



# Whale Symposium Bulletin

**A report of the Second Pew Whale Symposium: A change in climate for whales**

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## **SECOND PEW WHALE SYMPOSIUM: A CHANGE IN CLIMATE FOR WHALES: 30-31 JANUARY 2008**

The Second Pew Whale Symposium, entitled “A change in climate for whales,” will be held at UN University Headquarters in Tokyo, Japan, on 30-31 January 2008.

This symposium, organized by the Pew Environment Group, follows the first Pew Whale Symposium, held in New York in April 2007. It will precede an intersessional meeting of the International Whaling Commission (IWC) on the future of the whale conservation regime, in March 2008.

The Pew Symposia seek to identify a common way forward to address the current stalemate between the proponents of a resumption of commercial whaling and the advocates of the continuation of the current moratorium. The New York Symposium brought together the conservation community, scientists, policy experts and others from inside the “IWC community” and beyond, and the Tokyo Symposium will continue this approach by stimulating open dialogue in the heart of the main pro-whaling country. Discussions will focus on: views from Japan; conflict management and biodiversity; finding a way forward; and the IWC process and its future.

### **A BRIEF HISTORY OF WHALE CONSERVATION IN THE IWC CONTEXT**

Several populations of great whales are highly endangered and number 500 or fewer 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 IWC, entered into force. The intense whaling efforts in the 1960s, when around 70,000 whales were caught annually, are thought to have been particularly 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.

The 1946 International Convention for the Regulation of Whaling (ICRW) currently regulates whaling. 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, except for an amending protocol in 1956 that incorporated regulations on methods of inspection and extended the definition of “whale catchers” to include aircraft.

Membership in the IWC is open to any country that formally adheres to the ICRW, and currently stands at 78. Each member country is represented by a Commissioner, who is assisted by experts and advisers. The IWC meets annually; the 2008 annual meeting is scheduled to take place in May in Santiago, Chile, preceded by an intersessional on the future of the Commission in March in Heathrow, UK.

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 of whom 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. The regulations adopted by the Commission are implemented through the national legislation of the member states.

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

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

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objection, but withdrew from the IWC in 1992. It rejoined in 2002, with a retroactive objection to the moratorium, and resumed its whaling programme in 2006, although in August 2007 the hunt was suspended due to the lack of demand for whale meat. 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), Russia, Saint Vincent and the Grenadines, and 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. A 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. In addition, pro-whaling nations propose to lift the moratorium and abolish the current sanctuaries, arguing that these restrictions 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. According to IWC data, of the 1826 whales reported caught in 2006-2007, 926 were caught by Japan and Iceland under scientific whaling. Japan reported taking 705 minke whales, 3 fin whales, 6 sperm whales, 101 sei whales and 51 Bryde’s whales, and Iceland reported catching 60 minke whales. In 2006-2007, under their objection to the moratorium, Norway caught 545 minke whales and Iceland 7 fin whales and one minke whale. Aboriginal subsistence whalers caught 374 whales in 2006, primarily minke whales (West Greenland) and grey whales (Chukchi, Russia).

**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 in 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 in 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.

**IWC-56:** The 56th Annual Meeting of the IWC (IWC-56) took place in Sorrento, Italy, in July 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 for Antarctic minke whales; and quotas for coastal community-based whaling.

**CITES COP-13:** CITES COP-13 convened in 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.

**IWC-57:** IWC-57 took place in Ulsan, Republic of Korea, in June 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 urged the Government of Japan to withdraw or revise its proposal on catches for scientific purposes in the Antarctic.

**CMS COP-8:** CMS COP-8 met in 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 and encourages cooperation between the CMS Secretariat and Scientific Council and the IWC and other international bodies.

**IWC-58:** IWC-58 took place in Frigate Bay, Saint Kitts and Nevis, in June 2006. Delegates agreed that the issue of advancing the RMS had reached an impasse. 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 Commission adopted the St Kitts and Nevis Declaration, proposed by Japan and several other countries, which declared a commitment to “normalizing the functions of the IWC.” Several of the countries voting against the declaration formally disassociated themselves from it after the result was declared.

**NORMALIZATION MEETING:** The Conference for the Normalization of the IWC, 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 IWC member countries decided not to attend the meeting. The meeting resulted in a series of recommendations to be presented to the IWC at its 2007 meeting, including a request for secret ballots and Japan’s proposal to expand coastal takes of minke whales.

**PEW WHALE SYMPOSIUM:** The first Pew-sponsored Whale Symposium took place on 12-13 April 2007 in New York, US, bringing together the conservation community, scientists, policy experts and others from both inside and outside the “IWC world.” Some thought that current arrangements, contentious as they are, might be the best available means of conserving whales. Many suggestions were made on how to improve the situation, including to: modify the Convention in order to remove or restrict the use of scientific whaling; eliminate provisions for making reservations to (or opting out of) new rules; and settle disputes through a “higher” authority such as an independent world commission, a ministerial summit, or a mutually agreed binding mediation or arbitration procedure. It was also suggested that research be conducted into the economics of whaling, including the question of government subsidies for whaling, and that another Pew symposium be held in Japan.

**IWC-59:** IWC-59 took place in Anchorage, Alaska, from 28-31 May 2007. The proposal by Brazil and Argentina for a South Atlantic Sanctuary was again put to a vote, but failed to obtain the required three-quarters majority. An aboriginal subsistence quota of 280 bowhead whales for Alaskan Inuit in the period 2008-2012 was allowed. The Commission passed a resolution asking Japan to refrain from issuing a permit for continuation of its scientific whaling programme, and resolutions on the non-lethal use of whales, the relationship with CITES, and small cetaceans. Consensus was not reached on Japan’s coastal taking of minke whales.