

## Normalizing the International Whaling Commission

### Japan

#### **Background – The need for Normalization**

At its meeting in Cambridge from February 28 to March 2, 2006, the IWC's RMS Working Group agreed to postpone further discussions on completing an RMS. This decision was the outcome of 14 years of discussion and negotiations and an admission that the IWC has failed to carry out its functions ("*... to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;*")<sup>1</sup> mandated by the International Convention for the Regulation of Whaling (ICRW). For this reason, participants of the Working Group supporting the sustainable use of whale resources tabled a paper titled "Toward Normalization of the International Whaling Commission"<sup>2</sup>, recognizing with great concern that without normalizing the IWC, which has become a mere stage for emotional and political conflicts, the IWC will lose its *raison d'être* as a resource management organization.

The IWC is dysfunctional because of fundamental differences in the positions of its members. While some members try to establish a management system that will allow sustainable use of abundant whale stocks while protecting endangered and depleted stocks in accordance with the provisions of ICRW, others are unalterably opposed to resumption of any commercial whaling irrespective of the status of whale stocks and irrespective of the fact that the Commission adopted a robust and risk-averse procedure (RMP) for calculating quotas for abundant stocks of baleen whales in 1994. Although some members have made best efforts to bring the IWC back on track, because of the long history of conflicts at IWC, such efforts were seen with doubts and skepticism.

Use of Cetaceans, like other fishing activities, contributes to sustainable coastal communities, sustainable livelihoods, food security, economic well-being and poverty reduction both through domestic use and international trade. Whales should be treated as any other marine living resources available for harvesting subject to conservation and science-based management.

The dysfunctional IWC is tragic for both whaling peoples/communities and whale resources because they need a good conservation and management system for their future existence. Therefore, normalization of the IWC which will fulfill the provisions of ICRW is imperative and urgent.

#### **Responsible Management of Whaling**

Responsible management of whaling requires full respect for the ICRW and interpretation of the ICRW in good faith. This means protecting endangered and depleted species ("*Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;*"), while allowing the sustainable utilization of abundant species.

The moratorium was clearly intended as a temporary measure and the comprehensive assessments of some whale stocks and the development of a calculation method for sustainable

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<sup>1</sup> Quotes in italic are from the preamble of the ICRW.

<sup>2</sup> See attached. Also included as Annex H of the Chair's Report of the RMS Working Group Meeting – IWC/58/RMS 3 available at <http://www.iwcoffice.org/commission/rmsworkgroup.htm>

harvesting quotas have already been completed. Sustainable whaling is possible. Under the normalized IWC, all whaling activities should be appropriately managed using an RMP-like or other appropriate methodology for calculating sustainable harvesting quotas as well as international observers, monitoring and enforcement (see \*NOTE). (*“Recognizing that whale stocks are susceptible of natural increase if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the number of whales which may be captured without endangering these natural resources.”*) As a matter of course, no commercial whaling will be allowed for depleted and endangered stocks.

Normalization of the IWC will be based on respect for cultural diversity and traditions of coastal peoples as well as coastal state rights, relevant national and international law, the need for science-based management, policy and rule-making and consideration of ecosystem approaches, all of which are accepted global standards. Normalization will also harmonize decision making policy in the IWC with other international instruments such as RFMOs the CBD with its emphasis on sustainable use and the UNESCO Universal Declaration on Cultural Diversity. It will not mean a return to historic over-harvesting.

### **Proposed actions - Specific Steps toward the Normalization of the IWC**

Japan proposes that a conference be held during the intersessional period between the 58<sup>th</sup> and 59<sup>th</sup> Annual Meetings of the IWC. The purpose of the conference will be to exchange and discuss all ideas for normalizing the IWC and, taking into account the causes of current dysfunction of and conflicts in the IWC, to develop and recommend a detailed plan of specific steps for implementing the ICRW in a responsible manner. The conference will be open to all IWC members that respect the ICRW and wish to act in accordance with the provisions of the ICRW.

The details of the conference will be developed at a later stage, but any inputs (the agenda, timing, venue or format of the conference) from the IWC members that sincerely wish for the normalization of IWC in compliance with the ICRW will be welcome during the IWC Annual Meeting in St. Kitts.

\*NOTE: A Form of Sustainable Whaling

- Sustainable quotas calculated by an RMP-like or other appropriate methodology
- A limited entry licensing system
- Monitoring and inspection by enforcement officials
- Placement of international observers and/or equivalent monitoring system
- Importing whale products only from legally whaling countries (voluntary domestic measures)
- Diagnostic DNA registry (voluntary domestic measures) and/or catch certification system
- Reporting requirements
- Appropriate penalties on violation
- Designation of landing ports