
2014: IWC65 in Portoroz, Slovenia

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The 65th annual meeting of the International Whaling Commission (IWC) opened on Monday, September 15th in the Slovenian city of Portorož. This is the first “plenary” IWC meeting since IWC64 in 2012 when the Commission decided to have biennial meetings, although its Scientific Committee continues to meet annually—and met most recently in May 2014 in Bled, Slovenia. The plenary is the culmination of a series of meetings of scientific and technical committees that have been discussing a vast range of conservation, welfare and management issues for the IWC to consider and likely vote upon. AWI has been present throughout, with the organization’s marine mammal scientist, Dr. Naomi Rose, attending the Scientific Committee as an invited participant, its wildlife biologist, D.J. Schubert, on the US delegation at the meeting, and its executive director, Susan Millward, joining consultants Sue Fisher and Kate O’Connell on AWI’s delegation.

Technical sub-committees that took place the previous week included those addressing conservation, infractions of IWC rules, whale-killing methods, and the regulation of Aboriginal Subsistence Whaling (ASW). Our views and concerns are being represented to national delegations here by Susan and her colleagues, who collectively have decades of combined experience on whaling and trade.

Key issues on the IWC's agenda at this meeting include a proposal for a whaling quota for Greenland, an ASW resolution from the European Union, a proposal from Japan to create a new type of whaling which—if the proposal is successful—would overturn the commercial whaling moratorium (</sites/default/files/uploads/documents/AWICommentsonJapanproposalfinal.pdf>), and a resolution from several West African nations on food security and whales (</sites/default/files/uploads/documents/AWICommentsonResolutiononFoodSecurity.pdf>). AWI has grave concerns with the Greenland proposal, as it is essentially the same quota request that was denied at the last meeting in 2012 (<https://awionline.org/content/2012-iwc-64-meeting>) due to concerns about the commerciality of the hunts and the way Greenland calculates need. We have prepared a briefing (</sites/default/files/uploads/documents/AWICommentsonGreenlandNeedStatementfinal.pdf>) for this meeting, focusing in detail on the flawed way in which Greenland calculates need.

The meeting will also see the return of a proposal from Argentina, Brazil, South Africa, and Uruguay to create a whale sanctuary in the South Atlantic—a proposal AWI strongly supports but which is fiercely opposed by the whaling nations and their allies. Other important issues for AWI include anthropogenic threats to cetacean welfare, including from hunting (</sites/default/files/uploads/documents/AWIBriefingonwelfare.pdf>), and the whaling and trade in whale products by Norway (</sites/default/files/uploads/documents/AWICommentsonNorway9-15-14.pdf>), and Iceland (</sites/default/files/uploads/documents/AWICommentsonIcelandRev9-15-14.pdf>). For the latter, AWI has also collaborated with the Environmental Investigation Agency and WDC—Whale and Dolphin Conservation, in researching and preparing a

report (/sites/default/files/uploads/documents/EIA_Iceland_Whaling_report_0914_FINAL_MEDRES.pdf), which demonstrates Iceland's flagrant abuses of the IWC Convention as well as that of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Chile is proposing a resolution to increase civil society participation at the IWC and we have already made great strides on this at this meeting. Susan delivered a letter to the Chair of the IWC, The Hon. J. Compton-Antoine (</sites/default/files/uploads/documents/FinalLettertoIWCCChairreCivilSocietyParticipation9-10-14.pdf>) on Wednesday, September 10, and prior to the start of the plenary, met with the chair and the IWC secretariat to discuss our concerns. At the meeting, the chair agreed to open up the plenary discussions to include participation by civil society—a huge breakthrough after years of being excluded from the debate.

AWI is very grateful to the government of Slovenia for hosting the meeting, and also appreciates the gracious hospitality of its warm and friendly people. We look forward to the coming days and the challenges and opportunities for cetaceans it will bring. We will be providing regular updates from the meeting on this webpage, so stay tuned.

SEPTEMBER 15, 2014 - DAY 1

The 65th meeting of the IWC opened promptly at 9:45am at the Grand Hotel Bernardin in Portorož, Slovenia. This four-day meeting has a heavy agenda and from the start the chair—from St. Lucia, and the first woman to assume this role—laid out her terms on speaking: keep it to the point, no repetition and no soapbox speeches. After adoption of the agenda the secretariat gave a report on credentials, including which countries were paid up and who was absent. This will be important if items come to a vote.

After a report on the meeting of the Scientific Committee by that committee's chair (<http://iwc.int/scientific-committee-reports>) came the issue of aboriginal subsistence whaling (ASW). Switzerland, as chair of the Aboriginal Subsistence Whaling Sub-Committee, gave a report (<https://archive.iwc.int/pages/view.php?ref=3554>) of last week's committee meeting. Shortly after, Denmark introduced its schedule amendment (<https://archive.iwc.int/pages/view.php?ref=3465>) to provide Greenland with a four-year whaling quota. The request—for 19 fin whales, 2 bowhead whales, 10 humpback whales, and 176 minke whales (12 from the common minke whale stock and 164 from the West Greenland stock)—was similar to the request that had failed two years previously. This year the proposal was presented in a package, with an updated statement on need, and a resolution from the European Union—which had so vigorously opposed the request two years prior—on ASW at the IWC.

Strong statements opposing the package followed. Monaco questioned the methods used to calculate need; Argentina, Chile, Uruguay and other members of the Latin American group of countries known as the Buenos Aires Group (BAG), challenged Denmark over not reporting Greenland catches taken since the last meeting as infractions, as well as highlighting the needs of range states for the humpback whales intended to be hunted, including the Dominican Republic, where whale watching thrives. Counter arguments were put forth by Guinea, Japan, Antigua and Barbuda, Norway, and Iceland.

When the non-governmental organizations were allowed to speak, the chair called on Whale and Dolphin Conservation, which spoke on behalf of itself and AWI and challenged the tonnage of whale meat that Greenland seeks because it is significantly more than all the marine protein currently being consumed by Greenlandic people, from whales, seals and small cetaceans put together.

Eventually, with no consensus in sight, the IWC chair asked the respective proponents what they wanted to do and each asked for a vote. After a slight delay while the EU discussed a request from Argentina to leave the resolution open for a period to allow for further discussion, the votes commenced. The schedule amendment for a quota achieved the necessary three-fourths majority and passed (46 votes for, 11 against, 3 abstentions). The United States and EU countries all voted in favor. The vote on the resolution also passed with a simple majority (40 votes for, 5 against, 15 abstentions) with the United States and EU countries all voting in favor. The full voting record can be viewed here (<https://archive.iwc.int/pages/view.php?ref=3577>).

After a much needed break the chair asked Brazil to speak to the next agenda item, sanctuaries. Brazil introduced its joint proposal with Argentina, Uruguay and South Africa, on a schedule amendment to establish a South Atlantic Whale Sanctuary (<https://archive.iwc.int/pages/view.php?ref=3418>). This is not the first time that this proposal has been brought before the IWC. Though it has wide support, a three-fourths majority is required for it to pass and it has been repeatedly blocked by Japan and its allies.

Many impassioned speeches were made, both in favor and against the proposal, with Gabon fabulously declaring its intent to co-sponsor the proposal. After some debate, the chair eventually agreed to hold the item over to the following day, along with the decadal review of the Southern Ocean Sanctuary, to give delegates time to discuss the issues further in the margins.

Next came Japan's proposed schedule amendment to allow for "community-based whaling"—a new category of whaling—and a quota of up to 17 minke whales per year through 2018 for four coastal communities, including Taiji, made infamous by the brutal annual dolphin drive hunts (<https://awionline.org/content/small-cetacean-hunts-japan>). After a PowerPoint presentation on its proposal (<https://archive.iwc.int/pages/view.php?ref=3445>), Japan rebuffed challenges from many countries, including Australia and even the United States, who argued that this was in fact a proposal to overturn the moratorium on commercial whaling, and that the proposed number of animals was a conservation issue. The delegate from Antigua and Barbuda gave a passionate speech about the idiocy of denying coastal people the right to food, which was promptly followed by the New Zealand delegate chastising him for reverting back to the days of acrimony and divisiveness at the IWC.

Finally, with the agenda covered and a reception hosted by the government of Slovenia looming, the chair closed the meeting an hour later than scheduled, and in closing encouraged Brazil, its fellow co-sponsors, and Japan to discuss their respective proposals before reconvening on Tuesday morning.

AWI Statement on 2014 Greenland Quota

On 15 September, the International Whaling Commission (IWC) adopted a new aboriginal subsistence whaling quota for Greenland by a majority of 46 to 11, with 3 countries abstaining. More than half the votes in favor were cast by European Union (EU) countries who collectively opposed the same proposal two years ago.

AWI is deeply disappointed that the IWC—and the EU—approved Denmark's request for more than 800 whales over the next four years, without closer scrutiny of Greenland's claim to need almost 800 metric tons of whale meat a year for subsistence. We are concerned that the new IWC quota will give Greenland more whale meat than its native people need for nutritional subsistence and that the surplus will continue to be sold commercially, including to tourists. Although individual EU member states shared our concerns, the fact that the proposal came from an EU member state (Denmark on behalf of Greenland), and the European Commission's requirement that the EU reaches internal consensus on such proposals, ultimately forced all member states to support the proposal.

SEPTEMBER 16, 2014 - DAY 2

The meeting resumed on Tuesday with a United States delegate speaking about the outcome of the ad hoc ASW Working Group that had met the previous week, with AWI's Sue Fisher serving as observer and D.J. Schubert as rapporteur. The most important item to come out of the ASW Working Group meeting was a proposal to discuss outstanding issues intercessionally, including standardized needs statements. The proposal was adopted and the IWC chair moved on to the issue of sanctuaries and approval of Australia's proposal for a decadal review of the Southern Ocean Sanctuary (<https://archive.iwc.int/pages/view.php?ref=3516>). With the issue of the proposal for the establishment of a South Atlantic Sanctuary still open, the chair moved on to Item 6—resolutions.

Monaco introduced its resolution on highly migratory cetaceans (<https://archive.iwc.int/pages/view.php?ref=3448>), which received a good deal of support from many governments, including Australia, Italy on behalf of the EU member states, and Latin American countries. After hearing dissent from Norway, Japan, Iceland and others, Monaco called for a vote and the resolution passed with 37 votes in favor, 15 against, and 7 abstentions.

The chair next asked Ghana to introduce its joint resolution on food security (<https://archive.iwc.int/pages/view.php?ref=3446>). Ghana immediately asked for more time to consult and the chair announced a coffee break, after which Ghana asked for the item to be held over.

Chile then introduced its resolutions, one on civil society participation and transparency at the IWC, and the other on making the Scientific Committee more accessible and transparent. Both were held over pending more informal discussion. New Zealand introduced its resolution on whaling under special permit, which if passed, would enshrine the March 2014 ruling of the International Court of Justice (ICJ) decision on Japan's scientific whaling program (<https://archive.iwc.int/pages/view.php?ref=3500>). New Zealand immediately asked that those countries interested in discussing the resolution meet with it later in the day. Several countries spoke up, both in favor and against the ICJ ruling and the document, and eventually the item was held over to give New Zealand a chance to consult.

After racing through the *IWC in the future* and *whale stocks* agenda items with next to no discussion, the chair moved on to the report of the conservation committee (<https://archive.iwc.int/pages/view.php?ref=3589>), which had met the previous week.

There was a lively discussion on Russian “stinky” whales—referring to gray whales with a chemical odor that have been showing up in the Chukotkan region since the early 2000s. The Russian aboriginal subsistence hunters claim the whales are inedible and consequently that any “stinky” whales should be counted as struck and lost. Russia is only one of two ASW countries that has a quota on landed whales rather than struck whales, making this request problematic.

After a good deal of discussion, including how the issue was being discussed in the ad hoc ASW Working Group, the issue was referred to the Scientific Committee.

The chair then moved swiftly through *ship strikes*, *southern right whales of Chile-Peru*, and the respective sections of the report of the Conservation Committee before addressing *marine debris*, an increasing problem globally. The agenda then turned to *conservation management plans*, followed by *whale watching*.

Chile then reported back that it would like to discuss its civil society resolution. After receiving comments from Japan and others on both Chile resolutions, the items remained open and the meeting moved to *whale killing methods* and associated welfare issues. Italy, on behalf of the EU, opened the item and then the UK delegate, as chair of the working group, gave the group’s report. (<https://archive.iwc.int/pages/view.php?ref=3581>) After hearing interventions calling on whaling nations to report welfare data to the IWC, amongst other issues, the chair gave the floor to the North Atlantic Marine Mammal Commission (to which several whaling countries do claim to provide welfare data) and to beluga hunters of the Alaska Eskimo Whaling Association.

The IWC chair then closed the meeting to allow delegates to meet in the margins to work out differences on the various agenda items. Those who emerged from the margins then enjoyed an NGO reception organized by AWI. At the reception, the NGOs, led by the contingent from Australia, honored Donna Petrachenko, the outgoing Australian commissioner, for her years of service to whales and the IWC. She will be greatly missed.

SEPTEMBER 17, 2014 - DAY 3

Once again the chair started out in a business-like fashion and quickly opened the discussion of *Revised Management Procedure* (RMP)—the method used to calculate numbers of whales that could be taken from each stock sustainably if the moratorium were ever to be lifted. She moved on rapidly to *catches by other nations* and *cooperation with other organizations*. In fact she went so quickly that she closed the latter without giving AWI a chance to speak, even though we had asked for the floor. This was rectified later after the lunch break, and Sue Fisher spoke on AWI’s behalf, calling commissioners’ attention to the escalating trade in whale meat between Iceland, Norway and Japan in contravention of the spirit of both the commercial whaling moratorium and the ban on trade in whale products by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

After the chair closed *cooperation with other organizations*, Italy intervened, asking to revisit the RMP. Taking the floor on behalf of the European Union, Italy chastised Iceland for its commercial whaling and called attention to a *démarche* that 28 EU members and 7 other countries, including the United States, had served Iceland on Monday (<https://awionline.org/content/thirty-five-governments-call-iceland-stop-whaling-and-end-trade-fin-and-minke-whales>).

Several countries spoke up in support of Italy, including Australia and the United States, which also noted the active Pelly certifications of both Iceland (<https://awionline.org/content/us-declares-iceland-defiance-global-trade-ban-whale-products>) and Norway (<https://awionline.org/content/norway-defies-international-trade-ban-exports-tons-whale-products-japan>).

Iceland responded saying that it attaches great importance to the sustainable use of marine resources and that its whaling is science-based and within the law. Japan and Norway spoke out in support of Iceland, and the Russian Federation, in supporting Iceland, also reminded the room of its own reservation to the commercial whaling moratorium. After receiving counter statements from conservation-minded countries, the chair closed the item and moved to scientific permits and other related items, issuing a warning ahead of this contentious topic for parties to be respectful.

Japan introduced document IWC/65/22 on its interpretation of the ruling of the International Court of Judgment (<https://archive.iwc.int/pages/view.php?ref=3544>). This was followed by Australia's interpretation of the ruling, and then New Zealand's.

Japan then referred members to the dissenting decisions of the court and the chair broke for coffee. After reconvening, several countries, including the United States, spoke up in support of the ICJ decision and urged the commission to use the ruling to curb scientific whaling.

After no further debate, the chair moved onto other contentious items such as *expert scientific review of results from existing permits*, including Japan's JARPAII program, the subject of the ICJ decision. The review of this program by the Scientific Committee had been a controversial issue and consequently was subject to heated discussion in plenary. Several delegations admitted that their scientists had not taken part in the review process because of the ICJ decision, with Australia calling for the results to be stricken from the record and Mexico going further by calling for all references to the program to be deleted from Scientific Committee proceedings. Ultimately the chair left this agenda item open along with the next item, *review of new or continuing proposals*, because of the outstanding New Zealand resolution.

After lunch, the chair asked Japan to introduce the next item, *safety at sea*. This has been a longstanding agenda item at IWC meetings and relates to the at-sea protests by activists challenging Japan's research whaling in the Southern Ocean. After a presentation about the various confrontations between whalers and protestors, other countries intervened to support peaceful protest and condemn protests that jeopardized human safety. Japan also mentioned protestors at the site of the notorious dolphin drive hunts in Taiji and then Denmark asked for the floor to speak about protests in the Faroe Islands. Several countries took this opportunity to talk about small cetacean hunts—an issue usually challenged by Japan and others as beyond the competency of the IWC. Even the United States stated that it remains concerned about the humanness of the Taiji hunt.

Next on the agenda was *other Scientific Committee items*. Mexico, also speaking on behalf of the United States, gave a passionate speech about the vaquita—a critically endangered porpoise that faces imminent extinction because of gill net fishing in the vaquita's range for the highly prized swim bladder of the totoaba fish. The International Union for the Conservation of Nature also spoke out to reiterate the immediate action needed to save the species, followed by a line of countries, including Italy on behalf of the European Union, which also mentioned other endangered small cetaceans: New Zealand's Maui's dolphins and China's finless porpoise. Italy requested that the Scientific Committee devise a list of

priorities regarding small cetaceans and pledged 15,000 euros to the IWC's small cetaceans fund, followed by the United Kingdom, which pledged 10,000 euros to the fund. AWI has also contributed to this fund, and pledged to continue to support the IWC's vital work on small cetaceans.

After hearing two interventions from NGOs, including AWI speaking on Maui's and Hector's dolphins and the Environmental Investigation Agency on vaquita, the chair moved to *environmental and health issues*. There was no comment on the Scientific Committee's *State of the Cetacean Environment Report (SOCER)*, which had been co-prepared for the Scientific Committee by AWI's Dr. Naomi Rose. The chair then breezed through other environmental matters, hearing interventions from the Peruvian group ORCA on anthropogenic sound and mass strandings of cetaceans; and then German group ProWildlife on health issues.

The chair then introduced the next item, *infractions*, including the report of the infractions committee. A debate ensued on whether the whaling conducted by Greenland after the 2012 denial of its quota request should be classified as an infraction. Argentina and Australia insisted that the catches be reported as infractions, while the Russian Federation, Iceland and Norway spoke in opposition. Finally the chair offered a way out by suggesting that this be studied and discussed intercessionally by the ASW Working Group or ASW sub-committee. This suggestion was rejected, and with no resolution, this item also was held over.

After some back and forth between Japan and New Zealand and Australia on paragraph 10(e) and the commercial whaling moratorium, and a report on the status of various outstanding items, the chair moved on to the next item, *whale killing methods and associated welfare issues*. The United Kingdom reported that differences with Norway had been resolved and they were prepared to offer up a consensus document on a way forward, with an intercessional working group on the welfare issue. South Africa supported the proposal and offered to join the group, and the proposal was adopted.

Finally the chair closed the meeting by reading a list of the outstanding items and advised of a very full schedule planned for the final day.

SEPTEMBER 18, 2014 - DAY 4

The final day opened with a rather cranky chair admonishing delegates for being late and for tardy submittal of documents to the secretariat the previous evening. She then opened asking for a report from the finance and administration committee (<https://archive.iwc.int/pages/view.php?ref=3596>). One contentious issue that arose during this item was whether the IWC should pay for intercessional workshops on special permits. This is particularly pertinent in light of the ICJ decision because Japan has asked that an expert workshop be held before next year's Scientific Committee meeting to review Japan's proposal to return to the Southern Ocean. Supporting and opposing parties fell into the usual categories so the chair asked for a small group to convene during the break and to come back with a resolution. When they came back they had agreed that money should be earmarked for this review, but whether it was spent would be determined by relevant decision of the commission.

Before the item was closed, two NGOs spoke in support of specific funds related to small cetaceans and whale killing methods and welfare, and announced contributions to the funds by many NGOs, including AWI.

Then followed the reopening of *resolutions*. Chile's fourth version of its resolution on civil society participation at meetings of the IWC (<https://archive.iwc.int/pages/view.php?ref=3582>) was finally adopted by consensus and after three versions, Chile's resolution on making the Scientific Committee more open and transparent passed with consensus, although a number of countries spoke out opposing the competency of the IWC with regard to small cetaceans.

Next, New Zealand spoke to the status of its resolution on *whaling under special permit* (<https://archive.iwc.int/pages/view.php?ref=3452>) and the revised version. With no consensus agreement to adopt it, New Zealand called for a vote. It passed, with 35 yes votes, 20 no votes and 5 abstentions. In explaining its no vote, Japan announced that collection of scientific information is essential to the effective management of whales in accordance with the whaling convention. Consequently, stated Japan, it will return to the Southern Ocean in 2015 to continue its research program in a manner that accords with the ICJ ruling.

Ghana spoke next to the status of its resolution on food security and whales, which has been revised four times during the meeting. After hearing many voices of support and dissent, including calls for whales to alleviate food security issues on the one hand and the issue being beyond the competency of the IWC on the other, Ghana finally tabled the resolution until the 2016 meeting.

Next came the South Atlantic Sanctuary schedule amendment proposal from Brazil and four other countries (Argentina, Uruguay, South Africa and Gabon). After providing a status update on the proposed schedule amendment, stating that consensus has not been reached, Brazil asked for a vote. The vote failed to achieve the required three-quarters majority, with 40 yes, 18 no, and 2 abstentions.

After a discussion on how to conduct decadal reviews of sanctuaries, an agreement was reached to accept Australia's suggestion from the Conservation Committee (<https://archive.iwc.int/pages/view.php?ref=3516>). The chair then moved on to Japan's proposed schedule amendment for small-type coastal whaling. Japan made an intervention calling for delegations to recognize that (1) there is now the RMP to provide sustainable catch numbers, (2) many species of whale have recovered to Maximum Sustainable Yield levels, (3) the need for food and cultural diversity is recognized by the IWC, and (4) small-type coastal whaling is conducted within Japan's coastal Exclusive Economic Zone. Japan then called for a vote, which failed, with 19 yes, 39 no, and 2 abstentions. After expressing her disappointment with the outcome, the chair called on countries to speak to explain their vote.

Antigua and Barbuda spoke at length about the IWC's inability to help coastal people, followed by Japan who said that it had asked for a vote to get an idea of which countries opposed the proposal so that Japan might follow up with them intercessionally.

The long morning session—which had run well into the afternoon—finally closed, and delegates and observers headed for the various cafes and restaurants close by.

The afternoon session was spent adopting committee reports and clearing up loose ends. Mr. Bruno Mainini of Switzerland was nominated and selected as the new two-year IWC chair after the outgoing vice chair, Mr. Frederick Chemay of Belgium (who was expected to be named chair), gave apologies and withdrew for health reasons. Mr. Joji Morishita of Japan was nominated and elected vice chair.

Going into the meeting, AWI had been apprehensive about a number of items on the agenda. Notwithstanding the unfortunate decision on Greenland's quotas, we are pleased overall with the outcome of IWC65. The Commission has made great strides on civil society participation and we look forward to being even more engaged at IWC66.
