

[Revised]¹ Chair's Summary Report of the 61st Annual Meeting, Madeira, Portugal, June 2009

The 61st Annual Meeting of the International Whaling Commission (IWC) took place at the Pestana Casino Park Hotel, Madeira from 22-25 June 2009. It was chaired by Dr Bill Hogarth (USA) and was attended by 71 of the 85 Contracting Governments². Observers from one non-member government, five intergovernmental organisations, and 56 non-governmental organisations (NGOs) were also present. The associated meetings of the Scientific Committee and Commission sub-groups were held at the same venue in the period 31 May to 18 June.

A brief report of the outcomes of the main agenda items is provided below. A full report including details of Commission discussions will be available in the Chair's Report of the 61st Annual Meeting.

1. STATUS OF STOCKS

Antarctic minke whales

Completion of revised circumpolar abundance estimates for Antarctic minke whales continues to be a high priority as there is no agreed current estimate. The primary data being used are those collected from the IWC-IDCR/SOWER³ cruises (1978/79 to 2003/04) that have been divided into three circumpolar series known as CPI, II and III. Standard analyses of minke whale abundance estimates from these surveys have shown an appreciable decline between CPII and CPIII. For some years now the Scientific Committee has been trying to obtain abundance estimates from more sophisticated analyses as part of its examination as to whether the decreases represent a real decline in abundance or whether there are other explanations for the differences (e.g. changes in the number of whales in the pack ice which is outside the survey area). This year the Committee received abundance estimates from two different methods, i.e. a standard hazard probability model and a spatial model. Although both showed an appreciable decline between CPII and CPIII, the absolute estimates for each method were very different; the Committee is investigating possible reasons for these differences. It expects to be able to provide its best estimate of abundance to the Commission at next year's meeting.

Western North Pacific common minke whales

The Scientific Committee began work on the in-depth assessment of western North Pacific common minke whales in 2004 in response to concerns about the conservation status of the 'J' stock arising from the RMP *Implementation* completed in 2003. This is a complex area to assess both in terms of stock structure (there are at least four plausible hypotheses) and estimating abundance in the context of direct and indirect catches (removals occur on migration rather than in the feeding grounds). The two principal issues for the Committee this year were: (1) integration of abundance estimates for minke whales in the East Sea/Sea of Japan and Yellow Sea, where Japan and the Republic of Korea have conducted sighting surveys since 2000; and (2) further investigation of stock structure for western North Pacific common minke whales including 'J' stock animals.

With respect to distribution and abundance, the Committee reviewed progress on work to integrate abundance estimates from Korean and Japanese surveys, particularly with respect to 'J' stock. However, further work is needed before abundance estimates can be accepted for the Yellow Sea and East Sea/Sea of Japan as a whole.

Clarifying issues of stock structure, particularly with respect to hypotheses to be used in *Implementation Simulation Trials* is one of the objectives of Japan's research programme in the North Pacific (JARPN II - see section 7) as well as an important component of the Committee's assessment work. Review of the JARPN II stock structure analyses is an important component of the independent Panel review of JARPN II, and a number of suggestions for additional studies to further clarify stock structure issues were made. Work to integrate the stock structure information from Japanese and Korean studies will form a major part of future work.

The Commission's discussions of the way forward for work on the western North Pacific common minke whales is considered (see section 23).

Southern Hemisphere humpback whales

The Scientific Committee currently recognises seven breeding stocks (A-G) of humpback whales in the Southern Hemisphere connected to feeding grounds in the Antarctic. The Committee completed the

¹ To include Resolutions 2009-1 and 2009-2 on climate change and on the extension of the Small Working Group on the Future of the IWC respectively (see sections 9 and 23).

² As of 13 January 2010, there were 88 Contracting Governments.

³ International Decade of Cetacean Research/Southern Ocean Whale and Ecosystem Research Programme.

Comprehensive Assessment⁴ of breeding stocks A (eastern South America), D (western Australia) and G (western South America) in 2006. Since then, priority has been given to completing the assessment of breeding stocks B and C off the western and eastern African coasts respectively. Information presented to the Scientific Committee suggests that the stock structure and mixing for both stocks is complex. The assessment of breeding stock C, was completed this year and it is pleasing that humpback whales in this area appear to have recovered well (to at least 65% of their pre-exploitation sizes). Limited time was available to consider breeding stock B, so work will continue on this next year.

The Scientific Committee reviewed new information on breeding stocks D, E, F and G. It agreed that the abundance estimate of 21,750 (95% CI 17,550-43,000) for northward-migrating D stock animals be used as the best estimate in any future assessments of this stock.

The Committee reconfirmed its support for the Antarctic humpback whale photo-identification catalogue which is of great importance to the assessment of humpback whales and has over 3,000 catalogued whales.

Southern Hemisphere blue whales

Last year the Scientific Committee completed a circumpolar assessment of Antarctic blue whales and recommended: (1) that area-specific analyses be examined to evaluate whether separate assessments can be made for each IWC Management Area; and (2) gathering data relevant for assessment of non-Antarctic blue whales. This work is ongoing. The Committee was pleased to receive information on blue whale photo-identification data held by the Institute of Cetacean Research and this will be also provided to the IWC catalogue derived from photographs taken during the IWC SOWER cruises.

Western North Pacific gray whales

The Scientific Committee and the Commission have expressed great concern over the critically endangered western gray whale on a number of occasions. It is one of the most endangered populations of large whales in the world with a population size of around 130 individuals and only about 23 breeding females. The primary feeding grounds lie along the north-eastern coast of Sakhalin Island, where existing and planned oil and gas developments pose potentially serious threats to the population through habitat damage, ship strikes, noise pollution and oil spills. Entanglements in fishing gear throughout the range also pose a serious threat to the population.

A considerable amount of new information was available to the Committee this year, in particular the report of the IUCN⁵ Western Gray Whale Range Wide Workshop held in September 2008 in Tokyo, Japan (which was a follow-up to a 2002 IWC workshop). The primary objective of the workshop was to work towards a Conservation Plan to reduce anthropogenic mortality to zero. A number of research and conservation recommendations were made over three broad areas: status and monitoring; threats and improved mitigation; and improved knowledge outside the feeding grounds. These will be developed into actions for the Conservation Plan.

The Scientific Committee endorsed the IUCN workshop recommendations which formed the basis of its own conservation advice to the Commission. Recognising that a number of the threats to this stock occur outside the feeding area but that the migration routes and breeding area remain almost unknown and that such information is essential if effective mitigation measures are to be developed for this stock throughout its range, the Committee recommended a carefully designed satellite tagging programme in the Sakhalin feeding grounds to be undertaken in 2010. This will be under the control of a Committee steering group to ensure recommendations on best practice are met. Finally, the Committee encouraged IUCN and IWC to assist relevant authorities in each of the range states to develop accurate and effective public awareness campaigns.

Right whales

Southern Hemisphere right whales

The Scientific Committee recommended the continuation of long-term studies off eastern South America, South Africa, and Australia and New Zealand. The recent mass mortality events (strandings) of right whales (mostly calves) in eastern South America revealed that the continuation of long-term studies is of particular importance.

North Atlantic right whales

This small stock (around 400 individuals) is critically endangered and is vulnerable to ship strikes and entanglements. The 39 calves seen in 2009 represents the largest annual calf count on record. This information

⁴ The Scientific Committee defines 'Comprehensive Assessment' as '*an in-depth evaluation of the status of all whale stocks in the light of management objectives and procedures... that ... would include the examination of current stock size, recent population trends, carrying capacity and productivity*'.

⁵ International Union for the Conservation of Nature.

and positive growth rates in recent years are encouraging but the Committee remains concerned over the continued anthropogenic mortality. It commended the recent actions taken to lower the possibility for ship strikes in the US and Canada and urged continuation of the management efforts in particular in relation to entanglement in fishing gear. The Committee repeated its previous recommendation that it is a matter of absolute urgency that every effort be made to reduce anthropogenic mortality to zero.

North Pacific right whales

Little information is available on North Pacific right whales other than that the population is probably less than 100 individuals. The Committee expressed concern about the small size of this population and encouraged mark-recapture estimates based on genetic and photographic material to be made available at the next annual meeting.

2. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES

The Commission reviewed the report of the Working Group on Whale Killing Methods and Associated Animal Welfare Issues that met on 16 June. The Working Group had reviewed data submitted in response to various Resolutions (1997-1, 1999-1, 2001-2) on whales killed (e.g. numbers killed, types of methods used, times to death) and on improving the humaneness of whaling operations. Information provided on whales killed included data on the euthanasia of stranded whales believed to be beyond hope of recovery as well as data from hunts.

Last year, the Commission agreed to hold a workshop on welfare issues associated with the entanglement of large whales that will develop guidelines for dealing with entangled whales, including appropriate methods for euthanasia in circumstances when this is the most appropriate course of action. Progress with the preparation of the workshop, to be held from 13-15 April 2010 in Maui, Hawaii was reviewed.

3. ABORIGINAL SUBSISTENCE WHALING

The Aboriginal Subsistence Whaling Sub-committee met on 17 June to review the Scientific Committee's work on development of an Aboriginal Subsistence Whaling Management Procedure and to provide advice to the Commission on catch limits established in 2007 for: (1) Bering-Chukchi-Beaufort Seas stock of bowhead whales; (2) eastern stock of North Pacific gray whales; (3) common minke whales and fin whales off Greenland; and (4) North Atlantic humpback whales off St. Vincent and The Grenadines.

This year, the Scientific Committee received new information that enabled it to provide advice on West Greenland common minke whales for the first time. That advice was that annual catches of 178 would not harm the stock. Regarding the other aboriginal subsistence catch limits, the Committee advised that the present limits will not harm the stocks.

As last year Denmark, on behalf of Greenland, requested a take of humpback whales. This request, which was combined with a proposed reduction in the take of minke whales from the West Greenland stock from 200 to 178 annually, was initially for 10 whales annually for a three-year period (2010, 2011 and 2012) but was later reduced to a request for 10 whales in 2010 only. Discussions in the Commission again focused on whether Greenland had adequately shown that it 'needs' to catch these whales (in the IWC system, countries representing aboriginal subsistence whaling must periodically demonstrate their need to catch whales to the Commission) and also the factors used by Greenland to convert tonnes of edible products to the number of whales. The Commission was again divided over the request for the taking of humpback whales and agreed to leave open the decision on catch limits for Greenland until an intersessional meeting. In the meantime a small scientific group will investigate the issue of conversion factors.

The catch limits presently in force are:

Bering-Chukchi-Beaufort Seas stock of bowhead whales (taken by native peoples of the USA and the Russian Federation): A total of up to 280 bowhead whales can be landed in the period 2008-2012, with no more than 67 whales struck in any year (and up to 15 unused strikes may be carried over each year).

Eastern North Pacific gray whales (taken by native peoples of the USA and the Russian Federation): A total catch of 620 whales is allowed for the years 2008-2012 with a maximum of 140 in any one year.

Caribbean humpback whales (taken by St Vincent and The Grenadines): For the seasons 2008-2012 the number of humpback whales to be taken by the Bequians of St. Vincent and the Grenadines shall not exceed 20.

West Greenland fin whales: The number struck shall not exceed 19 in each year.

West Greenland common minke whales: The number struck shall not exceed 200 in each year (and up to 15 unused strikes may be carried over each year).

West Greenland bowhead whales: The number struck shall not exceed 2 per year (and up to 2 unused strikes may be carried over each year). The quota for each year shall only become operative when the Commission has received advice from the Scientific Committee that the strikes are unlikely to endanger the stock.

East Greenland common minke whales: The number struck shall not exceed 12 in each year (and up to 3 unused strikes may be carried over each year).

4. THE REVISED MANAGEMENT SCHEME (RMS)

Revised Management Procedure (RMP)

The RMP was designed to set safe catch limits for commercial whaling for baleen whales according to the Commission's user and conservation objectives. It was adopted by the Commission in 1994. At the core of the RMP is the *Catch Limit Algorithm (CLA)* which is used to determine catch limits. The RMP in effect comprises the rules to use the *CLA* in a multi-stock world. In addition to rules on how to set catch limits it includes requirement guidelines for conducting surveys and guidelines for collecting and analyzing data required for assessing population status. Undertaking an *Implementation* of the RMP for a particular species and region is how the Committee ensures that a generically tested approach can be used safely in a particular case.

The Committee's discussions are divided into three parts: general issues; the *Implementation* process; and the estimation of bycatch and other human-induced mortality.

General issues

A major task for the Scientific Committee has been to re-evaluate the range of values used for the Maximum Sustainable Yield Rate (MSYR). MSYR relates to the productivity of stocks and the values for productivity used to test the robustness of the RMP to uncertainty. Three main issues emerged from an intersessional meeting, i.e. the use of population models incorporating environmental variation; a meta-analysis of information available related to MSYR for baleen whales; and how the information may affect the range of plausible values of MSYR in the context of the RMP. The Committee plans to finalise its discussions on these issues by the 2010 annual meeting. The Committee noted that the discussion of amendments to the *CLA* cannot be completed until the range of MSYR is finalised.

The Implementation process

An *Implementation* is the process the Committee follows for a given species and region to ensure that the key uncertainties related to *inter alia* stock structure, abundance and catches are adequately addressed. Once the Commission confirms that the Committee should go ahead with the *Implementation* process, there are a series of steps that must be followed over a two-year period, encompassing three annual meetings and two intersessional workshops. After an *Implementation* is completed the Committee conducts regular *Implementation Reviews* to see if new information requires revision of the simulation trials.

At this year's meeting the *Implementation* for North Atlantic fin whales and the *Implementation Review* for North Atlantic common minke whales were completed.

The *Implementation Review* of North Atlantic common minke whales focused on two issues: (1) management boundaries; and (2) abundance estimates. No changes to the boundaries used in the 2003 *Implementation Review* were necessary. Estimates of total abundance for the survey area during 2002-2007 of 108,000 (95% CI 69,200-168,500) and 81,000 (95% CI 51,900-126,400) for the *Eastern Medium Area* only were adopted. The Committee recommended that the latter is used in the *CLA*. The estimates were in accordance with the estimates from the previous survey period (i.e. 1996-2001) although had higher uncertainty.

Completion of the outstanding aspects for *Implementation* for the western North Pacific Bryde's whale, namely the development of a proposed research programme by Japan in relation to stock structure, is ongoing.

Estimation of bycatch and other human-induced mortality

The RMP estimates a limit for the number of non-natural removals, not simply a catch limit for commercial whaling. It is therefore important to estimate the numbers of whales removed from the population by indirect means. The Scientific Committee's work in this area has focused on: (1) estimating bycatch using fisheries data and observer programmes (which involves co-operation with FAO⁶) and genetic data from market sampling; and (2) estimating mortality from ship strikes. With respect to the former, discussions this year focused on genetic analyses of market samples of whale meat from Japan. It was noted that access to data in national DNA

⁶ Food and Agriculture Organisation of the United Nations.

registries could *inter alia* assist in improving bycatch estimates and the Committee recommended that such access is granted under the Data Availability Agreement.

With respect to ship strikes, work is continuing on the further development and maintenance of the ship strikes database. Work to clarify policies for access and interchange with national databases will be done intersessionally. The issue of ship strikes is also dealt with by the Conservation Committee (see section 13).

The Committee noted plans for a workshop on the cumulative impacts of underwater noise, including relevance to estimating mortality due to noise; a report of the workshop will be available at the 2010 meeting.

Revised Management Scheme (RMS)

There were no specific discussions on the RMS. The RMS is now included as one of the elements under consideration in discussions on the future of IWC (see section 23).

5. SANCTUARIES

No new sanctuary proposals were submitted to the Scientific Committee this year. The Committee reviewed a report from the first International Conference on Marine Mammal Protected Areas held in Hawaii in April 2009.

The Conservation Committee received a report on the long-term acoustic monitoring of baleen whales in the Southern and Indian Ocean Sanctuaries. A year-long acoustic data set recorded from a permanent hydro-acoustic station near the Crozet Islands was analysed to examine the annual cycle of occurrence of baleen whales in the area by using species specific calls. The results suggest that this sub-Antarctic area is an important feeding ground for blue whales.

While the proposed South Atlantic Whale Sanctuary (SAWS), which has been on the table for a number of years, was included on the Commission's agenda, the co-sponsors indicated that because of the progress with discussions on the future of the organisation (which have included the SAWS) they would not request the adoption of a Schedule amendment at this meeting.

6. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING

Japan again referred to the hardship suffered by its four community-based whaling communities (Abashiri, Ayukawa, Wadoura and Taiji) since the implementation of the commercial whaling moratorium. While in previous years Japan has requested a vote on its proposal to relieve this hardship, as last year, it decided not to do so because of the progress it saw in the discussions related to the future of the IWC.

7. RESEARCH CONDUCTED UNDER SCIENTIFIC PERMIT

Review of results from existing permits

The major focus of discussions this year was the report of the specialist workshop to evaluate results from JARPN II⁷. Although results from other programmes were provided to the Scientific Committee (i.e. JARPA II⁸ and Iceland's programme in the North Atlantic⁹) they were not discussed. The Committee did agree, however, that a full review of the completed Icelandic programme would take place in 2011 or 2012.

With respect to the JARPN II review, this was the first time that the new process agreed last year (referred to as the 'Annex P' process) had been used. A key component of the new review process is the greatly reduced role of the proponents of the research. The Panel of 14 independent scientists met in Japan in January 2009 to review the first six years of the JARPN II research programme. Their primary tasks were to: (1) review the scientific

⁷ JARPN II is a long-term research programme primarily aimed at feeding ecology in the context of contributing to the 'conservation and sustainable use of marine living resources in the western North Pacific, especially within Japan's EEZ.' The programme involves the taking of 150 minke whales, 50 Bryde's whales, 50 sei whales and 10 sperm whales annually in the western North Pacific.

⁸ JARPA II is a large-scale Antarctic programme that commenced with the first year of a two-year feasibility study during the austral summer of 2005/06. The objectives are defined by Japan as: (1) monitoring of the Antarctic ecosystem; (2) modelling competition among whale species and developing future management objectives; (3) elucidation of temporal and spatial changes in stock structure; and (4) improving the management procedure for Antarctic minke whale stocks. JARPA II will focus on Antarctic minke, humpback and fin whales and possibly other species in the Antarctic ecosystem that are major predators of Antarctic krill. During the 2-year feasibility study a maximum of 850±10% Antarctic minke whales and ten fin whales will be killed and sampled in each season. Annual sample sizes for the proposed full-scale research (lethal sampling) are 850±10% Antarctic minke whales, 50 humpback whales and 50 fin whales. No humpback whales have yet been taken.

⁹ A proposed permit by Iceland, primarily for feeding ecology studies for the take of 100 common minke whales, 100 fin whales and 50 sei whales in each of two years was presented at the 55th Annual Meeting in 2003. In the event, Iceland has issued permits to take 38 common minke whales in 2003, 25 minke whales in 2004, 39 minke whales in 2005, 50 minke whales in 2006 and 39 minke whales in 2007. This programme has finished its sampling phase.

work undertaken thus far against the stated objectives of the programme and to review future plans in the context of the likelihood of meeting those objectives; (2) evaluate the techniques used (lethal and non-lethal); (3) evaluate the appropriateness of sample size and design for the research; and (4) assess the effects of any catches on the relevant stocks.

The Panel's report

The Panel recognised that an enormous amount of scientific work had been undertaken during the first six years of the programme. However, it also noted the difficulty it had in assessing this initial progress against the programme's expressed, broad long-term objectives. It recommended that long-term programmes should identify and quantify specific, short-term objectives against which progress can be judged.

The work on feeding ecology research and ecosystem modelling has the ambitious goal of providing multispecies management advice. The Panel noted that obtaining ecosystem modelling results sufficiently reliable to inform management advice should not be expected within at least the next few years and could require considerably more time. The Panel concluded that while progress had been made, considerably more work is required, particularly on parameter estimates for non-cetacean components of the ecosystem as well as analytical and modelling techniques.

With respect to prey consumption and prey preferences, the Panel recognised the high quality of the field and laboratory work undertaken; the data have the potential to be of great value to ecosystem modelling in both a generic and quantitative manner. However, concerns regarding the analyses conducted meant that the Panel did not believe that the presented estimates of cetacean consumption rates can be considered reliable yet; several recommendations were made to improve this element of the work. The Panel welcomed the ecosystem modelling work, noting that it is still in the exploratory stage. However, it believed that more emphasis should be placed on the modelling work if the stated aim of the programme is to be reached in a reasonable timeframe. It noted that the data obtained from sperm whales provided no meaningful input to ecosystem models.

Regarding work on monitoring environmental pollutants in cetaceans and the marine ecosystem, the Panel concluded that the JARPN II pollutant studies represented a valuable contribution to knowledge in this area and that the ongoing programme has been addressing its objectives; further work was recommended.

Regarding stock structure issues, the Panel concluded that the programme had produced a uniquely large data set for testing stock structure hypotheses in the target species. Analyses were methodologically sound and comparable to other work within and outside the IWC Scientific Committee framework. The Panel acknowledged the general difficulties in examining questions of stock structure, particularly for weakly-differentiated populations such as those in the JARPN II area. However, it identified a number of limitations to the analyses presented and made detailed suggestions for addressing these. The Panel agreed that these genetic and other analyses would assist in the formulation/narrowing of hypotheses for use in RMP *Implementation Simulation Trials*.

The Panel welcomed other aspects of the programme including the simultaneous collection of *in situ* sea surface and water column characteristics during whale and prey surveys, the collection of sightings data for non-target species and the analyses of their distribution, along with photo-identification studies and a number of other published research papers on reproductive biology, physiology, and cetacean phylogeny.

The Panel also discussed the relationship of the programme to the IWC and Commission Resolutions. With respect to ecosystem and environmental change research, the Panel agreed that many of the objectives of JARPN II are relevant to Commission Resolutions and that, as requested in several of these Resolutions, scientific results have been submitted to the Scientific Committee on a number of relevant issues.

The Panel noted that the issue of lethal versus non-lethal research remains controversial within and outside the IWC. A major contributory factor to this is that the issue is not only a scientific question. The appropriate quantitative data to allow a full comparison of various lethal and non-lethal techniques do not exist. Given these information gaps and other difficulties, the Panel could not complete this item on its Agenda. However, it did recognise that at present, certain data, primarily stomach content data, are only available via lethal sampling. The Panel also made a number of recommendations, including that a full evaluation of the relative merits of lethal and non-lethal techniques be conducted as soon as possible after other recommended work has been completed. It specified how such a full evaluation might take place.

With respect to sample size and design, the Panel concluded that a full evaluation requires better specified objectives and examination of whether identified sources of uncertainty are sampling-related or not. The brief analysis provided by the proponents was not sufficient and the Panel agreed that until a full analysis is done it will not be possible to provide appropriate advice on sampling design and sample sizes. A thorough review is a major undertaking and the Panel provided guidance to the Proponents to assist in this process.

Regarding assessing the effects of JARPN II on the status of the stocks, there is no specific guidance from the IWC on how this should be done. The Panel concluded that: (1) the information available did provide sufficient basis to provide advice on the effect of planned JARPN II catches on common minke whale stocks (the need to complete the in-depth assessment of 'J' stock as soon as possible, along with a full *Implementation Review* for western North Pacific minke whales was emphasised); (2) the level of take does not pose a problem to the stocks of Bryde's whales; (3) the information available did provide sufficient basis to provide advice on the effect of planned JARPN II catches on sei whales (further work was recommended). With respect to sperm whales, although the Panel agreed that the effect on the stock of the small JARPN II takes is negligible, it questioned the scientific value of the programme's small and unrepresentative takes of this species.

Finally the Panel noted that it had not been able to complete its review and would not be able to do so until a number of its recommendations had been addressed. These revolved around: (1) sample size/sampling design (including the need to have clearly stated quantitative objectives and sub-objectives and the need to have further quantitative information on both lethal and non-lethal techniques); and (2) effects of catches on stocks for common North Pacific minke whales and sei whales.

Discussion of the report within the Scientific Committee

The proponents concluded that while they believed that overall the Panel report was balanced and fair and contained useful recommendations, several of which were already being addressed, they did not agree with all comments or recommendations. In some cases this was due to cost and logistics while in other cases it was more to do with objections in principle e.g. with respect to how to examine effects of catches.

The Scientific Committee commended the Panel on having undertaken its review in a critical but constructive manner. However, it also expressed concern that the Panel was not always provided with the information and guidance necessary to review programme progress, to draw conclusions regarding the appropriateness of programme sample sizes and to assess the effects on two of the stocks (common North Pacific minke whales and sei whales). The Panel's concerns regarding slow progress on ecosystem modelling and its severe questioning of the scientific value of the programme's small and unrepresentative catches of sperm whales were highlighted by some members. There was considerable discussion over the need for more quantified objectives and sub-objectives for the programme.

Evaluation of the performance of the procedure for reviewing scientific permit proposals

The Scientific Committee's discussions focused on issues relating to selection of Panel members, the need for 'conflict of interest' statements and the question of observers being present. Some Committee members were in favour of modifying the language of 'Annex P' to more clearly specify who may participate and observe. Others recognised the difficulty in obtaining a Panel that all would consider fair and balanced, noting that adding specificity to the Annex would not necessarily be an improvement as Panel composition depends on the scientific objectives of the research being considered. The Committee recognised that a number of important considerations had been raised with respect to whether 'Annex P' required revision. Given that there is no need to establish a review panel in the forthcoming intersessional period, the Committee agreed to discuss the issue of possible revisions at its 2010 meeting to allow time for further reflection.

8. SAFETY ISSUES AT SEA AND THEIR IMPLICATIONS

This item was included on the agenda at the request of Japan in view of protest activities of the Sea Shepherd Conservation Society that despite a number of consensus Resolutions and statements¹⁰ had again been launched against JARPA II research activities in the Southern Ocean during the austral summer of 2008/2009.

Contracting Governments while continuing to support the right to legitimate and peaceful forms of protest expressed deep concern regarding the further escalation of the confrontations and hoped that the matter could be resolved. The responsibility of the relevant Flag and Port States in this regard was noted (and the governments involved reported on the actions they are taking) as was the role of the International Maritime Organisation (IMO) in addressing safety issues at sea. The Commission requested the Secretariat to write to the IMO to inform it of the serious concerns of all IWC Contracting Governments regarding the implications of protest activities conducted against Japanese whale research vessels in the Southern Ocean in recent years. In addition to concerns over safety and the order of maritime navigation, the Commission has serious concerns regarding the potential for environmental damage resulting from any confrontations and the limited search and rescue capability in such a remote area (i.e. the Ross Sea).

¹⁰ Resolution 2006-2 on the Safety of Vessels Engaged in Whaling and Whale Research-related Activities; Resolution 2007-2 on Safety at Sea and Protection of the Marine Environment; the statement issued by the Commission at its intersessional meeting in March 2008.

9. ENVIRONMENTAL CONCERNS

The Commission reviewed the Scientific Committee's report on environmental matters, including climate change effects, ecosystem modelling, pollution, other habitat-related issues and SOCER (State of the Cetacean Environment Report).

The Scientific Committee endorsed the recommendations from the second IWC workshop on **climate change** (the first being in 1996) which was held in Siena, Italy in February 2009. The primary goal of the workshop was to determine how climate change may affect cetaceans, how to best determine these effects, and how to improve conservation under climate changes described in the 4th report of the International Panel on Climate Change. The Commission's attention was drawn to those recommendations of immediate attention to the Commission and Contracting Governments, i.e.: (1) that IWC member countries and relevant organizations take potential effects of climate change on cetaceans seriously and include these considerations in relevant conservation management initiatives, including implementation of emission control; (2) that funding be provided to ensure the continuation of long-term datasets given their great value; and (3) that emphasis be given to studies which allow comparison between contrasting regions where data on a wide range of ecosystem components are available. The Scientific Committee also requested that the Commission urges policy makers, regulators and others involved in cetacean management to consider tertiary effects of climate change via appropriate risk assessment approaches. It therefore also recommended that management plans are devised to address these impacts in addition to primary and secondary impacts. The February 2009 workshop also made recommendations with respect to climate change and small cetaceans (see section 11).

Noting *inter alia* previous decisions of the Commission relating to the impact of environmental change on cetaceans, the recent workshops and concerns regarding the negative impacts of climate-related changes on at least some cetacean species and populations, the Commission adopted by consensus Resolution 2009-1 on Climate and Other Environmental Changes and Cetaceans (see Annex A).

With respect to **ecosystem modelling**, the Scientific Committee focused its discussions on the report of the August 2008 joint IWC/CCAMLR¹¹ workshop to review input data for Antarctic marine ecosystem models. It was noted that important ecosystem components, including squids, birds and salps, remain poorly described. However, the workshop outcome is expected to facilitate the understanding of ecological relationships between whales, their prey and predators. Progress with the development of ecosystem models, in particular dealing with the Caribbean, Northwest Africa and Northeast Atlantic, was reviewed and the comparison of lethal and non-lethal methods to provide input data for ecosystem modelling was discussed briefly.

The Committee has been addressing issues related to **pollutants and cetaceans** for a number of years. Phase I of POLLUTION 2000+¹² was completed two years ago. Initial work on developing Phase II has been underway and a workshop to finalise plans for Phase II will be held during the intersessional period. The Committee proposed that Phase II should develop an integrated modelling and risk assessment framework to assess cause-effect relationships between pollutants and cetaceans at the population level, extend the work to new species and pollutants as appropriate, and further validate biopsy sampling techniques to address issues related to pollution, including legacy and new contaminants of concern and associated indicators of exposure or effects. There was a discussion in the Commission regarding possible human health issues associated with the consumption of pollutant-contaminated cetaceans.

With respect to **other habitat-related issues**, the Scientific Committee *inter alia* recommended further research on the impact of renewable energy generators in the marine environment that are becoming increasingly widespread and established an intersessional correspondence group to prepare for a discussion of the effects on cetaceans of anthropogenic sound in 2010.

This year the **State of the Cetacean Environment Report** focussed on the Pacific Ocean. Next year the focus will be the Arctic region.

¹¹ CCAMLR = Convention for the Conservation of Antarctic Marine Living Resources.

¹² The IWC-Pollution 2000+ programme was initiated to investigate pollutant cause-effect relationships in cetaceans. Phase I had two objectives: (1) to select and examine biomarkers for exposure to and/or effects of PCBs, and (2) to validate/calibrate sampling and analytical techniques. The results of Phase I were reviewed at the POLLUTION 2000+ Phase II Workshop in Barcelona in April 2007, where a general framework for POLLUTION 2000+ Phase II was outlined. Discussion for Phase II studies since that time has determined the need to: (1) produce a framework for modelling the effect of pollutants on cetacean populations; (2) identify cetacean populations to be studied under Phase II, and (3) develop a protocol for validating biopsy samples and applying this protocol to any large whale species selected.

10. WHALEWATCHING

Scientific Committee

Over recent years there has been emerging evidence that disturbance from some whalewatching activities may have population-level effects in cetaceans. To address this issue a large-scale whalewatching experiment (LaWE) has been proposed to assist in describing effects of whalewatching, to improve understanding of mechanisms and to develop mitigation measures. The Committee made a number of recommendations for long-term impact assessment including the need for: financial commitment; base-line data to allow comparison after the implementation of closures; and commitment to an adaptive management framework to promote the translation of research findings into management plans. The pursuit of long-term studies should not discourage short-term response studies.

The Committee reviewed whalewatching in Portugal (including the Azores and Madeira), the Canary Islands and the Strait of Gibraltar. It commended the Madeira Regional Government for its recent management measures and encouraged the Madeira Parliament to approve and implement proposed whalewatching regulations. The Committee reiterated its recommendation that to be effective, codes of conduct for whalewatching should be supported by an appropriate legal framework. A number of other recommendations relating to whalewatching were made including that governments issuing whalewatching permits allocate a percentage of fees to research/enforcement programmes and that a review of the nature and extent of aerial platforms be presented next year. The Scientific Committee welcomed the development of an on-line database for tracking whalewatching operations and associated data collection programmes worldwide.

An update to the compendium of whalewatching guidelines and regulations around the world will be made available on IWC's website.

Conservation Committee

Whalewatching, with a focus on management issues, was also addressed by the Conservation Committee.

Last year an intersessional correspondence group was established to look at all aspects of whalewatching and make recommendations for any potential future workshop. The group identified three key areas of activity/themes of interest to the IWC and its members, i.e. research and assessment, management and capacity building and development. The group suggested that these areas of activity could be described as objectives that the Commission could seek to promote as part of an integrated body of work over time. The focus of the objectives would be to: (1) develop tools to assess and understand the opportunities for whalewatching while also evaluating any risks; (2) support and promote effective management of sustainable whalewatching activities, based on science; and (3) realise the social and economic potential of whalewatching for the global community.

The group made a number of recommendations that were endorsed by the Conservation Committee. This included *inter alia*: that a Standing Working Group on Whalewatching be established to prepare, in consultation with the Scientific Committee, a five-year strategic plan for consideration at IWC/62 next year; that support be given to an intersessional workshop to be held in late 2010 to initiate the strategic plan; and that a small Steering Committee be established to oversee workshop preparations.

11. OTHER SCIENTIFIC COMMITTEE ISSUES

Small cetaceans

The priority topic for the Scientific Committee this year was the review of the taxonomy, population structure and status of common dolphins. Currently, the genus *Delphinus* comprises two species and four subspecies: the short-beaked common dolphin *Delphinus delphis delphis*, distributed in continental shelf and pelagic waters of the Atlantic and Pacific Oceans, the Black Sea short-beaked common dolphin, *D. delphis ponticus*, Gray's common dolphin (long-beaked form), *D. capensis capensis*, distributed in nearshore tropical and temperate waters of the Pacific and South Atlantic Oceans, and the Indian long-beaked common dolphin, *D. capensis tropicalis*, which occurs in the Indian Ocean. The Committee agreed that in general, the uncertainty over taxonomy and population structure, allied to a paucity of abundance estimates, made it difficult for the Committee to assess status in many areas. However, the Committee expressed concern for the status of common dolphins in the Mediterranean and reiterated its previous support for a basin-wide synoptic survey. It drew attention to the large and potentially unsustainable catches of common dolphins in Peru, first noted last year, and expressed concern about ongoing fishery bycatch in the Northeastern Atlantic and some other areas. The Committee recommended that effort be continued to improve understanding of stock structure and to obtain better estimates of bycatch.

The Scientific Committee also reviewed progress on previous recommendations.

Actions taken by the Government of Mexico to eliminate/reduce bycatch of the critically endangered vaquita were welcomed and the continuation of efforts to monitor relative abundance and trends were encouraged. However, until it is demonstrated that the recent rapid decline has been stopped and reversed, the Committee reiterated its extreme concern about the status of the vaquita and strongly recommended that if extinction is to be avoided, all gillnets should be removed from the upper Gulf of California immediately. It encouraged the international community, including IWC member countries and NGOs, to assist the Government of Mexico in this task.

Concern about the conservation status of harbour porpoises in inner Danish waters and the Baltic proper due to high levels of bycatch was stressed. The collection of more detailed bycatch estimates and the continuation of abundance surveys were encouraged. With respect to white whales and narwhals, concern has been expressed in the past about quotas set for some narwhal stocks and the levels of removals from the West Greenland stocks of white whales. This year the Committee welcomed new information from NAMMCO¹³ and the Joint Commission on Conservation and Management of Narwhal and Beluga, including news of a reduction of catches of white whales off West Greenland.

The Scientific Committee expressed concern that information on takes of small cetaceans appearing in national progress reports is incomplete and made some suggestions for improvement. It also expressed concern regarding: (1) the sustainability of live captures of bottlenose dolphins in the Solomon Islands; (2) the illegal catches of small cetaceans (e.g. humpback, spinner and bottlenose dolphins) off Madagascar; and (3) a reported take of 340 finless porpoises in the Korean Strait.

The February 2009 climate change workshop (see section 9) recommended that the Standing Sub-committee on Small Cetaceans consider a series of hypotheses that link climate to the population trajectories of small cetaceans with the aim of identifying species, areas and research situations that could be informative. It was acknowledged that the ongoing rapid change in global climate has major implications for many species of small cetaceans and therefore that improved understanding of how populations are likely to respond is important. In Madeira, an intersessional working group was established to pursue this further and to report back next year; this may involve an intersessional workshop.

Regional non-lethal research partnerships

The Scientific Committee received a report of an initiative taken by Australia to plan and conduct comprehensive non-lethal research in the Southern Ocean. It made a number of comments including the need for short- and long-term objectives and the value of a co-ordinated multi-vessel synoptic survey. The Committee welcomed this initiative and the ongoing commitment of Australia to the programme. It endorsed the general approach developed for the Southern Ocean Research Partnership and looks forward to receiving further reports on progress.

Other

Other issues addressed by the Scientific Committee included: the IDCR/SOWER circumpolar cruises; progress with work on stock definition (knowledge of population structure is central to providing advice on conservation and management); DNA testing (genetic methods for species, stock and individual identification, sequence validation, collection and archiving of tissue samples from catches and bycatch, reference databases and standards for diagnostic DNA registries) and working methods.

With respect to the SOWER programme, the 2009/10 cruise may be the last year of this programme and the Government of Japan was thanked for once again providing the vessel and crew for this work. The Committee noted that since the IDCR/SOWER programme commenced in 1978/79 more than 4,000 ship days or more than 11 ship years have been provided and 43,000 sightings of cetacean have been made. It has led to groundbreaking developments in abundance survey techniques and has collected over 1,500 biopsy samples, photographs of some 3,000 animals and several thousand hours of acoustic recordings. Noting that 2009/10 may be the last year of the SOWER surveys, Japan's initiative for a large-scale, sightings survey based research programme in the North Pacific was welcomed.

A draft Scientific Committee Handbook was welcomed. It was considered that this will become a valuable tool for new Scientific Committee members and for participants of the Commission. It can be found on the Commission's website (http://www.iwcoffice.org/sci_com/handbook.htm).

¹³ North Atlantic Marine Mammal Commission.

12. CO-OPERATION WITH OTHER ORGANISATIONS

The Scientific Committee has continuing co-operative arrangements with a number of other organisations including CMS (Convention on the Conservation of Migratory Species), ASCOBANS (Agreement on Small Cetaceans of the Baltic and North Seas), ACCOBAMS (Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area), ICES (International Council for the Exploration of the Sea), IATTC (Inter-American Tropical Tuna Commission), ICCAT (International Commission for the Conservation of Atlantic Tuna), CCAMLR, Southern Ocean GLOBEC, NAMMCO, FAO (Committee on Fisheries), PICES (North Pacific Marine Science Organisation), IUCN and ECCO (Eastern Caribbean Cetacean Commission). Reports from IWC observers/participants attending meetings of the above organisations were reviewed.

In the Commission, the Secretary reminded the Commission that the Agreement of Co-operation between IMO and IWC that was approved by IMO's Council in June 2008 will be submitted to the IMO Assembly for final approval at its session in November 2009¹⁴. She noted that the Secretariat now attends, as an observer, meetings of IMO's Marine Environment Protection Committee. The Secretary also reported that it had attended the CMS 9th Conference of Parties in Rome in December 2008 and that it had established contact with the OSPAR (Oslo and Paris Commissions) Secretariat.

13. CONSERVATION COMMITTEE

The Conservation Committee met on 16 June. It reviewed progress with two ongoing areas of work, i.e. (1) an investigation of inedible 'stinky' gray whales in the Chukotkan aboriginal subsistence hunt; and (2) ship strikes on cetaceans. It also *inter alia*: (1) received a report on measures taken in Chile to protect southern right whales; (2) reviewed the Scientific Committee's report on whalewatching and agreed to establish a Standing Working Group on Whalewatching (see section 10 for details); (3) received information on long-term acoustic monitoring of baleen whales in the Southern Ocean and Indian Ocean sanctuaries (see section 5); (4) considered the development of conservation management plans; (5) received a number of voluntary national reports on cetacean conservation activities; and (6) under other matters, considered a proposal for a small intersessional workshop to progress work on the consequences of climate change for small cetaceans and received a report on the first International Conference on Marine Mammal Protected Areas held in Hawaii in April 2009. Further details on some of these items are provided below.

Stinky gray whales

It was reported that during the last ten years, the number of stinky whales appears to have risen. In 2008 ten stinky whales were reported, compared with two in 2007. Samples of blubber are being analysed (e.g. for PBDE, flame retardants and other classes of persistent organic pollutants) and results should be available at next year's meeting.

Ship strikes

A number of Contracting Governments reported on national activities regarding ship strikes on cetaceans.

With respect to the Ship Strikes Working Group (SSWG), progress was made in four main areas since last year, i.e.: (1) collaboration with IMO; (2) the ship strikes database; (3) awareness raising; and (4) preparation for a joint IWC/ACCOBAMS workshop. The ship strikes database is now available on the IWC website for data entry and a folder on ship strikes has been developed by Belgium to help advise mariners and avoid collisions. The importance of establishing links between stranding networks and those familiar with collision issues was emphasised. The proposed joint IWC/ACCOBAMS workshop on ship strike reduction to be held in September 2010 was endorsed. Its objectives will be to: (1) exchange, evaluate and analyse data on cetacean distribution and shipping traffic; (2) examine existing ship strike reduction methods; and (3) develop scientific and conservation recommendations and a two-year work plan. The geographical focus of the workshop will be the Mediterranean Sea and the Canary Islands.

Conservation Management Plans

Australia introduced its proposal for a process for advancing Conservation Management Plans within the IWC. Conservation Management Plans are intended to provide the Commission with management tools that can be applied to improve conservation outcomes through managing human activities. It was noted that last year, the Scientific Committee discussed the incorporation of conservation plan development in its work. A three part approach was suggested: (1) immediate actions for critically threatened populations; (2) development of plans for key species; and (3) establishment of a mechanism for on-going evaluation of development needs for Conservation Management Plans. Regarding (1), Australia noted the high priority the Scientific Committee has

¹⁴ The Agreement was approved in November 2009.

given to preventing the extinction of western North Pacific gray whales (see section 1) and proposed that the Committee should seek recommendations from IUCN as to how resources should be targeted towards finalising the Plan. Regarding (2), scientific advice could be distilled by the Scientific Committee from the IUCN species review programmes. Information on human activities and geo-political issues could then be sought on the highly ranked candidates for a Conservation Management Plan, before a final recommendation is made to the Commission. Regarding (3), a multi-disciplinary Steering Committee including IWC scientists and conservation managers could span the technical requirements; input from national programmes, IUCN and other sources would be needed for a strategic evaluation process.

Australia noted that it will provide a voluntary contribution to support the development and implementation of Conservation Management Plans. This will be part of larger voluntary contribution toward IWC conservation work. The Committee endorsed the formation of a small, specialist group to construct a list of candidate management plans. The group will include Argentina, Australia, Belgium, Brazil, Chile, Mexico, New Zealand, South Africa, UK and USA as well as representatives from the Scientific Committee. It will report back to the Committee before priorities are addressed.

14. FUTURE WORK OF THE SCIENTIFIC COMMITTEE

The Commission adopted the report from the Scientific Committee, including its proposed work plan for 2009/2010 that includes activities in the following areas:

- continued work on the RMP, particularly with respect to generic issues (e.g. MSYR) and completion of some outstanding issues with respect to *Implementations* and *Implementation Reviews* (including the western North Pacific common minke whales – added during discussion of the Future of the IWC during the Commission meeting – see section 23 below);
- continued work on the estimation of bycatch and other human induced mortality for use in the RMP;
- continued work on the development of an *SLA* or *SLAs* to provide long-term management advice for the Greenlandic fisheries; finalisation of the evaluation of the sex-ratio method to assess common minke whales off West Greenland; and an *Implementation Review* of eastern North Pacific gray whales;
- annual reviews of catch data and management advice for whale stocks subject to aboriginal subsistence takes;
- continued work on in-depth assessments, with particular emphasis on agreeing abundance estimates for Antarctic minke whales, completion of the assessments for Southern Hemisphere humpback whales Breeding Stock B and preparation for the assessment of Breeding Stocks D, E and F, further work on area specific assessment of Southern Hemisphere blue whales;
- continued work on the conservation of endangered populations with emphasis on western gray whales and northern right whales;
- further review of progress on the TOSSM (Testing of Spatial Structure Models) project and the concept of ‘stock’ in a management context;
- continued work on environmental concerns, with a focus on: (1) plans for Phase II of POLLUTION 2000+; (2) anthropogenic sound with a focus on shipping noise; (3) reviewing progress on Cetacean Emerging and Resurging Diseases; (4) reviewing progress with follow-up to the climate change workshop; and (5) the SOCER report (the focus will be Arctic polar seas);
- continued work on ecosystem modelling including: (1) its role in the Scientific Committee; and (2) consideration of models relevant to the evaluation of special permit whaling, as well as other relevant ecosystem models;
- with respect to whaling under scientific permit, consideration of the need to revise the procedure for reviewing scientific permit proposals (Annex P) and the mechanism to complete the Panel review of JARPN II;
- continued work on issues related to whalewatching including: (1) reviewing whalewatching off North Africa; and (2) assessing the biological impacts of whalewatching on cetaceans and (3) reviewing risks to cetaceans from whalewatching vessel collisions;
- continued work on small cetaceans, including a review of the status of small cetaceans in the eastern tropical Atlantic.

15. INFRACTIONS

The Infractions Sub-committee met on 17 June. It considered: (1) infractions reports from Contracting Governments for 2008, including any penalties imposed and follow-up on earlier reports; (2) the extent of surveillance of whaling operations; (3) information reported as required or requested under Section VI of the Schedule (e.g. date, time, species, position, length, sex, length and sex of any foetus if present, killing method and number of struck and lost animals); and (4) the submission of national laws and regulations. Denmark/Greenland, the Republic of Korea and the USA reported infractions.

The catches by IWC member nations in the 2008 and 2008/2009 seasons are provided in Annex B.

16. NGO SESSION

As at last year's Annual Meeting and the March 2009 Intersessional Meeting of the Commission on the Future of IWC, the Commission allowed NGOs to address the plenary session. Six organisations broadly representing the range of views on whales and whaling were given five minutes each to speak. The organisations selected by their peers were: the International Transport Workers Federation of Japan; Association of Traditional Marine Mammal Hunters of Chukotka; Te Ohu Kaimoana; Whale and Dolphin Conservation Society; Humane Society International; and the Antarctic and Southern Ocean Coalition. A number of these NGOs were also speaking on behalf of other organisations. Information on the content of the presentations will be provided in the full Chair's Report of IWC/61.

17. ADMINISTRATION

Items covering administrative and financial matters (i.e. items 17 to 20 of this report) were first considered by the Finance and Administration (F&A) Committee that met on 17 June.

Website (www.iwcoffice.org)

The Secretariat reported on progress with the partial translation of the website as agreed by the Commission last year, noting that due to contributions from France and Spain, translations of the 15 most popular pages on the website and translations into Spanish of the Convention and the Schedule are now available as PDF documents on the website. The machine translation service has been improved and feedback on the quality of the translations produced was requested.

Amendments to the Rules of Procedure and Financial Regulations

The Commission adopted amendments to: (1) the footnote to Financial Regulations F, Arrears of Contribution to further clarify what is meant by 'received by the Commission' with respect to financial contributions; and (2) Scientific Committee Rule of Procedure A.5 regarding the participation of international organisations/NGOs as observers to bring it in line with revisions that were made to the Commission's rules at the 2007 Annual Meeting. The Secretariat was requested to draft an editorial footnote to Scientific Committee Rule of Procedure C.5 to clarify that the Commission's rule on voting rights (rule E.2) also applies to the Scientific Committee.

Carbon off-setting

Last year the Commission agreed that the Secretariat should undertake a study to be presented at IWC/61 on the feasibility and associated costs of off-setting the carbon emissions of the operation of the Secretariat and the meetings of the IWC to become carbon-neutral. While it had done some preliminary work the Secretariat had not done the study itself due to other commitments. It undertook to complete the feasibility study in time for the meeting in 2010.

18. FINANCIAL ASSISTANCE FOR DEVELOPING COUNTRY MEMBERS

The matter of the provision of financial assistance to developing countries arose because of the high level of intersessional activity created by discussions on the future of the organisation and the financial burden this created for developing country members of the Small Working Group (SWG) on the Future of IWC. Recognising these difficulties, the importance of discussions on the future of the IWC and the need to maintain a balanced SWG participation with continuity between meetings, several Contracting Governments made voluntary contributions to help defray costs of the participation of developing countries in the SWG. An interim procedure for how such funds would be distributed was developed by the Secretariat in consultation with the Chair and Vice-Chair of the Commission and the Chair of the F&A Committee.

Given the Commission's decision to reconstitute the SWG for a further year and to appoint a Support Group (see section 23), it agreed that the interim procedure for providing financial assistance to developing countries would

remain while discussions on the future of the IWC continue and that this matter be further addressed as part of the discussions on the future of the IWC.

19. FINANCIAL CONTRIBUTIONS FORMULA

The Interim Measure adopted at IWC/54 for calculating financial contributions was introduced to alleviate the financial burden of developing countries. In calculating contributions, the Interim Measure takes account of: (1) membership; (2) whaling activities; (3) the size of delegations to the Commission's Annual Meeting; and (4) a country's capacity to pay. With respect to capacity to pay, Contracting Governments are allocated into one of four groups depending on their Gross National Income (GNI) and their GNI per capita. The measure also takes into account the special position of 'Very Small Countries' as defined at IWC/57 in 2005.

Cut-off points defining capacity to pay groups

Last year the Commission agreed to update the cut-off points defining the capacity to pay groups and to do this in future on an annual basis. The Secretariat reported on the updates made and the effects on the allocation of Contracting Governments to the capacity to pay groups. Estonia and the Czech Republic moved from Group 2 to Group 3 and Spain from Group 3 to Group 4. Given that these moves result in a significant increase to their financial contributions, the Secretariat confirmed that the facility in Financial Regulations (Rule E.2) to delay the payment of any increased portion of Financial Contribution to 31 August following the standard "due date" of 28 February does apply.

Due date for financial contributions

Several Contracting Governments, particularly those of developing countries, have noted that because of conflicts between the 28 February due date for financial contributions and their own national budgetary cycles, penalty charges for late payment of contributions are often incurred. The Commission requested the Secretariat to explore the implications of changing the due date and to report to the intersessional meeting of the Commission. It was noted that if the intersessional meeting is held before 28 February 2010 and if adequate notice is given of proposed changes to the Commission's Rules of Procedure (i.e. 60 days), then any changes agreed by the Commission could take effect for the 2009/2010 financial contributions.

Other

St. Vincent and The Grenadines noted that although it falls into capacity to pay Group 1, because it has an aboriginal subsistence hunt its financial contributions assessed under the Interim Measure are higher than those in Group 2 and almost as high as some of those in Group 3. It considered this situation to be inequitable and reported that it will submit a proposal on how its contributions might be reduced for consideration by the Commission at either the intersessional meeting or at IWC/62. It noted that any changes adopted by the Commission would not take effect until 2010/2011.

20. FINANCIAL STATEMENTS AND BUDGET

The Commission approved the Provisional Financial Statement for 2008-2009 subject to audit. It also approved the budget for 2009-2010, including the research budget, and increases in the media fee from £55 to £60 per organisation for 2010. The fee for non-member governments and intergovernmental organisations remains unchanged at £800 per individual. NGO fees will increase from £500 to £505 for the first observer per organisation and from £250 to £253 per additional observer.

Donna Petrochenko (Australia) was elected to serve as the new Chair of the F&A Committee to replace Anthony Liverpool (Antigua and Barbuda) who had come to the end of his three-year term. Thomas Schmidt (Germany) was elected to serve as the Vice-Chair of the Budgetary Sub-committee for the next two years to replace Walter Duebner (Germany).

21. DATE AND PLACE OF ANNUAL MEETINGS

The offer from the Government of Morocco to host the 62nd Annual Meeting in 2010 in Agadir was gratefully accepted by the Commission. The meeting will be held over a similar time-window as IWC/61.

22. ELECTIONS AND ADVISORY COMMITTEE

Cristian Maquieira (Chile) and Anthony Liverpool (Antigua and Barbuda) were elected by consensus as the new Chair and Vice Chair of the Commission respectively. The Commissioner for Portugal was elected onto the Advisory Committee for two years to replace the Commissioner for Costa Rica.

The Advisory Committee now comprises the Chair (Chile), the Vice-Chair (Antigua and Barbuda), the Chair of the F&A Committee (Australia), the Commissioner for Côte d'Ivoire and the Commissioner for Portugal.

23. THE IWC IN THE FUTURE

At last year's meeting in Santiago, Chile, the Commission established the SWG to '*make every effort to develop a package or packages for review by the Commission*' in order to assist it '*to arrive at a consensus solution to the main issues it faces*' (i.e. the 33 elements/issues identified of importance). It was to report on its initial deliberations to the Commission at an intersessional meeting at which further directions would be given leading up to IWC/61. This meeting was held in Rome in March 2009. A final report was to be made available at least five weeks before IWC/61. The SWG met three times: once in Florida, USA in September 2008; once in Cambridge, UK in December 2008 and once in Rome immediately following the intersessional Commission meeting.

In Santiago, the Commission also established an Intersessional Correspondence Group (ICG) on Issues Related to the Scientific Committee to consider, *inter alia*, advantages and disadvantages of separating the annual meeting of the Scientific Committee from that of the Commission, ways to increase participation in the Scientific Committee of scientists from developing countries and to build scientific capacity in these countries, and to review the process for inviting participants to the Scientific Committee. Its report was reviewed at the March intersessional meeting and at IWC/61.

In Madeira the Commission reviewed progress with discussions on the future of IWC. Recognising that the work was not complete, the Commission agreed by consensus to extend the time allocated to the SWG until next year's Annual Meeting (see Resolution 2009-2, Annex A). The SWG, that is now open to observers, was tasked with intensifying its efforts to conclude a package or packages by 2010 that should allow the Commission to reach a consensus solution to the major problems it faces, building upon the concept of a two-phase process and the progress reported by the SWG in its report to IWC/61. The Commission also agreed that the Chair, in consultation with the Advisory Committee, should establish a Support Group containing equitable geographic and socio-economic representation and range of views to assist him in providing direction to the process and in the preparation of material for submission to the SWG. The Support Group comprises Antigua and Barbuda, Australia, Brazil, Cameroon, Germany, Iceland, Japan, Mexico, New Zealand, St. Kitts and Nevis, Sweden and the USA. It was agreed that it would meet in Santiago, Chile from 5-16 October 2009.

The Commission also agreed to establish a small joint working group of the Scientific and F&A Committees to further consider issues raised during discussions of the ICG's report and to develop recommendations for consideration at next year's meeting. The group will work by correspondence. Its composition will be arranged by the Chair of the Commission.

In response to a request by the Scientific Committee for guidance on how best to further its work on western North Pacific common minke whales, given its importance to the work on the Future of the IWC, the Commission agreed that the Committee should proceed to completing a full *Implementation Review* as soon as possible, and attempt to complete the *pre-Implementation Assessment* by the 2010 meeting, if possible.

Annex A
Resolutions adopted at IWC/61

Resolution 2009-1
Consensus Resolution on Climate and Other Environmental Changes and Cetaceans

WHEREAS the Commission has adopted Resolutions regarding the impact of environmental changes on cetaceans since 1980;¹⁵

NOTING that the Commission decided in 1993 that the Scientific Committee should give priority to research on the effects of environmental changes on cetaceans in order to provide the best scientific advice for the Commission to determine appropriate response strategies to these new challenges;

NOTING that the Scientific Committee identified the priority issues for cetaceans of climate/environmental change, ozone depletion and UV-B radiation, chemical pollution, impact of noise, physical and biological habitat degradation, effects of fisheries, disease and mortality events;

APPRECIATIVE of the efforts to date of the Scientific Committee to understand the impact of environmental changes, starting with workshops on chemical pollution and climate change/ozone depletion in 1995 and 1996 resulting in the development of long-term, multi-disciplinary, multi-national research programmes;

AWARE that knowledge about climate change has advanced substantially since the first IWC workshop in 1996 and that since that time, unequivocal greenhouse-gas induced global warming has been demonstrated, often at rates exceeding some worst-case modelling scenarios;

NOTING work by other international fora on climate change and its impacts on wildlife, ecosystems, and human society;

WELCOMING the report of the Costa Rica Workshop on Cetaceans and Other Marine Biodiversity of the Eastern Tropical Pacific held in February 2009;

WELCOMING the Report of the February 2009 International Whaling Commission Scientific Committee (IWC SC) workshop on cetaceans and Climate Change (SC/61/Rep4);

CONCERNED that, as stated by the IWC SC workshop, “climate-related changes will impact negatively on at least some species and populations, especially those with small and/or restricted ranges, those already impacted by other human activities and those in environments subject to the most rapid change For these species there is a real potential for elevated risks of extinction.”

The Commission therefore:

ENDORSES the outcome of the climate change workshop and associated recommendations of the Scientific Committee given in IWC/61/Rep1, including the need to expand the current international multi-disciplinary efforts and collaborative work with other relevant bodies;

REQUESTS Contracting Governments to incorporate climate change considerations into existing conservation and management plans;

DIRECTS the Scientific Committee to continue its work on studies of climate change and the impacts of other environmental changes on cetaceans, as appropriate;

CALLS on Contracting Governments, IGOs and NGOs to support the expansion of this important work;

REQUESTS the Secretariat to forward this resolution and the workshop report (SC/61/Rep 4) to relevant bodies and meetings including inter alia the World Climate Conference, the UNFCCC and the IPCC in time for upcoming meetings; and

APPEALS to all Contracting Governments to take urgent action to reduce the rate and extent of climate change.

¹⁵ See Resolutions 1980-Appendix 10; 1981-Appendix 7; 1992-Appendix 2; 1993-Appendix 12; 1993- Appendix 13; 1994-13; 1995-10; 1996-8; 1997-7; 1998-5; 1998-6; 1999-5; 2000-6; 2000-7; and 2001-10.

Resolution 2009-2
Consensus resolution on the extension of Small Working Group on the Future of the IWC
until the 62nd Annual Meeting of the Commission

Accepting that:

- (1) the IWC is at a crossroads beset by fundamental disagreements as to its nature and purpose;
- (2) the future course of the IWC needs to be defined by broad agreement;

Recalling that:

- (1) by consensus IWC 60 decided to form a Small Working Group on the Future of the IWC- (Annex B of IWC/60/24);
- (2) the Small Working Group had not been able to reach its ambitious goal of agreeing on a package or packages on the future of the IWC for the Commission's review by IWC61 but had recommended that 'the efforts underway should be continued for a further year and decisions taken at IWC 62'.

Accordingly, by consensus the Commission **resolves** to:

- (1) intensify its efforts to conclude a package or packages by IWC62 (2010) at the latest;
- (2) reconfirm the principles that nothing is agreed until everything is agreed and that any package must be seen as fair and balanced;
- (3) build upon the concept of a two-phase process and the progress reported in IWC/61/6;
- (4) reconfirm that discussion of the core issues will be conducted without prejudice to the principles held by IWC members;
- (5) reconstitute the Small Working Group for a further year under its original terms of reference; and
- (6) modify the *modus operandi* as outlined below:
 - (a) The process will follow the principles outlined at IWC 61:
 - (i) recognise the advantages of miniaturisation and an effective communication system ;
 - (ii) involve delegations that are empowered to engage in constructive discussions aimed at reaching agreement by consensus; and
 - (iii) allow the IWC Chair, at their discretion, to schedule a closed open-ended negotiating session or sessions when the circumstances are deemed to be ripe;
 - (b) The IWC Chair, in consultation with the Advisory Committee, shall appoint a Support Group containing equitable geographic and socio-economic representation, and range of views to assist him/her in providing direction to the process and to assist in the preparation of material for submission to the Small Working Group;
 - (c) The Small Working Group shall operate on the same basis as the Commission with respect to being open to observers;
 - (d) The Chair of the IWC shall develop, in consultation with the Support Group, a communication plan to ensure that Contracting Governments and civil society receive, full and timely information on the progress of the process;
 - (e) The Chair of the IWC, in consultation with the Support Group, may appoint independent outside experts and/or facilitators in order to assist the Small Working Group process.
 - (f) The Small Working Group will submit its final report to the Commission at least five weeks prior to IWC 62;
- (7) continue to work on remaining 'category (a) and (b)' issues in accordance with Annexes E and F of IWC/61/6, to be completed no later than the end of the interim 5-year period.

Annex B
Catches by IWC member nations in the 2008 and 2008/2009 seasons

	Fin	Humpback	Sei	Bryde's	Minke	Sperm	Bowhead	Gray	Operation
North Atlantic									
Denmark									
(West Greenland)	14 ¹	-	-	-	153 ²	-	-	-	Aboriginal subsistence
(East Greenland)	-	-	-	-	1	-	-	-	Aboriginal subsistence
Iceland	-	-	-	-	38 ³	-	-	-	Whaling under reservation
Norway	-	-	-	-	536 ⁴	-	-	-	Whaling under Objection
St. Vincent & the Grenadines	-	2 ⁵	-	-	-	-	-	-	Aboriginal subsistence
North Pacific									
Japan	-	-	100	50	171 ³	2	-	-	Special Permit
Korea	-	-	-	-	6 ⁶	-	-	-	
Russian Federation	-	-	-	-	-	-	2	130 ⁷	Aboriginal subsistence
USA	-	-	-	-	-	-	50 ⁸	-	Aboriginal subsistence
Antarctic									
Japan	1	-	-	-	680 ⁵	-	-	-	Special Permit

¹ Including 3 struck and lost.

² Including 5 struck and lost and 2 reported as infractions.

³ Including 2 lost.

⁴ Including 4 lost.

⁵ Including 1 lost.

⁶ The Republic of Korea reported that 6 minke whales had been deliberately killed in 2008 (see IWC/61/Rep 4 for details). It also reported an additional 8 minke whales deliberately killed in 2007 that were omitted from last year's reports.

⁷ Including 3 struck and lost and 10 'stinky' whales.

⁸ Including 12 struck and lost.