

WILDLIFE AND COUNTRYSIDE LINK
COMMENTS ON THE
ANNOTATED PROVISIONAL AGENDA FOR IWC58

May 2006



IWC58: Briefing to the UK

Key issues

Wildlife and Countryside Link urges the UK to take the following positions on the main issues at the meeting:

Secret ballots: Coordinate opposition to secret ballots with other like minded and agree with them that all like minded will declare their vote on any vote conducted by secret ballot, which would not have been secret under the existing rules, and will continue to do so until transparency is restored.

Antarctic minke: The Scientific Committee is likely to reach provisional agreement on a population estimate or range of estimates. The UK should be prepared to point out that these much lower estimates underline the uncertainty about this population and the need for precaution.

Normalisation: We expect Japan to say the moratorium is no longer in effect. The UK should join with other like minded to issue a public statement saying this is false and the moratorium remains in effect.

Interference with research: The UK should propose all vessels which claim to be conducting operations under the authority of the ICRW be required to obey internationally accepted safety regulations and that the IWC only take action on any complaints where the party concerned has been convicted of an offence against navigation by a court having jurisdiction over it.

Introduction

Link is grateful for the time taken by our current and previous Fisheries Ministers to attend IWC meetings and for the firm stance taken. We believe that this level of representation from the UK has helped to publicly confirm the importance that the UK attaches to this issue. However, the lack of involvement with this issue by the Prime Minister and Foreign Secretary sends a clear signal internationally that the UK is not prepared to spend political capital on this issue, and is not willing to try and stop the vote buying by Japan which was clearly outlined in the British press recently (see Appendix 1 - Independent article). We greatly appreciate the hard work and determination of the Defra team but feel that is is seriously limited by lack of staff time and budget. For example, while the whaling countries employ scientists year around, we are not aware of any similar efforts in the non whaling countries. In addition following the closure of the environment policy department there seems to be little activity by the FCO.

At the 57th Annual meeting, the Government of Japan said: "It has been revealed this year that our side supporters are about to reach a majority soon. Some of you are so glad that some poor sustainable use countries could not attend this meeting. However, next year they will all participate. The reversal of history, the turning point, is soon to come". Press reports indicate that, thanks to their vote buying program, Japan is currently on track to reach a majority.

Link urges the UK to:

- Even at this late stage, address the whaling issue at head of state level as outlined in our letter to the Prime Minister last winter (Appendix 2).
- Actively engage the FCO to work with the British Embassies in those countries that have been bought by Japan.
- Increase its efforts to recruit more like minded countries and to make new members who have not yet attended aware of its strong opposition to a renewal of commercial whaling.
- Prepare, in cooperation with other like minded, a public statement denouncing the unprecedented takeover of an international body by one of its members.

2. Adoption of the Agenda

Japan has indicated that it will propose to amend the agenda to delete item 15.1.2, Commission discussion and action arising in relation to Small Cetaceans. We urge the UK to work with the other Like Minded Governments to ensure this amendment is defeated. If it is deleted, we urge governments to ensure that they raise the issues discussed in the Scientific Committee elsewhere on the agenda.

3. Interference with whale research

In December 2005 and January 2006, there were a series of encounters between two NGOs in the Antarctic, the Institute for Cetacean Research (ICR), a non profit organisation (a zaiden hojin) organised under Japanese law and Greenpeace, a non profit organisation (a stichting) organised under Dutch law. Both NGOs were exercising their rights to undertake activities on the high seas. Greenpeace asserts that at no time did its activities pose any threat to the crews of the ICR but that on several occasions activities by the ICR posed considerable threat to its crews. In particular, the collision between the Nisshin Maru and the Arctic Sunrise on 8 January 2006, was caused by the Nisshin Maru ignoring the International Regulations for Prevention of Collisions at sea. There were also cases where explosive harpoons were fired close to the crews of small boats. Link urges the UK to recommend that the IWC require that all vessels which claim to be conducting operations under the authority of the ICRW be required to obey the International Regulations for Prevention of Collisions at sea and that they take all possible measures to protect human life including a ban on firing harpoons or other weapons used in whaling if any person is within the field of fire.

4. Secret ballots

This is the same proposal as in previous years and Japan is coming increasingly close to introducing secret voting (within 4 votes in 2005; 6 in 2004). This vote, which needs only a simple majority to pass, will be critical to the outcome of this and future meetings. Link strongly urges the UK:

- To ensure that no Like Minded Government will abstain on, or be absent for, this vote and should press any uncommitted parties to join them in opposing this move, which runs contrary to modern trends of accountability and transparency in international organisations.
- Together with all other like minded, to publicly commit to declaring their vote, for inclusion in the Chairman's Report, on every vote which would not have

been secret under the existing rules, until secret voting on Schedule amendments is abolished.

5. Whale stocks

Link encourages the UK to refer to whale “populations” rather than whale “stocks”.

5.1 Antarctic minke whales

The Commission agreed in 2000 that the estimate of 760,000 was not appropriate, and that numbers may be “appreciably lower”.

If no population estimate is agreed, Link urges the UK to:

- Point out that the latest science, including the accelerated break-up of the Larsen B ice shelf and glacial retreat on the peninsula, indicates a strong impact of global warming on the Antarctic.
- Use this opportunity to criticise Japan’s ongoing whaling in the southern ocean, including the expansion of JARPA, and Japan’s failure to publish a significant number of peer reviewed papers on its research.
- Support Australia’s anticipated remarks that it’s recent extensive (and non lethal) research on whales and the Antarctic ecosystems demonstrates that there is no scientific justification for Japan’s lethal research methods to collect much the same data. (Australia used visual and acoustic surveys to determine the distribution and abundance of whales, and analysed krill populations).

If a population estimate is agreed, Link urges the UK to:

- make a public statement, to be finalised based on the Scientific Committee report. This should say that the new, lower figure confirms that the IWC has been wise in refusing to allow whaling based on the old, higher estimates, as demanded by the whalers and that the huge difference in estimates, and other data, suggest that something is going on in the Antarctic ecosystem that we do not yet understand, underlining how little we actually understand about whale populations and the wisdom of the Commission in having created the Southern Ocean whale sanctuary. Such a statement would also draw on the points above.

5.2 In-depth assessment of western North Pacific common minke whales

In 2003, the Scientific Committee agreed that the J stock could become extinct this century. It is impacted both by Japan’s scientific whaling in the North Pacific and high, and increasing, levels of bycatch by Japan and Korea. A recently published paper (Haraguchi et al., 2006) states that of 81 north-Pacific minke whale products purchased at random from Japanese markets between 2001 and 2003, genetic testing revealed 48 (59%) to be from J-stock animals. In 2005 The Scientific Committee found that the amount of J stock minke meat on the market in Korea was significantly greater than could be accounted for by bycatch, thus indicating a further threat to the J stock.

An intersessional steering group with a special focus on 'J' stock has made "considerable progress", but the Committee noted last year that, while its work should continue with some urgency, "a complete assessment may take several years" because the stock structure is complex, potentially containing distinct population sub-units, each of which may be endangered.

Last year, the Scientific Committee Chair noted that a number of priority items needed to be addressed prior to the in-depth assessment including how to deal with the lack of information on the proportion of 'J' stock animals in the Sea of Okhotsk; Link urges the UK to draw attention (perhaps in a resolution) to the fact that:

- Urgent action needs to be taken to protect J stock, including from bycatch;
- Any whaling of North Pacific minke whales, including coastal whaling under a future RMS, involves a completely unacceptable risk of taking endangered J stock animals.

5.3 In-depth assessment of Southern Hemisphere humpbacks

Link urges the UK to explore with Australia and New Zealand an intervention on the fact that some humpback whales which will be targeted by JARPA II belong to small, vulnerable breeding populations around small island states in the South Pacific and that even small takes could have a detrimental effect on the recovery and survival of such populations.

5.4 In-depth assessment of blue whales

No comments.

5.5 Other small stocks

North Atlantic Right Whale

This population is probably the only potentially viable population of this species in the Northern Hemisphere and is in serious danger (ca 300 animals). The Scientific Committee has repeatedly warned that there should be no direct anthropogenic removals from this population, "that it is a matter of absolute urgency that every effort be made to reduce anthropogenic mortality in this population to zero" and that no further research is needed before implementing any currently available management actions to reduce anthropogenic mortalities. However, individuals from this population are continuing to die or become seriously injured as a result of entanglement in fishing gear (including a female calf entangled in gillnetting), or being struck by ships (including one pregnant female killed by a navy vessel). Fourteen whales have died, were injured by ship strikes, or been documented entangled in fishing gear between February 2004 and February 2006. Link urges the UK to propose that the US investigate the possibility of setting vessel speed limits to protect these whales.

North West Pacific Gray whale

The Scientific Committee has repeatedly warned that the western gray whale population, which numbers about 100 individuals, is in serious trouble and that it is a matter of absolute urgency that every effort is made to reduce anthropogenic mortality (including direct catches) and disturbance to zero to save it from extinction (note to IWC Resolution 2004-1). We note that the Expert Panel which reviewed the potential impact of oil and gas development on this population, said that "the most

precautionary approach would be to suspend present operations and delay further development of the oil and gas reserves in the vicinity of the gray whale feeding grounds off Sakhalin, and especially the critical nearshore feeding ground that is used preferentially by mothers and calves". Link supports this approach and urges the UK government to propose that this language is endorsed by the IWC and communicated to all relevant parties.

We urge the UK to raise the deaths of three western Pacific gray whales that were entangled in fishing nets in Japan in 2005 and determine what Japan is doing to make sure this will not be repeated. The issue of the Japanese bycatch is very important in the IWC context and should get plenty of emphasis. That Japan is extinguishing a population is an important message to get out worldwide.

Northeastern Atlantic minke whales

Despite the fact that Norway's markets cannot absorb more than 500 whales a year, Norway has again raised its quota. The UK, especially its scientists, should vigorously oppose attempts to change the tuning level or other parameters of the RMP.

We ask the UK to reconfirm its commitment to the 1994 resolution that no retuning should be performed by the SC without the express request of the Commission.

6. Whale Killing Methods and Associated Welfare Issues

Those Link members whose remit extends to humane concerns are grateful to the UK for the consistently strong and high profile stance it has taken on this issue. We note that welfare concerns remain a central tenet of the UK's opposition to whaling, since there is no guaranteed humane method for killing whales at sea. This year a three day Whale Killing Methods (WKM) Workshop will provide a forum for detailed technical discussion on whale killing. We urge the UK to reiterate its strong position on whale welfare by championing calls for better oversight of whale killing and improved data reporting, and striving to ensure that welfare issues remain a priority for the work of the Commission.

Link is disappointed that the UK, at the 57th meeting, refused to table a paper based on independent filming of a Norwegian whale hunt. Independent records of whale hunts are rare and those Link members whose remit extends to humane concerns urge the UK to submit this material to the working group.

During the last WKM Workshop, in 2003, the Revised Action Plan on Whale Killing Methods was updated. The Action Plan calls for improvements to be made in a number of areas including data collection, killing methods, criteria for determining insensibility and death, and reducing struck and loss rates. We urge the UK to refer to the adopted Action Plan wherever possible, to highlight the outstanding issues and encourage Contracting Governments to take strong measures to address these issues. In particular, we request that the UK works to ensure that the Commission prioritises the determination of scientifically approved criteria for death and insensibility as an appropriate means of validating current data on 'Time to Death' reported to the Commission.

In addition to the papers which we anticipate that the UK will table at the WKM Workshop there are a number of other issues which we urge the UK delegation to raise, either during the WKM Workshop, or during the report back to plenary :-

Welfare data and the RMS

We encourage the UK to facilitate discussion and encourage participation from Like Minded countries on the important points presented in Resolution 2004-3 on whale welfare. Specifically, noting the poor level of data reporting to the last Whale Killing Methods and Associated Welfare Issues (WKM&AWI) Working Group in 2005, Link hopes to see data provided for each whale killed in all whaling operations. We also urge the UK to make strong representations if the following outstanding data are not provided to the WKM Workshop:

Japan

- Struck and lost data from all hunts conducted by Japan under 'Special Permit' and time to death data for each whale not killed instantly
- Data on the killing of sperm whales under 'Special Permit'
- Data on use of the cold harpoon (Japan noted during the 2005 WKM&AWI Working Group that the cold harpoon is permitted as a secondary killing method in the JARPA hunt)

Greenland

- All data for each method used as well as for each hunt (two different primary killing methods are used in the West Greenland minke whale hunt and average statistics may mask problems associated with a particular method)

Iceland

- All whale killing related data from Iceland's 2003, 2004 and 2005 hunts

St Vincent and The Grenadines

- Information on the 2006 kill of a female humpback and whether this whale was lactating.

The USA

- Data on the instantaneous death rate and average and maximum 'Time to Death' for Bowhead whales.

Faroe Islands

- Results of ballistic studies on heads of dead pilot whales; and testing of new knife in 2005, including on a bottlenose whale.
- Details of new knife with a longer handle (to be tested in near future). (All reported in Progress Report to NAMMCO, 2006)

In addition, Link also notes that while data from whale killing provides insights into the cruelty inherent in modern whaling practices, and that every effort should be made to secure these data, we must also emphasise that data collection alone will not directly address the cruelty inherent in all whaling practices. Data submitted to the IWC shows that whales cannot be killed with a guaranteed 100% instantaneous death rate. In addition, there are also concerns about struck and lost animals; welfare impacts of pursuit, and welfare impacts on conspecifics, which cannot be addressed through data collection alone.

RMS

Link commends the efforts of the UK to try to bring the best possible provisions for data collection on animal welfare into the RMS and its support of discussion of

minimum standard for whale killing in the Whale Killing Methods and Associated Welfare Issues Working Group.

Furthermore, we urge the UK to state that any provisions for accurate data collection on welfare under the RMS is dependent on the Commission agreeing scientifically approved criteria for determining the onset of death and insensibility and therefore, this is a vital step in the RMS process.

Link further believes that any incarnation of the current, or any future, draft RMS text will fail to resolve the serious welfare issues inherent in whaling. We are, therefore, opposed to any RMS package that will lead to the lifting of the moratorium and the resumption of commercial whaling.

Humane killing and whales hunted under ‘Special Permit’

Link urges the UK to ask Japan if the same calibre of harpoon and explosive charge which was used to take minke in JARPA II was used to take fin whales and to provide the time to death for each fin whale taken.

There are a number of factors inherent in the current killing methods used during ‘Special Permit’ and commercial whaling which mitigate against the potential for high welfare standards. These include: the initial pursuit; the difficulties involved in hitting a distant, largely submerged, moving target from a moving platform at sea; the high potential for struck and lost animals; and the potential impacts on conspecifics. The killing methods themselves are not well adapted for the species taken, or the variability of size between individuals of the same species.

Despite the adoption of Resolution 2005-1, the expansion of the JARPA II hunt has proceeded unabated. We strongly urge the UK to engage in high level diplomatic efforts to call for an end to so called ‘scientific whaling’, to support benign research methods and to support initiatives for removing the loophole of scientific whaling from the treaty.

We urge the UK to vehemently oppose Japan’s proposal to continue the expansion of the JARPA II hunt beyond the ‘Feasibility Study’ which, from the 2007/2008 season onwards, will increase the number of fin whales killed to 50 and include the annual kill of 50 humpback whales.

If Iceland does not submit full data to the whale killing methods workshop, we urge the UK to raise this in the Commission.

The Norwegian ‘Blue Box’

Link is concerned that the ‘Blue Box’, an electronic logging system designed to eliminate the need for inspectors on whaling vessels, which was developed and implemented by Norway without the scrutiny of the Commission, is inadequate. Replacement of inspectors with the ‘Blue Box’ system has significant implications for the welfare of whales hunted in Norway and potentially elsewhere and the collection of welfare-related data, such as ‘Time to Death’. We urge the UK to continue to raise concerns over the replacement of human inspectors with this electronic system and to strongly oppose any proposals during RMS discussions for automated equipment to replace human inspectors and international observers.

It is the view of Link that the replacement of inspectors by the Blue Box will result in the following:

- No verified collection of data for estimation of the 'Time to Death';
- No verified record of the location of the impact of the harpoon;
- No possibility of evaluating the efficacy of the harpoon or the rifle, including the number of shots required, other than through post mortem investigations, which are not possible since the animals are flensed at sea;
- No monitoring and independent verification of the species of whale taken, the size of the animal killed and whether it is a pregnant or lactating female;
- No verified data collection on loss of sensibility and death.

Criteria for determining death

Link also urges the UK to request that the Commission prioritises, as a matter of urgency, the determination of scientifically approved criteria for death and insensibility. We also urge you to state that until such criteria are approved by the scientific community, all data currently provided to the IWC on 'Time to Death' in hunted cetaceans are only estimates and that some of these data may be underestimating the suffering of hunted cetaceans. Failure to detect the state of sensibility of a whale may result in prolonged suffering.

In accordance with the recommendation from Resolution 2004-3, regarding the establishment of better criteria for determining irreversible insensibility and death in cetaceans, Link would also like to encourage the UK to continue to progress research in this area and to support collaborative initiatives to develop improved criteria through investigations on stranded cetaceans. This research should help to evaluate the most useful indicators for permanent insensibility and death, both during strandings and hunting operations.

Welfare implications for whales caught in nets

No information is provided to the Commission on the methods used to kill whales caught in nets. Link urges the UK to make strong representation to the Governments of Japan and Korea, which both show an increasing trend in the number of 'bycaught' whales, to clarify: whether a veterinarian is consulted to determine if these whales should be released or euthanased; the methods used to kill these whales; the training provided to fishermen in administering these killing methods; and the 'Time to Death' for each whale killed after being caught in a net.

Clarification and discussion of these methods are essential so that recommendations on how to deal with these situations can be agreed. We urge the UK to request that domestic legislation is adopted in nations where whale deaths in fishing nets are frequent, to ensure that the advice of a veterinarian is a legal requirement, to evaluate the best course of action for the treatment of any live entangled whale.

7. Aboriginal Subsistence Whaling

7.1 Aboriginal Subsistence Whaling Management Procedure

For years, Link has expressed concern that, despite the title of this agenda item, the Commission has not begun to develop a management scheme to accompany the Aboriginal Whaling Management Programme which the Scientific Committee is progressing. The IWC must consider its own management responsibilities for these hunts, including the documentation and evaluation of 'needs', and compliance issues. If the management of ASW is not reformed - including the agreement of effective

definitions of the terms concerned, we believe that this category of whaling will increasingly be subject to abuses that are already illustrated by Greenland (see below).

7.2 Aboriginal Whaling Scheme

No comments

7.3 Aboriginal Subsistence Whaling Catch Limits

Bering Chukchi Beaufort stock of bowhead whales

Determined efforts are being made by both Norway and Japan to introduce doubt about the status of this population, in order to provide a basis to oppose quotas and hence use it as leverage over the USA. The UK's scientists should seek to resolve uncertainty about the bowhead population and oppose politically motivated moves to increase it.

Minke whale populations off Greenland and West Greenland population of fin whales

Link urges the UK to insist upon the strongest possible response by the Commission (including a significant reduction of its quotas) if Greenland again fails to comply with the Scientific Committee's repeated requests for telemetry tagging, collection of samples for genetic analysis and aerial cue-counting surveys. The Scientific Committee (SC) has established a number of intersessional working groups to work with Greenlandic scientists on sex ratio and catches, genetic analyses, survey design and analysis of survey results. If this effort by the SC is not supported by urgent action by Greenland to provide new survey data, the Commission will be asked to set catch limits for minke and fin whales next year without management advice from the Scientific Committee. We strongly urge the UK to argue that in such an invidious position, the Commission should catch limits at low levels, or zero.

Link asks the UK to note that if the Strike Limit Algorithm (SLA) were already in place, catch limits would have already been reduced to zero for fin whales. Greenland's hunters took at least 15 fin whales in 2005, which is considerably higher than the average landing of 10.1 fin whales annually since 1995.

Link asks the UK to seek clarification from Denmark about the Faroe Islands' plans for future fin whale hunting. Since 1999 NAMMCO's Scientific Committee has, at the request of the Commission, been assessing fin whales stocks in the North Atlantic; focusing on the status of fin whales in Faroese territorial waters and, in particular, assessing the long-term effects of annual removals of 5, 10 and 20 fin whales in Faroese waters;

Dominica

At last year's meeting, Dominica acknowledged the contribution of information from St. Vincent and The Grenadines that has helped the Scientific Committee to suggest that the whales from St. Vincent and The Grenadines are part of a larger stock, giving some confidence that the takes should not be in question in so far as the integrity of the resources. Noting that a group of native Carib Indians reside in Dominica who in the past have utilised cetaceans as a critical component of their diet, Dominica looked forward to further enhancement of the stock so that some day it may be able to reinstate the cultural, social and economic benefits that can be

derived from aboriginal subsistence takes". If Dominica repeats this implied threat to seek an ASW quota for humpbacks, Link urges the UK to respond using the following information:

- "the whaling activities of Dominica and Martinique are limited to the occasional by-catch by the artisanal pelagic and coastal fishermen. Should the opportunity present itself, porpoises, blackfish and occasional killer whales are taken from the traditional Carib fishing canoes and brought back to the fishermen's home villages" (Price, W.S. 1985. Whaling in the Caribbean: historical perspective and update. RIWC 35: 413-420). Since the historical catch of the Caribs was confined to "porpoises, blackfish and occasional killer whales", there would clearly be no basis for an ASW quota of humpback whales.

The Commission revised the Schedule at IWC56, removing the requirement that meat and blubber from gray whales be used "exclusively for local consumption by the aborigines whose traditional aboriginal subsistence and cultural needs have been recognized". During that discussion, the UK stressed the need to ensure that the products of aboriginal subsistence whaling operations are, totally or in large measure, used for the people whose needs have been acknowledged. Link urges the UK to follow up this point and request that Governments undertaking ASW report to the Commission annually on the amount (and proportion) of whale products used by those communities whose needs have been recognised and the amount (and proportion) used outside those communities.

8. Revised Management Scheme (RMS)

8.1 Revised Management Procedure (RMP)

The UK and other like-minded countries should make it clear, both under this agenda item and in the RMS discussions, that no modifications to the RMP are acceptable. In particular, Norway's continued 'retuning' shows that any agreement to the RMS package cannot be expected to work because the whaling nations clearly intend to modify matters that have already been agreed in order to maintain or increase catches regardless of the RMP that was agreed in 1994.

The Scientific Committee may review Norway's proposal for a modification to the CLA this year and the UK should instruct its scientists to oppose any change.

8.2 Revised Management Scheme

Link notes that no schedule amendments are proposed for the adoption of the RMS and that the Cambridge Intersessional meeting reported no progress in agreeing an RMS. Japan may try to use this pause in negotiations by proposing a resolution aimed at CITES that characterises the IWC as in crisis, and urges CITES to resume trade in whale meat irrespective of the ongoing moratorium on commercial whaling. This should be opposed.

9. Sanctuaries

Sanctuaries are not new to the IWC - closed areas are provided for in the ICRW and have been part of the Convention since its inception. Link directs the UK's attention

to Article V 1 (c) of the Convention which specifically states that the Commission has the power to designate sanctuaries, and urges the UK to point this out to any Contracting party which says any existing sanctuary is illegal.

9.2 Proposal to amend the Schedule to establish a South Atlantic Whale Sanctuary (SAWS)

Due to the large number of countries supporting Japan, it will not be possible to gain a three quarter majority for the SAWS. Nevertheless, Link urges the UK to strongly support the proposal by Argentina and Brazil.

9.3 Proposal to amend the Schedule paragraph 7(b) regarding the Southern Ocean Sanctuary

Japan will propose a Schedule amendment, saying that the Southern Ocean Sanctuary is in violation of Article 5 (2), in particular the requirement that decisions be based on scientific findings, but this argument is wrong. A scientific finding that some species of whales are abundant is just as valid to justify a sanctuary as a finding that they are depleted. Indeed, the Commission's first sanctuary, which covered one quarter of the Antarctic, was set up to "safeguard a reserve supply of whales". We urge that the UK is particularly vigilant to ensure that nothing is agreed that will weaken the status of the Southern Ocean Sanctuary, now or in the future.

10. Socio-Economic Implications and Small-Type Whaling

This was originally proposed as an 'emergency relief quota' of 50 minke whales 19 years ago and has been proposed to 19 consecutive IWC meetings. The 'needs' of these towns, if any, have now been filled twice over; first by the change in Japanese domestic law which allows whales caught in nets to be marketed and processed on shore (which is providing a substantial catch of whales, estimated at over 100 per year) and secondly by the addition of 120 whales to the JARPN II 'scientific' take caught by small type catcher boats - the same boats that were proposed to take the 'emergency relief quota'. Last year this proposal was presented as a 'test' of the RMS. This year, Japan is not even bothering to dress it up as anything other than a proposal to resume commercial whaling.

We strongly urge the UK to ensure that all Like Minded Governments oppose the granting of coastal quotas either under 'emergency relief' or to 'test' the RMS (noting that the SC has not requested any such tests)

11. Scientific Permits

Iceland

Iceland's original Scientific Whaling proposal proposed to take 100 fin, 50 sei and 100 minke whales per year for at least two years, starting in 2003, in fact 100 minkes and no other species were taken over 3 years. Reports from the Icelandic media indicate that only the best cuts of meat are taken from each whale and most is discarded. Information on the location of catches of whales has shown that many have been taken close to whale watching areas. Link urges the UK to make its opposition to this continuing program clear and highlight the clear conflict between whale watching and whaling.

Japan

JARPA II commenced this year, with the killing of 853 minke whales and ten fin whales, even though the Scientific Committee has not yet reviewed the results of the first phase of JARPA. We strongly urge the UK and its Scientists to protest that it is scientifically bogus to commence JARPA II before a full review of the nearly two decades of its predecessor is undertaken.

We are well aware that Japan's exploitation of Article VIII cannot be stopped by any procedural mechanism within the current Convention. We, therefore, strongly urge that the UK and other Like Minded Governments consider options to close the loophole provided by Article VIII, including renegotiating the convention.

The Scientific Committee is clearly struggling in its efforts to restructure the guidelines for scientific permits and no agreement was reached on any proposal for changes last year. Two issues will be given further consideration by the SC this year:

1. The possibility of an independent and objective review panel; and
2. The debate over whether or not the proponents of a proposal should participate in a review of their own proposal.

Link strongly urges the UK and its Scientists to support both proposals, noting the significant conflict of interest in Government employees (or those employed by the institute that does the research) reviewing their Government's own proposal.

The secrecy of this proposal, requested by Japan, excludes the wider scientific community which might have valuable observations to make and runs contrary to the transparency of decision making in modern science. For the last two years Link has urged the UK to:

- propose or support an amendment to Rule Q of the Commission's Rules of Procedure (which requires documents submitted to the Scientific Committee be kept confidential if the proponent requests it);
- to exclude proposed research permits from this rule and direct the Secretariat to post all proposals for Special Permit research on the IWC's website upon receipt. (Such an amendment requires 60 days notice and so could not be voted on at this meeting.)

We note that the UK has again failed to do this and request that an explanation for this decision be provided to Link.

We note that Japan intends to table a resolution supporting its 'scientific' whaling. We urge the UK, in cooperation with other Like Mindeds, to make statements within the Commission and to the press, in the event Japan's resolution passes, saying that nothing has changed and that the 'research' remains as bogus as before.

12. Environmental and Health Issues

12.3 Other habitat-related issues

Link looks forward to the report of the seismic workshop and the SC's consideration of this.

12.5 Health Issues

Negative effects on human health through consumption of cetacean products are an emerging issue that the IWC is wholly competent to address. Link urges the UK to raise the significant problems that some contracting governments face in respect to the contamination of cetacean meat.

12.6 Other

Cetacean-fisheries Interactions

Link urges the UK and other like-minded to take every opportunity to counteract the propaganda produced by pro-whaling nations on this issue. We note in particular, a new report by Dr Sidney Holt, entitled "An Analysis of the Claim that Whales Eat So Much that they Threaten Fisheries - The Truth of a Proposition has nothing to do with its Credibility. And vice versa", 25 February 2006. The document is based on a very careful analysis of the unpublished research distributed by Japan to the IWC Scientific Committee and to countries targeted by Japan as new IWC members. It addresses all the arguments included in the Japanese propaganda by deconstructing the two 'pseudo-scientific' papers on which this propaganda is based. WDCS, HSUS and WWF have paid for the translation of this report into French and Spanish and arranged for its dissemination via diplomatic channels to officials in countries in Latin/Central America and West/Central Africa by Japan.

We urge the UK to be wary of any language in resolutions on ecosystem-based management. This term is used by the pro-whaling nations as code for predator control.

13. Whale watching

Japan and its allies have opposed the work (and existence) of the Scientific Committee's Whale Watching Subcommittee, as reflected in their attempt last year to remove it as a Commission agenda item. Link urges the UK to support continued work of the IWC on whale watching, to oppose any attempts to downgrade or eliminate this work and to speak in favour of any intersessional activities recommended by the IWC. The UK should push the Secretariat to make some of its annual travel funds for Scientific Committee Invited Participants available for whale watching experts, as many have never attended the Scientific Committee due to lack of funding.

14. Cooperation with other Organisations

CITES

We note the overwhelming rejection of Japan's proposal to downlist minke whales at COP13, but warn that CITES bases its Appendix I listing of great whale species on the IWC's moratorium. If the moratorium is lifted, even if not completely (a few populations; a limited geographic area), CITES is likely to respond by 'downlisting' the species, or populations concerned, which could cause a cascade of implementation and enforcement problems for both conventions whose mandates

are distinct but inseparable. We strongly urge the UK to vigorously oppose any resolutions from the whaling nations directed at CITES.

We also urge the UK to draft a resolution to CITES, calling on it to retain the Appendix 1 listing of great whale species, to be introduced if there is the possibility of it attracting a majority.

CMS

We wish to draw to the attention of Commissioners that during the recent Convention for the Conservation of Migratory Species of Wild Animals (CMS) Conference of the Parties an important UNEP/CMS/Resolution 8.22: Adverse Human Induced Impacts on Cetaceans (see Annex 8) was passed recalling resolutions and recommendations adopted in the framework of CMS, ACCOBAMS, ASCOBANS and IWC recognising ship strikes, marine noise, entanglement and by-catch, and pollution, as well as habitat and feeding ground degradation, as potential threats to the conservation of cetacean populations while also acknowledging that human induced impacts on cetaceans are increasing.

CMS has considerable and important competencies in global cetacean conservation and threat mitigation. These competencies are both overlapping and complimentary with those of IWC.

UNEP/CMS/Resolution 8.22 specifically 3 instructs the CMS Secretariat and Scientific Council to:

a. Cooperate with the IWC which also has competency for the conservation and management of cetacean populations, working through the Memorandum of Understanding between the two bodies, by collaborating with the IWC work programmes which address human induced impacts to cetaceans, and by working with the organisation's Scientific and Conservation Committees to further identify priority impacts and regions requiring urgent attention;

b. Review, in collaboration with the scientific advisory bodies of CMS cetacean-related Agreements, the extent to which CMS and CMS cetacean-related Agreements, are addressing the following human induced impacts through their threat abatement activities:

- i. entanglement and by-catch
- ii. climate change
- iii. ship strikes
- iv. pollution
- v. habitat and feeding ground degradation
- vi. marine noise

c. Prioritise the impacts and regions requiring most urgent attention and develop recommendations for how these priorities can be addressed by CMS;

and to:

f. Propose a work programme to the ninth meeting of the CMS Conference of the Parties of further strategic action that considers the work of the following organizations: CMS cetacean-related Agreements, IMO, IWC including its Scientific and Conservation Committees, OSPAR, UNICPOLOS, the UNEP Regional Seas Programme, and promotes collaboration and synergies between them

We urge the UK to inform the meeting of UNEP/CMS/Resolution 8.22: Adverse Human Induced Impacts on Cetaceans, and to articulate that CMS and IWC share

overlapping and complimentary competencies, which should be leveraged to enhance the work of the IWC.

15. Other Scientific Committee Activities, its Future Work Plan and the Adoption of the Scientific Committee Report

Link urges the UK to direct its Scientific Committee representatives to help prioritise benign research initiatives and research that addresses real conservation and environmental issues.

15.1 Small cetaceans

We note with concern Japan's intention to delete this agenda item and are exploring ways under the rules of procedure/rules of debate that we can ensure the outputs of the Scientific Committee are still discussed by the Commission.

The work conducted by the SC on small cetaceans is of great conservation importance and should be maintained at all costs. The significance of interfering with this work may not be apparent to all observers and should be clearly reiterated during the Commission meeting.

We would like a commitment from UK that even if Japan deletes small cetaceans from the Commission agenda, the UK SC delegation should continue to support SC work on small cetaceans based on the SC's own judgment of scientific and conservation priorities.

Greenland

Around 600 narwhals and 600 belugas are killed annually in Greenland (plus significant numbers are stuck and lost) in unsustainable and poorly regulated hunts.

Both NAMMCO and the Joint Canada Greenland Commission on the Conservation and Management of Narwhal and Beluga (JCNB) express "grave concern" about the sustainability of the narwhal hunt and have urged the reduction of the quota to 150 annually for there to be any chance of recovery. The beluga population in Baffin Bay hunted by Greenland is predicted to be extinct in 20 years if catches are not reduced to 150 a year. However, Greenland set the quota for 2005 at 300 narwhals and 320 belugas. The narwhal quota was exceeded by 50 whales in 2005 and instead of addressing this as a violation of the hunting regulations, the government increased the 2006 quota by 50 whales.

Link strongly urges the UK to express concern in the Commission about these hunts and ask the Small Cetaceans Sub Committee of the Scientific Committee to consider their impacts.

Faroes hunt

Between March 2004 and October 2005, Faroese hunters killed 3,112 pilot whales in 15 hunts, 643 white sided dolphins in 9 hunts and one bottlenose whale (claimed to be stranded).

We ask the UK to note that the UK and EU have laws that protect these animals and these are made a nonsense of by the ongoing totally unnecessary large scale and cruel takes in these neighbouring islands.

Link urges the UK to call on the SC to do an urgent status review for the Atlantic Long Finned Pilot Whales and the Atlantic white-sided dolphins, given the prolonged and large scale nature of these hunts and apparent population declines.

Japanese hunts

We urge the UK to express concern:

- About the continued unsustainable exploitation of coastal small cetaceans in Japan and repeated failure of the Government to provide any data that will allow the Scientific Committee to review the status of exploited populations. Furthermore, that all these hunts provide extremely polluted, and often mislabelled, products for human consumption.
- About the lack of publicly available scientific data on the Baird's beaked whale hunt, the high levels of pollutants in the meat and blubber, and the fact that this mercury-laden meat is distributed to school children in at least one subsidised school lunch programme.
- That the SC has still not been able to review the status of Dall's porpoise, despite being directed to do so by resolution in 1999; that Japan still continues this hunt, which is the largest direct hunt of any cetacean species; that the hunt is based on 16-year old abundance estimates; and that Japan has not made results from the recent abundance estimate surveys it claims to have carried out available to the wider scientific community, as it has pledged to do. We urge the UK to attempt to find these data on the website and, if unsuccessful, request that the precise location of these data be made available by the end of the meeting. We requested that the UK do this at the 2005 meeting but without result.

16. Conservation Committee

Link applauds the efforts made by the UK and other members of the Like-Minded to advance the work of the Conservation Committee including the work on Ship Strikes. We urge the UK to submit a voluntary national conservation report in the format put forward by Brazil.

Noting the comments on CMS above, Link urges the UK:

- to coordinate with national CMS Contact Points to ensure that CMS is provided an appropriate opportunity to present during the IWC58 Conservation Committee.
- to suggest that the IWC Conservation Committee should request a report from CMS that reviews, in collaboration with the scientific advisory bodies of CMS cetacean-related Agreements, the extent to which CMS and CMS cetacean-related Agreements, are addressing the human induced impacts through their threat abatement activities.

- to suggest that this report be scheduled to be considered at the IWC 59th and 60th Conservation Committee meetings with the view to developing a joint work programme between CMS and IWC.

17. Catches by non member nations

No comments.

18. Infractions, 2005 Season

South Korean press recently reported the following story. Link asks the UK to seek further details from the Korean government, including clarification about the size of the whale/amount of meat landed (noting the reference to a 630 kg whale).

S. Korean arrested on suspicion of illegal whaling

ULSAN, April 30 (Yonhap) -- A 30-year-old captain of a small South Korean fishing boat was arrested by police Sunday and his two crew members were indicted without detention on suspicion of illegal whaling, police officials said.

The captain, identified only by his surname Kim, was suspected of killing a 630-kilogram minke whale just off the shores of the southern industrial city of Ulsan on Wednesday, according to the police officials.

19. Towards normalisation of the IWC

This item is an attempt by Japan to pressure the IWC into doing what it wants by threatening to undertake actions which purport to weaken the authority of the IWC. It replaces Japan's often repeated empty threats to leave the IWC and set up a regional management organisation. Japan's proposal appears to involve a unilateral declaration that the moratorium is no longer in effect.

Link urges the IWC to work with the other Like Mindeds to issue a public statement that the moratorium is in effect and remains so unless overturned by a three quarter majority, regardless of what Japan's bloc may say, and to reject this crude attempt to manipulate the Commission.

20. Administrative Matters

No comments

21. Formula for calculating contributions

Link expects further efforts this year to increase the amount of fees paid by larger countries. We urge the UK to warn other Like Minded of this and to vigorously resist it since if some Like Mindeds are forced out by higher fees it may allow Japan to achieve a three-quarter majority.

22. Financial statements and budgets

Link is grateful to the UK for proposing a one off amnesty to relieve the debt of developing countries and trusts the UK will progress this in the finance and administration committee this year.

23. NGO Participation in IWC

A code of conduct has been proposed as well as changes to the rules for participation of NGOs in annual meetings. Link urges that the UK should take the position that:

- action should only be taken by the Commission against an NGO which has been convicted of an offence regarding an IWC meeting by a court having jurisdiction over its head office and that any code of conduct should be based on this principle.
- current requirements for accreditation should remain the same.
- each NGO should be allowed two observers in the meeting room at the same time.
- NGO fees, which are the highest of any comparable body, should be frozen for ten years.

24. Adoption of the Report of the Finance and Administration Committee

No Comments

25. Date and Place of Annual and Intersessional meetings

No Comments

26. Election of Chair and Vice Chair

Link urges the UK to find strong, electible candidates from the Like Minded for Chair and Vice Chair.

Wildlife and Countryside Link
4 May 2006

Appendix One - The great betrayal: Pro-hunting Japanese seize control of whaling commission – article published in The Independent, 17th April 2006

Through a lengthy, covert operation, Japan is poised to seize control of whale hunting - and that spells disaster for the endangered mammal

The environmental movement is facing one of its biggest-ever reverses, over one of its most cherished causes: Save The Whale.

In a remarkable diplomatic coup, Japan, the leading pro-whaling nation, is poised to seize control of whaling's regulatory body, the International Whaling Commission (IWC), and so hasten the return of commercial whale hunting, which has been officially banned worldwide for the past 20 years.

While the world has been looking the other way, the Japanese have spent nearly a decade and many millions of dollars building up a voting majority in the IWC, by buying the votes of small member states with substantial foreign aid packages.

Their aim is to reverse the moratorium on commercial whaling brought in by the IWC in 1986 as a result of the long Save The Whale campaign by Greenpeace and other environmental pressure groups.

This has always been seen as one of the environment movement's greatest success stories.

But anyone who opposes killing the great whales, or who thought that the main battle against the harpooners had been won, is in for a nasty surprise when at the IWC meeting in the West Indies, two months from now, this new majority is likely to become clear, and to be exercised for the first time. It will be a huge propaganda victory for the Japanese and the other nations determined to continue whale hunting, principally Norway and Iceland.

The simple majority (51 per cent- plus) of votes the Japanese and their allies are virtually certain to command at the June meeting in St Kitts and Nevis will not enable them to scrap the moratorium outright - that needs a voting majority of 75 per cent.

But it will enable them to reshape the IWC comprehensively in a much more pro-whaling fashion - by stopping all its conservation work, stopping all discussions of animal welfare in relation to whaling, and promoting the trade in whale products.

It will also allow them to get resolutions passed approving Japan's so-called "scientific" whaling - the commercial whaling in disguise the Japanese have continued since the ban. (This year they are hunting nearly 1,000 minke whales in the Southern Ocean). Although their pretence of killing the animals for research fools no one - the meat is sold commercially - the Japanese are anxious for it to be given international legitimacy, in the face of continuing worldwide criticism.

But perhaps most significantly of all, the majority vote will enable the introduction of secret ballots in the IWC - where voting is at present open. This will mean that Japan's vote-buying can no longer be tracked, and will open the way for more countries to join the Japanese in their quest to have the moratorium ultimately overturned.

"Japan achieving a majority in the IWC is going to be an environmental disaster, yet the world seems unaware that it is about to happen," said Vassili Papstavrou, from the International Fund for Animal Welfare, who has carefully followed the Japanese build-up of supporting countries. "Countries that oppose whaling have done almost nothing to stop it."

Although the Japanese have always defiantly refused to accept the international whaling ban, despite world opinion, it was not until about 1998 that they set out on a deliberate course to take control of the institution which brought it in.

They did so by a form of entryism - encouraging small, poor countries to join the IWC, most of which had no previous whaling tradition at all, and some of which -

such as Mali and Mongolia - did not even have a coastline. In return, the new IWC members were given multimillion-dollar aid packages.

The Japanese have targeted two groups of nations in particular - states in west and north Africa, and small states, often islands, in the Caribbean and the Pacific. Largely as a result of this, the IWC, which had 40 members in 2000, now has 66.

It is likely that the full total of supporting states Japan has brought into the IWC since 1998 is 19; they can all be shown to be clients of Japan by the consistency of their IWC voting records. They can also be shown to be in receipt of substantial Japanese largesse.

For example, the Republic of Guinea, which joined the IWC in 2000, in 2002 received \$6.55m in Japanese aid for construction of a fish market in Conakry, the capital.

For small, often desperately poor nations, these are sizeable and very tempting sums.

The end result has been a dramatic shift in the IWC voting balance. Ten years ago, when there were 35 active member states, the pattern was 11 or 12 voting with Japan and 22 or 23 opposed.

But by last year's IWC meeting at Ulsan in South Korea, the Japanese had, on paper, a voting majority of 33-30 of the 66 IWC members (three anti-whaling member states, Peru, Kenya and Costa Rica, being unable to vote because they are behind with their subscriptions).

Yet four Japanese client states - Belize, Mali, Togo and the Gambia - failed to turn up for the meeting, and so the Japanese were voted down, much to their anger.

Japan's leading representative at the meeting, Akira Nakamae, said at the time: "Our side's supporters are about to reach a majority soon.

"Some of you are so glad that some poor countries could not attend this meeting.

"However, next year they will all participate, and the reversal of history, the turning point, is soon to come."

An ineffective ban

* Commercial whaling has been banned since 1986 except for "scientific" purposes.

* Norway resumed commercial whale hunting in 1993, and Iceland followed in 2003.

* Despite widespread international opposition, Tokyo plans to kill 1,070 minke whales this year, 400 more than in 2005 and double the number it hunted a decade ago.

* More than 2,000 whales are likely to be hunted by Japan, Norway and Iceland this year in defiance of world opinion.

* Japan's fleet is legally allowed to hunt about 1,000 whales a year for "research purposes" and since the 1986 ban it has killed more than 5,000 minke whales.

* Despite the pretence of killing the animals for research, most of the meat is sold commercially.

The environmental movement is facing one of its biggest-ever reverses, over one of its most cherished causes: Save The Whale.

In a remarkable diplomatic coup, Japan, the leading pro-whaling nation, is poised to seize control of whaling's regulatory body, the International Whaling Commission (IWC), and so hasten the return of commercial whale hunting, which has been officially banned worldwide for the past 20 years.

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meeting in the West Indies, two months from now, this new majority is likely to become clear, and to be exercised for the first time. It will be a huge propaganda victory for the Japanese and the other nations determined to continue whale hunting, principally Norway and Iceland.

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They did so by a form of entryism - encouraging small, poor countries to join the IWC, most of which had no previous whaling tradition at all, and some of which - such as Mali and Mongolia - did not even have a coastline. In return, the new IWC members were given multimillion-dollar aid packages.

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Source: <http://news.independent.co.uk/environment/article358190.ece>

Appendix Two – Wildlife and Countryside Link letter to the Prime Minister

Rt Hon Tony Blair MP
Prime Minister
10 Downing Street
London
SW1A 2AA

27th January 2006

Dear Prime Minister,

HIGH LEVEL DIPLOMATIC ACTION ON WHALING

I write on behalf of the Whale Working Group of Wildlife and Countryside Link because of the increased risk of a return to commercial whaling. You have not yet replied to our letter on the same subject of 28 November, 2005. Wildlife and Countryside Link (Link) brings together voluntary organisations concerned with the conservation, enjoyment and protection of wildlife, the countryside and the marine environment. Together our members have the support of over 8 million people in the UK.

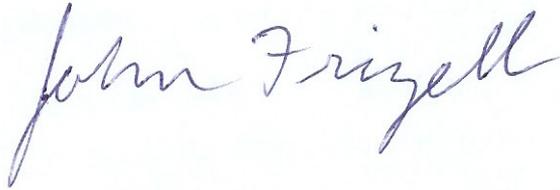
In recent years, the Government of Japan has been increasing its whaling catch whilst using aid packages to recruit developing countries to the International Whaling Commission (IWC) to support an immediate resumption of commercial whaling. Since the year 2000, 16 developing countries, most with no obvious interest in whaling matters, have joined the Commission and voted with Japan. At the 2005 IWC meeting, where Japan was within 1 or 2 votes of a simple majority, Japan's representative stated that "our side's supporters are about to reach a majority... next year they will all participate". That meeting is now less than 5 months away. This very serious situation has been made worse by Prime Minister Koizumi's decision of 15 Jan, 2006 to use Japan's foreign aid as a strategic tool in achieving foreign policy goals. If nothing is done to halt and reverse Japan's drive toward a majority at the IWC we expect to see the meeting in June declare its support for a reopening of commercial whaling. This would be a sad development for the UK, which opposes a return to commercial whaling, as well as for the whales.

We appreciate the commitment and hard work of the UK's delegation to the IWC and the efforts of your ministers, Elliot Morley and Ben Bradshaw. We note that last week the UK joined in a 17 nation demarche to Japan, strongly urging Japan to cease killing whales in the name of science. However, previous demarches signed by the UK have had no effect whatsoever. If the UK government is serious in efforts to protect whales a higher level of commitment is now essential if the drive to resume whaling is to be halted.

Accordingly, we ask that you and the Foreign Secretary take action by means of personal communications with the Prime Ministers of the 16 developing countries that Japan has recruited since 2000, to encourage these countries to end their support for a return to commercial whaling. We also request that you summon the

Japanese Ambassador to 10 Downing Street to discuss Japan's unacceptable behaviour in the IWC.

Yours sincerely,

A handwritten signature in blue ink that reads "John Frizell". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

John Frizell
Chair, Wildlife and Countryside Link Whale Working Group

On behalf of the following organisations:

- Campaign Whale
- Environmental Investigation Agency
- Greenpeace UK
- International Fund for Animal Welfare
- Marine Connection
- Royal Society for the Prevention of Cruelty to Animals
- Whale and Dolphin Conservation Society
- World Society for the Protection of Animals
- WWF UK