



WWF

REPORT

ANTARCTICA

2018

# WHALES KILLED IN ROSS SEA MARINE PROTECTED AREA

**WWF analysis presented before the International Whaling Commission (IWC) in Brazil in September 2018 shows the government of Japan and the Institute for Cetacean Research undertook lethal whale research activities in the Commission for the Conservation of Antarctic Living Resources (CCAMLR) Ross Sea Marine Protected Area (MPA) in Antarctica this year – only months after the area came into force.**

The International Convention for the Regulation of Whaling (1946) is the legal agreement which establishes the IWC. Special permit whaling, also known as “scientific whaling”, allows any of its signatories to ‘kill, take and treat whales for purposes of scientific research’. Article VIII of the Convention states that countries are permitted to kill whales for scientific research purposes and gives responsibility for setting and regulating these catches to individual governments, not the IWC.<sup>1</sup>

Established in 1994, the Southern Ocean Sanctuary is an area of 50 million square kilometres surrounding the continent of Antarctica where the IWC has banned commercial whaling. The Ross Sea MPA is within this region.

## KEY MESSAGES

- The Ross Sea MPA was designated in 2016 under CCAMLR Conservation Measure 91-05 and came into effect on 1 December 2017. The Ross Sea MPA prohibits human activities, including fishing, in its General Protection Zone and is governed by CCAMLR.
- Whaling activity under Japan’s special permit, *the New Scientific Whale Research Program in the Antarctic Ocean* (NewRep-A), took place inside the General Protection Zone of this newly designated Ross Sea MPA, where fishing is banned.
- Article VI of the CAMLR Convention places responsibility for conservation and management of whales in the Southern Ocean to the IWC.<sup>2</sup>
- WWF is concerned three Japanese fisheries vessels involved in scientific whaling operations may have transferred harpooned whales between them – known as transshipment – while within the Ross Sea MPA.
- The government of Japan strongly supported marine protected areas at CCAMLR and voted in favour of Conservation Measure 91-05 along with other members, achieving consensus in 2016.
- This activity demonstrates a loophole which enables whales to be harpooned and transhipped within a CCAMLR protected area and IWC sanctuary.
- WWF is concerned the government of Japan is not abiding by international policy agreements in “good faith” and highlights the far reach and negative impact of special permit programmes on international policy agreements.

## RECOMMENDATION

The Ross Sea MPA is supposed to have special protection from human activities to safeguard a wealth of Antarctic wildlife. WWF is calling on CCAMLR to work with the IWC and the Japanese government to close the loophole where special permit whaling can occur in an internationally agreed ocean sanctuary, future designated CCAMLR MPAs and the wider Southern Ocean Sanctuary.

## WWF analysis of whaling activities in the Ross Sea MPA

In April 2018, the IWC Scientific Committee (IWC-SC) met in Bled, Slovenia. The IWC-SC's paper SC/67B/SCSP/08 presented the results of the NewRep-A survey during the 2017-18 Austral summer season.<sup>3</sup> According to the paper, NewRep-A's two main objectives are:

1. "Improvements in the precision of biological and ecological information for the application of the RMP [Revised Management Procedure] to the Antarctic minke whales.
2. Investigation of the structure and dynamics of the Antarctic marine ecosystem through building ecosystem models."<sup>3</sup>

Of note, the paper highlights activities in IWC Area VI, which overlaps with the Ross Sea MPA. In Area VI-East, the survey was conducted early in the season (December to January).

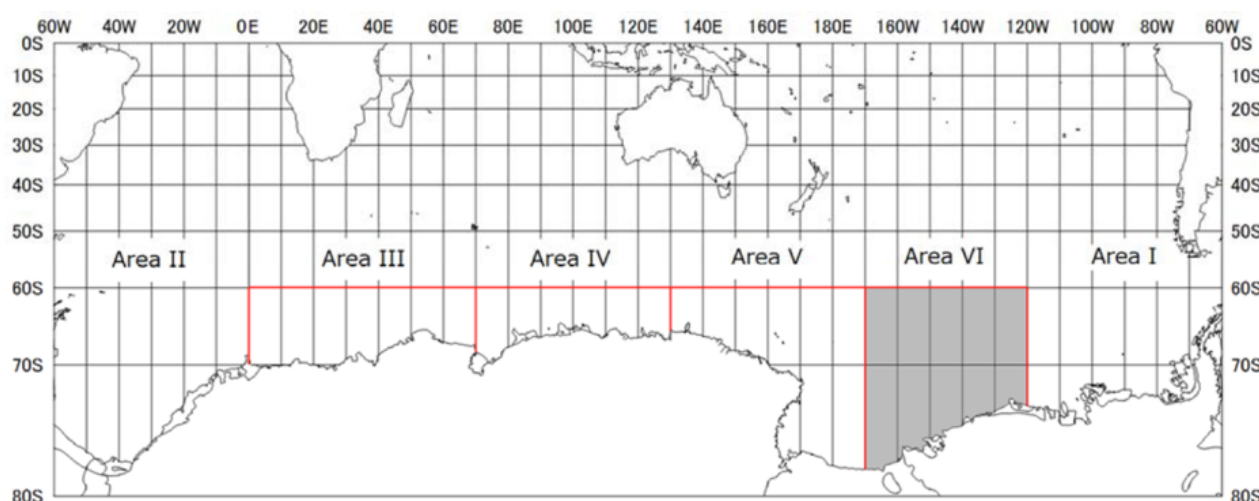


Figure 1: Figure from the IWC-SC paper SC/ 67B/SCSP/08 outlining IWC Area VI. Area. VI-West: South of 69°S overlaps with the Ross Sea MPA.

### NewRep-A activities in the Southern Ocean

The paper presents a variety of data collected from two sighting and sampling vessels (SSVs) and one research base vessel:

- Two SSVs Yushin-Marun and Yushin-Marun No. 3 – both registered fisheries vessels under International Maritime Organisation (IMO) – engaged in the sighting and sampling survey. They were equipped with a top barrel platform, upper bridge platform and a whaling cannon. One researcher was on board each SSV.
- Biological research of the sampled whales was carried out on board the research base vessel, Nisshin-Marun – registered as a fisheries research vessel under the IMO. Twelve researchers, including the cruise leader, were on board the Nisshin-Marun.

In the paper, data and sightings information are presented. Sightings protocols were used from previous surveys. Sighting effort was conducted from the top barrel platform with three primary observers, and the upper bridge. Sample size for Antarctic minke whales was set as 333 animals. Whales were sampled using a random sampling procedure.<sup>3</sup>

The paper states: "One or two minke whales were sampled randomly from each primary sighted school using harpoons with a 30g penthrate grenade. Sampled whales were immediately transported to the research base vessel, where biological measurements and sampling were carried out."<sup>3</sup>

Between November 2017 and March 2018, 333 whales were lethally sampled (killed) from 344 targeted individuals. Table 1 in the paper outlines the survey itinerary of the 2017-18 NewRep-A sighting and sampling survey. Dates whaling activities near and within the Ross Sea MPA are highlighted in blue in Table 1.

Event	Date
Departure from Japan 9 Nov. 2017	9 Nov. 2017
Low and middle latitudinal sighting survey	27 Nov. 2017 - 7 Dec. 2017
Whale sampling survey (VI-East) 8	8 Dec. 2017 - 1 Jan. 2018
Whale sampling survey (VI-West)	30 Dec. 2017 - 21 Jan. 2018
Whale sampling survey (VI-West: South of 69° S)	22 Jan. 2018 - 28 Feb. 2018
Low and middle latitudinal sighting survey	5 Mar. 2018 - 14 Mar. 2018
Arrival in Japan 31 Mar. 2018	

Table 1.<sup>3</sup>

## WWF analysis – Methods

WWF analysed the map entitled *Figure 3. Sighting positions of sampled Antarctic minke whales* (presented in this report as Figure 2) displaying the sighting locations of Antarctic minke whales before they were lethally sampled.

WWF:

1. Exported the figure from the report in PDF format (Adobe Acrobat) as high-resolution image (JPEG).
2. Imported the map image into ESRI ArcGIS v10.4 (<https://www.esri.com/>).
3. Georeferenced the map image using the latitude and longitude coordinates to match the southern polar projection of the basemap and polar gridlines (*South Pole Lambert Azimuthal Equal Area: GCS\_WGS\_1984*).
4. Imported an ESRI shape file downloaded from the CCAMLR online data repository to display the Ross Sea Marine Protected Area polygons and analysed areas where Antarctic minke whales were sampled within the General Protection Zone.
  - Source: <https://data.ccamlr.org/dataset/marine-protected-areas>
  - File: mpa-shapefile-WGS84.zip
5. Counting by hand, WWF estimates around 50 animals were lethally sampled, noting there was overlap with points.
6. The IWC-SC report *Table 2* displays information on the sex and reproductive status of Antarctic minke whales sampled in each stratum. IWC area *VI-West – South of 69° S* (Figure 2) where 194 Antarctic minke whales were sampled (killed) – 61 Males / 133 Females. 110 of the females killed were pregnant. Part of this survey area overlaps with the Ross Sea Marine Protected Area, General Protection Zone.

## Transshipment

NewRep-A operated with three vessels within the Ross Sea MPA, two vessels lethally sampling whales and one vessel processing samples.

WWF notes potential transshipment of living resources may have occurred within the MPA.

Conservation Measure 91-05 states: “Notwithstanding Conservation Measure 10-09, no fishing vessel may engage in transshipment activities within the MPA, except in cases where vessels are involved in an emergency relating to safety of human life at sea or engaged in a search and rescue operation”.<sup>4</sup>

Article II of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR Convention) defines **living resources** as “populations of fin fish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence”.<sup>2</sup> WWF considers Antarctic minke whales are species of *living organisms* found in this region.

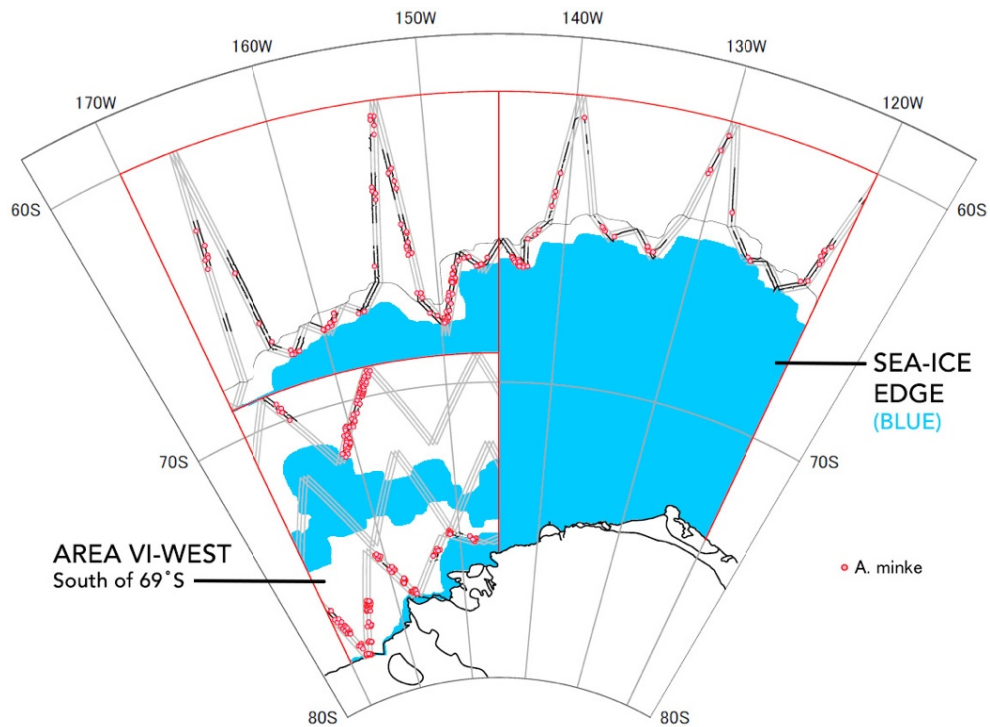


Figure 2: Sighting positions of sampled (killed) Antarctic minke whales displayed as red dots. The light-blue area shows sea-ice distribution, which decreases over the Austral summer – from Figure 3 in the IWC-SC paper.

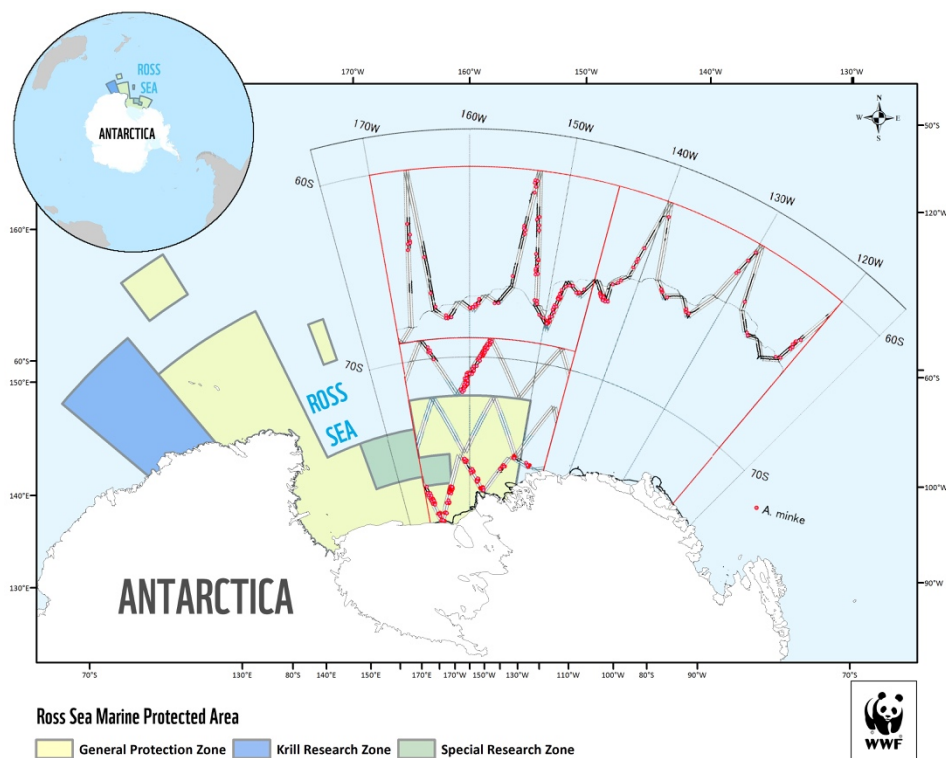


Figure 3: The map from Figure 3 in the IWC-SC paper is georeferenced in ESRI ArcGIS 10.4 displayed with the boundaries of the Ross Sea MPA. Original map background colour and ice shelf data were removed.

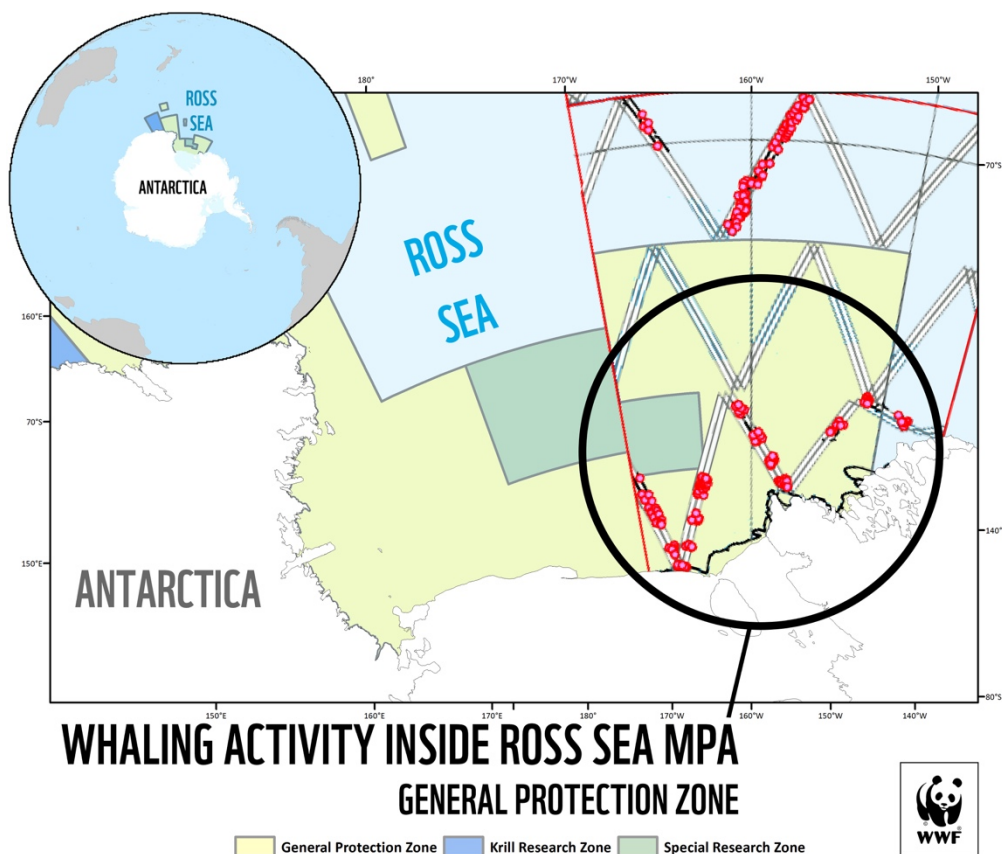


Figure 4: A close-up view of whaling and Antarctic minke whale sightings (red dots) and ship search effort (black lines) before the whales were killed. Whaling activity took place within the boundaries of the Ross Sea MPA General Protection Zone, which limits all fishing activities under CCAMLR Conservation Measure 91-05 (Area VI-West: South of 69° S – IWC).

## About the IWC

The International Whaling Commission (IWC) is the global body charged with the conservation of whales and the management of whaling. The IWC has 87 member governments; all are signatories to the International Convention for the Regulation of Whaling, the legal framework that established the IWC in 1946.

The Southern Ocean Sanctuary is an area of 50 million square kilometres surrounding the continent of Antarctica where the IWC has banned commercial whaling. Currently, the IWC has designated two such sanctuaries, the other being the adjacent Indian Ocean Sanctuary. Japan objected to the establishment of the Southern Ocean Sanctuary, but only to the extent that it applies to Antarctic minke whales. The Ross Sea MPA is within this region.

The New Scientific Whale Research Program in the Antarctic Ocean (NewRep-A) is a government of Japan special permit research programme in the Southern Ocean and has conducted three seasons. Special permits for scientific purposes allow whaling that is not regulated by IWC rules. NewRep-A proposes killing up to 333 minke whales each year until 2027. NewRep-A is similar to Japan's previous whaling programme, JARPA II, which also focused on the lethal sampling of minke whales.<sup>5</sup>

***On 31 March 2014, the International Court of Justice ruled that the government of Japan should revoke all existing permits for “scientific whaling” included in the JARPA II programme in the Southern Ocean and refrain from granting any further permit.***

Although the IWC does not regulate special permit whaling, Article VIII of the International Convention for the Regulation of Whaling<sup>1</sup> stipulates that any country undertaking special permit whaling should report to the IWC each time a permit is issued. It also states that the scientific information produced by the special permit should be presented, at least annually, to the commission. This information is

received by the IWC Scientific Committee, which reviews all special permit whaling proposals and the results of any programmes using a process known as Annex P. The committee's findings are reported to the commission. The committee's review has found no activities within NewRep-A that are sufficiently scientifically robust and different from JARPA II to alter the International Court of Justice judgment that these activities have *not* been undertaken “for purposes of scientific research”.

At the 2016 IWC Commission Meeting, a Resolution to improve the review process for whaling under special permit was proposed and adopted by vote. Among its measures is the formation of a new Standing Working Group of Commissioners to consider special permit-related reports and recommendations arising from the IWC Scientific Committee.<sup>6</sup>

The Standing Working Group concluded “that NewRep-A has not provided adequate evidence to justify the need for lethal sampling”.

## CCAMLR and its relationship with the IWC

The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) was established by international convention in 1982 with the objective of conserving Antarctic marine life. This was in response to increasing commercial interest in Antarctic krill resources, a keystone component of the Antarctic ecosystem, and a history of over-exploitation of several other marine resources in the Southern Ocean.

CCAMLR has 25 members including Japan, and a further 11 countries have acceded to the Convention on the Conservation of Antarctic Marine Living Resources (CAMLRL Convention). Based on the best available scientific information, CCAMLR agrees a set of conservation measures that determine the use of marine living resources in the Antarctic<sup>1</sup> and practises an ecosystem-based management approach. This approach does not exclude harvesting if it is conducted sustainably and considers the effects of fishing on other components of the ecosystem. However, it is banned or restricted within marine protected areas.

The CAMLR Convention forms an integral part of the Antarctic Treaty System. Under Article III of the CAMLR Convention, contracting parties, whether or not they are parties to the Antarctic Treaty, agree to refrain from activities in the Antarctic Treaty area that are contrary to the principles and purposes of that Treaty and that – in their relations with each other – they are bound by the obligations in Article I and V of the Antarctic Treaty.

**Article VI of the CAMLR Convention places responsibility for conservation and management of whales in Southern Ocean to the IWC.**<sup>2</sup> However, CCAMLR and its Scientific Committee cooperate with inter-governmental and non-governmental organizations for mutual benefit. Cooperation may be informal or, as appropriate, by formal agreement, including the IWC.<sup>7</sup> This includes IWC participation as an observer reporting into CCAMLR SC meetings and discussions of future joint workshops.

## CCAMLR Conservation Measure 91-05 (2016) – Ross Sea Marine Protected Area

Marine protected areas are protected areas of seas restricting human activity for a conservation purpose, typically to protect natural or cultural resources.

In October 2016, CCAMLR members passed Conservation Measure 91-05 establishing the Ross Sea Marine Protected Area (MPA) region. It came into effect on 1 December 2017 for a period of 35 years.<sup>4</sup> CCAMLR notes that the “Ross Sea region contains features of exceptional ecological value and scientific importance and that the Ross Sea shelf is one of the most productive areas of the Southern Ocean and one of the few places in the world that still has its full community of top-level predators”.

The MPA is “designated to contribute to the following specific objectives, in line with Article II of the CAMLR Convention:

- i. to conserve natural ecological structure, dynamics and function throughout the Ross Sea region at all levels of biological organisation, by protecting habitats that are important to native mammals, birds, fishes and invertebrates;

- ii. to provide reference areas for monitoring natural variability and long-term change, and in particular a Special Research Zone, in which fishing is limited to better gauge the ecosystem effects of climate change and fishing, to provide other opportunities for better understanding the Antarctic marine ecosystem, to underpin the Antarctic toothfish stock assessment by contributing to a robust tagging program, and to improve understanding of toothfish distribution and movement within the Ross Sea region;
- iii. to promote research and other scientific activities (including monitoring) focused on marine living resources;
- iv. to conserve biodiversity by protecting representative portions of benthic and pelagic marine environments in areas where fewer data exist to define more specific protection objectives;
- v. to protect large-scale ecosystem processes responsible for the productivity and functional integrity of the ecosystem;
- vi. to protect core distributions of trophically dominant pelagic prey species;
- vii. to protect core foraging areas for land-based top predators or those that may experience direct trophic competition from fisheries;
- viii. to protect coastal locations of particular ecological importance;
- ix. to protect areas of importance in the life cycle of Antarctic toothfish;
- x. to protect known rare or vulnerable benthic habitats; and
- xi. to promote research and scientific understanding of krill, including in the Krill Research Zone in the north-western Ross Sea region.”

It established three zones: the General Protection Zone, Special Research Zone and Krill Research Zone. Fishing activities are prohibited within the General Protection Zone.

## WWF position on “scientific” and commercial whaling

WWF’s goal is to ensure that viable populations of all cetaceans (the collective name for all whales, dolphins and porpoises) occupy their historic range and fulfil their role in maintaining the integrity of the ocean ecosystem. We work at a local level and across a broad range of international fora to address and reduce threats to cetaceans. In doing so, WWF acknowledges the widely varied cultural attitudes toward the conservation and management of whales.

WWF opposes commercial whaling, now and until WWF is convinced that the governments of the world have brought whaling under international control, with a precautionary and conservation-based enforceable management and compliance system adhered to by the whaling nations.

WWF has helped to design, develop and implement non-lethal research techniques to study cetaceans since the 1970s. We collaborate with researchers, non-governmental organizations and governments on innovative ways to improve the conservation of cetaceans globally, including with the International Whaling Commission Southern Research Programme.

## Summary

The Ross Sea MPA is supposed to have special protection from human activities to safeguard a wealth of Antarctic wildlife. Article VI of the CAMLR Convention places responsibility for conservation and management of whales in Southern Ocean to the IWC. Article VIII of the IWC Convention states that countries are permitted to kill whales for scientific research purposes and gives responsibility for setting and regulating these catches to individual governments, not the IWC.

WWF is calling on CCAMLR to work with the IWC and the Japanese government to close the loophole where special permit whaling can occur in an internationally agreed ocean sanctuary, future designated CCAMLR MPAs and the wider Southern Ocean Sanctuary.

## References

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### Why we are here

To stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature.

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