

Revised¹ Chair's Report of the 60th Annual Meeting

1. INTRODUCTORY ITEMS

1.1 Date and place

The 60th Annual Meeting of the International Whaling Commission (IWC) took place at the Sheraton Santiago Hotel and Convention Centre, Santiago, Chile from 23 to 27 June 2008. It was chaired by Dr Bill Hogarth (USA). It was attended by 73 of the 81 Contracting Governments. A list of delegates and observers attending the meeting is given in Annex A. The associated meetings of the Scientific Committee and Commission sub-groups were held at the same venue in the period 1 to 19 June.

1.2 Welcome address

Welcome addresses were given by Alejandro Foxley, Minister of Foreign Affairs and Ana Lya Uriarte, Minister of the Environment. They both extended a warm welcome to all participants.

Minister Foxley expressed his pleasure in welcoming IWC back to Latin America after a long absence from the region. He recalled Chile's long history in maritime issues and particularly its role in the creation of the United Nations Convention on Law of the Sea (UNCLOS). He noted that this year, in addition to its regular work, the Commission would be discussing the very important issue of its future. The Minister observed that when the International Convention for the Regulation of Whaling (ICRW) was agreed in 1946, it had been a leading instrument, designed to introduce regulation into a whaling industry where it had been lacking. However, he suggested that over time it is important for any organisation to review and revise as appropriate its function so as to improve its performance and fulfil the expectations of the international community. The Minister believed that the IWC had embarked on such a process at its intersessional meeting in March 2008 - a process that Chile fully supported. He noted that during negotiations, it is necessary for Parties to seek solutions while safeguarding their fundamental issues and those of the international community. He recognised that this will not be easy. Minister Foxley suggested that decisions based on consensus are the first steps to greater understanding and that consensus is a reflection of a commitment to find common ground. He believed voting to be divisive. He noted that while procedural reforms to IWC are required, substantive issues must also be addressed and in this regard indicated that Chile's aims are to strengthen the conservation of cetaceans through management plans at a regional and sub-regional level, to develop non-lethal research programmes and to strengthen science. The Minister stressed the importance of taking an ecosystem approach, following the precautionary principle and applying best practices. He also stressed the important role of civil society in cetacean research and conservation and encouraged their involvement in IWC which he believed would be beneficial to the organisation. Minister Foxley considered science to be fundamental to the proper functioning of the organisation and noted the involvement, this year, of a greater number of scientists from Latin America in the Scientific Committee and hoped this would

continue. Finally, on behalf of the Government of Chile and President Bachelet, he wished the meeting success in all its deliberations.

Minister Uriarte also referred to the important role Chile played in establishing UNCLOS and noted the importance Chile gives to ensuring the sustainability of marine resources. She noted that Chile's national waters are home to 50% of known cetacean species which she believed imposed on her country responsibilities to their protection. She also reported that on this day, President Bachelet was declaring Chile a whaling-free country and referred to other measures being taken regarding the protection and conservation of cetaceans including the indefinite extension of the moratorium on whaling in its waters. Minister Uriarte drew attention to the need for IWC to address a range of environmental issues and the effects of climate change on cetaceans in particular. She stressed the need to guarantee a future for IWC and believed that the world would be watching the debate at the Annual Meeting. She wished the meeting good luck and success.

1.3 Opening statements

The Chair welcomed the following new Contracting Governments who had adhered to the Convention since the last Annual Meeting:

- Uruguay – adhered on 27 September 2007;
- Romania – adhered on 9 April 2008;
- Republic of the Congo – adhered on 29 May 2008; and
- Tanzania – adhered on 23 June 2008.

Of the new Contracting Governments, only Uruguay was represented at the meeting. In its opening statement, Uruguay indicated its pleasure to be back again in the Commission and thanked the Secretariat for the assistance it provided during its re-adherence to the Convention. It thanked the Government of Chile for hosting the Annual Meeting and for its warm welcome. Uruguay stressed the importance it gives to the conservation of marine living resources and referred to a number of regulations it has passed since 1969 regarding the protection and management of marine mammals. It hoped for a successful outcome of the meeting.

1.4 Credentials and voting rights

The Secretary reported that the Credentials Committee (Japan, New Zealand and the Secretary) agreed that all credentials were in order for those Contracting Governments present at the beginning of the meeting. She noted that voting rights were suspended for Cameroon, Côte d'Ivoire, Guatemala, Kenya, Mali, Mauritania and Senegal. The new Contracting Governments of Congo, Romania and Tanzania would not have voting rights until they had paid their financial contributions for 2007/2008. The Secretary noted that when voting commenced, she would call on St. Vincent and The Grenadines to vote first.

¹ A minor revision has been made to the 4th sentence of the second paragraph in section 6.3.8.2

1.5 Meeting arrangements

The Chair expressed his hope that discussions during the plenary session could continue in the same constructive manner as those held during the pre-meeting sessions addressing the future of the organisation. He considered it important that all Contracting Governments present had the opportunity to express their points of view without interruption and he requested delegates to try to keep points of order to a minimum so as to not unnecessarily disrupt the meeting. He reported that he was not aware of any draft Resolutions under preparation but asked Contracting Governments, if any did arise, to consult widely before their presentation to the Commission. He further noted that in the 'no surprise culture' emerging within the organisation, advance warning to him and/or the Secretary, would help keep the agenda on schedule.

The Chair reconfirmed previous arrangements regarding speaking rights for Intergovernmental Organisations (IGOs), i.e. that he would allow them to make one intervention on a substantive agenda item and that any IGO wishing to speak should let him know in advance. The Secretary drew attention to the arrangements for the submission of Resolutions and other documents.

2. ADOPTION OF THE AGENDA

The Chair drew attention to the Annotated Provisional Agenda and to his proposed order of business.

Japan referred to the comments it submitted on the Draft Agenda circulated in March 2008. It noted that its comments were based on its respect for the Chair's efforts concerning the future of the IWC and in the spirit of co-operation that emerged from the March 2008 intersessional meeting on the future of the organisation. It further noted that, as was the case for the 59th Annual Meeting, its comments reflected Japan's efforts to try to reduce conflicts and to try to build trust and consensus in part by minimising the number of decisions taken by voting at the plenary session. Japan strongly urged other members to contribute in a similar manner especially concerning proposals for Schedule amendments since it believed that obtaining a $\frac{3}{4}$ majority for controversial proposals is not possible under current circumstances.

Japan further remarked that in the past it has expressed the view that it would like to see the Commission focus on its core responsibilities consistent with the Convention and has proposed the deletion of a number of items from the agenda including: whale killing methods and associated welfare issues; proposals for new sanctuaries; health issues; whalewatching; small cetaceans and the Conservation Committee. While noting that its position on these matters is well known, Japan indicated that in keeping with its attempt to reduce conflict within the IWC and as part of its efforts to normalise the organisation, it would not propose the deletion of these or any other agenda item at the 60th Annual Meeting. The Chair thanked Japan for its constructive approach.

Noting that the European Union (EU) had adopted a common position for IWC/60 on a number of IWC matters, Denmark, in agreement with the Slovenian Presidency of the EU, clarified its position in relation to that common position. It informed the meeting that while as an EU Member State, Denmark is bound by the EU common position, because Denmark has overseas territories that are not part of the EU (Greenland and the Faroe Islands) it

indicated that it may, in specific cases where the interests of Greenland and the Faroe Islands diverge from those of the EU, need to deviate from the common EU position. It therefore informed the meeting that when Denmark made an intervention, it would be to pursue the interests of its overseas territories and of Greenland in particular.

The adopted agenda is given in Annex B. The list of documents submitted to the meeting is given in Annex C.

3. THE IWC IN THE FUTURE

Although the issue of IWC in the future was item 18 on the Commission's agenda, it was addressed early on in the meeting. The outcome of these discussions is included early in this report since the discussions on IWC's future impacted on discussions under other items

3.1 The March 2008 Intersessional Meeting

At the 59th Annual Meeting in Anchorage in 2007, the Commission agreed that an intersessional meeting should be held prior to the 2008 Annual Meeting to provide an opportunity for Contracting Governments to discuss the future of the organisation, given *inter alia* the impasse reached on the Revised Management Scheme (RMS) and the number of issues for which polarisation rather than consensus appeared to be the norm within the Commission.

In Anchorage, the Commission had considered the outcomes of three non-IWC meetings held between IWC/58 and IWC/59 regarding the future of the organisation. One was held in Tokyo, organised by the Government of Japan, one was held in New York, organised by the Pew Foundation and one was held in Buenos Aires by Latin American countries. In receiving the reports of these meetings, many countries recognised the positive overlap in some of the suggestions made and the Commission agreed that there was merit in pursuing discussions further through an intersessional meeting under the auspices of the IWC. It was agreed that the meeting should be open to all Contracting Governments and observers. It was also agreed that a Steering Group comprising the Commission Chair and Vice-Chair, the Commissioner for Palau (who chaired the Tokyo meeting), the Commissioner for New Zealand (who chaired the New York meeting) and the Commissioner for Chile (representing those involved in the Buenos Aires meeting) would prepare a draft agenda for the meeting that would be circulated to all Contracting Governments for comment.

The Steering Group met in Washington in October 2007. Noting that previous attempts to find a way out of the impasse within IWC had not worked, the Steering Group agreed that there was an urgent need to explore ways that might be more successful and which could improve levels of trust amongst members and others. To this end, rather than launching into negotiations on substantive issues where major differences among IWC members exist, the Steering Group agreed that, initially, it would be more fruitful to take a process-orientated approach and to seek ways to improve how negotiations within the IWC are conducted. The intersessional meeting held in Heathrow, London from 6-8 March 2008 therefore focused on matters of process rather than on matters of substance.

When planning the March 2008 intersessional meeting, the Steering Group had believed it useful to devote the first day to gaining an understanding of the mechanisms used to

resolve other difficult international issues via presentations by outside specialists and that to assist in this approach it had agreed to engage the services of an acknowledged expert in this field, i.e. Professor Calestous Juma of the Belfer Center for Science and International Affairs at the Harvard Kennedy School, Boston, USA. Together with the Steering Group, Professor Juma identified two other outside experts to be involved in the meeting (i.e. Ambassador Raúl Estrada-Oyuela, who had been involved in climate change negotiations and Ambassador Alvaro de Soto, who had been involved with UN peace negotiations).

The Chair's report of the intersessional meeting is included as Annex D. Professor Juma's report on 'The Future of the International Whaling Commission: Strengthening Ocean Diplomacy' is attached as Annex E. His report draws not only on discussions during the intersessional meeting but also on private interviews he conducted with Commissioners/Alternate Commissioners and input he received from a number of non-governmental organisations (NGOs).

During discussions at the March meeting, there was general agreement that the Commission needed to improve the way it conducts its business. A variety of suggestions were made which are described in some detail in the Chair's report. These included:

- (1) striving to reach decisions by consensus wherever possible;
- (2) ensuring that adequate notice is given of matters to be considered by the Commission so as to reduce surprises and allow time for proper consultation;
- (3) recognising the diversity of interests among Commission members and the need for mutual respect and equal treatment of all Contracting Governments;
- (4) improving the negotiation process, for which a variety of mechanisms were proposed including the use of open and closed sessions, smaller groups and 'cooling off' periods;
- (5) reviewing the composition and function of the Scientific Committee;
- (6) improving participation, through, for example, a financial contribution scheme that better-reflects countries' capacity to pay and the introduction of other working languages;
- (7) reviewing the role of the media; and
- (8) improving relationships with other intergovernmental organisations.

Based on the discussions at the intersessional meeting, the Chair of the Commission developed recommendations on: (1) how to improve the practice and procedures of the Commission; and (2) how to approach discussions/negotiations on substantive issues at IWC/60 and beyond.

3.2 Outcome of discussions at the Annual Meeting and action arising

Discussions at IWC/61 on IWC's future were held in a series of open and closed sessions both prior to, and during the plenary meeting. As a result of productive discussions the Commission agreed, by consensus, approaches to: (1) reforming its working procedures and practices; and (2) further discussions/negotiations on substantive issues. These are detailed in Annex F. A summary is provided below.

3.2.1 Working procedures and practices

The Commission agreed that it would make every effort to reach consensus on all matters of substance and that voting should be a last resort. It developed revised Rules of Procedures/Debate to this effect. The Commission recognised that increased dialogue between Contracting Governments and greater use of informal meetings would improve the prospects of achieving consensus. The Commission agreed that the work of the Commission should be organised to provide sufficient opportunities for all proposals to be discussed informally between Contracting Governments before action was taken by the Commission. It also recognised the importance of ensuring that its proceedings took place in an environment of mutual respect, notwithstanding the differing views and perspectives among Contracting Governments.

To maximise the prospects of reaching consensus, the Commission agreed that full draft text of all proposals for action by the Commission (e.g. Schedule amendments and Resolutions) should be circulated to Contracting Governments 60 days in advance of the annual meeting and that there should be a similar requirement for proposed amendments to the Rules of Procedure and Rules of Debate. Revised Rules of Procedure were developed to this effect.

The Commission also agreed that reducing the uncertainty over the voting intentions of new Contracting Governments would improve the predictability of the Commission's annual meetings. It developed a new Rule of Procedure that would not allow a new Contracting Government to exercise its vote until 30 days after adherence.

Recognising that French and Spanish are the primary languages of many Contracting Governments, the Commission also emphasised the importance of enabling effective participation in its affairs and widely disseminating information to the public through the use of French and Spanish as working languages of the Commission. It amended its Rules of Procedure accordingly (see also section 20.4.1). It should be noted that in this respect the extent of the use of French and Spanish would be as agreed at IWC/59 in Anchorage in 2007, i.e. simultaneous interpretation in French and Spanish in IWC Plenary and private meetings of Commissioners, and translation into French and Spanish of:

- (1) Resolutions and Schedule amendments;
- (2) the Chair's summary reports of annual meetings;
- (3) Annotated Provisional Agendas; and
- (4) summaries of the Scientific Committee and working group reports.

The Commission further recognised the importance of ensuring accurate and timely information on the Commission's work was provided to the media and encouraged the Chair, Secretary and Head of Science to provide regular briefings to the media at the meetings of the Commission.

The Commission decided to implement the use of French and Spanish as working languages of the Commission beginning with the present meeting and that the other amendments would come into effect at IWC/61 next year.

3.2.2 Further discussions/negotiations on substantive issues

To assist the Commission to arrive at a consensus solution to the main issues it faces and thus to enable it to best fulfil its role with respect to the conservation of whale stocks and the management of whaling, the Commission agreed to establish a Small Working Group on the Future of IWC (SWG). The SWG's primary task is to make every effort to develop a package or packages for review by the Commission. In addition the Commission will meet intersessionally to discuss progress on this task.

It was agreed that membership of the SWG will be representative in terms of, for example, views, geography and economy and that its members should: (a) consult with those non-participating countries that it broadly represents; and (b) take into account the known general views of all countries that are not members of the working group. It was further agreed that the Chair of the Commission would appoint a facilitator² to chair the group under his supervision.

The SWG will present a report on the results of its initial deliberations to the 2009 Intersessional Meeting of the Commission on the Future of IWC. Based upon discussions there, the intersessional meeting will direct the SWG to continue working on a possible package or packages and develop a final report that will be distributed at least 5 weeks before IWC/61 in June 2009.

4. WHALE STOCKS³

4.1 Antarctic minke whales

4.1.1 Report of the Scientific Committee

The Scientific Committee Chair recalled that completion of revised circumpolar abundance estimates for Antarctic minke whales continues to be a high priority as there is no agreed current estimate. Data from the IWC-IDCR/SOWER⁴ cruises are being used for this purpose. The cruises from 1978/79 to 2003/04 had been divided into three circumpolar series (the CPI, II and III). Standard analyses of minke whale abundance estimates from these surveys have shown an appreciable decline for CP III. The Scientific Committee Chair noted that for some years now the 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). The Committee had hoped to present revised estimates this year using three new model approaches, but although considerable progress was made, this had not been possible. To ensure estimates that can be agreed upon are available next year, a detailed work plan and an intersessional workshop have been scheduled.

Reporting on catch-at-age analyses, the Scientific Committee Chair noted that these analyses are important when examining the consistency of any trends in estimated abundance with biological expectations. He reported that

good progress is being made on this work and that current models suggest that the recruitment of Antarctic minke whales in Areas III-West to VI-West increased until about the early- to mid-1960's and declined thereafter. Noting that a key aspect of the reliability of these models is related to their sensitivity to assumptions about scientists' ability to age the animals, the Scientific Committee Chair reported that work is ongoing to develop appropriate error models that can be used in the population models.

4.1.2 Commission discussion and action arising

New Zealand and Japan thanked the Scientific Committee for its report. New Zealand noted that despite the considerable ongoing work to develop an agreed abundance estimate, this has not been achieved. It believed it is important to understand any changes taking place in the Antarctic. New Zealand also questioned whether, given that the Southern Ocean is a whale sanctuary, the Commission's interests would be better served if the Scientific Committee could provide advice on trends rather than striving to reach consensus on an actual number of Antarctic minke whales. It believed that trend information may be less complicated to develop and may be an indicator of climate change and other environmental effects. With respect to age estimation techniques, New Zealand noted that while the RMP had moved away from using such estimates as they had proved unreliable in the past, one of the principle justifications used for scientific permit whaling is the need for specific information on age and that lethal takes are therefore essential. New Zealand believed that the reported problems with age determination from earplugs suggest that the information yielded is of questionable validity.

Japan hoped that an abundance estimate for Antarctic minke whales could be agreed soon and noted that its scientists continue to be engaged in this work. Like New Zealand, it believed it is important to be aware of changes taking place and indicated that its research programme in the Antarctic, that includes both lethal and non-lethal techniques, are providing valuable information. Japan reported that one of the major outcomes of its research is evidence of a shift in species composition and, while recognising the uncertainties involved in age estimation using earplugs, believed this information is useful for stock assessment and management. It indicated that it too would appreciate some effort on looking at trends in Antarctic species but stressed the need to resolve the reason for the apparent differences in the abundance estimates from CP II and III. Japan reported that data from sighting surveys conducted as part of its JARPA programmes that have been ongoing for 20 years, mainly in Areas IV and V, generally indicate stable minke whale numbers.

The Commission noted the Scientific Committee report and endorsed its recommendations.

4.2 Western North Pacific common minke whales

4.2.1 Report of the Scientific Committee

The Chair recalled that the Scientific Committee is in the process of undertaking an in-depth assessment of western North Pacific minke whales, with special reference to what is known as the stock⁵. The first topic addressed this year

²From one of the external experts that had so far been involved in discussions, i.e. Professor Calestous Juma, Ambassador Raúl Estrada-Oyuela and Ambassador Alvaro de Soto.

³For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 11 (2009).

⁴International Decade for Cetacean Research/Southern Ocean Whale and Ecosystem Research Programme.

⁵The Scientific Committee completed a Comprehensive Assessment in 1992. The 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*

was stock structure. One of the difficulties facing the in-depth assessment is the apparent complexity of the population structure of common minke whales in the waters around Japan; there are at least four stock structure hypotheses and possibly more. Abundance estimates from sighting surveys in Russian Federation and Korean waters were reviewed but further analytical and field work is required before a final new abundance estimate for the area can be agreed. In particular, information is still lacking from two areas (i.e. areas 10 and 11) and the Committee reiterated its strong recommendation that the Russian Federation be requested as a matter of priority to give permission for biopsy samples to be taken during surveys in these waters. The Committee hopes to clarify stock structure next year.

With respect to distribution and abundance, the Scientific Committee reviewed a series of abundance estimates from Korean surveys. It noted that because the estimates were not corrected for $g(0)$, they will almost certainly be underestimates. The Committee Chair explained that in essence, not correcting for $g(0)$ means that it is assumed that all animals on the trackline of the survey vessel, even if they are underwater, are seen by the observers. This is almost certainly not the case and it means that the abundance estimates will be underestimates. The Chair noted that there are a number of experimental ways in which this can be taken into account if the appropriate data are collected. The Scientific Committee recommended that this be done in addition to incorporating into the analyses the distance and angle experiments that have been performed. The Committee had also noted that block boundaries and coverage within blocks changed from year to year, and recommended that data from Korean surveys in area 6 be analysed in as consistent manner as possible to obtain trends in abundance over time.

The Committee welcomed new abundance estimates for Japanese waters in sub-areas 6 and 10 and from Russian waters of sub-area 10. The Committee provided some advice for further work, particularly the consolidation of all of the work on abundance estimates to date. A working group was established to assist in this work. The Committee received news of further surveys in the region and were especially pleased to hear of the co-operation between Korean and Chinese researchers.

The Committee expressed concern about the continued high levels of reported bycatch of common minke whales from the J-stock and other coastal populations as well as recent suspicion of illegal catches from the J-stock.

4.2.2 Commission discussion and action arising

Mexico, USA, UK, Australia and Nicaragua expressed concern regarding the status of minke whale stocks, particularly the J-stock, in the western North Pacific and the high levels of bycatch occurring in Korean and Japanese waters. The USA noted that one paper considered by the Scientific Committee estimated that bycatch in Korean waters is 1.8 times higher than that reported. It also believed that more work is necessary to elucidate stock structure of minke whales off the Pacific coast of Japan and supported requesting permission from the Russian Federation for biopsy samples to be taken during surveys in its waters. The USA also noted that the Scientific

Committee had encouraged China and the Republic of Korea to collaborate to conduct sightings surveys. It believed such work would contribute to the understanding of minke and other whales in the North Pacific. The UK associated itself with the remarks of the USA and in addition stressed that the issue of stock structure must be addressed before consideration could be given to any kind of 'operation' that could impact on these stocks. Also noting the high bycatch levels that have continued to escalate over the past decade and that takes from directed hunts (as part of whaling under special permit) and illegal hunting contribute to the overall mortality, Australia called for action on two fronts: (1) that national and international effort should be made to dramatically reduce catches of coastal minke whales in this region, including a call to cease takes under Special Permit, and to decrease illegal hunts and bycatch rates; and (2) to enhance scientific knowledge of these poorly understood populations. With respect to the latter, Australia considered that improved and co-ordinated abundance estimates are required and that all genetic samples, including those acquired from bycatch, should be made freely available for genetic analysis. It believed that only with these efforts could the Scientific Committee provide appropriate advice to the Commission on the conservation status of these populations.

In response to the comments of the USA regarding levels of bycatch, the Republic of Korea reported that Korean bycatch is more-or-less constant and that the discrepancy is due to illegal whale meat entering the market, which is not bycatch. Korea stressed the importance of the work being done by the Scientific Committee with which it is co-operating through the provision of data and scientists. It is also co-operating with others via joint surveys.

With respect to biopsy sampling, the Russian Federation informed the meeting that such requests must be made to its Ministry of Foreign Affairs six months in advance of any survey but that requests submitted in this manner would be given proper consideration.

Japan reported that it has been conducting extensive studies in the western North Pacific using both lethal and non-lethal techniques, including sightings surveys in the Sea of Japan and in the Okhotsk Sea. It thanked the Russian Federation for the co-operation it has extended in the past with respect to surveys in its waters and hoped that this would continue in future years. It took account of the Russian Federation's comments regarding timelines for requests. With respect to bycatch in Japanese waters, it reported that this is due to animals becoming caught in fishermen's nets set close to the shore. It noted that although the fishing effort had remained constant, or had even decreased slightly over the last 30 years, bycatch had increased. Japan noted that the Scientific Committee had decided to collect time-series data on historical bycatch estimates per unit effort that may help in understanding this trend. It noted that it would co-operate in collecting and analysing data.

The Commission noted the Scientific Committee report and endorsed its recommendations.

4.3 Southern Hemisphere humpback whales

4.3.1 Report of the Scientific Committee

Last year, high priority was given to completion of the Comprehensive Assessment of Southern Hemisphere humpback whale breeding stocks B and C off the western

and eastern African coasts respectively. Information presented to the Scientific Committee suggests that the stock structure for both stocks is complex.

With respect to breeding stock B on the west African coast, a series of sub-stocks is proposed. The Scientific Committee Chair noted that the Committee had received quite a lot of new information on stock structure this year, both of a genetic and non-genetic nature. He reported that the data from the southern area are consistent with a mixture of animals from the breeding stock off Gabon and one or more other breeding stocks. The waters off southwestern Africa are probably a migratory corridor with some potential for feeding. The Committee agreed that a compilation of all of the available data accumulated over the years that are relevant to stock structure for this area be presented and evaluated next year. It also made research recommendations that will help to clarify this issue. With respect to abundance estimates, two estimates for the breeding stock off Gabon were presented and, depending on the dataset used, they were of the order of 6,600 (95% CI 4,900-8,800) to 8,200 (95% CI 6,500-10,400). A number of research recommendations were made to improve understanding of abundance and trends in preparation for assessment of humpbacks off western Africa which will be considered further next year.

The Committee Chair reported that the population structure for breeding Stock C off eastern Africa appears even more complex, particularly when examining the genetic information. He noted that the Committee's discussions on stock structure are directly relevant to the methods it uses to assess stock status. Of special importance in this regard is the way in which catches on the feeding grounds are allocated to the breeding stocks and the exchange rates between stocks. The Chair noted that accounting for the uncertainty in knowledge of stock structure is a key component of the modelling work needed to assess breeding stock C. The Committee agreed that further modelling scenarios should be explored interessionally. In addition to stock structure, the Chair noted that current abundance is essential to estimating the status of this breeding stock. The Committee was therefore pleased to receive a number of estimates based on photographic or genetic mark-recapture techniques. While further work is need to properly integrate the information on abundance, estimates for breeding stock C3 (C stock comprises four sub-stocks C1-C4) suggest numbers in the range 4,500-7,700.

The Scientific Committee examined some other general information including that on a non-lethal method for estimating the age of humpback whales from measurements of specific fatty acids present in their outer blubber layer. In addition, after reviewing the work of a review of life history parameters, the Committee agreed that for the time being at least, the maximum annual rate of increase for humpback whales should be considered to be 11%.

The Scientific Committee also reviewed information on other stocks of humpback whales including the stocks wintering off western South America and feeding from Isla Chiloe to the Antarctic Peninsula, humpbacks off eastern Australia, New Zealand and the South Pacific Islands and humpbacks off Oman. A study confirmed that the high growth rate of the east Australian humpback population has continued and yielded a long-term annual rate of increase of 10.9% (95% CI 10.5-11.4%). This population was

estimated to number around 9,700 whales in 2007 (95% CI of 8,600-11,000). Humpback whales off Oman in the Arabian Sea seem to be one discrete population and the Committee stressed the importance of increasing research on the status of, and threats to this geographically isolated population.

The Scientific Committee reconfirmed its support for the Antarctic humpback whale photo-identification catalogue. The current total number of catalogued whales identified by fluke, right dorsal fin/flank and left dorsal fin/flank is 2,858, 409 and 405 respectively. The Committee noted the general importance of telemetry (radio and satellite tagging) data to its work with respect to clarifying issues of migration and movements; in this context it identified the value of photo-identification studies to assist in following the long-term health of animals after they have been tagged.

4.3.2 Commission discussions and action arising

New Zealand welcomed the progress reported by the Scientific Committee and noted that its own scientists had contributed substantially to the collection and analysis of data on Southern Hemisphere humpback whales. With respect to humpback whales in Oceania, New Zealand believed that as more research is conducted, a more complex picture emerges. In particular it noted that the genetic distinctiveness of various humpback populations and the mixing of different breeding populations on feeding grounds are more complicated than previously thought. In addition, it noted the variability of recovery rates of different populations and that while some are increasing at encouraging rates, others such as those around some of the Pacific islands such as Fiji remain at very low levels. New Zealand therefore noted that it is not correct that all humpback whale stocks in the Southern Hemisphere are showing high rates. It therefore supported the Scientific Committee's work plan and indicated that it would continue to contribute to these efforts.

Australia endorsed New Zealand's remarks and drew attention to part of the Scientific Committee report describing a new non-lethal method for estimating the ages of humpback whales using measurements of specific fatty acids present in the outer blubber layer. It welcomed this work and looked forward to the Scientific Committee further developing new and innovative non-lethal research techniques.

Ecuador drew attention to the report from several Latin American scientists regarding the use of photo-identification and migratory movements of humpback whales wintering off the western coast of South America and summering in feeding grounds near Isla Chiloé, Corcovado Gulf, Magellan Strait and the Antarctic Peninsula. It stressed the collaborative nature of this work that had involved comparisons among 10 independent photo-identification catalogues and believed the results demonstrated these non-lethal techniques are a valid way to conduct research. Brazil echoed these remarks.

The Commission noted the Scientific Committee report and endorsed its recommendations.

4.4 Southern Hemisphere blue whales

4.4.1 Report of the Scientific Committee

The Chair of the Scientific Committee reported that good progress was made in collating information on Southern Hemisphere blue whales as part of the Comprehensive

Assessment process. Information received on pygmy blue whales confirmed that their presence in Antarctic waters is rare. Evidence was also received suggesting that the Chilean blue whales probably represent a discrete population or even subspecies.

Over 300 individual blue whales have been identified thus far from over 20,000 photographs taken during the IDCR/SOWER cruises. The Committee recommended that photographs taken during the Japanese scientific research programmes in the Southern Ocean should be added to those taken on IDCR/SOWER cruises and that analysis of the Japanese photos should be presented next year. The Japanese samples will increase the overall sample size and this greatly enhances the scientific value of both sets of photographs. A proposal to establish a central web-based catalogue of blue whale identification photographs, primarily for the Southern Hemisphere was endorsed. The system will be designed to facilitate the matching of blue whale photographs among a wide number of researchers and should result in a considerably increased capacity to understand some of the basic questions relating to Southern Hemisphere blue whale populations with respect to movements, basic biology and stock structure.

The Scientific Committee endorsed the results of a paper that suggests a pre-exploitation abundance of Antarctic blue whales of some 256,000 animals (95% credibility interval of 235,000-307,000) and that the minimum population size reached was as low as only 395 whales (95% credibility interval of 235-804), i.e. only 0.15% of the pre-exploitation level. The positive news is that the population has recently been increasing at an estimated annual rate of 6.4% (95% credibility interval of 2.4-8.4%). (The estimated maximum rate of increase for blue whales is about 8.5%.) The most recent survey abundance estimate (for 1997/98) was about 2,300 blue whales (95% CI 1,150-4,500) – however, that is still less than one percent of the pre-exploitation abundance levels.

The Committee agreed that the circumpolar assessment for Antarctic blue whales is now complete.

4.4.2 Commission discussion and action arising

Australia welcomed the completion of the in-depth Assessment of Antarctic blue whales but noted with concern the continued depleted state of this population despite decades of protection. It suggested that it will be many years before Antarctic blue whales reach a more secure conservation status and noted that in this period, the populations are likely to face a rapidly changing Antarctic climate and environment. Australia therefore believed that the continued protection of this, and other depleted Antarctic whale populations should remain among the highest conservation priorities for the Commission.

Costa Rica recommended that the eastern tropical Pacific blue whale stock be included in reviews of Southern Hemisphere blue whales. It noted that while some individuals in this stock have been identified as blue whales of the North Pacific, a large percentage have not and it is thought that they could be linked with blue whales from the Southern Hemisphere.

The Russian Federation objected to the continued use of what it considered to be politicised terms in the Scientific Committee report in the section on blue whales and elsewhere even though it believed there had been agreement last year that such terminology would not be used in either documents or during the sessions themselves

and that this applied equally to the Scientific Committee and the Commission itself. It asked that the use of politicised terms cease and that its view be reflected in the Chair's Report.

The Commission noted the Scientific Committee report and endorsed its recommendations.

4.5 Other small stocks – gray, bowhead and right whales

4.5.1 Right whales

4.5.1.1 REPORT OF THE SCIENTIFIC COMMITTEE

NORTH ATLANTIC

This stock is critically endangered with a remaining western North Atlantic population of around 300 animals. It is vulnerable to ship strikes and entanglements. The Chair of the Scientific Committee reported that no new information was received this year. The USA was encouraged to provide annual updates on this stock in the future. The Scientific 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

Little information is available on North Pacific right whales other than that the population is probably less than 100 individuals. The Scientific Committee noted that it is not aware of any specific anthropogenic threats but it expressed concern about this small population and encouraged research into its status as soon as possible.

4.5.1.2 COMMISSION DISCUSSION AND ACTION ARISING

The Commission noted the Scientific Committee report and endorsed its recommendations.

4.5.2 Bowhead whales

4.5.2.1 REPORT OF THE SCIENTIFIC COMMITTEE

NORTHEAST ATLANTIC

About 20 bowhead whales were sighted at almost 81°N between Svalbard and Greenland in April 2006. There has been an apparent increase in observations of bowhead whales in these waters in recent years but it is not known if these few animals are stragglers from other populations or if they are survivors from the historic Spitsbergen population. If they are survivors of the Spitsbergen population, they are probably from one of the most endangered populations of the large whales in the world. The Committee recommended additional work to clarify the status as soon as practicable.

NORTH PACIFIC

In the Okhotsk Sea, whaling on bowheads started in 1846 and was pursued intensively for two decades and then continued sporadically until 1913. Illegal catches resumed in 1967, but the numbers taken remains unknown. In light of the small population size and the recent catch history, the Committee expressed great concern and recommended that further work to investigate the status be conducted as soon as possible.

4.5.2.2 COMMISSION DISCUSSION AND ACTION ARISING

The Commission noted the Scientific Committee report and endorsed its recommendations.

4.5.3 Western North Pacific gray whales

4.5.3.1 REPORT OF THE SCIENTIFIC COMMITTEE

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.

The Scientific Committee welcomed a progress report on the valuable work undertaken since 1995 by the collaborative Russia-US programme, particularly with respect to photo-identification and genetic data. Information from that programme was incorporated into an updated assessment of the stock. It is encouraging that the population has been slowly increasing, at least up until 2005. However, its low absolute abundance and the news that five females had died in fishing gear during the past three years reaffirmed its critical status; projections incorporating this absolute number of additional mortalities indicate about a 25% probability of population decline and a substantial risk (about 10%) of extinction by 2050. The introduction by Japan of a new regulation in its 'Fisheries Resource Protection Law' aimed at reducing risk of incidental mortalities of gray whales in fisheries was welcomed.

The Committee made a number of recommendations with respect to the reduction of anthropogenic mortalities and disturbance. Development of efficient mitigation is greatly hampered by lack of information on migration routes and breeding destinations of the gray whales. The Committee noted the value of telemetry work in this regard, but also the need to exercise great care before undertaking such work on an endangered population. It will discuss this further next year. The Committee also reaffirmed its support for the IUCN Western Gray Whale Advisory Panel (WGWAP) with respect to the Sakhalin area. It especially welcomed the work being undertaken by the WGWAP to: (1) prepare for a forthcoming seismic survey in 2009; and (2) compare the photo-identification data from the Russia-US programme and the industry-sponsored Russian programme. It strongly encouraged continued collaboration between these two complementary programmes. With respect to threats caused by fishing gear, the Committee recommended that range states make every effort to determine whether stranded or entangled whales match animals found in the photo-identification catalogues and/or genetic archive and to report such events (including photographs) as soon as possible. Identification of the causes of anthropogenic mortality is important in developing mitigation efforts.

The Scientific Committee again reaffirmed the urgent need to reduce anthropogenic mortality to zero in this population. The work of the WGWAP towards the conservation of this population was endorsed and the participation of the Sakhalin Energy Investment Company in the Panel process was commended. It stressed the need for information on all activities and planned seismic surveys and urged all oil exploration companies to participate fully in the process of providing timely information.

4.5.3.2 COMMISSION DISCUSSION AND ACTION ARISING

Mexico reported that it is a range state for a gray whale stock that has recovered over the years thanks to efforts of

a number of countries (e.g. Mexico, USA, Canada) and through the declaration of a sanctuary for gray whales. It noted that of the great whales, the western North Pacific gray whale is at greatest risk of extinction due to a number of threats including seismic exploration and bycatch. It called for the collaboration among Russian and USA scientists to continue, including the search for appropriate mitigation measures.

The UK noted that this population remains listed as endangered on the IUCN Red List and that IWC had passed Resolutions in 2001, 2004 and 2005 urging members to do everything possible to aid its survival and recovery. While recognising IWC as the body for the management and conservation of whales and the unparalleled expertise of its Scientific Committee, the UK considered the establishment of the WGWAP to be a good initiative. It noted that the Scientific Committee had reaffirmed the urgent need to reduce anthropogenic mortality to zero in this population. The UK believed that IWC should learn from the recent extinction of the baiji and concentrate efforts to prevent the extinction of the western North Pacific gray whale. It welcomed the action taken by Japan and was pleased to note that IUCN will be convening a meeting of range states to work on mitigation. The UK supported fully the Committee's recommendations.

The USA and Australia associated itself with the comments made by Mexico and the UK and also supported the Committee's recommendations. Australia noted the value of establishing conservation management plans for such populations (see section 16.2.1). The Republic of Korea recalled the great cultural significance of this gray whale population. It reported that it engages in gray whale research and that it has taken management measures to reduce entanglement in fishing gear and collisions with ships.

Japan shared the concerns expressed regarding this gray whale population and indicated its firm commitment to aiding its recovery. It drew attention to its recently-amended laws, also referred to by others, that prohibit the retention, sale and possession of meat from this gray whale population. Penalties exist for non-compliance. Japan encouraged all range states to take mitigation measures and stressed the importance of such measures being holistic rather than only relating to fisheries. Japan noted that the deaths of five gray whales had occurred in a period of 36 months but that bycatch before and after this period was rare. It therefore hoped that the higher level of mortalities was an exceptional occurrence. Japan supported the UK's remarks regarding the need to learn from the experience with the baiji.

The Russian Federation reported that this gray whale population is on its national endangered species list and that it is co-operating with the IUCN activities. It noted that the Scientific Committee is calling for a reduction in anthropogenic disturbance but at the same time is calling for intensified research activity. It noted that the 130 whales have been photo-identified over 35,000 times and that 84% have had biopsy samples taken. It did not know if such activities have an adverse effect on the population but suggested that this matter be considered by the Scientific Committee including consideration of how the research should be managed.

4.6 Southern Hemisphere right whales

4.6.1 Report of the Scientific Committee

The Scientific Committee received a considerable amount of new information on southern right whales. Much of the information comes from long-term monitoring programmes; the Committee frequently notes the importance of such programmes to its work.

The Scientific Committee Chair reported that right whales off southern Australia have been increasing at around 8% annually (approx. 95% CI 4.5-11.8%). The value of satellite telemetry studies was illustrated by the information on feeding strategies and movements of animals tagged off South Africa.

The Chair noted that the Committee was pleased to receive information from South America and encouraged further work, noting the value of partnerships amongst local and national governments, researchers and other stakeholders. It was also pleased to receive the results of a workshop held on the right whales found off Chile and Peru. That workshop had concluded that the right whales in this region were critically endangered and that further work is needed to better understand their status and to enable the development of measures to mitigate anthropogenic disturbance. The Committee recommended further international co-operation amongst researchers and increased photo-identification and biopsy sampling effort. It also encouraged research into the value of protected areas and the conduct of stock-specific assessments. This latter recommendation will be considered further next year.

4.6.2 Commission discussion and action arising

Austria drew attention to the report of the death of around 60 Southern Hemisphere right whale calves and noted that an environmental perturbation, in this case a potentially toxic algal bloom, can significantly impact a small population of endangered whales. It suggested that such environmental scenarios should be included in future IWC deliberations and particularly in future modelling work.

The Commission noted the Scientific Committee report and endorsed its recommendations.

5. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES

5.1 Data on whales killed and on improving the humaneness of whaling operations

5.1.1 Reporting

As the Working Group on Whale Killing Methods and Associated Welfare Issues did not meet during IWC/60, information from Contracting Governments on whales killed and on improving the humaneness of whaling operations was submitted directed to the plenary. Information associated with whaling operations was submitted by Denmark/Greenland, Norway, the Russian Federation, and the USA and that associated with euthanasia of stranded animals was submitted by New Zealand.

5.1.1.1 NORWAY

Norway reported on its 2007 minke commercial whaling season, noting that 597 whales were taken by 29 vessels. Four whales (0.6 %) were reported lost after they were dead. No whales were reported to have escaped wounded. Harpoon guns equipped with the Norwegian penthrite

grenade are used for the hunt, with rifles with full metal jacket, round nosed bullets, as back-up weapons.

Norway provided information on improvements to times to death on whales killed in its hunts based on data collected from over 5,000 whales. In 1981-83 when cold harpoons were used, the percentage of animals recorded dead within 1 minute was 17% and the average time to death (TTD) was more than 11 minutes with a high rate of re-shooting. The results from 2000-2002 with the new penthrite grenade showed that at least 80% of the whales were rendered unconscious or dead instantly. The average TTD was about 2 minutes using the criteria adopted by the IWC (i.e. basically immobility), which may include periods when the animal may have been unconscious or already dead. Very few animals (0.5%) needed a second shot.

In response to concerns expressed in the past that the IWC criteria for death may ignore the risk that whales are only paralysed and still conscious when immobile, Norway reported that from recent investigations, while these would be legitimate concerns if cold harpoons were used, this situation would be very unlikely when using detonating grenades. It therefore concluded that in the case of the Norwegian hunt, the number of animals estimated as dying instantly is an underestimate.

Norway reported that its research and development on hunting and killing methods have resulted in the adoption of improved whaling methods and regulations for several species of whales. Dr Øen has continued his co-operative work with hunters, scientists, authorities, and whale hunters' organisations in Norway, USA (Alaska), the Russian Federation (Chukotka), Greenland, Canada (Nunavut and Nunavik) and Iceland and assisted in the teaching and training of hunters and transferred knowledge, developments and technology derived from the above mentioned research in order to improve the hunting methods and hunting gears used for marine mammals. Norwegian scientists have chaired workshops and lectured in local and international workshops (NAMMCO) and training sessions for hunters of marine mammals. It plans to continue these cooperative efforts.

5.1.1.2 RUSSIAN FEDERATION

The Russian Federation re-iterated that while its view is that animal welfare issues are outside of IWC's mandate, it provides all information requested on its aboriginal subsistence hunt but on a voluntary basis. This year it provided information on *inter alia* TTD, killing method (including number of shots) for all 126 gray whales taken in its 2007 hunt, two of which it reported as inedible. Three gray whales had been struck and lost. There was 100% inspection of the hunt and scientific involvement with 53%. 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.

5.1.1.3 DENMARK/GREENLAND

Denmark/Greenland provided summary information for the 2007 subsistence hunt that involved the taking of 167 minke whales (including six struck and lost) and 12 fin whales (including one struck and lost) in the West Greenland hunt and two minke whales in the East Greenland collective hunt. For the West Greenland minke whale hunt, the penthrite grenade and rifle were used as the primary and secondary killing method respectively. For the

fin whale hunt, the penthrite grenade was used as the primary and secondary killing method and for the East Greenland minke whale hunt, rifles were used. Summary TTD data were reported by hunt and by method used. All data were reported by the hunters.

5.1.1.4 USA

The USA reported on weapons, techniques and observations in its Alaskan bowhead whale subsistence hunt. The primary weapon in the hunt is a hand-held darting gun armed with an explosive projectile and a harpoon that attaches a line and float to the whale to assist in recovery. The secondary weapon is a smooth bore, eight gauge shoulder gun used to shoot a finned projectile loaded with black powder. The shoulder gun is usually fired immediately after a line and float have been attached to the whale to help ensure a quick kill. In the 2007 season, 63 bowhead whales were taken (including 22 stuck and lost). Hunting conditions in 2007 were challenging due to unpredictable sea ice, weather conditions, equipment malfunctions, and struck whales diving under the shore-fast ice. Qualitative data on TTD were provided. Data on hunting efficiency (i.e. % landed whales of those struck) in the period 1996 to 2007 was reported. Over this period the average efficiency was 78.2% (range of 65-88.4%, STD = 8%), meeting the 1978 commitment to IWC to increase the efficiency from an average of 50% to 75%. However, it was noted that efficiency in any given year is heavily affected by sea, ice, and weather conditions during the bowhead migration. Hunting conditions in 2007 were challenging due to unpredictable sea ice, weather conditions, equipment malfunctions, and struck whales diving under the shore-fast ice and the efficiency this year was 65%. Information was also provided on hunter training and certification.

5.1.1.5 NEW ZEALAND

New Zealand provided information on the euthanasia of six distressed whales that stranded on its coastline between end of February 2007 and end of February 2008 and believed to be beyond hope of recovery. It noted that for these whales (one minke whale, one Gray's beaked whale and four pygmy sperm whales), the chosen method of dispatch was a rifle and that in all but one case a single shot had been used. For one of the pygmy whales, 3 shots close together had been used as required by its standard operating procedure when the individual involved, although experienced with firearms, is not experienced in the euthanasia of whales. Advice on the target area is provided by experienced veterinarians.

5.1.2 Commission discussion and action arising

A number of governments welcomed the reports and urged others to provide similar reports in future. The Republic of Korea considered welfare issues important but outside IWC's mandate. It urged distinction between legislation and developing codes of conduct and noted that reporting of welfare data to IWC should be done on a voluntary basis.

The UK re-iterated that the welfare of hunted whales remains at the top of its agenda at IWC and that the organisation has both the mandate and expertise to deal with the matter. It noted with concern the continued absence of welfare data from some Contracting Governments under whose auspices hunts are conducted and it believed that welfare oversight and reporting must be

an essential part of any whaling management regime. The UK therefore urged all Contracting Governments with whale hunts to provide the data requested in Resolution 1999-1⁶. It further urged the Commission to consider the merit in establishing relations with OIE (World Organisation for Animal Health) as this could help broaden welfare discussions at IWC. The UK explained that the OIE, an intergovernmental organisation with 172 members responsible for improving animal health worldwide, has a permanent expert working group on animal welfare that *inter alia* facilitates the development of guidelines for the humane slaughter of animals for food. The UK referred to the high rate of female minke whales taken by Japan in JARPA II⁷ last year that were pregnant (i.e. 92.3%) which created additional animal welfare concern. Noting that the management of foetuses in abattoirs is frequently subject to strict control such as those outlined by OIE, it asked Japan whether there are any specific measures taken in its special permit whaling hunts to safeguard the humane slaughter of foetuses. Finally the UK expressed regret that the Working Group on Whaling Killing Methods and Associated Welfare Issues had not met this year and believed it was imperative that it met at IWC/61 next year. Luxembourg supported the UK's remarks and Costa Rica supported the establishment of a link with OIE. A number of members also called for a meeting of the Working Group to be scheduled at the 2009 Annual Meeting.

In response to the UK, Japan reported that it gives importance to reducing the suffering of hunted animals in general, not just whales. It 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 there had been constructive discussions on this matter. However, given that more recently its data had been used in what it considered to be a non-constructive manner and handled differently to data provided by other governments, Japan had decided to submit its welfare data elsewhere for the time being. In the meantime it would continue its efforts to reduce TTD.

St. Lucia stressed that the Commission should be cognisant that while animal welfare is important, the discussions relate to hunts and that hunter safety, particularly in relation to aboriginal subsistence hunts should also be taken into account. Furthermore it believed that the Commission should commend the extensive work done to improve TTD by those countries conducting whale hunts, whether of a commercial, aboriginal subsistence or scientific nature.

5.2 Preparation for a workshop on welfare issues associated with the entanglement of large whales

5.2.1 Report of the scoping meeting for the workshop

The issue of welfare issues associated with the entanglement of large whales that cannot be released alive was raised by Norway at last year's meeting of the Working Group on Whale Killing Methods and Associated Welfare Issues. In the Commission, Norway suggested that approaches to the euthanasia of entangled whales would benefit from more in-depth discussions and recommended

⁶Resolution 1999-1 Arising from the Workshop on Whale Killing Methods. *Ann. Rep. Int. Whaling Comm.* 1999: 51-52.

⁷See footnote 17.

that a one-day workshop be held in association with IWC/60. The Commission agreed and an organising committee, comprising Australia, Denmark (Greenland), Norway and the USA was established to plan a one-day workshop.

At the March 2008 Intersessional Meeting on the Future of IWC, revisions were made to the schedule of meetings at IWC/60 to allow sufficient time for follow-up discussions to the March meeting. As a result, it was agreed to replace the planned workshop on welfare issues associated with entangled/entrapped cetaceans with a scoping meeting of the workshop organising committee. The organising committee met on Tuesday 17 June. Its report, including a draft agenda for the workshop is included as Annex G.

The organising committee recognised that there are three identifiable and linked aspects to this issue:

- (1) prevention/mitigation methods;
- (2) a decision matrix for dealing with entangled animals including a thorough overview of disentanglement techniques; and
- (3) if euthanasia is decided to be the appropriate option, how best this can be achieved.

Although it can be argued that it is logical to focus on prevention/mitigation first, the organising committee agreed that because whales are being entangled now, and will continue to be so until/if effective prevention strategies are developed, it is important from an animal welfare perspective that items (2) and (3) are addressed as a matter of some urgency. For a number of reasons, including the nature of the expertise required and the broad scope of issues under item (1), the organising committee agreed that the initial focus of the workshop should be on items (2) and (3) and that the primary output should be a report providing guidelines for dealing with entangled whales. Given the ambitious nature of the workshop, it was also agreed that to help it reach its goals, a number of review papers should be available well in advance. The USA, Australia and Norway agreed to undertake this work. Terms of Reference for the review papers are included in Annex G.

Regarding the duration, timing and venue for the workshop, the organising committee agreed that 3-4 days would be required and that it could be held either in the period immediately before the Commission meeting at IWC/61 in Madeira next year, or in the intersessional period after the Madeira meeting – the important thing being that the review papers should be available. Regarding the venue, if not held in association with the Annual Meeting in Madeira, the organising committee considered that it would be possible to find a host that could offer a venue and facilities at no cost. With respect to participants, it was agreed that there should be no more than 25-30 people and that they should include experts on the survival outcomes of entangled and released whales; veterinarians with prognosis and euthanasia experience; practical disentanglement specialists and decision makers. Arne Bjørge, Chair of the Scientific Committee, was proposed as workshop Chair.

Finally, the organising committee agreed that upon completion, plans should be made for a workshop focused on mitigation and prevention.

5.2.2 Commission discussion and action arising

Norway and Australia as members of the workshop organising committee were pleased with the open,

constructive and fruitful nature of the discussions during the scoping meeting. Having initially proposed a one-day workshop to focus only on the euthanasia of entangled whales, Norway could agree to extend its scope, given that time will be available, to also addressing disentanglement. Australia noted the seriousness with which it takes the entanglement of whales and the importance of preparing thoroughly for the workshop. It did, however, indicate that it should be seen in a wider context, stressing the need to subsequently consider prevention and mitigation. The UK was pleased that the scope of the proposed workshop had been broadened and believed that tackling this issue could be an example of how IWC members can work collaboratively for the wider good of whales. Sweden also recognised entanglement as a problem, particularly for small cetaceans that are probably entangled in large numbers. It hoped that the output from the workshop focusing on large whales would also provide useful information for small cetaceans.

The Commission supported the workshop proposal and agreed that it should be held in the intersessional period after IWC/61 in Madeira. It was further agreed that the workshop should be chaired by the Chair of the Scientific Committee.

6. ABORIGINAL SUBSISTENCE WHALING⁸

The meeting of the Aboriginal Subsistence Whaling Subcommittee took place on 18 June 2008. It was chaired by Jorge Palmeirim and attended by delegates from 27 Contracting Governments. The Chair of the Scientific Committee's Standing Working Group (StWG)* on the Development of an Aboriginal Whaling Management Procedure reported the outcome of the Committee's work and discussions. A summary of the discussions of the Subcommittee is included below. The full Subcommittee report is attached as Annex H.

6.1 Aboriginal Subsistence Whaling Management Procedure (AWMP)

6.1.1 Report of the Aboriginal Subsistence Whaling Subcommittee

6.1.1.1 PROGRESS WITH THE GREENLANDIC RESEARCH PROGRAMME

The Chair of the StWG reported on the Scientific Committee's work. It focussed on developing methods to assess common minke whales using sex ratio data. Considerable progress was made and it expects to complete this work next year when it should be in a position to use it for management advice.

The Subcommittee noted the report of the Scientific Committee and endorsed its recommendations.

6.1.1.2 PREPARATION OF THE IMPLEMENTATION REVIEW FOR GRAY WHALES

Part of the *Strike Limit Algorithm (SLA)* approach of the AWMP involves an *Implementation Review* every five years. The aim of such a review is to examine whether there is any information to suggest that the parameter space used to evaluate the *Gray Whale SLA* was inadequate. The Scientific Committee had noted that, depending on the new information presented next year, there may be a need for

⁸For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 11 (2009).

*The abbreviation SWG is used elsewhere in the Annexes to this report and the Report of the Scientific Committee.

additional simulation trials. The Russian Federation had informed the Scientific Committee that it might make a proposal to the Commission regarding struck-and-lost whales and 'stinky whales' when addressing need. If the Commission accepts this, the Committee can take this into account in the *Implementation Review*. The Scientific Committee noted that it will be for the Commission to address need requirements. It further noted that the best manner in which to conduct the *Implementation Review* will be apparent at the latest by the time that papers need to be submitted under the Data Availability Agreement, i.e. 28 February 2009 and the Committee will be informed immediately.

In the Sub-committee the Russian Federation reported on its need requirements and its likely proposed schedule amendment to take account of 'stinky whales' landed. It was noted that the new request was still less than need. The UK was sympathetic but stressed the need to set strike limits and the need for more data on stinky whales. The Chair of the StWG confirmed that advice is based on strikes. Following this discussion, the Sub-Committee noted the report of the Scientific Committee and its recommendations.

6.1.1.3 GENERAL CONSIDERATION OF THE PROVISION OF AD HOC ADVICE

The Chair of the StWG recalled last year's difficulty regarding *ad hoc* interim advice on strike limits and reported that this year, the Scientific Committee was pleased to have developed a safe method to provide interim management advice for the three fisheries concerned. The Committee had agreed on an approach that can be used to provide advice on catch limits for a limited time only, i.e. for up to two quota blocks (10 years), by which time a full *SLA* approach should have been developed. It had also agreed that no changes should be made to the approach used to provide interim management advice unless a change is proposed to the need requirement, when re-evaluation would be required. The Scientific Committee reaffirmed that long-term advice should be based on an agreed AWMP *SLA* and that such work remains high priority.

There were no comments in the Sub-committee who noted the Scientific Committee's report and its recommendations.

6.1.2 Commission discussions and action arising

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

6.2 Aboriginal Whaling Scheme

6.2.1 Report of the Aboriginal Subsistence Whaling Sub-committee

The Sub-committee noted that the StWG will consider issues arising out of the bowhead *Implementation Review* next year.

6.2.2 Commission discussions and action arising

The Commission noted this part of the Sub-committee report.

6.3 Aboriginal subsistence whaling catch limits

6.3.1 Bering-Chukchi-Beaufort Seas stock of bowhead whales

6.3.1.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The Chair of the StWG noted that the Committee had received two papers related to obtaining an abundance estimate for the BCB stock of bowhead whales based on aerial photographs obtained near Barrow, Alaska, during spring 2003 and 2004. These surveys were conducted *inter alia* to obtain an abundance estimate that could be compared to the ice-based estimate from 2001. The impetus for investigating photographic mark-recapture estimates was concern that unstable ice conditions resulting from warming trends in the Arctic might make future ice-based censuses difficult. The 2003-04 abundance estimate was some 11,800 (95% CI = 6,800-20,600), very similar to the forward projected ice-based estimate for 2004 of 11,600. The Scientific Committee had endorsed the use of photo-identification data to obtain abundance estimates for this stock.

The Chair of the StWG noted that catch and efficiency data for the USA 2007 hunt had been presented. A total of 63 were struck and 41 landed giving an efficiency of 65%, lower than the 10-year average of 79% for a number of environmental and logistical reasons. A calf was taken in error but from the *SLA* perspective, the Scientific Committee agreed that this is not a conservation concern. No bowhead whales were taken off Chukotka. The Scientific Committee reaffirmed its advice from last year that the *Bowhead whale SLA* remains the most appropriate tool for providing management advice for this harvest and agreed that results from the *SLA* show that the present strike limits are acceptable and will not harm the stock.

In the Sub-committee, Mr Harry Brower, Chair of the Alaska Eskimo Whaling Commission (AEWC) made presentation on aspects of the bowhead hunt. The UK noted its concern at the rise in the struck and lost rate and asked that if the conditions of this year were to become the accepted norm, whether there was anything that could be done to change the time of the hunt to when conditions might be more favourable and the efficiency might therefore be higher. In reply, the USA noted the continuing use of the penthrite projectile to increase the efficiency but that the hunters had no control over weather and ice conditions.

The Sub-committee noted the report of the Scientific Committee and its recommendations.

6.3.1.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

6.3.2 North Pacific Eastern stock of gray whales

6.3.2.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The Chair of the StWG reported that the Committee had accepted a new abundance estimate for eastern gray whales from the 2006-2007 southbound migration of 20,110 (SE=1,766). The Committee had recognised the phenomenon of 'stinky whales' but could not develop a scientific definition at present. A total of 126 gray whales were landed and used off Chukotka in 2007; in addition 3 were killed but lost and 2 were 'stinky' (inedible). The Scientific Committee reaffirmed its advice that the *Gray Whale SLA* remains the most appropriate tool for providing

management advice. It confirmed that the current limits are acceptable and will not harm the stock.

In the Sub-committee there was considerable discussion of 'stinky' whales and a definition for this. It was noted that: (1) the cause remains unknown but that work is ongoing (see also section 16 on the Conservation Committee); and (2) it is a phenomenon not limited to whales but also occurs in other fauna. The Russian Federation proposed a working definition: 'a whale that has a strong, unnatural, pungent smell that makes the whale inedible'. It wanted this definition to at least be included in the Chair's Report of the 2008 Annual Meeting and preferably in a Schedule amendment. The Sub-Committee recommended the Scientific Committee develop a definition of 'stinky' gray whales for next year. It also noted the report of the Scientific Committee and its recommendations.

6.3.2.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Russian Federation re-iterated its comments made in the Sub-committee regarding the definition of 'stinky whales'.

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

6.3.3 Common minke whale stocks off Greenland

6.3.3.1 REPORT OF THE ABORIGINAL SUBSISTENCE

WHALING SUB-COMMITTEE

EAST GREENLAND

Two common minke whales were caught off East Greenland in 2007. There were none struck and lost. In 2007, the Commission agreed to an annual quota of 12 strikes for the period 2008-2012. The Scientific Committee agreed that the present catch limit represents a very small proportion of the Central Stock and that it will not harm the stock.

WEST GREENLAND

The Chair of the StWG had noted that last year the Commission agreed to a quota of 200 minke whales struck annually off West Greenland; the Committee had provided advice on a range of 170-230 animals. The Committee stressed that it had made great progress towards being able to provide firm management advice for this stock. In particular, an abundance estimate from the 2005 aerial survey of 10,800 (95% CI 3,600-32,400) was accepted and considerable progress was made on developing an assessment method incorporating the available sex ratio data. With a further intersessional workshop, it should be possible to finalise work on the applicability of sex ratio data to provide management advice at the 2009 Annual Meeting. Should this work prove successful, it would also represent an important step forward towards the development of a full *SLA* approach for providing long-term advice.

In terms of advice this year, the Committee had noted that the 2005 abundance estimate was not statistically significantly different from the 1993 estimate accepted by the Committee, although the power to detect differences is low owing to low precision and questions about stock structure remain. Although the survey estimate does not apply to the whole population, it is still not presently possible to determine by how much it is an underestimate. This issue will be addressed should the proposed assessment method prove to be applicable next year. However, despite the great improvement in the situation compared to previous years, the Committee remained

concerned that it was not in a position to give authoritative advice on safe catch limits this year. Given that, it agreed that it is not possible for it to give more than interim *ad hoc* advice for the forthcoming season, noting that it believed that there was a reasonable chance that it would be in a position to provide advice next year. It noted that last year it had recommended that any quota established by the Commission on the basis of the interim *ad hoc* advice below be limited to one year only.

Until the work on the sex-ratio methods is completed next year, the Committee was therefore in the same position as in the past two years. It again stressed that the Commission should exercise caution when setting catch limits for this stock. The Committee was therefore not in a position to recommend a single number, but repeated its previous advice to the Commission that the estimated annual replacement yield ranges from about 170 to 230 minke whales. The replacement yield is the catch level yielding no net increase in abundance.

The Committee re-emphasised its view that safe long-term management of aboriginal whaling is best accomplished under an agreed *AWMP SLA*. It therefore agreed that development of an *SLA* for this fishery should begin as soon as practical.

In the Sub-committee, discussions focused on the West Greenland hunt on which there was considerable discussion (see section 5.3.2 of Annex H). These discussions related primarily to the Greenlandic need statement (and the basis used to calculate need) and the commercial element of the hunt, the latter having been prompted by an un-submitted NGO report. Different views were expressed but no consensus view reached and it was agreed that the perspectives given during discussions be transmitted to the Commission in plenary. The Sub-Committee noted the report of the Scientific Committee and its recommendations.

6.3.3.2 COMMISSION DISCUSSIONS AND ACTION ARISING

With respect to the development of an *AWMP SLA*, Sweden suggested that the use of the term 'fishery' is misleading and that consideration should be given in future to referring to 'whaling' or 'hunt'. There were no further comments and the Commission noted this part of the Sub-committee's report and endorsed its recommendations.

6.3.4 West Greenland stock of fin whales

6.3.4.1 REPORT OF THE ABORIGINAL SUBSISTENCE

WHALING SUB-COMMITTEE

The Chair of the StWG reported that the Committee had an agreed estimate of abundance of 4,700 (95% CI 1,900-11,500) for 2007. The Committee noted that the updated assessment would be useful not only for developing interim *ad hoc* management advice, but also for the development of a long-term *SLA* for fin whales off West Greenland. A total of 10 fin whales were landed, and 2 struck and lost in 2007. It was noted that in 2007, the Commission agreed to a quota (for the period 2008-2012) of 19 fin whales struck annually off West Greenland based the range 14-26 advised by the Committee. On the basis of the new method developed for determining interim advice (see section 5.1.1.3), the Committee agreed that the current catch limit will not harm the stock.

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

6.3.4.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

*6.3.5 West Greenland stock of bowhead whales***6.3.5.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE**

The Chair of the StWG reported that with respect to stock structure, the working hypothesis is a single shared Canada-Greenland stock in the eastern Arctic (it will be reviewed next year) and that the Scientific Committee had agreed an abundance estimate applicable for providing management advice at this meeting of 6,300 (95% CI = 3,120-12,900). He noted that in 2007, the Commission had agreed to a quota (for the next five years) of two bowhead whales struck annually off West Greenland but with the quota for each year only becoming operative when the Commission has received advice from the Scientific Committee that the strikes are unlikely to endanger the stock. On the basis of the new method developed for determining interim advice (see section 5.1.1.3), the Committee agreed that the current catch limit will not harm the stock. The Committee was aware that catches from the same stock have been taken by a non-member nation, Canada, but that should Canadian catches continue at a similar level as in recent years, this would not change the Committee's advice with respect to the strike limits agreed for West Greenland.

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

6.3.5.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

*6.3.6 North Atlantic humpback whales off St. Vincent and The Grenadines***6.3.6.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE**

The StWG Chair reported that the Scientific Committee had received no information on humpback whales catches off St. Vincent and The Grenadines during 2008 but that after the meeting, St. Vincent and The Grenadines had reported that one animal had been caught and another struck-and-lost. There was no new information on stock structure or on abundance and trends for this stock. The StWG had strongly encouraged collection of genetic samples for any harvested animals as well as fluke photographs, and the submission of these to appropriate catalogues and collections.

In recent years, the Committee has agreed that the animals found off St. Vincent and The Grenadines are part of the large West Indies breeding population. The StWG Chair noted that last year, the Commission adopted a total block catch limit of 20 for the period 2008-12. The Committee agreed that this block catch limit will not harm the stock.

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

6.3.6.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

*6.3.7 Humpback whales off West Greenland***6.3.7.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE**

The Chair of the StWG reported that the Scientific Committee had reviewed information on abundance and

trends of humpback whales of the West Greenland feeding aggregation (the appropriate management unit for this potential hunt) and agreed that a new, fully corrected estimate for 2007 of 3,040 (95% CI 1,310-7,050) was acceptable for use in assessments. An estimate of the rate of increase of humpback whales off West Greenland of around 9% per year (SE 0.0124) for the period 1984-2007 was also agreed. Last year, the Scientific Committee had been unable to provide management advice for this feeding aggregation, but using the new method developed for determining interim advice (see section 5.1.1.3), the Committee agreed that strikes of up to 10 humpback whales per year will not harm the stock.

In the Sub-committee, Denmark on behalf of Greenland advised that it would be submitting to the Commission a proposed Schedule amendment for the take of humpback whales. The Netherlands sought clarification on why the request was being made now, particularly given that the existing fin whale quota has not been met for many years. Denmark explained that while it had received the first mandate from Greenland in 1997 to request a quota for humpback whales, until now the scientific information and results had not been adequate for a formal request to be made. It further explained that the main reason the fin whale quota is not fully utilised is that fin whales are large animals, very fast, and there are only a few vessels equipped with harpoons able to take these whales. Denmark further drew attention to the fact that the primary source of meat for Greenlanders has traditionally been humpback and minke whales but that following the protection given to humpback whales from 1987, a quota for fin whales was given to continue the supply of whale meat.

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

6.3.7.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Sub-Committee noted the report of the Scientific Committee.

*6.3.8 Proposed schedule amendment from Denmark/Greenland***6.3.8.1 INTRODUCTION**

In introducing the proposed Schedule amendment, Greenland gave a presentation summarising: (1) the results from the Scientific Committee with respect to research on large whales in Greenland, particularly humpback and bowhead whales; and (2) plans for Greenlandic whaling in the period 2008-2010. With respect to the latter, Greenland drew attention to its White Paper, submitted last year, on Hunting of Large Whales in Greenland (IWC/59/ASW8) that gave: a review of Greenland's long whaling history; an update of the current status of stocks of large whales found around Greenland; a summary of its legislation and monitoring system regarding the hunting of large whales; an explanation of work to improve animal welfare aspects of the hunt; a discussion of Greenland's current need of whale meat and motivation for whaling; and its future plans regarding the hunting of large whales. Referring to the Scientific Committee's report, Greenland was pleased to read that the Committee agreed that considerable progress had been achieved with the Greenlandic Research Programme and that its discussions had been constructive.

Greenland gave a brief overview of its hunting legislation, including that related to animal welfare issues,

its monitoring of and data collection from its large whale hunts, its hunting methods and its efforts to improve animal welfare which, together with hunter safety, it considers important. It then provided detailed information on the way in which whale products are distributed in Greenland and explained how its need for whale meat has been derived.

With respect to the distribution of whale products, Greenland noted that it is necessary to differentiate between the different forms of its hunts. It explained that catches from the collective hunt, representing 20% of the minke whale quota, are distributed at a village level and only among those participating in the hunt and their families if there is surplus depending on the size of the whale and the numbers of hunters participating. Only a small amount of product is sold at local markets depending on the hunters need for money (e.g. in relation to maintenance of their hunting gear). Catches from the harpoon cannon hunt (80% of the minke whale quota and all the fin whale quota) are primarily distributed locally to members of the crew, their family members and friends. Hunters sell some of the catch in local markets and sometimes sell directly to community institutions (e.g. hospitals, nursing homes) to ensure people in such institutions can eat food to which they are accustomed.

Some meat is also sold to local stores with the authorisation to do so and some is sold to the one (and only) processing plant (49%-owned by the Greenland Home Rule Government) to ensure that it is also distributed to villages with little possibility to hunt large whales. Greenland stressed that the plant is only allowed to pack, process and transport whale meat products in accordance with veterinary regulations and that the selling and distribution of whale meat, blubber and mattaq provides a necessary supply and income for the community.

With respect to need, Greenland reported that in 1991, IWC had endorsed an annual need for West Greenland from large whales of 670 tonnes, estimated on the basis of annual average catches of 232 minke whales, 9 fin whale and 14 humpback whales between 1965 and 1985. The equivalent weight was calculated by the Aboriginal Subsistence Whaling Sub-committee and the Technical Committee. Greenland reported that the calculated need has never been met by IWC catch limits. It further noted that the number of Greenlanders living in Greenland has increased by 7-9% since 1991 and that in recent years the catch of key species of other marine mammals and seabirds has been reduced through management regulations. It therefore estimates that the current minimum need in West Greenland from large whales is 730 tonnes.

Greenland reported that catches from West Greenland in 2007 delivered only around 420 tonnes of whale meat, i.e. 250 tonnes less than the endorsed annual need. It recalled that bowhead and humpback whales have been an important source of meat supply in Greenland for thousands of years and that humpback whales were hunted until 1986. It noted that Greenland has gone through enormous changes and as a modern society it continues to rely on natural resources including whales.

With respect to quotas, Greenland noted that under the Schedule amendments adopted last year, the quotas for its hunts of minke whales and bowhead whales off West Greenland require annual review, with those for bowheads only becoming operative when the Commission has

received advice that the strikes are unlikely to endanger the stock. Regarding minke whales off West Greenland, Greenland acknowledge that while further work is necessary before the Scientific Committee can provide authoritative advice on safe catch limits (which it hopes to do next year), the Committee's interim *ad hoc* advice had not changed since last year. It therefore sought no change to the current quota. Regarding bowhead whales, Greenland requested that the 2009 quota be confirmed given that the Scientific Committee had agreed that the current catch limit will not harm the stock. Greenland also noted that the Scientific Committee's advice in relation to takes of fin whales off West Greenland and minke whales off East Greenland was that the present catch limits will not harm the stocks. Concerning humpback whales off West Greenland for which it did not yet have a quota, Greenland noted that the Scientific Committee's *ad hoc* interim advice (applicable for up to two quota blocks, i.e. up to 10 years) was that a take of up to 10 humpback whales per year would not harm the stock.

Given all of the above, Denmark/Greenland requested that the following proposed Schedule amendment (changes shown in ***bold italics***) be adopted by consensus:

I. Amend Schedule paragraph 13 (b) 3 to insert a new paragraph which will be (v) after the following text:

'The taking by aborigines of minke whales from the West Greenland and Central stocks and fin whales from the West Greenland stock and bowhead whales from the West Greenland feeding aggregation ***and humpback whales from the West Greenland feeding aggregation*** is permitted and then only when the meat and products are to be used exclusively for local consumption.

(i) The number of fin whales struck from the West Greenland stock in accordance with this sub-paragraph shall not exceed 19 in each of the years 2008, 2009, 2010, 2011 and 2012.

(ii) The number of minke whales struck from the Central stock in accordance with this sub-paragraph shall not exceed 12 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any of the subsequent years, provided that no more than 3 shall be added to the quota for any one year.

(iii) The number of minke whales struck from the West Greenland stock shall not exceed 200 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the strike quota of any of the subsequent years, provided that no more than 15 strikes shall be added to the strike quota for any one year. This provision will be reviewed annually by the Commission, according to the findings and recommendations by the Scientific Committee, which shall be binding.

(iv) The number of bowhead whales struck off West Greenland in accordance with this sub-paragraph shall not exceed 2 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than 2 shall be added to the quota for any one year. Furthermore, 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.

(v) ***The number of humpback whales struck from the West Greenland feeding aggregation shall not exceed 10 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any of the subsequent years, provided that no more than 2 shall be added to the quota for any one year. This provision will be reviewed if new scientific data become available within the 5 year period and if necessary amended on basis of the advice of the Scientific Committee.***

II. Amend Table 1 in the Schedule as follows:

a) In column 'FIN', footnote 2 should read as follows:

'Available to be taken by aborigines pursuant to paragraph 13 (b) 3. Catch limit for each of the years 2008, 2009, 2010, 2011 and 2012.'

b) In column 'Fin', footnote Δ should be deleted.

Greenland noted that even if the above quotas were reached, they would only deliver 694⁹ tonnes of meat which would still be below its projected current need of 730 tonnes.

Noting comments made in the Sub-committee regarding the definition of aboriginal subsistence whaling, particularly in relation to views on what could be considered acceptable in terms of any commercial element, Greenland drew attention to the definition of aboriginal subsistence use adopted by the Commission in 2004¹⁰ and particularly to the part reading:

'The barter, trade or sharing of whale products in their harvested form with relatives of the participants in the harvest, with others in the local community or with persons in locations other than the local community with whom local residents share familial, social, cultural or economic ties. A generalised currency is involved in this barter and trade, but the predominant portion of the products from such whales are originally directly consumed or utilised in their harvested form within the local community.'

Greenland noted that in the definition, the terms 'local community' and 'predominant portion' are not defined. In its view, Greenland is a local community and that a 'predominant portion' would be something above 50%. It further noted that similarities and differences will be found among the different aboriginal subsistence and small-type hunts currently taking place owing to differences *inter alia* in local histories. However, it stressed that these differences be respected.

Finally, Greenland drew the Commission's attention to the fact that:

- (a) the scientific advice required for its requests are in place;
- (b) its hunts are properly regulated;
- (c) there has been a great improvement in hunting methods and gear and a resulting improvement in animal welfare aspects (on which it continues to work to improve);
- (d) the needs for East and West Greenland have been recognised by IWC in 1988 and 1991 respectively; and
- (e) it fulfils the definition for subsistence use and aboriginal subsistence whaling.

It hoped that its presentation gave members a better understanding of the hunting of whales in modern Greenland which it needed so as to obtain international approval for the continuation of sustainable catches of large whales in future.

6.3.8.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission first discussed Denmark/Greenland's proposed Schedule amendment in a private meeting of Commissioners. This was followed by a discussion in plenary which is reported below in some detail given the controversial nature of the debate.

Denmark re-iterated that it believed the proposed Schedule amendment respected all of IWC's requirements in that it respects the Scientific Committee's advice, meets the documented and recognised needs and the hunt is properly regulated. It also considered it to be legitimate

both morally and professionally. However, it noted that as is often the case at IWC, there had been a request for horse trading. As a result, Denmark/Greenland was prepared, on a voluntary basis and using a footnote in the Schedule as had been done previously, to reduce its take of fin whales from 19 to 11 per year if the proposal for the take of humpback whales is agreed. It hoped that the Schedule amendment could therefore be adopted by consensus on this understanding. However, if there was no consensus, Denmark indicated it would request a vote.

DISCUSSION OF THE PROPOSAL

Slovenia, speaking on behalf of the European Community and its Member States, noted that proposals for the management of aboriginal subsistence whaling are generally supported on the condition that the conservation of relevant whale stocks is not compromised and that due regard is given to the precautionary principle and advice of the Scientific Committee and that whaling operations are properly regulated and catches remain within the scope of documented and recognised subsistence needs. In this regard, Slovenia indicated that the interim management advice of the Scientific Committee, which agreed that the strike of up to 10 humpback whales of West Greenland will not harm the stock, had been noted and it considered that the whaling operations are properly regulated. However, Slovenia reported that after a lengthy discussion and a thorough examination of the existing information relating to the recognised documented and recognised subsistence needs, the EU did not support the request for the humpback quota. It regretted the current situation and noted that Denmark had indicated its preparedness to co-operate interessionally with a view to finding a mutually acceptable solution to meet the needs of the people of Greenland.

Given the comments of Slovenia on behalf of the EU, the Chair noted that it appeared that reaching consensus would be unlikely but allowed further discussion before proceeding to a vote as requested by Denmark.

Chile spoke on behalf of the Latin American countries present and the 'Buenos Aires Group'. It noted that these countries support, and would continue to support, aboriginal subsistence whaling and that the right of the application of this principle of subsistence is not in question. However, they had concerns regarding the content of the proposal and its basis, i.e. the determination of needs and other issues. Chile noted that the Scientific Committee had provided *ad hoc* interim advice and had expressed that it is unable to give a firmer recommendation. In light of these elements, the group of Latin American countries in the Buenos Aires Group had taken the collective decision of opposing the proposal. The countries also expressed regret that a divisive proposal had been put forward given the improved working environment within the Commission. Finally, to demonstrate the group's commitment to contributing to a positive environment conducive to substantive negotiations on the future of the IWC, Chile announced that Latin American countries would not ask for action on the proposal for the South Atlantic Sanctuary, although they looked forward to a discussion of the proposed sanctuary.

The Russian Federation, St. Kitts and Nevis, St. Vincent and The Grenadines, Republic of Korea, St. Lucia, Benin, Gabon, Iceland, Palau, Côte d'Ivoire, Japan, Antigua and Barbuda and Norway spoke in very strong terms of their

⁹Using the following conversion factors: 1 fin whale = 10 tonnes; 1 minke whale = 2 tonnes; 1 humpback whale = 8 tonnes; and 1 bowhead whale = 12 tonnes.

¹⁰*Ann. Rep. Int. Whaling Comm.* 2004: 15-17.

disappointment with the position of the EU and the detrimental impact they believed such a decision would have on the Chair's efforts in relation to the future of IWC.

The Republic of Korea questioned the legal right of the EU to behave in this manner, believing that it was interfering with the legitimate process of IWC. It considered that only IWC Contracting Governments are entitled to speaking rights, not the EU as a whole or as an entity. The Republic of Korea also believed that the EU's action violated the general principles of humanitarian law as confirmed and set out in the United Nations Declaration on the Rights of Indigenous People. France, spoke against this interpretation.

The Russian Federation, believed that the EU had taken its decision prior to receiving the recommendations at the Annual Meeting. It considered that the EU had ignored the advice of the Scientific Committee and questioned whether, with the goal of resolving the organisations difficulties and saving money, the EU was proposing that the Scientific Committee be abolished. It recalled that previously it had proposed that the delicate issue of aboriginal subsistence whaling quotas only be adopted by consensus. It very much regretted the renewal of confrontation within the IWC and that this confrontation was begun by the EU.

St. Kitts and Nevis saw the position of the EU to be an unjustifiable attempt to deny the human rights of a group of indigenous people. At a time of acute world food shortages, it viewed this as a small group of countries, purported to be world leaders, denying marginal people of the right to eat. It noted that other marine resources like the North Atlantic cod that is far more threatened than humpback whales, are pursued by the countries that are denying Greenland's request for humpback whales. Recognising that the EU holds a blocking minority, St. Kitts and Nevis requested the Commission to delay moving to vote to give time for the EU to reconsider its position. Noting the advice of the Scientific Committee that the take of humpback whales would not harm the stock, Côte d'Ivoire also raised the issue of food security.

St. Vincent and The Grenadines also referred to issues of food security, noting the importance of its own subsistence hunt in this respect. Recognising that the proposed Schedule amendment fell within the Scientific Committee's advice and other criteria for aboriginal subsistence whaling, it fully supported the proposal that it wished could be adopted by consensus. It thought it unjustifiable that some countries were asking Greenland to defer its request to yet another year. St. Vincent and The Grenadines believed that the insensitivity to the needs of indigenous people displayed by some member countries had diminished the IWC in the eyes of all progressive people throughout the world. It believed that some countries had shown that their decisions are not based on IWC criteria but on their own interests.

St. Lucia considered the position of the EU to be disregarding science and associated itself with the remarks of the Russian Federation. Anticipating that someone may refer to the Scientific Committee's advice only being of an *ad hoc* interim nature, St. Lucia drew attention to the report of the Aboriginal Subsistence Whaling Sub-committee that states clearly that this advice will be used for a limited time only, i.e. for up to two quota blocks (10 years) during which time the Scientific Committee would develop an appropriate *SLA*. Anticipating that the fin whale hunt

would also be raised, St. Lucia recalled that Greenland was issued with a fin whale quota in the past because of the uncertainty of the status of humpback whales, although the current advice is that a quota of 10 humpbacks per year will not harm the stock. However, as noted in the Sub-committee, Greenland has difficulty meeting its fin whale quota because of the difficulty of the hunt and is therefore unable to fulfil its nutritional need. St. Lucia asked why the EU countries could not support the proposal given that they recognise the scientific advice, the need, that Greenland has properly regulated whaling operations and given that Greenland is willing to reduce its fin whale quota. It was concerned that the lack of support was because of a premise based on politics and emotions rather than the rules, regulations and requirements of the Commission.

Benin was disappointed that the improvements seen in debates arising out of the March intersessional meeting were beginning to be lost. It regretted the apparent trivialisation of the Scientific Committee's advice which it was concerned may set a precedent. Gabon made similar remarks.

Iceland recalled that although members of the Commission have held serious differences of opinion on many issues, the matter of aboriginal subsistence whaling has not generally been one of them. It believed that Greenland had shown flexibility and willingness to compromise but to no avail. Like St. Lucia, Iceland considered that the proposed voluntary reduction of the take of fin whales would result in a situation where Greenland's needs cannot really be the disputed issue and it suggested that member governments were backing away from previous decisions that were based on the very same needs. For Iceland, the important issue was that the Scientific Committee had advised that the proposed take of humpbacks would not harm the stock and would thus be sustainable. It therefore believed that the opposition to the proposal was not based on an environmental or conservation perspective. Furthermore, Iceland saw the new position by several IWC members to oppose a proposal of this sort as being divisive, rather than the fact that Denmark had put the proposal forward. Noting like others that there is opposition to the request despite the fact that the proposal fulfils all the usual IWC criteria that have been used in the past, Iceland believed this could only be seen as the end of the IWC approving whaling quotas for aboriginal peoples.

Japan associated itself with the remarks of St. Lucia. It could see no logic in the position of the EU since they had stated that they recognise the science of the proposal, they recognise that the whaling activities are regulated and they recognise the need but after careful consideration they still opposed the proposal. Japan believed that the people of Greenland had the right to know why the proposal was not being supported by EU countries. Recalling the strong support that had been voiced to seek consensus within IWC, Japan questioned what this meant. It asked whether this means oppressing the right of a people to make a proposal if that is not accepted by a certain group or groups of countries.

From listening to the urgings of many delegations sympathetic to and supportive of Denmark's request on behalf of the people of Greenland, Antigua and Barbuda was convinced that people whose history is replete with oppression, victimisation and marginalisation are more

naturally inclined to be sympathetic to the basic and fundamental human rights - in this case food. It believed that the EU and Buenos Aires Group were ignoring the Scientific Committee's advice based on expediency and it was not convinced that the South Atlantic Sanctuary was not being put to the vote as a concession since it would in any case not achieve the required support. Antigua and Barbuda stressed that consensus required give and take by all.

Norway expressed the view that it is a sad day for IWC, that the EU had introduced a totally new element into the workings of IWC with unknown consequences and that it considered this to be a serious setback that undermined the work of the Chair regarding the future of the organisation.

Noting that the same discussions had already taken place during a private meeting of Commissioners and were now being repeated, the UK questioned the point of having such private meetings. However, it endorsed the statement made by Slovenia representing the Member States of the EU and noted that the EU has the right to operate as a block if it so wishes. EU Member States act individually in delivering their vote but act according to a common position. The UK also stressed, contrary to the view of the Russian Federation that the EU's decision on Denmark's proposal was decided prior to the Annual Meeting, that the EU countries had debated at length as to whether it fell within the EU's mandate. It regretted that there was an issue on the table over which consensus appeared to be impossible.

Germany endorsed the statement made by the Presidency of the European Union and the remarks of the UK, and wished to receive more information relating to the real subsistence needs of the people of Greenland. Germany stressed its high appreciation of the work of the Scientific Committee and believed that while Denmark requests an additional quota for five years, interim management advice of the Scientific Committee is only available for a single year (but see later clarification from the Scientific Committee Chair). Germany regretted the difficult situation before the Commission and would have preferred a decision to have been postponed. France made similar remarks.

Switzerland recognised that respect for indigenous knowledge, cultures and traditional practice contribute to sustainable and equitable allotment and proper management of the environment and that indigenous people possess collective rights which are indispensable for their existence and wellbeing and integral allotment as people. Moreover, indigenous people have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with states or other successors and to have state honour and respect such treaties, agreements and other constructive arrangements. Switzerland noted that it fully recognises the United Nations Declaration on the Rights of Indigenous People and is of the opinion that the IWC should act at least in the spirit of that Declaration. It further noted that over the years it has become practice that catch quotas are allocated to indigenous communities for their subsistence need. However, Switzerland believed that it is in the responsibility of the Commission to allocate such quotas only when certain conditions are met, mainly that such decisions should be based on scientific advice. Switzerland believed all were aware that the Scientific Committee gave

an interim management advice that strikes of up to 10 humpback whales will not harm the stock of humpback whales off West Greenland. It believed that this meant that there was no scientific evidence that further catches for subsequent years would be sustainable and because of this it regretted that it could not support the proposed Schedule amendment (see later clarification from the Scientific Committee Chair). In order not to jeopardise the right of the Greenland people, Switzerland reported that it would abstain if the proposal was taken to a vote.

Sweden noted that it supports proposals for the management of aboriginal subsistence whaling on the condition that conservation of relevant stocks is not compromised having due regard to the precautionary principle and the advice of the Scientific Committee and that whaling operations are properly regulated and catches remain within the scope documented and recognised subsistence needs. It then cited a few paragraphs from the United Nations Declaration on the Rights of Indigenous People as follows:

'Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust; Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind; Concerned that indigenous peoples have suffered from historic injustices as a result of, *inter alia*, their colonisation and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests; Recognising also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States; Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs; Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment.'

Given the critical remarks made against the EU position, Slovenia requested the floor for a second time to provide clarification, again speaking on behalf the EU. It stressed that the EU had taken note of the Scientific Committee's advice, did not oppose this advice and did not, under any circumstances, wish to undermine the Committee's work. It believed that science is crucial to take any decision. It stressed that the EU is committed to protecting the rights of indigenous people and their rights to the resources that they have traditionally owned. The EU therefore reaffirmed the role of aboriginal subsistence whaling to satisfy aboriginal subsistence needs. However, Slovenia noted that in this specific case, in this specific year, the EU was of the opinion that information about subsistence needs of the people of Greenland needed to be updated and reassessed before it would be possible to conclude that a quota requested does correspond to the current subsistence needs of Greenland people.

Slovenia then went on to clarify additional issues that have been raised with regard to the acting of the EU. It reiterated that Slovenia currently held the Presidency to the Council of the European Union and that it therefore had the honour to speak at this IWC Annual Meeting on behalf of the European Community and its Member States and that it has the honour to express the coherent position of EU. It noted that the European Community only has observer

status in IWC while the EU Member States remain the parties to the IWC. It recalled the statement made by Denmark under item 2 that its views may diverge from the EU rules in so far as this is done to pursue the interest of its overseas territories, in this particular case that of Greenland. Given this, Slovenia indicated that in general, EU Member States remain individual parties to the IWC and that they simply have a common co-ordinated position in this forum. It realised that some members perceive this as a novelty in IWC but noted that this is in line with the regular practice of the EU in the international arena and in line with internal EU procedural rules. It stressed that the IWC rules are respected and did not view the EU co-ordinated position as anything different or unusual. To this end it noted that other groups within IWC have also expressed common positions. Finally, it re-iterated the UK's remarks about no decisions having been made in advance.

NAMMCO was pleased to note that the IWC Scientific Committee this year had reached the same conclusions that the NAMMCO Scientific Committee did one year ago, namely that an annual take of up to 10 humpback whales off West Greenland will not harm the stock. NAMMCO is concerned with coastal communities' rights and needs to make a sustainable living from marine resources. Noting that food security is at the forefront of current global challenges and concerns, NAMMCO believed that whales, given sound and rational management, represent an especially plentiful, abundant and healthy food resource. It therefore believed that to consciously and actively disregard aboriginal subsistence whaling may at best be considered arrogant. NAMMCO found it of fundamental importance that hunting nations and communities, and in this present case Greenland, be put in a position that gives them the opportunity to harvest from stocks that are viable and where it is well-documented scientifically that the recommended removals will not deplete or endanger the stock. It cautioned that the denial of this right to hunt sustainably will most probably result in critical consequences for alternative species and stocks. In this respect, NAMMCO noted that its Council, on the advice of its Scientific Committee, had for several years expressed great concerns for the takes of narwhal and beluga in West Greenland. It believed it not just to be an assumption that to allow Greenland to hunt humpbacks would reduce the pressure on these two stocks.

Before proceeding to a vote and sensing that there may be some misunderstandings about the scientific advice regarding the requested humpback whale quota, Denmark asked if the Chair of the Scientific Committee could provide clarification. The Chair agreed to this request.

The Scientific Committee Chair stressed that although the Committee had had difficulties in providing *ad hoc* interim advice last year, at this year's meeting it had developed a method to provide safe interim management advice for the fin, bowhead and humpback whales off West Greenland and that this approach can be used to provide advice for up to two block quota blocks, that is 10 years, by which time a full *SLA* approach should have been developed. The Scientific Committee Chair re-iterated that following this method, it had agreed that strikes of up to 10 humpback whales per year will not harm the stock and that this advice is applicable for up to two quota blocks.

Argentina sought clarification of factors used by Greenland to convert whales to tonnes in expressing their

need. It understood from documents presented by Greenland that the conversion factor used only takes account of the yield of meat and does not include blubber and other edible products. It therefore suggested that if blubber and other parts were included then the conversion factors would be different. Argentina therefore asked if the Scientific Committee could provide advice in Madeira on what the yield of these other products would be. The Chair asked the Scientific Committee to take note of this request.

THE VOTE

On proceeding to a vote, the proposed Schedule amendment received 29 votes in support, 36 against and 2 abstentions. It was therefore not adopted. A number of governments then explained their vote.

EXPLANATIONS OF VOTE

The USA commented that it would have preferred the proposed Schedule amendment to have been withdrawn by Denmark. However, given that this was not the case it had noted the clear advice from the Scientific Committee that the humpback whale take would not harm the stock. Given no scientific justification to do otherwise and given the concern that the USA has for setting any precedent of diverting from the Scientific Committee's advice it supported the proposal. It noted that other governments had raised concerns about Greenland's needs statement and suggested that this matter be appropriately addressed in the meeting of the Aboriginal Subsistence Whaling Subcommittee at IWC/61 next year.

Mexico noted that this had been a very difficult decision. It noted its own large indigenous population that uses natural resources and therefore understood the nutritional and social cultural needs of Greenlandic communities. However, as it had done previously, Mexico believed that the Greenland Home Rule Government should follow the example of the Eskimos in Barrow regarding the support they have given to research on bowhead whales and the openness with which they have provided the necessary information to assist in the development of a robust and transparent *SLA*. While it recognised that some steps had been taken to this effect, some doubt still remains. Mexico also referred to and supported the comments made earlier by Argentina regarding conversion factors, noting that traditionally the Scientific Committee works on the basis of need being expressed as the number of whales rather than weight. However, it recognised that the multi-species nature of the Greenland hunt complicates the situation.

Switzerland reported that because it bases its decisions mainly on scientific recommendations it had reconsidered its position in view of the clarification given by the Chair of the Scientific Committee. It had therefore voted in support of the proposal.

St. Kitts and Nevis noted that it supported the proposal because it did not want to be party to a position that had ignored the recommendations of the Scientific Committee or the rights of the people of Greenland to feed themselves. It considered that the type of block voting exhibited on this matter will do nothing but render the organisation useless.

Costa Rica reported that it based its position on the social aspects as an integral part of sustainable use. It had not seen a clear distribution of the social benefits of catches and that it believed that any increase in quota should be justified socially with updated data. Nicaragua gave a similar explanation.

Oman explained that it had voted to support the aboriginal subsistence whaling of the people of Greenland based on the findings of the Scientific Committee.

The Republic of Korea explained that it had supported the proposal in consideration of the rights and welfare of the indigenous people of Greenland and on the basis of best scientific evidence.

CONCLUDING REMARKS OF DENMARK/GREENLAND

Denmark noted that it would respect the outcome of the vote but that it would return with a proposal next year. It believed that denial of a quota is not an option given that:

- (1) the Scientific Committee recommended that the requested take would not harm the stock;
- (2) the hunt is strictly regulated; and
- (3) there is a documented and recognised needs statement.

Speaking on behalf of Greenland and the Faroe Islands, Denmark was especially saddened by the unfortunate position taken by various countries and a group of countries at the meeting in spite of clear scientific advice and the stated needs of a small indigenous people. It noted that their vote effectively deprived its Inuit hunters of a much needed quota as well as honouring Greenland's wishes as to their own diet. Nevertheless it hoped that common sense, sound science and respect for indigenous peoples culture and desire eventually will prevail. It thanked the Commissioners that adhered to these values including those within the EU and it gave particular thanks to the Swedish Commissioner who reminded the meeting of the UN's adopted position on the rights of indigenous peoples.

Greenland confirmed that it would return with a proposal next year for a take of humpback whales and like Denmark thanked those countries that supported the principle of sustainable use. It deeply regretted that IWC was not able to fulfil its obligations when it believed all requirements had been met, noting that this is a new development with respect to aboriginal subsistence whaling (although problems were also encountered with the bowhead whale quota renewal at IWC/54 in Shimonseki in 2002). It believed the attitude shown was disrespectful of the work of the Scientific Committee. Greenland stressed that its 1991 needs statement had been adopted by the Commission and that while that was some time ago, many situations and conditions have not changed. It felt that those opposing its request simply wished to find a new excuse to not allocate humpback whales to Greenland and it saw no evidence of the spirit of co-operation that had been used so frequently during the meeting. It noted that Greenlanders will be frustrated and saddened with what it considers a lack of respect and it indicated that pressure will be brought to bear on the Greenland Home Rule Government and on the Government of Denmark to vote for a withdrawal from the IWC and to work instead with NAMMCO. Finally Greenland wished the Chair of the Commission good luck with his work on the future of IWC, believing it to be a very big challenge.

7. REVISED MANAGEMENT SCHEME

7.1 Revised Management Procedure (RMP)¹¹

7.1.1 Report of the Scientific Committee

Recognising that the highly technical nature of the work on the RMP means that the Scientific Committee's reports on this issue can be difficult to understand for those not directly involved in the discussions, the Committee requested IWC's Head of Science to develop ways to make its reports on these issues more accessible. The Committee also drew attention to the simple overview of the RMP given in the Chair's Report of the 57th Annual Meeting¹².

7.1.1.1 GENERAL RMP ISSUES

Discussions focused on three issues: (1) Maximum Sustainable Yield Rates (MSYR); (2) finalising the process for reviewing proposals to amend the RMP; and (3) consideration of a proposal from Norway to amend the RMP.

Last year the Scientific Committee re-emphasised the importance of a review of maximum sustainable yield rates (MSYR) in the context of RMP issues, especially with respect to considering modifications to the *Catch Limit Algorithm (CLA)*. Although considerable progress was made, insufficient time was available to consider all of the issues. A plan has been put in place to complete this work before the next Annual Meeting. One important aim of the review is to finalise the protocol for reviewing proposals to amend the RMP, such as that from Norway.

7.1.1.2 PREPARATIONS FOR IMPLEMENTATION

The Commission was reminded that the work carried out by the Scientific Committee on *Implementations* is governed by the Requirements and Guidelines developed by the Committee and adopted by the Commission. In essence, 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.

The Committee is examining four cases: the western North Pacific Bryde's whales; North Atlantic fin whales; North Atlantic common minke whales; and North Pacific common minke whales.

WESTERN NORTH PACIFIC BRYDE'S WHALES

Last year, the western North Pacific Bryde's whale *Implementation* was completed, although abundance estimates for use in the *CLA* needed to be finalised (should the Commission request the Committee to calculate catch limits). Abundance estimates were agreed this year, with a total estimate of around 20,500 whales (approx 95% CI 10,700-39,200).

The other item the Committee considered was related to the possibility that Japan might wish to use a variant for RMP *Implementation* that envisaged a research option, the conditions for which are strict and laid out in the Requirements and Guidelines document. There was considerable discussion on a draft research proposal which will continue next year.

NORTH ATLANTIC FIN WHALES

The Scientific Committee is in the middle of the *Implementation Process* for North Atlantic fin whales. The

¹¹For details of the Scientific Committee's deliberations on this Item see *J. Cetacean Res. Manage. (Suppl.)* 11 (2009).

¹²*Ann. Rep. Int. Whaling Comm.* 2005: 19-21.

Chair of the Scientific Committee reported that the work is going well and according to schedule. A final trial list that takes into account *inter alia* several stock hypotheses has been agreed and a work plan designed to ensure successful completion of the process at next year's meeting has been developed.

NORTH ATLANTIC COMMON MINKE WHALES

The *Implementation Process* as laid out in the Requirements and Guidelines provides for reviews every five years; the last such review for North Atlantic minke whales was conducted in 2003. A new review has therefore commenced with consideration of new stock structure information. The Committee recommended a fuller examination of the 1997-2002 data given apparent inconsistency with results from recent years.

Abundance estimates for the *Small Areas* in particular with respect to their suitability for use in the RMP and for use in *Implementation Simulation Trials* were reviewed. Further work is needed to finalise a number of the estimates and this will be considered next year. The Committee agreed that no new *Implementation Simulation Trials* are required at present but it agreed that a full re-examination of the trial structure should be undertaken at the next review scheduled for 2013. The Committee made a number of recommendations regarding boundaries of *Medium* and *Small Areas*. It hopes to complete its *Implementation Review* at next year's meeting.

NORTH PACIFIC COMMON MINKE WHALES

Last year, the Committee noted that considerable new information on stock structure had become available since the *Implementation* was completed in 2003 and that further data will be forthcoming from the review of the JARPN II programme. It therefore believed that it would not be feasible to carry out an *Implementation Review* in a single meeting, and recommended that the two-year process envisaged under the 'Requirements and Guidelines for *Implementation*' be followed.

This year, noting that other work underway (e.g. preparations for the JARPN II review and the in-depth assessment of western North Pacific minke whales with an emphasis on J-stock) will contribute to the *Implementation Review*, the Committee agreed to defer further general discussion until next year.

7.1.1.3 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. This year the Scientific Committee addressed mortality due to bycatch in fishery operations, ship strikes, marine debris (e.g. risk from entanglement and ingestion) and noise.

The Scientific Committee reviewed progress towards estimating bycatch using: (1) fisheries data and observer programmes; and (2) genetic data from market sampling. The Scientific Committee has been collaborating with FAO¹³ on collation of relevant fisheries and bycatch data with the aim of identifying fisheries where further monitoring would be valuable. With respect to market sampling, while recognising the differing views of various member governments over this issue, the Committee reaffirmed its view that availability of data from DNA

registers will improve estimates of total take from market surveys and its ability to review papers containing the results of market sampling. The Committee requested that these be made available through the Committee's Data Availability Agreement.

With respect to ship strikes, the results from studies of collisions between whales and vessels off the Canary Islands and New Zealand and papers on modelling collision risk were reviewed. Substantial progress with the global IWC database of ship strikes has been made. The database design was agreed by the Scientific Committee last year and has also been approved by ACCOBAMS¹⁴ for its work. Subsequently, a small group of scientists have been populating the database. To date, 763 records, mainly from published sources, have been entered. Consideration is now being given to the best way to continue the data collection process, including ongoing maintenance and quality control of the database and the development of a web-based data entry system via IWC's website. Mortality due to ship strikes is a concern not only with respect to setting commercial and aboriginal subsistence catch limits, but also in evaluating threats to the survival of endangered populations. The issue of ship strikes is also dealt with by the Conservation Committee (see section 16).

With respect to marine debris, the Scientific Committee agreed that consideration of estimation of mortality rates in large whales due to ingestion of marine debris would be valuable and encouraged the submission of papers next year.

With respect to noise, the Scientific Committee agreed that there is a need for internationally co-ordinated research to address gaps in knowledge on sonar-related cetacean strandings including improving the ability to conduct necropsies as quickly as possible, standardising data collection on the animal's environment at the time of the death/stranding, and co-ordinating with military or other government agencies so that all factors related to the stranding are examined. The impacts of noise are also addressed under Environmental Concerns (see section 12).

7.1.2 Commission discussions and action arising

Australia reported that together with other Asia-Pacific countries, it is doing a lot of work on the impact of marine debris on cetaceans. It looked forward to further examination of this issue by the Scientific Committee.

The Commission noted these parts of the Scientific Committee's report and endorsed its recommendations.

7.2 Revised Management Scheme (RMS)

At the 2006 Annual Meeting, the Commission accepted that an impasse had been reached at the Commission level on RMS discussions. The Commission has not identified specific activities on the RMS since then although this item had been retained on the agenda to provide an opportunity for discussions should they arise.

There were no specific discussions on the RMS at IWC/60, rather the RMS was included as part of the discussions on the future of the organisation (see section 3).

¹³Food and Agriculture Organisation of the United Nations.

¹⁴Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area.

8. SANCTUARIES

8.1 Issues raised in the Scientific Committee

The Chair of the Scientific Committee reported that the Committee did not review any new proposal for sanctuaries. The Committee did, however, recommend participation in an International Conference on Marine Mammal Protected Areas to be convened in March 2009 as this conference will address several themes of relevance for the Committee's consideration of Marine Protected Areas as management tools in Cetacean Conservation Plans.

The Commission noted this part of the Scientific Committee's report and endorsed its recommendations. There was no discussion.

8.2 Proposal to amend the Schedule to establish a South Atlantic Whale Sanctuary

8.2.1 Introduction of the proposal

Brazil introduced a proposal to create a South Atlantic Whale Sanctuary on behalf of Argentina, South Africa, all the countries of the Buenos Aires Group and others. It was supported by a video presentation. The amendment proposed was the same as in the previous seven years¹⁵.

Brazil explained that its proposal aims to optimise the non-lethal management of whale populations in the region providing benefits to non-lethal scientific research and the development of sustainable whalewatching tourism, a growing activity in many Latin American countries. It would also create a source of employment. Brazil noted that if adopted by IWC, the sanctuary would guarantee the right of coastal communities in the region to benefit from the non-lethal use of whales, just as communities elsewhere have benefited from consumptive use of whale stocks. It further noted that the sanctuary would contribute to the objective of the ICRW of safeguarding whale stocks for future generations and would be consistent with provisions of the UN Law of the Sea (particularly Article 65) and the Convention on Biological Diversity (CBD).

Brazil expressed its deep appreciation to Argentina and South Africa for co-sponsoring the sanctuary proposal and thanked all those Contracting Governments who had supported it since IWC/53 when it was first introduced – a growing majority in the Commission over the years. It also recognised the role of the Buenos Aires Group in advancing the proposal. Brazil stressed its strong commitment to the implementation of this initiative which, together with the full observance of existing sanctuaries, it believed must be an integral part of any credible vision for the future of IWC. It would therefore continue to promote the South Atlantic Whale Sanctuary as a priority as part of the overall process on IWC's future. However, it noted that in keeping with the fragile understanding collectively reached during the 61st Annual Meeting on how to continue discussion on the organisations future, Brazil would refrain from putting the sanctuary proposal to a vote at this meeting. It was doing so as an expression of its willingness to make a best effort to find a way forward for the Commission to ensure its effectiveness in the conservation of all cetaceans. Finally, Brazil stressed that there should be no doubt of its commitment to the creation of the South Atlantic Whale Sanctuary and that it will consider how to deal with it at the Commission's next session in light of progress made during the intersessional period.

8.2.2 Commission discussions and action arising

Argentina, Chile, France, Australia, India, Germany, Ireland, Mexico, Spain, New Zealand, UK, USA, South Africa, Israel, Portugal, Panama and Peru spoke in support of whale sanctuaries in general and the creation of the South Atlantic Whale Sanctuary in particular. A number of them appreciated the gesture of the co-sponsors not to take the proposal to a vote this year.

Norway, Gabon, Iceland, Russian Federation, Côte d'Ivoire and China indicated that they could not support the proposed sanctuary. While they did not disagree with the need to protect endangered whales, some questioned the scientific basis of the proposal and the need for a new sanctuary given that the moratorium on commercial whaling remains in place. Norway referred to new procedures developed by the Scientific Committee for reviewing sanctuaries and sanctuary proposals that had resulted from the review of the Southern Ocean Sanctuary at the 2004 Annual Meeting¹⁶. Noting that the South Atlantic Whale Sanctuary proposal had been developed prior to these new procedure being agreed, Norway believed that the proposal should be considered as a new proposal that should be reviewed again by the Scientific Committee using this procedure. Iceland welcomed the decision of the sanctuary sponsors not to take the proposal to a vote but believed that simply allowing discussion on this issue had been divisive.

9. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING

Japan reminded the Commission that its coastal whaling communities have been waiting since 1988 to obtain a whaling quota from IWC. It recalled its disappointment when last year, despite supporting all the quota renewals for aboriginal subsistence whaling and co-operating fully in all discussions, its request for a quota for its own communities had again been denied. As a result, it had noted that it was time Japan reviewed its relationship with IWC and had referred to its possible withdrawal from the Convention and the establishment of a new management organisation. However, this year, it had found the atmosphere and discussions to be much improved. Consequently, while again having prepared a proposal for a quota for its coastal communities that it considered highly rational, Japan reported that, in support of the Chair's initiative to address the future of IWC, it would not submit it for action.

The Chair thanked Japan for its constructive approach in this matter. There was no further discussion.

10. SCIENTIFIC PERMITS¹⁷

10.1 Improving procedures for reviewing scientific permit proposals

10.1.1 Report of the Scientific Committee

The Scientific Committee agreed by consensus an improved procedure to review special permit proposals as well as the periodic and final review of results from special permit programmes and recommended this to the Commission.

¹⁶Ann. Rep. Int. Whaling Comm. 2004: 33-34.

¹⁷For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 11 (2009).

¹⁵See for example *Ann. Rep. Int. Whaling Comm.* 2007: 31.

In this approach, reviews will be undertaken at intersessional workshops of independent experts. A limited number of scientists associated with a proposal will be allowed to attend such workshops in an advisory role, primarily to present their proposal or results and to answer questions of clarification. To ensure that the composition of any expert group is considered balanced and fair, the experts will be chosen by the Chair and Vice Chair of the Scientific Committee and IWC's Head of Science in consultation with a Standing Steering Group representing a range of experience and expertise within the Scientific Committee.

The Scientific Committee noted that it was aware of the ongoing process in the Commission regarding the future of IWC and recognised that the agreed procedure might be subject to changes in that context.

10.1.2 Commission discussions and action arising

Mexico, Ecuador, UK, USA, Switzerland, Japan, India, Uruguay and Australia welcomed the progress made, believed it to be an important step in relation to research under special permit and thanked the Scientific Committee for its work. The UK regretted that the timetable for the review of the JARPA II programme was still some years off and noted that the agreed procedure may need to be revisited in light of the outcome of the Commission's discussions on its future. Japan expressed its commitment to follow the new procedure. It hoped this new procedure will help to promote a better understanding of its research activities among a wide audience. Australia looked forward to the outcome of the JARPN II review following this new approach.

The Commission noted this part of the Scientific Committee's report and endorsed its recommendations.

10.2 Review of results from existing permits

10.2.1 Report of the Scientific Committee

The Scientific Committee reviewed results from Japan's current research programmes in the Antarctic (i.e. JARPA II¹⁸) and North Pacific (JARPN II¹⁹) and Iceland's programme in the North Atlantic²⁰.

¹⁸JARPA II - 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.

¹⁹JARPN 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.

²⁰A 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.

With respect to JARPA II, 2007/08 was the first year of the full-scale research programme. While permits were issued for minke, fin and, for the first time, humpback whales, Japan subsequently agreed to delay the taking of humpback whales at least until after the 2008 Annual Meeting. In the event, 551 Antarctic minke whales were taken and no fin whales.

In the JARPN II programme, a total of 207 (plus one lost) common minke, 100 sei, 50 Bryde's and 3 sperm whales were taken in 2007. A review of the first six years of JARPN II will take place intersessionally prior to next year's Annual Meeting following the new approach mentioned in section 9.1 above.

Iceland's programme on North Atlantic common minke whales has finished its sampling phase. The total number of common minke whales taken has been 200, the last being taken in 2007. Currently the samples and data are being analyzed and when this has been completed, the programme will be subject to an IWC review following the agreed new procedure.

Again, as in the past, the Committee's discussion on the results from existing permits reflected the deep division within the organisation regarding scientific permit whaling. This division is one of the main reasons why a better approach to the review of proposals and results had been developed.

10.2.2 Commission discussions and action arising

Discussions in the Commission focused on Japan's research programmes under special permit, particularly that in the Southern Ocean.

New Zealand welcomed the Scientific Committee's report and in the spirit of openness and no surprises wished to make clear its objection to whaling under special permit conducted by Japan in the Southern Ocean. It stressed the depth of feeling in New Zealand that such programmes create. It noted that Japan's annual expedition to the Southern Ocean inflames public opinion in New Zealand leading to the receipt of many complaints regarding the lethal takes in the Southern Ocean sanctuary. New Zealand noted that the regrettable events in recent seasons (see section 11) have underlined its concerns regarding the safety of vessels and their crews and the damage to the pristine Antarctic environment that may occur. It acknowledged Japan's decision not to take humpback whales last season. It recognised this was a difficult decision but respected the courage of the Japanese government. New Zealand looked to Japan's leadership to continue to take hard decisions and called for a halt to the lethal aspects of its research in the Southern Ocean.

Australia associated itself with the remarks of New Zealand. It believed that whaling under special permit has been the most contentious and divisive issue facing the Commission and that there is no need to kill whales for scientific purposes in the 21st century. Australia considered that the programmes purportedly conducted under Article VIII of the Convention add nothing relevant to knowledge for the conservation and management of whales that cannot be obtained by non-lethal means or historical records. It noted that because programmes under special permit are not subjected to formalised oversight by the Commission, whale populations – such as the J-stock minke whales – are put at substantial risk of continued depletion. Australia also believed that special permit programmes conducted within a sanctuary (i.e. JARPA II) undermine the substantial

benefits of IWC sanctuaries in a serious and unacceptable manner and that the existing special permit programmes conducted by two countries are in reality commercial whaling operations prohibited by the moratorium. Like New Zealand, the Australian Government and its people were deeply concerned that JARPA II again took place in the Southern Ocean during the austral summer. It too acknowledged the decision by Japan not to proceed to take humpback whales and noted that no fin whales were taken last season, explaining that it has particular concerns for these species due to their conservation status and the importance of humpback whales to the vigorous whale watching industry in Australia and the South Pacific region. Again like New Zealand, Australia called for an ending to lethal research and drew attention to two proposals intended to help resolve this critical problem in the Commission by consensus.

Firstly, Australia proposed that the approach to scientific permits in the Commission be reformed. It noted that at present, Contracting Governments are required to submit plans to the Scientific Committee for review, but that the Commission does not currently play a role in accepting or denying a permit. It welcomed the new procedure for reviewing new, existing and on-going special permit programmes agreed this year by the Scientific Committee noting that this will, importantly, remove the proponents from the review deliberations and make the process more consistent with acceptable science review practice. However, Australia also proposed that the Commission should agree by consensus on its research priorities and adopt criteria to which all research should conform. The Commission could then assess all permit proposals against strict scientific criteria, and governments would issue permits only with the agreement of the Commission. Australia's second proposal was that the Commission should develop regional, non-lethal, whale research plans to coordinate and optimise the research programs of IWC members against agreed priorities and objectives. It hoped to initiate such a plan for the Southern Ocean and that similar partnerships could be established in other parts of the world (see section 15.3).

Brazil associated itself with the remarks of New Zealand and Australia and believed that the issue of whaling under special permit will be one of the most difficult issues to deal with in the process established regarding the future of the IWC. It voiced its continued strong opposition to such practices and invited those conducting lethal research to suspend such activities thereby contributing to the joint efforts to achieve a better understanding among IWC members.

Slovenia, speaking on behalf of the EU believed that special permit whaling programmes should be brought under IWC control and phased-out completely in the short-to medium-term. The UK associated itself with the remarks of previous speakers. It considered whaling under special permit to be second only to the issue of animal welfare and found it hard to convey the sense of public outrage of the majority of the UK public over Japan's research whaling. Like others, it welcomed that Japan had not taken humpback whales this last season and noted that no fin whales were taken. In this respect and noting that only nine fin whales had been seen by Japan's scientists last season, it asked whether Japan could justify the continued planned take of 50 fin whales in subsequent years of JARPA II. The USA, Argentina, Costa Rica, Chile, Portugal, Mexico,

Luxembourg, Peru, Uruguay, France, Panama and Spain associated themselves with previous speakers and reiterated their opposition to whaling under special permit, believing it to be no longer necessary.

As it had on previous occasions, Iceland noted that since lethal scientific research on animals is carried out widely including in all IWC member countries, it is an accepted practice. It urged members to be consistent and to stop treating whales differently from other animals. Switzerland reported that its position is that lethal research on animals is only acceptable on two conditions: (1) that the results cannot be obtained by other research methods; and (2) that the principle of proportionality is followed, i.e. that the expected results of the research will contribute to science in such a fashion that any suffering of animals can be justified.

St. Kitts and Nevis understood that scientific permit whaling remains a controversial issue. However, it stressed that for developing countries, marine scientific research as provided for under UNCLOS and the ICRW is important in developing management approaches for marine living resources, including the ecosystem approach being advocated by many organisations. It therefore congratulated Japan for its continued commitment to research particularly in the Southern Ocean. St. Kitts and Nevis reminded Parties that whales in the high seas are considered common property that therefore required a collective management approach within the framework of the ICRW. It believed that some of the arguments against special permit whaling, especially with respect to humpback whales, were being driven by the economic interests of those promoting whalewatching. However, St. Kitts and Nevis considered that the interests of one group should not supersede the interests of others.

Japan considered that special permit whaling provides a challenge to the newly-established process to address IWC's future, i.e. whether the Commission will be able to handle it in a diplomatic way or whether discussions will revert to the acrimony of the past. Japan believed that positions on this issue should be formulated on the basis of evidence available. However, its impression was that some governments formulate their positions first and then find the evidence to support them, ignoring information that is not supportive. Japan acknowledged that some countries saw no need, in the 21st century, to kill whales for research, but noted that it would be more convinced by this argument if the same countries believed there is no need to kill any animal. It therefore supported the views of Iceland in this respect. Regarding data from its research programmes, Japan reported that these are available and shared with the Scientific Committee through the Data Availability Agreement which was agreed by consensus. Japan found it ironic that scientists requesting data from its special permit programmes are frequently based in countries who are against these programmes. It questioned why these data are requested if they are not needed. Japan accepted that while there are many emotional views on special permit whaling, the responsibility of governments was not to promote such views but rather to develop positions based on evidence. It also believed that this issue is a challenge for good journalism which should be part of the solution rather than part of the problem. It considered that the equal treatment of views will help IWC to help itself. Japan recognised that continuing the *status quo* within the organisation would be easy but it stressed that members should consider the

consequences of doing so. It noted that in trying to change the organisation it will be necessary to change the manner in which discussions are held. Finally, regarding the UK's question, Japan indicated that this would be addressed during its lunchtime presentation on the results from JARPA II.

The Russian Federation, Republic of Korea, Norway, Grenada, St. Lucia and St. Vincent and The Grenadines spoke in support of research under special permit as provided for by the Convention noting that such programmes have provided important information.

11. SAFETY ISSUES AT SEA

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 the adoption by consensus of IWC Resolutions at the 2006 and 2007 Annual Meetings²¹ had again been launched against JARPA II research activities in the Southern Ocean during the austral summer of 2007/2008. Japan described the nature of the action taken which it believed had posed a serious threat to the safety of its vessels and their crew. It referred to the statement that had been issued in March by the Intersessional Meeting of the Commission on the Future of IWC, in which the meeting *inter alia*: (1) reiterated that the Commission and its Contracting Governments do not condone and in fact condemn any actions that are a risk to human life and property in relation to the activities of vessels at sea; and (2) urged Contracting Governments to 'take actions, in accordance with relevant rules of international law and respective national laws and regulations, to co-operate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders'. Japan welcomed the consultations and co-operation it has had with other relevant governments and the concrete results that are being achieved. It hoped that IWC would encourage future co-operation.

A number of Contracting Governments also welcomed the ongoing co-operation with Japan regarding the recent protest activities in the Southern Ocean. They expressed concern over these activities and while they supported the right to peaceful protest, they noted that this must be done in a manner that does not present a risk to human life or property and is in accordance with domestic and international law. It was noted that IWC is not the competent body in which to address matters of vessel safety, but that this matter was to be discussed the following week at the International Maritime Organisation who has competency on this issue.

12. ENVIRONMENTAL AND HEALTH ISSUES

12.1 Scientific Committee activities²²

12.1.1 Report of the Scientific Committee

12.1.1.1 CETACEAN DISEASES

The Cetacean Emerging and Resurging Disease (CERD) group established last year prepared information on cetacean pathogens, biotoxins and disease reports. It also reviewed progress on disease identification and standardisation, case definition, diagnostic laboratories and

data sharing. Given the paucity of available or targeted diagnostic laboratories and diagnostic tests specific for marine mammals, a list of laboratories and experts for specific or general diagnostic capabilities by country, continent and/or region will be compiled and maintained.

The Scientific Committee received a report from a two-day pre-meeting workshop on skin diseases in cetaceans held in Santiago on 30-31 May. The workshop reviewed the state of knowledge on the examination of, distribution of, and causes of skin diseases in cetaceans with a focus on cetaceans of South America. The potential for impacts of skin diseases in small populations in areas where there are high levels of environmental degradation was recognised and it was agreed that special action should be given to prevalence and impact of skin diseases in dolphins from southern and south-eastern Brazil. With respect to global action, recommendations were made for research, standardisation and on data sharing.

12.1.1.2 ECOSYSTEM MODELLING

The question of ecosystem modelling in the context of cetacean conservation is important and has been addressed by the Scientific Committee on a number of previous occasions. This year, the focus was planning for the joint CCAMLR/IWC workshop, to be held in August 2008, to review input data required for ecosystem models to provide advice on krill predators in the Antarctic marine ecosystem. Expert Working Groups for each of the key taxa were preparing for the workshop. The Scientific Committee agreed that the approach taken by these groups, and the progress being made towards the workshop, was appropriate.

The use of the ECOPATH with ECOSIM software to explore the potential impact of cetaceans on fishery yields was also discussed. The Scientific Committee agreed that simulation testing of multiple models is a valuable approach, reaffirming its conclusion of 2002 that at this stage, no single approach could be recommended to provide reliable information of value to consideration of cetacean dynamics in an ecosystem context. While this does not necessarily rule out the possibility that inferences could be drawn if a number of different approaches yield qualitatively similar results, the Committee agreed that it may be some time before this situation changes.

12.1.1.3 OTHER HABITAT RELATED MATTERS

CLIMATE CHANGE

The Scientific Committee put plans in place for a second workshop scheduled for February 2009 in Sienna, Italy (the first took place 12 years ago). The primary goal of the workshop is 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. A Steering Committee was established to agree a final agenda and list of invited participants.

PLANNING OF PHASE II OF POLLUTION 2000+²³

Due to time constraints, the POLLUTION 2000+ Phase II modelling workshop planned for spring 2008 was not held. However, a new Steering Group has been assembled which is finalising plans for an intersessional workshop that will

²¹Resolution 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.

²²For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 11 (2009).

²³POLLUTION 2000+ has two aims: to determine whether predictive and quantitative relationships exist between biomarkers (of exposure to and/or effect of PCBs) and PCB levels in certain tissues; and to validate/calibrate sampling and analytical techniques.

develop Terms of Reference for Phase II of the programme. *Inter alia* the workshop will establish a framework for modelling pollution effects, identify key cetacean populations to be studied, develop a protocol for validating the use of biopsy sampling techniques with respect to pollutant studies and then begin to apply this protocol to large whale species.

ANTHROPOGENIC NOISE

The Scientific Committee received new information on anthropogenic noise in relation to the potential impacts of seismic surveys on cetaceans, on mid-frequency sonar and a cetacean stranding event. It noted a call by a recent International Workshop on Shipping Noise and Marine Mammals for global action to reduce the contributions of shipping to ambient noise with targets being set for the next 10 and 30 years. It endorsed the noise-reduction goal.

SOCER

This year the State of the Cetacean Environment Report focussed on the Atlantic, and is based on literature analyses. Almost half of all the literature published on cetaceans in 2007 dealt primarily with conservation-related issues. The focus of next year's report will be the Pacific Ocean.

12.1.2 Commission discussions and action arising

The Commission noted the Scientific Committee's report and endorsed its recommendations. Comments on specific issues are summarised below.

ECOSYSTEM MODELLING

The USA supported the preparations for the joint IWC/CCAMLR workshop. It also supported the Scientific Committee's statements regarding *inter alia* quantifying uncertainty, the need to understand prey resources, diet overlap, etc. before conclusions on competition can be drawn. Mexico supported these remarks.

CLIMATE CHANGE

Germany, Peru, Australia, Mexico, Italy, Netherlands, USA, Chile, France, Argentina, Costa Rica, Ecuador, Luxembourg, Switzerland, Nicaragua and Austria all expressed concern regarding the possible impact of climate change on cetaceans and supported the proposed workshop. A number of them noted the importance of taking into account such effects in managing cetaceans. Australia, Germany and the USA pledged financial support as did two NGOs (WDCS and WWF). Costa Rica indicated its interest in hosting a preliminary meeting to the Siena workshop.

ANTHROPOGENIC NOISE

Austria expressed its appreciation for the Scientific Committee's work on environmental issues, noting that it had had a busy and fruitful year. With respect to noise, it noted that noise in the ocean from a number of sources (military sonar, seismic activity, vessel traffic) is increasing and may have the potential to reduce the range over which whales can hear. It suggested that this acoustic 'fog' may be much more important than currently thought. For this reason, and noting the new relationship between IWC and IMO, it urged the Scientific Committee to work specifically on the impacts of noise from shipping. Belgium supported this proposal, noting that other IGOs are also dealing with the issue of noise.

12.2 Reports from Contracting Governments

There were no reports from Contracting Governments on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals.

12.3 Health issues

No comments were made on health issues.

13. WHALEWATCHING

13.1 Report of the Scientific Committee²⁴

Over recent years there has been emerging evidence that disturbance from some whalewatching activities may have population-level effects in cetaceans. The Scientific Committee is therefore planning a large-scale whalewatching experiment to assist in describing such effects, improve understanding of the mechanisms involved and develop mitigation measures. Work will continue intersessionally and a final research proposal is expected to be available at next year's meeting. An overview of whalewatching in South America raised concerns that aerial whalewatching in Chile and Brazil using helicopters has the potential to disturb whales. The Committee reviewed aspects of short- and long-term methods to assess biological impacts of whalewatching on cetaceans and gave advice on further developments.

With respect to guidelines and regulations for whalewatching, the Committee expressed some concern at the apparent trend of government agencies to use voluntary codes of conduct rather than legal regulations. The Committee recommended that in general, codes of conduct should be supported by appropriate legal regulations and modified if necessary as new biological information emerges. The world-wide compendium of whalewatching guidelines and regulations around the world was updated and is available on the IWC website (<http://www.iwcoffice.org/conservation/whalewatching.htm#regulations>).

Whalewatching, with a focus on management issues was also addressed by the Conservation Committee (see section 16).

13.2 Commission discussions and action arising

Governor Das Neves of the Province of Chubut, Argentina gave a presentation on whalewatching on the Valdes Peninsula.

Australia noted that it believed that whalewatching is the most significant and important non-consumptive use of cetaceans in the world, both economically and culturally and that successful whalewatching can raise public awareness, improve scientific understanding of cetaceans and create financial incentives for the conservation of the marine environment. It informed the meeting that it had recently commissioned a report into the global socio-economic value of whales. A progress report had just been released that *inter alia* indicated that around 100 million people have participated in whalewatching and that another 10 million more people go whalewatching each year. Australia noted that these figures are supported by other recent data reporting that between 1998 and 2006,

²⁴For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage (Suppl.)* 11 (2009).

whalewatching visits in Latin America have expanded from a quarter of a million to nearly 900,000, contributing US\$80 million in direct expenditure and US\$278 million in total. Australia believed that whalewatching is increasingly important in developing countries, where 45,000 whalewatching trips were recorded in 1998, representing just half a per cent of the global total and has an enormous potential to grow. However, it also believed that the industry is not universally well-managed from a scientific and precautionary aspect and recognised that it may have important impacts on the abundance, distribution, maintenance and recovery of cetacean populations. As such, Australia suggested that the conduct and regulation of whalewatching is of direct concern to the Commission, which should be involved in assessing these impacts and developing measures to minimise them. Australia reported that it will commit voluntary contributions to assist the Commission explore and deliver support to the many countries looking to implement management and realise the benefits of whalewatching for their communities, regions and nations.

Germany believed whalewatching to be an important issue for the Commission and that the Scientific Committee plays an important role. It believed that the development of world-wide regulations was important. Mexico congratulated the Scientific Committee for its work and supported the development of solid scientific plans and the remarks made by Australia. The UK understood that whalewatching can be an important economic driver (whalewatching activities in Scotland generate significant income), demonstrating that whales are valued as live animals. However, like others it recognised that whalewatching activities have the potential to impact whales and agreed that best practice guidelines are needed. The USA also believed whalewatching to be an important non-lethal use of whales and that as noted by Australia and others, the industry brings economic benefits to coastal communities. It supported the Scientific Committee's work and regional workshops that disseminate information on whalewatching and believed that the Conservation Committee's work is also useful.

New Zealand associated itself with the remarks of Australia and thanked Argentina for its presentation. It recalled that New Zealand has always been a strong supporter of IWC's work on whalewatching. Although, like some other Commission members, it was a country that had practiced commercial whaling, for the past 20 years it has seen a steady increase in the economic benefits provided by whale and dolphin watching. It noted that one of its communities, Kaikoura, has been transformed because of its whalewatching activities that host up to 60,000 people annually. New Zealand reported that whalewatching enterprises exist on both its North and South Islands generating over 120 million New Zealand dollars of tourist revenue. However, like others it believed it essential that such activities are managed in a sustainable manner. New Zealand believed that IWC's work on whalewatching is not only useful to its own Contracting Governments but also to other countries, particularly developing nations who are developing whalewatching activities. It looked forward to continued work in this area which illustrated the positive co-operation that can exist within the organisation.

Argentina also stressed the increasing importance of whalewatching to local communities in Latin America and

thanked Australia for making reference to the report recently released. It noted that whalewatching in Latin America is carried out within protected areas and that it promotes responsible whalewatching. Brazil underlined the importance of the non-lethal use of whale resources that bring increasing benefits to local communities. It invited all Contracting Governments to work together to mitigate the possible impacts of whalewatching. Brazil considered whalewatching an important element in discussions on IWC's future. Costa Rica, Chile, Ecuador, Panama and Peru also stressed the importance they gave to this issue and the economic benefits that can accrue from it. Peru noted that whalewatching is just beginning in its country and that it welcomed the opportunity to learn from the experience of others.

Spain and France spoke in support of the Scientific Committee work. Spain was pleased to note that whalewatching activities in the Canary Islands would be reviewed by the Committee in Madeira next year. It also referred to new legislation recently brought in on protective measures for cetaceans. France reported that a code of good conduct for whalewatching in the Pelagos Sanctuary has been developed and that it is encouraging whalewatching, including for the collection of scientific data, in its overseas territories of New Caledonia and French Antigua.

Norway supported the experimental approach being taken by the Scientific Committee to studying impacts of whalewatching on cetaceans. It noted, as previously, that northern Norway has both commercial whaling and whalewatching activities, that there is no conflict between the two and that the government supports both. St. Lucia reported that like Norway, whaling and whalewatching co-exist on its island. It noted that it has to monitor the whalewatching activities and has observed aggressive behaviour by killer whales when guidelines are not followed. Iceland also noted that whaling and whalewatching are not mutually exclusive and that both are conducted in Icelandic waters.

The Republic of Korea reported that it does not currently have any commercial whalewatching activity and that a feasibility study recently carried out indicated that at present whalewatching would not be a substitute for traditional sustainable use. China recognised the economic benefits of whalewatching being realised in some countries. It expressed concern about the increasing number of people participating in such activities and believed that the Scientific Committee should work to reduce the negative impacts to a minimum. Japan noted that it has never opposed whalewatching and suggested that the improved atmosphere within the Commission should make easier discussions on this issue.

The Commission noted the Scientific Committee's report and endorsed its recommendations.

14. CO-OPERATION WITH OTHER ORGANISATIONS

14.1 Report of the Scientific Committee²⁵

The Scientific Committee has continuing co-operative arrangements with a number of other organisations

²⁵For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 11 (2009).

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 (Convention for the Conservation of Antarctic Marine Living Resources), Southern Ocean GLOBEC, NAMMCO (North Atlantic Marine Mammal Commission), FAO (Committee on Fisheries), PICES (North Pacific Marine Science Organisation), IUCN (International Union for the Conservation of Nature) and ECCO (Eastern Caribbean Cetacean Commission). Reports from IWC observers/participants attending meetings of the above organisations were reviewed.

14.2 Commission discussions and action arising

The Commission noted the Scientific Committee's report. The Secretary reported that the IMO (International Maritime Organisation) Council approved the Agreement of Co-operation with IWC at its 100th session from 16-10 June 2008. The Agreement will now be submitted to the IMO Assembly for final approval at its next session in November 2009. The Secretary noted that in the meantime, IMO will extend to IWC the privileges and facilities envisioned in the Agreement on a provisional basis.

15. OTHER SCIENTIFIC COMMITTEE ACTIVITIES, ITS FUTURE WORK PLAN AND ADOPTION OF THE SCIENTIFIC COMMITTEE REPORT

15.1 Small cetaceans

15.1.1 Report of the Scientific Committee

This year the Scientific Committee undertook a regional review of conservation issues regarding the (at least) 39 species of small cetaceans in the southeast Pacific (Columbia, Ecuador, Peru and Chile). The Committee noted that little is known about the distribution and abundance of many of the coastal species that are probably most impacted by anthropogenic activities, including Burmeister's porpoise, Peale's dolphin, bottlenose dolphin and the Chilean dolphin. A number of recommendations were made to improve the knowledge of the abundance, distribution, pattern of residency, population structure, life history and ecology of these and other small cetacean species. The Committee expressed concern with respect to both habitat degradation and the exclusion of small cetaceans from their habitat by aquaculture developments and recommendations were also made with respect to direct and incidental takes. A number of small coastal populations, including bottlenose dolphin, Peale's dolphin and spotted dolphins may be threatened by unregulated and undocumented takes for bait. It recommended that the impacts of such removals be assessed and the status of the affected populations be documented. The Committee also recommended that range states establish programmes for monitoring and reporting of bycatch of small cetaceans as part of their regular fisheries monitoring and that existing bycatch monitoring programmes be continued, particularly in relation to mitigation efforts. Recommendations for

further research and regional collaboration (e.g. with IOC/UNESCO²⁶) were made.

The Scientific Committee also reviewed progress on previous recommendations including those with respect to the vaquita, harbour porpoise (exposed to high bycatch throughout its range), franciscana (at risk from harbour development and bycatch), illegal takes of botos, Dall's porpoise (hand-harpoon hunts) and Hector's dolphins (bycatch in gillnet fisheries).

With respect to the vaquita, the Committee noted that the entire population is now most likely to be no more than 150 animals and that there has been an extraordinarily rapid decline of approximately 75% in a decade. It further noted that if the current mortality due to bycatch in fishing gear continues, it is likely that the species will be extinct in five years and probably less. The Committee therefore reiterated its extreme concern about the conservation status of the vaquita which is the most endangered cetacean species in the world. It expressed its great frustration that despite more than a decade of warnings, this species has continued on a rapid path towards extinction due to a lack of effective conservation measures in Mexico (although it welcomed news that Mexico is taking measures to remove fishing gear that entangle these animals). It strongly recommended that, if extinction is to be avoided, all gillnets should be removed from the upper Gulf of California immediately. In the extremely unfortunate circumstance that this does not occur immediately, the Committee indicated that it must certainly occur within the three-year period starting in 2008. To meet this schedule, the Committee encouraged the international community including IWC member countries and non-governmental organisations (NGOs), to assist the government of Mexico in this task.

The Committee reaffirmed its concern over the conservation status of the boto and that directed killing of this species continues without restriction or catch limits. It recommended that immediate steps be taken by Brazil, Colombia, Peru and Venezuela to stop this hunt and that range states report to next year's meeting regarding progress made.

With respect to Dall's porpoise, it was noted that the hand-harpoon hunt in the western North Pacific near Japan targets a population of *truei*-type porpoises as well as a population of *dalli*-like porpoises. The Committee reported that it had received new abundance estimates calculated from Japanese 2003 survey data for both types which were 173,600 (CV=0.21) and 178,160 (CV=0.23) respectively. It noted that the new estimates are lower than those from 1991. The Committee re-iterated its concerns for stocks of Dall's porpoise and repeated earlier recommendations that catches should be reduced to sustainable levels, that the bycatch levels be quantified and that a full assessment of each of the affected populations be conducted as soon as possible.

Finally, the Committee welcomed new information on abundance surveys in European Atlantic waters and plans for surveys in the Mediterranean. When reviewing the takes of small cetaceans, the Committee noted the apparent paucity of bycatch monitoring data from European fisheries despite the introduction of EU Regulation 812 in 2004. It

²⁶Intergovernmental Oceanographic Commission/
United Nations Educational, Scientific and Cultural Organisation.

recommended that information on the efficacy of this regulation be submitted to the Committee for evaluation.

15.1.2 Commission discussions and action arising

Switzerland congratulated the Scientific Committee on its work on small cetaceans, which it considered to be of great importance and hoped would be continued. It reminded the Commission that Switzerland believes that IWC has some responsibility for all cetaceans. Australia also welcomed the Committee's report and endorsed its many recommendations for improving the management of human activities such as directed hunts and fisheries to promote conservation and recovery. It commended governments, including Mexico and New Zealand, who have been making efforts in this regard. The USA associated itself with the remarks of Switzerland and Australia. Austria also believed that work on small cetaceans should be a core issue of the IWC. Noting last year's report on the likely extinction of the baiji, and the Committee's warnings regarding the status of other small and large cetaceans, not least the vaquita, Austria stressed that IWC should act before a stock or species becomes critically endangered, particularly if the threat is of a relatively simple nature, such as direct takes. In this respect it referred to the boto and Dall's porpoise. Sweden, Switzerland and Ireland supported Austria's remarks.

With respect to the vaquita, Mexico thanked the Scientific Committee for its work and confirmed that by Presidential Decree, over 50 million USD is being made available to remove gillnets throughout the range of the vaquita. New Zealand and Spain welcomed this announcement. New Zealand understood how hard it can be to take decisions on small cetaceans. Sweden informed the Commission that in response to the extreme concern expressed by the Scientific Committee last year, it had sent a Demarche to the Mexican government expressing concern but also indicating its willingness to help save the vaquita. It thanked the many other IWC members who joined the Demarche. However, noting the very strong language used by the Scientific Committee again this year, Sweden remained concerned regarding the status of the vaquita and endorsed fully the Committee's recommendations. The USA also supported the Committee's recommendations and indicated that it had been very pleased to join the friendly Demarche. It looked forward to working with Mexico on this matter. Mexico thanked New Zealand, Sweden and the USA for their support and noted the support for its scientific studies received from the International Fund for Animal Welfare.

Uruguay thanked the Scientific Committee for its work on small cetaceans. With respect to the franciscana, which is found in Brazil, Uruguay and Argentina, Uruguay noted its concern regarding the exposure of this species to bycatch in coastal fisheries leading to the loss of many individuals each year. It requested support to help it with local studies aimed to provide a better understanding of this issue at a regional level.

With respect to the boto, Brazil reported that it has established a national working group of cetacean biologists, fisheries experts and environmental managers to devise better regulations for the fisheries that are the major cause of mortalities of the boto. Luxembourg called for takes of the boto to be reduced.

Cambodia reported that it is taking measures to reduce bycatch of the Irrawaddy dolphin of the upper Mekong River through a reduction in the use of gillnets. The Irrawaddy dolphin numbers around 100 animals and is facing extinction without conservation efforts. China reported on the measures it has taken to protect cetaceans of the Yangtze River (e.g. establishment of 7 sanctuaries, large scale monitoring and the release of young and larval fish as a food source) and its future work plan particularly regarding protection of the finless porpoise. New Zealand thanked Cambodia and China for their reports. Nicaragua congratulated China for its conservation plans.

Sweden, UK, USA, Finland, Switzerland, Belgium, Luxembourg, New Zealand, Mexico, Portugal, Ireland and India expressed concern regarding the conservation status of Dall's porpoise and the current level of directed takes by Japan which they considered to be unsustainable. They supported the Scientific Committee's recommendations. The UK welcomed the new abundance estimates for Dall's porpoise in Japanese waters but noted that they were lower than those from 1991 and that they could be improved. It noted that IWC had repeatedly expressed concern regarding this hunt, including through Resolutions adopted in 1990 and 2001. The UK reported that since 2001 over 88,000 Dall's porpoises had been killed in the hunt and that no information is available on the number of animals struck and lost or caught incidentally. It urged Japan to take advantage of the expertise within the Scientific Committee's Sub-committee on Small Cetaceans in addressing the concerns expressed. The UK, like others, welcomed the indication from Japan that it is reviewing potential management methods for setting catch limits, such as the 'potential biological removal' (PBR) and noted that the use of PBR would result in lower limits than those set currently. Given that current information on Dall's porpoise predicts a poor outlook for this population, the UK hoped that in the new spirit of co-operation emerging in the organisation, Japan would embrace the majority view of members that small cetaceans fall within IWC's mandate and act accordingly. Finland also welcomed the application of PBR and called on Japan to reduce its level of takes as soon as possible.

The Commission noted this part of the Scientific Committee report and endorsed its recommendations.

15.2 Other activities

15.2.1 Report of the Scientific Committee

15.2.1.1 STOCK DEFINITION

Of general concern to the assessment of any cetaceans is the question of stock definition. Examination of this concept in the context of management plays an important role in much of the Committee's work, whether in the context of the RMP, AWMP or general conservation and management. In recognition of this, the Committee has established a Working Group to review theoretical and practical aspects of the stock concept in a management context. The Committee has noted that it is important, in any application of stock structure methods, to examine the sensitivity of conclusions to different *a priori* decisions about the definition of initial units, and as to which population structure hypotheses to examine.

Scientific Committee discussions this year focused on:
(1) statistical and genetic issues related to stock definition;

and (2) review of progress with the TOSSM (Testing of Spatial Structure Models) project to develop simulation tools that can be used to examine the performance of current and future genetic methods to investigate stock structure in a management context. In relation to the former, the Committee reviewed and updated its proposals on DNA data quality and control for genetic studies relevant to IWC management advice. It strongly recommended adherence to these guidelines for future studies explicitly carried out to provide stock structure advice in a management context, e.g. in relation to AWMP or RMP.

15.2.1.2 DNA TESTING

This item is discussed in response to Commission Resolution 1999-8²⁷. The DNA working group first addressed questions related to genetic methods for species, stock and individual identification and made a number of recommendations on this topic. It also discussed the first round of *GenBank* sequence assessment for species assignment based on 922 sequences from baleen whales deposited in the *GenBank* prior to 2007. The Committee agreed to conduct a second round of *GenBank* sequence assessment for species assignment of baleen whale sequences deposited in *GenBank* in 2007. Genetic samples were collected from Norwegian commercial catches in 2007 and from Japanese scientific whaling and Icelandic scientific and commercial whaling in 2007.

15.2.1.3 IDCR/SOWER CRUISES

The Chair of the Scientific Committee stressed the great contribution of the IDCR/SOWER programme to the Committee's work on Antarctic minke whales and re-emphasised the great contribution that SOWER data make to the work of several of its sub-committees and the Committee itself. He reported that last year the intention was for the IWC/SOWER cruise to investigate the relationship between the density of minke whale abundance inside and outside of the pack ice by conducting an abundance survey outside of the pack ice at the same time that the Australian Antarctic Division was conducting an aerial survey inside the pack ice. Unfortunately, due to unforeseen and unavoidable delays, the aerial survey was cancelled, except for a brief, but successful, pilot study which evaluated the equipment and the capabilities of the aircraft. Although the aerial survey was not conducted, the SOWER cruise continued as planned. Other priority objectives for the SOWER cruise that were accomplished were continued research on blue, fin, southern right and humpback whales.

The Committee thanked the Governments of Japan and Australia for providing the vessel, aircraft and crews needed to accomplish these surveys. It also recognised the extensive amount of information on a variety of cetaceans that has been collected during the 30 years of the SOWER cruises. To acknowledge this achievement, the Committee recommended that plans be developed to commemorate these cruises by updating the IWC webpages to include more cruise information and by creating a special volume of the IWC journal that reports some of results that came out of these cruises.

For the 2008/09 cruise, the Committee recommended a study that investigates the temporal changes in the spatial

distribution of minke whales in relationship to the receding ice edge; and continuation of its co-operative project with the Australian aerial survey programme with a possible collaborative survey in 2009/10.

15.2.1.4 ELECTION OF OFFICERS

This year was the third year of the three-year term of the current Chair and Vice Chair of the Scientific Committee. According to the Committee's Rules of Procedure, the Vice Chair becomes Chair at the end of the three-year term unless he or she declines. Elections are undertaken by the Heads of Delegations. The Chair of the Scientific Committee reported that during the deliberations of the Head of Delegations it became clear that the Vice Chair (Debbie Palka, USA) had recently received extra commitments but that she would be able to take up the position as Chair after the meeting in 2009. The Heads of Delegations therefore agreed that the best way forward would be for the Chair and Vice Chair to continue in their current positions for another year and to elect a new Vice Chair at next year's meeting when Debbie Palka becomes Chair.

15.2.2 Commission discussions and action arising

Mexico thanked Arne Bjørge for being prepared to stay on as Chair of the Scientific Committee for a further year. The Commission noted this part of the report and endorsed its recommendations.

15.3 New initiatives

15.3.1 Report of the Scientific Committee

The Scientific Committee Chair reported that the Head of Science had introduced a document that outlined a general approach and framework towards developing conservation plans that should optimise the likelihood that such plans should be effective. In discussions it was suggested that this framework could be valuable for the Committee's work, particularly with regard to those populations not considered by the RMP and AWMP. The Committee agreed that the convenors will consider this approach when developing their agenda for next year's meeting.

15.3.2 Commission discussions and action arising

The Commission noted this part of the report and endorsed its recommendations.

The Chair noted that Australia and France had submitted documents for consideration by the Commission under this agenda item.

INITIATIVE OF AUSTRALIA

Australia drew attention to two documents it had prepared for this year's meeting i.e. IWC/60/15 – Conservation management plans for improved cetacean management and IWC/60/16 – Regional non-lethal research partnerships: a proposal for the Southern Ocean. It noted that it would confine its remarks under this agenda item to the second document, with the first being discussed under the agenda item on the Conservation Committee.

Australia reported that it planned to enhance the scientific process that underpins sound conservation efforts in the Commission via the establishment of voluntary, coordinated regional research partnerships. Specifically it proposed the establishment of the first such regional partnership, i.e. for the Southern Ocean.

²⁷Ann. Rep. Int. Whaling Comm. 1999: 55.

Before expanding on its proposal it acknowledged the ongoing positive efforts of Japan and the Scientific Committee in conducting some three decades of non-lethal sightings and biopsy surveys in the Southern Ocean. It fully supported this work in which it is collaborating with Japan. However, Australia believed that its proposal takes a substantial further step in advancing scientific research in the Southern Ocean, the aim of these partnerships being to co-ordinate and direct strategic, non-lethal research efforts around a set of collectively agreed objectives. As a general principle, Australia suggested that the research objectives should focus on gathering information on issues that are a high priority for the Commission which might include: the effects of the moratorium on whale populations; constraints to recovery in some populations; ecological relationships; the effects of whale sanctuaries; information relevant to the assessment and effective management of threats such as bycatch and climate change; and information in support of management tools such as Aboriginal Whaling Management Procedures and Conservation Management Plans.

Regarding the Southern Ocean partnership, Australia informed the Commission that it will host a planning meeting in early 2009 to establish the partnership, agree research objectives, and develop a research plan. It noted that the workshop will be open to all interested countries and research groups and will establish a co-operative mechanism to manage and share data and samples. The research plan will be submitted to the Scientific Committee at IWC/61 for review. Following the inclusion of the review suggestions, Australia indicated that the partnership will undertake the research activities and report annually to the Scientific Committee on progress. The partnership will conduct major periodic reviews to direct future efforts.

Australia believed that by implementing such research partnerships, the IWC will: develop synergies between existing but disparate efforts – such that the collective benefit is greater than the sum of the parts; focus existing and new research work on agreed, prioritised issues, and address these at scales that are not possible with smaller programmes; provide the Commission with a research delivery mechanism that responds to priorities identified by the Scientific Committee, and which can respond to emerging issues; build capacity among research partners; and establish centralised, regional data and sample archives, along with agreed rules for the open and rapid sharing of data and samples.

Finally, Australia announced that it would make a substantial contribution to such a partnership. It urged Japan to consider participating and, in support of this new partnership approach, to suspend its lethal scientific research in the Southern Ocean.

The USA, New Zealand, Brazil, UK, Argentina, France, Chile, Mexico, Spain, Panama, South Africa and Ecuador warmly welcomed and supported Australia's proposal. South Africa requested that the impacts of whalewatching on cetaceans be included in the Southern Ocean partnership and encouraged all Southern Hemisphere member countries to participate. The UK believed that the ideas proposed by Australia were the direction in which IWC should proceed in future.

INITIATIVE OF FRANCE

France introduced document IWC/60/22 that provided a summary of available facts and figures on key subjects discussed by the Scientific Committee. In doing so it noted

that the Scientific Committee is internationally renowned, forms the benchmark in this area and provides the basis for the Commission's decisions. However, it drew attention to the complexity and technical nature of the work which of necessity is ongoing over a number of years making it hard to develop a summary of data available in any given year. Given the frequency with which new countries are adhering to the Convention, France believed it is vital for new delegates to have a clear picture of the Scientific Committee's work on a certain number of key subjects. In addition it noted the need, particularly of developing countries and others who do not have delegates to the Scientific Committee meeting, for information that is more readily accessible than the full Committee's report. France suggested that this could be achieved by developing a summary document covering certain issues. Consequently, and by way of illustration, France was presenting a summary document to the Commission based on the scientific publications and data submitted to the IWC Scientific Committee and information drawn from the international scientific literature. The document provided a species-by-species summary of available knowledge of stock distributions, stock numbers and the conservation of the thirteen species of whales covered by the Convention. France noted that the document is currently available in French with a partial translation into English. It stressed that this work should be seen as a starting point or proposal for the type of summary document that could help inform all delegations of the scientific findings discussed by the Scientific Committee. It further stressed that it is in no way intended to replace the Committee's work, but to complement it. Other key subjects could be addressed in the future.

The Chair of the Scientific Committee found the document to be of much interest but noted that the Committee had not yet had a chance to review it. However, he believed that France's initiative was in accord with the Committee's own efforts to improve communication with the Commission. He indicated that he would be pleased to work with France on this matter in the intersessional period.

Mexico, Portugal, Switzerland, Australia, Argentina, Chile, Spain, Russian Federation, Germany, Italy, Peru and Japan welcomed this timely and constructive initiative. Spain endorsed the remarks of the Scientific Committee Chair and Japan welcomed the Chair of the Committee's offer to work with France. While believing that this summary would help the understanding of the Committee's work, particularly by new members, the Russian Federation considered that documents should be reviewed by the Committee itself to ensure accuracy, particularly with regard to abundance estimates. Italy and Japan agreed.

The Chair concluded that the initiative of France was very useful but that the process should go through or alongside the work of the Scientific Committee to help to improve communication with the Commission.

15.4 Scientific Committee future work plan

15.4.1 Report of the Scientific Committee

The Chair of the Scientific Committee described the work plan drawn up by its sub-committee Convenors, with the agreement of the Scientific Committee, after the close of the Committee meeting. The work plan takes account of:

- (1) priority items agreed by the Committee last year and endorsed by the Commission and, within them the highest priority items agreed by the Committee on the basis of sub-committee discussions;
- (2) general discussions in the full Committee on this item and in particular the need to reduce the Committee's workload; and
- (3) budget discussions in the full Committee.

15.4.1.1 RMP

The following issues are high priority topics:

- (1) review MSY rates;
- (2) dependent upon results of (1), finalise the approach for evaluating proposed modifications to the *CLA*;
- (3) complete *Implementation* for the western North Pacific Bryde's whales;
- (4) complete *Implementation* for North Atlantic fin whales; and
- (5) complete *Implementation Review* for North Atlantic minke whales.

15.4.1.2 AWMP

The following issues are high priority topics:

- (1) complete work on sex ratio methods for common minke whales off West Greenland;
- (2) conduct *Implementation Review* of eastern North Pacific gray whales;
- (3) carry out annual review of aboriginal catch limits for Greenland and St. Vincent and The Grenadines fisheries;
- (4) continue work on developing *SLAs* for the Greenland fisheries; and
- (5) consider lessons learned from the bowhead whale *Implementation Review*.

15.4.1.3 BYCATCH AND OTHER ANTHROPOGENIC REMOVALS (BC)

The following issues are high priority topics:

- (1) collaboration with FAO on collation of relevant fisheries data;
- (2) progress on joining the Fishery Resource Monitoring System (FIRMS);
- (3) estimation of bycatch mortality of large whales;
- (4) estimation of risk and rates of entanglement;
- (5) review progress in including information in national Progress Reports;
- (6) review methods to estimate mortality from ship strikes, including modelling risk; and
- (7) continue to develop a global database of ship strike incidents.

The following will be discussed only if there is time and documentation available:

- (8) continue to consider methods for assessing mortality from acoustic sources and marine debris.

15.4.1.4 BOWHEAD, RIGHT AND GRAY WHALES

The following issues are high priority topics:

- (1) assess stock structure and abundance of the eastern Canada and West Greenland bowhead whales;
- (2) provide information to the SWG on the AWMP for the *Implementation Review* of eastern North Pacific gray whales;

- (3) perform annual review of catch information and new scientific information for B-C-B Seas bowhead and eastern North Pacific gray whales;
- (4) review new information on western North Pacific gray whales including the report of the IUCN rangewide workshop;
- (5) review the report of the intersessional Steering Group on the assessment of southern right whales; and
- (6) review new information on all stocks of right whales and the small stocks of bowhead whales.

15.4.1.5 IN-DEPTH ASSESSMENT

The following issues are high priority topics:

- (1) produce agreed abundance estimates of Antarctic minke whales from IDCR/SOWER data (highest priority);
- (2) conduct an analysis of ageing errors that could be used in catch-at-age analyses of Antarctic minke whales;
- (3) continue development of the catch-at-age models of the Antarctic minke whales;
- (4) continue to examine the differences between minke abundance estimates from CPII and CPIII (these may be Area-specific differences), particularly the impact of sea ice conditions on abundance estimates; and
- (5) develop recommendations for future SOWER cruises, both for the short- and long-term.

The following will be discussed only if there is time and documentation available:

- (6) evaluate the JARPA abundance estimates, focusing on minke whale estimates; and
- (7) initiate planning of in-depth assessment of sei whales.

15.4.1.6 IN-DEPTH ASSESSMENT OF WESTERN NORTH PACIFIC COMMON MINKE WHALES WITH A FOCUS ON J-STOCK

The following issues are high priority topics:

- (1) conclude discussions about stock structure in the Sea of Japan;
- (2) consider new information on J-stock animals along the Pacific coast of Japan; and
- (3) integrate information from abundance estimates with the assumption of $g(0)=1$ in surveyed areas.

15.4.1.7 SOUTHERN HEMISPHERE WHALES OTHER THAN ANTARCTIC MINKE WHALES

The following issues are high priority topics:

- (1) humpback whales - complete the assessments of breeding stocks BSB and BSC and continue assessment of breeding stocks D, E and F; and
- (2) blue whales (with emphasis on non-Antarctic blue whales).

15.4.1.8 ENVIRONMENTAL CONCERNS

The following issues are high priority topics:

- (1) review report of the second climate change Workshop;
- (2) review report of the POLLUTION+ Phase II planning Workshop;
- (3) receive the State of the Cetacean Environment Report (SOCER); and
- (4) review report from the intersessional group on cetacean emerging and resurging disease (CERD), including skin disease.

The following will be discussed only if there is time and documentation available:

- (5) review any new information on anthropogenic noise and marine energy production.

15.4.1.9 ECOSYSTEM MODELING (EE)

The following issues are high priority topics:

- (1) review report from the joint CCAMLR/IWC Workshop; and
- (2) review models from JARPN II.

15.4.1.10 STOCK DEFINITION

The following issues are high priority topics:

- (1) statistical and genetic issues relating to stock definition (including further discussion of DNA data quality, and guidelines for appropriate analysis);
- (2) progress on TOSSM; and
- (3) criteria for unit-to- conserve.

15.4.1.11 WHALEWATCHING

The following issues are high priority topics:

- (1) discuss the proposal for a large-scale whalewatching experiment (LaWE);
- (2) review whalewatching in Portugal (Azores, Madeira), Canary Islands and Strait of Gibraltar;
- (3) assess the impacts of whalewatching on cetaceans; and
- (4) review reports from Intersessional Working Groups.

The following will be discussed only if there is time and documentation available:

- (5) consider information from platforms of opportunity of potential value to the Scientific Committee;
- (6) review whalewatching guidelines and regulations; and
- (7) review risks to cetaceans from whalewatching vessel collisions.

15.4.1.12 SMALL CETACEANS

The following issues are high priority topics:

- (1) review systematics, population structure and status of common dolphins;
- (2) review progress on previous recommendations; and
- (3) review takes of small cetaceans.

15.4.1.13 DNA

The following issues are high priority topics:

- (1) review genetic methods for species, stock and individual identification;
- (2) review *GenBank* sequence assessment for species assignment and continue discussion of plans for *GenBank* sequence assessment for species assignment;
- (3) collection and archiving of tissue samples from catches and bycatches; and
- (4) reference databases and standard for diagnostic DNA registries

15.4.1.14 SPECIAL PERMITS (SP)

The following issues are high priority topics:

- (1) review report from the specialist Workshop to evaluate results from JARPN II; and
- (2) receive (but not review) cruise reports from ongoing special permit programmes.

15.4.2 Commission discussions and action arising

The Commission endorsed the programme recommended by the Scientific Committee.

15.5 Adoption of the Report of the Scientific Committee

The Commission adopted the Scientific Committee report and its recommendations, including the future work plan.

16. CONSERVATION COMMITTEE

The Conservation Committee met on 17 June and was chaired by Hyun-Jin Park (Republic of Korea). Delegates from 27 Contracting Governments participated. A summary of the discussions is provided below. The full report is given in Annex I.

16.1 Report of the Conservation Committee

16.1.1 Adoption of the agenda

Iceland expressed regret that approximately half the Commission were not present and that many countries found the basis of the Committee unacceptable and divisive. Others were pleased that so many countries continued to support the work of the Committee and saw conservation issues as a key priority of the IWC.

16.1.2 Investigation of inedible 'stinky' gray whales

During the meeting of the Conservation Committee at IWC/57 in Ulsan in 2005, it was agreed to establish a research programme to address the issue of inedible 'stinky' gray whales caught by Chukotkan aboriginal subsistence hunters.

The USA reported on continuing joint research by the Russian Federation and the USA to address the issue and noted that the Russian Federation had provided six tissue samples to the Scientific Committee for analysis this year. Research is on-going and a report on the findings should be available for review at IWC/61 next year in Madeira.

16.1.3 Ship strikes

16.1.3.1 SHIP STRIKES WORKING GROUP

The Third Progress Report of the Ship Strikes Working Group (SSWG) was reviewed. The Chair of the SSWG, Alexandre de Lichtervelde (Belgium) informed the Committee that the group had met the previous day to review progress and develop recommendations for further work. The SSWG report is Appendix 4 of Annex H.

He reported on co-operation with IMO, the development by the Scientific Committee of the Global Database on Ship Strikes - which now includes 763 records (see section 7.1.1.3) and outlined current progress against each of the ongoing recommendations in the SSWG work plan. He noted that progress had been made in all areas with the exception of the development and implementation of national legislation but noted that this is the responsibility of Contracting Governments. There was agreement that the SSWG work plan should be updated to reflect the current status of progress and formatted so that the status of the recommendations and the current work items can be easily identified. With respect to funding, Italy had provided a voluntary contribution to the Conservation Committee of 12,000 Euro for its ship strikes work and Belgium had announced a 17,000 Euro internal budget to promote the collisions database and its utilisation within the maritime transport sector.

Updates had been provided on mitigation measures in the USA, activities of ACCOBAMS and IUCN and the Committee was informed that UNEP is interested in developing a closer dialogue with IWC so as to raise the issue of ship strikes high on its marine environmental conservation and management agenda.

Finally, the SSWG Chair drew attention to the four major recommendations of the SSWG to the Conservation Committee.

- (1) The SSWG endorses the recommendations of the Scientific Committee for future work, including that the Secretariat develop and maintain the ship strikes database and integrate it in the IWC website.
- (2) The Conservation Committee should request Contracting Governments to use the agreed ship strike template and submit ship strikes data to the IWC Secretariat on a regular basis.
- (3) The Conservation Committee should request Contracting Governments to communicate ship strikes data and information to relevant maritime sector bodies, including port authorities, shipping federations, coast guards and other relevant bodies.
- (4) A Steering Committee for a multidisciplinary workshop on ship strike mitigation should be established, noting that workshop participants should represent experts from within the Commission, the Scientific Committee and appropriate other organisations.

With respect to recommendation (4), no date had been set for the workshop but there was general agreement that it should be held after IWC/61 and in light of progress being made on the ship strikes database.

The Committee commended the SSWG report and endorsed the above recommendations. It also noted with appreciation the work of its Chair.

16.1.3.2 CONTRACTING GOVERNMENT REPORTS

Reports on ship strikes of cetaceans were submitted by Australia, France, New Zealand, Spain and the USA.

Australia reported seven instances of ships strikes on cetaceans in 2007 and referred to work within IMO's Marine Environment Protection Committee to *inter alia* develop an IMO guidance document for use by IMO Member Governments in addressing the issue of ship strikes.

France reported that it has introduced applications in the Pelagos Sanctuary to reduce the risks of collisions, most recently developing a real-time whale-position reporting network for merchant ships, i.e. the REPCET project (Real-time Plotting of CETaceans). This system allows for the better exchange of information between merchant ships in the Mediterranean to help crews avoid instances of ship strikes. It reported that the western basin of the Mediterranean and especially the Pelagos Sanctuary zone constitute an ideal 'test area' for measures designed to reduce collision risks which is suitable for replication in other seas and oceans of the world.

New Zealand reported that following IWC/59 in 2007 it had convened a specialist workshop on ship strikes focusing on necropsy techniques and investigations to establish whether or not vessel strike is likely to have been the cause of death in a beached whale. The workshop was followed by a seminar with stakeholders including Ports of Auckland, Auckland Regional Council, Professional Skipper magazine and the New Zealand Navy. Stakeholders were very sympathetic to the problem and expressed a willingness to consider the development of mitigation measures such as speed restrictions or changes to shipping lanes should the weight of scientific evidence

point towards vessel strike as a major source of avoidable mortality.

Spain reported that significant steps have been undertaken in the Canaries Archipelago to avoid ship strikes, including recent legislative developments to ensure greater protection for marine mammals. These included (1) a Royal Decree, adopted in December 2007; and (2) an Agreement between the Ministry of Defence, the Ministry of Environment and the Regional Government of the Canary Islands aimed at the conservation and research of cetacean populations to prevent accidental strandings, that entered into force in November 2007. Spain also reported that biological, pathological, physiological and behavioural studies as well as spatial and temporal distribution studies on the cetaceans of the Canaries archipelago, with a special attention to sperm whales and beaked whales, will be carried out with the expectation that these will lead to the establishment of measures to reduce the impact of Navy sonar on cetaceans. Spain further reported on progress in the understanding of the interaction between maritime traffic and cetaceans in the Canaries Archipelago through monitoring of stranded cetaceans. The regional Government of the Canary Islands has the intention to present an exhaustive and detailed study at the 2009 Annual Meeting in Madeira.

The USA reported that it has developed regulatory and non-regulatory measures to reduce ship strikes, including proposed operational measures for vessels, education and outreach programmes, technological research, and research and monitoring activities. It provided an update on its actions to reduce the threat of ship collisions with large whales, including new information regarding four deaths of blue whales in waters off Southern California and northern Baja California, Mexico in September 2007 and actions taken to address this problem. It acknowledged the important work of the SSWG in promoting this issue on a global scale.

16.1.4 Southern right whale population of Chile-Peru

Chile reported on the outcome of the Workshop on the Status of the Southern Right Whale Population held in May 2008. Recommendations included the establishment of a large marine protected area and the promotion of increased regional co-operation to enhance knowledge, training and exchange of information internationally and in the Southern Hemisphere. The group hope to submit a report at IWC/61 on progress and recommendations.

The Committee: (1) stated the importance of continuing work on the status of right whales and recommended that this issue remain a high priority in the future work of the Scientific Committee; and (2) agreed the item be retained on the Conservation Committee's agenda.

16.1.5 Whalewatching

The Conservation Committee reviewed the report of the Scientific Committee's work on whalewatching (see section 13). The compelling evidence that whalewatching may have effects on whale population levels was highlighted. The Conservation Committee *inter alia* took note: (1) that due to enforcement difficulties, adherence to regulations governing vessel behaviour around whales and dolphins, or to codes of conduct, is sometimes poor and that there can be resistance to 'top down' management; and (2) of the Scientific Committee recommendation that codes

of conduct should be supported by appropriate legal regulations.

Noting the concern of the Scientific Committee over aerial whalewatching, South Africa asked whether the Scientific Committee could develop recommendations at its meeting next year on how this practice could be better managed. Brazil reported that in development of its national framework in support of the proper management of whalewatching it will draw on experience and best practice elsewhere. Argentina referred to the Second Latin-American Meeting on Cetacean Conservation held in Buenos Aires in December 2007. The meeting had underscored the need to strengthen IWC's activities, including those regarding the non-lethal use and conservation of whales. The December meeting had also agreed 'The Latin American Cooperative Strategy for the Conservation of Cetaceans' which promotes *inter alia* the development of responsible whalewatching tourism in the region through regional workshops for training and exchanging national experiences as well as the exchange of experiences on the enforcement of pertinent national legislations in cetacean conservation and management. Argentina also report that, as a result of a participative process begun by the Government of Chubut (Patagonia, Argentina) to discuss changes that needed to be made to its whale watching regulations, a new law regulating Southern right whale watching was approved in March 2008.

The Russian Federation highlighted the plight of the critically endangered western gray whale (section 4.5.3) and drew attention to the intensity of on-going research, questioning what effect such research has on this population and what rules apply for such research. It sought recommendations in this regard. The Chair of the Scientific Committee Chair indicated that he would draw this concern to the Scientific Committee and investigate whether it could consider the impact of scientific research on this population. He would report back to the Conservation Committee next year. The Conservation Committee urged research groups to collaborate in order to minimise any effects.

Austria was pleased to note countries' willingness to engage in discussion and to look for practical ways to mitigate possible impacts. It urged countries with active whalewatching activities to find a balance between supportive national legislation and voluntary codes of conduct in order to better regulate the industry and provide for the proper management of cetaceans and wondered whether the Conservation Committee could play a role in this regard.

Australia supported the Conservation Committee playing a role in the socio-economic aspects of whalewatching. It noted the recent successful work of the South Pacific Regional Environment Programme (SPREP) working group on whale and dolphin watching that has led to the development of regional guidelines. It also recalled an earlier suggestion for a group to be established to review existing guidance and to develop best practice guidelines. Australia supported such an initiative and indicated that it could make a voluntary contribution of \$25,000 AUD to support such work. Following further comments by the UK, USA, Mexico, South Africa, Brazil and Argentina there was agreement to establish an intersessional correspondence group to explore this matter. South Africa agreed to convene the group.

Brazil requested that the management of whalewatching be included as a regular item on the Conservation Committee's agenda, recognising that whalewatching has its own challenges and impacts. It noted that scientific aspects of whalewatching have been addressed by the Scientific Committee for a number of years, but that it is not able to follow-up on recommendations relating to management of the activity. Brazil believed that the Conservation Committee was ideally suited to do this. This proposal was welcomed by the Committee and the Chair requested Brazil to develop a more detailed proposal to which South Africa agreed to contribute.

16.1.6 Whale sanctuaries

The Chair of the Scientific Committee reported that no new proposals had been presented at this year's Scientific Committee meeting. He noted the possible Scientific Committee collaboration on the forthcoming First International Conference on Marine Mammal Protected Areas to be held in Hawaii.

Brazil highlighted its intention to re-submit the proposal to the Commission for the creation of a South Atlantic Whale Sanctuary noting that this proposal has been previously endorsed by the Conservation Committee.

16.1.7 National reports on cetacean conservation

The Committee welcomed the National Cetacean Conservation reports which were submitted by Australia, France, New Zealand, USA, Argentina, Italy, Brazil, the UK and Mexico.

Mexico reported on the conservation status and protection of the critically endangered Vaquita river dolphin and thanked those countries supporting its work in this area, noting its protection was being co-ordinated by the Office of the President and thanking other countries for their input into its conservation. Mexico was also pleased to record that \$US18 million are available to be invested in a net buy-out scheme to aid the protection of the species. For further information see section 15.1.

16.1.8 Other

Australia referred to three further papers it had developed. The first, introduced at the March 2008 Intersessional Meeting of the Commission, proposed a strategy for modernising the role of the IWC so it would focus on conservation of whale populations and management of the non-consumptive use of whales. The paper suggests that the IWC can begin to address current shortfalls by: developing internationally agreed, co-operative conservation management plans, taking into account all whale related issues and threats; launching regional, non-lethal, collaborative research programmes to improve management and conservation outcomes for cetaceans; and reforming the management of science conducted under ICRW and IWC auspices, including agreed priorities and criteria for research, and an end to unilateral 'special permit' scientific whaling.

A second paper elaborated on the importance of Conservation Management Plans which would enable the Commission to: more adequately address non-whaling objectives and non-consumptive uses of cetaceans; respond to emerging non-whaling threats to vulnerable cetacean populations; foster co-operation to improve the conservation status of species; build on the technical work of the Scientific Committee and draw on the strategic management advice of the Conservation Committee. It

considered that the Conservation Committee will fulfil a crucial role in the development of these plans.

The third paper elaborated on the development of regional non-lethal cetacean research partnerships that Australia believed would strengthen IWC's performance and improve whale conservation, management and recovery (see section 15.3). Australia also called for collaboration between the CMS and IWC and their relevant committees.

The Committee endorsed the Scientific Committee's proposal for a Climate Change Workshop, scheduled for spring 2009 (see section 12).

With respect to the financing of Conservation Committee work, Belgium introduced a paper proposing that the following steps be considered by the Commission: (1) the budget should be adjusted to provide sufficient funds for the conservation projects recommended by the Conservation Committee; (2) the Conservation Committee should put forward a recommended work plan; and (3) the Secretariat should include the required resources, to the extent possible, in its overall budget. This initiative was welcomed by a number of Committee members.

16.2 Commission discussions and action arising

Sweden referred to Iceland's comment made during the Conservation Committee meeting regarding participation in the Committee (see section 16.1.1 above). Noting that only a third of the IWC membership attended the meeting, it too expressed regret that more Contracting Governments did not participate. Iceland thanked Sweden for raising this matter. As it had on previous occasions, it stressed that all Contracting Governments believe that whale conservation is important. Iceland recalled that the lack of participation in the Conservation Committee by some governments was due to the way in which it had been established that had knowingly excluded part of the IWC membership. It was hopeful that these problems could be rectified in future. Argentina disagreed with Iceland's view regarding the establishment of the Conservation Committee and recalled that the Committee had been established by a majority of Commission members. Together with Austria, it noted that the number of governments participating in meetings of the Conservation Committee is similar to the numbers participating in the Infractions and Aboriginal Subsistence Whaling Sub-committees.

With respect to ship strikes, Brazil, Germany and Australia spoke in support of the ongoing activities, including the work plan of the SSWG and the role of its Chair. Brazil called for others to contribute to this work. It believed that the provision of additional geographic data of where ships hit whales are important to identifying critical sites and will assist with the development of mitigation measures. Germany expressed concern with the growing number of collisions with whales and was grateful for the papers submitted by France and Spain regarding their activities. The SSWG Chair was pleased that Brazil, Portugal and Spain had joined the group since last year's meeting, thanked the Secretariat for hosting the Global Database on Ship Strikes and stressed the need for co-operation with all stakeholders.

Chile noted with appreciation the outcome of the discussions in the Scientific and Conservation Committees regarding southern right whales. It saw this as the beginning of a process that it hoped would lead to the recovery of these populations.

Referring to the International Federation for Animal Welfare (IFAW), the Russian Federation noted that it is an NGO that is not only interested in conservation but also provides technical assistance for studies in this area for which it wished to convey its thanks.

16.2.1 Conservation Management Plans

Australia introduced its document on 'Conservation Plans for Improved Cetacean Management' that had also been submitted to the Conservation Committee (see section 16.1.8 above). It explored: (1) why IWC needs such plans; (2) what the essential elements of such plans would be; and (3) how they might be developed.

Australia noted its strong support for the work of the Conservation Committee, believing that it lies at the heart of its own objective of bringing a contemporary conservation and management focus to the Commission and thus bringing IWC into the 21st century. It considered now an ideal time to acknowledge what it sees as a shift in public opinion over recent decades in support of whale conservation and to recognise advances in non-lethal research methodologies.

Australia noted that its vision for IWC's future is underpinned by two initiatives, i.e. internationally-agreed Conservation Management Plans and non-lethal collaborative research partnerships (see section 15.3). Australia considered that the development of agreed conservation management plans may:

- (1) address threats other than whaling, including through the mitigation of bycatch and the regulation of whale watching;
- (2) be tailored to support the recovery of threatened cetacean populations;
- (3) link to and augment actions under other relevant international arrangements, such as those already in place under the auspices of the Convention on Migratory Species; and
- (4) take the form of an international 'species recovery plan', including an assessment process and the development of actions to address identified threats.

Australia looked forward to working with IWC members to strengthen the conservation agenda of the Commission.

New Zealand, USA, Brazil, France, Mexico, the UK, Belgium, South Africa and Spain welcomed Australia's initiative. The USA and UK noted the importance of developing a consensual approach to conservation and to conservation work within IWC. New Zealand reported that it has considerable experience in developing recovery plans for depleted populations and that it is willing to provide considerable support to such initiatives, particularly for cetaceans within its region. Brazil believed the proposals outlined in Australia's documents on conservation management plans and on non-lethal research would bring a new paradigm for whale conservation, particularly in the Southern Hemisphere. It was particularly supportive of initiatives to strengthen actions on whalewatching and conservation management plans. Brazil further stressed the need for co-operation between the Scientific and Conservation Committee. France, supported by Spain stressed the importance of co-ordination with other organisations work on cetacean recovery plans.

17. CATCHES BY NON-MEMBER NATIONS

There were no contributions or discussions under this item.

18. INFRACTIONS, 2007 SEASON

The Infractions Sub-committee, chaired by Bruno Mainini (Switzerland), met on 23 June. Delegates from 21 Contracting Governments were present. The Sub-committee's report is summarised below. The full report is given in Annex J.

The summary of catches by IWC member nations in the 2007 and 2007/2008 seasons is available as Annex K.

18.1 Report of the Infractions Sub-committee

18.1.1 *Infractions reports from Contracting Governments* REPORTS FOR 2007

Information was received from Denmark, Republic of Korea, Iceland, Norway, Russian Federation, St. Vincent and The Grenadines and the USA (see Appendix 3 of Annex J). Infractions were reported by the USA and the Republic of Korea.

The USA reported that 41 bowhead whales had been landed with 22 struck and lost giving a total of 63 strikes. A small whale concluded to be a calf had been taken accidentally and was reported as an infraction. The animal had been swimming alone and the crew were unable to precisely determine the body length or baleen length while the whale was swimming. No penalty was levied. Responding to a comment on the high number of struck and lost bowhead whales the USA explained that while hunters are working to improve the efficiency of the hunt, weather and ice conditions play a significant role in the hunt efficiency and that better observation of the conditions should help this issue.

The USA also reported on the unauthorised take of a gray whale by five members of the Makah tribe, in consequence of which the five hunters were awaiting sentence. It clarified that, although the take of a gray whale is an illegal act under its domestic laws, the catch limit for Eastern north Pacific gray whales had not been exceeded and hence the gray whale caught by the Makah was not an infraction.

The Republic of Korea reported on the cases of 14 minke whales caught illegally in 2007, noting that commercial whaling has been banned in Korea since 1986. The punishments for these offences include imprisonment for up to 3 years, fines of up to 20 million Korean won (equivalent to about US\$20,000), cancellation of fishing licences and prohibition from selling the meat.

FOLLOW-UP ON EARLIER REPORTS

The USA reported on the completion of the investigation of a stranded humpback whale taken in Kotlik village in October 2006 that had been reported last year. The hunter was sent a warning letter.

There was no new information on the five unresolved infractions by Greenland, the investigations of which remain open.

18.1.2 *Surveillance of whaling operations*

The USA, the Russian Federation and St. Vincent and The Grenadines stated that 100% of their catches are under direct national inspection. Denmark (Greenland) stated that their catches are subjected to random checks.

18.1.3 *Checklist of information required or requested under section VI of the Schedule*

The following information was provided:

Denmark: Information on date, species, length, sex and the length and sex of any foetus if present is collected for between 71-100% of the catch, depending on the item. The position of each whale killed is collected for 69% of the catch and the name of the area where whales are hunted is reported for most of the remainder. Information on killing methods and struck and lost animals are also collected.

USA: Information on date, time, species, position, length, sex, the length and sex of any foetus if present, killing method and number of struck and lost is collected for 98-100% of the catch. Biological samples are collected for about 80% of animals.

Russian Federation: Information on date, time, species, position, length, sex, the length and sex of any foetus if present, killing method and numbers struck and lost is collected for 100% of the catch.

St. Vincent and The Grenadines: Information on date, time, species, position, length, sex, whether the whale is pregnant and/or lactating and numbers struck and lost is collected for 100% of the catch.

Norway and Iceland: The required information was submitted to the Secretariat as noted in the Scientific Committee report²⁸.

18.1.4 *Submission of national laws and regulations*

A summary of national legislation supplied to the Commission is given in Annex J, Appendix 3, Table 1.

Denmark noted that their newest regulations (dated 2005) had been supplied to the Secretariat in July 2007 but are only available in Greenlandic and Danish.

18.1.5 *Other matters*

The Secretariat had received no reports from Contracting Governments on availability, sources and trade in whale products and no comments were made during the meeting.

18.2 Commission discussions and action arising

Austria expressed concern regarding the high struck and lost rates in the Alaskan bowhead whale hunt and asked that measures be put in place to avoid such high occurrences in future. With respect to the gray whale taken by the Makah, Austria requested an explanation as to why it had not been reported as an infraction, particularly in view of language in the Schedule stating that aboriginal subsistence whaling must be conducted under national legislation. In Austria's view, if a whale is killed in violation of national legislation, then it should be reported as an infraction.

In response to Austria, while noting that an explanation had already been provided by the Infractions Sub-committee, the USA noted that the Schedule provides for aboriginal subsistence whaling catch limits for gray whales based in part on a request by the USA on behalf of the Makah tribe. It further noted that as these Schedule catch limits were not exceeded, no infraction had occurred. The USA acknowledged that Schedule paragraph 13(a)(5) does provide that all aboriginal subsistence whaling shall be conducted under national legislation but noted that this

²⁸J. *Cetacean Res. Manage. (Suppl.)* 11 (2009).

language only requires that relevant domestic legislation be in place. The USA do not interpret this sentence as indicating that any violation of domestic law is also an infraction of the Schedule for two reasons. Firstly, compliance with domestic law is a domestic matter and not subject to IWC review. A domestic law may have requirements not contained in the Schedule. Rather, it is the Schedule provisions themselves, such as catch limits and the prohibition on the take of calves and cow/calf pairs that are relevant. Secondly, the USA believed its view to be supported by the legislative history of paragraph 13(a)(5). It believed that there is no indication in the legislative history to this sentence suggesting anything other than a requirement for relevant domestic implementing legislation. It recalled that prior to 2004, similar language was only in the humpback whale aboriginal subsistence quota language because St. Vincent and The Grenadines did not have relevant domestic legislation in place at that time, but did so later. It further recalled that in 2004, when the Russian Federation sought a Schedule change with respect to gray whales, it was suggested that the St. Vincent and The Grenadines language regarding national legislation should either be deleted or made applicable to all aboriginal subsistence whaling. The Commission agreed to the latter. In conclusion, the USA noted that even though it does not consider the unauthorised take of a gray whale to be an infraction, it had reported on the take to the Infractions Committee.

Responding to a question from France as to what it planned to do to stop the illegal hunting of minke whales the Republic of Korea expressed its concern regarding the continued illegal take. It reported that this was happening despite the fact that it has been conducting extensive, intensive and strict surveillance operations of all possible routes of whale products from the fishing vessels themselves to restaurants. The Republic of Korea reported that it is to undertake a thorough review of its operations to try to find a way to stop the illegal hunting.

The Commission took note of and adopted the Subcommittee's report.

19. NGO SESSION

This year the Commission allowed NGOs to address the plenary session. Three organisations from each side of the spectrum were given five minutes each to speak. The organisations selected by their peers were Centro de Conservacion Cetacea, the High North Alliance, WWF, the Women's Forum for Fish, Greenpeace and Concepesca.

20. ADMINISTRATIVE MATTERS

Agenda items 20 to 23 covering administrative and financial matters were considered first by the Finance and Administration (F&A) Committee that met on 18 June under the chairmanship of Anthony Liverpool (Antigua and Barbuda). Delegates from 33 Contracting Governments attended the meeting. The F&A Committee report is included as Annex L.

20.1 Annual Meeting arrangements and procedures

20.1.1 Need for a Technical Committee

The Technical Committee (TC) has not met since IWC/51 in 1999. However, the F&A Committee recommended that the need for the TC be kept under review and remain on the

agenda since it may have a role to play if and when the RMS is completed and catch limits set. It was suggested that the TC may no longer be needed and the Committee agreed that this could possibly be included in discussions on the future of the organisation. The Commission agreed.

20.1.2 Frequency of meetings

As in previous years, during the F&A Committee meeting, some countries supported a move to hold the Commission meeting every two to three years; others, while sympathetic to this in principle, believed that such a move is premature given the ongoing discussions on the future of the organisation. Several countries supported continued annual meetings of the Scientific Committee even if the Commission was to meet less frequently. The Committee agreed that this issue would best be addressed in the context of the discussions on the future of the organisation. The Commission agreed.

20.2 NGO participation and accreditation

Last year the Commission adopted changes to the procedure governing accreditation and participation of NGOs in IWC meetings. *Inter alia*, these changes eliminated the requirement for NGOs to maintain international offices, relaxed the restrictions on total attendees from each NGO, and adjusted the fee structure for equitability.

The changes entail that NGO registration fees are now set per individual observer (rather than per organisation as in the past) and that this fee should be income neutral to the IWC. The Secretariat worked with the Advisory Committee to determine the following new fee structure:

- £500 for the first observer per organisation and
- £250 for each additional observer.

There is no charge for interpreters, but NGOs wishing to nominate an interpreter must provide justification to the Secretariat.

The F&A Committee noted that the new system appeared to be working satisfactorily and recommended that the fees for 2008-2009 remain unchanged from the level for 2007-2008, as was proposed in the budget for 2008-2009. The Committee agreed that the fee for interpreters should continue to be waived but that the situation should be kept under review.

The Secretariat drew attention to the fact that it is impossible to determine from the NGO application form whether an application is from a bona fide organisation, or is simply from an interested member of the public. While the concerns expressed by the Secretariat were noted, the Committee felt that problems should be addressed if they arise and that the accreditation criteria should remain unchanged for the present.

The F&A Committee therefore recommended to the Commission that no changes are needed at present to the new accreditation and participation procedures for NGOs, but that they be kept under review. The Commission agreed.

20.3 IWC's website

20.3.1 Linking IWC's website to those of Contracting Governments

Last year the Commission agreed to create links between its own website (<http://www.iwcoffice.org>) and websites of Contracting Governments with the aim of making the views and positions of Contracting Governments on IWC matters equally available to the public. The Commission noted that links have been established with the websites of Australia, France, Norway, Slovenia and the UK. The creation of further links was encouraged.

20.3.2 Translation of IWC's website

20.3.2.1 REPORT OF THE F&A COMMITTEE

An email working group to consider approaches to the translation of the website was established after last year's meeting comprising Argentina, Belgium, France, Gabon, Republic of Guinea, Mali, Monaco, Peru and Spain.

The Secretariat had introduced a document outlining three options regarding how translation of some, or all, of the website could be approached, i.e.

- (1) fully tri-lingual website;
- (2) partially-translated website and
- (3) phased-in approach to a fully trilingual website.

The Secretariat recommended that it would be most sensible in the short-term to select option 2 given:

- (1) that an overhaul/rebuild of the existing website is needed to cater for its growth over the last 5 years and to facilitate its management and the accommodation of recent changes in web technology and that it would be best to delay full translation until after this has been completed;
- (2) that the discussions regarding the extent of the introduction of French and Spanish into the Commission are still ongoing and that the outcome may determine whether or not linguistic experience is needed within the staff of the Secretariat; and
- (3) the budgetary implications.

The phase-in towards a fully tri-lingual website could be determined by the Commission at a later date.

Option 2 involves: (1) making part of the website available in French and Spanish in a similar way as is already being done by some other IGOs who have more than one working language, e.g. by focusing on the most popular pages viewed by the website's audience; and (2) improving machine translation for those parts of the website not translated. The translated pages could be made available on the website as either PDFs (practical at least until the website overhaul) or as web pages that directly mirror those already available in English (to be considered after the overhaul).

Several members of the email working group spoke in support of this approach and France noted that it is considering making a one-off special contribution in kind by providing some translations into French of the most consulted pages. Korea questioned whether the language difficulties expressed by French and Spanish speakers are exaggerated and why some countries (who can also claim to have language difficulties) should be required to contribute to work from which they derive little or no benefit.

While noting the reservations expressed by Korea, the F&A Committee recommended to the Commission that option 2 be implemented given:

- (1) the support from other countries for option 2 at least initially;
- (2) that there was no provision in the proposed budget for 2008-2009 website translation;
- (3) the in-kind offer from France to provide some translated pages; and
- (4) that improving machine translation could be done at a minimal expense (around £1,000 per year).

It further recommended that the Secretariat implement option 2 with assistance from the email working group (e.g. in confirming which pages should be translated, working to customise the dictionary to improve machine translation).

20.3.2.2 COMMISSION DISCUSSIONS AND ACTION ARISING

France and Spain spoke in support of the approach being taken regarding translation of the website. France confirmed its willingness to provide translations of the most consulted pages. Spain noted that it was not currently in a position to make a similar offer but indicated that it would like to contribute in some way.

The Commission endorsed the recommendations of the F&A Committee.

20.4 Amendments to the Rules of Procedure and Financial Regulations

20.4.1 Proposal from France to amend the Rules of Procedure to recognise French and Spanish as working languages of the Commission

20.4.1.1 REPORT OF THE F&A COMMITTEE

France recalled that Resolution 2006-3 requested the Secretariat to investigate the possibility of recognizing French and Spanish as working languages of the Commission and also the decision last year for the Commission to provide for simultaneous interpretation in French and Spanish in IWC Plenary and private meetings of Commissioners, and translation into French and Spanish of:

- (1) Resolutions and Schedule amendments;
- (2) the Chair's summary reports of annual meetings;
- (3) Annotated Provisional Agendas; and
- (4) summaries of the Scientific Committee and working group reports.

Given that it now seems unlikely that the progress made in terms of the use of French and Spanish will be reversed, France proposed that the Rules of Procedure should already be brought in line with actual practice and recommended that Rule of Procedure N.1 concerning languages of the Commission be revised as shown below. Changes are indicated in ***bold, italicised text***.

From:

N. Language of the Commission

1. English shall be the official and working language of the Commission but Commissioners may speak in any other language, if desired, it being understood that Commissioners doing so will provide their own interpreters. All official publications and communications of the Commission shall be in English.

To:

N. ***Languages*** of the Commission

1. English shall be the official ***language of the Commission. English, French and Spanish shall be the working languages of the Commission.*** Commissioners may speak in any other language, if desired, it being understood that Commissioners doing so will provide their own interpreters. All official publications and communications of the Commission shall be in English. ***Agreed publications and communications shall be available in English, French and Spanish.***

While many countries spoke in support of France's proposal, several voiced concern. While recognising that the proposal was intended to reflect current practice within IWC, they had not expected the proposed rule changes given last year's agreement. Responding to concern about costs, the Secretariat explained that there would be no budgetary implications. Some countries were also concerned that there was no adequate provision in the proposed revision to prevent expansion of the current practice regarding interpretation and translation into the use of French and Spanish in an equivalent way to English, which would be very costly.

Noting that there was clearly no consensus it was agreed that discussions be deferred to the private meeting of Commissioners on 22 June. Further discussion among countries was encouraged so that the matter could be decided by consensus.

20.4.1.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission agreed to adopt this new Rule of Procedure to include French and Spanish as working languages of the Commission as part of its discussions on the future of the organisation (see section 3.2.1). It should be noted, however, that in this respect the extent of the use of French and Spanish would be as agreed at IWC/59 in Anchorage in 2007, i.e. simultaneous interpretation in French and Spanish in IWC Plenary and private meetings of Commissioners, and translation into French and Spanish of:

- (1) Resolutions and Schedule amendments;
- (2) the Chair's summary reports of annual meetings;
- (3) Annotated Provisional Agendas; and
- (4) summaries of the Scientific Committee and working group reports.

20.4.2 Secretariat proposal to amend Rule of Procedure E.2.(a) and Financial Regulation F.2

The Commission agreed to the following amendments to Rule of Procedure E.2.(a) and Financial Regulation F.2 to clarify the situation with respect to the due date for payment of financial contributions and voting rights with respect to votes by postal or other means (changes are indicated in **bold italicised** text):

From:

Rule of Procedure E

2. (a) The right to vote of representatives of any Contracting Government whose annual payments including any interest due have not been received by the Commission within 3 months of the due date prescribed in Regulation E.2 of the Financial Regulations or by the day before the first day of the next Annual or Special Meeting of the Commission following the due date, or, in the case of a vote by postal or other means, by the date upon which votes must be received, whichever date occurs first, shall be automatically suspended until payment is received by the Commission, unless the Commission decides otherwise.

To:

Rule of Procedure E

2. (a) The right to vote of representatives of any Contracting Government shall **be suspended automatically when the annual payment of a Contracting Government including any interest due has not been received by the Commission by the earliest of these dates:**

- **3 months following the due date prescribed in Regulation E.2 of the Financial Regulations; or**
- **the day before the first day of the next Annual or Special Meeting of the Commission if such a meeting is held within 3 months following the due date; or**

- **in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date.**

This suspension of voting rights applies until payment is received by the Commission unless the Commission decides otherwise.

From:

Financial Regulation F

2. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission within 3 months of the due date or by the day before the first day of the next Annual or Special Meeting of the Commission following the due date, or, in the case of a vote by postal or other means, by the date upon which votes must be received, whichever date occurs first, the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2 of the Rules of Procedure.

To:

Financial Regulation F

2. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission **by the earliest of these dates:**

- **3 months following the due date; or**
- **the day before the first day of the next Annual or Special Meeting of the Commission if such a meeting is held within 3 months following the due date; or,**
- **in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date,**

the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2 of the Rules of Procedure.

21. FORMULA FOR CALCULATING CONTRIBUTIONS

21.1 Revision of cut-off points defining capacity-to-pay groups

The Interim Measure adopted at the 54th Annual Meeting in 2002 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 (GNIPC). The measure also takes into account the special position of 'Very Small Countries' as defined at IWC/57 in 2005.

At last year's meeting, noting that the cut-off points defining the capacity to pay had remained unchanged since 2002 and had not been revised to take account of inflation, the Commission requested the Secretariat to review the cut-off points and report back to the F&A Committee this year.

The Commission endorsed the F&A Committee's following recommendations.

- (1) The existing 'cut-off points' used to define 'capacity to pay groups' be updated to 2005 levels using the index provided by the World Bank.
- (2) The updated 'cut-off points' be used in the calculation of Financial Contributions for 2008-2009.

- (3) The Secretariat should update the 'cut-off points' annually using the index provided by the World Bank prior to the calculation of the next year's Financial Contributions.

The existing and updated figures are given in Tables 1 and 2. The Secretariat noted that the update to cut-off points did not affect the allocation of Contracting Governments to capacity to pay groups.

21.2 Other matters

In the Commission, St. Vincent and The Grenadines made a short statement with respect to the assessment of its financial contribution to IWC as a capacity-to-pay Group 1 country and the only country in that Group conducting

aboriginal subsistence whaling. It noted that it is a small developing state with limited natural resources and that for many years its agricultural sector has been the principal earner of foreign exchange, with banana export being a major contributor to its GDP. However, St. Vincent and The Grenadines reported that the loss of protection for its export of bananas and sugar to Europe and other developed countries, has led to a significant reduction in foreign exchange which, combined with recent shortages in global food supply and rising oil prices have exacerbated the island's problems.

Table 1
The existing and updated 'cut-off points'.

Group	Existing 'cut-off points'	Updated 'cut-off points'
1	GNI <US\$10,000,000,000 and GNIPC <US\$10,000	GNI <US\$11,850,000,000 and GNIPC <US\$11,850
2	GNI >US\$10,000,000,000 and GNIPC <US\$10,000	GNI >US\$11,850,000,000 and GNIPC <US\$11,850
3	GNI <US\$ 1,000,000,000,000 and GNIPC >US\$10,000	GNI <US\$1,185,000,000,000 and GNIPC >US\$11,850
4	GNI >US\$ 1,000,000,000,000 and GNIPC >US\$10,000	GNI >US\$1,185,000,000,000 and GNIPC >US\$11,850

Table 2
The existing and updated definition of 'Very Small Countries'.

Old	New
(a) a population of less than 100,000, AND (b) a GNI of less than US\$5 billion, AND (c) a GNIPC of more than US\$10,000	(a) a population of less than 100,000, AND (b) a GNI of less than US\$5.925 billion, AND (c) a GNIPC of more than US\$11,850

It stressed the importance of seeking all possible avenues to ensure food security and sustainable livelihoods for its people. With respect to its whale hunt, St. Vincent and The Grenadines reminded the Commission of the very traditional nature of the hunt and that those involved in it are not able to make use of more modern techniques used by other subsistence hunts. It reported that the hunt (four humpbacks a year) yields approximately 32,000 lbs of meat and blubber per year and has a very limited commercial aspect but that because it has a hunt its financial contributions (currently around £15,500) are far higher than those of other Group 1 countries, above that of most Group 2 countries and approaching those of some in Group 3. For a developing country with a population of only 110,000, St. Vincent and The Grenadines believed its contributions to be unfairly high and that it is a situation that needed to be rectified. Therefore, in a spirit of openness and transparency and a commitment to fair play, it was giving the Commission notice that at the 2009 Annual Meeting it intended to propose a reasonable reduction in its contributions that it hoped could be adopted by consensus. Finally, St. Vincent and The Grenadines stressed that its own situation is not unique and that it is clear from the list of governments for whom voting rights have been suspended, that other developing countries also have problems. It was not asking for charity but for equity and fair play.

Cameroon supported the remarks of St. Vincent and The Grenadines. It noted that it takes seriously its own financial contributions to IGOs of which it is a member, but noted that with respect to IWC, because of a conflict between the 28 February deadline set by IWC and its own national

budgetary cycle, it generally pays its financial contribution late and therefore also has to pay penalty interest. It asked whether it would be possible for the Commission to change the deadline.

The Chair noted the comments of St. Vincent and The Grenadines and Cameroon and indicated that the Commission would discuss these matters next year.

22. FINANCIAL STATEMENTS AND BUDGETS

The F&A Committee had received the report of the Budgetary Sub-committee that had worked intersessionally and had met during IWC/60 with Joji Morishita (Japan) as Chair. The Budgetary Sub-committee had reviewed the provisional financial statement for 2007/2008 and the proposed budgets for 2008/2009 and 2009/2010.

22.1 Review of the Provisional Financial Statement, 2007/2008

At the recommendation of the F&A Committee, the Commission approved the Provisional Financial Statements subject to audit.

22.2 Secretariat offices

At last year's meeting, the Commission agreed that the matter of Secretariat relocation away from the Cambridge area is closed for the time being and should only be reopened if a positive decision to do so was taken in the future. It further noted that as the lease on the Secretariat's current offices expires on 17 March 2009 a decision will need to be made at IWC/60 on what to do about Secretariat accommodation at least in the short-term.

During the F&A Committee meeting this year, the Secretariat noted that the options available to the Commission included:

- (1) the re-negotiation of the lease on the current property;
- (2) renting alternative property in the Cambridge area; and
- (3) purchase of a property.

Given the lack of consensus within the Commission regarding property purchase and continuing concerns regarding the future of the organisation, the Secretariat had suggested that the continued rental of property for the Secretariat would be appropriate at present. The Red House is well suited to the needs of the Secretariat and suggesting that the re-negotiation of the lease at an expected lower rent would be preferable to relocating to alternative premises in the Cambridge area.

On the basis of the F&A Committee's recommendations, the Commission agreed that the lease of the current offices of the Secretariat (the Red House, Impington, Cambridge) should be re-negotiated and that £5,000 be added to the proposed budget for 2008-2009 as a contingency for increased legal fees.

22.3 Consideration of estimated budgets, 2008/2009 and 2009/2010

22.3.1 Funding of work on the future of IWC

With respect to the funding of work on discussions on the future of IWC up to and including IWC/61, the Secretariat noted that while a provision of £60,000 for an intersessional meeting of the Commission had been made in the proposed 2008/2009 budget submitted to the F&A Committee for review, no provision had been made for other meetings such as those now agreed for the Small Working Group on the Future of IWC (see section 3). Given no decisions on the number and type of meetings of the working group or on who will be the outside facilitator and what their role would be, the Secretariat noted that it was not possible to develop an accurate estimate of costs. However, in consultation with the Chair and Vice-Chair, the Secretariat believed that it would be appropriate to set funds aside in the region of £150,000. This would include the £60,000 already provided for, leaving a shortfall of £90,000.

The Secretariat suggested the following three options on how to provide for this shortfall:

- (1) voluntary contributions;
- (2) increasing financial contributions; and
- (3) using the Commission's reserves.

It provided an illustration of the size of the increase on financial contributions. For Group 1 countries, the increase in financial contributions for a non-whaling country would be in the order of £250 (and £1,000 for a whaling country). For Group 2 countries, the increase would be in the order of £450 for a non-whaling country (and £1,400 a whaling country). For Group 3, the increase would be around £1,300 (and £2,800 for a whaling country) and for Group 4, the increase would be around £5,000 (and in the range of £7,000-£8,000 for a whaling country). The Secretariat warned that if the work was funded from the Commission's reserves, this would bring the level of reserves down to target level next year, rather than in 2009-2010 as in the forecast budget. The Secretariat further warned that if the Commission wished to maintain its reserves at 100%, it

would no longer be able to adopt deficit budgets and financial contributions would have to rise in 2009-2010. This increase would be higher if significant expenditure is required in 2009-2010, e.g. for meetings and activities associated with continuing work on the future of the organisation. Finally the Secretariat noted that if the Commission identifies the possibility of significant expenditure in 2009/2010 above the level in the current Forecast Budget, it might be prudent to allow for lower increases in Financial Contributions over two years rather than a large increase in a single year, which might present difficulties to Contracting Governments when assessing their other spending priorities.

The Commission decided to fund the work on the future of the organisation from its reserves.

22.3.2 Decisions on estimated budgets

As recommended by the F&A Committee, the Commission:

- (1) adopted the proposed budget for the 2008/2009 financial year (Annex M) and the provision for research expenditure (Annex N);
- (2) agreed that for 2008-2009, the NGO fee continue to be set at £500 for the first observer from an organisation and at £250 for each additional observer and the media fee be set at £55;
- (3) noted the forecast budget for 2009/2010 (Annex M).

22.4 Budgetary Sub-committee operations

The Commission noted that Andrea Nouak (Austria) and Walter Duebner (Germany) had been elected by consensus as Chair and Vice Chair respectively of the Budgetary Sub-committee. The F&A Committee and Commission thanked the outgoing Chair of the Budgetary Sub-committee, Joji Morishita (Japan) for his work with the BSC. He in turn thanked the members and the Secretariat for their support over the four years that he had held the post.

22.5 Other matters

The Commission agreed to the F&A Committee's recommendation that the Secretariat should undertake a study to be presented at the 2009 Annual Meeting on the feasibility and associated costs of off-setting the carbon emissions of the operation of the Secretariat and the meetings of the IWC and thus to become carbon-neutral.

23. ADOPTION OF THE REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

The Commission adopted the report of the F&A Committee, and thanked Mr Liverpool for his chairmanship.

24. DATE AND PLACE OF ANNUAL AND INTERSESSIONAL MEETINGS

24.1 61st Annual Meeting, 2009

The 61st Annual and associated meetings in 2009 will be held in Funchal, Madeira during the period 31 May to 26 June. The Commission will meet from Monday to Friday 22-26 June.

24.2 62nd Annual Meeting, 2010

No offers to host an Annual Meeting in 2010 were received. The Commission agreed to consider in Madeira the need for a meeting in 2010.

25. ADVISORY COMMITTEE

The Commissioner for Côte d'Ivoire was elected onto the Advisory Committee for two years to replace the Commissioner for Cameroon. The Commissioner for Chile indicated that he was unable to continue serving on the Advisory Committee and was replaced for one year by the Commissioner for Costa Rica. The Advisory Committee now comprises the Chair (USA), the Vice-Chair (Japan), the Chair of the F&A Committee (Antigua and Barbuda), the Commissioner for Côte d'Ivoire and the Commissioner for Costa Rica.

26. SUMMARY OF DECISIONS AND REQUIRED ACTIONS

The Chair noted that the Secretariat had posted reports on the IWC website at the end of each day of the plenary.

A summary of decisions and actions required is provided at the beginning of this report.

27. OTHER MATTERS

The meeting was closed at 10.45 on Friday 27 June 2008.

28. AMENDMENTS TO THE SCHEDULE

The amendments to the Schedule adopted at the meeting are provided in Annex O.