became evident that the IWC would vanish into history next to the extinction of whale populations.

One generation later and under increasing scientific evidences about the increasing rate of biodiversity loss, the proposal to define the Future of the IWC tabled by the Chair and Vice Chair of the Commission deceivingly suggests that in order to save whales it is necessary to lift *de facto* the moratorium on commercial whaling and consequently, revitalize the interests and influence of a dying whaling industry.

According to the Chair and Vice Chair proposal, legitimating commercial whaling operations in the high seas would generate a peaceful negotiating environment within the IWC during the next decade, to resolve the issues of substance that are affecting the governability of Commission, such as the moratorium, special permits, objections and reservations. But as the history of the IWC and other marine management and conservation agreements clearly show this vision is unreal.

In contrast, the government of Australia has a proposal that envisions the long term and effective conservation of whales in the 21st century. The Australian proposal would consolidate the IWC as the main international body for the conservation and management of all cetacean species, establishing a political coherent framework to effectively address increasing threats faced by these marine mammals, such as marine pollution, by-catch, habitat loss, entanglement and indiscriminate hunting, among others.

¹ <http://www.cbd.int/doc/publications/gbo/gbo3-final-en.pdf>

It also seeks to resolve conflictive issues that are affecting the work of the IWC, such as the scientific whaling operations conducted unilaterally by the government of Japan in the Southern Ocean Whale Sanctuary, as well as solve the legal loopholes that are undermining the governance of the Commission, specifically the use of objections and reservations.

Threatened and vulnerable species or populations of whales would be protected from whaling operations while a phase out of whaling quotas is implemented by the Commission. This would also eliminate the possibility that economic interests of the whaling industry negatively influence the decisions of the IWC.

Whale Sanctuaries created under the IWC would be respected integrally by banning all whaling operations in critical areas that are essential for the survival of these marine mammals and the conservation of the marine ecosystem.

The Australian proposal totally represents the pro conservation policy of State of a great number of Latin American and Caribbean countries, including Chile, as well as the economical, environmental and social interests of millions of people in the southern hemisphere that depend of the effective protection of cetacean populations to continue the increasing and multibillion industry of responsible whale watching.

As an independent and autonomous organization involved in the conservation of whales and the promotion of marine policies oriented in reducing the loss of marine biodiversity, we believe these are the basic elements to begin a true negotiation process based in transparency and the effective conservation of whales in the 21st Century.



CANADIAN MARINE
ENVIRONMENT
PROTECTION SOCIETY

Box 461

1755 Robson Street
Vancouver, B.C.
Canada V6G 3B7

Tel: 604 736 9514

Fax: 604 264 0653

Email: info@cmepps.org

Web: www.cmepps.org

Charitable Registration
BN 88309 0664 RR0001

Opening Statement to the 62nd Meeting of the International Whaling Commission

Agadir, Morocco – June 2010

The Canadian Marine Environment Protection Society (CMEPS) thanks the people of Morocco for their kind hospitality during this important meeting of the International Whaling Commission.

CMEPS wishes to acknowledge the immense amount of effort that has been expended in trying to reach consensus at the IWC on the controversial and complex issue of continuing the ban on commercial whaling, especially when commercial whaling activities do take place around the world, despite the IWC moratorium.

CMEPS would like to support and call attention to the fact that over 100 marine scientists from around the world have recently added their names to a petition that urges the IWC *“not to undermine the conservation achievements of the last few decades by again endorsing commercial whaling”*.

These scientists contend that although *“some whale populations are showing signs of increase...such increases are not sufficient rationale to justify the IWC endorsing commercial catches.”*

As well, scientists are concerned with the marine ecosystems whales inhabit *“that are now increasingly impacted by human activities ranging from oil spills to the effect of persistent pollutants, climate change and increased ship traffic”*.

The fact that there is wide spread opposition to commercial whaling by bona fide whale researchers all over the world, is nothing new. What seems unprecedented is the fact that so many of them are willing to sign a petition that states that *“these remarkable animals of the global commons”* should have *“the highest level of protection, including protecting them from commercial takes”* because these scientists are *“growing increasingly aware of the complexity of their population structures, behaviours and societies.”*

To conclude, CMEPS urges all IWC member countries to be mindful of the message that the international scientific community is sending you in regards to the desperate situation facing the oceans, and therefore the whales that you are in charge of managing.

If IWC member countries officially agree to allow for commercial whaling to resume, these actions would certainly show contempt of scientific advice.



COUSTEAU SOCIETY

www.cousteau.org

This June 2010, the Cousteau Society is celebrating 100 years since the birth of its founder Jacques-Yves Cousteau, who was instrumental in the acceptance of the moratorium on commercial whaling. He would be devastated to see the International Whaling Commission today on the verge of suspending the moratorium, at a time when many stocks have not yet recovered and new threats that weigh on all whales are growing in number and intensity: acoustic pollution, ship strikes, entanglement and, most critically, climate change.

To pretend that the Proposed Consensus Decision to Improve the Conservation of Whales maintains the moratorium resorts to the same kind of tortuous logic that allows whaling under scientific permit, objection or reservation. Inventing a new category of whaling—non-indigenous whaling—does not make it any less commercial.

If commercial whaling is permitted, even on a small scale, it will constitute a precedent that encourages the redevelopment of a moribund industry, with the ultimate goal of expanding to large-scale exploitation and all the investments that would entail, leading to ever growing markets to maintain its viability. The Cousteau Society is especially concerned that the whaling countries are determined that international trade in products from this non-indigenous whaling not be precluded—and international trade goes hand in hand with increasing demand and increasing supply, hence increasing numbers of whales killed.

Under the proposal, illogical and abusive rules would authorize select member countries to kill whales while forbidding others to take up whaling—contrary to the provisions and the spirit of the International Convention on the Regulation of Whaling. The proposed allocation of whaling privileges rewards those who disregard the will of the Commission and ignores those who have abided by the moratorium.

It is part of the announced purpose of the proposal to improve the conservation of whales by providing for a Conservation Programme Committee to address conservation issues as a priority. But financing for these objectives is dwarfed and diminished by the funds committed to commercial whaling, for the monitoring program and for the scientific work needed to establish quotas based on RMPs. Thus on the financial issue alone, re-establishing commercial whaling and developing the necessary mechanisms to administer it would take precious resources away from conservation.

Moreover the Cousteau Society is deeply concerned by a text that provides no obligation to resolve the major questions and problems of reserves, objections, scientific whaling, unilaterally calculated quotas and whaling in sanctuaries.

Therefore the Cousteau Society asks that the Commission and its members reject the Proposed Consensus Decision to Improve the Conservation of Whales.

In the words of Jacques-Yves Cousteau: “Surely whales have more to offer us than ‘seafood’ for our cats, or stays for corsets, or ribs for umbrellas. We are intensely aware of the whales’ true value; we have seen these gray-black cylinders of flesh from underwater; we have been scrutinized by their cloudy blue eyes; our limbs have been spared the crushing impact of a female whale’s fin. We have heard the whales sing. And we want – we very desperately want – to hear them sing again.”



En ce mois de juin 2010, la Cousteau Society fête le centenaire de son fondateur Jacques-Yves Cousteau qui a joué un rôle prépondérant dans l'arrêt de la chasse commerciale à la baleine. Comme nous, il serait consterné de voir que la Commission Baleinière Internationale est sur le point de suspendre le moratoire sur la chasse commerciale si durement obtenu, alors que certaines espèces sont toujours en danger et que les menaces qui pèsent sur elles se multiplient et s'intensifient : pollution sonore, collisions avec les navires, prises accidentelles dans les filets de pêche et impacts du changement climatique.

Alors que la *Décision de consensus proposée par le président et le vice-président de la Commission afin d'améliorer la conservation des baleines* prétend maintenir le moratoire, elle a surtout pour principale conséquence de légaliser une nouvelle catégorie de chasse commerciale à la baleine. En effet, inventer une nouvelle terminologie – la chasse non autochtone – ne la rend pas moins commerciale. Autoriser la chasse commerciale, même à une petite échelle, représente un terrible recul car cela constitue un encouragement vers le re-développement d'une activité industrielle aujourd'hui moribonde, qui nécessitera des investissements et une expansion des marchés pour assurer sa viabilité. La Cousteau Society s'inquiète particulièrement de la volonté des pays chasseurs à autoriser le commerce international des produits issus de la chasse non autochtone. En effet, le jeu de l'offre et de la demande entraînerait l'augmentation du nombre nécessaire de baleines pour satisfaire les besoins du commerce international.

De plus, la proposition veut appliquer des règles incohérentes et abusives en autorisant la chasse commerciale pour certaines nations chasseuses, mais pas pour d'autres – règle contraire à l'esprit de la Convention Internationale sur la Régulation des Baleines.

L'objectif énoncé de la proposition est bien l'amélioration de la conservation. Pour ce faire, la Commission envisage la mise en place d'un comité en charge des programmes de conservation. Mais contrôler cette chasse commerciale et financer les recherches scientifiques nécessaires à l'établissement des quotas soutenables basés sur le RMPs coûtent cher, ce qui risque de mobiliser la majorité des ressources de la Commission. Ainsi, les budgets pouvant être alloués aux programmes de conservation se verront fortement amputés et les mesures en faveur de la conservation compromises. Ainsi, du seul point de vue financier, rétablir la chasse commerciale et développer les mécanismes nécessaires à sa durabilité tout en se concentrant sur des programmes de conservation ne semble pas objectivement possible.

Enfin, la Cousteau Society est très préoccupée par un texte qui ne prévoit :

- ni l'obligation d'aboutir à une résolution des questions et problèmes majeurs de la Commission dans la période intérimaire proposée de 10 ans
- ni l'obligation pour les Nations d'abandonner leur droit à émettre des réserves et objections quant aux termes de la proposition.

La Cousteau Society demande donc à la Commission et à ses membres de rejeter la *Décision de consensus proposée par le président et le vice-président de la Commission afin d'améliorer la conservation des baleines*.

Selon les mots de Jacques-Yves Cousteau : « *Les baleines ont certainement plus à nous offrir que de la nourriture pour nos chats, ou des "baleines" pour les corsets ou les parapluies. Sous l'eau, nous avons vu ces cylindres de chair gris foncés, nous avons été examinés par leurs yeux d'un bleu trouble; nous avons ont été épargnés par leurs nageoires. Nous avons entendu les baleines chanter. Et nous voulons - nous voulons désespérément - les entendre chanter à nouveau.* »



**Opening Statement to the 62nd annual meeting
of the International Whaling Commission
Agadir, Morocco, June 21st-25th 2010**

The Future of Whales and the IWC

Campaign Whale is extremely grateful to the Government of Morocco and the people of Agadir for their warm welcome to their beautiful country.

Campaign Whale believes that the case for the existing moratorium on commercial whaling is stronger today than ever before. Rampant commercial whaling has devastated many whale populations and huge scientific uncertainty remains over the size and status of the world's remnant whale populations, as well as the threats they face. We believe the IWC can only meet its responsibilities to conserve and allow for the recovery of the world's remnant whale populations by upholding and strengthening the moratorium on commercial whaling for decades to come. Times and attitudes have changed. The IWC must evolve from an organisation dedicated to killing whales into a modern convention that will research and reverse the impact of climate change and other serious and growing environmental threats to their survival.

Campaign Whale does not support the Chair's proposal for the Future of the IWC as set out in document IWC/62/7rev entitled '*Proposed Consensus Decision to Improve the Conservation of Whales from the Chair and Vice-Chair of the Commission*' in principle and in practice because the proposal:

- Does not commit the whalers to phase out commercial whaling permanently
- effectively legitimises commercial whaling by countries that have defied the IWC's moratorium on commercial whaling
- permits the slaughter of over 10,000 whales over the next decade
- does not address the inherent cruelty of killing methods
- cannot legally prevent international trade in whale products
- is limited to the three nations currently whaling and so will encourage excluded nations to resume commercial whaling too
- removes the essential distinction between commercial and subsistence whaling
- does not fully commit the whaling nations to engage in vital conservation work needed for the recovery of seriously endangered whale populations
- does not address the slaughter of small cetaceans that are being hunted commercially in the tens of thousands
- does not close loopholes that whaling nations could exploit to engage in commercial or so-called 'scientific' whaling
- does not take into account the mounting environmental threats to whales

- does not use agreed scientific procedures to calculate the catch limits
- does not address the serious health risks to people eating whale products increasingly contaminated with toxic pollutants (see below)
- requires non and anti-whaling countries to pay the costs of a renewed whaling regime and surveys for calculating population estimates and whaling quotas
- would legitimise whaling in a designated whale sanctuary in the Southern Ocean
- Disregards the only benign and sustainable use of whales through responsible commercial whale-watching.

Campaign Whale is extremely concerned over the serious health risks posed to people that consume whale products because they are increasingly contaminated with highly toxic chemical compounds caused by human pollution of the environment. People regularly eating whale and dolphin meat, blubber and other organs are seriously jeopardising their health and that of their children. Additionally, the threat to cetaceans and the marine environment from our toxic pollution is truly alarming. We simply cannot accurately predict the combined impact of increasing levels of dangerous pollutants and accelerating environmental decline upon whales and marine ecosystems. Consequently, no-one can claim that consumption of whale products is safe, or that any level of whaling can be verifiably sustainable.

Campaign Whale is founder member of the *Global Whale Alliance* (GWA). We strongly support the GWA's founding statement currently supported by over 120 non-governmental organisations worldwide, calling for:

'...a coalition of non-governmental organisations, governments, scientists and members of the public to support the continuation and strengthening of the commercial whaling moratorium; and support the vital research necessary to quantify and address both the serious environmental threats to whales and the health risks to people that eat whale products'

The GWA believes that:

- Commercial whaling must be permanently ended
- Commercial whaling serves no critical human nutritional need
- Current killing methods remain inherently cruel
- Mounting scientific evidence provides unequivocal evidence of potentially catastrophic environmental change that will harm whales
- Consumption of contaminated whale meat poses a serious risk to human health
- We do not know enough to manage whales sustainably even if this were necessary or desirable
- Most whale populations have not recovered from many decades of gross over-hunting and may not do so, if at all, for decades to come
- The IWC moratorium on commercial whaling must be properly enforced by the international community as the vital conservation agreement it remains
- The IWC must instigate a long-term comprehensive programme of non-lethal research in to the growing environmental threats to all cetaceans
- The growing global whale-watching industry, attracting over 9 million people and worth in excess of \$1billion each year, is clearly a more ethical, humane and sustainable use of whales



EASTERN CARIBBEAN COALITION FOR ENVIRONMENTAL AWARENESS COALITION DE L'ENVIRONNEMENT DE LA CARAIBE DE L'EST (ECCEA)

OPENING STATEMENT

The ECCEA expresses heartfelt thanks to the Kingdom of Morocco and its people for their most warm welcome and hospitality at this the 62nd meeting of the IWC in Agadir.

The Coalition has worked diligently for the survival of marine mammal species since 1970 and as observers to the International Whaling Commission since 1993, representing a large Caribbean constituency. ECCEA also works closely with and strongly promotes the UNEP Caribbean Environment Programme, its SPAW Protocol and is firmly aligned with its Marine Mammal Action Plan (MMAP) for the Wider Caribbean for the preservation of all cetacean species. Since 2007 ECCEA has expanded its network by founding strong partnerships with the South Pacific Islands, Western Africa and Latin America.

ECCEA is also the initiator of the French West Indies AGOA marine mammal sanctuary and the proposed Caribbean wide whale sanctuary.

The United Nations General Assembly has declared 2010 as the International Year of Biodiversity. It did so with a view of engaging people all over the world, and therefore those of us in the Caribbean, in the fight to protect life on Earth and that of the Oceans. However, marine biodiversity is being lost at an unprecedented rate, threatening the capacity of the planet to continue providing its goods and services. The current rate of extinction is estimated to be up to 1,000 times higher than the natural rate of extinction. We may be entering a new era of the sixth global mass extinction of species and the first to be generated by human beings.¹ In this sense any decision made at this meeting must be scrutinised and reviewed with utmost care, honesty and wisdom. The bad habits of the past must remain in the past as binding decisions are not easily undone and the costly observation, control and monitoring techniques unlikely to be effective.

THE CARIBBEAN VISION OF WHALE CONSERVATION

Since the beginning of time Caribbean indigenous people held marine mammals in the highest esteem and were guided by them during their migration to the islands from mainland South America. Nonetheless industry has its reasons and a macro group of individuals in the southern extremity of the islands was formed in recent years who purport to represent Wider Caribbean views on whale conservation and promote both commercial whaling and hunting in the Antarctica Sanctuary. The formation of such alliances is damaging to our region, creating a false picture of our true values and policies and the importance of our whales alive as an integral part of a thriving nature tourism economy through whale watching.

VOTES FOR SALE

¹ Sir Shridath Ramphal, Ocean Life on the Brink Symposium 18th May 2010, Grenada. W.I.

If states in our region are accused of selling their votes for benefits, this dubious situation must be looked at urgently and carefully with regard to its legality 1) by the governments represented, 2) by Secretariat of the IWC and 3) more importantly by the United Nations General Assembly where texts clearly state that manoeuvres on the part of one country to influence another in this way may be cause for exclusion from that or a body. Our Region would surely better serve the cause of global conservation, as well as our own economic interests, by distancing ourselves from the growing condemnation by the international community of those who are party to such practices

THE WHALES EAT FISH THEORY

The theory that whales eat our fish and are responsible for the depletion of world fish stocks is nonsense and may be considered an insult to Caribbean intelligence. Our Caribbean communities have never had a whaling tradition but have for many decades observed the massive intrusion and overfishing by distant water fishing fleets in both the Atlantic Ocean and Caribbean Sea, responsible for the desert our regional seas have become.

Of the whale species that migrate to their breeding grounds in the Caribbean, the humpback, for example, feeds on cold water krill and fasts during the 6 month period it lives in the Caribbean where it gives birth to its young.

The Caribbean's traditional fisher must now sail, row or motor many miles more out to sea to find a much- diminished catch and our supermarket freezers are filled with secondary species of fish from Asian fish companies

THE ST VINCENT ABORIGINAL WHALING and GREENLAND

Reference must be made to the « aboriginal » Humpback whaling carried out in one small dependency of St Vincent, Bequia, a yachting mecca in the Caribbean tropics.

This discreet population of humpback whales breeds in the Caribbean and feeds in the Arctic; Greenland's request for a quota of 10 humpback whales a year would be from this stock which magnifies the dangers facing these animals if they survive the long journey to their feeding grounds. The proposed Greenland quota concerns Caribbean breeding stocks and the request must be definitively discarded.

The hunt method in Bequia is particularly cruel as the whalers persistently target newborn calves and mothers. An infraction under IWC legislation - one rarely reprimanded by them

Today this is the only part of the world where such an inhumane hunt is conducted.

Eyewitness reports and aerial observations of these infractions multiply from year to year. The hunting method has changed as the younger men look for excitement and quick returns. Today the hunt is conducted by powerboats of up to 25-30 ft. which are used to split up the mother calf pairs, chase and herd the whales inside bays, capture the calf, strap it live to the side of the boat so that the mother will accompany the vessel to shore. However, before visually sighting of the flensing yard at Semple Cay the calf is detached and reattached to the traditional sailing vessel, which may be lying off. Domestic legislation and IWC texts refer to the use of sailing vessels for this to be considered an « aboriginal » hunt.

New terms, which we challenge, have suddenly and carelessly appeared in IWC texts such as "non indigenous" - "indigenous" "traditional" whaling *none of these terms have been adopted by*

schedule amendment by the parties, which is mandatory under the convention for new types of whaling. The hazardous description of whaling activities has proved to have far reaching implications as in the case of “scientific” whaling.

In Bequia in 2010 we are confronted with a full-scale motorised hunt on mothers and calves often called « yearlings ». The hunt is indiscriminate, disorganised and cruel. Kills have been observed with time to death exceedingly two hours and this slow agony of a calf is not permissible.

In 2009 whalers in celebrating the harpooning of a female humpback whale failed to butcher it and the event ended in ignominy with the whale rotting on the beach, polluting the atmosphere of Bequia and the animal being towed out to sea and sunk.

Reporting of this « aboriginal » hunt is deficient. Struck and lost hunts are not recorded. Fluke photography or DNA sampling for the purpose of stock identity is inadequate if not non-existent. The flensing area is barred off and sometimes the whales might be quietly landed in areas other than that officially designated (Semple Cay). The Bequia hunt can no longer be referred to as « aboriginal » or « traditional ». Whale flesh, oil, parts and bones are subject to external commerce in neighbouring islands.

THE FUTURE

In 2002 the Heads of State and Government from the Caribbean solemnly committed themselves and us to substantially reducing the rate of loss of biodiversity by 2010. This is not a time for argument but a time for action, where, according to the wishes of Caribbean people, the world’s most magnificent creatures, the whales are allowed to travel safely in regional seas and oceans without hindrance.



For the benefit of species and people

Global Guardian Trust

Higashikanda 1-2-8, Chiyoda-ku, Tokyo 101-0031 JAPAN Phone +81-3-5835-3917 Fax +81-3-5835-3918

社団法人自然資源保全協会 〒101-0031 東京都千代田区東神田 1-2-8 赤塚ビル 3 階 Phone 03-5835-3917 / 3918(Fax)

IWC/62/OS GGT

**OPENING STATEMENT
TO THE 62nd ANNUAL MEETING OF THE
INTERNATIONAL WHALING COMMISSION
AGADIR, MOROCCO, JUNE 2010**

Anti-whaling rhetoric from some governments and NGOs in response to the proposed “Consensus Decision to Improve the Conservation of Whales” made public on April 22 by the Chair and Vice-Chair of the Commission unfortunately demonstrates that after 3 years and numerous meetings there is no compromise from those opposed to whaling – just a repetition of their demand that there be an end to whaling.

From the outset of discussions on the “future of IWC” initiated at the Annual Meeting in 2007 it has been made clear that if a solution to the divisions within the IWC is to be achieved it requires compromise from both sides within a framework of management and conservation of whale resources based on science, international law and respect for cultural diversity. It is also clear that discussion based solely on “how quickly Japan can end its research whaling” and solutions requiring the abrogation of treaty rights will not produce successful and durable outcomes. Anti-whaling members of the IWC who have not offered any meaningful compromises must now take responsibility for the likely failure of the process and whatever fall-out results.

Global Guardian Trust (GGT) applauds the efforts of former Chairman Bill Hogarth and current Chairman Ambassador Cristian Maquieira to restore the IWC as an effective resource conservation and management organization. Japan has worked to achieve this objective since the moratorium on commercial whaling was adopted in 1982. It is therefore, in our view, regrettable that anti-whaling interests continue to place whales outside of the broadly accepted framework of sustainable use and continue their refusal to compromise. This lack of willingness to compromise was also the reason for the failure of similar efforts to address the dysfunctional nature of the IWC by former Chairman Henrick Fischer in 2004. Anti-whaling NGOs that drive the positions of anti-whaling governments and raise hundreds of millions of dollars by promoting mis-truths about whales and whaling benefit directly from the conflict within the IWC. An agreement based on the “Consensus Decision to Improve

the Conservation of Whales” that would very substantially reduce the take of whales over a ten year period and set in place a process for addressing the serious divisions within the organization related to issues such as the moratorium and research whaling is contrary to their economic interests that obviously have primacy over their stated conservation interests.

In stark contrast to the no compromise position of anti-whaling governments and anti-whaling NGOs, Japan has offered to reduce the quota for its research program in the Antarctic by more than 50%. It has also agreed that under the terms of an acceptable agreement it would suspend its right to issue new permits for scientific research under Article VIII of the Convention and its right under Article V to file objections to new regulations. Japan has also agreed to a South Atlantic Sanctuary, an international observer scheme, vessel monitoring and DNA registry and market sampling as parts of an overall agreement.

GGT is concerned that these compromises have gone too far, that they are beyond that needed to produce a fair and balanced outcome to negotiations and that at least some of these measures contradict the terms of the Convention. Clearly for example, the establishment of a South Atlantic Sanctuary without a scientific basis is in violation of Article V which requires regulations to be based on scientific findings. We also note that the proposed restriction of international trade included in the “Consensus Decision” is outside of the mandate of the IWC. This provision should not be a part of any agreement.

Notwithstanding this, GGT accepts that the “Consensus Decision” submitted by the Chair and Vice-Chair could serve as a basis for further negotiations. However, given discussions to date, we are concerned that negotiators with an opposing view willing to offer meaningful compromise will likely be absent from Agadir. It is important that these discussions are successfully concluded so that the IWC can be assured it has relevance in the future and is able to fulfill its legal obligations to manage whaling on a scientific basis. In order for that to occur, it is now time for anti-whaling member countries to offer the compromises required. In this context, we are further concerned that recently initiated action at the International Court of Justice against Japan’s research program in the Antarctic seriously undermines the basis for further negotiations.



Opening Statement to the 62nd Meeting of the International Whaling Commission June 2010

Thanks to the generosity and welcoming spirit of the Kingdom of Morocco, the 62nd annual meeting of the IWC takes place in a magical country that is a true crossroads of cultural and diplomatic exchange, and one with deep ties to the ocean and its magnificent creatures.

Even now, though, as delegates meet in Agadir, so beautifully situated at the southern end of a long Atlantic coastline, a terrible ocean-based tragedy is unfolding about 4500 miles away, in the Gulf of Mexico, with terrible consequences for fisheries, livelihoods, tourism and the habitat of hundreds of marine-based species, including whales and dolphins.

The Deepwater Horizon disaster underscores the risks and the serious impacts of human activity upon the world's oceans and their inhabitants. It also raises important questions about proper management of energy development projects and about IWC involvement in relevant environmental assessments. A similar disaster in the Arctic, a remote region with frigid waters and challenging conditions, would be truly catastrophic for whales and other marine mammals, and in that sense, among others, the implications of Deepwater Horizon hang heavily over this year's proceedings.

Combined with the critically endangered status of the western gray whale population, which feeds in the oil-rich waters off Sakhalin, the continuing interest of energy companies in carrying out seismic work and possible development projects in Russian waters looks different this year. The Western Gray Whale Advisory Panel (an IUCN group), which has done exemplary work on this question, will disband at the end of 2011, unless the IUCN renews its contract, something we hope that all of the member nations of the IWC will encourage.

Both the oil spill and the gray whale studies serve as reminders that the IWC as a body has important work, now and in the years ahead, that go far beyond the question of whaling. With whales under pressure from entanglement in fishing gear and marine debris, ship strike, chemical and noise pollution, emerging diseases, and climate change, whaling could become the last straw for the survival of cetaceans worldwide. It is these concerns, and the need for management and research approaches that effectively address them, that promise to define the future of the IWC.

We remain confident that the IWC can overcome its most immediate challenges, but we do not believe that it can do so through the proposal being championed by the Chair and other parties. While interpretations of the proposal and its potential outcomes may vary slightly, on its face it will for all intents and purposes lift the commercial whaling moratorium for ten years, putting the great whales at the insufficient mercies of a few countries.

During this ten year period, the IWC will provide quotas to the whaling countries and allow the commercial sale of whale meat from these hunts. These quotas are not based on the scientific procedures established by the IWC's own scientists but rather on political negotiations. Adopting the proposal will mean that the whaling countries can legally hunt whales, including threatened species, even in designated sanctuaries.

Furthermore, the proposal has no provisions to amend the Convention to remove opportunities that the whaling countries are currently using to allot quotas unilaterally, namely the ability to opt out of conservation measures using objections or reservations and for unrestricted lethal scientific whaling.

To compound the situation, this proposal will also require non-whaling nations to subsidize the whaling industries of whaling nations - none of which are developing countries. So instead of requiring those countries that will profit from whaling to pay for its regulation themselves, the nations that are opposed to whaling - many of which are developing countries that rely on non-lethal use of whales (such as whale watching) for income - will have to subsidize enforcement mechanisms, including observers, tracking systems, and reporting.

Lastly, as long as whaling nations hold reservations at CITES for the great whales, they cannot be prevented from legally trading whale products internationally. Sanctioning commercial whaling will stimulate the market for whale meat and products, something we cannot countenance.

In our view, the IWC should not adopt any proposal that forfeits the enormous gains embodied in the commercial whaling moratorium, the best conservation tool ever enacted to ensure the recovery whale populations and prevent their future decline. Instead of negotiating a deal that would effectively end the moratorium, we would encourage countries that want to ensure the survival of the great whales to employ a broader range of diplomatic tools and engagement.

In this regard, we commend the Government of Australia for bringing a challenge against abuses of Article VIII at the International Court of Justice. We also commend Australia for developing the Southern Ocean Research Partnership, a project that injects much needed funding and infrastructure into a comprehensive research program to collect vital data from the great whales of the southern hemisphere. This program will use modern, non-lethal methods to provide the information needed by the IWC to fulfill its conservation mandate. It is the surest embodiment of a 21st century mandate for the IWC.

Conservation-minded countries should be pursuing every available means to convince the whaling nations that now is not the time to increase the pressure on whales with all the other threats they are facing and the continued lack of recovery of many species and stocks. Whales and other marine mammals are at serious risk in the world today, and we look to the IWC to step up and meet this great and worthy challenge.



**IRISH SEAL SANCTUARY OPENING STATEMENT FOR THE
62nd ANNUAL MEETING OF THE INTERNATIONAL WHALING
COMMISSION, AGADIR, MOROCCO - JUNE 2010**

ARE YOU LISTENING TO US????

We regret we cannot be with you for IWC62 in Agadir and wish you all a productive and peaceful meeting.

As we cannot be with you, we ask you to listen to us from Ireland and take the trouble to read our simple statement. After our years of attendance, we do not feel we are being listened to!

Ireland is a small Sanctuary Nation, yet to be registered by our Government at IWC, with a principled position that is going unheard.

The Compromise Proposal fails to recognise this and like many others, we feel distanced and marginalised, despite our attempts to contribute to a Solution, rather than a Compromise between "the immovable object and the irresistible force", the impasse so long a characteristic of the IWC.

The latest Proposal, with the greatest respect, is digging a deeper hole and in language terms is "simply shifting the deck-chairs on the Titanic". It is undoubtedly prompted by brave and honest motives but it devalues the language and primary principles of arguments on all sides, losing sight of the issues. It is the language of the Least Common Denominator (LCD) that can only take us on a race to the bottom! Once language is debased, neither Argument nor Agreement is possible!

We all understand the difference and distinction between "Aboriginal" and "Indigenous" and no amount of diplomatic-speak or wordplay can make them the same.

To allow concessions to "Scientific Whaling" envisaged within "Sanctuary", with the carrot of another "Sanctuary" is to reject the Science of the IWC of the last decades; abandon the dearest held principles of those Sanctuary Nations; and to simply "look the other way" because "argument" has ground us down and "any solution will do!"

Sanctuary Advocates cannot concede to "Hobson" like "Choices", such as "lesser of 2 evils" or "less" Whales killed in exchange for more Sanctuaries! Even Solomon could only offer his Sword to cleave the Child in impasse, wherewith the true Mother spoke up. The IWC can do little else and no side wishes to be patronised.

The Chair is cast in Solomon's role and his legacy and that of the Facilitators may have been to make us all face down impossible compromises.

The Science of IWC and Member Nations has never been better and is improving all the time! Precautionary Principles alone would point to further Protection! But !...even that is not the point, still leaving the outstanding question to a later date: "What if....??".

So let's go back to basics and who we all actually speak for or seek to represent? "Does the IWC represent Mother Earth and You it's Citizens??"

The "Impasse" is impassable, once all distractions and ambiguous language is removed! Dressing up New Science in Old Questions has brought no new Answers over the Life of the Moratorium! The same questions have continued to yield largely the same answers, with all sides simply trying to recruit new supporters, not on the basis of intelligent argument but the Hope that Might "might" become Right, if you get the numbers!

If the IWC is a "Puppet Parliament" for "Inside Traders" on International issues, as often alleged, then the "right " questions are not asked! Einstein considered it Insanity to expect New Answers to oft' repeated Incorrect Questions! Any Impasse requires a fresh mandate and new questions!!

The IWC Impasse was almost broached in Korea, with the intention (never fulfilled) to refer back to High Governing Parties. When this was rolled back, many of us thought with the US and Japan in Chair and Vice-Chair for 3 years, issues would be resolved. Neither was this to be, but the introduction of Facilitators and early tentative efforts to engage Civil Society held the promise of greater understanding from which to progress. The danger of LCD Compromise threatens to de-rail any progress, with return to National Stereotypes and Megaphone Diplomacy.

The ISS appeals to all Commissioners yet again to refresh your mandate....you may find you have new orders from your constituents. You will be lauded for this consultation.

The ISS continues to call for a "World Whale Sanctuary Referendum", a concession to Civil Society on a scale never envisaged before.

Refreshed by new mandates, you will, to quote a Nobel Laureate from another "conflict zone", have arrived at that place, "where Hope and History Rhyme".

To our Friends from Whaling Nations, whose argument in favour of the Proposal we cannot support, we applaud your unconditional assistance and aid to Developing Countries and Food Security.

To our Friends from Developing Nations you are right to receive and expect aid and trade, unconditionally. I was personally shocked at the poverty I witnessed in "Irishtown", Basseterre at the St. Kitts and Nevis IWC and prompted ,unsuccessfully to date, to try to secure unconditional aid from Ireland, We are all reminded to do more!

Undoubtedly all Commissioners would condemn bribery and predation on Countries threatened by poverty, Famine and Climate Change in exchange for votes!

The IWC and Science of the IWC plays an increasingly important role in addressing these threats to Humanity and could it be that non-lethal Whale Science is the tool to understanding and addressing these threats better. Do not "Harpoon the Messenger!".

Successive IWC have demonstrated that compromise does not work under existing conditions. Conflict transformation may hold the key and requires a return to constituency Nations and even non-member Nations to refresh National mandates in the broadest interest of Global Commons.

The ISS concludes by urging you not to be afraid to ask new questions.

Brendan Price - *EuroProBiol/ M.Biol.Inst.Irl/ ISS(ngo) Representative to IWC*



ITF House
49 – 60 Borough Road
London SE1 1DR

Telephone +44 207 403 2733
Fax +44 207 357 7871

国 Federación Internacional De Los Trabajadores Del Transporte
際 Fédération Internationale Des Ouvriers Du Transport
運 Internationella Transportarbetarefederationen
輸 Internationale Transportarbeiter-Föderation
International Transport Workers' Federation
劳 Международна федерация транспортников
連 التنظيم عالمياً، النضال من أجل حقوقنا

IWC/62/OS ITF

**Opening Statement by the
International Transport Workers' Federation (ITF)
To the 62nd Annual Meeting of the International Whaling Commission (IWC)**

The International Transport Workers' Federation (ITF) is a Global Union Federation that, among other things, works for the interests of fishers worldwide. The ITF strongly supports the concept of responsible and sustainable use of all living marine resources and endorses an ecosystems-based approach to fisheries management whereby the interrelations of marine ecosystems are to be considered before making decisions that have an impact on the balance of the environment and its resources, including along the food chain. We have many times emphasised that our aim is to preserve the fishing industry by effective enforcement of international regulations.

The ITF position is fully consistent with applicable international instruments and the principles of sustainable development. A sustainable fishing industry should be considered as one which not only manages the fishing resources but also provides fishers with safe work places and decent work. In our opinion a sustainable utilisation of all living marine resources creates a stable basis for the employment of fishers on decent terms and conditions, as well as making a valuable contribution to the world food supply.

In this regard the ITF and its fisheries affiliates have supported the IWC's mandate to manage the sustainable utilisation of whale stocks. We consider that the culturally different approaches to whales, whether they be a resource for harvest and symbol of national identity, or a creature of beauty and as such a tourist attraction and national treasure, are best mediated through the auspices of the IWC.

We are encouraged by the recent developments and express our general support in setting up a quota for those species which are sufficiently abundant to permit sustainable harvesting. We are hoping that the IWC can fulfill its core mandate and purpose and adopt a mutually acceptable agreement including setting up commercial quotas with due account of the whale stocks in line with ecosystem approach to fisheries management.

We also hope that adequate steps be taken in avoiding certain NGO protests to endanger the safety of life at sea. We believe that the safety and security of our fishers members is of paramount importance and no cause might justify potential fatalities or injuries of those at sea or pollution of the marine environment.

The ITF strongly condemns violence and requests the IWC contracting Governments to take appropriate measures to avoid such incidents in the future. We believe that much more should be done by the flag State and in the various port States.

Thank you!



IWMC

World Conservation Trust

3, Passage Montriond
1006 Lausanne, Switzerland
Tel/Fax: +41(21) 616-5000

1470 Heather Ridge Blvd, Unit 104
Dunedin, Florida 34698, USA
Tel/Fax: +1(727) 734-4949

Opening Statement – IWC 62nd Annual Meeting

email: iwmc@iwmc.org
www.iwmc.org

Dealing With TINA

Delegates to IWC 62 in Agadir are finally getting to meet TINA – There Is No Alternative. If the International Whaling Commission cannot strike a compromise after all the intensive meetings and sophisticated processes that have characterized negotiations over the past two years, what hope is there that it will ever be a useful management instrument?

In other words, if there is no deal, there will be no IWC.

It is not that countries will have to leave the organization to make the IWC impotent. A rejection of a deal would equate to a declaration that the IWC will never regulate whaling. Any nation looking for regulation will have to look elsewhere.

This is not to say that the Chair and Vice Chair's proposal is flawless. In common with perhaps every national delegation and every NGO, IWMC has significant concerns about the final document that has been circulated. But we also realize that a proposal without flaws was never a serious possibility given the polarized positions that exist over whaling today. This is the nature of a compromise. The question is whether the combination of flaws can nevertheless produce a strong enough attraction to bring the various sides together.

For example, like others, we particularly disapprove of the politicizing of catch quota figures, preferring a science-based process. At the same time, we recognize that a compromise package has to compromise on some key principles and it is no surprise that this is chief among them.

In any case, the reform process has laid bare what is at stake. Although the focus in Agadir is on numbers and horse-trading, anti-whalers have now openly admitted that thousands of minke whales could be hunted sustainably in the Antarctic. At least, this was the testimony of the United States IWC Commissioner to a Congressional Panel in May. And the Australian government has made clear what it thinks about the desirability of compromise by launching an international lawsuit.

So let's be honest. What this whole process is really concerned about is ethics and, more precisely, the desire of some to impose their conviction that whaling is wrong on others who believe it is a right when carried out sustainably. And while science can produce quotas according to stock assessments and mathematical formulas, ethical positions can be cut and pasted to fit whatever is expedient.

Behind the showmanship at Agadir is a battle between those who feel that they cannot hope to change global attitudes towards the utilization of animals unless they can stop whaling, and those for whom whaling is the frontline in protecting basic food consumption principles, freedoms and traditions.

With so much at stake, it is not surprising that a deal will satisfy no one. But the beauty of the compromise proposal is that while no one wins on whaling, no one loses on ethics. The battle can continue. Is there really any alternative?

Opening Statement
Japan Small-Type Whaling Association

Twenty three years ago, Japan's small-type coastal minke whaling ceased. Since 1988, IWC's commercial whaling moratorium has absurdly—and quite unlawfully—remained in place. As IWC's own Scientific Committee has shown, minke whale stocks off Japan's coasts are healthy, clearly in no way endangered.

Regardless of this, however, IWC has irresponsibly continued to disregard science. It has also continued to betray its own repeated promises to alleviate the distress of Japan's coastal whalers and their communities. In so doing, the Commission itself has clearly damaged its own credibility as a responsible natural resources management organisation.

IWC should honour the spirit of its own charter, the International Convention for the Regulation of Whaling, which clearly stipulates sustainable use of whale resources. Because IWC has failed—significantly—to meet the 1990 deadline mandated by paragraph 10(e) of the Schedule [the moratorium clause], Member States should no longer be considered bound by it. Japan has kept good faith by continuing for more than two decades to honour it, but the absurdity of our doing so surely has reached its limits.

The Government of Japan, has, yet again, proposed to set a quota of minke whales for our coastal whalers to take off Japan's coast. It has also proposed a national whaling inspection and observation scheme that addresses all rational concerns for ensuring responsible, sustainable harvest. These proposals respect the importance of regional management of marine natural resources which has internationally long been accepted as the most practical and efficient way to conserve them.

Science justifies Japan's proposal. Off our coasts, minke whales are abundant. IWC first agreed a conservative estimate that the minke population off Japan is at least 25,000. But in fact, as we have emphasised before, we now realise that there are even more minke whales off Japan's coast than the IWC has estimated. Our taking of a very limited number of minke whales would definitely not have any negative effect on these whale stocks.

For these reasons, IWC should finally establish a minke quota for Japan's coastal whalers this year. Empty promises do not provide our communities with fresh, healthy food. Japan's small-type whalers have the expertise and the rights, both legal and moral, to resume sustainable minke whaling.



全 日 本 海 員 組 合

ALL JAPAN SEAMEN'S UNION (JSU)
AN AFFILIATE OF INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)



東京都港区六本木7丁目15-26 海員ビル

15-26, Roppongi 7-chome, Minato-ku, Tokyo 106-0032, JAPAN

Phone: 03-5410-8323 Telefax: 03-5410-8336 E-mail: fisheries-ajs@jsu.jp

**OPENING STATEMENT
TO THE 62nd ANNUAL MEETING OF THE IWC**

**21-25 June 2010, Agadir
All Japan Seamen's Union**

On the opening of the 62nd Annual Meeting of the IWC, All Japan Seamen's Union (JSU) would like to express its basic standpoint on the whaling issue. We strongly request the chairperson of the plenary and distinguished delegates from governments around the world to respect the principles of the International Convention for the Regulation of Whaling (ICRW) with excluding any politics, economic issues and emotions from the discussions, and to hold the meetings fairly and rationally, solely based on scientific evidence.

Since a moratorium on commercial whaling was adopted in 1982, many JSU members who had been living on whaling have lost their jobs. Those members, however, have been carrying on the tradition of their skills to the next generation for over thirty years, preparing for the day when commercial whaling will start again. Although most of the crew members have retired due to their age, many young members who are full of high hopes have, in turn, come in. We are now ready to resume commercial whaling at any moment without yielding to pressure of the vicious anti-whaling groups.

Under the provisions of Article VIII of the ICRW, the government of Japan has carried out Japan's Research Programme in the Antarctic (JARPA) and Japan's Research Programme in the North Pacific (JARPN), and has been reported all the survey results to the IWC Scientific Committee every year. All the crew members of those research vessels who work in the severe conditions of the ocean are our union members. Without the valuable scientific data painstakingly acquired and collected by their researches and surveys over a number of years, the committee would have nothing to rely on for making their decisions.

Despite of these legitimate researches, Greenpeace and Sea Shepherd, who call themselves environmental groups, have repeatedly obstructed the “Nisshin Maru” fleet.

In 2010, in order to disturb the research, “Ady Gil” and “Bob Barker”, vessels of Sea Shepherd, fired a green laser weapon aiming at a Nissin Maru crew and also fired a rocket launcher against the Yushin Maru.

Finally Ady Gil rammed against a research vessel purposely and sank as a result. Furthermore, Peter Bethune, who had broke into the research boat, was arrested by the Japanese police when he entered a Japan’s port on 12 March, which is quite reasonable and he should be punished in accordance with the Japanese criminal law.

Such vicious acts were no better than piracy and terrorism in the light of international law and they have been condemned by all the participating countries at the IWC’s Meetings every year. We, the JSU reproach those terrorist activities by anti-whaling groups and have requested New Zealand and the Netherlands whose flags are carried by the terrorists, and Australia that supports the groups as their homeport, to take responsible attitudes as members of the international community. We firmly denounce any groups and organizations that threaten the safety of our JSU members as well as countries that support those groups who try to change other country’s policies by force.

At the 15th Washington Convention meeting (CITES) held in Doha, Qatar this march, an EU plan which had been swayed by the selfish environmental groups was rejected by members of sound judgment throughout the world. We all have to remember that most of the countries support sustainable use of marine produces. The JSU strongly requests that the IWC work normally as an international treaty organization, go back to its primary spirit of sustainable use of resources and respect the discussion raised in a small working group in Miami.

We would pay our respect to the normalization proposal raised in the chair’s report of the support group. However, if the chair’s arbitration proposal is to hold back a resumption of commercial whaling in the end, we would not accept it.

If the IWC cannot proceed with normalization on its own, we would ask the government of Japan to establish a new control mechanism to resume commercial whaling.



IWC/62/OS NRDC

NRDC OPENING STATEMENT
INTERNATIONAL WHALING COMMISSION 62nd ANNUAL MEETING
Agadir, Morocco June 2010

The Natural Resources Defense Council (“NRDC”) is a non-profit environmental organization headquartered in the United States with over 1.3 million members and activists, a staff of around 350 lawyers, scientists, and resource specialists, and a 40-year history of advocacy on a broad range of environmental and conservation issues. Through litigation and other advocacy, NRDC has spearheaded successful challenges to a number of government and industry activities posing threats to marine mammal populations around the world, including activities proposed by the U.S. Navy, National Marine Fisheries Service, Mitsubishi Corporation, and others. NRDC is also a leader in publicizing and fighting the risks of ocean noise pollution and climate change to marine mammals and other marine species.

NRDC welcomes the opportunity to participate in the 62st Meeting of the International Whaling Commission, in Agadir, Morocco and to submit this Opening Statement. We wish to express our appreciation to Morocco for its hospitality and for hosting this very important meeting that will determine the future of the IWC.

NRDC Statement of Principles

In 1999, NRDC formally adopted, and today maintains, a policy statement on whaling. That policy reads, in part:

(1) NRDC opposes the killing of whales, recognizing (i) the historic widespread slaughter of whale species for commercial purposes, (ii) the continuing threats to many whale species and the uncertainty of their recovery from near extinction, (iii) the continuing pressure to resume commercial whaling and the difficulties of regulating trade in whale products, and (iv) the special significance of whales to many people around the world, including a great number of NRDC members.

(2) NRDC respects the sovereignty of indigenous peoples and takes great pride in its efforts to work with and support Native Americans, as well as in its alliances with indigenous peoples internationally, for the protection of the environment. NRDC recognizes that the subsistence and cultural practices of indigenous peoples are not responsible for the decimation of whale species, which was caused by whaling for commercial purposes.

(3) Therefore, NRDC will oppose all killing of whales for commercial purposes and reserves the right to respond on a case-by-case basis to claims by indigenous peoples for killing of small numbers of whales based on subsistence and cultural need.

Consistent with this policy statement, NRDC opposes any initiative to resume, expand, permit, or legitimize commercial whaling. NRDC also affirms the importance of sanctuaries and other marine protected areas to the conservation of marine mammals. We therefore oppose all efforts to continue, expand or legitimize whaling in any whale sanctuary, including the Southern Ocean Sanctuary.

The Future of the IWC and the Proposed “Consensus Decision to Improve the Conservation of Whales”

NRDC respects the essential role that the IWC plays in the international conservation of whales and supports the resolution of the current impasse within the IWC. NRDC encourages finding a new way forward that would truly improve the conservation of whales on a scientific basis.

The Chair and Vice Chair of the IWC have proposed a “Consensus Decision to Improve the Conservation of Whales” (IWC/62/7rev) (“Proposal”) that will be decided in the plenary meeting of the IWC. As currently drafted, however, this Proposal is not the way to resolve the future of the IWC. The Proposal would legitimize commercial whaling for a ten year period and effectively lift the moratorium by setting annual catch limits for Japanese, Norwegian and Icelandic commercial whaling. It would replace the catch limits in Section 10(e) of the Schedule amendments – which are currently set at zero –with primarily politically-derived numbers. It would also endorse whaling in the Southern Ocean – a sanctuary established by the IWC in 1994.

The Proposal claims to base commercial catch limits on science, but the tentatively proposed catch limits in Table 4 were drafted by diplomatic negotiators – not the Scientific Committee. And adjusting the catch limits will require a three-quarters majority of IWC members, making it almost impossible to reduce quotas in the event the Scientific Committee recommends lower catch limits or to punish nations who may violate the agreement. The Proposal would also legitimize Small Type Coastal Whaling by Japan, a new category of whaling that has consistently been rejected by the IWC.

Notably, the Proposal does not provide for a phase down and out of commercial whaling. It does not include a “sunset” clause in the event that objections, reservations or Article VIII are used to circumvent its provisions. Nor does it contain binding timetables or provisions to reform Article V (objections), Article VIII (special permits) or reservations. And member nations are currently at an impasse on whether to include a ban on international trade in whale products.

The moratorium has saved more whales than the resumption of commercial whaling ever could. Although the IWC must determine its future, NRDC does not believe it should come at the expense of the moratorium. During its discussions on the future of the IWC, NRDC therefore encourages the Commission to develop strategies that truly improve the conservation of whales.

In Support of Conservation

Given the ongoing degradation of our oceans, NRDC believes it is critical that the IWC investigate, study, and manage impacts on whales resulting from sources other than commercial whaling, such as oil spills, climate change, ocean acidification, ocean noise pollution, oil and gas development, entanglement, ship strikes, habitat loss, overfishing, and bioaccumulation of toxics. We therefore strongly support the purposes and functions of the proposed Conservation Programme Committee. We also support the existing Conservation Committee, which currently provides an essential system for bringing the Commission’s expertise to bear upon these threats and for ensuring good governance of the Commission’s conservation activities.

NRDC affirms the importance of sanctuaries and other marine protected areas to the conservation of marine mammals. Accordingly, NRDC endorses the establishment of a whale sanctuary in the South Atlantic and opposes all efforts to strike, restrict, or otherwise impair the management of existing sanctuaries.

NRDC also acknowledges the IWC’s broad competence over matters pertaining to the management of small cetaceans.

On the Role of Non-Governmental Organizations

NRDC strongly believes that the work of this Commission is greatly enhanced by the vigorous participation of non-governmental organizations (“NGOs”), which contribute valuable expertise to the process and which represent the views of millions of people worldwide with important stakes in the Commission’s work. Unfortunately, the Proposal was developed using a process that lacked transparency. It prevented NGOs from having any input or role in the negotiations. We support the amendments to the Rules of Procedure to allow the full and meaningful participation of NGOs, as the participation of such organizations reflects the ideals of participatory democracy and transparency.

Ocean Noise Pollution

With regard to the growing problem of ocean noise pollution, we note the emerging international consensus on the need for measures to reduce the noise impacts of human activities on marine species and their environment. We have welcomed the initiative taken in previous years by the Scientific Committee to examine ocean noise pollution and its impact on cetaceans. NRDC notes with particular concern the mounting evidence, reviewed by the Scientific Committee, of significant harm to marine mammals caused by the military use of high-intensity active sonar and by high-energy seismic testing associated with oil development and geophysical surveying. NRDC calls upon the IWC and its member states to carefully consider and act on the recommendations that the Scientific Committee, with its expertise in this area, has put forward to address the problem of ocean noise.

Climate Change

Climate change and ocean acidification are rapidly altering the marine habitats that whales depend on, particularly in high latitudes. NRDC strongly supports the active engagement of the IWC in better understanding how whale populations are responding to these changes, and in adjusting management plans accordingly. The Scientific Committee’s forthcoming workshop on small cetaceans and climate change provides a good example of the role the IWC can play in driving scientific research on this issue.

Western Gray Whales

Finally, NRDC wishes to draw attention to the plight of the western gray whale, a population that was reduced to approximately 100 animals by commercial whaling. In 2001, this Commission adopted a resolution that called for the minimization of *any* human interference with this remnant population, describing it as a matter of “absolute urgency” (Res. 2001-3). Since that time, major offshore oil and gas development has been planned around the whales’ only known feeding grounds, a strip of coastal habitat off the southeast coast of Sakhalin Island, without any evaluation of their cumulative effects. In addition, bycatch and entanglement continue to threaten western gray whales along their migration route. In 2004, this Commission adopted another resolution recognizing the “absolute urgency” of protecting this population and its habitat off Sakhalin Island; noting the “continued need for expert and independent scientific advice on the effects that oil and gas development projects might have on the western North Pacific gray whale stock;” and calling on range states and others to “actively pursue all practicable actions to eliminate anthropogenic mortality in this stock and to minimize anthropogenic disturbances in the migration corridor and on breeding and feeding grounds.” (Res. 2004-1). NRDC therefore continues to urge the IWC, at this critical moment, to work to ensure that the proposed oil and gas development does not endanger this species.



Organización para la Conservación de Cetáceos – Uruguayan Cetacean Conservation Organization
Rambla Williman, Punta del Este, Maldonado. CP 20100 - Uruguay
Mobile: 099-124-144
info@ballenafranca.org - www.occ.org.uy

OCC – The Cetacean Conservation Organization – Uruguay, established in 1995 and which mission encompasses scientific research applied to coastal and marine habitats and environmental education, capacity-building and awareness, feels privileged to present its Opening Statement before this 62th Meeting of the International Whaling Commission, in Agadir, Morocco.

Among conservation strategies promoted by OCC-Uruguay we wish to highlight:

- 'Sustainable and Responsible Tourism' campaign (2000-2008) as a framework for the Integrated Coastal-marine Management, sustainable development and the improvement of the quality of life of coastal communities;
- Implementation of Rules and Regulations for Cetacean Observation (Decree 261/02);
- Creation of nine whale watching platforms along the coast (2002);
- Capacity-building courses in partnerships with the government regarding "*high-quality whale watching*" (2002-2007) and organization of eight 'Whale Week' events - "Semana de la Ballena Franca" (2001-2008);
- Adoption by Uruguayan Congress of the 'National Southern Right Whale Protection Day' (2002);
- The campaign for Uruguayan return to the IWC (2004-2007);
- Support for the proposal of a South Atlantic Whale Sanctuary.

OCC-Uruguay's position in relation to the cetacean conservation and management issues discussed at the IWC are in full agreement with the other NGOs from Latin America, as stated in several joint meetings, such as:

- Recognition of the importance of cetacean conservation vis-a-vis the social, cultural, environmental and economic benefits derived from the non-lethal use of their populations in Latin America and worldwide;
- Opposition to the 'scientific' catches by certain nations through 'special permits', and reaffirmation of the importance of maintaining the commercial whaling moratorium;
- Priority and support for the South Atlantic Whale Sanctuary and similar protection for the South Pacific, as well as for the establishment of national sanctuaries in jurisdictional waters of countries in our region to keep these waters free from any whaling interests and operations, and full recognition and support for the sovereign right of our coastal communities to appropriate whale resources non-lethally;
- Highlighting of the need for progress in modernizing the IWC. In this regard we consider it is vital to maintain the annual Plenary meetings, perhaps with reduced duration, ensuring full and actual participation of civil society, therefore facilitating the establishment of solid bases to advance non-lethal cetacean management;



Organización para la Conservación de Cetáceos – Uruguayan Cetacean Conservation Organization
Rambla Williman, Punta del Este, Maldonado. CP 20100 - Uruguay

Mobile: 099-124-144

info@ballenafranca.org - www.occ.org.uy

- Promotion of the adoption of the Precautionary Principle at the IWC Scientific Committee and ensure support for the participation of Latin American researchers involved in species conservation, either as Invited Participants or government delegation members;
- Continuation of the Volunteer National Conservation Reports for the Conservation Committee, and stimulation for more nations to participate in this Committee to learn about cetacean conservation advancements;
- Inclusion of an item of the Conservation Committee's agenda to discuss issues such as socio-economic implications of whalewatching, permits and best practices for this activity, among others;

Thanking you for your kind attention we wish to extend our best wishes,

Rodrigo García Píngaro

Executive Director, OCC

ASHOKA Fellow

rodrigo@occ.org.uy

+598 99 124 144



2005 Market Street, Suite 1700
Philadelphia, PA 19103-7077

215.575.9050 Phone
215.575.4939 Fax

901 E Street NW, 10th Floor
Washington, DC 20004
www.pewtrusts.org

202.552.2000 Phone
202.552.2299 Fax

**OPENING STATEMENT: THE PEW ENVIRONMENT GROUP
62nd INTERNATIONAL WHALING COMMISSION MEETING
Agadir, Morocco June 2010**

The meeting of the Conference of the Parties to the Convention on Biological Diversity takes place in October of this year, in Nagoya, Japan—bringing the international community together to work towards the conservation of species and ecosystems across our planet. In that spirit, we call upon the IWC member governments, in this, the International Year of Biodiversity, to take meaningful, positive action for the sake of marine biodiversity, particularly whales. We look forward to the adoption of a decision at IWC62 that truly benefits whale conservation—that modernizes and reforms the IWC, recognizes the environmental fragility of whale populations across the oceans in such a way that it protects them for the long term, and ensures the integrity of the Southern Ocean Whale Sanctuary as a safe-haven for whales. This is needed to increase the effectiveness of the moratorium on commercial whaling which the Pew Environment Group supports and which we believe should be reinforced.

The role of Pew – Present and Future

Since it started in 2007, the goal of the Pew Environment Group Whale Project has been to help find a solution to the impasse in the IWC that benefits whale conservation for the long term. Unlike other NGOs with a long-term involvement in the whaling policy debate, the involvement of the Pew Environment Group is recent. After consulting with a wide range of expert stakeholders, we determined that a fresh voice could perhaps open doors for constructive dialogue. Thus a Pew representative attended an IWC meeting for the first time in June 2006, in St. Kitts & Nevis and a series of Pew-organized symposia, listed below, were organized in the intervening years to afford chances for dialogue that had not previously been possible.

The Pew Environment Group is pleased to have had the opportunity to observe and engage with the IWC for these past years during the dialogue on the future of the IWC, and indeed the future of whale conservation. Our public involvement in the whaling issue began in 2007 with the *Pew Symposium on Whale Conservation in the Twenty-first Century* that was held at U.N. Headquarters in New York. It continued with the Pew Symposium, “*A Change in Climate for Whales – Is There a Common Way Forward?*” held at U.N. University Headquarters in Tokyo in January 2008. The *Pew Whales Commission* met in February 2009 under the auspices of the Luso-American Foundation in Lisbon. Since 2008 Pew has supported an international NGO Network in various regions of the world, aimed at strengthening the voice of civil society in support of whale conservation in those regions and in the IWC itself, supporting symposia, capacity-building initiatives and public awareness activities. With local partners and the Lenfest Ocean Program, Pew organized workshops and dialogues in the Caribbean and West Africa, addressing the issue of the interaction of fisheries and great whales, which Pew also took to the IUCN World Conservation Congress held in Barcelona, Spain, in October 2008. We are grateful to all the IWC Commissioners, scientists, NGO representatives, other government representatives and independent experts who have taken part in these meetings and discussions.

A Way forward

Throughout the process on “*The Future of the IWC*”, we have made constructive recommendations to help the IWC move forward. Our experience in the last three years has confirmed our view that the IWC

urgently needs to reflect the reality of contemporary multilateral environmental policy and law. We are convinced that the current *status quo* is neither stable nor acceptable. We are pleased to have contributed to a new political climate within the IWC. But we are deeply concerned over the continued fragility of the IWC and its whale conservation regime.

Although a moratorium on commercial whaling has been in force for more than 20 years and the majority of whaling countries have abandoned the practice of killing whales in that time, the effectiveness of the international whale conservation regime has been gradually compromised by the unilateral activities of the three remaining commercial whaling countries. The controversy is further heightened because one of Japan's "scientific whaling" programs takes place in the Southern Ocean, declared a whale sanctuary in 1994 by overwhelming vote of the IWC.

It would be wrong, however, to conclude that efforts to protect whales were useless. The international movement to protect whales began with a call for a moratorium on commercial whaling in 1972 by the first U.N. conference on the environment. It took 10 years for the IWC to agree in 1982 to the moratorium, effective in 1986. Several countries engaged in whaling at that time, such as Brazil, Chile, Russia/USSR, Spain, and Portugal took the necessary and sometimes difficult step to abide by the IWC's decision. Only three (Iceland, Japan and Norway) have not done so. In today's world, whaling represents a tiny portion of any country's GDP and is maintained by government subsidies. In contrast, the non-lethal use of whales, especially whale-watching, for tourism, educational and scientific purposes, has become a multi-million dollar industry in recent decades benefiting local communities throughout the world, especially in developing countries. Pro-whaling interests always emphasize the 1946 whaling convention for its reference to the "optimum utilization of the whale resources". However, contemporary economic and social evidence shows that whale-watching and other non-lethal uses are far more profitable than whaling.

The IUCN noted in 2008 that some whale populations appear to be recovering from their depletion by 20th Century commercial whaling operations, especially some populations of humpback whales that were protected by IWC decisions in the 1960s, long before the moratorium was adopted. This success demonstrates that international efforts to protect these species have not been in vain, but must be maintained over long periods of time to bear results.

Contemporary threats

Data showing that some whale populations are recovering from earlier depletions justify the calls for these populations to be protected by the IWC and the commercial whaling moratorium decision of 1982. They also show that, contrary to a widespread belief, the combined efforts to protect whales by scientists, governments and NGOs and the public are succeeding.

Perhaps the most compelling reason for seeking a resolution to the whaling controversy and to enable the IWC to function properly is the emergence of new threats to whales, unknown or non-existent when the IWC was created in the wake of World War II. Whales today are threatened by myriad threats, including climate change, overfishing, bycatch and entanglement in fishing gear, pollutants in the marine environment, oil and gas exploration and development, noise pollution from seismic tests, shipping and military maneuvers, and ship strikes. All combined these environmental threats result in the loss every year of hundreds of thousands of cetaceans, including great whales. This is a compelling reason to modernize the IWC so that it becomes a modern organization that can address these threats.

In some respects, these threats eclipse those posed by the dwarfed whaling industry. However, we urge the utmost care and precaution in the light of the considerable uncertainties and unprecedented fragility affecting whales and the world's oceans.

A way forward: the opportunity at IWC62

The Pew Environment Group welcomes some aspects of the “Proposed Consensus Decision to Improve the Conservation of Whales” tabled by the Chair and Vice-Chair of the IWC on 22 April, 2010, including that:

- all whaling would be brought under international oversight and control (including significant improvements in the international compliance and observer scheme);
- unilateral so-called scientific whaling under special permits now taking place would be eliminated, and the current abuse of ICRW Article VIII would end;
- the number of whaling countries could be restricted;
- the international trade in whale meat and other whale products would be ended, by restricting consumption to domestic markets, thus removing an incentive for an expansion of commercial whaling by exporting countries¹;
- the broader reform of the IWC would be started, with a view to bringing it in line with best practice in contemporary international environmental law; and
- a South Atlantic Whale Sanctuary would be created.

However, the proposed consensus decision lacks several key elements, without which it would fail to put the international whale conservation regime on the right course (www.pewwhales.org), and without which any decision would not benefit whale conservation. These elements include:

- **End all whaling in the Southern Ocean Whale Sanctuary:** It is vital that whaling be ended in the Southern Ocean, where catch limits should all be brought to zero.
- **Any and all whale products must be used for domestic consumption only.** We commend the proposed text which states that “*use of any meat or products derived from any whale taken in accordance with Table 4, or taken under any other circumstances, shall be limited to domestic use in the country or territory that authorised such take, and/or under whose jurisdiction such take occurred.*”
- **The role and use of the Scientific Committee and Revised Management Procedure (RMP):** Any agreed catch limits must be calculated by the IWC Scientific Committee using the published version of the RMP, with a tuning level of 0.72. This must include a requirement for downward adjustment for bycatch and other human-caused mortalities. No catch limits should be calculated or set in IWC established sanctuaries.
- **No takes of threatened species and populations:** No commercial take of species or populations classified as threatened (i.e. critically endangered, endangered or vulnerable) in the IUCN Red List should be allowed.
- **Status of Article VIII (scientific whaling):** The IWC must work to eliminate the abuses of scientific whaling.
- **Objections:** It is essential that all contracting governments confirm their commitment to refrain from exercising their right under Article V to object to this decision or parts thereof.

In conclusion, we believe that the contracting parties to the ICRW, and thereby the IWC, have a unique opportunity at IWC62 in Agadir. In today’s world, it makes little sense that the only global body in charge of the conservation of whales is not properly or effectively addressing all of the threats to whales across the globe—and as such, we urge governments to work cooperatively and collaboratively at IWC62, for the sake of whale conservation, and our shared future.

¹ This text is in the document, but is bracketed. It must be retained, without brackets.

For further information and background on the Pew Whale Conservation Project, please visit www.pewwhales.org. For further information on the Pew Environment Group, visit www.pewenvironment.org.



INTERNATIONAL WHALING COMMISSION

62nd Annual Meeting

Agadir, Morocco 21-25 June 2010

OPENING STATEMENT

Species Management Specialists (SMS) thanks the Government of Morocco for hosting the 62nd annual meeting of the International Whaling Commission (IWC).

This year's annual meeting is critically important to the future administration and implementation of the International Convention on the Regulation of Whaling (ICRW). The IWC is currently dysfunctional and, as a consequence, the effectiveness of the ICRW, as the principal international legal instrument for the conservation and management of whales, has been seriously compromised.

SMS was cautiously optimistic that the gaping philosophical differences between members of the IWC that have brought the organisation to the brink of collapse could have been bridged through the Future of the IWC review process agreed at Alaska in 2007. A considerable amount of time and resources have been spent on formulating a package that SMS believes should continue to serve as a basis for resolving these fundamental differences.

The draft compromise package released by the Chairman Cristian Maquieira in March this year falls short in a number of important aspects and will require tough decisions and compromises on the part of anti-whaling countries in order to find a way forward. The current intractable position of some IWC members means that reaching common ground at the present meeting will be remote. But SMS believes that Chairman Maquieira has provided enough in the current document for members to keep discussions alive at Morocco and SMS urges members to keep talking.

On reflection, SMS is not surprised that the Commission has failed to achieve a consensus outcome when the review process itself was flawed. With the exception of administrative elements, the parameters applied to determine the scope of the review were selected on the basis of 'problems' identified by individual Commissioners and agreed to by the Commission. Rather than referring to principles embodied in the Articles of the Convention to guide the review process, areas of conflict were identified on the basis of domestic political ideologies and priorities of the anti-whaling members. It is hardly surprising, therefore, that some of the proposed 'arrangements' either fall beyond the scope or contravene the text of the Convention.

Public opposition to killing whales is largely based on erroneous and dated information as well as scare-mongering by protectionist NGOs that have been supported by a sympathetic albeit manipulated media. The protectionist NGO campaigns have been very successful and many of them directly influence various governments' policies on whales and whaling. These same NGOs have also benefited financially from the conflict that has prevailed within the IWC and therefore have an interest in ensuring that that conflict remains unresolved. In fact, the public statements from the major anti-whaling NGOs clearly demonstrate they are unwilling to support any compromise to the anti-whaling position on any of the major issues and they continue to pressure IWC members to show similar intransigence. These NGOs – and those IWC members whose positions they influence – will be responsible for the likely failure of the current reform process.

It is disappointing that in countries that are strongly opposed to whaling as a consequence of these NGO campaigns, a balanced and objective public policy debate simply does not take place. As a consequence, rational and objective consideration of the issues by many anti-whaling members of the IWC has clearly not been possible.

Irrespective of the outcome, SMS is disappointed but not surprised that, despite claiming to have participated in the review process in good faith, separate and unhelpful action has been initiated through the International Court of Justice. This initiative, clearly motivated for domestic political reasons, demonstrates a complete disregard of efforts to derive a negotiated outcome through diplomacy.

Notwithstanding this, SMS remains concerned that the members are so deeply divided and entrenched in their views that meaningful resolution is realistically not possible. For example, numerous Commissioners representing countries that are opposed to the concept of managing cetaceans as a renewable natural resource denounce harvesting whales for any purpose. Claims for a desire to implement the ICRW as a modern 'conservation' instrument that reflects contemporary approaches to conservation management of wild species fail to acknowledge that the sustainable off-take of individuals from a wild population is used widely as a conservation tool. The concept of conservation through the sustainable use of biological resources is embodied in the fundamental principles upon which the Convention on Biological Diversity has been formulated. Indeed, given that many of these same countries apply the principle of conservation through sustainable use to a wide range of wild species under their jurisdiction, their stance on whales is both inconsistent and illogical.

SMS remains steadfast in its view that cetaceans, like all other wildlife species, are renewable natural resources that, under appropriate management, are capable of being used on a sustainable basis. No convincing scientific evidence has been presented that warrants, or indeed justifies, whales being treated as special sentient species deserving of some form of 'unique' management.

Opening Statement to 62nd IWC Annual Meeting

Te Ohu Kaimoana is the pre-eminent body representing Maori – the indigenous people of Aotearoa / New Zealand – in relation to the marine environment and has attended the last four IWC annual meetings. Maori support the rights of other indigenous and coastal peoples in maintaining their traditional practices in relation to whales and whaling, support sustainability through effective fisheries management regimes, and seek a pragmatic approach to resolving whaling differences.

Since 1995, we have been involved with whaling issues worldwide through our founding membership of the World Council of Whalers, which is made up of indigenous and coastal whaling peoples around the world. In 2000, Te Ohu Kaimoana hosted the World Council of Whalers 3rd conference in the South Island of New Zealand. It is extremely important to indigenous whaling peoples, and therefore to Te Ohu Kaimoana, that differences over whaling are resolved through this “Future of the IWC” process.

Over the years, Te Ohu Kaimoana has encouraged the parties to bridge their fundamental differences over whaling so that unfair and restrictive policies can be abolished. It is our view that aboriginal subsistence whaling, where indigenous and coastal peoples have to beg the Commission for a quota for food, is a demeaning term and a belittling process. We do not distinguish between commercial and non-commercial utilisation of fisheries resources; we do distinguish between sustainable and unsustainable practices – and there is no science to say existing whaling conducted under the Convention is unsustainable.

Despite following the rigorous process and receiving ringing endorsement last year from the Scientific Committee that a request for 10 humpback whales was perfectly sustainable and would have no effect on that stock of whales, the indigenous people of Greenland were denied access to a traditional food. This is an example of how politics in individual countries interferes with science of this organisation and traditions of other people. We fail to grasp why some gourmet who eats *foie gras* or people from countries that continue with inhumane, industrial farming of poultry, for example, feel they have the right to stop others from eating traditional food.

In respect of the current process to find a resolution, Te Ohu Kaimoana praises the work of Sir Geoffrey Palmer, the Chairman of the Commission Cristian Maquieira, and the vice-Chair Anthony Liverpool, in producing the compromise proposal. The proposal provides a very good beginning and basis for continued discussions in Morocco. It provides practical recommendations on the way forward, recommendations that are promises to all parties but also attempts to find solutions for all.

It is therefore of extreme concern to us those member countries that do not support the hunting of whales in any form push for unreasonable concessions from whaling nations. The compromise proposal that's on the table is only the beginning. It is designed to buy the IWC time to work through much more difficult issues than what the parties are discussing here in Morocco. To seek the complete cessation of whaling through this interim agreement is disingenuous. It also runs the risk of imploding the IWC.

Whaling nations have offered numerous compromises and brought concessions to the negotiating table. But there are a significant number of anti-whaling members who cannot grasp the political reality. While we urge members to continue talking through the issues, we do not believe it would be unreasonable in the circumstances for whaling countries to abandon the IWC and leave it to those whose intransigence will bring about its demise.

We acknowledge the views that some have in regards to the Southern Ocean and its importance to them. As we are from New Zealand, we understand the fragility of the Antarctic eco-system and the need to treat it with respect. It is necessary that whaling issues are resolved sooner rather than later. Whaling in the Southern Ocean is either legal and should go ahead unhindered or it is not and should stop. We remain concerned by the continued violence perpetrated in the Antarctic each year by people interfering with another country's legal right to undertake research under the Whaling Convention.

The right to undertake sustainable hunting of whales is inherent within the Convention – it is about conservation *and* protection, with the principle of sustainable use inherent within the term “conservation”. It is only through mutual respect for each other's viewpoints and acknowledgement that the ICRW, to which all parties have adhered, is a resource management Convention that we believe the parties can reach agreement.



**Opening Statement for the
62nd Annual Meeting of the
International Whaling Commission**

On behalf of The Whaleman Foundation (Whaleman) and its membership, we are pleased to participate as a non-governmental observer to the 62nd meeting of the International Whaling Commission and thank the Government of Morocco and the city of Agadir for hosting this meeting.

On behalf of the over 231,000 people from all around the world that have signed our petition to date, we take this opportunity to present our petition to the member nations of the IWC and their respective government leaders.

**To: All Member Nations of the International Whaling
Commission and their respective Government Leaders**

We, the undersigned, call on all member nations of the IWC to vote to immediately stop all commercial whaling and lethal scientific research whaling by Japan, Norway, and Iceland and to enforce the current global whaling moratorium.

Furthermore, we call on the Governments of Japan, Denmark, and others to cease their hunting of dolphins, porpoises, pilot whales, and other small cetacean species.

Whaling poses an unnecessary and unacceptable risk both to the health and recovery of surviving cetacean populations and to the people who consume cetacean meat which has been shown to contain extremely high levels of contaminants including Mercury, Dioxin, DDT, PCBs and is unsafe for human consumption.

The Whaleman Foundation urges all delegates to vote against the Chair's Proposal and to vote against any deal unless it truly upholds the whaling moratorium and ramps down and ends all commercial and scientific research whaling by Japan, Norway, and Iceland.

WHALEMAN...Bringing Whales and Mankind Together to Preserve and Protect our World.

**The Whaleman Foundation
PO Box 1670 Lahaina, HI 96767
(808) 661-8859 whaleman@maui.net
www.whaleman.org**

WWF OPENING STATEMENT 62nd INTERNATIONAL WHALING COMMISSION MEETING

FUTURE OF THE IWC

WWF supports a resolution to the current impasse in the IWC - to find real solutions for whale conservation that are urgently needed. WWF welcomes the efforts made by the Chair and the Vice Chair of the IWC to *“improve the conservation and management of whale populations.”* However, while we respect the Chair’s motivation in seeking to bring whaling back under the IWC’s control, WWF believes that the current “Proposed Consensus Decision to Improve the Conservation of Whales,” as contained in document IWC/62/7rev, requires significant revision. WWF has outlined in a joint statement with Greenpeace and the Pew Environment Group six fundamental elements that are essential for inclusion in any final decision. These 6 elements are:

- (i) No whaling (commercial or other) in the Southern Ocean Whale Sanctuary
- (ii) No international trade in whale products
- (iii) Full use of the published version of the RMP (tuning level 0.72) for all catch limits set by the Commission, and formal incorporation of the RMP into the IWC Schedule
- (iv) No whaling of species or populations listed by IUCN as threatened
- (v) No use of Article VIII (‘scientific whaling’)
- (vi) A commitment that all governments will refrain from the use of objections.

A full outline of these 6 elements, in English, Spanish and French, can be found at www.panda.org/iwc.

SCIENCE AND THE CHAIR’S PROPOSED DECISION

Of particular concern to WWF is the full and proper use of the scientific resources available to the Commission in its decision making. It is critical to ensure that any agreed catch limits are calculated by the IWC Scientific Committee (SC) using the published version of the IWC’s Revised Management Procedure (RMP, the IWC SC’s agreed procedure for determining precautionary and sustainable catch levels). Anything less would be a step back for the IWC, would void nearly a decade of work by the IWC SC, and would irreparably destroy any perception that the IWC is a credible science-based organization.

The current proposed consensus decision mentions the RMP, but leaves it ambiguous as to whether the RMP would actually be used for the calculation of catch limits. The proposed catch levels in Table 4 of the proposed decision are not derived from the RMP, and are in some cases substantially greater than what the RMP would allow. Furthermore, the RMP rules specify that catch limits are to be calculated by the IWC SC, are to be set for a maximum of 5 years, and revert to zero on expiry unless renewed. It is important to note that once catch limits have been written into the Schedule, it would require a subsequent Schedule amendment (requiring the support of $\frac{3}{4}$ of IWC Governments) to alter those catch limits.

In the interests of transparency and the precautionary principle, WWF believes that any Proposed Decision that is adopted at this meeting **must base any quotas on genuine RMP numbers calculated in a verifiable and transparent manner by the IWC SC, as specified in the agreed RMP rules. Furthermore, also in accordance with the RMP, catch limits should not be set for periods in excess of five years. Finally, the published version¹ of the RMP, with 0.72 tuning level, and downward adjustment for bycatch and other human induced mortality, must be written into the Schedule as part of the Proposed Decision.**

ARTICLE VIII AND THE CHAIR’S PROPOSED DECISION

Today, non-lethal scientific techniques provide the data required for whale management more efficiently and accurately than lethal research. WWF believes the contracting governments of the IWC must ensure that IWC-related research meets modern accepted scientific standards, so that the IWC’s credibility on this issue is maintained. **WWF therefore believes that if a Proposed Decision is to be adopted, the Working Group which would be established to ‘examine reform of the Commission’ must address as a priority the removal of Article VIII from the Schedule.**

SOUTHERN OCEAN WHALE SANCTUARY

The Southern Ocean is critical to ensuring the recovery and viability of whale populations in the southern

¹ as contained in the IWC’s *Journal of Cetacean Research and Management* (Suppl.) 1:251-254



WWF for a living planet®

hemisphere.² It is the feeding ground for most southern hemisphere baleen whales, which provide income and livelihood to coastal communities from Australia to Latin America to Africa through whale watching tourism. Most of the Southern Ocean's whale species were driven to near extinction by uncontrolled commercial whaling in the 20th Century, and many species are still severely depleted. Whales in the Southern Ocean now face an increasing range of threats, including ship strikes, potential overfishing of key prey species, and most importantly, climate change.³ The Southern Ocean is an existing sanctuary, as specified in the IWC Schedule. WWF believes it is therefore an unquestionable responsibility of all Contracting Governments to the IWC to ensure that the Proposed Decision does not set catch limits for whaling in the Southern Ocean.

SEISMIC TESTING, WESTERN NORTH PACIFIC GRAY WHALES

The IWC has repeatedly addressed and made recommendations on the conservation of the critically endangered Western North Pacific Gray Whale (WGW), both in terms of bycatch and oil and gas development near its feeding grounds off Sakhalin Island in the Russian Far East.⁴

WWF is extremely concerned about potential disturbances to the WGW in their critical feeding habitat during the summer of 2010. This summer, two seismic surveys are planned in the area of WGW feeding habitat. One (Sakhalin Energy) will be undertaken early in the open-water season, before many whales have arrived in the feeding area, and will be undertaken with a full mitigation and monitoring program intended to minimize the risk of damage to the whale population. The plan was developed with the Western Gray Whale Advisory Panel (WGWAP), a panel of eminent cetacean scientists established to ensure the conservation and recovery of the WGW population. A second 3-D seismic survey (Rosneft) will take place after the first survey, just as whales are arriving to feed in near-shore waters. There is no evidence that a similarly precautionary approach has been taken in planning this survey, which has significant potential for disturbing feeding and nursing.

The IWC Scientific Committee reviewed this issue, and included the following statement in their report⁵; *"The Committee is **extremely concerned** about the potential impact on western gray whales and **strongly recommends** that Rosneft postpone their survey until at least June 2011. The Committee also **recommends** that Rosneft use monitoring and mitigation measures similar to those used by Sakhalin Energy, which have been independently reviewed by experts, and that all energy companies operating in the feeding areas of western gray whales should use comprehensive monitoring and mitigation measures to protect western gray whales."*

WWF calls on the Government of Russia to postpone the Rosneft survey, and support the establishment of a Sakhalin Marine Federal Wildlife Reserve along the Piltun Spit for the protection and monitoring of critical grey whale habitat. WWF calls on the other contracting governments to the IWC, in particular those Governments which are range states of WGW, to support Russia in its conservation efforts for this species.

OFFSHORE OIL DEVELOPMENT, ARCTIC

The world is currently reeling from the disastrous oil spill in the Gulf of Mexico, an area which provides important habitat to sperm whales, blue whales, sei and fin whales, as well as dolphin species. Whilst the impacts of the spill on cetaceans in the area are still to be fully understood, they have the potential to be severe. The IWC Scientific Committee reports³ that *"as of 4 June, 31 dead dolphins and 277 dead sea turtles had been documented, with numerous accounts of large and small cetaceans seen swimming in oil-contaminated waters."* The Scientific Committee *"**strongly recommends** [for member governments with on-going or planned offshore oil and gas activities within their territories] the collection of baseline data,"* and *"the Committee **strongly recommends** contingency planning and training for oil spill responses in areas of oil and gas development."*

Oil industry interest in Arctic waters has increased dramatically in recent years, but the risk of an oil spill is a clear and major concern in the Arctic, where extreme cold, moving ice floes, high winds and low visibility can make spill response operations extremely difficult or totally ineffective. Arctic waters are crucial cetacean habitats for

² See WWF report: "Save the whale, save the Southern Ocean" available at http://www.panda.org/wwf_news/news/?193865/Antarctic-whaling-ban-crucial-for-Southern-Hemisphere-whales

³ For a full scientific review of the impacts of climate change on Southern Ocean whales, see http://www.panda.org/what_we_do/endangered_species/cetaceans/cetaceans/iwc/resources/?165561/Whales-set-to-chase-shrinking-feed-zones

⁴ See IWC resolutions 2005-3, 2004-1, 2001-3

⁵ Report of the Scientific Committee, IWC, Agadir, 2010 (IWC/62/Rep 1)



WWF for a living planet®

both resident cetacean species (such as the bowhead whale) and migratory species (such as the gray whale.) Both species are of vital importance to the indigenous groups which rely on them for subsistence purposes.

In light of the severe limitations of current oil spill response technology, and in the wake of the disastrous impacts of the BP oil spill in the Gulf of Mexico, WWF would like to highlight the importance of the above Scientific Committee recommendations for the Arctic environment. WWF believes that the expansion of offshore development in the Arctic is not a responsible course to protect Arctic wildlife and the people who depend on those resources. WWF therefore urges all Arctic governments not to grant any further oil leases or permits in Arctic waters until response capabilities improve to ensure adequate clean-up of an oil spill. Areas that are too sensitive to be put at risk from an oil spill, including areas that are key habitats for Arctic cetaceans, should not be leased. As Arctic cetaceans attempt to respond to unprecedented impacts of climate change, smart conservation-based ecosystem planning which excludes offshore oil development from key cetacean habitats is essential for the persistence of Arctic cetacean species, the local people that depend upon them for subsistence purposes, and Arctic ecosystem integrity.

WWF believes that this is the appropriate time for the IWC Scientific Committee to carefully review the impacts of oil and gas exploration and development, and potential oil spills, on Arctic cetacean species.

SMALL CETACEANS

More than 85% of cetacean species are ‘small cetaceans’, and many of these species are in a critical condition. Hundreds of thousands of small cetaceans die each year through bycatch and direct hunts, with other human induced threats such as habitat degradation, sonar activities, shipping, climate change and pollution also taking their toll. Many small cetaceans are migratory, inhabiting the EEZs of several nations, and the threats they face such as pollution and bycatch are similarly international in nature. Therefore, international oversight, management and protection are needed for all cetaceans, not only the great whale species.

If small cetaceans are not central to negotiations on current whaling, it is possible that conservation successes achieved for great whales could simply result in a shift of problems from great whales to small cetaceans. For example, we are particularly concerned that any limitation placed on pelagic or ‘scientific’ whaling by Japan would do nothing to alleviate, and might even worsen, the pressure on populations of small cetaceans that are already being subjected to unsustainable takes in Japan’s coastal waters, such as the Dall’s porpoise.

WWF therefore supports and welcomes document IWC/62/CC11 submitted by the governments of Belgium and Switzerland, entitled “Small cetaceans and the IWC: A contribution to the discussions of the ‘Future of the IWC.’”

WWF urges all Contracting Governments to support the recommendations in this document, in particular the recommendation that a Commission Sub-Group on Small Cetaceans be established.

CONSERVATION COMMITTEE AND SCIENTIFIC COMMITTEE

WWF would like to highlight the excellent work of the IWC Conservation Committee (in particular the Ship Strikes Working Group) and the IWC Scientific Committee (in particular the Working Group on Environmental Concerns, the Standing Sub-Committee on Small Cetaceans, the Sub-Committee on Whalewatching, and the Working Group on Estimation of Bycatch and other Human-Induced Mortality.) In particular WWF welcomes the review of small cetaceans in northwestern Africa and the Eastern Tropical Atlantic. Cetaceans in West Africa are facing a growing range of threats, particularly bycatch and oil and gas development. WWF looks forward to working with West African governments and the international community on mitigating these threats and securing viable populations of West African cetaceans for generations to come. WWF strongly supports the continuation of the IWC’s conservation agenda, and welcomes in particular the IWC / ACCOMBAMS (Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area) workshop on ship strikes, and the IWC workshop on the effects of climate change on small cetaceans.

CONCLUDING REMARKS

The IWC is at a crossroads—the world is watching, and the integrity of the IWC is in the balance. WWF stands ready to work with governments to find the best possible solutions for the conservation of whales and other cetaceans. In that spirit, **WWF strongly urges governments to fully integrate input from civil society (NGOs) into all of their deliberations - for it is the people of the world and citizens of all 88 member states that will stand in judgment of the decisions and compromises reached.**