

65TH INTERNATIONAL WHALING COMMISSION (IWC) MEETING

Slovenia 15-18 September 2014



WWF's goal is to ensure that viable populations of all cetacean species occupy their historic range, and fulfil their role in maintaining the integrity of ocean ecosystems. WWF acknowledges the widely varied cultural attitudes toward the conservation and management of whales, but continues to oppose commercial whaling - now and until whale stocks have fully recovered, and the governments of the world have brought whaling fully under international control with a precautionary and conservation-based enforceable management and compliance system adhered to by all whaling nations.

Whaling under Special Permit

The International Court of Justice (ICJ) ruled in March 2014 that Japan's *JARPA II* programme of scientific whaling in the Antarctic during 2005-2014 was not in accord with the Whaling Convention (ICRW) and was therefore illegal. The ruling cited that Japan's whaling in the Southern Ocean was not for purposes of scientific research, and was therefore "commercial" whaling, in contravention of various IWC decisions, including the moratorium on commercial whaling and the declaration of the Southern Ocean Sanctuary.

Japan has already announced that it intends to resume "scientific whaling" in the Antarctic in 2015 under a new programme *JARPA III*.

WWF believes it is therefore an unquestionable responsibility of all Contracting Governments to the IWC to guarantee a process that enshrines the ICJ criteria before any new special permits are granted. Proposals for lethal whale research that can be addressed through non-lethal measures or that do not contribute to the conservation and management of whales responding to a clear data need established by the Commission, should be rejected. Additionally, no special permit should be granted in whale sanctuaries, since this undermines the purpose of these protected areas. Reference should be made to the numerous resolutions passed by majority vote of the Commission asking Japan to refrain from issuing permits for this programme.

Furthermore, *"the Court concludes therefore that Japan has not acted in conformity with its obligations under paragraph 10 (e) in each of the years in which it has granted permits for JARPA II (2005 to the present) because those permits have set catch limits higher than zero... Japan has not acted in conformity with its obligations under paragraph 10 (d) in each of the seasons during which fin whales were taken, killed and treated in JARPA II... Japan has not acted in conformity with its obligations under paragraph 7 (b) in each of the seasons of JARPA II during which fin whales have been taken,"* therefore these takes should be treated as infractions.

South Atlantic Whale Sanctuary

No less than 54 species of cetaceans inhabit the waters of the South Atlantic Ocean. Seven of these (blue, fin, sei, common minke, Antarctic minke, humpback and southern right whales) are highly migratory baleen whales that feed in the Antarctic and Sub-Antarctic oceans during summer and breed in tropical, subtropical and temperate waters in winter and spring.

WWF supports the proposal to create the South Atlantic Whale Sanctuary, but also strongly recommends that it be analysed in conjunction with the definitive elimination of "scientific whaling" in these protected areas.

Southern Ocean Sanctuary

The Southern Ocean Sanctuary is critical to ensuring the recovery and viability of whale populations in the southern hemisphere. It provides the feeding grounds needed to sustain most southern hemisphere

baleen whales, which provide income and livelihoods to coastal communities from Australia to Latin America to Africa through whale watching tourism. Most of the Southern Ocean's whale species were driven to near extinction by uncontrolled commercial whaling in the 20th Century, and many species are still severely depleted.

WWF believes the Southern Ocean Sanctuary needs to be maintained and respected, therefore no take of any cetacean species, including through "scientific research", should be authorized in these important feeding grounds.¹

Iceland Fin Whale Hunt

Iceland's harvest of 125 fin whales in 2009, 148 fin whales in 2010, and 134 fin whales in 2013 are a significant increase from the seven fin whales harvested over the 20 years prior to 2009. Fin whales are considered endangered according to the IUCN Red List. Global populations have declined by more than 70 per cent over the last three generations (1929-2007) due to commercial whaling.

Since 2008, over 5,540 tonnes of whale products (almost all from fin whales) have been exported to Japan from Iceland. A total of 41 per cent of the total export occurred in the first three months of 2014, representing an unprecedented escalation in international trade in whale products. This is a clear abuse of the IWC, as well as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

WWF urges the government of Iceland to adhere to the internationally agreed moratorium on commercial whaling and to publically commit to permanently halting its fin whale hunt.

Greenland Takes

WWF recognises the human need for aboriginal subsistence whaling (ASW) where it is carried out by aboriginal, indigenous, or native peoples with long-standing, strong social or cultural ties to whaling; where products are for local consumption and with a precautionary management scheme in place to ensure such activities are sustainable and do not threaten whale populations.

At the 2012 plenary meeting of the IWC, Greenland left without a subsistence quota. Instead, Greenland is now setting its own quotas based directly on information from the Scientific Committee, bypassing the commission. Maintaining Greenland in the IWC is crucial in order to uphold proper conservation of Greenland's whale stocks and to ensure that aboriginal subsistence hunting does not seriously increase the risks of extinctions, in compliance with the IWC's preamble and main purpose of the commission. In acquiescence with the IWC's definition of ASW, Greenland, like other ASW nations must comply with IWC regulations on the provisioning of a needs statement detailing the cultural, subsistence and nutritional aspects of the hunt, products and distribution. This statement should also comply with the advice given by the IWC Scientific Committee on the sustainability of proposed hunts and safe catch limits, as well as respect the commission's final decision on the matter.

Japanese Coastal Whaling

Any proposal to create a new category of whaling undermines the spirit and intent of the commercial whaling moratorium and should be rejected. Japan's proposal goes against the EU Common Position, which requires EU members to oppose any proposals for creating a new category of whaling, unless certain conditions are met. It would also create an exemption to the finding of the ICJ (paragraphs 228-233), which states that there is currently no category of whaling that falls outside Article VIII, paragraph 1, or Schedule paragraphs 13 or 10(e).

Additionally, Japan's proposed coastal whaling would be conducted where endangered inshore or "J-Stock" minke whales mix with the less vulnerable but still depleted offshore "O-Stock" minke whales and it is impossible to tell one from another. The endangered "J-Stock" of minke whale already faces the pressures of both bycatch and on-going takes from special permit whaling.

¹ For a report on the importance of strengthening the Southern Ocean Whale Sanctuary, please see http://wwf.panda.org/about_our_earth/all_publications/?193792/Save-the-Whale-Save-the-Southern-Ocean

Scientific Committee

In order to address the full range of conservation threats facing all cetaceans in the 21st century, this resolution aims to improve the balance of the Scientific Committee's work between management and conservation by clarifying the Scientific Committee's mandate to address cetacean conservation needs, such as those of the small cetaceans. This will provide a better scientific basis for the efforts of the IWC to act on present and emerging threats to cetaceans, including following up on conservation recommendations.

WWF strongly supports this resolution along with the reallocation of funds toward conservation and recovery of endangered species and populations of whales.

Highly Migratory Cetaceans and Ocean Governance

WWF supports this resolution that aims to improve collaboration between the IWC and other relevant organizations to close the current gap in protection for highly migratory cetacean species, including small cetaceans, as a step towards achieving coherent worldwide action.

Civil Society Participation and Transparency at the IWC

This draft resolution aims to further improve transparency in the operations of the IWC and its committees by guaranteeing public participation procedures in all commission meetings. It builds on the changes to the rules of procedure that were adopted at the 2011 meeting of the IWC with the support of a majority of members of the IWC. It is in accord with international trends, such as within the EU, on improving transparency in intergovernmental affairs.

WWF fully support the resolution on civil society participation as a necessary step toward transparency and the modernization of the IWC in accordance with other international conventions, such as CITES.

Food Security

This resolution contains several policy goals to which most IWC contracting countries are already committed through various international agreements and declarations. For this reason, WWF finds the resolution is unnecessary within the context of the IWC.

Western Gray Whales

The main feeding ground of the western north Pacific gray whale population is adjacent to Piltun Bay in the Sea of Okhotsk in the Russian Far East. Exxon Neftegaz Limited is planning to construct a coastal infrastructure project at Piltun Bay that threatens these critically endangered whales. An independent scientific body concluded that Exxon should select an alternative route to build the intended pier in order to protect this critically endangered whale population.

WWF calls on the Russian government to note the Scientific Committee's expression of serious concern about the proposed project and its possible immediate and cumulative impacts on gray whales, their feeding habitat and prey, and to take steps to ensure the maintenance of Piltun lagoon. WWF would like to see Exxon Neftgas Limited acknowledge the independent assessment of the project's environmental impact and to select an alternative.

Critically Endangered Small Cetaceans

WWF is extremely concerned about the conservation status of several species of small cetaceans worldwide, in particular the impact of bycatch of these animals. Bycatch is estimated to kill 300,000 whales, dolphins and porpoise each year. Two critically endangered small cetaceans, both threatened by bycatch, require particular urgent attention:

Vaquita

The vaquita, a porpoise that lives only in the uppermost Gulf of California, Mexico, is the most endangered species of the 125 known marine mammal species alive today. It is also the smallest of all whales, dolphins and porpoises, and the one with the most restricted range.

According to the International Committee for the Recuperation of Vaquita (CIRVA), an independent scientific group created by the government of Mexico, in the last three years the vaquita population has decreased by 18 per cent annually to fewer than 100 individuals. This decline is due to the recent rise in the illegal fishery of totoaba, a large fish that shares the vaquita's habitat. Massive illegal fishing of the totoaba has resurged because its swim bladder is in demand in for traditional Chinese medicine. Thousands of swim bladders are smuggled across the border from Mexico to the United States and shipped to China.

WWF commends the government of Mexico for positive steps taken to date, however with this new threat posing the possibility of extinction for these animals in the next couple of years, urgent action now needs to be taken. This would include the Scientific Committee's recommendations of:

- Fully enforcing the closure of the totoaba fishery, and immediate action taken to stop the illegal shipment of totoaba across the US border.
 - The governments of Mexico and the United States consult on this continuing illegal international trade in CITES Appendix I totoaba and, as necessary, raise it to CITES and its party governments to highlight the effect of this trade in causing additional losses of the critically endangered vaquita, with the goal of enhancing enforcement efforts and awareness.
 - Immediate implementation by the government of Mexico of its strategy to replace gillnets with alternative fishing gear.
 - Continued research on technologies to replace gillnetting for finfish, or otherwise to remove all gillnets from the vaquita's entire range, while improving fishers livelihoods.
 - For the government of Mexico to maintain and, as necessary, refine or expand the acoustic monitoring programme as the only feasible way of evaluating the effectiveness of the recovery plan contained in the federal Action Program for the Conservation of Vaquita (PACE-Vaquita).
- WWF would also recommend that the government of Mexico initiates discussions with China.

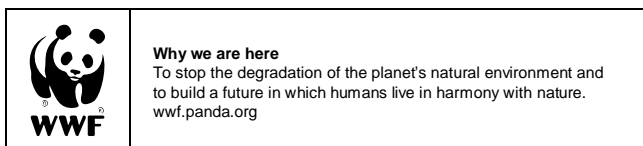
Maui's Dolphin

Maui's dolphins, a subspecies of the Hector's dolphin, are amongst the world's smallest and rarest marine dolphins – endemic only to New Zealand's North Island. With only an estimated 55 individuals over the age of one year remaining today, Maui's are on the brink of extinction.

We request that the IWC upholds the recommendations of the Scientific Committee which reiterate that, rather than seeking further scientific evidence, it is of highest priority to take immediate management actions that will eliminate bycatch of Maui's dolphins. This includes full closures of any fisheries within the range of Maui's dolphins that are known to pose a risk of bycatch of small cetaceans (i.e. set net and trawl fisheries).

Concluding remarks

IWC65 provides a unique occasion to make history for the future of whales and all cetaceans by enforcing the protection that the Southern Ocean Sanctuary was designed to provide and guaranteeing that any whaling activities from this point forward are in compliance with the commercial whaling moratorium and the ICJ's recent judgement, as well as the IWC's requirements for aboriginal subsistence whaling. It is in the hands of the governments and individuals present at this meeting to decide the future of Special Permit whaling, a once-in-a-lifetime opportunity to make a difference for generations to come. We hope the right decision for whales and for people will be made, and we are here to help see history in the making.



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