

Contents:

IWC/61/OS ACS	American Cetacean Society
IWC/61/OS AWI	Animal Welfare Institute
IWC/61/OS CCC	Centro De Conservación Cetacea
IWC/61/OS CMEPS	Canadian Marine Environment Protection Society
IWC/61/OS CS	Cousteau Society
IWC/61/OS CSI	Cetacean Society International
IWC/61/OS CW	Campaign Whale
IWC/61/OS GGT	Global Guardian Trust
IWC/61/OS GP	Greenpeace
IWC/61/OS HSI	Humane Society International
IWC/61/OS ICB	Instituto de Conservación de Ballenas
IWC/61/OS ISS	Irish Seal Sanctuary
IWC/61/OS IWMC	IWMC World Conservation Trust
IWC/61/OS JFA	Japan Fisheries Association
IWC/61/OS JSTWA	Japan Small-Type Whaling Association
IWC/61/OS JSU	All Japan Seamen's Union
IWC/61/OS NRDC	Natural Resources Defense Council
IWC/61/OS OC	Ocean Care
IWC/61/OS PEG	Pew Environment Group
IWC/61/OS SMS	Species Management Specialists Inc
IWC/61/OS WWF	WWF International

AMERICAN CETACEAN SOCIETY



The American Cetacean Society (ACS), founded in 1967, is one of the oldest whale conservation organizations in the world. For decades, we have been devoted to the protection of whales and their habitat. We were one of the original organizations that lobbied for an end to commercial whaling. We have consistently attended the International Whaling Commission meetings and we look forward to participating this year and into the future. On behalf of our members, ACS would like to take this opportunity to make the following statement:

- ACS is against any whaling for profit, whether it be under the guise of “research,” “aboriginal subsistence” or “small-type coastal” whaling.
 - We support Australia’s proposal for the IWC to identify key scientific priorities that further the goal of whale conservation. We believe that these research questions could be answered using non-lethal methodology, including biopsy, fecal analyses, tagging and other methods. Non-lethal research techniques have made “research whaling” completely obsolete; the only other explanation for the continuation of research whaling is for commercial purposes.
 - We strongly oppose “small type coastal” whaling under this or any name. Creating another category of allowable whaling sets a disturbing precedent. Clearly, small type coastal whaling is commercial in nature and directly contradicts the 1982 whaling moratorium. We are further concerned that if a small number of countries are granted permission to engage in such whaling, it will quickly lead to other countries proposing similar programs involving a variety of whale species and stocks, most of which remain poorly understood.
 - Finally, we are opposed to an expansion of Greenland’s aboriginal subsistence whaling quota to include a higher numbers of whales or additional species. This aboriginal hunt is supposed to satisfy a subsistence need; however, it has been documented that, although some of this whale meat is consumed locally, some is sold in “open air markets” and some packaged and sold in larger supermarkets. These hunters and supermarkets are making a profit on the sale of whale meat, thereby clearly making this also a “commercial” hunt.

Thank you for giving ACS this opportunity to express our views and to participate in the 61st annual IWC meeting.

Opening Statement of the Animal Welfare Institute to the 61st **Meeting of the International Whaling Commission**

To determine the future of the IWC, we must look to the past, present, and to the future. The past offers an alarming picture of greed, ignorance, and/or fear decimating entire populations of terrestrial and marine wild species, including the great cetaceans. Our greed, ignorance, vanity, and callousness have already cost us too many species. The passenger pigeon, Stellar's sea cow, Guam flying fox, and Arabian gazelle all gone forever. Others, like the black crested gibbon, Great Indian bustard, Mexican wolf, and saiga antelope, remain on the brink of extinction with small populations and shrinking range. Still, others miraculously survived man's exploitation only to be now forced to live in an altered landscape, subject to artificial boundaries, and, too frequently, lethal management. Africa's elephants are being forced to occupy an ever shrinking range as human populations expand and usurp the tusk's habitat. Gray wolves and grizzly bears are claimed, by some, to represent conservation success stories though they are forced, within much of their range, to live within parameters set by human fear and tolerance, or lack thereof. The once vast herds of North American plains bison only survived the onslaught of greed and political persecution because a few hundred found sanctuary in what once was the remote valleys of Yellowstone National Park.

Most of the great whales also survived an unimaginable slaughter at the hands of governments and whaling companies whose greed was seemingly insatiable and whose ignorance of their destructive acts was apparently limitless. Not all survived. The North Atlantic gray whale is now extinct, never again to be seen. Remarkably considering the scope of the slaughter, some cetacean populations, like plains bison, barely survived but have yet to recover to anywhere near their pre-commercial exploitation sizes. Indeed, no great whale population, including the Eastern North Pacific gray whale, has fully recovered and, given increasing threats to the whales and their habitats, it's unclear if any ever will.

While the massive commercial slaughter of great whales has become, thankfully, a tragic but real historical fact that must never be repeated, modern threats are of equal, if not, greater concern. Modern commercial whaling continues with many whales killed under the banner of so-called "scientific research." Few are deceived by labels of such dubious validity and most agree that whales no longer must be killed for study or to facilitate their management.

While some native peoples have legitimate subsistence needs for whale products, those countries who continue to whale commercially for food have no legitimate reason to do so given the availability of others foods and a consistently declining demand for whale products. Unfortunately, the present day threats to cetaceans are not limited to commercial whaling, whether disguised as "science" or not. Indeed, modern threats are ubiquitous and expanding. Coastal development, ship strikes, pollution, net entanglements, other forms of bycatch, ocean noise, and harassment are some of the more commonly noted threats which are, directly and indirectly, adversely impacting every cetacean population or stock around the globe.

Though some efforts are being made to address these threats, global climate change continues to be the proverbial elephant in the room. While the climate change naysayers will always exist, there is no longer any credible debate that climate change is not real, that it is happening now, and that it is already impacting species, ecosystems, and human societies throughout the world. Cetaceans are not immune from such impacts and, indeed, they and their habitats are already feeling the effects of our warming world. While our understanding of the complexities of even the simplest ecosystems remains beyond our grasp, based on what we do know, ecosystems from the Southern Ocean to the Arctic are changing. Cetaceans will have to adapt or die.

Given this backdrop, the future of the IWC must not continue to dwell on the minutiae of small type coastal whaling, special permit whaling, or commercial whaling. Instead, it's time to permanently end such anachronistic practices, permitted or not, as they are not necessary, are globally opposed, and inherently cruel. This is not to downplay the significance of these issues for any particular country or to the IWC itself, but, frankly, it is beyond time to move on. To continue to delay what is a needed seismic shift within the IWC, particularly among the remaining whaling nations, is to continue to add nails into cetacean coffin.

Admittedly, whaling nations are reluctant to agree to such a substantive change for any number of reasons, most, if not all, of which cannot withstand even minimal scrutiny. While the reasons for continuing to whale remain unclear, what is clear is that a return to large scale regulated commercial whaling will not happen, that "scientific" whaling has provided no legitimate information that cannot be answered without killing whales, and that anthropogenic threats to cetaceans are severe and worsening.

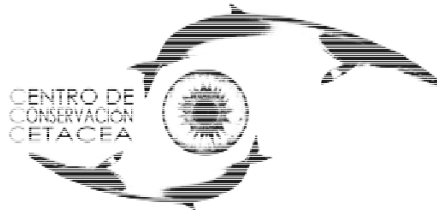
Therefore, we respectfully call on those nations engaged in commercial whaling to voluntarily terminate their whaling activities as a generous gift to the world, to the whales, and to the future. This must not be publicized, by anyone, as a capitulation to the persistent demands of anti-whaling government's or organizations but, should be trumpeted as an enlightened and progressive act of compassion intended to eliminate at least one factor contributing to the cumulative global impacts to cetaceans. Though, such an announcement is not expected at IWC 61, we would hope it is not too far away.

For the past year, many governments have spent large sums of money, vast amounts of time, and emitted significant quantities of carbon in search of a compromise to prevent the collapse of the IWC. We question this fundamental underpinning of the Small Working Group believing, with certainty that its origins are elsewhere. The Animal Welfare Institute, like many other non-governmental organizations, has consistently opposed the continuation of the Small Working Group as it believes the process will not result in a solution but only further delay. It will not result in answers but only more questions. And it will not benefit whales or their habitat but will only delay this august body from reinventing and redirecting itself to grapple, scientifically and politically, with the far more dangerous global threats to whales and their habitats.

If the Small Working Group process is to continue, perhaps it can help bring us to a day when the whaling nations announce their decision to forego a future of whaling and embrace a future for whales.

This will not be accomplished by enabling countries to blatantly misinterpret the intent of Article VIII, using Article V to avoid compliance with the will of the Commission, propping up what is a dying industry, or giving credence to “science” that is neither necessary nor credible. Rather, we encourage those who continue to participate in the Small Working Group process to remember the past when the great whales were relentlessly and brutally slaughtered, consider the present when cetacean populations are suffering as anthropogenic stressors redefine entire ecosystems, and contemplate the future when those stressors expand and the full impacts of climate change – impacts that we do not yet even fully understand -- decimate our oceans and the myriad species that call the ocean home. This, of course, includes the great whales that are of such significant value to so many people, including native peoples, around the world.

While some may believe that whales are special or unique and thus deserving of protections not afforded to other species. We don't. Whales are special and unique but not more or less so than other species with whom we share this world. So then, why provide complete protection to whales from commercial and “scientific” whaling? Simple, why not? The fact that other wildlife species are subject to killing, legally or illegally, does not justify the continuation of whaling but, rather, indicates that even when the whales are protected our work is not done and that other species also need protections if we are to create a more humane and compassionate world. We have not been responsible stewards of this planet so let's start by protecting the world's whales and see where that leads.



Opening Statement
61st Annual Meeting of the International Whaling Commission
June 2009

A year ago, on 23rd June 2008, Chile consolidated a Policy of State permanently committed to the protection and non-lethal use of cetaceans by declaring all Chilean jurisdictional waters a National Whale Sanctuary.

The decision was taken after the successful eight-month campaign “*Chile 2008, A Whale Sanctuary*” conducted by the National Confederation of Artisanal Fishers of Chile (CONAPACH) and the Chilean non-governmental organizations Centro de Conservación Cetacea and Centro Ecoceanos, with the support of hundreds of national, regional and international NGOs and thousands of people around the planet.

Having been one of the most important former whaling nations in the world, the creation of the National Whale Sanctuary in Chile represents the evolution of the interests and needs of the Chilean people.

Thirty years ago, it was unthinkable that the protection and non-lethal use of cetaceans in Chilean jurisdictional waters would have the support of 99% of the population¹, the full consensus of the Chilean Congress, the total back up of the Chilean Navy, and the absolute agreement of President Michelle Bachelet government.

But times have changed and so have people in Chile.

We no longer perceive whales as a source for securing world food supply. History demonstrated that these long-lived marine mammals cannot sustain commercial exploitation levels because of their particular biology. We have also learned that the depletion of vast populations of whales around the globe generates negative impacts in the marine environment that the scientific community is just beginning to understand.

¹ More than 2,000 people from nine major cities of Chile participated in a national poll requested by Centro de Conservación Cetacea to Chilean survey company Adimark-GfK.

We no longer believe that the whaling industry contributes to the sustainable development of coastal communities, the maintenance of our cultural traditions and the reduction of poverty. On the contrary, we had to learn the hard way that the devastation of whale populations in the South East Pacific, mainly by foreign whaling companies, drove many of our coastal communities to the destruction of their traditional culture and left them in an economic crisis that has been hard to defeat, even after decades of ending the whaling industry in Chile. The ruins of abandoned whaling stations along the entire Chilean coast – from Arica to Magellan - are silent witnesses of this tragedy.

We no longer consider that whales have to be managed as other fisheries. The mistakes from the past and the opportunities for the future related to whales, have changed our view about the importance of granting these species the highest protection level in order to secure the wellbeing of our coastal communities. Chile is the second country in Latin America with the highest growth rate of the whale watching industry, an activity that generates more than 300 millions dollars a year in the region², bringing long-term social, economical and environmental benefits.

More than ever, we have constructed a positive sense of pride regarding our role and commitment towards the conservation of cetaceans. The moratorium on commercial whaling not only granted an opportunity of life to many cetacean species but it also generated the necessary conditions for our people to actively get involved in the conservation and management of whale populations. We will never again be passive observers of the massacre of the whales that navigate our waters. We are now active players in the development of sound scientific non-lethal research programs and marine conservation proposals that are positioning the country at a regional and international level.

Centro de Conservación Cetacea believes that the evolution and current view of the Chilean people regarding the conservation and management of whales is just one example of many countries that, since the adoption of the moratorium, have develop truly sustainable opportunities related to the non-lethal use of whales. We believe these alternatives need to be seriously considered when debating the future of the IWC.

As in biology, the real threat to the future of the IWC would be its incapacity, forced or voluntary, to evolve and adapt to the interests, needs and challenges of our time.

² Hoyt, E. e Iñiguez M. 2008. Estado del Avistamiento de Cetáceos en América Latina. WDCS, Chippenham, UK; IFAW. East Falmouth, EE.UU.; y Global Ocean, Londres, 60p.



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Opening Statement to the 61st Meeting of the International Whaling Commission

The Canadian Marine Environment Protection Society (CMEPS) thanks the people of Portugal for their kind welcome to their beautiful country.

As the only Canadian accredited NGO to participate in IWC meetings for the last 13 years, CMEPS continues to provide IWC member countries with information regarding the ongoing hunt of bowhead whales in the Eastern Canadian Arctic without IWC authorization.

Although Canada was a founding member of the IWC, it left the Commission in 1982 when the global moratorium on whaling was announced. When this issue was debated in Canada's House of Commons, parliamentarians only accepted to renounce Canada's membership to the IWC under the condition that Fisheries and Oceans Canada (DFO) agree to abide by all recommendations of the IWC Scientific Committee.

This has not happened. The IWC has adopted four resolutions (IWC 1996-9; IWC 1998- 13; IWC 1999-7; and IWC 2000-2) that ask Canada to cease all whaling activities and re-join the Commission. Not only has the DFO ignored the resolutions and the IWC Scientific Committee's recommendations, but Canada continues to issue whaling permits increasing quotas almost every year.

In previous years, DFO issued permits to kill one bowhead whale every two to three years. Last year that quota was raised to two whales a year. This year, the quota was raised to three bowhead whales per year for the next three years.

Although independent Canadian whale researchers and the IWC Scientific Committee have stated that there are less than 500 individual bowhead whales left in the Eastern Canadian Arctic, DFO now claims that there are 14,400 bowhead whales. These estimates are preposterous, unpublished in the scientific literature, and have been rejected by the IWC Scientific Committee.

Although the bulk of scientific expertise on the bowhead exists outside of the DFO, this expertise was ignored in their deliberations. For example, several of the chapters of the 1993 monograph "The Bowhead Whale" were written by independent Canadian scientists, including Davis, Koski, Miller, Richardson, and Ross, but none of them were invited to participate as experts in the DFO's assessments. Three papers (Davis and Koski, 1980; Finley, 1990 and Richardson et al. 1995) contain much of the research done on this whale species, yet the DFO reports contain little or no reference to them.

Canada remains a non-voting non-member country at IWC meetings, thus avoiding being accountable to Canadians and the rest of the world for issuing whaling permits based on politics, and not on scientific data. Canadians are concerned that these politically-based whaling quotas are going to result in the extirpation of Canada's highly endangered populations of bowhead whales.



On behalf of its global membership, the Cousteau Society extends appreciation to the government of Portugal and the island of Madeira for the warm and welcoming venue enjoyed by delegations and observers at the 61st meeting of the International Whaling Commission. We appreciate the opportunity to taste both your heritage of the Age of Discovery and your extraordinary natural blessings as the Commission assembles.

In considering how best to fill its mandate to conserve and manage the great whales, the Cousteau Society urges all delegations to focus on the issues and processes of the twenty-first century not on a return to a destructive past. The proposal brought forth by the Small Working Group on the Future of the IWC offers no hope of meeting the needs of cetaceans, much less those of nations concerned with protecting the health of an ocean on which we all depend. The process that led to the proposal has stifled honest exchange of thought and conviction by retreating behind closed doors and by excluding the participation of civil society. In principle, compromise can rejuvenate a body such as the IWC but compromise without principles just renders it impotent. The conservation and management of a global resource such as whales must engage all stakeholders, as represented by non-governmental organizations as well as governments.

Moreover the process has reinforced the lack of transparency in other areas of the IWC's work. History, both recent and distant, attests to the negative effects of secrecy. Refusals to provide data needed for proper management derail the scientific validity of calculations. Non-participation in committees deprives management issues of full collective consideration. Pushing for fewer resolutions and more secret ballots removes accountability. Falsified catch data have hidden the onset of near-irreversible damage to stocks. Non-reporting of enforcement measures has often meant non-enforcement. Retreat to Commissioners-only or, particularly, SWG-only meetings has stolen time, attention and funding from key scientific priorities and vital conservation issues that impact whale populations.

The Cousteau Society urges the Commission to let the SWG process and the proposal it brings for the Future of the IWC expire. This venerable Commission deserves a future of productive and respected management of the conservation of cetaceans. It must begin rebuilding a new, open exchange of ideas and collaboratively agreed alternatives.

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Au nom de ses membres à travers le monde, la Cousteau Society exprime sa gratitude au gouvernement du Portugal et à l'île de Madère pour ce lieu chaleureux et accueillant, apprécié des différentes délégations et des observateurs lors de cette 61^{ème} Commission Baleinière Internationale. Nous reconnaissons notre chance de bénéficier d'un aperçu de votre héritage issu de l'Epoque des grandes Découvertes et votre extraordinaire patrimoine naturel.

Envisageant la meilleure façon de remplir son mandat pour la conservation et la gestion des baleines, nous demandons à toutes les délégations de se concentrer sur les questions et les processus du 21^{ème} siècle et de ne pas revenir vers un passé destructeur. La proposition amenée par les Présidents du *Small Working Group* et de la Commission n'offre aucun espoir de correspondre aux besoins des cétacés, et encore moins de satisfaire les nations concernées par la protection de la santé de nos océans dont nous dépendons tous. Le processus de négociations en cours concernant l'avenir de la CBI a mis fin aux échanges de pensées et de opinions en se retirant derrière des portes fermées et en excluant la participation de la société civile. En principe, les compromis peuvent rajeunir un corps mais sans principes, les compromis peuvent le détruire. La conservation et la gestion d'une ressource mondiale comme les baleines doit impliquer toutes les parties prenantes, les organisations non gouvernementales aussi bien que les gouvernements.

De plus, le processus n'a pas répondu au manque de transparence dans d'autres domaines de travail de la CBI. L'histoire, récente et plus lointaine, atteste des effets négatifs du secret et du besoin urgent de transparence. Le refus de fournir les données nécessaires pour une véritable gestion empêche d'obtenir des évaluations scientifiques valides. La non-participation aux comités ne permet pas de prendre en considération la totalité des questions concernant la gestion. Diminuer le nombre de résolutions et utiliser le vote à bulletin secret enlèvent la responsabilité des membres face à leur position. Les données de prise falsifiées cachent les dommages bientôt irréversibles causés aux stocks. Ne pas inscrire les mesures d'applications de règles, signifie souvent que les règles ne sont pas appliquées. Les réunions réservées aux membres de la commission, et en particuliers, les réunions réservées aux SWG ont volé du temps et de l'attention pour des questions cruciales pour la conservation comme les prises accessoires, le changement climatique, les pollutions et d'autres priorités scientifiques clés.

La Cousteau Society demande que la Commission abandonne le processus de SWG et la proposition qu'il a amenée pour l'avenir de la CBI. Cette vénérable commission mérite un futur productif et une gestion respectée pour la conservation des cétacés. Elle doit commencer à reconstruire un nouveau processus, ouvert à l'échange d'idées et aux alternatives.

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CETACEAN SOCIETY INTERNATIONAL

Opening Statement for 61st Annual Meeting of the International Whaling Commission, Madeira, Portugal - June 2009

The International Whaling Commission (IWC) is on the threshold of a great new opportunity and challenge. It is time today for this divided, outmoded, 20th century institution to take a bold leap forward and transform itself into a new, pro-active, multi-national body dedicated to the world-wide conservation and protection of whales and other cetaceans.

The Cetacean Society International (CSI) appeals to all member nations to recognize the arrival of a new era of planetary stewardship which requires a fundamental change in the international management of whales from that projected 63 years ago when the International Convention for the Regulation of Whaling was first signed in 1946 by 15 whaling countries.

We invite all nations to accede to the growing global consensus that the “optimum utilization of the whale resources” must derive not from their lethal exploitation for commercial gain but from their conservation and protection for future generations through non-lethal research, study, and benign inter-action.

Human societies are continually evolving. Once-accepted practices become unacceptable as new knowledge emerges, beliefs and sensitivities change, and alternatives develop. When the IWC moratorium on commercial whale killing was instituted 23 years ago in 1986, a number of previously whaling countries agreed to abide by the ban and adapted their local economies to the non-lethal use of whales. This resulted in economic successes and still affords these countries the opportunity to celebrate whales as an integral aspect of their cultures.

Since whales in their ocean habitat do not come under the jurisdiction of individual nations but rather are part of the common heritage of all humankind, decisions regarding their use and management must be made by international agreement, specifically in the case of cetaceans through the IWC as the recognized appropriate international organization. It is up to the majority consensus of IWC members to set the body's future course.

We believe that in the 21st century the killing of whales as a business for profit can no longer be morally justified. There is no product derived from whales for which there is not a perfectly satisfactory substitute. Because of increasing pollution in the world's oceans, whale meat has become so toxic that its ingestion by humans is considered hazardous to health.

There is a clear consensus within the scientific community at large that there is no valid reason for lethal research on whales. Any management needs can be fully served by non-lethal means.

Because of the unpredictable ocean environment and the massive size of whales, there is no humane way to kill whales at sea. The practice is inherently and decidedly inhumane.

Whales are sentient beings of enormous importance to the ocean life system. Whales alive contribute immeasurably to the quality of life on planet earth -- ecologically, scientifically, aesthetically, economically, and educationally.

There is a mystique about whales that creates a sense of awe, wonder, and exhilaration among human beings of all ages, races, and nations, generating a moral bond which appears to embrace all but those still engaged in the actual business of killing whales.

For all these reasons, the Cetacean Society International urges the 61st Annual Meeting of the International Whaling Commission to seize the day and move beyond the cruel, archaic, unnecessary whaling practices of the past to a new regime of non-lethal whale management. It is time to seek consensus on a transformed charter for a benign future, with an end to commercial whale killing in any form.



**Opening statement to the 61st annual meeting
of the International Whaling Commission
Madeira, June 22nd-26th 2009**

The Future of Whales and the IWC

Campaign Whale is extremely grateful to the people of Funchal, on the beautiful Island of Madeira, for their warm welcome.

As IWC delegates continue to debate the future of the organisation 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 populations of whales driving some populations and even entire species to the brink of extinction. Even now huge scientific uncertainty remains over the size and status of the world's remnant whale populations and the threats they face. We believe, therefore, that the IWC can only meet its responsibilities for the conservation and recovery of the world's surviving whale populations by upholding and strengthening the moratorium on commercial whaling for decades to come. Meanwhile, the IWC must implement a comprehensive long-term programme of non-lethal scientific research in to the threats to whales from climate change and other serious and growing environmental threats to their survival.

The safety of human consumption of whale products must also be called in to question given that they are increasingly contaminated with highly toxic chemical compounds caused by human pollution of the environment. People that regularly eat whale and dolphin meat, blubber and other organs are seriously jeopardising their health. Apart from the risk to humans from ingesting contaminated food, the long-term threat to whales, dolphins, porpoises, and the marine environment from our pollution is deeply concerning. There is no way to 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 consuming whale products is safe, or that any level of whaling is sustainable.

Campaign Whale is a founder member of the *Global Whale Alliance* (GWA) which opposes commercial whaling. We therefore strongly support the GWA Statement, currently supported by over 120 non-governmental organisations worldwide, which calls 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 further agrees that:

- Commercial whaling does not serve any vital human nutritional need
- Current killing methods, despite improvements, remain inherently cruel
- Mounting scientific evidence provides unequivocal evidence of potentially catastrophic environmental change that will harm whales
- Consumption of contaminated whale meat from commercial and subsistence hunting poses a serious risk to human health
- We do not know enough to manage whales sustainably even if this were still 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
- The IWC must uphold the moratorium and 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



For the benefit of species and people

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IWC/61/OS GGT

**OPENING STATEMENT
TO THE 61st ANNUAL MEETING OF THE
INTERNATIONAL WHALING COMMISSION
MADEIRA, PORTUGAL, JUNE 2009**

Global Guardian Trust (GGT) is disappointed that the “Future of IWC” discussions have not produced solutions to allow the IWC to resume its proper functioning as a resource management organization. We remain deeply concerned that maintaining the moratorium on commercial whaling is contrary to the object and purpose of the International Convention for the Regulation of Whaling (ICRW) and that the IWC continues to disregard the principles of science-based rule-making and good faith interpretation of international law that are the global standard for good governance related to the management of all ocean resources. These principles together with a respect for cultural diversity must be the basis of fair and balanced solutions that will require compromises from all members. Outcomes that would continue the current deadlock within the IWC and that fail to provide for both the resumption of sustainable whaling on abundant stocks and a recognition of the need for continuing research on whales as the basis for management, as it is for all other fisheries, are unacceptable.

We acknowledge and view positively the improvement in the institutional discourse that has resulted from the “Future of IWC” discussions. However, replacing acrimonious discourse with more polite discussion will not itself lead to solutions on substantive matters. Fundamentally, this must be accompanied by commitments to find compromise solutions rather than positions that would impose one view over the other. We look forward to seeing expressions of such commitments from those opposed to whaling as a basis for continuation of the “Future of IWC” process over the next year.

GGT applauds the work of the NGO Species Management Specialists (SMS) and its collaborators for their development of a draft new convention to provide a framework for the management of whaling that respects the cultures of those who value whales as a source of food. The use of cetaceans in many parts of the world contributes to sustainable coastal communities, sustainable livelihoods, food security and poverty reduction. We

therefore express our strong support for this initiative that will render the IWC marginalized if discussions on the “Future of the IWC” fail to produce outcomes that are acceptable to all. This is one of the consequences of the dysfunction of the IWC that has continued for too long. Many species and stocks of whales are abundant and sustainable whaling is possible. We urge Governments to seriously consider this initiative.

Finally, GGT would also like to highlight two of the very positive comments and conclusions of the expert panel that reviewed the results of the first six years of Japan’s research program in the North Pacific (JARPN II) in January of this year.

“The Panel recognises that an enormous amount of scientific work has been undertaken in the field, laboratory and in analysis during the first six years of the programme.”

“The Panel appreciates the notable amount of effort undertaken and the generally high quality of the sampling programme, resultant data and information from JARPN II studies on whale food habits and prey preferences. These efforts have resulted in valuable datasets that have great potential for concerted analytical work on a broad range of topics, not all directly related to the JARPN II programme objectives.”

GGT reiterates its position that the management of all ocean resources must be based on science and strongly supports the continuation of this research program that is aimed at improving fisheries management in the Western North Pacific.

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Greenpeace Opening Statement to IWC 61, Madeira, Portugal

GREENPEACE

The island of Madeira is an appropriate setting for the 61st International Whaling Commission meeting, and a model for how the organisation could be transformed. The island has a long association with whaling; in the 1700s, whaling ships called here for supplies and to hire skilled crew for whaling voyages. Whaling contributed to the island's economy with a catch of over 4,000 sperm whales between 1941 and 1981. In 1981, Portugal agreed legislation that would fully protect whales and dolphins to come into force in 1986. Madeira voluntarily stopped whaling in 1981, five years before the rest of the country. Madeira now has a fast-growing whale watching industry, which works to ensure that the business does not harm the populations on which it depends, showing once again that a whale is worth much more alive than dead. Most Maideiran whale watching vessels complete sightings sheets, which contribute to expanding scientific knowledge of cetaceans in these waters.

The International Whaling Commission should learn from the change that has taken place in Madeira, by transforming itself from a body that attempts to manage whales for the benefit of the whaling industry, to an organisation that seeks to conserve and protect cetaceans worldwide. We would do well to approach such a transformation with humility, remembering that the IWC has never been successful in managing whales even for the benefit of the whaling industry - its attempts at management were marked by the failure of plans and the depletions of populations and species.

The present dangers are clear. If incidental takes by net entanglement are not sharply reduced or halted, the current take of western grey whales will drive the population to extinction during this century. The survival of the northern right whale remains in the balance, with ship strikes and net entanglements preventing population recovery. The Vaquita is critically endangered. Two years ago the Baiji was declared extinct.

Change is needed. The lessons of past failures can no longer be ignored.

The Small Working Group process has clearly failed. Rather than risk repeating errors or further delaying the modernisation process, a new way forward must be agreed by the IWC at this meeting. A transparent consultation and decision making process is required to achieve the goal of bringing the International Whaling Commission into line with modern practices of marine conservation, to be finalised no later than the IWC meeting of 2011. In the interim, and until such an agreement has been finalised, any whaling programme other than the aboriginal/subsistence hunts already sanctioned by the IWC, must be suspended.

The IWC must turn all of its efforts to the non-lethal study of whale populations, and to devising and implementing of strategies for the recovery of all whale populations to pre-exploitation levels over the next 100 years.

This is not an excessive request. The whaling nations are currently pressing for quotas under the RMP, which operates over the 100-year span. The lifetime of large whales, such as the endangered fin whales being hunted in the Antarctic, is 80-90 years.

The 20th century was a disaster for whales and the IWC oversaw some of the worst excesses of the whaling era. The 21st century offers us a chance to repair the damage done to cetacean populations worldwide. If the IWC can deliver to the citizens of the 22nd century a worldwide population of whales near pristine abundance, then our descendants can decide what form of sustainable use they wish to pursue and the Commission will have entered history as a farsighted body that rose above initial failure to secure the future of the whales.

If Madeira can end whaling and replace it with sustainable, non lethal use of whales and an ethos of nature protection for its own sake, then the IWC can do no less.

International



**HUMANE SOCIETY
INTERNATIONAL**

Opening Statement to the 61st Meeting of the International Whaling Commission June 2009

As the first decade of the twenty-first century draws to a close, the twenty-fifth anniversary of a milestone in the history of whale conservation approaches. The moratorium on commercial whaling has been in effect for nearly a quarter century. Against unremitting pressure to weaken or lift it, against continuous efforts to wear down the will of supporting nations, against campaigns to undermine the case for its necessity, the moratorium has survived.

More importantly, against the combined threats of whaling, habitat degradation, pollution, disturbances from sonar and drilling activities, overfishing of prey species, and the uncertain looming impacts of climate change, whales are surviving. The moratorium has been decisive in their continued existence. Our vigilance must continue to focus on the defense and strengthening of the moratorium. Whales are not saved -- and they can never be entirely safe -- from the hazards and risks that lie beyond their own control. Whales live on a fragile planet in which their fate rests squarely in our hands.

The IWC had its origins in earnest acknowledgment of the harm to whale species that whaling and other activities have wrought. Its charge has never been an easy one, and its remit has become ever more complicated in the midst of changing attitudes toward whales and whaling, and the accumulation of scientific and practical knowledge of whales, their needs, and the threats they face.

The year separating Santiago's IWC 60 and Madeira's IWC 61 has been one of extraordinary activity and dialogue focusing on the future of the IWC. The stated reasons for initiating the Small Working Group process were to diminish acrimony within the IWC and to reduce the number of whales killed each year. These are worthy goals.

However, having initiated this process, and seen where it has led this body so far, the signatory nations have the responsibility to ensure that it doesn't put the IWC and the whales in a worse position. The Small Working Group undertook its work amidst invocations of a way forward, a future for the IWC, and a new beginning. Yet, regrettably, the compromise plan, in its reported forms, is an alarming and in some respects a stealthy retreat to the past, one that, we fear, bodes ill for whales.

It is of particular concern that the plan emerged from closed door meetings that kept civil society out, and produced proposals to legalize coastal commercial whaling, legitimize scientific whaling, and issue ad hoc quotas on a scientifically unsound basis. In these and other respects, the plan seemed to flaunt the precautionary principle that has guided the policy of many signatory nations in this arena for decades. It also resurrected the worst elements of a previous generation's attempts to "fix" the IWC, and in some measure, looked more like a blueprint for tragedy rather than a way forward. It sacrifices hard-won and important conservation victories for short-term cosmetic gains. This plan will not solve the IWC's problems- it will exacerbate them.

To be clear, Humane Society International is not calling for an end to deliberations about the future of the IWC. We, too, have a vision of its future. It is one in which through our collective efforts, we forestall the most urgent threats to the survival of whales. It is one in which a global consensus about the majesty and value of these wonderful creatures is honored to the highest degree in our laws, our treaties, and our foreign policy negotiations. It is one in which sanctuary boundaries are recognized and respected. Finally, it is one in which commercial whaling, including that being cast as scientific in nature, gives way – once and for always -- to the lucrative and sustainable enterprise of whale watching, which, properly conducted, promises to bring benefits both to humankind as well as to whales and other species inhabiting the world's oceans.

The Small Working Group process that was flawed from the outset and therefore unlikely to ever result in fewer whales killed. Among other defects, this process was grounded in an overindulgence of the rhetorical claim that the IWC is at a point of collapse requiring urgent resolution at whatever the cost. Those nations threatening to leave the IWC for several decades haven't done so -- their leaders know that such a decision would go against their interests.

A number of other underlying assumptions in this process have also proven faulty. The most important of these is the mistaken belief that a trade-off between scientific and coastal whaling is a practical or suitable solution. Lethal scientific whaling has been rejected by nearly every country around the world as unnecessary, and has become nothing more than an unethical way around the moratorium. No nation should be allowed to trade off scientific whaling in exchange for coastal whaling, which is equally objectionable, ignores the international will on these issues, and defies the conservation principles of the IWC itself.

Such a trade-off also ignores the inherent problems with a resumption of coastal commercial whaling. Historically, coastal hunting has been the easiest whaling to undertake, and the most difficult to control. Consequently, it has seriously depleted many inshore stocks. It would take place in coastal waters where whales calve and nurse their young -- waters that already present greater-than-normal environmental threats to whales -- including bycatch, ship strikes, and entanglement in fishing gear.

As a factual matter, any deal that allows for coastal commercial whaling cannot legally limit whaling, for example, to Japan and its four coastal communities, because the Convention assigns quotas to stocks, not countries. There would be no logical or legal basis for the IWC to exclude other nations that might wish to start commercial hunting of whales along their coasts. In this regard, it is worth noting reports that South Korea says it would consider resuming commercial whaling off its shores if the IWC approves a plan for Japan to conduct coastal whaling.

This is no way forward to a better future for either the IWC or the whales. As it did in the era of the IWC's founding, the world looks to the IWC for leadership at a critical time. The entity must rise to the occasion and meet its responsibilities head-on. In the face of massive public concern that whaling creates throughout the world, even in the whaling nations, and in the face of the tremendous and uncertain threats that confront the world's whale populations, we must come to terms with the fact that the best insurance for whales, and the very best way to ensure their future, is to phase out all forms of commercial whaling.

There are those who suggest that fewer whales may be killed if a compromise is struck with the whaling nations. However well intentioned, this approach could not be more ill-advised. Those nations that cling to whaling do so to the great consternation of the larger majority of nations, and against the objections of hundreds of millions of individuals, in every country, who feel with the deepest conviction that whaling, whatever its viability and justification in past centuries,

cannot be indulged in this one. In this respect, the time for compromise has long ago passed, and the last year's flirtation with appeasement has the potential to negate so much of the progress that the world has made toward ending a brutal practice forever.

We call upon conservation minded nations to act decisively to set a course that leads to an end to commercial whaling. It is a difficult undertaking, one with significant diplomatic complexities. But these nations' energy and resources will be better spent making inroads into closing down an outmoded industry rather than propping it up while dangerously renewing hopes for the resumption of full-scale commercial whaling. It took over a decade to pass the moratorium; a proposal like the one considered during the last few months would take just one meeting to end it.

Today, six decades after the IWC formed, and a quarter century after its adoption of the moratorium, it is not only legally valid, but abundantly justified by current environmental circumstances, for the IWC to place greater emphasis on conservation rather than maintaining a commercial whaling industry which has so thoroughly run aground in terms of its acceptability to the global community.

In 1946, whaling's legitimacy was not in question, so it was appropriate to reach international agreement on its regulation. Yet, even then, the Convention was unique in that it provided for -- and indeed, gave equal emphasis to, conservation -- well before such thinking became the norm. We are, all of us, fortunate that it did so, for this has left the IWC well-positioned to further extend its commitment to protection for whales, and to honor the developing global consensus against the legitimacy of commercial whaling.

Times have changed, and so too have human understanding, compassion, and respect for these magnificent marine mammals. International law, in the form of conventions and treaties, is not static either. Our laws, by necessity, must be, and they are, interpreted in an evolutionary manner, in order to remain relevant, credible, and apt to our circumstances. Whatever might have been the case in 1946, most of the world now believes that whaling should be reserved for very special circumstances—such as subsistence aboriginal whaling.

In considering the plan of the Small Working Group, the IWC is in danger of making itself irrelevant by authorizing and enabling a return to regulating commercial whaling rather than seeking its end. If the IWC votes to approve a package that includes even a limited resumption of coastal whaling, the body will be out of step and dramatically at odds with civil society.

Humane Society International encourages the IWC to adopt a robust and transparent process that is truly forward-thinking, one that embraces the widely-held views that whales should no longer be slaughtered for commercial gain. By extending its work in the inexorable direction of greater whale preservation, we do not dishonor the history or the intent of the treaty that formed the IWC. Rather, we recognize the passage of the time, and the sweeping shifts in public attitudes and economic practices throughout the world, that have reinforced the protectionist ethos, and lead us toward a future that is safer, and better, for whales.

Instituto de
Conservación
de Ballenas



**Opening Statement to the 61st Meeting of the International Whaling Commission
Funchal, Madeira, Portugal – June 2009**

INSTITUTO DE CONSERVACION DE BALLENAS

www.icb.org.ar

The **Instituto de Conservación de Ballenas (ICB)** from Argentina expresses its gratitude to the government of Portugal for hosting the 61st Meeting of the International Whaling Commission in Funchal, Madeira. As an accredited observer NGO, ICB represents the interests of many people in Argentina and Latin America regarding the management and non-lethal use of cetaceans.

The mission of ICB is to protect whales and their habitat through research and education. We work jointly with the Ocean Alliance and with other Latin-American NGO's to ensure our right to use whales in non-lethal ways. We also cooperate with the governments that support whale watching as a viable alternative to whaling and share the concept that whales are more valuable alive than dead.

Our organization trusted that the process initiated by the Small Working Group at the 60th Annual Meeting in Santiago would lead to a modernized IWC dedicated to the management of cetaceans according to the current worldwide perspective of conservation of whales and dolphins. However, this was not achieved despite the efforts and dedication of many nations that have participated in the SWG. Whaling nations has demonstrated again that they are not willing to make any concession to achieve an agreement.

The end of "scientific" whaling

The status quo cannot be extended because it implies the unnecessary death of cetaceans in the name of "science", denying the principles of the actual moratorium on whaling. ICB believes that "scientific" whaling should stop, and requests the member nations to end all lethal research programs. The Southern Right Whale Program, conducted jointly by ICB and WCI in Argentina since 1970, is the longest study in the world based on the identification of individual whales. Its database on the Patagonian right whales has become an invaluable tool for understanding whale biology and the whales' responses to changes in their habitat and ecosystem. Our understanding of this population was generated solely through the use of benign research techniques and exemplifies the fact that whale populations can be studied and managed much more effectively without killing whales.

Whalewatching and the value of whales alive

Península Valdés in Argentina has become one of the best places in the world to watch the southern right whale at close range. Consequently, the activity has become the main tourist attraction in coastal Patagonia. Whale watching in Puerto Pirámides generated total revenues of over USD 42.6 million in 2006 (Hoyt and Iñiguez 2008). This is another clear example that whale-watching and other non-lethal uses of cetaceans are far more profitable than whaling.



When whalewatch operations are complemented by effective enforcement, surveillance and the opportunity for scientific and education programs, they help bring the message of cetacean and marine conservation to the public while promoting cetacean safety and maximum socioeconomic benefits from whale watching activities to local communities. Whale watching should be given ample discussion at the IWC, especially since it was recognized as a legitimate, viable and integrated management strategy for cetaceans by the Commission in 2007.

Sanctuaries

Sanctuaries play a fundamental role in protecting the range of migratory species, especially in international waters. The South Atlantic Whale Sanctuary is in keeping with the interests of many South American and African countries, for whom cetacean species have an intrinsic economic, ecological and cultural value as a resource that should be used in non-lethal ways. ICB supports and encourages the IWC to establish the SAWS to protect a natural resource that improves the livelihood of hundreds of coastal communities in our region.

Global threats

Cetaceans face numerous threats at present. This situation should encourage the member nations to work jointly to find solutions to these threats and to stop all activities that affect the recovery of cetacean populations. Our research program has shown that global warming reduces the reproductive rate of right whales. The causes of other threats are less evident. For instance, the right whale population that calves off Argentina experienced unprecedented mortalities in 2007 and 2008 when at least 183 whales died on the whales' nursery ground. The causes behind these mortality events remain unclear. We should not add commercial whaling to the list of threats to which these and other whale populations are exposed. We request governments to work jointly to make the world's oceans a healthier place for whales and dolphins, free of pollution, ship collisions and entanglements, with Sanctuaries where whales can carry on their life cycles and be free from the threat of whaling.

Civil Society Participation

As a non-governmental organization that represents the interests of many people, we request to have an active participation in the process to modernize the IWC. The role of NGOs as "observers" is not enough. We believe that the exclusion of NGOs from this process is against the true modernization of the IWC. It is essential that the IWC be open to public participation in the short term, because such openness contributes significantly to the transparency of all IWC activities.

We are aware of the complex processes at the IWC. However, it is necessary to seek an agreement in the short term that includes the end of whaling under article VIII of the ICRW, a condition to provide the grounding to achieve a final agreement among all nations in the Commission.



**IRISH SEAL SANCTUARY OPENING STATEMENT FOR THE 61ST
ANNUAL MEETING OF THE INTERNATIONAL WHALING
COMMISSION, MADEIRA, PORTUGAL - JUNE 2009**

IRISH SEAL SANCTUARY PROPOSES WORLD WHALE SANCTUARY REFERENDUM.

Having missed the Intersessional Meeting in Rome, it is good to be with you in Madeira, as members, observers and facilitators proceed with the difficult process of reform within IWC. In this endeavour we wish you well and take this opportunity to share some thoughts and ideas with you. Most especially we encourage all to continue and expand engagement with civil society. Over the years with increased transparency and public interest, the IWC is perceived by some as out of touch with the growing global consensus for not just whale conservation but also whale protection; by others as clearly a long way from its original objectives of sustainable whale hunting. In a world changed for both whales and humankind, these polarised options in the old language of TACs and Quotas are no longer simple or clear. A new language and understanding meeting the challenges and concerns of this and the next generation is what is now required.

THE ISS IS HOPEFUL THAT THE FACILITATION PROCESS AND THE SMALL BUT GROWING ENGAGEMENT WITH CIVIL SOCIETY MAY PROVIDE THIS AND URGES COMMISSIONERS AND THOSE THEY REPRESENT TO STAND BACK FROM THEIR TRADITIONAL AND NATIONAL POSITIONS TO UNDERSTAND THIS AND REFRESH THEIR MANDATE WITH THOSE THEY REPRESENT.

For many commissioners, so long serving at IWC, every year must seem painfully repetitive as "national" interests and stereotypes are repeated, re-iterated and defended with a little fancy footwork and swordplay and occasional new member or ally changing the tenuous balance back and forth a few percentiles off the simple majority but never sufficiently to break the gravitational pull of entrenched interest or embark on a new trajectory or reach consensus. The critical mass for change is absent from the existing structure and process and so stasis or agreeing to differ interminably remains the less than satisfactory outcome, with the media proclaiming pyrrhic or moral victories for one side or the other, reflecting even baser xenophobia and political interest. Many proposals including the Irish Proposal have come and gone. Current proposals from Bill Hogarth and SWG appear to be meeting predictable responses along traditional lines. The best efforts of the best brains and best diplomats on offer to IWC over the years seem to inevitably hit the wall. The initiative from Korea to refer IWC back to High Governing Parties for resolution met the same impasse. The Irish Seal Sanctuary was of the view at that time, that the emergence of a US Chair and Japanese Vice Chair, was the last and best opportunity for resolution and while on the surface this may not appear to be yet the case, the emergent role of facilitators and civil society may prove to be defining and what history will remember them for----not their high diplomacy but the simple gestures and actions of inclusiveness and understanding.

THE IRISH SEAL SANCTUARY APPEALS TO THE COMMISSIONERS TO SEIZE THIS HOPE AND PROPOSES TO IWC AND ALL COMMISSIONERS INDIVIDUALLY AND COLLECTIVELY TO WORK FOR A WORLD

WHALE SANCTUARY REFERENDUM IN ALL MEMBER STATES TO SOUND THE VIEWS AND GAUGE THE FEELINGS OF THEIR OWN POPULATIONS ABOUT THE SUBSTANTIVE ISSUE AND REFRESH THEIR MANDATE AT IWC.

By such a referendum or even credible straw poll, commissioners may well return to IWC, greatly refreshed or even changed. In the absence of a full referendum, the simple digital age device of a poll with yes/no/abstain options, logging single, traceable, non-repeatable, non-transferable votes for or against a World Whale Sanctuary would suffice. IWC Secretariat, on instruction, could co-ordinate or monitor such a poll internationally were commissioners to agree. For commissioners and observers alike, such a simple act of courage and test of mandate would enhance their own and public understanding of the issues, national and international trends, which it is likely are poorly understood within IWC, after years of impasse and isolation. The Irish Seal Sanctuary strongly recommends such a course to all Commissioners, to return to their constituents nationally to refresh their mandate. The IWC as the premier international forum has done great service in facilitating debate on whale and whale hunting issues. Commissioners now need to turn to their constituents, with global issues in mind, to do justice to the issues in this information age. We all will benefit by the results and understanding and should not be afraid of outcomes.

LET US NOT BE AFRAID TO ASK THE DIFFICULT QUESTION FOR FEAR OF A NEW ANSWER!

The Irish Seal Sanctuary position is self-evident and we need deeper understanding of the processes at work also.

From our perspective and for this meeting our position is clearly outlined in our opening statement for Chile 2008 and our welcome and support for Chile's new Sanctuary and earlier by our actions and our role in securing the Irish Whale and Dolphin Sanctuary and bringing IWC to Dublin. We advocate the Sanctuary contagion and trust the South Atlantic and South Pacific Sanctuary proposals will finally receive the support they so richly deserve. We support www.worldwhalesanctuary.org and point to it as a simple example of how Commissioners might copy the process at home, incorporating both yes and no options for feedback. This site was mindlessly hacked without back-up following Chile 2008 and is only again launched. Feel free to link and engage with it and encourage others to do likewise, as a simple straw in a storm, which might provide some direction to port. Check in on us also at: www.irishsealsanctuary.ie.

THE IRISH SEAL SANCTUARY WISHES ALL PARTICIPANTS GREATER UNDERSTANDING FROM YOUR ANNUAL MEETING AND ENCOURAGES YOU TO BRING A PROPOSAL FOR A WORLD WHALE SANCTUARY REFERENDUM FROM MADEIRA TO YOUR CITIZENS.

The ISS issues a personal invitation to all Commissioners and delegates to visit Ireland as our guests to witness the benefits of the Irish whale and dolphin sanctuary at first hand.

Brendan Price on behalf of Board of Directors, Irish Seal Sanctuary.



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The IWC Meets Groundhog Day

In the 1993 comedy “Groundhog Day”, Bill Murray’s character, Phil Connors, repeatedly relives 2 February, waking each morning to the sound of Sonny and Cher singing “I’ve Got You Babe”. Delegates in Madeira could be forgiven for thinking they are in a similar time loop.

Over the past year, the reform process offered some hope that a way could be found to transform the International Whaling Commission into an effective regulatory body. Dr. Hogarth, as Chairman, rode opposition from animal rights groups to organize a series of meaningful discussions that at least gave the impression that progress could be made. Normal hostilities were suspended.

Alas, as the Commission meets in Madeira, these hopes appear to have been in vain. Beyond the temporary niceties, nothing of substance has been agreed. Talks will likely continue under the current framework for a further year. But expectations have crumbled and few delegates gathering in Madeira harbor much hope that anything worthwhile or lasting will now emerge.

It seems that we are back at square one, waking again to find it is still Groundhog Day. Does it have to be this way?

The lesson to draw from the past year is that IWC member states cannot skirt around the main issue. The reform process was bound to go nowhere because it deliberately shied away from the moratorium problem. This has been the over-arching approach at the IWC for years and it doesn’t work. Until sufficient member states can find the courage to admit the shortcomings of the moratorium, the IWC will never function properly and the status quo will prevail.

More and more delegates on both sides seem to be calling for a new Convention but for different reasons. Both cite the failure of the current mechanisms to justify their positions.

One side argues that the IWC doesn’t fulfill its purpose of facilitating the whaling industry and would set up a new Convention of whaling states that would allow managed harvests. The other argues that the IWC lacks enforcement powers and wants a new Convention that prohibits all harvests whatever abundance levels exist – but presumably would only be able to sign up non-whaling states.

The other option is to really solve the IWC’s problem. Let’s start talking about the moratorium. Let’s begin by establishing what it has actually achieved. To some it is a great symbol of successful environmentalism. Yet, it has led to a situation where around 80 per cent of the great whales harvested today are taken outside of IWC jurisdiction. Is that truly a measure of success? It is no use crying “Foul!” and casting aspersions to the effect that nations have worked against its so-called spirit. The current situation could have been easily predicted in 1982. The suspension of commercial whaling, acting as permanent ban, was always doomed to failure.

Has the moratorium aided whale conservation? Probably not. The NMP (New Management Procedure) was already in place by 1974, the most endangered stocks had not been hunted since the 1960s or before, and any conservation benefits attributable to the moratorium have therefore been marginal.

From the perspective of conservation then, the issue that divides the IWC is – ironically – of relatively little consequence.

Will delegates ever agree on these issues? Possibly not, but until we face up to the debate we are simply accepting the status quo. If no agreement can be reached, then perhaps we will have to end up with two separate Conventions.

Isn't it time we got beyond Sonny and Cher?

**OPENING STATEMENT
JAPAN FISHERIES ASSOCIATION
61st Annual Meeting
INTERNATIONAL WHALING COMMISSION
Madeira, Portugal
June 22-26, 2009**

The Japan Fisheries Association would like to thank the Government of Portugal for hosting the 61st annual meeting of the International Whaling Commission on this enchanting island. We sincerely appreciate the hospitality of the Government and the people of Madeira.

The Japan Fisheries Association is perhaps the oldest NGO attending annual Commission meetings. Established in 1882, we are the umbrella organization for all the fisheries of Japan with over 400 institutional and individual members. About 90 percent of our production is taken locally from coastal waters by thousands of small and medium scale entities in the more than 6,000 fishing villages. Coastal whaling is an integral part of these small and medium scale coastal fisheries.

Fish and cetaceans are indigenous and traditional foods for the Japanese people and have been for centuries. Japan is a mountainous island nation with very little arable land and our dietary needs have naturally been dependent upon our surrounding seas. It is our indigenous and traditional marine dietary culture that has contributed to the good health and longevity of the Japanese people.

Access to food is a recognized human right and a return to the production and consumption of indigenous and traditional foods is viewed as a key weapon in the fight against increasing world hunger. Local production of indigenous and traditional foods for local consumption naturally helps maintain diversity in world food cultures for the benefit of all, thereby decreasing dependency upon imported food and minimizing the ecological footprint of intensive industrialized food production and distribution.

Yet the moratorium continues to deny many coastal communities around the world the right of access to their indigenous and traditional foods. We must begin to recognize the stark reality that many people around this world utilize cetaceans for food and that in spite of the anti-use values that dominate in this forum, these people will continue to do so. This stark reality is evidenced by the very small percentage of total cetacean catches actually regulated under the Schedule. For as long as this forum is unwilling to recognize the utilization of these resources for food, other institutions and means will be necessary to ensure their proper conservation and management.

We highly commend the Chairman for his efforts to resolve the longstanding fundamental differences that have inhibited the Commission from carrying out its mandate under the Convention. We fully support the Chair's initiative and encourage the Commission to work closely with him during this 61st annual meeting.

Opening Statement
Japan Small-Type Whaling Association

Twenty two 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)



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OPENING STATEMENT TO THE 61st ANNUAL MEETING OF THE IWC

**22-26 June 2009, Madeira
All Japan Seamen's Union**

On the opening of the 61st 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 fisheries have lost their jobs. Those members, however, have been carrying on the tradition of their skills to the next generation for over 20 years, preparing for the day when we can resume whaling. 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, therefore, ready for a resumption of commercial whaling at any time.

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 (JARNP), and has been reported all the survey results to the IWC Scientific Committee every year. All the crew members of those survey 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 the Sea Shepherd who call themselves environmental groups have repeatedly obstructed the "Nisshin Maru" fleet.

In 2009, "Steve Irwin", the vessel of Sea Shepherd rammed against a research vessel, threatening our union members' lives as well as the safety of the body of the ship, which is categorically

unacceptable.

Such vicious acts are no better than piracy and terrorism in the light of international law and they were condemned by the participating countries at the IWC's Intercessional Meeting held in Rome in March this year. A representative of the JSU also decried those terrorist acts and requested the Netherlands whose flag is carried by the terrorists, and Australia that supports the group 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.

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 pay serious attention to the recommendations raised in normalization meetings in London and Rome. We express our respect to the normalization proposal raised in the intercessional meetings. However, if the chair's arbitration proposal is to hold back a resumption of commercial whaling, 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.



OPENING STATEMENT

The Natural Resources Defense Council (“NRDC”) is a non-profit environmental organization with over 1.2 million members and activists, a staff of around 350 lawyers, scientists, and resource specialists, and a 39-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 in Pacific coastal waters and around the world, including activities proposed by the U.S. Navy, National Marine Fisheries Service, Exxon U.S.A., Mitsubishi Corporation, and others. NRDC is a leader in publicizing and fighting the growing risks of ocean noise pollution to marine mammals and other marine species.

NRDC welcomes the opportunity to participate in the 61st Meeting of the International Whaling Commission, in Madeira, Portugal and to submit this brief Opening Statement. We wish to express our appreciation to the residents of Madeira for hosting this very important meeting. We look forward to the meeting and to enjoying Portugal’s well known hospitality, particularly now that the unprecedented security and vetting procedures have been rescinded.

Statement of Principles

In 1999, NRDC formally adopted, and today maintains, a policy statement on whaling, which 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.

On the Resumption of Whaling

Consistent with this statement of policy, NRDC strongly opposes any initiative to resume, expand, or permit commercial whaling, whether explicitly or under the guise of scientific whaling, as well as any proposal to expand scientific whaling. Claims that this continuing slaughter is “scientific research” have been universally rejected by legitimate scientists, and we therefore urge the IWC to reject Japan’s expansion of its program of lethal research whaling to

include the killing of fin whales (in 2006) and humpback whales (in 2007). Both are endangered species that have yet to recover from decades of decimation by commercial whalers. We believe that the IWC should formally recognize the findings of an international group of leading marine mammalogists, published in 2003 in *BioScience*, that scientific whaling has heretofore yielded no data necessary for management that could not have been obtained through non-lethal means.

We further oppose any effort to allow small-type coastal whaling under the 1986 moratorium. This form of commercial whaling meets none of the special circumstances that underlie the narrow exception made, under the moratorium, for aboriginal subsistence whaling, which, by contrast, is undertaken by aboriginal or native peoples with a continuing traditional dependence on whaling and the use of whales. The IWC should not countenance efforts to condition quotas for genuine aboriginal subsistence needs on the expansion of coastal whaling.

Should the IWC nevertheless adopt a scheme of limited managed whaling, NRDC supports the view that such a scheme must include, to begin with, such elements as a rigorous, transparent, and comprehensive observer and monitoring scheme (including, but not limited to, 100% monitoring by international observers responsible to the IWC); a DNA Registry and inspection program, conducted under the auspices of the IWC, to ensure compliance with all management restrictions and requirements; and an effective internationally-supervised enforcement program with meaningful sanctions for any and all infractions of such restrictions and requirements. We also support the call for a Protocol to the International Convention for the Regulation of Whaling that removes Article VIII Special Permit Whaling, prohibits objections and reservations to partial or whole Schedule Amendments and ICRW Articles, and establishes binding dispute and compliance mechanisms (such as those described above).

In Support of Sanctuaries

NRDC once again affirms the importance of sanctuaries and other marine protected areas to the conservation of marine mammals. Accordingly, we endorse the initiatives of member nations to establish a whale sanctuary in the South Atlantic and we oppose all efforts to strike, restrict, or otherwise impair the management of existing sanctuaries.

In Support of the Conservation Committee

NRDC respects the essential role that the IWC plays in the international conservation of whales and acknowledges the IWC's broad competence over matters pertaining to the management of these species, including small cetaceans. Indeed, given the ongoing degradation of our oceans, we believe it is critical that the IWC investigate, study, and manage impacts on these species resulting from sources other than commercial whaling, such as climate change, ocean acidification, habitat loss, overfishing, global warming, bioaccumulation of toxics, and pollution generally, including ocean noise pollution, which has become ubiquitous in coastal regions around the world. In cases where these or other impacts have predictable effects on cetacean populations, they should be incorporated into stock assessments. For this reason, we strongly support the purposes and functions of the Conservation Committee, which 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.

On the Role of Non-Governmental Organizations

We also strongly believe 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. NGOs also play a vital role in increasing the transparency of

international organizations, including the IWC. Nonetheless, the abilities of NGOs to fully contribute are limited due to constrained speaking rights (only three NGO representatives) and inability to participate in the Small Working Group. We support allowing the full and meaningful participation of NGOs, as the participation of such organizations reflects the ideals of participatory democracy and transparency.

In Support of Action on Ocean Noise Pollution

Specifically with regard to the growing problem of ocean noise pollution, we note the emerging international consensus, recognized recently by CMS and the UN Secretary General, 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 recent 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.

Based on its 2004 review, it was the unanimous conclusion of the Scientific Committee's Standing Working Group on Environmental Concerns that there is now "compelling evidence implicating anthropogenic sound as a potential threat to marine mammals. . . . manifested at both regional and ocean-scale levels that could impact populations of animals." In a special symposium, the Scientific Committee reviewed scientific case studies of marine mammals exposed to noise from seismic air gun surveys and identified a range of potential impacts to whales. They include significant changes in feeding and other survival behaviors, damage to fish and other prey species, stranding and death. Citing this "cause for concern," the Committee adopted recommendations for mitigation, monitoring, and research to begin to address these impacts. The Committee's ongoing concern about ocean noise is reflected in the decision to elevate anthropogenic noise to a full agenda item for the 2010 meeting of the Scientific Committee.

We therefore call upon the IWC and its member states to consider carefully the reports from these symposia and to act on the recommendations that the Scientific Committee, with its expertise in this area, has put forward to address the problem of ocean noise.

In Support of Urgent Action to Protect the Western Grey Whale

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). We therefore continue to urge the IWC, at this critical moment, to work to ensure that the proposed oil and gas development not endanger this critically vulnerable species.

Opening Statement for IWC 61

OceanCare and Pro Wildlife are dedicated to the conservation of cetaceans and their environment. The recent developments in whaling nations and the present discussions regarding the future of the IWC give us reason for serious concern:

- **Regarding the Future of the IWC**

While the efforts to reach a compromise, with the target to decimate the total number of large whales that are annually killed, are laudable, we fear that conservation countries might be willing to make enormous concessions, whereas in the contrary the whaling nations continue to provoke the international community by increasing whaling quotas, expanding international trade in whale products, and rejecting from providing data on their whaling activities, which are demanded by the IWC.

A quota for **coastal whaling off Japan**, which is presently part of a first package, would *de facto*, end the IWC moratorium on commercial whaling, which is in place since 1986. In document IWC/60/9, Japan clearly confirms the purpose to commercialize products resulting from this hunt within the entire country and even across national borders. When allowing quotas for Aboriginal Subsistence Whaling the understanding of the IWC was that such products should be only locally consumed. By allowing the Japanese coastal whaling the IWC would establish a new whaling category¹ and would even more complicate the situation: South Korea has already expressed its interest to also receive a catch quota under this new category. It must be feared that other former whaling nations will try to re-entry into this business under the new circumstances.

OceanCare and Pro Wildlife are also seriously concerned, that the IWC Parties would agree on an **interim advice by the Scientific Committee**, which is not based on the RMP. Such an interim advice would lead the RMP, which has been developed over a long period and is based on all the scientific expertise of the IWC, *ad absurdum* and would undermine the credibility of the Scientific Committee.

- **Regarding Human Health**

Already in the late 1990s and early 2000s, the IWC has repeatedly reviewed toxic burden of cetaceans and resulting health risks for human consumers (see Resolutions 1998-11, 1999-4, 2000-6, 2001-5 and 2001-13). However, since 2001 this discussion has been ceased. But during the last decade scientists have published alarming results on the contamination of cetacean products and associated an increasing number of human diseases with the consumption of such products, including higher risks for neurological disorders and immuno suppression in children, arteriosclerosis, Parkinson, hypertension and premature birth in adults. As a consequence of these worrisome findings, in August 2008 the **Faroese Health Authorities** in an open letter to their Government recommended that whale meat is no longer used for human consumption. However, in 2009 so far at least two pilot whale hunts have taken place and meat and blubber were distributed to the involved communities.

In other whaling nations toxic burden of some cetaceans is similarly high, compared to the Faroese pilot whales, or even higher. Nevertheless, the responsible authorities there so far have failed to draw appropriate consequences and still tolerate or even encourage the consumption of cetacean products.

At the IWC **JARPN II Review Workshop** in January 2009, a paper of the Japanese Institute of Cetacean Research (SC/JO9/JR24) has been presented, which documents that within the period of 2002-2007 in every

¹ Apart from commercial whaling, aoboriginal subsistence whaling and scientific whaling.

single year samples of minke whale blubber exceeded Japan's own safety limits. However, the Japanese Government in 2005 launched a school program. Since then hundreds of thousands of dishes, including considerable amounts of whale products from JARPN, were distributed to cantines of schools and hospitals, despite the alarming PCB-levels.

We urge the IWC Parties to address these facts, to express their serious concern on the human health risks and to call on whaling nations to appropriately inform their citizens about the alarming findings.

- **Regarding Small Cetaceans**

OceanCare and Pro Wildlife are seriously concerned about the ongoing, often unsustainable and uncontrolled hunt of small cetaceans in different countries. Especially worrisome is the situation of belugas and narwhals in Greenland and Canada, as well as the Dall's porpoise in Japan:

With a present annual harvest of 165 belugas and 300 narwhals West Greenland has significantly higher offtakes than identified as sustainable by NAMMCO, which is 100 and 135, respectively. In Canada, a former quota system for narwhals has been replaced by a community-based management, and sustainability of the hunt is questionable: For example in December 2008, the exceptionally high number of about 560 narwhals has been killed in Pond Inlet, Nunavut. For belugas, existing quotas are ignored in Nunavik, while in Nunavut they do not exist at all. The ongoing hunt of Dall's porpoises in Japan has been subject to different IWC resolutions. However, the unsustainable offtakes are continuing.

Small cetaceans face serious human-induced threats, such as climate change, incidental catches in commercial fisheries, and marine pollution. Their situation is worsened by those directed takes.

Therefore we urge IWC Parties to expand the IWC's management efforts to small cetaceans, of which many species are currently over-exploited.

- **Regarding Trade in Whale Products**

OceanCare and Pro Wildlife strongly support the enforcement and implementation of CITES (*Convention on International Trade in Endangered Species of Wild Fauna and Flora*), under which trans-border shipments of whale products are prohibited. With great concern we have realised, that in 2008 Japan has imported 82 tons of fin and minke whale products from Iceland and Norway. In April 2009, Norway has issued two further permits, of which one shipment has already been exported. We urge IWC Parties to not accept such activities and to call on the involved whaling nations to immediately halt such provoking activities.

⇒ **We urge IWC Parties to raise these important issues in the plenary and to agree on corresponding resolutions. It would be a fatal signal to the international public if the IWC for a second year would fail to take decisions on urgent problems, such as human health, conservation of small cetaceans, and trade in whale products.**

Pew Statement to the 61st Annual Meeting of the International Whaling Commission, Madeira, Portugal, June 2009

NOTE: This submission is an abstract from a larger statement available at:

<http://pewwhales.org/iwc-madeira/index.html>

The involvement of the Pew Environment Group is quite recent. 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 further below, were organized in the intervening years to afford chances for dialogue that had not previously been possible.

We have been concerned by the misperception promoted by pro-whaling interests portraying all advocates of the moratorium as “intransigent”, and “irresponsible” and our involvement in part has been aimed at laying that misperception to rest. We have sought to shore up what is positive in the work of the IWC and to avoid blame for any possible failures, including a hypothetical irreversible meltdown of the whale conservation regime, being placed on the people and countries who – in good faith and quite legitimately – advocate the continuation of the moratorium on commercial whaling. Whatever happens to the IWC in the future after this year’s Madeira meeting, with the open and transparent dialogue engaged by Pew we believe that we have helped to avoid the prevalence of this misperception.

We should also note the sharp contrast between Pew’s inclusive initiatives that invited the participation of pro-whaling advocates, and the *closed door approach* led by Japan’s Institute of Cetacean Research (ICR). Pew believes that unpublicized and

restricted symposia such as those organized by the ICR in February and April this year,¹ where only pro-whaling advocates were invited to consider the text of a new convention,² are at odds with Japan's pledge to work in good faith on the future of the IWC. If this dialogue is to continue, Japan must be prepared to be open to all parties.

The Pew Environment Group is pleased to have had the opportunity to observe and engage with the IWC for two years during the dialogue on the future of the IWC. 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.³ 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 2008.⁴ The Pew Whales Commission met a year later in February 2009 in Lisbon.⁵ In addition, with local partners and the Lenfest Ocean Program, Pew organized workshops and dialogues in the Caribbean and West Africa,⁶ and addressed the issue of the interaction of fisheries and great whales at the World Conservation Congress held in Barcelona, Spain, in October 2008.⁷ 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.

¹ <http://news.theage.com.au/breaking-news-world/prowhaling-nations-ramp-up-stance-20090501-apxi.html>

² <http://www.pewwhales.org/pewwhalescommission/submissions/ICT%20submission%20to%20Pew%20Whales%20Commission%20-%20Jan,%202009.pdf>

³ <http://www.pewwhales.org/whalesymposium/index.php>

⁴ <http://www.pewwhales.org/tokyosymposium/index.html>

⁵ <http://www.pewwhales.org/pewwhalescommission/index.html>

⁶ http://www.lenfestocean.org/whales_fisheries.html

⁷ <http://www.pewwhales.org/wcc2008/index.html>

Throughout this process we have made constructive recommendations to help the IWC move forward.⁸ We regret that some still argue that there is no need to modernize the IWC. Our experience in the last two years has confirmed our view that the IWC urgently needs to reflect the reality of contemporary multilateral environmental policy and law.⁹

Whereas the hypothetical **acceptance of an exception to the moratorium to allow Japan to maintain its coastal whaling tradition** would be a very bold step for the supporters of the moratorium, the Government of Japan needs to realize that this step can be envisaged **only if it agrees to end scientific whaling and commits to respect internationally agreed whale sanctuaries.**

We urge the IWC Annual Meeting in Madeira to seek agreement to pursue negotiation on the basis of these considerations. The Small Working Group or its successor will have to address several complex details including the application of the Revised Management Scheme (RMS) and Revised Management Procedure (RMP) to Small-Type coastal whaling, the status of the endangered “J” stock of Minke whales in the Northwest Pacific, the implications of on-going whaling operations by other flag States (including what the IWC calls “aboriginal subsistence” whaling), the role of and respect for whale-watching and other non-lethal uses of whales, the status of international trade, etc. We see little point in pursuing the dialogue unless agreement can be reached in Madeira to proceed on this basis.

⁸ <http://www.pewwhales.org/pewwhalescommission/policy%20guide%20-%20twelve%20elements.html> and <http://www.pewwhales.org/pewwhalescommission/policy%20guide%20-%20additional%20elements.html>

⁹ <http://www.pewwhales.org/pewwhalescommission/context/introduction.html>



INTERNATIONAL WHALING COMMISSION
61st Annual Meeting (Madeira, Portugal 22-26 June 2009)

OPENING STATEMENT

Species Management Specialists Inc (SMS) is not optimistic the Future of the IWC discussions will secure a durable agreement among the parties. While anti-whaling members acknowledge the dysfunctional nature of the Commission, they demonstrate a lack of will to resolve the situation. Success in producing a fair, balanced and lasting arrangement requires both sides to make necessary compromises.

During discussions on the Future of the IWC, anti-whaling members have repeatedly stated their continued opposition to commercial and scientific whaling. The real discussion and negotiations should however not be about how to end these activities but rather about how the IWC will manage whaling. SMS urges the Commission to refocus its discussions over the next year in this way.

During the Rome Intersessional Meeting, the Member States of the European Community unveiled their common position against most forms of whaling making it apparent that meaningful progress towards resolving differences was unlikely.

It is therefore understandable and reasonable that, in response, pro-whaling members, who advocate the primacy of the Convention, issued a statement of shared interests supporting the sustainable use of abundant whale stocks. These shared interests do not detract from a readiness by them to negotiate outcomes that support sound science-based conservation and management of whales within the framework of the Convention.

SMS is deeply concerned that Japan's offer to substantially reduce its research whaling in the Antarctic has not resulted in anything being brought to the negotiating table from anti-whaling members, who continue to demand all special permit whaling is ended before they'll agree to even consider a cultural whaling proposal from Japan.

In regard to Japan's small type whaling proposal, anti-whaling Commissioners have only agreed to request the advice of the Scientific Committee on the impact of proposed catches without any commitment that such whaling would be one component of a "package" solution. This request has an unnecessary, built-in delay of one year so that the advice will not be received until the 2010 Annual Meeting making it more difficult to hold meaningful negotiations in the interval.

The chairs' attempt to derive meaningful outcomes from the process is exemplified by the working document entitled 'Chairs' Suggestions'. In between repeated qualifications to placate Commissioners, the two chairs have offered possible compromise arrangements perceived to satisfy both factions. However, responses from the anti-whaling members have shown that in undertaking their tasks, the chairs have assumed a 'mission impossible'.

Unless the substantive differences that have polarized and crippled the IWC as an effective decision-making body are resolved, the ICRW, together with the IWC, will rapidly become irrelevant as the principal international instrument and forum for the management of whaling and conservation of large whales.

SMS believes that the “Chairs’ Suggestions” represent a reasonable approach and that Japan has put forward a reasonable compromise related to its research whaling in the Antarctic. It is now time for anti-whaling countries to negotiate in good faith to achieve ‘compromise’ outcomes. Failure to do so will herald the end of the Convention and the Commission.

At that point, alternative arrangements to ensure the conservation of whales and the management of sustainable whaling will be required. Work on a new Convention to achieve this has been substantially progressed already.

In closing, SMS expresses its appreciation to the Government of Portugal for hosting the 61st Annual Meeting of the IWC on the beautiful island of Madeira and urges all parties to heed the warnings and show leadership to achieve the best management and conservation of whale species.

... ENDS



**WWF OPENING STATEMENT
61st INTERNATIONAL WHALING COMMISSION MEETING
Madeira, Portugal, June 2009**

WWF's goal is to ensure that viable populations of all cetacean species occupy their historical range, and fulfill their role in maintaining the integrity of ocean ecosystems. WWF acknowledges the widely varied cultural attitudes toward the conservation and management of whales, but continues to oppose commercial whaling -now and until whale stocks have fully recovered, and the governments of the world have brought whaling fully under international control with a precautionary and conservation-based enforceable management and compliance system adhered to by all whaling nations. WWF recognises the human need for aboriginal subsistence whaling where it is carried out by aboriginal, indigenous, or native peoples with long-standing, strong social or cultural ties to whaling; where products are for local consumption only; and with a precautionary management scheme in place to ensure such activities are sustainable and do not threaten whale populations.

In the more than 60 years since the International Convention on the Regulation of Whaling (which established the International Whaling Commission) was adopted, it has become impossible to separate the threats presented by commercial whaling from those of marine and noise pollution, commercial bycatch, overfishing, ship strikes, oil and gas development or climate change. As such, WWF urges governments to make the IWC an effective international forum for the conservation of all cetaceans and to work to minimise adverse impacts from all human-caused threats. WWF strongly supports the efforts of contracting governments, the IWC Scientific Committee, and the Conservation Committee, in finding science-based solutions to these problems, and urges the IWC to increase financial and political resources to support these efforts. WWF congratulates the Government of Australia for the generous and visionary contribution of 500,000 Australian Dollars for the development of conservation and management plans for endangered cetaceans, and looks forward to engaging the WWF network in support of these plans.

FUTURE OF THE IWC

WWF supports a resolution to the current impasse in the IWC - to find real solutions for whale conservation that are so urgently needed. However WWF is deeply concerned about the ongoing "Future of the International Whaling Commission" process, facilitated through the Small Working Group (SWG) negotiations, and on which the Chair of the IWC reported in document IWC/61/6. While we respect the Chair's motivation in seeking a consensus package to bring whaling back under the IWC's control, it is clear that the process has failed. Feedback from the Chair made during a US Government Congressional hearing on whaling indicated that Japan's lack of willingness to compromise was the main factor in the inability of the SWG to reach agreement.

Therefore, without major public signals from the whaling nations before or during the 61st meeting of the IWC, including a statement from Japan that it is willing to look seriously at eliminating all scientific whaling, we urge the Commission and its contracting governments not to allocate more scarce resources to the continuation of these negotiations.

If negotiations of the SWG are to continue, WWF strongly recommends including the following in any 'package deal', if there is to be one, in order for it to be acceptable to all parties, and ensure the proper conservation of whales¹:

1. All countries engaged in commercial whaling must be included in the package deal in the first instance, not dealt with in an 'interim period'.
2. All IWC governments must remove objections and reservations within the IWC.
3. Compliance, monitoring and sanctions are crucial and must be agreed upon at the onset of any schedule amendment.
4. All lethal take of great whales must be halted in established sanctuaries.
5. Article VIII² should be eliminated from the Convention text, through an amending protocol. As a first step, all governments should agree not to invoke Article VIII, and to stop all scientific whaling.
6. Any whaling by IWC Contracting Governments must be fully under the management of the IWC, and must use the RMP to calculate quotas. The current RMP should be adopted into the schedule.
7. There must be no lethal take for commercial purposes of threatened whale species.
8. The RMP should be used responsibly, with no alteration of tuning levels, for all whales taken by IWC Contracting Governments.

¹ For a full analysis of the two 'package deal' options presented in document IWC-M09-4 to the IWC Intersessional meeting in February 2009, please see: www.panda.org/what_we_do/endangered_species/endangered_species_list/cetaceans/cetaceans/iwc/resources/?165881/WWF-Opening-Statement-IWC-intersessional-meeting-March-2009

² See page 4, section 'Needless Lethal Research'



9. All reservations to the listing of great whale species on Appendix I of CITES must be removed. Governments should agree not to submit proposals to transfer to Appendix II any whale species included in CITES Appendix I.
10. The remit of the IWC must be clarified—as including all cetaceans, both large and small.

ECONOMICS OF WHALING

WWF would like to draw the attention of the Commissioners to a new report, to be distributed during the meeting, which investigates the economic basis of the whaling industry. The analysis concludes that whaling is heavily subsidised at present. In both Japan and Norway (the two countries assessed), substantial subsidies are necessary to prop up an operation which would otherwise be commercially marginal at best, and most likely loss making. In this time of global economic crisis, the use of valuable tax dollars on the propagation of what is most likely an economically unviable industry, is neither strategic, sustainable, nor an appropriate use of limited government funds.

SMALL CETACEANS

WWF believes that small cetacean conservation should be central to any discussions or negotiations about the future of the IWC, and should therefore be included in the list of ‘high priority’ issues to be discussed by the SWG, should the SWG negotiations continue. 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. We note that the Scientific Committee Report of IWC61 further highlights serious concerns regarding unsustainable hunts of small cetaceans.

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 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. If the IWC is to become an effective body, it must embrace the principles of Ecosystem Based Management and consider the impact of its decisions on a broader range of species than great whales alone. WWF draws the attention of the IWC and its contracting governments to a report on small cetaceans ‘*The Forgotten Whales*’, and invites all delegates to a press conference on small cetaceans on Wednesday, 24th June in the Sidney Room, 2nd floor of the Pestana Hotel, at 13:00.

CLIMATE CHANGE

There is now unequivocal evidence that climate change is happening, and a growing understanding that climate-related changes in the oceans pose a threat to cetacean species, particularly those with a limited habitat range or those for which sea ice provides an important part of their habitat. WWF reports at previous IWC meetings have highlighted both the overall impacts of climate change on cetacean species³, and the specific impacts of climate change on the whales of the Antarctic⁴. WWF strongly supported the IWC Scientific Committee (SC) workshop on climate change and cetaceans, which took place in the intersessional period.

However science alone will not be enough to avoid the potential negative implications of climate change’s impact on cetacean species – for the cetaceans themselves, but also for the local communities which depend on healthy cetacean populations to deliver the livelihood benefits generated from whale watching activities. **WWF urges the Scientific Committee, the Conservation Committee and Contracting governments to build on the good science that has been collated and analysed during the IWC SC workshop, by developing and implementing adaptation strategies for cetaceans, and incorporating climate change considerations into existing conservation and management plans.** WWF congratulates the Government of Costa Rica and the other parties involved in the successful delivery of the workshop on adaptation options for cetaceans and other biodiversity of the Eastern Tropical Pacific, held February 9-11, 2009, and draws the attention of all delegates to the report of the Costa Rica workshop (which will be distributed during the meeting) and the guidance it provides for governments and other managers in terms of the design and implementation of adaptation strategies for cetaceans and the general marine environment.

WHALES AND FISHERIES – AND THE IWC

A number of contracting governments to the IWC have claimed that whales need to be culled (through whaling) as the large number of whales in the oceans is causing a depletion of the fisheries resources available for human consumption. However the science behind this issue strongly suggests that there is no evidence that whales compete

³ See ‘Whales in Hot Water’ <http://assets.panda.org/downloads/climatechange16ppfinallo.pdf>

⁴ See ‘Icebreaker’ http://assets.panda.org/downloads/english_final_proof_final.pdf



with fish stocks targeted by humans. Analyses indicate that most food consumed by marine mammals consists of prey types that fisheries do not target, and that marine mammals consume most of their food in areas where humans do not fish.

Since the last IWC meeting, additional scientific publications have joined the now extensive range of evidence demonstrating that culling of marine mammals will not aid in the recovery of commercial fisheries, and that in some cases culling of marine mammals could actually be detrimental to fishing interests. Furthermore, the IUCN World Conservation Congress, of which most IWC contracting parties are members, passed a resolution by a 91.3% majority of governments which “ACKNOWLEDGES that the great whales play no significant role in the current crisis affecting global fisheries.” It is now time for the IWC, as a science-based organization, to take note of current scientific knowledge and political opinion, and make a strong and public statement clarifying that the IWC and its contracting governments recognize that culling whale species is not necessary to secure fish stocks. The cause of depletion in fish stocks is over-fishing, and the best solution to the problem of declining fisheries is to rebuild overexploited stocks and ecosystems through relieving fishing pressure, improving gear selectivity and fishing exploitation patterns, protecting habitat and making a wise and generous use of protected areas and no-take zones.

NEEDLESS LETHAL RESEARCH

Although the ICRW contains a provision (Article VIII) that allows governments to issue their own lethal research permits, it was written more than 60 years ago, at a time when no practical alternatives existed. Today, modern scientific non-lethal techniques provide the data required for whale management more efficiently and accurately than lethal sampling. WWF calls on the Government of Japan to stop abusing the special whaling permit provision of the ICRW by conducting commercial whaling under the guise of research, to bring its research efforts into the 21st Century through the use of existing non-lethal techniques, and to refrain from using science as an excuse to bring whale meat into its commercial markets. WWF fully supports efforts by Australia and other governments in developing regional non-lethal research partnerships, and urges contracting governments to support and further develop these initiatives.

WESTERN NORTH PACIFIC GRAY WHALES

The IWC has repeatedly addressed and made recommendations on the 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.⁵ However the status of the WGW is by no means secure. According to the WGW Advisory Panel (WGWAP) there was a significant decline in the number of whales sighted along the Sakhalin shoreline and near the Piltun Spit during the Summer 2008 observation period, which may be linked, along with other factors, to the Sakhalin oil and gas projects.

The WGW is one of the most heavily studied and closely deliberated whale populations in the world. The world is watching the WGW, and extinction of this sub-species would have far reaching and precedent setting implications for whale conservation worldwide. WWF calls on all IWC contracting parties to provide assistance to the WGW range states in conserving the species, and to support conservation initiatives aimed at ensuring its survival such as the establishment of a Sakhalin Marine Federal Wildlife Reserve along the Piltun Spit for the protection and monitoring of critical grey whale habitat.

WHALE MEAT TRADE

WWF is very concerned by the escalation in trade in whale meat from Norway and Iceland to Japan. Although this trade is technically legal under CITES, since Norway, Iceland and Japan all have reservations to the Appendix I CITES listings in question. However, this trade undermines the effectiveness of both CITES and the IWC. We believe that the collaborative, consensus spirit of discussion that the IWC is trying to foster is undermined by this trade. We cannot see how negotiations of the “Future of the IWC” can proceed unless these reservations are removed.

CONCLUDING REMARKS

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 85 member states that will stand in judgment of the decisions and compromises reached.

⁵ See IWC resolutions 2005-3, 2004-1, 2001-3