



INTERNATIONAL WHALING COMMISSION

IWC 67 Report 2018: Brazil

By Paul Spong

IWC 67 DAY TWO

It's quite unreal, sitting on the balcony of our room looking out over the pool and past the palm trees to the ocean rolling in, thinking about this day inside. Very clearly, lines have been drawn, though it's hard to know how the balance will turn out before this week ends. One of the great characters from the past has shown up, Daven Joseph whose deep hypnotic voice still fills the room with nonsense. He is representing Antigua and Barbuda though he has previously skipped around wearing badges of opportunity. Today in full throttle he castigated the audience for failing to uphold the rights of indigenous people to food security, then lost his train of thought creating a list of supporters, forgetting that the USA had endorsed the comments of others about the issue at hand. To be truthful, I feel for him. The ASW Bundle which treats all requests the same is an attempt to avoid scrutiny of details that may upset some members.

The lowlight of the morning was the defeat once again of the proposal to establish a South Atlantic Whale Sanctuary (SAWS). It was supposed to be considered later in the agenda but generously moved forward by the Chair because Brazil's Environment Minister wanted to make the pitch. He was passionate and eloquent, pointing out the great benefits that would follow for research opportunities and the economies of local communities on both sides of the South Atlantic, adding the clincher support of the Scientific Committee which had considered the SAWS Action Plan since the last rejection and given it a thumbs up. Nothing doing. Country after county repeated Japan's line – no need, goes against the objectives of the Convention etc. So it failed with a 61% majority. I thought at the time that Japan made a strategic mistake by announcing its unqualified opposition at the beginning of the debate. Had it made even a slight gesture of sympathy for what is clearly a heartfelt cause of the proponents, perhaps stating its understanding or even abstaining in the vote it might have garnered sympathy for its own heartfelt causes. My prediction is it won't get even a shred of that later this week when it lunges at the Moratorium.

Just a few minutes later it's suddenly dark here. Helena and I are about to head off to an NGO sponsored reception at a restaurant along the beach from the hotel. It will be interesting

to see who among the delegations shows up. This morning, Chairman Morishita announced the event and said it was open to anyone "if you don't have anything better to do". It was quite a reveal and consistent with his absence from the Conservation Sub-Committee meeting a couple of days ago. The role of NGOs at this meeting is certainly evolving in a positive direction but it is clear we are still second-class citizens. No respect from the sustainable users who believe they alone have the keys to the future, totally failing to understand that we are all in it together.

By the end of this day the various positions of IWC members were perfectly clear. Everyone respects and sympathises with the genuine needs of people who have relied on whales for food for centuries, even millennia. But there is a deep suspicion of the motives of Japan and others who use the rights of aboriginal people to food as a means to their own ends. Much is included in the Bundle that has little or nothing to do with actual need, including the killing of up to 4 humpback whales annually by the tiny Caribbean island of Bequia. This hardly equates with the needs of Arctic people who've relied on whales for their survival for thousands of years and doesn't sound fair, yet it is what the Bundle proposes. To me the story we heard about Bequia kids rushing out of their classroom when a humpback whale was seen off shore sounded more like the enthusiasm we see in many parts of the world when whales are sighted, not a thirst for blood.

Voting on the Bundle was put off until tomorrow. Meanwhile, drafters are hard at work revising language to deal with the comments that have been made, in hopes they will find common ground.

We will know in the morning how things pan out.

by Paul Spong,
Florianopolis Brazil,
September 11, 2018

IWC 67 DAY THREE: Two Solitudes

This morning began with a presentation by the USA of the revised ASW (aboriginal and subsistence whaling) Bundle. The most controversial details (carry over and automatic renewal) provisions had been massaged sufficiently to satisfy many of the objections that had been raised yesterday, or at least satisfy many of the countries which were uneasy or inclined to oppose it yesterday. The changes were insufficient to satisfy the BAG (Buenos Aires Group) which consists of the Latin American countries who are the whales' greatest defenders. So a vote was held. I'm quite sure the USA was holding its breath as the vote proceeded., but in the end when the Secretary announced the result there was an audible sigh of relief in the room. The USA had achieved predictability and stability for the Alaskan families and communities which depend on Bowheads for food and cultural continuity. There was an instant celebration in the room and beyond. Nothing was noticed or said about the side consequences of the decision.

Greenland gets to kill more whales than ever and so does Russia. Changes like removing length and time of year restrictions on killing fin whales near Greenland must have consequences but they are unknown and certainly in this forum unnoticed. While the decision was a victory for the USA, at the same time it was a defeat for whales and their defenders. There are so many side effects to the decision that will resonate for years, even decades to come. For me the ugliest consequence is the permission St. Vincent now has for the whalers of Bequia to go on killing humpbacks whenever they come close. The quota is 4 per year and includes a "carry over" provision. Within 7 years 28 humpbacks could be killed. The decision flies in the face of a whale watching economy that is growing in the Caribbean and based on identified individuals. Go figure. The only sense I can make of it is that the USA was so desperate to achieve its objective for far north Alaskan communities that it was willing to give everything else away. Poor humpbacks.

The ASW decision engendered such a feeling of bonhomie in the room that several whale friendly decisions were taken with only token opposition. A resolution on advancing understanding of the role of whales in ecosystem functioning was passed after a vote with 63% support. It was so interesting to hear virtually the same objections repeated time after time by Japan's allies – irrelevant, outside the scope of the Convention, etc. Possibly as a result of this defeat, two more resolutions were passed by consensus after the chair of the Finance and Administration Committee assured the audience they would not have financial consequences. These resolutions, on anthropogenic noise and ghost gear for a while produced an aura of cooperation during the afternoon session. For me, the highlight of the feel good phase was Belgium's comment that "protecting whales and dolphins means protecting ourselves". Yes! Unfortunately though, predictably the cosy feeling didn't last.

Following the afternoon coffee break chairman Morishita introduced Agenda item 12, Future of the IWC. It seems he did so because the meeting was falling behind schedule and he wanted to catch up. I'm not sure if it was a mistake but it did open a can of worms. There are two visions of the future. One is described in the Florianopolis Declaration which sees a future in which whales are respected and valued, only treated in non-harmful ways. Naturally this is anathema to Japan, so suddenly we were hearing comments about how some members had been so nice to others they deserved reciprocal gestures such as recognising the validity of killing whales sustainably. Unsurprisingly the appeals didn't fly. After more than an hour of overtime the meeting ended for the day.

Quite clearly we are back to normal:

Two solitudes.
by Paul Spong
Florianopolis Brazil,
September 12, 2018

IWC 67 Day Four

The great divide

This morning began with a vote on the Florianopolis Declaration proposed by Brazil which essentially looks forward to a future for whales and the oceans they inhabit in which most of them live free from the threat of death by harpoon, and via their spirit and beauty contribute to the economies of their human neighbours. It's a wonderful vision in which the inhabitants of our planet share its bounty and live in harmony. A pipe dream to be sure, but in this forum one that was accepted by 60% of those present and able to vote at this meeting. Japan and its bloc voted predictably but the vote was interesting in some of its other details. Switzerland, South Africa, Kenya and Nicaragua all abstained. The latter two had already been showing signs of sitting on the fence or dropping to the other side during the meeting but I had thought Switzerland and South Africa to be pretty solidly pro whale. I may have to revise that opinion tomorrow which is the last and possibly most dramatic day of IWC 67. Many big decisions have already been made but the one that could take the IWC back to pre-history has been put off until tomorrow, the last day. It's Japan's proposal to start commercial whaling again and redraw the rules under which the IWC operates. Given the way things have mostly been tilting in the whales' favour so far, it's a little unsettling to see how pleased some of the people who should be worried are looking. A rumour has been going around that the USA wants or needs to give Japan something so it doesn't go home totally bruised. I haven't had a feeling or have any evidence to confirm that but the rumour is a bit unsettling. Almost at the end of this day a concession was made to Antigua and Barbuda regarding proposed annual meetings of the Conservation Committee that I felt totally unnecessary but it happened. Whether it's a harbinger of a strange day tomorrow I don't know but I do know we need to be vigilant.

The tricky shape of things here showed up in several ways today, most particularly in Japan's response to an NGO comment about its whaling under "special permit". EIA (Environmental Investigations Agency) on behalf of a dozen NGOs made a statement calling on the Commission to reject Japan's proposal to overturn the moratorium in which it referred to commercial whaling by Iceland Norway and Japan. The reference outraged Japan which demanded an apology, presumably because the hundreds of whales it kills annually are for research not commerce. Chairman Morishita seemed a bit taken aback by the charge and suggested the parties get together to talk. It hasn't happened yet but given the International Court of Justice's characterisation of Japan's research whaling as commerce I don't think it has a leg to stand on. Quite possibly Japan might quietly let the matter drop, which would be the most sensible course, but the way things are going here it might want to go another round.

There's no question things are heating up. We might see fireworks in the morning.

By Paul Spong,,

Florianopolis Brazil,
September 13, 2018

WC 67 Day Five

Going for broke

There was a slightly unreal feeling in the room at the start of today's final session of IWC 67. Everyone knew that Japan was laying everything on the table but no-one including me was totally sure of the outcome.

The day started off tidying up unfinished business from the days before. The Sub Committee on Special Permit whaling had run into a road-block and its report had not been adopted. The obstacle came in the form of a report from a specially convened group of experts who were tasked with evaluating Japan's "research" whaling programs. The experts had given Japan a thumbs down on pretty much every element of the program, which unsurprisingly upset Japan. For a while there was a bit of a log jam that stalled the meeting, but Chairman Morishita solved it by proposing to list countries supporting Japan's objection in his report of the meeting. Here they are: Norway, Marshall Islands, St. Lucia, Nicaragua, Iceland, Solomon Islands, St. Vincent, Senegal, Kiribati, Tuvalu, Côte d'Ivoire, Antigua and Barbuda, Cambodia, Liberia, Surinam, Togo, Palau, St. Kitts and Nevis, Grenada, Laos. No surprise that it was precisely the same list that has supported Japan regardless of topic throughout the meeting.

The Chair then got down to the real business of the day. Those of us in the room on the whales' side felt confident but weren't sure. At the outset Japan tabled an amendment to its proposal, in essence saying that if the requested Schedule amendment failed to achieve a simple majority the accompanying resolution would not be put to a separate vote. Given the slim chance the Schedule amendment would achieve the required $\frac{3}{4}$ majority I took this as a good sign. Just the same there was tension in the room as the vote proceeded. It was relieved when Mexico answered "Si" to the question put by the Secretary. There was a chorus of "What?" accompanied by disbelief and then laughter as the Secretary asked Mexico again. This time Mexico did as expected and answered NO. A ripple of chuckles continued for a few more moments. The rest of the vote went pretty much in the manner of previous votes in the meeting, so in the end Japan lost. The vote was 27 in favour, 41 against with 2 abstentions. Because Japan achieved only 40% support its entire reform package was lost. Phew. I was glad to see Switzerland and South Africa

rejoining the majority. The abstentions were again interesting, this time Korea and Russia. In explaining its vote, Russia said it didn't like the split in the Commission so had abstained.

I think there was a collective sigh of relief in the room after that vote because things got a lot lighter after the coffee break. The Chair quickly got through the rest of the agenda, approving reports, appointing officers and committee chairs, approving venues for the next meetings of the Commission and Scientific Committee, and generally wrapping things up. There was even a touch of levity from Japan. It came during voting in a contest organised by Luxembourg for the best cetacean jewellery. Two years ago the contest was for the best whale tie and Japan won. The pieces were displayed on the screen one by one. When the image of a small dolphin appeared Japan raised a point of order, saying small cetaceans were outside the competence of the Commission. The room broke up.

It was difficult to know Japan's thinking coming into this meeting. It brought such a huge delegation, which I gather included 9 Diet members and at least one senior government official. It was hard to avoid the feeling something was up. Sport and gambling terms come to mind. Japan is not alone in this forum but it might as well be. Meeting after meeting it fails to achieve its core objectives. Japan lost at virtually every turn at IWC 67.

I'm not alone in wondering what comes next.

by Paul Spong,
Florianopolis Brazil
September 14 2018

Postscript.

We soon found our what came next. Japan withdrew from the IWC and resumed commercial whaling outside the jurisdiction of the IWC and in defiance of the International Court of Justice. For shame.