

[Revised]¹ Chair's Summary Report of the 59th Annual Meeting, Anchorage, Alaska, May 2007

The 59th Annual Meeting of the International Whaling Commission (IWC) took place at the Hotel Captain Cook, Anchorage, Alaska from 28 to 31 May 2007. It was chaired by Dr Bill Hogarth (USA). It was attended by 73 of the 77 Contracting Governments. The associated meetings of the Scientific Committee and Commission sub-groups were held at the same venue in the period 7 to 25 May.

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 of the 59th 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. An intersessional meeting on this issue is planned and the Scientific Committee hopes to reach agreement on abundance estimates and their interpretation at next year's Annual Meeting.

Western North Pacific common minke whales

Scientific Committee work on the in-depth assessment of western North Pacific common minke whales continues. Specification of some plausible hypotheses for stock structure has begun and the Committee expects to draw conclusions about stock structure in the Sea of Japan at next year's meeting and then to consider information on stock structure in the waters east of Japan. Preliminary abundance estimates from recent sighting surveys in Russian Federation and Korean waters were reviewed and the Committee welcomed plans for further surveys in Japanese and Korean waters in the intersessional period.

Southern Hemisphere humpback whales

Completion of the Comprehensive Assessment of Southern Hemisphere humpback whales has high priority. Substantive progress was made last year for Breeding Stocks A (eastern South America), D (western Australia) and G (western South America). This year work focused on Breeding Stocks B and C breeding off western and eastern Africa respectively. Information presented suggests that both stocks are sub-structured and that further work is needed before abundance estimates can be agreed; this work will be undertaken during the intersessional period.

Southern Hemisphere blue whales

New estimates of abundance and trends for Antarctic blue whales were accepted. Although blue whales are still at a tiny fraction of their unexploited population size, they were increasing at around 8% per year for the period 1978/79 to 2003/04. The abundance estimate for the approximate mid year of 1997/98 was estimated at 2,300 blue whales (95% confidence intervals of 1,150 – 4,500). The Committee also gave some preliminary consideration to blue whales off Chile which it agrees should be managed separately from Antarctic and pygmy blue whales.

Western North Pacific gray whales

The Scientific Committee and the Commission have expressed great concern over the critically endangered western gray whale on a number of occasions. It is probably the most endangered population of large whales. The only known feeding grounds lie along the northeastern coast of Sakhalin Island, where existing and planned oil and gas developments pose potentially serious threats to the population, through habitat damage, ship strikes, noise pollution and oil spills. Entanglements in fishing gear throughout the range also pose a serious threat to the population.

This year the Committee received new information from the joint Russian-US research programme on the Sakhalin feeding grounds. Population modelling work using photo-identification data indicated a high probability of population increase to 2050 provided that there is no additional mortality (to the expected natural mortality) and no disturbance to reproduction. However, a projection of the female population indicated a high probability of population decline and a substantial risk of extinction by 2050 if the recent rate of deaths (four females in the last two years) continues. The urgency of reducing anthropogenic mortality to zero in this

¹ The version circulated in August 2007 and posted on the website had an error in Resolution 2007-4 – see Annex 4.

population was again stressed and the Committee made several suggestions towards an effective mitigation strategy for releasing entrapped animals. The Committee again recommended that every effort be made to ascertain whether all of the entrapped western gray whales that died were previously identified from the Sakhalin feeding ground and that arrangements be made for samples and photographs from these whales to be sent to the archives of the joint Russia-US programme. It also noted with concern that further seismic surveys are scheduled near the Sakhalin feeding ground in 2008 (see also section 9). The potential of telemetry studies to provide information that could assist in mitigation of seismic surveys and prevention of incidental captures was recognised but the Committee agreed that such work must only be undertaken under the most rigorous, risk-averse conditions.

Southern Hemisphere right whales

The Scientific Committee received new information on right whales off the southern Australian coast, where the rate of increase in cow/calf pairs in the period 1993-2006 was estimated at about 7.5%. New abundance information was also available from New Zealand's sub-Antarctic Auckland Islands and Brazil. The Committee briefly discussed right whales in the southeast Pacific where thousands were taken in the 19th century, and it is surprising that no increase has been observed. This population will be considered in more detail next year in Chile.

The Committee agreed that photo-identification studies started recently in Brazil and the long-term series available from the Auckland Islands, Australia, South Africa and Argentina are extremely important. It repeated its previous recommendation that relevant member governments provide funding for long-term monitoring programmes.

North Atlantic right whales

Noting two fatal ship strikes in 2004 and one reported bycatch, the Scientific Committee re-iterated its recommendation that it is a matter of absolute urgency that every effort be made to reduce anthropogenic mortality of North Atlantic right whales to zero. This stock is critically endangered with a remaining western North Atlantic population of around 300 animals.

North Pacific sei whales

Potential sources of information that would facilitate a comprehensive assessment of North Pacific sei whales were identified and the Committee agreed on how to proceed with work prior to assessment. An intersessional working group was established to facilitate progress.

2. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES

The Commission endorsed the report of the Working Group on Whale Killing Methods and Associated Welfare Issues that had met on 22 May. The Working Group had reviewed data submitted in response to various Resolutions (1997-1, 1999-1, 2001-2) on whales killed (e.g. weapons used, times to death, instantaneous death rates, numbers struck and lost) and on improving the humaneness of whaling operations (weapons improvement programmes, training etc). During the Working Group meeting, attention was drawn to the suffering caused to large whales through entanglement in fishing gear. The Commission subsequently agreed by consensus that a one-day workshop should be held in conjunction with next year's meeting to address welfare issues associated with entrapped large cetaceans that cannot be released alive.

In the Commission, NAMMCO provided clarification on its November 2006 workshop that addressed problems of struck and lost animals in seal, walrus and whale hunting. It further noted its competency under UNCLOS to manage cetaceans.

3. ABORIGINAL SUBSISTENCE WHALING

The Aboriginal Subsistence Whaling Sub-committee met on 23 May to review the Scientific Committee's work on development of an Aboriginal Subsistence Whaling Management Procedure and in particular to provide advice to the Commission on catch limits which were up for renewal.

The catch limits requested for subsistence hunts by the USA, Russian Federation and St. Vincent and The Grenadines remained the same as those for the period 2002-2007. Taking into account the advice of the Scientific Committee using the *Strike Limit Algorithms (SLAs)* developed as part of the Aboriginal Whaling Management Procedure (AWMP), the Commission agreed by consensus to renew the following catch limits for a further 5 years:

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 2008-2012, 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 2008-2012 with a maximum of 140 in any one year.

Caribbean humpback whales (taken by St Vincent and The Grenadines): For the seasons 2008-2012 the number of humpback whales to be taken by the Bequians of St. Vincent and the Grenadines shall not exceed 20.

The Scientific Committee has not completed the complex task of developing *SLAs* for the Greenlandic fisheries and so was only in a position to provide *ad hoc* advice for some species. The requests by Greenland for catch limits for 2008-2012 differed to those for the previous 5-year block quotas (i.e. higher numbers of minke whales and additional species). After considerable discussion, the following catch limits were adopted by the Commission after three-quarter majority voting (41 in favour, 11 against and 16 abstentions):

West Greenland fin whales: The number struck shall not exceed 19 in each year.

West Greenland common minke whales: The number struck shall not exceed 200 in each year (and up to 15 unused strikes may be carried over each year).

West Greenland bowhead whales: The number struck shall not exceed 2 per year (and up to 2 unused strikes may be carried over each year). The quota for each year shall only become operative when the Commission has received advice from the Scientific Committee that the strikes are unlikely to endanger the stock.

East Greenland common minke whales: The number struck shall not exceed 12 in each year (and up to 3 unused strikes may be carried over each year).

The Scientific Committee will give high priority to developing *SLAs* for Greenlandic fisheries during the coming year.

4. THE REVISED MANAGEMENT SCHEME (RMS)

Revised Management Procedure (RMP)

The Scientific Committee finalised its 'Requirements and Guidelines for *Implementations*'.

The Committee completed the *Implementation* for western North Pacific Bryde's whales and hopes to be in a position to review abundance estimates next year. The *Implementation* for North Atlantic fin whales will be initiated after the 2007 meeting. Regarding an *Implementation Review* for western North Pacific common minke whales, the Committee noted that considerable new information on stock structure has become available since the *Implementation* was completed in 2003 and that further data will be forthcoming from the review of the JARPN programme (that is due shortly). Given this new information, it believed that it would not be feasible to carry out an *Implementation Review* in a single meeting, and recommended that the two-year process envisaged under the 'Requirements and Guidelines for *Implementation*' be followed. The Committee agreed that the new information should be discussed and synthesised before the *Implementation Review* is initiated. It hopes to complete an *Implementation Review* for central and northeastern Atlantic common minke whales at a pre-meeting prior to next year's Annual Meeting.

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 is 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 and observer programmes; and (2) genetic data from market sampling. With respect to entanglement, the Committee welcomed work that used information on the distribution of fishing effort and of whale distribution to identify high risk areas. The Committee is also looking at cetacean mortality through ship strikes. It reviewed progress with the development of a template for a relational database for ship strikes that could be used for archiving ship strike data globally and agreed that it be further fine-tuned. Ship-strike mortality is a concern for management for two reasons: setting commercial and aboriginal/subsistence whaling catch limits, and evaluating threats to the survival of endangered populations. Present areas of RMP interest are the central and northeastern Atlantic and the western North Pacific. Endangered populations would include the northwest Atlantic for right whales, the area from the China Sea north to the Okhotsk Sea for western Pacific gray whales, and the Straits of Gibraltar and Mediterranean for fin whales, sperm whales and possibly other species.

Revised Management Scheme (RMS)

At last year's Annual Meeting, the Commission accepted that an impasse had been reached at the Commission level on RMS discussions and did not identify any formal activity prior to IWC/59. However, it noted that individual governments or groups of governments could work towards the development of an RMS during the intersessional period. This item was retained on the agenda in Anchorage to provide an opportunity for governments to report on any intersessional activities and/or to propose further work. No such reports were received and no further work on the RMS was identified.

5. SANCTUARIES

A proposed Schedule amendment submitted by Brazil, Argentina, South Africa and other co-sponsors to create a new whale sanctuary in the South Atlantic did not receive the required three-quarter majority support to be adopted (39 votes in favour, 29 against and 3 abstentions).

The topic of whale sanctuaries was also addressed by the Conservation Committee (see section 13).

6. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING

Japan reviewed the circumstances behind its requests over the years for a quota to alleviate the hardship suffered by its four community-based whaling communities (Abashiri, Ayukawa, Wadaura and Taiji) as a result of the commercial whaling moratorium and introduced its proposed Schedule amendment to allow the taking of minke whales from the Okhotsk Sea-West Pacific stock for each of the years 2007, 2008, 2009, 2010 and 2011, the meat and products being used exclusively for local consumption. A 'Statement on Traditional Small-type Coastal Whaling in Ishinomaki' was made by the mayor of Ishinomaki.

The scientific aspects of the proposal had first been reviewed by the Scientific Committee at the request of Japan. There was no agreement on whether the information provided by Japan fully reflected present knowledge and uncertainty regarding stock structure, abundance and trends, anthropogenic removals and productivity.

In the Commission, while some Contracting Governments supported Japan's proposal, others could not. Commenting that requesting a vote on its proposal would further divide the organisation and provoke confrontation, Japan withdrew its proposed amendment together with a draft Resolution that had also been prepared.

7. RESEARCH CONDUCTED UNDER SCIENTIFIC PERMIT

Improving the procedure for reviewing scientific permit proposals

Substantial progress was made on this issue this year and the Commission adopted a revised procedure proposed by the Scientific Committee applicable to reviewing new permit proposals and, in principle, to periodic and final reviews of data from existing permits. A key feature of the new procedure is the holding of a specialist workshop to review proposals for, and results from scientific permits.

Review of results from existing permits

The focus of discussions this year was on the final review of the results from Japan's 18-year JARPA² programme. A review workshop had been held in Tokyo in December 2006. The Scientific Committee considered the report from this meeting and endorsed its conclusions and recommendations. The Committee concurred with the workshop statement that 'the results of the JARPA programme, while not required for management under the RMP, have the potential to improve management of minke whales in the Southern Hemisphere' in a number of ways. As in the past, the Committee did not reach consensus on the respective merits of lethal and non-lethal methodology.

The Scientific Committee also reviewed results from Japan's current research programmes in the Antarctic (i.e. JARPAII³) and North Pacific (JARPNI⁴) and Iceland's programme in the North Atlantic⁵. Again, as in the

² JARPA - Japanese Whale Research Program under Special Permit in the Antarctic - 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.

³ JARPAII - 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. JARPAII will focus on Antarctic minke, humpback and fin whales

past, different views on the value of these research programmes were expressed in the Scientific Committee and in the Commission.

The Commission adopted Resolution 2007-1 on JARPA (40 votes in favour, 2 against and 1 abstention) that *inter alia* called on the Government of Japan to suspend indefinitely the lethal aspects of the JARPAII programme (see Annex 1). Twenty-seven countries decided not to participate in the vote as they believed that the submission of the proposal was not conducive to building bridges within the Commission.

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.

8. SAFETY ISSUES AT SEA AND THEIR IMPLICATIONS

This item was included on the agenda at the request of: (1) Japan, who had expressed serious concerns regarding the harassment directed against JARPAII research activities during 2006/2007; and (2) New Zealand who wished to raise concerns about safety at sea in the Antarctic and the potential for environmental damage resulting from whaling and protest activities.

The Commission adopted by consensus Resolution 2007-2 on safety at sea and protection of the environment (see Annex 2). The Resolution (1) states the Commission and its Contracting Governments do not condone and in fact condemn any actions that are a risk to human life and property in relation to the activities of vessels at sea, (2) urges persons and entities to refrain from such acts; further urges Contracting Governments to have regard for the importance of protecting the environment, and in particular the fragile Antarctic environment, (3) urges all Contracting Governments concerned to take appropriate measures, consistent with IMO guidelines, in order to ensure that the substance and spirit of the Resolution are observed both domestically and internationally, (4) urges Contracting Governments to take actions, in accordance with relevant rules of international law and respective national laws and regulations to co-operate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders and (5) urges Contracting Governments to co-operate in accordance with UNCLOS and other relevant instruments in the investigation of incidents at sea including those which might pose a risk to life or the environment.

9. ENVIRONMENTAL CONCERNS

The Commission reviewed the Scientific Committee's report on environmental matters, including diseases of marine mammals and impacts on cetaceans, ecosystem modelling, progress on two established programmes (POLLUTION 2000+⁶ and Southern Ocean collaborative studies), the handling and release of entangled cetaceans, progress on planning for a climate change workshop, acoustics, sea ice and SOCER (State of the Cetacean Environment Report).

The impact on cetaceans of infectious and non-infectious diseases was addressed by a two-day pre-meeting. The Committee recognised: (1) that there are increases in the frequency, type and duration of harmful algal blooms and increases in biotoxin and pathogen related diseases in cetaceans throughout the world; (2) the need for increased research and standardised reporting in a wide number of disciplines dealing with cetacean health; and (3) the need for a better understanding of the epidemiology and clinical aspects of infectious and non-infectious diseases that may affect cetacean population status. A Working Group was established to better address those aspects of current and emerging diseases relevant to the IWC.

With respect to ecosystem modelling, the Committee reviewed progress with: (1) preparation of the joint CCAMLR/IWC workshop on modelling Antarctic krill predators, to be held probably in July 2008; (2) collaboration with FAO and in particular the participation of Committee members in FAO's expert consultation on modelling ecosystem interactions for informing an ecosystem-based approach to fisheries, to be held in July

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.

⁴ JARPNII 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.

⁵ A proposed permit by Iceland, primarily for feeding ecology studies for the take of 100 common minke whales, 100 fin whales and 50 sei whales in each of two years was presented at the 55th Annual Meeting in 2003. In the event, Iceland has sued permit to take 38 common minke whales in 2003, 25 minke whales in 2004, 39 minke whales in 2005, 50 minke whales in 2006 and 39 minke whales in 2007.

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

2007; (3) the development of ecosystem models, with case-studies being reported from the North Pacific and the Southern Ocean; and (4) a review of data relevant to parameter estimation and ecological interactions.

Based on results from a recent workshop that reviewed the POLLUTION 2000+ Phase I projects, the Committee recommended that Phase II be initiated. Initial work will concentrate on developing: (1) an integrated modelling framework for examining the effects of pollutants on cetacean populations; and (2) a protocol for validating the use of biopsy samples in pollution-related studies. A multidisciplinary workshop to develop detailed plans for Phase II projects is expected to take place after the 2008 Annual Meeting.

A Southern Ocean Collaboration Working Group was established some years ago to investigate effects of climate change on cetaceans. It is anticipated that the main body of analytical work will be presented to the Committee next year. The Committee and Commission also supported a proposal for a workshop on climate change and impacts on cetaceans to be held after the 2008 Annual Meeting. A workshop planning meeting will be held prior to next year's Annual Meeting.

With respect to the handling and release of entangled cetaceans, the Committee emphasised the potential danger in attempting to release large whales from entanglements, and recommended that those who wish to establish disentanglement teams in their countries should work with the appropriate local governmental authorities and seek training from professionals with a track record of safety and success. While it recognised the usefulness of data on the fate of released whales, the Committee stressed that the most valuable use of disentanglement data is for developing new fishing gear and practices that prevent lethal entanglements of large whales, where entanglement is inhibiting the recovery of extremely endangered species or populations.

Regarding acoustics, the Committee has previously emphasised the importance of monitoring impending military exercises and other acoustic events that could have injurious or lethal effects on cetaceans. This year, the Committee urged that appropriate mitigation measures be employed with respect to the use of mid-frequency sonar associated with two naval exercises potentially affecting beaked whales off Australia and harbour porpoises in the Baltic Sea. Following a discussion of seismic surveys and plans for such surveys in Arctic waters of relevance to bowhead and the endangered North Pacific right whales and western gray whales, the Committee expressed concern about the potential impact of these activities on cetaceans and made a series of recommendations for the industry, governments and other users of seismic technology. These included that special consideration is given to protecting known or predicted areas of biological significance, especially relating to B-C-B bowhead whales and the critically endangered western gray and North Pacific right whales and that seismic surveys should be planned to avoid areas/times where/when these whales aggregate for feeding, breeding, calving or migration.

The Committee reviewed research activities and plans relevant to Arctic issues and sea ice and noted that increased marine transport and access to resources across the Arctic associated with global warming is the focus of an assessment planned by a working group under the Arctic Council. The Committee received a review of how climate-related changes in the Antarctic sea ice ecosystem may impact populations of baleen whales through effects on krill, their primary prey.

The SOCER report this year focused on the Mediterranean and Black Seas.

10. WHALEWATCHING

The Scientific Committee examined a number of issues related to whalewatching.

With respect to possible biological impacts of whalewatching (including swim-with programmes) on cetaceans, two case-studies on population-level effects were considered and the Committee agreed that such long-term studies in areas where whalewatching activities are taking place, especially those studies that measure reproductive and survivorship rates over time, are extremely valuable. Funding of such studies was encouraged. The Committee also reviewed a number of papers addressing short-term/behavioural effects. These illustrated the validity of the Committee's repeated recommendations that vessel interaction studies begin before whalewatching traffic reaches saturation point. There is evidence that habitat degradation is influencing whale behaviour but determining the mechanism (e.g. whether driven by acoustics or boat behaviour) needs further work. Last year the Committee agreed that research effort should concentrate on understanding the interactions between whalewatching impacts on cetaceans and other anthropogenic disturbances and ecological factors. A workshop to develop a research framework for whalewatching studies will be held prior to next year's Annual Meeting.

The compendium of whalewatching guidelines and regulations was updated and is available on IWC's website (www.iwcoffice.org). The Committee noted that statutory regulations are preferable to voluntary whalewatching

guidelines. Management measures taken by Contracting Governments in response to earlier recommendations of the Committee regarding specific whalewatching activities/operations were reviewed.

In the Commission, France reported on commercial whalewatching activities off its Mediterranean coast and in the South Pacific (humpback whales). Ecuador also reported on its whalewatching activities.

The Commission adopted Resolution 2007-3 on the non-lethal use of cetaceans (see Annex 3). There were 42 votes in favour, 2 against and 2 abstentions; 20 countries did not participate in the vote because they felt that with more time, a consensus Resolution could have been developed. The Resolution recognises the valuable benefits that can be derived from the non-lethal use of cetaceans as a resource and as a legitimate management strategy, and encourages Contracting Governments to work towards the incorporation of the needs of non-lethal users of whale resources in any future decisions and agreements.

11. OTHER SCIENTIFIC COMMITTEE ISSUES

Small cetaceans

This year the Scientific Committee focused on a global review of killer whales, considering information on distribution and abundance, stock structure, life history, ecology, habitat, directed takes, incidental mortality and status. It noted that knowledge of killer whales varies considerably from region to region. The Committee encouraged the continuation of long-term programmes and the establishment of new programmes to increase understanding of killer whales worldwide. Regarding directed takes and incidental mortality, the Committee made a number of recommendations and requests for information regarding live-captures (for dolphinarium) and depredation by killer whales on longlines (where there is concern about retaliation by fishermen, depletion of prey resources and the potential for incidental hook or entanglement). The Committee noted that a generally poor understanding of the population structure of killer whales (which is complex) and very little information on any aspect of killer whale biology in many areas hinders any assessment of their status. Nevertheless, the Committee identified a number of stocks for which there is clear concern, i.e. (1) the southern resident killer whale population from the coasts of Washington State and British Columbia; (2) killer whales in Greenland; (3) killer whales found near the Strait of Gibraltar; and (4) killer whales of the Oyashio Current ecosystem. A number of recommendations were made regarding the need to gather further information on these stocks.

The Scientific Committee also reviewed progress on previous recommendations with respect to the baiji of the Yangtze River, the vaquita, harbour porpoise (exposed to high bycatch throughout its range), the *Sotalia* in Venezuela (exposed to bycatch and habitat degradation), small cetaceans hunted in Greenland (concern regarding the sustainability of hunts of narwhals, belugas, harbour porpoises, killer whales, long-finned pilot whales), illegal takes of botos in Brazil and the hand-harpoon hunts for Dall's porpoise in Japan (concern regarding sustainability).

With respect to the baiji, the Committee had repeatedly expressed concern over its critical conservation status and made recommendations accordingly. This year, the Committee received information suggesting that the baiji is now probably extinct. It expressed great concern that despite extensive scientific discourse for more than two decades, little effort was made to implement any real conservation measures. It noted that such highly endangered species require swift and decisive human intervention if extinction is to be avoided.

With the likely extinction of the baiji, the vaquita of the upper Gulf of California is probably the most endangered cetacean species. Available information suggests that the current population decline is possibly close to 10% annually, with a critical threshold in approximately eight years. The Committee reiterated its extreme concern for this species and strongly recommended that resources be found to design and implement a comprehensive programme to eliminate entangling nets from the range of the vaquita through a buy-out programme (with enforcement and control measures) or other system of compensation to affected fishing communities. The Commission endorsed the Committee's concerns and adopted Resolution 2007-5 by consensus⁷ (see Annex 5).

Other

Other issues addressed by the Scientific Committee included: progress with work on stock definition, particularly on the Testing of Spatial Structure Models (TOSSM) project; DNA testing (genetic methods for species, stock and individual identification, collection and archiving of tissue samples from catches and bycatches, reference databases and standards for diagnostic DNA registries); working methods, including the Data Availability Agreement (the Committee agreed it was time to review the agreement as it was developed

⁷ Noting the comments of Japan, the Russian Federation, Iceland, Korea and Mali that small cetaceans are outside the competency of IWC.

some years ago); list of recognised cetacean species (the Committee recommended the addition of three new species).

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 Caribbean Environment Programme (CEP) gave an update on work relating to its Protocol on Specially Protected Areas and Wildlife (SPAW) of the Cartagena Convention for the Wider Caribbean. It welcomed the appointment by IWC's Scientific Committee of an observer to its activities. The Secretary reported on progress on furthering co-operation with IMO (International Maritime Organisation), particularly in relation to ship strikes on cetaceans (see also section 13).

The Commission adopted Resolution 2007-4 on IWC's relationship with CITES (see Annex 4). There were 37 votes in favour, 4 against and 4 abstentions; 26 countries did not participate in the vote as they believed it was inappropriate. The Resolution *inter alia* requests Contracting Governments to respect the relationship between the IWC and CITES conventions and not to seek the transfer of cetacean species from CITES Appendix I while the commercial whaling moratorium remains in place.

13. CONSERVATION COMMITTEE

The Conservation Committee met on 22 May. Due to time constraints its report was noted by the Commission and not discussed in detail.

The Committee had reviewed progress with two ongoing areas of work, i.e. (1) an investigation of inedible 'stinky' gray whales in the Chukotkan aboriginal subsistence hunt; and (2) ship strikes on cetaceans. It supported initiation of new work on the endangered eastern South Pacific right whale population and for the management of whalewatching to be included as an item on its agenda.

With respect to 'stinky' gray whales, the USA and Russian Federation reported on progress with their collaborative investigation, including results from chemical and toxicological studies undertaken. Stinky whales (as indicated by a medicinal odour) had first been noted by hunters in the 1960s/70s but have been seen increasingly in recent years. Hunters estimate that up to 10% of the stock could comprise stinky whales. When meat from the 'stinky' whales is eaten, short-term medical problems such as numbing of oral cavities, skin rashes and stomach ache have been reported but no long-term effects have been detected. The reason for the odour is still unclear. One hypothesis is that the phenomenon is due to the presence of ketones, aldehydes and alcohols resulting from a change of diet. Another is that it is due to the presence of a specific bacteria, fungus and/or biotoxin. The results of toxicological studies have so far been inconclusive. There is no information available to determine whether the 'stinky' whale condition is indicative of a negative population effect.

The Committee received and commended the Second Progress Report of the Ship Strikes Working Group (SSWG) that reported on progress since last year and included recommendations for future work in five areas, i.e. (1) further co-operation with IMO; (2) continued development of an international database on ship strikes (see section 4); (3) adoption of national and regional legislation, rules and action plans; (4) consideration of a multidisciplinary expert workshop on ship strike mitigation; and (5) recommendations to the Scientific Committee regarding histopathology and research on increased mortality caused by the whalewatching industry. A number of Contracting Governments also reported on national actions being taken to mitigate ship strikes.

The Committee received an update on whale protection measures already in place in the Exclusive Economic Zones (EEZs) of some South Pacific countries and noted the development of a Memorandum of Understanding in the region under the auspices of the Convention on Migratory Species. Reports were also received on a marine mammal sanctuary in the French West Indies (applying currently to the EEZs of French territories) and on the Pelagos Sanctuary in the Mediterranean. A number of voluntary national reports on cetacean conservation activities had also been submitted. In view of the activities of CMS on cetaceans, it was suggested that a collaborative consultation process be developed between it and IWC.

In the Commission, the Chair noted the continued disagreement over the establishment and terms of reference of the Conservation Committee. He indicated that he would address this intersessionally and report back at next year's meeting.

14. FUTURE WORK OF THE SCIENTIFIC COMMITTEE

The Commission adopted the report from the Scientific Committee, including its proposed work plan for 2007/2008 that includes activities in the following areas:

- continued work on the Revised Management Procedure (RMP), particularly with respect to: (1) agreeing abundance estimates for western North Pacific Bryde's whales; (2) completing the *Implementation Review* for North Atlantic fin whales; (3) initiating the *Implementation* process for North Atlantic fin whales; and (4) developing an inventory of new data available for western North Pacific common minke whales;
- continued work on the estimation of bycatch and other human induced mortality for use in the Revised Management Procedure;
- continued work on the outstanding aspects of the Aboriginal Subsistence Whaling Management Procedure, particularly the development of an *SLA* or *SLAs* to provide long-term management advice for the Greenlandic fisheries;
- annual reviews of catch data and management advice for whale stocks subject to aboriginal subsistence takes;
- continued work on in-depth assessments, with particular emphasis on agreeing abundance estimates for Antarctic minke whales, elucidation of stock structure of western North Pacific common minke whales and completion of the assessments for Southern Hemisphere humpback whales Breeding Stocks B and C;
- continued work on the conservation of endangered populations with emphasis on western gray whales and northern right whales
- review new information on southern right whale populations;
- further review of progress on the TOSSM (Testing of Spatial Structure Models) project and the concept of 'stock' in a management context;
- reviews of existing/new scientific permits and finalisation of the mechanism for undertaking such reviews;
- continued work on environmental concerns, with a focus on: (1) developing plans for a workshop on climate change; (2) plans for Phase II of POLLUTION 2000+; (3) reviewing the report from the pre-meeting workshop on skin diseases in cetaceans of South America; (4) the results of work on the Southern Ocean collaboration; and (5) the SOCER report;
- continued work on ecosystem modelling with a focus on planning the joint CCAMLR/IWC workshop on modelling Antarctic krill predators;;
- continued work on issues related to whalewatching with a focus on: (1) reviewing the report of the workshop on strategic planning of large-scale whalewatching research; (2) developing methodology and assessing the biological impacts of whalewatching on cetaceans; and (3) reviewing whalewatching in South America;
- continued work on small cetaceans, including a review of conservation issues regarding small cetaceans in the South-East Pacific.

15. ADMINISTRATION

Items covering administrative and financial matters (i.e. items 15 to 18 of this report) were first considered by the Finance and Administration (F&A) Committee that met on 24 May.

Use of languages other than English

As agreed last year, simultaneous interpretation for French and Spanish was made available during the Commission plenary at IWC/59. A summary of the Scientific Committee report was available in French and Spanish and summaries of the other sub-group reports were made available in French. The Chair's Summary

Report for IWC/58, the Provisional Annotated Agenda for IWC/59, Schedule amendments and draft Resolutions were also translated into French. The Commission agreed to provide a similar service for IWC/60, except that translations would be extended to Spanish as well as French. Experiences of these changes would be reviewed next year and at IWC/61 in 2009. The Commission also agreed to establish an intersessional email group to consider approaches to the translation of the Commission's website.

Frequency of meetings

Despite holding a half-day Special Session of the F&A Committee to address the frequency at which the Commission and its sub-groups should meet, agreement could not be reached. As previously, 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 retain this item on its agenda.

NGO participation in Annual Meetings

Changes to the procedure governing accreditation and participation of NGOs in IWC meetings were agreed (including revisions to Rule of Procedure C.1). These enable national as well as international organisations to become accredited and remove the current restriction of one person per organisation in the meeting room at any one time. Registration fees will be set per individual observer rather than per organisation as in the past.

Amendments to the Rules of Procedure and Rules of Debate

The Commission agreed to add a footnote to Rule of Procedure Q.2 to clarify the rules applying to documents identified as confidential, i.e. the designation of a document as being confidential or restricted does not prevent Contracting Governments from consulting as they see fit on such documents providing confidentiality is maintained as described in Rule of Procedure Q.1.

Website

The Commission agreed that links will be made from the Commission's website to websites of Contracting Governments where governments express their views and positions on IWC matters. The Secretariat will request appropriate URLs from governments by Circular Communication.

16. SECRETARIAT OFFICE ACCOMMODATION

The issue of Secretariat offices has been discussed for some time. Last year, at the request of the Commission, a questionnaire prepared by the Secretariat and Advisory Committee was circulated inviting interested governments to identify what they would be prepared to offer to host the Secretariat in their country. Two expressions of interest were received, one from Switzerland and another from Germany.

The F&A Committee thanked Switzerland and Germany for the considerable effort they made in preparing their offers and acknowledged that both would be excellent hosts for the Secretariat. However, recognising the competence of the Secretariat staff, concern was expressed that relocation of the Secretariat away from Cambridge may result in loss of expertise which would be regrettable. The view was taken that discussions on this topic had already been going for a long time, that further delay would be bad for staff morale and that the deadline for the expiry of the current lease in March 2009 was too close to delay matters further. The F&A Committee agreed and recommended to the Commission that the matter of Secretariat relocation away from the Cambridge area is closed for the time being and that it should only be re-opened if a positive decision to do so was taken at some point in the future.

Discussions were re-opened in the Commission where some Contracting Governments expressed the view that a detailed comparison of the offers from Switzerland and Germany and existing conditions in the UK should be done before making any sort of decision. Others continued to support the F&A Committee recommendation. Not wishing to polarise discussions or push the F&A Committee recommendation to a vote, Switzerland and Germany withdrew their offers and the Commission endorsed the F&A Committee's recommendation.

17. 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. At IWC/57 in Ulsan, 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 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 were foreseen (the first in

October/November 2006, and the second, if necessary, in February/March 2007). It had not been possible to schedule a time convenient for all Task Force members and consequently the F&A Committee was invited to discuss how to take this work forward and develop recommendations to the Commission as appropriate.

In Anchorage, no proposals were made to resume the work of the Task Force. However, noting that the cut-off points defining the capacity to pay groups had not been reviewed or revised since their introduction in 2002, the Commission agreed that the Secretariat should undertake such a review and develop a proposal, as appropriate for consideration by the F&A Committee next year. The intention would be that a review of the cut-off points would be done periodically from then on. The Commission also agreed⁸ that when assessing financial contributions, Contracting Governments would be allocated into the capacity to pay groups using the World Bank data on GNI and GNI per capita available on 31 December of the previous year. This decision was to take effect for the calculation of financial contributions for 2007-2008.

In addition, the Commission agreed to amend the procedure for assigning shares in relation to meeting attendance of host governments. A host government would be allowed to have up to six delegates for the cost of 1 share (rather than the current 3 delegates) at: (a) the meeting before the one it hosts; and (b) at the meeting that it hosts. This would apply to all host governments regardless of the 'capacity to pay' group in which it is placed. This decision was to take effect for calculation of financial contributions for 2007-2008.

18. FINANCIAL STATEMENTS AND BUDGET

The Commission approved the Provisional Financial Statement for 2006-2007 subject to audit. It also approved the budget for 2007-2008, including the research budget, and increases in the media fee from £45 to £50 per organisation for 2008. The fee for non-member governments and intergovernmental organisations remains unchanged at £800 per individual. NGO fees are yet to be decided, given the change in the basis for their calculation (see section 15). The understanding however is that the changes would be income-neutral for IWC.

19. DATE AND PLACE OF ANNUAL MEETINGS

The 60th Annual and associated meetings in 2008 will be held in Santiago, Chile during the period 1-27 June.

The 61st Annual Meeting in 2009 will be held in Madeira, Portugal. The dates and venue are to be determined.

20. ADVISORY COMMITTEE

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

21. THE IWC IN THE FUTURE

When developing the draft agenda for the meeting, the Chair and Vice-Chair of the Commission had considered that the future of IWC should be discussed given *inter alia* the impasse reached on the RMS and the number of issues for which polarisation rather than consensus appears to be the norm.

Three non-IWC meetings of relevance were referred to, one held in Tokyo organised by the Government of Japan, one held in New York organized by the Pew Foundation and one in Buenos Aires held by Latin American countries. The difficulties in reaching consensus when views within the Commission are so polarised were recognised. However, many countries noted the positive overlap in some of the suggestions made at the three meetings and it was agreed that there was merit in pursuing discussions further through an intersessional meeting under the auspices of IWC. The meeting would be open to all Contracting Governments and observers. The timing and venue is to be decided.

⁸ Noting the concerns of Dominica and the UK.

Annex 1

Resolution 2007-1

RESOLUTION ON JARPA

WHEREAS paragraph 7(b) of the Schedule establishes a sanctuary in the Southern Ocean;

RECALLING that the Commission has repeatedly requested Contracting Parties to refrain from issuing special permits for research involving the killing of whales within the Southern Ocean Sanctuary, has expressed deep concern at continuing lethal research within the Southern Ocean Sanctuary, and has also recommended that scientific research involving the killing of cetaceans should only be permitted where critically important research needs are addressed;

CONSCIOUS that the Scientific Committee last year convened a workshop to analyse the results of JARPA 1, which is reported in SC/59/Rep 1;

NOTING that the Workshop agreed that none of the goals of JARPA 1 had been reached, and that the results of the JARPA 1 programme are not required for management under the RMP;

FURTHER NOTING that the Government of Japan has authorised a new special permit programme in the Antarctic, JARPA II, in which the take of minke whales has been more than doubled, and fin whales and humpback whales have been added to the list of targeted species;

CONCERNED that fin whales in the Southern Hemisphere are currently classified as endangered, and that humpback whales in the JARPA II research area may include individuals from depleted breeding populations overwintering in the waters of certain Pacific Islands;

CONVINCED that the aims of JARPA II do not address critically important research needs;

NOW THEREFORE THE COMMISSION

CALLS UPON the Government of Japan to address the 31 recommendations listed in Appendix 4 of Annex O of the Scientific Committee report relating to the December 2006 review of the JARPA I programme to the satisfaction of the Scientific Committee;

FURTHER CALLS UPON the Government of Japan to suspend indefinitely the lethal aspects of JARPA II conducted within the Southern Ocean Whale Sanctuary.

Annex 2

Resolution 2007-2

RESOLUTION ON SAFETY AT SEA AND PROTECTION OF THE ENVIRONMENT

WHEREAS the safety of vessels and crew, the order of maritime navigation, and environmental protection, are, and have long been, the common interests of nations worldwide;

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

RECALLING that the 58th Annual Meeting of the Commission adopted Resolution 2006-2 in which the Commission agreed and declared that the Commission and its Contracting Governments did not condone any actions that are a risk to human life and property in relation to the activities of vessels at sea, and urged persons and entities to refrain from such acts;

SERIOUSLY CONCERNED that certain confrontations and actions at sea relating to whaling and whale research activities risk human life, property, the marine environment, and the order of maritime navigation, and may lead to grave accidents;

RECOGNISING the need for all States to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate as appropriate to prevent and suppress actions that risk human life and property at sea;

RECALLING the Convention on the International Regulations for Preventing Collisions at Sea which set uniform principles and rules for avoiding collisions at sea;

NOTING the general obligation in Article 192 of the United Nations Convention on the Law of the Sea that States protect and preserve the marine environment as well as Article 194 (1) and (5) on the need to prevent, reduce and control pollution in the marine environment including by taking measures necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life;

FURTHER NOTING that Article 197 of UNCLOS requires that States co-operate on a global basis and, as appropriate, on a regional basis, directly or through competent international organisations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with UNCLOS, for the protection and preservation of the marine environment, taking into account characteristic regional features;

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 in other international fora including the International Maritime Organisation;

RECALLING applicable international instruments, including the Convention for the Suppression of Unlawful Acts against the Safety of Navigation, relating to international cooperation for the prevention of unlawful acts against the safety of maritime navigation and actions against alleged offenders;

NOTING also that MARPOL 73/78 and in particular its Annexes I and V designate the Antarctic as a Special Area due to the ecological importance of the fragile ecosystems of the area;

NOW THEREFORE THE COMMISSION

AGREES AND DECLARES again that the Commission and its Contracting Governments do not condone and in fact condemn any actions that are a risk to human life and property in relation to the activities of vessels at sea;

URGES persons and entities to refrain from such acts;

FURTHER URGES Contracting Governments to have regard for the importance of protecting the environment, and in particular the fragile Antarctic environment;

URGES all Contracting Governments concerned 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;

URGES Contracting Governments to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders;

URGES Contracting Governments to cooperate in accordance with UNCLOS and other relevant instruments in the investigation of incidents at sea including those which might pose a risk to life or the environment.

Annex 3

Resolution 2007-3

RESOLUTION ON THE NON-LETHAL USE OF CETACEANS

RECALLING the objective of the 1946 International Convention for the Regulation of Whaling to safeguard the natural resources represented by whale stocks for the benefit of future generations;

NOTING that many coastal States, including developing countries, have adopted policies of non-lethal use of cetaceans in the waters under their jurisdiction, in accordance with their sovereign rights reinforced by, *inter alia*, the United Nations Convention on the Law of the Sea (UNCLOS) and the Rio Declaration;

AWARE that most whale species are highly migratory and thus shared biodiversity resources;

CONCERNED that negotiations aimed at resolving the impasses at the International Whaling Commission must address the issue of non-lethal use to take into account the interests of a substantial portion of IWC membership;

NOTING that, under domestic management by coastal States, non-lethal utilization of whales is a rapidly growing activity that provides substantial socio-economic opportunities, including promoting employment in coastal communities, especially in developing countries;

NOTING FURTHER that the moratorium on commercial whaling has been in effect since 1986 and has contributed to the recovery of some cetacean populations essential for the promotion of non-lethal uses in many countries;

CONCERNED that whales in the 21st Century face a wider range of threats than those envisaged when the ICRW was concluded in 1946;

NOTING that the Buenos Aires Declaration states that “high quality and well managed implementation of whale watching tourism promotes economic growth and social and cultural development of local communities, bringing educational and scientific benefits, whilst contributing to the protection of cetacean populations”;

NOW THEREFORE THE COMMISSION:

RECOGNISES the valuable benefits that can be derived from the non-lethal uses of cetaceans as a resource, both in terms of socio-economic and scientific development;

RECOGNISES non-lethal use as a legitimate management strategy;

ENCOURAGES member States to work constructively towards the incorporation of the needs of non-lethal users of whale resources in any future decisions and agreements.

Annex 4

Resolution 2007-4⁹

RESOLUTION ON CITES

RECOGNISING that the International Whaling Commission (IWC) is the internationally competent organisation for the conservation and management of whale stocks;

FURTHER RECOGNISING that the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) passed Resolution Conference 11.4 (Rev COP12) which acknowledges the IWC as the major source of information on whale stocks around the world;

NOTING that the IWC Scientific Committee continuously reviews the status of all whale stocks;

NOTING that the moratorium on commercial whaling has been in effect since 1986, remains in effect and the reasons for the moratorium remain valid;

WELCOMING the continuing cooperation between CITES and the IWC on issues related to international trade in whale products, and urging all governments to continue to support IWC and CITES obligations with respect to this issue;

FURTHER NOTING the existence of CITES Resolution Conference 11.4 (Rev. COP12) on the Conservation of cetaceans, trade in cetacean specimens and the relationship with the International Whaling Commission which *inter alia* expresses concern that international trade in meat and other products of whales is lacking adequate international monitoring or control, recognises that the IWC is the major source of information on whale stocks around the world and recommends that the Parties to CITES agree not to issue any import or export permit, or certificate for introduction from the sea under CITES for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling;

NOW THEREFORE THE COMMISSION:

AFFIRMS that the moratorium on commercial whaling remains in place and that the reasons for the moratorium are still relevant;

EXPRESSES APPRECIATION that CITES recognises the IWC's Scientific Committee as the universally recognised international organisation with international expertise to review and evaluate the status of the world's whale stocks;

REAFFIRMS the important role of CITES in supporting the IWC's management decisions with regard to the conservation of whale stocks and the importance of continued cooperation between CITES and IWC;

REAFFIRMS the importance of continued cooperation between CITES and IWC with regard to the conservation of whale stocks through the regulation and management of international trade in whale products;

CONSIDERS that the IWC has not yet completed the necessary measures to regulate commercial whaling;

CONSIDERS that any weakening of existing restrictions on trade under CITES could have significant adverse effects on the moratorium on commercial whaling and increase threats to whales;

REQUESTS Contracting Governments to respect the relationship between the two conventions and not to seek the transfer of cetacean species from CITES Appendix I.

FURTHER REQUESTS the secretariat to send a copy of this resolution to the CITES secretariat.

⁹ The version circulated in August 2007 and posted on the website had an error in the 7th operative paragraph of Resolution 2007-4. This included the phrase 'while the moratorium remains in place' at the end of the sentence. This has now been deleted.

Annex 5

Resolution 2007-5

THE VAQUITA, FROM CRITICALLY ENDANGERED TO FACING EXTINCTION

CONCERNED with the finding of the Scientific Committee concurring with the recent results of the baiji survey in the Yangtze River that has led the scientific community to conclude that the baiji is functionally extinct. It is the first cetacean species to disappear in modern times. The main factors that drove the baiji (*Lipotes vexillifer*) to extinction were habitat degradation and incidental catch.

RECALLING that since 1991 the IWC SC has recommended that conservation actions must be taken immediately to eliminate bycatch of the vaquita (*Phocoena sinus*) in the northernmost Gulf of California, Mexico, to prevent its extinction. Moreover, since 1997 the International Committee for the Recovery of Vaquita (CIRVA) has recommended that bycatch be reduced to zero by banning entangling nets throughout the vaquita's range whilst noting the difficulties involved in trying to reconcile the vaquita's need for immediate protection with the needs of the affected people.

FURTHER RECALLING that IUCN has listed the vaquita as Vulnerable in 1978, Endangered in 1990 and Critically Endangered since 1996.

NOTING that CIRVA recommended a staged reduction in fishing effort starting in January 2000, with the expectation that gillnetting would be completely eliminated by January 2002.

FURTHER NOTING that in March 2007 the IUCN Director-General expressed, through a letter to the President of Mexico, that organization's grave concern about the future of the vaquita. IUCN also acknowledged the serious social and economic implications of banning the use of entangling nets in the Northern Gulf and indicated that conservation efforts must include programs that will help meet the needs of people in the region.

FURTHER NOTING that Mexico has followed many of the recommendations to protect and monitor the vaquita, e.g. by closing the totoaba fishery, protecting the vaquita's habitat through Marine Protected Areas (Biosphere Reserve of the Upper Gulf of California and Delta of the Colorado River and the recently declared Vaquita Refuge), and implementing an acoustic monitoring program.

FURTHER RECALLING that the Ministry of Environment and Natural Resources and the Ministry of Agriculture, Livestock and Fisheries have been working cooperatively with several non-governmental organizations to implement a comprehensive recovery plan with a strong socio-economic component as recommended by CIRVA.

FURTHER CONCERNED that progress towards reducing/eliminating entanglement has been very slow despite efforts to ban gillnets from the vaquita's core area of occurrence and elsewhere in the Northern Gulf. The baiji experience shows that extinction can happen rapidly and without evidence of a steady or prolonged decline, if appropriate conservation actions are not taken promptly.

FURTHER NOTING that the vaquita's survival is at a critical juncture. The best hope for the species is that the international community and non-governmental organizations will support the Government of Mexico by providing technical and financial assistance in the implementation of CIRVA's Recovery Plan and the Biosphere Reserve.

NOW THEREFORE THE COMMISSION:

COMMENDS Mexico's intense recent efforts to prevent the extinction of the vaquita despite the difficulties involved in reducing bycatch to zero, and especially given the difficulties of providing alternative livelihoods to isolated fishing communities in the Northern Gulf.

FURTHER COMMENDS the President of Mexico for the recent announcement on the Conservation Program for Endangered Species (PROCER), which calls for the implementation of specific Species Conservation Action Programs (PACE) for a list of selected species. The vaquita is among the top five species on this list.

URGES the Members of IWC and the world community to support Mexico's efforts to prevent the extinction of the vaquita by reducing bycatch to zero in the immediate future and assisting in providing financial resources and technical as well as socio-economic expertise.