

**REVIEW OF THE 34TH INTERNATIONAL WHALING
COMMISSION MEETING**

HEARING
BEFORE THE
SUBCOMMITTEE ON HUMAN RIGHTS
AND INTERNATIONAL ORGANIZATIONS
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

NINETY-SEVENTH CONGRESS

SECOND SESSION

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CONTENTS

WITNESSES

| | Page |
|--|------|
| Hon. John V. Byrne, Administrator, National Oceanic and Atmospheric Administration, and U.S. Commissioner to the International Whaling Commission..... | 26 |
| Craig Van Note, executive vice president, Monitor..... | 38 |
| Phoebe Wray, senior consultant, Center for Action on Endangered Species..... | 55 |
| Fran Lipscomb, Society for Animal Protective Legislation..... | 71 |

MATERIAL SUBMITTED FOR THE RECORD

| | |
|---|----|
| Trip report on the 34th International Whaling Commission meeting..... | 3 |
| Text of speech by Robbins Barstow made at the 34th International Whaling Commission meeting on July 22, 1982..... | 41 |

APPENDIXES

| | |
|---|-----|
| 1. Provisional agenda for the 34th International Whaling Commission meeting, July 19-24, 1982..... | 79 |
| 2. Letter dated June 25, 1982, to President Reagan, signed by 64 members of the House of Representatives..... | 82 |
| 3. Letter dated August 31, 1982, to Hon. Malcolm Baldrige, Secretary of Commerce, from 66 Senators..... | 86 |
| 4. Letter dated September 13, 1982, to Subcommittee Chairman Bonker from Robbins Barstow, volunteer executive director of the Connecticut Cetacean Society..... | 92 |
| 5. Text of article entitled "Cold Harpoon Ban Long Overdue," published in Outlaw Whalers, 1982..... | 93 |
| 6. Text of article entitled "Korea's Illegal Fin Whale Hunt," published in Outlaw Whalers, 1982..... | 96 |
| 7. Text of interview with Ray Gambell, Secretary, International Whaling Commission, regarding the changing nature of the IWC..... | 98 |
| 8. Table prepared by the Commerce Department on commercial catch limits established at the July 1982 IWC meeting..... | 99 |
| 9. Table prepared by the Commerce Department on commercial catch limits: 1973-82..... | 100 |

REVIEW OF THE 34TH INTERNATIONAL WHALING COMMISSION MEETING

THURSDAY, SEPTEMBER 16, 1982

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON HUMAN RIGHTS AND
INTERNATIONAL ORGANIZATIONS,
Washington, D.C.

The subcommittee met at 1:15 p.m., in room H-236, the Capitol, Hon. Don Bonker (chairman of the subcommittee) presiding.

Mr. BONKER. The Subcommittee on Human Rights and International Organizations will come to order.

This subcommittee has jurisdiction over international organizations, one of which is the International Whaling Commission that meets on an annual basis, and for the past several years in Brighton, England. Today we are meeting to review the results of the 34th annual IWC meeting, held in Brighton, England, from July 19 through July 24.

The chairman regrets that he was unable to attend this particular session but was well represented by Carole A. Grunberg, subcommittee staff associate.

Since 1972, when the U.N. Stockholm Conference on the Human Environment first called for a 10-year moratorium on all commercial whaling, the United States and many of you here today have been engaged in this effort. The tireless pursuit of the cause of whale protection has finally succeeded. I might add parenthetically that the United States, throughout several administrations and with the almost unanimous support of the Congress, has maintained an advocacy position with respect to a moratorium on commercial whaling. By a vote of 25 to 7, with 5 abstentions, the Commission this summer adopted a proposal to place zero catch limits on all commercially hunted whale stocks, beginning in the 1985-86 pelagic season. In effect, this decision will bring an end to all commercial whaling in 3 years. This, of course, is a goal long sought by the United States and other conservationist nations.

Nevertheless, the victory was not cost-free. In the closing hours of the meeting, Plenary voted time and time again to overturn the Technical Committee's low commercial quota recommendations. The difference between the Technical Committee's recommended quotas for 1983 and those that the Plenary finally agreed on was about 6,000 whales. Next year's combined commercial catch limits will only be about 2,000 less than the present allowable commercial harvest of some 14,000 whales.

Another major achievement was the creation of a new management scheme for aboriginal/subsistence whaling, something which has plagued our own representation at these sessions in the past. This will, of course, cover the Alaskan Eskimo bowhead whaling issue. The scheme will establish a Technical Committee subcommittee to consider the subsistence, nutritional, and cultural requirements of aboriginal people and to advise the Technical Committee in much the same way as the Scientific Committee does.

As we review the outcome of the 34th IWC, we would also hope to discuss the likely reaction of the whaling nations to the 3-year delayed cessation of commercial whaling, and whether the whalers will file objections to this decision.¹

Another, more pressing issue is whether the whalers can be expected to abide by the cold harpoon ban when it comes into effect for minke whaling later this fall.

We are pleased to have as witnesses today the distinguished persons who have been involved as representatives to the most recent IWC meeting in Brighton.

Before beginning with today's testimony, I would like to request unanimous consent that the subcommittee staff report on the IWC meeting be included at this point in the record.

[The information referred to follows:]

¹On Nov. 14, 1982, Japan, Norway, Peru, and the U.S.S.R. had filed objections to the 3-year deferred cessation of commercial whaling.

TRIP REPORT ON THE 34TH ANNUAL INTERNATIONAL WHALING COMMISSION MEETING

SUMMARY

The negotiation of a cessation of commercial whaling dominated the 34th annual International Whaling Commission meeting, convened in Brighton, England, from July 19-24, 1982. On the last evening of the conference, Plenary adopted, by a vote of 25(US)-7-5, the Seychelles' proposal for placing zero catch limits on all whale stocks taken for commercial purposes beginning in the 1985/86 pelagic season.¹ In effect, the proposal will bring an end to all commercial whaling in three years. Gaining a comfortable margin above the three-fourths majority vote required in Plenary, the U.S. and other non-whaling states scored the most significant victory for whale protection in the history of the IWC.

However, a compromise was necessary to win support for the cessation from countries that feared the whaling nations would withdraw en masse from the IWC if the Commission adopted the proposal. In the closing hours of the session, the price paid for the victory became evident as Plenary time and again overturned the Technical Committee's greatly reduced or zero quota recommendations for 1983 in favor of catch limits close to those currently in force. Next year's combined commercial quotas will only be about 2,000 whales less than the present allowable harvest. A deputy commissioner from a key conservationist country aptly summed up the view of many observers: "The numbers are higher than we would have liked, but in light of what happened yesterday (the adoption of the cessation), we can live with them."

Another major American achievement was the IWC's agreement to create a new management scheme for aboriginal/subsistence whaling. The scheme will establish a Technical Committee Subcommittee to consider subsistence, nutritional and cultural requirements of aboriginal peoples and advise the Committee in much the same way as the Scientific Committee does.

The conservationists suffered major setbacks when the Commission voted to lift the suspension on North Pacific sperm whaling agreed to last year, and when catch limits other than zero were adopted on the highly endangered Spanish fin whale stock and Peruvian Bryde's whale stock.

No attempt was made to lift the ban on the use of the cold (nonexplosive) harpoon adopted at the 1981 IWC meeting. During debate on this issue, the five countries (Japan, the U.S.S.R., Iceland, Norway and Brazil) that had filed objections to the cold harpoon ban stated they will not be able to comply with the ban when it comes into effect this fall. Conservationist nations will be watching

¹ The Antarctic season runs from November through April. The report will hereafter simply use the term "1985 pelagic season."

Japan and the Soviet Union closely to see whether they will defy the ban and use the cold harpoon in their early winter, Antarctic minke whale hunt. Should they choose to ignore the ban, they will be eligible for certification under the U.S. Pelly and Packwood-Magnuson amendments. Certification involves a determination by the Secretary of Commerce that a nation's activities "diminish the effectiveness" of an international conservation regime (i.e., the 1946 International Convention for the Regulation of Whaling). When such a determination is made, the country in question automatically loses at least fifty percent of its fishery allocation in the U.S. 200-mile zone (Packwood-Magnuson); the President then has the discretion to embargo all or part of the country's fisheries imports to the U.S. (Pelly).

Another critical decision facing the whalers is whether they will file objections to the cessation decision within the required 90-day period. This will give a preliminary indication of the whalers' intent to abide by the cessation when it comes into force in the fall of 1985 for pelagic whaling.

In sum, the non-whaling states achieved an outstanding victory for whale protection at the 1982 IWC meeting, but they have yet to close the book on the history of commercial whaling.

II.

U.S. DELEGATION AND OBJECTIVES

The principal U.S. goal at the 34th IWC meeting was to gain an indefinite moratorium on the commercial killing of whales. The U.S. could support, if necessary, a moratorium that would be less inclusive in terms of species or areas covered, or one that would involve a limited phase-out provided the time frame were set forth in the Schedule (whaling regulations that are an integral part of the Convention).

In informal, pre-conference consultations in Brighton, the leading conservationist Commissioners agreed that of the five moratoria proposals on the agenda, the Seychelles' motion for a negotiated end to commercial whaling (a 3-year delayed cessation) offered the best hope of securing a three-fourths majority in Plenary. The Commissioners further decided to test the waters ^{in Technical Committee} with a 2-year delayed cessation, in an amendment to be forwarded by Costa Rica. The group agreed the moratoria proposals of the U.S. and four other nations should not be pursued unless the Costa Rican and Seychellian proposals failed to win a 75% majority in the Technical Committee's straw vote (where only a simple majority is sufficient for passage). In the event either motion was successful, the four other proposals would be withdrawn in favor of pre-

senting a unified stand on behalf of the cessation. The U.S. Delegation thus decided to support the conservationists' common strategy.

Another key U.S. objective was to gain the Commission's agreement on the establishment of a management scheme for aboriginal/subsistence whaling. An Ad Hoc Working Group of the Technical Committee, set up by the 1981 IWC, had recommended the Commission act immediately to adopt a management principle to cover aboriginal whaling. The scheme would separate the management of subsistence and commercial whaling by creating a standing Technical Committee working group to review information on subsistence, cultural and nutritional need and advise the Committee in much the same way as the Scientific Committee does.

The U.S. achieved its two primary goals for the session in the adoption of the 3-year deferred cessation of commercial whaling and of the aboriginal management scheme. The U.S. also successfully defeated an attempt by Spain to overturn the 3-year bloc quota on bowhead whaling and to impose a zero quota for 1983.

The U.S. sent its largest delegation ever to the 34th IWC session. Twenty-one persons served on the delegation. Dr. John Byrne, Administrator of the National Oceanic and Atmospheric Administration, served as the U.S. Commissioner. Mr. Thomas Garrett acted as Deputy U.S. Commissioner. Administration officials on the delegation included six representatives from the Commerce Department, two from the State Department, one from Interior, and two from the Marine Mammal Commission. Senator Ted Stevens (R-Alaska) and four Congressional staff served as Congressional Advisers on the delegation. Congressmen Don Bonker (D-Wa.) and Pete McCloskey (R-Ca.) were appointed as Advisers on the delegation, but were unable to attend the Brighton meeting. Japan sent the largest delegation, with 35 members.

The U.S. Delegation met the evening prior to the opening of the conference. The delegation also met each morning and at other key points throughout the week. Dr. Byrne kept the delegation well-informed of his informal consultations with other Commissioners. Although this was his first annual IWC meeting as head of the delegation, the outcome of the meeting is testimony to Dr. Byrne's leadership.

III.

THE 34TH ANNUAL INTERNATIONAL WHALING COMMISSION

The 1982 IWC meeting opened at 10 am on Monday, July 19. Of the 39 nations that were or became members of the Commission during the session, Antigua-Barbuda,

Dominica, Jamaica, Mexico, the Philippines, St. Vincent and Senegal were not present for the opening day. (As it turned out, Dominica and Jamaica never made it to the session.) Following the opening formalities, the Commission agreed to create an Ad Hoc credentials committee and then resolved into Technical Committee for consideration of agenda items 6 through 22. At previous IWC meetings, the Commission had alternated between Technical Committee and Plenary: the Technical Committee would act on a limited number of agenda items and report its recommendations directly to Plenary for action. The procedure agreed on this year would allow time for absent members to arrive in Brighton and permit more time for negotiation before final Plenary action.

Technical Committee

Item 6, Ending of Commercial Whaling, was the first substantive issue on the Technical Committee's agenda. Five countries had moratoria proposals under this item: Seychelles - A Negotiated End to Commercial Whaling; U.K. - Cessation of All Commercial Whaling; U.S. - Indefinite Moratorium on Commercial Whaling; France - Suspension of the Commercial Hunting of Great Cetaceans; and Australia - Cessation of Commercial Whaling.

As noted above, the leading conservationist nations had previously agreed that the Seychelles' proposal offered the best chance of gaining a 75% majority in Plenary, but that a vote on a 2-year deferred cessation, to be offered by Costa Rica, should be tested first. The conservationists' strategy was to withdraw the four other proposals if the Costa Rican or Seychellian motion passed with at least a three-fourths majority. The conservationists would thus have several options: a 2- and a 3-year delayed cessation of commercial whaling, or one of the other four moratoria proposals should either of the cessation votes fall short of a three-quarters majority.

Dr. Ferrari, the Seychelles' Commissioner, led off the debate by presenting his country's proposal. He criticized the way in which political concerns have increasingly subverted the importance of scientific evidence, and called attention to the fact that certain countries had withheld data from or falsified data presented to the Scientific Committee. He stressed the need for a "workable compromise." A "gradual approach" towards the ending of commercial whaling, he suggested, would allow time for reorientation of the whaling industry. He then spelled out the Seychelles' motion: "... catch limits for the killing for commercial purposes of whales from all stocks for the 1986 coastal and the 1985/86 pelagic seasons and thereafter shall be zero." In effect, the proposal would ban all commercial whaling beginning in the 1985 pelagic season; technically, it would place zero catch limits on each commer-

cially-hunted species and stock. (This scheme, rather than a moratorium, increased the odds against any attempt to overturn the decision. It would transfer the burden of proof to the whalers: they would need a 75% majority vote on each individual stock in order to set a quota other than zero.) Dr. Ferrari further explained that the 1985-1986 dates had been selected because most of the bloc quotas established in previous years would end at that time.

Norway was the first whaling nation to speak in opposition to the proposal. Norwegian Commissioner Tresselt commented that the Seychelles' proposal was not directed towards the "continued, rational management of whales," and that it was inconsistent with Article 5 of the 1946 Whaling Convention (which requires that the IWC's decisions "shall be based on scientific findings"). He stated emphatically that if a whaling ban were adopted without scientific grounds, Norway would use the objections procedure. A ban would also "threaten the future of the IWC itself." He added that revising the New Management Procedure (NMP - adopted in 1974 as a compromise for a moratorium) was more important, and that Norway would be offering a plan to revise the NMP under that agenda item.

Japanese Commissioner Yonezawa endorsed Norway's statement. He repeated the whalers' litany against the moratorium: it would violate Article 5, it would lead to the dissolution of the Commission and would infringe on coastal states' rights. He referred to the U.N. Food and Agriculture Organization (FAO) Observer's statement, which was pro-whaling, and labelled a moratorium an "unconscionable action."

The Chairman of the Technical Committee, Danish Commissioner Lemche, asked for a second for the Seychelles' proposal, which Australia gave. Costa Rica then forwarded its amendment to set the entry into force for the 1984/85 season, which France and St. Lucia seconded.

Debate proceeded with Iceland, Spain and South Korea opposing the cessation, and the Netherlands, St. Lucia, New Zealand and Uruguay supporting it. Argentine Commissioner Iglesias, the Chairman of the Commission, took a middle-of-the-road approach, calling for caution. The debate bogged down over whether to vote on the proposal then, or to postpone the vote. The Federal Republic of Germany, a new member of the IWC, requested a postponement until item 13, Whale Stocks and Catch Limits, had been considered. St. Lucia and France requested a procedural vote on Germany's motion, but the Chairman called for a teabreak.

During the break, the FRG was persuaded to withdraw its motion. When the Committee resumed, the FRG withdrew its motion, and Oman requested a procedural vote calling for an immediate vote on item 6 proposals. Oman's motion passed with the

simple majority required in Technical Committee 17(US)-9-8. Germany joined the whalers in the "no" column. The Netherlands then withdrew an amendment it had offered earlier that would have limited the cessation to a 10-year period. The Committee proceeded to vote on the Seychelles' proposal, as amended by Costa Rica, for a two-year delayed cessation of commercial whaling through the imposition of zero quotas on all stocks beginning in the 1984 pelagic season. The proposal passed 19(US)-6-9, one more than Plenary requires for a 75% majority. Denmark, which had occasionally voted with the whaling block in the past, joined the conservationists in the "yes" column, while Brazil, Chile, Iceland and South Africa deserted the pro-whaling group and abstained. Argentina, the FRG, Mexico, the PRC and Uruguay also abstained.

The abstentions by the FRG, Mexico and Uruguay disturbed conservationists who had thought these nations would vote solidly in support of whale protection proposals. Iceland's vote against the whalers, it was later learned, was a token protest against Japan. On key votes in the future, Iceland indicated it would always side with the whalers. In view of the three-quarters majority, the U.K., U.S., France and Australia then withdrew, one by one, their own moratoria proposals. The Committee moved on to Item 7, Revision of the New Management Procedure.

Norway introduced its proposal, suggesting that the Commission discuss it as a substitute for the whaling cessation decision and as an alternative to the filing of objections. Commissioner Tresselt pointed out that in light of the vote, there should be a "strong willingness" to negotiate a revision of the NMP. He further noted that the Commission should treat all species and stocks under a uniform procedure (a reference to the upcoming debate on the subsistence management scheme).

Debate, however, could not continue at that point because one of the relevant documents had not been printed. The Committee agreed to recess until the following morning when the document would be available.

At the U.S. Delegation meeting Tuesday morning, Dr. Bryne reviewed Monday's actions and his conversations with other Commissioners. He said the Netherlands, which had become increasingly reluctant to support an end to commercial whaling for fear the whaling states would leave the IWC, continued to harbor serious doubts about the cessation proposal. In the past, the Netherlands had been a strong supporter of conservationist positions; now, however, the Netherlands feared the dissolution of the Commission. On another item, the issue of coastal states' rights was emerging as one of the key problems. Some conservationist nations believed their group should issue a statement on this question; others believed such a statement would only com-

plicate matters and detract support from the effort to gain a cessation. The delegation also discussed the PRC's position. The PRC had been unwilling to reveal how it would vote on the cessation, leading some members to believe the PRC would side with Japan.

Technical Committee resumed consideration of the NMP at 9 am on Tuesday, and agreed to establish a working group to pursue the discussion on revising the NMP. The Committee moved quickly until it reached item 10, Whale Sanctuaries. This issue raised the first flurry of statements reaffirming coastal state sovereignty over the 200-mile Exclusive Economic Zone -- a concept developed during the Law of the Sea negotiations and contained in the Law of the Sea Convention. The Latins adamantly reiterated their stand that the IWC has no authority to regulate resources within a nation's 200-mile zone without the consent of the coastal state. French Delegate Garache presented a very positive statement on this problem, saying that although France felt very strongly about its exclusive sovereignty over the 200-mile zone, his country would welcome and be willing to implement any sanctuary scheme within this area. The Committee opted to recommend the formation of a small, ad hoc group to review any sanctuary proposals.

The Committee skipped over items 11 through 15, 17, 20 and 21, which were some of the more contentious, and moved rapidly through items 16, 18 and 22. Returning to item 11, Infractions and Reports from International Observers, the Committee briefly discussed several infractions involving the use of the cold harpoon, the submission of data, and the taking of undersized whales. Technical Committee then began consideration of item 13, Whale Stocks and Catch Limits, under which quotas would be set on individual stocks.

The Committee first considered the hotly contested North Pacific Western Division sperm whale stock. In a major conservationist victory last year, the Commission had suspended whaling on this stock until the Scientific Committee and the IWC could produce agreement on a catch limit. Special Scientific Committee and IWC meetings had been held in March 1982 to review the status of this stock, but had been unable to reach any agreement; this issue had been deferred to the annual meeting for a decision. Once again, the Scientific Committee had failed to recommend any quota.

The Seychelles began the lengthy debate, pointing out that the data used in computing one set of population estimates (by the Japanese) had not been made available to other scientists for an independent verification. Japan retorted that it had been well ahead of any other country in providing data to the IWC. Japan then proposed a quota of 890 (including an 11.5% female by-catch) for the fall of 1982 -- the same catch limit that had been in effect when whaling was suspended on this stock. Korea seconded Japan's motion. Several conservationist nations spoke in opposition to any

quota other than zero. St. Lucia compared the killing of sperm whales to "casting Rodin statues into dinner plates." Norway and Spain recorded their intent to abstain on any vote on this stock in Technical Committee. Argentina noted that in view of the lack of any recommendation from the Scientific Committee, votes would necessarily be cast on purely political grounds.

The vote on Japan's quota failed miserably 6-22(US)-5. Brazil, Chile, Mexico, Norway and Spain abstained. Argentina, Denmark, the FRG, South Africa and Uruguay joined the conservationist camp in the "no" column. For the first time, the PRC did not abstain, but to the dismay of conservationists, voted with Japan. The Committee then recessed to continue action on other stocks the following day.

Dr. Byrne noted at Wednesday morning's delegation meeting that Japan continued to be concerned about the credentials of several delegations. On coastal state jurisdiction, he said this was becoming a major stumbling block to agreement on a cessation proposal. He said the U.S. was also running into problems with Denmark on the subsistence management scheme. Denmark was insisting that its subsistence minke, humpback and fin whale quotas be included in the scheme, although this threatened to cost it some support. In closing, Dr. Byrne stressed that the U.S. and other leading non-whaling nations intended to be "as tough as possible" in setting catch limits. The strategy was to secure the lowest possible quotas so as to face the whalers in Plenary with extremely low or zero quotas as well as with the cessation. Low quotas coming out of Technical Committee would induce votes for the cessation from several non-whaling states who feared that low quotas would be more likely to cause the whalers to leave the Commission than a deferred cessation.

Technical Committee resumed at 9:15 am on Wednesday, and worked until 8:30 pm that evening before completing action on item 13. The Southern Hemisphere minke whales, another contentious stock, came up first. Japan held forth at length about the "robust" condition of this stock and about the extensive scientific research Japan had conducted on this population. The Soviet Union echoed Japan's statement. The Seychelles then noted "it is quite clear this stock is in no danger of extinction," but that to claim, as Japan did, that the population is "robust" is "groundless." The Seychelles' delegate urged caution because of the wide discrepancy in the various population estimates, and suggested a total quota of 4,974 (the 1982 level is 8,102), with no allowance between areas. Sweden and Denmark seconded the motion.

Japan recorded its opposition to the proposal -- a nearly 50% reduction. Commissioner Yonezawa stressed the figure lacked any scientific justification, and that it "is more than we can bear." St. Lucia then moved an even lower quota, 2,467,

which France and Costa Rica seconded. The vote on St. Lucia's amended total quota passed 17(US)-9-7. After the vote, Argentina, Denmark, India, the Netherlands, New Zealand, Oman, the Seychelles, Sweden and the U.S. all noted that St. Lucia's figure was much too low.

For the North Pacific Sea of Japan minkes, the Scientific Committee had recommended a continuation of the 5-year bloc quota (1980-1984) of 3,634, with an annual limit of 940. The PRC stunned observers by pointing out that its research on this population indicated a severe decrease in this stock and that the quota should be reduced. The Netherlands also recommended caution, and proposed a one-year quota of 654, or 90% of the average catch in the 1969-1978 period. Seychelles and Sweden seconded it.

Korea defended the bloc quota, and proposed that it be maintained, which Japan seconded. The Seychelles responded that bloc quotas are an inefficient management technique, to which Japan replied that they are necessary to alleviate the burden on the Scientific Committee. Following a further exchange on the merits of bloc quotas, the Korean amendment to continue the bloc quota failed 8-19(US)-7. The vote then occurred on the Netherlands' original motion for a quota of 654, which passed comfortably 21(US)-6-7.

Turning to the North Atlantic minkes, Norway supported continuation of the status quo for the Northeastern stock -- a level of 1,790 -- but said it would accept the Scientific Committee's advice for a limit of 1,690. The Netherlands again urged caution because this population estimate was based on crude Catch Per Unit Effort (CPUE) data (which tends to conceal declines in a stock), and proposed a quota of 1,521, which the Seychelles seconded. The Netherlands' motion passed 17(US)-7-10.

In the midst of debate over the Central North Atlantic minkes, Chairman Iglesias, in an extraordinary manner, broke in saying that he had just received a letter from a government regarding the credentials of one delegation. The meeting was suspended shortly after noon so that the Commissioners could meet privately to resolve the problem. The incident involved a cable that a consultant to the Japan Whaling Association admitted to having sent to St. Lucia inquiring about the credentials of its delegation. (The cable apparently alleged that two members on the delegation were "Libyan terrorists.") St. Lucian Prime Minister Peter Compton was in Washington, D.C. at the time, and the person replying to the cable said that St. Lucia was not represented at the IWC. During the recess, the St. Lucian Prime Minister was contacted in Washington. He confirmed the credentials of his delegation, and had his High Commissioner in London cable Brighton to this effect. The St. Lucian Delegation was thus permitted to retake its seat. This was an unfortunate and un-

precedented event. Some observers believed the maneuver worked to the disadvantage of Japan, which had never missed an opportunity to question the credentials of countries which it believed had no business being in the IWC.

After the resolution of the credentials problem, the Committee resumed consideration of the Central North Atlantic minke whale stock at 3:15 pm. The Philippines had arrived in Brighton, bringing the total membership up to 35. Iceland supported the Scientific Committee's recommendation of 320, unchanged from the current limit. Australia, however, proposed that because of differences in the Scientific Committee's estimate of this stock's size, a quota of 288 would be more appropriate. (This was the average catch in the 1961-1975 period.) Australia's amendment was adopted 19(US)-7-9.

Another problem quota was the East Greenland-Iceland fin whale stock, for which the Scientific Committee had recommended three options: 118, 167 and 225. (The 1982 quota is 194). Oman, stressing the great uncertainty about this stock, proposed a limit of 73, which France seconded. Iceland responded that the CPUE data had not indicated any "significant decrease" in the population, and claimed that Iceland has "maintained a very conservative policy on whaling." Australia and St. Lucia questioned the validity of Iceland's data, which prompted Norway to ask yet another question about St. Lucia's credentials. Oman's proposal was then put to a vote and passed 15(US)-10-9. The whaling block was joined in its opposition by Denmark, the FRG and South Africa.

One of the most disputed stocks was the Spain-Portugal-British Isles fin whales, for which the Scientific Committee had recommended catch limits in the range of 78-103. France stressed that Spain had only been able to take 146 legal-sized whales this year out of a quota of 210. This demonstrated, France continued, an over-exploitation of the stock the previous year, when Spain had filled the quota, but only by illegally taking 77 undersized fins. France said this stock is seriously depleted and moved a zero quota. In the most eloquent speech of the session, Deputy U.S. Commissioner Garrett seconded the French proposal, and recounted the history of fin whaling on this stock. He pointed out that the hunt is continuing against a background of "scientific twilight," and that their continued exploitation would lead them down the same "macabre road" towards extinction that the Antarctic and North Pacific fins travelled in the 1950's and 1960's. The FRG, U.K. and Sweden joined the U.S. in seconding the French proposal.

Spain attempted to refute the French and American arguments, noting that the Scientific Committee's upper limit was 103. Spain pleaded that a quota of 142 be set as an interim measure pending an independent scientific study on this stock. Japan

defended Spain, and the motion was put to a vote: it passed 20(US)-7-7.

Moving to the sei whales, the only catch limit to raise any debate was the Iceland-Denmark stock. Although the Scientific Committee had not recommended changing the 5-year (1980-1985) bloc quota of 504, with a yearly maximum of 100, the FRG proposed a zero quota. Germany was seeking consistency with the action taken by the 1981 meeting of the Convention on International Trade in Endangered Species in placing the fin, sei and sperm whales on its most threatened list. Sweden seconded the FRG's motion. Japan urged Germany to withdraw its quota in view of the Scientific Committee's unanimous recommendation. Iceland, seconded by Norway, then forwarded an amendment for a quota of 100 for one year only. Iceland's amendment failed on a tie vote of 12-12-11(US), bringing up the vote on Germany's original motion for zero. The motion carried 10-8-17(US).

The Peruvian Bryde's whales also generated heated debate. The Scientific Committee majority, on the basis of several errors in Peru's data, had concluded that this population had been overestimated by two to six times, and that it actually only numbered about 1,000. As one indication of the overestimate, one-half of the quota of 320 this year had been filled by the illegal taking of undersized whales. The Committee majority had therefore recommended a zero quota; the minority had recommended a limit of 340. The U.S. Commissioner proposed the zero quota, citing the great uncertainties in the scientific data and the decrease in the average size of whales taken since 1968. Sweden and the U.K. seconded the U.S. motion. Peru's defense, like that of Spain earlier, was very weak. Peru claimed that its whaling was based on the "best scientific evidence." Japan jumped to Peru's defense, stressing that the scientific arguments are the only way the whaling nations can protect their legitimate interests in the Commission. St. Lucia supported the American view, and noted that there has been a drastic decrease in this Bryde's whale population. Peru angrily countered that past (note: not present) data indicate this population has, in fact, grown. The U.S. motion passed easily 18(US)-6-11 -- enough for passage in Plenary.

On the East China Sea Bryde's whales, the Scientific Committee offered two options: zero and 19 -- the same as in the current year. Australia, seconded by Costa Rica and Sweden, forwarded zero. Korea, seconded by Japan, proposed an amendment for 19. Korea's amendment failed overwhelmingly 6-23(US)-4, but Australia's passed comfortably 25(US)-6-2.

The last major issue under item 13 was whether the Commission had the competence to establish a catch limit for the Baird's beaked whale, for which no quota has ever been set. After extended debate, the Committee postponed action on this issue.

The Committee also deferred consideration of item 14, Aboriginal Whaling,

and took up item 15, Small Cetaceans. The debate replayed the arguments made last year, and once again produced a series of assertions from the Latin nations about coastal state jurisdiction over the 200-mile zone. The Committee did not take any action on this item, and recessed at 8:30 pm.

The first item on the Committee's agenda Thursday morning was number 20, Consideration of Co-Sponsorship of a Conference on Non-Consumptive Uses of Whales. The U.S. placed this item on the agenda at the request of the Connecticut Cetacean Society (CCS), a non-governmental organization. The CCS had pledged \$10,000 towards the cost of the conference, and had secured additional funding commitments from the World Wildlife Fund and the International Union for the Conservation of Nature. The conference's purpose would be to explore the economic, social and recreational aspects of whales, such as whale-watching trips. Dr. Robbins Barstow, CCS's Volunteer Executive Director, presented the U.S. case for the conference. The Seychelles then offered to host the conference in the late Spring of 1983, and pledged \$10,000 towards its cost. The Committee agreed unanimously to recommend the IWC co-sponsor the conference.

Item 17, International Decade of Cetacean Research, did not generate any debate, and the Committee moved to item 19, Humane Killing. Commissioner Ovington of Australia opened the debate by tracing the events leading to the IWC's consensus decision last year to extend the ban on the use of the cold harpoon to include the taking of minke whales. He recorded Australia's disappointment at the large number of objections that had been filed, and then introduced a resolution requesting those countries that had filed objections to "reconsider their decision." Commissioner Yonezawa deplored the "unpleasant, obnoxious language" the Australian Commissioner had used, and said he would request his government to file a formal protest with the Australian Government. Japan repeated the arguments it had used last year against the ban, citing the billions of dollars some nations spend on armaments, and said the bow and arrow are inhumane. Japan, he indicated, would need "a few more years" to develop an alternative to the cold harpoon for its coastal operations. (This led some observers to speculate that Japan may be prepared to use a "hot" harpoon in its pelagic minke whaling this fall.)

The U.K. offered an amendment to the Australian resolution to substitute "withdraw their objections" for "reconsider their decision." Norway echoed Japan's arguments and called the U.K. amendment "imprudent." Australia then agreed to accept the U.K.'s amendment. The Soviet Union and Brazil noted that their experiments with alternative weapons were continuing, but that they would not be able to meet the fall

deadline. New Zealand proposed to substitute "to comply fully with the provisions of Paragraph 6 of Section 3 of the Schedule," which contains the regulations banning the cold harpoon. The U.S. seconded this suggestion. Norway replied that regardless of the language, it could not accept the resolution. In order to expedite the Committee's work, however, Norway simply asked that its reservation be recorded. Japan, Iceland, Brazil and the U.S.S.R. followed suit. The Committee then adopted the Australian resolution, as amended by New Zealand. The morning session ended with a brief discussion of item 22, Revision of the Schedule.

Technical Committee resumed after lunch, and two new members had arrived in Brighton, Antigua-Barbuda and Senegal. (The IWC's membership was now at 37.) The Committee spent the remainder of the day on item 14. The U.S. proposed its resolution based on the report of the Technical Committee Working Group on Development of Management Principles and Guidelines for Subsistence Catches by Aboriginal Peoples. The resolution called for the establishment of a standing subcommittee to review information on subsistence, cultural and nutritional requirements of aboriginal peoples, and to provide for the affected peoples' participation in decisionmaking. The Scientific Committee would continue to give its advice on the biological status of stocks. On the basis of both reports, the Commission would set harvest levels. St. Lucia seconded the American resolution.

The Netherlands expressed reservations about the U.S. proposal, noting the Commission must look more closely at the differences between commercial and subsistence whaling. Denmark added its second to the U.S. resolution. U.K. Commissioner Packer then commented there are legitimate differences between these two types of whaling, but said his country would have problems with the IWC granting aboriginal peoples the right to participate in the IWC's decisionmaking. Japan also opposed this idea, and objected to the creation of a standing working group. Chairman Lemche then suggested that interested countries should meet to work out mutually acceptable language. The U.S.S.R. and Norway raised further questions about the idea. The Chair put the resolution to a vote; it passed 20(US)-1-15. The only country voting against the resolution was the Soviet Union (which stands to lose its "aboriginal" take of gray whales if the scheme comes into effect; its gray whales are used for mink food, not for legitimate aboriginal/subsistence needs).

Denmark, seconded by the U.S., then proposed a Schedule amendment to implement the aboriginal scheme. It set forth criteria for determining subsistence catch limits, provided for a minke, fin and humpback quota in the West Greenland area, and allowed for the continuation of the three-year bloc quota on bowheads and the Soviets' gray whale harvest under the present scheme. The Netherlands then offered a "perfecting"

amendment to give greater weight to the Scientific Committee's advice in determining quotas. Australia and Costa Rica seconded the Netherlands' amendment. After further debate, the U.S. requested a vote. The Danish Schedule amendment, as amended by the Netherlands, passed, but with a very large number of abstentions: 9(US)-1-25. The U.S.S.R. again cast the single "no" vote.

On the bowhead quota itself, Spain sought revenge for the Technical Committee's adoption of a zero quota on its fin whale harvest. Spanish Commissioner Prat delivered a highly emotional speech on the history of the bowhead whale hunt, along the lines of the American speech of the previous day on the history of Spanish fin whaling. He concluded by proposing a zero quota for 1983 (the last year of the bloc quota), which the Soviets seconded. The U.K. defended the continuation of the bloc quota, saying that circumstances today are no different than when the bloc quota was set up in 1980. Norway replied that the Committee had busted several bloc quotas yesterday, overriding specific Scientific Committee recommendations. The Spanish proposal for a zero bowhead quota passed 9-7(US)-19. (One switch from the "yes" to the "no" column and the motion would have failed.) The Technical Committee completed its entire agenda at 7 pm.

At Friday's meeting, the U.S. Delegation reviewed strategy for Plenary, set to begin that morning. Part of the discussion focused on whether the U.S. should attempt to have Plenary vote on the aboriginal scheme before the cessation proposal. Several members predicted that if the vote on the cessation occurred first and succeeded, support for the aboriginal scheme would be greatly diminished; others thought the converse would be true. Once again, a major whale protection initiative seemed to be held hostage to the bowhead problem. However, it was imperative that the cessation vote take place sometime that day because India, Monaco and the Philippines were scheduled to leave Brighton that evening.

At this point, the Seychelles' original proposal for a 3-year deferred cessation of commercial whaling held out the best hope for success, but with a clause calling for a general review of its effect by 1990 at the latest. The problems that had surfaced earlier with the proposal remained. The FRG, Switzerland, Oman and South Africa indicated they could not support it because of a possible conflict with Article 5. The Latin delegations were still worried about its effect on their jurisdiction over their 200-mile zones. Costa Rica sought to overcome the Latins' reservations by adding a sentence to the effect that the cessation would "by no means affect the right of coastal states," or "the rights of states to other marine resources." Many non-whaling countries opposed any such language because it would raise problems of interpretation: Japan and other whalers could use this to justify a continuation of their coastal

whaling. Friday thus began with intensive efforts to reach a compromise that would produce the magic three-fourths majority in favor of a cessation of commercial whaling.

PLENARY

Plenary covered the Commission's more mundane issues, like finance and administration, on Friday morning, and then broke for a long lunch. The meeting did not resume until 4:15 pm.

In the afternoon, Plenary began at the end of the agenda and worked its way forward. By following this course, it appeared the session would bump backwards into the bowhead problem, but an agreement had been reached with the Chairman that this item would not be considered until Plenary had dealt with item 6 -- the cessation. In the meantime, Plenary adopted by consensus the Technical Committee's resolution on the cold harpoon, and agreed to co-sponsor a conference on the non-consumptive uses of whales. Completing action on items 8 and 9, Chairman Iglesias called for a 15-minute break at 5:45 pm, and indicated his intention to continue the session until 8:30 pm. Japan attempted to buy some time by asking that the Commission break then and resume at 8:30, but his request received no support.

During the short break, Mexico, Uruguay and Peru worked frantically but were unable to agree on language to resolve their 200-mile zone concern. Had some agreement been reached, the cessation proposal either would have failed to gain a 75% majority or would have excluded whaling within a coastal state's 200-mile zone. Several of the conservationist nations that supported the cessation would not have done so had it included qualifying language concerning coastal states' rights. It should be noted that Japanese Commissioner Yonezawa showed his true colors as a pelagic whaler: he could have supported language excluding the coastal zone from the cessation and sold out his pelagic-whalers in order to save his coastal operations, but he chose not to do so.

Throughout the day the Commissioners had hammered out a "fix." The Seychelles would amend the Technical Committee's recommendation back to its original form: the imposition of zero quotas beginning in the 1985 pelagic season. In exchange, the conservationists would abstain on votes on commercial catch limits, permitting the whalers to overturn the low or zero quotas that had come out of Technical Committee. Without giving the whalers "reasonable" quotas this year, it was argued by some, the whalers would file massive objections. Unfortunately, the conservationist Commissioners had not secured any guarantees from the whalers that they would not file objections to the cessation. The great whale bazaar had yielded the following key quotas: about 7,000

Southern Hemisphere minke (well above the Technical Committee's recommendation for 2,467); 850 North Pacific sperm whales over a 2-year period (overturning the suspension of whaling on this stock); and 250 Spanish fin whales over a 3-year period (over the Technical Committee's recommended zero quota). The whalers would propose the higher quotas and the non-whalers would look the other way and abstain.

Shortly after 6 pm, debate on item 6 began. The U.K. seconded the Technical Committee's recommendation, but the Seychelles took the floor to offer its amendment. The Seychelles argued that the whaling industry should be given sufficient time to "wind down" its operations and to avoid "undue hardship." Its proposal reads as follows:

Notwithstanding the other provisions of Paragraph 10 (of the Schedule), catch limits for the killing for commercial purposes of whales from all stocks for the 1986 coastal and the 1985/86 pelagic seasons and thereafter shall be zero. This provision will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits. (The new clause is underlined.)

Sweden, Oman, St. Lucia and Australia seconded the Seychelles' amendment.

Japan began the opposition's last stand, saying that in substance the Seychelles' proposal was a "total moratorium." No scientist, Commissioner Yonezawa continued, had recommended a total moratorium this year, and nowhere in the Scientific Committee's report had such action been recommended. He again referred to the FAO Observer's statement. Levelling heavy criticism against the bowhead hunt, he questioned whether the U.S. conviction that the bowhead population would recover with a continued hunt could not apply to other stocks as well. There are less than 4,000 bowhead, but hundreds of thousands of minke. He ran through the list of anti-moratorium arguments once again. In concluding, Commissioner Yonezawa pleaded with the Commission: "Obviously, you have the majority to carry it (the cessation) through, but make sure your conscience is clear. You (must) question yourselves if your conscience is clear."

Antigua observed that "this is a greater issue than the numbers game Japan would have us believe; the humane aspect is the overriding concern." St. Lucia clarified that the proposal will set zero catch limits; it is not a moratorium. Norway stressed that "in the absence of any recommendation from the Scientific Committee, adoption (of this proposal) would demonstrate an abdication of any scientific responsibility." Commissioner Tresselt referred to the "false distinction between various types of whaling." He stated that "Norway is confident that we will continue to negotiate these matters," but that Norway "has no other alternative but to oppose it

and to reserve the right of the Norwegian Government under the Convention," a reference to the objections procedure. Iceland, Korea and Peru associated themselves with Norway's statement.

Uruguay summed up the view of the majority of Latin nations: "many countries are deeply worried about the implications of the proposal for the rights of coastal states," but that Uruguay would be "realistic" and support it. Uruguay then reserved his country's right as a coastal state to all resources within its 200-mile zone. Mexico, Argentina and Costa Rica expressed their support for Uruguay's view. St. Vincent and Australia spoke on behalf of the cessation. France also reserved its sovereign right over its 200-mile zone, but gave its "unreserved support" to the proposal.

Spain said it did not consider the proposal to be a total ban on whaling, but hoped that dual (aboriginal and commercial) management criteria would be eliminated in the future. Commissioner Prat recorded his special concern about the proposal's social and economic implications. Brazil and Chile associated themselves with the view of other Latin delegations. The Swiss Commissioner, who clearly had agonized over the vote, explained the because of his country's concern about the future of the IWC and because the proposal did not, in his view, fulfill Article 5 requirements, Switzerland would be forced to abstain. The U.S. did not make a statement. Japan and Norway then requested a vote.

At 7:40 pm, in a deafening silence, the Seychelles' amendment was put to a vote. As the Secretary called the roll, the whaling industry representatives on Japan's Delegation filed out of the hall. The vote was announced 25(US)-7-5 to the wild cheers of the non-governmental observers. Chairman Iglesias quickly silenced the hall with his gavel, threatening to expel anyone who persisted in cheering. Plenary then completed action on items 7, and 10 through 12, and recessed at 8:30 pm.

Representatives from conservationist delegations and non-governmental observers poured into the hotel lobby for a champagne celebration as the two Greenpeace ships anchored offshore blew their foghorns. A festive mood reigned in Brighton that evening, and concerns about the price paid in commercial quotas for the overwhelming vote were forgotten.

Plenary resumed on the last day of the session at 10:30 am, and after lengthy debate and a postponement, voted 14(US)-3-15 to lift the suspension on North Pacific sperm whaling. The Commission gave Japan 450 sperm whales for the 1982 coastal season and 400 for the 1983 coastal season -- a total only slightly less than the 890 taken in the 1981 season. The U.S. and several other conservationist nations voted against the positions they had taken last year in supporting the sperm whaling suspension, and in a rare occasion, sided with the whalers.

The Southern Hemisphere minke went next, as the Technical Committee's recommendation of 2,467 was ignored, and a Norwegian proposal for a total quota of 7,072 was agreed without a vote. (This is the same catch limit as in the 1980/81 season.) The Technical Committee's recommendation for 654 minke in the Sea of Japan stock met the same fate as most Technical Committee recommendations that day. Australia motioned for a continuation of the 1980-1984 bloc quota of 1,678, with a yearly limit of 940, which was agreed without a vote.

No one seconded the Committee's recommendation of 1,521 for the Northeastern Atlantic minke. Norway, seconded by Denmark and Iceland, offered the Scientific Committee's recommendation of 1,690. The Seychelles, citing the need for a safety factor, proposed an amendment for a 5% reduction, down to 1,606. The Netherlands, St. Lucia, Australia and Oman seconded the Seychelles' amendment. But Norway requested a vote, and the amendment failed to gain a 75% majority by one: 14-5-12(US). The amendment would have passed had only one conservationist nation switched from an abstention to a "yes" vote. Norway's original proposal for a quota of 1,690 subsequently failed, too: 10-4-18(US). Norway then assured the Commission that in the absence of a quota, it would abide by the Scientific Committee's advice. In the absence of a quota, there would be no regulation of this stock in the coming year.

Plenary split the difference on the Central North Atlantic minke stock: between the current level of 320 and the Technical Committee's recommendation of 288. After Australia seconded the Committee's level, Japan proposed 300, supported by Norway and Iceland. Australia offered to withdraw its second if there were general consensus for 300. Plenary thus agreed on 300 without a vote.

Following decisions on catch limits for several uncontested stocks, the Seychelles attempted to reopen the Norwegian minke whale quota. The Seychelles did not believe this stock should be left unregulated, and proposed a figure of 1,689, to which Norway agreed. However, Uruguay raised a point of order, insisting Plenary could not return to a stock once action had been completed on it. The ensuing debate developed into a parliamentary nightmare. Uruguay remained adamant in its opposition, and the Seychelles finally withdrew its proposal.

Returning at 2:45 pm after lunch, Plenary considered the Technical Committee's recommendation for 73 East Greenland-Iceland fin whales, currently set at 194. France seconded the Committee's recommendation, but Norway proposed a compromise of 167, gaining Iceland's second. Without comment, Plenary bought the 167 level.

The Spain-Portugal-British Isles fin whale stock generated some controversy when the Technical Committee's zero recommendation found no one to second it. The

Spanish Commissioner offered a compromise between zero and the present level of 210. In view of the Spanish Government's decision to phase-out its commercial whaling operations and in light of yesterday's vote, Commissioner Prat said that Spain would immediately reduce its fin whale take. He forwarded a motion for a three-year (1983-1985) bloc quota of 260, with an annual limit of 120. Costa Rica and Mexico seconded this scheme, and the FRG called for a vote.

France, which had originally proposed a zero quota, stressed that this fin whale stock was in a very fragile state. In the spirit of compromise, France forwarded a one-year quota of 220. The FRG and Mexico seconded it. The Norwegian Commissioner explained that his instructions would not permit him to support the French amendment, but would allow him to support Spain. He praised Spain for developing a concrete plan to phase-out whaling in a manner that would ease the dislocation to industry. He then appealed to France to withdraw its amendment. Mexico and the U.K. endorsed Norway's statement. France then noted its appreciation of the views of several leading conservationist states, and withdrew its amendment. Plenary approved Spain's proposal without a vote.

The Iceland-Denmark sei whale stock followed the course of other bloc quotas: no one seconded the Technical Committee's recommendation for zero, so the bloc quota (1980-1985) of 504, with a yearly maximum of 100, will continue in force.

On the hotly contested Peruvian Bryde's whale quota (currently set at 244), the Committee's recommendation of zero could not find any support. Peru, like Spain, was forced to propose its own quota. Peru forwarded a level of 180 for 1983, beginning in November of 1982. Uruguay, Japan, Argentina and Costa Rica seconded Peru's motion, but Sweden requested a vote. It failed by a wide margin of 12-5-15(US). The U.S. then suggested that further consideration of this catch limit be postponed.

Japan suggested a compromise of 10 for the East China Sea Bryde's, which now stands at 19. Although the PRC seconded the Technical Committee's recommendation of zero, Plenary went with Japan's compromise figure.

Returning to Peru's dilemma, Sweden offered, and Antigua and the U.S. seconded, a quota of 100 for 1983. Uruguay countered with an amendment for 165, which gained support from Costa Rica, Oman and Spain. The vote on Uruguay's amendment passed on the nose of a 75% majority 12-3-17(US).

At 5:30 pm Plenary finally arrived at item 14. The U.S. resolution, adopted by the Technical Committee, sailed through Plenary by consensus. The Technical Committee's recommended Schedule amendment, originally proposed by Denmark, received seconds from the Netherlands and the U.S. However, the Netherlands proposed a further amendment that would strengthen the role of the Scientific Committee in determining

subsistence quotas. The U.K., still concerned that the Commission had not been given sufficient time to review the proposal, offered a further amendment to limit the subcommittee's term for the years 1983 through 1986 (which would require its renewal in the same year the cessation comes into force). New Zealand and Norway seconded.

Danish Commissioner Lemche countered the U.K.'s proposal, saying he would prefer not to have the date of expiration come in 1986. He then offered as a substitute the same language as that used in the cessation proposal. Plenary finally voted on the Technical Committee recommendation, as amended by the Netherlands and Denmark, and it passed 12(US)-2-17. Spain and the U.K. cast the two "no" votes.

The last contentious issue (and one that is likely to dominate the 1983 IWC) was the bowhead quota. Spain immediately seconded the Committee recommendation for a zero catch limit for 1983. The U.S. replied that a zero quota would pose some difficulty, especially in light of the quotas agreed "in the last several days." Dr. Bryne reaffirmed the U.S. commitment to honor fully the 3-year bloc quota, Norway noted the important political nature of this quota, and the need to rely on bloc quotas. Norway did not believe this IWC meeting was the appropriate time to deal with the bowhead issue. Uruguay jumped to Spain's defense, and indicated it would support a zero quota for 1983. Denmark and Sweden associated themselves with Norway's view. Spain reiterated its strong feeling about this stock, but acknowledged that because the Commission would be reviewing the bowhead quota in 1983, it would withdraw its second for the Committee's recommendation. Uruguay aptly summed up the day's action by recording its amazement at "how quickly winds can change in the Commission." Following agreement on the remaining issues, the 34th annual International Whaling Commission meeting adjourned at 7 pm.

IV.

CONCLUSION

Conservationists will long remember the 34th annual International Whaling Commission meeting as one of the most successful if not historic sessions. Since 1972, when the U.N. Stockholm Conference on the Human Environment first called for a 10-year moratorium on commercial whaling, conservationists have fought to end the commercial exploitation of the world's whale populations. After many long and often bitter battles, the non-whaling states were finally able to muster an overwhelming three-fourths majority vote in favor of whale protection.

Several factors combined to produce this clear-cut victory: the change in

the Commission's membership; the continuing strong scientific uncertainty about the health of most whale stocks; and the conservationist group's cohesion in pursuit of a common strategy.

Throughout the 1970's the IWC's membership hovered around 20 countries. With some 8-10 pro-whaling nations following solidly behind Japan's leadership, the non-whaling states faced the impossible task of trying to secure a three-fourths majority for their proposals in Plenary. In the 1980-1982 period, however, the IWC's membership grew by 18 countries, the vast majority of which were sympathetic to the positions advocated by the conservationist nations. With 37 nations participating in this year's session, the non-whaling countries were finally able ^{to} outnumber the whalers' traditional blocking minority.

The appalling lack of scientific evidence about the status of commercially-hunted stocks as well as the failure of the NMP to provide reasonable safety factors in determining catch limits also played a key role in the cessation decision. An inadequate data base, resulting either from the failure of whaling states to submit adequate data or from the submission of incomplete data, has prevented the Scientific Committee, and consequently the Commission, from being able to develop accurate stock assessments and therefore safe commercial catch limits. This problem has been complicated by a series of glaring flaws that have come to light in the operation of the New Management Procedure. There have, for example, been severe underestimates of the Spanish fin and Peruvian Bryde's whale stocks, and numerous problems with Japan's sperm whales. The science simply did not justify any longer the whalers' claims that they be allowed to continue commercial whaling. The great scientific uncertainties helped convince some uncommitted non-whaling states that they should err on the side of caution and support the cessation proposal.

The conservationist group pursued, in a fairly cohesive manner, a very effective strategy. Pre-conference consultations and strong cooperation and coordination among the non-whaling states throughout the session proved critical. By selecting a deferred cessation, rather than an immediate moratorium or ban on commercial whaling, these nations undercut the whalers' arguments about the drastic economic and social dislocation that would result from a termination of the commercial whaling industry. Several of the non-whaling states that feared Japan and other whaling nations would withdraw from the IWC if an immediate moratorium were adopted also found the three-year deferral of the cessation attractive. In addition, the compromise on higher commercial quotas for the intervening three years alleviated this fear.

The difference between the Technical Committee's total recommended quotas and those finally adopted in Plenary was about 6,000 whales; the difference between the

1982 and 1983 commercial quotas is only about 2,000 whales less. Having secured significantly reduced or zero quotas in Technical Committee, the whaling nations faced the option of these quotas or a delayed cessation. The latter was clearly preferable.

In the final analysis, credit for the great victory must not only go to the conservationist countries but to the non-governmental organizations that worked many long years in the struggle to save the whales.

V.

PROSPECTS FOR THE FUTURE

One key test will come late this fall, when the cold harpoon ban comes into effect and the Japanese and Soviet pelagic fleets sail to the Antarctic in search of minke whales. Should Japan and the U.S.S.R. choose to ignore the ban, they will face certification under the U.S. Pelly and Packwood-Magnuson amendments. The U.S. Government should clearly convey to the five countries that filed objections that they will be certified if they continue to use the cold harpoon for the taking of minke whales. A failure on the part of the U.S. Government to certify countries that violate the IWC's decisions would be a clear signal that whaling can continue with impunity.

The whaling nations also face the decision of whether to file objections to the decision on the delayed cessation. Under the Convention, a country has 90 days from the date the Commission's decisions are transmitted formally to governments in which to file an objection. Although zero quotas on all commercial stocks will not come into effect until the 1985 pelagic season, a country must decide before early November of this year whether it will file an objection. In this case, an objection will preserve a country's option to continue whaling after the cessation comes into force.

An objection to the cessation decision could indicate a country's intent to defy the will of the majority, and a massive number of objections could force the conservationists to vote severely reduced commercial quotas at the next annual meeting. At the July 1983 annual meeting, therefore, the Commission could well face another showdown.

Finally, Spain and Chile are committed to phasing-out their whaling operations. It will be extremely unlikely that in the next three years the 7 remaining whaling states will be able to gain the required three-fourths majority to overturn the cessation decision. But whether the last commercial whalers will fight to the bitter end will depend upon the interests of a dying industry outweighing compliance with international agreements and world opinion.

APPENDIX I

LIST OF IWC MEMBER COUNTRIES AND THEIR VOTES ON THE PROPOSAL FOR A THREE-YEAR
DEFERRED CESSATION OF COMMERCIAL WHALING

| | | | |
|---------------------------|---------|----------------|---------|
| Antigua-Barbuda | Yes | Monaco | Yes |
| Argentina | Yes | Netherlands | Yes |
| Australia | Yes | New Zealand | Yes |
| Belize | Yes | Norway | No |
| Brazil | No | Oman | Yes |
| Chile | Abstain | Peru | No |
| China, People's Republic | Abstain | Philippines | Abstain |
| Costa Rica | Yes | St. Lucia | Yes |
| Denmark | Yes | St. Vincent | Yes |
| Dominica | Absent | Senegal | Yes |
| Egypt | Yes | Seychelles | Yes |
| France | Yes | South Africa | Abstain |
| Germany, Federal Republic | Yes | Spain | Yes |
| Iceland | No | Sweden | Yes |
| India | Yes | Switzerland | Abstain |
| Jamaica | Absent | U.S.S.R. | No |
| Japan | No | United Kingdom | Yes |
| Kenya | Yes | United States | Yes |
| Korea, Republic of | No | Uruguay | Yes |
| Mexico | Yes | TOTAL | 25-7-5 |

Mr. BONKER. We shall begin with the U.S. Commissioner to the IWC, the head of the U.S. delegation in Brighton. He is also the Administrator of National Oceanic and Atmospheric Administration [NOAA] and hails from the great Northwest.

I noted at a previous hearing, I believe, that almost all of the leadership behind the moratorium issue seems to have come from the Northwest.

Mr. GEJDENSON. I might object to that statement. Dr. Robbins Barstow from Connecticut, from the great Northeast, has played a vital role. I think at the meeting he actually put a resolution on the continued efforts of the Commission after the ban. Maybe you might comment on that for a little balance in the representation.

Mr. BONKER. Well, the record remains that most of the official representation has come from the Northwest. [Laughter.]

So, Mr. Byrne, who is the Administrator of NOAA and hails from the great State of Oregon, and, as I understand, has done an outstanding job heading our delegation at the 34th IWC meeting, we will proceed with your testimony.

It is a pleasure to have you, Mr. Byrne. We are looking forward to your testimony.

STATEMENT OF HON. JOHN V. BYRNE, ADMINISTRATOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND U.S. COMMISSIONER TO THE INTERNATIONAL WHALING COMMISSION

Mr. BYRNE. Thank you, Mr. Bonker. It is a pleasure to be here.

I think that before I discuss the testimony, I really should say that it was a pleasure to participate on the delegation with a great many very dedicated, very competent people. I think we all felt at the conclusion of the meeting a sense of satisfaction, having achieved a number of our objectives, and I want to go on record as saying that I appreciate the efforts of all of those who were involved.

It is a pleasure to be here to present comments on the Whaling Commission activities.

I have a prepared statement which I would like to include in the record, I will just summarize it at this point; I will respond to questions following the statement.

In one sense we have achieved a great deal. It is also very obvious to me and I think to those of us who were at the meeting that there is considerable work that needs to be done to insure that the objectives achieved in Brighton will, in fact, be implemented.

Before the Brighton meeting I had the opportunity to visit with you to discuss three of our objectives: the moratorium, the procedures for establishing whale sanctuaries, and the creation of an aboriginal whaling management scheme. Essentially all of these objectives were achieved at the Brighton meeting.

I should point out, however, that this was not solely a U.S. achievement. Over the past several years the United States has been acting in the company of a number of expert delegations who are devoted to these same goals and objectives, and it was a collective effort that succeeded in Brighton.

During the next few years further action will be required on the part of all of the nations attempting to achieve those goals.

Ten years ago, as you pointed out, we first proposed the moratorium. At that time the IWC was significantly different than it is now. It has increased in membership. It has increased in scope. I think the character and the quality of the membership has changed. At the present time the vast majority is essentially a whale conservation majority, and I think the results of the recent meeting demonstrate that.

On July 23, by a vote of 25 to 7 with 5 countries abstaining, a cessation of commercial whaling was adopted, to take effect as of 1985-86 for the pelagic and 1986 coastal whaling seasons. The Commission's decision was taken with the understanding that catch limits will be established during the 3-year transition period, in accordance with the recommendations of the Scientific Committee and the provisions of the current management procedures.

The postponement of a moratorium for 3 years will provide the whaling industries in affected nations with the time needed to cease their effort in whaling in what we hope will be an orderly fashion.

The cessation, as it is called, is to be reviewed by 1990 to determine its effect on whale stocks. I am submitting for the record

tables which reflect the newly established catch limits and the trend in catch limits over time.¹

I think that we face several challenges in the next 3 years as we attempt to implement the moratorium. One is to maintain the integrity of the International Whaling Commission. The second is to achieve the cessation of commercial whaling, which was passed in Brighton. I suspect that the affected countries may very well file objections to the decisions that were made. As of today, it is our information that no nations have filed objections.

The deferral of the cessation will serve to encourage the whaling countries to continue to participate in the IWC as the appropriate forum for whale conservation. It will also make it possible for us to maintain the dialogs and to exert influence that we believe will be essential to achieve the cessation at the time projected.

With respect to sanctuaries, there was substantial discussion and effort at the IWC meeting to establish guidelines for creating sanctuaries. The prime objective set forth was to identify areas in which individual or groups of whale species would be protected from whaling for specified periods of time in order to insure the long term conservation of whales as well as to enable us to conduct research and collect information in a systematic fashion.

The guidelines will be used to review proposals for sanctuaries which may be submitted to the IWC in the future.

I might mention here that this was an item which was discussed in a very intense fashion. There was considerable concern on the part of many nations that the IWC would impose pressure on them to develop sanctuaries in their own coastal waters. There was a strong expression of the right of the coastal nation to maintain jurisdiction over the waters off its coast, and so although the sanctuary issue may at one time seem a rather simple issue, it in fact turned out not to be so.

With respect to the aboriginal subsistence whaling scheme, we again were successful in having a system established which would provide management principles and procedures to govern aboriginal subsistence whaling. This formally recognized the distinction between commercial and aboriginal subsistence whaling. These guidelines codify the IWC's practice of attempting to strike a proper balance between the needs of aboriginal people who depend on limited whaling to meet subsistence cultural and nutritional needs, and the conservation needs of the whales.

The guidelines require the management of such hunting so as to provide for the recovery of depleted whale populations. The Commission agreed to establish a standing subcommittee of the Technical Committee to review aboriginal subsistence whaling needs and provide this information to the Commission in much the same way that the Scientific Committee provides its advice.

I should point out that in the activities at the Brighton meeting, the Alaska Eskimo Whaling Commission contributed substantially to the effort, and we regard that particular Commission as essential to the implementation of the scheme as it pertains to aboriginal whaling along the North Slope of Alaska.

¹ See appendixes 8 and 9.

There is one fundamental conclusion that I personally came to during the course of the meeting: It was that although we achieved significant strides at the IWC meeting, the efforts needed to really achieve a moratorium will take place outside the IWC forum and during the time between meetings.

For this reason, we have taken several actions since the July meeting to prepare to implement the moratorium. Within my agency, we have designated Mr. Dean Swanson to serve as the International Whaling Commission coordinator, or lieutenant to me, in continuing to pursue activities on a regular basis to achieve the moratorium.

We regard the cooperation of all countries that are currently IWC members as essential, not only those that may be classified as the conservation countries, but also the whaling countries, if we are to achieve the cessation.

I have personally written letters to all of the IWC Commissioners, regardless of their position on whaling, indicating the need for continued cooperation, stressing to those conservation-minded nations that it is essential that they maintain their activity level within the IWC, and stressing to the whaling countries that it is our very serious intent to achieve the moratorium and to use the tools available to us to do that.

I do not expect any significant changes in the membership of the IWC over the next year or so. It is my hope that any changes would be an increase in the membership rather than a decrease.

The matter of objection is one which must be addressed. It is quite likely that a number of whaling countries will object. Perhaps we can address this topic more fully in the question period which will follow.

With respect to the issues that will greet us as we meet again in Brighton in July 1983, it would not surprise me at all to see rather creative measures taken by the whaling countries to erode the position we have taken with respect to the cessation. We will be faced with a major issue with respect to the implementation of the aboriginal whaling management scheme, and I think the U.S. delegation will have a significant chore in determining catch limits for bowhead whaling in 1984 and beyond.

With respect to the aboriginal whaling management scheme, I have been in contact with the chairman of the Technical Committee whose responsibility includes the establishment of the standing Subcommittee on Aboriginal Subsistence Needs, to express our interest in this particular activity, and to assist in the conduct of the work of this new group.

It is too early to predict what will happen with respect to sanctuaries, but I believe the meeting which I must say was generated by the activity of the Connecticut Cetacean Society concerning the nonconsumptive use of whales, will be a very valuable meeting with respect to addressing matters pertaining to sanctuaries and other nonconsumptive uses of whales.

In your statement, Mr. Chairman, you mentioned the matter of the cold harpoon with respect to taking minke whales. The prohibition on the use of this weapon becomes effective beginning with the 1982-83 pelagic and the 1983 coastal whaling seasons. As you know, the ban is the subject of objections by Brazil, Iceland, Japan,

Norway, and the Soviet Union. I believe the U.S. position on this matter is fairly clear. We support the moratorium and will continue to do so.

We have attempted to determine the extent to which these countries will be in compliance with the prohibition. To date, the only information we have is of a secondary nature from Japan, indicating that with respect to the Antarctic minke whaling operations, they do anticipate a very extensive, but not total, use of exploding harpoons. With respect to coastal whaling, the exploding harpoon is apparently not ready for use by the Japanese at this time.

We have explained to these countries the provisions of the Pelly and Packwood-Magnuson amendments which provide for sanctions in the event the Secretary of Commerce determines that a country's nationals are conducting fishing operations, which includes whaling, in a manner that diminishes the effectiveness of an international fishery conservation program, including that of the IWC.

In your letter of invitation, Mr. Chairman, you indicated four questions you would like addressed. I believe these have been addressed, but to insure that the record is complete, I would like to address them specifically in summary.

The first was whether any countries are expected to file objections to the decision to enact a cessation of commercial whaling following a 3-year delay. My personal view is that there will be objections filed. It is difficult to say which countries will file them. I would not be surprised to see the major whaling countries do so, certainly the Japanese, possibly the Norwegians, the Icelanders, the South Koreans, and the Soviets.

The second question pertained to whether we foresaw any significant changes in the Commission's membership in the coming year. I do not anticipate any significant change in membership. We will certainly do what we can to insure that this does not happen, that there is not a change which affects the character of the Commission.

The third question pertained to the matter of the cold harpoon and questioned whether the United States should invoke the Pelly and Packwood-Magnuson amendments against violators on the cold harpoon issue. It is my personal belief at this time that this is an issue which we must look at very carefully in view of the importance of the two amendments to achieving the moratorium; I am prepared to discuss this with you following the completion of this statement.

The fourth question concerned the major issues the IWC will face at its next annual meeting in July. I have indicated that I think the moratorium will be an issue until it is implemented. I think that we will see for the United States at least the implementation of the aboriginal whaling scheme and the bowhead whale quotas as significant issues.

It would be an oversight on my part if I did not recognize the importance of the U.S. Congress in helping us to achieve these goals. We have appreciated, and I know that those of the delegation who have been involved much longer than I have, have appreciated the support received by this subcommittee and by the Congress of the United States. It makes the job much easier to know that we have total support behind us.

We will continue to rely upon that support. I am confident we will have it. It has been for me one of the most challenging and the most rewarding experiences to participate on the U.S. delegation in the International Whaling Commission.

This concludes my statement. I would be pleased to address any questions you might have.

[Mr. Byrne's prepared statement follows:]

PREPARED STATEMENT OF HON. JOHN V. BYRNE, ADMINISTRATOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND U.S. COMMISSIONER, INTERNATIONAL WHALING COMMISSION

Mr. Chairman and members of the subcommittee: Mr. Chairman, it was my pleasure to appear before this subcommittee recently to discuss our preparations and positions for the 34th Annual Meeting of the International Whaling Commission, which was held during the week of July 19 in Brighton, England. It is an even greater pleasure for me to discuss with you today the results of these efforts. I would also like to share my sense of the considerable work that will be required to implement fully the decisions that have been taken by the IWC.

I would like to begin by addressing each of the issues raised in my testimony of a few months ago—the moratorium, the establishment of whale sanctuaries as an IWC management tool, and the IWC aboriginal whaling management scheme. The objectives we had defined around these three issues were all substantially achieved. This accomplishment is a credit to the U.S. Delegation and the indispensable support it has received from you, Mr. Chairman, this subcommittee and other contributors in both Houses of Congress, and representatives of concerned Federal agencies, nongovernmental conservation and animal welfare groups, and the public at large. I should also note that we in the United States have not been alone in these efforts. We have been joined, over the past several years, by dedicated and skilled delegations from other conservation-oriented nations who have exercised leadership and devoted substantial efforts to our common purpose. As a result, the IWC has at last adopted effective conservation goals. The next few years leading to the implementation of these IWC decisions will, however, require continued diligence. I sincerely believe that we can and will meet this challenge.

THE MORATORIUM

Mr. Chairman, 10 years ago, the IWC was a far different organization than it is today. It had 14 members, employed a single staff person year round at half time, and had an annual budget of less than the \$20,000. It did not regulate whaling in the North Atlantic at all, it had no international observer scheme, it established catch limits in terms of the Blue Whale Unit—a measure of whale oil production rather than a whale conservation concept, and it was responsible for the commercial harvesting of approximately 46,000 whales.

Expressing its grave concern over declining whale stocks and the operation of the IWC, the 1972 United Nations Conference on the Human Environment in Stockholm adopted a resolution calling for a strengthened IWC and a 10-year moratorium on commercial whaling by vote of 53 in favor, none opposed, and three abstentions. At the IWC meeting that was held only ten days after the conclusion of the Stockholm meeting, the United States proposed the same 10-year moratorium, but the measure was rejected by a vote of only 4 in favor, with 6 opposed, and 4 abstentions. However disappointing this initial result, the United States was not discouraged. We instead initiated a process of reform which continues to this day. The 1972 IWC meeting agreed to abolish the Blue Whale Unit in favor of management by species and, later, by stocks, to implement an international observer scheme, and establish catch limits for the first time for minke and sperm whales in the Southern Hemisphere. In the ensuing decade, catch limits were established for all stocks of large whales worldwide and reduced by some 73 percent. Factory ships were prohibited from taking whales other than minke, a large whale sanctuary was established in the Indian Ocean, and the use of the inhumane cold harpoon was banned. Over the same period, the Commission Secretariat was expanded to include a full time data analysis staff and accommodate the growth of IWC membership to 39 countries. The vast majority of the current membership, either by change in policy or upon becoming members, has joined the whale conservation cause.

This group of conservation-oriented countries succeeded at the July 1982 meeting in achieving IWC recognition of the need to cease commercial whaling. The poor

state of knowledge about whales and the downward trend in IWC catch limits throughout the 1970's clearly supported our view that the available data base and previous IWC Management practices are totally inadequate to manage whales without incurring unacceptable risks.

The moment came on July 23 when the IWC, by a vote of 25 to 7 with 5 countries abstaining, adopted a cessation of commercial whaling to take effect as of the 1985-86 pelagic and 1986 coastal whaling season.

The Commission's decision was taken with the understanding that catch limits will be established during the 3-year transition period in accordance with the recommendations of the Scientific Committee and the provisions of the current management procedures. The postponement of three years will provide the industry with the time necessary to cease whaling in an ordinary fashion. The "cessation," as it is called, is to be reviewed by 1990 to determine its effect on whale stocks. I am submitting for the record tables reflecting the newly established catch limits and the trend in catch limits over time.

The goals we are striving for will not be realized until we have successfully implemented the cessation. In the meantime, we will face challenges to maintain the integrity of the IWC while achieving the orderly cessation of all countries from commercial whaling. Affected countries may well file objections to the cessation in the period provided for such action in order to preserve their options while considering measures necessary to comply. None have done so to date. The deferral of the cessation serves to encourage these countries to continue to participate in the IWC as the appropriate forum for whale conservation and makes it possible for us to maintain the dialogues and exert the influence that will be essential to achieve the cessation in practice. We are and should be optimistic. The success achieved in Brighton is the best evidence we could have that whales will receive that protection we have urged for so long.

SANCTUARIES

The July 1982 IWC meeting also devoted substantial effort to the development of guidelines for the establishment of IWC whale sanctuaries. The prime objective set forth in the guidelines is to identify areas in which individual or groups of whale species are protected from whaling for a specified period to provide for long-term conservation. Additional objectives related to research and the collection of information are also articulated. The guidelines will be used to review and assess any proposals for sanctuaries that may be submitted to the IWC in the future and should place the process of establishing IWC whale sanctuaries on a firm basis.

ABORIGINAL SUBSISTENCE WHALING SCHEME

Finally, as a result of determined U.S. efforts since 1979, including intensive work over the past 2 years, the IWC established management principles and procedures to govern aboriginal subsistence whaling. These principles and procedures formally recognize the distinction between commercial and aboriginal subsistence whaling and codify the IWC's practice of attempting, where necessary, to strike a proper balance between the needs of aboriginal people who depend on limited whaling to meet subsistence, cultural, and nutritional needs and the conservation needs of the affected whales. They require the management of such hunting so as to provide for the recovery of depleted whale populations. To assist with the implementation of these procedures at the next meeting of the IWC in July 1983 and thereafter, the Commission agreed to establish a standing subcommittee of the Technical Committee to review aboriginal subsistence whaling needs and provide this information to the Commission in much the same way that the Scientific Committee provides advice. The Alaska Eskimo Whaling Commission contributed substantially to achieving this result and we look forward to its continued contributions in helping to implement the scheme.

ACTIVITIES SINCE THE JULY MEETING

Mr. Chairman, our activities since the July 1982 meeting provide an indication of the major issues that can be anticipated for next year's meeting and beyond. As I have indicated, one major challenge for us and our colleagues within the Commission is to facilitate the efforts of the IWC and particularly the whaling countries in implementing the cessation. In this regard, the cooperation of all countries will be required to reflect what we regard as the clear expression of world opinion in favor of a cessation. I have therefore written letters to all Commissioners of countries that joined us on the cessation vote expressing appreciation for their support and

urging continued efforts to achieve our common goal. I expressed U.S. commitment to this result and our desire to work intensively with all IWC members to achieve it.

I do not expect any significant changes in the IWC's membership over the next year. We will work with the existing membership to maintain the integrity and viability of the IWC and its decisions. In this regard, my letters to conservation-oriented Commissioners, as well as letters to their counterparts in the whaling countries expressing our desire to facilitate their compliance with the cessation decision, are being reinforced by personal visits by our embassy officials abroad. We have also been in regular contact with the IWC Secretariat to monitor any official reactions to the July 1982 meeting. To date, there has been no such reaction, but we have been able to be of assistance to the Secretary in clarifying the correct text of several decisions reached last July. The 90-day period to object to these decisions expires on November 4.

A second major issue anticipated for the July 1983 IWC meeting is the implementation of the aboriginal whaling management scheme and the establishment of catch limits to govern bowhead whaling in 1984 and beyond. We are working closely with the concerned Federal agencies, particularly the Department of the Interior, and the Alaska Eskimo Whaling Commission (AEWC) to develop information that will be critical to implementing the management scheme. I have been in contact with the chairman of the IWC Technical Committee, whose responsibility it is to establish the standing subcommittee on aboriginal subsistence need, to express our interest in participating in the planning and conduct of the work of this new body. Within NOAA, we will continue to work with the AEWC to manage the bowhead whale hunt jointly, as provided for under our Cooperative Agreement, with a mind to the need to establish new catch limits for the bowhead whale hunt at the next meeting.

On the matter of sanctuaries, it is too early to predict whether there will be proposals to establish additional IWC whale sanctuaries. I believe, however, that the IWC co-sponsored meeting on the nonconsumptive uses of whales that we proposed should help to develop useful information that complements efforts relating to sanctuaries. This meeting is not yet scheduled but should occur before the July 1983 IWC meeting.

Finally, Mr. Chairman, I would like to make reference to the IWC's ban on the use of cold grenade harpoons to take minke whales. The ban was adopted at the July 1981 IWC meeting and becomes effective beginning with the 1982-83 pelagic and 1983 coastal whaling seasons. The 1982-83 pelagic season starts this November in the Southern Hemisphere. The ban is the subject of objections filed by Brazil, Iceland, Japan, Norway, and the Soviet Union.

The U.S. position on this matter is clear. We supported the ban and continue to do so. We have communicated this position and our concern to each objecting country, urging that every means be explored that would allow the withdrawal of objections. We have also carefully explained the provisions of the Pelly and Packwood-Magnuson Amendments which provide for sanctions in the event the Secretary of Commerce determines that a country's nationals are conducting fishing operations, including whaling, in a manner that diminishes the effectiveness of an international fishery conservation program, including that of the IWC.

CONCLUSION

The achievements at the July 1982 IWC meeting were unmatched in its history. There is a clear and long sought expression of world opinion in the matter of whale conservation. The United States will continue its efforts in the next years to bring the decisions of the IWC into practice and, with the cooperation of all IWC members, enter what I consider to be a bright chapter in the history of conservation.

Mr. Chairman, I want to express to you our appreciation and thanks for your sustained interest and support as we work to achieve the cessation we have sought for so long. We will continue to face challenges to hold the IWC together and to bring into practice the conservation measures already adopted. We will need to rely on the support of the Congress and the American people as we face these challenges.

I would be pleased to answer your questions.

Mr. BONKER. Thank you, Commissioner Byrne. On behalf of the subcommittee I would like to express our appreciation to you as head of the delegation for the extraordinary job you did in this last session, and also our congratulations for finally accomplishing what we have been striving to accomplish all these years in terms

of actually obtaining the necessary three-quarters vote to impose a moratorium.

All of the people who have been involved in this issue came back very excited and optimistic about at last putting an end to commercial whaling in the world. I think for someone who has come in relatively new, you have developed knowledge and competence in this field quickly.

Mr. GEJDENSON. That must be because he is from the Northwest. [Laughter.]

Mr. BONKER. Also, as one who served as part of the delegation in past years, I know how complex and often volatile these issues are. Many people believe that it is just simply a matter of working toward a moratorium. But when you get into the various committees and the scientific data that is necessary, and all of the procedural maneuvers that are involved, it takes someone with total command of the issues if the person is going to be effective in achieving our goals.

So, the subcommittee does appreciate your contribution, Mr. Byrne, and we hope to support your efforts fully to be sure that that moratorium sticks when the critical time comes in late 1985.

I would also like to commend you on your statement. You have anticipated all of my questions and have dealt with them, I think, effectively. But, for the record, it would be wise to pursue in a dialog some of the remaining issues. I guess all of us are interested to see what will happen once we reach the schedule to implement the moratorium.

We are going to have something of a preliminary look at what will happen when the cold harpoon comes into effect in November 1982. Two big events this November, the election and the cold harpoon ban.

Mr. GEJDENSON. It is kind of difficult to decide which one should hold the most priority. [Laughter.]

Mr. BONKER. Well, we will concentrate on whales for the moment. As I understand it, several countries last year filed objections to the ban on the cold harpoon.

You mention in your statement that it might be premature for us to go the distance with certification should this issue be tested. We discussed this the last time you were before the subcommittee. I would really be interested in hearing once again your probable scenario if there is a violation of IWC policy on use of the cold harpoon, and just how far the Department of Commerce would be willing to go in issuing that certification.

Mr. BYRNE. One of the strongest tools the IWC has is that which is in the hands of the United States, notably, the two amendments that include certification and sanctions under certification. The amendments, as I understand them, are brought into effect when it is obvious that an activity on the part of a national of one country or another diminishes the effectiveness of an international fisheries conservation program. In this case we are talking about the conservation of whales.

I do not think there is any issue that faces the IWC which is more important than the total commercial whaling cessation and it would be my position that we should carefully consider using what-

ever sanctions we have before we reach the point of violations of the cessation.

I have a concern that use of the sanctions for anything less than that would diminish the value of the sanctions in insuring that we achieve the total cessation. So I would be very cautious, very careful before proposing that we implement either the Pelly or the Packwood-Magnuson amendments for the cold harpoon issue, even recognizing that it is an important issue, and that we do need to apply pressures on the countries which are involved. We do need to assist them, if that is necessary, in achieving total compliance with the prohibition. But I am not sure that I would be very comfortable in using our strongest tool on this particular issue at this time.

Mr. BONKER. In your statement you say the ban is the subject of objections filed by Brazil, Iceland, Japan, Norway, and the Soviet Union. As I understand it, the ban will be applied first in the context of the 1982 pelagic season in the Southern Hemisphere.

I think there is clear indication that these countries intend to circumvent in whatever way possible the implementation of that ban.

Procedurally, what will happen once that occurs? You say that the ban is the subject of objections filed by these countries. So they file their objections with the IWC, but if they continue to use the cold harpoon during the pelagic season, then they would be in direct violation of the IWC ruling.

Mr. BYRNE. Yes. I do not want to find myself in the position of playing with the wording. My understanding is that the sanctions are really designed to insure the effectiveness of the conservation activities. There is a prescribed procedure for following up on the matter of certification which I very well recall you brought to my attention at our last hearing.

I could, I suppose, take the time to read it from the record, but it is in the record. The prescription is clearly spelled out. We would propose to follow it.

I think the issue does, however, come down to a decision or a judgment as to whether or not certification should be imposed.

Mr. BONKER. I can appreciate your interest in avoiding a preliminary confrontation on the cold harpoon when the real big issue is down the road. But I am also concerned about precedent-setting: what signals we send to whaling nations if we do not fully intend to back IWC quotas and decisions with the only leverage that we have, whether that would be viewed as a weakening of our commitment.

I also wonder if there are not alternatives available to the administration in dealing with this issue. For example, we now import from Japan about \$321 million in fishery products. That is the 1981 figure. And if we are also going to talk about the Packwood-Magnuson amendment and concern ourselves with the total value of landed fish taken within our 200-mile zone, that would amount to \$425 million in value.

So, is it not possible to send the right signal by a partial limitation on fishery product imports, or by a decreased amount of foreign catch within our 200-mile zone, subject to the permit process administered by the Department of Commerce? In other words, rather than going all the way with the ban or denial of fishing op-

portunities, go at least partially with something to send the right message to Japan?

Mr. BYRNE. I think there are a number of areas of negotiation with these other countries in which the United States does hold some authority that could be used to send a very strong signal to them without actually involving a formal certification process. You have implied that we might use the allocation process itself. It has been suggested that we might use the international fisheries agreements, which do come to the Congress before final approval, to get the attention of these countries.

Mr. GEJDENSON. Certainly, we do not want to leave that impression. You do not want to fire all of your shots in what may be a preliminary battle. But on the other hand, we do not want people to leave here today with a message that says we are going to ignore it because we are going to wait for the final round.

Mr. BYRNE. I suspect that there will be a very strong debate, a very visible debate which will indicate to any country that cares to observe that there is a very strong segment of this population that is very serious about the whaling issue, and that it would be a mistake on their part to assume the nonuse of certification at this time as a sign of weakness; and that when we come to the cessation I think we will find that this country marches fairly closely together and there will not be any question.

Mr. GEJDENSON. I certainly think that for countries exporting significantly into the United States, that this is clearly the kind of issue that could affect all of their products, not simply imports of fish products.

Mr. BONKER. But this is in the context of the two amendments to which he refers. The Pelly amendment applies only to fishery products.

Mr. GEJDENSON. I was thinking more of the public response rather than the government-to-government response. Besides what you do and what we do here, the American people respond in their purchasing habits as the result of, I think, cooperation on this issue. I think if there is a feeling that there is a flagrant abuse of the situation in rejecting what is a reasonable course of action, that the American people may simply boycott to a degree, who knows how large a degree, but to a degree, products from those countries.

Mr. BONKER. Well, I wonder, Mr. Byrne, if you could prepare for the subcommittee a list of policy options that we could anticipate as we move toward November. In other words, we should not be limited to just full implementation of the Pelly and Packwood-Magnuson amendments or no implementation, but maybe some alternatives within our discretion that would make effective our existing laws.

You know, the Foreign Affairs Committee also oversees the Foreign Assistance Act, one provision of which is when we provide credit sales or armaments to another country, it can only use them for defensive purposes; any nondefensive use of those weapons would put that country potentially in violation of our law. We have seen several instances now where once that law was broken, we ignored our own response to it, and clearly set a precedent for other abuse and circumvention of that law. If the law is to have any

effect, it has got to be applied consistently; otherwise it is not going to be effective.

Mr. BYRNE. We would be pleased to provide you with a number of policy steps.

Mr. GEJDENSON. If the chairman would yield for a moment.

Mr. BONKER. Yes, this is your time.

Mr. GEJDENSON. For the great northeast, Connecticut being, I think, the only State that has the whale as its State animal—

Mr. BONKER. Animal or mammal?

Mr. GEJDENSON. Animal. Dr. Barstow led that effort very successfully and very early in Connecticut. Could you tell me a little bit about the global conference that was his idea and what you see happening there?

Mr. BYRNE. Robbins Barstow proposed to us before we went to Brighton that a meeting on the nonconsumptive uses of whales be proposed as an agenda item. We were pleased to do that. We asked him to present it to the Commission, which he did. The Seychelles picked up on the idea and will cooperate with the IWC, and we intend to use Mr. Barstow in this activity, in setting up this conference.

It is not yet scheduled, but it will be prior to the next meeting.

The motivation for this meeting came from the great State of Connecticut, and we were pleased, the United States was pleased, to step in behind Connecticut in achieving this meeting. We think it will be an important meeting.

There are a number of nonconsumptive uses of whales for recreation and research and so on, and it should be a very interesting session.

I might point out, sir, that I grew up in New York State. [Laughter.]

Mr. BONKER. Mr. Byrne, time is running out on the question of aboriginal subsistence whaling and the continuing U.S. dilemma on that issue. Your statement reflects some legislative craftwork that must have come from some of our staff because it is so well done. You stated that the IWC has established management principles and procedures to govern aboriginal subsistence whaling, and you go on to say that it formally recognizes the distinction between commercial and aboriginal subsistence whaling, that you must strike a proper balance between the two.

The Commission has agreed to establish a standing subcommittee, something that we are quite fond of doing here in Congress, to review it further. But other than setting up procedures to deal with it, I still do not know where we stand with respect to aboriginal whaling and particularly the dilemma with bowheads.

Is that subcommittee another way of more or less just providing further review of the issue, or do you foresee more confrontation as we go into next July's session?

Mr. BYRNE. What we were attempting to do was to systematize what had been a rather ad hoc type arrangement with respect to aboriginal subsistence whaling and to set up some guidelines that would be used in allocating whales for this purpose, not only for the Eskimos but for other aboriginal subsistence whaling groups in other countries.

The standing subcommittee on subsistence was designed to provide an impartial overview that would focus on the actual needs, so that needs would be fully understood and could become a factor in determining the quota. The setting of quotas then recognizes that in some cases the whales involved are in some jeopardy as species; but it also recognizes the needs of the aboriginal people.

It was our hope to have the scheme agreed to before we address the next bowhead whale quota, and we were successful in bringing that about. The determination of quotas next year will be the first test of this scheme, and we will have the opportunity to see whether or not we were wise in our adoption of those guidelines.

Mr. BONKER. What do you expect to happen next year when the 3-year block quota on bowheads expires?

Mr. BYRNE. I suspect we are going to have difficulties in establishing quotas for the future. We are attempting to maintain our research effort on bowhead whales to get a better idea of the size of the population and to improve our knowledge of recruitment rates. This knowledge is essential if we are to continue with the aboriginal whaling activities, and we are pursuing this very vigorously.

Mr. BONKER. As I understand it, the U.N. Food and Agriculture Organization observer statement seemed to justify the present position of the whaling countries. Do you find their recommendations having much influence at these sessions?

Mr. BYRNE. The statement that Mr. Gulland made, not only at this session but also at the March session, did not serve the interest of the conservationist nations at all. I regard that personally as his statement and not an endorsed statement by the FAO.

Mr. BONKER. I wonder why he was over there doing it.

Mr. BYRNE. I cannot answer that. I do not know the answer to that.

Mr. BONKER. You made one statement that I appreciated. You said that you were going to continue to monitor any official reactions to the 1982 meeting, and I think that is terribly important so as to anticipate future developments and what probable actions we will have to take. The chairman would appreciate it if you would keep the subcommittee informed as you monitor these activities so that we can work in concert with you.

Mr. BYRNE. I would be pleased to do that.

Mr. BONKER. I think especially as it relates to the cold harpoon, because that is an issue that is forthcoming and I rather imagine that we will be in something of a confrontation on that. But we will continue to appreciate your own personal commitment, Mr. Byrne, and the really fine work that you have done as the Commissioner of our delegation.

The chairman has a way of picking up all of the little nuances as to what kind of leadership we have had at the various IWC sessions, and by and large it has been very critical. It is a terribly critical group that we send over there in terms of the representation. We know that your work is not lessening regarding the moratorium, but that it will probably intensify over the next couple of years. So we will look forward to continuing to work with you on these matters.

Mr. BYRNE. Thank you very much, Mr. Chairman. It has been a pleasure to be here.

Mr. BONKER. Thank you.

We have three more witnesses. I think we will have them come up as a panel: Craig Van Note, executive vice president of Monitor, Inc.; Phoebe Wray, former executive director and now senior consultant of the Center for Action on Endangered Species and Fran Lipscomb of the Society for Animal Protective Legislation. All three are distinguished and knowledgeable representatives on the whale issue.

Those who are standing, I think we have enough seats in the committee room if you want to find a place.

Welcome, once again, to the subcommittee. I think the last time we heard from you was prior to the 34th session of the IWC when we had an opportunity to hear about your expectations of that session. Now that it is behind us, we are very interested in hearing your remarks and suggestions as we proceed in the postsession period.

The subcommittee would also like to recognize Bob Eisenbud, who is General Counsel of the Marine Mammal Commission, who has been such an important factor in our deliberations at the IWC.

I think, Mr. Van Note, we will begin with you. You are no stranger before the subcommittee, and I am very much looking forward to your testimony this afternoon.

STATEMENT OF CRAIG VAN NOTE, EXECUTIVE VICE PRESIDENT, MONITOR, INC.

Mr. VAN NOTE. Thank you, Mr. Bonker.

As executive vice president of the Monitor Consortium, I am speaking on behalf of 15-member organizations listed in my testimony. We are pleased to appear before this congressional subcommittee today to discuss the momentous decision made by the IWC in July.

Mr. BONKER. Mr. Van Note, excuse me. I am sorry to do this, but I am informed that our other subcommittee hearing picks up at 2:30. So that all witnesses have an opportunity, would you please summarize your remarks?

Mr. VAN NOTE. Yes. I think it would take 1 hour for me to read this, anyway.

By holding these oversight hearings on the whaling issues and by adopting and passing laws and prodding the administration and foreign nations, and acting as a moral force, the Congress has provided the leadership and clout to help the international conservation community hasten the whale-killers out of their deadly business.

There is a certain irony that we are here today, in sight of an end to commercial whaling, 10 years after the U.N. Conference on the Human Environment called unanimously for a 10-year moratorium on whaling. In those 10 years, more than 300,000 whales have been chased down and harpooned.

I would like to address the Pelly amendment. We in the conservation community feel that it has been the Pelly amendment and then, in the last few years, the Packwood-Magnuson amendment as

well, which have given the IWC some teeth for the first time and have brought about the steady reduction of the whale kill from more than 50,000 10 years ago to some 14,000 this year. We would urge that the United States continue to use its full power to pressure the whaling nations to comply with the regulations.

Unfortunately, we see the whaling nations voicing open defiance once again, threatening to file objections to the 1986 whaling ban, and already to the cold harpoon ban. Japan and Norway in particular seem bent on continuing the whale slaughter no matter what. The powerful commercial and labor interests in the fishing industries of those two nations are able to virtually dictate government whaling policy.

The only appropriate response, we feel, is for the United States to impose the Pelly and Packwood-Magnuson amendments on violators of the cold harpoon ban as well as the 1986 whaling ban, and also to immediately respond to any objections that they may file in November to the 1986 ban by reducing their fisheries allocations in our 200-mile zone.

I would call your attention to a recent letter that was sent to Secretary of Commerce Baldrige, signed by 66 Senators, in which they support those actions. I recall that the House sent a similar letter in June to President Reagan, also asking for such strong actions.¹ We commend you highly.

The victory achieved at Brighton resulted from the leadership of the United States, Australia, and the Seychelles, and the strong support of 22 other nations that withstood the considerable pressures from the whaling nations. We are particularly grateful for the dedicated efforts of U.S. Commissioner John Byrne and Deputy Commissioner Tom Garrett in building this whale-saving coalition of nations.

The 1983 whaling quotas set on the last day of the IWC meeting were a major disappointment, however. Instead of following the recommendations of the majority of the Scientific Committee, the Commission set higher quotas on virtually every whale stock. Low quotas adopted by the technical committee in the preliminary action were ignored in favor of high quotas demanded by the whalers.

The conservation countries, which control the majority of votes, all too readily granted the whalers what they wanted. What happened in those cynical final hours of the IWC was that the hard-won scientific basis for determining whale quotas or protection—the new management procedure—was thrown out the window.

By ignoring the scientific recommendations this year, the IWC has set a dangerous precedent for the quota battles in the next 2 years. For example, will the IWC seek to avoid conflict and give the whalers high, unjustified quotas in the hope of winning compliance with the cessation of commercial whaling in 1986?

We fear that such appeasement will only signal weakness to the Japanese, Soviets, Icelanders, and Norwegians. To let up the pressure on the whalers would be a disservice to the 10-year campaign to save the whales, which millions of persons around the world have joined with extraordinary passion. We must not allow politi-

¹ See appendixes 2 and 3.

cal expedience to -once again dictate the fate of thousands of whales.

I have a rather extensive section in my testimony dealing with the Japanese tactics this year in pressuring the International Whaling Commission nations not to support the whaling ban. We feel this is an outrageous activity by the Japanese Government, all the way up to the Prime Minister of Japan, Mr. Suzuki. We recommend that if Japan continues this type of brutal arm-twisting on a large number of the IWC nations, the United States should give them some kind of warning that it is inappropriate behavior.

I would like to raise one issue that came up during the IWC meeting which was particularly outrageous. An agent for the Japan Whaling Association stopped the meeting short for half a day by raising a phony challenge to the credentials of the St. Lucia delegation at the meeting. Because he was able to stir up some kind of misinformation in St. Lucia while their prime minister was here in Washington, he was able to challenge the credentials of Mr. Peter Josie, who was a former minister of the Government of St. Lucia. It literally stopped the meeting for 4 or 5 hours one day, and in the end the prime minister, Mr. Compton, who was here in Washington, set the record straight.

This is the type of tactic the Japanese have been using to try to destroy the conservation majority at the Whaling Commission.

Finally, I have a lengthy section at the back of my testimony dealing with some of the myths that the Japanese whaling industry has perpetuated. I would like to deal with them very briefly. First, they claim that whale meat is an essential food source in Japan. In reality it is less than one-tenth of one percent of the protein consumed there.

And to put it in perspective with two other food sources, fish and beef, I would point out that the average consumption by the Japanese is 75 pounds of fish per year and 11 pounds of beef, and just over one-half a pound of whale meat. Even that consumption of whale meat is deceiving, since almost all of the whale meat is fed to school children, convicts, and members of the Self-Defense Force, three groups that have no choice in what they are fed.

And the Japanese whalers also claim that it is a great tradition in Japan to do whaling. In actuality, before World War II there were only a few small villages doing any whaling, catching a few hundred whales a year. I think you could go in most coastal areas in the world and find that there is some tradition of whaling there, too. It was only after the war that Japan developed any large-scale consumption of whale meat, and now, since they are a wealthy country, they can easily afford alternatives.

Finally, they have made wild claims that there are 50,000 workers who will lose their jobs if the whaling industry collapses. Actually, there are fewer than 400 workers on the whaling ships and perhaps 200 or 300 more on shore, and even those are heavily subsidized by the government.

It would be very useful if this record was set straight in Japan itself, because Japan seems to be incapable of pursuing a policy whereby it can get out of whaling gracefully. They seem to be guilty of the ultimate folly of self-deception.

You have already mentioned the Global Conference on Cetaceans. We strongly support that conference, and I would like to introduce into the record the statement that Dr. Robbins Barstow of the Connecticut Cetacean Society made at the IWC meeting.

Thank you.

[The statement of Mr. Barstow follows:]

TEXT OF PRESENTATION TO IWC BY CCS OBSERVER DR. ROBBINS BARSTOW

Thank you very much, Mr. Chairman. In view of the wide variety of interests which the members of this Commission have in the "optimum utilization of whale resources" throughout the world, it has occurred to us that this may be an appropriate time for the IWC to undertake, in cooperation with other organizations, an examination of some of the ways in which it may be desirable to utilize whales, not only on a consumptive basis, but also in non-consumptive or non-harmful ways.

I wish to call the attention of the Commissioners to Document Number IWC/34/43. (It's on pink paper and was distributed yesterday.) This document is a very brief, tentative prospectus for the co-sponsorship by the IWC of a World Conference on the Non-Consumptive Utilization of Cetacean Resources. The primary purposes of such a conference would be to identify and examine data in relation to such areas as research, recreation, education, conservation—involving non-consumptive or low-consumptive uses of cetaceans, and to assess the values derived from living whales, both economically and culturally. These data would also be looked at in relation to possible future activities of the IWC itself.

The conference would be planned to take place during the spring of 1983, at a time to be determined in consideration of other scheduled international meetings, so that a report could be made at the 35th Annual Meeting of the Commission next year. It is hoped that the conference might be able to be hosted by a third world member of the IWC, perhaps near some waters known to be the habitat of whales and cetaceans.

On page two of this prospectus—Document 43—is a listing of some of the possible items which might be placed on the agenda for such a conference in the broad areas of Research, Recreation, and Education and Cultural Development. I am sure that Commission members themselves will have additional suggestions to add to this list, such as Conservation. This is intended simply as a starting point.

With regard to the funding of the conference, it has been estimated that the holding of a meeting such as this would probably involve an expenditure of between thirty thousand and fifty thousand U.S. dollars. The Connecticut Cetacean Society has pledged ten thousand U.S. dollars toward an IWC co-sponsored conference on this subject. (And I might add, parenthetically, that this represents some forty per cent of our small organization's entire annual budget.) There are other organizations, such as the Animal Welfare Institute, the World Wildlife Fund, and the IUCN, which have indicated their willingness to co-sponsor and contribute toward the costs of such a conference, if the IWC is willing to co-sponsor and assist in conducting it.

In fact, it now appears that sufficient funds will be available from these various other organizations so that only a minimal contribution from the IWC would be required. It would be desirable if at least a small amount could be allocated for it in the Commission's budget for the coming year, but the most important consideration is for the Commission to agree to endorse and co-sponsor and provide some assistance in the planning and carrying out of the conference itself.

I wish to thank the Commission for the opportunity to make this presentation. We hope very much that this idea will appeal to all members of the Commission. We believe strongly that exploring together the non-consumptive utilization of whales can only be of value and benefit to everyone. Thank you.

Mr. BONKER. Thank you, Mr. Van Note, and thanks also for your summary. Of course, your statement is filled with important information and data which will be included in the record.

I could not help but note on page 9 your inclusion of a cable from Mr. Frank to his new clients. I guess that does not require any editorial comment, but it is worth noting for the record.

[Mr. Van Note's prepared statement follows:]

PREPARED STATEMENT OF CRAIG VAN NOTE, MONITOR

As executive vice president of the Monitor Consortium of conservation, environmental and animal welfare organizations, I am speaking on behalf of the following member organizations:

American Cetacean Society
American Humane Association
American Society for the Prevention
of Cruelty to Animals
Audubon Naturalist Society
Connecticut Cetacean Society
Defenders of Wildlife
Friends of Whales
The Fund for Animals
Greenpeace U.S.A.
The Humane Society of the United States
International Fund for Animal Welfare
International Primate Protection League
Living Ocean Society
Washington Humane Society
The Whale Center

We are pleased to appear before this Congressional committee today, Mr. Bonker, to discuss the momentous decision made by the International Whaling Commission in July. This is an appropriate forum because it has been the dedicated efforts by you and your colleagues over the past ten years that have made the commercial whaling ban a near-reality.

By holding regular oversight hearings into the whaling issue, adopting resolutions and passing laws, prodding the Administrations and foreign nations, and acting as a moral force, the Congress has provided

the leadership and clout to help the international conservation community hasten the whale-killers out of their deadly business.

There is a certain irony that we are here today in sight of an end to commercial whaling, ten years after the United Nations Conference on the Human Environment, meeting in Stockholm, called unanimously for a ten-year moratorium on whaling. In those ten years, more than 300,000 whales have been chased down and harpooned, depleting the species even more while the whaling nations bitterly resisted every effort within the whaling commission to protect the whales from extinction.

The whaling nations regularly defied quotas they didn't like -- and killed tens of thousands of whales over the regulations -- by filing objections during the 1950's and 1960's. By using this whale-sized loophole in IWC rules, the whalers cynically drove species after species and stock after stock of whales to the brink of extinction.

It was only in 1973, after the Congress passed the Marine Mammal Protection Act and adopted resolutions calling for a whaling moratorium, that the whalers found themselves faced by a powerful threat: unilateral economic sanctions by the U.S. Government under provisions of the Pelly Amendment to the Fishermen's Protective Act. By threatening to ban fish imports, and later to withdraw fishing licenses, the U.S. finally put some teeth into the IWC.

Japan and the USSR immediately tested U.S. resolve by violating the 1974 quotas in minke whales, killing thousands more. President Ford flatly warned those nations that he would embargo their fish products if they did not agree to comply with all future quotas. The Japanese and the Soviets capitulated. Since then they have apparently complied with the regulation.

The Pelly Amendment -- along with the Packwood-Magnuson Amendment adopted in 1979 -- has been used repeatedly to persuade unregulated whaling nations to join the IWC and to pressure violators to comply with quotas and halt pirate whaling.

Influenced by the threat of these unilateral pressures from the U.S., the whalers have been forced to steadily reduce their whale kill from more than 50,000 ten years ago to some 14,000 this year.

The whaling nations have been largely complying with IWC regulations in recent years. This cooperation can be attributed to the growing international pressure against whaling and the Pelly and Packwood-Magnuson Amendments.

But today we see the whaling nations voicing open defiance once again, threatening to file objections to the 1986 whaling ban and already

on record, both through formal objections and political statements, that they will ignore the cold harpoon ban.

Japan and Norway in particular seem bent on continuing the whale slaughter no matter what. The powerful commercial and labor interests in the fishing industries of those two maritime nations are able to virtually dictate government whaling policy. Although a confrontation with the U.S. would result in substantial damage to their fishing industries, it appears that Japan and Norway will self-destructively file objections to the ban. In both nations the recent IWC action has touched off high-level debate. Unfortunately, the voices of opposition in the Foreign and Trade ministries are being drowned out by the hard-liners from the fisheries.

Iceland, which has the most to lose if the U.S. should embargo its fish -- a quarter or more of its total exports come to the U.S. -- is carefully weighing its action. It may decide that its whaling station, which exists solely to supply Japan with meat, has outlived its usefulness.

Brazil is in a similar situation. Japanese-Brazilian interests own the shore station there. Japan has repeatedly pressured Brazil to keep the whaling going. Two years ago the Japanese influenced the President of Brazil to overturn a decree calling for an end to the slaughter. And just this summer, during a visit to Brazil by Japan's Prime Minister Suzuki, the Japanese bluntly tied a \$400 million agricultural investment program to Brazil's whaling vote at the IWC. Needless to say, Brazil abandoned its neutral stance of recent years and voted with Japan against the 1986 ban.

Since the IWC rebuffed the whalers, however, Brazil has once again moved toward getting out of whaling. On 4 August, the director of the federal fisheries agency approved a \$125,000 plan to develop alternative employment for the workers at the whaling station.

It will be interesting to see if Japan once again exerts heavy-handed pressure on Brazil to force it to continue the whale-killing.

In Peru, the whaling station is owned by Japan's Taiyo Fishery Co. The operation is so secretive that not even the Peruvian government knows what happens there. Independent observers have been rejected. We do know that the once-abundant coastal whale populations have all but disappeared. Taiyo is adept at countering any move against the whaling by inciting unemployment fears.

U.S. Leadership

The victory achieved at Brighton -- the more-than-three-quarters majority for the 1986 ban -- resulted from the leadership of the U.S., Australia and the Seychelles and the strong support of 22 other nations

that withstood the considerable pressures from the whaling nations.

We are particularly grateful for the dedicated efforts of the U.S. commissioner, Dr. John Byrne, and deputy commissioner Tom Garrett in building this whale-saving coalition of nations.

The battles at the IWC are far from finished, however. The whaling nations must comply with the 1986 ban as well as the cold harpoon prohibition. And quotas on whale-killing must still be fought in 1983 and 1984.

The 1983 whaling quotas set on the last day of the IWC meeting were a major disappointment. Instead of following the recommendations of the majority of the scientific committee, the commission set higher quotas on virtually every whale stock. Low quotas adopted by the technical committee in the preliminary action were ignored in favor of high quotas demanded by the whaling nations.

The conservation countries, which controlled the majority of votes, all too readily granted the whalers what they wanted. In one instance -- the ten Bryde's whales given to South Korea -- the whalers weren't even seeking a quota. This was an outrageous lapse, since it had been proven that the South Koreans have been taking "protected" fin whales on their Bryde's quotas.

What happened in those cynical final hours of the IWC was that the hard-won scientific basis for determining whale quotas or protection -- the New Management Procedure -- was thrown out the window. For example, quotas were given for several whale stocks where the scientific committee had recommended zero quotas and which had been voted zero quotas in technical committee. Japan was given 450 sperm whales for this current year, thus avoiding an imminent collision with the U.S. over its objection, and 400 sperm whales for 1983; the scientific evidence clearly called for no more killing of this species. Indeed, Japan had to withdraw its vaunted "Sperm Whale Model" from consideration when its scientific validity was destroyed by the other whale scientists.

Peru was given a quota of 165 Bryde's whales in spite of documentation that the stock was collapsing from gross overexploitation. Only 1,000 of the species remain off Peru; any kill, let alone 16.5 %, will drive that stock closer to the brink of oblivion.

The Spanish fin whale stock is in a similar state of collapse, yet the IWC awarded a three-year quota with as many as 120 in one year to be taken by Spain's whalers.

The pelagic whaling operations of Japan and the Soviet Union could have been dealt mortal blows if the IWC had adopted low minke whale quotas that came out of technical committee -- 2,467 including a

portion for the Brazilian land station. The 1982 kill quota for the three nations is 8,102. The Japanese and Soviet fleets cannot operate with less than 3,000 minke whales apiece. The low quota, or even a proposed compromise of 4,934, would have wiped out at least one of the fleets. Unfortunately, the whalers were given a quota of 7,072 minkes for 1983 and the Southern Ocean slaughter will continue.

We must ask this question: was anything received in return for the high quotas granted the whaling nations? Did they agree to abide by the 1986 whaling ban and the cold harpoon prohibition? Judging from the angry defiance emanating from Tokyo and Oslo, we doubt if any promises were extracted from those leading whale-hunting nations.

By ignoring the scientific recommendations this year, the IWC has set a dangerous precedent for the quota battles in the next two years. Will the IWC seek to avoid conflict and give the whalers high, unjustified quotas in the hope of winning their compliance with the cessation of commercial whaling in 1986? We fear that such appeasement will only signal weakness to the Japanese, Soviets, Icelanders and Norwegians.

To let up the pressure on the whalers would be a disservice to the ten-year campaign to save the whales, which millions of persons around the world have joined with extraordinary passion. We must not allow political expediency to once again dictate the fate of thousands of whales.

Both the House and the Senate have reflected public opinion by sending strongly-worded letters to the Reagan Administration this summer, urging a hard line against commercial whaling and economic sanctions against nations that defy IWC regulations. We are enormously grateful for this assistance by you and your House colleagues, Mr. Bonker, and by Sen. Bob Packwood and his colleagues.

The Cold Harpoon

While we must wait three years to see whether the commercial whaling ban goes into effect, the leading whaling nations at this moment are preparing to defy another regulation. This is the cold harpoon ban adopted at the IWC meeting in 1981 and scheduled to go into effect with the 1983 whaling season.

When the Japanese and Soviet fleets sail for the Antarctic next month, they will be taking cold harpoons to fire into virtually all 7,000 minke whales to be killed. Both nations announced at the July IWC meeting that they could not comply with the ban, although Japan has stated that its whalers will continue limited testing of an

explosive-tipped harpoon. Norway, Iceland, Brazil and South Korea also reported that they will not stop using the cold harpoon in their minke whaling. All these nations except South Korea filed objections to the cold harpoon ban a year ago.

This open defiance of a major IWC regulation must not be allowed. If the whaling nations go on killing more than 10,000 minke whales with this outlawed weapon, it will encourage them to defy other regulations, such as the 1986 commercial whaling ban.

The whalers have known for several years that the cold harpoon would be eventually banned. All except Japan apparently have ignored this prospect. Japan only began developing an explosive harpoon for minke whaling under prodding from the U.S. government and conservationists, and the effort has been less-than-expeditious.

So the whalers have only themselves to blame for the fact that they have not developed an explosive harpoon to replace the cold harpoon. If they cannot kill minke whales humanely under IWC regulations, then they shouldn't kill them at all. That is the reality implicit in the IWC's decision last year, which, we emphasize, was adopted without opposition.

Therefore, we believe that any defiance of the cold harpoon ban should be met with a severe U.S. response: certification of the offending nations under the Pelly Amendment, and the imposition of embargoes on their fish exports to the U.S. as well as withdrawal of access to U.S. waters by their fishing fleets.

The brunt of commercial whaling has fallen on the small minke whale now that the other nine species of great whales are so severely depleted. The minke whales are suffering doubly because the whalers are refusing to at least kill them humanely.

Japan's Diehard Policy

The government of Japanese Prime Minister Zenko Suzuki has adopted an aggressive pro-whaling policy in the face of the rising international opposition. Suzuki has personally led the attack on anti-whaling nations this year.

Last fall when the prime minister of a leading Third World nation visited Japan, Suzuki startled the head of state by berating him over his country's strong anti-whaling policy. Visiting ministers and diplomats from IWC nations have received similar criticism from Suzuki.

On March 17th, the Japanese prime minister took the floor of the Diet to attack "the anti-whaling movement." To counter this pressure, he stated, "We are promoting various public relations activities through diplomatic channels in the non-whaling member countries. The Govern-

ment is ready to exert further efforts in protecting and fostering the whaling industry."

Japan's "public relations" campaign is often heavy-handed. Jamaica found itself in an economic squeeze this year after Japan took offense at its anti-whaling policy and threatened to cancel purchase of almost the entire crop of coffee produced on that small Caribbean island. Further aid and development projects from Japan were also threatened unless Jamaica, a poor nation that can ill afford such cutbacks, stopped its defense of the whales. That is precisely what happened. Jamaica did not send a representative to the IWC meeting and will likely drop out of the treaty organization to avoid further threats from Japan.

Dominica, a neighbor Caribbean Island of Jamaica, received a similar "offer it could not refuse" from Japan and avoided the IWC meeting.

Panama suffered the same fate in 1978 when it had the temerity to call for a moratorium at the IWC. Japan baldly threatened to cancel a sugar-purchase deal with the Panamanian government worth nearly \$10 million. The Japanese succeeded in getting Panama's whaling commissioner fired, the proposal withdrawn and, a year later, Panama quit the whaling commission.

The Seychelles persuaded the IWC to establish a whale sanctuary in the Indian Ocean in 1980. Shortly thereafter, the Japanese government threatened to back out of a fisheries development program. The independent-minded Seychelles government denounced the "intimidation from the Japanese Government" and refused to change its policy on whales.

The Japan-Seychelles conflict heated up when the Japanese followed through with the threat and the Seychelles retaliated by capturing a modern Japanese tuna ship that had been violating its 200-mile fishing zone. The ship and its catch were confiscated and the Japanese government was forced to pay huge fines to win release of the crew. The Japanese government did not give up the battle, however. It dangled a \$35 million aid package in from of the Seychelles, demanding in return a reversal of the anti-whaling policy of the remote island nation and the firing of the government's two key advisers on whales. The Seychellois steadfastly resisted the pressure.

When Prime Minister Suzuki visited Brazil last month, he specifically tied a \$400 million agricultural development loan for Brazil to "an understanding of Japan's policy on whaling," according to a report in the daily Folha de Sao Paulo (16 June 1982). Brazil has a large whaling station on its northeast coast where Japanese Brazilians kill 1,000 minke whales annually.

After Brazil passed a decree in 1980 declaring that whaling would be banned at the end of that year, Japanese interests persuaded President Joao Figueiredo to personally overturn the decision and grant an unlimited extension to the whaling.

Suzuki has close political and personal ties to the whaling industry. He comes from a fishing village, was educated in fishery science, and represents a coastal district in the Diet (parliament). In the Japanese political arena he is known as "Mr. Fish."

More Economic Blackmail

Japan's desperation before the IWC meeting led it to try some major arm-twisting on two wealthy conservationist nations, the United Kingdom and Switzerland. It was a demonstration of the remarkable lengths to which the Japanese government and business community will go in pursuit of their goals.

The British have been staunchly in favor of a moratorium on commercial whaling for years. But the Japanese sought to find a pressure point that would make the Thatcher Government reverse its whaling policy. Because the economy and unemployment are so bad in Britain, the Japanese raised the threat of cancellation of an automobile plant in England. The Nissan Motor Co., which makes Datsuns, announced last year that it would construct a manufacturing plant worth more than \$700 million and employing 5,000 workers.

The Japanese threat, raised just days before the IWC meeting, might have been effective if word had not leaked out just as the meeting began that Nissan was delaying the plant indefinitely. The British therefore were under no pressure not to fully support the 1986 whaling ban. As a footnote to this incident, Prime Minister Thatcher arrives in Japan tomorrow for a state visit and a prime subject of discussion is the Nissan auto plant. It will be interesting to see if whaling is still linked to it.

Japan was more successful in its artless persuasion with the Swiss. According to sources in Switzerland, a huge investment deal by Japanese interests was tied to a Swiss accommodation on the whaling ban vote. Switzerland therefore reversed its long-term anti-whaling policy and abstained on the critical vote.

China abstained after its premier, Zhao Zi Yang, visited Tokyo in May and learned personally from Prime Minister Suzuki how strongly Japan feels about the whaling issue. Japan reportedly brought similar pressure to bear on the Philippines, which also abstained. The other two abstainers on the whaling ban vote, South Africa and Chile, are international pariahs who likely decided not to antagonize a major trading partner.

Another startling extreme to which the Japanese have gone was their hiring in June of Richard Frank, the U.S. commissioner to the IWC from 1977 to 1980. The former administrator of the National Oceanic and Atmospheric Administration is now a private attorney in Washington. He was hired under a six-month, \$30,000 contract by the Japan Fisheries Association to provide his knowledge and advice on the whaling issue.

It was Japan's whaling commissioner, Kunio Yonezawa, who hired Mr. Frank. The Japan Fisheries Association in an industry group operated jointly by the government's Fishery Agency and the private fishing/whaling companies. The Japan Whaling Association is a member of the JFA.

This development has raised eyebrows not only here in Washington but in other IWC nations and even in Japan, according to reports. Mr. Frank served as U.S. commissioner to the IWC at five meetings of the treaty organization. During those Carter Administration years, he was responsible for executing the anti-commercial whaling policy of President Carter.

According to sources in Japan, Mr. Frank has produced for his new client a lengthy legal analysis of the Pelly and Packwood-Magnuson Amendments, and advice on how to challenge them legally in the U.S. and internationally.

Reproduced below is the telex message that Mr. Frank sent to Mr. Yonezawa on 23 June 1982 confirming his hiring:

TO: MR. YONEZAWA

FROM: RICHARD A. FRANK

THIS IS TO CONFIRM OUR DISCUSSIONS TO THE EFFECT THAT OUR FIRM WILL REPRESENT THE JAPAN FISHERIES ASSOCIATION IN PROVIDING REPRESENTATION AND LEGAL ADVICE IN CONNECTION WITH FISHERIES MATTERS WITHIN A BUDGET OF \$30,000 FOR A PERIOD OF SIX MONTHS BEGINNING JUNE 14, 1982. WE AGREE NO FURTHER FORMAL CONTRACT IS NECESSARY.

SINCERELY YOURS,

RICHARD A. FRANK

The Japanese Whalers' Myths

During the debate over the fate of whaling, the Japanese whalers and government have attempted to portray whaling as a great "tradition" in Japan, that whale meat is "vital" to the Japanese diet, and that there are tens of thousands of workers who will be thrown out on the streets if whaling is halted.

When we examine those claims more closely, we find that the Japanese propagandists have grossly exaggerated the importance of whaling and whale meat in Japan.

The truth is that whale meat supplies less than one-tenth of one percent of the protein in the Japanese diet, and more than half of the whale meat consumed in Japan is supplied not by the Japanese whaling industry, but by whalers from the Soviet Union, Iceland, Norway, Spain, Peru, Brazil and South Korea. In 1981 Japan imported 19,000 metric tons of whale meat from outside whalers. Many observers point out that Japan, a wealthy nation, could just as easily -- and more cheaply -- import beef from Australia and the U.S. or lamb from New Zealand. Instead, foreign beef and lamb is severely restricted by protectionist laws.

To show how relatively unimportant whale meat is in Japan, let's compare the consumption per person of fish, beef and whale meat. In 1980, according to Japanese government figures, the per capita consumption of fish was 75 pounds, and beef totalled 11 pounds. Whale meat came to just over half a pound.

Even that meager figure for whale meat is deceiving, since there is no market-place demand for it. Half the whale meat is fed to school-children and much of the rest goes to convicts in prisons and members of the Japanese self-defense force. If they had their druthers, these groups would probably choose more palatable food than the blocks of frozen whale meat.

How traditional is whale meat in Japan? Until World War II, few Japanese ever saw whale meat because only a handful of remote villages hunted a few hundred whales each year for local consumption. Lack of transport and refrigeration kept it from the markets in the crowded cities.

Japan began large-scale commercial whaling in the mid-1930's when it

decided to get into the hugely-profitable pelagic (deep-sea) whaling industry pioneered by the Norwegians. The giant factory ships and fast catcher boats developed in Norway penetrated the rich seas around Antarctica and touched off an incredible massacre of the last great herds of whales.

But the Japanese didn't join the big-time whalers to provide whale meat for the markets of Tokyo. In fact, literally billions of pounds of whale meat were dumped into the sea by the Japanese whalers during the 1930's. Only the whale oil was kept, to be sold for margarine, cosmetics and lubricating oil. The Japanese people didn't even see any of that oil, either, because a Japanese law required that the oil be sold in the West for foreign exchange.

Japan began pelagic whaling in 1934 when it purchased an old Norwegian factory ship, the Antarctic, and a fleet of catcher boats. The operation expanded rapidly in the 1930's, generating massive profits for the growing military machine in Japan. The Japanese whalers soon led the industry in rapacity, hunting down any whale found, and even refusing to recognize international agreements not to kill the near-extinct Right whale, nursing calves and mothers with babies.

Dr. George Small described the rapacious attitude of the Japanese whalers in his landmark book exposing the scandal of whaling, The Blue Whale:

"The reason for the refusal to adopt even rudimentary conservation practices was the urgent demand placed on the Japanese economy by the country's war in Manchuria and China. All the pelagic fleets sent to the Antarctic were owned and operated by the Nippon Suisan Kabushiki Kaisha Company, the main shareholder of which was the Manchurian Heavy Industries Corporation. This corporation was the principal economic and industrial arm of the Japanese army in Manchuria. The objective of the Nippon Suisan Company, as stated in the 1941 Mainichi Yearbook, was the acquisition of foreign currency and food supplies for the Japanese armed forces. The production of soya and other vegetable oils in Manchuria made it possible for the government to forbid the entry of Japanese-produced whale oil into the country. The oil was sold in Europe, particularly in Great Britain, thereby acquiring for Japan much needed currencies for the prosecution of the war effort."

It was only after World War II that Japan, in ruins and unable to feed itself, began to heavily exploit whales for meat. Ironically it was

General Douglas MacArthur, the American Commander of the Allied Occupation Forces, who pushed the Japanese whalers into the meat business.

Although most of the fleets were sunk during the war, two factory ships were quickly repaired in 1946 and sent out whaling. In 1951, when sovereignty was restored to Japan, the government immediately made huge loans to rapidly expand the whaling industry. The Japanese whalers continued to increase their whale-killing capacity until the mid-1960's, when the slaughter -- the greatest in the history of whaling -- literally drove the blue whale to commercial extinction. In fact, the Japanese only agreed to stop hunting blue whales after their seven factory ships and 100 catcher boats could not find a single blue whale to kill. During the 1930's, the blue whale kill averaged more than 15,000 each year.

Japan grew to dominate the post-war whaling industry because it had the special advantage of having markets for both whale oil and whale meat. The other whaling nations, particularly Norway, were largely shut out of the highly-profitable Japanese market. The Japanese whalers received about \$240 per ton of meat. In 1965, more than 147,000 tons of whale meat were brought home from Antarctica.

The meat alone allowed the Japanese whalers to earn more than double what the Norwegians made from the entire whale. By utilizing all of the whale, the Japanese revenue per whale was triple that of competitors.

Cheap substitutes for the whale oil also doomed the Norwegian whaling industry. From ten fleets in the early 1950's, the Norwegian effort shrank to 4 in 1963 and none by 1969.

By the early 1970's, the structure of the whaling economy had radically changed from oil to meat production. Cooking oils from vegetables replaced margarine made from whale blubber. Synthetic oils were developed to replace sperm whale oil as a lubricant. Japan then began to buy increasing quantities of whale meat from other whaling nations.

Today, virtually none of the whaling outside Japan would survive if Japan were not importing whale meat from the kill. The only real market anymore is Japan. Last January, the Common Market banned the importation of any whale products. The U.S. took that action in 1972. Last year the international treaty organization that regulates trade in wildlife declared the sperm, fin and sei whales to be endangered and banned trade

in their products. Japan, a member of the 77-nation treaty, refuses to comply with the trade ban.

We have seen wild claims by the Japan Whaling Association and the Japanese government that there are 50,000 jobs at stake in the whaling industry in Japan. They apparently get that figure by counting wives, children, aunts, uncles, and cousins of each real worker, plus every truck driver and grocery clerk who handles one kilo of whale meat.

In reality, there are fewer than 400 men working on the whaling ships in Japan. Even fewer work on shore. The total value of Japan's whaling last year was just \$44 million, and that was heavily subsidized by the government through direct and indirect support.

Whaling is virtually dead. Some of the whaling villages are already getting out of the business on their own. The whalers are exporting much of their remaining coastal jobs from the traditional villages to a new operation hundreds of miles offshore in the Bonin Islands, where they have set up a "shore station" on a large barge.

To put Japanese whaling in true perspective, we should realize that gross tonnage of whales killed is now less than 5% of what it was just 20 years ago at the height of commercial whaling. Then, Japan had seven factory ships and more than one hundred catcher boats scouring all the oceans, plus dozens of coastal catcher boats. Today, only one factory ship and four catcher boats operate half a year in pelagic whaling, and a handful of coastal whaling ships survive.

In attempting to deceive the public about the importance of whaling in Japan, the whalers and government officials are further destroying their credibility and are guilty of the ultimate folly, self-deception. It is no wonder, then, that Japan has been incapable of pursuing a policy whereby it could get out of whaling gracefully.

Global Conference on Cetaceans

Finally, we wish to bring to your attention a positive development in relations between humans and cetaceans, the whales and dolphins.

Next spring, the IWC will co-sponsor with the Connecticut Cetacean Society and other interested organizations the Global Conference on the Non-Consumptive Utilization of Cetaceans. The primary purpose of the conference will be to identify and examine data in relation to research, recreation, education and conservation of these marine mammals involving non-consumptive or low-consumptive uses, and to assess the values derived from living whales, both economically and culturally.

I am submitting for the record the statement of Dr. Robbins Barstow of the Connecticut Cetacean Society at the IWC meeting. He is organizing the conference.

Thank you for the opportunity to address this committee, Mr. Bonker. The tireless support by you and your colleagues has been instrumental in the remarkable progress toward saving the whales.

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Mr. BONKER. Ms. Wray.

STATEMENT OF PHOEBE WRAY, EXECUTIVE DIRECTOR, CENTER FOR ACTION ON ENDANGERED SPECIES

Ms. WRAY. Thank you, Mr. Bonker. I am very happy to be here again.

What I hear from the public at large from the great Northeast of this country where, by the way, Massachusetts' State marine mammal is the right whale—I believe the sperm whale is the Connecticut mammal.

Mr. BONKER. We in the Northwest will claim the killer whale. [Laughter.]

Ms. WRAY. What I hear from my constituents, at least in the Northeast, is a continued interest in the protection of all whales. Of course, they were very excited by this year's IWC meeting. I certainly was very proud to be a part of the delegation and feel we should all applaud Dr. Byrne's very fine work, and concur with you that great applause is also due to Robert Eisenoud who's a stalwart on the delegation.

As you also said, you sent critics there, and I would like to make two caveats in the spirit of constructive criticism as a member of that delegation.

One is that I feel that the Department of State could be more effective in offering leadership to the friendly nations at the IWC, particularly the small ones. To touch base with them, however briefly it seems to me, is good, not only for our position at the IWC but also in our other commerce with those nations.

And second, and this was just a personal thing that happened, I was somewhat dismayed on the day before the very crucial vote on the moratorium that I could find no one on our delegation working on it. I had been out talking to various people and had a little information that I would like to pass on, and I could not find anybody who was not working on the bowhead. And though I certainly understand our commitment and the difficulties of the bowhead, I would offer that as something of a criticism because I feel that we are going to have much more support from our friends next year when we want something real on the bowhead if we show a little bit more interest in some of the things they are interested in. If we are more outspoken, I think it is simply a matter of speaking to the issues that they care about.

I have two documents to offer as part of the record, and I think they are quite self-evident in what they are about. One is a critique of a Japanese pamphlet that purports to be a biological inquiry and is in fact an anticonservationist pamphlet; and second, a letter. There has been kind of a brouhaha going on with the Atlantic Monthly over an article that appeared back in March, and they have in fact published a letter that I wrote to the editor and substantially cut it, taking out all of my corrections of the errors of facts.

So, for the record, I would offer both their abridged version and my original letter.

Mr. BONKER. Without objection those two documents will be placed in the official record.

[The information referred to follows:]

"A Biological Consideration of the Whaling Controversy"
by Ikuo Ikeda

A CRITIQUE by Phoebe Wray

Since 1972, a world-wide movement has gained momentum relating to protection of whales. This movement has involved literally millions of people, many governments (whaling and non-whaling), and hundreds of scientists. Quotas have been lowered again and again as scientific advice points to declining numbers of great whale species and, more recently, to the large uncertainties present in assessment of whale stocks.

Quotas are set each year at the meeting of the International Whaling Commission (IWC) on the advice of its Scientific Committee, a distinguished international group of scientists. They are set using the New Management Procedure (NMP), a method of classifying stocks which reflects their abundance and vitality. The NMP is not concerned with extinction but with optimizing the whale fishery.

A non-scientific paper

The Japan Whaling Association is circulating a small booklet by Dr. Ikuo Ikeda of the Far Seas Fisheries Research Laboratory entitled "A Biological Consideration of the Whaling Controversy." Its purpose appears to be to discredit those

who advocate a moratorium on commercial whaling or are critical of the whale hunt. The title leads us to expect a scientific paper, but it concerns itself primarily with opinion about "anti-whaling forces," and is without normal scientific apparatus (references or bibliography). There are a number of substantive errors in this booklet which cannot, in fairness and the interests of accuracy, go unanswered.

Very confused information

Dr. Ikeda has mistaken the scientific data on the bowhead whale. This whale has an estimated *gross* recruitment of 3.4%, not a *net* recruitment. In science, one must be precise.

It is blatantly false to assert, as Dr. Ikeda does, that there is no opposition to the United States Eskimo bowhead hunt in the USA and elsewhere. Dr. Ikeda has not done his homework. For many years environmentalists have been concerned about the Eskimo take of this endangered whale species, as have US scientists and the government itself. Dr. Ikeda completely ignores the years of painful dissension and discussion in the USA over the bowhead hunt, numerous public statements, scientific and popular articles, Congressional hearings, and a growing body of scientific literature.

The United States government and American environmentalists all recognize the endangered status of the Bering Sea bowhead and have spent millions of dollars and tremendous amounts of time and energy attempting to solve the problem of a traditional hunt on a species which has become endangered. The problem is not solved, but Americans continue to work on it. It is an insult to falsify this concern.

Emotional argument

Dr. Ikeda states: "Anti-whaling countries and their scientists do not attempt to mount any effective opposition to the fact that Eskimos in the United States are continuing to hunt this species [bowhead]. Accordingly, these forces do not have any grounds for accusing scientists in whaling countries of being sympathetic to the whaling industry." We fail to see the logic of the latter assumption. As noted above, Americans are keenly aware and highly critical of the Eskimo bowhead hunt.

Many scientists have presented data which have caused reductions in whaling quotas. Japanese scientists, including Dr. Ikeda, present data which support the whaling industry and which are often criticized by other scientists. We find it remarkable that Japanese scientists are

always in agreement with each other and that their data always support the desires of the whaling industry. Whether or not scientists speak out in opposition to the bowhead hunt, it is unscientific to say, "if you don't criticize yourself, don't criticize me." Peer review and constant critical appraisal are part of the scientific method and should not be confused with politics or the desire to please one's employers. Dr. Ikeda is guilty of the emotionalism which he attributes to others.

Whaling has caused declines

Dr. Ikeda states that "it has been determined that there is no actual danger of whale stocks becoming extinct." He gives no reference for this statement. Most whale *species* are not believed to be on the verge of extinction, but scientific concern has been voiced over various *stocks* of whales. Biological factors such as reduced pregnancy rates and declining sizes of whales point to the questionable health of some stocks. Perhaps Dr. Ikeda is confusing "species" with "stocks." We assume, because the paper is titled a "biological consideration," that generally accepted definitions of biological terms are used. If so, we strongly disagree and feel that a careful review of reports of the IWC Scientific Committee would support us. We would urge Dr. Ikeda to study this literature.

Dr. Ikeda states that the whaling "industry has drastically reduced its catch over the past 10 years" without noting that this was done on the advice of the IWC Scientific Committee because stocks of whales were declining. The blue and other whales had been reduced to levels where continued commercial exploitation indeed endangered them. Dr. Ikeda fails to inform readers that Japan consistently votes *against* lowered quotas (despite scientific advice) and that Japan has used Article V under the Whaling Convention to object to quotas, thus subverting the Scientific Committee's advice. Lodging objections to IWC decisions is, of course, legal and allowable under IWC rules, but Japan has used the objection to disregard quotas agreed to after considerable review and debate.

Humpback whales

Throughout the paper, Dr. Ikeda notes that the humpback whale is endangered. While he is careful to point out that 19th Century Yankee whaling caused the great decline of the Bering Sea bowheads, he fails to mention that 20th Century commercial whaling caused the great decline of humpback whales worldwide. Dr. Ikeda says that whale advocates have not expressed concern

about the Greenland hunt of humpback whales. This is a lie. Environmentalists and the IWC itself have seriously questioned the Greenland hunt. The IWC has repeatedly requested the government of Denmark to provide data on this take. The IWC Scientific Committee has repeatedly recommended a zero quota for the North Atlantic humpback stock. Japan has repeatedly voted against a zero quota for this stock at IWC meetings. Dr. Ikeda's concern for North Atlantic humpbacks is well-founded but is not reflected by Japanese policy.

A questionable table on page four

Dr. Ikeda refers many times to the table on page four of his paper, for which he has provided no indication of sources. Data in the table do not, as he suggests, verify that the "actual situation is the opposite of the anti-whaling forces' contention." His data prove nothing. They are incomplete, unverified, lack sources, and, at least in the case of Northwestern Pacific sperm whales, are undecided.

Dr. Ikeda's emotional and provocative remark that his listing of the bowhead and humpback whales on the table would cause "the most contorted expressions on the faces of anti-whaling advocates" is utter nonsense. Advocates for the whales are very aware of the status of bowheads and humpbacks and have been searching for a fair way to end these hunts, while Japan, as noted above, consistently votes against zero quotas for them. Dr. Ikeda is perhaps unfamiliar with the vast literature on whales and whaling or he would realize that his listing is hardly new. He need only go back to "The Sperm Whale," distributed in 1979 at the IWC by The Center for Action on Endangered Species, to see that the humpback and bowhead hunts are listed along with other whaling effort.

Larger quotas are not needed

Dr. Ikeda states that "there is no need to increase utilization of whales above present levels." This is a very interesting statement which we have not heard before. At IWC meetings, a certain amount of "horse-trading" is transacted as whaling nations, primarily Japan, attempt to get as large a quota as possible. If no more whales are needed, why is there so much debate about advice from the Scientific Committee? Why does Japan always press for the largest possible quota? We hope Dr. Ikeda will write more about this.

Example of the gray whale

It is certainly true, as Dr. Ikeda writes, that the California gray whale has made a remarkable recovery. What he fails to note is that the gray whale has not been hunted for many years and that it has been afforded strict international protection because it migrates close to the US and Canadian coasts and calves in Mexican lagoons. He also fails to note that the Western stock of gray whales which once migrated close to Japan is presumed extinct. It was hunted to death.

The example of the recovery of the gray whale does not, as Dr. Ikeda states, "illustrate the rather large safety margin against the possibility of extinction which has been allowed" under the New Management Procedure. It does indicate that at least gray whales (which are behaviorally unlike rorquals) can recover under strict, long protection. The use of this species as an example of a "safety margin" for IWC quotas is deceitful and unscientific.

Scientific research

Dr. Ikeda states, in conclusion, that dead whales provide the "most useful materials for biological research." This statement can be challenged. For instance, a glance at the recent scientific literature on the endangered humpback whale will show that more information has been gathered by benign research than was ever gathered while this species was hunted, including recognition of individual animals.

One could also challenge the statement by referring to reports of the IWC in which the Scientific Committee and the Infractions Committee repeatedly request data from the whale hunt, which is not forthcoming from many nations. Increasingly, the Scientific Committee has been unable to provide clear advice to the Commission itself because the data from which it works are inadequate, incomplete, and/or contradictory. Those data which do exist have led to lowered quotas and total protection for some species and stocks. In fairness, it should be stated that Japan has provided a great deal of information to the IWC (as could be expected from the amount of whaling effort), but even Japan falls behind. One of the problems with estimates of sperm whales in the Pacific could be helped should Japan analyze the many thousands of whale teeth in the possession of Japanese scientists.

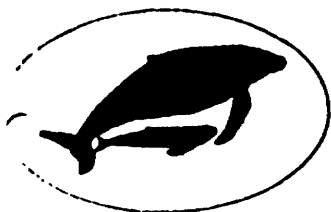
Lastly, does Dr. Ikeda mean us to accept that whales should continue to be killed, whatever their status, merely to provide work for scien-

tists? That is a specious argument which is better left to be rebutted by the world scientific community.

Regretfully, we conclude that Dr. Ikeda's publication is misnamed. It is not a "biological consideration" at all, but a polemic against "anti-whaling forces." It distorts the position of whale advocates. It presents untruths about the activities and opinions of environmentalists. Its references to whale science are incorrect and unsupported. We are very sorry to see a scientist sign his name to such an emotional, misleading, and unscientific document.

About the author

Phoebe Wray is Executive Director of The Center for Action on Endangered Species. She has served on the United States Delegation to the International Whaling Commission and has attended as an Observer. She is the author of numerous articles on endangered species. Her most recent appointment was as a Richard King Mellon Fellow at Yale University during 1981.



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3 April 1982

To the Editor
The Atlantic Monthly
8 Arlington Street
Boston, MA 02116

Dear Sir:

William McCloskey's article about the current status of whaling ("Counting the Whales," April) contains a number of substantive errors of fact which may have misled him as well as your readers. I was a member of the United States Delegation to the International Whaling Commission in 1980 and 1981 and am editing the proceedings of the Symposium on the Behavior and Intelligence of Cetaceans and the Ethics of Killing Cetaceans, and thus feel compelled to correct the record.

It is true, as McCloskey writes, that no one knows just how many whales there are. Thus his statement that there are "one million" sperm whales is totally unsupported by fact. Of more importance than mere numbers are indications of the questionable health of various stocks of sperm whales; declining sizes in the catch point to a lack of large, mature animals, declining pregnancy rates indicate a lack of breeding whales. Such biological information has led the Scientific Committee of the IWC to recommend smaller and smaller quotas in many areas, and zero quotas in others, including the Western North Pacific, which is the stock hunted by Japanese coastal stations. Sperm whale meat is not eaten. These whales are killed for oil and other products for which there are abundant substitutes, and to maintain seasonal employment.

To say, as McCloskey does, that 10,000 people are directly involved in Japanese whaling is an inflation of numbers to include every fish market which handles or has ever handled whale meat at some time. World-wide and including all species of whales taken commercially by all nations and by subsistence whalers, the 1981 quotas totalled 12,654 whales, of which Japan's share was roughly half. Thus, if Japan has 10,000 people living by whaling, they far outnumber the whales they hunt, nearly two-to-one. Data submitted by Japan to the 1980 IWC meeting stated there were 2,969 jobs directly and indirectly related to whaling in 1979. Some people in Japan, and elsewhere, certainly do make their living whaling, but counting whalers has as many pitfalls as counting whales.

McCloskey states that were Japan to stop buying whale meat, the industry would shut down "except for small coastal operations." All open ocean whaling is prohibited except for minke whales. Whaling, outside of Eskimo whaling, exists primarily to supply the Japanese market. What "small" operations would remain outside this market is a puzzle. The 25-foot minke are the whales killed for food. The number of "meals" they provide is an interesting statistic. The Japanese themselves say (in IWC documents and elsewhere) that whale meat supplies less than 1% of their protein

Phoebe Wray, Executive Director; Rosemary Elkins, Southwest Coordinator;
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intake and that it is a relished but generally luxury diet item. One might compare it to U.S. consumption of abalone.

McCloskey questions the active role in whale conservation of some small nations such as the Republic of the Seychelles and Oman. Others see the acts of these countries as the legitimate concerns of developing and Third World nations who have traditionally been denied a voice in international resource allocations. McCloskey calls their presence at the IWC a "questionable practice," which is surely an insult to sovereign nations whose fisheries policies have led them to join the Commission in order to make known their concerns about whales and the whole ocean ecosystem. Does McCloskey mean to say the IWC is a club exclusively for whalers? In that case, what status would he accord the United States, Netherlands, United Kingdom, France and Sweden?

McCloskey notes that at the 1981 IWC meeting "anti-whaling delegates tried first for a full moratorium" then went for a sperm whale moratorium. This is misleading. Passage of a full moratorium has been tried since 1972.

The whale conservation movement involves hundreds of organizations throughout the world, not "approximately twenty" as McCloskey writes, and literally millions of people (20,000 turned out for a pro-whale rally in Trafalgar Square, London, in 1979). The fact that some top environmentalists draw large salaries does not make them "opportunists," just well-paid professionals. Why not?

McCloskey's observation that Japan is "singled out" for abuse at IWC demonstrations is patently false. All the whaling nations are criticized at anti-whaling rallies and events. Pro-whale demonstrators are not necessarily anti-Asian. Certainly Japan is severely criticized, partly because it kills and imports more whales than any other nation and partly because it is highly visible and the nation most vulnerable to economic sanctions. Stories about anti-Asian bias in whale conservation appear to originate in public relations material distributed by the Japan Whaling Association.

McCloskey's perceptions of the Washington Symposium on the Behavior and Intelligence of Cetaceans and the Ethics of Killing Cetaceans are also somewhat skewed. There was criticism but no "abuse" during this meeting, which was, incidentally, tape recorded in its entirety. In fact, the meeting was remarkable for the lack of fireworks and for the attempt by scientists, environmental philosophers, and environmentalists from Australia, New Zealand, South Africa, England, France, the U.S. and Canada to respect the Japanese point of view and to find the path towards a common cultural ground.

McCloskey neglected to report that for two days of the meeting, leading neuroanatomists from several countries presented papers which indicated that toothed cetaceans, especially dolphins, show a high degree of complexity in the neocortex, leading to a preliminary assumption that these animals have the capacity for intelligence as humans understand it. Nor did he mention reports from animal behaviorists of inconclusive but fascinating experiments with dolphin communication and verbal comprehension. The rebuttal from the Japanese included in the article was not to Sidney Holt's remarks about a possible cetacean culture but to earlier papers regarding the development of the dolphin neocortex. Western neuroanatomists do link brain size and intelligence, a scientific view which was rejected by the Japanese scientists present at the meeting.

No Eskimos still hunt whales with hand harpoons as McCloskey states. Alaskan Eskimos use the shoulder-gun, a legacy from 19th Century Yankee whaling; Soviet Eskimos have their whales killed for them by catcher boats from the Russian fleet; Greenlanders take the endangered humpback whale as well as fin whales with equipment modified from earlier whaling days.

It would appear that in the interest of providing a different view, or perhaps just a provocative one, McCloskey has distorted and overlooked the facts and muddled the already cloudy waters with his own bias. Readers would have been helped to understand that bias had McCloskey (or The Atlantic Monthly) seen fit to reveal the sources of his misinformation.

Sincerely,

Phoebe Wray
Executive Director
The Center for Action on Endangered Species, Inc.

[From the Atlantic Monthly, September 1982]

WHALING

William McCloskey's article about the current status of whaling ("Counting the Whales," April *Atlantic*) contains a number of substantive errors of fact which may have misled him as well as your readers. I was a member of the United States delegation to the International Whaling Commission in 1980 and 1981 and am editing the proceedings of the Symposium on the Behavior and Intelligence of Cetaceans and the Ethics of Killing Cetaceans, and thus feel compelled to correct the record.

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PHOEBE WRAY,

*The Center for Action on Endangered Species, Inc.,
Ayer, Mass.*

William McCloskey replies:

According to *Conservation and Management of Whales*, by Dr. K. Radway Allen (University of Washington Press, 1980), current estimates show 970,000 sperm whales in the Southern Hemisphere and 1,004,000 sperm whales in the north Pacific, for a total worldwide sperm-whale population of nearly 2 million.

My sources put the number of Japanese employed in whaling as high as 15,000. I do find it reasonable to include people involved in more than killing—e.g., in marketing, distribution, whaletooth crafts, etc.

I have been served whale meat in Norway; Spain is supposed to have a domestic market; and a sizable market for whale meat in northeastern Brazil was mentioned in congressional testimony last year by one of the anti-whaling witnesses.

Japan has been singled out for abuse. My sources are not from Japanese public relations. And Ms. Wray misparaphrases me, since I wrote that it's the Japanese who detect an anti-Asian bias.

I said nothing about "abuse" of the Japanese at the symposium in Washington, though one man who chaired several sessions was particularly condescending, arch, and impatient with views not his own, and kept interrupting the Japanese spokesmen to tell them to cut it short. They were very longwinded. But so were many of the antiwhaling scientists and philosophers, to whom the audience listened with attention and occasional ecstatic enthusiasm. When the Japanese spoke, most of the audience leaned back glassy-eyed, or chatted in politely low voices.

I am not enthusiastic about whaling. However, the anti-whaling (and anti-sealing) activists appear to have become so self-reinforcing that they are not accustomed to

having their actions questioned; what may be balanced to a neutral observer seems to them a treatise for the enemy. They have essentially won their fight for the whales—endangered species and stocks are no longer hunted commercially—and should now re-examine the means they are using to end the remainder of an industry as well as the priorities they assign their limited resource. I stand by the facts and interpretations in my article.

Ms. WRAY. The whaling nations, Mr. Chairman, have had ample warning of the strength of the public opinion against commercial whaling starting with the U.S. proposal for a moratorium a decade ago. The infusion of a new spirit and new tactics at the IWC in 1979 with the declaration of the Indian Ocean sanctuary and the pelagic whaling ban has been followed by an annual increase in the parties to the whaling convention as nation after nation has declared their concern for the whale fishery. The whaling nations cannot be surprised by this year's events. Whether their eyes have been clouded by arrogance, ignorance, or innocence I wouldn't speculate, but they seem to have missed very large writing on the wall.

You asked me, Mr. Chairman, to address four specific items: First, will any of the whaling nations file an objection to the delayed cessation. That is possible. I think such objections might be necessary for the folks back home to appease certain factions within the whaling nations themselves who have really not been forewarned enough about the possibility of a whaling ban.

Second, will there be a change in membership in the IWC? There has been some thought that there might be some attrition, particularly from the smaller nations for whom the IWC participation is in fact something of a financial burden. And again, I would hope that the subcommittee could urge the Department of State to encourage continued participation.

Mr. BONKER. I wonder if rather than hassle with the Department of State, which would probably result in very little, if we could just send letters to these nations and ask that on behalf of the Congress that they retain their membership.

Ms. WRAY. I would certainly applaud that, but I think that there is will there to keep the team together, and the United States really can show leadership. I think that would be a wonderful idea.

Third, what issues will the IWC face next year. I think the whaling nations are going to want some higher quotas, and Japan may insist that the coastal whaling effort qualifies as a traditional fishery. The word "tradition" was uttered many times at the July meeting as each whaling nation made its bid for votes. What was not spoken of was the fact that whaling is traditional in every country which has ever whaled. Certainly whaling is an American tradition. One might mention other traditions which no longer find favor: lynching, slavery, college hazing.

I think we should, however, be well prepared to discuss the question of traditional fisheries. It will be linked to any quotas we may seek for the bowhead.

I think we also might see a great gob of scientific data suddenly come to the surface as the whaling nations look for some higher quotas. Our scientists should be prepared for this by some think time and worktime before the meeting. It is my feeling we treat our scientists rather shabbily by not giving them enough support prior to the meeting and enough time to prepare for it.

Last, and this is my major thrust, what should we do about objections to the cold harpoon ban for the minke whales? In Brighton, Mr. Chairman, our delegation carried news of the Pelly and Packwood-Magnuson amendments with great pride. "Look," we said, "this is what America believes; this is our law." India and Egypt to my certain knowledge, and there may have been other nations, smiled and said, "but you wouldn't use it; you do too much business with Japan."

"No", I insisted, "it is our law." Well, it is, is it not? The law is the law is the law. It is not the law sometimes.

Mr. BONKER. I might add, Ms. Wray, that when Pete McCloskey and I were there last year that was the one message that we could legitimately carry. We went on the national Japanese television during the press conferences saying that we fully intended to see that our law is carried out.

Ms. WRAY. Well, that was what I got, though, particularly from the Commissioner from India who said how could you use it, and I said but it is the law. He did not understand the pride and the reality of it being the law.

Mr. BONKER. But he is very perceptive, and you know that.

Ms. WRAY. Oh, yes.

I would like to point out, Mr. Chairman, too, that the Infractions Committee noted that Japan used cold harpoons on Bryde's whales which was a violation of the rules. If, as Japan says so often, it regrets the great pain caused minke whales by cold harpoons, why they were used on a larger species for whom death times could be expected to be even longer.

The observer reporting the infractions saw only 10 percent of the Bryde's landed, and 70 percent of them contained a cold harpoon. Sadly, 25 percent of them were lactating females. The Japanese observer, it should also be noted, saw 44 percent of the Bryde's landed and reported no infractions. I point this out just to remind us of the nature of this industry.

The whaling nations are now using emotional arguments to characterize themselves as victims. Whales are the victims. The Japanese say that they are underdogs being forced to stop whaling. What of the tens of millions of people who have until this year been held in thrall by a handful of whaling nations? They have a right to be heard, too.

The whaling nations in a change of tune now ask us to be fair. Fairness requires compassion, consideration, and understanding. It does not require that we abandon our long-held positions. That would be unfair.

There are times, Mr. Chairman, when one does a thing because it is right, however inconvenient. I think strength is called for now. Unless we have simply been wasting our time at the IWC, I believe a mandate exists for our protective policies for whales, and I think that mandate has never faltered and in fact has grown through four administrations.

When the principle of upholding a U.S. law in the face of pressure from other governments is coupled with the certain knowledge of the utter brutality of current whaling practices and the awful suffering inflicted on sentient beings, it seems to me that there can be no compromise. If nations are openly subverting an internation-

al agreement for the conservation of whales, we should enforce the Pelly and Packwood-Magnuson amendments. That is why they were passed.

Thank you.

[Ms. Wray's prepared statement follows:]

PREPARED STATEMENT OF PHOEBE WRAY, SENIOR CONSULTANT, THE CENTER FOR ACTION ON ENDANGERED SPECIES, INC.

I am Phoebe Wray, Senior Consultant of The Center for Action on Endangered Species, Inc., with corporate offices in Ayer, Massachusetts. For the past three years I have been a member of the United States Delegation to the International Whaling Commission (IWC). I'm happy to appear before this Subcommittee once again to discuss the whales. What I hear from the public at large is a continued interest in protection of all cetaceans.

I have a brief comment about the United States participation at the 34th meeting of the IWC. I was proud to be a member of our delegation to this historic meeting, and I feel we should all applaud Dr. Bryne's good work. I do have two caveats to offer in the spirit of constructive criticism. One is that I feel the Department of State could be more effective than it is in offering leadership to friendly nations at the IWC, during, before, and between the meetings. To have representatives of the Department of State touch base, however briefly, with Commissioners, especially from small and developing nations, is, in my opinion, of great value not only to our position at the IWC but in our other commerce with these nations. Secondly, I was somewhat dismayed by the US focus at this meeting. Yes, we were strong for the moratorium, however, the day before the crucial vote, nearly the entire US delegation was involved with the bowhead to the exclusion of all other issues. I understand our commitment to the bowhead, and I certainly realize how important it is to negotiate for our position. I do feel, however, that we would find more support from our friends were we to be more available to them and more supportive on issues which interest them.

Mr. Chairman, I would like to make some documents part of the record. I offer a critique written as a rebuttal to a pamphlet by Dr. Ikeda of the Japan Whaling Association, which I understand was distributed to members of Congress. Secondly, I submit a letter written to the editor of the Atlantic Monthly to rebutt an article in that magazine entitled "Counting the Whales." I understand this article was also distributed to lawmakers by lobbyists for the Japanese position on whaling. Because some substantive parts were edited from my letter when it was

published, I have included both versions and for your convenience have underlined those parts of my original letters which the Atlantic deleted.

Public opinion has a patina of cynicism. Yes, a phase-out of whaling has been passed by the IWC; but will the whaling nations honor it? This cynicism may be a good thing. It may help keep us strong for the whales over the next two years. The prize is not yet won.

The whaling nations have had ample warning of the strength of public opinion against commercial whaling, starting with the US proposal for a moratorium a decade ago. The infusion of a new spirit and new tactics at the IWC in 1979 with the declaration of the Indian Ocean Sanctuary and the pelagic whaling ban has been followed by an annual increase in Parties to the Whaling Convention as nation after nation has declared their concern for the whale fishery. The whaling nations cannot be surprised by this year's events. Whether their eyes have been clouded by arrogance, ignorance, or innocence, I wouldn't speculate, but they seem to have missed the very large writing on the wall.

Mr. Chairman, you asked that I address four specific items.

First, will any of the whaling nations file an objection to the delayed cessation? I think that is possible. Such objections might be necessary actions to appease certain factions within whaling nations which have not been forewarned of the possibility of a whaling ban or the issues involved. We shall have to wait and see if, in fact, whaling nations will actually take whales after 1985.

Second, will there be a change in membership of the IWC in the coming year? One might expect some attrition in the ranks of the conservation-minded countries for which IWC business is a financial burden.

I would hope this Subcommittee could urge the US Department of State to encourage continued participation by all the conservation nations. Our continued, articulate commitment would, I believe, help keep the team together.

Third, what issues will the IWC face next year? I suspect that whaling nations will want continued high quotas, pleading that they cannot phase out on such short notice. Japan may insist that the coastal whaling effort qualifies as a traditional fishery just as the Alaskan bowhead fishery does. Such a declaration can be rebutted, of course, and we should be ready for it.

The word "tradition" was uttered many times at the July meeting as each whaling nation made its bid for votes. What was not spoken was the fact that whaling is traditional in every country which has ever whaled. Certainly, whaling is an American tradition. One might mention other "traditions" which no longer find favor: lynching, slavery, college hazing.

I think we should be well prepared to discuss the question of "traditional fisheries" next summer. It will be linked to any quotas we seek for the bowhead whale.

We may also see a great gob of scientific data from nations seeking to justify higher quotas or push back the ban. Our scientists should be prepared for this by some think-time and work-time before the meeting. In my opinion, we treat our scientists ~~rather shabbily~~ by not giving them enough time to prepare for the Scientific Committee meeting.

Lastly, what shall we do about objections to the cold harpoon ban? I view this as the crucial question, one having profound implications nationally and internationally.

In Brighton, our delegation carried news of the Pelly and Packwood/Magnuson Amendments to other countries with pride. "Look," we said, "this is what America believes. This is our law." India and Egypt, to my knowledge (there may have been other nations as well), smiled and said, "But you wouldn't use it. You do too much business with Japan." "We must," I insisted, "it is our law." Well, it is, isn't it?

The law is the law is the law. It isn't the law sometimes. The whaling nations are aware of the Pelly and Packwood/Magnuson Amendments. They choose to try them. I believe there can be no mistake or misunderstanding. If the United States fails this test, the moratorium is in jeopardy. The whaling nations will have nothing but contempt for us; the conservation countries will rightly say we have betrayed our obligation.

At the IWC meeting, the Infractions Committee noted that Japan used cold harpoons on Bryde's whales, in violation of the rules. If, as Japan so often says, it regrets the great pain caused minke whales by cold harpoons, why were they used on a larger species whose death times would be expected to be even longer? The Observer reporting the infraction saw only 10% of Bryde's landed, and 70% of them contained a cold harpoon. Sadly, 25% of them were lactating females. The Japanese Observer, it should be noted, saw 44% of the Bryde's landed and reported no infractions (IWC/34/7).

The Japanese say they abide by IWC regulations, but the Scientific Committee noted that a somewhat elastic tape had been used to measure sperm whales in the coastal fishery (IWC/34/4).

I point this out to remind us of the nature of this industry. The whaling nations are now using emotional arguments to characterize themselves as victims. The whales are the victims. The Japanese say they are "underdogs" being forced to stop whaling. What of the tens of millions of people who have, until this year,

been held in thrall by a handful of whaling nations? They have the right to be heard, too.

The whaling nations, in a change of tune, now ask us to be fair. Fairness requires compassion, consideration, and understanding; it does not require that we abandon our long-held positions. That would be unfair.

There are times, Mr. Chairman, when one does a thing because it is right, however inconvenient. Our laws are clear. They are the laws of a democracy, which is to say, the people expressed a majority view in their formulation. Not to uphold them is a message to the whaling nations that the United States is not serious. More profoundly, it is a message to the American people that this Administration believes itself above the law and reflects democracy only when it cares to do so.

In Massachusetts, where politics is the unofficial state pasttime, we are immensely proud of the voice of the people, and we get downright prickly if we believe it is subverted.

Strength is called for now. Unless we have simply been wasting our time at the IWC. I believe a mandate exists for our protective policy for whales. I believe that mandate has never faltered through four Administrations.

Even if this Administration doesn't care about whales -- and not everybody does -- they must care about the principle. When that principle -- the upholding of US law in the face of pressure from other governments -- is coupled with the certain knowledge of the utter brutality of current whaling practices, the awful suffering inflicted on sentient beings -- it seems to me there can be no compromise.

If nations are openly subverting an international agreement for the conservation of whales, we should enforce the Pelly and Packwood/Magnuson Amendments. That's why they were passed.

Thank you.

Mr. BONKER. Thank you, Ms. Wray. We always value your testimony.

Now, Fran Lipscomb. We are sorry Christine Stevens is not here.

Ms. LIPSCOMB. She is in Seattle. She is very sorry she could not be here also, but she is in Seattle visiting your home State and is anxious to know about this hearing. I will call her as soon as it is over.

Mr. BONKER. Will you give her my regards? Please proceed.

**STATEMENT OF FRAN LIPSCOMB, SOCIETY FOR ANIMAL
PROTECTIVE LEGISLATION**

Ms. LIPSCOMB. You asked for the answers to four questions, and I will briefly go over those first before I get into my testimony, and I will be cognizant of the time.

Whether any countries will file objections? Certainly, of those countries who voted against the moratorium it is possible that all of them or some of them will file objections. It is in everyone's best interest, however, to avoid the use of sanctions that could result from objections and the inevitable period of tension and uncertainty associated with those sanctions. And so much of our effort now and the efforts of many other nongovernment organizations [NGO] in other countries are directed at trying to prevent those objections from actually taking place. If we can avoid at this time the taking of objections, it will be well worth the time and energy especially when we measure these against the effort to try to get objections removed once they are made.

[Ms. Lipscomb's prepared statement follows:]

PREPARED STATEMENT OF FRANCES LIPSCOMB, SOCIETY FOR ANIMAL PROTECTION
LEGISLATION

September 16, 1982

For the first time since the Subcommittee on International Organizations began holding hearings on the actions of the International Whaling Commission, a date has been set to end commercial whaling. The 34th annual meeting of the IWC voted 25-7 to halt commercial whaling, starting with the 1985-86 pelagic season and the 1986 coastal season. This is a victory for which you, Chairman Bonker, and the U.S. Congress can be proud, for this goal has been supported by Congress for over ten years. The Society for Animal Protective Legislation is very grateful.

Our pleasure at the success of this year's IWC, however, must be tempered by several facts.

1) Seven countries opposed the 1982 IWC decision, and the International Convention for the Regulation of Whaling, 1946, allows dissenting countries to object to IWC decisions and does not impose penalties for acting in contravention to IWC decisions. The seven countries are Japan, USSR, Norway, Iceland, Korea, Peru, and Brazil, and they have until November 4, 1982, to file such objections, after which, if any one country has done so, there will be an additional 90 days for other nations to file.

2) The ban on commercial whaling begins in three years. Between now and then there are three meetings of the IWC where decisions can be made to alter previous decisions. Although the voting procedure, which requires 3/4 support of those voting to pass a measure, is likely to protect the commercial ban, this year we saw the IWC reverse protection given in 1981 to sperm whales in the NW Pacific. Last year no quota was set for these sperm whales, and no whaling could occur until a quota was set. The very difficult 3/4's was

achieved by a vote of 14 (including the United States) to 3 with 15 abstentions.

and 3) There is no indication that any of the six governments (Japan, USSR, Norway, Iceland, Korea and Brazil) that allow the killing of minke whales with cold grenade harpoons will cease this practice during the coming 1982-83 pelagic season or the 1983 coastal season, as required by the 33rd International Whaling Commission and reconfirmed this year. Therefore, the U.S. will probably soon be faced with the need to respond forcefully to a cruel minke hunt, unsanctioned by the IWC.

The resolution to end commercial whaling was carefully worded. It set catch limits at zero for all commercial stocks for the 1986 coastal and 1985-86 pelagic season and thereafter until the Commission decides otherwise. It also provided for a review of this decision in 1990. Every effort was made to give the whaling nations time to adjust to the IWC decision in order to minimize its social and economic impact.

This strategy of accommodation will only pay off, however, if the commercial whaling nations do in fact stop whaling.

What can Congress do?

It is in everyone's best interest to avoid the use of sanctions and the inevitable period of tension and uncertainty associated with sanctions. All efforts at this time to deflect possible objections are well worth the time and energy when measured against the effort it will take to remove objections once they are made.

Although the Pelly Amendment to the Fishermen's Protective Act and the Packwood-Magnuson Amendment to the Fishery Conservation and Management Act are the strongest measures that can be used to discourage nations from subverting the IWC, a more immediate option is the use of the fishing allocation procedures provided in the FMA. By lowering quotas in response to an objection or conversely raising them if the country in question supports the IWC decision, the United States can take immediate action. Both Japan and Korea can be affected in this way.

The Society for Animal Protective Legislation urges this Subcommittee to make a strong representation both to the Secretary of Commerce and to the Secretary of State asking them to discourage objections where possible, but if they occur, to act quickly and forcefully in response.

Secondly, the Congress must be prepared to urge fast action

by the Secretary of Commerce in certifying under the Pelly and Packwood-Magnuson Amendments any country which uses the cold grenade harpoon to kill minke whales in the coming season.

Use of the cold harpoon is a conservation issue and a cruelty issue, and to use it when the IWC has agreed that an explosive alternative must be found is to act to diminish the effectiveness of an international fishery conservation program.

In other areas of wildlife conservation, as in whale conservation, the mechanisms used to kill a species are important components of any conservation strategy, and the conservation laws in countries worldwide distinguish between killing devices based on the degree of pain inflicted on the victim. Many of the most cruel devices are banned.

All whale-killing methods developed to date are painful. They would not meet the standards of any nation's humane slaughter laws. But the cold grenade harpoon is the most agonizing of all, and it is used on the small minke whales simply to prevent loss of meat. The cold harpoon impales the minke whale so that it suffers a prolonged death as it struggles helplessly. Death may take an hour or more.

The whaling nations have been on notice since 1974 that less cruel devices were needed in the commercial taking of whales. In 1979, the IWC banned the use of these cold grenades on all large whales, and in 1981 they were banned for use on minke to begin this winter.

There has been plenty of time for all the countries involved to develop alternative, quick-kill methods and except for the work by the Japanese on the penthrite explosive, there has only been foot-dragging. Even the Japanese government, after a rather favorable report on the results of their penthrite tests last winter, declined to commit their pelagic fleet to using the explosives this pelagic season.

Outspoken in its intention to defy the IWC cold harpoon resolution, Norway has been unmoved by protests from the world community or by the lawsuit filed this summer by Norwegian conservation groups against their Ministry of Fisheries charging that the continued use of the cold harpoon violates Norway's Animal Protection Legislation. They may be more influenced by U.S. certification under Pelly, which could limit their very valuable--much more valuable than whaling--fishery export business. The same is even more applicable to Iceland, which exports 1/3 of all its fish catch to the United States.

The vote to end commercial whaling in three years has given us renewed energy to see that this gigantic step towards protection of whales is actually achieved. We will need your strong continuing support to see that it happens.

Mr. BONKER. What do you do when objections are filed?

Ms. LIPSCOMB. You present arguments in the targeted country to both the people of that country and government. This now includes Japan, for instance, or Norway and Iceland.

Mr. BONKER. You're talking to the Japanese now.

Ms. LIPSCOMB. Japanese people are making presentations to their governments that it is not in the best interest of other Japanese industries, especially their other fishery industries, to prolong this battle over a very remnant industry, the whaling industry. With people within these countries making these presentations, we hope that the message will get through. We are also involved with presenting our case through the press.

Mr. BONKER. I agree with you, because I feel the bulk of the Japanese people do not realize the bad name that comes with commercial whaling. Every time I have appealed to the people to overcome the special interests—we all know the whaling industry is a very powerful political force in that country and completely out of proportion to its share of the population.

If they are so concerned about their image and whether people are looking as favorably on the country, they can greatly avoid it simply by complying with the IWC quotas and finding substitutes for whale meat and other resources.

Ms. LIPSCOMB. Now, more than ever before the impact of sanctions on the fishery industry in Japan would be the greatest and it is very important to Japan that they continue to be able to get our fish. Because fishing is so important, regular fishing, not whaling, to the Japanese, I think it is particularly important that we act forcefully on every issue that they challenge in the IWC. If the Japanese violate the cold harpoon resolution that was passed at the IWC last year, and if they see that we do not act to bring sanctions on the cold harpoon issue, I think they will see it as a general weakness and will interpret inaction to mean that we will be unable to act in 3 years on the commercial loan or that they will have 3 years to work out a deal so that they will never have to stop whaling.

My entire testimony is particularly about acting quickly and acting forcefully and not stepping back to wait and see.

Mr. BONKER. Do you not think Commissioner Byrne has a point that if we really go all out and require compliance with the ban on cold harpoon, which is not the major issue—I think the American people could identify quickly with the moratorium but not necessarily with the cold harpoon. If the United States goes to the mat on cold harpoon and the whalers still don't abide by the ban, what would be the fate on the moratorium issue when we reach it in 1985?

Ms. LIPSCOMB. Well, I think the first issue we are going to face, which is before the cold harpoon issue, is the taking of objections. Once those objections are taken, I think we can respond to just the taking of objections with the Fishery Conservation and Management Act of 1976 allocation procedure and reduce the quota and permits we give to the Japanese.

Mr. BONKER. Well, you are not answering my question directly. I mean, that is a procedural exercise we will go through at the time, but what will be the real effect of the two amendments that will

come with the cold harpoon? I think what Commissioner Byrne is saying is that he wants to bypass that as a major confrontation, maybe for tactical reasons.

My question is: If we really go to the mat on cold harpoon and do not prevail, which would be more likely than if we were to carry this fight on the moratorium issue itself, is that a major setback tactically?

Ms. LIPSCOMB. Well, my point in saying we respond to the objection first is that I think at every point along the line we have to make very strong——

Mr. BONKER. But if we keep losing at every point——

Ms. LIPSCOMB. I do not see why we would lose. I agree with you that there should be a range of options. I think it is excellent that Dr. Byrne provide this range of options, but we have to make a response. We cannot not respond.

Mr. BONKER. Can you invoke the Pelly amendment on the objections? You cannot.

Ms. LIPSCOMB. No; you cannot, but you can reduce allocations because of the objections, and you can, also, on the cold harpoon. This is a conservation issue and a major issue. I think that it is much more important than the Government has presented it.

Mr. BONKER. So, you would be willing to go the distance with cold harpoon.

Craig, how about you?

Mr. VAN NOTE. Yes; absolutely.

Mr. BONKER. And what is your thinking on the tactics?

Mr. VAN NOTE. Well, I would hark back to 1974 when the Japanese and Soviets killed several thousand minke whales over the quota, and they were certified by the Government, and President Ford flatly told them that he would invoke an embargo on their fishery products if they did not toe the line. They backed down. They agreed not to file any more objections. In fact, we feel that they are breaking that agreement right now with this cold harpoon objection and that there should be a very severe response by the United States.

We in the conservation community will be raising our own ruckus, as Mr. Gejdenson pointed out, over this, as well as any objection on the 1986 ban. We think it is entirely appropriate for the Government to invoke the Pelly and Packwood-Magnuson amendments.

Mr. BONKER. Ms. Wray.

Ms. WRAY. I agree. I think we should go to the mat. I am not sure that I agree with you, Mr. Chairman, that it is not such a large issue. I think that there are a lot of people who do perceive the inhumanity of the hunt, the cruelty of the hunt, as a major part of the conservation effort at the IWC.

I think you would have the public behind you, and I think the Government should really say yes.

Mr. BONKER. I wanted to get these statements, because I think we have an indication that the administration may not go all the way on the cold harpoon, so that it will be up to those of us in the Congress. Mr. McCloskey will still be around in November.

Ms. WRAY. You just have to remind people that the cold harpoon is like shooting an elephant with a cannon mounted on a tank and then playing with the beast until it dies 20 minutes later.

Ms. LIPSCOMB. The mechanisms that are used to kill a species in any management scheme, whether it be trapping or a trapping license, are a part of the conservation strategy, and countries worldwide have laws that distinguish between devices used to kill species based upon the degree of pain that they inflict on the victims. You will have certainly sufficient precedent to make a very strong case that the cold harpoon should be a consideration in making conservation strategy.

Mr. BONKER. The Japanese commissioner indicated that Japan would need a few more years to develop an alternative to the cold harpoon for its coastal whaling, and there is some speculation that Japan may be prepared to use a hot harpoon in its minke whaling this winter.

Given the Japanese ingenuity in so many areas, why are they incapable of coming up with a hot harpoon or some other more humane way or method of whaling? Why are they holding out on this?

Ms. LIPSCOMB. I think they have just avoided developing it. Not only are they very ingenious, but an incredible amount of ballistics work has been done in various countries on war equipment, as you probably know better than most of us, and the Japanese are capable of taking advantage of this research.

Mr. BONKER. But why haven't they? Well, I am going to ask Craig that. He knows all about the motives.

Mr. VAN NOTE. Well, I have been following this issue for several years. We have to look at the basic economics of whaling. It is a bankrupt industry. Nobody is putting more capital into it, and it is a major capital investment to develop a new weapon system. And particularly now that they see they may be out of business in 3 years, there is no economic justification whatsoever for them to lift a finger. In effect, all of the other whaling nations have not lifted a finger. Japan has done some work. However, it has been foot dragging, and in fact, what they have produced so far is a highly lethal weapon, not only for the whales but for the whalers themselves. It is a grenade that has an instant fuse, and if you happen to drop the grenade on the deck, it may go off in your face. And they are unwilling, really, to provide the resources or the initiative to properly develop it.

Mr. BONKER. Could you describe the effects of a cold harpoon explosion on a whale? Is it an immediate death? Is it painful?

Mr. VAN NOTE. I am not the expert on that. I think Phoebe or Fran, who deal with humane issues, would be able to discuss that.

Mr. BONKER. Just very briefly, and then we will have to complete the hearing.

Ms. WRAY. Well, there is quite a bit of documentation, Mr. Chairman, in the Frost Commission report ¹ from the inquiry in Australia that the harpoon strikes the whale, a cold harpoon simply strikes it and hangs on in a sense. The whale dies of shock. It is a very small animal. We are talking about minke whales who are 30 feet long, 25 feet long, and the harpoon strikes it going something like 80 miles an hour, shot out of a little 55-millimeter cannon. The

¹ Australian Inquiry Into Whales and Whaling, chaired by Sir Sidney Frost, December 1978. A copy of the inquiry is on file in the subcommittee office.

death times are somewhere around at least 2 minutes—it is not an instantaneous death—and can be as much as 20 minutes. It depends on the ability of the gunner and how close to vital organs they hit. The point is they want to save the meat. That is why they cannot use the fragmentation bomb. You know if they used a fragmentation bomb it would simply blow the whale apart, they are so tiny. The research on death times is not very good. The people who have looked at it say that at least it is not instantaneous. Sometimes it is somewhere around 1 or 1½ minutes. At most it is 20 to 22 minutes. The mean average that I read recently was somewhere around 8 minutes, if you lump all of the data together. And in the meantime, of course, the whale is being winched to the ship.

The other problem is that observers are not sure what is really the death of the whale. It has a big brain. It has a lot of nerves. The moment of death for the whale might not be quite the same as what the observer perceives as the moment of death, so death times may be even longer.

Mr. BONKER. I noted that nobody commented on the bowhead issue.

Ms. WRAY. Let me just say it is coming. [Laughter.]

Mr. BONKER. Well, I am going to instruct that my staff work closely with you as we approach the cold harpoon ban in November. I think we need to develop and coordinate our strategy because Congress will really be the one leverage that we will have as we approach that issue.

I would like to put things in the Congressional Record from time to time about the use of the cold harpoon so that the Members can be properly informed as we approach the issue. It could well be that Congress will not reconvene after the election, in which case nobody is going to be here to raise much ruckus. I may be here, and Pete McCloskey may be here, but we have to anticipate that if we are not in session, we will have less of a forum as a basis to deal with the administration and its policies.

Well, I want to thank you once again for your testimony and your commitment, and congratulate you on your success at the 34th session. I hope to work together not only in preparation for the coming sessions, but now, between the sessions.

The subcommittee stands adjourned.

[Whereupon, at 2:35 p.m., the subcommittee was adjourned.]

APPENDIX 1

PROVISIONAL AGENDA OF THE 34TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION, JULY 19-24, 1982, AT THE BRIGHTON METROPOLE HOTEL

1. Address of welcome.
2. Opening statements (paper IWC/34/OS—).
3. Adoption of agenda.
4. Arrangements for the meeting.
5. Appointment of committees (rules of procedure, rule J.1.).
6. Ending of commercial whaling:
 - 6.1. A negotiated end to commercial whaling (Seychelles) (Paper IWC/34/21).
 - 6.2. Cessation of all commercial whaling (UK) (proposal may be implemented by amendment of the Schedule, paragraph 10(d) or other paragraphs, or the addition of new paragraphs).
 - 6.3. Indefinite moratorium on commercial whaling (USA) (Implementation will require amendment of the Schedule, including paragraphs 10(d), Tables 1-3, or other paragraphs, or the addition of new paragraphs).
 - 6.4. Suspension of the commercial hunting of great cetaceans (France) (to be implemented by amendment of Schedule, paragraphs 10(d) and Tables 1, 2 and 3) (Paper IWC/34/20).
 - 6.5. Cessation of commercial whaling (Australia).
7. Revision of present management procedure (Chairman's Report of the 33rd Meeting, paragraph 6 and Appendix 2):
 - 7.1. Proposals for revised procedures developed through consultation between interested governments.
 - 7.2. Report of Scientific Committee.
 - 7.3. Action arising (Changes in criteria, stock categories, or procedures will require amendment of the Schedule, including paragraph 10 or the addition of new paragraphs).
8. Review of regulatory measures other than catch limits (paper IWC/34/22).
9. Consideration of protected species (Chairman's Report of the 33rd Meeting, paragraph 9):
 - 9.1. Review of status by Scientific Committee.
 - 9.2. Action arising.
10. Whale sanctuaries (Chairman's Report of the 33rd Meeting, paragraph 10):
 - 10.1. Scientific research in the Indian Ocean Sanctuary;
 - 10.1.1. Report on the Seychelles/Netherlands planning meeting (Paper IWC/34/13).
 - 10.1.2. Report of Scientific Committee.
 - 10.1.3. Action arising.
 - 10.2. Examination of the general concept and characteristics of whale sanctuaries (Circular Communication from the Secretary dated October 30, 1981, ref: RG/EE/4140);
 - 10.2.1. Report of Technical Committee Working on Whale Sanctuaries (Paper IWC/34/14).
 - 10.2.2. Report of Scientific Committee.
 - 10.2.3. Action arising.
11. Infractions and reports from international observers, 1981 and 1981/82 seasons (Chairman's Report of the 33rd Meeting, paragraph 22):
 - 11.1. Report of Technical Committee Infractions Sub-Committee (Paper IWC/34/8);
 - 11.1.1. Infractions Reports from Contracting Governments (Paper IWC/34/6).
 - 11.1.2. Checklist of information required under the terms of Section VI of the Schedule.
 - 11.1.3. Reports from Observers (Paper IWC/34/7).
 - 11.2. Action arising.

12. International observer scheme (Chairman's Report of the 33rd Meeting, paragraph 23):

12.1. Report of Technical Committee Infractions Sub-Committee (Paper IWC/34/8);

12.1.1. Expansion and extension of existing schemes.

12.1.2. New schemes for whaling operations by Brazil, Chile, the Republic of Korea and Peru.

12.1.3. New schemes for Inuit whaling operations.

12.2. Action arising (Changes to observer schemes may require amendment of the Schedule, paragraph 21).

13. Whale stocks and catch limits (Chairman's Report of the 33rd Meeting, paragraph 11, Chairman's Report of the 4th Special Meeting, paragraph 7 and Circular Communication from the Secretary dated September 24, 1981 ref: RG/EE/4071):

13.1. Report of Scientific Committee (Paper IWC/34/4);

13.1.1. Geographical boundaries of minke whale stocks in the North Pacific.

13.1.2. Geographical boundaries for Bryde's whales stocks in the Northern Indian Ocean and the North Atlantic (Rust, Sey., St. Louis).

13.2. Action arising, 1982 North Pacific coastal season, Western Division sperm whales. (Changes of classification, of catch limits, of effort limitations, or areas or sub-areas, or of size limits will require amendment of the Schedule including paragraphs 4, 9, 16, 18 and Table 3).

13.3. Action arising, 1982/83 Southern Hemisphere pelagic season and 1983 coastal seasons elsewhere (Changes of classification, of catch limits, of effort limitations, or areas or sub-areas, or of size limits will require amendment of the Schedule including paragraphs 2, 4, 5, 9, 11, 12, 15, 16, 18 and Tables 1, 2 and 3);

13.3.1. Sperm whales.

13.3.2. Minke whales.

13.3.3. Fin whales

13.3.4. Sei whales.

13.3.5. Bryde's whales.

13.3.6. Bottlenose whales.

13.3.6.1. The inclusion of Baird's beaked whale (*Berardius bairdii*) as a listed species on the Schedule to the Convention. (This may require amendment of paragraph 1 or other paragraphs of the Schedule) (Paper IWC/34/23).

13.3.6.2. Catch quota for beaked whales in the North West Pacific.

14. Aboriginal/subsistence whaling (Chairman's Report of the 33rd Meeting, paragraph 12 and Appendix 4, and Chairman's Report of the 4th Special Meeting, paragraph 10):

14.1. Management principles and guidelines for subsistence catches of cetaceans by indigenous peoples;

14.1.1. Report of Steering Committee of the ad hoc Working Group on Subsistence Whaling (Paper IWC/34/15).

14.1.2. Action arising (Implementation of a management regime may require amendment of the Schedule, including paragraph 13).

14.2. Documentation of the utilization of the meat and products of any whales taken for aboriginal/subsistence purposes (Chairman's Report of the 32nd Meeting, Appendix 3);

14.2.1. Action arising.

14.3. Report of Scientific Committee;

14.3.1. Bering Sea stock of bowhead whales.

14.3.2. Eastern Pacific stock of gray whales.

14.3.3. West Greenland stock of humpback whales.

14.4. Action arising (Changes of catch limits will require amendment of the Schedule, paragraphs 12, 13 or Table 1).

15. Small cetaceans:

15.1. Report of the Scientific Committee.

15.2. Action arising.

16. Measures to discourage whaling operations outside IWC regulations (Chairman's Report of the 33rd Meeting, paragraph 14 and Appendix 6):

16.1. Register of whaling vessels (Circular Communication from the Secretary dated October 31, 1981) (Paper IWC/34/16).

16.2. Statistics of all imports and exports of whale products (Circular Communication from the Secretary dated November 10, 1981, ref: RG/EE/4162).

16.3. Insurance carried by whaling vessels operating outside the IWC.

16.4. Action arising.

17. International decade of cetacean research (Chairman's Report of 33rd Meeting, paragraph 16 and Appendix 7):

- 17.1. Report of the Scientific Committee.
- 17.2. Whale habitats, including reports from Governments on degradation of the marine environment (Chairman's Report of the 32nd Meeting, Appendix 10 and Chairman's Report of the 4th Special Meeting, paragraph 10.1).
- 17.3. Action arising.
18. Collation and distribution of annual summary of international research on cetaceans by the commission (Chairman's Report of 33rd Meeting, paragraph 17):
19. Humane killing (Chairman's Report of the 33rd Meeting, paragraph 18):
- 19.1. Collection of data required (Chairman's Report of the 31st Meeting, Appendix 6, Recommendation 1).
- 19.2. Reports by Contracting Governments on alternatives to the cold grenade harpoon for killing Minke whales.
- 19.3. Report of Scientific Committee.
- 19.4. Action arising.
20. Consideration of co-sponsorship of a Conference on the Non-Consumptive Utilization of Cetacean Resources:
 - 20.1. Action arising.
21. Adoption of report of the Scientific Committee (to be circulated as Paper IWC/34/4).
22. Revision of the schedule (Chairman's Report of the 33rd Meeting, paragraphs 21 and 22 recommendation 14, and Circular Communications from the Secretary dated 11 and 12 November 1981, refs: RG/EE/4163 and 4164):
 - 22.1. Policy on treatment of protected whales taken by accident (paragraph 19(a)).
 - 22.2. Review of description of whale processing in paragraph 19(b).
 - 22.3. Definitions of "local consumption", "factory ship" and "land station".
 - 22.3.1. Report of Technical Committee Working Group on Definitions (Paper IWC/34/17).
 - 22.4. Action arising (Any changes will require amendment of the Schedule).
23. Adoption of report of the Technical Committee (to be circulated as paper IWC/34/5).
24. Finance and administration (Chairman's Report of the 33rd Meeting, paragraph 24):
 - 24.1. Review of provisional financial statement, 1981/82 (Paper IWC/34/9).
 - 24.2. Consideration of estimated basic budget, 1982/83 (Paper IWC/34/9).
 - 24.3. Consideration of supplementary budget:
 - 24.3.1. Research.
 - 24.3.2. Meetings.
 - 24.3.3. Other.
 - 24.4. Proposals for funding research.
 - 24.5. Consideration of advance budget estimates for 1983/84 (Paper IWC/34/9).
 - 24.6. Voting rights of members in arrears with their financial contributions (Chairman's Report of the 33rd Meeting, paragraph 24.1).
 - 24.7. Other matters (Paper IWC/34/18):
 - 24.7.1. Publications.
25. The setting up of a Credentials Committee and the amendment of the relevant rules of procedure.
26. Additional working languages at meetings of the commission (Chairman's Report of 33rd Meeting, paragraph 25):
 - 26.1. Report of Working Group on Additional Working Languages (Paper IWC/34/19).
 - 26.2. Action arising.
27. Date and place of annual meetings, 1983 and 1984 (Rules of Procedure, Rule B1).
28. Adoption of report of Finance and Administration Committee (to be circulated as Paper IWC/34/10).
29. Cooperation with other organizations:
 - 29.1. Co-operation with the proposed Commission for the Conservation of Antarctic Marine Living Resources (Circular Communication from the Secretary dated 29 October 1981 ref: RG/EE/4139).
 - 29.2. Observers' Reports from other meetings (Paper IWC/34/11):
 - 29.2.1. ICES.
 - 29.2.2. ICCAT.
 - 29.2.3. IATTC.
 - 29.2.4. CITES.
 - 29.2.5. CCAMLR.
 - 29.2.6. AEWG.
30. 33rd Annual report.

APPENDIX 2

E. M. FANTIN, N.C.
FRANK B. FAYALL, FLA.
FRANKLIN B. FORTNELL, N.Y.
LEE M. GIBSON, IOWA
JONATHAN B. GILMAN, N.Y.
PAUL H. GONZALES, CALIF.
STEVEN J. HOLZNER, N.Y.
TON ROBERTS, WASH.
ROY C. STUBBS, MASS.
T. J. HILLAND, FLA.
MICA, FLA.
CHARL D. BARNES, MD.
HOWARD HOLPE, MICH.
GEO. W. CRACKETT, JR., MICH.
BOB SPANMANN, OHIO
SAM G. GORDON, CONN.
MIRYEM M. DYWALLY, CALIF.
DENNIS E. ECKART, OHIO
TOM LANTOS, CALIF.
DAVID R. BOWEN, MISS.

WILLIAM B. F. SPANFORD, MICH.
EDWARD J. DERWINA, ILL.
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LARRY WING, JR., IOWA
BENJAMIN A. GILMAN, N.Y.
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WILLIAM F. HOPKINS, PA.
JOEL PRITCHARD, WASH.
MILICENT FENNER, N.J.
ROBERT R. DODMAN, CALIF.
JIM LEACH, IOWA
ARLEN SPOHR, MINN.
TERRY ROTH, WIS.
OLYMPIA J. SNOWE, MAINE
JOHN LE BOUTILLIER, N.Y.
HENRY J. HYDE, ILL.

Congress of the United States Committee on Foreign Affairs

House of Representatives

Washington, D.C. 20515

June 25, 1982

JOHN J. BRADY, JR.
CHIEF OF STAFF

The Honorable Ronald Reagan
The White House
Washington, D.C. 20500

Dear Mr. President:

The International Whaling Commission, which will hold its 34th annual meeting from July 19-24, 1982 in Brighton, England, will once again consider the question of adopting an indefinite moratorium on commercial whaling. In view of the mounting scientific evidence against continued commercial whaling, we are hopeful that the IWC will finally act favorably on the U.S.-sponsored moratorium proposal. However, the success of this effort depends upon two critical factors: strong American leadership and U.S. resolve to invoke sanctions against countries which violate IWC agreements.

As you know, the U.S. has been in the forefront of the international movement to bring an end to the commercial exploitation of whales. Both Democratic and Republican Administrations have supported this policy since 1973, and the Congress has unanimously passed several resolutions endorsing it. Your letter to the 1981 IWC meeting, in which you reaffirmed "the U.S. Government's continuing commitment to whale protection," greatly strengthened the U.S. position. We hope the U.S. Delegation to the 1982 IWC will again work vigorously on behalf of achieving a moratorium on commercial whaling.

Five whaling countries -- Japan, Brazil, Iceland, Norway and the U.S.S.R.-- have already filed objections to conservation measures adopted at last year's IWC. Their objections represent a blatant challenge to U.S. willingness to invoke the Pelly and Packwood-Magnuson amendments against countries choosing to disregard IWC regulations. These amendments provide that when the Secretary of Commerce, in consultation with the Secretary of State, certifies that a country's activities "diminish the effectiveness" of whale conservation measures, the country automatically loses fifty percent of its fisheries allocation within the U.S. 200-mile zone and may face an embargo on the import of its fisheries products. This year, the whaling nations intend to force the question of whether the U.S. will enforce these laws. Our steadfast resolve to invoke sanctions against any country which violates IWC regulations must be made clear to all IWC member nations.

The success of the decade-long effort to end commercial whaling will be determined by strong U.S. leadership, backed by a firm commitment to enforce the Pelly and Packwood-Magnuson amendments. We encourage you to assure that the U.S. Delegation to the 1982 IWC meeting takes a strong stand in support of whale conservation.

Sincerely yours,


Pete McCloskey, M.C.


Don Bonker, Chairman
Subcommittee on Human Rights
and International Organizations

Benjamin S. Rosephak
Benjamin S. Rosephak, M.C.

Peter W. Rodino, Jr.
Peter W. Rodino, Jr., M.C.

Bob Daniel
Robert W. Daniel, Jr., M.C.

Ben. Gilman
Benjamin A. Gilman, M.C.

Tom Bevill
Tom Bevill, M.C.

David F. Emery
David F. Emery, M.C.

G. William Whitehurst
G. William Whitehurst, M.C.

Joel Pritchard
Joel Pritchard, M.C.

Don Edwards
Don Edwards, M.C.

Antonio Borja Won Pat
Antonio Borja Won Pat, M.C.

Clement J. Zablocki
Clement J. Zablocki, M.C.

Robert A. Roe
Robert A. Roe, M.C.

Silvio O. Conte
Silvio O. Conte, M.C.

Jonathan B. Bingham
Jonathan B. Bingham, M.C.

Clarence D. Long
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Edwin B. Forsythe
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Timothy E. Wirth
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Bob Maxley
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Douglas K. Bereuter
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Parren J. Mitchell, M.C.

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Berkley Redell, M.C.

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Lawrence J. DeWardis, M.C.

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Barney Frank, M.C.

Harold Washington
Harold Washington, M.C.

Tom Lucente
Thomas M. Lucente, M.C.

Sam Gejdenson
Sam Gejdenson, M.C.

Tom Lantos
Tom Lantos, M.C.

Vic Fazio
Vic Fazio, M.C.

Mike Lowry
Mike Lowry, M.C.

Jim Weaver
James Weaver, M.C.

James M. Jeffords
James M. Jeffords, M.C.

Don Bailey
Don Bailey, M.C.

John F. Seiberling
John F. Seiberling, M.C.

John Edward Porter
John Edward Porter, M.C.

Tom Beilenson
Anthony C. Beilenson, M.C.

Pete Stark
Pete Stark, M.C.

David E. Bonior
David E. Bonior, M.C.

Tony P. Hall
Tony P. Hall, M.C.

Frederick W. Richmond
Frederick W. Richmond, M.C.

Newt Gingrich
Newt Gingrich, M.C.

Millicent Fenwick
Millicent Fenwick, M.C.

Margaret M. Heckler
Margaret M. Heckler, M.C.

David W. Evans, M.C.

Charles E. Schumer
Charles E. Schumer, M.C.

Frank R. Wolf, M.C.

Michael D. Barnes, M.C.

Thomas J. Downey, M.C.

Charles F. Dougherty, M.C.

J. J. Pickle, M.C.

William J. Hughes, M.C.

Toby Moffett, M.C.

Ted Weiss, M.C.

Joe Moakley, M.C.

Dale E. Kildee, M.C.

Bruce F. Vento, M.C.

William D. Ford, M.C.

APPENDIX 3

WILLIAM M. DEFFENDERFER, CHIEF COUNSEL
EDWARD J. ROYACK, SENIOR COUNSEL
AUREY L. BARRY, MINORITY CHIEF COUNSEL
EDWIN K. HALL, MINORITY GENERAL COUNSEL

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION
WASHINGTON, D.C. 20510

August 31, 1982

The Honorable Malcolm Baldrige
Secretary of Commerce
Department of Commerce
Washington, D.C. 20230

Dear Secretary Baldrige:

We wish to extend our congratulations to you and to Dr. Byrne and the U.S. delegation for achieving a 3/4 majority vote in the International Whaling Commission for a cessation of commercial whaling to take effect in 1986.

It has been eleven years since the U.S. Senate and House passed resolutions calling for the U.S. to negotiate a ten-year moratorium on commercial whaling, and ten years since a similar resolution offered by the U.S. was adopted by the United Nations Conference on the Human Environment. In the intervening period the effort to protect the great whales has become a veritable crusade. Last month's victory in the IWC is a source of gratification for many millions of citizens who actively participated in that crusade, both in the United States and around the world.

Our key concern, which we are certain you share, is to insure that this epochal decision by the IWC is honored by the whaling nations. The United States must, during the coming period, undertake every diplomatic means open to it to prevent the whaling nations from filing objections to the moratorium decision.

The Pelly Amendment to the Fishermen's Protective Act and the Packwood-Magnuson Amendment to the Fishery Conservation and Management Act represent the best and most credible deterrents available to prevent nations from subverting the IWC by means of objections, or through leaving the Commission. In order to avoid any thought that the U.S. can be "faced down" on the whaling issue, we should make it absolutely clear now that the United States will invoke these amendments against any nation violating IWC decisions.

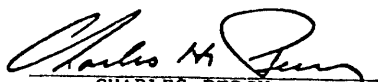
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In addition to a clear statement on the Pelly and Packwood Amendments, we should assure the whaling nations that other means available to us to reinforce the IWC will not be ignored. For example, the allocation process within FCMA provides ample discretion to adjust allocations (either up or down) in response to a wide spectrum of U.S. objectives and concerns. This means of lending substance to U.S. policy on whaling should certainly be considered. GIFA's under FCMA are, of course, another area subject to review by the Congress.


If we succeed in preventing objections against the IWC cessation decision, we will avoid a period of tension and uncertainty in our relations with whaling nations with respect to fisheries. If no objections are filed, there is no need to fear the possible future use of sanctions to enforce IWC decisions. This will permit U.S. fishermen and processors to conclude fishing agreements which promote the interests of the majority of citizens, including fishermen in both non-whaling and whaling countries. If the IWC decision is accepted, all will benefit.

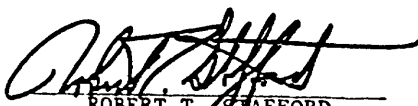
Cordially,


 CHARLES PERCY


 BOB PACKWOOD


 HENRY M. JACKSON


 ERNEST F. HOLLINGS


 ROBERT T. STAFFORD


 DAVID PRYOR


 BOB KASTEN


 MARK O. HATFIELD

Barry Goldwater
BARRY GOLDWATER

Trad Cochran
TRAD COCHRAN

Bill Roth
WILLIAM V. ROTH

Alan J. Dixon
ALAN J. DIXON

Walter D. Huddleston
WALTER D. HUDDLESTON

William Proxmire
WILLIAM PROXMIRE

Donald W. Riegle, Jr.
DONALD W. RIEGLE, JR.

John Melcher
JOHN MELCHER

Alan Cranston
ALAN CRANSTON

Daniel Patrick Moynihan
DANIEL PATRICK MOYNIHAN

Alan K. Simpson
ALAN K. SIMPSON

Slade Gorton
SLADE GORTON

Dennis DeConcini
DENNIS DeCONCINI

William S. Cohen
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Max Baucus
MAX BAUCUS

David Durenberger
DAVID DURENBERGER

Harrison H. Schmitt
HARRISON H. SCHMITT

Carl Levin
CARL LEVIN

Daniel K. Inouye
DANIEL K. INOUE

Chuck Grassley
CHARLES E. GRASSLEY

George J. Mitchell
GEORGE J. MITCHELL

Lowell P. Weicker, Jr.
LOWELL P. WEICKER, JR.

Warren B. Rudman
WARREN B. RUDMAN

John Heinz
JOHN HEINZ

Jennings Randolph
JENNINGS RANDOLPH

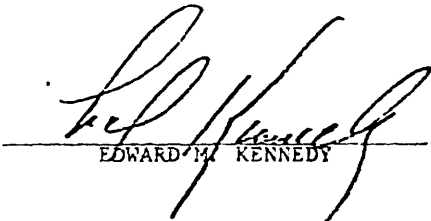
Paul Tsongas
PAUL E. TSONGAS

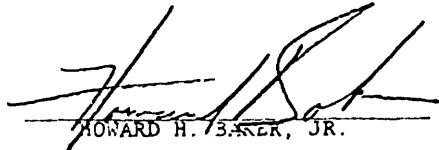
Patrick J. Leahy
PATRICK J. LEAHY

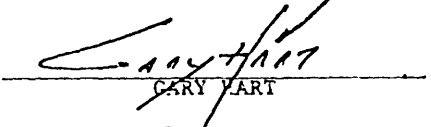
S. I. Hayakawa
S. I. HAYAKAWA


John H. Chafee
JOHN H. CHAFEE

Clair Pea
CLAIBORNE PELL


EDWARD M. KENNEDY


HOWARD H. BAKER, JR.


GARY HART


CHRISTOPHER J. DODD

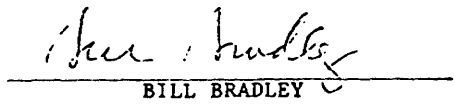

ARLEN SPECTER


LARRY PRESSLER

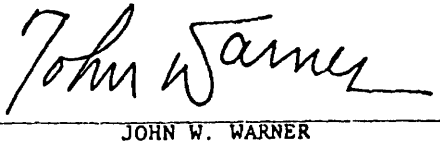

SPARK M. MATSUNAGA


DALE BUMPERS


JOSEPH R. BIDEN, JR.


BILL BRADLEY


HOWARD W. CANNON


JOHN W. WARNER


CHARLES McC. MATHIAS, JR.


HOWARD M. METZENBAUM

Lawton Chiles

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Alfonse M. D'Amato

ALFONSE M. D'AMATO

James Abdnor

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Richard G. Lugar

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Sam Nunn

SAM NUNN

Rudy Boschwitz

RUDY BOSCHWITZ

Robert Dole

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Thomas O. Eagleton

THOMAS O. EAGLETON

Steven D. Symms

STEVEN D. SYMS

G. James Exon

G. JAMES EXON

John C. Danforth

JOHN C. DANFORTH

APPENDIX 4

connecticut cetacean society



190 Stillwold Drive
Wethersfield, CT 06109
U.S.A.

September 13, 1982

Honorable Don Bonker
Chairman, Subcommittee on Human Rights
& International Organizations
United States House of Representatives
Washington, D.C. 20515

Dear Representative Bonker:

The next three years will be crucial ones for the future of the International Whaling Commission and whales. The period leading up to the scheduled world-wide ban on all commercial whaling beginning in 1986 must constitute a transition period for the IWC. It must be maintained as a viable international organization to oversee the ban in 1986 and to protect, conserve, and study whales and other cetaceans in the years beyond.

Although I am unable to be present at your Committee's Hearing on September 16 to review the 34th Annual Meeting of the International Whaling Commission, held in Brighton, England, on July 19-24, 1982, I wish to submit this statement for the record on behalf of the Connecticut Cetacean Society.

We wish to direct the Committee's particular attention to one action taken by the 1982 IWC meeting which is of potentially far-reaching significance. On Friday, July 23, by consensus without a vote, the Commission agreed, on the basis of a proposal submitted by the United States and seconded by the Seychelles, to co-sponsor with other interested organizations a Global Conference on the Non-Consumptive Utilization of Cetacean Resources.

This conference is to be held sometime in the spring of 1983 for the purpose of gathering and examining world-wide data in relation to such areas as research, recreation, education, and conservation which involve the non-consumptive and non-harmful uses of cetaceans. Its aim will be to assess for the first time globally the values derived from living whales, both economically and culturally, and to look at these data in relation to possible future activities of the IWC itself.

As one of the organizations which has agreed to co-sponsor and contribute toward the costs of this 1983 conference, the Connecticut Cetacean Society urges your Committee to express its endorsement of this meeting as a vital step toward the transformation of the IWC from a body primarily concerned with whale killing to a body primarily concerned with whale protection and study.

In this connection, we also wish to submit for inclusion in the hearing record the attached text of an interview conducted in the fall of 1981 with Dr. Ray Gambell, Secretary of the International Whaling Commission, which has been reproduced with permission from the May/June 1982 issue of WWF NEWS, the newspaper of the World Wildlife Fund. The interview concerns "The Changing Nature of the IWC," and we believe Dr. Gambell's comments of nearly a year ago are extremely relevant and significant in looking to the future of IWC. It is imperative that this subject be given serious and widespread consideration during the coming year.

Sincerely,

Robbina Barston, Ph.D.
Volunteer Executive Director

Enclosure
cc: Representative Sam Gejdenson (CT)

APPENDIX 5

COLD HARPOON BAN LONG OVERDUE

The issue of humane killing has always been a difficult one for those who exploit whales. The simple fact is that there is no way to humanely kill any creature as large as a whale and still have the body intact. The best compromise between speed of killing and wastage of the carcass has been the standard 90 mm explosive-tipped harpoon, a weapon that does not always kill cleanly. After reading reports, questioning witnesses and going out on a catcher boat to observe whaling first hand, Sidney Frost, chairman of the Australian Inquiry into Whales and Whaling came to this conclusion:

Although death is brought about by a most horrible method, in the cases where it occurs instantaneously, the act of killing may be said to be not inhumane. But if the death is not instantaneous, or does not happen quickly, the animal is required to suffer from these truly terrible injuries for at the least three minutes and more usually up to five or seven minutes until a killer harpoon can be fired. There can be only one conclusion: that in these cases death is caused most inhumanely. The fact that these cases are a significant proportion of the total leads to the inevitable conclusion that the technique for killing whales at present used is not humane.

If the killing of whales by explosive harpoons is cruel, the use of non-explosive ones, particularly those of low caliber, is horrendous. It is very difficult for conservationists to observe the killing of whales by these weapons since the whalers are understandably reluctant to allow them on board their vessels. The following account is by a whale researcher who succeeded in talking his way onto the Brazilian catcher boat, the *Katsu Maru #10*.

Around 6:30 a.m., a whale was spotted from the crow's nest as we reached our twentieth mile from shore. Minke whales come north from the Antarctic during the spring and summer months of the Southern Hemisphere to breed and sometimes have their calves. As the ship bore down on the whale now losing strength, Sakaguchi made his way to the bow on the elevated walkway. The light-green painted harpoon cannon mounted on the foredeck was the only noticeable aspect of the vessel which wasn't rusty. Frequent clipped reports of the whale's position were relayed to the captain from observers high up on the main mast. Sakaguchi swiveled the gun back and forth and braced himself—waiting for the perfect moment for the exhausted whale to surface for air before firing. The blast of the cannon jolted the entire ship, and a cloud of brownish-pink smoke enveloped the black-capped figure standing along at the bow. A few seconds later the whale lunged up through a wild churn of white water straining on 50 yards of rope attached to the prow of the ship. A chimney of bloody fire erupted from its blow-hole; the 70 mm harpoon had torn veins and arteries deep inside the whale's body.

Deeply resonant but uneven whale cries vibrated through the water. Tattered roses of scarlet blossomed in the blue, then faded into mottled pools of ruddy brown sinking below the surface. Another harpoon was tightly secured into the cannon and much less ceremoniously fired to try and end the whale's agony a little earlier. A bit of relief set in 20 or 30 minutes later after the giant tail had been lashed further aft to the rail and its erratic thrashing against the side of the steel boat finally ceased.

Two whales were caught within an hour of each other, and up until that point the captain didn't seem to have shown any emotion to anyone. After the second minke was roped to the starboard side, he picked up a long handled flensing spade and made two deep cuts into their bellies to bleed them so the meat would stay fresher. Sakaguchi returned to the bridge, rinsed his hands in a bucket of water and while coming back to his seat, he caught the eye of another Japanese fellow on the bridge smiling at him. The captain smiled back and flicked some water in the other man's face. He wiped his brow and for the first time took off his sunglasses revealing a light strip of skin sharply contrasting the rest of his deeply-tanned face.

A school of spinner dolphins came shushing into view. They bow-surfed for a while and did some incredible leaps high into the air. Smiling, Roberto said, "bonita ne" (beautiful eh?), I wondered how they felt about their giant cousins strapped to the side with their intestines hanging out.

I photographed and photographed. Looking through my lens was the only way I could create a little space between my feelings and the whales' pain. By the fourth whale I had all the shots I needed of harpoons being fired, and all I could do was watch. This time only one harpoon was required. The violent thrashing seemed to last only 10 minutes before the animal was subdued at the waterline of the bow. It took every bit of chutzpah I could muster to produce a smile in recognition of the broad smile and thumbs up Roberto flashed me signalling his approval of the excellent shot.

The fifth whale was the largest and most lively of the day. The previous quarries had been only 25 feet long—about three-year-old minke. Early in the pursuit we could see it bobbing its head far out of the water. Even as we came closer, it continued to partially breach and heave down on the water. When the time approached for Sakaguchi to fire, all on the bridge waited tensely. The whale lunged up out of the water 10 feet in front of the bow, and a voice inside me almost emerged involuntarily as a violent scream of stop! A split second later the ear shattering explosion came, and something very heavy sank back inside of me as this cry for life had been suppressed and extinguished so quickly. Never having felt so helpless before, I curled up on a corner of the bridge, staring out to the ocean with my binoculars, and prayed we would find no more whales that day.

It is not only NGO observers who are concerned about the inhumane killing of whales by the cold harpoon. The following excerpt is taken from a letter sent October 6, 1981 from the Norwegian Department of Agriculture to that country's Department of Fisheries.

Doubts have been raised as to whether the use of the non-explosive harpoon in small whaling satisfies the requirements for humane killing. In considering this question, the Department of Agriculture must rely on the reports from controllers who have participated aboard whaling vessels. These reports seem to conclude that when the non-explosive harpoon hits vital organs such as the heart, lungs and main arteries (mortal wounds), death occurs quickly. However, such mortal wounds only rarely occur—perhaps, in only 20 percent of the cases. Most hits go through the whale without causing death. In such cases, the whale, while being winched towards the vessel, will undertake a death fight which can vary in time. Under difficult circumstances, it may last up to one hour. All of our experience of the killing of animals indicates that this death battle is very painful. In view thereof, whaling with the non-explosive harpoon can hardly be said to satisfy the requirements for humane killing as prescribed in the Animal Protection Legislation.

It is the opinion of the Department of Agriculture that active efforts must be made to find alternative methods of killing to replace the non-explosive harpoon. Since the use of anesthesia has been mentioned in this context we would like to draw your attention to the fact that the use of drugs as such would disqualify the meat for purposes of consumption. Based upon what we know today of the available methods of whaling, the explosive harpoon appears to be the method which ensures more humane killing.

The concern of the letter was not misplaced. Three observer reports for the 1981 Norwegian minke season were obtained by Outlaw Whalers; all referred to long times to death seen during the voyages covered. Norwegian whaling vessels now carry powerful rifles such as the Mannlicher 9.3 mm to finish off any whale not killed quickly by the harpoon. Despite this, times to death on one boat observed in 1981 were generally around 10 minutes, and two whales took up to 50 minutes to die despite the presence of auxiliary weapons and an expert marksman. The other two vessels had longer times to death.

The presence of auxiliary weapons in no way guarantees even a 10 minute death time. On the *M/S Baragutt*, observed by a Norwegian inspector between June 9 and June 21, the average time to death for nine of the 10 whales harpooned was 27 minutes. The tenth broke the lines and escaped with the harpoon still embedded in it. The captain of the *Baragutt* had the following statement entered into the official report on this voyage.

Concerning the time of killing of the nine whales witnessed by Mr. Kjesbu, I wish to state that we were unfortunate with our shooting. The time element in killing is usually considerably shorter—Eilif Hansen.

In the killing of minke whales with cold harpoons there must be many such "unfortunate" shots. All of the reports make it clear that Norway's whalers are concerned about the suffering of the whales and do their best to kill them as quickly as possible. After all, it is in their own interest that the whale be landed as quickly as possible so they can resume the hunt. Still, many whales die very slowly. Expert marksmen miss their aiming point as the boat rolls and the wounded whale thrashes in the water. The use of auxiliary weapons fails to pass the test that if a significant minority of the kills cause great pain, then the whole process is inhumane.

Attempts have been made to develop alternative methods of killing, but without much success. In fact, the alternatives have proven even worse than the explosive harpoon. Drugs powerful enough to kill the whale have also killed whalers handling the products. Paralyzing drugs like succinylcholine do not hurt the meat but merely paralyze the whale, leaving it fully conscious and sensitive to pain.

Injection of compressed gases has been considered and this year Norway experimented with a carbon dioxide harpoon, carrying in its tip two liters of liquid carbon dioxide under pressure which is vented into the whale when the harpoons strikes home. This is clearly inhumane, for although it does produce quick cessation of movement and a fairly quick death, it does so by causing massive gas embolisms throughout the body of the unfortunate creature. The gas pressure causes muscles to become rigid; the animal ceases moving but is still conscious and aware of pain. The quick cessation of movement may look good in a report, but the horrendous suffering caused by literally exploding a living body with compressed gas is not acceptable to those who oppose the use of cold harpoons on humane grounds.

There have been experiments with killing by electrocution, but this requires that the whale first be harpooned and dragged by a cable back to the catcher boat so that the electrodes can be implanted, during which time the animal is conscious.

It is clear that the cold harpoon is the most inhumane way of killing and that high technology "humane" killing weapons that have been developed are not reliable. These devices are usually tested under ideal conditions which fail to simulate the worst case conditions.

Cold harpoons should not be used on any species of whale. Given the level of technology possessed by many IWC members, it should not be difficult to develop a humane alternative. The complete ban on this archaic and inhumane hunting weapon should be enforced and nations that have objected to the ban should agree on a date to stop using the cold harpoon and withdraw their objections.

Outlane Whalers—1982.

APPENDIX 6

KOREA'S ILLEGAL FIN WHALE HUNT

The IWC has established a quota of 19 Bryde's whales to be taken by Korea in the East China Sea. Unfortunately, all available evidence shows that the whales taken are in fact fin whales, which are a protected stock in the area. The United States noted at the last meeting of the Commission that of the seven large whales caught by Korea in 1982, four were positively identified as fin whales. The scientific committee has never assessed the population of Bryde's whales thought to be in the East China Sea and catch quotas are based on the assumption that the Bryde's whales are a Sustained Management Stock.

Inspection of the catch records published by Korea in the 1980 Yearbook of Fisheries Statistics (reproduced as Table 2) is highly suggestive. This record shows an annual take of about 20 fin whales and no catch of Bryde's whales between 1965 and 1975. Suddenly in 1976 (when fin whales became a protected stock) the catch of fin whales drops to zero and is replaced by a similar size catch of Bryde's whales. The only catch of Bryde's whales previously reported by Korea was of two taken in 1932 and one each in 1913 and 1922.

There is more to go on than suggestive catch records. The average yield of meat from fin, Bryde's and minke whales is 23.5, 6.5 and 3.6 metric tons respectively. Table 3, taken from a paper by Brownell in volume 31 of Report of the International Whaling Commission, shows that the yield of meat from Korean fin whales has averaged between 15 and 20 tons and that the yield of meat from whales identified as Bryde's is in this same range, almost three times the average yield of meat expected for Bryde's whales.

It seems clear that most or all of the whales caught by Korea since 1976 and reported as Bryde's whales are actually fin whales. In fact not one whale caught has been positively identified as a Bryde's whale.

In the absence of a population estimate for a Bryde's whale stock in this area, some doubt about the population boundaries and a certainty that protected fin whales are being taken, the Commission should impose a zero quota for Bryde's whales in the East China Sea.

TABLE 2.—KOREAN CATCH RECORDS

| Year | Fin whales | Bryde's whales |
|-----------|------------|----------------|
| 1965..... | 17 | |
| 1966..... | 14 | |
| 1967..... | 20 | |
| 1968..... | 25 | |
| 1969..... | 35 | |
| 1970..... | 25 | |
| 1971..... | 25 | |
| 1972..... | 1 | |
| 1973..... | 4 | |
| 1974..... | 52 | |
| 1975..... | 13 | |
| 1976..... | | 43 |
| 1977..... | | 26 |
| 1978..... | | 34 |
| 1979..... | | 18 |

TABLE 3.—KOREAN WHALE MEAT YIELD

| Year | Minke | Meat weight | Mean weight | Fin | Meat weight | Mean weight |
|-----------|------------------|-------------|-------------|-----------------|-------------|-------------|
| 1962..... | 170 | 425 | 2.50 | 82 | 1,353 | 16.50 |
| 1963..... | 291 | 870 | 2.99 | 55 | 840 | 15.27 |
| 1964..... | 384 | 985 | 2.57 | 88 | 1,816 | 20.64 |
| 1965..... | ¹ 249 | 543 | 2.18 | 17 | 317 | 18.65 |
| 1966..... | 309 | 913 | 2.95 | 14 | 215 | 15.36 |
| 1967..... | 336 | 764 | 2.27 | 20 | 376 | 18.80 |
| 1968..... | 316 | 572 | 1.81 | ² 28 | 472 | 16.86 |
| 1969..... | 386 | 780 | 2.02 | 35 | 542 | 15.49 |
| 1970..... | 715 | | | 25 | | |
| 1971..... | 730 | | | 25 | | |
| 1972..... | 767 | | | 1 | | |
| 1973..... | 882 | | | 4 | | |
| 1974..... | 566 | | | 52 | | |
| 1975..... | 561 | 1,392 | 2.48 | 13 | 216 | 16.62 |
| 1976..... | 494 | 1,228 | 2.49 | ³ 43 | 657 | 15.28 |
| 1977..... | 1,033 | 1,834 | 1.78 | ³ 26 | 420 | 16.15 |

¹ Includes two humpback whales.

² Includes three sei whales.

³ Recorded as Bryde's whales.

APPENDIX 7

WWF NEWS

NEWSPAPER OF THE WORLD WILDLIFE FUND

NO. 17 MAY/JUNE 1982

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THE CHANGING NATURE OF THE IWC

An Interview with Dr. Ray Gambell, Secretary, International Whaling Commission

(Reproduced with permission of WWF NEWS by Connecticut Cetacean Society, P.O. Box 145, Wethersfield, CT 06109, USA. The Conference in Zeist, Netherlands, at which this interview was conducted, took place on September 28 to October 1, 1981. The participants included 32 scientists from 14 countries. CCS Volunteer Executive Director, Dr. Robbins Barstow, also attended as an observer.)

At a meeting held in Zeist, Holland to discuss benign cetacean research in the Indian Ocean Sanctuary (see WWF News edition No. 14), WWF Public Affairs Coordinator Paul Wachel interviewed Ray Gambell, Secretary General of the International Whaling Commission, on the changing nature of the IWC.

WWF News. This meeting is being held to discuss benign research proposals for the Indian Ocean Sanctuary. Can you explain why the Sanctuary was established and what you hope it will achieve?

RG. The IWC set up the Indian Ocean Sanctuary as an area in which whales would be free from commercial catching in order that the cetacean populations will have the best opportunity to recover. A number of the species have been depleted by catching, mainly in the Antarctic, but they migrate into the Indian Ocean area for breeding and the Sanctuary protects them and allows them to recover.

The Whaling Commission's objective therefore is largely to conduct research in the Sanctuary. One priority will be to allow monitoring of the rate of recovery of these depleted species. A second would be to promote research of a quite different kind on whales. We are used to collecting data from carcasses of dead whales from the opportunities provided by the fleets of the whaling industry.

In the Indian Ocean we are forced into quite a new approach to studying live whales from whatever platforms of

opportunity there may be. This is going to force us into developing new techniques which will be available for use worldwide, so it is a very exciting prospect.

WWF News. One of the first projects in the Sanctuary will be Hal Whitehead's three-year sperm whale study, conducted from a 10m sloop. How do you view this project?

RG. Hal's project is a first step in trying to stay with whales for a longer period than has been done before, to be able to observe at close hand the interactions, the relationships between individuals in a group, to really get to know the whales as social animals. This will have its application not only in terms of behavioural understanding of the animals but also, from the IWC aspect, in helping us understand more about the dynamics of the population so that if there is to be any capturing carried out in the future the management will be based on a much better knowledge and understanding of the whales as a group.

WWF News. This meeting has been jointly sponsored by IWC and WWF. Is this the first time that the International Whaling Commission has co-sponsored a meeting of this kind?

RG. No, we have had other meetings with co-sponsorship of this kind; normally the pattern is to consider subjects which are a little outside the IWC's own immediate interest. So in fact we are very happy to cooperate with other interested groups in order to expand and develop a broader picture of whales in the oceans, rather than the narrow, commercial orientation which has been the main purpose of the IWC in the past.

WWF News. Do you see this as a shift in the nature of IWC?

RG. The IWC is evolving all the time. Our membership has gone up in the five years since I have been Secretary of the Commission — from 14 member governments to 34 — and the new members are bringing in new ideas and new perspectives. Many of them have a quite different approach and look at whales in terms of their value to Man as a living resource rather than as a product capability.

Also the attitudes of early members of the Commission are changing in response to public opinion. So yes, the Whaling Commission's attitude is changing all the time and this is a very exciting time in the Commission to keep abreast of these developments.

WWF News. Do you think IWC is flexible enough to evolve with these changes and change the nature of the organisation?


RG. The IWC has shown that it is capable of interpreting its own conventions in ways which are more in accordance with the climate of the times. The wording (of the Constitution) is capable of interpretation to fit with what people really think should be our attitude towards whales now, which may well be different from the situation immediately after the last war when whales were seen almost entirely as a resource to be exploited.

WWF News. To reflect this evolution it is possible that the name of the IWC might be changed from International Whaling Commission to International Whale Commission?

RG. There have been strong moves in the recent past to change the name in that sense. They have not been successful so far because there is a broad spectrum of opinion — from those who wish to go out and catch whales because they provide useful products to those who wish to leave whales in the ocean to be seen as living animals, living in a remarkable way in accordance with their environment. We have to reflect every aspect, every shade of opinion.

WWF News. How do you feel about your relations with the World Wildlife Fund?

RG. The relationship is one which is only newly developing in direct terms. We have always welcomed WWF in an observer capacity to our meetings, but we have not before had the opportunity to cooperate in quite such a positive way as this. I would look forward to increasing this cooperation where it is to the benefit of every side in terms of the research which could be initiated and the understanding of the whales in their environment which will result from such cooperation.

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APPENDIX 8

Detailed Summary of Catch Limits Set at the July 1982 Meeting

Southern Hemisphere

Minke

| | | | |
|----------------------|------|---------|------|
| Area I | 852 | Area IV | 1969 |
| Area II | 656 | Area V | 1896 |
| Area III | 1116 | Area VI | 937 |
| - NOT TO EXCEED 7072 | | | |

Bryde's
Peruvian 165¹

North Pacific

Minke

| | |
|---------------------------------------|-----|
| Okhotsk Sea-West Pacific | 421 |
| Sea of Japan-Yellow Sea- E. China Sea | 940 |

Sperm

| | | |
|-------------------|---------------------|------------------------|
| Western Division: | 1982 coastal season | 450 males ² |
| | 1983 coastal season | 400 males ² |

Bryde's

| | |
|--------------|-----|
| Western | 536 |
| E. China Sea | 10 |

Gray

| | |
|---------|------------------|
| Eastern | 179 ³ |
|---------|------------------|

Bowhead

| | |
|------------|------------------------|
| Bering Sea | no change ³ |
|------------|------------------------|

North Atlantic

Minke

| | |
|----------------|-------------------|
| West Greenland | 444 |
| Central | 300 |
| Northeastern | 1690 ⁴ |

Humpback

| | |
|----------------|-----------------|
| West Greenland | 10 ³ |
|----------------|-----------------|

Sei

| | |
|------------------------|-----|
| Iceland-Denmark Strait | 100 |
|------------------------|-----|

Fin

| | |
|------------------------------|------------------|
| West Greenland | 6 |
| E. Greenland-Iceland | 167 |
| Spain-Portugal-British Isles | 120 ⁵ |

¹ Available to be taken in a six months period starting in November 1982.

² Included within this figure there may be a bycatch of females not to exceed 11.5% and all whaling operations for this species are to cease when the bycatch is reached.

³ Aboriginal whaling.

⁴ Although the IWC adopted no catch limit for this stock, the Commissioner from Norway indicated that his Government would limit catches to 1690 as though the IWC had in fact adopted such a catch limit.

⁵ 270 whales may be taken in the years 1983-1985 inclusive, with a maximum take in any one year of 120. In addition, the Commissioner from Spain indicated that no more than 150 animals would be taken against the 1982 catch limit of 210.

APPENDIX 9

IMC COMMERCIAL CATCH LIMITS, 1973-1982

Revised 8-11-82 as per IMC Secretariat

| | 25th Meeting (1973) | 26th Meeting (1974) | 27th Meeting (1975) | 28th Meeting (1976) | 29th Meeting (1977) | 30th Meeting (1978) | 31st Meeting (1979) | 32nd Meeting (1980) | 33rd Meeting (1981) | 34th Meeting (1982) |
|----------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|----------------------------------|------------------------|
| <u>Southern Hemisphere</u> | | | | | | | | | | |
| Fin | 1,450 ^{2/} | 1,000 ^{2/} | 220 ^{2/} | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minke | 5,000 ^{2/} | 7,000 ^{2/} | 6,810 | 8,900 | 5,690 | 6,221 | 8,102 | 7,072 | 8,102 | 7,072 |
| Sel | 4,500 ^{2/} | 4,000 ^{2/} | 2,230 | 1,863 | 771 | 0 | 0 | 0 | 0 | 0 |
| Sperm (male) | 8,000 | 8,000 | 5,570 | 3,894 | 4,538 | 3,820 | 0 | 0 | 0 | 0 |
| Sperm (female) | 5,000 | 5,000 | 4,670 | 57 | 1,370 | 1,055 | 500 | 300 | 0 | 0 |
| Bryde's | 0 | 0 | 0 | 0 | 0 | 0 | 264 | 886 ^{3/} | 866 ^{3/} | 165 ^{2/} |
| <u>North Pacific</u> | | | | | | | | | | |
| Fin | 550 | 300 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minke | ..... | ..... | ..... | 541 | 400 | 400 | 1,361 | 1,361 | 1,361 | 1,361 |
| Sel and Bryde's | 3,000 | 2,000 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Sel | ..... | ..... | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bryde's | ..... | ..... | 1,363 | 1,000 | 524 | 454 | 479 | 529 | 526 | 546 |
| Sperm (male) | 6,000 | 6,000 | 5,200 | 4,320 | 5,105 | 3,800 | 1,350 | 890 | 0 | 400 ^{2/} |
| Sperm (female) | 4,000 | 4,000 | 3,100 | 2,880 | 1,339 | ..... | ..... | ..... | ..... | ..... |
| <u>North Atlantic</u> | | | | | | | | | | |
| Fin | ..... | ..... | 365 | 455 | 459 | 455 | 604 | 701 | 561 | 293 |
| Minke | ..... | ..... | 2,550 | 2,483 | 2,555 | 2,552 | 2,543 | 2,554 | 2,554 | 2,434 ^{6/} |
| Sel | ..... | ..... | ..... | 132 | 84 | 84 | 100 | 100 | 100 | 100 |
| Sperm | ..... | ..... | ..... | 685 | 685 | 685 | 273 | 130 | 0 | 0 |
| TOTAL COMMERCIAL QUOTAS | 37,500 | 37,300 | 32,578 | 28,050 | 23,520 | 19,526 | 15,656 | 14,523 | 14,070 | 12,371 |
| Other ^{7/} | 6,173 | 5,173 | 1,358 | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| TOTAL | 45,673 | 42,473 | 33,936 | 28,050 | 23,520 | 19,526 | 15,656 | 14,523 | 14,070 ^{8/} (13,448) | 12,171 |

(100)

- 1/ Catch limits are for Antarctic whaling season (December of year of meeting through April of following year) and all coastal seasons of year after meeting. The Commission decided at the 32nd Meeting to apply quotas to coastal whaling seasons in the year in which they begin.
- 2/ Catch limit covering Antarctic catch only (South of 40 Latitude).
- 3/ Of this figure, 622 whales could not be taken legally by member countries because of the factory ship moratorium and/or the Indian Ocean Sanctuary.
- 4/ Available to be taken from the Peruvian stock in a six-month period starting in November 1982.
- 5/ The Commission also agreed to a 1982 coastal season catch limit of 450. Both catch limits include an allowable bycatch of up to 11.5% females.
- 6/ Although the Commission adopted no catch limit for the Northeastern stock, the Norwegian Commissioner indicated that his Government would limit catches to 1,690 as though the IMC had in fact adopted such a catch limit. It has therefore been reflected in the figure above.
- 7/ Whales taken by IMC members but not included in the catch limits.
- 8/ The figure in parentheses takes into account the reduction discussed in footnote 3 above as well as catch limits totaling 151 North Atlantic fin whales for 1982 that were for stocks that had not been exploited since 1971.

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