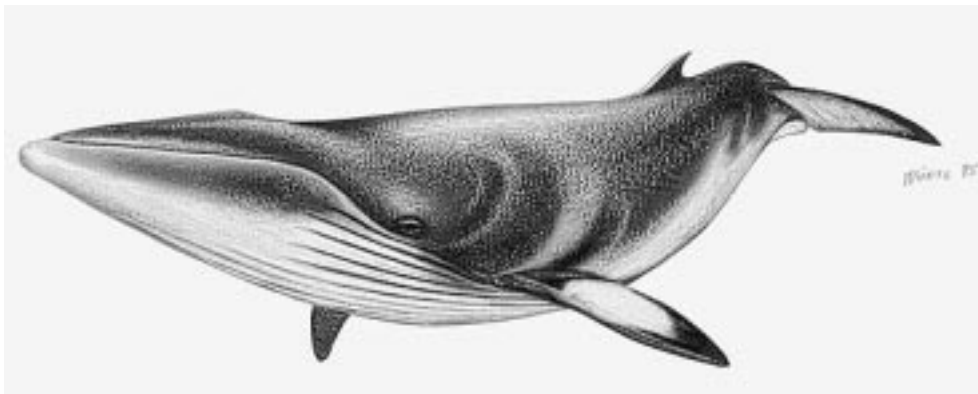




## Special Feature on the 58<sup>th</sup> annual meeting of the International Whaling Commission



### Whaling Commission Reaches Parity Landmark

**D**elegates from 66 of the 70 members of the International Whaling Commission (IWC) gathered in the Caribbean island of St. Kitts and Nevis from 16-20 June for what has become an annual philosophical battle between advocates for the sustainable use of wildlife and those who promote the total protection of species irrespective of abundance. IWMC was one of the many non-governmental organizations in attendance at St. Kitts and Nevis, observing

discussions and engaging delegates, officials and journalists about the proceedings.

On 18 June, a landmark was reached when the St. Kitts and Nevis Declaration was passed by 33 votes to 32 with 4 abstentions, giving whaling countries a simple majority in support of commercial whaling for the first time since the moratorium was passed in 1982.

The Declaration makes a commitment to normalize the IWC based on the terms of the International Convention for the Regulation of Whaling (ICRW), “relevant international law, respect for

cultural diversity and traditions of coastal peoples and the fundamental principles of sustainable use of resources and the need for science-based policy and rulemaking that are accepted as the world standard for the management of marine resources.”

It notes, “that the moratorium which was clearly intended as a temporary measure is no longer necessary” and “that the IWC’s own Scientific Committee has agreed that many species and stocks of whales are abundant and sustainable whaling is possible.”

After the vote, Eugene Lapointe, President of IWMC, said: “This is a great victory for whale conservation because it gives authority to plans to refocus the IWC as an organization that manages whale stocks based on science and sustainability. It provides hope that the IWC will be able to do its job of regulating international whaling in the future.”

In a statement, Norway's Whaling Commissioner Karsten Klepsvik said: “Norway is delighted that the IWC adopted the St Kitts and Nevis declaration. Although this is a small victory and does not mean any change in practice for Norwegian whaling operations, it is nevertheless important considering the virtual deadlock that the IWC has reached.”

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## Editorial : Parity May Breed Co-operation

By Eugene Lapointe



After spending the last twenty years of its existence as a one-sided anti-whaling caucus, the International Whaling Commission finally achieved voting parity in St. Kitts and Nevis and, potentially at least, began a new chapter as a resource management institution.

The passing of the St. Kitts and Nevis Declaration – a document that recognizes the organization’s past shortcomings and sets out the basis on which it should move forward – has

changed the dynamics of the organization and is likely to cause all parties to reassess their approach towards regulated whaling.

The IWC is metamorphosing again. As is well documented, at first it was ineffective at conserving whale species. Then, for a short period in the 1970s, it succeeded in establishing quotas that provided protection for whales. Then it transformed into a political body and put in place a ban on commercial whaling. And now, we hope, it is changing again into an international regulator – which was, after all, its original aim.

In some ways, the IWC typifies society’s struggle to come to terms with environmental issues. After nations stood by and allowed great damage to be inflicted on whale stocks, awareness emerged and action was taken, only for the new measures to be quickly supplanted by more dramatic political steps. Now a new pragmatism has crept into the IWC. The 2005/2006

catch figures show that it is currently regulating only 17 per cent of catches. The IWC clearly has to be fixed. A rational, scientifically-based system of regulation is needed to ensure long-term protection against the over-exploitation of whales.

It seems that for many years the anti-whaling majority mistook its numerical dominance for strength of argument. When it could have been negotiating whale management from a position of power, it instead raised the ante through a series of political interventions. Ironically, all this only served to make more visible the IWC’s dysfunctionality and cement dissatisfaction with its performance.

The St. Kitts and Nevis Declaration symbolizes the way in which pro-whaling countries have asserted themselves at the IWC in recent years. The regulation of whaling is no longer an unimaginable or unattainable goal. It has become a much more commonly understood and tolerated concept.

As of this week, no side is dominant and all parties have to negotiate from a position of equality. More, they will have to do so with the respect that is due to an equally powerful adversary. This means that compromises and concessions that were until recently unthinkable could suddenly appear much more attractive. The apparent willingness to engage in a discussion of normalization may signal the start of a much more constructive period at the IWC. Regulation may just have found its time. ■



<http://www.singlephoto.com/massachusetts/images/cc/pt/pb0052bg.jpg>

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## Normalization

The vote took place one day after the Commission had discussed a proposal from Japan, supported by IWMC, called “Normalizing the IWC”. In this document, which was not put to a formal vote, Japan said it would convene a special conference, “to exchange and discuss all ideas for normalizing the IWC and, taking into account the causes of the current dysfunction of and conflicts in the IWC, to develop and recommend a detailed plan of specific steps for implementing the ICRW in a responsible manner. The conference will be open to all IWC members that respect the ICRW and wish to act in accordance with the provisions of the ICRW.”

Most countries signaled that they will participate in the normalization conference, to be held outside of the IWC, possibly in February 2007. A preliminary gathering was attended by nearly 40 countries.

Eugene Lapointe praised Japan for taking a constructive approach and encouraged all countries to respond positively. He said: “Regulation of limited hunts is much more preferable to no regulation at all. A search for common ground will appeal to all but the most extreme anti-whaling nations. It is important for countries that support the principle of sustainable use to contribute positively. Any attempts to undermine this initiative should be firmly resisted.”

## Parliamentarians

The Hon. Cedric Liburd, Minister of Housing, Agriculture, Fisheries and Consumer Affairs in St. Kitts and Nevis presided over a meeting of Parliamentarians in support of Sustainable Use the day before the



Minister Liburd-St-Kitts

plenary meeting began. Discussions centered on the challenges faced by coastal states in utilizing their marine resources in a sustainable manner and concluded by endorsing the St. Kitts and Nevis Declaration.

At this meeting, Eugene Lapointe read out a statement of support from Garry Breitreuz, Founder and Co-Chair of Canada’s newly established Parliamentary Outdoors Caucus. The group already has 75 members representing all ten provinces and all four political parties in Canada.

On the opening day of IWC 58, press conferences were held by Japan and then jointly by the USA, United Kingdom, Australia, New Zealand and Brazil. Ministers from the UK and New Zealand claimed that a ban on

commercial whaling would allow whale watching to develop in island states and remove the stigma of being associated with whaling.

This drew the response from Mr. Lapointe that if supporting the sustainable use of marine resources was really bad for an economy, there would be little tourism in countries like the United States, Denmark, Russia, Japan, Norway, Iceland, Canada, the Philippines and Indonesia. He said: “Whale watching and managed whale hunting are not mutually exclusive economic activities.”

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## St. Kitts and Nevis Declaration

**EMPHASISING** that the use of cetaceans in many parts of the world including the Caribbean, contributes to the sustainable coastal communities, sustainable livelihoods, food security and poverty reduction and that placing the use of whales outside the context of the globally accepted norm of science-based management and rule-making for emotional reasons would set a bad precedent that risks our use of fisheries and other renewable resources;

**FURTHER EMPHASISING** that the use of marine resources as an integral part of development options is critically at this time for a number of countries experiencing the need to diversify their agriculture;

**UNDERSTANDING** that the purpose of the 1946 International Convention for the Regulation of Whaling (ICRW) is to “provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry” (quoted from the Preamble of the Convention) and that the International Whaling Commission (IWC) is therefore about managing whaling to ensure whale stocks are not over-harvested rather than protecting all whales irrespective of their abundance;

**NOTING** that in 1982, the IWC adopted a moratorium on commercial whaling (paragraph 10 e of the Schedule to the ICRW) without advice from the Commission’s Scientific Commission that such measure was required for conservation purposes;

**FURTHER NOTING** that the moratorium which was clearly intended as a temporary measure is no longer necessary, that the Commission adopted a robust and risk-averse procedure (RMP) for calculating quotas for abundant stocks of baleen whales in 1994 and that the IWC’s own Scientific Committee has agreed that many species and stocks of whales are abundant and sustainable whaling is possible;

**CONCERNED** that after 14 years of discussion and negotiation, the IWC has failed to complete and implement a management regime to regulate commercial whaling;

**ACCEPTING** that scientific research has shown that whales consume huge quantities of fish making the issue a matter of food security for coastal nations and requiring that the issue of management of whale stocks must be considered in a broader context of ecosystem management since eco-system management has now become an international standard;

**REJECTING** as unacceptable that a number of international NGOs with self-interest campaigns should use threats in an attempt to direct government policy on matters of sovereign rights related to the use of resources for food security and national development;

**NOTING** that the position of some members that are opposed to the resumption of commercial whaling and management measures which will allow controlled and sustainable whaling which would not mean a return to historic over-harvesting and that continuing failure to do so serves neither the interests of whale conservation nor management;

**Now therefore:**

**COMMISSIONERS** express their concern that the IWC has failed to meet its obligations under the terms of the ICRW and,

**DECLARE** our commitment to normalizing the functions of the IWC based on the terms of the ICRW and other relevant international law, respect for cultural diversity and traditions of coastal peoples and the fundamental principles of sustainable use of resources, and the need for science-based policy and rulemaking that are accepted as the world standard for the management of marine resources. Why is the IWC dysfunctional?

Continued from page 3

## Revised Management Scheme (RMS)

The St. Kitts and Nevis meeting was overshadowed by the breakdown in February of fourteen years of discussions to agree a Revised Management Scheme (RMS). IWMC utilized its opening statement to liken the negotiations to establish the management system to the “Jarndyce versus Jarndyce” parody in the Charles Dickens novel Bleak House and observed: “At least Dickens’ weary characters – or at least those that survived – were able to gain some satisfaction with the closure of their case. The ending of RMS negotiations has brought us no closer to a definitive resolution.”

Proceedings opened with the narrow rejection of proposals presented by Japan to delete from the agenda an item on small cetaceans (32-30-1) and introduce the use of secret ballots (33-30-1). Later, the meeting voted 31-30-4 against assigning Japanese coastal fishermen a quota of 150 minke whales and 33-28-4 against abolishing the Southern Ocean Sanctuary. Both required three-quarters majorities to pass.

The meeting drew to a close with an agreement to improve facilities for Spanish and French speakers following criticism that the UK-based organization operates as “an Anglo-Saxon club”. The Commission also decided against using reserve funds to assist St. Kitts with additional financial costs arising

from hosting the meeting (30-30-4). Its final act was to elect the United States and Japanese Commissioners, Bill Hogarth and Minoru Morimoto, as new Chairman and Vice Chairman.

In his closing comments, Mr. Morimoto said: “The IWC has now begun the process for bringing its functions back on track as a resource-management organization that regulates and monitors sustainable whaling. Whales should be treated as any other marine living resources available for harvesting, subject to conservation and science-based management.” ■



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## Analysis

### Why is the IWC dysfunctional?

- The IWC has increasingly struggled to carry out its mandate to regulate commercial whaling. The IWC was established by the 1946 International Convention for the Regulation of Whaling (ICRW) “to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry.”
- Although obliged to use science as the basis for its decisions, the IWC established a moratorium on commercial whaling and 2 ocean sanctuaries without scientific backing.
- It missed its 1990 deadline to complete stock assessments and set catch quotas for abundant whale stocks.
- Almost all of the world’s whale hunts today – though sustainable and lawful – now take place outside of international regulation. Only 17 per cent of whales hunted by IWC member states are regulated by the IWC.
- The IWC is polarized and politicized. It can no longer agree on any substantive issues. It agreed a conservative catch quota system in 1994 (the Revised Management Procedure) but cannot agree on an overall framework for implementing it (the Revised Management Scheme).

### How does Greenpeace carry out a publicity stunt?

Prior to the commencement of the IWC meeting, the government of St. Kitts and Nevis decided to prohibit the Greenpeace ship Arctic Sunrise from docking in the nation’s ports. Representatives from the group were permitted to attend the meeting along with other NGOs. On 20 June, ten campaigners illegally landed on the beach outside the conference resort and were arrested. What are the steps involved in organizing a publicity stunt?

- Plan an operation that will gain international publicity, focusing on one simple message. Select time, survey suitable stunt location and make preparations (banners and other equipment). Ensure participants have different nationalities so that arrests are newsworthy in different countries.
- Hire local lawyer, discuss possible legal ramifications, and prepare draft defense arguments.
- Prepare press release, organize photography/ video recording (Greenpeace staff). Brief and train campaigners on tactics for operation.
- On the ground team leader tips off media at pre-determined time. In St. Kitts, an IWC accredited campaigner alerted journalists inside the media center to “be on the beach in 15 minutes”.
- Once TV cameras and newspaper photographers are in place, on the ground team leader signals operation to commence.
- Carry out stunt making sure to be arrested. Ensure campaigners are dragged away by law enforcement officers to facilitate suitable images for the media. Provoke law enforcement through non-cooperation and other non-physical tactics.
- Present defense documents to local court. Use Greenpeace video footage to demonstrate use of unnecessary force by law enforcement officers. Characterize operation as a “peaceful protest”.
- Secure release of campaigners with minimum publicity and cost.

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## When is a poll not a poll? When it is produced as part of an advocacy campaign.

WWF had to put out a hasty press release in St. Kitts and Nevis defending opinion surveys it had circulated earlier that claimed to show that Caribbean and Pacific islanders oppose regulated whaling. New Zealand Conservation Minister Chris Carter had used the polls to claim at a press conference that the polls showed a “dislocation” between the views of island leaders and voters.

The polls were carried out in Grenada, Antigua and Barbuda, St. Kitts and Nevis, Dominica, St. Lucia, Palau, the Solomon Islands, Tuvalu, the Marshall Islands and Kiribati. They were flawed for two reasons: they all used a sample size that was too small and they relied on leading questions to extract the appropriate answers.

The polls involved telephone interviews (the most unreliable polling technique) and sampled only 200-300 people in each country. Opinion polls are normally considered to be of little merit if their sample size is much less than 1,000. WWF made the mistake of simply aggregating a series of small-sample polls to reach this number, leaving its conclusions statistically compromised.

The surveys were clearly designed to elicit particular responses rather than discover true opinions. The first question was: “The International Whaling Commission, also known as the IWC, was established in 1946 to conserve whale stocks and regulate the whaling industry: Do you know that your country is a member of the IWC?” Poll questions that would have revealed more accurate responses are: “Can you tell me some international institutions that your country belongs to?”; “Can you tell me which of the following international institutions you are familiar with?”; and “Do you know which international organization regulates whaling?”

Subsequent questions asked respondents to react to particular characterizations of the whaling issue. Not surprisingly, the reactions reflected the characterizations. Respondents were not told, for example, why their governments support the sustainable use of marine resources.

In the end, the real dislocation was between WWF and the anti-whaling politicians who relied on its flawed opinion polls. ■

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## Noteworthy

### Seventh Cologne Whaling Meeting Cologne, Germany

10 – 12 November 2006

The triennial Cologne Whaling Meetings are one of only two regular international conferences on the cultural history of human-cetacean relations, worldwide, from prehistoric times to the present day. Participation, however, is by personal invitation of the organizer only!

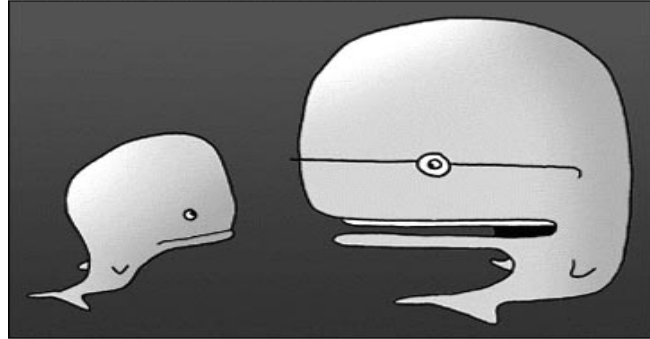
Request your invitation by sending an application to participate, outlining your specific interest in whaling history, to [kbarthval@gmx.de](mailto:kbarthval@gmx.de)

The organizer reserves the right to refuse participation.

The program for the Seventh Cologne Whaling Meeting is found at the following link:

<http://www.cetacea.de/news/archiv/2006/06/arch060616.shtml>

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Thanks to Stephen Lovejoy (See Jonahs 1-4)

12-20-2004

**THERE WAS A WHALE WHO DIDN'T FOLLOW  
GOD'S WILL, BUT HE REPENTED AFTER GOD  
PREPARED A HUMAN AND MADE HIM SWALLOW IT**

### Seafood for Life 2006 Rydge's Tradewinds, 137 The Esplanade, Cairns, Australia

29 July 2006

For further information about "Seafood for Life 2006", contact Seafood Services Australia on [ssa@seafoodservices.com.au](mailto:ssa@seafoodservices.com.au)

Register online at <http://www.seafoodbookshop.com.au>

### Association of Fish & Wildlife Agencies' 2006 Annual Meeting Snowmass Resort, Snowmass, Colorado, USA

17-22 September 2006

The conference schedule, hotel reservations, travel information, and on-line registration are now available at [www.fishwildlife.org](http://www.fishwildlife.org).