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Whale Symposium Bulletin

A report of the Symposium on the State of the Conservation of Whales in the 21st Century

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Symposium on the State of the Conservation of Whales in the 21st Century
New York - 12th & 13th April 2007

SYMPOSIUM ON THE STATE OF THE CONSERVATION OF WHALES IN THE 21ST CENTURY: 12-13 APRIL 2007

This symposium, organized by the Varda Group on behalf of the Pew Charitable Trusts, will take place on 12-13 April 2007, at UN Headquarters in New York. The objective of the symposium is to analyze options for the conservation of whales, specifically exploring policies for resolving the current impasse over commercial and scientific whaling at the International Whaling Commission (IWC).

The symposium will seek to avoid the debates of the past and strive to introduce new information and fresh solutions. To this end, participants include people from within the IWC community, as well as those with wider expertise in conservation, law, and other relevant fields. Participation is by invitation only, with around 65 participants expected to attend.

The symposium will be organized into four sessions, centered around the following themes: state of the world's whale stocks: implications for policy makers; developments in oceans law from 1946 to 2006: is the International Convention for the Regulation of Whaling outdated?; whaling diplomacy: why has it been so difficult to find an acceptable solution?; and the way(s) forward.

For each session, three presenters will introduce the topic by addressing the issue from three perspectives: from within the IWC, from outside the IWC, and a "non-governmental organization perspective." Broad and interactive discussion will then be encouraged.

A BRIEF HISTORY OF WHALE CONSERVATION IN THE IWC CONTEXT

Several populations of great whales are highly endangered and number 500 or less individuals; many others are also at a fraction of their original population levels. The primary cause of this situation is commercial whaling, which started in the early Middle Ages and officially ended in 1986, when the moratorium on commercial whaling, adopted in 1982 by the International Whaling Commission (IWC), entered into force. In particular, the intense whaling efforts in the 1960s, when around 70,000 whales were caught annually, are thought to have been critical for many species. Whaling is still taking place today, either as aboriginal subsistence whaling, scientific whaling, or under official objection to the 1982 moratorium.

Whaling in the modern age is regulated by the 1946 International Convention for the Regulation of Whaling (ICRW). Its purpose is to "provide for the proper conservation of whale stocks and thus make possible the orderly development

of the whaling industry." In 1949, upon its entry into force, the Convention established the IWC. The main duty of the IWC is to keep under review and revise as necessary the Schedule to the Convention, which specifies measures to regulate whaling. These measures, among others: provide for the complete protection of certain species or stocks; designate specified areas as whale sanctuaries; set limits on the numbers and size of whales which may be taken; prescribe open and closed seasons and areas for whaling; and prohibit the capture of suckling calves and female whales accompanied by calves. Since 1946, the Convention itself has not been revised.

Membership of the IWC is open to any country that formally adheres to the ICRW, and currently stands at 73. Each member country is represented by a Commissioner, who is assisted by experts and advisers. The IWC meets annually; the 2007 meeting is scheduled to take place in May in Anchorage, Alaska. Since its inception, the IWC has had three main committees: Scientific, Technical, and Finance and Administration.

The Technical Committee has fallen out of use, but a new Conservation Committee first met in 2004. There are also sub-committees dealing with aboriginal subsistence whaling and infractions (breaking of regulations), and *ad hoc* Working Groups to deal with a wide range of issues.

The Convention requires that amendments to the Schedule "shall be based on scientific findings." To this end, the Commission established the Scientific Committee, which comprises up to 200 of the world's leading whale biologists. Many are nominated by member governments. The Committee meets in the two weeks immediately before IWC annual meetings, and may also hold intersessional meetings.

The information and advice of the Scientific Committee form the basis on which the Commission develops the whaling regulations as contained in the Schedule. Schedule amendments require a three-quarters majority vote. Any changes become effective 90 days later unless a member state has lodged an objection, in which case the new regulation is not binding on that country. The regulations adopted by the Commission are implemented through the national legislation of the member states, who appoint inspectors to oversee their whaling operations and may also receive international observers appointed by the IWC.

In recent years, the Scientific Committee has been concentrating on a Comprehensive Assessment of whale stocks, which led to the development of the Revised Management Procedure (RMP), to be used in setting catch limits for different whale populations. The RMP was accepted and endorsed by the IWC in 1994, but it has yet to be implemented, pending the negotiation of a Revised Management Scheme (RMS), under

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discussion since 1996, which would set out a framework for inspection and observation to ensure compliance with the RMP.

Because of uncertainties in the scientific analyses and in the precise status of the various whale stocks, the IWC decided at its meeting in 1982 that there should be a moratorium on commercial whaling of all whale stocks from 1985/1986. Japan, Peru, Norway and the USSR lodged objections to the moratorium rendering it not binding on them. Japan later withdrew its objection. Iceland did not lodge an objection, but withdrew from the IWC in 1992. It rejoined in 2002, with a retroactive objection to the moratorium. Today, only Norway, Iceland and Japan are considered whaling nations, with Norway and Iceland referring to their respective objections, and Japan describing its whaling efforts as scientific whaling. In addition, some aboriginal communities in Denmark (Greenland and the Faroe Islands), Russia, Saint Vincent and the Grenadines, and in the US (Alaska) engage in subsistence whaling.

In addition to the moratorium, two whale sanctuaries have been created: in the Indian Ocean (1979) and in the Southern Ocean (1994).

Discussions in the IWC are highly polarized. Pro-whaling nations propose a lifting of the moratorium and of the current sanctuaries, arguing that these represent a breach with the ICRW objective to provide, *inter alia*, for “the optimum utilization of the whale resources.” Anti-whaling nations, however, express concern that despite the moratorium, catches have gradually increased over recent years – particularly through the use of special permits to allow killing of whales for scientific purposes – while many stocks are still endangered. Another key question raised in the whaling debate is whether it is acceptable to consider that, as predators, whales should be “culled” for fisheries management purposes.

IWC-56: The 56th Annual Meeting of the IWC (IWC-56) took place in Sorrento, Italy, in 2004. Proposals for sanctuaries in the South Pacific and South Atlantic failed to gain the necessary three-quarters majorities to be adopted. Other rejected proposals, all from Japan, included: the abolishment of the Southern Ocean Sanctuary; a quota of 2,914 Antarctic minke whales; and quotas of 100 minke whales and 150 Bryde’s whales to be taken by coastal community-based whaling. However, the Commission passed a resolution to work to resolve this latter issue. The IWC also adopted resolutions on: the RMS process; the critically endangered western gray whales; and whale killing methods and associated welfare issues. It also decided to continue its work on by-catch and small cetaceans.

IWC-57: IWC-57 took place in Ulsan, Republic of Korea, in 2005. The IWC rejected proposals by Japan to: broaden the option of voting by secret ballot; revise the RMS so as to, *inter alia*, lift the moratorium; remove the existing Southern Ocean Sanctuary; and allow the yearly taking of 150 minke whales by coastal communities. A proposal by Brazil and Argentina for a South Atlantic Sanctuary did not obtain the required three-quarters majority. A resolution was passed that strongly urges the Government of Japan to withdraw or revise its proposal on catches for scientific purposes in the Antarctic.

IWC-58: IWC-58 took place in Frigate Bay, Saint Kitts and Nevis, in 2006. The meeting agreed that, despite intensive intersessional work, the issue of advancing the RMS had reached an impasse. After considerable discussion, a proposal by Brazil and Argentina for a South Atlantic Sanctuary was not put to a vote. Japan’s proposals to allow the yearly taking of 150 minke

whales by coastal communities and to abolish the Southern Ocean Sanctuary were again defeated. No agreement was reached on special permit whaling. The IWC considered reports on environmental issues, small cetaceans, and the work of the Scientific and Conservation Committees and the Infractions Subcommittee. The Commission agreed to a Code of Conduct for non-governmental organizations, and adopted the St Kitts and Nevis Declaration, proposed by Japan and several other countries, which declares a commitment to “normalizing the functions of the IWC based on: the terms of the ICRW and other relevant international law; respect for cultural diversity and traditions of coastal peoples and the fundamental principles of sustainable use of resources; and the need for science-based policy and rulemaking that are accepted as the world standard for the management of marine resources.” Several of the countries voting against the declaration formally disassociated themselves from it after the result was declared.

INTERSESSIONAL HIGHLIGHTS

CMS COP-7: The seventh Conference of the Parties (COP-7) to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) was held from 18-24 September 2002, in Bonn, Germany. COP-7 decided to list fin, sei and sperm whales in CMS Appendices I and II, and Antarctic minke, Bryde’s and pygmy right whales in Appendix II.

CITES COP-12: COP-12 of the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) was held from 3-15 November 2002, in Santiago, Chile. Delegates, *inter alia*, rejected proposals to downlist populations of minke and Bryde’s whales from CITES Appendix I to Appendix II.

CITES COP-13: CITES COP-13 convened from 2-14 October 2004, in Bangkok, Thailand. Japan’s draft resolution urging the completion and implementation of the RMS and its proposal to downlist three stocks of minke whale from Appendix I to Appendix II were rejected by secret ballot.

CMS COP-8: CMS COP-8 met from 20-25 November 2005, in Nairobi, Kenya, and adopted resolution 8.22 on cetacean conservation. The resolution, *inter alia*: urges the integration of cetacean conservation into all relevant sectors; encourages cooperation between the CMS Secretariat and Scientific Council and the IWC and other international bodies, to address environmental threats, among other issues; and invites parties to strive to ensure wherever possible that their relevant activities avoid harm to cetaceans.

NORMALIZATION MEETING: The Conference for the Normalization of the International Whaling Commission, held in Tokyo, Japan, from 12-16 February 2007, aimed to “put forward specific measures to resume the function of the IWC as a resource management organization.” Although Japan had invited all IWC member countries, only 35 countries attended the meeting, which was not officially sanctioned by the IWC. Twenty-six anti-whaling countries decided not to attend the meeting.

The meeting resulted in a series of recommendations to be presented to the IWC at its next meeting in May 2007, including a request for secret ballots and Japan’s proposal to expand coastal takes of minke whales.

IISD REPORTING SERVICES SUMMARY: A summary of the Whale Symposium will be available online Monday, 16 April 2007, at: <http://www.iisd.ca/yimb/whales/>