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# ECO

International Whaling Commission

## A Ray of Hope For the Minkes

The Technical Committee showed some signs of life yesterday by defeating all Japan's bids for high Southern Hemisphere minke whale quotas. If one more vote can be secured in the Plenary for low quotas in Areas 1, 2, and 5 then the total minke whale quota for this region may be reduced by 2,731 compared with last year.

After exhaustive efforts in Cambridge several weeks ago, the Scientific Committee could only make consensus recommendations on three of the six Areas of the Antarctic. It first appeared that the Committee would approve by consensus the recommendations for these three Areas. But in a last minute appeal, Japan requested the same quotas as granted last year. For the three Areas in question, this represented an increase of 1,076 whales over the quota recommended by the Scientific Committee.

The Japanese proposal was testimony to their blatant disrespect for scientific findings when not in accord with the number of whales they choose to take. In defence of their position, the Japanese stated that they were confident that sightings estimates were arbitrarily low. They failed to mention that this year the Scientific Committee corrected a significant error in calculations of replacement yields proving that last year's quotas were much too high.

The votes to support the Scientific Committee recommendations for Areas 3, 4, and 6 resulted in the first successful split of the whaling bloc. Only Japan, USSR, and Brazil voted against; seventeen countries were in support. The margin easily achieved the

necessary majority for passage in Plenary.

In the remaining three Areas, the Scientific Committee had been unable to recommend any quotas at all. The Technical Committee rejected a Japanese proposal for the same quotas as last year, and instead accepted a corrected assessment favoured by several scientists that resulted in significant quota reductions. The margin of passage was one short of that

necessary for passage in Plenary.

A final Japanese proposal for a schedule amendment to allow an extra 10 per cent between Area boundaries was soundly defeated.

A 30 per cent reduction in the total quota for Minkes in the Southern Ocean would mark a significant advance for conservationists, particularly since minkes make up about three-quarters of the present world catch of whales.

## Orcastration Of the Agenda

The new issues emerging from this year's meetings seem to be EEZs (exclusive economic zones, or 200-mile limits) and small cetaceans. The former concern all the coastal whaling nations, the latter concern mostly Canada, who doesn't want to get into a bowhead-style mess with her native take of beluga and narwhal.

The two teamed up Wednesday afternoon to cause a confusing half-hour wrangle followed by an hour-long tea break then a decision by the chair to move on to other matters.

The trouble started after consideration of quotas for Southern Ocean whales. Just as the chair prepared to move to the North Pacific a squall blew up. The United States wanted to take up the question of Southern Ocean killer whales at that point, which would necessitate a change in the agenda order since the killer whale had been scheduled to be considered with the small cetaceans.

The American proposal was simple enough: ensure the killer whale is included in the list of whales covered by the pelagic moratorium adopted last year. Many delegations have already stated that the take by the Soviets of 906 orcas in the Antarctic this year was a gross infringement of the spirit, if not the letter, of the convention.

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## US Fouls Up Sperm Vote

An extraordinary vote by the US may have jeopardised any chances of a sperm whale moratorium being accepted in the Plenary session. Should it be put down to a mere lapse of concentration or sheer incompetence?

Just before ploughing through the quota recommendations on a stock by stock basis, the chairman of the Technical Committee ruled that sperm whale stocks should not be considered until the Plenary had reached a decision on the sperm whale moratorium.

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# Vice-Grip on the Bowhead Quota

Today's Plenary session just may resolve the IWC crisis brewing over the US proposal for a quota on the bowhead whale. The deadlocked vote has exasperated many who continue to feel that the struggle has crippled the US's ability to fight for conservationist proposals and again taken up an inordinate amount of the Commission's time and energy.

The question is, how tight are positions set? Some countries are locked into voting with the recommendation of the Scientific Committee, i.e. zero. Hence the failure of the US proposal for 18/26 in Technical Committee and the success of the Australian proposal for a zero quota (by 8-6). Other countries support the US request and are likely to reject any compromise quota

that the US finds unacceptable; thus the failure of the Seychelles' proposal for 8/12 in Plenary.

There are several countries which have expressed a willingness to compromise to avoid a potentially dangerous situation of the US filing an objection following a low quota set by the Commission. Yet still others may actually be voting against compromises not so much out of concern for the bowheads but to force a confrontation over the emerging issue of jurisdiction within the 200 mile limit. For if no quota can achieve the 3/4 majority, no quota will be set. It would then be up to the US to design and enforce a domestic management scheme. The US Commissioner has stated publicly that he is prepared to

see no quota set and to return home to recommend a domestic quota at the same level as the quota of this year (18/26). How hard this line is remains to be seen.

Needless to say, the prospects have sent shivers through the conservation community. The precedent of a bloc of IWC countries preventing any quota from being set is a scary one. Though it may fit into Canada's overall scheme for domestic management of her own aboriginal hunts of narwhals and beluga (should they ultimately come under the Commission's purview), it would fit few other countries idea of proper management.

Would it encourage a bloc of whaling nations to decide that a particular quota did not meet their approval? Or would a bloc of nations decide that IWC members should set their own quotas within territorial limits? One delegate told ECO that a failure to set a bowhead quota could not only be destructive to the successful management of the bowhead whales but could also signal the beginning of a break-up of the Commission's future effectiveness.

In any case, the US finds herself in quite a bind as it tries to balance Eskimo need, the need to protect the bowhead, and the future viability of the entire Commission.

## The Votes, Day 3

	1	2	3	4	5	6		1	2	3	4	5	6
Argentina	A	N	Y	N	Y	Y	New Zealand	A	N	Y	N	Y	N
Australia	N	N	Y	N	Y	N	Norway	Y	N	Y	A	A	Y
Brazil	Y	Y	N	Y	N	A	Oman	N	N	Y	N	Y	N
Canada	A	N	Y	N	Y	Y	Peru	Y	Y	A	Y	A	A
Chile	Y	Y	A	Y	A	A	Seychelles	N	N	Y	N	Y	N
Denmark	N	N	Y	A	A	A	South Africa	Y	N	Y	N	Y	N
France	N	N	Y	N	Y	N	Spain	Y	A	A	A	N	A
Iceland	Y	A	Y	Y	N	Y	Sweden	N	N	Y	N	Y	N
Japan	Y	Y	N	Y	N	Y	Switzerland	N	N	Y	N	Y	A
Korea	Y	Y	A	Y	A	A	USSR	Y	Y	N	Y	N	Y
Mexico	N	A	Y	N	Y	N	UK	N	N	Y	N	Y	N
Netherlands	N	N	Y	N	Y	N	USA	Y	N	Y	N	Y	N

1. Override of chain on sperm whale agenda shift. Failed 10-11.
2. Japanese amendment for higher minke quota; Area 3,4, and 6. Failed 6-15.
3. Scientific Committee recommendation on Minke quota; Area 3,4, and 6. Passed 17-3
4. Japanese amendment for

- higher minke quota; Area 1,2, and 5. Failed 7-14.
5. Scientific Committee recommendation on minke quota; Area 1,2, and 5. Passed 14-5.
6. Orca agenda shift. Failed 6-11.

All above votes in Technical Committee.

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## The Krill Is Gone

As the exploitation of whales in the Antarctic Ocean dwindles, exploitation of fisheries--especially krill-- and of oil and gas looms large for the future. A new "conservation" treaty for Antarctic living marine resources was concluded in Canberra on May 20 and a treaty on hydrocarbon exploitation is to be negotiated over the next few years.

These new developments have serious implications for the future of the depleted whale populations in the area. The IWC could be an important participant in Antarctic quota negotiations as its inevitable role would be that of spokesman for the needs of the whales.

At the treaty negotiations in Canberra, non-governmental and inter-governmental organizations were excluded from all serious discussions and the convention that was produced is a very weak one.

The ecosystem conservation standard is undoubtedly a good one but the operative provisions are weak. Voting is by consensus (i.e. unanimous), there is an objection procedure, inspection rights are vague and unreliable, and enforcement is weak. Moreover, membership is restricted in a way that ensures that conservation interests will be under-represented.

The potential role of the IWC is great and should be advanced quickly and forcefully. But, with the overlapping membership of the IWC and the Antarctic treaty, a strong role by the IWC is in question.

The IWC should seek to

ensure that some areas of the Antarctic are kept free from krill exploitation in order that comparisons on the effects of exploitation can be made.

The IWC should also be directed to request the Antarctica parties to close those areas to krill fishing where the highly endangered blue and humpback whales feed. Even a small change in krill availability could drastically affect the possibility of the recovery of these whales.

Can the Commission do this? Many of the members of the IWC have territorial claims in Antarctica: Argentina, Australia, Chile, France, New Zealand, Norway and the United Kingdom. Others have an interest in krill exploitation-- Japan

and the USSR. Still others, especially the United States, are keen to get at the mineral resources.

Will these ten countries allow the Whaling Commission to act on behalf of the whales? Will it allow anything to interfere with the spoils of Antarctica? As we have seen, there is one national concern which is paramount -- economic interest. In international negotiations, almost no one speaks for ecological survival.

This is how we got into the present dismal situation in the Whaling Commission. With the interests at stake in Antarctica, can we hope that the Whaling Commission will be given an active role?

## An Attempt to Outlaw The Cold Harpoon

The notorious cold harpoon killed over 9,000 whales during the last whaling season.

Whales have the apparatus to feel pain. We must assume therefore that they do so from the moment the harpoon strikes until the animal loses consciousness or dies.

There is no method present used in the various whaling operations which, when using generally accepted criteria, can be considered to be humane.

At the 31st meeting of the IWC whaling members were asked to provide certain data relating to humane killing within the various operations utilising the cold harpoon. The nervousness with which whaling members have approached this issue is reflected in the fact that only two reports were submitted, one on 52 minke (Japan) and the other on 56 minke (Norway).

The 52 whales were taken from a stock of over 2,000 during a ten-day period. Considerable information is given of electrocardiogram readings which have little relevance, as this indicates cessation of heart beat and not cessation of consciousness which produces insensitivity to pain. The average death time was reported as 4 minutes and 18 seconds using the gunners' criteria.

The second paper reports an average time to unconsciousness of 12.8 minutes with only 7 per cent of the minke whales reaching this state instantaneously. As it is impractical to test for corneal and pedal reflex

(the usual method of ascertaining insensibility to pain in terrestrial mammals), it is fairly safe to assume that any other method could only be an approximation. Whales have never evolved an automatic breathing mechanism. Exhalation is followed immediately by inhalation which is then followed by a pause. Harpooning is likely to occur during this pause. Thus if cessation of respiration is used as a criterion for insensitivity to pain or for death any death time must also have added to it the interval between breaths.

There are also problems of using lack of movement as an indication of insensitivity to pain, for, in certain circumstances, pain may be so intense as to cause the clinical condition, spasms.

UK legislation states that any animal killed in a slaughterhouse must be rendered instantaneously insensitive to pain; many whaling members have similar legislation and in these cases to tacitly approve a method of slaughter which does not achieve this is operating a system of dual standards.

The United States, Australia, and The Netherlands have proposed that the cold harpoon be outlawed in all whaling operations regulated by the IWC. ECO strongly supports this proposal which, will be a considerable step forwards in the attempts to make such whaling as is done more humane.

## Spain whales

When the French Commissioner asked during the Technical Committee session yesterday how many fin whales Spain has taken so far this season, the Spanish representative replied that it was difficult for him to reply, but that the figure was not at all near the 143 quota.

Perhaps Mr. Juan Jose Masso, owner of Spain's only whaling company, IBSA and advisor to the Spanish delegation, would have replied with less difficulty...but more embarrassment. Although Spain objected to the quota of 143 fin whales voted last year, she promised not to exceed this quota before renewal at the IWC.

However, Greenpeace, whose *Rainbow Warrior* is detained for the fifth week in Spain, received information from a whaler on one of Masso's ships that the 143 fin whale quota had already been exceeded at the end

of June. According to this source, the catch figure on June 30 was 169 whales, comprised of 161 fin whales and eight sperms.

At yesterday's session, those unfamiliar with Spain's economic situation were practically tearful when they heard about the "critical situation" of Galicia, the "depressed area" where Spain's whaling occurs. In fact, the official Spanish employment statistics show that the unemployment rate in Galicia is lower than in the rest of Spain. But people familiar with Spain's domestic political situation know that the Government officials from Madrid always have a tendency to present Galicia --one of the only provinces that did not obtain autonomy--as an impoverished province.

One regrets that Spain's whale conservation record is not as brilliant as her rhetoric.

## No Sanctuary Extension

An attempt by the Seychelles to obtain an extension of the Indian Ocean sanctuary from the southern boundary limit at 55° South to the Antarctic ice sheet was withdrawn in Technical Committee yesterday. The boundary line had been set at last year's meeting as a compromise in order to allow pelagic catches of minke whales in the southern areas. Fifteen Indian Ocean states had agreed at a meeting hosted by the Seychelles in April to an extension of the sanctuary, but when it became clear that this would not be accepted in the Technical Committee yesterday it was withdrawn.

The proposal to include all cetaceans in the Indian Ocean sanctuary was deferred until the Technical Committee has discussed small cetaceans.

### APOLOGY

ECO apologises for the inclusion in yesterday's edition of quotations taken from an as yet unpublished document of the Infractions sub-committee. ECO will present a summary of the findings of this committee if they are substantially different from those quoted.

### Is Your Set Complete?

No IWC-attendee's library is complete without a set of ECO. If you need a set, or might perhaps like to donate one to your nearest library, school, or environmental organization, please send £2 to Friends of the Earth, 9, Poland Street, London, W1V 3DG, UK.

### Sperm Vote from Page 1.

At this point the Seychelles piped in and challenged the ruling, no doubt believing that the chances of success in the Plenary would be slim if only a cursory discussion of sperm whale stocks had taken place in that forum. If the Scientific Committee recommendations had been followed in the Technical Committee, then zero quotas would have to be set for most, if not all, sperm whale stocks. Such decisions would have considerably reinforced the claim for a sperm whale moratorium.

However, this was not to be. Japan, in a light moment of procedural double-talk, wanted to object to the Seychelles' challenge but was laughed out of court. Then, as the roll call proceeded, the US voted in favour of the Chairman's ruling, leaving blank faces around the room.

The US apologized, but the damage had been done. The challenge was over-ruled by 11 votes to 10 and the sperm whale was left for the carve up in the Plenary.

### VISIT THE WHALE SHOP

Commissioners, delegates, observers, and press are cordially invited to visit the Whale Shop in Brighton this week. The shop is located at 189 The Esplanade, on the beach at the foot of Ship Street, a quarter-mile east of the Metropole.

There are various whale goodies for sale--badges, t-shirts, books, etc.--plus a display of whaling photographs and equipment. Slides are shown in the afternoon, films in the evening. The whale Shop is open from 8 am to 8 pm, often later.

Orcastration from Page I.

All hell broke loose. The Soviet Union wanted to know how the killer whale got on a Schedule in the first place, as if it had been done when her back was turned. Japan, ever the legal eagle, had her arguments arranged, as they say in Washington, like ducks in a row. The proposal was out of order. We have already dealt with moratoriums. The US proposal is an addition to the agenda and therefore requires 60 days' notice. The proposal is badly worded.

The United States wilted and drew back to a zero quota for killer whales in all divisions of the Southern Hemisphere.

Argentina then wondered if this would interfere in EEZs. The US said she didn't have that in mind at all.

The matter was then put to a backwards vote--'yes' meant stick to the original agenda order (and risk having the Antarctic killer whales lost in the haggling over small cetaceans). 'No' meant a change in the order to consider killer whales right away. After much confusion the 'Noes' won the day by 11 to 6.

The Chair, who had made his preferences clear from the start (stick with the original agenda), then called a tea break to see what could be sorted out in one-on-one discussions. Delegates and lobbyists gathered in clumps to make their points to one another. After an almost interminable delay, the chair called the meeting to order and offered the view that perhaps the commissioners ought to sit on the matter and move on. So ordered. It will appear first on the agenda this morning.