



## **WWF Position Statement UPDATED: December 2008**

### **Matters of substance to be discussed by Small Working Group on the Future of the International Whaling Commission**

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#### **Background:**

During the 60th meeting of the International Whaling Commission (IWC) in Santiago, Chile, it was decided to form a Small Working Group on the Future of the IWC (SWG), with the objective enabling the IWC to “best fulfill its role with respect to the conservation of whale stocks and the management of whaling”. The SWG’s primary task in this regard is to make “every effort to develop a package or packages for review by the Commission.” Any package agreed by the group would have to cover all of the following 33 issues of contention.

In this document, WWF provides its position or views on each of the 33 issues of contention, and urges governments participating in the SWG to take these positions into consideration when engaging in SWG negotiations. WWF had previously circulated a version of this document prior to the first meeting of the SWG – this is an updated version of the document, produced for the December 2008 SWG meeting.

WWF looks forward to working with member governments of the IWC on these issues.

#### **WWF Positions:**

##### **1. Advisory/Standing Committee or Bureau – need for**

WWF supports the existence of the advisory committee, which was set up in 1997 to represent the different interests within the IWC and support the work of the IWC Secretariat. It consists of the Chairman, Vice Chairman, the secretary and two commissioners.

If the Commission were to adopt a practice of bi-annual meetings, WWF would support the establishment of a Standing Committee to guide the IWC Secretariat intersessionally. The Standing Committee would replace the Advisory Committee that currently exists, and constitute a much broader and more representative set of members. This has been standard practice in many Multilateral Environmental Agreements.

However, WWF believes that the effectiveness and utility of the existing or any new and additional body is entirely dependent on its role and remit, particularly within the fractious political environment of the IWC. There is extensive experience in other multilateral organizations with such standing committees.

WWF believes that if a standing committee is to be formed, the IWC should consider the make up and remit, and experiences, of standing committees in other biodiversity treaties, such as CITES and the CMS, which could provide helpful guidance.

## **2. Animal welfare**

Whilst animal welfare issues are of importance and relevance to whales and whaling, and to many people across the globe, WWF is an environmental organization, concerned with the conservation of threatened species and places. WWF therefore does not work on animal welfare, and as such refers governments to the many other organizations whose core mandate is work on this issue. WWF takes no position on animal welfare issues.

## **3. Bycatch and infractions**

Bycatch is fast becoming the greatest threat to many cetacean species. Previous estimates show that more than 300,000 cetaceans are killed in fishing gear each year. It is crucial that any organization or institution concerned with cetaceans fully incorporates this issue. If the IWC ignores bycatch, or fails to adequately consider the impacts of bycatch and mechanisms to reduce bycatch, it will fail in its ability “to provide for the proper conservation of whale stocks.....”

***WWF recommendation: The IWC should incorporate bycatch considerations more strongly into the work of its Scientific Committee, Conservation Committee and plenary.***

WWF also urges the Contracting Governments to adhere to existing resolutions on bycatch reduction, and to support additional concrete action by sponsoring a series of research and training workshops in developing nations with high rates of cetacean bycatch. In particular, swift and cooperative international action is needed to reduce bycatch of certain critically endangered cetacean populations.

With respect to the link between bycatch and infractions, WWF believes that whales killed deliberately after a bycatch incident must be reported to the infractions committee, even if the perpetrators were not aware that killing the whale was contrary to the Schedule. For cases where the animal was killed unintentionally, all incidences must be reported to the Scientific Committee. Both types of killing are unmanaged. Therefore WWF believes that products from animals caught in either manner should not be sold commercially, and existing legislation in many countries which allows the commercial sale of products from animals killed due to bycatch should be removed. This will also prevent any perverse incentive for deliberate killing of animals involved in bycatch incidents, and facilitate efforts to promote the release of entangled cetaceans.

## **4. Climate change**

There is now unequivocal evidence that climate change is happening, and that it is due to human activities. Many new reports and studies have demonstrated that climate warming will have diverse and significant impacts on cetaceans – see the following link for a WWF/WDCS summary:

<http://assets.panda.org/downloads/climatechange16ppfinallo.pdf>

Furthermore, a new study on this topic, reviewed by the IWC Scientific Committee in 2008, shows that levels of global warming predicted over the next 40 years will lead to declines of up to 30% of winter sea-ice coverage of the Southern Ocean in some key areas, likely leading to a reduction in krill, the primary food source for Antarctica’s great whales. In addition, poleward movement of frontal zones – key foraging areas for whales – mean that migratory whales such as the blue whale and humpback whale may need to travel 200-500 kilometres further south, increasing their already long migrations, and reducing the duration of the feeding season. One of the species that will be most affected by climate warming is the Antarctic minke whale, currently taken in large numbers in Japan’s ‘scientific whaling’ programme. This paper, as well as WWF summaries of the research in English, French and Spanish are available at:

[http://www.panda.org/about\\_wwf/what\\_we\\_do/species/our\\_solutions/policy/iwc/commission\\_meetings/2008\\_santiago\\_chile/index.cfm](http://www.panda.org/about_wwf/what_we_do/species/our_solutions/policy/iwc/commission_meetings/2008_santiago_chile/index.cfm)

The IWC cannot afford to ignore climate change – to do so would separate IWC from all other global intergovernmental environmental agreements, and all other institutions which have adopted the internationally accepted principles of Ecosystem Based Management. It would also lead to inconsistencies, as the overwhelming majority of contracting governments to the IWC are also signatories to the Kyoto protocol.

During both IWC59 and IWC60, there was an encouraging groundswell of concern about the impacts of climate change on cetaceans from many contracting governments, and support was expressed for increased efforts by the IWC to investigate the issue. We are pleased that climate change is firmly on the IWC agenda, and that the Scientific Committee will be holding a workshop on climate change and cetaceans in February 2009. WWF urges the Scientific Committee to ensure that this workshop not only monitors current impacts of climate change on whales, but also projects future impacts wherever possible, and proposes management options to increase the resilience of whale populations to climate change.

***WWF recommendation: The IWC's Scientific Committee, Conservation Committee and Plenary should all investigate, highlight and propose solutions for mitigating the impacts of climate change on cetaceans.***

## **5. Civil society (involvement of)**

It is imperative that the IWC fully allows civil society engagement. Full civil society engagement is a fundamental part of international negotiations and deliberations. As stated by Kofi Annan, former UN Secretary General: “The United Nations once dealt only with Governments. By now we know that peace and prosperity cannot be achieved without partnerships involving Governments, international organizations, the business community and civil society. In today’s world, we depend on each other.”

WWF welcomes the efforts that have been taken to date by governments to engage in frank discussions with civil society on the future of the IWC. Currently, however the rules of the IWC regarding civil society participation are not in line with modern multilateral agreements, or the United Nations, and preclude NGOs from speaking publicly. WWF is also deeply disturbed that civil society has been specifically excluded from most of the activities of the SWG. If the SWG is to be successful, civil society must be engaged, and NGOs must be provided with opportunities to provide insight and expertise into the full process. Without these changes, it will be extremely difficult for civil society, and by extension the constituencies of the governments involved in the negotiations, to support any ‘package’ agreed by the SWG and proposed to the entire IWC membership.

The IWC is at a crossroads—the world is watching, and the integrity of the IWC is in the balance. WWF stands ready to work with governments to find the best possible solutions for the conservation of whales and other cetaceans. In that spirit, WWF strongly urges the SWG to make available reports of its discussions to observers in a timely manner, and allow observers to input in a constructive way to the discussions. This includes feedback to observers after SWG meetings, and release of SWG reports in sufficient time prior to meetings in which observers can participate (i.e. the Intersessional meeting and IWC61) to enable observers to construct their input into those meetings based on the SWG reports.

It is the people of the world and citizens of all IWC 82 member states that will stand in judgment of the decisions and compromises reached during this process.

***WWF recommendation: Civil society must be fully engaged in the IWC, and given speaking rights and other benefits at the IWC in line with other international agreements (e.g. CITES, CBD, CMS, FAO COFI etc.) In addition, civil society must be better integrated into the SWG process, and SWG reports must be released in sufficient time prior to meetings in which observers can participate to enable observers to construct their input into those meetings based on the SWG reports.***

#### **6. Coastal whaling (i.e. within EEZ)**

WWF acknowledges the widely varied cultural attitudes toward the conservation and management of whales, but continues to oppose commercial whaling—now and until whale stocks have recovered, and the governments of the world have brought whaling under international control with a precautionary and conservation-based enforceable management and compliance system adhered to by all whaling nations.

However the current stalemate caused by the Contracting Governments' differing views on commercial whaling is adding to the many threats faced by both the great whales and small cetaceans. WWF supports a resolution to the current stalemate in the IWC, and looks forward to working cooperatively with all governments and stakeholders with an interest in whales and whaling to find a common way forward to ensure a secure and sustainable future for the world's whales.

***WWF Recommendation: Governments should work together to find a commonly acceptable resolution to the current impasse in the IWC. Commercial whaling is no less commercial if it takes place within a country's EEZ, or on the high seas. However, WWF does understand that a way forward to solve the impasse in the IWC may necessitate some discussion of differentiating between coastal and high seas whaling.***

#### **7. Commercial whaling moratorium**

WWF acknowledges the widely varied cultural attitudes toward the conservation and management of whales, but continues to oppose commercial whaling, especially in light of the host of threats faced by whales including climate change, ship strikes, toxic pollution of the oceans, underwater noise from sonar and seismic testing and entanglement in fishing gear—now and until whale stocks have recovered, and the governments of the world have brought whaling under international control with a precautionary and conservation-based enforceable management and compliance system adhered to by all whaling nations.

The proposed 'Revised Management Scheme' (RMS) was intended to deliver such an enforceable management and compliance system. However as all negotiations towards an RMS have been ceased, this system is unfortunately lacking. Whilst there is no fully agreed and adopted RMS, and whilst most whale species and stocks have still not fully recovered from declines caused by unsustainable whaling in the past, the commercial whaling moratorium must stay in place.

***WWF Recommendation: The commercial whaling moratorium must remain in place.***

#### **8. Compliance and monitoring**

Compliance and monitoring of whaling is a crucial part of the 'precautionary and conservation-based enforceable management and compliance system' mentioned above.

#### **9. Conservation Committee**

Whaling is no longer the biggest threat to whales in the global oceans. Cetaceans are now threatened and impacted by a wide range of human-induced problems, including pollution (chemical and acoustic), ship strikes, habitat degradation, bycatch, oil and gas exploration and development, and climate change. Even in a scenario whereby the IWC only dealt with whaling (as is the stated preference of some IWC members), it would be impossible to set sustainable quotas for a species group with no understanding of the other factors that are affecting their abundance, distribution and longevity.

The Conservation Committee is therefore an important addition to the work of the IWC, bringing it one step closer to the modernization it needs, and that would turn it into a truly effective institution that is in line with international norms and the principles of Ecosystem Based Management.

WWF believes the Conservation Committee would function most effectively when tasked by the Commission to design action plans for pertinent priority issues. In addition the Conservation Committee should be tasked by the Commission to lead the implementation of these action plans once approved, and ensure that implementation was guided by the best possible scientific advice from the Scientific Committee.

***WWF Recommendation: The Conservation Committee must remain and be strengthened both in terms of financial contributions and political commitment***

#### **10. Conservation management plans**

Conservation Management Plans for cetaceans through the IWC, as proposed by the Government of Australia in document IWC/60/15, would be a useful and innovative next step for the IWC. Effectively and collaboratively dealing with emerging threats (such as climate change) and/or critically endangered populations (such as North West Pacific gray whales) would turn the IWC into a body truly able to deliver effective conservation benefits for the world's whales.

***WWF Recommendation: Support.***

#### **11. Convention (purpose of)**

The stated purpose of the convention is “to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry.” This was the original purpose as set out when the Convention was formed in 1946 - over 60 years ago. Whilst the purpose may have been valid then, much has changed in the last half century. There are now numerous other threats to whales more significant than whaling. Furthermore, whalewatching as an industry is arguably more economically viable in the long term than whaling, and definitely an industry more widely practiced than whaling, with measurable, significant livelihood benefits for coastal communities. This market shift must also be recognized.

Therefore for the IWC to remain valid, it must modernize - taking on board new challenges and opportunities. Changing the stated purpose of the IWC is a fundamental part of this modernization.

***WWF recommendation: Support a new stated purpose for the IWC which brings it into line with other international institutions and conventions, and embraces the principles of Ecosystem Based Management.***

#### **12. Co-operative non-lethal research programmes**

In today's ever changing world, research is more necessary than ever before to allow us to understand complex marine species and ecosystems, and mitigate our ever increasing impact on sensitive marine and coastal zones. However with the current range of non-lethal scientific techniques available, lethal scientific research on cetaceans is no longer necessary (see item 23.) As such, cooperative non-lethal research programmes are the obvious next step for a modern, participatory and forward looking IWC.

***WWF recommendation: Support***

### **13. Data provision**

The provision of data by nations from whaling activities either conducted under objection or under special permit has significantly decreased in recent years. It has been argued that the IWC currently receives less information from 'scientific whaling' than it would if the full suite of data required by the IWC under a commercial whaling hunt was to be provided. In addition, the IWC receives no data from some whaling nations on time to death for hunted animals. Although WWF is not an animal welfare organization, it supports calls for whaling nations to provide the data that is required of them by the Commission, including time to death data.

As reflected in many other international agreements and intergovernmental organisations timely and rigid data provision requirements must be included as part of a modernized IWC, so that effective decision making on the conservation and management of whales is enabled. An operational RMS (see item 25) will require that strict data provision requirements are adhered to.

***WWF recommendation: That whaling nations meet the mandated data provision requirements of the modernized IWC and that in future data provision is timely and accurate. Failure to meet data provision requirements should result in penalties and sanctions.***

### **14. Developments in ocean governance**

Ocean governance, particularly on the high seas, has come an extremely long way since the International Convention on the Regulation of Whaling (ICRW) was formed more than 60 years ago. Unfortunately, the ICRW and the IWC now require some substantial updating in terms of governance if they are to come into line with other agreements and organizations concerned with management of the marine environment. See the following document for a full analysis of international governance in the marine environment, with associated recommendations for governance changes within the IWC:

<http://assets.panda.org/downloads/governancepaper.pdf>

The biggest change since the formation of the ICRW, is the international adoption and implementation of Ecosystem Based Management, or EBM (see the following document for a full outline of how EBM is used in international agreements

[http://www.panda.org/about\\_wwf/what\\_we\\_do/species/index.cfm?uNewsID=95720](http://www.panda.org/about_wwf/what_we_do/species/index.cfm?uNewsID=95720)). This is the fundamental set of principles that the IWC must adopt in order to modernize itself and ensure its practices are based on the best possible approaches (see item 15.)

### **15. Ecosystem-based approach to management**

WWF urges delegates to focus on the internationally understood definition of Ecosystem Based Management - a holistic approach focused on the conservation of habitats and ecosystem integrity, with the objective of maintaining ecosystem health, resilience and functioning (including the importance of predator diversity such as whales and other cetaceans). See the following document for the legal basis and justification of this definition

[http://assets.panda.org/downloads/wwf\\_ecosystem\\_paper\\_final\\_wlogo.pdf](http://assets.panda.org/downloads/wwf_ecosystem_paper_final_wlogo.pdf)

This internationally-agreed and accepted definition of Ecosystem Based Management involves the consideration of all impacts to the ecosystem, including environmental threats such as climate change, ship strikes, habitat loss and degradation. WWF urges all IWC member states to ensure they are in line with international norms by using the term Ecosystem Based Management in its internationally understood context during discussions of the IWC, and to ensure that the IWC embraces Ecosystem Based Management by expanding its remit to include all environmental threats to cetaceans.

Some IWC contracting governments have erroneously used the term Ecosystem Based Management to refer to the concept that whale populations must be culled in order to increase levels of fisheries resources

available for human use (this is Ecosystem Manipulation, not Management). However the internationally-agreed definition of Ecosystem Based Management involves the management of fisheries to avoid harm to the ecosystem, rather than the manipulation of marine mammal populations to potentially benefit fisheries, and therefore does not *de facto* involve culling of single species groups such as whales.

In any case, the argument that great whales are behind declining fish stocks is completely without scientific foundation. It is not the whales, but rather over-fishing and excess fishing capacity that are responsible for diminishing supplies of fish in developing countries. WWF believes that blaming whales serves only to benefit wealthy whaling nations while harming developing nations by distracting any debate on the real causes of the declines of their fisheries. WWF calls your attention to several reports on this issue:

- 1) Daniel Pauly, Food for Thought: An analyses indicating that most food consumed by marine mammals consists of prey types that fisheries do not target, and that marine mammals consume most of their food in areas where humans do not fish. [http://www.hsi.org.au/protection\\_wildlife&habitat/images/Daniel\\_Pauly\\_Report.pdf](http://www.hsi.org.au/protection_wildlife&habitat/images/Daniel_Pauly_Report.pdf)
- 2) Daniel Pauly, Who's eating all the fish?: An analysis indicating that more than half of all fish from West Africa, Caribbean and South Pacific countries is exported to developing countries – primarily Japan, the EU, USA and China. Therefore it isn't the whales that are eating all the fish, but developed countries. <http://www.hsus.org/web-files/PDF/hsi/daniel-pauly-paper-iwc-2008-pdf-doc.pdf>
- 3) Lenfest Ocean Programme's modeling exercise in Western Africa demonstrates that even if whales were culled in the region, there would be no discernable impact on the fisheries resources available
- 4) Peter Corkeron paper which reviews the scientific literature originating from Japan and Norway - the two countries most strongly promoting the idea that whales pose problems for fisheries through predation. The review concluded that where good data are available, there is no evidence to support the contention that whale predation presents an ecological issue for fisheries. [http://assets.panda.org/downloads/corkeron\\_iwc\\_format.pdf](http://assets.panda.org/downloads/corkeron_iwc_format.pdf)

Further cementing the findings of these and other reports, a resolution was adopted at the IUCN World Conservation Congress this October by >90% of both government and NGO members of IUCN. The resolution concluded that “the great whales play no significant role in the current crisis affecting global fisheries.”

***WWF Recommendation: WWF urges the SWG to counter any unfounded claims that whales must be killed in order to increase fishery resources for human use. Furthermore, WWF urges governments to promote the adoption by the IWC of true Ecosystem Based Management, thus ensuring the IWC deals with all environmental threats to whales***

## **16. Environmental threats to cetaceans**

WWF supports the inclusion of environmental issues on the agenda of the IWC, in the IWC Scientific Committee and in the ongoing work of the Conservation Committee as essential components of the Commission if it is to embrace the principles of Ecosystem Based Management, as is expected in the current climate of international resource management. WWF urges the IWC to take action rapidly to address significant threats facing cetaceans globally, such as bycatch, ship strikes, oil and gas exploration and development, climate change and habitat degradation.

***WWF Recommendation: Support expanded efforts to address environmental threats in the IWC Scientific Committee, Conservation Committee and Plenary.***

## **17. Ethics**

WWF is an environmental conservation organization, concerned with the conservation of threatened species and places, and the safeguarding of global biodiversity. WWF uses science as the basis for its decision making. Issues of ethics surrounding the killing of particular animals are important, and should be considered, but are not the core business of WWF. As such we do not have a position on this item.

## **18. Financial contribution scheme**

WWF believes that adoption by the IWC of the UN scale for contributions would be the most fair and equitable solution for financial contributions.

WWF also believes that the financial burden placed on NGOs for attendance at IWC meetings is too high, particularly for civil society groups from developing countries. These fees are not in line with the vast majority of other intergovernmental environmental agreements, in which civil society can participate free of charge (e.g. CMS, CBD, FAO COFI), or for a modest fee (CITES).

***WWF Recommendation: UN scale for government contributions, reduced fees for NGOs***

## **19. Frequency of meetings**

WWF believes that it is not necessary to hold Commission meetings once a year, and it would be preferable to hold the Commission meeting once every two years, and direct the funds that would be saved towards the work of the Conservation Committee. A Standing Committee could then be used to oversee any essential work in interim years between Commission meetings (see point 1 above.)

***WWF Recommendation: Reduce Commission meetings to one per two year period, redirecting funds to activities of the Conservation Committee. In addition, de-link the Scientific Committee from the Plenary, giving governments sufficient time to evaluate the Committee's findings prior to Plenary discussions.***

## **20. Marine Protected Areas (MPAs)**

Marine Protected Areas are a critical tool for managing cetacean populations. Whilst dealing with direct and indirect takes of cetaceans is important, the protection and management of healthy and appropriate habitats for cetaceans is just as necessary, and often harder to achieve. Marine Protected Areas (including time and area closures, multiple use zones etc.) are an extremely effective tool to achieve the level of habitat protection and management that is necessary for particularly sensitive and ecologically important species and places.

The benefits offered by MPAs include:

- Maintaining biodiversity and providing refuges for species
- Protecting important habitats from damage by destructive fishing practices and other human activities and allowing damaged areas to recover
- Providing areas where fish are able to spawn and grow to their adult size
- Increasing fish catches (both size and quantity) in surrounding fishing grounds
- Building resilience to protect against damaging external impacts, such as climate change
- Helping to maintain local cultures, economies, and livelihoods which are intricately linked to the marine environment
- Serving as benchmarks for undisturbed, natural ecosystems, that can be used to measure the effects of human activities in other areas, and thereby help to improve resource management

WWF believes that collaboration between IWC and other institutions relevant to MPAs (e.g. the Convention on Biological Diversity for high seas MPAs, or the International Maritime Organisation for restrictions relating to shipping impacts) would be extremely positive.

***WWF Recommendation: Support the inclusion of MPAs in the IWC as a tool for successful and sustainable management of cetacean populations.***

## **21. Objections and reservations**

Objections and reservations go against the fundamental principles of consensus building and cooperation, and undermine the effectiveness of the IWC as an organization. In the spirit of compromise and trust that currently exists at the IWC, there is no place for objections and reservations, and these must be removed before any real progress in terms of successful negotiations can be achieved.

***WWF Recommendation: All IWC contracting governments should withdraw any existing objections and reservations prior to entering the negotiations on the Future of the IWC, and should commit to entering no reservation on the outcome of any negotiations.***

## **22. Procedural issues – improvements to**

WWF supports the changes to working procedures of the IWC as agreed by IWC60:

- Every effort must be made to reach consensus,
- Submission of resolutions must be made 60 days in advance of the meeting (with a maintained option to table urgent resolutions where there have been important developments that warrant action in the Commission,)
- Delay of provision of voting rights until 30 days after date of adherence,
- Addition of French and Spanish as working languages of the Commission.

WWF notes however that submission of resolutions 60 days in advance is only feasible if the Scientific and Conservation Committees meet at least 90 days before the Plenary, to enable governments to evaluate the outcomes from the Committees and prepare resolutions if necessary.

## **23. Research under special permit**

Although the ICRW contains a provision that allows governments to issue their own lethal research permits, it was written more than 60 years ago, at a time when no practical alternatives existed. At that time, killing whales was the only way to obtain some of the most basic biological information, which was then used to set catch quotas. Today, modern scientific non-lethal techniques provide the data required for whale management more efficiently and accurately than lethal sampling. The number of whales taken by the Government of Japan for ‘research purposes’ is an abuse of special whaling permit provision of the ICRW, and is nothing more than commercial whaling under the guise of research. Japan must bring its research efforts into the 21<sup>st</sup> Century through the adoption of non-lethal techniques, and refrain from using science as an excuse to bring whale meat into its commercial markets. WWF believes the Contracting Governments of the IWC must ensure that IWC-related research meets modern accepted scientific methodologies, or the IWC’s credibility will be at risk. Article VIII, which outlines the special permit provision in the Convention text is outdated, and must be eliminated. WWF also fully supports the proposal of Australia relating to the need for regional non-lethal research partnerships (IWC/60/16), and urges contracting governments to support and further develop these initiatives.

***WWF Recommendation: Article VIII should be eliminated from the Convention text***

## **24. Revised Management Procedure (RMP)**

The RMP is one of the most precautionary quota setting instruments of our time, when used properly and responsibly, without alternation of tuning levels or other critical functions. The RMP should be used to calculate the sustainable level of all whale takes, including – if it is to continue – Scientific Permit Whaling. However, please see point 23 above for WWF’s position on Article VIII of the ICRW.

In addition, the Aboriginal Whaling Management Procedure (AWMP) should be finalized as soon as possible, and used for all aboriginal subsistence quotas.

***WWF Recommendation: the RMP should be used responsibly, with no alteration of tuning levels, for all whales killed by IWC Contracting Governments. The process of finalizing the AWMP should be expedited, and put into practice as soon as possible.***

## **25. Revised Management Scheme (RMS)**

WWF have always supported the development of an international, precautionary and conservation-based enforceable management and compliance system adhered to by all whaling nations. Any whaling that occurs must be in line with the RMP, at current tuning levels, and must be organized and managed in a way that ensures full and complete compliance.

***WWF Recommendation: Before any whaling can take place, it must be accompanied by an international, precautionary and conservation-based fully enforceable management and compliance system.***

## **26. Sanctions**

Sanctions on wild product trade are an effective tool used by CITES to encourage adherence and compliance to the Convention (and associated decisions and resolutions of the Conference of the Parties). WWF believes that sanctions could also be an effective tool to ensure compliance with IWC decisions, quotas and requirements. WWF would support changes that would give the Commission the power to impose sanctions on Contracting and possibly non-Contracting Governments, by setting catch limits temporarily to zero in the case of 'serious' infractions, or taking other relevant actions.

Whilst the Commission currently only sets quotas for Aboriginal Subsistence Whaling, this power would be of limited applicability. However if in the future the Commission were in a position of setting additional quotas, a sanctions mechanism would be essential. It is therefore WWF's position that a mechanism to allow sanctions in the case of serious infractions should be a fundamental pre-requisite to any moves to allow additional quota setting by the Commission.

## **27. Sanctuaries**

WWF supports the establishment of additional IWC sanctuaries for whales, particularly in those areas where sanctuaries are the preferred designation of the range states concerned, and in those areas specifically mandated by the IWC Scientific Committee. For example, WWF strongly supports the proposal from Brazil and other governments to establish a sanctuary in the South Atlantic, a region in which whale-watching has been steadily increasing, providing ecotourism income, benefits for local communities, and research opportunities.

WWF also urges the IWC contracting governments to act to stop whaling in whale sanctuaries. Sanctuaries were established to allow scientists to study whales in the absence of whaling. Japan's continued abuse of the scientific whaling provisions of the ICRW, by whaling in the Southern Ocean Whale Sanctuary, is not acceptable.

***WWF Recommendation: Support additional sanctuaries where scientifically mandated and supported by range countries, and halt all lethal take (including scientific permit whaling) in already established sanctuaries.***

## **28. Science – role of science and functioning of Scientific Committee**

WWF strongly supports the Scientific Committee and believes it provides invaluable support to the decision making processes of the plenary. WWF supports greater emphasis on the work of the Scientific Committee, in order to benefit whale conservation.

In terms of the specific changes that will be discussed by the Intersessional Correspondence Group on Issues Related to the Scientific Committee, WWF supports the following:

- Separating the annual meeting of the Scientific Committee from that of the Commission—by several months. This will enable member states to fully digest and react to Scientific Committee findings, facilitating great political action on those findings during the Commission meetings.
- All efforts to increase participations of scientists from developing countries in the work of the Scientific Committee, and efforts to improve the knowledge and technical capability of scientists from countries where cetacean research is in its infancy.
- WWF supports revision of the process for inviting participants to the Scientific Committee. This should be much broader and more inclusive particularly when dealing with new, emerging areas of scientific research such as climate change, when the participation of experts outside the purely cetacean realm may be necessary. However the process for inviting participants must also ensure as far as possible that Scientific Committee participation is as independent, science based and politically neutral as possible.

## **29. Secretariat – implications for role of/expertise**

The Secretariat of an intergovernmental convention plays a critical role, and this is heightened in times of complex negotiation such as is occurring now in the IWC. WWF supports increased resourcing of the IWC Secretariat, to enable it to fully support the Chair and Contracting Governments in the negotiations to come.

With respect to the specific capacity requests that have been discussed for the Secretariat – legal expertise and communications/media expertise – WWF believes the former would be most beneficial in enabling the Secretariat to facilitate a process of moving the IWC into the 21<sup>st</sup> Century.

## **30. Socio-economic implications**

WWF does not believe that socio-economic considerations should play a part in discussions related to commercial whaling. If a human population has a real cultural or subsistence need to consume whale meat, these needs are covered by the regulations governing Aboriginal Subsistence Whaling.

On the other hand, the socio-economic benefits of whale-watching are well documented and have been steadily increasing, providing ecotourism income, benefits for local communities, and research opportunities. Whalewatching (including activities based on sightings of small whales, dolphins and porpoises) is a significant and growing industry providing direct revenues and other livelihood benefits to local coastal communities. The opportunities for expansion are enormous, but the industry is reliant on healthy and abundant populations of cetacean species in coastal waters. As so many cetacean species are highly migratory, maintaining abundant populations is a matter of international concern.

There are more IWC contracting governments involved with whale watching than whaling, and whale watching is becoming a more economically viable industry than whaling. As such the IWC must make part of its mandate the increase and stabilization of populations of cetaceans currently used in whale watching, or with the potential to be used in whale watching in the future.

### **31. Small cetaceans**

WWF believes that small cetacean conservation should be central to any discussions or negotiations about the future of the IWC, and should therefore be included in the list of ‘high priority’ issues to be discussed by the SWG.

More than 85% of cetacean species are ‘small cetaceans’, and many of these species are in a critical condition, such as the Yangtze river dolphin, recently declared critically endangered, possibly extinct, by IUCN, and the Vaquita, endemic to Mexico and also critically endangered. Small cetaceans face a growing number of anthropogenic threats. Hundreds of thousands of small cetaceans die each year through bycatch and direct hunts, with other human induced threats such as habitat degradation, sonar activities, shipping, climate change and pollution also taking their toll.

There is no one international institution responsible for the conservation and management of all small cetaceans globally (although there are several regional agreements for small cetaceans under the Convention on Migratory Species (CMS), and the CMS has competence for many small cetaceans). As a result, small cetacean directed hunts continue in many areas of the world with no regulation, and in some cases are slowly driving target populations to extinction.

Many small cetaceans are migratory, inhabiting the EEZs of several nations, and the threats they face such as pollution and bycatch are similarly international in nature. Therefore international oversight, management and protection is needed for all cetaceans, not only the great whale species.

The IWC Scientific Committee has expertise and a database of information on small cetaceans second to none. The Scientific Committee has investigated several species and carried out major reviews of significant directed catches of small cetaceans, and the mortality of small cetaceans in fishing gear. The Commission has made recommendations which have had a palpable impact on the development of conservation plans for several populations including the Vaquita and the harbour porpoise in the Baltic Sea. WWF appreciates the ongoing work of the IWC Scientific Committee in reviewing the conservation status of small cetaceans, and urges the IWC to direct the Scientific Committee to continue this work, and contracting governments to ensure this work has the support and financing it requires.

If small cetaceans are not central to negotiations on current whaling, it is possible that conservation successes achieved for great whales could simply result in a shift of problems from great whales to small cetaceans. For example, we are particularly concerned that any limitation placed on pelagic or ‘scientific’ whaling by Japan would do nothing to alleviate, and might even worsen, the pressure on populations of small cetaceans that are already being subjected to unsustainable takes in Japan’s coastal waters, such as the Dall’s porpoise. The quadrupling of the Dall’s porpoise catch in the late 1980s, soon after the moratorium on commercial whaling was put in place, is one indication of the link between whaling and small cetacean hunts. If the IWC is to become an effective body, it must embrace the principles of Ecosystem Based Management and consider the impact of its decisions on a broader range of species than great whales alone.

WWF believes that the IWC cannot function as a relevant international conservation body without developing a holistic approach to the protection and management of all cetaceans and that this will be of benefit to both large and small cetacean populations. This must be a major priority at the earliest stage of the discussions on the future of the IWC.

***WWF Recommendation: The remit of the IWC should be expanded to include all cetaceans – large and small alike.***

### **32. Trade restrictions**

Whilst there is a moratorium on all commercial whaling, no international trade in whale products should be allowed (in addition, see item 21 above for the WWF position on objections and reservations.) The recent import into Japan of whale meat from Iceland and Norway is in direct contravention of the spirit of cooperation and openness which is essential for the SWG to achieve a positive result. Although strictly legal because all three countries have entered reservations to the CITES Appendix I listing of the species concerned, we believe (and the CITES Standing Committee and Secretariat have concurred) that such trade undermines the effectiveness of CITES.

***WWF Recommendation: All trade in whale products should be halted and all reservations to the listings of the great whales on CITES Appendices must be removed prior to entering negotiations on the Future of the IWC. WWF supports the retention on CITES Appendix I of all great whale species threatened with extinction, or covered by the IWC moratorium on commercial whaling.***

### **33. Whalewatching/non-lethal use**

Whalewatching (including activities based on sightings of small whales, dolphins and porpoises) is a significant and growing industry providing direct revenues and other livelihood benefits to local coastal communities. The opportunities for expansion are enormous, but the industry is reliant on healthy and abundant populations of cetacean species in coastal waters. As so many cetacean species are highly migratory, maintaining abundant populations is a matter of international concern. In fact, there are more IWC contracting governments involved with whale watching than whaling, and whale watching is becoming a more economically viable industry than whaling. As such the IWC must make part of its mandate the increase and stabilization of populations of cetaceans currently used in whale watching, or with the potential to be used in whale watching in the future.

***WWF Recommendation: IWC must take responsibility for ensuring the maintenance of whale populations sufficiently abundant to support whale watching. IWC should also take efforts to encourage the development of whalewatching industries in coastal developing countries with healthy near-shore cetacean populations.***

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### **For more information please contact:**

Dr. Susan Lieberman, Director, WWF-International Species Programme [SLieberman@wwfint.org](mailto:SLieberman@wwfint.org)  
Wendy Elliott, Manager, WWF-International Species Programme [Wellriott@wwfint.org](mailto:Wellriott@wwfint.org)