
2008: IWC60 in Santiago, Chile

PRE-MEETING

AWI is represented at this year's International Whaling Commission (IWC) meeting by D.J. Schubert, Serda Ozbenian and Craig Van Note, veteran IWC expert. This is an extraordinary meeting for the very future of the body is being debated. AWI can only hope that its future is brighter than its past. For the majority of its history, the IWC has overseen the decimation of the world's cetaceans. Though responsible for the regulation of whaling in its formative years, the IWC failed to regulate the brutal slaughter of the world's leviathans dooming some species to extinction and driving others to the very precipice of elimination. Finally, as whale populations declined and anthropogenic impacts to whales and their habitats became more pervasive, the IWC acted by enacting a global moratorium on commercial whaling. The moratorium, once implemented in 1986, reduced the slaughter of these intelligent and sentient creatures and provided hope for their future. In time, despite enormous worldwide public support for the protection of whales, three countries began to undermine the intent of the moratorium by exploiting loopholes in the International Convention for the Regulation of Whaling (ICRW) to continue to slaughter whales for commercial profit including under the guise of "scientific" whaling. With an escalating body count and an increasing divisiveness among IWC contracting parties, many declared the IWC to be "broken," "dysfunctional," or at an "impasse." Thus, this year's IWC meeting is focused on the future.

While no one can predict the future, at present the future appears bleak, at best, for cetaceans. Beyond the unnecessary and expanding commercial slaughter of whales, including those killed in the name of "science," the anthropogenic threats to whales and their oceans habitats represent a distinct, dangerous, and increasing threat to the world's whales.

This future is further imperiled by current efforts by the IWC's Chair—Dr. William Hogarth, Head of the US delegation—who believes that he can "fix" the IWC. Many previous IWC Chairmen have undertaken similar efforts which have failed. If Dr. Hogarth's eight-step plan to "fix" the IWC is any indication, his effort is doomed to fail as well. Fundamentally, though many accept the assertion that the IWC needs to be fixed, AWI does not. The IWC is not broken, rather a handful of countries have orchestrated an effort to undermine the will of the majority, to create the impression that a "fix" is needed to achieve self-serving benefits, and have used baseless threats of succession from the IWC and the lives of whales as their bargaining chips. Instead of boldly opposing the actions of these rogue nations, IWC member governments have fallen victim to their efforts of manipulation. Instead of using all domestic and international tools, including both sticks and carrots, to compel these rogue countries to embrace the will of the majority, many contracting governments have apparently determined that compromise, not confrontation, is an acceptable outcome. Finally, instead of demanding the modernization of the IWC to make it a viable international conservation body with policies and procedures consistent with other 21st century treaties, many member governments are being led down a dangerous path of compromise that will only further exacerbate the threats to whales and undermine public will that demands the protection, not persecution, of cetaceans.

The first key issue and concern going into this year's meeting surround the "future" deliberations and specifically the process by which any "fix package" will be developed, the contents of such a "package" and the role of the United States in the development of the "package".

Though member governments of the IWC are far from concluding their discussions over the future of this body, Dr. Hogarth has already self-appointed himself as chair of a small working group established to negotiate a package or deal to resolve the so-called impasse within the IWC. Contrary to Dr. Hogarth's testimony to the House Resources Sub-Committee on Fisheries, Wildlife, and Oceans on June 10 in which he, testifying as US Commissioner to the IWC, claimed that there was no deal or package in the works, as Chair of the IWC he had proposed and intended to implement a process that would result in a package/deal. Such a package will inevitably include a resumption of some measure of commercial whaling as an attempt to placate Japan and other whaling nations.

While a working group may facilitate negotiations between IWC member governments, it is troubling and unfortunate that these governments cannot negotiate in a more open and transparent atmosphere so that civil society can observe and, preferably, participate in the deliberations. Dr. Hogarth's proposed process largely eliminates civil society from five of the eight steps in his plan. It appears that the United States delegation fully supports the exclusion of civil society from this process despite the level of transparency that is expected and, in many cases, required by law in the United States.

A second issue generating an abundance of attention ahead of the opening day is a possible proposed Schedule amendment by Denmark to obtain a quota of 10 humpback whales per year for aboriginal subsistence hunting by Greenland's natives to support their alleged needs. A recent World Society for the Protection of Animals report entitled "Exploding Myths," however, has documented that up to 25% of the whale meat and blubber from Greenland's so-called aboriginal hunt ends up being sold commercially in that country. This is completely inconsistent with the aboriginal subsistence whaling provisions adopted by the IWC decades ago that require that such products are largely to be consumed by people in the local aboriginal communities; hence the term aboriginal subsistence whaling. In the case of Greenland, however, whale meat and other products from the aboriginal hunts are being sold openly in the country's supermarkets.

Of similar concern is Greenland's methodology for calculating its need for whales. Unlike the calculation of need done by Alaskan natives, for example, where need is based on the number of native people in ten whaling villages, Greenland calculates its need based on its entire population. This would be akin to Alaska calculating its need based on the entire population of Alaska instead of the several thousand natives who live in the whaling villages. Greenland's calculation of its alleged aboriginal subsistence need is therefore a significant overestimate and also violates IWC standards. To make matters worse Greenland calculates need based only on the meat obtained from killed whales despite the fact that it also consumes whale blubber and kills some 4,000 "small cetaceans" each year. Greenland does not include the whale blubber or meat/products taken from small cetaceans when calculating its need again resulting in an overestimate of how many whales it needs to kill per year. In other words, if Greenland did consider all meat and blubber taken from whales and small cetaceans when calculating its aboriginal need, the number of whales it would "need" to kill to meet its aboriginal need would be much less than what it is currently allowed to kill by the IWC.

The United States has indicated that it supports Greenland's proposed Schedule amendment for humpback whales. Considering the illegal commercial sale of a portion of the whale products obtained through Greenland's aboriginal hunt and its overestimate of its actual need, the United States clearly should object to Greenland's proposal until, at a minimum, the IWC Scientific Committee reports on the actual yield of meat/blubber from the species killed by Greenland natives (minke, fin, and potentially humpback whales), until Greenland recalculates its actual need based on correct methodology, and until Greenland addresses the commerciality of its so-called aboriginal subsistence whaling program.

What the Greenland situation demonstrates is that the IWC's aboriginal subsistence whaling program is in disarray with each country that allows aboriginal whaling, including the US, interpreting the IWC's provision differently and apparently using arbitrary methodologies for calculating need. It is also interesting to note that Greenland conceded that fin whales (up to 19 of whom it is permitted to kill annually) are too big and fast for its whaling vessels. If that is the case then, in addition to opposing Greenland's request to kill humpback whales, the US should be advocating that Greenland's approved fin whale quota be rescinded.

A third issue of concern is the response, or lack thereof, of the US delegation to H.C.R. 350, the House of representatives resolution that passed unanimously on June 18 and called for the US delegation to the Chile meeting to work to uphold the moratorium, oppose attempts to resume commercial whaling, close loopholes in the existing Convention and work to make the body more conservation-oriented. The US delegation to the meeting appears to be ignoring the will of Congress and the American people by pushing for a compromise which will see a resumption of commercial whaling.

Finally, on a domestic matter, the United States has reported that it plans to refuse to report the gray whale who was illegally killed by members of the Makah tribe in September 2007 as an infraction of the IWC Schedule. The delegate representing Austria has made interventions questioning this decision as that incident would clearly appear to be an infraction under IWC Schedule 13(a)(5) which requires all aboriginal subsistence whaling to be in accord with national legislation. Most NGOs and perhaps member governments interpret this to mean that if a whale is killed in violation of national legislation then it should be reported as an infraction. The US interprets this specific provision as only requiring that countries that permit aboriginal subsistence whaling to have national legislation in place to regulate said whaling. This interpretation is illogical since it makes no sense to require national legislation if that legislation is not enforced both at the national level and internationally through the IWC and, specifically, by reporting such illegal kills as infractions. Moreover, regardless of the interpretation, it is unclear why the US would not simply report this as an infraction to the IWC since there is no penalty or harm in doing so and, if anything, it demonstrates US commitment to the IWC and its procedures/policies.

JUNE 23, 2008 - DAY 1

The plenary meeting was opened by the Chilean Foreign minister whose speech lauded the value of NGO participation within the IWC. The irony of the statement was not lost on those NGOs who have been closely following events in the run up to the meeting. Statements by member governments centered on requests and promises of cordiality at the meeting, commitments not to propose any resolutions at the meeting, and agreement not to make any amendments. Much of the day was devoted to receiving reports from the IWC's Scientific Committee on the status of whale populations, including Antarctic minke whales, North Pacific common minke whales, Southern Hemisphere humpback whales, Southern Hemisphere blue whales and a number of other small stocks of bowhead, right and gray whales. The Committee Chair reported a positive evidence of increases in abundance for several of the populations of humpback, blue and right whales in the Southern Hemisphere, although they remain at reduced levels compared to their pre-whaling numbers. Information remains lacking for other populations.

The meeting broke for several hours while members made a trip to the coast to witness the declaration of Chilean waters as a whaling-free sanctuary by the Chilean President.

The plenary continued with the Commission receiving reports on Whale Killing Methods and other welfare aspects of hunting and killing whales by whaling nations. Norway reported 597 whales killed and 4 struck and lost during its season. After expressing concern over welfare issues being discussed by the Commission, Russia volunteered its data: 126 gray whales killed and 0 bowheads. Harpoons were used in all of the hunts and rifles in 115. Two whales were reported as inedible.

The UK, the IWC's strongest welfare advocate, stated that welfare is at the top of the list of priorities, expressed concern that whale killing data is not provided by some countries and asked Japan whether any measures were taken to stop the slaughter of fetuses during Japan's scientific hunts. Readers may recall the moving photograph taken by the Australian Coast Guard showing an adult and possible calf being hauled about a whaling ship earlier this year. Japan's response was to state that welfare is not an issue for the IWC and to urge the commission to achieve 'normalization' of the body—its term for taking it back to its origins which led to the decimation of the world's whale populations.

The remainder of the day was spent discussing cooperation with other organizations, including the International Maritime Organization, for which the IWC recently obtained interim observer status.

An evening reception hosted by Chile rounded off the first day.

JUNE 24, 2008 - DAY 2

The second day began at noon after the morning was taken up with a private commissioners' meeting in which they discussed the future of the body. The meeting reportedly resulted in the development of consensus on the process by which resolution of substantive issues would be developed. The resulting document apparently includes a reformation of the working procedures of the IWC into ones that are less confrontational and more consensual in the decision-making process. It also reportedly lays the foundation for the creation of a Small Working Group comprising over 20 countries to develop the "package" for the future of the IWC. The document also is reported to contain a list of dozens of issues or "elements" that have been suggested by member governments for possible inclusion in the "package" including whale killing methods and other welfare issues, and also a resumption of commercial whaling.

Once the plenary reconvened, much time was spent praising the chair for his efforts to move the commission along and for changing its work practices. This new air of camaraderie among member nations is concerning to AWI and others who are fearful of dangerous compromises which may be entered into which may include the resumption of commercial whaling.

The remainder of the day was spent discussing non-lethal uses of whales including whale watching which has long been promoted by the IWC's Latin countries as the only true sustainable use of whales. When conducted responsibly, whale watching brings far greater benefit to communities, amounting to several billion dollars each year compared the small profits earned by few from the commercial killing of whales.

Although the Aboriginal Subsistence Whaling (ASW) agenda item was moved to June 26, Greenland took the opportunity to present a video on its proposal for an aboriginal subsistence quota of 10 humpback whales, in addition to the 19 fin, 2 bowhead and 200 minke whales it is currently able to hunt. The controversy surrounding its request was further ignited

this year with the information provided by the World Society for the Protection of Animals (WSPA) exposing the commerciality of Greenland's supposed 'aboriginal subsistence' hunt, whereby a quarter of the resultant meat is sold.

Later the Commission agreed to undertake a project to examine the welfare implications of whales who get caught in fishing line and nets. This undertaking extends the remit of a Working Group established previously to examine the options surrounding euthanizing whales entangled in fishing gear. Sadly in some countries, including Korea and Japan, such bycatch of whales in fishing gear is far too common and many whales are thought to be caught deliberately but reported as bycatch in an attempt to circumvent provisions of the IWC Convention. By examining the welfare implications of entangled whales, the work of the Group will likely be far more productive in actually preventing entanglements and releasing live animals rather than killing entangled whales, unless as a last resort.

JUNE 25, 2008 - DAY 3

The meeting opened with a statement from Japan regarding its hopes to engage in small type coastal whaling. In an attempt to pull at the heart strings of the Commission, Japan elaborated on the strong desires of the mayor of the town of Taiji. What he omitted from his oration was the fact that fishermen from Taiji and other coastal communities slaughter over 20,000 small cetaceans yearly. Japan stated that although the desire was strong, it would refrain from introducing a schedule amendment for approval to conduct coastal whaling this year to maintain the spirit of cooperation. It stated that it would give the IWC a year to progress along the lines that Japan wished for it to progress.

Lengthy and heated discussions on "scientific research whaling" followed. The Scientific Committee elaborated on a new special permit review process that was agreed to by consensus. The reviews will take place intersessionally by a group of independent experts. Pro-conservation countries expressed their opposition to such scientific permit whaling on the grounds that it is unnecessary, has commercial aspects and that non-lethal methods of collecting information exist. The pro-whaling countries countered by stating that lethal whaling is necessary to collect data on whales and that arguments against it are emotionally and politically driven and not science based. Australia's Environment Minister Peter Garrett presented Australia's proposal for a non-lethal research program in the Southern Ocean to fill in gaps in data on cetacean stock structure. The proposal was embraced by many nations.

Safety at Sea was the next issue up for discussion and members from both sides of the whaling debate expressed their disapproval of the aggressive interactions between the NGO Sea Shepherd Conservation Society and Japanese whaling vessels in the Antarctic which took place earlier in the year. Australia assured the commission that Australian and Japanese law enforcement are working together to take appropriate actions.

Positive discussions took place on the subject of the creation of a climate change workshop. Many countries were supportive of the initiative and offered financial support. Austria pointed out another threat to cetaceans from anthropogenic ocean noise and encouraged the IWC to look specifically at ocean noise in the future. Belgium associated itself with Austria's comments.

The controversial issue of small cetaceans was up next on the agenda. The issue is controversial because many of the pro-whaling bloc charge that the IWC should only be concerned with the 13 great whales. The Scientific Committee expressed its deep concern and frustration with the situation of the highly endangered vaquita, a porpoise that is only found in the Sea of Cortez in Mexico. The population currently numbers 150 individuals at most and the species could be extinct within the next 5 years if current bycatch levels continue. The Scientific Committee stressed the need to remove gillnets from the upper Gulf of California. Mexico agreed with the severity of the situation and announced that as a result of a presidential decree, it now has the funding to remove all the gillnets from the vaquita's habitat. Other small cetaceans discussed were the Dall's porpoise (many thousands are killed yearly by Japanese whalers), China's Yangtze finless porpoise, and the Amazon River dolphin.

During the lunch break, Japan gave a presentation on its JARPA-II scientific whaling program. The main gist of the presentation was that some whale species—humpback and minke whales—are competing over food resources and that more lethal research is needed to explore the situation. The conclusions drawn were highly speculative and far from convincing.

The day ended with an opportunity for NGOs to speak, a right last permitted within the IWC in the 1980's. A total of six NGOs (3 pro-whaling and 3 pro-conservation) were allowed to speak for 5 minutes each, although the chair had limited the interventions to non-controversial subjects. Although meager, this represents a positive step forward in giving more rights to NGOs, and bringing the IWC into line with other international fora.

JUNE 26, 2008 - DAY 4

Chairman Hogarth's air of cooperation was put to the test today. Although he had requested all matters to be decided with consensus and that no issues be put to a vote, it was clear early in the day that there was a high probability that Greenland's proposal for a quota of 10 humpback whales would not reach consensus and would have to be put to a vote.

After wrapping up discussions regarding the report of the Conservation Committee, it was time for the proposed schedule amendment for a quota of 10 humpback whales for aboriginal subsistence whaling by Greenland natives. Denmark (on behalf of its territory, Greenland) explained its need for 694 tones of whale meat and offered to reduce the number of fin whales the Greenlanders take under that quota, stating that they do not currently take fin whales because the animals swim too quickly. The Scientific Committee had determined that a take of 10 humpbacks per year would not be detrimental to the population. Greenland appealed to the Commission to reach consensus but if not possible, they requested a vote on the matter. Delegates both for and against the proposal commented. Those who made comments in favor of the proposal stressed that the ask was legitimate since the Scientific Committee endorsed the quota. Many, including a slew of African and Caribbean nations, gave dramatic orations about food security and how denying aboriginal Greenlanders of their quota would be denying them of life. Korea was by far the most vocal and irate, claiming that politics were prevailing over science. Chile, along with the rest of the Latin block, voiced its opposition to the proposal and also announced that it would withdraw its proposal for the creation of the South Atlantic Sanctuary in an effort to restore conviviality among members. Once it was clear that the European Union nations, which for the first time in IWC history were voting as a block, were not in favor of the proposal and consensus was unreachable, the Chairman called for a vote.

The final vote was 29 yes, 36 no with South Africa and Morocco abstaining. The proposal failed because it did not reach the 3/4 majority required to be successful and the spirit of cooperation within the commission began to deteriorate rapidly. Shockingly the United States broke ranks with the rest of the conservation-minded countries and voted in favor of the proposal citing the need to follow the advice of the Scientific Committee as its reason. Seemingly the actual subsistence need for whalemeat was not important to the US despite this being the cornerstone of the aboriginal subsistence whaling category. Those who voted against the proposal stated that they were not convinced of Greenland's subsistence need and Greenland replied that it would resubmit the proposal at next year's meeting.

Also to come to light at this year's meeting was information contained in the recently released report by the World Society for the Protection of Animals entitled "Exploding Myths," which documented that up to 25% of the whale meat and blubber from Greenland's "subsistence" hunt ends up being sold commercially in supermarkets, including to tourists. The report also questioned the calculations of Greenland's subsistence need since it is based on the entire population and not just the aboriginal natives. Further, the report found that the "need" calculations are based on the amount of whale meat despite the fact that natives also consume whale blubber.

The agenda item concerning sanctuaries was the next issue up for discussion. Although Chile had withdrawn its proposal for the establishment of a South Atlantic Sanctuary, Brazil presented a video in support of the proposal. The video showcased the social and economic benefits of whalewatching and tourism. The video sparked a lot of discussion from both sides. Those who value non-lethal use of cetaceans lent their support to the creation of a sanctuary and those against it viewed sanctuaries as a threat to livelihoods.

Infractions was the last remaining agenda item for the day. Austria questioned the US regarding the illegal killing of a gray whale last year by members of the Makah tribe of Washington State. The US explained its rationale for choosing not to declare this killing as an infraction, claiming that it was not in violation of IWC regulations and was instead a domestic matter.

And with that, the last substantial day of the meeting came to a close.

Next year's meeting will be held in Madeira, Portugal, with an intercessional meeting planned beforehand to further the compromise "package". With the Working Group "future" also discussions taking place intercessionally and in private, the fate of the Commission and the world's whales may be decided before the plenary reconvenes in 2009.

Whalers' Massacre of Antarctic Blue Whales Has Left Their Numbers at Less Than 1% of Original Population, Despite 44 Years of "Protection"

The Scientific Committee of the International Whaling Commission reported on Monday that blue whales, the largest creature every to exist, barely survives in Antarctic waters because of their ruthless massacre from the 1920's to the 1960's.

As the IWC began its 2008 annual meeting in Santiago, Chile, the scientists estimated that the pre-exploitation abundance of Antarctic blue whales was 256,000. The estimated population today is just 2,280. Only vestigial populations survive in the world's other oceans, as well.

The tragedy of the blue whale is reflected in the utter rapacity of Japan's whalers even after the IWC adopted a ban on blue whaling in 1964.

Japanese whaling companies evaded the IWC ban on killing blue whales – and humpback and right whales – by setting up unregulated whaling stations on the southern coast of Chile in the mid-1960's, according to historical records.

More than 700 of the highly-endangered marine mammals were harpooned in Chilean waters by Japanese catcher boats over a four-year period between 1964 and 1968, virtually wiping out the remaining stocks in the eastern South Pacific.

Chile was not a member of the IWC at the time, so any whaling there was outside of IWC quotas or bans.

The Japanese whalers moved into Chile in 1964 because the IWC that year banned all blue whaling. For years, Japan had bitterly resisted proposals to halt the killing of blue whales despite the plummeting catches of the huge animal. The Japanese government only acquiesced after the seven Japanese pelagic fleets – including more than 100 catcher boats – could not find a single blue whale in the 1963-64 Antarctic season.

But the Japanese whalers knew that a remnant population of blue whales survived in the sheltering fjords of southern Chile, the mating and calving grounds for whales. So beginning in 1964 the Japanese government quietly licensed its whaling companies to set up shore stations along the Chilean coast. Sources in Tokyo report that the Japanese government even financed the construction of the factories where whale carcasses were towed for processing.

A ruthless massacre of 690 blue whales took place over the next four years. Mother blue whales and their calves were pursued deep into the long fjords, where the still, icy blue waters were stained red by the harpooned giants. And even rarer whales were hunted down: 13 humpbacks and 3 Southern Right whales, both species "protected" under IWC rules.

The outlaw whalers did not limit themselves to highly-endangered species. The Japanese killer boats also harpooned more than 1,600 fin and sei whales, and more than 1,500 sperm whales, all outside the IWC quota system.

Japanese refrigerator ships transported all the whale meat and oil back to Japan, where government agencies raised no objections to the imports of "protected" species. The Chilean shore stations shut down in 1969 when the local whale populations had reached "commercial extinction," a coldly economic term used to describe a resource that is too depleted to exploit profitably.

Tens of thousands of blue, humpback, fin and right whales once populated Chile's southern waters where they wintered after feeding each summer in the krill-rich Antarctic seas. The vast pelagic whaling fleets of the last century, led by Japan, the Soviet Union and Norway, systematically destroyed the great whale stocks of the Southern Ocean. And then the Japanese whalers finished off the few survivors hiding along Chile's coast.

The Japanese government should be called to account for this tragedy. Its complicity in licensing and financing the outlaw whaling in Chile – and authorizing of import of the plundered whale meat and oil – spreads the bloody stains from the Chilean fjords all the way to Tokyo harbor.

