

## **Chair's Summary Report for the 58<sup>th</sup> Annual Meeting, St. Kitts and Nevis, June 2006**

The 58<sup>th</sup> Annual Meeting of the International Whaling Commission (IWC) took place at the Marriott Hotel, St. Kitts and Nevis from 16 to 20 June 2006. It was chaired by Henrik Fischer (Denmark). It was attended by 67 of the 70 Contracting Governments. The associated meetings of the Scientific Committee and Commission sub-groups were held at the same venue in the period 26 May to 13 June.

A brief report of the outcomes of the main agenda items is provided below. A full report including details of Commission discussions will be available in the Chair's Report for the 58<sup>th</sup> Annual Meeting.

### **1. STATUS OF STOCKS**

#### **Antarctic minke whales**

Completion of revised circumpolar abundance estimates for Antarctic minke whales continues to be a high priority as there is no agreed current estimate. Work is ongoing to assess the possible reasons for the differences between abundance estimates from the last two sets of surveys (including the impact of changes in the extent of sea ice) and the Committee agreed that it is currently premature to advise of the extent of any decline in abundance at this stage. It hopes to be in a position to agree estimates next year.

#### **Western North Pacific common minke whales**

Scientific Committee work on the in-depth assessment of western North Pacific common minke whales continues. Since the last Annual Meeting several sighting surveys and genetic studies have been conducted. The Committee agreed that sufficient information is now available to begin specifying some plausible hypotheses for stock structure.

Resolution 2005-2 on research co-operation adopted last year called for a workshop of scientists from Korea, Japan, the Russian Federation and China to help provide abundance estimates for the whole western North Pacific. This will be held in September 2006. Range states and other interested parties were encouraged to take part.

#### **Southern Hemisphere humpback whales**

Last year, it was agreed that completion of the Comprehensive Assessment of Southern Hemisphere humpback whales at IWC/58 was a high priority. Substantive progress was made during an intersessional workshop and at the Scientific Committee's annual meeting towards completing the Comprehensive Assessment for three breeding stocks, i.e. A (eastern South America), D (western Australia) and G (western South America). The Scientific Committee agreed that there has been an observed increase in population size of Breeding Stock A in recent decades but that the stock remains well below pre-exploitation levels (i.e., 27-34%). No firm conclusions could be drawn regarding the status of Breeding Stocks D (because of the potential for exchange on the feeding grounds with breeding stock E found east of Australia) or G (because of the large variation in current abundance estimates) although the Committee agreed that both have shown substantial increase since protection. No further work can be undertaken on these until further information becomes available. The Committee has not yet been able to perform assessment modelling for Breeding Stocks B and C breeding off western and eastern Africa respectively and Breeding Stocks E and F breeding off eastern Australia and Oceania because of uncertainty regarding stock structure. No abundance information is available for Breeding Stock X (a year-round resident of the Arabian Sea). High priority has been given to completing the assessment of Breeding Stocks B and C at next year's meeting.

#### **Southern Hemisphere blue whales**

Work on the Comprehensive Assessment of Southern Hemisphere blue whales was initiated with substantial new information being presented on past and present distribution, stock structure and abundance and trends.

#### **North Atlantic right whales**

North Atlantic right whales are among the most endangered of all the large whales, with a remaining western North Atlantic population of around 300 animals. The Scientific Committee has recommended on a number of occasions that it is a matter of absolute urgency that every effort be made to reduce anthropogenic mortality in the North Atlantic right whale stock to zero. Right whales continue to die or become seriously injured by entanglements in fishing gear or ship strikes. Progress on conservation measures for this species was given.

### **Southern Hemisphere right whales**

The Scientific Committee reviewed data for right whales off Australia and off South Africa. It was pleased to note information from western Australia, where the number of cow-calf pairs in 2005 was the highest recorded since surveys started (the annual series began off southern Western Australia in 1976 and expanded along the coast into South Australia from 1993). The rate of increase in the period 1993-2005 was over 7%. The Committee was also pleased that the number of cow-calf pairs recorded off South Africa in 2005 was the highest field count in 27 years of surveys. The Committee repeated its recommendation that these long-term monitoring programmes continue.

### **Western North Pacific gray whales**

The Scientific Committee and the Commission has expressed great concern over the critically endangered western gray whale on a number of occasions. The only known feeding grounds lie along the northeastern coast of Sakhalin Island, where existing and planned oil and gas developments pose potentially catastrophic threats to the population, through habitat damage, ship strikes, noise and oil spills.

At this year's meeting, the Committee received conflicting advice on whether there had been any impact on gray whales due to construction and other activities related to the oil and gas industry off Sakhalin Island in 2005. Given the importance of this issue to the conservation of western gray whales, the Committee strongly requested that sufficient documentation is provided to allow it to evaluate the evidence next year.

An updated population assessment was received based on photo-identification data from the Russia-USA programme. The estimated abundance is about 120 animals, with a rate of increase of some 3% over the 1994-2005 period. The updated assessment is more optimistic than the previous assessment, mainly due to shorter calving intervals observed in recent years, implying a higher reproductive rate. However, the Committee noted that if whales continue to be entangled in nets at the 2005 level, then the population is predicted to decline, with a substantial risk of extinction by 2030. The Committee made a number of recommendations regarding steps to reduce anthropogenic mortality.

## **2. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES**

The Commission endorsed the report and recommendations from the Workshop on Whale Killing Methods and Associated Animal Welfare Issues held from 11 to 13 June. The workshop gave particular consideration to: (1) practical criteria for determining the onset of irreversible insensibility and death; (2) means of improving the efficiency of whale killing methods; (3) reducing times to death; (4) means for reducing struck and lost rates in whaling operations; (5) the welfare implications of methods used to kill whales caught in nets, where they are not released alive; and (6) practical methods of reviewing and collecting data from aboriginal hunts. The workshop agenda was structured so as to provide the opportunity for hunters or experts with direct experience in whale hunting or whale euthanasia to talk about their own experiences, i.e. practices used and the improvements they have seen and remaining problem areas. Twenty-five papers from nine Contracting Governments were presented and discussed. Eleven specific recommendations for improving whale killing methods were proposed. Many of these address issues related to: (1) improved training of hunters in the best available practices; (2) exchange of information among member countries regarding best practices; and (3) the importance of maintaining equipment. It was suggested that the need for another scientific and technical workshop be reviewed in two years time.

## **3. ABORIGINAL SUBSISTENCE WHALING**

The Aboriginal Subsistence Whaling Sub-committee met on 11 June to review the Scientific Committee's work on development of an Aboriginal Subsistence Whaling Scheme and to review and provide advice to the Commission on catch limits for: (1) Bering-Chukchi-Beaufort Seas stock of bowhead whales; (2) eastern stock of North Pacific gray whales; (3) common minke whales and fin whales off Greenland; and (4) North Atlantic humpback whales off St. Vincent and The Grenadines.

The Commission endorsed the Sub-committee's report and agreed that no changes to the block quotas renewed in 2002 were needed. Consideration of the renewal of all aboriginal subsistence quotas is necessary at next year's meeting and the Scientific Committee is giving particular consideration to Bering-Chukchi-Beaufort Seas bowhead whales and whales off Greenland. The Commission was pleased to receive new abundance estimates for the common minke whale (3,500, 95%CI 1,500-7,700) and fin whale (1,700 95%CI 840-3,500) off West Greenland, an area where recent estimates had been lacking.

The catch limits presently in force are:

*Bering-Chukchi-Beaufort Seas stock of bowhead whales (taken by native peoples of the USA and the Russian Federation):* A total of up to 280 bowhead whales can be landed in the period 2003-2007, with no more than 67 whales struck in any year (and up to 15 unused strikes may be carried over each year).

*Eastern North Pacific gray whales (taken by native peoples of the USA and the Russian Federation):* - A total catch of 620 whales is allowed for the years 2003-2007 with a maximum of 140 in any one year.

*Caribbean humpback whales (taken by St Vincent and The Grenadines)* - For the seasons 2003-2007 the number of humpback whales to be taken by the Bequians of St. Vincent and the Grenadines shall not exceed 20. The meat and products of such whales are to be used exclusively for local consumption in St. Vincent and the Grenadines.

*East Greenland common minke whales (taken by Greenlanders)* - An annual catch of 12 whales is allowed for the years 2003-2007 (up to 3 unused strikes may be carried over each year).

*West Greenland fin whales (taken by Greenlanders)* - An annual catch of 19 whales is allowed for the years 2003-2007.

*West Greenland common minke whales (taken by Greenlanders)* - The annual number of whales struck for the years 2003-2007, shall not exceed 175 (up to 15 unused strikes may be carried over each year).

#### **4. THE REVISED MANAGEMENT SCHEME (RMS)**

##### **Revised Management Procedure (RMP)**

The Scientific Committee agreed that it is on schedule to complete the *Implementation* for western North Pacific Bryde's whales at next year's meeting. A second intersessional workshop is scheduled for December 2006 in Japan. The Committee reviewed progress with the *pre-Implementation Assessment* process for North Atlantic fin whales initiated last year. It agreed that while sufficient work had been completed to allow an *Implementation* to begin this year, the Committee believed that this would be impractical given the already heavy work load associated with the work on western North Pacific Bryde's whales. It therefore recommended that the *Implementation* for North Atlantic fin whales be initiated in 2007.

The RMP estimates a limit for the number of non-natural removals of whales from a particular stock, not simply a catch limit for commercial whaling. The Scientific Committee has, for the last three years, been addressing ways to estimate numbers of whales removed by indirect means including bycatch in fishing gear and ship strikes. The Committee reviewed progress towards estimating bycatch using: (1) fisheries data (including co-operative work with FAO) and observer programmes; and (2) genetic data from market sampling. The Committee is also looking at cetacean mortality through ship strikes. This year it reviewed and endorsed recommendations from a joint ACCOBAMS/Pelagos Sanctuary<sup>1</sup> workshop on large whale ship strikes in the Mediterranean, including the need for liaison between IWC and ACCOBAMS, and the report from the IWC Ship Strikes Working Group (see section 13).

##### **Revised Management Scheme**

In Resolution 2005-4 adopted last year, the Commission agreed: (1) to try to advance the RMS process through two meetings of the RMS Working Group prior to the Plenary at IWC/58, i.e. an intersessional meeting (which took place in Cambridge from 28 February to 2 March 2006), and another in conjunction with IWC/58 (which took place on 10 June 2006); and (2) to consider, if appropriate, ministerial, diplomatic or other high-level possibilities to resolve RMS issues among the Contracting Governments to the Convention.

At the intersessional meeting there was an extensive exchange of views and ideas on a number of the difficult issues surrounding completion of an RMS. However, while some further work (for review by the Working Group at IWC/58) was agreed in relation to compliance and a possible code of conduct for whaling under special permit, the Working Group agreed that an impasse had been reached in discussions and that further collective work should be postponed for the time being (except on the two specific activities) but with individual governments or groups of governments free to work together if they so chose. There was no consensus regarding the need or indeed usefulness of a high level meeting at the present time.

In St. Kitts and Nevis, the RMS Working Group reviewed the intersessional work on compliance and the code of conduct. It was unable to recommend any further collective work to develop an RMS and confirmed that

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<sup>1</sup> The Pelagos Sanctuary is an agreement among France, Italy and Monaco for a protected area in the NW Mediterranean Sea.

discussions remain at an impasse. The Commission noted the Working Group's report and did not identify any formal activity on the RMS for the coming year.

## **5. THE FUTURE OF THE IWC**

At the intersessional RMS meeting in Cambridge, a number of governments supporting the sustainable use of whale resources tabled a document titled 'Toward Normalisation of the International Whaling Commission'. In this document these Governments *inter alia* expressed regret that the Working Group had again failed to make progress toward the completion of an RMS and noted their view that it is time to start more productive discussions that would bring about the normalisation of IWC by refocusing the organisation back to its fundamental purpose as mandated by the International Convention for the Regulation of Whaling. They indicated that a further document (which was subsequently submitted by Japan) would be available at IWC/58 to facilitate discussion of this matter. In this second document, Japan suggested that the current 'dysfunctional IWC' is detrimental to both whaling peoples/communities and whale resources since a good conservation and management system is required for their future existence. Japan considered that 'normalisation' of the IWC so as to fulfil the provisions of the Convention is imperative and urgent and proposed that a conference be held in the intersessional period prior to IWC/59. The purpose of the conference, which would not be under the auspices of IWC, would be to exchange and discuss all ideas for normalising the IWC and to develop and recommend a plan of specific steps for implementing the Convention in a responsible manner. Japan indicated that the conference would be open to all IWC members that respect the Convention and wish to act in accordance with its provisions. It noted that participation by those members against sustainable consumptive use would not be constructive.

While there was general recognition that the current impasse within the Commission should be overcome, there was no agreement to the proposals put forward by Japan and others. Indeed there was considerable discussion about what the proposal for 'normalisation' of IWC might mean, including suggestions that 'normalisation' might be replaced by 'modernisation' or 'harmonisation'. Different views were put forward, including a proposal from the Netherlands re-introducing the concept of high-level intervention to help break the deadlock, but no agreement was reached regarding a common approach. The Commission did, however, adopt Resolution 2006-1, the St. Kitts and Nevis Declaration (see Annex 1) which declares a commitment to '*normalising the functions of the IWC based on: the terms of the International Convention for the Regulation of Whaling and other relevant international law; respect for cultural diversity and traditions of coastal peoples and the fundamental principles of sustainable use of resources; and the need for science-based policy and rulemaking that are accepted as the world standard for the management of marine resources*'. This Resolution was accepted by 33 votes to 32 with one abstention. Several of the countries voting 'no' formally disassociated themselves from the declaration after the result was announced.

## **6. SANCTUARIES**

A proposal by Brazil and Argentina to create a South Atlantic Whale Sanctuary was again presented to the Commission. Such a proposal would have required a three-quarters majority to have been adopted. In the event, after considerable discussion, the matter was not put to the vote. Prior to discussion in Plenary at IWC/58, the sanctuary proposal had also been discussed by the Conservation Committee.

A proposed Schedule amendment by Japan that would abolish the Southern Ocean Sanctuary did not receive the required three-quarter majority support to be adopted (28 votes in favour, 33 against and four abstentions).

France reported on its initiative to create a sanctuary for marine mammals in the French West Indies.

## **7. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING**

Japan gave a presentation on the hardship suffered by its four community-based whaling communities (Abashiri, Ayukawa, Wadoura and Taiji) as a result of the commercial whaling moratorium and introduced the 'Taiji Declaration on Traditional Whaling'. In 2004 via Resolution 2005-2, the Commission had reaffirmed its commitment to work expeditiously to alleviate the continued difficulties caused by the cessation of minke whaling. Japan then introduced a proposal to allow the taking of up to 150 minke whales from the Okhotsk Sea-West Pacific stock of the North Pacific each year until 2008 or until the quota based on an RMS is decided, whichever was earlier. This would have required a three-quarters majority to become effective. In the event, there were 30 votes in favour, 31 votes against and four abstentions. Japan withdrew a similar proposal for a take of up to 150 Bryde's whales annually from the western stock of the North Pacific.

## 8. RESEARCH CONDUCTED UNDER SCIENTIFIC PERMIT

### Interference with research programmes

As a result of certain recent protest activities against Japan's whale research vessels in the Antarctic, the Commission passed by consensus Resolution 2006-2 on the safety of vessels engaged in whaling and whale research-related activities (see Annex 2). Through this Resolution, the Commission: (1) agrees and declares that the Commission and its Contracting Governments do not condone any actions that are a risk to human life and property in relation to these activities of vessels at sea, and urges persons and entities to refrain from such acts; and (2) encourages Contracting Governments to take appropriate measures, consistent with International Maritime Organisation (IMO) guidelines, to ensure that the substance and spirit of the Resolution are observed both domestically and internationally.

### Improving the procedure for reviewing scientific permit proposals

The Scientific Committee agreed that the process it currently uses for reviewing scientific permit proposals needs to be improved and there was considerable debate on this matter. It agreed and recommended to the Commission a *pro forma* to be used by the proponents of special permit proposals when submitting proposals to the Scientific Committee. This requires information to be provided on: (1) objectives (quantified where possible); (2) methods to address objectives; (3) assessment of potential effects of catches on the stocks involved; and (4) a note on provisions for co-operative research. Proposals were developed on ways to improve the review process and the Committee agreed to use these as a starting point for discussions next year. The Commission accepted the Scientific Committee's report.

### Review of results from existing permits

The Scientific Committee reviewed results from Japan's research programmes in the Antarctic (i.e. the first year of JARPA II<sup>2</sup>) and North Pacific (JARNPII<sup>3</sup>) and Iceland's programme in the North Atlantic<sup>4</sup>. Again, as in the past, different views on the value of these research programmes were expressed in the Scientific Committee and in the Commission. A workshop to review the results from the 18-year JARPA<sup>5</sup> programme is scheduled for early December 2006. The report from this intersessional workshop will be discussed by the Scientific Committee at IWC/59 next year.

### Review of new or continuing proposals

There were no new special permit proposals to review this year. The Scientific Committee did not have time to consider the continuing research proposals of Japan and Iceland, but noted that there were no substantial changes in these proposals since the previous reviews by the Committee.

## 9. ENVIRONMENTAL CONCERNS

The Commission reviewed the Scientific Committee's report on environmental matters, including the potential for seismic surveys to impact cetaceans, ecosystem modelling, progress on two established programmes (POLLUTION 2000+<sup>6</sup> and Southern Ocean collaborative studies), SOCER (State of the Cetacean Environment Report) and sea ice.

A two-day pre-meeting on seismic surveys was attended by Committee members, industry representatives, geophysical contractors, national regulatory agencies and funding bodies and advanced considerably the

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<sup>2</sup> JARPA II - Japanese Whale Research Program under Special Permit in the Antarctic - a new large-scale Antarctic programme that commenced with the first year of a two-year feasibility study during the austral summer of 2005/06. The objectives are defined by Japan as: (1) monitoring of the Antarctic ecosystem; (2) modelling competition among whale species and developing future management objectives; (3) elucidation of temporal and spatial changes in stock structure; and (4) improving the management procedure for Antarctic minke whale stocks. JARPA II will focus on Antarctic minke, humpback and fin whales and possibly other species in the Antarctic ecosystem that are major predators of Antarctic krill. During the 2-year feasibility study a maximum of 850±10% Antarctic minke whales and ten fin whales will be killed and sampled in each season. Annual sample sizes for the proposed full-scale research (lethal sampling) are 850±10% Antarctic minke whales, 50 humpback whales and 50 fin whales.

<sup>3</sup> JARNPII is a long-term research programme primarily aimed at feeding ecology in the context of contributing to the 'conservation and sustainable use of marine living resources in the western North Pacific, especially within Japan's EEZ.' The programme involves the taking of 150 minke whales, 50 Bryde's whales, 50 sei whales and 10 sperm whales annually in the western North Pacific.

<sup>4</sup> A proposed permit by Iceland, primarily for feeding ecology studies for 100 common minke whales, 100 fin whales and 50 sei whales in each of two years was presented two years ago. In the event, Iceland issued a permit to take 38 common minke whales in 2003 and 25 minke whales in 2004. The Icelandic Marine Research Institute's proposed take for 2005 is 39 minke whales.

<sup>5</sup> JARPA was an 18-year programme conducted between the 1987/88 and 2004/05 austral summer seasons which had the following stated objectives: (1) estimation of biological parameters (especially the natural mortality rate) to improve management; (2) elucidation of stock structure to improve management; (3) examine role of whales in the Antarctic ecosystem; and (4) examine effect of environmental changes on cetaceans. It involved a take of 400±10% minke whales each year.

<sup>6</sup> POLLUTION 2000+ is an IWC sponsored research programme to investigate pollutant cause-effect relationships in cetaceans.

Committee's ability to address this issue. A range of important recommendations were made. With respect to member governments, these included that governments should: (1) implement appropriate monitoring programmes as identified in the Committee's report; (2) identify and facilitate research, monitoring and mitigation measures that address the Committee's recommendations; and (3) establish as soon as possible long-term monitoring programmes for vulnerable species. The Committee also recommended that seismic surveys be designed to use only the amount of acoustic output required for the desired geological objectives.

With respect to ecosystem modelling, plans were put in place with respect to: (1) a joint workshop with CCAMLR (sometime in 2008) to review information required for ecosystem models being developed to provide management advice on krill predators in the Antarctic marine ecosystem; and (2) participation of Committee members in an FAO Expert Consultation on modelling ecosystem interactions for informing an ecosystem approach to fisheries (tentatively scheduled for the second quarter of 2007).

The Scientific Committee reviewed the results from Phase I of POLLUTION 2000+ which has now been completed. The work had contributed to the Commission's request to give priority to research on the effects of environmental changes on cetaceans, and it was recommended that an interdisciplinary workshop be held to identify the need for a Phase II of the programme, and, if appropriate, to design an outline research proposal for continuation of the programme. The Committee welcomed progress on Southern Ocean collaborative studies and in particular collaborative studies in the context of International Polar Year.

The SOCER report this year focused on the Indian Ocean and revealed a relative lack of information for this region in peer-reviewed journals, despite the presence of a number of actual and potential threats to cetaceans.

The Committee agreed to hold a special symposium on infectious and non-infectious diseases in marine mammals and impacts on cetaceans prior to the next Annual Meeting and, in response to a request from the Commission last year, agreed to hold a session in Anchorage on the potential value to the Committee of information from the handling and release of cetaceans entangled in fishing nets and marine debris.

## **10. WHALEWATCHING**

The Scientific Committee examined a number of issues related to whalewatching, including possible impacts of whalewatching (including 'swim-with' programmes) on cetaceans and the identification of data sources from whalewatching programmes of potential value to the Committee. With respect to possible impacts, the Committee agreed that there is new compelling evidence that the fitness of individual small cetaceans repeatedly exposed to whalewatching vessel traffic can be compromised and that this can lead to population level effects. It encouraged further similar studies to be undertaken on large whales. The Committee agreed that it is appropriate to develop a holistic approach to impact assessment of whalewatching so as to separate impacts attributed to whalewatching from other human-induced and ecological effects and recommended that a workshop to develop a world-wide research design be held.

In the Commission, Australia presented a paper providing initial findings of an economic valuation of whalewatching tourism in the Pacific Islands, and Argentina presented a report of an international workshop on the management and non-lethal use of cetaceans that was held in September 2005.

## **11. OTHER SCIENTIFIC COMMITTEE ISSUES**

### **Small cetaceans**

This year the Scientific Committee focused on a review of small cetaceans in the Caribbean (excluding the Gulf of Mexico) and western tropical Atlantic. This area is characterised by complex oceanographic and topographic features, with over 26 species of small cetaceans occupying different and diverse habitats varying from coastal lagoon, mangrove and reef systems to open oceanic waters. Directed takes in this area include subsistence removal for food and live capture for dolphinarium both within the region and globally. The extent of current directed hunts is unclear. There is evidence of incidental catches of several species in many fisheries but little information on levels. Boat traffic, and habitat degradation, including chemical pollution are also potential threats to cetaceans in the region. The Committee commended the work being carried out, but noted that considerable additional work is needed to understand the distribution, stock structure, abundance and status of the species in the region. Few abundance estimates exist and stock structure remains unknown in most cases. This requires local and international collaboration, co-operation, training and assistance.

The Scientific Committee also reviewed progress on previous recommendations with respect to the *baiji* of the Yangtze River (the world's most endangered cetacean), the vaquita (critically endangered), harbour porpoise (exposed to high bycatch throughout its range), franciscana (for which abundance information for the southern coast of Brazil was received) and humpback dolphins (for which information was received from China and

Guinea). Progress on other recommendations, *inter alia* on belugas and narwhals, small cetaceans in the Black Sea, and Dall's porpoise was reviewed and the Committee reiterated its previous concerns and recommendations.

### Surveys

The Committee endorsed plans for major new cetacean surveys in the Mediterranean Sea (under the auspices of ACCOBAMS) and the North Atlantic (a new survey in the NASS<sup>7</sup> series) and agreed that it should co-operate with these initiatives.

## 12. CO-OPERATION WITH OTHER ORGANISATIONS

The Scientific Committee has continuing co-operative arrangements with a number of other organisations including CMS (Convention on the Conservation of Migratory Species), ASCOBANS (Agreement on Small Cetaceans of the Baltic and North Seas), ACCOBAMS (Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area), ICES (International Council for the Exploration of the Sea), IATTC (Inter-American Tropical Tuna Commission), ICCAT (International Commission for the Conservation of Atlantic Tuna), CCAMLR (Convention for the Conservation of Antarctic Marine Living Resources), Southern Ocean GLOBEC, NAMMCO (North Atlantic Marine Mammal Commission), FAO (Committee on Fisheries), PICES (North Pacific Marine Science Organisation), IUCN (International Union for the Conservation of Nature) and ECCO (Eastern Caribbean Cetacean Commission). Reports from IWC observers attending meetings of the above organisations were reviewed. In the Commission, UNEP reported on work relating to its Protocol on Specially Protected Areas and Wildlife (SPAW) of the Cartagena Convention for the Wider Caribbean. Further reference to co-operative work with these and other organisations can be found in other sections of this summary report.

## 13. CONSERVATION COMMITTEE

The Commission reviewed the report of the Conservation Committee that met on 9 June. The Committee had reviewed progress with two areas of work agreed last year: (1) an investigation of inedible 'stinky' gray whales in the Chukotkan aboriginal subsistence hunt; and (2) work to make progress on the issue of whales being killed or seriously injured by ship strikes, for which a working group was established. A collaborative study between the Russian Federation and the USA has begun and results from analyses of tissues from two stinky whales taken in the 2005 hunt will be available to the Scientific Committee next year, together with results from toxicological studies. A related gray whale study has begun in Mexico to obtain breath samples for chemical analyses from free swimming whales (on their breeding and calving and feeding grounds). Again, results will be available at next year's meeting.

The Committee had received reports from the Scientific Committee and from the Ship Strikes Working Group. The USA provided additional information on its actions to reduce the threat of ship collisions with North Atlantic right whales. Noting that the assessment of population level impacts of ship strikes is under consideration by the Scientific Committee, the Working Group report focused on assessing the level of threats to cetaceans caused by maritime traffic worldwide and identifying measures to reduce these threats. The report: (1) included a review of existing or recommended ship strike mitigation legislation, programmes and measures of individual countries and intergovernmental organisations/programmes; and (2) identified known or potentially high-risk areas for ship strikes due to intense shipping. The Working Group made a series of recommendations for further work in this area that were endorsed by the Conservation Committee, including the that a centralised international database on ship strikes be established. This was also supported by the Scientific Committee. Given the activities of a number of intergovernmental organisations, the Conservation Committee agreed that the Working Group report should be forwarded to CMS (by the Secretariat) and IMO (via Belgium). The Secretariat was asked to explore the possibility of establishing a co-operative agreement with IMO.

The Conservation Committee also reviewed: (1) two proposals for new whale sanctuaries, one in the South Atlantic, the other in the South Pacific, although only the former was put forward as a proposed Schedule amendment; and (2) a number of voluntary national reports on cetacean conservation activities.

In the Commission, there continued to be disagreement over the establishment and terms of reference of the Conservation Committee such that not all Contracting Governments could endorse the Committee's report.

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<sup>7</sup> North Atlantic Sightings Surveys.

#### **14. FUTURE WORK OF THE SCIENTIFIC COMMITTEE**

The Commission adopted the report from the Scientific Committee, including its proposed work plan for 2006/2007 that includes activities in the following areas:

- continued work on the Revised Management Procedure (RMP), particularly with respect to: (1) completing the *Implementation* for western North Pacific Bryde's whales; and (2) planning the start of *implementation assessment* for North Atlantic fin whales;
- continued work on the estimation of bycatch and other human induced mortality for use in the Revised Management Procedure;
- continued work on Aboriginal Subsistence Whaling Management Procedure development particularly with respect to completing the bowhead *Implementation Review* and preparing for the gray whale *Implementation Review*;
- annual reviews of catch data and management advice for eastern North Pacific gray whales, BCB bowhead whales, minke and fin whales off Greenland and humpback whales off St. Vincent and The Grenadines;
- continued work on in-depth assessments, with particular emphasis on producing agreed abundance estimates for Antarctic minke whales and completion of the assessments for western North Pacific common minke whales and Southern Hemisphere humpback whales;
- further review of progress on the TOSSM (Testing of Spatial Structure Models) project and the concept of 'stock' in a management context;
- review of the report from the intersessional JARPA review workshop, reviews of existing/new scientific permits and continuation of discussions to improve the process for reviewing permits;
- continued work on environmental concerns, with a focus on reviewing: (1) the report of the symposium on infectious and non-infectious diseases of marine mammals and impacts on cetaceans; (2) plans for Phase II of POLLUTION 2000+; and (3) plans for IWC's participation in the CCAMLR Interational Polar Year survey in 2008;
- continued work on ecosystem modelling with a focus on: (1) review of progress with the joint CCAMLR/IWC workshop on modelling Antarctic krill predators; and (2) reviewing collaboration with FAO;
- continued work on issues related to whalewatching (WW), with a focus on assessing possible population level impacts of WW on whales and on identifying data that may be obtained from whalewatching vessels that are of potential value to the Scientific Committee;
- continued work on small cetaceans, including a review of the population structure, systematics and status of killer whales.

#### **15. SECRET BALLOTS**

A proposed amendment to the Commission's Rules of Procedure that would increase the opportunities for using secret ballots was not adopted. There were 30 votes in support, 33 against and one abstention.

#### **16. ADMINISTRATION**

Items covering administrative and financial matters (i.e. items 16 to 19 of this report) were first considered by the Finance and Administration Committee that met on Monday 13 June.

##### **Use of languages other than English**

The Commission agreed on a process for the 2007 Annual Meeting to improve facilities for French and Spanish speaking countries (Document IWC/58/28). This includes: (1) the provision of both equipment and interpreters for simultaneous interpretation for French and Spanish; and (2) the translation into French of certain documents and summaries (with a summary of the Scientific Committee report also being made available in Spanish). The Commission also agreed by consensus<sup>8</sup> Resolution 2006-3 on 'French and Spanish as Working Languages of the Commission' (see Annex 3).

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<sup>8</sup> Noting the reservation of Denmark.

### **Frequency of meetings**

As last year, there was some support to move to biennial meetings (principally related to cost savings) but also some concern (principally in relation to difficulties in managing marine resources on a biennial basis). The Commission agreed to hold a special session of the F&A Committee at IWC/59 as a way of coming to a decision on this matter. However, it was also agreed that any move to a two-year cycle would not take effect until after 2008.

### **Amendments to the Rules of Procedure and Rules of Debate**

The Commission adopted by consensus revisions to Rule of Debate C.1 and Rule of Procedure F.2 to clarify the procedure to be used when there is an appeal to a ruling of the Chair.

### **Dealing with legal issues**

The way that IWC deals with legal issues was raised by the Netherlands at the 5<sup>th</sup> Special Meeting of the Commission in Cambridge, October 2002. A number of discussion papers have been developed since then, including a paper prepared by the Netherlands for the Commission at IWC/56 in 2004 that outlined options on how legal issues arising within IWC could be addressed. Different views were expressed within the Commission regarding the various options identified, including whether the Commission need address this issue at all. No consensus view on how to take this matter forward has been forthcoming. The Netherlands, who had hoped to pursue this matter with interested parties after IWC/57, had been unable to do so, but suggested that an email working group be established to report to the F&A Committee next year. In the absence of expressions of interest in joining such a group, it was suggested that the Netherlands may itself prepare a paper for consideration at IWC/59.

## **17. NON-GOVERNMENTAL ORGANISATIONS (NGOs)**

### **NGO Code of Conduct**

The Commission adopted by consensus the NGO Code of Conduct attached as Annex 4.

### **NGO participation in Annual Meetings**

As requested by the Commission last year, the Secretariat, in consultation with the Advisory Committee prepared proposals for review by the F&A Committee at IWC/58 on revised criteria/conditions for NGO accreditation and participation in IWC meetings. The proposals also included a possible fee structure and revised Rules of Procedure that could give effect to the revised criteria/conditions. The F&A Committee was unable to reach agreement on any revisions to current procedures, but agreed to Australia's suggestion that it work with a small group of countries (New Zealand, the USA, Austria, Monaco and the Netherlands) to develop a specific proposal for consideration by the Commission in Plenary. A proposal was subsequently submitted to the Plenary. However, in view of time considerations and the need for at least a 60-day notice period for changes to the Rules of Procedure, the Commission agreed that the paper be addressed by the F&A Committee next year.

## **18. REVISION OF THE FINANCIAL CONTRIBUTIONS FORMULA**

Recognising the potential implications for any revised contributions formula of work on the RMS, the work of the Contributions Task Force (CTF) had been put on hold until these implications could be assessed. The Task Force last met in March 2003. Last year, the view was expressed by some that work to revise the contributions formula should not be linked to completion of the RMS and should therefore be resumed. It was agreed to hold a Task Force meeting at IWC/58. Given this and the impasse that has been reached on the RMS, at IWC/58 the Commission agreed to the Task Force's proposal that work on a revised contributions formula be resumed, building on the work to date. Up to two intersessional Task Force meetings will be held at the Secretariat's offices - the first in October/November 2006, and the second, if necessary, in February/March 2007.

## **19. FINANCE AND BUDGET**

These matters had first been considered by the Budgetary Sub-committee that met on Friday 9 June.

### **Consideration of a possible-one-off amnesty to relieve the debt of developing countries**

During the F&A Committee meeting last year, it was noted that while decisions taken at IWC/54 in Shimonoseki in 2002 resulted in reductions to outstanding debts of a number of countries, some considerable debts remained. Given this and given that ways to relieve the debt burden of developing nations are being explored in other international organisations, there was a suggestion that IWC might wish to give some consideration at a future meeting to a one-off amnesty to relieve the debt burden of its own developing country members. Despite some

concern regarding precedents that might be set and possible knock-on effects such a move might have to other organisations, the Commission agreed that the suggestion merited further consideration and that this be explored by the Secretariat who should develop proposals, including changes to Financial Regulations that might be needed, for possible decision-making at IWC/58 in St. Kitts and Nevis. The Secretariat prepared a paper as requested. At IWC/58, the Commission decided that a one-off amnesty is not the right course of action at the present time and should not be pursued. Noting that two developing member countries (Costa Rica and Kenya) still have significant outstanding debt to IWC, the Secretariat was requested to: (1) make contact with these countries regarding repayment of their arrears; and (2) to explore alternatives for repayment.

### **Review of the budget provision for Annual Meetings**

The Secretariat had noted that the current level of budgetary provision for the Annual Meeting is not sufficient to cover the costs of a meeting in the UK (the basis on which the provision is supposed to be set) and that in recent years, host Governments have incurred additional expenses. It provided updated cost estimates for running an Annual Meeting in the UK and the implications of these for financial contributions (which were not insignificant). The Government of St. Kitts and Nevis had, in a separate paper to the F&A Committee highlighted the inadequacy of the current provision to cover meeting costs, particularly in developing countries where the costs of many items is higher than in developed countries. Highlighting the shortfall it faced in hosting IWC/58, St. Kitts and Nevis recommended: (1) that the budgetary provision be increased; (2) that the provision be higher for host countries from developing countries; and (3) that its proposals take effect to include the hosting of IWC/58.

In the F&A Committee, while some governments indicated that there is no immediate problem, since the Commission is not short of offers from governments to host meetings, others believed that there is a case for increasing the meeting provision on an incremental basis. Some considered that any increase in costs could be offset by moving to biennial meetings. While there was some sympathy for the financial position of St. Kitts and Nevis, the Committee made no recommendations to the Commission in this respect.

In the Commission there were no further discussions on increasing the budgetary provision for Annual Meetings. However, St. Kitts and Nevis submitted a proposal to use funds from IWC's reserves to help cover its shortfall in meeting the cost of hosting IWC/58. The proposal was not adopted when put to a vote, there being 30 votes in favour, 30 against and four abstentions.

### **Secretariat office accommodation**

For several years, the Secretariat has, at the request of the Commission, been exploring alternatives to its current office accommodation (The Red House), including the possibility of relocation to another country. At IWC/56, the Commission: (1) acknowledged that rent of the Red House represented approximately 4% of the total budget and was therefore not an excessive cost; and (2) recognised the need to retain expertise within the Secretariat that would be lost if it were moved away from the Cambridge area. The Secretariat was therefore requested to explore alternatives in the Cambridge area for discussion at IWC/57. At IWC/57, noting that the current lease on The Red House expires in March 2009, the Commission expressed considerable interest in the Commission purchasing its own office and asked the Secretariat to develop a more comprehensive picture for review at IWC/58 (e.g., identification of all costs, timing of events, cash flows). In St. Kitts and Nevis the focus of discussions changed. Some countries considered it premature to take a decision on whether to purchase a property before the option of negotiating a more favourable Headquarters Agreement with the UK Government had been explored, while others suggested that approaches to other governments willing to host the IWC Secretariat would also be worthwhile. The Commission therefore agreed that the Secretariat should work with the Advisory Committee to develop a questionnaire for circulation to all Contracting Governments in September asking interested governments to identify what they would be prepared to offer to host the Secretariat in their country (e.g. by way of office accommodation, other facilities, financial support, etc).

### **Financial statements and budget estimates**

The Commission approved the Provisional Financial Statement for 2005-2006 subject to audit. It also approved the budget for 2006-2007, including the research budget, and increases in: (1) the NGO observer fee from £610 to £625 per organisation; and (2) the media fee from £40 to £45 per organisation for 2007. The fee for non-member governments and intergovernmental organisations remains unchanged at £800 per individual.

### **Budgetary Sub-committee membership rota**

The Commission approved a mechanism by which the appointment as Chair or Vice-Chair of the Budgetary Sub-committee of a BSC member who was coming to the end of their term on the Sub-committee would not block participation of other interested countries.

## **20. DATE AND PLACE OF ANNUAL MEETINGS**

The 59<sup>th</sup> Annual and associated meetings in 2007 will be held in Anchorage, Alaska, USA during the period 4 – 31 May.

The 60<sup>th</sup> Annual Meeting in 2008 will be held in Chile. The dates and venue are to be determined.

Offers to host the 61<sup>st</sup> Annual Meeting in 2009 have been received from Portugal (venue: Madeira) and Japan (venue: Yokohama). The location of IWC/61 will be decided at next year's meeting.

## **21. ELECTIONS**

The F&A Committee elected, by consensus, Anthony Liverpool (Antigua and Barbuda) as its new Chair.

The Commission elected, by consensus, Bill Hogarth (USA) and Minoru Morimoto (Japan) as Commission Chair and Vice-Chair respectively.

## **22. ADVISORY COMMITTEE**

The Commissioner from Cameroon was elected onto the Advisory Committee to replace the Commissioner for Dominica. The Advisory Committee now comprises the Chair (USA), the Vice-Chair (Japan), the Chair of Finance and Administration (Antigua and Barbuda), the Commissioner for the UK and the Commissioner for Cameroon.

## ANNEX 1

### Resolution 2006-1

#### ST. KITTS AND NEVIS DECLARATION

**EMPHASISING** that the use of cetaceans in many parts of the world including the Caribbean, contributes to sustainable coastal communities, sustainable livelihoods, food security and poverty reduction and that placing the use of whales outside the context of the globally accepted norm of science-based management and rule-making for emotional reasons would set a bad precedent that risks our use of fisheries and other renewable resources;

**FURTHER EMPHASISING** that the use of marine resources as an integral part of development options is critically important at this time for a number of countries experiencing the need to diversify their agriculture;

**UNDERSTANDING** that the purpose of the 1946 International Convention for the Regulation of Whaling (ICRW) is to 'provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry' (quoted from the Preamble to the Convention) and that the International Whaling Commission (IWC) is therefore about managing whaling to ensure whale stocks are not over-harvested rather than protecting all whales irrespective of their abundance;

**NOTING** that in 1982, the IWC adopted a moratorium on commercial whaling (paragraph 10 e of the Schedule to the ICRW) without advice from the Commission's Scientific Committee that such measure was required for conservation purposes;

**FURTHER NOTING** that the moratorium which was clearly intended as a temporary measure is no longer necessary, that the Commission adopted a robust and risk-averse procedure (RMP) for calculating quotas for abundant stocks of baleen whales in 1994 and that the IWC's own Scientific Committee has agreed that many species and stocks of whales are abundant and sustainable whaling is possible;

**CONCERNED** that after 14 years of discussion and negotiation, the IWC has failed to complete and implement a management regime to regulate commercial whaling.

**ACCEPTING** that scientific research has shown that whales consume huge quantities of fish making the issue a matter of food security for coastal nations and requiring that the issue of management of whale stocks must be considered in a broader context of ecosystem management since eco-system management has now become an international standard.

**REJECTING** as unacceptable that a number of international NGOs with self-interest campaigns should use threats in an attempt to direct government policy on matters of sovereign rights related to the use of resources for food security and national development;

**NOTING** that the position of some members that are opposed to the resumption of commercial whaling on a sustainable basis irrespective of the status of whale stocks is contrary to the object and purpose of the International Convention for the Regulation of Whaling;

**UNDERSTANDING** that the IWC can be saved from collapse only by implementing conservation and management measures which will allow controlled and sustainable whaling which would not mean a return to historic over-harvesting and that continuing failure to do so serves neither the interests of whale conservation nor management;

#### **NOW THEREFORE:**

**COMMISSIONERS** express their concern that the IWC has failed to meet its obligations under the terms of the ICRW and,

**DECLARE** our commitment to normalising the functions of the IWC based on the terms of the ICRW and other relevant international law, respect for cultural diversity and traditions of coastal peoples and the fundamental principles of sustainable use of resources, and the need for science-based policy and rulemaking that are accepted as the world standard for the management of marine resources.

## ANNEX 2

### Resolution 2006-2

#### **RESOLUTION ON THE SAFETY OF VESSELS ENGAGED IN WHALING AND WHALE RESEARCH-RELATED ACTIVITIES**

**WHEREAS** the safety of vessels and crew and the order of maritime navigation are, and have long been, the common interest of nations worldwide,

**WHEREAS** the Commission and Contracting Governments support the right to legitimate and peaceful forms of protest and demonstration,

**MINDFUL** of the fact that issues relating to confrontation between vessels at sea and in port have been discussed by this Commission as well as other international fora including the International Maritime Organization,

**RECOGNISING** the fact that domestic and international concerns have been expressed concerning confrontation at sea and port relating to whaling and whale research activities,

**SERIOUSLY CONCERNED** that dangerous confrontations risk human life, property, and the order of maritime navigation, and may lead to grave accidents,

**RECALLING** the International Regulations for preventing Collisions at Sea which set uniform principles and rules for avoiding collisions at sea,

**RECALLING** further the guidelines of the International Maritime Organization relating to consultation and cooperation in marine casualty investigations,

**NOW THEREFORE THIS COMMISSION,**

**AGREES AND DECLARES** that the Commission and its Contracting Governments do not condone any actions that are a risk to human life and property in relation to these activities of vessels at sea, and urges persons and entities to refrain from such acts;

**ENCOURAGES** Contracting Governments to take appropriate measures, consistent with IMO guidelines, in order to ensure that the substance and spirit of this Resolution are observed both domestically and internationally.

### ANNEX 3

#### Resolution 2006-3

#### FRENCH AND SPANISH AS WORKING LANGUAGES OF THE COMMISSION

**AWARE** of the internationally accepted difference between ‘official languages’ and ‘working languages’ in the operations of international conventions;

**FURTHER AWARE** of the necessity for international organizations to protect the Sovereign Rights and the cultural values of their members;

**WELCOMING** the increasing number of French speaking countries becoming members of the Commission;

**CONSCIOUS** of the difficulties inherent to the implementation of new working languages within the Commission, but wishing to make concrete progress in this direction;

**RECALLING** the several discussions that took place since IWC56 regarding the introduction of French as working language of the Commission, as reported mainly in reports submitted to the Commission by the Finances and Administration Committee;

**NOTING** with gratitude and appreciation the special contribution made by the Governments of France and Monaco towards an experimental implementation of the French language as a working language of the Commission;

**FURTHER NOTING** with gratitude and appreciation efforts and contributions made by other members of the Commission to assist with the implementation of French as a working language; and

**RECOGNISING** the excellent work performed by the Finances and Administration Committee and the Secretariat

**NOW THEREFORE THE COMMISSION:**

**INSTRUCTS** the Secretariat to provide translation and interpretation in French and Spanish in accordance with IWC/58/28 at the 2007 IWC Annual Meeting.

**REQUESTS** the Secretariat to investigate the possibility of recognising French and Spanish as working languages of the Commission at the 2007 IWC Annual Meeting.

**FURTHER REQUESTS** the Secretariat before IWC/59 to develop options for the implementation of French and Spanish at future meetings of the Commission, including possible time frame and cost implications for a final decision to be taken at the 2007 IWC Annual Meeting.

## ANNEX 4

### Code of Conduct for NGOs at IWC meetings and complaints procedure

The Commission welcomes the attendance of NGOs at its meetings but such attendance carries certain responsibilities. It is the duty of each NGO to behave with due and proper respect for the meeting proceedings and to all Contracting Governments and other governments attending IWC meetings and to abide by this code of conduct. Disruptive behaviour and/or failure to conform to this code of conduct may result in suspension or withdrawal of accreditation.

A copy of this code of conduct will be issued to each NGO observer at the beginning of each meeting.

#### Mobile telephones

Mobile telephones shall be switched off or put in 'silent' mode before entry of the observer into the meeting room.

#### Use of recording equipment

The use of audio and/or visual recording equipment is permitted during Plenary sessions of the Commission provided that such recording is carried out unobtrusively and without disturbance to the meeting. Flash photography is only permitted during the Opening Plenary.

The use of recording equipment is not permitted in meetings of the Commission's sub-groups unless the Commission decides otherwise.

#### Documents

Quotations from, or use of draft IWC documents is prohibited. Rule of Procedure Q.1\* regarding confidentiality of reports of meetings of IWC committees, sub-committees and working groups must be respected.

Only official meeting documents submitted by Contracting Governments or prepared by the Secretariat (including the collated Opening Statements from NGOs) may be distributed through pigeon-holes. The Secretariat is solely responsible for such distribution. NGOs may, however, make 'for information' documents available to participants using tables designated for this purpose. Such documents must indicate which organization is responsible for them. Documents that do not meet this requirement will be removed by the Secretariat.

While 'for-information' documents will not be reviewed by the Secretariat before being placed on the designated tables, those NGOs distributing such documents remain responsible for their content. These documents shall not contain statements that defame any participating organization or person, or cause serious offence to any government.

#### Behaviour and demonstrations

Behaviour of representatives of NGOs shall not be disruptive to the proceedings of the meeting. The Chair of the proceedings may ask anyone disrupting the meeting to leave the room.

Demonstrations at the meeting venue shall take place at sites designated for such purposes by the host government. In any event, demonstrations shall neither take place within the meeting rooms or their immediate vicinity within the venue of the meeting controlled by the IWC, nor impede access to the meeting venue, nor shall they threaten the physical safety of delegations attending the meeting.

#### Complaints

Differences in views and philosophy are natural and should be respected. Any participant shall refrain from measures, including verbal, written, or physical attacks designed to deter the exercise of the rights of others to hold and express different views.

Any participant who has a grievance in this regard should submit a written complaint to the Secretary, who will try to resolve the problem with the parties concerned. If this fails, the Secretary will report the matter to the Advisory Committee who shall liaise with the parties concerned to seek a resolution. If this fails, the Advisory Committee will refer to the Commission for decision-making.

\* Rule of Procedure Q.1: 'Reports of meetings of all committees, sub-committees and working groups of the Commission are confidential (i.e. reporting of discussions, conclusions and recommendations made during a meeting is prohibited) until the opening plenary session of the Commission meeting to which they are submitted, or in the case of intersessional meetings, until after they have been dispatched by the Secretary to Contracting Governments and Commissioners. This applies equally to member governments and observers. Such reports, with the exception of the report of the Finance and Administration Committee, shall be distributed to Commissioners, Contracting Governments and accredited observers at the same time. Procedures applying to the Scientific Committee are contained in its Rules of Procedure E.5.(a) and E.5.(b).'