



A 50-YEAR VISION FOR THE IWC

Since the establishment of the International Whaling Commission (IWC) in 1946, the health of the ocean has dramatically declined; today the deterioration is accelerating, including from an increasingly urgent climate crisis. Human activities are already significantly affecting ocean and cetacean health, and many more challenges lie ahead.

The next 50 years will be critical for the future of the planet but represent just two generations for the largest whales.¹ The IWC celebrates its 75th anniversary in 2021. Its 68th meeting in 2022 therefore provides the perfect opportunity to define a clear 50-year vision that goes beyond managing whaling and establishes the IWC at the centre of global efforts to conserve all cetaceans and enable them to meet their full ecological potential as engineers of a healthy marine environment.

A VISION FIT FOR THE 21ST CENTURY

Almost three million great whales were killed in commercial whaling operations in the 20th century; more than two million on their feeding grounds in the Southern Ocean alone.² As whale populations declined but competition for the remaining whales increased, the International Convention for the Regulation of Whaling (ICRW), which established the IWC, was agreed in 1946 to conserve whale populations and regulate the whaling industry. Since then, the IWC has been the primary international organisation for the management and conservation of whales.³

In 1982, the IWC made the visionary decision to prohibit commercial whaling worldwide, preventing the extinction of several populations and species. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) responded in 1983 with a ban on international trade in products of the great whales. As a result, almost 40 years later, some whale populations have recovered, but many are nowhere near their pre-exploitation levels; the bans on commercial whaling and international trade remain critical to ensure that whales have the best chance of recovery in what is now a degraded marine environment.

Since its creation, the IWC has evolved from simply managing whaling of great whales to include a

broader conservation and welfare agenda relevant to all species of cetacean. However, at its 75th anniversary, the IWC needs a clear vision for its future and its global role.

In preparation for its 68th meeting, in Portorož, Slovenia, the IWC is considering making significant structural changes as part of a reform of its operations. The Working Group on Operational Effectiveness has an important role in ensuring that the IWC's structure and working arrangements are fit for purpose. But form should follow function, and both should be informed by a clear vision of the IWC's role and its priorities and goals for the next 50 crucial years.

From its original fifteen signatories in 1946, the membership of the IWC has grown to 88 countries from every corner of the world and it has developed unrivalled scientific, conservation and welfare expertise on cetaceans. This document describes how the IWC's exercise of its legal mandate has evolved beyond regulating hunting and outlines the additional threats that cetaceans face today. It calls for the adoption of a 50-year vision for the IWC at the **centre of global, regional and local efforts to ensure the full recovery and health of all cetacean populations, safeguard their welfare, and maximise their ecological contributions to healthy oceans.**

OCEAN IN CRISIS

Since the establishment of the IWC in 1946, the health of the world's oceans has dramatically declined. The degradation has accelerated so rapidly in recent years, scientific research can barely keep pace:

- The oceans are warming up to 40 percent faster on average than the Intergovernmental Panel on Climate Change (IPCC) estimated five years ago.⁴
- More than 150 million tonnes of plastics have accumulated in the oceans since the onset of industrial production in the 1950s.⁵
- Ocean acidification has increased by 26 percent since pre-industrial times.⁶
- Global maritime traffic increased four-fold between 1992 and 2012,⁷ with much greater increases in some areas, particularly in the Arctic, where vessel traffic, measured in distance travelled, rose by 56 percent from 2013 to 2018.⁸
- Shipping, seismic surveys and exploration and military activities have raised ambient noise levels throughout the world's oceans.⁹
- Thirty-three percent of fish stocks today are classified as overexploited and 60 percent are "maximally sustainably fished."¹⁰ Illegal, unreported or unregulated (IUU) fishing now represents up to one-third of global fish catches.¹¹

All of these and many other anthropogenic threats harm cetaceans directly and indirectly, often interacting in complex synergies that make their

overall impacts both more severe and more difficult to accurately predict at both the individual and population level. As the oceans degrade, increasing numbers of whales and dolphins are struck by vessels, entangled in marine debris and harmed by ingestion of plastic. An estimated 300,000 cetaceans are killed annually as bycatch in fisheries.¹² Recent estimates suggest that, since 1950, more cetaceans have been killed as bycatch in the Indian Ocean tuna fisheries alone than were killed by commercial whaling globally.¹³ Less immediately visible but no less insidious, cetaceans lose critical habitat to climate change and their feeding and communication are disrupted by increasing noise, meaning they have to alter or extend their migrations to find food or mates. Additionally, their immune and reproductive systems are compromised by chemical pollution, and life expectancy and live births are reduced. Some orca populations are so seriously affected that they are unable to reproduce.¹⁴

Of the 90 species, 12 subspecies and 28 subpopulations of cetaceans that have been identified and assessed to date, 22 are listed as 'Critically Endangered', 22 as 'Endangered' and 16 as 'Vulnerable'.¹⁵ The IWC is already addressing some of these threats and is focused on specific populations and species. With greater international collaboration and secure funding sources, however, its contribution could be much greater.





THE TIME TO ACT IS NOW

Billions of people depend on the ocean for their livelihood and food source and to transport goods. As the United Nations has observed, “increased efforts and interventions are needed to conserve and sustainably use ocean resources at all levels”.¹⁶ Ensuring that the Sustainable Development Goals (SDG) are met – particularly SDG 13 relating to climate change and SDG 14 which focuses on the health of oceans – must therefore be central to global marine conservation efforts, including those of the IWC. Overall, greater ambition, as well as the implementation and enforcement of existing policies and commitments, is vital to arrest the decline of the ocean and restore its health and resilience.

Before the disruption caused by the Covid-19 pandemic, 2020 was to be a landmark year for cooperative action on the ocean at both the global and regional level, including the second meeting of the UN Ocean Conference.¹⁷ Although this and other key meetings are being postponed or conducted virtually, it remains critically important not to lose momentum. This includes preparing for a new and ambitious international legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) under the UN Convention on the Law of the Sea,¹⁸

ensuring that the Post-2020 Global Biodiversity Framework under the Convention on Biological Diversity (CBD) includes a strong ocean element, and addressing ocean issues at the UN Climate Change Conference (CoP26) in the United Kingdom.

Similarly, it is critical that progress being made at the regional level is not lost: the eight Arctic states have reaffirmed their commitment to the protection of the Arctic environment,¹⁹ 54 Commonwealth countries are cooperating to solve ocean-related problems through the Commonwealth Blue Charter,²⁰ and the 27 EU Member States have made a legally binding commitment to achieve a Good Environmental Status (GES) within EU waters by 2020.²¹ Additionally, the UN Regional Seas Programme, which comprises 18 Regional Seas Conventions and Action Plans involving 143 countries, is in the process of developing a core set of indicators to assess the state of the marine environment.²²

Governments must take decisive action and find imaginative solutions to ensure that the pandemic does not prevent progress on these critical priorities for the ocean. This includes support of, and progress by, the IWC to ensure that it can contribute meaningfully to these important initiatives.

THE IWC'S BROAD MANDATE: MANAGEMENT, CONSERVATION AND WELFARE

The IWC's conservation objective is clearly set out alongside its management role in the preamble to the ICRW: *"Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks"* and to *"provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry."* The Commission is explicitly authorised by Article V (1) to adopt measures *"with respect to the conservation and utilisation of whale resources"* and by Article VI which allows it to *"make recommendations...on any matters which relate to whales or whaling and to the objectives and purposes of this Convention"*.

The IWC's primary purpose has evolved over its 75 year history – from conserving whales in order to maximise hunting quotas to developing a comprehensive programme of work addressing a wide range of other anthropogenic threats to all cetaceans, including climate change, noise and chemical pollution, bycatch and entanglement, marine debris, and vessel strikes.²³ Several important milestones and initiatives have significantly increased the relevance of the IWC as a global conservation body.

These include the creation of the Standing Working Group (later Sub-committee) on Environmental Concerns within the Scientific Committee in 1997 and the IWC's Conservation Committee in 2003, as well as the annual review of environmental threats and developments in the State of the Cetacean Environment Report (SOCER).²⁴ Recently, they include the development and implementation of conservation management plans (CMPs) for threatened and endangered species, the Bycatch Mitigation Initiative (BMI) and the Ship Strike Strategic Plan.

These developments also reflect the IWC's mandate to make recommendations on the management

and conservation of all 130+ cetacean species, sub-species and populations, not just the great whales. Central to this development was the establishment of the Small Cetaceans Sub-committee (SCSC) of the Scientific Committee in 1975.

The IWC's work on cetacean welfare has evolved to keep pace with our expanding scientific understanding of cetacean physiology, sentience and pain, as well as the field of ethics.²⁵ At first, the IWC's welfare mandate was only exercised through its regulation of hunting methods of whales,²⁶ but it now includes consideration of the impact of other human activities on the welfare of individual cetaceans, including bycatch, entanglement and ocean noise.²⁷ The IWC has also made significant progress recently in developing a welfare assessment tool for wild cetaceans.²⁸

In recent years, the IWC has further extended its management advice to the non-lethal uses of cetaceans, including whale watching, as well as the management of sanctuaries. Most recently, it has begun to consider the significant ecological and economic value of non-use of living cetaceans independent of their direct use, including to coastal habitats and communities. In particular, the IWC has begun to consider the contribution that cetaceans, alive and dead, make to vital ecological functions, including carbon sequestration and ocean productivity, and it recognises the need to take the ecological and economic value of these services into account in decision-making, including by other institutions and their parties.²⁹

As the planet, and in particular its ocean, faces an unprecedented environmental crisis, the IWC's well-established mandate for the management, conservation and welfare of cetaceans – the apex predators, engineers and sentinels of ocean health – compels it to ensure it plays a decisive role in meeting these global challenges head on. This should be the foundation of its vision.

A VISION FOR THE NEXT 50 YEARS

Over seven decades, the IWC has evolved significantly from its narrow beginnings as a small, industry-serving organisation that dispensed commercial hunting quotas. It is now a highly respected global body with unique expertise and a well-established legal mandate to implement a full range of management, conservation and welfare measures affecting all cetaceans, not just the great whales. It is also well positioned to make decisions and recommendations to other multilateral environmental agreements (MEAs) about the role of cetaceans as ocean sentinels and their ecological contributions.

Today, the IWC clearly has a **mandate** and **purpose** that go beyond regulating whaling, but as cetaceans and their ecosystems face increasingly dire challenges, the IWC is lacking a **vision** to define its future, including its global role among other international organisations and agreements, including MEAs, regional fishery management organisations (RFMOs) and environmental treaties, and its role in meeting the SDGs.

For the IWC to remain relevant and effective it needs a vision for the next 50 years that reflects the urgency of the climate crisis, biodiversity loss and other anthropogenic threats to cetaceans and the marine environment. This vision, and a strategic plan to implement it, should inform further decisions about changes to the institutional structure and governance arrangements of the IWC.

It is our vision for the IWC to be at the centre of global, regional and local efforts to ensure the full recovery and health of all cetacean populations, safeguard their welfare, and maximise their ecological contributions to healthy oceans.

This vision for the IWC would be achieved by prioritizing the following actions, in no specific order:

Increasing collaboration and partnerships with other MEAs

The IWC is the global expert on cetacean conservation but it cannot fulfil its vision in isolation; to contribute to ocean conservation and to global biodiversity and sustainable development goals, it must actively cooperate with other international and regional organisations. This must include effective information- and skills-sharing and make use of existing frameworks to harmonize research and mitigation efforts.

The IWC is already represented in the Biodiversity Liaison Group (BLG).³⁰ Cooperating to achieve the conservation targets of these MEAs will help the IWC support its own conservation programs – for individuals, species and habitats – and accomplish overarching conservation objectives. The IWC needs to ensure that its recommendations on measures to address different threats to cetaceans are expressed in ways that can translate directly into actions that these and other fora – including the International Maritime Organization (IMO), the Food and Agriculture Organization (FAO),³¹ the UN Regional Seas Program (including the Caribbean Environment Programme (CEP) and the South Pacific Regional Environment Programme (SPREP) and RFMOs³² – can undertake in line with their respective mandates.



The IWC should direct the Secretariat to identify other intergovernmental organisations that have an interest in whale watching and in reducing bycatch, vessel strikes and marine pollution that may be potential funding sources for the IWC's research and mitigation efforts for cetaceans. Sources of funds to explore include grant-making foundations and international financial organisations, especially those that fund the preservation of carbon-capturing ecosystems.

The IWC should use the successful model of the BMI (combining a coordinator in the Secretariat, a standing working group under the Conservation Committee and an expert panel)³³ to actively seek more opportunities for collaborative threat mitigation efforts – for example, on vessel strikes and marine debris. The BMI has been instrumental in the development of technical guidelines by the FAO to reduce bycatch³⁴ and is exploring further opportunities for collaboration on capacity-development programmes.³⁵

Maintaining a prohibition on commercial whaling

It is an obvious economic reality that commercial whaling is not a viable industry in the 21st century: Demand for whale meat has fallen to unprecedented levels in the three remaining nations conducting commercial whaling, and the industry is now dependent on significant government subsidies. The very nature of cetaceans – long lived, slow breeding, depleted and vulnerable to growing environmental threats – means that commercial whaling is inherently ill-suited to meeting the SDGs of providing food security (SDG 2), promoting sustained, inclusive and sustainable economic growth (SDG 8), and ensuring sustainable consumption and production patterns (SDG 12). In contrast, continuing to prohibit commercial whaling and international trade in whale products and facilitating the continued recovery of cetacean populations through conservation measures is the most rational way of meeting SDG 14 (conserve and sustainably use the oceans, seas and marine resources for sustainable development)³⁶ and SDG 13 (take urgent action to combat climate change and its impacts).

Commercial whaling has no place in a progressive vision of the IWC and is the easiest threat to cetaceans to remove, by maintaining the current ban. Coastal states considering whaling would be well advised to turn their food security concerns towards the more urgent goal of eliminating IUU and over-fishing, especially by industrial fleets.

Managing ASW

The IWC's most important whaling management responsibility is the regulation of Aboriginal Subsistence Whaling (ASW). It is vital that the IWC maintain a clear distinction between ASW and commercial and special permit whaling, to ensure the integrity of the moratorium and meet the genuine nutritional, cultural and subsistence needs of indigenous peoples. It is also imperative that decisions concerning ASW operations are based on sound science, including the science of animal welfare. In 2018, the IWC adopted a new procedure to facilitate the renewal of ASW catch limits when they are next considered at the 2024 meeting of the IWC. We do not believe further institutional changes are needed.

Ensuring whale watching is effectively managed

Whale watching is an industry worth more than US\$2 billion, enjoyed by over 13 million people in 119 countries each year, and employing more than 13,000 people worldwide.³⁷ It is the predominant use of whale resources globally, including among Contracting Governments to the IWC. However, as the success of whale watching continues to grow, it is imperative that the IWC ensures it is conducted responsibly and is biologically sustainable. The launch of the whale watching handbook in 2018 was a landmark achievement for the IWC, and a good example of partnerships with other MEAs (in this case the Convention on the Conservation of Migratory Species (CMS)), but it needs to be expanded and kept up to date to ensure government, regulators and industry have the best possible guidance available. Given the extensive expertise it has at its disposal, the IWC is well placed to continue this role into the future.

Implementing IWC Sanctuaries as Effective Marine Protected Areas

The IWC took the visionary step of designating two massive protected areas at a time (1979 and 1994) when marine reserves were a relatively new concept.³⁸ Today, there are more than 900 marine protected areas (MPAs) providing habitat for cetaceans globally³⁹ but not all have conservation goals, management plans to address threats to cetaceans, or enforcement provisions that were developed and approved with local stakeholders. The IWC is well placed to offer expertise on how to ensure that MPAs effectively protect cetaceans and provide nature-based solutions to climate change, including working with local stakeholders such as the fishing and marine tourism industries to ensure their activities contribute to the success of protected zones. The IWC also needs to ensure that actions to mitigate threats to cetaceans are implemented in IWC sanctuaries, and it should work with relevant partners to develop management advice for these zones.

Studying the impacts of anthropogenic activities on cetacean populations

The IWC's core budget should prioritise addressing the growing threats to cetaceans, not conducting population assessments for the purpose of determining commercial whaling quotas;

commercial whaling is prohibited and whaling nations should pay the costs of undertaking status reviews of targeted species.

To fulfil the vision proposed, the Scientific Committee must prioritise the following:

- Reviewing, commissioning and conducting non-lethal research to predict and quantify the global, regional and individual impacts on cetaceans from climate change, habitat degradation, plastics and other marine debris, bycatch and entanglements, chemical and noise pollution, and vessel strikes;
- Encouraging, coordinating and, where possible, undertaking non-lethal research to increase scientific knowledge of cetacean abundance, distribution, biology and ecology, behaviour, communication, social dynamics, and culture;
- Workstreams addressing at-risk species and populations.

Increasing CMPs for threatened and endangered species and for specific regions

The IWC's CMPs are flexible management tools that provide a framework for cetacean range states to work together to protect cetaceans from the array of threats they face and rebuild their populations. CMPs draw on the best available science and management



expertise from the international community, and they can be tailored to meet individual circumstances. In order for the CMP programme to meet its work plan and expand from addressing individual species to focusing on specific regions, funding from the core budget should be prioritised and additional funding sources sought. This would be consistent with the vision adopted by the Conservation Committee in 2016 of “healthy, well-managed and recovered cetacean populations worldwide”.⁴⁰

Consolidating the IWC’s welfare mandate

Even the most experienced whaler cannot guarantee that a harpoon or rifle shot will result in immediate death, and the potential for error can be significant. In most hunts, an exploding harpoon is fired from an elevated moving platform at a small target on a swimming animal that may surface for fewer than five seconds, sometimes under adverse weather and/or sea conditions. The result is often a strike that injures but does not kill the animal. Protracted “times to death” and high “struck and lost” rates defy international humane standards, such as those recommended by the World Organisation for Animal Health (OIE) and would not be permissible for animal slaughter in most countries.

Hundreds of thousands of cetaceans are entangled in, or ingest, fishing gear and marine debris; are struck by vessels; or are harmed by marine noise each year. These threats do not just have conservation impacts; the individuals involved can endure significant pain and suffering, including from infection, impaction of alimentary canals, starvation and even amputation of fins or tails.⁴¹ The IWC is already building a global response to entanglement but must expand its work and its collaboration with other organisations to better understand, measure and address other non-hunting welfare threats to cetaceans.

The IWC is uniquely positioned to ensure that the pain and suffering of cetaceans in both hunting and non-hunting situations is understood – including through the development of a functional welfare assessment tool⁴² – and minimised. A first step should be to establish a Welfare Committee of equal status to the Conservation and Scientific Committees that includes experts from the science of animal welfare.

Ensuring that decision-making reflects that the ecological contributions of cetaceans are a public good

Cetaceans make vital ecological contributions to the health and productivity of the oceans, including enhancing fish populations by increasing primary productivity, sequestering carbon, and promoting biodiversity.⁴³ A recent estimate puts the lifetime value of the average great whale at more than US\$2 million, based on the animal’s ecological services (such as mitigating climate change through carbon sequestration and boosting fisheries) plus economic contributions such as tourism.⁴⁴ It is timely that the Scientific Committee is working to better understand the ecological services provided by all cetaceans and that the Conservation Committee is considering how to review the ecological, management, environmental, social and economic aspects of their contributions. This growing area of expertise will put the IWC in a position to leverage funding for cetacean conservation from new sources, including international institutions that fund climate mitigation and other conservation efforts. It will also enable the IWC to provide advice to relevant marine industries – including the shipping and fishing sectors – and to RFMOs on economic measures and technical innovations that will eliminate bycatch and vessel strikes and assist cetaceans’ recovery to pre-exploitation levels, so that they can realise their full ecological potential.

Capacity Building

SDG 17.9 calls for the enhancement “of international support for implementing effective and targeted capacity building in developing countries to support national plans to implement all the sustainable development goals through North-South, South-South, and triangular cooperation.”⁴⁵ Capacity building is already an important aspect of the IWC’s work; it ranges from providing scientific advice on research projects and publications, to developing guidelines on the scientific and technical aspects of whale watching, to providing hands-on training of global networks of whale entanglement and stranding responders. Given the potential for increased funding through collaboration with other MEAs, the IWC should seek to increase its capacity-building efforts.

CONCLUSION

Cetaceans are sentinels of an environment in crisis. Despite the longstanding ban on commercial whaling, many species are not recovering from their earlier over-exploitation and some are in decline, even facing extinction. At the individual level, hundreds of thousands of whales and dolphins die painful deaths each year in direct interactions with fishing gear and vessels, while many more endure injuries for the rest of their lives. To reverse these trends and allow cetaceans to fulfil their full potential as ecosystem engineers and economic powerhouses for coastal communities, we need to increase our understanding of the anthropogenic threats they face and dramatically scale up mitigation efforts.

With its broad legal mandate and decades of expertise in cetacean management, conservation and welfare, the IWC is the best-placed intergovernmental organisation to understand and

respond to the effects on cetaceans of declining ocean health, climate change and the biodiversity crisis. But research and mitigation cannot happen in isolation. It is time for the IWC to take its place at the centre of local, regional and global efforts to address the environmental crises facing the oceans – coordinating with other MEAs and forging new collaborations with intergovernmental organisations and industry bodies that can take effective action.

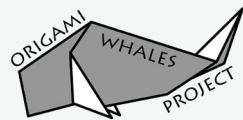
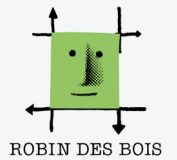
As it considers its future structure and operations, it is time for the IWC to adopt the vision to be the centre of global, regional and local efforts to ensure **the full recovery and health of all cetacean populations, safeguard their welfare and maximise their ecological contributions to healthy oceans.**

We call on governments to assert this vision for the IWC for the next 50 years and we stand prepared to support its implementation.



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A 50-YEAR VISION FOR THE IWC