

Annex G

Report of the Working Group on Whale Killing Methods and Associated Welfare Issues

Tuesday, 16 June 2009, Madeira

The meeting took place on 16 June 2009. The list of participants is given in Appendix 1. The Working Group was established to review information and documentation available with a view to advise the Commission on whale killing methods and associated welfare issues.

1. INTRODUCTORY ITEMS

1.1 Appointment of Chair

Esko Jaakola (Finland) was appointed as Chair of the Working Group.

1.2 Appointment of rapporteurs

Allison Reed (USA) was appointed Rapporteur.

1.3 Review of documents

The Chair reviewed the list of documents available to the Working Group (see Appendix 2) and drew attention to specific documents to be addressed under Agenda Items 3 and 4. The Chair noted that IWC/61/WKM&AWI4 and WKM&AWI8 address both Agenda Items 3 and 4.

2. ADOPTION OF AGENDA

The UK and Germany expressed interest in addressing additional items under Agenda Item 6, Other Matters. The Agenda as listed in Appendix 3 was adopted by consensus, and the Chair noted that the additional items proposed by the UK and Germany would be addressed under Agenda Item 6.

3. DATA PROVIDED ON WHALES KILLED

Documents were provided under this Agenda item to meet the request of IWC Resolutions 1999-I and 2001-2.

New Zealand (IWC/61/WKM&AWI3) provided information on the euthanasia of sixteen distressed whales believed to be beyond hope of recovery that stranded on its coastline between end of March 2008 and end of February 2009. It noted that for these whales (seven pygmy sperm, one Gray's beaked whale, and eight pilot whales), the chosen method of dispatch was a rifle, and that death was instantaneous for all but three whales. Three of the pilot whales were part of a large stranding of over one hundred whales at a remote beach in the Chatham Islands, which were not reached until almost night fall and were by then partially covered by sand. As a result of the difficult conditions, time to death for the three pilot whales was between one and three minutes. Advice on the target area is provided by experienced veterinarians. Norway thanked New Zealand for their report, and asked where interested parties could obtain information. New Zealand responded that Massey University had provided diagrams for shot

location information, as part of the Department of Conservation's Standard Operating Procedure for managing whale strandings. They indicated that the information had previously been submitted to the IWC, but assured Norway that they would obtain the specific details for Norway's information.

The Russian Federation (IWC/61/WKM&AWI5) provided information on time to death and killing method (including number of shots) for all 127 gray whales and 2 bowheads taken in its 2008 hunt. Ten of the gray whales were reported as 'stinky' and three gray whales had been struck and lost. With respect to killing method, harpoons and floats were used for all whales in addition to either the darting gun or rifle or, in most cases both – a rifle being used to guarantee death. With regard to time to death, average time to death for the two bowhead whales was one hour and five minutes.

Denmark/Greenland (IWC/61/WKM&AWI6) provided summary information for the 2008 subsistence hunt that involved the taking of 152 minke whales (including five struck and lost) and 14 fin whales (including three struck and lost). For the West Greenland minke whale hunt, the penthrite grenade and rifle were used as the primary and secondary killing methods respectively. There were changes in the figures in the report from previous years, namely an increase in the mean time to death, due to an increase in the use of rifles over harpoons, and a decrease in the overall catch. With respect to the changes, Denmark/Greenland indicated that there was severe weather during the hunting season, which accounts for the increase in use of rifles and time to death, and decrease in numbers taken.

Norway (IWC/61/WKM&AWI 8) provided information for 2008 that included the take of 535 whales by 27 vessels. Four whales (0.7 %) were reported lost after they were dead. No whales were reported to have escaped wounded. During the season one inspector from the Directorate of Fisheries was present at sea and on land and no violations of national regulations for hunting methods were reported.

The UK expressed disappointment that a number of countries did not provide data, but thanked Norway for its report and commended Norway on previous efforts to improve the humaneness of whaling operations, as well as its ongoing co-operative work with other whaling nations to facilitate improvements in hunt welfare. The UK noted that Norway ceased the collection of full welfare statistics in 2004, when it removed inspectors from vessels and introduced the 'blue box,' and continues to refer to welfare statistics from 2000-02. The UK expressed concern that reference to this seven year old data may not be an accurate representation of the current situation with respect to times

to death and instantaneous death rates and asked Norway to consider the re-introduction of inspectors on board whaling vessels for the purpose of welfare data collection, as requested in Resolutions 1999-1 and 2001-2. Norway reiterated its view that animal welfare is outside the mandate of the IWC; however, it pointed out that hunting has to be consistent with Norway's domestic regulation on animal welfare and that Norwegian research and development on hunting and killing methods for whales has been carried out for nearly 25 years. These efforts have resulted in the development and adoption of improved whaling methods, development of new devices, improvement in hunting gears, the introduction of new rifle ammunition for backup purposes and the introduction of obligatory training workshops for hunters and gunners. Additionally, the instantaneous death rates have steadily increased from about 17% at the beginning of the 1980s to at least 80% in 2000. More than 70 minke whale brains have been retrieved after fixation in the skull for macroscopic and histological investigations to ascertain the effectiveness of the penthrite detonation and rifle ammunition. Data from more than 5,500 minke whales have been collected and reported on a voluntary basis to six IWC workshops in addition to the annual meetings of the IWC whale killing methods working group. Norway stated that the killing methods used for minke whales in the Norwegian hunt were well documented and therefore continuous monitoring of the killing of each whale was no longer needed and periodic checks would suffice. This is in accordance with common practice in similar situations, such as hunting of large mammals as well as in slaughter of domestic livestock.

Australia was grateful to Norway for providing the information but, along with the UK, it observed gaps in the data, particularly in relation to issues associated with animal welfare. Australia noted its belief that close monitoring is necessary and encouraged whaling nations to monitor and report. New Zealand associated itself with the statements of the UK and Australia. The Russian Federation noted its continued cooperation with Norwegian scientists and hopes to improve hunting methods. The Netherlands indicated that its understanding of Norway's statement was that Norway did not mind sharing data, and if this was the case, asked Norway to consider submitting data in the way the IWC requested. Norway expressed surprise at this comment, stating that it had never heard that its data was insufficient for the IWC and indicating its belief that data had been submitted in the way the IWC requested.

The USA addressed these matters under Agenda item 4.

4. INFORMATION ON IMPROVING THE HUMANENESS OF WHALING OPERATIONS

The USA (IWC/61/WKM&AWI4) presented information on the 2008 Alaskan aboriginal whaling hunt. It noted that 38 bowheads were struck and landed, and 12 bowheads were struck and lost, resulting in an efficiency rate of 76%. The USA explained that weather and ice conditions play a significant role in determining the efficiency of the spring aboriginal bowhead hunt. The USA also noted that the efficiency is in line with the 79% average over the last ten years and is an improvement from the 65% rate in 2007. Of the whales struck, 35 were taken using traditional hand thrown darting gun harpoon with the traditional shoulder

gun used as the secondary method. Three whales were taken using the penthrite projectile. This is a decrease from 2007 where 7 out of 41 were taken using penthrite.

Eugene Brower, Chairman of the Alaska Eskimo Whaling Commission (AEWK) Weapons Improvement Committee, provided a description of the AEWK hunt in the USA. He noted that aboriginal subsistence whaling takes place in 11 villages in Alaska. Many of the villages are extremely remote and depend on the land and sea for sustaining their populations. There are 9 villages that hunt in the Spring and 3 villages that hunt in the Autumn. The primary weapon is the harpoon and the secondary is the shoulder gun. He noted that the hunters do everything possible to prevent suffering of the animals and to protect the whaling crew. The AEWK has undertaken a programme to improve hunting methods and appreciates the help of Dr. E.O. Øen from Norway with the weapons improvement programme. They have also developed a training manual on the use of new weapons for captains and crew. Austria made a general comment about efficiency, noting that if a whale is struck and lost, the benefit is zero and the death of the animal for nothing, and wondered if it was possible for a new direction and focus on such losses.

The UK reminded the Working Group that Denmark/Greenland had a new bowhead hunt and asked what efforts were being made to make the new hunt as humane as possible, bearing in mind the size of the animal. Denmark/Greenland responded that 3 bowheads had been taken under the new hunt in 2009, observations by wildlife officers had been instituted and that it would use the same method as in the fin whale hunt. New regulations had already been made and would be further evaluated in accordance with what was learnt from the observations.

Norway (IWC/61/WKM&AWI8) provided information that research and development on hunting and killing methods for whales has been carried out for nearly 25 years. Norway has continued co-operative work with hunters, scientists, authorities, and whale hunters' organisations in Norway, the USA (Alaska), the Russian Federation, Greenland, Canada and Iceland and assisted in the teaching and training of hunters and transfer of knowledge, developments and technology derived from the above mentioned research in order to improve the hunting methods and hunting gears used for marine mammals. Norway indicated plans to continue these cooperative efforts when requested.

5. WELFARE ISSUES ASSOCIATED WITH THE ENTANGLEMENT OF LARGE WHALES

The Chair reminded the Working Group that a Workshop on entanglement issues had been proposed by Norway in 2007 and that an organising committee had been formed by Australia, Denmark/Greenland, the USA and Norway. The Chair invited a member of the committee to provide an update on progress made.

The USA (IWC/61/WKM&AWI7) presented a plan from the organising committee. The USA noted that during initial discussions in the organising committee, three interlinked aspects on the issue were identified: (1) prevention and mitigation methods; (2) a decision matrix for dealing with entangled animals; and (3) if euthanasia is decided to be appropriate, how best it can be achieved. Although it can be argued that it is logical to focus on

prevention and mitigation (topic 1) first, the organising committee agreed prevention was a long-term item, and that it would be prudent at this stage to focus the workshop on topics 2 and 3. An overall budget was presented, and it was noted that some funds were available from the IWC and that the USA had also made a contribution; however there was still a need for £8,000. It was decided that the workshop would be held from 13-15 April 2010 in Maui, Hawaii, that 25-30 experts would be invited, and that the major components on the proposed Agenda would be topics 2 and 3.

Mexico congratulated the USA for the comprehensive agenda proposed and noted that it covered the major issues. South Africa congratulated the organising committee, noted that it was a well thought out agenda and supported the funding request. New Zealand raised an associated issue describing a 20m stranded blue whale that had been found dead with 2m of 30-32mm polyamide hawser rope in its oesophagus and 1.8m of rope in its stomach. New Zealand reminded the Working Group that all marine debris are threats to cetaceans, and strongly supported the paper presented by the USA. New Zealand noted that prevention is the ultimate solution, and indicated that there would be great merit if prevention were also a focus for the workshop. Austria associated itself with the comment from New Zealand. Australia indicated that there had been considerable discussion in the organising committee on this issue, that prevention is without a doubt essential, however the committee had focused on topics 2 and 3 as that was what could realistically be accomplished in a 3 day workshop. Australia further noted that the group of experts required to address topics 2 and 3 was very different to those required to address item 1. They agreed with New Zealand and indicated that the committee would immediately plan for a longer term discussion or workshop on prevention once the proposed workshop concluded.

Norway welcomed the workshop plan and voiced concern for entangled whales and their suffering. Norway noted that its interest in this workshop was the euthanasia of entangled whales that could not be released or were too exhausted to recover if disentangled and that this should be the main focus of the workshop. Norway expressed appreciation for the cooperation of the organising committee, and highlighted that there were two types of entanglement issues that should be dealt with separately (immovable gear not requiring emergency action as the whales could be tracked and movable gear requiring emergency action as there was a risk that the whales would not be discovered a second time). Norway noted that it was looking forward to the workshop and that it should be followed up with another where the main focus should be targeting methods for disentanglement and prevention of entanglement.

6. OTHER MATTERS

The Chair noted that two other matters had been raised during adoption of the Agenda. First, that the UK wished to discuss the World Organisation for Animal Health, and second, that Germany wished to discuss whale killing methods reporting requirements.

The UK noted the rapidly developing science of animal welfare, and that the World Organisation for Animal Health (OIE), the largest intergovernmental organisation responsible for setting standards for improving animal

health worldwide, has identified animal welfare as a priority. Of its 174 member countries and territories, 65 are members of the IWC. The UK noted that the OIE has agreed, by consensus, guiding principles for animal welfare as well as international standards for the humane slaughter of terrestrial animals in slaughterhouses. The UK noted its belief that the principles may be relevant to the commercial killing of whales at sea, since the OIE itself noted that these principles are applicable to animals killed outside of slaughterhouses. Specifically, the UK recommended that the WKM working group review the existing welfare principles and slaughter guidelines from the OIE to ascertain where these are relevant and applicable to the killing of whales, encourage the Secretariat to maintain a watching brief on the OIE's deliberations, specifically the OIE's Permanent Working Group on Animal Welfare's review of the commercial killing of wildlife in its annual meeting from 30th June to 2nd July, and encourage the Secretariat to establish contact with the OIE Secretariat to make them aware of the Commission's discussions. Norway expressed surprise that the UK now seemed to associate itself with the opinion that the animal welfare issue is outside the competence of IWC as it called for an outside organisation to deal with these questions in the future. The UK clarified its position that the IWC is the relevant and primary body to address these issues, but that we can look outside the IWC to other international bodies for advice and guidance. Australia noted that the UK's suggestion was very useful, and supported the view that the committee can consider OIE's relevance. Luxemburg expressed its concern on animal welfare and associated itself with the statement from the UK. Argentina associated itself with the statements from the UK, Australia and Luxemburg. Belgium supported the view that OIE could be informative for the IWC. The Russian Federation noted that animal welfare is not within the competence of the ICRW and that reports were presented on a voluntary basis. The Chair suggested the Working Group bring this exchange of views to the attention of the Commission, as there was no clear consensus on the UK's recommendation.

Germany noted that several countries provided reports that far exceeded the requirements under Section 6, paragraph 25 of the Schedule, and in particular wished to thank the Russian Federation. Germany noted, however, that Iceland and Japan had not provided reports, and asked if those countries planned to submit reports to the IWC. Japan indicated that this issue had been raised in the past, and it reiterated its position expressed before. Japan shares the position of Norway and the Russian Federation that animal welfare is outside the mandate of the IWC, and that the reports are provided on a voluntary basis. Japan noted that it took the issue seriously and has been continuing to improve its whale killing methods. Japan then recalled that up until a few years ago it had provided extensive data on killing methods and welfare data to the Commission, data that had shown a steady reduction in TTD, and that the discussion had been quite acrimonious. Since its data had been used in what it considered to be a non-constructive manner and handled differently from data provided by other governments, Japan had decided to submit its welfare data to NAMMCO for the time being, where more productive discussions occurred. Japan also wished to reiterate its position that Article 8 was not subject to any other provision of the Convention, so there was no obligation on its part to provide reports. Iceland noted the

importance of continued improvement of hunting methods and indicated that it utilises the same methods as Norway for minke whales, and that trial methods for fin whales would be developed in Norway in this season. Iceland noted its appreciation of the co-operative work with Norway.

Iceland expressed the view that any information on hunting methods was provided on a voluntary basis with a view to improving these methods, voiced its concern on how data had been treated in the IWC and associated itself with the statement from Japan that there were more constructive discussions in NAMMCO. Therefore, for the

time being, Iceland was considering continuing using NAMMCO for this purpose. Sweden remembered the acrimonious nature of previous discussions, but wished to remind the Working Group that the meetings had also been productive. Sweden expressed its appreciation that Japan was continuing to improve its methods and asked Japan to elaborate on this. Japan responded that there had been weapons improvement.

7. ADOPTION OF THE REPORT

The report was adopted 'by post' on 19 June 2009.

Appendix 1

LIST OF PARTICIPANTS

Argentina

Miguel Iñíguez

Australia

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Nick Gales
Lesley Gidding
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Austria

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Mexico

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New Zealand

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Vladimir Etylin
Rudolf Borodin
Gennady Zelenskiy

South Africa

Herman Oosthuisen

Spain

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Santiago Lens

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Earl Comstock
George Noongwook
Janice Meadows
Cheryl Rosa
Jonathan Scordino
Keith Johnson
D.J. Schubert

Secretariat

Nicky Grandy
Greg Donovan

Appendix 2

LIST OF DOCUMENTS

<p>IWC/61/WKM&AWI</p> <ol style="list-style-type: none"> 1 Draft Agenda 2 List of documents 3 Summary of activities related to the action plan on whale killing methods (based on Resolution 1999-1): euthanasia of stranded whales beyond all hope of rescue; submitted by New Zealand 4 Report on weapons, techniques and observations in the Alaskan bowhead whale subsistence hunt; submitted by USA 	<ol style="list-style-type: none"> 5 Summary of activities related to the action plan on whale killing methods (based on Resolution 1991-1); submitted by the Russian Federation 6 Summary of activities related to the action plan on whale killing methods (based on Resolution 1991-1); submitted by Denmark (Greenland) 7 Welfare issues associated with the entanglement of large whales; submitted by the USA 8 Norwegian minke whaling 2008
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Appendix 3

AGENDA

<ol style="list-style-type: none"> 1. Introductory items <ol style="list-style-type: none"> 1.1 Appointment of Chair 1.2 Appointment of rapporteurs 1.3 Review of documents 2. Adoption of the Agenda 3. Data provided on whales killed 	<ol style="list-style-type: none"> 4. Information on improving the humaneness of whaling operations 5. Progress with workshop on welfare issues associated with the entanglement of large whales 6. Other 7. Adoption of the Report
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