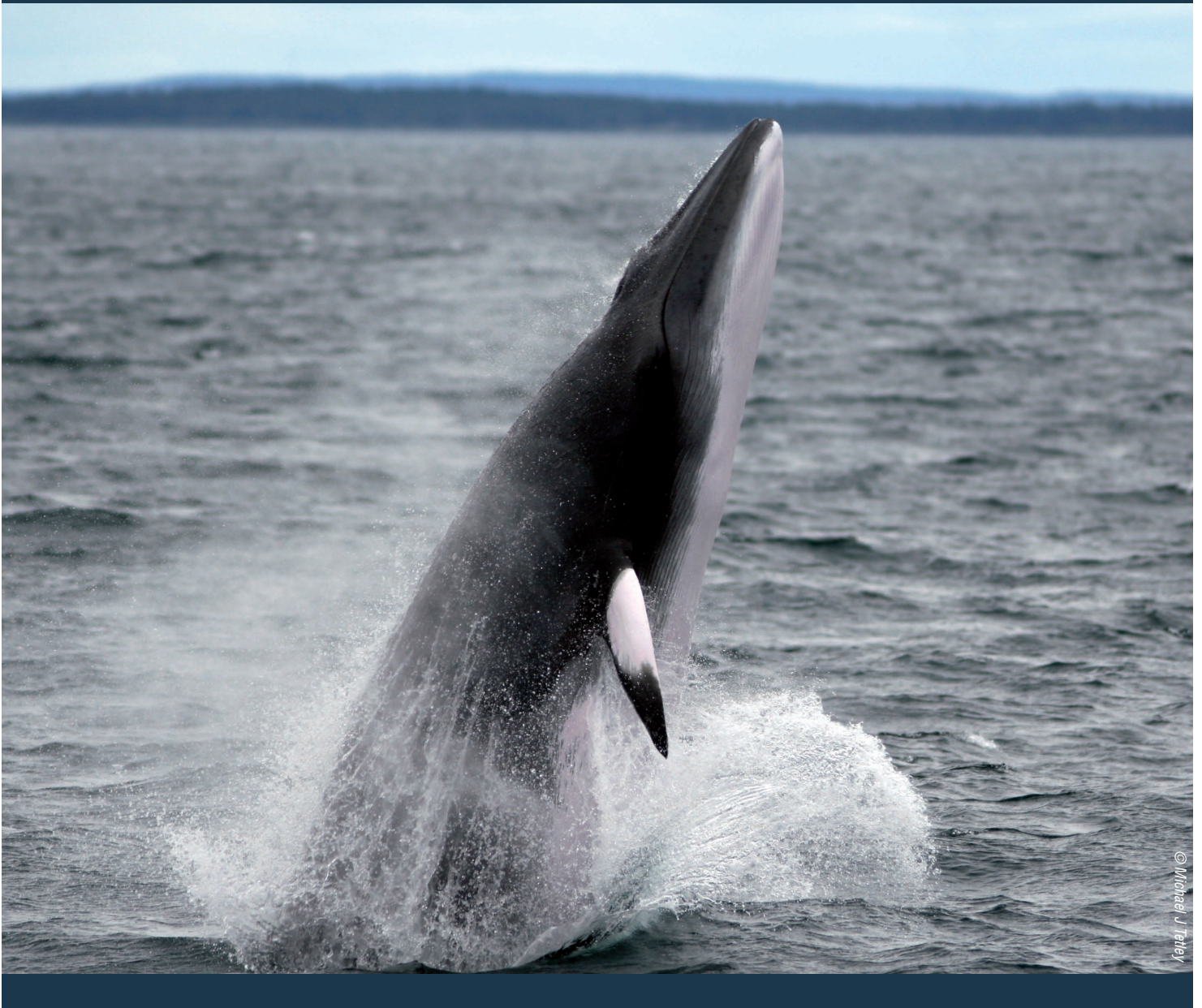


**IWC65**

**A BRIEFING BY  
WHALE AND DOLPHIN CONSERVATION (WDC),  
FUNDACIÓN CETHUS, OCEANCARE AND PRO WILDLIFE**

**2014**



## **Aboriginal Subsistence whaling: The Greenland “Package”**

### **(1) IWC/65/15 Draft Resolution on Aboriginal Subsistence Whaling (ASW) (Submitted by Italy, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary)**

We would like to note that the introductory text suggests that this resolution should be supported as part of a ‘package’ of documents, which includes the Greenlandic ‘Needs Statement’, IWC/65/17 and the proposed Schedule Amendment, IWC/65/16. It is unclear what this means procedurally. While a resolution and schedule amendment proposal can be adopted (by consensus or a vote), if subject to a vote, the criteria for adoption are different. Hence, though linked, these documents need to be considered and voted on (or adopted by consensus) separately. Furthermore, a Needs Statement is not adopted by the IWC; it simply informs the Commission’s decision-making.

The draft resolution appears to be a political and unscientific proposal, which fails to adequately address the fundamental problems with Greenlandic ASW/commercial whaling.

Some specific concerns on the draft resolution include that it:

- i) Seeks to remove ‘continuing nutritional subsistence need’ as a defining criteria for ASW**, and would allow a proposal to be based on ‘subsistence and cultural needs’ only. These, as argued by Greenland in its revised needs statement, can be economic, and not nutritional.
- ii) Effectively removes the authority of the Commission to determine whether a whaling operation qualifies as ASW**. Instead, it establishes that it is the role of contracting governments to make the determination. This could lead to new applications and abuse of existing ASW operations.
- iii) Welcomes the “development of multispecies SLA’s” even though this has not been explicitly discussed or decided by the Commission: Since 2001, the Scientific Committee has been developing individual SLAs for the fin and minke whale “fisheries” in Greenland**. Although it has noted (e.g. 2006) that “*The multispecies nature of the fishery will form part of any considerations of SLAs*”, the Scientific Committee has never been directed by the Commission to develop multi-species SLAs. It is not even clear what a multi-species SLA is or whether such a new management procedure will include all species of cetaceans taken in the Greenlandic hunts.
- iv) Seeks to have the Scientific Committee prioritize work on ASW**. It is unclear if the intent of this request is for the Scientific Committee to emphasize its work on ASW/Aboriginal Whaling Management Plan-related research over work on other forms of whaling, conservation issues, or other Scientific Committee responsibilities?

The proponents’ wish for all three (Needs Statement, Resolution and schedule amendment) documents to be accepted by the IWC as a ‘Package’ makes sense as a political, but not a procedural, construct. We urge Parties to treat the Needs Statement, Resolution and schedule amendment as separate documents for discussion, debate, and potential approval or adoption at IWC65.

### **(2) IWC/65/16 Proposed Schedule Amendment for Greenland Aboriginal Subsistence Whaling (Submitted by Denmark)**

We believe that this proposal is incompatible with the position taken by the majority of International Whaling Commission (IWC) members who opposed the previous proposal from Greenland at IWC/64.

The proposal should be amended to refer to “local consumption by aborigines only” and to state that whaling is permitted “only when the meat and products are to be used exclusively for local consumption **by the aborigines.**” This would make it consistent with the other Aboriginal Subsistence Whaling (ASW) allocations. There is no justification for Greenland’s allocation to be allocated under different rules than other ASW allocations.

### **(3) IWC/65/17 Utilization of large whales in Greenland - a Need Statement (Submitted by Denmark)**

The proposed Needs Statement endorses retrospectively the taking of whales by Greenland outside an IWC-allocated quota during 2013 and 2014. We would urge Parties to consider that all takes by Greenlandic whalers in 2013-14 are infractions to be discussed and recorded by the Infraction Sub-Committee. Greenland and Denmark wrongly assert that only specific parts of the International Convention for the Regulation of Whaling and Schedule (hereafter Convention) apply to ASW (page 29). For example, they assert that they are *de facto* exempt from the moratorium on commercial whaling, amongst other provisions of the Convention. If, as the proponents suggest, the IWC ‘adopts’ this Needs Statement as part of a package of measures, it would endorse Greenland’s interpretation that the Convention has limited and selective applicability to ASW, and indeed that countries can pick and choose which parts of the Convention they must adhere to. In addition, and with respect to the references to Scientific Committee recommended quotas in the Greenlandic Needs Statement, we would like to point out that the IWC Scientific Committee provides advice on catch limits but cannot recommend quotas as suggested in the Needs Statement (see pages 14 and 15). Denmark/Greenland should correct this text before the Needs Statement is accepted, as failing to do so could set a dangerous precedent.

### **IWC/65/14 Draft Resolution for IWC 65 Whaling under Special Permit (Submitted by New Zealand)**

This will be the first meeting of the IWC since the International Court of Justice (ICJ) clearly and precisely ruled that Japan’s whaling under special permit in the Antarctic was illegal. It is imperative that the guidance from the ICJ is carried forward into practice within the IWC. At the 2014 IWC meeting, IWC Member States therefore should:

1. Underline that, while the IWCJ’s verdict itself referred to JARPA II, its fundamental critique also can be applied to JARPN II and all special permit or so-called ‘scientific whaling’;
2. Ensure any future consideration of special permit applications is undertaken in a manner that fully reflects the ruling of the ICJ and that any such permit proposals must finally be assessed by the Commission (and not the Scientific Committee, which of course should only offer advice);
3. Reject any resolutions that incorrectly interpret or detract from the ruling of the ICJ; and
4. Use the meeting to urge the Government of Japan to respect the decision of the ICJ and not pursue any further commercial whaling in the Southern Ocean or North Pacific Ocean.

### **IWC/65/09 Proposal and background for schedule amendment to permit the catching of minke whales from the Okhotsk Sea-West Pacific stock by small-type coastal whaling vessels (Submitted by Japan)**

We believe that this proposal should be rejected on the grounds that it is incompatible with the IWC moratorium and the recent International Court of Justice (ICJ) ruling that Parties to the IWC cannot create new forms of whaling under the ICRW. Japan has again submitted a request to the Commission for a ‘relief quota’ for a category of whaling that it calls Small Type Coastal Whaling – and many similar requests by Japan were opposed by the IWC in the past. No such form of whaling is recognised by the IWC (as confirmed in the ICJ ruling) and should be firmly opposed again.

### **IWC/65/08 The South Atlantic: A Sanctuary for Whales (Submitted by Argentina, Brazil, South Africa and Uruguay)**

We urge IWC Parties to show their full support for this proposal.

### **IWC/65/10 Rev 2 Resolution on food security (Submitted by Ghana, Côte d'Ivoire, Mali and the Republic of Guinea)**

We acknowledge that 'food security' is a serious matter but would like to draw attention to the fact that the context within the IWC is limited clearly to whale meat and while pro-whaling states may seek to spuriously argue that whales are depleting fish stocks, IWC Member States should seek to limit the discussion and resolution to the real needs of aboriginal peoples who have a continuing nutritional need as prescribed by the IWC and which is within its mandate. Food security is a broad issue and, whilst in part it may relate for some to improved fisheries management, any claims that whales deplete fish stocks and somehow threaten marine resources should be responded to robustly in accordance with accepted scientific thinking on the matter<sup>1</sup>. In particular, reference should be made to the latest research showing that whales both help to maintain healthy ecosystems and maintain the carbon balance<sup>2</sup>.

We would note that this proposal should be seen in the light of a coordinated strategy by Japan to achieve its proposal [IWC/65/09](#).<sup>3</sup>

### **IWC/65/11 Draft Resolution for IWC 65 Highly Migratory Cetaceans (Submitted by Monaco)**

This resolution is a revised version of the one presented at IWC64 in Panama and expresses the collaboration between IWC and other organizations with regard to the protection of highly migratory cetacean species and global conservation initiatives. While we regret that no resolution has been submitted on directed catches of small cetaceans, WDC, Fundación Cethus, OceanCare and Pro Wildlife support this revised resolution and urge IWC Member States to support it.

### **IWC/65/12 Draft Resolution on Civil Society Participation and Transparency at the IWC (Submitted by Chile)**

This resolution calls for greater transparency in all IWC dealings, as is regularly called for by NGOs and we therefore congratulate Chile for presenting this draft. In 2011, a change in the Rules of procedure was adopted which was the first step for the improvement of transparency within the IWC. We encourage IWC Member States to strongly support this resolution.

### **IWC/65/13 draft Resolution on the Scientific Committee (Submitted by Chile)**

We welcome this draft resolution. Its aim is to focus the work at the Scientific Committee to be more conservation orientated. We urge IWC Parties to support this resolution, whilst ensuring that the IWC Scientific Committee budget

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<sup>1</sup> e.g. Morissette, L., Kaschner, K. and Gerber L.G. 2010. Whales eat fish'? Demystifying the myth in the Caribbean marine ecosystem. *Fish and Fisheries* 11: 388-404 and Gerber, L. R., L. Morissette, K. Kaschner and D. Pauly. 2009. Should whales be culled to increase fishery yield? *Science* 323:880-881

<sup>2</sup> Lavery, T. J., B. Roudnew, P. Gill, et al. 2010. Iron defecation by sperm whales stimulates carbon export in the Southern Ocean. *Proceedings of the Royal Society of London B* 277:3527-3531. Lavery, T.J., Seymour, J., Mitchell, J.G., Smetacek, V., and Nicol S. 2014 Whales sustain fisheries: Blue whales stimulate primary production in the Southern Ocean. *Marine Mammal Science* 30(3): 888-904 Pershing, A., J., Christensen, L.B., Record, N.R., Sherwood, G.D., and Stetson, P.B. 2010. „The Impact of Whaling on the Ocean Carbon Cycle: Why Bigger Was Better“, *PLoS ONE*, 5(8): e12444. DOI:10.1371/journal.pone.0012444

<sup>3</sup> ATLAFCO: Report of the preparatory meeting the 65th International Whaling Commission, El Jadida, Morocco, 04-05 July 2014 <http://www.atlafco.org/en/docs/1710201431541PM.pdf>

is not deflected from the purpose of funding conservation working, including essential work such as evaluating environmental threats.

## **Iceland**

Since Iceland resumed commercial whaling in 2006, nearly 1,000 whales have been killed and more than 5,400 tonnes of whale products have been exported, including a recent shipment of 2,100 tonnes to Japan. While these exports occurred under Iceland's (and Japan's) reservations to the listing of great whale species on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the UNEP World Conservation Monitoring Centre (WCMC) highlighted in a report of March 2013, that sizeable levels of trade under reservation "may undermine the effectiveness of Appendix I listings."<sup>4</sup>

On 17 June 2014, the Hvalur hf whaling company, after a two-year pause, resumed the killing of endangered fin whales under a self-allocated quota and permit issued by the Icelandic Ministry of Fisheries. The permit allows Iceland to kill up to 770 fin whales over the next five years and is issued under Iceland's contested reservation to the IWC moratorium on commercial whaling,<sup>5</sup> using criteria that have not been approved by the IWC and its Scientific Committee.

Having in mind that, firstly, the IWC is recognised by CITES as the competent body for the regulation of whaling and secondly, that no single resolution on Iceland has been discussed since its resumption of whaling, IWC member states should now be striving to ensure that the report of the IWC notes strong condemnation of Iceland's whale hunt.

## **Norway**

We note that Norway has persistently sought to undermine the IWC moratorium by continuing to whale under objection, and that, despite decreased demand for whale meat within Norway, Norway consistently allocates itself a politically-inflated quota based on criteria for the RMP Catch Limit Algorithm that has not been approved by the IWC and its Scientific Committee.

The 2014 season has seen the highest number of minke whales killed since 1993, almost certainly the result of several measures taken by the government to encourage and facilitate the hunt, including weakening the requirements for registered whaling vessels and allowing free hunting in all areas. The government has also engaged in heavy marketing campaigns to promote domestic consumption of whale meat and has repeatedly declared its intention to increase exports of whale products to Japan and elsewhere.

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<sup>4</sup> UNEP/WCMC 2013. CITES Trade A global analysis of trade in Appendix I-listed species. CoP16 Inf. 34 March 2013; accessible at: <http://www.cites.org/eng/cop/16/inf/E-CoP16i-34.pdf>

<sup>5</sup> The following countries subsequently formally objected to Iceland's reservation by notifying the depository government (USA): Argentina, Australia, Brazil, Chile, Finland, France, Germany, Monaco, Netherlands, Peru, Portugal, San Marino, Spain, Sweden, UK, USA. Italy, Mexico and New Zealand also objected to the reservation and noted that they do not consider the Convention as being in force between their countries and Iceland.