

Annex R

Statements on the Agenda

ANNEX R1. STATEMENT BY THE ICELANDIC, JAPANESE AND NORWEGIAN DELEGATIONS CONCERNING DNA REGISTER SYSTEMS

Members of the Scientific Committee and the Commission are aware that the Governments of Iceland, Japan and Norway have, on a voluntary basis, implemented national DNA register systems to provide for effective monitoring of whale meat products in the market and that information on these DNA register systems has been provided to the Commission.

This statement is to reassert the position of the Governments of Iceland, Japan and Norway that the monitoring of markets is outside the jurisdiction and competence of the IWC and that for this reason, inclusion of items related to DNA identification of market products on the agenda of the Scientific Committee and its Working Group is inappropriate. For this reason, representatives of the Governments of Iceland, Japan and Norway and their appointed scientists will not participate in Scientific Committee discussions of this matter.

However, the Governments of Iceland, Japan and Norway will provide additional information on their DNA register systems as they deem appropriate including information on technical aspects of these systems. Further, we urge that the future work of the Scientific Committee on matters related to the use of DNA technologies and analyses take the position of our Governments into account. In this regard, documents dealing with the marketing of whale meat products should not be submitted to or discussed by the Scientific Committee.

ANNEX R2. STATEMENT BY THE JAPANESE DELEGATION CONCERNING WHALEWATCHING

It is the Government of Japan's position that whalewatching is outside the competence of the IWC. Further, the IWC has limited financial and human resources and should be focusing its efforts on important matters such as stock assessments.

ANNEX R3. STATEMENT BY THE JAPANESE DELEGATION CONCERNING SMALL CETACEANS

Resolution 1999-9 on Dall's porpoise is clearly outside the jurisdiction of the IWC, and therefore Japan continues not to provide data concerning small cetaceans at this year's Scientific Committee meeting. Furthermore, Japan will not participate in the meeting of the Standing Sub-Committee on Small Cetaceans this year. It is unfortunate that the political attempt to expand the scope of the IWC's influence to include small cetaceans by Resolution 1999-9 has prevented the continued voluntary scientific co-operation of Japan in the field of small cetaceans.

However, Japan will make its data on small cetaceans available following this year's Scientific Committee meeting through appropriate means, such as the website of the Fisheries Agency of Japan.

Finally, although Japan may not make any comments on the draft report of the Standing Sub-Committee on Small Cetaceans, this should in no way be taken to mean that Japan concurs with or supports the contents of the report.

ANNEX R4. RESPONSE TO ANNEX R3 BY CLAPHAM CONCERNING THE CONTRIBUTION OF WHALEWATCHING DATA TO POPULATION ASSESSMENTS

In contrast to the views expressed in Annex R3, in many locations whalewatching has provided a free or low-cost platform for data collection that has proved of considerable importance to the assessment and understanding of local cetacean populations.

Numerous published studies have been based in part or entirely upon data collected on whalewatching vessels. From just one area alone (the Gulf of Maine in the US), whalewatching-based studies have resulted in at least 50 peer-reviewed publications (note this does not include numerous other articles submitted to SC meetings and elsewhere). These publications represented a significant contribution to the Committee's Comprehensive Assessment of North Atlantic humpback whales in 2001/02. Refereed papers based upon whalewatching data concern several species of large whales, and many topics of central importance to management such as abundance, distribution, population characteristics and structure, reproductive rates, social structure, age at sexual maturity, migratory movements, mating systems, sex ratio, and changes in distribution in relation to the abundance of prey. Indeed, far more published papers on topics of importance to management have resulted from whalewatching data than from Japan's special permit whaling programmes, even though the latter have been in operation for more than two decades and have killed in excess of 12,000 whales.

The free access provided by whalewatching vessels means that these studies have been conducted at essentially no survey cost. Similar whalewatching-based studies have been conducted in both developed and developing countries in other areas of the world e.g. Tonga, French Polynesia, Norway, Iceland, the Dominican Republic and Australia. Consequently, to state that the IWC should ignore whalewatching and instead concentrate its scarce resources on stock assessments ignores the considerable contribution to the latter that can be made by whalewatching data.

ANNEX R5. STATEMENTS ON UNAUTHORISED USE OF DATA: RELEVANT TO ITEMS 7, 10.2 AND 25

Statement by Goto

Goto stated that Lukoschek *et al.* (In press) used mtDNA raw sequence data defining 61 North Pacific minke whales (Table 2 in Goto and Pastene, 1999) without the permission of authors. They estimated the proportion of O- and J-type haplogroups of North Pacific minke whales sampled in the Japanese market in Table 3 of their paper based on these data.

This is a second case of unauthorised use of our data by Baker, who is one of the authors of Lukoschek *et al.* (in press). The first case was discussed during the 2000 Scientific Committee meeting (IWC, 2001, pp.95-96 and p.112).

Subsequent to the 2000 discussion, the Scientific Committee agreed guidelines on the citation of Scientific Committee documents (IWC, 2003, p.87). However, citation of documents and unauthorised use of data contained in Scientific Committee documents are substantially different issues

since unauthorised use of data takes away the first publication right of data owners. This unauthorised use of data is a gross violation of standard scientific ethics that should be condemned by the Scientific Committee.

Goto also noted the unauthorised use of data described above renders previous statements by Baker that he would not use data derived from lethal sampling hypocritical.

Response by Baker

Baker replied that Goto is unjustified in his accusation that Lukoschek *et al.* (In press) makes unauthorised use of the 'raw sequence data' reported in Goto and Pastene (1999). Lukoschek *et al.* (In press) appropriately cites Goto and Pastene (1999) and Goto and Pastene (1997) as sources for a summary of JARPNI catches for the years 1994-1998, according to the frequencies of four haplogroups previously defined by analysis of market samples from Japan and Korea (Baker *et al.*, 2000). The use of summary of information from Goto and Pastene (1999) is limited to one line of Table 3 in Lukoschek *et al.* (In press) and references in text. No conditions for citation were indicated in Goto and Pastene (1999) and information from this document has been referenced extensively in previous deliberations of the Committee and incorporated into RMP *Implementation Simulation Trials*, for the purposes of management advice.

Baker refers Goto to the policy of the IWC and the *Journal of Cetacean Research Management* (IWC, 2003, p.87), regarding citation and restrictions on citation of documents and working papers: 'The review (including further analysis if required) of scientific papers is critical to the work of the Scientific Committee and the transparency of its management advice to the Commission.'

And further, to the policy on Scientific Committee Papers (IWC, 2003, p.87): 'Authored documents submitted to the Committee reside in the Secretariat, are publicly available on request and are considered part of the public domain.'

Under these guidelines, the information in Goto and Pastene (1999) has been in the public domain for 10 years. Attempts to restrict use of this information undermine the ability of the Committee to offer adequate and timely management advice on the impact on the J stock from the high levels of bycatch and Japan's ongoing scientific whaling program in the North Pacific (JARPNI).

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