

# Whaling and the International Whaling Commission (IWC)



# Brief History lesson

Pre-historic practice: opportunistic for meat - stranded and coastal whales

900/1000 AD: First organized whaling for oil = Basque people – northern Spain, then beyond

1600 – 1800s: increasingly mechanized whaling; national fleets (steam vessels, exploding harpoons); remote shore stations

1900's: industrial whaling; factory ships in southern hemisphere

- ▶ **2.9 million** whales killed in 1900's
- ▶ 60-80% in Antarctica
- ▶ Over 60,000 / year in 1960s
- ▶ Some populations reduced by as much as 90 percent; blue whales by more than 98%

Why?

## Whale oil – vital for industrial and economic development



All have petrochemical and plant-based alternatives today

# The need for International Regulation

- ▶ 1930s: several attempts failed

Motivation = protection of territorial, national and corporate interests; not whales

- ▶ 1945: International Convention for the Regulation of Whaling (ICRW) – established International Whaling Commission (IWC)



**1945: International Convention for the Regulation of Whaling (ICRW)**

**Early recognition of need to protect resource for its own sake**

**Objects and purpose include Conservation *and* Management mandate**

# Two kinds of international treaty

- ▶ Decisions taken by:
  - ▶ 1) **Consensus** (e.g. Convention on Biological Diversity, Climate Change Convention)
    - ▶ Everyone agrees on everything
    - ▶ Takes time and compromise
  - ▶ 2) **Majority Rule** (e.g. Convention on International Trade in Endangered Species (CITES), Montreal Protocol (ozone depleting substances), fisheries agreements)
    - ▶ Needs 2/3 or 3/4 majority for big decisions
    - ▶ Everyone bound (in theory)

# IWC = majority rule treaty

▶  $\frac{3}{4}$  majority needed to:

- ▶ Adopt quotas
- ▶ open and close seasons
- ▶ protect specific populations
- ▶ Protect specific areas (sanctuaries)

What's the incentive to join or comply?

**OBJECTION!**





# “Scientific Whaling”

## ▶ Article VIII:

- ▶ “Notwithstanding anything contained in this Convention any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research ...
- ▶ Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted...”

# Monitoring whaling at sea

No mandate or motivation for effective international observer scheme of vessels and land stations

- ▶ **Over hunting /under reporting**

- ▶ Soviets killed more than 90,000 more whales than reported

- ▶ **Falsification of catch data**

- ▶ Cover up catches of undersized, protected whales; whaling in closed seasons and areas

## Other challenges to governance

The ICRW has no:

- ▶ compliance mechanism

Only Parties (not the Commission) can punish violations (infractions)

- ▶ dispute resolution mechanism

E.g. to resolve disputes over competence

- ▶ independent legal advice



FRIENDS OF THE EARTH  
SAVE THE WHALES

BAN  
SPERM  
WHALE  
IMPORTS

HAND  
IN GLOVE  
WITH THE  
WHALES?

*Happy Christmas?*

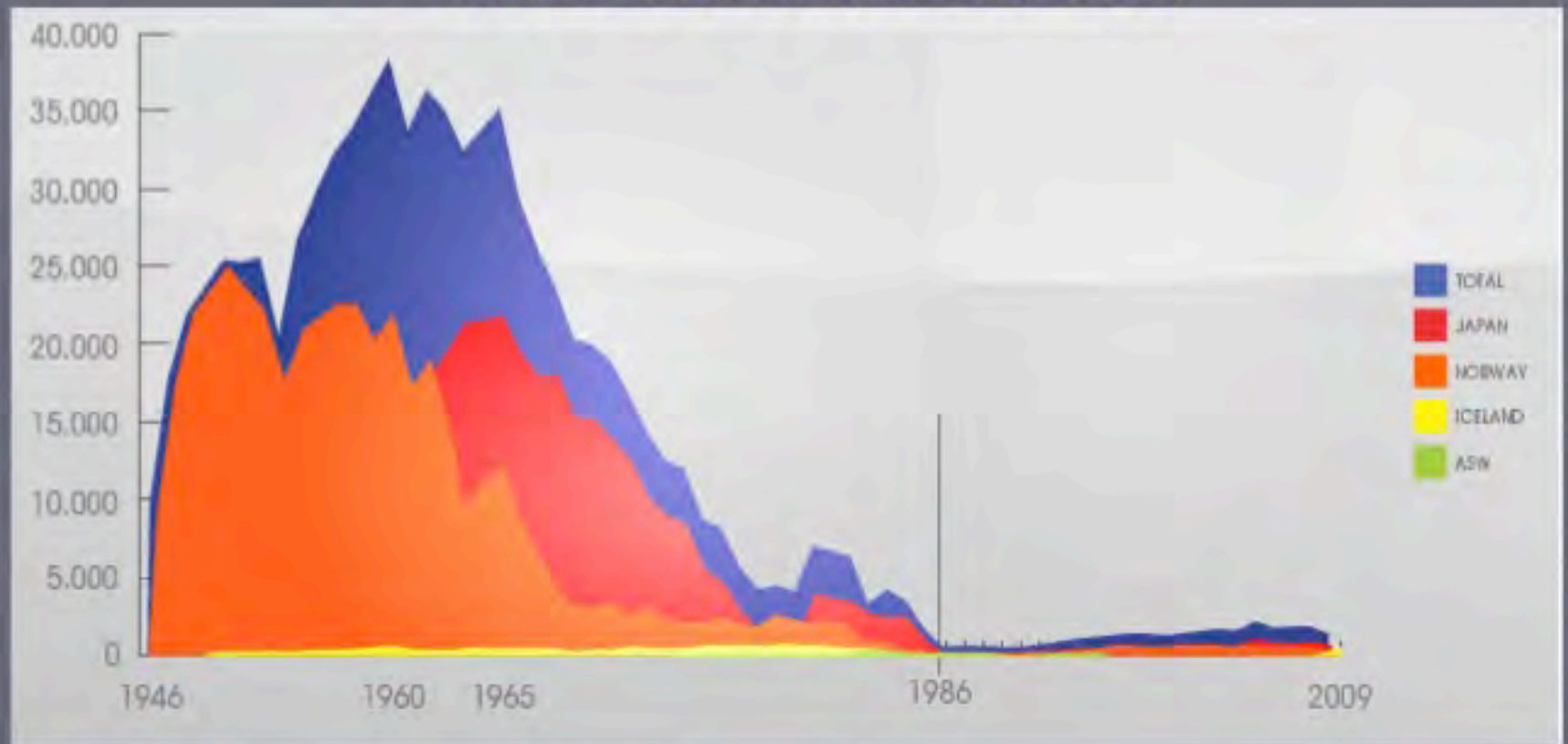
WHO  
NEEDS  
SPERM  
OIL?



save the  
whales!



# The moratorium



7/10 whaling nations gave up

The end?

Compromise *and* forced on whaling nations

Those opposed have ways around it

# Current commercial whaling

## ▶ Japan:

- ▶ Two "research" programmes
- ▶ 4 species (minke (2), sei, Bryde's,
- ▶ Quotas of @ 600/ year
- ▶ Antarctic Sanctuary

## ▶ Norway:

- ▶ Whaling under objection on minke
- ▶ Quota of @ 1300 / year (660 taken in 2015)

## ▶ Iceland:

- ▶ Whaling under reservation (fin and minke)
- ▶ Quota of 154 fin and 229 minke (155 and 29 taken in 2015)

# Other threats to whales

- ▶ Climate change
- ▶ Loss of prey: over-fishing; UV-B radiation affecting plankton; loss of Antarctic sea ice affecting krill;
- ▶ By-catch: 300,000 cetaceans / yr
- ▶ Marine debris (ingested and entangled)
- ▶ Vessel strikes
- ▶ Noise / disturbance
- ▶ Chemical pollution

