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Minister for the Environment and Heritage
Senator for Western Australia

Ms Gillian Gould
Secretary
Joint Standing Committee on Treaties
Room R1/109
Parliament House
CANBERRA ACT 2600

31 MAR 2005

TT 7 December 2004
Submission No: 6

Dear Ms Gould

I refer to questions taken on notice from the Hon Dick Adams MP, Member for Lyons, at the 7 March 2005 hearings of the Joint Standing Committee on Treaties concerning the 2004 Amendments to the Schedule to the International Convention for the Regulation of Whaling, 1946. The answers to the questions are as follows:

Mr ADAMS-- I know that, and I have read the ones on the scientific arguments, but I have not read the arguments about Norway [regarding its policy position on whaling]. You cannot help me there?

The Norwegian Government outlined in summary form its policy approach to marine mammals recently in a white paper (copy attached). The white paper outlines the Norwegian Government's intention to develop a more active management regime for marine mammals (i.e. whales and seals) including: (1) providing stricter protection of threatened and vulnerable stocks; (2) increasing catches from harvestable stocks (including minke whales); and (3) adopting an ecosystem-based management regime for living marine resources (in which marine mammals are viewed as harvestable components of the ecosystem).

Mr ADAMS--How many species [of whales] are now endangered in the oceans of the world?

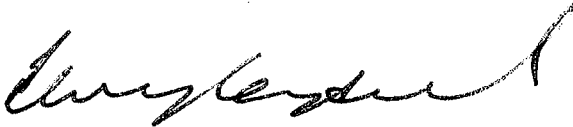
The following registers list threatened Cetacean species: (1) the Action Plan for Australian Cetaceans; (2) International Union for the Conservation of Nature Red List of Threatened Species; (3) Convention on the Conservation of Migratory Species of Wild Animals; and (4) Convention on International Trade in Endangered Species of Wild Fauna and Flora.

These registers categorise Cetacean species, stocks or populations in a hierarchical manner depending on the extent to which they are threatened with extinction. The attached table provides a summary list of the 34 Cetacean species, stocks or populations identified by at least one of these four registers as either endangered or critically endangered, or meriting the highest degree of protection.

Of the 45 Cetacean species found in Australian waters, 16 species are included in the aforementioned table.

During the hearings Dr Tony Press, Director of the Australian Antarctic Division, extended an invitation to the members of the Joint Standing Committee on Treaties to visit the Australian Antarctic Division's headquarters in Kingston, Tasmania. As the members' schedule permits, I invite them to contact Dr Press directly on 03 6232 3200 to arrange a mutually convenient date and time for a visit.

Yours sincerely



IAN CAMPBELL



Report No. 27 to the Storting

(2003-2004)

Norway's policy on marine mammals

*Recommendation from the Ministry of Fisheries, 19 March 2004,
approved in the Council of State on the same day*

1 Summary

1.1 Background

The Norwegian Government hereby presents its policy on marine mammals. Proposition no. 1 (2003-2004) to the Storting (the Government's budget proposal) stated that one of the Ministry of Fisheries' priorities in 2004 would be to publish a white paper reviewing the problems and challenges relating to the management of marine mammals.

The purpose of this white paper is to present a proposal for a new, coherent, active management regime for marine mammals, based on modern principles for the management of species, habitats and ecosystems. It also forms part of Norway's efforts to implement the ecosystem approach to the management of its marine resources. This is in accordance with one of the goals of the World Summit on Sustainable Development in Johannesburg in 2002, which was to encourage the application by 2010 of the ecosystem approach to fisheries management. The Government will take advantage of international fora to seek the widest possible acceptance of Norway's management regime for marine mammals.

Norway's marine mammal policy follows the principle of conservation and sustainable use based on scientific advice. The Government also follows the principle that no hunting of seals or whales should be permitted in cases where estimates of stock size are not available.

The Storting (Norwegian parliament) has been kept informed of developments in whaling and sealing and has kept the issue under close observation.

In recent years, the role of marine mammals in the marine ecosystem has attracted increasing attention. Recent research shows that rational management of marine mammals can be of major importance for the economy of the fisheries sector. The Storting has debated this aspect of the issue several times. There is now growing understanding of the importance of the ecosystem approach to management both nationally and internationally.

1.2 Proposed measures

The Government wishes to develop a more active management regime for marine mammals, and therefore proposes to give threatened and vulnerable stocks stricter protection, increase catches from harvestable stocks, and prepare for the transition to an ecosystem-based management regime for living marine resources, in which marine mammals are also to be viewed as harvestable components of the ecosystem. To achieve these objectives, the Government will implement the following measures:

General measures:

- Introduce a set of general principles to be used as a basis for marine mammal management in Norway, and seek to achieve the widest possible international support for them.
- Establish a scientific basis for the transition to the ecosystem approach to management; in this connection, the size of marine mammal populations must be evaluated in relation to management of other living marine resources.
- Continue current monitoring programmes for various stocks and introduce monitoring of stocks that are not included in the current system.
- Review the determination of critical reference points and precautionary reference points for viable stocks of seal and whale species whose natural distribution range includes Norwegian waters.
- Establish monitoring programmes for bycatches of marine mammals in fisheries and evaluate their effect on marine mammal stocks. Norway will, together with other North Sea states, follow up the Bergen Declaration adopted at the Fifth International Conference on the Protection of the North Sea by taking part in a recovery plan for harbour porpoises in the North Sea.
- Facilitate adjustments of catch capacity to the resource base. These will include both replacing vessels and increasing catch capacity from its current level, particularly in the sealing industry. The Government believes that this can be done by introducing a "quota bonus" scheme for vessels that are used for fishing in combination with sealing.
- Introduce licensing schemes for whaling and sealing as one means of establishing a predictable framework for these industries.

Measures relating to whales:

- Seek to increase the harvest of minke whales within the framework of the International Whaling Commission (IWC). If this goal proves to be impossible to achieve in the longer term, the Government may consider whether Norway should support management of minke whales through the North Atlantic Marine Mammal Commission (NAMMCO).
- Review how the DNA register for minke whales can be used to calculate stock sizes.
- Develop methods for electronic surveillance of the whale hunt and replace the current system of inspectors with electronic surveillance.
- Permit a longer whaling season as soon as it is possible to introduce electronic surveillance.

Measures relating to seals:

- Increase catch quotas for the harp seal stocks substantially from the current levels to reduce these stocks to levels that will give the maximum long-term harvest of seals. Harp seals in the East Ice must be managed in cooperation with Russia.
- Implement measures to improve knowledge of the stock size and population biology of hooded seals.
- Review methodological improvements of the monitoring system for coastal seal species.
- Regulate population growth in coastal seals to reduce damage to the fisheries, etc., and at the same time maintain viable stocks on the basis of scientific advice.
- Permit foreign nationals to take part in hunting for coastal seals provided that they do so under expert guidance.
- Reorganise support for sealing to increase profitability; this will mean a greater emphasis on product development, processing and marketing. Business profitability is an essential basis for a lasting rise in the numbers of seals harvested.
- Encourage sealers to establish joint projects with Russian companies to increase seal catches in the East Ice. Norway runs a business development fund and an investment fund for northwestern Russia, and these can provide funding for such projects.
- Assess the need for mobile slaughtering units for seals.

The central topic of this white paper is the establishment of an ecosystem-based management regime for marine mammals in areas under Norwegian jurisdiction. This is a long-term process, and the white paper proposes steps that can be taken towards the goal. One of these is to devise harvesting strategies and propose measures to implement them.

The ecosystem approach to management of marine resources was also discussed in the white paper *Protecting the Riches of the Seas* (Report No. 12 (2001-2002) to the Storting), in which the Government expressed its intention of developing a coherent ecosystem-based management regime for Norway's marine and coastal areas.

The purpose of the measures proposed in this white paper is to take political action to improve the profitability of whaling, sealing and the fisheries. Considerably better profitability, particularly in the sealing industry, is an essential basis for rational and sustainable harvesting of marine mammals within the framework of a future ecosystem-based management regime for living marine resources in Norwegian waters.

1.3 Summary of the individual chapters

Chapter 2 describes the purpose of this white paper in more detail and discusses the main challenges we need to deal with in the management of marine mammals.

Marine mammals are a renewable resource and also an important component of biological diversity in marine ecosystems. They must therefore be included in a

coherent ecosystem-based management regime for Norwegian waters. The precautionary principle is to be used as a basis for decisions on harvesting and other forms of environmental disturbance or developments that may have an impact on stock status and the numbers of marine mammals.

The total biomass of the marine mammal species most commonly observed in Norwegian waters is substantial, and the biomass of the prey they consume is estimated to be of the order of 5.5 million tonnes per year. By way of comparison, the Norwegian fisheries harvested a total of 2.74 million tonnes from the same ecosystems in 2002. This indicates the competition between humans and marine mammals, which must be given considerable weight in managing these species.

Chapter 3 describes the Norwegian legislation on whaling and sealing. It also gives an account of international law in this field and commitments under international agreements to which Norway is a party. US and EU legislation in this field is also discussed.

In many countries, the basis for Norway's marine mammal policy is not understood or accepted, and from time to time there have been threats of trade sanctions against Norway or calls for a consumer boycott on Norwegian seafood. *Chapter 3* includes an account of such campaigns. It concludes that they have not caused any significant damage to the fisheries industry or other Norwegian export industries.

NGOs that are involved in the issues of marine mammal management exert a great deal of influence on international developments in this field. The Government considers it important to provide information on Norwegian management of marine mammals as a means of persuading NGOs to take responsible decisions based on correct information.

Chapter 3 continues with a brief account of the history of Norwegian whaling and sealing and Sami whaling and sealing traditions.

Since the minke whale hunt was resumed in Norway in 1993, 33-34 vessels have taken part each year. The whaling fleet consists mainly of ordinary fishing vessels, which are upgraded or replaced in connection with the modernisation of the fishing fleet. The average age of whalers is high, but younger people have also joined the industry. Thus, the situation is not critical, but new participants need to be recruited.

For the last 10-15 years, the seal hunt has been carried out with only between three and five old polar vessels. In some years, only two vessels have taken part. All of them need to be replaced or considerably upgraded. However, the financial position of the sealing industry does not currently provide a basis for profitable investment, even though the market for sealskins has improved in the last couple of years. The demand for sealskins is now satisfactory, and active efforts are being made to utilise blubber and meat better. But since few animals are caught in Norwegian waters, the unit costs are too high both for the sealers and for processing facilities on land. It is therefore important to increase the harvest to improve profitability for both sealers and processing plants, and thus reduce the need for government support.

The health of marine mammals is of great significance for stock developments, for the health of marine ecosystems generally, and in relation to their management.

There have been no reported cases of food poisoning or disease linked to human consumption of marine mammals in Norway. The Norwegian Food Safety Authority has issued advice on the consumption of whale and seal meat and blubber. Pregnant

and nursing mothers are advised not to eat whale and seal meat, just as they are advised not to eat various species of fish (tuna and several species of freshwater fish).

Other people can safely eat the meat of whales and seals caught during the Norwegian hunt. Some of the whale and seal blubber is also suitable for human consumption. Oil from blubber that contains hazardous chemicals must, like cod liver oil, be purified before it can be used for human consumption.

Norway adopted legislation permitting the export of minke whale products in 2001, and exports started to Iceland in 2002 and to the Faeroe Islands in 2003. Japan is also a potential market for these products. The DNA register for minke whales provides a satisfactory control system for trade in whale products.

Chapter 4 describes various scenarios for the management of marine mammals.

The ecological carrying capacity of an ecosystem is a complex concept. Under natural conditions, the carrying capacity regulates population sizes. In many cases, food supply is the limiting factor. In ecosystems where there are commercial fisheries for species that are also part of the diet of marine mammals, the fisheries will have an impact on the ecological carrying capacity with respect to marine mammals, while on the other hand the size of the harvest of marine mammals will influence the commercially harvestable fish stocks. Harvesting of marine mammals in order to regulate population size is generally something that is considered for the dominant predators in an area, for example minke whales and harp seals in Norwegian waters. However, a harvest of this kind will have an effect on populations of competing predator species as well as on numbers of the prey species. This must be taken into account in selecting a harvesting strategy.

On the basis of these considerations, it is possible to choose between the following main strategies for management of the large, harvestable stocks of marine mammals in Norwegian waters:

- Set zero quotas, and allow the carrying capacity of the ecosystem to regulate stocks.
- Continue the current management regime.
- Increase the harvest of various stocks within the framework of traditional single-species management.
- Apply the ecosystem approach to management, and take other resources into account in managing stocks of marine mammals.

In *Chapter 5*, the Government presents the measures it intends to implement to improve the management of marine mammals.

Marine mammals are to be included in a coherent ecosystem-based management regime for Norwegian waters, and the precautionary principle is to be used as a basis for decisions on harvesting and other forms of environmental disturbance or developments that may have an impact on stock status and the numbers of marine mammals. In addition, political, economic and especially ethical considerations must be incorporated into the management regime.

Chapter 5 also presents the management targets the Government recommends to safeguard stocks of the various species in the long term. Measures are proposed that will allow an increase in the harvests of minke whales and harp seals to stop any further growth in their stocks. In the longer term, the objective is to set quotas for

these stocks based on the ecosystem approach. The Government also proposes monitoring of stocks that we currently have too little information about, to determine whether more active management of other species that occur in large numbers in Norwegian waters is needed.

The Government also follows the principle that no hunting of seals or whales should be permitted in cases where estimates of stock size are not available.

Measures for development of the whaling and sealing industries are recommended, including modernisation of the whale and seal hunt, adjustment of catch capacity to the resource base, product development and utilisation of new market opportunities.

Methods for electronic surveillance of the whale hunt are being developed so that the costly system of carrying inspectors on every whaling vessel throughout the whaling season can be modified. No other commercial activity is as closely controlled as whaling. Electronic surveillance will make it possible to maintain satisfactory control in a more cost-effective way.

The populations of coastal seal species are so small that an equilibrium harvest will not support commercial developments on a large scale. Utilisation of products from catches of coastal seals must be linked to industrial developments based on catches of Arctic seals (harp and hooded seals). The development of local tourism products such as seal safaris and participation in sealing should be done by local actors.

Chapter 6 describes the steps that must be taken at political level to follow up the measures proposed in this white paper.

To create a more predictable framework for whaling and sealing, licensing schemes will be established for participation in both the minke whale hunt and the seal hunt. Foreign nationals will also be permitted to take part in hunting for coastal seals.

The management of marine mammals is still a controversial issue at international level. This is because influential groups are working to prevent whales and seals from being treated as harvestable natural resources. A number of countries hold the view that these predators should be protected on principle and that the principle of sustainable harvesting should not apply to them. These attitudes are reflected in the international cooperation on management of marine mammals.

Efforts within the IWC to agree on a revised management scheme that can lead to a decision to end the moratorium have not so far given results. Norway has played a central role in these efforts, with the aim of finding a solution that gives adequate control of whaling without making the burden on the industry so heavy that whaling becomes unprofitable. It has not yet been possible to reach agreement on this issue.

If in the longer term the IWC proves not to be fulfilling its management tasks under the International Convention for the Regulation of Whaling, the Government may consider whether Norway should support management of minke whales through the North Atlantic Marine Mammal Commission (NAMMCO). In this case, a thorough assessment of the issue will be made.

Since Norway resumed the commercial minke whale hunt in 1993, whaling has been managed on a national basis, since the majority of IWC members have not been willing to lift the moratorium and set catch quotas.

As regards seals, Norway and Russia agree that the large harp seal stock in the East Ice has grown beyond the carrying capacity of the ecosystem. Thus, in the northern

areas, the main task in relation to marine mammal management is to establish a long-term management strategy for harp seals in the East Ice. However, the main responsibility for management of this stock lies with Russia, since catches are taken exclusively in the Russian economic zone. The stock has grown because quotas have been set lower than the optimal harvest level, given the objective of maintaining a sustainable fishing industry. The harvest is falling short of even these low quotas, mainly because of problems experienced by the Russian sealers and despite the fact that the demand for sealskins from the Russian harvest currently considerably exceeds the supply. Norway no longer has access to the areas in and outside the White Sea where it is possible to operate profitably, and is therefore not able to fill the relatively small quotas it is allocated by Russia.

Cooperation should be established with Russia to develop a long-term strategy for sealing in the East Ice. Sealing could probably be carried out using small coastal vessels similar to those now used for the seal hunt off the Atlantic coast of Canada, where the use of larger vessels for sealing has been prohibited for about 20 years. Today, the seal hunt in Canada makes a profit without any financial support from the authorities. There is reason to believe that a seal hunt using small coastal vessels could become profitable in the Russian economic zone as well, since it would be less capital-intensive than sealing using traditional Norwegian polar vessels constructed for use on the high seas. The costs would also be lower than they are at present in the Russian seal hunt.

To reorganise the seal hunt along these lines would require either the development of Russian catch capacity, i.e. the construction of coastal vessels for sealing, or some form of cooperation between the Russian sealing industry and Norwegian vessels that are suitable for sealing. Norwegian vessels can only be used if Russia permits them to operate in the White Sea.

There is a real possibility that the Russian sealing industry will start using smaller vessels. It is also possible that Norwegian buyers will obtain their products directly from the sealing areas in the White Sea for processing in Norway. In the longer term, the buyers may, if the catch increases sufficiently, establish processing facilities in Russia.

Cooperation with Russia on ecosystem-based management of the seal stock in the East Ice will be of crucial importance in ensuring a satisfactory economic yield from the Barents Sea fisheries.

In the North Sea region, it is important to evaluate the management of marine mammals in relation to the quality of the environment and human impacts on the environment. This has been expressed by the OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic, the International Council for the Exploration of the Sea (ICES) and the North Sea Conferences. In following up this task, the Government is of the opinion that Norway can use as a basis the two goals for marine mammal management that the EU Commission put forward during its review of the common fisheries policy, i.e. maintaining species diversity and implementing the ecosystem approach to management. The Government also considers it important for Norway to play an active part in following up the Bergen Declaration from the Fifth International Conference on the Protection of the North Sea. To this end, the Government will maintain close contact with the EU in addition to bilateral contacts and cooperation within the framework of relevant international agreements.

Chapter 7 gives an account of the economic consequences of continuing an active policy for the management of marine mammals.

The sealing industry is still very vulnerable, and special measures are therefore necessary in a transitional phase. This white paper discusses the introduction of a "quota bonus" for vessels that are already taking part in commercial fisheries if they take part in sealing as well. Support schemes will be designed to provide a predictable framework for the industry and thus help it to become self-financing.

Thus, the Government proposes to continue to provide support for the sealing industry. The main argument for this is that it is important to maintain the traditional skills needed for the seal hunt, because harvesting seal stocks is an important element of an ecosystem-based management regime for natural resources. Other important objectives are to maintain Norway's traditional coastal culture and traditional activity in coastal communities that are involved in sealing.

It will be a difficult challenge, but essential, to encourage more effective use of resources and improve the economy of the seal hunt. One way of doing this is to reduce costs and make better use of the available quotas. Increasing the seal harvest will reduce unit costs and make processing facilities on land profitable.

At present, it is not possible to conduct the seal hunt in the West Ice and in the parts of the Russian zone in the East Ice to which Norway has access without financial support. This is because the hunt is organised in a way that requires the use of large vessels that can operate in the ice carrying equipment and provisions for several weeks at a time. Large ice-class vessels are capital-intensive to operate, and the way the seal hunt is organised at present makes it difficult to take enough animals to achieve a return on the capital invested. This problem arose when the prohibition on catches of whitecoats was introduced. The most attractive animals for the sealers now are weaned pups. These are not concentrated in large colonies on the ice, but scattered on the ice edge. This makes the hunt more labour-intensive.

The prices of sealskins and other products are determined by the world market. Although price developments have been positive in the past few years, prices in the primary market are not high enough to make the seal hunt profitable without subsidies. For the foreseeable future, sealing will therefore be dependent on government support in order to modernise the fleet so that it is possible to take the whole of the available quotas, and not least, so that better use can be made of all parts of the catch. Unless support is continued, it will not be possible to continue the seal hunt.

However, the Government considers that Norway should concentrate support for sealing on the hunt in the Norwegian areas in the West Ice. In the West Ice, Norway has the main responsibility for resource management and therefore controls the way the hunt is regulated. Given the growth of the harp seal stock in the West Ice and the fact that it migrates into the Barents Sea in the summer months to feed, harvesting of this stock is important in a multi-species perspective. However, the Government will gradually shift the use of government support to the sealing industry away from operating subsidies towards product development and marketing activities.

Norway's basic approach to harvesting marine mammals is different from that of the pro-conservation countries. In the Government's opinion, Norway must continue to defend the principle of sustainable harvesting of natural resources. It is therefore

important to ensure broad-based national support for Norway's long-term policy in this field.

Given the importance of the fisheries, whaling and sealing for the Norwegian economy, the Government proposes that efforts to provide information on natural resource management by Norway should be continued.

Participants in the whaling and sealing industries have shown great interest in this white paper and its preparation, and have made a number of proposals for topics that should be discussed and possible solutions to problems.

Table: Listing of Endangered Cetacean Species

Species Name ¹	Common Name
<i>Balaena mysticetus</i>	BOWHEAD WHALE
<i>Balaenoptera acutorostrata</i> — except for the population of West Greenland	COMMON MINKE WHALE
<i>Balaenoptera bonaerensis</i>	ANTARCTIC MINKE WHALE
<i>Balaenoptera borealis</i>	SEI WHALE
<i>Balaenoptera edeni</i>	BRYDE'S WHALE
<i>Balaenoptera musculus</i> spp. <i>musculus</i>	BLUE WHALE
<i>Balaenoptera musculus</i> ssp. <i>brevicuda</i>	PYGMY BLUE WHALE
<i>Balaenoptera musculus</i> ssp. <i>intermedia</i>	ANTARCTIC BLUE WHALE
<i>Balaenoptera physalus</i>	FIN WHALE
<i>Berardius arnuxii</i>	ARNOUX'S BEAKED WHALE
<i>Berardius bairdii</i>	BAIRD'S BEAKED WHALE
<i>Caperea marginate</i>	PYGMY RIGHT WHALE
<i>Cephalorhynchus hectori</i>	HECTOR'S DOLPHIN
<i>Delphinus delphis</i> — Mediterranean subpopulation	COMMON DOLPHIN
<i>Eschrichtius robustus</i>	GREY WHALE
<i>Eubalaena australis</i>	SOUTHERN RIGHT WHALE
<i>Eubalaena glacialis</i>	NORTH ATLANTIC RIGHT WHALE
<i>Eubalaena japonica</i>	NORTH PACIFIC RIGHT WHALE
<i>Hyperoodon ampullatus</i>	NORTHERN BOTTLENOSE WHALE
<i>Hyperoodon planifrons</i>	SOUTHERN BOTTLENOSE WHALE
<i>Lipotes vexillifer</i>	YANGTZE RIVER DOLPHIN
<i>Megaptera novaeangliae</i>	HUMPBACK WHALE
<i>Neophocaena phocaenoides</i>	BLACK FINLESS PORPOISE
<i>Neophocaena phocaenoides</i> ssp. <i>asiaeorientalis</i>	FINLESS PORPOISE
<i>Orcaella brevirostris</i>	IRRAWADDY DOLPHIN
<i>Phocoena sinus</i>	GULF OF CALIFORNIA HARBOUR PORPOISE
<i>Physeter macrocephalus</i>	SPERM WHALE
<i>Platanista gangetica</i>	BLIND RIVER DOLPHIN
<i>Platanista gangetica</i> ssp. <i>gangetica</i>	GANGES RIVER DOLPHIN
<i>Platanista gangetica</i> ssp. <i>minor</i>	INDUS RIVER DOLPHIN
<i>Pontoporia blainvillei</i>	LA PLATA RIVER DOLPHIN
<i>Sotalia fluviatilis</i>	GUIANIAN RIVER DOLPHIN
<i>Sousa chinensis</i>	INDO-PACIFIC HUMPBACKED DOLPHIN
<i>Sousa teuszii</i>	TEUSZ'S DOLPHIN

Sources: Bannister, JL, Kemper, CM, and Warneke, RM (1996). The Action Plan for Australian Cetaceans. Biodiversity Group, Environment Australia (www.deh.gov.au). The IUCN Red List of Threatened Species (www.redlist.org). Convention on the Conservation of Migratory Species of Wild Animals (www.cms.int). Convention on International Trade in Endangered Species of Wild Fauna and Flora (www.cites.org).

¹ Cetaceans with a distribution that includes Australian waters are highlighted in bold and shaded.