

November 11, 2009

Dear IWC Commissioners
of the Buenos Aires Group,

The undersigned organizations wish to salute you and request the implementation of diplomatic actions against the slaughter of whales under the so-called "scientific whaling" operations.

The civil society of Latin America is concerned about the scientific whaling operations that will be conducted from December onwards in the Southern Ocean Whale Sanctuary under the Japanese Research Whaling Program in the Antarctic (JARPA II).

Under the framework of the complex negotiation process to define the future of the International Whaling Commission (IWC), the undertaking of whaling operations under special permit is an unacceptable mechanism of pressure that undermines the efforts to reach a successful agreement that would benefit the long term conservation of whale populations and the governance of the IWC.

In this regard we share the view expressed by the Buenos Aires Group in November 2008, when the governments "emphasized the need that all the parties involved in the ongoing negotiation process should generate gestures to help create a political climate that benefit the negotiating process." ^[1]

Unfortunately, from the beginning of the process, the Government of Japan has not provided any evidence that they will to stop or at least significantly reduce the so-called "scientific whaling" operations. In our view, this situation continues to generate a climate of polarization and distrust that delays advancement of the process and undermines the capacity of the IWC to reach agreements that represent the current interests of conservation and use of cetacean populations.

Since the implementation of the moratorium on commercial whaling, the Japanese Government has captured more than eight thousand whales in the Southern Ocean Whale Sanctuary. Since the JARPA II program began in 2006, the annual whaling quota increased to almost half of all whales taken under special permits per year ^[2], reaching levels that are similar to the commercial whaling annual quota for the Antarctic minke whale before the implementation of the moratorium. In this sense, we share the vision of 63 members of the Scientific Committee that in 2005 stated that this program goes "far beyond of the intention considered when Article VIII of the Convention was written." ^[3]

Although the statutes of the IWC ban the killing of female whales with calves, during the last "scientific whaling" season in the Southern Ocean (2008/2009), Japan captured a total of 679 Antarctic minke whales of which 304 were females. Nearly 63% of these whales were pregnant and four females were nursing ^[4]. These calves may have been dependent on their mothers and therefore could have died after the capture of these specimens.

Denounces made by civil organizations ^[5] also show that "scientific whaling" operations in the Southern Ocean have transgressed a number of laws related to safety at sea and the preservation of the marine environment. In November 2008, the Panama Maritime Authority de-flagged of the Japanese vessel *Oriental Bluebird*, because the crew engaged in activities that exceeded its patent and were contrary to the national and international policies of this nation.

Additionally, operations of the Japanese whaling fleet in the Southern Ocean constitute a threat to the vulnerable Antarctic ecosystem. In 2007 the factory ship *Nisshin Maru* suffered a fire while being in the Southern Ocean waters. As a result, the ship drifted for thirteen days with over a thousand tons of fuel and chemicals in the vicinity of one of the largest colonies of Adelie penguins (*Pygoscelis adeliae*). By refusing assistance, the Government of Japan contravened the provisions of the Antarctic Treaty ^[6].

Likewise, and considering that a recent research ^[7] reveals that "scientific whaling" operations are not economically viable and depend heavily on government subsidies, it is justifiable that the process of reform the IWC consider its elimination.

In this regard, in 2007 the BAG "underlined what was expressed in the Declarations of Buenos Aires in 2005 and 2006 to continue - jointly and coordinated – the follow up and rejection of commercial whaling activities and lethal scientific research ^[8].

Consequently, the negotiation process to define the future of the IWC should not diminish the strong and permanent commitment that the Latin American and Southern Hemisphere countries have with the non lethal use of cetaceans, the continuity of the global moratorium on commercial whaling and the end of "scientific whaling" operations.

In this context, the organizations adhered to this letter wish to call upon the governments that participate in the Buenos Aires Group to meet their commitments and lead diplomatic actions against the indiscriminate slaughter of whales that will take place from next December in the waters of the Southern Ocean Whale Sanctuary.

Thank you for your kind attention, we look forward to a positive response of the request made by the civil society organizations working in Latin America.

Kindest regards,

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[1] V Meeting of the Buenos Aires Group. Santo Domingo de Heredia, Costa Rica. 10-13 november 2008.

[2] Of all nations that have conducted whaling operations under special permit.

[3] Report of the Standing Working Group on Scientific Permits. IWC/57 Scientific Committee Report. Annex O1.

[4] Document SC/61/03. Cruise Report of the Second Phase of the Japanese Whale Research Program under Special Permit in the Antarctic (JARPA II) in 2008/2009.

[5] In 2008 Greenpeace y and the NGOs from Panama ASVEPA (Asociación Verde de Panamá), FSOCIAM (Foro de la Sociedad Civil Ambiental) denounce the illegal operations of the vessel *Oriental Bluebird*.

[6] Article 5(3)(a) of the annex regarding Responsibility in Environmental Emergencies of the Antarctic Treaty establishes that when an event constitutes an environmental emergency and the impact to the environment is imminent, it is reasonable to take immediate actions.

[7] Economics of subsidies to whaling. Report prepared in 2009 for WWF-UK and WDCS by Economics for the Environment Consultancy (eftec).

[8] Declaration of the II Latin American Meeting on Cetacean Conservation of the Buenos Aires Group (December 4-5, 2007)