



Synopsis of Concerns Relevant to the Chair's Report to the Small Working Group on the Future of the IWC

Introduction

WDCS is strongly opposed to the package proposed by the Chair of the International Whaling Commission (IWC) to 'bring whaling back under control'. Not only does it legitimize the renegade whaling of Norway, Iceland and Japan, including in a designated sanctuary for whales, but it does nothing to prevent an increase in international trade in whale products and the development of new export markets.

Whilst the proposal *may* temporarily reduce the number of whales killed overall, the irresolvable flaws in the proposal make it far too risky to support.

WDCS and all conservation and welfare groups working on whales oppose this proposal.

A brief outline of the components of the Package

- The Package legitimizes commercial whaling by suspending the commercial whaling moratorium for a decade. This is inconsistent with Schedule Paragraphs 10(d) and 10(e);
- The Package cannot legally limit whaling to only Japan, Norway, and Iceland as the International Convention for the Regulation of Whaling (ICRW) does not permit quotas to be granted to specific nationalities;
- The Package does not prevent contracting governments from exercising their right in the ICRW to object to any or all of the Schedule amendment, or from leaving the Commission and returning with a reservation. A commitment not to do so in the Schedule is not binding;
- The Package does not prevent one or more countries from exercising their right in the ICRW to issue special permits (under Article VIII) anytime during the duration of the Package A commitment to do so in the Schedule is not binding;
- The Package does not phase whaling down or out;
- The Package legitimizes whaling in the Southern Ocean Sanctuary -- an IWC-

established sanctuary;

- The Package fails to provide adequate compliance mechanisms or sufficient deterrents for violations since contracting governments, not the IWC, will have primary authority to punish violations;
- The Package is not based on sound science. Catch limits will not be calculated using the IWC agreed precautionary scientific approach, the Revised Management Procedures, or even subject first to consideration by the Scientific Committee. They would be based on recent or historic catches (that have increased in recent years in apparent anticipation of this Package) with some potential manipulation to make the limits more politically palatable;
- The Commission would require a three-quarters majority to amend the quotas in Table 4 in the event that the Scientific Committee recommended lower catch limits, or to punish nations who violate those quotas by reducing catch limits. A three-quarters majority may not be possible to achieve;
- The Package fails to require the whaling nations to give up their reservations to the CITES Appendix I listing of whales. It provides an incentive for the whaling nations to continue trading with each other under reservation and to develop new commercial products from whale tissues and oils and and develop new markets for the trade in whale products in the future;
- The Package may increase the likelihood that CITES downlists whales (allowing international commercial trade to resume). A commitment by the whaling nations, or even all 88 IWC members, not to propose or support a downlisting at CITES is irrelevant because CITES has 175 Parties and it is unlikely that all 88 countries would uphold their commitment in a secret ballot;
- The Package fails to consider that the whaling industry is uneconomical without substantial government subsidies. It thereby provides a lifeline to a dying industry;
- The Package could be extended *ad infinitum* by repeatedly changing the Package expiration date in the Schedule;
- The Package proposes a biennial meeting schedule for the Commission that is unworkable and inefficient, leading to a workload that cannot be completed. It is also inconsistent with the annual reporting requirements for many existing and proposed issues that the Commission is charged to consider;
- The Package imposes the costs of regulating whaling on all Contracting Governments, not just the whaling nations that will benefit from it. This may drive some nations to leave the IWC. Allocating these costs to non-whaling nations is unbalanced as there are no comparable fee structures proposed to help nations build or maintain their whale watching industries;
- The Package inappropriately combines Aboriginal Subsistence Whaling (to now be called Indigenous Subsistence Whaling) with commercial whaling for political, not scientific or management reasons. By eliminating the IWC's historical

practices of reviewing ASW quotas every five years, it undermines the integrity of the ASW category and threatens the status of vulnerable whale populations taken in ASW hunts. It is inconsistent with the Commission's decision in 2008 to exclude ASW from the list of 33 priority issues;

- The Package fails to mandate that bycaught whales be accounted for in Table 4. If not remedied, this deficiency could encourage an increase in bycaught whales;
- The Package does not meaningfully address animal welfare issues. It fails to ensure that high quality and objective information on whale killing methods and time to death are reported and fails to mandate improvements in techniques and/or weaponry to reduce the suffering of hunted whales;
- The Package does not appropriately address civil society participation in IWC meetings. It continues to restrict full participation by all observers in IWC proceedings and committees and fails to adopt civil society participation standards consistent with modern multi-lateral environmental treaties;
- The Package will make it more difficult for the European Community to use Iceland's application to join the EC as leverage to stop its whaling and trade; and
- The Package was developed using a process that lacked any transparency. It prevented IGOs and NGOs from having any input or role in the negotiations.