



Reform and Safety Net Move Ahead

As the Chairman's reform process continues against a background of increasing howls from the animal rights groups, a meeting on the Safety Net on Tuesday evening demonstrated that the IWC has just one last chance to get its house in order.

Animal rightists complain that the IWC does not need to be fixed, that there is no need for haste, that the Chairman's proposals presuppose a compromise solution, and that the process needs to be open (i.e. should elevate them in status to that of nation states).

The Commission's not so Small Working Group will work behind closed doors and the expectation is that whatever it agrees will be accepted at Medeira. In effect, this means that the Commission will be reaching conclusions without the "expertise" of NGOs, which naturally greatly elevates its chances of success.

Locked out of the reform process, the Chairman provided NGOs with a thirty-minute slot to present their views. This proved overwhelmingly irresistible – but instead of using the opportunity to make persuasive comments and observations on the reform process, the animal rightists simply regurgitated the same tired old anti-whaling arguments.

Pro-sustainable use nations are, at the same time, pressing ahead with the Safety Net, a separate process that is designed to save whale management if the IWC reforms fail to deliver. These discussions are cast as being non-confrontational towards the Future of the IWC discussions but, by establishing an alternative, they serve to provide a clear incentive for focusing minds over the next twelve months.

The Safety Net will work towards producing a new organization that would protect those whale stocks at low levels and sustainably manage abundant ones. Large-scale unregulated or uncontrolled whaling would not be allowed. A science-based framework, perhaps based on the RMP, would set sustainable quotas and these would take account of bycatch and sampling by scientific research.

Having established the principles under which the new organization will operate, a working group will now consider what type of agreement should bring it into being. Participants at Tuesday's meeting raised some of the legal issues that need to be considered, such as how to limit membership to countries that support the sustainable consumptive use of cetacean resources.

With the two processes moving separately yet in parallel, perhaps there is now a possibility that an international whale management regime can become a reality in the not too distant future.

Netherlands Must Act Against Maritime Violence

Japan's Institute of Cetacean Research (ICR) has strongly criticized the Netherlands – the flag state for Sea Shepherd's vessels – for not enforcing international maritime safety regulations. This follows “increasingly violent acts” in the 2007/2008 research season by the Dutch-flagged attack ships, according to Mr. Minoru Morimoto, Director General of the ICR.

Signaling that Japan expects to see actions backing up the recent IWC Resolutions on safety issues at sea, Morimoto said: “All flag and port states must take responsibility for enforcing international safety regulations and demonstrate tangible results to ensure the safety of workers at sea.”

Various nations, including Canada, Belize and the United Kingdom have declined to flag Sea Shepherd. Two years ago, South African port authorities detained the *Farley Mowat* in Cape Town for several days for failing to meet maritime safety standards. Sea Shepherd categorizes its ships as yachts to circumvent IMO safety rules, including those on the competencies of its crew.

Flag states have overall responsibility for the implementation and enforcement of international maritime regulations for all ships granted to fly their flag.

A 2005 Protocol to the IMO's SUA Convention (Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation) created an offence to “use a ship in a manner that causes death or serious injury or damage” when the purpose of the act is “to intimidate a population or compel a Government or an international organization to do or abstain from any act.”

The ICR wants the Netherlands to pull its registration of Sea Shepherd and for Australia to stop allowing its ports to be used as bases for the group. Morimoto said: “Flag states should decline to register any Sea Shepherd vessels and, in addition, port states must deny access to ports when they are used... to launch violent attacks in the Antarctic.”

Mr. Morimoto added that, “countries in which these organizations are headquartered, and from where their members conspire to carry out criminal acts, must bring these perpetrators to justice.”

In the absence of flag and port states taking action, he said that ICR would support initiatives by the Government of Japan “to protect its vessels by all means possible”.

New Greenland Quota Blocked

Greenland's proposal for a subsistence harvest of ten humpback whales was deemed sustainable by the IWC Scientific Committee but rejected by the Commission by 36 votes to 29.

Afterwards, Denmark complained that the vote was lost "in spite of clear scientific advice" and St. Kitts and Nevis warned that "block voting renders the IWC useless".

The response from Greenland was swift. The Organization of Fishermen and Hunters in Greenland (KNAPK) said the EU had no basis for rejecting the proposal and urged its government "to re-evaluate its current Fisheries Agreement with the EU and if necessary to abolish the agreement." It also called for the banning of all mineral and oil exploration from companies based in the EU.

The vote suggests that the management advice of the IWC's Scientific Committee's will carry little weight at plenary in the future and bolsters the views of those who say that the organization cannot be fixed and needs to be replaced.

Eugene Lapointe, President of IWMC World Conservation Trust, said: "Regional blocks can serve a useful purpose in trade negotiations by giving countries greater leverage to win concessions. But block voting on wildlife issues makes a mockery of international institutions from the IWC to CITES. Their decisions should be based on objective scientific assessments, not voting power."

The European Union and Buenos Aires Group accounted for all but a handful of the 36 votes against Greenland's proposal.

Ratatouille

Australian aboriginal rights campaigner, Peter Garrett, missed an opportunity to further his favorite cause on Thursday when he was inexplicably absent during the discussion on Greenland's humpback proposal. Australia's vote *against* the indigenous Greenlanders was cast by Commissioner Donna Petrachenko. We wonder why...

Maybe it has to do with the fact that, unlike many at the IWC, Australia finds it difficult that, "the time has come to say fair's fair; to pay the rent to pay their share; the time has come a fact's a fact; it belongs to them let's give it back."

What a pity that Mr. Garrett could not rise to the support of aboriginal rights when he had the chance. Singing is easy. But no thanks to Mr. Garrett, for some Greenlanders, there'll be no food on the table tonight.

Quadrophenia

Conference Sketch

I must have been burning the Midnight Oil, so to speak. It was a peculiar dream. All sorts of IWC personalities were lined up with Messrs. Daltry, Townshend, Entwistle and Moon, rocking away to their favorite Who numbers in the lobby of the Santiago Sheraton.

There was the Chairman, no less, sharing Roger's mike, imploring, "All aboard my *Magic Bus*..."

Of course, that didn't go down well with the animal rights groups. They were shooting off press releases left, right and center. "So, do you want us to object to the *Magic Bus*, ay?" asked New Zealand's delegation...

All of a sudden, there's the whole Whales R US Coalition raising the roof to, "*You Better You Better You Bet...*" and the Australians, media and all, responding with "*Lets See Action*".

Well, then things start getting really strange. They implore the whaling nations to give up all whale hunting in exchange for eternal goodwill, love and friendship. And then we hear the whalers' dramatic response of, "*We Won't Be Fooled Again...*"

Just when I'm wondering what on earth is happening, the Secretariat appears and teases us with a hearty rendition of, "*I Can't Explain*".

Then it happens, the unmistakable bass chords of *My Generation* kick in and the Caribbean delegations are harmonizing, "Protest groups try to put us down..."

Just when it looks like things can't get more bizarre, the whole hotel security complement appears, dancing around a giant metal detector singing "*Who Are You...*"

Finally the whole Commission joins together with a fanfare of "*Anyway, anyhow, anywhere*".

What is in that carmenere anyway...?

See you in Portugal!