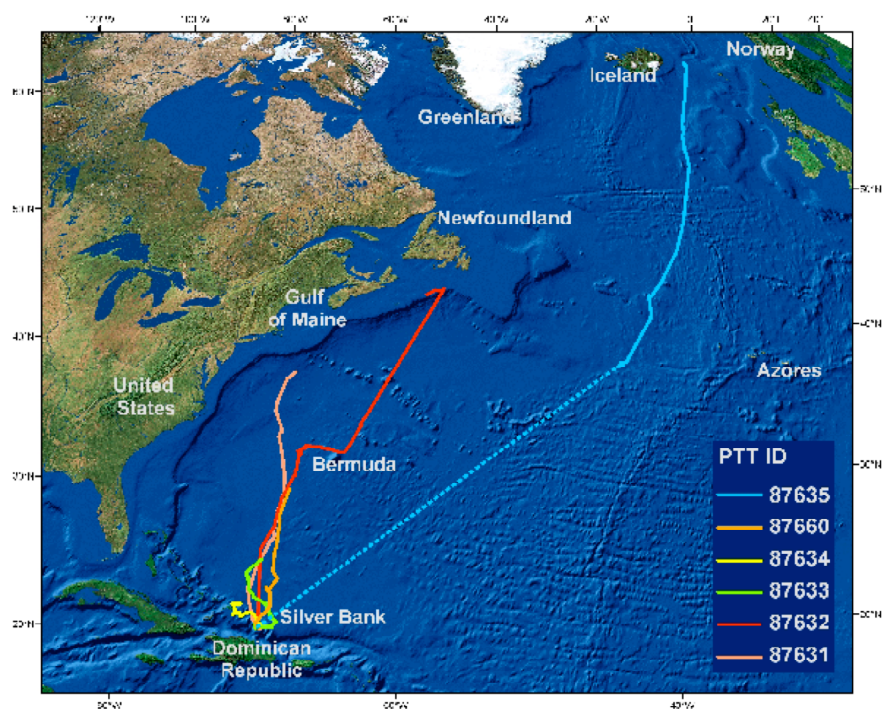




REPORT ON THE 61ST MEETING OF THE INTERNATIONAL WHALING COMMISSION (IWC)¹

Madeira, June 2009

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Whales are transient creatures, circumnavigating the world. They belong to no one. Their realm is the ocean. We humans see ourselves as their carers, in some cases trying to make amends for past errors and in others bent on their demise. LS

¹ <http://www.iwcoffice.org>

² 87635 = humpback mother and calf migration route Northwards from the Caribbean to Norway: the other ref. N°s dropped off the screen while 87635 continued to be observed by Data SIO, NOAA, Navy, NGA, GEBCO until 26 June 2009 Infoterra Ltd & Bluesky²

SUMMARY

This report while addressing the overall results of the 61st meeting of the International Whaling Commission, relates more generally to issues and opinions of concern to Caribbean islanders and those institutions and administrations working objectively together to conserve our natural resources and our unique insular biodiversity. Long term planning has been put in place by regional governments and civil society, in coordination with the United Nations Environment Programme for the Caribbean and the Specially Protected Areas of Wildlife in the Wider Caribbean Protocol (SPAW) as well as the International Union for the Conservation of Nature (IUCN).

There is though one area, the East Caribbean, where there is a difference of opinion and a block of 5 islands have opted for an alliance with Japan at the International Whaling Commission, CITES and the CBD for example, creating regional disunity. It is possible that in the near future this will change as the Commonwealth of Dominica withdrew from this alliance in 2008 and others could follow.

The initiative for change and a way forward for the IWC is an over arching issue. While it is urgent to establish a plausible policy for whale conservation, there seems to be little hope that Japan will accept compromise and remove their whaling vessels from the Southern Ocean Sanctuary. One option is for them to join the Southern Ocean Research Partnership (SORP) launched by Australia and adhered to by most range states.

The problem of assessing whale populations, ensuring monitoring and compliance to rules by those who whale, or would like to, is a difficult task for the IWC due to false reporting in the past and little interest by the whalers to adhere to IWC rules.

The IWC does though pay increasing attention to the conservation of ocean life and cetacean species, through its Conservation Committee whose current action plans address interactions between humans, cetaceans and the marine environment. Working groups investigate ship strikes; the benefits of non-lethal use of whales through whale watching, whale sanctuaries, health issues and climate change, all relative to the Caribbean environment.

While aboriginal subsistence whaling relates to needs of isolated communities, quotas are now reviewed by the IWC every five years. The IWC Scientific Committee reviews the need and reports on this, annually. In the Caribbean only St. Vincent and the Grenadines hunts great whales, with a quota of 4 humpback whales per year. A hunt that is known to target mothers and calves which is an infraction under IWC regulations. However St. Vincent and the Grenadines attempts to comply and is interested in developing whale watching off Bequia, the whaling station. Denmark, a member of the EU, for two years in a row requested a quota of 10 humpbacks per year on behalf of Greenland (which is outside the EU but represented in foreign affairs matters by Denmark) and this request is seriously analysed in the report as the breeding aggregation lives in the Caribbean.

Finally, appropriate integration of NGO observers at the IWC is discussed as tension in this respect due to what appears to be refusal of civil society as part of the system could ultimately damage the Commission's reputation. A number of governments led by the incoming chairman of the IWC proposed a democratic process that would resolve the problem.

PREAMBLE

ECCEA³ has observed at the International Whaling Commission since 1993 and was active in the promotion and creation of the Southern Ocean Sanctuary in Antarctica with regard to regional policy makers and decisions made by them in 1994. In 1993 Japan voted against the creation of the Sanctuary as did, surprisingly, four East Caribbean nations, Grenada, Dominica, St. Vincent and the Grenadines and St. Lucia known in the recent past for their strong conservation policies. In 1994 the four Caribbean countries abstained or were absent from the crucial vote which established the Sanctuary though have since supported its removal in support of Japan's (unsuccessful) proposals to this effect.

On the other hand Antigua and Barbuda's IWC commissioner, John Fuller supported the creation of the Antarctica Sanctuary and due to this choice was replaced; from then on that country staunchly supported Japan.

In 1994, the IWC was made up of 42 member states. In 2009, 71 member states attended the 61st IWC in Madeira, out of the full membership of 85 states. These included 5 pro-whaling nations from the East Caribbean region: St. Kitts and Nevis, Antigua and Barbuda, St. Lucia, St. Vincent and the Grenadines and Grenada.

The Commonwealth of Dominica, party to Japan's pro-whaling policy and its 6th member, broke away from the strongly criticised 15-year-old pro-whaling block of East Caribbean countries in June 2008. Since then and despite pressure from the sub region and whaling nations, Prime Minister Skerritt has steered a firm course in the direction of whale conservation⁴.

Dominica, one of the world's last pristine islands, is called the "Nature Island" of the Caribbean and in 1998 was listed as the first Insular Caribbean Natural Caribbean World Heritage Site and merits our attention and visits.

While remaining open to multiple investment possibilities and signing agreements with Japan for waterfront development, Dominica's government also pursues agreements with the European Union, the Government of Venezuela, France, the USA, the World Bank and several other international institutions. One of its current projects would include the twinning of its capital, Roseau, with Dakar, the capital of Senegal.⁵ Joint research projects are currently being negotiated with neighbouring territories with which Dominica shares its marine frontiers, such as France.⁶

Over the past several years Japan has put time and effort into recruiting other developing nations from Africa and the Pacific into the IWC. For two decades ECCEA economists have investigated the reasons and reported on the benefits and disadvantages related to vote alignment with the pro whaling industrialised nations such as Japan by East Caribbean small island states⁷. The conclusions are that the returns are not financially viable. The final analysis proposes ways forward for these

³ <http://www.eccea.org>

⁴ <http://www.eccea.org> Ocean Life Symposium Prime Minister Rossevelt Skerrits Opening speech to the Ocean Life Symposium March 2009

⁵ <http://www.eccea.org> Ocean Life Symposium WWF WAMER

⁶ <http://www.eccea.org> Ocean Life Symposium DIREN Martinique FWI, "AGOA" marine mammal sanctaury and Resolutions of the meeting

⁷ <http://www.eccea.org> reports

micro nations and promotes multiple partnerships that are not subject to conditions⁸. Economically and morally there is far more to be gained as an independent decision maker, especially when the motives create detrimental local and international criticism. Prime Minister Skerrit has clearly reviewed all these options.

The example laid down by Dominica is meaningful for the Organisation of East Caribbean States (OECS) and other developing member nations of the IWC and if adopted as a joint trend will in the long term better enhance economic growth.⁹ A more stable, versatile approach linked to the reality of global issues will strengthen their negotiating and participatory role within the UN system¹⁰.

⁸ <http://www.eccea.org> "Socio economic analysis of Japan's investment in the fishing industry of the small island states of the East Caribbean": B Petitjean Roget 2002-2003 (French, English, German, Japanese)

⁹ See also Ronald Sanders 4 August "Facing financial challenges in the Caribbean's smaller states" Caribbean360 IN THE PRESS <news=caribbean360.com@mcsv2.net>

¹⁰ **Jamaican Observer 30 July 2009 : PM Bruce Golding of Jamaica** in celebration of the conferment of the Order of the Caribbean Community on Former Prime Minister Patterson : "We have an agreement that Caricom is a community of sovereign states. That's an agreement that has guided much of the development of Caricom but that position is being challenged because of certain developments taking place in the Eastern Caribbean. One of the problems that have bedevilled Caricom for so long is our tendency to be minimalist in our approach. We cling to the lowest common denominator of agreement and unanimity and we are trying to move ahead on that limited platform that embodies those issues on which we have been able to reach agreement," Golding said...

...He added that in trade negotiations the bigger and more developed countries do not want to negotiate with individual countries that are considered to be small. "You are being told to get yourself in a group and come talk to us," he said...

...Golding cited a recent directive by Japan and China that wanted to deal with Caricom as a block for the region to access a level of funding available for buyers' credit. "Even in the global crisis so many of the efforts we have made have faced this reality that we are too small to attract attention," he said.

See also Ronald Sanders "Facing financial challenges in the Caribbean's smaller states" Caribbean360 BUSINESS news@caribbean360.com 4/08/09

IWC 61 MADEIRA – NOTES ON SELECTED AGENDA ITEMS:

Chapters:

- 1) Way forward for the IWC– negotiation and compromise
- 2) Revised Management Plan and Scientific research - *Ad hoc* science, “whales eat fish”
- 3) Conservation Committee
 - i) Ship Strikes
 - ii) Whale Watching
 - iii) Whale Sanctuaries
 - iv) Climate change
 - v) Sound Pollution and effects on cetaceans
- 4) Aboriginal Subsistence Whaling
 - i) St. Vincent and the Grenadines 2008-2009
 - ii) Greenland/Denmark request for a quota of 10 humpback whales annually
- 5) The role of NGO’s and civil society at the IWC

ANNEX I

Selected participants list IWC 61

ANNEX II

Statement by Dr. Sidney Holt, Observer for The Antarctic and Southern Ocean Coalition, (ASOC) on behalf of NGOs participating in the 61st Annual Meeting of the International Whaling Commission (IWC) in Madeira, June 2009. June 20, 2009

ANNEX III

Lankanfinolhu (Maldives) Declaration and the Indian Ocean Sanctuary, July 20, 2009

1) WAY FORWARD FOR THE IWC – NEGOTIATION AND COMPROMISE

Since its 59th meeting in Alaska in 2007, the IWC has been looking for that so far unattainable pot of gold at the end of the rainbow: a consensual compromise, initially proposed by the USA Commissioner, Bill Hogarth representing the Bush Administration. Hogarth endeavoured in his final months as Chairman of the IWC to reconcile a pro-whaling nation, Japan (and parties supporting that country such as those from the East Caribbean), with those that had a long history of conserving species and oceans; Australia, New Zealand, the Latin American block, Monaco, France, the European countries. With regard to the Caribbean region, the 32 countries of the Caribbean Community (CARICOM) harbour a strong conservation programme for the preservation of ocean life which is reviewed and strengthened annually at the United Nations Environment Programme (UNEP) Intergovernmental meetings of the parties¹¹ and who currently deploy funds for whale conservation, initiatives to counter marine biodiversity loss relative to climate change and over fishing.

The USA is a party to the UNEP Caribbean Environment Programme (CEP) due to its maritime borders, the US Virgin Islands and Puerto Rico. The strong position taken by the Obama Administration at IWC 61 in support of non-lethal research and whale conservation may well be food for thought for East Caribbean countries

Resolution IWC/61/10E Rev. which refers to IWC's terms of reference and work plan, though adopted by consensus, was only done so after considerable debate as to the status of the IWC as "the" relevant body to deal with cetacean issues. The removal of the word "THE" requested by those nations in favour of whaling, including those from the Caribbean, who felt the text should refer to the IWC as just one of several bodies which, in their view, would be responsible for the management of whaling and conservation of whales. Thus a compromise was forced and the phrase was deleted altogether as no agreement could otherwise be reached. This discussion represented a lack of good will by the whalers with regard to the Commission established in 1948 with a unique mandate. The whalers would like to imply that the IWC is NOT "the" relevant body for the management of whale species, but one of several, certainly not the case. The IWC is the only international treaty organisation with the mandate to manage whaling and ensure the conservation of whale species, as laid out implicitly in Articles 65 and 120 of the United Nations Law of the Sea (UNCLOS), and explicitly in Chapter 17 of Agenda 21 (1992, Rio), and is recognised furthermore by the Convention for Trade in Endangered Species (CITES) and MOU's exchanged between different organisations. The quarrel over this important wording underlines that the divide in the Commission remains strong. The resolution authorised a budget for a final year of negotiations to resolve the impasse. The 12-month period of negotiations, ending with the June 2009 IWC meeting, chaired by an external consultant, UN Ambassador de Soto of Peru, saw the IWC seated in its usual state of limbo despite sincere efforts by several member states to negotiate seriously with Japan; in the end Japan's unwillingness to offer meaningful elements for a compromise put the negotiations in jeopardy.

Two negotiating groups are now operational. That newly formed in Madeira in June 2009: a small "support" group of 12 country's which includes 2 from the East Caribbean, Antigua and Barbuda, St. Kitts and Nevis, as well as, *inter alia*, Japan, Australia, Chile, USA and New Zealand. This group will meet for two weeks in Santiago de Chile in October in an attempt to present a "way forward" to the larger "Small Working Group" (SWG) created at IWC 59 in Santiago, Chile in 2008 and reconfirmed at IWC 2009. This latter group includes between 20 and 30 countries that will then present their proposal to the Plenary of IWC 62 for discussion and debate. Several Intersessional working sessions

¹¹ Of the 32 Wider Caribbean independent states, only 5 of these support Japan and its proposal for commercial whaling and objections to Sanctuaries; these are Antigua & Barbuda, St. Kitts & Nevis, St. Lucia, St. Vincent & the Grenadine, Grenada

have been proposed, as well as a full Intersessional meeting of the Commission, to fine tune proposals which are to be presented to IWC 62 in Agadir in June 2010.

What is Japan's intention then? Change its position at the IWC, or withdraw its whaling fleet from the "Antarctica" Sanctuary? From what Japan's IWC delegation has demonstrated publicly to date, the answer appears to be No. But what is emerging is that this is not a view universally shared in Japan. A recently published article by a senior figure associated with the Japan Ministry of Foreign Affairs, for example, argued the opposite, for reasons of Japan's national interest.¹² Other voices are beginning to be heard. Or is it the intention of Japan's pro-whaling interests, dominated by Fisheries Agency civil servants and some powerful parliamentarians, to have Japan participate in the IWC negotiations in bad faith, continuing to recruit new member countries, biding time while looking to a longer-term strategy? To many observers the answer is Yes. These latter views are echoed in the news article Anti-whaling plan a failure: Andrew Darby *The Age, Australia, August 4, 2009*¹³

Japan's annual lethal "scientific" whaling programmes have a strong commercial connotation, as does their proposal for a Schedule amendment for coastal whaling. The tentative openings towards purchasing whale meat from Norway and Iceland, the slaughter of thousands of coastal dolphins on home grounds, the sale of toxic whale meat, the repeated suggestion by that country to lift the commercial whaling moratorium and abolish sanctuaries largely overshadow international negotiations that should result in a globally acceptable position.

Dr. Sidney Holt is the historical memory of the IWC representing civil society and NGO observers for some 50 years. He suggests laudable and achievable ways forward to the IWC in his statement to that 61st Plenary on behalf of the NGO community in March and June 2009 (see annex 1).

A final but major obstacle remains strongly anchored to the IWC's bedrock and that is its inability to ensure any effective compliance, surveillance and monitoring of whaling operations. Russia and Japan have a past record of faulty reporting which has inevitably led to false stock assessments. There is an answer to this though, a system currently exploited in certain areas of the Pacific, the VMS or Vessel Monitoring System, which implies acceptance of independent observers and inspectors on whaling vessels, together with a satellite surveillance system positioned on smaller vessels on 24 hour missions linked to a main data base. A proposal the whalers and their supporters show little interest in adopting, arguing that it would be make operations too costly.

The IWC's current stalemate position derives from a more or less equal division of opinions, due to a large increase of membership from the developing nations of Africa, Pacific and Southeast Asia.

The European consensus is threatened by one country, Denmark, in its quest for a humpback whale quota for Greenland. This could push the more than 20 EU countries now belonging to the IWC and bound until 2012 by a recent European Council decision to maintain a united opinion position on all issues, towards an extremely dangerous precedent of *abstentions*. This would most probably be against their better judgement and far from that of those they represent, who would expect Denmark to align with the majority, rather than risk retrograde action, which would weaken the effectiveness of the European Commission. Joint abstention could be responsible for possible

¹² Taniguchi, Tomohiko, "The inside story of Japanese whaling not told by the media – losing friends using taxpayers' money", *The Wedge*, February 2009.

¹³ <http://www.theage.com.au/environment/antiwhaling-plan-a-failure-liberals-20090803-e79k.html>

adoption of resolutions and policies refused by the broad majority of the EU¹⁴ member states in the IWC, CITES, CBD, the UN and all other international fora.

2) Revised Management Procedure (RMP)/*Ad Hoc* Science and Science

The Revised Management Procedure (RMP) continues within the confines of the *status quo* and no advance was made at the 61st IWC for adoption and implementation of the RMP due to uncertainty of stock assessments requiring ongoing scientific research and the inability of the IWC to agree an international observation and monitoring system under the umbrella of the Revised Management Scheme (RMS). In the absence of agreement on the RMP and RMS, certain pro whaling nations have promoted use of *ad hoc* science in coastal whaling. If accepted by the IWC, this would mark a return to the “bad old days” of whaling driven only by the needs of the industry, at odds with conservation requirements, and would negate more than a decade of Commission and Scientific Committee investment and work in trying to develop the scientific basis and operational rules intended to prevent any future depletion of whale stocks and to allow for the full recovery of those already depleted, should the IWC one day authorize some commercial whaling to resume.

Australia has launched a multi million dollar fund for Southern Ocean Research Partnership (SORP) incorporating the science of a consortium of countries: co-sponsors are Argentina, Brazil, Chile, Costa Rica, France, Italy, Mexico, New Zealand, South Africa, Uruguay and the USA. The goals are to focus on the development of novel powerful non-lethal technologies, important ecological theory and analyses linked to the IWC Scientific Committee, and to dedicate important resources to studying the recovery of depleted whale populations.

Japan as a pro-whaling nation and those from the East Caribbean and West Africa continue to suggest that whales are responsible for the world’s decline in fish stocks, when scientific research would prove time and again the futility of this argument and pointed to overfishing by the world’s too numerous fleets as the real culprits,¹⁵ although the voices raised in support of Japan’s argument were noticeably fewer in Madeira, and even Japan has begun to qualify its public statements on this argument.

3) Conservation Committee

i) The Conservation Committee Priority Issue: Marine Mammals - Ship Strikes Working Group chaired by Belgium and Alexandre de Lichtervelde.¹⁶

Since 2005 ship strikes have been a priority issue for the IWC in order to reduce risks to humans and marine mammals. Collisions with whales, dolphins and porpoises in most cases invoke the death of

¹⁴ Member States of the European Union (Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Spain, Sweden and UK) are subject to relevant regulations for the conservation of whale species established by the Commission of the European Union.

¹⁵ See, for example, the article published in *Science* 13 February 2009, entitled “Should Whales be Culled to Increase Fisheries Yield?”. Available at: <http://www.sciencemag.org/cgi/content/full/323/5916/880?ijkey=4lv.foVMqYF/o&keytype=ref&siteid=sci>. Also the commentary by Professor Daniel Pauly, regarding the whales/fisheries interactions debate in a West African context, available at: http://lenfestocean.org/pauly_essay.html. In addition, readers attention is called to the “Resolution on the relationship between fisheries and great whales” adopted with more than 90% of the votes of state members and NGOs at the October 2008 World Conservation Congress of the IUCN, available here: http://intranet.iucn.org/webfiles/doc/IUCNPolicy/Resolutions/2008_WCC_4/English/RES/res_4_027_relationship_between_fisheries_and_great_whales.pdf.

¹⁶ www.iwcoffice.org/sci_com/shipstrikes.htm e-mail: shipstrikes@office.org

the animal, may occasion serious damage to the ship and severe or even fatal injuries have occurred involving hydrofoil ferries, whale-watching vessels, and recreational craft.

The International Maritime Organisation (IMO) is developing detailed guidance for minimising the risk of collisions between ships and whales, based on proposals put forward by the United States. In some cases risk of collision has been reduced in high-density areas by moving shipping lanes slightly. Where this is not possible vessels are advised to reduce speed. This could apply to the channels separating Martinique from Dominica for example and elsewhere in the Caribbean (Venezuela to Florida-Gulf of Mexico e.g.) where high-speed ferries operate through known whale aggregations.

There is good evidence that collision risk is substantially lower by reducing speed from 15 knots or more to 10 knots.

The Committee recommends:

Passage Planning: on larger vessels plotting a course where there are known densities of marine mammal and sharing a dedicated observer to scan the area ahead can minimise collision

Large tankers that navigate through the channels in the Caribbean, while having little ability to avoid whales that surface, should ensure that watch officers are aware of what action to take if a whale or whales are seen several miles off, which may indicate others around them. A modest course alteration away from these sightings can reduce collision risk with other individuals in the same aggregation.

Keeping Watch: Watch officers should be on high alert if any whales are sighted, reducing speed generally especially in poor visibility

Reporting Incidents¹⁷: More information helps understand the problem and the factors that affect collision risk. Awareness of this issue and reporting incidents to the IWC should be put in place throughout the Caribbean region in order to promote better understanding of collision risks in the zone, and the importance of how to share and feed information in to the local and IWC database.

Scientific Research: This is ongoing. Currently scientists are looking at ways to develop autonomous offshore buoys that listen for whales, and systems for relaying information from those on watch, on whale watching outings, to mariners.

ii) Whale watching on whales, dolphins and porpoises

As the global body responsible for the conservation of whales, the IWC opened its agenda as to the benefits of non-lethal use of whales through whale watching in 1975. The first whale watching operations to be developed in the Caribbean was by Fitzroy Armour in Dominica and Hallam Daize, whose father was a whaler, in St. Vincent, at the end of the 1980's.

Through time the Commission has focused on every issue of relevance to whale watching: scientific, legal, socio economic and educational aspects and has provided a clearinghouse of information useful to both member and non-members states. At IWC 61 Australia introduced a report on Whale watching Worldwide¹⁸, which included tourism numbers, expenditures and expansion of economic benefits.

¹⁷ www.iwcoffice.org/sci_com/shipstrikes.htm

¹⁸ www.iwc/61/14 Agenda Item 12 & www.ifaw.org/whalewatchingworldwide

In 2008, 13 million people participated in whale watching in 119 countries, generating an expenditure of US\$2.1 billion. The first known figures for Central America and the Caribbean in 1991 recorded a total income generation of US\$1,734 000. In 2008 the growth rate for that year in the Caribbean and Central America is 13% annually, generating US\$53.8 million total that year.

Global ticket sales in 2008 generated US\$ 870 million, indirect expenditures of \$US1. 2 billion, generating a total of \$US 2.1 billion.

Clearly whale watching is immensely successful. While many workshops on managing this activity have been held by ECCEA-WWF, IFAW and others, the enormous popularity of whale watching leads to concern for the well being of the animals, and disturbance to their breeding habits and habitats. Where guidelines have been put in place by governments, these are not always adhered to. In the Caribbean several countries have developed rules and regulations, but it is observed that the economic benefits to operators often over ride the good sense of the crews and that there is abuse.

Review of this activity from island to island seems essential. The first country to develop whale-watching regulations in the Caribbean was St. Lucia, where the fisheries department and Jeanine Rambally worked collaboratively with the ECCEA and Jane Tipson to develop guidelines that suited both whale watchers and pilot whale fishermen. The St. Lucia Parliament adopted these regulations in July 1997. ECCEA-SEPANMAR-OCEAN CARE further developed bi-lingual whale watching guidelines distributed throughout the East Caribbean and at IWC 59¹⁹. Currently the Commonwealth of Dominica is developing regulations.

Regional workshops to focus the attention of operators, owners of smaller ships and sailing vessels as to damage that can be inflicted on marine mammal aggregations, especially those breeding or with young when confronted with harassment due to non respect of regulations, should be planned urgently not only as part of the IWC process but as part of the UNEP CAR/SPAW Marine Mammal Action plan²⁰ as it is evident that fewer whales are coming close to shore in many parts of the Caribbean, especially where this activity is in train.

iii) Whale Sanctuaries

The Southern Ocean Sanctuary, that called “Antarctica”, remains in place despite the opposition of the five East Caribbean States, who with Japan oppose the creation of marine mammal Sanctuaries around the world, including a proposal put forward by Argentina and Brazil, and strongly backed by all Latin American members of the IWC, for a South Atlantic Sanctuary. The East Caribbean members have also opposed the national marine mammal sanctuary project “Agoa” in the French West Indies.

As noted earlier Japan continues its so-called “scientific” whaling programme in the Antarctica Sanctuary, a programme with a strong commercial connotation and sale of whale meat from these campaigns. A great many resolutions have been passed objecting to Japan’s lethal whaling in the Sanctuary, with little or no success in arresting the problem since Japan launched this activity in 1987.

¹⁹ www.eccea.org

²⁰ UNEP CEP adoption of the MMAP; SPAW at the intergovernmental meeting of governments of the Wider Caribbean, Antigua Sept 2008.

Agoa

Documentation relevant to the FWI national marine mammal sanctuary project has been available to IWC 58, 59, 60 and 61²¹. In Madeira, Monaco expressed interest in stronger collaboration and exchange between the Principality, France and the office of the Liguran Sea Sanctuary “Pelagos”.

St. Kitts and Nevis expressed dissatisfaction to what is thought to be “Agoa”, the FWI Sanctuary on the 15th July in an Internet article. The wording is unclear and the article contains misinformation in that the IWC did not discuss the ‘Agoa’ Sanctuary nor was it relevant to them, seen the national terms of reference. The article below is most probably penned by a member of a Caribbean delegation, or lobbyist working with Japan and is copied below.

“ 15th July, 2009, zizonline.news - St. Kitts opposes international whaling commission’s decision²²

St Kitts-Nevis has opposed the International Whaling Commission’s (IWC) decision to place a sanctuary in the waters bordering the twin island Federation.

St. Kitts has been a member of the International Whaling Commission since 1982.

Minister with responsibility for fisheries, the Honourable Cedric Liburd, who recently returned from the 61st IWC annual general meeting in Portugal, told ZIZ News that some decisions taken can negatively impact the Federation.

He emphasizes that the Government sees no need for a sanctuary; especially when the strict stipulations and conditions of the proposal were considered.

Next on the ministry’s agenda, is the hosting in St Kitts of over 150 commissioners for a sub-IWC-meeting. Minister Liburd says they welcome the benefits it would bring to the economy”.

The Indian Ocean Sanctuary

This is largely referred to in Annex III of this document and the Lankanfinolhu (Maldives) Declaration of July 2009.

iv) Climate change

Consensus resolution on Climate and other Environmental Changes and Cetaceans²³

Climate change and global warming has made substantial advance since the first IWC in 1949 but reference to it and the effects of it on marine mammals, not as quickly as one would hope. 15

²¹ www.eccea.org and www.agoa.fr

²² <http://www.zizonline.com/Stnews/?7DD61B24-2219-22DB-AB1E0CAE9EB19701>

²³ IWC/61/16 Agenda item 11.1.2

resolutions have been passed on this issue since 1980²⁴, with a first workshop in 1996 and more recently one held by the Scientific Committee in Costa Rica in February 2009. Unequivocal greenhouse-gas induced global warming has been demonstrated, often at rates exceeding some worst-case modelling scenarios. At IWC 61 the parties passed a consensus resolution relative to the negative impact of global warming on certain marine mammal populations known to have small or restricted range, and that were already impacted by human activities, which could ultimately lead to their extinction.

In the Caribbean region, climate change, sea level temperature rise and species loss is of increasing concern. The proposal by the UK delegation at IWC 61, to look more closely at impacts, effects and solutions is a priority issue that should be integrated into the UNEP Caribbean Marine Mammal Action Plan (MMAAP) for the coming year.

Increasing occurrence of toxins in whales, dolphins and porpoises produces contaminated whale meat and impacts on consumer's health. Such meat consumed by aboriginals has been analysed and found to contain persistent rich mercury content, PCB and DDT, lethal to human beings and responsible for malformation in infants. In Autumn 2008, the health authorities of the Faroe islands recommended to their regional government that "from a human health perspective...pilot whale meat is no longer used for human consumption" as it exceeded international limits for dietary intakes, recognised by the EU and the USA (Weihe & Joensen 2008). Since 1996 alarming findings indicate a reduction of neuro-psychological abilities in children, such as those of the Faroese, due to diet based mercury exposure. In many geographic regions where aboriginals such as the Inuit and the Chukota still depend on traditional food, their use must be weighed against health risks.

The IWC and World Health Organisation (WHO) and protector organisations such as Pan American Health Organisation (PAHO) in the Caribbean should draw conclusions from recent scientific findings to assess and inform consumers as to similar health risks. Aboriginal or coastal communities in the region should readily reduce their consumption of whale products, especially in societies with appropriate living standards and alternative food sources, such as fish, conch, lobster, goat, mutton are available. The Caribbean Sea is considered to be one of the most polluted in the world. Cessation of whale and dolphin meat consumption is legitimate advice according to the scientific studies mentioned and many others. Discussions should be based on alternative food sources seen the enormous health risks for consumers.

v) Sound Pollution and effects on cetaceans

The effects of low frequency sonar used by navies to detect submarines and sophisticated devices used for geophysical underwater exploration is responsible for high mortality in cetaceans around the world. Autopsies of species that have beached on mass show that it is essentially the inner ear of the whale that has been damaged, leaving the animal without the sonar and echolocation that enable it to navigate normally and away from danger. Negotiations between environmentalists, the navy and industry have reached a critical stage. According to the French Institute for Research and Exploitation of the Sea (IFREMER) subaquatic noise has multiplied by 10 decibels during the past 25 years.

In December 2008, the EU presented a draft resolution to The Convention on Migratory Species (CMS) asking the international community for the immediate reduction of submarine noise; creation of special noise free zones and the creation of data bases that identified the provenance of marine sound pollution. There is also the added problem of climate change, the increase of carbon dioxide in the atmosphere which provokes acidification and reduces the natural ability of global oceans and

²⁴ Resolutions 1980-Appendix 7; 1992-Appendix 2; 1993-Appendix 12; 1993-Appendix 13; 1994-1", 1995-10, 1996-8, 1997-7, 1998-5; 1999-5; 2000-6; 2000-7; and 2001-10

seas to absorb low frequency sound.²⁵

4) Aboriginal Subsistence Whaling

i) St. Vincent and the Grenadines 2008-2009

Note: Senator Edwin Snagg, Commissioner to St. Vincent and the Grenadines has intervened during Plenary sessions of the IWC on several occasions with regard to the appellation “Aboriginal Subsistence” term for the Bequia/St. Vincent hunt, a term that has been argued to reflect an untrue situation. His proposal is that another term be found for this activity. Cultural or ? However, use of such terminology, which does not exist in the Convention governing IWC activities, could create a precedent requiring a schedule amendment and should be viewed with caution.

On April 27th Bequia whalers harpooned a young humpback whale. These hunts are jointly undertaken by sail and motorised vessels which in this case the Chair of the Scientific Committee noted had not been reported on by SVG. Information was available as to a catch of a humpback whale on 27th April 2009²⁶

The St. Vincent and the Grenadines delegation has though asked for advice and assistance in the development of its whale watching programme and assistance should be made available to them.

ii) Greenland/Denmark request for an annual quota of 10 humpback whales

“Greenland ice loss doubles in past decade raising sea level faster ... Tariff reform could deliver annual global gains of \$300 billion by 2015” www.finfacts.com/reports.htm

At the 61st IWC Daven Joseph an Antiguan acting as alternate commissioner to St Kitts and Nevis in the East Caribbean, staunchly supported the Greenland request to undertake humpback hunts in nearby waters – he drew upon the picture of a Greenlander child, which closed the previous presentation by Denmark in support of their request. Joseph stated *ad hoc* that refusal of this quota by conservation nations made them responsible for the starving of several nations, but there was no statistical information to back that statement and this prompted us to look more closely at Greenland’s human and natural environment in order to understand their circumstances. It also overlooked the fact that the IWC is allowing Greenlanders substantial catches of minke and fin whales; what Greenland is seeking is a shift in species, reducing the number of minkes to be compensated for with catches of the very much larger humpback whales.

We referred to the Greenland’s 2008 Statistics Report²⁷. Geographical Greenland is part of the North American continent, geopolitically it is a part of Europe; it is the world’s largest non continental island with a total area of 2, 166, 086 sq. km., 13 airports and numerous helicopter pads. Greenland’s ice cap is 3 km deep providing 10% of the world’s water resource.

In January 2008 the population of Greenland was 56,462 most living in the capital or townships,

²⁵

http://www.trinidadexpress.com/index.pl/article_business?id=161276702
<http://mail.awionline.org/exchweb/bin/redir.asp?URL=http://www.trinidadexpress.com/index.pl/article_business?id=161276702>

²⁶ Google - “Sail Blogs” “Arctic Tern” – Whaling on Bequia – 27/ /09

²⁷ www.stat.gl

while 8,994 live in settlements. The average gross annual income per household is averaged at 354,000 Kr or 53,880 Euro amongst one of the highest in the world. Iceland in 2008 closely followed with an annual per capita income of 50,850 Euro. Caribbean island nations are in many cases on the lower end of the scale. For example the Commonwealth of Dominica, a past member of the IWC, has a per capita income of 3960 Euro. Antigua and Barbuda fare better with an annual per capita of 11, 210Euro, followed by St. Kitts & Nevis 8,840 Euro, Grenada 4, 420 Euro, and St. Vincent and the Grenadines close to that of Dominica at 3,930 Euro.²⁸ Greenland's natural resources include zinc, lead, iron ore, coal, molybdenum, gold, platinum, uranium, hydropower, possible oil and gas.

Wildlife is plentiful with a diversity of fish, seals, walrus, whales, polar bears. Land mammals include the arctic fox, reindeer, musk ox, collard lemming, snow hares and a rich bird life which comprises some 50 breeding species. From the Greenland sheep and lamb stocks 21,289 animals were exported for consumption to Denmark in 2006.

In this same year, 2006, 863 fishing vessels were registered in Greenland. 112,346 animals of different species of seals (Blue Back, adult and juvenile Harp Seals, Hooded, Ringed, Bearded and Western Atlantic Harbour Seals) were hunted, fishing tonnage was 46,453 and the shellfish harvest 63,506 tons.

Hunters living in the coastal settlements landed 157 whales.

Coastal communities in West Greenland hunt fin whales, East and West Greenland minke whales, West Greenland bowhead and long-finned pilot whale, belugas and narwhals in what may be considered pristine conditions. The overall whale meat tonnage relevant to the annual IWC quota for Western Greenland of 221 animals (200 Minke whales, 19 Fin whales and 2 Bowhead) is calculated at the low end of the scale by the hunters at approximately 600 tons total. Commercial sale of the meat to town dwellers, would be organised by the government cooperative. The meat tonnage that Greenland refers to in its texts is that from the West Coast of Greenland where only meat from "large whales" taken under IWC quota is mentioned ; figures do not include the large quantities of meat obtained from hunts on small cetaceans stocks.

In addition to these figures, Greenland also has a yearly unregulated catch of 3000-400 « small cetaceans » which include narwhal, beluga, pilot whales and other small species. Figures also exclude consumption of readily available seal meat, fish, caribou, birds and meat from other protein sources.

Meat yield by year from ALL cetaceans hunted in Greenland

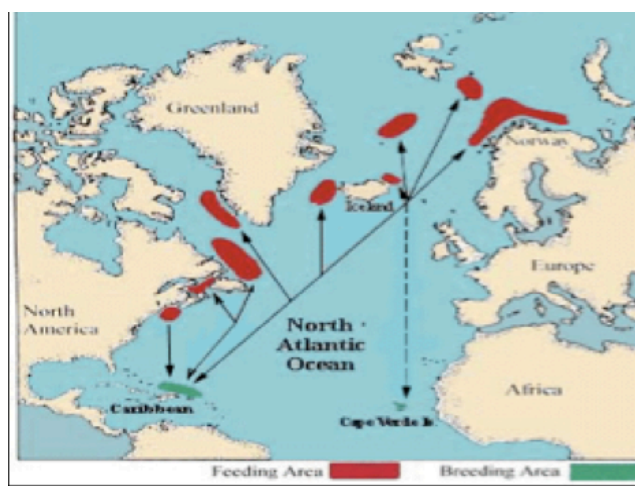
species	1998	Meat yielded (kg)	2000	Meat yielded (kg)	2002	Meat yielded (kg)	2004*	Meat Yielded (kg)	2006*	Meat yielded (kg)	
Fin	9	90000	6	60000	13	130000	13	130000	10	100000	
Minkc	176	352000	155	310000	149	298000	190	380000	182	364000	
Sub-total		442000		370000		428000		510000		464000	2214000
Orca	1	500	1	500	21	10500	14	7000	-		
Pilot whale	365	146000	5	2000	38	15200	265	106000	27	10800	
Narwhal	814	183150	609	135000	672	151200	509	114525	307	69075	
Beluga	718	143600	609	121800	424	84800	186	37200	80	16000	
Harbour porpoise	2131	63930	1605	48150	2132	63960	2963	88890	2373	71190	
Sub-total		537180		307450		325660		353615		167065	1690970
TOTAL		979180		677,450		753,660		863615		631,065	3904970

Note : data from 2004 and 2006 does not include all catches as these are still in the process of being calculated.

²⁸ 1 Euro = approx 3.15 EC/East Caribbean dollars; per capita revenue in A&B would be 35,311,5EC\$

The humpback whale is a species protected by the IWC and listed as vulnerable in the IUCN Red Data List, the UNEP-SPAW Protocol, CITES regulations and those of European Community (of which Denmark is a member but not Greenland). Apart from their protection status, Caribbean breeding population roaming between Santo Domingo and the Grenada Bank from December to May, and the basis for some of the world's most successful whale-watching operations, could well be contaminated. The Caribbean Sea is known to be one of the most polluted in the world. Many Caribbean coastal zones are subject to land-based pollution due to a variety of chemicals and toxins including those that are banned, such as chlordane, may well be polluted. Not all females and calves survive the journey to the feeding grounds around the Arctic region.

The North Atlantic population of Humpback whales has not been assessed since 1992/93 when the total population was then estimated to be around 11,600 which is only 10% of what the population was believed to be before the commercial whaling. This population breeds in the Caribbean, then during summer it splits up into 4 feeding aggregations that travel to Iceland, two groups travel along the coast of US and one heads for Western Greenland. The aggregation which travels to Greenland in the summer months is estimated to be 3,039 individuals and part of the humpback population living in the North Atlantic. This is important information as the humpbacks that Greenland wishes to hunt are those that originate, breed and live in the Caribbean²⁹. The proposal to hunt these animals is, therefore, of major concern to those in this region, the UNEP Cartagena Convention and its SPAW Protocol, the Marine Mammal Action Plan for the conservation of marine mammals in the Wider Caribbean and the French West Indies Marine mammal Sanctuary "Agoa"³⁰ for all of the reasons noted above.



The Scientific Committee of the IWC has studied causes and effects of contaminants and sea temperature rise for more than a decade, which identifies increased levels of toxins present in

²⁹ <http://www.eccea.org> Ocean Life Symposium Reports: Oswaldo Vasquez **The Marine Mammal Sanctuary of the Dominican Republic**

³⁰ 6 members of the Caribbean humpback breeding aggregation were tagged by NOAA: the humpback whales 87635 accompanied by a calf provided the longest lasting record for the season 2008-2009: see cover page.

marine mammals. Greenlanders should be cautious with regard to consumption of marine mammal and whale flesh in general. The alternative is to concentrate on easily accessible alternative local proteins.

5) The role of NGO's and civil society at the IWC

NGO's most often represent the conscience of government, acting as watchdogs. There is an atmosphere of low tolerance with regard to NGO participation as observers at the International Whaling Commission, particularly on the part of Japan and even Caribbean island states.

A document authored by Alexander Gillespie of New Zealand "Facilitating and Controlling Civil Society in International Environmental Law" ³¹ analyses existing rights, rules and regulations applied to civil society and NGO observers at international environmental negotiations which in the case of the IWC are far different from those serviced by UN Secretariats, most probably due, as mentioned, to ongoing pressures from whaling nations.

Through time the role and contribution of NGO's has been extremely important not only by annual subscriptions³² to participate, but also in the field of research and technical advancement of the IWC and the ICRW. 61 NGO groups and 130 individuals from these participated in the 61st IWC Madeira. Seating arrangements for these groups were completely inadequate.

For the 61st IWC a much contested and undemocratic procedure of "vetting" NGO's and the Press by local host government authorities, existing in no other such body to date and despite the fact that these same groups were already fully accredited according to the Commission's own rules, were put in place by e-mail a few days before the IWC was to meet. The procedure did not extend to government participants and gave the organisers the right to refuse entry or observership by civil society or press. ECCEA did not adhere to the "vetting" process and their delegation joined the meeting only when this had been lifted by Central Government in Lisbon on the afternoon of June 16th. However, the procedure did not seem to have been dropped altogether as non government participants and the Press were expected to hand in their passports to the Secretariat before delivery of badges for photocopying and feeding of personal details into a data base by the Secretariat. Government's should protect their NGO's and ensure that this process is not repeated.

The USA, France's and its Governmental Ambassador for the Environment supported this last proposal and also suggested appropriate seating conditions for observers.

A further request was made in several NGO and government statements as to the reinstatement of speaking rights for NGO's as is usual at UN and other similar international meetings, seen the wide range of specialist persons, scientists, lawyers, technicians representing the non governmental organisations and civil society. It was proposed both in NGO statements³³ and by the incoming President of the IWC Christian Maquieira of Chile, that this be put in place in Agadir at the IWC's 62nd Annual Meeting in 2010.

³¹ Alexander Gillespie RECIEL ORIGINAL ARTICLE Facilitating and Controlling Civil Society in International Environmental Law 15 (3) 2006. ISSN 0962 8797 Blackwell Publishing Ltd

³² Observer fees at the IWC are amongst the highest in the world: £500 for the head of a delegation, £250 per person on the delegation

³³ Statement by Sidney Holt, Observer for the non-governmental organizations concerned with the conservation of the Antarctic and its resources (The Antarctic and Southern Ocean Coalition, ASOC) on behalf of NGOs participating in the Annual Meeting of the International Whaling Commission IWC) in Madeira, June 2999. Saturday, June 20, 2009

CONCLUSION

The future of the IWC depends on its member nations coming together to urgently address the needs of whale conservation in the wider context, the problem of the ocean's dwindling biodiversity, global warming and its effects on marine life. The question is will Japan recognize this problem, act in good faith and become part of a global plan to avert disaster. It also depends on our East Caribbean nations supporting and addressing issues that are of grave concern to CARICOM and Wider Caribbean nations, whose common goal and considerations are to ensure regional necessities by conserving those remaining important natural resources, for the future. These are needs that by far over ride plans laid down by Japan.

A good deal can be achieved by supporting and being part of actions developed by the region for its regional seas and the well being of coastal communities. These programmes link us one to the other and encourage unity rather than division, a well used tool belonging to the past.

ANNEX I:

REPRESENTATION: EAST CARIBBEAN AND WIDER CARIBBEAN REGION AT IWC 61

Antigua & Barbuda:

Anthony Liverpool, Commissioner

(Outgoing chair of the Finance and Administration Committee of the IWC

Incoming Vice-President of the IWC)

Grenada:

Justin Rennie, Commissioner

St. Kitts & Nevis:

Cedric Liburd, Commissioner

Daven Joseph (AC)

Saint Lucia:

Jeanine Rambally Compton, Commissioner

St. Vincent & the Grenadines:

Edwin Snagg, Commissioner

Raymond Ryan, (AC)

2:1 RECENT MEMBERS - PRO WHALING AFRICAN AND ASIAN MEMBER STATES:

Benin, Cameroon, Congo, Rep. of, Côte d'Ivoire, Gabon, Gambia, Guinea, Rep. of, Guinea-Bissau, Mali, Mauritania, Morocco, Tanzania, Togo

Cambodia, Laos

Currently China, a longstanding member, has not paid its dues to the IWC, did not attend IWC 61, thus without voting rights

2:2 OIL EXPLORATION COMPANIES

Observers for the past 3 years, company interests lie in IWC decisions regarding effects of seismic research and its effect on cetaceans as well as anti sonar whale protection programmes developed through IWC and UN bodies for best practices which meetings are followed and broadly documented by Ocean Care, Switzerland and their specialist persons.

Exxon Mobil Corporation:

Bruce Tackett

Gary Isaksen

International Association of Oil and Gas Producers:

John Campbell

ANNEX II:

Statement by Dr. Sidney Holt, Observer for the non-governmental organizations concerned with the conservation of the Antarctic and its resources (The Antarctic and Southern Ocean Coalition, ASOC) on behalf of NGOs participating in the Annual Meeting of the International Whaling Commission IWC) in Madeira, June 2999. V3 of Saturday, June 20, 2009

[A fuller version of our ideas, has been passed to the Secretariat and we hope that it will be made available to delegations and to the media in the normal way. It is also, or soon will be, posted on the ASOC web-site]

Mr Chairman, Delegations and Observers,
I am honoured to have been chosen to address you by the NGOs here concerned with animal welfare, conservation and the environment.

We intend to be pro-active, not merely re-active. We wish to focus on the future of whales and the ecosystems they inhabit, not just the future of the IWC. Its first quarter century was, as we all know, a total failure. It has not acquired much credit by dedicating the quarter century since the moratorium on commercial whaling was declared mainly to looking for ways to continue whaling without wiping out the remaining whales. Still, we want the IWC to survive.

It is exactly eighty years since the eminent Argentinean international lawyer, Señor José Suárez, proposed to the League of Nations that a sanctuary for whales be established in the Antarctic. Suarez reported that if nothing were done the fin, blue and humpback whales would be practically exterminated in the Southern Hemisphere. It took rather longer than he thought it would, but it happened. Then the sei whale resource was plundered in the 1960s, and demolition of the minke whales was begun in the 1970s

Think about this: **The biomass of the still numerous minke whales is less than one percent of the biomass of the southern hemisphere baleen whales at the time Suarez reported to the League of Nations.**

2009 is the thirtieth anniversary of the creation of the Indian Ocean Whale Sanctuary. Next month the first symposium on the cetaceans of the region will be held in The Maldives. None of the mostly young scientists from the region who will attend have killed whales.

Here's a snippet: the crews of two British pelagic expeditions operating in the SE Pacific sector of the Antarctic, in 1955, when The Sanctuary was opened by the IWC to pelagic whaling, noted that blue and fin whales in The Sanctuary approached ships: those in other sectors fled from ships.

This year is important to me because I first became involved with the IWC exactly half a century ago - 1959. It was promised then that Antarctic baleen whale catches would be reduced to sustainable levels, in accordance with scientific advice, by 1964 at the latest. Japan and the USSR in particular didn't like the advice offered – they said they had made investments in new factories, needing to be amortised - so the reduction didn't happen until the early 1970s.

All the NGOs for which I now speak unreservedly support the continuation, unchanged, of the moratorium. But they think it is time to move on to end all commercial whaling under Special Permits, all whaling in sanctuaries, all whaling under objections. And all international trade in commodities from Appendix I CITES-listed species. An end is justified by the growth in the past thirty-five years of scientific knowledge about whales, using non-lethal methods, and by the increase in scale and extent of non-lethal uses of whales. Furthermore, increases in threats to the survival and welfare of whales, resulting from intensified and growing diversity of human activities in and around the ocean – especially unsustainable fishing, maritime transport, pollution and change in ocean climate - mean that relieving the ecological stress caused by whaling is now even more urgent.

The wondrous, vulnerable whales never have done and never will contribute substantially to the food security of humans. Nor do they threaten it. Notwithstanding much propaganda and fake science they are not responsible for the troubles of the fishing industry.

Commercial whaling is now unnecessary, is utterly inhumane, and is unprofitable, continuing – subsidized - for minimal financial gain.

But a few corporate entities want to keep the technology and skills of so-called "Modern whaling" in being for a few more decades until the whales again become abundant enough – they hope - to justify another spate of profitable slaughter. Here's what the boss of what was then the world's biggest whaling company said to the 1951 meeting of the IWC, when the future of **The Sanctuary of aged whales dying there without our people being** was being debated. **"I don't like to think of the number able to have a shot at them."**

Think about that. Is that attitude to wildlife now dead? I hope so but I fear not.

Nevertheless, we in civil society insist on being conciliatory and constructive. The three-year phase-in of zero catch limits after 1982 was enough to allow seven countries to make the social and economic adjustments needed to fold their operations. That should be enough now for a phase-down, and -out of residual commercial whaling.

The catches in that period should be fewer than the numbers of whales killed in 2008 and 2008/09; no new whaling vessels should be brought into service, and no new whaling operations begun. The phase-down and -out should be fair to the whaling countries that did abide by the IWC's 1982 decision. Intransigence should not be rewarded.

If you decide to extend the life of the Small Working Group we suggest you revise its terms of reference to include consideration of this option. And some other useful things could be started [If I hadn't run out of time I'd list them]:

resume negotiations for revising the ICRW;

launch serious plans for conducting research - as promised to the United Nations in 1972 –on the recovery of the whale populations and ecosystems that were severely impacted by unregulated and poorly regulated commercial whaling, as well as to gain more knowledge about the new threats to cetaceans.

The catches in that time should certainly be less than the numbers of whales killed in 2008 and 2008/09, no new whaling vessels should be brought into service, and no new whaling operations begun. The phase-out should be equitable among the few countries still engaged in commercial whaling. But, more important, it should be as fair as possible to the seven countries that did abide by the 1982 decision and pause or close down their commercial whaling operations in due time.

But a short period between the IWC calling for an end, and the end actually coming, should be used constructively by the world's governments. If the Commission decides now to extend the life of the Small Working Group perhaps it would be wise to revise its terms of reference. First could be an instruction to put together a viable scheme for quickly ending commercial whaling, including of course so-called scientific whaling. Several other useful things could be done. The negotiation of a revised convention, or a new one, covering all cetaceans and their habitats –as proposed by the United States and others in the 1970s - could be resumed. Serious arrangements should be made for the conduct of expanded research, as promised to the United Nations in 1972, and aimed especially at studying the recovery of whale populations and ecosystems that were severely impacted by unregulated and poorly regulated commercial whaling, as well as in gaining more fundamental knowledge about the nature of cetaceans and the new threats to them. Our scientists have had to spend far too much time, energy and money simply preparing for the continuation of the whaling industry. Give them a chance to do something more useful, to be more creative.

ANNEX III

Lankanfinolhu (Maldives) Declaration

The International Whaling Commission, IWC, declared its Indian Ocean Sanctuary (IOS) in 1979. The IOS provides protection from commercial whaling for all large whales and orca. However, whales now face threats from other human activities in addition to whaling, for example pollution (including sound pollution), ship strikes and entanglements with fishing gear. Small cetaceans are not covered by the provisions of the IOS, but are also facing many threats, including by-catch, direct catches in fisheries and habitat degradation.

To mark the 30th anniversary of the IOS, the Indian Ocean Cetacean Symposium was convened in Maldives, 18-20 July 2009. Sixty delegates, from 15 government agencies, 13 NGOs, 6 IGOs and 11 academic institutions, travelled from 22 countries to participate in the symposium. Results of cetacean research carried out in 18 coastal countries (South Africa, Mozambique, Tanzania, Mauritius, Madagascar, Comoros, France (Mayotte), Seychelles, Oman, Pakistan, India, Maldives, Sri Lanka, Bangladesh, Myanmar, Thailand, Indonesia and Australia) and the high seas were presented at the symposium.

Celebrating the 30th anniversary of the International Whaling Commission's Indian Ocean Sanctuary,

Noting the important role the IOS has had in stimulating cetacean conservation research in the region and in bringing together the participants from coastal states for this symposium,

Recalling the substantial and illegal catches of large whales taken from the Indian Ocean, especially during the 1960s,

Recognizing that more than two billion people live in countries bordering the Indian Ocean, many of whom depend upon its marine resources for their livelihoods and food security,

Conscious of the ecological role of cetaceans in ensuring healthy coastal and marine ecosystems,

Valuing the welfare and continued existence of cetaceans in the Indian Ocean,

Concerned by the declining health of Indian Ocean ecosystems and its impacts on all cetaceans, and in particular by the continued by-catch of small cetaceans in the fishing gears of many nations,

Noting the migratory nature of many cetaceans within the Indian Ocean,

Mindful of the growth of whale and dolphin watching within the Indian Ocean, and the increased opportunities it provides for employment, education and recreation in coastal communities,

Cognizant of the need for improved coordination, prioritisation and cooperation in efforts to improve conservation outcomes for all cetaceans throughout the Indian Ocean,

The participants in the Indian Ocean Cetacean Symposium,

Congratulate the International Whaling Commission on the formation and the continuation of the Indian Ocean Sanctuary;

Recognize the important role played by the Republic of Seychelles in the formation of the Indian Ocean Sanctuary;

2

Call upon the International Whaling Commission to ensure the continuation of the Indian Ocean Sanctuary in perpetuity;

Stress the importance of improved education and awareness at all levels of society for the conservation of cetaceans and the sustainable use of marine ecosystems;

Encourage all fishing nations that have by-catches and directed catches of Indian Ocean cetaceans to greatly increase efforts to determine the scale of these catches and to reduce them to the minimum level possible;

Urge all Indian Ocean coastal states to strengthen national legislation and compliance (and where necessary enact new laws) to protect all cetaceans and their habitats within their exclusive economic zones;

Reiterate the commitments made under the United Nations Convention on the Law of the Sea (UNCLOS), Compliance Agreements, the UN Food and Agriculture Organisation's Code of Conduct on Responsible Fishing, and the UN Highly Migratory and Straddling Stocks Agreement to conserve highly migratory species (a category which includes almost all cetaceans) and also the marine mammals, and to manage fisheries for prey species in such a manner as not to impede the biological productivity of dependent species;

Suggest that Indian Ocean coastal states promote implementation of the provisions under the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and further foster regional arrangements/agreements to ensure the improved conservation of all cetaceans;

Remind all Indian Ocean parties to the Convention on Biological Diversity of their commitments to protect at least 10% of all ecosystems, including marine and coastal waters, and the opportunity this presents for the protection of cetacean hotspots and critical habitats;

Urge organizations using seismic surveys for offshore oil, gas and mineral exploration and production (and the countries in which they operate) to adopt international best practice to minimize impacts on cetaceans;

Support the wider adoption of responsible whale and dolphin watching guidelines and regulations, for the long-term benefit of both cetaceans and humans;

Encourage Indian Ocean states, in collaboration with the IWC and other relevant organizations to develop a collectively agreed action plan to improve conservation outcomes for cetaceans in the IOS;

Draw attention and agree to the fact that a small steering committee has been convened at the IOCS to assist in the scoping and initiation of a possible action plan.

Adopted this 20th day of July 2009

Paradise Island Resort
Lankanfinolhu
Republic of Maldives