

Annex O1

Report of the Standing Working Group on Scientific Permits

Members: An, Baba, Bando, Bass, Berggren, Bjørge, Brownell, Butterworth, Childerhouse, Clapham, Cozzi, Danielsdottir, DeMaster, Fortuna, Fujise, Funahashi, Gales, Gedamke, Gong, Goto, Grønvik, Gunnlaugsson, Hakamada, Hatanaka, Hayashi, Hester, Ilyashenko, Iñiguez, Iwasaki, Jung Youn, Kanda, Kasuya, Kato, Kawahara, Kell, Kim, Kitakado, Koh, Lawrence, Leaper, Lens, Lovell, Mae, Magloire, Matsuoka, Miyashita, Morishita, Murase, Nishiwaki, Nishiyama, Northridge, Ohsumi, Ohta, Øien, Okamura, Olafdottir, Palazzo, Palka, Panigada, Pastene, Pinto de Lima, Polacheck, Rambally, Reijnders, Ridoux, Rogan, Rojas Bracho, Rose, Sadler, Secchi, Shimada, Simmonds, M., Soh, Sohn, Song, Tanaka, Tominaga, Van Waerebeek, Vikingsson, Wade, Walløe, Walters, Weinrich, Williams, Yamakage, Yasokawa, Yoshida, Zenitani, Zhu.

1. CONVENOR'S OPENING REMARKS

Bjørge opened the meeting and welcomed the participants.

2. ELECTION OF CHAIR

Bjørge was elected to the chair.

3. APPOINTMENT OF RAPORTEURS

Northridge agreed to act as rapporteur with assistance from Grønvik.

4. ADOPTION OF AGENDA

The agenda was adopted as shown in Appendix 1.

5. DOCUMENTS AVAILABLE

Documents to be considered were O1, O2, O3, O4, O5, O6, O14, O15 and O16.

6. REVIEW OF RESULTS FROM EXISTING PERMITS

The working group reviewed the results from two Japanese programmes (on Antarctic minke whales and on North Pacific common minke, sei, Bryde's and sperm whales), and one Icelandic programme on North Atlantic common minke whale.

Further, the working group considered a report from a non-IWC meeting on JARPA results, and a progress report from the Planning Steering Group on Preparations for JARPA review.

The entire review of results from existing proposals is found under item 16.1 of the Scientific Committee report.

7. REVIEW OF NEW OR CONTINUING PROPOSALS

The working group reviewed the new proposal (JARPA II) submitted by the Government of Japan for takes of Antarctic minke, fin and humpback in the Antarctic (SC/57/O1). The discussion is given under Item 16.2 of the Scientific Committee report. The working group did not reach consensus on this programme, and the opposing views are presented in their entirety in Appendix 2 and Appendix 3.

Further, the working group considered the continuing proposals of Japan (JARPN II) and Iceland. There were no substantial changes in these proposals since the previous review by the Scientific Committee. The working group therefore referred to its comments made at earlier reviews. The entire review of new or continuing proposals is found under Item 16.2 of the Scientific Committee report.

8. PROPOSALS TO FACILITATE THE REVIEW PROCESS OF SCIENTIFIC PERMITS

A discussion in the working group on possible approaches to improve the review process of scientific permit proposals is reflected under Scientific Committee Item 16.3.

9. ADOPTION OF REPORT

The report was adopted on the 6th of June at 18:15.

Appendix 1

AGENDA

1. Convenor's opening remarks
2. Election of Chair
3. Appointment of Rapporteurs
4. Adoption of Agenda
5. Documents available
6. Review results from existing permits
 - 6.1 Japan – Antarctic minke whales
 - 6.2 Japan – North Pacific common minke, Bryde's and sperm whales
 - 6.3 Iceland – North Atlantic common minke whales
 - 6.4 Review report from non-IWC meeting on JARPA results
 - 6.5 Preparations for JARPA review
7. Review of new or continuing proposals
 - 7.1 JARPA II
 - 7.2 JARPN II
 - 7.3 Iceland
8. Proposals to facilitate the review process of Scientific Permits
9. Adoption of report

Appendix 2

COMMENTS ON THE GOVERNMENT OF JAPAN'S PROPOSAL FOR A SECOND PHASE OF SPECIAL PERMIT WHALING IN ANTARCTICA (JARPA II)

S. Childerhouse (New Zealand), N. Gales (Australia), C.S. Baker (New Zealand), C. Bass (UK), P. Berggren (Sweden), J. Bickham (USA), J. Breiwick (USA), R. Brownell (USA), C. Carlson (USA), J-B. Charrassin (France), F. Cipriano (I.P.), P. Clapham (USA), T. Collins (IP), J. Cooke (IUCN), B. Cozzi (Italy), W. Dinter (Germany), M. Engel (Brazil), K. Findlay (IP), C. Fortuna (Italy), N. Funahashi (IP), J. Gedamke (Australia), K. Groch (Brazil), M. Iniguez (Argentina), T. Kasuya (IP), L. Kell (UK), K-H. Kock (Germany), M. Krahn (USA), R. Leaper (UK), R. LeDuc (USA), D. Mattila (IP), S. Moore (USA), S. Northridge (UK), C. Olavarria (IP), J. Palazzo (Brazil), S. Panigada (Italy), C. Parsons (UK), W. Perrin (USA), C. Pomilla (IP), L. Porter (IP), P. Reijnders (Netherlands), V. Ridoux (France), F. Ritter (Germany), J. Robbins (USA), E. Rogan (Ireland), L. Rojas (Mexico), N. Rose (IP), H. Rosenbaum (USA), T. Rowles (USA), L. Sadler (UK), E. Secchi (IP), D. Senn (Switzerland), M. Simmonds (UK), M. Sironi (IP), M. Stachowitsch (Austria), D. Thiele (Australia), J. Urban (Mexico), P. Wade (USA), K. Van Waerebeek (Belgium), R. Waples (USA), M. Weinrich (IP), R. Williams (IP), B. Wilson (UK), A. Zerbini (IP).

Earlier this year the Government of Japan concluded an 18-year program of whaling under special permit in Antarctic waters (the JARPA program). During the years of its operation, JARPA killed more than 6,800 minke whales (almost all *Balaenoptera bonaerensis*). Because the data collection of JARPA ended in early 2005, the results of that program cannot be reviewed by the Scientific Committee (SC) until 2006 or 2007, and JARPA has published very little in the international peer-reviewed literature with which to judge the quality of its research and its relevance to the management of whales by IWC. Despite this, Japan now proposes a second phase of special permit whaling (JARPA II) to commence during the austral summer of 2005/06 which will more than double the annual catch of minke whales and also take 50 fin (*B. physalus*) and 50 humpback whales (*Megaptera novaeangliae*) each year. Furthermore, the proposal indicates that Japan intends to abandon the accepted IWC method of managing whale stocks, the Revised Management Procedure (RMP), in favor of a speculative approach which essentially proposes that selected culling be conducted in order to promote recovery of depleted large whales, (e.g. blue whales).

With the new proposal Japan will increase its annual take of whales under special permit to a level where, in each year, it will take almost half the number of all whales ever taken under special permit by all other nations combined. These levels are also approaching the annual commercial quotas for Antarctic minke whales that were in place prior to the moratorium. This is clearly far beyond the intention envisaged when Article 8 of the Convention was developed, and means that the Scientific Committee has a serious responsibility to ensure that any current and proposed programs for special permit whaling are reviewed in a transparent and thorough scientific manner that can stand the scrutiny of the international scientific community. Such levels of take should also be subject to the same regulatory measures as commercial whaling, i.e. the full RMP process.

First and foremost, it is scientifically invalid to review the JARPA II proposal before the IWC has had a chance to conduct a full review of the results of the original 18 year JARPA program. If JARPA II goes forward, it will have already been in operation for two years (and will have taken almost 2000 whales) before this review can be conducted, and without such an in-depth review the SC cannot make a meaningful assessment of the relevance of the proposed research, or the need for the proposed catches.

By bringing this proposal forward at this time the Government of Japan has substantially compromised the capacity of the Scientific Committee to perform its task as designated by the Commission in its 'Guidelines for the Review of Scientific Permit Proposals' (Donovan, 2001) and puts at stake the capacity of the SC to provide objective and representative scientific advice to the Commission.

Consequently, we 63 scientists, (including representatives from 16 national delegations and 16 other participants), attending the IWC SC/57 meeting feel unable to engage in a scientifically defensible process of review of the JARPA II proposal. To do so would substantially undermine the scientific credibility of this organization. Instead we submit the following brief comments on serious concerns and issues that are raised by the proposal, and we feel that this proposal can be addressed by the SC only when the JARPA review is complete. Our comments are structured in accordance with the Commission's guidelines.

1. Objectives:

- a. Under the RMP, the management procedure currently accepted by the IWC, most of the data requested in the JARPA II proposal are not required.
- b. The objectives in the proposal are based on several unsubstantiated or incorrect assumptions:
 - i. That whales are directly competing with each other. Whilst overlap of prey (Antarctic krill) is well established for most of the Antarctic baleen whales, there are no accepted models to indicate any level of competition between whales, nor, indeed, that krill production is controlled by top-down influences.
 - ii. That the reduction of one species (minke whales) will result in an increase of another species (blue whales). Current evidence refutes this.
 - iii. That minke whales are top predators. While minke whales are a high predator, they are a component of a wide clade of predators at the same level which include whales, seals, birds and fish.
 - iv. That blue whale low abundance and recovery is due to minke and humpback whale populations. This hypothesis fails to include the other major biomass krill predator species such as seals and sea birds.
- c. The proposal is open ended and has no time limit by which it can be assessed.
- d. CCAMLR expertise is necessary to evaluate ecosystem interactions such as competition assumptions.
- e. Even if the IWC decided to move to a multi-species management procedure, the proposal does not have well-defined hypotheses and performance criteria.

2. Methodology

- a. The proposed research is supposed to address questions that cannot be answered by analysis of existing data. However, without a review of the data already collected in the previous 18 years it is not possible to evaluate this critical issue, especially as the new proposal provides an undefended rationale to more than double the take of minke whales.
- b. The research claims to address a question or questions that cannot be practically or scientifically achieved by non-lethal means. In this case, the use of non-lethal means (biopsy) has been clearly demonstrated to address temporal and spatial changes in stock structuring, which is an important component of the RMP.
- c. The research is supposed to yield results leading to reliable answers to the questions being addressed. However, the research methodologies specified in the proposal are very poorly developed and presented, and they thus negate the possibility of a reasonable review.

3. Effects of catches on stocks

a. This analysis is difficult or impossible to do without recent in-depth assessments of minke, humpbacks and fin whales. No current agreed abundance estimates exist of these species in the area where JARPA II takes will occur. Similarly, stock structuring remains poorly defined in all species.

b. Particular concerns on this issue are:

- i. The determination of the extent and possible reasons for an apparent substantial decline in abundance of Antarctic minke whales.
- ii. The targeting of species that were subject to massive over-exploitation during earlier whaling, whose populations were taken to dangerously low levels and which remain well below their pre-exploitation abundance.
- iii. A lack of any agreed estimates of fin whale abundance, population trend or stock structure.
- iv. The potential of take of humpback whales from small, poorly understood and highly threatened populations in the South Pacific (e.g. Fiji, Samoa, Cook Islands etc)
- v. The potential impact of takes of humpback whales on existing, non-lethal research programs in Australia, New Zealand and elsewhere in the Pacific.

c. Given the dramatic increase in the take of minke whales to levels that may exceed any RMP-derived catch limits, and notwithstanding our lack of agreed abundance data, the SC has no capacity to determine potential sustainability of takes because it has been instructed by the Commission 'not to consider Southern Hemisphere minke whales in the context of implementation of the RMP unless advised to do so by the Commission'.

REFERENCES

Donovan, G. 2001. Guidelines for the Review of Scientific Permit Proposals. *J. Cetacean Res. Manage.* 3 (Suppl.): 371-372.

Appendix 3

RESPONSE TO APPENDIX 2

H. Hatanaka, J. Morishita, D. Goodman, L. Pastene and Y. Fujise

It is regrettable that Appendix 2 concludes that "the Government of Japan has substantially compromised the capacity of the SC to perform its tasks and puts at stake the capacity of the SC to provide objective and representative scientific advice to the Commission" on the basis of the false premise that "without a full review (of the original 18 year JARPA program) the SC cannot make a meaningful assessment of the relevance of the proposed research (JARPA II), or the need for the proposed catches."

It is the use of this false premise as the basis for saying that the SC cannot review the proposed research that compromises the SC ability to meet its obligations under paragraph 30 of the Schedule and the Commission's Rules of Procedure. Paragraph 30 of the Schedule to the ICRW says that: "Proposed permits shall (emphasis added) be reviewed and commented on by the Scientific Committee at Annual Meetings when possible". Further, under the Commission's Rule of Procedure M. 4, the SC "...shall (emphasis added) review the scientific permits and scientific programmes for which Contracting Governments plan to issue scientific permits". It is also a denial of the fundamental principle that science based policy and rulemaking must be the basis for the management of resources and the requirements for such under Articles V and VIII of the ICRW.

The primary objective of the JARPA II which is clearly stated in the proposed plan and summarized in this report, has been ignored by the authors of Appendix 2.

Appendix 2 also says that "Japan intends to abandon the accepted... (RMP), in favor of a speculative approach which proposes that selected culling be conducted...". This is an erroneous interpretation of Japan's intention to improve the RMP as a tool for managing commercial whaling on a sustainable basis. It is now more than 10 years since the RMP was adopted and it is a normal process of the advancement of science that improvements to the RMP can be made with substantial data accumulated by JARPA together with data from JARPA II.

Appendix 2 makes several references to the size of catches taken under JARPA and proposed under JARPA II in terms of RMP and the intention of Article VIII. It also mistakenly describes the proposed increase in minke whale catches as having "an undefended rationale". Catches under JARPA II have been calculated as the minimum required to obtain statistically significant data. Given that the stocks to be sampled are abundant and, for humpback and fin whales, increasing rapidly, it is quite logical that the sample size is correspondingly large. These calculations and their rationale together with an examination of the effects of these catches on the stocks are clearly presented in the research plan (SC/57/O1).

It must be noted that quotas under RMP are calculated such that catches for a period of 100 years would not negatively affect the stock and that it is not envisaged that JARPA II would be carried out for that period of time. Comparing catches under JARPA II with quotas that would be calculated under RMP is therefore not appropriate.

The comments in Appendix 2 relating the JARPA II sample sizes to RMP also ignore the fact that RMP is for commercial whaling – it does not apply to Article VIII research whaling. It is however interesting to note that if RMP were implemented, it would regulate the total take including research whaling catches.

With regard to premise in Appendix 2 that JARPA II can not be reviewed until the original 18 year program has been reviewed, it should be noted that at its half way point in 1997, the SC did review the results of JARPA (IWC, 1998). The SC noted that the program had made a major contribution to understanding of certain biological parameters and provided considerable data which could be directly relevant for management (IWC, 1998). The SC also noted that non-lethal means to obtain some of this information were unlikely to be successful particularly in the Antarctic (IWC, 1998).

Further, in January 2005, the Government of Japan held a meeting to review 17 years of data from the 18 year program. This meeting was open to any interested scientist and the report of that meeting was submitted to SC/57. It is unreasonable and unacceptable for those scientists who decided for political reasons not to attend that meeting to now blame Japan for undermining the SC credibility. Data from 17 of the 18 year JARPA program has been reviewed and was used in the development of JARPA II.

Appendix 2 also uses the excuse that "JARPA has published very little in the international peer-reviewed literature with which to judge the quality of its research and its relevance to the management of whales by IWC" as a reason for the inability of scientists in the SC to review the program. This excuse ignores the fact that Japan has submitted data and reports from JARPA to the SC every year. Japan has also provided data through the SC data availability protocol. The excuse also ignores the fact that much has been published in Japanese scientific journals and that many journals that publish in English have refused to accept papers with data from lethal research. This refusal has nothing to do with the scientific quality of the research.

1. Objectives

- a. JARPA II provides abundance estimates for calculating catch limit under RMP, and also provides biological parameters for in-depth assessment and information on stock structure for implementation of RMP.
- b. Objectives of JARPA II are based on scientific evidence and important hypotheses. JARPA revealed that the Antarctic ecosystem is changing. Some hypotheses for understanding changes in biological parameters of minke whale and changes in balance among baleen whales are proposed in JARPA II and they will be developed further through the proceeding of JARPA II program.
 - i. There are intra- and inter-species relationships among whales for their major food resource, krill. Modeling of the Antarctic ecosystem has been developed in IWC (e.g. SC/57/O21) and CCAMLR. However, the advance is rather slow due to the lack of sufficient information. JARPA and JARPA II will provide a wide variety of data and accelerate the development of ecosystem studies.
 - ii. It was hypothesized broadly that the depletion of large baleen whales (blue, fin and humpback) resulted in the increase of minke whales, seals and sea birds. It is plausible that the reduction of one species (e.g. minke) has some potential direct and indirect effect on other species (e.g. blue whales).
 - iii. JARPA II will start to define inter-species relation among whale species in the ecosystem model, and it will incorporate other krill predators (seals, sea birds and so on).
 - iv. Blue whales were depleted by over hunting, and their recovery will be examined through ecosystem models incorporating other predators including seals and sea birds to the extent possible.
- c. JARPA II will be reviewed at the end of the first six years of the research, and results will be evaluated. Revisions will be made to the program if required.
- d. Information from CCAMLR is used for modeling inter-species relations in JARPA II and the contribution by CCAMLR to the JARPA II program is welcomed.
- e. JARPA II provides a wide variety of data useful to developing a multi-species management procedure. Hypotheses and their performance will be developed and tested based on time series data obtained through JARPA and JARPA II. Performance of the various components of the research program will be judged on the basis of the contribution of results to the improved understanding of the Antarctic ecosystem.

2. Methodology

- a. A review meeting for results from JARPA was conducted in January 2005. Participants from eight countries agreed on the following, 'JARPA has revealed that changes have occurred in the ecosystem since the 1970's, suggesting competition among minke and other large whales'. Sample sizes were determined as minimum numbers of samples required to achieve the research objectives. Details of calculation for the sample sizes are described in Appendices 4, 6, 7, and 8 of the research plan.
- b. Non-lethal means are not satisfactory to address all objectives of the planned in JARPA II. For example, age of whale, nutrition condition of the whale, food consumption, and heavy metal load can not be obtained by the current non-lethal methods. As well as the former JARPA, JARPA II will be conducted as a comprehensive research plan using lethal and non-lethal methods allocated properly for each research objective.
- c. Most of research methods used in JARPA II were established through a research period of 18 years in JARPA. These methods were reviewed and evaluated as appropriate in the review meeting of JARPA held by the Government of Japan in January 2005.

3. Effects of catches on stocks

- a. Abundance estimates used in the analyses on effects of catches on minke whale stocks, were obtained through the JARPA and SOWER programs. It is reasonable to use more than one estimate and, the effects were evaluated mainly by considering the case of the smaller estimate. For humpback whales abundance trends and increase rates were consistent between results from JARPA and Australian surveys. Therefore the reliability of these abundance estimates will be high. Distribution of fin whale extends further north beyond the JARPA survey area. Therefore the abundance estimates used for analyses are underestimated. Catches will not negatively affect the stock. Information on stock structure for fin whales is poor but not for Antarctic minke and humpback whales. Samples taken by JARPA between 1987/88-2003/04 were used in a comprehensive analysis to investigate stock structure in the Antarctic minke whales, and a new hypothesis based on large sample sizes and results of different techniques has been now proposed. Regarding humpback whales, the SC suggested putative breeding grounds, feeding grounds and migratory corridors for this species in 2000. These feeding grounds were tested using genetic data obtained from JARPA and significant differences were obtained among C, D, E and F supporting the conclusion of the SC in 2000.
- b.
 - i. JARPA showed a consistent trend of minke whale abundance and no statistically significant decreasing or increasing trend during 16 years. The apparent abrupt decline in abundance from SOWER estimates is not biologically plausible given the biological and age data from JARPA.
 - ii. JARPA and Australian survey showed rapid recovery and high increasing rates of humpback whales. The population dynamics model used in JARPA showed no delay of recovery by the take in JARPA II. It is clear that targeted stocks of humpback whales are not at dangerously low level.
 - iii. The recovery of fin whales was also shown in JARPA surveys. Extrapolation of these underestimated estimates for unsurveyed areas suggests large stock sizes that could easily tolerate to small take planned in JARPA II. Historical information based on catch distribution and mark-recapture analyses suggested a stock structure based on oceanic basin. Information on stock structure will be improved through JARPA II program.
 - iv. Genetic and photo-ID analyses being conducted in the South Pacific are not conclusive yet. For example genetic analysis for different breeding grounds has not included the Eastern Australia samples yet. Furthermore, if whales show some degree of site fidelity to feeding areas, some differences should be detected among small sectors in Area V. This has not been observed. Further research is necessary to examine this issue, possibly incorporating DNA sequences from low and high latitudes in a single analysis.
 - v. Planned take of humpback whales is far less than 1% of estimated abundance therefore the impact on existing non-lethal research programs will be negligible. On the contrary, information from JARPA II will contribute to existing non-lethal research because it can provide data not taken by non-lethal samplings.
- c. The RMP was developed for commercial whaling and it should not be applied to the scientific permit research. The results of Fitter method showed increasing trend or maintaining near the carrying capacity under the planned take of JARPA II. It means that stocks will be sustained.

REFERENCE:

International Whaling Commission. 1998. Report of the Scientific Committee 1997. *Rep. Int. Whal. Commn.* 48: 55-118.

Annex O2

Progress Report of the JARPA Review Planning Steering Group

Members: Zeh (Convenor), Brownell, Childerhouse, Fujise, Gales, Hatanaka, Pastene, Schweder

ABSTRACT

The JARPA Review Planning Steering Group worked intersessionally to prepare for a full review of the JARPA programme by the Scientific Committee (SC) when the complete set of results of the programme is available. The Group agreed that this review should be carried out by an Intersessional Working Group to Review Data and Results from Special Permit Research on Minke Whales in the Antarctic. This would be done during an intersessional meeting, most likely in Tokyo in late 2006. Progress in planning for this review is summarized, and draft Terms of Reference and Agenda are provided as appendices for consideration during the 2005 SC meeting.

The Japanese Whale Research Programme under Special Permit in the Antarctic (JARPA) completed its last survey in late March of 2005. The IWC Scientific Committee has for some time been planning a final review of JARPA results. A JARPA Review Planning Working Group was established during the 2003 SC meeting (IWC, 2004a, p.410) but lacked a convenor. Gales and Zeh (Convenor) were added during the 2004 SC meeting, and the group was renamed the JARPA Review Planning Steering Group (IWC, 2004b, pp.409-10). Its terms of reference were as given in IWC (2004a): Prepare for a review of the JARPA programme in 2005. During the discussion under 16.2.1.2 (IWC, 2004b, p.52), the SC agreed to 'undertake a full review of the JARPA programme when the complete set of results are available following the completion of the 16-year programme i.e. some time after the 2005 annual meeting of the Committee.' It also agreed that the Steering Group would submit a progress report on preparations for consideration at the 2005 SC meeting. The Group worked intersessionally, primarily via e-mail correspondence, to produce this progress report.

The Steering Group agreed that this review, like the 1997 JARPA Review (IWC, 1998a, 1998b), should be carried out by an Intersessional Working Group to Review Data and Results from Special Permit Research on Minke Whales in the Antarctic. This would be done during an intersessional meeting, most likely in Tokyo. The report from that meeting would be presented and discussed at the following SC meeting. The review would cover all 18 years of the JARPA programme (1987/88-2004/05).

Draft terms of reference for the review are given in Appendix 1 and a draft agenda in Appendix 2. The draft terms of reference are based on the draft terms of reference for the 1997 review (IWC, 1996a) and Steering Group discussions. As indicated in the draft agenda, the review meeting will cover JARPA work on sightings surveys and abundance estimation, stock structure, biological parameter studies, the marine ecosystem, and environmental change including pollution. The results will be reviewed in the context of the stated objectives of the JARPA programme and of stock management. Other results not directly related to JARPA objectives will also be reviewed, e.g. results on blue and humpback whales. In preparing the draft agenda, attention was given to issues raised in the 1997 JARPA Review (IWC, 1998a, p.103).

The Steering Group has not yet reached agreement regarding terms of reference (3) and (4) and agenda Item 9, which deals with these terms of reference. Agenda Item 9 covers the relationship of the JARPA research to relevant IWC resolutions and discussions and, in particular, the utility of the lethal techniques used by JARPA compared to non-lethal techniques. Brownell, Childerhouse, Gales and Zeh believe that terms of reference (3) and (4) and agenda Items 9.1 and 9.2, at least, must be part of the JARPA review because they reflect explicit instructions from the Commission to the SC. These members are open to discussion regarding whether agenda Item 9 should be covered as part of the review meeting or postponed until the SC meeting that considers the report of the review meeting. Fujise, Hatanaka and Pastene believe that terms of reference (3) and (4) and Items 9.1 and 9.2 should not be part of the SC review of JARPA because they deal with political rather than scientific issues and because the SC review should concentrate on how well JARPA objectives have been met and what scientific contributions have been made by the programme. Pastene noted that if Item 9 were to be covered, it should be at a subsequent SC meeting rather than during the review meeting. There was less disagreement regarding agenda Items 9.3, 9.4 and 9.5, which were considered useful as a reminder of research encouraged by the Commission which has been conducted under the JARPA programme, than about Items 9.1 and 9.2.

Of course, the Steering Group agreed that the SC should consider only the scientific aspects of the resolutions. It will be necessary to go through any resolutions that are to be considered, extracting and listing the scientific matters involved so that they can be considered independently of non-scientific aspects of those resolutions. The SC will need to do its best to follow Commission instructions in so far as is within its competence. Although many Commission resolutions and discussions have dealt with JARPA, a relatively small number contain the relevant Commission instructions and recommendations, in some cases by noting earlier resolutions. To aid in considering how Item 9 should be handled, these key resolutions are included in Appendix 3.

The objectives of JARPA are summarised by IWC (1998b, p.378):

- (1) estimation of the biological parameters to improve the stock management of the Southern Hemisphere minke whale;
- (2) elucidation of the role of whales in the Antarctic marine ecosystem;
- (3) elucidation of the effect of environmental changes on cetaceans; and
- (4) elucidation of the stock structure of the Southern Hemisphere minke whales to improve stock management.

In addition, in response to a question regarding the sighting surveys conducted as part of the programme and the abundance estimates obtained from those surveys, it was stated that although the primary reason for the sighting surveys was their contribution to objective (1), their pertinence to the RMP and the associated implementation process for Southern Hemisphere minke whales should be seen as a derivative objective.

The JARPA Review Planning Steering Group will need to accomplish several tasks well ahead of the review meeting:

- (1) Compile and circulate:

- (a) a list of papers arising from JARPA research, including publications in scientific journals and unpublished reports (e.g. SC documents), with abstracts if available;
- (b) a list of papers to be updated and presented to the IWC JARPA review meeting.

These lists will be available on the web, and information needed to access them will be circulated through the IWC secretariat. A provisional version of (b) is the list of papers presented to the JARPA review meeting held in January 2005 by the Japanese Government, given in Annex C of SC/57/O6.

- (2) Compile and circulate an annotated list of datasets to be considered, bearing in mind data availability requirements under Procedure B (IWC, 2004c).
- (3) Prepare and circulate suggestions, if any, for additional analyses to be carried out.
- (4) Decide time, venue, facilities, agenda, budget, and relevant participants, including Invited Participants.
- (5) Examine the resolutions in Appendix 3 and the SC reports mentioned in those resolutions. Outline the topics to be considered under agenda Item 9 and recommend whether these topics should be dealt with during the review meeting or only by the SC as a whole.

It is anticipated that Japanese scientists will prepare the task (1) and (2) lists for consideration by the Steering Group and other SC members, who may suggest additions. An example of such additions would be papers not arising from JARPA that contain methods or results relevant to the discussion of the (1b) papers and therefore should be available as For Information papers at the review meeting. The Steering Group will make proposals regarding tasks (4) and (5), and possibly (3), for review and amendment by other SC members.

The terms of reference for the Steering Group were to prepare for a review of the JARPA programme in 2005. However, because the last JARPA survey was not completed until late March of 2005, it is likely that the review will need to be postponed until mid or late 2006. That will allow time for careful checking of the final datasets and preparation of papers including all the data, as specified by the SC.

REFERENCES

- International Whaling Commission. 1996a. Draft Terms of Reference for Intersessional Working Group to Review Data and Results from Special Permit Research on Minke Whales in the Antarctic. Annex Q of Report of the Scientific Committee, *Rep. int. Whal. Commn* 46: 224.
- International Whaling Commission. 1996b. IWC Resolution 1995-9. Resolution on Whaling under Special Permit. Appendix 10 of Chairman's Report of the Forty-Seventh Annual Meeting, *Rep. int. Whal. Commn* 46: 46-7.
- International Whaling Commission. 1996c. IWC Resolution 1995-10. Resolution on the Environment and Whale Stocks. Appendix 11 of Chairman's Report of the Forty-Seventh Annual Meeting, *Rep. int. Whal. Commn* 46: 47-8.
- International Whaling Commission. 1998a. Report of the Scientific Committee, *Rep. int. Whal. Commn* 48: 95-105.
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Appendix 1

DRAFT TERMS OF REFERENCE

To review the final results of the Japanese special permit research in the Antarctic, 1987/88 – 2004/05. To evaluate

- (1) how well the initial and revised objectives of the research have been met;
- (2) other contributions to important research needs;
- (3) the relationship of the research to relevant IWC resolutions and discussions, including those dealing with the Antarctic marine ecosystem (IWC, 1999), pollution (IWC, 1996c, 1998c, 2000b), environmental changes and their impacts on cetaceans (IWC, 1996c, 1998c, 1999, 2004d) and SC reviews of special permit research (IWC, 1996b, 2000a, 2004d); in particular,
- (4) the utility of the lethal techniques used by JARPA compared to non-lethal techniques (IWC, 1996b, 2000a).

JARPA work on sightings surveys and abundance estimation, stock structure, biological parameter studies, and studies of the marine ecosystem and environmental change including pollution are to be evaluated, with attention to issues raised in the 1997 JARPA review (IWC, 1998a, 1998b), summarised in Table 2 of IWC (1998a). Relevant aspects of Commission resolutions will be taken into account.

Appendix 2
DRAFT AGENDA

1. Introductory Items
 - 1.1 Welcome and introduction
 - 1.2 Election of chair and appointment of rapporteurs
 - 1.3 Meeting procedures and time schedule
 - 1.4 Adoption of agenda
 - 1.5 Documents available
 - 1.6 Terms of reference for this review
 - 1.7 Objectives of JARPA as stated in the original research proposal and subsequently
 - 1.8 General outline of the JARPA research
 - 1.9 Overview of the 1997 JARPA review and subsequent discussions (1998a, 1998b)
2. Sightings surveys and abundance estimation
 - 2.1 Background
 - 2.2 Issue raised in 1997 JARPA review: Development of method to correct bias of abundance estimates
 - 2.3 Data collection methods and results
 - 2.4 Data analysis methods and results
 - 2.4.1 Minke whales
 - 2.4.2 Other species
 - 2.5 Estimates of trends in abundance
 - 2.5.1 Minke whales
 - 2.5.2 Other species
3. Stock structure
 - 3.1 Background
 - 3.2 Issues raised in 1997 JARPA review
 - 3.2.1 Stock definition
 - 3.2.2 Statistical analysis of mtDNA data considering the inclusion of school size as a covariate
 - 3.2.3 Pilot study on nuclear DNA analysis on JARPA minke samples
 - 3.2.4 Effort to obtain biological materials for genetic analysis from low latitude areas of the Southern Hemisphere (potential breeding grounds) and compare with feeding ground data
 - 3.2.5 External morphology/morphometry analyses
 - 3.2.6 Examination of possible stock boundaries (geographical and temporal) in Areas IV and V
 - 3.3 Data collection methods and results
 - 3.4 Data analysis methods and results
 - 3.4.1 Genetics
 - 3.4.2 Morphometrics and morphology
 - 3.4.3 Other
 - 3.5 Synthesis
4. Biological parameter studies
 - 4.1 Background
 - 4.2 Issues raised in 1997 JARPA review
 - 4.2.1 Segregation study
 - 4.2.2 Recalculation of biological parameters by biological stocks
 - 4.3 Data collection methods and results
 - 4.4 Data analysis methods and results
 - 4.4.1 Mortality rates
 - 4.4.2 Growth curves and age at sexual maturity
 - 4.4.3 Reproductive rates
 - 4.4.4 Other
5. Marine ecosystem
 - 5.1 Background
 - 5.2 Issue raised in 1997 JARPA review: Meso-scale survey plan
 - 5.3 Data collection methods and results
 - 5.4 Data analysis methods and results
6. Environmental change including pollution
 - 6.1 Background
 - 6.2 Data collection methods and results
 - 6.3 Data analysis methods and results
7. Other results
 - 7.1 Stock structure of humpback whales
 - 7.2 Other
8. Overview of results in the context of the stated objectives of the JARPA programme and of stock management
 - 8.1 Contributions to minke whale management
 - 8.1.1 Stock abundance and trends
 - 8.1.2 Stock identity
 - 8.1.3 Biological parameters
 - 8.1.3.1 Mortality rates
 - 8.1.3.2 Other
 - 8.2 Marine ecosystem

- 8.3 Environmental change
- 9. Overview of results in the context of IWC resolutions and discussions
 - 9.1 Utility of lethal versus non-lethal research techniques (IWC, 1996b, 2000a)
 - 9.2 Other mandates regarding SC reviews of special permit research (IWC, 1996b, 2000a, 2004d)
 - 9.3 With respect to resolutions on the Antarctic marine ecosystem (IWC, 1999)
 - 9.4 With respect to resolutions on pollution (IWC, 1996c, 1998c, 2000b)
 - 9.5 With respect to resolutions on environmental change and cetacean response (IWC, 1996c, 1998c, 1999, 2004d)
- 10. Other matters
- 11. Adoption of report
- 12. Closure

Appendix 3

COMMISSION RESOLUTIONS POTENTIALLY RELEVANT TO THE JARPA REVIEW

Resolutions dealing with the Antarctic marine ecosystem and/or environmental change including pollution

These resolutions are given in full, except for 1999-4, which deals primarily with health effects from the consumption of cetaceans, which are outside the expertise of the SC. For that resolution, we include only the introductory and operative items that are potentially relevant to the SC review.

IWC Resolution 1995-10: Resolution on the Environment and Whale Stocks

RECALLING that at its 46th Annual Meeting, the Commission adopted a Resolution (IWC Resolution 1994-13) endorsing the plans of the Scientific Committee to pursue study of environmental changes and their impacts on cetaceans, including the convening of two workshops, one on pollution, to be convened before the 47th Annual Meeting, and a second on the effects of global warming and ozone depletion, to be convened before the 48th Annual Meeting, and accepting the recommendation in the Scientific Committee report that the focus of the workshops on environmental changes on cetaceans should be to identify research activities that might enable the eventual prediction of the effects of factors both direct and indirect on cetaceans and to incorporate such knowledge into conservation and management programmes for cetaceans;

NOTING that the Special Workshop on Chemical Pollution and Cetaceans was duly held in Bergen, Norway in March 1995, and that it made a series of recommendations which have been considered by the Scientific Committee (Report of the Scientific Committee, IWC/47/4 - Section 6.1);

NOTING the belief of the Workshop that a considerable amount of fundamental research is needed before it will be possible to address adequately the question of chemical pollutants on all cetaceans, and that such research should be undertaken by means of a multidisciplinary, multinational focused programme concentrating on those species/areas where there is most chance of success, notably the three species identified by the Workshop as being most suitable as indicator species;

NOW THEREFORE, the Commission

WELCOMES the information and data received from Contracting Governments, relevant international organisations, scientists and other experts on pollutants in the marine environment and their effects on cetacean populations presented at the Bergen Workshop;

COMMENDS the comprehensive and thorough review carried out by the Workshop and represented by its report;

NOTES the recommendations of the Workshop summarised in Table 2 of the Workshop Report (SC/47/Rep2);

DIRECTS the Secretariat to consult with Contracting Governments and the Scientific Committee over ways to facilitate the development and execution of the research programme recommended by the Workshop and to report its conclusions to the Commission at its next Annual Meeting;

AGREES that cooperation between the IWC and other bodies working on related issues (e.g. ICES, IOC, UNEP and OSPARCOM) is essential and DIRECTS the Secretariat to draw up a list of such related bodies and ensure that copies of the report are sent to them with a request for comments and a standing request for future information as and when it becomes available;

URGES Contracting Governments to ensure that the availability of the report is made known to relevant institutions in their countries;

ENCOURAGES Contracting Governments to continue to cooperate in providing information on the potential effects both direct and indirect of pollutants on cetaceans as these become known by forwarding them to the Secretariat; URGES Contracting Governments to send scientists with relevant expertise to the IWC workshop on the effects of climate change on cetaceans.

IWC Resolution 1997-7: Resolution on Environmental Change and Cetaceans

RECALLING that at its 44th Annual Meeting, the Commission adopted a Resolution establishing a regular agenda item in the Scientific Committee to address the impact of environmental change on whale stocks;

RECALLING that at its 45th Annual Meeting, the Commission adopted a Resolution recommending that the Scientific Committee gives priority to research on the effects of environmental changes on cetaceans in order to provide the best scientific advice to the Commission to determine appropriate response strategies to these new challenges;

FURTHER RECALLING that at its 45th Annual Meeting, the Commission reiterated its concern for the impact of pollutants in the marine environment by adopting a Resolution on the Preservation of the Marine Environment;

NOTING that at its 46th Annual Meeting, the Commission adopted a Resolution endorsing the plans of the Scientific Committee to pursue studies of environmental changes and their impacts on cetaceans, and identified priority areas that needed to be addressed in this context.

AWARE that the IWC has organised two special workshops, one on the effects of chemical pollution on cetaceans, held in Bergen, 1995 and the second on the effects of climate change on cetaceans held in Hawaii, 1996 to this end;

NOTING that at its 48th Annual Meeting the Commission adopted a Resolution welcoming and endorsing the establishment by the Scientific Committee of its Standing Working Group on Environmental Concerns (SWGEC), to facilitate examination of the effect of environmental change on cetaceans, and directed the Scientific Committee, through its Standing Working Group to consider and act on the specific recommendations of the two IWC Workshops and other items identified as requiring additional examination, in order to develop non-lethal research programmes that will allow assessment of the impact of environmental change on cetaceans;

NOTING the allocation of funds, as proposed by the Scientific Committee and adopted by the Commission at its 49th Annual Meeting, for the 1997/1998 budget to support planning of such research; now therefore the Commission:

WELCOMES the first report of the Standing Working Group on Environmental Concerns;

WELCOMES and ENDORSES the recommendations of the two intersessional meetings of the SWGEC, in Texel on pollution (SC/49/Rep6) and La Jolla on climate change (SC/49/Rep5) calling for long-term, collaborative, multidisciplinary, multinational research, and funding from the Commission to facilitate these activities;

NOTES that the SWGEC identified eight topics of particular importance to its work including: climate/environmental change, ozone depletion and UV-B radiation, chemical pollution, impact of noise, physical and biological habitat degradation, effects of fisheries, Arctic issues, disease and mortality events;

ENCOURAGES Contracting Governments to continue to provide available information on environmental changes as identified above and their known or potential ecological effects on cetaceans through annual Progress Reports and attendance of experts at meetings of the Scientific Committee;

RECOMMENDS that the Chairman of the Scientific Committee invites participants with necessary expertise in the field of environmental change to attend annual meetings of the Scientific Committee and contribute to its discussions on this topic;

ENDORSES the report of the Scientific Committee on environmental concerns, and directs it through the SWGEC to implement the recommendations of the Texel and La Jolla reports; URGES the Scientific Committee to produce detailed scientific proposals for future work on environmental concerns on a multi-annual basis;

DIRECTS the Scientific Committee, through the SWGEC, to provide regular up-dates to the Commission on environmental matters that affect cetaceans and, in particular, those that relate to non-natural mortalities relevant to implementation simulation trials or future RMP catch limit calculations or that require the action of the Commission within future five year periods of validity of catch limit calculations;

ENCOURAGES Contracting Governments to carry out relevant non-lethal research within domestic and collaborative multinational and multi-disciplinary programmes and also to provide new and additional funds to support the work of the Scientific Committee and SWGEC in this regard.

IWC Resolution 1998-7: Resolution on Coordinating and Planning for Environmental Research in the Antarctic

WHEREAS the International Whaling Commission at its 44th Meeting adopted Resolution (IWC/44/12) that decided the Scientific Committee should give priority to research effort on the effects of environmental change on cetaceans: WHEREAS the International Whaling Commission at its 48th Meeting adopted Resolution (IWC Resolution 1996-8) endorsing the formation of a Standing Working Group on Environmental Concerns by the Scientific Committee, and requested the Scientific Committee to increase collaboration and cooperation with governmental, regional and other international organisations working on environmental issues: AWARE that at the 50th Meeting of the Scientific Committee the SWGEC set up a working group to facilitate collaboration between the IWC and CCAMLR, GLOBEC and other research programmes investigating aspects that relate cetaceans to their habitat and to environmental change in the Antarctic;

NOTING there exists a number of other programmes, including the Japanese Whale Research Programme under a Special Permit in the Antarctic (JARPA), which has as one of its objectives research investigating aspects that relate cetaceans to their habitat and to environmental change in the Antarctic;

RECOGNISING that the JARPA programme is an annual, multi-ship survey effort that constitutes a major resource for investigating the Antarctic ecosystem;

RECALLING that the IWC has adopted resolutions (IWC 1995-8 and 1995-9) expressing concern over lethal research under Special Permit and lethal research in the Southern Ocean Sanctuary;

RECOGNISING that the JARPA Programme is conducted in the course of the exercise of the rights of the Government of Japan under the terms of the 1946 International Convention on the Regulation of Whaling;

AWARE that many parts of JARPA involve the use of non-lethal means to elucidate the effects of environmental change on cetaceans;

COGNISANT that JARPA has been reviewed by the Scientific Committee, and several improvements have been made as a result of this interaction with the Committee;

ACKNOWLEDGING the high priority the IWC has given studies of climate change and the Antarctic ecosystem and the need for planning and coordination among the various research efforts so as to optimise environmental research in the Antarctic; now therefore: the International Whaling Commission, at its 50th Annual Meeting,

INVITES the Government of Japan to take full advantage of the existing mechanisms of cooperation between national research programmes and the Standing Working Group on Environmental Concerns, including the presentation of results from national research programmes to the Scientific Committee and full involvement in the

IWC Resolution 1999-4: Resolution on Health Effects from the Consumption of Cetaceans

NOTING ... that the Scientific Committee is the appropriate body to review and provide to the competent authorities information relevant to the health of cetaceans relating to chemical contaminant burdens; NOW therefore the Commission requests the Scientific Committee to receive, review and collate data on contaminant burdens in cetaceans ... and to report on this matter to the Commission;

ENCOURAGES Contracting Governments, other countries and relevant organisations to continue to forward relevant data concerning contaminants in cetaceans to the Scientific Committee;

Resolution 2003-3: Resolution on Southern Hemisphere Minke Whales and Special Permit Whaling

NOTING that the Government of Japan continues to issue Special Permits, under the provisions of Article VIII of the Convention, for lethal scientific research on minke whales in the Southern Ocean Sanctuary (Japan's Whale Research Program under Special Permit in Antarctica – JARPA);

RECALLING that the Scientific Committee agreed in 2000 that there was no valid estimate for Southern Hemisphere minke whales and that there is still no agreed estimate for Southern Hemisphere minke whales;

FURTHER RECALLING concerns expressed in Resolution 2000-4 regarding appreciably lower preliminary abundance estimates for Southern Hemisphere minke whales;

CONCERNED that the Scientific Committee report of 2001 did not rule out that the Southern Hemisphere minke whale population may have suffered a precipitous decline over the past decade; NOTING Resolution 2001-7, which requested that the Scientific Committee provide to the Commission at IWC 54:

- (i) a list of plausible hypotheses that may explain this apparent population decline,
- (ii) the possible implications that such a decline in abundance may have for the management of minke whales in the Southern Hemisphere, and for ecologically-related species, in particular other cetaceans, and the state of the Antarctic marine ecosystem;

FURTHER NOTING that the list of plausible hypotheses reported by the Scientific Committee (IWC/54/4 – Report of the Scientific Committee) mostly focused on explanations for a decline in abundance estimates rather than an actual decline in population; and concluded it was most appropriate to fully address the request contained in Resolution 2001-7 after completing its work on reviewing the IDCR/SOWER abundance estimates, which in 2003 remains incomplete;

RECOGNISING the emerging importance of alternative non-lethal research methodologies such as scat DNA sampling and biopsy samples; now therefore the Commission

REQUESTS the Scientific Committee to provide to the Commission, after the completion of the IDCR/SOWER abundance estimates, all plausible hypotheses to explain any decline in abundance estimates that may emerge, and in doing so to consider fully:

- (i) the possible negative impact of the take of minke whales under Japan's Research Program in the Antarctic, including struck and lost data, on the decline in minke whales population estimates; as well as
- (ii) the impact of environmental change factors;

CALLS ON the Government of Japan to halt the JARPA program, or to revise it so that it is limited to non-lethal research methodologies;

RECOMMENDS that no additional JARPA programs be considered until the Scientific Committee has completed:

- (i) an in-depth review of the results of sixteen years of JARPA;
- (ii) its review of the abundance estimates for Southern Hemisphere minke whales; and
- (iii) the actions requested above and that any such programs should be limited to non-lethal research.

Resolutions dealing with SC reviews of Special Permit research.

Resolution 2003-3 is not repeated here as it is given above.

IWC Resolution 1995-9: Resolution on Whaling under Special Permit

WHEREAS the International Convention for the Regulation of Whaling recognises the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

WHEREAS the Commission adopted in paragraph 10(e) of the Schedule to the Convention zero catch limits on commercial whaling because of concern about over-exploitation of whale stocks;

WHEREAS Article VIII of the Convention provides that any Contracting Government may grant to any of its nationals a special permit authorising that national to kill, take and treat whales for purposes of scientific research, and that such killing, taking and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of the Convention;

WHEREAS Contracting Governments, in exercising their rights under Article VIII, should nevertheless respect fully the Commission's arrangements to conserve whales and ensure that the killing, taking and treating of whales for scientific research is only undertaken in a manner consistent with the provisions and principles of the Convention;

WHEREAS the Commission is developing a Revised Management Scheme for commercial whaling and has adopted a Resolution (IWC 1994-5) accepting that the specification of the Revised Management Procedure given in Annex H (*Rep. int. Whal. Commn* 44:145-52) completed the main scientific component in the Scheme;

WHEREAS with the development of modern scientific techniques it is not necessary to kill whales to obtain the information that is needed for initial implementation of the Revised Management Procedure for a particular whale stock;

NOW THEREFORE the Commission: RECOMMENDS:

1. that scientific research intended to assist the comprehensive assessment of whale stocks and the implementation of the Revised Management Procedure shall be undertaken by non-lethal means;
2. that scientific research involving the killing of cetaceans should only be permitted in exceptional circumstances where the questions address critically important issues which cannot be answered by the analysis of existing data and/or use of non-lethal research techniques;

REQUESTS the Scientific Committee, with respect to all Special Permit research programmes:

1. to undertake a comprehensive review of all existing programmes notified to it and report its views on whether such programmes remain justifiable in the light of the recommendations above and, in particular, on whether any lethal scientific research substantially contributes to answering critically important questions which cannot be answered by other means;
2. to consider all new programmes submitted to it in the light of the above recommendations;
3. to undertake annual reviews of all programmes and to undertake more intensive reviews of all long-term programmes at five year intervals;
4. to structure its reviews of programmes to:

identify the relationship between programme objectives and research needs previously identified by Scientific Committee; evaluate the likelihood of the programme meeting its objectives by providing reliable answers to the questions posed; identify, where a proposal specifies lethal methods, non-lethal methods and alternative sources of data which might be used in meeting the research objectives;

AGREES, should a continuing or proposed special permit research programme not, in the view of the Commission, satisfy the criteria specified in this Resolution to so notify the Contracting Government concerned;

RECOMMENDS that Contracting Governments, in providing the Secretary with proposed special permits and in submitting reports on research programmes to the Scientific Committee for review, specify how each proposed special permit or programme satisfies the above recommendations;

REQUESTS each Contracting Government to ensure that all scientific information and data available to it with respect to whales and whaling, including results of research conducted pursuant to Articles IV and VIII of the Convention, are submitted promptly to the Scientific Committee for review, analysis and consideration;

RECOMMENDS that Contracting Governments, in the exercise of their sovereign rights, refrain from issuing or revoke, permits to its nationals that the Commission, taking into account the comments of its Scientific Committee, considers do not satisfy the criteria specified above and therefore are not consistent with the Commission's conservation policy;

RECOMMENDS that, if whales are killed under the provisions of Article VIII of the Convention, this should be done in a manner consistent with the provisions of Section III of the Schedule; AGREES that this Resolution replaces the Resolutions adopted in 1986 and 1987 on Special Permit whaling (*Rep. int. Whal. Commn* 37:25 and 38:27).

IWC Resolution 1999-2: Resolution on Special Permits for Scientific Research

WHEREAS Paragraph 1 of Article VIII of the International Convention for the Regulation of Whaling (Convention) provides that, notwithstanding anything contained in the Convention, any Contracting Government may grant to any of its nationals a Special Permit (Special Permit) authorising that national to kill, take and treat whales for the purposes of scientific research, subject to such other conditions as the Contracting Government thinks fit; and

WHEREAS Paragraph 30 of the Schedule (Schedule) to the Convention provides that all proposed Special Permits be reviewed by the Scientific Committee; and

WHEREAS Paragraph 3 of Article VIII also requires that each Contracting Government shall transmit to such body as shall be designated by the Commission, insofar as is practicable and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to Paragraph 1 of Article VIII; and

WHEREAS the Scientific Committee receives and reviews information provided by Contracting Governments under Paragraph 3 of Article VIII and reports on this to the Commission. Now therefore, the Commission:

WHEREAS the Scientific Committee, with respect to all Special Permit Research Programmes, to provide advice to the Commission, on the research to be undertaken pursuant to any proposed Special Permit or that has been undertaken in respect of any Special Permit, as to whether the information sought in the research programme under each Special Permit is:

1. required for the purposes of management of the species or stock being researched; and
2. whether the information sought could be obtained by non-lethal means.

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