



ASOC Secretariat

1630 Connecticut Ave NW, Third Floor, Washington, DC 20009 USA

PHONE 202.234.2480 FAX 202.387.4823

www.asoc.org

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ASOC Report on IWC 62

Dr. Sidney Holt

1. Introduction

Dr. Holt was appointed as Observer for ASOC at the annual meeting of the International Whaling Commission held in Agadir, Morocco last month, but he was unable to attend. However, he watched the streaming video of the Plenary Sessions transmitted by Tokyo's Institute of Cetacean Research, and was in regular contact with NGO participants in Agadir. He prepared daily blogs during the meeting, which are all available on mywhaleweb.com.

2. Overview

The main item of interest to ASOC members was undoubtedly what was referred to as "the Deal" – a document produced by the Chair (from Chile) and Vice-Chair (from Antigua & Barbuda) of the Commission and the Commissioner for New Zealand, much of which was strongly and controversially supported by the US delegation. This proposed deal would, if adopted, have set catch limits for commercial exploitation of many whale stocks and species, including minke and fin whales in the Southern Ocean Whale Sanctuary, for at least ten years. It also proposed that commercial whaling be limited to three countries already engaged in whaling through well-known loopholes: Japan, Iceland and Norway, a proposal which is strictly contrary to the Convention under which the IWC operates and to UNCLOS. The proposal had other undesirable elements, one of which was the proposition that if the proposal was in any respect contradictory to other rules and regulations that have been adopted by the IWC over the years, the new proposals shall prevail.

More than half of the weeklong IWC session was convened *in camera*, with only governmental delegations being present. The week before there had been two days of less formal sessions, with NGOs present (but not allowed to speak) but not the media. The outcome was a complete breakdown of negotiations. The proposals are shelved for a year "of reflection", and practically abandoned. They were opposed by almost all conservation/environment/animal welfare NGOs, and by the countries of the European Union (except Denmark), Australia and all the Latin American countries. The very idea that commercial whaling in the Southern Ocean sanctuary should be legitimized, and essentially arbitrary catch limits awarded for it was practically universally opposed, as was the tendency to ignore science, or just pay lip-service to it, in the setting of catch limits and making other regulations.

Some possible good things were lost in the process, especially possible agreements on measures to ensure compliance with regulations, such as by international observers and DNA profiling of all animals killed, and some limitation on the issuance of Special Permits to kill whales "for scientific purposes". But many participants – perhaps most of them – were put off by the obvious dishonesty in the document which while proposing commercial whaling in the sanctuary as well as in the North Pacific and North Atlantic Oceans proclaimed that the sanctuary would still be in existence and the 1982 moratorium on all commercial whaling was being continued!

An important feature of the Agadir meeting was the generally bad treatment of NGO Observers – who pay considerable fees to be able to attend. In the 1970 the IWC was in advance of other inter-governmental organizations in allowing NGOs to speak, but that gradually eroded to nothing. Two years ago that right was partially reinstated, but still extremely limited. This year the limits were even tighter. NGOs were given a total 20 minutes or so right at the end of the meeting, after all decisions had been taken. This is a travesty of the idea of participation of civil society. A few minutes of the final intervention were, however, taken by Mamadou Diallo of WWF West Africa, Senegal. His fine and passionate statement is provided below.

3. On Charisma - Holt Blog June 25, 2010

In my blogs before and during the IWC meeting in Agadir I have made frequent mention of the fin whale, especially the population or populations in the Southern Hemisphere. I am sad that the species gets little recognition from any of those concerned about the future of whales, whaling and the IWC – except by Japan's pelagic whalers.

The blue whale has long been an icon of the environmental and animal protection movement. It's the biggest animal species ever evolved, and its grandeur can only really be appreciated by those who have been fortunate enough to see one alive and close by. Photographing the blue whale has long been a challenge to the world's underwater photographers. It was the main target in the first decades of Antarctic whaling. It was brought by those unregulated operations perilously near to extinction, but it is worth remembering that this happened in part because of the prolonged onslaught on the fin whales and the appalling Blue Whale Unit catch limits that permitted their simultaneous exploitation for long after it would have been worth sending factory ships down to the Antarctic only to kill the by-that-time rare blue whales.

The sperm whale, by far the biggest toothed whale, is another icon, as the protagonist of Melville's marvelous *Moby Dick*, as possibly the deepest mammalian diver (although some smaller toothed whales might perhaps equal or exceed that feat), and certainly as the possessor of the world biggest brain, even though we poor land-lubbers don't yet know quite what the sperm whale uses that brain for. Many participants at the IWC's meeting in Morocco seem to have been unaware, or to have forgotten, that the sperm whale was subject to a moratorium before the general one of 1982, and that was not limited only to commercial whaling. Most famously Mr. Paul Gouin, speaking during the IWC's consideration of several consecutive proposals for ending sperm whaling, reached under his Commissioner's chair to pull out and place on the desk in front of him a full-size plastic model of a sperm whale brain. He said: "This is the only part of the sperm whale for which whalers find no use." And the sperm whale was the pervasive symbol at the first global conference on environmental issues, the UN Conference on the Human Environment, held in Stockholm in 1972, where a life-size model was paraded every day through the streets of the capital. (How sad it has been to see the delegation of Sweden, once a pillar of "Save the Whales" campaigns, supporting in Agadir the miserable proposals for selling out the whales being pressed by the Chairs and the delegations of New Zealand and the USA. But at least they had the grace not to propose non-zero catch limits for sperm whales.) Luckily for the sperm whale its special oil is no longer needed for military uses by the super-powers, there being both natural and synthetic substitutes. However, it might not be beyond human perversity if at some time, long after I have left this planet, it finds itself being "harvested" again for street lighting, in the low/no carbon Utopia towards which we are now striving.

The humpback whale is yet another modern icon. It's only middling in size but its behaviour of breaching and spy-hopping and fluking and coming near to boats endears it to all humans who see it. Dr Roger Payne's glorious recordings of humpback songs brought to public knowledge a new dimension of cetacean culture, a dimension which uniquely and quickly became embedded in human culture through mixing with our own musical traditions. Roger's record, distributed with a special issue of *National Geographic Magazine*, remains the record with the biggest world-wide distribution, not excluding Michael

Jackson's and The Beatles' best. The humpback presents its patterned flukes to us as if saying "Please recognize me. Give me a name." As a result our scientists catalogue those patterns and whale-watchers "adopt" then and then hope to see the adopted and named individuals again and again. This recognition also creates a special conflict between watching and killing individuals in the same population. And those scientists lucky enough to see it are thrilled by the humpback's marvelous collective feeding system of bubble curtains upward rush and group gobbling.

So we come to the minke – or, rather, minkes – because we now know there are at least two species of them and possibly more – the smallest of the baleen whales. The Southern Hemisphere species has now received more research attention, at least from IWC-associated scientists, than all the other baleen whale species put together – but only because it is still fairly numerous and has become since 1970 the preferred interim target of pelagic whalers – interim, that is, until some of the bigger species have recovered under protection, at least partially. The minkes are attractive, and friendly – they used to approach the sterns of Norwegian whaling boats sitting quietly in the water in the Northeast Atlantic, until the whalers mounted a second cannon on the stern deck!

The Bryde's whale has its special interest to us because it's the species we are most likely to see as tourists in warm waters. Since the ruthless illegal hunt of this species in the Atlantic by pirate whalers in the 1980s, it seems to have learned that it is no longer threatened by whalers and comes up beside non-whaling ships, so that seems OK. Like the minke it's very pretty. As to the sei whale about which gourmets say that the muscles of its tail are the best cuts of all baleen whale meats: in the Southern Ocean, as it feeds more to the north than the bigger species and the minke, it has a different diet – largely copepods rather than krill. So we can safely say it is not competing directly with humans for "living marine resources" of interest to us – yet. However, as the Marine Stewardship Council (MSC) is in the process of classifying the Antarctic krill as sustainably harvested, hence good to sell in markets (health capsules, feed for Norwegian salmon) at a premium price, can the copepods be far behind?

OK, I come to the fin whale, which is what this blog was supposed to be mainly about. For all we know there might be several species of fin whales, as there are of minkes – one in each of the three major ocean regions, and goodness knows about the northern Indian Ocean. The poor fin whale is big, but not that big, by baleen whale standards – just about 50 tons per head, as the Japanese whalers used to write. They don't leap about like humpbacks nor sing very well. Fin whales do have one special feature: different skin colouring and pattern on port and starboard sides. But we have no idea what if any purpose that serves the whale. Do they lie on their side to eat, like the Ancient Romans on their triclinia? Which side?

However, in evolutionary terms they might be the most successful of baleen species, at least by modern ecologists' way of judgment. The biomass of fin whale populations feeding in the Antarctic was higher even than that of blue whales before Antarctic baleen whaling began, and much more numerous, too. Its feeding range was wider than that of the blue whale. It was not so depleted to the brink of extinction as was the blue whale. That is because before that could happen the factory ships had to operate further to the North than they had previously – to kill mainly sei whales as well as pygmy blue whales. When those species has been taught a severe lesson, the remaining factories, now only flying the flags of Japan and the USSR, had to move southward again, to kill minke whales, which feed close to the Antarctic ice, and within, even under, the floes, areas from which the fin whales tend to keep clear, apparently.

So, when pelagic whaling in the Southern ocean paused (apart from the taking of scientific samples) quite a few fin whales were left alive. If they have been increasing at anything like the rates reported for blue, humpback and maybe southern right whales then there must be more than a few of them feeding down there now; likely tens of thousands, possibly one hundred thousand or more. That could be around 20% of their original number. It is, presumably, a growing population, and many of the animals will be only partially grown juveniles.

So the serious Japanese commercial whalers have their eyes on the fin whale, for sure. They were, I think, very happy that the Chairs' Proposals to the IWC included some fin whale catches in the Antarctic, even if it looked like no more than a symbolic number. They know that to exploit the adult fin whales they need a bigger factory ship, and they need that also for future profitability from the production of a variety of valuable by-products. Plans are in hand. Meanwhile, the Icelandic whalers have got their government to agree to a vast increase in the slaughter of fin whales in the North Atlantic, and the IWC Chairmen and the aforementioned Commissioners and some NGOs were willing to go along with that as well – even while knowing full well that the slaughter would go ahead on a grand scale only if Iceland is able to sell the fin whale meat to Japanese dealers and deliver it past NGO vigilantes.

So I think the fin whale is really in need of charismatic status. We know that alone will not save it; witness the discussion in the IWC today about Greenlanders killing the humpback whales. These humpbacks are the same whales to which whale-watchers further south give names. WDCS and WSPA have reported their meat is sold in Greenland to tourist restaurants and cruise ships as well as in the local aboriginal subsistence supermarkets. Please will some brilliant scientists set about discovering something really spectacular and unique that fin whales do, that we don't yet know about, and is more convincing than my argument that it is the most ecologically and evolutionarily successful of the great baleen whales?

We need to describe at least three levels of identity. The individual whale. The species or other taxon. And the whales as a remarkable group of animals. What are the common features of the rorquals, apart from their anatomy? How do they really differ from the toothed whales, apart from anatomy and evolutionary origins? Why and in what respects do the grey whales differ from the other baleens? What is charismatic about the right whales, except their remarkable ability to sail using their raised flukes, as Roger Payne eloquently described long ago. So many questions, so many answers yet to come – accompanied as ever by more questions.

4. Intervention of Mamadou Diallo, WWF West Africa Marine Ecoregion Programme, Delivered to IWC62 on 24th June 2010

Note: The following text is translated from French, the language of the original verbal intervention.

Mr. Chair,
Ladies and Gentlemen of the Commission,
Dear colleagues representing civil society,

My name is Mamadou Diallo, from WWF West Africa. Exactly two years ago, speaking rights were given back to civil society after 30 years. This was a great victory, showing important progress for the IWC.

At a time when all international conventions are becoming transparent and giving civil society a voice; At a time when the international community celebrates biodiversity in this year of 2010; At a time where the debate on climate change and its impacts rages; At a time when the news is dominated by the oil spill and its impacts. - On this topic, we congratulate the initiator of the proposition to hold a workshop on oil and gas development in the Arctic; At a time when the IWC has been in the spotlight with allegations of corruption and vote-buying discrediting the integrity and credibility of this institution:

What has happened with the exclusion of civil society during the last 48 hours is simply shocking, scandalous, intolerable, unacceptable and inadmissible. It's worrying. And it's even more worrying that civil society were only given a voice only at the last minute, which made the gesture seem like a favour.

The IWC is going backwards and falling into nebulous and meandering negotiations.

What is the IWC hiding? What justifies the exclusion of civil society?

We expected more from the IWC. We were waiting for the IWC to make the changes necessary to be a modern, efficient, conservation organization that is transparent, and capable of taking charge of emerging threats. But these changes cannot happen without the effective participation of civil society, without whom nothing tangible and long-lasting can be accomplished.

Ladies and Gentlemen, we dare to hope that what happened in the last two days is an accident of history and that civil society will from now be an important player in the functioning of the IWC. To this end, we suggest that the IWC adopt a speaking mechanism similar to other international conventions such as CITES, where the NGOs participate in the decision-making through interventions on agenda items after the governments speak.

The IWC should also consider putting in place at the Secretariat level a sponsorship programme for delegates from developing countries. Finally, judging from today's and yesterday's discussions, we note with disappointment the absence of consensus and the lack of significant progress in negotiations, and regret that the IWC is still at an impasse.

By limiting the number and time of NGO interventions, you are missing an opportunity to hear from conservation organizations such as PEW, EIA, WSPA and Whaleman Foundation, who would have addressed the following topics: the importance of marine protected areas, small cetaceans, welfare concerns about whaling, and a petition signed by 230,000 people asking for an end to whale and dolphins hunts.

Thank your for your attention.