

OTHER INTERNATIONAL DEVELOPMENTS

IWC

Iceland Readmitted to Commission

A special meeting of the International Whaling Commission (IWC) was convened on 14 October 2002 at the Commission's base in Cambridge, UK, to resolve outstanding issues from the annual meeting last May; in particular, to discuss indigenous whaling permits for Russian and US communities, which had been blocked by Japan.

Until this year, applications for 'aboriginal subsistence whaling' to continue had always been approved at the IWC's annual meetings. However, this May, in the Japanese whaling port of Shimonoseki, Japan refused to agree on a quota for the Inuit and Chukotka people of Alaska and Arctic Russia.

The only reason Japan voted against the Arctic quota was to protest against the refusal to allow its own coastal communities to resume whaling. It accused the IWC of double standards. For years, Japan has been asking the IWC for a coastal quota, but without success, although it does harpoon about 700 whales annually for research, as allowed under the IWC rules.

This time, Japan backed the indigenous permits, in return for US and Russian support for a local commercial catch of 50 minke whales off its coasts.

Interim Relief for Japanese Coastal Whaling

This issue has been discussed by the Commission for the last 15 years. It concerns the possible allocation of a catch of 50 minke whales annually to four Japanese coastal communities until the IWC has finalised a Revised Management Scheme.

A draft resolution was proposed by Japan, intended to forward discussions on the issue, and arrive expeditiously at a solution. However, the proposal was defeated by 19 votes to 16 with 2 abstentions, although both the United States and Russia did vote in favour in return for Japan not blocking consensus on the bowhead whale hunt.

Subsistence Whaling

In a separate move, the IWC also voted to allow indigenous people in Alaska to kill a limited number of bowhead whales as part of the so-called subsistence hunting.

In this respect, delegates agreed by consensus to allow up to 280 bowhead whales to be landed in the five-year period 2003-2007. No more than 67 whales may be struck in any year. An annual average of 51 bowheads for the USA and five for Russia was approved.

The Commission considers all bowhead whale populations to be 'highly endangered' and to number 500 or less, except the Brink-Chukchi-Beaufort Seas stock, which numbers over 9,000. Despite 16 years of protection, seven of the 13 great whale species remain endangered, and commercial whaling is increasing.

The IWC has always allowed small communities, mainly in the Caribbean and the Arctic, to continue to catch some whales. It accepts the argument that the catch is traditional and necessary for their survival.

Iceland bid

Norway was considered to have 'hijacked' the Cambridge meeting to reintroduce Iceland's bid to rejoin the IWC as a last-minute addition to the agenda. International trade in whale products has been banned by the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) since 1986, in the same year that a ban on commercial whaling was imposed by the International Whaling Commission.

Iceland resigned from the Commission in 1992. It tried unsuccessfully to rejoin at the London meeting of the IWC in 2000* and the Japan meeting of the Commission this May. It was accorded Observer status last year.

At this latest meeting, its bid succeeded after it agreed it would not resume commercial whaling until 2006 at the earliest, and only then under strict regulations.

The vote was extremely close. Of the IWC's 50 members, 19 voted in favour and 18 against. The other member countries were either absent or ineligible to vote. Several key players, including the UK and the USA, opposed the decision.

Following a series of procedural votes, Iceland was permitted to take part in the final vote on its own bid. Several member countries, including Switzerland, Sweden and Finland, changed position from the



* See *Environmental Policy and Law* Vol. 31 No. 6, p. 280.

last IWC meeting to back Iceland's request. The legality of the bid has been widely debated.

"These countries interpreted legal arguments as meaning that Iceland has a right to rejoin with reservations," said Nicholas Entrup of the UK's Whale and Dolphin Conservation Society. Environmental groups reacted to the vote with horror and disbelief. Australian Environment Minister David Kemp said the decision was a debacle and Australia would examine its legal basis. Australia had consistently argued that Iceland's exclusion should continue, he said, adding that, "Iceland will now be able to vote in the Commission as part of the pro-whaling bloc, which will make the conservation-minded nations' task all the more difficult."

The Minister stressed that 'this development threatens to render the IWC Convention meaningless by allowing individual members to set their own rules. The precedent it sets could have negative consequences for the orderly development of international law more generally.'

A spokeswoman for the World Wildlife Fund (WWF) said that now 'it will no longer be possible to make binding decisions if Parties, who are governments, can leave and then join again at will with a reservation – in this case to the moratorium.'

Speaking for Greenpeace, Richard Page said, 'Of the 19 votes cast in favour of Iceland's rejoining with a reservation, nine were from countries whose position in the IWC is directly linked to their receipt of fisheries grant aid from Japan.' Most of these countries are small island States.

The vote to admit Iceland was also supported by Norway, Switzerland, Sweden, Finland and Denmark. Startlingly, Sweden said that its vote to admit Iceland was cast in error. A Swedish Environment Ministry spokeswoman blamed her country's vote to readmit on 'complicated voting procedures and general disorder during the meeting.' She said Sweden remained opposed to Iceland's readmission!

According to Iceland's Fisheries Minister Arni Mathiesen, 'the whale stocks around Iceland are all in good shape and growing rapidly ... We have decided to begin whaling again, but not when we start ... It will not be before 2006, and then only for scientific purposes.'

Iceland's Marine Research Institute recommends a hunt of 200 fin whales, 250 minke whales and an unspecified number of sei whales every year. All three species are protected under CITES. But this hunt would be possible because Iceland also has reservations under CITES, Nicholas Entrup said.

These new developments illustrate how the pro-whaling movement in the IWC, led by Japan, has become more powerful in recent years, to the point where critics await a return to commercial whaling by the end of the decade.

Revised Management Scheme

At its 54th Annual Meeting in Japan, the IWC agreed to hold a special meeting of Commissioners to examine the outstanding issues required to finalise the Revised Management Scheme (RMS) for commercial whaling and

to specify the future work needed to expedite its completion. The Revised Management Scheme is a set of rules for governing whaling that would go into effect if the commercial whaling moratorium is lifted.

The Commissioners met from 15–17 October in Cambridge and the group comprised representatives from 37 of the 49 member States. It was chaired by Henrik Fischer (Denmark), the Vice-Chairman of the Commission.

There was an exchange of views and ideas on a number of difficult issues surrounding the completion of an RMS, including catch verification schemes, compliance reviews, costs, area restrictions, animal welfare data and other related issues.

Progress was made in several areas where fundamental differences have been expressed in the past. A mechanism to build on this progress was established, including the establishment of three special working groups (on costs, catch verification and compliance).

The next special Commissioners' meeting is scheduled to take place prior to the next Annual Meeting of the Commission in June 2003.

Next Meetings

The 55th Annual Meeting of the International Whaling Commission is scheduled for the week beginning 16 June 2003, in Berlin, Germany, and will be preceded by meetings of the Scientific Committee and various sub-groups. The 2004 meetings will take place in May, in Italy. (MJ)



List of Member Nations

Antigua and Barbuda	Monaco
Argentina	Mongolia
Australia	Morocco
Austria	Netherlands
Benin	New Zealand
Brazil	Norway
Chile	Oman
People's Republic of China	Palau
Costa Rica	Panama
Denmark	Peru
Dominica	Portugal
Finland	Russian Federation
France	Saint Kitts and Nevis
Gabon	Saint Lucia
Germany	Saint Vincent and The Grenadines
Grenada	San Marino
Republic of Guinea	Senegal
Iceland	Solomon Islands
India	South Africa
Ireland	Spain
Italy	Sweden
Japan	Switzerland
Kenya	UK
Republic of Korea	USA
Mexico	