
2011: IWC63 in Jersey, British Isles

JULY 11, 2011 - DAY 1

Before the substantive agenda items of the International Whaling Commission (IWC) could be addressed, issues such as voting rights and meeting arrangements were established on the morning of the first day of Plenary. During the Voting Rights agenda, the chair read aloud the names of the countries whose voting rights have been suspended due to unpaid fees i.e. San Marino, Senegal, Slovak Republic, Solomon Islands and many others, at which point the meeting room seemed to collectively respond with some tittering and rustling of papers. Perhaps it was a coincidence, but the unspoken understanding (unspoken in the meeting room, that is) that Japan's financial "involvement" with some countries and their presence at the IWC was most likely the cause for the momentary vitality of the room.

During the Meeting Arrangements agenda item, the chair explained the new Inter-Governmental Organization (IGO) and Non-Governmental Organization (NGO) speaking rights. NGOs are now allowed 3 specific agenda item interventions after commissioners at the discretion of the chair, with a total of 15 minutes to be split into three five-minute interventions. The NGOs would have to coordinate amongst themselves to decide which agenda items to speak on. The subject of NGO speaking rights had been raised and discussed in detail at the US delegation meeting prior to the plenary - where NGOs addressed the obvious lack of transparency of the IWC, the fact that other international forums such as at the UN and at Convention on International Trade in Endangered Species (CITES) allow for observer participation, and whether this rather stipulated arrangement would be a step in the right direction or a mere marrow-less bone offered to keep NGOs quiet for the time being.

In the second agenda item on the Review of Documents, concerns were raised by Saint Kitts and the Grenadines about the difficulties and failed attempts in obtaining visas by certain countries, perhaps implying some scheme on the part of the UK government. The United Kingdom commissioner expressed sympathy concerning the difficulties of obtaining visas, which he assured the UK Foreign Service is investigating, but that meanwhile, applying for visas is the responsibility of individual countries and to proceed on with the agenda.

On the Adoption of the Agenda, Japan claimed that Japan has been actively and positively involved in the future of the IWC and expressed its wishes to cherish and strengthen achievement in the IWC progress. Japan also gave a short statement on the 3/11 earthquake, thanking the international communities for their support. Japan also emphasized, not surprisingly, the need for small-type coastal whaling in order to revive the country given the disaster.

Japan also raised the unresolved issue of developing a final set of abundance estimate for the Antarctic Minke Whales. Currently, there are two sets of abundance estimates, which are closer together than in previous years, and thus Japan is hopeful that a final estimate could be submitted next year. The scientific committee agreed that in general, the Antarctic Minke Whales are declining, and in fact, *substantial* decline is occurring in some areas. However, the decline is not occurring in all areas, and the Scientific Committee is still struggling to explain the cause. Japan expressed dissatisfaction of contriving an abundance estimate that does not explain the mystery of substantial population decline. Japan explained that scientists had not observed large-scale mortality during the period of study, while it had

been observed in other species like the humpbacks. Thus, it is unclear whether the estimates reflect an actual decline in abundance or whether it, the observed decline, reflects the difficulty of obtaining an accurate count due to the melting sea ice limiting shipping vessels to certain areas where whales are not as abundant. Given environmental changes, there are possible shifts in the carrying capacity as well. In any case, Japan stated that the JARPA II data is contributing to the exercise of catch-age analyses of the Antarctic Minke Whales. Not surprisingly, Japan claimed that its sighting survey was disrupted substantially by anti-whaling NGOs, causing substantial loss to the science, irrespective of a country's position towards whales.

Concerning the Western North Pacific Gray Whales, Russia offered a statement to work on lowering the anthropogenic impact on this population. Mexico offered its support and welcomes expanding work on photo identification and genetic studies for both Western and Eastern stocks. Mexico also commended Japan for its effort to lower incidental catch, alluding to some incidental catch.

Japan retorted to this suggestive accusation by explaining that it had prohibited all take of Western North Pacific Gray Whales including possession or sales of any part of the whale in the market. Japan also added that programs have been strengthened to educate fishermen and local governments about the status of this species, and cooperation is requested from those involved to protect the species. Japan agreed that photo-tagging research should be strengthened and that it is committed to engage in cooperative research activities initiated by Russia. Japan reported that from the beginning of 2007, there have been no reports of incidental take of these gray whales. However, we must keep in mind that "no *reports* of incidental take" is not the equivalent to "no incidental take."

With reference to whale stocks Japan commented that it would support biopsy sampling beyond the EEZ. The US supported power-citing surveying, and is willing to work with Japan to resolve the problem with CITES.

Agenda item 6 addressed whale killing methods and associated welfare issues. The chairman, representing South Africa, referred to the 1980s when only 17% of whales were killed instantly, and on average took 11 minutes to die. He also addressed the issue of expense, as penthrite grenades, while often leading to instant deaths, are expensive and some countries have more difficulties obtaining the equipment.

Germany suggested that it would be helpful if all whaling countries could report to the IWC in the same manner, as currently the system of reporting lacks consistency. Germany also stated that it would like to see further development of the recommendations in the UK workshop on the welfare and ethics and whale killing methods.

Australia supported this suggestion explaining that the lack of consensus has impeded progress and information flow that might improve whale welfare. Currently, data are not shared by all members, which should all be submitted to the IWC. Since the UK workshop provides recommendations to address welfare and ethics, establishing an ad-hoc working group could begin the process of dialogue to consider these recommendations. Australia also addressed the major anthropogenic threats of debris and entanglement, which are examples of the inevitable interactions between whales and human activities, and that they should be addressed by the IWC as well.

JULY 12, 2011 - DAY 2

The second day of the Plenary was filled with many lengthy tea breaks—a combination of British and IWC traditions. The main agenda item of the day was on the report of the Finance and Administration Committee. Some countries voiced their concerns about the visa problems they experienced, and requested a report from the secretariat. The complications surrounding the transfer of money were also addressed, as some countries, as Ghana and St. Kitts and Nevis stated, are not as endowed as some other countries and cannot transfer money spontaneously. Handling large quantities of cash can also be difficult, prompting St. Kitts and Nevis to ask whether a draft of the government could not be acceptable.

There was some discussion about transitioning the IWC from annual to biennial, for financial, logistical, and practical reasons. The UK introduced the Rules of Procedure proposal on behalf of the EU, but St. Kitts and Nevis pointed out that the EU is not a member state. There is a short break after which the chair ruled that the resolution can be submitted by the EU. However, Russia, St. Vincent and the Grenadines, and Antigua objected stating that the proposal could not be discussed given that they did not recognize the EU as a party to the IWC. This led to the adjournment of the Plenary and the beginning of lengthy private commissioners meetings and tea (and coffee) breaks for the uninvited i.e. NGOs. The meeting reopened briefly, only to close again.

JULY 13, 2011 - DAY 3

The United Kingdom introduced the draft Resolution on Improving the Effectiveness of Operations within the International Whaling Commission. All EU countries are co-sponsors of this resolution. Costa Rica voiced its support. Japan expressed its appreciation for the efforts made by the UK/EU to compromise and to be flexible. Brazil acknowledged that the proposal is a small step forward, but wanted to see more civil society participation and regrets that it was not possible to have that included in the proposal.

After much discussion, it was decided to form an informal working group and to come back in the afternoon with a revised draft of the resolution.

The financial changes were adopted, and the revised draft was eventually (after some obligatory tea breaks) accepted by consensus with a loud applause.

The Aboriginal Subsistence Whaling (ASW) subcommittee reported on the subcommittee meeting from the previous week. India questioned the need for scientific whaling and alluded to the needs of aboriginals, perhaps suggesting (but not stating) that the quotas should be lowered and that the relevant communities be helped to find other sources of food. Mexico commended the excellent work of the Alaskans in preserving the Bowhead whales, a species that had been severely depleted and were protected in 1931. Austria commented on the aboriginal whaling of St. Vincent and the Grenadines. In 2010, the IWC agreed to submit the data to the Scientific Committee. Austria asked the Secretariat to approach St. Vincent and the Grenadines for a timelier and more complete submission of their hunts.

Russia expressed astonishment at India's intervention and hope that the position is of the Indian delegate, not of the government. The Russian delegate stated that he would report back to his government and might ask for a response from the Indian government to provide explanation for the suggestion that India knows more than the Scientific Committee and that the catch quota should be lowered.

India spoke up to say that it did not accept Russia's statement. He clarified that he did not say that the quotas should be reduced but that there was a need to reduce dependence of aboriginal communities on whales with no time limit. This is the position of the Indian delegation, which is one and the same as the position of the Indian government.

The United States then introduced a working paper proposing an ad-hoc working group on the outstanding issues related to ASW issues. This was supported by consensus after some discussion about membership—suggested by the US to be 8 members total to keep the working group small and manageable (4 ASW and 4 non-ASW). The Buenos Aires Group also expressed that it would like to have two representative slots within the working group. The paper was adopted and the agenda item was closed except for the aspect of membership of the working group.

On the agenda item on Small Type Coastal Whaling (STCW), Japan commented that it has been asking for STCW for its coastal communities since the moratorium came into force in 1986. Japan stated its desire to reserve the right to propose this issue, even though it knows it will not reach consensus. Japan made a point to not bring up this contentious issue to the floor, and that it would like to see similar cooperation from other countries during the week (this was somewhat foreboding). There were no comments on this, and the item was closed.

The United States introduced the *quite* controversial resolution on the IWC's future (it is difficult to say "the future of the IWC," without it triggering anxiety within the NGO communities) and asked for consensus. Japan and Spain voiced their support of the resolution, and Colombia, Chile, and Argentina, while supporting the text of the resolution, did not think a resolution was necessary and that it is sufficient that the text be included in the chair's report. Brazil stated that it supports either a resolution or the inclusion of the text in the report. The chair asked if they could accept that the resolution be withdrawn but that the text would appear in the Chairman's report. There was consensus and the agenda item was closed.

JULY 14, 2011 - DAY 4

In summary, a revised Safety at Sea resolution (mainly supporting peaceful protests at sea, but not violent protests i. e. Sea Shepherd) that was introduced by Japan was passed by consensus, and the Conservation Committee report was adopted as well.

Next on the agenda item is the Southern Ocean Sanctuary. Argentina and Brazil proposes the Southern Ocean Sanctuary and Brazil presents the proposal. In the past when this proposal was put to a vote in 2007 (is this right?) it gained majority support of 60%. Since Santiago this proposal has not been put to a vote, but now the Buenos Aires group would like to put it back to a vote. Ideally, of course, it would pass by consensus. This proposal was supported by all except Palau, Russia, Iceland, St. Kits and the Grenadines, and Japan. Japan is clear on its intent to break the quorum if the chair decides to take the matter to a vote. There was much discussion back and forth in support of or against voting. When Brazil again asked

that the proposal be put to a vote, a number of countries literally walked out of the conference room thereby breaking the quorum (as the term was not defined in the IWC) and essentially disabled the meeting. Many hours of private commissioners meetings proceeded.
