
2016: IWC66 in Portoroz, Slovenia

On October 24 the curtain lifted on the 66th meeting of the International Whaling Commission (IWC), hosted by the government of Slovenia. This meeting marks two important anniversaries: It has been 70 years since the signing of the International Convention for the Regulation of Whaling (ICRW), the treaty that created the IWC to regulate whaling and conserve whales. It is also the 30th anniversary of the entry into force of the moratorium on commercial whaling adopted by the IWC in 1982.

While a special anniversary edition of the IWC's logo and other items acclaim the ICRW's 70th birthday, nothing on the agenda would suggest that contracting governments are celebrating the moratorium. AWI finds this disappointing; the ban on commercial whaling was a momentous decision and remains one of the world's greatest conservation successes. It is likely that it has prevented the killing of tens or even hundreds of thousands of whales and it has certainly saved several populations, if not whole species from extinction, allowing them to recover from centuries of cruel, uncontrolled and ultimately unsustainable mass slaughter.

Today, whales face increasing threats from other anthropogenic sources such as climate change and chemical and noise pollution, many of which the IWC now addresses. Indeed, at this meeting we hope it will adopt a new work plan to mitigate the massive threat posed to cetaceans from bycatch in fishing gear. While the expansion of the IWC's conservation agenda is to be celebrated, it is important that contracting governments and NGOs do not lose sight of the IWC's continuing relevance as a management body and the enduring importance of its commercial whaling moratorium.

AWI's highest priorities for this landmark meeting include the ongoing and highly sensitive debate on how the IWC should manage subsistence whaling practiced by indigenous people and how their needs should be balanced against the IWC's imperative of protecting whales. Other key items at this meeting are a proposal to adopt a whale sanctuary in the South Atlantic, a resolution recognizing the important role that cetaceans play in the marine ecosystem (including carbon sequestration), and an emergency resolution calling for urgent action to save the world's most endangered cetacean—Mexico's vaquita porpoise.

Before the meeting had even started, an enormous breakthrough changed the way IWC meetings will function: For decades, NGOs like AWI have only been "observers" at meetings and could only influence governments—and the debate—indirectly. This year, for the first time, NGOs finally have the right to fully participate in the discussions—not just in this week's plenary session, but in the week of technical working groups and sub-committees that preceded it. AWI has already intervened on a range of topics on which we have as much (or more) expertise as many government delegates—from animal welfare to bycatch, rules of procedure, and infractions. Those interventions have already shaped the discussions and we look forward to more participation this week.

OCTOBER 24, 2016 - DAY 1

The 66th plenary meeting of the IWC opened on Monday morning with opening remarks and a presentation on the report from the IWC Scientific Committee, which met earlier in the year in Bled, Slovenia. Read AWI's Opening Statement (</sites/default/files/uploads/documents/IWC66-AWI-OceanCare-ProWildlife-OpeningStatement.pdf>) celebrating the 30th anniversary of the commercial whaling moratorium. The report of the Conservation Committee, which had met several times since the IWC65 meeting, followed. This committee has made great progress and has generated several initiatives and working groups, including a joint working group with the Scientific Committee and working groups on ship strikes, whale watching, and conservation management plans. The committee is also increasingly addressing the important issues of bycatch and marine debris.



The meeting then turned to the only schedule amendment on the agenda—the establishment of a South Atlantic Whale Sanctuary, proposed by Argentina, Brazil, Gabon, South Africa, and Uruguay. Brazil introduced the proposal and offered to host the 67th meeting of the IWC, an offer that was warmly received. After many interventions in support of the proposal, including by the United States, those opposed followed. They included Japan, Iceland, Norway, and Antigua and Barbuda. After agreeing that a vote on the proposal would be held first thing on Tuesday, the chair moved on to the next agenda item, resolutions.

Six resolutions have been proposed and the meeting managed to open discussion on the first two. The first, on “Improving the Review Process for Special Permit Whaling,” which centered on Japan’s controversial “scientific” whaling, was moved to a small drafting group and AWI’s Kate O’Connell volunteered to be an NGO representative on the group. Before moving on to the next item, the chair allowed for NGO interventions. For the conservation side, Dr. Paul Spong of Dolphin Connection provided an intervention (</sites/default/files/uploads/documents/IWC66-SpongIntervention.pdf>) on behalf of AWI and many other NGOs in opposition to special permit whaling. The second, on “Enhancing the Effectiveness of the

International Whaling Commission” about governance issues at the IWC, was also moved to a drafting group and AWI’s Sue Fisher joined that group. Both are due to meet interessionally to try to find common ground, and will report back to the plenary in the coming days. Resolutions require a simple majority if voted upon to pass.

The meeting closed and, as is tradition at the IWC, an evening reception, hosted by the government of Slovenia, gave delegates and observers the chance to continue discussions informally.

OCTOBER 25, 2016 - DAY 2

Day two opened with the announcement by the secretariat that two additional countries had arrived, pro-whaling Benin and EU member Croatia. The meeting then moved to a vote postponed from yesterday on the South Atlantic Whale Sanctuary. Sadly, the sanctuary failed to gain the three fourths majority required, with 38 votes cast in favor and 28 against, including a shocking rejection by Kenya, which will surely have repercussions in Nairobi given Kenya’s strongly pro-conservation stance on terrestrial wildlife, including at the recent CITES meeting where it led efforts to secure a complete ban on trade in elephant products.

Brazil’s commissioner, quoting Nobel Laureate Bob Dylan—exhorting us “to stay forever young”—graciously thanked the countries and nongovernmental organizations who supported the sponsors’ efforts and vowed to bring the proposal back for a vote in 2018, when Brazil has offered to host the meeting.

The meeting moved from there to resolutions held over from the first day. Discussions on a resolution on food security were tense and clearly not finding consensus, so were sent to a small drafting group that will report back on Wednesday. Similarly, resolutions on

- the critically endangered vaquita porpoise (submitted by the United States and the European Union),
- a fund to strengthen the capacity of governments of limited means to participate in the work of the IWC (submitted by Cambodia, Ghana, and Japan),
- cetaceans and ecosystem services (submitted by Chile),
- the Minamata Convention (submitted by Uruguay, Colombia, and Brazil), and
- the effectiveness of the IWC (submitted by Australia and the United States)

were sent to lunchtime and evening drafting groups. NGOs, including AWI, were able to fully participate in all the groups except the one on the food security resolution—an unfortunate circumstance for one African NGO that attended the meeting specifically to address this issue. See AWI briefing on food security (</sites/default/files/uploads/documents/IWC66-AWI-Briefing-12-FoodSecurity.pdf>).

After a lunch break, the chair opened the agenda item on aboriginal subsistence whaling (ASW), starting with a long presentation on developments in indigenous rights law and a report from an expert workshop attended by AWI earlier this year. AWI was responsible for two detailed NGO interventions—one commenting on the indigenous rights presentation and another delivered by LegaSeas on how the IWC and its Scientific Committee should tackle the issue of a small percentage of whales hunted by Russian subsistence whalers that are inedible.

There was no agreement on how the IWC would deal with the report from the ASW workshop in Greenland, and another small group was created to resolve the disagreement about how the report's recommendations would be endorsed and how they would be taken forward.

OCTOBER 26, 2016 - DAY 3

Day three opened with a report from a working group that is considering how to establish a voluntary fund to facilitate the full participation of developing countries at the IWC. The group (in which AWI participated) was unable to reach consensus yesterday and was encouraged to try again this evening.

We moved from that to a discussion of Japan's small-type coastal whaling (STCW)—a local hunt of minke whales that it hopes will be legalized by the IWC despite the longstanding ban on commercial whaling. It has not brought a formal proposal to this meeting but will bring a discussion document tomorrow that we anticipate will contain a threat—implicit or overt—that if the IWC wishes to continue to advance its growing conservation and welfare agenda, it must concede to Japan's demand for STCW quotas. As a counter to the demands of the Japanese government representatives, a Japanese NGO representative, Nanami Kurasawa of Iruka & Kujira [Dolphin & Whale] Action Network, made a strong argument that there is no need for such quotas, citing the high subsidies that are used to keep Japan's whaling program afloat.

After hosting a press conference on our new report on Norwegian whaling and trade in whale products, AWI then participated in the second day of negotiations on the text of a resolution on special permit whaling sponsored by Australia and New Zealand; the resolution is likely to come up for a vote tomorrow.

Conservation and welfare were front and center today with discussions on cetacean status and health—in particular the IWC's efforts to address man-made threats, including climate change, ocean noise, and pollution. There was broad support for a new bycatch initiative that will be funded, at least for the next biennial period, from voluntary contributions. Nongovernmental organizations alone donated several thousand dollars in support of this effort to develop a response to bycatch, which is believed to kill around 300,000 marine mammals each year.

The new initiative will look to the success of the Global Whale Entanglement Response Network (GWERN), which was established in 2012 to build global response capability and has since trained over 700 people across four continents. The effort is being led by David Mattila, who last year spoke about his work to a meeting of the Whales Need US group at AWI's offices. An expert panel on bycatch will also be set up, and will operate on a model similar to GWERN.

A range of welfare issues were also discussed, including establishment of a welfare action plan for non-whaling welfare issues, such as strandings and entanglements, and a groundbreaking new initiative championed by the United Kingdom to develop methods to assess the welfare status of wild cetaceans.

OCTOBER 27, 2016 - DAY 4

Amidst contentious debate, day four of IWC66 ended up being a good day for whales and dolphins as the IWC adopted five resolutions, including two by consensus.

First was a resolution on a new process for reviewing special permit whaling (so-called scientific whaling conducted by Japan in Antarctica and the North Pacific). This passed with 34 votes in favor, 17 against, and ten abstentions. Kenya again voted with the whalers. The next resolution on food security was withdrawn without a vote. AWI had been actively campaigning against this resolution from pro-whaling nations because it was a Trojan horse effort to get Japan's small type coastal whaling approved in the future. The session then moved to a resolution proposed by Chile on the role of cetaceans in ecosystem functioning, including carbon sequestration and nutrient dispersal. This was adopted by a vote of 36 in favor, 16 against, and nine abstentions. A resolution expressing concern about the threats to cetaceans and their human consumers from mercury was adopted next, with 38 votes in favor and 23 against.

A resolution calling on the Mexican government to end the use of gillnets in the range of the critically endangered vaquita porpoise and inviting IWC members to support Mexico's enforcement efforts was adopted by consensus. Several governments that believe the IWC should not be involved in the management of dolphins and porpoises lodged a minority statement. Thankfully, they did not block consensus.

A new process was agreed to by consensus to hire expert consultants to review the governance arrangements of the IWC. They will report back with recommendations at the next meeting in 2018. Another resolution on strengthening the capacity of governments of limited means to participate in the work of the IWC was deferred until Friday, pending ongoing consultations.

After a long discussion of Japan's special permit whaling—at which many governments expressed their disappointment that Japan decided not to abide by the 2014 decision of the International Court of Justice but returned to whaling in the IWC's Southern Ocean Sanctuary—we returned to conservation issue including whale watching and the Southern Ocean Research Partnership. In a discussion of conservation management plans (CMP) the IWC approved a new CMP for the endangered freshwater Franciscana dolphin—the first dolphin initiative to be funded from core IWC funds rather than voluntary contributions.

Under discussions of management issues, the IWC discussed commercial whaling by Iceland (https://awionline.org/sites/default/files/uploads/documents/EIA_Iceland_Whaling_report_0914_FINAL_MEDRES.pdf) and Norway (<https://awionline.org/sites/default/files/uploads/documents/AWI-ML-NorwayReport-2016.pdf>) in defiance of the moratorium and trade in whale products. The United States made a strong intervention, stating that both countries are diminishing the effectiveness of the International Convention for the Regulation of Whaling. The use of this language is important, as it is a key component in the Pelly Amendment, a US law that allows the government to take actions, including by imposing economic sanctions, against countries for failing to comply with international environmental laws.

Iceland responded to the United States and other countries by stating that its whaling is sustainable and based on IWC management procedures. It also indicated that North Atlantic fin whales are not listed as endangered on a European list of endangered species. Mexico countered, noting that Iceland is not using any approved IWC management procedure. The representative from the International Union for Conservation of Nature (IUCN) noted that the endangered species list referred to by Iceland is for the eastern North Atlantic, not for fin whales in Icelandic waters, and that the IUCN includes fin whales on their red list of endangered species due to a sharp decline in numbers over three generations.

A statement on infractions, supported by a number of NGOs, including AWI, highlighted the fact that the IWC has not defined what it considers to be an infraction, and called for a reform of the IWC's compliance regime. Under the agenda item "Cooperation with other organizations," two strong interventions from NGOs highlighted the fact that trade in whale products from protected species has escalated, despite repeated calls from the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) for members not to issue trade permits.

The day drew to a close with a lovely sunset over the Adriatic. To the delight of many delegates, a small group of dolphins swam by, providing motivation for the last day, and a reminder as to why the IWC is so vitally important for the well-being of whales and dolphins, large and small.

OCTOBER 28, 2016 - DAY 5

The last day dawned with a vote on a proposal to establish a voluntary fund to "facilitate the participation at the IWC of governments of limited means." After days of negotiations, in which Sue Fisher from AWI participated, the proponents hoped the resolution would be adopted by consensus but some parties still had reservations about elements of the language. Eventually the proponents, Japan, Cambodia, and Ghana, called for a vote. The proposal was adopted, with 30 votes in favor, none opposed, 31 abstentions and one non-participation. This was possibly the strangest vote ever at the IWC, due to the fact that the chair would not allow the European block of countries ten minutes to decide how they would vote, forcing all 20 to abstain.

Considerable time was spent discussing a proposal from Japan to establish an intersessional working group to "discuss issues on whales and whaling which are necessary to the sound and fair functioning of the IWC." Ultimately Japan could not find support for its efforts, which were intended to lend credence to its claim that the IWC is dysfunctional because some of its members hold irreconcilable positions on whaling and conservation. Eventually, Japan had to withdraw the working group proposal and the IWC agreed to continue discussions "regarding differences of positions" informally.

As we neared the final agenda items, the chair gave the floor to Belgium and Luxembourg, which had been taking photographs all week of a multitude of delegates ties that featured whales and dolphins. Following a poll, in which only female delegates were allowed to vote (although the male Russian commissioner was caught cheating), the prize was awarded to a Japanese delegate for a handsome Moby Dick motif tie.

After this moment of levity the chair returned to decision-making on new officers. The two-year term of Switzerland's Bruno Mainini as chair has ended, and the IWC elevated the vice-chair, Joji Morishita of Japan, to replace him. The new vice-chair is Andrej Bibic of Slovenia. Two new chairs of subsidiary groups were appointed—Bruno Mainini became chair of the Aboriginal Subsistence Whaling sub-committee while Herman Oosthuizen of South Africa took over from Michael Stachowicz of Austria as chair of the Whale Killing Methods and Welfare Issues working group. Ghana, Australia, Argentina, and St. Lucia were elected to the Bureau, the group of seven IWC commissioners elected to oversee the work of the IWC during the intersessional period. It was agreed that the next IWC meeting will be held in Bahia, Brazil, in 2018. The 2017 and 2018 meetings of the Scientific Committee will be hosted by Slovenia and Kenya, respectively.

A final note on the work done by AWI's D.J. Schubert as the nongovernmental representative on the US delegation at this meeting: D.J. coordinated communications among the NGO groups in attendance. With patience, humor, and seemingly boundless energy, D.J. ensured that all felt included in the process—a monumental effort acknowledged with thanks by all of the organizations participating in this 66th meeting of the IWC.

In the end, IWC66 resulted in a number of substantial gains that will help to ensure the protection of whales, dolphins and porpoises.
