
2009: IWC61 in Madeira, Portugal

AWI'S OPENING STATEMENT

To determine the future of the IWC, we must look to the past, present, and to the future. The past offers an alarming picture of greed, ignorance, and/or fear decimating entire populations of terrestrial and marine wild species, including the great cetaceans. Our greed, ignorance, vanity, and callousness have already cost us too many species. The passenger pigeon, Stellar's sea cow, Guam flying fox, and Arabian gazelle all gone forever. Others, like the black crested gibbon, Great Indian bustard, Mexican wolf, and saiga antelope, remain on the brink of extinction with small populations and shrinking range. Still, others miraculously survived man's exploitation only to be now forced to live in an altered landscape, subject to artificial boundaries, and, too frequently, lethal management. Africa's elephants are being forced to occupy an ever shrinking range as human populations expand and usurp the tusker's habitat. Gray wolves and grizzly bears are claimed, by some, to represent conservation success stories though they are forced, within much of their range, to live within parameters set by human fear and tolerance, or lack thereof. The once vast herds of North American plains bison only survived the onslaught of greed and political persecution because a few hundred found sanctuary in what once was the remote valleys of Yellowstone National Park.

Most of the great whales also survived an unimaginable slaughter at the hands of governments and whaling companies whose greed was seemingly insatiable and whose ignorance of their destructive acts was apparently limitless. Not all survived. The North Atlantic gray whale is now extinct, never again to be seen. Remarkably considering the scope of the slaughter, some cetacean populations, like plains bison, barely survived but have yet to recover to anywhere near their pre-commercial exploitation sizes. Indeed, no great whale population, including the Eastern North Pacific gray whale, has fully recovered and, given increasing threats to the whales and their habitats, it's unclear if any ever will.

While the massive commercial slaughter of great whales has become, thankfully, a tragic but real historical fact that must never be repeated, modern threats are of equal, if not, greater concern. Modern commercial whaling continues with many whales killed under the banner of so-called "scientific research." Few are deceived by labels of such dubious validity and most agree that whales no longer must be killed for study or to facilitate their management.

While some native peoples have legitimate subsistence needs for whale products, those countries who continue to whale commercially for food have no legitimate reason to do so given the availability of other foods and a consistently declining demand for whale products. Unfortunately, the present day threats to cetaceans are not limited to commercial whaling, whether disguised as "science" or not. Indeed, modern threats are ubiquitous and expanding. Coastal development, ship strikes, pollution, net entanglements, other forms of bycatch, ocean noise, and harassment are some of the more commonly noted threats which are, directly and indirectly, adversely impacting every cetacean population or stock around the globe.

Though some efforts are being made to address these threats, global climate change continues to be the proverbial elephant in the room. While the climate change naysayers will always exist, there is no longer any credible debate that climate change is not real, that it is happening now, and that it is already impacting species, ecosystems, and human societies throughout the world. Cetaceans are not immune from such impacts and, indeed, they and their habitats are

already feeling the effects of our warming world. While our understanding of the complexities of even the simplest ecosystems remains beyond our grasp, based on what we do know, ecosystems from the Southern Ocean to the Arctic are changing. Cetaceans will have to adapt or die.

Given this backdrop, the future of the IWC must not continue to dwell on the minutiae of small type coastal whaling, special permit whaling, or commercial whaling. Instead, it's time to permanently end such anachronistic practices, permitted or not, as they are not necessary, are globally opposed, and inherently cruel. This is not to downplay the significance of these issues for any particular country or to the IWC itself, but, frankly, it is beyond time to move on. To continue to delay what is a needed seismic shift within the IWC, particularly among the remaining whaling nations, is to continue to add nails into cetacean coffin.

Admittedly, whaling nations are reluctant to agree to such a substantive change for any number of reasons, most, if not all, of which cannot withstand even minimal scrutiny. While the reasons for continuing to whale remain unclear, what is clear is that a return to large scale regulated commercial whaling will not happen, that "scientific" whaling has provided no legitimate information that cannot be answered without killing whales, and that anthropogenic threats to cetaceans are severe and worsening.

Therefore, we respectfully call on those nations engaged in commercial whaling to voluntarily terminate their whaling activities as a generous gift to the world, to the whales, and to the future. This must not be publicized, by anyone, as a capitulation to the persistent demands of anti-whaling government's or organizations but, should be trumpeted as an enlightened and progressive act of compassion intended to eliminate at least one factor contributing to the cumulative global impacts to cetaceans. Though, such an announcement is not expected at IWC 61, we would hope it is not too far away.

For the past year, many governments have spent large sums of money, vast amounts of time, and emitted significant quantities of carbon in search of a compromise to prevent the collapse of the IWC. We question this fundamental underpinning of the Small Working Group believing, with certainty that its origins are elsewhere. The Animal Welfare Institute, like many other non-governmental organizations, has consistently opposed the continuation of the Small Working Group as it believes the process will not result in a solution but only further delay. It will not result in answers but only more questions. And it will not benefit whales or their habitat but will only delay this august body from reinventing and redirecting itself to grapple, scientifically and politically, with the far more dangerous global threats to whales and their habitats.

If the Small Working Group process is to continue, perhaps it can help bring us to a day when the whaling nations announce their decision to forego a future of whaling and embrace a future for whales. This will not be accomplished by enabling countries to blatantly misinterpret the intent of Article VIII, using Article V to avoid compliance with the will of the Commission, propping up what is a dying industry, or giving credence to "science" that is neither necessary nor credible. Rather, we encourage those who continue to participate in the Small Working Group process to remember the past when the great whales were relentlessly and brutally slaughtered, consider the present when cetacean populations are suffering as anthropogenic stressors redefine entire ecosystems, and contemplate the future when those stressors expand and the

full impacts of climate change—impacts that we do not yet even fully understand—decimate our oceans and the myriad species that call the ocean home. This, of course, includes the great whales that are of such significant value to so many people, including native peoples, around the world.

Some may believe that whales are special or unique and thus deserving of protections not afforded to other species. We don't. Whales are special and unique but not more or less so than other species with whom we share this world. So then, why provide complete protection to whales from commercial and "scientific" whaling? Simple, why not? The fact that other wildlife species are subject to killing, legally or illegally, does not justify the continuation of whaling but, rather, indicates that even when the whales are protected our work is not done and that other species also need protections if we are to create a more humane and compassionate world. We have not been responsible stewards of this planet so let's start by protecting the world's whales and see where that leads.

JUNE 21, 2009 - PRE-MEETING

The island of Madeira in the Eastern Atlantic ocean is the venue for this year's meeting of the International Whaling Commission (IWC) and AWI's Susan Millward and D.J. Schubert are attending for the whales. D.J. is additionally there as the official representative of the community of US non-governmental organizations to the US delegation, giving him an inside perspective of the proceedings. The pair has spent the last week attending the IWC's sub-committee meetings, including the conservation committee, aboriginal subsistence whaling committee, whale killing methods committee and the infractions sub-committee. A day was also spent discussing the hotly contentious topic of the future of the IWC.

While the IWC's rules preclude disclosure of what took place in those meetings, the elephant—or perhaps blue whale—in the room is the future of the body and a possible deal for allowing coastal whaling for whales off Japan in exchange for some measure of reduced whaling in the Antarctic by Japanese whalers. AWI's Spring 2009 *Quarterly* article entitled "Invigorate Not Capitulate: The Prescription for Whaling Commission Success" (<https://awionline.org/awi-quarterly/2009-spring/invigorate-not-capitulate-prescription-whaling-commission-success>) explains the rotten nature of the deal and the process that has led to where we are today.

Right now it appears that a deal might be off the table, with Japan and Australia being at either extreme of the debate and fortunately, little agreeable middle ground. The US is in an intriguing position, as current Chair of the Commission and architect of the process that has led to this potential deal-making situation. A new US Commissioner is expected to emerge at the end of this meeting and all eyes are on him or her for, hopefully, a new direction for the IWC and for whales. The next five days could prove crucial for the world's whales and wider international attitude towards marine conservation for decades to come.

JUNE 22, 2009 - DAY 1

Proceedings of the 61st Annual Meeting of the International Whaling Commission (IWC) opened today at the Pestana Casino Resort Hotel in Funchal on the island of Madeira. AWI's Susan Millward and D.J. Schubert are in attendance—Susan as an observer and D.J. as the non-governmental organization (NGO) representative on the US delegation to the meeting. AWI's

opening statement outlined the need to protect whales along with fulfilling our responsibilities to all the world's creatures and undo the damage done by humans that have pushed species to extinction.

After opening speeches by His Excellency, the President of the Regional Government of Madeira, Dr. Alberto João Jardim and His Excellency, the Portuguese Minister of Environment, Spatial Planning and Regional Development, Dr. Francisco Nunes Correia, the member country was presented. There are three new members to the Commission bringing the total to 85, of which 71 were present on the first day. The meeting was chaired by US Commissioner Dr. William Hogarth, Chair of the Commission. Dr Hogarth said that he anticipated the same level of co-operation and desire for consensus that had been prevalent at recent meetings of the IWC. After adopting the agenda and order of business the meeting then turned to the report of the Scientific Committee which reported on its work related to the status of a number of large whale populations.

The report of the Scientific Committee considered the status of a number of large whale stocks, including reports on Antarctic minke whales, North Pacific common minke whales, Southern Hemisphere humpback whales, Southern Hemisphere blue whales and a number of other small populations of bowhead, right and gray whales. Particular attention was paid to the critically endangered western North Pacific gray whale, whose feeding grounds coincide with oil and gas operations off Sakhalin Island, Russian Federation and whose population numbers only about 130 animals. Mention was made of another critically endangered population—the North Atlantic right whale whose migratory route traverses the Eastern Seaboard of the US. These whales, who number around 300 animals, face threats from ship strikes and entanglements. The Commission agreed again that anthropogenic mortality should be reduced to zero as soon as possible.

The Commission then discussed the report of the Whale Killing Methods sub-committee and other issues related to animal welfare and whaling. Countries provided information on methods for euthanasia for stranded animals while others provided information on killing methods and hunting. The Commission will hold a workshop on welfare issues associated with euthanasia and the entanglement of large whales in Maui, Hawai'i, in April 2010. A proposal by the United Kingdom to look to the World Organisation for Animal Health (OIE) for guidance on instituting welfare standards for whale killing was unsuccessful despite support from a number of countries.

The Commission then proceeded to discuss co-operation with other international organizations, including the International Maritime Organisation where it enjoys observer status.

An evening reception was hosted by the government of Portugal where delegates and NGOs were able to continue the discussions in a more informal environment.

JUNE 23, 2009 - DAY 2

Day two of the 61st IWC meeting opened with the Dr. William Hogarth, Chair of the body and United States IWC Commissioner, giving a presentation on the evolution of the discussions on the future of the IWC and the Small Working Group (SWG). These discussions to date have resulted in concessions being offered to Japan, including a resumption of commercial whaling off its coasts, with meaningless concessions being offered by Japan. AWI believes the discussions, if

continued along the same vein, should be terminated and replaced with a process to modernize the IWC into a proper whale conservation body. A more detailed critique of the Future discussions and the work of the SWG is contained in our Spring 2009 Quarterly article entitled “Invigorate Not Capitulate: The Prescription for Whaling Commission Success (<https://awionline.org/awi-quarterly/2009-spring/invigorate-not-capitulate-prescription-whaling-commission-success>).”

A resolution on continuing the Future process for another year was introduced with very similar terms of reference to the previous iteration and several countries spoke in support of the resolution. Australia noted its previous participation in the process and its willingness to go forward but stressed its concern over the continued killing of whales under the guise of scientific research. Australia has proposed, as a way forward, a review of lethal research on whales including a proposal for scientific research programs being conducted under the authority of the IWC. It has also engaged in a non-lethal research program in the Southern Ocean. The US supported the contents of Australia’s proposal, stating its opposition to lethal research whaling, and stated its support for a continuation of the process. It strongly urged IWC members to join the process and to truly commit to a successful outcome. After further interventions, including a veiled threat by Japan that Australia should withdraw its suggested way forward to ensure a successful outcome to the discussions, and some tweaking of the language of the resolution, the resolution was adopted by consensus.

The Commission then moved onto aboriginal subsistence whaling with a report from the Chairman of the relevant sub-committee. After hearing stock assessment, Denmark gave a presentation on its proposal to ask the Commission for the addition of humpback whales to its quota request for Greenland aboriginal subsistence whalers. AWI believes that, while certain aboriginal communities have a true subsistence need for whale meat, Denmark has not satisfactorily demonstrated a subsistence need for additional whales for the Greenland natives. Furthermore there are serious concerns with the way that need is quantified and the commercialization of the practice in Greenland. During the aboriginal subcommittee meeting held the previous week, such concerns were raised by several countries, including the US and in response, Denmark prepared a paper describing in more detail the nature of the Greenland whale hunts. The paper did not address the concerns expressed by countries, however several countries showed support for the proposal, while others were still concerned and asked that more data be provided. The issue did not go to a vote, due to an agreed desire to reach decisions by consensus, as part of the Future process. Instead the issue was tabled for later in the meeting.

After a short break, a brief discussion ensued on the Revised Management Procedure, a method for calculating quotas for commercial whaling and the Revised Management Scheme, the rules that would govern commercial whaling if the moratorium was lifted.

The Commission then turned to socio-economic implications and small type whaling. Japan introduced the Speaker from the town assembly of Taiji, Japan, who spoke about the history of whaling in his town. Taiji is one of four towns that Japan says has suffered economic hardship because of the moratorium and therefore should be provided with the right to conduct commercial coastal whaling. Taiji is also home to the notorious dolphin drive hunts.

Korea then spoke about its desire to resume whaling for commercial purposes. A key problem with the proposed deal that emerged during the Future discussions is that IWC quotas are set on populations of animals, not awarded to countries. As detailed in our critique of the SWG process, the Future discussions pertained only to Japan and did not address the whaling conducted by IWC members, Norway and Iceland or the possible whaling by other IWC member nations such as Korea.

JUNE 24, 2009 - DAY 3

The third day opened with a discussion on sanctuaries with various statements from the floor, including Brazil noting that discussion of the South Atlantic whale sanctuary was key in the agreed upon future discussions.

Next came the opportunity for non-governmental organizations (NGO) on both sides of the whaling issue to take the floor and AWI's Susan Millward was one of three speakers for the NGO community supporting the moratorium and against a resumption of commercial whaling. Susan's statement (/sites/default/files/uploads/documents/IWC61_SusanMillward_Speech-12993.pdf), which was crafted by Mark Simmonds, Science Director for the Whale and Dolphin Conservation Society, focused on the significant anthropogenic threats that whales are already facing including climate change and toxic pollution and the welfare aspects of whaling. She ended her five minute speech by calling for wider NGO participation within the IWC. Patti Forkan, President of Humane Society International and Dr. Sidney Holt of the Antarctic and Southern Ocean Coalition also spoke to the Future discussions and to provide a prescription for the direction the NGOs believe the IWC should be headed.

The meeting resumed with a discussion on environmental matters including climate change and the human health implications of eating whale meat. Several countries, led by Monaco, expressed concern with the high level of persistent pollutants present in the meat and blubber of some whales.

A discussion on whale watching and the economic value of living whales followed after which a heated discussion on Japan's north Pacific lethal whale research program—JRPN-II. The Chair of the Scientific Committee summarized the review conducted by the body on the JRPN-II program, which showed wholly inadequate data despite six years of research. During the discussion of the report, several countries stated that lethal research whaling conducted under Article VIII of the Convention, is at the crux of the future negotiations and as such must be seriously addressed by Japan if the Commission is to move forward. Several countries expressed their opposition to scientific research whaling, with some calling it wholly unnecessary. The United States also stated its opposition to the practice, claiming that the "abuse of Article VIII undermines the body" and expressing a desire to work with Japan and others in the Future discussions to make progress. Countries such as Korea, Norway, and Iceland which support continued and increased commercial whaling, spoke up in support of Japan's research program as did, not surprisingly, Japan.

Most of the afternoon was taken up with discussing safety at sea and specifically the at-sea confrontations between protesters and Japanese whalers in the Southern Ocean. While such a discussion is beyond the competence of the IWC, since safety at sea issues are taking up an increasing amount of time at the IWC and are used as a platform by pro-whaling countries to divert the Commission from more urgent business.

The day ended with a brief presentation by Australia on its non-lethal research program—the Southern Ocean Research project. Finally Denmark quickly introduced its controversial proposed Schedule Amendment which if passed, would allow for Greenland natives to take ten humpback whales during 2010 in addition to the whale species the natives already kill.

A reception was held at a local winery organized by the World Society for the Protection of Animals (WSPA) and hosted by WSPA, AWI and other NGOs. During the reception, in which delegates and NGOs could continue their discussions informally, Dr. Sidney Holt was recognized as he was celebrating 50 years since his first IWC meeting in 1959.

JUNE 25, 2009 - DAY 4

What turned out to be the final day of the meeting started out with the quota request from Denmark on behalf of Greenland for 10 humpback whales for its natives. The observers in the room were surprised when the Chair announced a proposal to leave the item open until agreement could be reached on setting up a small scientific working group to discuss the scientific aspects of the Greenland hunt, and particularly the conversion rates used to calculate yield from whales by weight. He stated that the US natives had agreed to work with the Greenlanders to share expertise and had asked the IWC Head of Science to work with the US to make it work. Denmark agreed with the Chair's proposal and Greenland expressed disappointment that no consensus would be reached. With that, the proposal stood and the meeting moved on.

The meeting then moved on to a consensus resolution on climate change which was one of the best things to come out of the meeting. A discussion on Australia's Southern Ocean Research Program ensued with statements of support from France, Brazil, US, Mexico, Spain, Chile, and India.

The issue of small cetaceans came up next and a report from the chair of the Scientific Committee summarizing the Committee's work on small cetaceans. Concern was expressed about small cetaceans in the Mediterranean, the Vaquita in Mexico, bycatch of finless porpoises in Korea and targeted catches in Peru where there are no abundance estimates. We were pleased that the live captures of dolphins in waters of the Solomon Islands were highlighted for concern by the Scientific Committee. Several countries raised the issue of targeted hunts of Dall's porpoises by Japanese fishermen, where approximately 20,000 animals are hunted each year.

Pro-whaling countries expressed their usual disdain for the IWC discussing small cetaceans, claiming that they are outside the competence of the IWC. Italy was among several countries to defend the IWC addressing the small cetacean issue, applauding the IWC for being the most competent body worldwide on the issue.

After very briefly discussing catches by non-member nations, infractions and the Finance and Administration sub-committee report, the meeting ended with an announcement of Agadir, Morocco as host of IWC62 in 2010 and moved on to the selection of the new Chair of the body.

Dr. Hogarth was warmly thanked for his service and Christian Maquiera of Chile was successfully nominated as incoming Chair with Antony Liverpool of Antigua and Barbuda as Vice-Chair.
