

2016 Report of the *ad hoc* Aboriginal Subsistence Whaling Working Group

1. BACKGROUND

In 2011, the Commission endorsed a recommendation contained in document IWC/63/12rev to form an *Ad Hoc* Aboriginal Subsistence Whaling Working Group (ASWWG). The primary role of the ASWWG is to identify and consider unanswered ASW issues, including *inter alia* those identified in the 2011 report of the ASW Sub-committee (p. 71, *in* Chair's Report of the 63rd Annual Meeting), prior to the IWC's review of ASW catch limits in 2018 (IWC 67). The ASWWG is to prioritize the issues into those to be addressed in the short-term (to be addressed for IWC 64) and in the long-term (for IWC 65 and beyond).

The members of ASWWG are Argentina, Austria, Denmark, Japan, Russian Federation, Switzerland, and the USA, along with the Secretariat and two members of the Scientific Committee. The ASWWG reports to the ASW Sub-committee.

2. PROGRESS ON SHORT-TERM ISSUES

Working by correspondence and also convening a one-day meeting prior to the start of IWC 64 (2012), the ASWWG identified five short-term tasks and made the recommendations shown in Appendix 1 below. Regarding item 4, during the initial stages of deliberations one member had proposed adding this item as a short-term issue and this suggestion was adopted by consensus. Although noting the reservations of one member regarding items 2 and 3, the ASW Sub-committee subsequently endorsed these recommendations (IWC/64/ASW5 Rev1), and the Commission approved them (p. 25, *in* Chair's Report of the 64th Annual Meeting).

Regarding item 4, the proposed establishment of an IWC Voluntary Fund for ASW required review by the Finance and Administration Committee (F&A), and subsequent action by the Commission. At IWC 65 (2014), the F&A received clarification that the ASW Voluntary Fund was being established to help aboriginal subsistence hunters who do not have the means to participate in the IWC's work and to assist them in research and implementing improvements in whale killing methods that may be expensive to implement (p. 38, *in* Chair's Report of the 65th Meeting). The F&A endorsed the proposal and the Commission subsequently approved it (p. 41, *in* Chair's Report of the 65th Meeting; for details, see Appendix 3 of the Financial Regulations).

Regarding item 5 (Secretariat's review of previously agreed ASW management measures and definitions), the ASWWG has only approved the draft as a working document. This was a consequence of some ASWWG members desiring to defer action pending further review and consultations amongst ASWWG members. Following normal procedure after an annual meeting, the Secretariat posted on its website the Report of the ASWWG (IWC/64/ASW5 Rev1), which includes the Secretariat's draft working document as an attachment. Accordingly, while the document is generally available to IWC membership, it is still a working document and has not been adopted by the Commission.

3. PROGRESS ON LONG-TERM ISSUES.

3.1 Identification of long-term issues.

Based on its deliberations in preparation for IWC 64 (2012), the ASWWG had identified the seven issues shown in Appendix 2 below as those requiring more time for in-depth review.

3.2 Meeting with Native hunters.

Following IWC 64, the Association of Traditional Marine Mammal Hunters of Chukotka, the Alaska Eskimo Whaling Commission, and the Makah Tribe jointly submitted a letter to the ASWWG chair, indicating their desire to provide input on the issues under consideration by the ASWWG. They requested that the ASWWG convene a meeting with them to hear their perspectives on aboriginal subsistence whaling and the issues the ASWWG was discussing. The ASWWG subsequently agreed to do so.

Accordingly, the ASWWG met with Native hunters, representatives of other interested Contracting Governments and observers prior to the start of IWC 65 (2014), focusing on the seven long-term unresolved issues. The ASWWG also held a short closed session to consider some old business¹ that it had not been able to bring to closure by intersessional correspondence.

3.2.1 Hunters' presentations

Native representation at the meeting included hunters from the Alaska Eskimo Whaling Commission, the Makah Tribe, KNAPK (Organization of Fishermen and Hunters in Greenland), and the Chukotka Association of the Traditional Marine Mammal Hunters. Hunters from St. Vincent and the Grenadines had been invited but were unable to participate.

The Report of the ad hoc Aboriginal Subsistence Whaling Working Group with Native Hunters (IWC/65/ASW Rep01) shows that the presentations, ensuing questions and answers and subsequent dialogue were extensive and will not be summarized here. Hunter representatives expressed the following views, among others:

- Native whaling has occurred for thousands of years.
- Native people have the right to hunt and sustainably utilize whales and other wildlife.
- Native whaling provides food for entire communities including those nearby that aren't able to engage in whaling themselves but which may rely on or support the native whalers; through hunting and food sharing traditions, such hunts bind communities together.
- Native whaling is expensive and includes costs associated with, *inter alia*, acquiring equipment and its maintenance, fuel, support for whaling crew members, and training. Requirements imposed by the IWC make it even more expensive, particularly the use of penthrite grenades.
- While there is no strong opposition to changing the word "aboriginal" to "indigenous," most Native hunters do not believe that this is a high priority issue.
- Concerned about improving operational efficiency and preventing the suffering of the whales, Native whalers do strive to improve their hunts by utilizing modern technology and through ongoing education and training.

When asked to identify the most important issue, several hunters responded that they were all important, citing the linkages that they saw amongst them. Nonetheless, most ultimately emphasized that politics must be removed from decisions concerning ASW catch limits, as politics must never be used to threaten a community's food supply and security. Moreover, some saw a potential linkage between the proposed establishment of a standardized needs statement and politics. They wanted to be assured that such a proposal would indeed improve the management of ASW by IWC. Moreover, they indicated that, if such an exercise were undertaken, it should take a flexible approach to account for the great diversity of the hunts.

3.2.2 Discussion session

This session provided an opportunity for members of the ASWWG and other attendees to have a dialogue with the native hunters, asking additional questions, requesting clarifications, or providing their own perspectives on any of the material presented and discussed during the presentations. As shown by the following list of topics covered, the discussion ranged broadly: adoption or adaptation of modern technology; effects of climate change on ASW; sharing, barter and subsistence need; local subsistence use versus commercialization; availability and cost of weapons; workshop to consider priority issues.

3.2.3 ASWWG action items

The above discussions resulted in two main follow-up actions:

- The ASWWG agreed to develop a proposal to convene an IWC expert workshop on ASW to consider those long-term issues that were found to be of greatest concern, with particular focus on removing catch limits from political discussion and the careful development of an appropriate standardized needs statement. The proposal is available as Appendix 4 in IWC/65/ASW Rep01.

¹ Japan's request to first receive input from ASW members about (1) changing the term "aboriginal," (2) ensuring "local consumption versus commercialism" and (3) "establishing priorities for the long-term issues"; and Argentina's concern about the potential for conflicts between whale watching and hunting.

- The ASSWG also agreed that Japan, assisted by the U.S. and the IWC's Head of Science, would work interessionally to prepare a paper on the issue of local consumption versus commercialism, taking into consideration the input provided by the native whalers and the ASW countries. This would be provided as background for the expert workshop.

3.3 Expert workshop.

During IWC 65 (2014), the Commission reviewed and endorsed the proposal for an IWC expert workshop on ASW (p.8, *in* Chair's Report of the 65th Meeting). The relevance of the workshop to the Resolution on Aboriginal Subsistence Whaling (IWC/65/15)² was noted.

At the kind invitation of the Danish government, the workshop was subsequently convened in September, 2015, in Maniitsoq, Greenland. Former IWC chair, Bo Fernholm, served as workshop chair. A steering committee comprising the members of the ASWWG, the Head of Science and two members of the Scientific Committee, and chaired by Denmark, planned the workshop. The broad range of workshop participants included knowledgeable government representatives, scientists, Native hunters, invited experts such as cultural anthropologists and lawyers who had expertise regarding indigenous rights, observers and members of the Secretariat.

Besides considering the rather technical issues of developing a standardized needs statement and of removing ASW catch limits from political discussion, the workshop also discussed indigenous rights and cultural, subsistence and nutritional issues in a broader, international context than has previously occurred at IWC. For many participants, this latter discussion represented a first introduction to the concepts underlying indigenous rights.

The report of the expert workshop is available as document IWC/66/ASW Rep01 and will be introduced to the ASW Sub-committee during IWC 66 (2016).

4. FUTURE WORK

The Commission established the ASWWG's general work plan at IWC 63 (2011) and all of the WG's activities have since have been aimed at moving its deliberations forward on the unanswered ASW issues. It is possible that, at IWC 66, consideration of the Report of the IWC Expert Workshop on ASW (IWC/66/ASW Rep01) may result in newly assigned tasks. Otherwise, the ASWWG will complete its deliberations on the seven identified long-term issues (Table 2) and submit its final report to the ASW Sub-committee at IWC 67 (2018).

² The resolution requested that the ASW Sub-committee address as a matter of urgency, *inter alia*, the issue of standardized needs statements.

Appendix 1. Recommendations of the ASWWG Relating to the Five Short-term Issues (Source: IWC/64/ASW5 Rev1)

Task 1: Facilitating the exchange of technical information on ASW hunts.

Recommendations:

- (1) Request member governments with aboriginal subsistence hunts to cooperate, to the fullest extent, in the exchange of technical hunting information.
- (2) Acknowledge and encourage the activities of the ASW Caucus in facilitating the exchange of technical information among its members.
- (3) Request that the ASW Caucus add an item on "exchange of technical information" to the agenda for each of its meetings and consider any significant issues specific to ASW hunts, and forward them to the ASW Subcommittee.

Task 2: Standardising catch limits expressed as number of whales v. tons.

Recommendations: Encourage Denmark/Greenland to continue to report East Greenland's single species hunt in term of number of whales struck/landed. Along with this recommendation, the Chair noted that one member did not accept Greenland's explanation for expressing its nutritional subsistence need for whales in terms of tons.

Task 3: Discussing the merits of long term ASW catch limits.

Recommendation: The ASWWG noted the comments from a Scientific Committee workshop (SC/64/Rep3) and awaits final action by the Scientific Committee on long term catch limits. Along with this recommendation, the Chair noted that one member did not believe that the IWC should move beyond 5-year block catch limits for any population until it has adopted an SLA for that population.

Task 4: Discussing IWC or other funding sources to support implementation by ASW hunters of any new IWC requirements that may arise.

Recommendation: Propose the adoption of an IWC Voluntary Fund during IWC/65, including a request for the Secretary to make arrangements for the creation of such a fund whereby contributions can be registered and utilized by the Commission.

Task 5: Secretariat review of ASW management issues and definitions.

Recommendation: A working draft report has been completed and is with the ASWWG for review.

**Appendix 2. Long-term Unresolved ASW Issues Identified by the ASWWG
(Source: IWC/64/ASW5 Rev 1)**

- 1) Standardized need statement;
- 2) Removing ASW catch limits from political discussion;
- 3) Changing the term "aboriginal" in ASW;
- 4) Obtain adequate information for ASW catch limits;
- 5) Ensure local consumption versus commercialism;
- 6) Improve operational efficiencies; and
- 7) Improve welfare of the hunt.