

WHALING

Harpoon in flight, signaling a grisly end for its target. Image courtesy of WDCS



THE INTERNATIONAL WHALING COMMISSION

In just over a century, commercial whaling accounted for the death of nearly three million whales.



FRANCISCO G. F. F. GONÇALVES looks back at the regulation of the industry

During the 1860s the invention of the first system of whaling involving steam-powered vessels, the harpoon gun and the explosive harpoon head resulted in the ultimate industrialisation of whaling. Norwegian Svend Foyn's innovation finally gave whalers the ability to catch the fast-swimming rorqual baleen whales. The addition of the floating factory in 1903 and the stern ramp factory-ship in 1925 made virtually all oceans, especially the Antarctic, accessible for whaling. Consequently, no whale was safe from being caught. With most stocks suffering catastrophic

decline, whaling nations had no choice but to implement measures to prevent extinction of the major whale stocks.

In December 1946, representatives from 15 countries signed up to the International Convention for the Regulation of Whaling (ICRW) in a bid to protect whales from over-exploitation. It was under the specifications of this Convention that the International Whaling Commission (IWC) was established, a body which came to the general public's notice in the 1980s when it voted for and implemented a worldwide moratorium on commercial whaling. Less well publicised was the fact that the IWC's founding

remit in 1948 was to regulate catch quotas of whale stocks to ensure the survival of the commercial whaling industry.

In its early years, the Commission was driven by the economic interests of the whaling industry. Members of the IWC met annually at the start of the whaling season to discuss numbers and which size of whales may be taken. Limits were imposed on some species and parameters were set for the whaling grounds with open and closed seasons. The capture of suckling calves and female whales accompanying them was prohibited. Unfortunately, members seemed unable to stick

to the agreement and there was no accurate monitoring of violations or punishment for known transgressions. Consequently, the numbers of whales caught peaked during the 1960s and conservationists began to take up the cause of the whales in earnest.

It was far from ideal but, in bringing together all the major whaling nations, the IWC was nevertheless an important achievement. Today, any state is free to join the IWC by adhering to the 1946 ICRW. A

species. Using this system, one blue whale was considered equivalent to two fin whales, or to two and a half humpbacks, or to six sei whales. Furthermore, the smaller minke whales (currently the whalers' main targets) were not included in the BWU. This type of measurement was convenient for whalers, but was catastrophic for conservation. Whale stocks continued to decline.

In 1976 the IWC established a full-time Secretariat with its headquarters in Cambridge and a

More than 25,000 whales have been killed since the implementation of the moratorium, most of them in 'scientific whaling' research programmes. Herein lies the core of controversy surrounding the IWC. The two countries carrying out such research programmes are former strong whaling nations, Japan and Iceland. Norway carries out commercial whaling under its objection both to the moratorium and to the classification of the stock of minke whales in the

History and controversy

Commissioner represents each country, assisted by experts and advisers. From each country a single chair and vice-chair are elected who usually serve for three years. By 1961, the Commission formed what is nowadays seen as its cornerstone – the Scientific Committee (SC). This has the duty of carrying out analysis of whale stocks and making recommendations to the Commission regarding the state of these stocks and suggesting appropriate measures. Despite the availability of scientific data, during the IWC's early years almost the only aspect of this knowledge that was used was information on the abundance of whales and where to find them. Financial terms and figures were obviously of interest for the whaling industry. The "blue whale unit" (BWU) for example, was a unit of measure based on the amount of oil produced from the different whale

staff of 17. In the face of the cumulative evidence of the excessive decline of whale stocks, the IWC had to take further measures to preserve the whales. These included the establishment of the Indian Ocean Sanctuary in 1979 and a formal suspension of all commercial whaling agreed in 1982 and implemented in 1986 – known as the moratorium. In addition, the waters surrounding Antarctica were declared a 'safe haven' for whales in 1994, constituting what is known as the Southern Ocean Sanctuary.

Different guises

Some indigenous communities in Alaska, Greenland, Russia and the Caribbean are still allowed to take a number of whales each year in the name of 'aboriginal' subsistence whaling. There is also a provision in the Convention that allows whales to be killed for research purposes.

north-east Atlantic as a 'Protection Stock'. Japan is often singled out for using the scientific loophole to continue what is in reality commercial whaling. It is also accused of using political, diplomatic, and financial influence to mobilise a pro-whaling front inside the IWC. Critics suggest financial and other inducements are offered to small countries with no interest in whaling to join the IWC and vote with Japan.

Norway has also taken minke whales as part of its scientific programme. This nation formally objected to the moratorium on commercial whaling, so is not bound by it. Norway carried out commercial whaling during 1986 and 1987 and, after a short break, again in 1993. In the interim period, it continued to kill minke whales under scientific permits. Since 1986, Norway has caught 6,092 whales.

The third major whaling

IWC History and controversy

A mortally wounded minke whale thrashes as it is pulled up alongside a Japanese catcher ship in the early 1990s.
Image courtesy of IFAW



WEBSITES

The official website of the IWC is at

www.iwcoffice.org

See also

WDCS: www.wdcs.org

IFAW: www.ifaw.org

Greenpeace: www.whales.greenpeace.org

HSUS: www.hsus.org

WWF: www.wwf.org

nation, Iceland withdrew from the commission in 1992, rejoining in 2002. Although it abided by the moratorium from 1990 onwards, it continued to catch whales for several years as part of its scientific programme. These countries are accused of concealing commercial whaling activity under the blanket of scientific research.

Based on DNA analysis some studies supported by the International Fund for Animal Welfare (IFAW) and the Whale and Dolphin Conservation Society (WDCS), have revealed that whale meat from species for which no scientific permits had been given is often found in the Japanese market, in violation of the moratorium. It is known that Norway exported eight tonnes of whale products to Iceland in 2002 and more than six tonnes of whale meat to the Faroe Islands. Norway and Japan have objected vigorously to an international

monitoring of their DNA banks, needed to verify that only legally caught whales – whether or not under scientific permits – appear on domestic or international markets.

In 2002, no less than 21 scientists criticised the programmes of scientific research saying that non-lethal techniques provide better data at less cost, to both budget and animals. They found no scientific justification for killing animals in the name of research. Science, however, does not always match national interests and the main forces within the IWC are governments.

Effectively the IWC functions as a forum for negotiating and making decisions between the different parties like any other international agreement. Annual meetings of the Commission are held usually during May or June, either in a member nation by its own invitation or – in default of an invitation – in the United

Kingdom where the secretariat is based. It takes 90 days for any changes in the regulations adopted by the Commission to come into effect, unless a government considers it a serious threat to its own national interest or sovereignty and enters an Objection. In this case, further time is given for other nations to object and those who do so are not bound by the objected change.

This mechanism is heavily criticised as it gives the IWC only a fragile authority. It is argued that without it, the Convention might never been signed and there would have never been any regulation of the industry. On the other hand, as nations can withdraw from the Commission at any time (as Iceland did in 1992) and rejoin with reservations to offending provisions (as Iceland did in 2002 with a Reservation to the moratorium), many question the validity and usefulness of the agreement.

INTERNATIONAL WHALING COMMISSION 2005

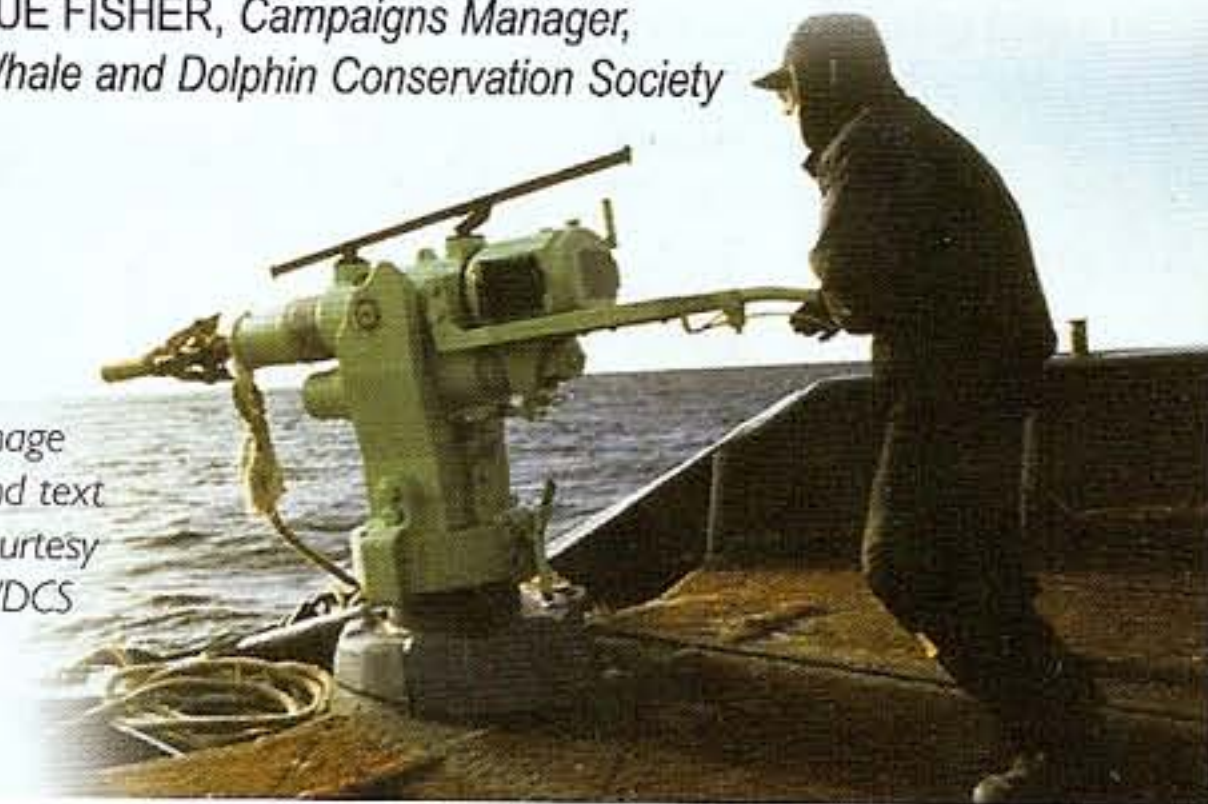
THE 57TH ANNUAL MEETING of the IWC will be held in Ulsan, South Korea, in June. The main issue on the agenda is likely to be the Revised Management Scheme (RMS), a Monitoring, Control and Supervision (MCS) scheme that has been under development since the early 1990s to manage future commercial whaling should the Commission decide to lift the moratorium and set catch limits again using the Revised Management Procedure (RMP). The RMS has been a predictably controversial issue, with the anti-whaling countries divided on the best approach to resolving it. Some are prepared to agree less robust MCS provisions than other fisheries agreements require in order to bring commercial whaling back under the IWC's control as soon as possible. In light of previous abuses and current defiance of IWC regulations, others seek stricter MCS measures as well as the removal of the provisions in the treaty permitting Scientific Whaling. Further, the establishment of a Compliance Committee that could punish infractions would make the scheme as watertight as possible.

Based on the work of three specialist Working Group meetings since the last annual meeting, a new draft of the

RMS is likely to be proposed for a vote in Ulsan. It remains to be seen whether the whaling nations will agree to any regime that restricts their current hunts and increases their costs in order to obtain legitimacy for their whaling operations. Could the IWC agree to lift the moratorium and allow whaling under the RMS to commence? Both decisions require a three quarters majority, which neither 'side' currently holds without concessions from the other.

SUE FISHER, *Campaigns Manager,*
Whale and Dolphin Conservation Society

Image
and text
courtesy
WDCS



Smaller cousins

Presently the IWC does not regulate the catches of the so-called small cetaceans, dolphins, porpoises and other 'small' toothed whales. Member governments hold different opinions over the legal competence of the commission to regulate direct and accidental catches of these small cetaceans, mainly because there is no definition for whale or cetaceans within the wording of the ICRW. Although the IWC does not set regulations for the catches it does address matters of conservation of small cetacean species at the annual meetings of its Scientific Committee

The IWC has walked side by side with social changes, from the realm of the whaling industry to a more conservative stance. It has the support of the United Nations (UN) under its Convention on the Law of the Sea, together with

Agenda 21 (the UN program for sustainable development) that deals with the conservation of 13 great whale species and the management of all whaling activities. It is also deferred to on whale management issues by the Convention on International Trade in Endangered Species of wild fauna and flora (CITES), which maintains a ban on international trade in all the great whale species.

The IWC has now 59 country members, 19 of which have joined since 2000. The present chair is Henrik Fisher from Denmark and the Vice-Chair is Horst Kleinschmidt from South Africa. The SC comprises over 200 leading whale biologists, some of whom devised the Revised Management Procedure, considered to be the most rigorously tested management procedure for a natural resource yet developed. The SC publishes a wide range of papers relating to

the biology of cetaceans, (including guidelines for countries and operators of whalewatching) and the *Journal of Cetacean Research and Management*.

The IWC has a lengthy and controversial history within which opinions have diverged, evolved and even 'mutated'. It is hard to find another example of a convention where policies and missions have changed so radically through the decades and remain so divisive. It remains to be seen where the future of the IWC's interests will lie, but one can only hope that the IWC and all partner organisations consider the conservation of whale species its primary mission. Considering the controversial nature of its mandate it is remarkable that the IWC has survived for over half a century. ■

FRANCISCO G. F. F. GONÇALVES is studying BSc. Biology at the University of Glamorgan, www.glam.ac.uk