



INTERNATIONAL WHALING COMMISSION

IWC 64 Report 2012: Panama

By Paul Spong



IWC 2012: Will they ever learn?

Last year's IWC 63 meeting in Jersey ended in such disarray that one has to wonder how any of the participants manage to gather together the means to return. Yet indeed we will gather again, this time in Panama, to debate the fate of whales once more, and the future of the International Whaling Commission once more. It will not be surprising if a decision is taken to

hold Commission meetings every 2nd year rather than annually as has been the case for 63 years. Presumably the work of the Scientific Committee would continue without pause, but the respite from the annual Commission grind would come as a relief to most if agreed.

It's difficult to know how this meeting will go. Japan's abusive tactics last year offended so many in the room that real push back is a possibility. Already this year, the South African Chairman has tendered his resignation, something he threatened but didn't do several times at the last meeting. What this means is that IWC 64 will open with elections of the Chair and also vacant Vice-Chair, a procedure that normally happens at the end rather than the beginning of meetings. How these elections go may provide a hint as to what's to follow, but immediately afterwards the room will be bathed in the goodwill of the opening welcome by the host nation, no doubt one full of optimism, though given that Panama is a BAG (Buenos Aires Group) member, it could include stern words as well. The Secretary will then do some housekeeping, and the agenda will be introduced and approved. It will be interesting to see whether Japan starts moving its feet during the agenda discussion, as last year it managed to have its favourite "safety at sea" item moved up a whole day, quite enough to divert the

meeting on to its own track. Just the same, it seems likely that the morning session will pass quietly enough to instil some hope of an amicable outcome.

Probably after a long lunch, the first substantive agenda item will come to the floor. This is the proposal to establish a South Atlantic Sanctuary for whales, a decade long aspiration of BAG members and many other IWC members as well, but one that has been resolutely opposed by Japan and its allies, including Norway & Iceland. At this point, it's a fair guess to imagine that the gloves will come off. Last year's meeting fell apart when BAG members insisted on having a roll call vote on their perfectly reasonable proposal, and the only way the meeting could be salvaged was for the Chair to promise it as the first agenda item this year. It is the first item, but the Chair has gone. So we shall see. If, as can be fully expected, BAG sticks to its guns and insists on holding a vote, the meeting might dissolve into a Private Commissioner's meeting right away, and given last year, that might last long enough for non-Commissioners to tour the Canal.

Should this initial obstacle be overcome, and the meeting proceed, it will become mired in some very tricky issues, mostly those dealing with Aboriginal Subsistence Whaling (ASW). Supposedly, this formal exemption to the Moratorium on commercial whaling is intended to provide aboriginal communities with vital sustenance that would otherwise be unavailable. In practice, it has too often become a sham, and an excuse to continue killing whales in the absence of need. We expect to hear much from Denmark on behalf of Greenland, and from Greenlanders themselves about an increased need for whale meat that requires substantial increases in existing quotas for humpbacks, bowheads, fins and minke. In actuality, Greenland supplies much of the whale meat to tourists when they dine out, and much of it is openly sold in supermarkets (<http://bit.ly/LQDzJw>). Both practices are flagrant violations of IWC rules, yet it remains uncertain as to whether the Commission will accede to Greenland's demands in the face of the deal making that will doubtless accompany the other ASW requests. Of these, the USA once more has its back to the wall, determined as ever to solve a political problem at home (in an election year) by delivering the needs of its Alaskan aboriginal peoples. Very strangely, the US is proposing to bundle its request with those of Russia and St. Vincent and the Grenadines. The Russian request may have some legitimacy, though serious questions surround it, but the "aboriginal" needs of St. Vincent and the Grenadines amount to a shell game. There is no need, and barely a "tradition" to support the case for continuing the brutal hunt of humpback whales by the so-called "whalers" of this tiny Caribbean nation. Why the US would tie the fate of its native Alaskan peoples to the barbaric butchery of humpback mothers and babies is beyond me.

None of the above excludes the possibility that this meeting can have outcomes that are helpful to whales and the oceans they inhabit. The provisional agenda includes discussion of vital topics such as climate change and ocean noise, both of which are serious issues that threaten the well being of cetaceans. A strong statement by the IWC about the impacts of warming oceans on whales could influence public attitudes and government decisions, but imagining it actually happening involves a trip into dreamland. The warming of the Arctic, now

well under way, with ice free Arctic Ocean summers coming within a few short decades, is far more likely to be welcomed by the global oil industry and the governments it controls, including many at the IWC table, than by any real concern for the fate of Arctic life. Also on the agenda, perhaps also as a dreamland exercise, is a resolution by Monaco calling on the United Nations to pay serious attention to the deteriorating circumstances of migratory species of cetaceans that are beyond the control of the IWC, including those living within the Southern Ocean Sanctuary that are now solely subject to decisions made in Japan.

We shall see in the coming days whether Japan has learned enough from its past frustrations to adopt a new approach to its participation in these meetings. Given the success of the bully tactics it adopted in Jersey last year, this seems unlikely. On the other side of the coin, we will find out whether the pro-whale nations, which form a clear majority in this fractured body, are determined enough to once and for all lay waste to Japan's dream and take command of the fate of whales. Perhaps in Panama at IWC 64, we will be surprised.

There is always hope.

By Paul Spong
June 30 2012

IWC 2012 Day One: DISTANT SOUNDS OF THUNDER

One of the great things about Panama is the predictability of the weather. When we got here, about the first thing we learned was that it rained at 4pm each day, with the rain accompanied by thunder and lightning, and that the downpour would stop as suddenly as it began. The thunder and lightning bit turned out to be true, as we sat chatting near the venue pool with a couple of Green Vegans yesterday, but "rain" was clearly an understatement. On cue at 4pm, after a great crack and drum roll, the Heavens opened. I tried to take a photo of the waterfall bouncing off the pavement, but the image turned out to be so blurred I regretted not turning on video. Half an hour later it was over, and after that much time again the pavements were dry. Awesome.

Potentially awesome, too, is what is happening in the room here. IWC 65 is looking like the last round in this fight for a couple of years, as the Commission will almost certainly move to biennial meetings, and it's shaping up to be a brouhaha. I have a feeling the word "enough!" is in the air, and that the folk who are lovers of whales aren't going to take it any more. They occupy a clear majority of the seats, yet they cannot exert their will, thanks to the corruption spread by Japan with the active cooperation of Norway and Iceland, with Denmark close beside.

This morning, the ambition of Latin American countries to establish a South Atlantic Whale Sanctuary was defeated once again, this time by a narrower margin than in previous attempts

that began in 1998, but still a defeat. The outcome was unsurprising, including to the proponents, but the point was made. A 64% majority supported their proposal, short of the ¾ majority demanded by Commission rules, but enough to be called a landslide victory in other arenas. The fact that a vote was held at all amounted to a watershed moment in that it was the first IWC vote of any kind taken in 4 years. Last year the mere thought of a vote was enough to tear the meeting asunder because of Japan's fear of things slipping beyond its control. This time, perhaps because of a change of leadership in its delegation, Japan was less strident, though the outcome was the same. No Sanctuary for whales in the South Atlantic. The decision leaves open the door to future commercial exploitation, a future that is clearly on Japan's mind despite the real world, which includes declining interest in domestic consumption of whales at home, and increasing opposition abroad.

Very sadly, the USA is party to the unholy brew that is pushing whales onto the old track where they are seen solely as resources to be exploited by whoever comes along with a wish list. In this meeting, the wish list includes an "aboriginal" request by St. Vincent and the Grenadines that dates "all the way" back to 1875 (hardly ancient history) when a family whale killing business started up on the tiny Caribbean island of Bequia. At one point in the past there was some sympathy for the old whaler, which was accompanied by a tacit understanding that the hunt would end when he died. Not so. The old whaler has gone but his legacy has been seized by Japan in a cynical move towards the goal of having its coastal whaling operations declared "traditional" if not strictly aboriginal, and therefore allowed under IWC rules. Over the past year, the U.S.A. has led an ad hoc group discussion aimed at settling the aboriginal whaling issue at this meeting. Somehow, it came up with the crazy idea that bundling all the Aboriginal Subsistence Whaling requests together would be the easiest way for it to secure a 4 or 6 year Bowhead quota for its native Alaskan communities. It's unsure what tea was served at the ad hoc get-togethers, but the insult of this morning's vote, combined with the prospect of having to agree to the brutal slaughter of mother and baby humpbacks was sticking in the craw of many Latin American delegates by the end of this day. Accompanying that thought was the marvellous video imagery of living humpbacks presented by Panama in the opening session – just about everyone applauded enthusiastically, though not Japan. The upshot is a real possibility that a vote will be demanded on the request by St. Vincent and the Grenadines. If this happens, the veneer of politeness that frames this meeting may fray.

Tomorrow, we will find out whether tonight's party, hosted by Panama, was sufficient to achieve the reconciliation of views hoped for by the new Swiss Chair at the end of this afternoon's session, or whether the distant sounds of thunder we're hearing are the drums of war.

by Paul Spong
July 2, 2012

IWC 2012 Day Two: BUNGLING THE FUTURE OF WHALES

It turned out I was wrong on just about every count yesterday. First, about the weather. Today, it rained at 2pm, not 4pm as I had stated. True, it did come as an unreal downpour as we skirted the pool under shelter after lunch. When we got to the room the rain beating on the roof was so loud, and the thunder so thunderous, it was hard to hear anything without earphones on. But fortunately, that's the way we sit at IWC 64 – with earphones tuned to the English channel as multiple simultaneous translations occur. The translation service at this meeting is one of its marvels, entirely out of view of participants and as smooth as soft butter. Bravo Secretariat!

The real point at which I went off course was in my feeling that enough outrage existed among pro-whale delegates to turn the tide on the “bundling” of Aboriginal and Subsistence Whaling (ASW) quotas proposed by the USA. Not so. The only push back came from the BAG (Latin America's Buenos Aires Group) and even they were not quite solid when it came to voting on the US proposal, which the BAG insisted on. Mexico and Panama voted for it. Both votes were disappointments, though perhaps Panama's, as the host, was somewhat understandable. The result of the vote was that the USA proposal received 83% support, far more than it needed to pass. And the upshot of that decision is that for 6 more years the humpbacks of the Caribbean will be targeted by “whalers” who chase them around in speedboats, violating every ASW rule in the book, separating mothers from babies, and killing whoever and whenever they can. Outrageous doesn't even begin to describe this vision of the future for the humpbacks who happen to experience the misfortune associated with checking out the waters around Bequia. It could have been so different.

It's perhaps worth spending a moment imagining an “if only” scenario for this vote. If only the BAG had been solid and Panama & Mexico had voted NO; if only Monaco & India had not abstained and voted NO; and if only one of Australia and New Zealand, supposedly principled defenders of whales, had voted NO, the inane bundling proposal would have been defeated. All of these nations have been such staunch defenders of whales that one is left bemused. Why? Note that I haven't mentioned the European Union as a factor yet, and there's a reason for that.

The EU has 25 members in the IWC. On its own it could have blocked the US proposal, but it chose not to. Sadly, the explanation is that EU membership in the IWC is in such disarray that it cannot decide on any issue without adopting a common position, which entails endless coordination meetings. The farcical nature of this arrangement is revealed by Denmark, which openly stated at the beginning of this meeting that it was wearing two hats and would not be bound by EU positions, regardless of what they might be. One might think that this would have instilled enough freedom for others in the EU to speak their minds (and vote them) but apparently not. Without exception, the EU members of the IWC voted for the US proposal and against whales. The scene couldn't help making one long for the days of Richard Nixon,

when the US was a real advocate for whales, and succeeding, and for the days when the EU was a force in the world. When the moment passed into a coffee break a bit later, there was much congratulatory palm and back slapping on one side, and a telling silence on the other.

Having got the meat of the meeting out of the way (at least as the US saw things) it was on to the request by Demark, on behalf of Greenland, to substantially increase the number of whales it kills annually. The request was probably more justifiable in terms of actual aboriginal needs than that of St. Vincent and the Grenadines, but it ran into a roadblock. Apparently, the US had tried to convince Greenland to bundle its request with the others, but failed because Greenland wanted more than the status quo. Meanwhile, NGOs had assembled convincing evidence that Greenland hunts of whales have a significant commercial component. The upshot was resistance by many in the room who had previously rolled over for the USA. Australia for example complained that when the Commission agreed to Greenland's request to kill humpbacks 2 years ago, the idea was to reduce the total number of whales killed. Now, Greenland wants more, and Australia couldn't handle that. Others who had just approved Caribbean butchery reverted to the failure of Greenland to obtain approval from the Scientific Committee as an explanation for their opposition. It was hard to know where the mood came from, but it was definitely clear that there would be no consensus on the Greenland request. The pro-use side was driven to accusations of bigotry and racism, which didn't help either. Wisely, with Denmark's approval, the Chair delayed a decision on the Greenland request until later in the meeting.

Though useful work was eventually done in the form of a report about the important contributions being made by the Conservation Committee – on ship strikes, marine debris, entanglement, whale watching and more – it was clear by the end of Day Two that an opportunity to assist whales in their journey into the future had been lost.

As Helena said in her summation of what's happened here so far:

IWC stands for: "It Won't Change".

Too bad.

by Paul Spong,

July 3, 2012

IWC 2012 Day Three: OH SAY! CAN'T YOU SEE?

This celebration day for the USA (July 4th) began with a report by the sub-committee on whale killing methods and welfare. Yes, whale welfare has somehow crept into the room, in the guise of "time to death". Quite possibly, no one disputes the likelihood that suffering is prolonged if death is delayed, but there is no discussion of the agony that accompanies the harpoon. If whales can feel, have feelings, experience emotion, or God forbid grieve over the loss of

family and friends, one might never know, provided only that the walls of this room encompass the whole world. The reality of course is that whales do have feelings, do suffer, do grieve, do deserve lives unencumbered by human ignorance, but in this arena it matters naught. Time to death exists as a token, quite possibly intended to deflect attention from the real issue, the horror. Why do so many of us have to fight back tears, or let them flow, when we think about what we humans have done to these innocents?

There was one light moment in this day's dark beginning, when Russia recalled that 200 years ago, the last time its navy had entered American waters, it had stopped the British fleet and saved the day. Russia's role in these meetings is quite interesting, mostly quiet but always awake, sometimes the clown but never the fool, ready for a thrust when opportunity comes. Today, amidst the amusement that followed its opening remarks, Russia managed to deflect criticism of the horrendous methods it uses in killing gray whales by stating that progress is being made. Time to death is down, number of shots fired is down, new guns have been bought; training by Norwegian and Alaskan whalers has helped too. Things are looking up. Though details were absent, the assurance was enough to satisfy everyone that progress is being made. Tricky word, that one, "progress". So satisfying in this room.

The next agenda item was far more weighty; socio-economic implications of "small type" whaling. The topic is the decades long desire of Japan to start killing whales in its coastal waters once more. Japan must truly regret having agreed to the whaling Moratorium 3 decades ago, but it did and it's stuck with the consequences – a prohibition on commercial whaling. Year after year, Japan comes back to the Commission with a slight variation on the theme that many of its coastal communities are suffering because they can't kill whales in near shore waters. This time, the comparison to aboriginal whaling was drawn so clearly that no one missed the point. Japan, which has a very long history of whaling, feels it is at least as entitled as the whalers of St. Vincent and the Grenadines, who began killing whales relatively recently. Just the same, there is broad resistance among pro-whale nations to Japan's repeated request. Two themes emerged in the commentary of opponents – absence of approval by the Scientific Committee, and commercialisation of the hunt. At this point, it seems unlikely that Japan will overcome either obstacle, but there's little doubt it will keep trying.

Even trickier turf for Japan is the issue of special permits, meaning the loophole in IWC rules that gives member countries the right to issue themselves permits to kill whales for scientific research. Japan claims the science is important, pointing to the 100s of scientific papers it has produced. Opponents denounce the research as either meaningless or trivial, or providing information that can be more easily obtained by non-lethal means. Today, despite Japan's best efforts, it became very clear early on that it was not going to get anywhere, once again. Quite possibly, the way the agenda was structured doomed it to failure, as the one lever it had – the power to deny the USA its aboriginal whaling quotas – disappeared with yesterday's ASW vote. One had the impression that Japan's heart isn't quite where it was years ago, when there was more passion in the argument. Korea provided more than enough

passion to make up for Japan's lack when it announced its intention to start issuing itself scientific permits to kill minke whales in its national waters. The announcement caught pretty much everyone by surprise. It was roundly denounced by some of the usual suspects and enthusiastically welcomed by others. We will see where it goes, but given Korea's stated intention to follow protocol, it probably won't get far. It does, however, reveal something basic about the shaky truce that is holding the IWC together. How long the arguments that favour one group and deprive another can be maintained is anyone's guess.

The single issue that brings pretty much everyone together is "Safety at Sea". This is code for Japan's annual denouncement of the Sea Shepherd Conservation Society's attempts to deny Japan its "research" whaling objectives in the Antarctic. Year by year, Sea Shepherd is becoming more successful in stopping the hunt. Last season, Japan killed "only" about 1/3 of the nearly 1,000 whales it targeted. With the addition of a fourth ship, Sea Shepherd's next Antarctic campaign is being called "Zero Tolerance". The stated objective is to totally stop Japan killing whales in the Antarctic Whale Sanctuary. Regardless of whether Sea Shepherd succeeds, Japan will in all probability suffer another humiliating defeat. Its entreaties to the IWC are not exactly falling on deaf ears, but they might as well be. There is widespread agreement that the IWC is the wrong forum for Japan to voice its complaints, as the IWC is powerless to do anything about them. Tomorrow, we will find out whether any progress is to be made on this issue too. Like Greenland's request, the final conversation about this item was put on hold.

Tomorrow is another day.

By Paul Spong
July 4, 2012

IWC 2012 Day Four: STUMBLING TOWARDS THE FINISH LINE

Helena wanted me to call this piece "the only thing wrong with the IWC is whaling" but it seemed a bit long and I already had the above thought in my head. Just the same, she does have a point. There is so much good work being done, and great people involved in the IWC that were it not for whaling it could have a future that helps whales, oceans and people alike. Unfortunately, the reality is that each step forward is accompanied by at least one step sideways and often another back.

Today's discussion of a resolution about health issues, presented by Cyprus on behalf of the EU was a perfect example. Germany was primarily responsible for the idea and text, which initially drew a straight line between human consumption of whale products and serious health problems that have been revealed in pregnant women, children and adults in numerous places, including the Faroe Islands and the Canadian Arctic. It's so sad. The culprits are not

the whales or the people who eat them, but a long list of contaminants that includes deadly mercury. Japan's history with mercury poisoning is recent enough that one might think a neon warning sign would be flashing in the sky above the room, but it wasn't so. What we got was a series of revisions to the document that were partly proposed by Nordic whalers and partly by Japan's cronies. The upshot was a document full of variations on the theme of "some species in some areas" have negative impacts on human health, and by golly, there are positives to eating whales too. The USA was responsible for the latter at a point in the discussion that followed an Australian amendment that made a pointed reference to "scientific" whaling. St. Kitts and Nevis did a bit of fancy footwork around this that got a reference to active cooperation with the World Health Organization diluted into an exchange of information. In the end, Australia withdrew its proposal, and St. Kitts & Nevis got its way, as did the USA. The document that was agreed was nonetheless greeted with congratulatory enthusiasm, because it was achieved by consensus. That is another tricky word in this room, but fortunately the Swiss Chair has been quick enough on his feet to avoid being ruled by it.

It would have been interesting to see a vote on the original text, with Australia's amendment included, as there would have been majority support for it. But on balance, having the entire Commission agree that human health can be a big problem for eaters of whales is worth having. Eventually, we will see if it gets noticed, as would have happened had the IWC's message been clear.

If that was the high point of this day, the lowest was the resounding defeat of Denmark's proposal on behalf of Greenland that would have sanctioned a substantial increase in numbers of whales killed by Greenland for "aboriginal and subsistence" purposes. Denmark and Greenland should have seen this train coming two days ago, and figured out a way to get off the track. They didn't, or rather chose not to, and insisted on a vote on their original request. They got 43% support, far short of the $\frac{3}{4}$ majority demanded by IWC rules, and even short of a simple majority they could have claimed as a moral victory. Probably, the one bright spot for Greenland was the support of the USA, which has no objection to the commercialisation of aboriginal whaling, whatever its form, and offers knee jerk support to whoever asks. Following the vote on Greenland's request, there was a long series of explanations by EU members and others, who despite expressions of sympathy for aboriginal peoples were unable to stomach the open sale of whale products in Greenland's restaurants and supermarkets. Naturally, the "use" faction proclaimed the vote as racist, bigoted and an assault on the rights of impoverished peoples, none of which was true, but the after vote taste in many mouths was sour and sad. Precisely why Greenland and Denmark insisted on sticking to its demand is beyond me. They could have got most of what they wanted, certainly more than actual need, if they had been willing to bend even a little. After the vote, Denmark said they would go home to think, but there is wide expectation that Greenland will simply decide to go its own way and set its own quotas, as Canada does now. Poor whales.

Up to this point, the Chair has done a masterful job of keeping the meeting on track, avoiding detours adroitly, and crossing one agenda item off after another until there are just a few left. He even managed to handle the meeting's first point of order, loudly raised by St. Kitts &

Nevis, by mildly acknowledging Commissioner Daven Joseph's superior linguistic skills. It wasn't until mid afternoon that a real sign emerged that told us the road to the end of this meeting is by no means clear. The moment came when Monaco introduced its resolution aimed at bringing a much wider world into discussing the fate of whales. Monaco wants to involve the United Nations, not to take over the role of the IWC but to help deal with the fact that most migratory species of cetaceans are beyond IWC control, and that bad things are happening to whales that the IWC cannot control – unregulated whaling in the Southern Ocean Sanctuary being an explicit example.

The pushback began in the form of questions initiated by Japan about precisely when Monaco's document was submitted. Perhaps it did not meet the Commission's 6 pm the day before discussion deadline; and perhaps it had been changed so much from previous drafts that it was an entirely new resolution. Time passed while the Secretariat verified by time stamp on the document that it had indeed been submitted on time, at 5:30 pm the day before, that it had taken 20 minutes to print the document, and that distribution had started at 5:50 pm, ending at 6:12 pm the day before. The document had additionally been posted on the Commission's web site, but after Norway claimed that it had failed multiple times to access it, the Chair finally asked Monaco to agree to postponing the discussion until tomorrow. Possibly reluctantly but with good humour, Monaco agreed.

First thing tomorrow, Day 5, the last of this meeting, Monaco will begin again.

By Paul Spong,
July 5, 2012

IWC 2012 Day Five: THIS IS THE END

With apologies to The Doors, here are a few notes from the last day of IWC 2012:

- Monaco modified its strategy for involving the United Nations in the fate of migratory whales in the high seas, and withdrew its resolution. The resolution was doomed from the start because of Japan's opposition, though it clearly had substantial majority support in the room. Rather than press the issue to a vote on this occasion, Monaco issued an open invitation to interested countries to work towards its UN goal. Numerous countries have expressed interest, so doubtless Monaco's dream idea will resurface at the next IWC meeting.
- Japan failed in its attempt to create an ad hoc working group to resolve the issue of "small type" coastal whaling.
- The Commission agreed to move from annual to biennial meetings, so the next IWC meeting will be held in 2014. There were no offers to host the meeting, so the locale is unknown.

- The Scientific Committee will continue to meet annually. Its next meeting will be held in South Korea, in May-June 2013.
- The new Chair of the IWC is Saint Lucia Commissioner Jeannine Compton-Antoine. The Vice Chair is Belgium Commissioner Frederic Chemay.
- The Commission established a Bureau to handle its affairs between meetings. This currently consists of the Chair (St. Lucia) Vice Chair (Belgium) Chair of the Finance & Administration Committee (Australia) and 4 other members who represent the range of views in the Commission (USA, Japan, Ghana, Panama).
- A significant disagreement followed the proposal that unpaid fees will be subject to an interest charge of 2% above the bank rate at the time of non-payment, and a vote was held. The proposal by St. Kitts and Nevis to peg interest at a flat rate of 2% was defeated, with 73% opposed. The upshot was that the proposal of the Finance & Administration Committee regarding payment of fees was accepted by consensus.
- A resolution aimed at providing financial assistance to small developing nations in order for them to participate more fully in the work of the Commission was tabled and referred to an intercessional working group.
- The meeting's Swiss Chair received applause from all sides for his efficient and fair conduct of the meeting, which ended at 1750.

Additional comments on the meeting will be posted at www.orcalab.org/blog soon.

by Paul Spong,
July 6, 2012