



Thrown For a Loop

Editorial by Eugene Lapointe

Back in 1982, when officials from the United States were patting themselves on the back for the pivotal role they had played in engineering the moratorium on commercial whaling when it was belatedly pointed out that something had been overlooked: Alaskans hunt whales. Not only had Alaskans done so for centuries but they intended to continue doing so in the future.

US officials faced a dilemma. They couldn't retreat on their seemingly triumphant environmental success story, but at the same time they couldn't renege on the whaling ban. They needed to find a way to accommodate the Alaskans.

The rabbit they pulled out of the hat was to create, with the acquiescence of anti-whaling allies in the IWC, a loophole called "aboriginal subsistence whaling". Under the loophole, traditional coastal whalers would be exempted from the IWC moratorium from 1984 onwards.

But like all loopholes, the new IWC category inevitably created inconsistencies. United States citizens are covered by the exemption but Japanese ones are not. And in order to produce a quota figure, the mechanism for calculating the catch has to be significantly less conservative than the one agreed for any future commercial catches.

After carving out a way to avoid their new self-imposed zero catch obligations, the Americans then put on a straight face and criticized Japan and

Iceland for their scientific research whaling arguing that these countries were exploiting a loophole to avoid the moratorium!

However, unlike "aboriginal subsistence whaling", scientific whaling is specifically provided for in the text of the International Convention for the Regulation of Whaling (ICRW). Article 8 expressly permits it. Far from being a loophole, scientific whaling is one of the foundations of the whaling convention.

Indeed, by definition, it is impossible for a convention established to bring about the "orderly development of the whaling industry" to have a loophole that allows whaling. All it can have are loopholes that prevent it.

In fact, in addition to the "aboriginal subsistence whaling", the IWC is riddled with loopholes. For example, it does the exact opposite of what it is supposed to do, amendments to the Schedule can and do contravene the original convention and it considers issues beyond its remit.

The Alaskan quota is scientifically justifiable and should be approved at Anchorage. Equally, so should Japan's coastal quota. But they shouldn't be loophole quotas – the proposals are sustainable and stand on their own merits ■

Counting Gridlock

Should landlocked countries be allowed to join the IWC? Of course they should because they have the right and ability to contribute to the workings of the Commission. Landlocked countries have views and opinions that should be taken into account. And this is the same whether they support or oppose sustainable whaling. If Laos joins in time to participate in IWC 59, it will become the tenth such country to join and the scorecard will read:

7 anti-whaling landlocked countries (Austria, Czech Republic, Hungary, Luxembourg, San Marino, Slovak Republic, Switzerland).

3 pro-sustainable use landlocked countries (Laos, Mali, Mongolia)

Perhaps the bigger question is whether countries should be allowed to join the IWC if they don't actually support, and won't uphold, the International Convention for the Regulation of Whaling. After all, it is lack of respect for the convention that is perpetuating the gridlock at the IWC ■

Excerpts from the IWMC Opening Statement

“...In some ways, the IWC has evolved into the world's first international instrument for making ethics-based decisions on wildlife. Anti-use ethicists take the view that whales should never be killed by mankind under any circumstances and they try to use IWC rules to enforce this preference. However, for the ethicists, the IWC is only a limited success. The commercial utilization of even the most abundant whale species has largely been prevented for the last twenty years but hundreds of whales are harvested each year by IWC members – legally but outside IWC control. This won't change because, whatever the vote count at any plenary session, it is not possible to change the IWC's basic rules that allow for the filing of objections and scientific whaling” ■