

# Time to refocus

A constructive vision for the evolution and future of the International Whaling Commission as a cetacean protection organisation





## Introduction: IWC history and achievements

**At its meeting in June 2008, the International Whaling Commission (IWC) commemorates over 60 years as the global body responsible for the conservation and management of the world's whales. In recent decades, the IWC has been responsible for an array of conservation achievements which have helped make it one of the most successful international conservation bodies in existence today.**

The International Convention for the Regulation of Whaling (ICRW) was drafted in 1946 in an effort to address the devastating impacts of whaling on whale populations worldwide. For the next 35 years, attempts by the IWC to effectively manage the large-scale commercial hunting of these long-lived, slow-breeding mammals met with failure, leaving many whale species on the brink of extinction. In 1982 the IWC agreed to a visionary moratorium on commercial whaling facilitating the recovery of the world's whales and preventing the certain extinction of several species.

The moratorium was implemented in 1986 during a new era of scientific enlightenment surrounding the conservation and protection of wild animals. Over time, increased emphasis has been placed on the role and advice of the IWC's Scientific Committee, which today consists of over 200 scientists of the highest calibre. The Scientific Committee is the only such group of cetacean scientists on a global scale,

placing it in the ideal position to address the complex spectrum of threats facing cetaceans and their environment. In 1993, the Commission specifically directed its Scientific Committee to prioritise research on the effects of environmental change on cetaceans to “determine appropriate response strategies to these new challenges”.<sup>1</sup>

The IWC's agenda has also expanded to develop expertise to assist those wishing to derive commercial gain from cetaceans without hunting them. In 1998 the IWC and Scientific Committee formally integrated whale watching into their agendas, recognising the opportunities arising from this burgeoning worldwide industry.

The Conservation Committee, inaugurated in 2004, represented a further milestone in the evolution of the IWC, signifying a commitment to protecting cetacean populations and developing strategies to mitigate threats to their survival.

The IWC's increased efforts to address the inherent cruelty of whaling reflect scientific understanding of the sentience of whales and their capacity to suffer. The ban on the use of cold (non-exploding) harpoons and the phase out of the electric lance in commercial whaling demonstrate the IWC's commitment to reduce the suffering of exploited whales.

Membership of the IWC has more than doubled since the moratorium was implemented, reflecting the global concern for the future of the world's whales. This briefing outlines the future role for the IWC in protecting cetaceans and their habitats, rather than managing their lethal exploitation.

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<sup>1</sup> IWC 1993. Chairman's Report of the 45<sup>th</sup> annual meeting, Appendix 12. Resolution on research on the environment and whale stocks. *Rep. Int. Whal. Commn* 44:35

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“ The IWC has been vital for ensuring the survival of numerous whale species and creating the opportunity for whale populations to recover... Membership of the IWC is the key way to meet the global responsibility for protecting whales.”

UK government brochure 'Protecting whales – a global responsibility' 2007

## IWC whale protection timeline

1963	Zero quotas set for humpback whales in Southern hemisphere	1993	Commission decides to prioritise research on environmental change	1997	First meeting of Standing Working Group on Environmental Concerns in Scientific Committee
1965	Commission implements worldwide protection for blue and humpback whales	1994	Voluntary fund established to facilitate scientists' participation in Scientific Committee's small cetacean work	1998	First meeting of Whale watching Working Group in Scientific Committee
1976	Commission implements zero quota for southern hemisphere fin whale populations		Southern Ocean Sanctuary implemented		Commission adopts permanent agenda item for 'Environmental Concerns'
1977	Commission commences collection and presentation of catch statistics on small cetaceans	1995	Workshop on cetaceans and chemical pollution which led to a multi-year multi-disciplinary programme to research the impact of chemical pollution on cetaceans	1999	Commission endorses and agrees funding for SOWER and POLLUTION 2000 + research on ecosystem and environmental research
1979	Indian Ocean Sanctuary implemented		Following workshop on Whale Killing methods Commission passes Resolution calling for suspension of use of electric lance as a method to kill whales	2000	Commission welcomes Scientific Committee's first State of the Cetacean Environment Report and requests annual submission
1980	Cold harpoon banned and first workshop on humane killing takes place			2004	First meeting of Conservation Committee
1982	Working Group on Humane Killing established with Terms of Reference including humane killing in aboriginal subsistence whaling	1996	Workshop on climate change and cetaceans which led to development of the Southern Ocean Whale and Ecosystem Research Programme (SOWER)		Scientific Committee holds symposium on anthropogenic noise pollution
1986	International moratorium on commercial whaling, passed in 1982, takes effect		Japan agrees to phase out use of the electric lance	2006	Commission agrees to hold second climate change workshop



# Whales in the 21st Century



## A Changing Environment

Since the establishment of the IWC in 1946, scientists have learnt a great deal about the myriad threats to cetaceans. These threats include ozone depletion, chemical and noise pollution, ship strikes, entanglements with fishing gear, prey depletion, increasing offshore industrial development and the escalating threats from climate change, including ocean acidification.

With the development of technologies allowing us to exploit the most remote and deepest areas in our oceans, the range and intensity of many of these threats has increased in recent years. Several environmental threats are known to interact in complex synergies, making overall impacts more severe and more difficult to accurately predict.



## A Counting Conundrum

Despite scientific advances, accurately monitoring whale populations is limited by the inherent difficulties – and expense – of observing and quantifying the abundance of wide-ranging, deep diving marine mammals.

Differing analytical techniques often lead to large variations in abundance estimates. The apparent 60% decline in southern hemisphere minke whale numbers in less than 15 years demonstrates the potential for large errors in counting whales, which represents a fundamental challenge to providing safe management advice.<sup>2</sup>

As long-lived, slow-breeding mammals, whales are particularly vulnerable to the long-lasting effects from over-exploitation. Although some whale species have begun to recover from near extinction caused by industrialised commercial whaling, many species will take decades, or even centuries, before their return to pre-exploitation abundance. For example North Atlantic right whales, heavily exploited by commercial whaling, remain critically depleted and are now affected by new anthropogenic threats.<sup>3</sup>



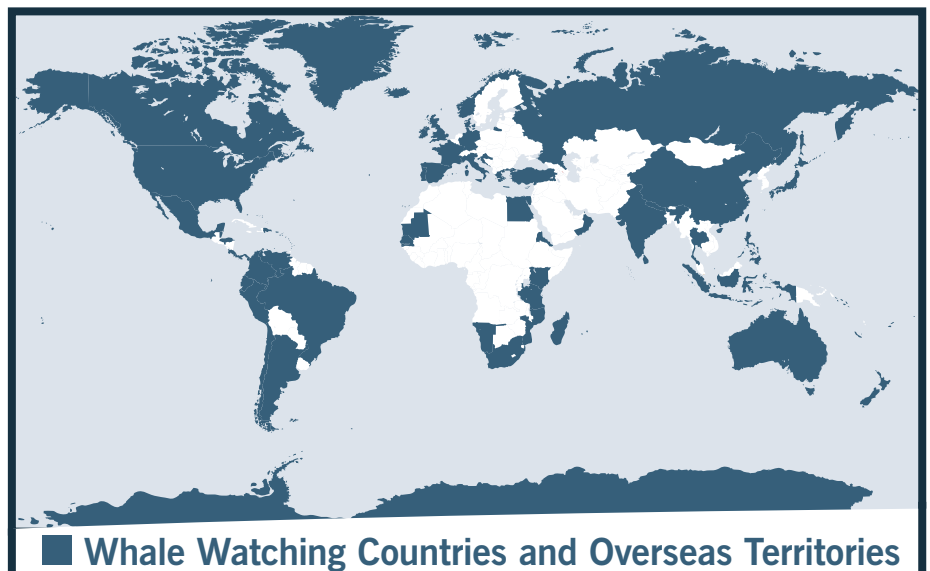
## A Cruel Practice

The IWC continues to address the cruelty inherent to whaling but more must be done. Even the most highly trained whaler cannot ensure that a shot will result in immediate death and the potential for error is large. Whalers must shoot an exploding harpoon from a moving boat at a moving animal which may surface for less than 5 seconds, sometimes under adverse weather conditions. The result is often a strike which injures but does not kill the animal; up to 60% of minke whales do not die instantaneously in special permit whaling.<sup>4</sup> Modern weapons used to kill minke whales are underpowered and thus their use on much larger species predictably results in even longer times to death.

These protracted 'Times to Death' defy international humane standards, such as those recommended by the World Organisation for Animal Health (OIE).<sup>5</sup> Today, few, if any, countries would allow farm animals to be slaughtered by a method with such frequent potential to cause prolonged suffering, yet whales – also killed for commercial sale and human consumption – fall through the 'welfare loophole' of being wild animals. Instances where wounded whales escape remain a feature of whaling operations and would be considered totally unacceptable in domestic livestock slaughter.

## Whale watching

Whale watching is an industry that provides financial benefits to communities throughout the world. From small subsistence ventures to large scale commercial operations, whale watching is estimated to be a US\$1.25 billion industry enjoyed by over 10 million people in more than 90 countries each year.<sup>6</sup> Consequently, whale watching is economically more significant and sustainable to more communities and people, than whaling.



## The paradox of sustainable whaling

“ Whales are long-lived, slow-growing wildlife... It defies logic to think that mobilizing large ships consuming large amounts of fuel with large crews travelling large distances to satisfy the tastes of a small number of consumers qualifies as a reasonable use of resources, let alone as a 'sustainable' enterprise.”

Acclaimed marine biologist and ecologist Sylvia Earle<sup>7</sup>

2 Chair's report of the 57<sup>th</sup> annual meeting of the International Whaling Commission, p.7

3 IWC/58/CC 8

4 IWC/57/WKM&AWI 11

5 [www.oie.int/eng/normes/mcode/en\\_chapitre\\_3.7.5.htm](http://www.oie.int/eng/normes/mcode/en_chapitre_3.7.5.htm)

6 Erich Hoyt personal communication, 11th Jan 2008.

7 Op Ed in Los Angeles Times, 3rd December 2007, by P. Heller, "Japan's Whaling Shame"

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## Vision: The IWC of the future

During its meetings in 2008 the IWC's member nations will discuss and plan the future of the Commission. This signifies a recognition that the IWC has reached a crossroads.



Fundamental to the continued relevance and success of the IWC is for its members to:

- Recognise that whales face an uncertain future because of increasing anthropogenic threats and therefore require continued protection in the form of an indefinite ban on commercial whaling;
- Acknowledge that the lack of scientific knowledge about cetacean population sizes, biology, ecology and behaviour is an additional threat to their survival and a long term programme of non-lethal research is required to promote greater understanding of cetaceans and their conservation needs;
- Recognise that the greatest potential for the 'optimum utilization' of whales, provided for in the ICRW, lies in sustainable and well-managed whale-watching operations;
- Acknowledge the need for the IWC to further develop into a cetacean conservation management organisation based on science and synergy with member nations and conservation organisations;
- Agree that the commercial sale of whale products from scientific whaling operations must be prohibited because it encourages increasing use of Article VIII to circumvent the ban on commercial whaling.

### Conservation: research, development and management

The IWC's role as an international body with competence for cetacean conservation and management must be strengthened and promoted. Its primary focus and resources must be redirected away from intractable debates over whaling and towards providing protection for whales and increasing scientific understanding of their ecology, biology and behaviours. In addition to benefiting whales, this new focus will contribute to the ongoing development of the whale watching industry. Key objectives of this work should include:

- Conducting research to predict and quantify the global and regional impacts on cetaceans from climate change, habitat degradation, entanglements, chemical and noise pollution, bycatch and ship strikes, to facilitate IWC recommendations for timely mitigation and avoidance measures.
- Funding studies to increase the scientific knowledge of cetaceans including work on population abundance, distribution, biology and ecology but also facilitating novel research on whale behaviours, communications, social dynamics and culture.
- Developing methodologies to evaluate the impacts of whale watching and recommending mitigation measures as needed to protect whales and/ or their habitats. The Commission should also continue to formalise its role in facilitating information sharing within the whale watching industry worldwide.

**The IWC has an opportunity to take a progressive step towards redefining its primary objective: to ensure the long term protection, survival, and recovery of cetacean populations.**

### **Aboriginal Subsistence Whale (ASW) Hunting**

The IWC's issuance of aboriginal subsistence whaling quotas must be solely based on credible evidence demonstrating legitimate subsistence needs. The criteria for such hunts must not be expanded to include, for example, whaling for cultural purposes. In addition, the weapons used in ASW hunts must be improved and minimum acceptable weaponry standards and hunting methods -based on expert veterinarian opinion - must be developed, in order to address welfare concerns inherent to ASW hunts.

### **Synergy and harmonisation with other organisations**

As a body with global oversight for cetacean issues, the IWC must seek to promote international information sharing and harmonization of mitigation efforts to address threats to cetaceans.

The IWC should strive to provide expert advice and act as an information clearinghouse for its member governments with regard to sharing intelligence, including on cetacean protection and management, recovery and conservation efforts, and the preparation, amendment, or implementation of regional cetacean conservation agreements. The IWC's investment in increasing information sharing and facilitation of communications between like-minded cetacean conservation bodies could augment the work of the international bodies, organisations and governments with which it interfaces. This in turn would result in improved coordination of global efforts to mitigate threats to cetaceans. Such bodies would include the Convention on Migratory Species including Regional Agreements and the Convention on Biological Diversity.

### **Evolving a future for whales and the IWC: recommendations for near-term action**

- Establish a Working Group to work intersessionally on a draft road map towards a future IWC with a new priority of ensuring the long term protection, survival, and recovery of all cetaceans. The Working Group should include IWC member governments and representatives from intergovernmental (IGO) and non-governmental organizations (NGO);
- Undertake a review of the Scientific Committee, including its budget, membership and time management, with a view toward adjusting priorities towards environmental threats, whale behaviour and non-lethal use as opposed to whaling quota derivation;
- Direct the Conservation Committee to prioritise identification of species, populations, habitats and regions in need of priority action plans, and direct the Scientific Committee to facilitate preparation of these plans;
- Develop a specific fund to recruit scientists with environmental and ethological (behavioural) expertise to attend the Scientific Committee and/or to undertake research/reports related to identified priority issues;
- Expand Scientific Committee and Commission work to ascertain the impact of climate change on cetaceans and augment the role of the IWC in mitigating climate change threats to cetaceans;
- Develop a research/development programme focused on improving the killing methods used by aboriginal subsistence whalers to reduce the time to death and minimize suffering, including commissioning relevant experts to undertake independent studies and provide advice;
- Undertake a review of pollutant levels in cetaceans and the human health impacts associated with consuming polluted whale products;
- Establish a Working Group to address and promote the legal, social and economic aspects of responsible whale watching, and to facilitate sharing of information between whale watching industries worldwide through training workshops and seminars;
- Seek funding to expand the work of the IWC, including by seeking increased contributions from member countries based on a means tested system;
- Introduce a mechanism to facilitate input into the deliberations of the IWC from all interest groups including IGOs, NGOs, educational establishments and scientific institutions with a demonstrated interest and/or expertise in cetacean conservation.



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