



July 2005

International Whaling Commission
57th Annual Meeting
Ulsan, Republic of Korea



An NGO Introduction for Media and Interested Parties

International Wildlife Coalition and WWF

Introduction

The International Whaling Commission (IWC) was established as a diplomatic by-product of the 1946 International Convention for the Regulation of Whaling (ICRW), a formal international treaty organization formed to address the problem of depleting global whale stocks. As prescribed by the ICRW, the Commission has member nations who appoint Commissioners and Delegates to represent them at IWC meetings and in the general conduct of IWC business. The Commission has a Secretariat comprised of professional and administrative staff responsible for administering and overseeing IWC business as directed by member countries.

Note: The International Whaling Commission has its own web site that contains important documents relative to the Commission (historically) and specific to the 57th Annual Meeting. These include the "Convention" (original text); the "Schedule" (current list of whaling regulations); "Rules of Procedure" and documents specific to the 2005 Annual meeting (most notably, the 2005 Annotated Agenda).

Also look for the "Chairman's Report" of the 2004 meeting. Go to www.iwcoffice.org.

IWC Annual Meetings

The most public aspect of the International Whaling Commission remains their Annual Meetings (this year, the 57th IWC Annual Meeting is being held in Ulsan, Republic of Korea). The IWC's Scientific Committee meets 30 May – 10 June. This is followed by a week of Sub-Committee and Working Group meetings, 13 – 18 June, with the formal Plenary meeting occurring 20 – 24 June.

Who's A Member?

Please see list at end of document. Currently, the IWC has 61 member nations. However, a number of countries are rumoured to be "close" to joining the Commission, and are expected to do so just prior to the Ulsan meeting. Given that the IWC is a formal international treaty organization, interested countries (national governments) must submit a formal Instrument of Notification (to the depository country of record – the United States, in this case) in order to become a Party to the International Convention for the Regulation of Whaling. Since last year's IWC Annual Meeting (Sorrento, Italy, 10-22 July 2004) the nations of Kiribati, Slovak Republic, Czech Republic, and Mali have each submitted the proper diplomatic instruments as required by the International Convention for the Regulation of Whaling and are now recognized parties to the treaty. They are expected to attend the 57th IWC Annual Meeting in Ulsan. Many NGOs believe that the Slovak Republic and the Czech Republic will support whale conservation and take a strong conservative view of motions to advance commercial whaling. Kiribati and Mali are expected to support Japan and the advancement of whale killing.

Annual Membership Dues

Utilizing an interim schedule (still under consideration for final revision), IWC Member Nations are assessed and their annual membership dues based, in part, on the size of national economy, size of IWC delegation, and whether or not a nation conducts whaling operations. Dues payments must be current in order to maintain the right to vote. For 2004, the IWC annual dues ranged from £7,712 (UK Pounds Sterling) for the smaller nations up an escalating range: £13,881; £18,508; £27,032; £33,887; £40,742; £52,986; £52,902; £59,757; to £66,696 for Norway; £88,712 for the United States (which has a large delegation and which conducts aboriginal whaling); and £133,696 for Japan (largest delegation and most whaling).

Voting Rights

Once a nation becomes a recognized Party, each member nation can send delegations to attend IWC meetings. However, in order to have voting privileges at an annual meeting, a member country must be current with their annual dues. For example, the long-standing IWC member nation of Costa Rica has been and still is years in arrears regarding the non-payment of past dues. Their voting rights have long-since been suspended and, as such, they will not be reinstated until a significant instalment is paid, and they further agree to a rigorous repayment schedule for the outstanding balance (and they pay their 2005 dues in full).

If any member nations fail to make their 2005 annual dues payment prior to the opening of the 57th IWC Annual Meeting on June 20th, the IWC Secretariat will report to the Commission specifically which nations are delinquent and, therefore, who has had their voting rights suspended. Some nations have been known to pay their dues just days prior to the opening of the Plenary session (or even one or two days into the meeting).

All interested delegates and observers monitor the IWC dues payment deadline and watch for the list of those member countries that have missed the deadline, or appear likely to miss it. This leads to pre-meeting speculation on who will or will not be able to vote at IWC57.

Votes vs. Issues

A new observer to International Whaling Commission annual meetings might first delve into the large number of agenda items and wonder which are the most important. Most experienced observers, however, first jump to the IWC membership-voting list, which has been one of the most controversial IWC issues for more than 25 years.

In the 1970s, it was common knowledge within the Commission that the world's whale stocks were being over-exploited, and that the Commission's whaling management plan wasn't working. Awareness of conservation issues has grown significantly in the past 40 years, as threats to species and their habitats have increased and been more fully understood. In turn, public and civil society through many national and international non-governmental organizations, have been increasingly engaged with the international "Save-The-Whales" movement. Many organizations work to advocate pro-conservation actions by IWC member nations—including whaling restrictions, the current moratorium on commercial whaling, and other actions. On the other hand, pro-whaling interests and governments are active, investing time and resources to obtain votes that are pro-whaling. There are many developing countries that are member nations of the IWC that are not whaling countries themselves, but vote openly and consistently in favor of whaling and the interests of whaling countries (e.g., Japan). Long-time observers of the statements and actions of many governments in the IWC have highlighted some of the pressures faced by some developing countries, and Japanese government representatives have publicly stated that Japan uses its international aid programme to persuade other countries to join the IWC and vote in support of whaling.

IWC Annual Meeting Process

Once the Chair of the International Whaling Commission (who's been chosen from within the ranks of member country Commissioners) calls the Plenary meeting to order on Monday morning, the Commission sets about establishing the final list of which nations have submitted proper credentials and who have paid their appropriate dues. There have been instances in which member nations have paid their annual dues on time, but have failed to properly notify the IWC Secretariat regarding who specifically is to be the nation's Commissioner or Alternate Commissioner. Without a formal, written and signed hard-copy document from the appropriate member government in hand by the Secretariat, the nation will not be allowed to vote.

With the question of dues and credentials established, the Commission Chair will lead the assembly through each agenda item. Reports, or segments of reports, of the Scientific Committee, and a host of sub-committees and working groups specific to each individual agenda item are reviewed. The Commission then considers the need for potential action. Such actions could come in the form of one or more nations making statements "for the record". There may be proposed resolutions (non-binding) by one or more nations that may offer advice or request one or more other nations to take action to address a host of concerns. The most significant actions relative to agenda items involve Schedule Amendments. Proposed resolutions, which are not binding on the IWC member nations require a simple majority vote (if the measure is not adopted by consensus). Schedule Amendments, which are binding and relate directly to the rules governing whaling, require a three-quarters majority vote.

For example, resolutions calling upon Japan, Norway and Iceland to stop scientific whaling are, in effect, non-binding requests by one set of member nations addressed to another. These require only a simple majority to pass (many resolutions against scientific whaling have been adopted). However, such resolutions are routinely ignored by the whaling nations. Important items that affect the way the Commission conducts business, detailed in the Rules of Procedure, require only a simple majority vote for modification.

A schedule amendment, like the one proposed in 1994 to establish a "no whaling" sanctuary in the Antarctic Ocean, required a three-quarters majority in order to be adopted, which was achieved after much campaigning by conservation organizations and receptive governments.

In the vote-counting world of the IWC, the aspects of simple majority vs. three-quarters majority are very important. The significance of this is much more apparent when one notes that Japan seems to consistently enjoy the sympathetic pro-whaling, pro-Japan votes of 19 member nations (with Kiribati and Mali the number could rise to 21). This is the reason that many news reports document the controversy and charges that Japan uses Overseas Development Assistance and other actions to secure votes at the IWC.

At recent Whaling Commission meetings, for example, conservation groups and sympathetic countries have not been able to obtain a three-quarters majority vote required for the adoption of Schedule Amendment proposals to establish no-whaling sanctuaries in the South Atlantic or the South Pacific, even though the majority of countries in the region supported the establishment of sanctuaries.

With Japan and friends controlling 19 to 21 "no" votes, added to the likely "no" votes from pro-whaling countries like China, Iceland, the Republic of Korea, Norway and the Russian Federation, any pro-conservation Schedule Amendment is unlikely to pass. Japan and the pro-whaling countries now number about 28. The number of countries usually supporting conservation views on matters before the Commission and who are likely to show up in Ulsan now totals between 30 and 31 (national views on some issues vary and not every seemingly pro-whale item put to the vote will receive all 30+ votes; it all depends on the issue).

With the voting numbers now being so close, many conservation organizations openly worry about the potential for the whaling nations to secure a simple majority voting block within the Commission for the first time in decades. If this occurs, one can envision a number of changes to the rules of procedure and related resolutions that would significantly alter the way the Commission conducts business. One example of this is the already submitted proposal by Japan to alter the rules of procedure so as to allow for the use of secret ballots when votes are called in the Commission. Currently, all voting (except for selection of Chair, Vice Chair and meeting venue) is in the open; all attending can observe, and record, how individual countries vote on each issue, which allows for the accountability and transparency. Additionally, Japan has signalled its intention to disband the recently established IWC Conservation Committee, and to delete from the agenda other conservation-related issues such as environmental threats to cetaceans.

Commissioners, Alternate Commissioners, Delegates, Non-Member Government Observers, Intergovernmental Organizations, and Non-governmental Organizations

The structure of IWC meetings is very straightforward. The Secretariat staff handles the administration and note-taking of the Commission meeting.

Member-nation delegations are headed by Commissioners, and possibly contain one or more Alternate Commissioners. Only Commissioners and Alternates can vote. Most delegations have additional members providing technical and scientific expertise; however, even though these delegates represent their countries, they do not have the authority to vote, which can be an issue when a Commissioner or Alternate is not in the Plenary meeting room when a vote is called.

Non-Member Governments are invited to send representatives to attend and observe IWC Annual Meetings. A small number of observer nations can be found at each meeting. The same is true of Intergovernmental Organizations (IGOs), or organizations established by treaty between two or more nations formed to address specific issues.

Non-Governmental Organizations (NGOs), both pro and anti-whaling, have been allowed to attend IWC Annual Meetings since the early 1970s. Rules have been established to guide the Secretariat on procedures for accreditation, and to guide NGOs on proper conduct during the meeting.

The NGOs are very active and much interaction between delegations and NGOs occurs during the course of all IWC meetings (except those closed to observers). No government observers can speak at IWC Annual Meetings unless recognized by the chair. On rare occasions, IGOs are allowed to address an action before the Commission (one in favour, and one opposed, if two opposing positions exist). NGOs, although technically allowed to speak, are never permitted to address the International Whaling Commission. Many are seeking an expanded role for NGO specialists to assist the IWC with its work for whales, as is common in other international environmental agreements.

The IWC Moratorium on Commercial Whaling

In 1982, after years of protest over the many aspects of commercial whaling, the International Whaling Commission was presented with a Schedule amendment proposal that called upon member nations to set all kill quotas for all whale stocks (of all large whale species managed by the IWC) at zero. The Schedule amendment was adopted and now resides as paragraph 10 (e) in the IWC Schedule. The “moratorium”, as it is called, finally went into effect in 1986. Commercial whaling nearly died out – but only temporarily. During the following years, Japan launched into “scientific whaling” in the Antarctic and the North Pacific. Norway filed a formal objection to the moratorium and has conducted a limited form of coastal commercial whaling every year since.

Iceland has recently rejoined the IWC and has launched its own contested form of scientific whaling.

Revised Management Scheme

When the moratorium on commercial whaling was adopted, nations agreed on two primary reasons for supporting its adoption: 1) the mathematical formula previously utilized to calculate catch quotas was demonstrated to be invalid and greater knowledge of whale stocks was needed, and 2) there was considerable documented falsification of catch data by whaling nations and the Commission did not have a set of rules or enforcement options with which to properly oversee whaling operations.

The first problem was addressed through additional studies of many stocks and the adoption of a new formula for calculating catch limits, known as the Revised Management Procedure, or RMP. In recent years, many whaling and pro-conservation member nations have generally acknowledged that the RMP is robust enough to set safe kill quotas for certain whale stocks under certain conditions. However, even this is contested at times.

With the work to develop a core part of the RMP finished, the Commission has increasingly turned its efforts to establish a Revised Management Scheme (RMS). This is to be the final set of rules governing the conduct, inspection, observation, compliance and management of whaling operations by member nations. The debate on the RMS has consumed many meetings (both Annual Meetings and special RMS meetings) over the past decade. During the past year, two open working group meetings and an equal number of meetings closed to observers have attempted to develop a consensus document on the final points of the RMS. Many key issues remain unresolved, although some observers are of the view that a final RMS is “close”, and that a full proposed text could be ready for consideration at the Annual Meeting in 2006.

Aboriginal Subsistence Whaling

Though the IWC has a moratorium on commercial whaling, the Commission has allowed the continuation of whaling by aboriginal peoples for reasons of culture and nutritional subsistence. Quotas have been allowed for indigenous peoples of the United States (Alaskan Inuit and the Makah Tribe of Washington State), Denmark (Greenland Inuit), Russian Federation (Russian Inuit) and the people of St. Vincent and the Grenadines. The Commission is working to develop an Aboriginal Whaling Management Scheme to better accommodate the establishment of safe kill quotas that will allow aboriginal people to take whales, even on depleted stocks, without further endangering those stocks. Each aboriginal quota has its own set of issues before the commission. All aboriginal whaling quota discussions receive some attention at each IWC Annual Meeting, particularly at the Aboriginal Subsistence Whaling Sub-Committee Meeting that occurs the week just prior to plenary.

Important Issues for IWC57-Ulsan

The most important issue for IWC57 will be which group of member nations (pro-conservation or pro-whaling) will have the simple voting majority for this Annual Meeting. Japan has already indicated they intend to challenge a number of pro-conservation IWC57 Agenda items, including such topics as whale killing methods, small cetacean issues, the Conservation Committee, and other Agenda items. With a simple majority, Japan and the whalers could revise Rules of Procedure that would completely overhaul how the Commission operates (and none of this would be welcome news to accredited pro-conservation organizations).

Secret Ballots

Japan has once again informed the Commission they will propose a change to the rules of procedure to allow for a wider use of secret ballots. This battle will come early in the meeting as Japan hopes to adopt this measure and then proceed with the use of secret ballots during the remainder of IWC57. Even some pro-whaling countries oppose the use of secret ballots for most of the Commission's work. If Japan musters the simple majority votes to adopt secret ballots, one could assume that there would be additional rule changes that would be proposed and adopted. A secret ballot would eliminate all transparency and accountability in the votes of individual member countries.

Special Permit Scientific Whaling

The conflict of Japanese, and now Icelandic, scientific whaling is fast becoming the second biggest issue for the Ulsan meeting. Japanese, Australian, and other media reports are full of accounts indicating that Japan has proposed a revised and expanded scientific research programme regarding special permit whaling in the Antarctic. These media reports openly speak about Japan doubling their take of minke whales (a new take of 880 animals) and of also taking humpback and endangered fin whales for the first time. A number of nations are set to formally protest this increase. Australia has been particularly outspoken on the issue. Both Japan and Iceland will be under pressure to demonstrate that their lethal research whaling activities are necessary for the work of the Commission. Many scientists, as well as governments and observers, contend that they are not.

Conservation Committee

Established two years ago at IWC55-Berlin, the Conservation Committee will be discussed during the afternoon session of the first day of the Sub-Committee week, June 13th. Hotly opposed by the whaling nations, most will not even likely attend this Committee meeting. At IWC56, Iceland was notably outspoken about their condemnation of this Committee, and little was accomplished. As noted above, once the Plenary is called to order on Monday, 20 June, Japan and friends may have the simple majority and could raise the motion to have the Conservation Committee stricken from the agenda. In fact, if Japan and Norway control the simple majority, they could move to have the Conservation Committee completely dissolved.

South Atlantic Whale Sanctuary

Once again, there will be an attempt to establish a new sanctuary for whales in the South Atlantic. This is also likely to be unsuccessful, because of the need for conservation countries to muster a three-quarters majority. There has been support for this sanctuary from the majority of range countries.

Bycatch

The incidental take of whales and dolphins by many member (and non-member) nations has been of concern to conservationists for decades. Interested parties are directed to additional information at www.panda.org/species.

Other Issues

Issues of significant interest, and possible contention between the pro- and anti-whaling factions, include:

Assessment of Whales Stocks: these are required for possible action related to whaling or conservation measures.

Whale Killing Methods: the assessment of the cruelty of whaling is always contentious.

Small-Type Whaling: Japan's long standing attempts to get commercial kill quotas for their traditional coastal whaling villages (to get around the commercial whaling moratorium).

Environmental and Health Issues: on an increasing scale, NGOs and receptive member governments have used the IWC Annual Meetings to express interest in using Commission expertise to investigate the effects of toxics and environmental degradation on whale stocks. In addition, the increasing incidence of toxic chemicals in whale meat consumed by humans is a subject of concern within the Commission.

Whalewatching: viewed as the legitimate right of member nations to benefit from whales in a non-lethal manner, the watching of whales, and the ecotourism economies and economic benefits for coastal communities this represents, are of increasing interest to some Commission member governments. Unfortunately, the whaling nations have not been keen to see whalewatching advanced within the Commission, even though some whaling nations (e.g., Iceland) benefit significantly within their countries from whalewatching. Japan, Norway and others may seek to remove this item from the Agenda at the opening of Plenary.

Co-operation with Other Organizations: the key item here relates to IWC actions relative to the work of the Convention on International Trade in Endangered Species (CITES). Subsequent to the adoption of the IWC zero quota moratorium on commercial whaling, the CITES treaty organization adopted a ban on the international trade in whale meat. Though not related to the IWC directly, this no-trade ban on whale meat has been a major barrier to the escalation of scientific whaling. Japan, Norway, Iceland and others were unsuccessful at the most recent CITES Conference of the Parties meeting (October 2004) to partially weaken the international trade ban.

Outside Issues

One item of extreme interest to conservation NGOs fighting against commercial whaling is the fact that the national markets for whale meat and blubber in Japan, Norway and Iceland are declining. Each nation has stockpiles of frozen unsold whale meat. In Japan, with consumer demand for whale meat falling each year, the Japanese whalers and their governmental supporters have been forced to give away whale meat to schools and similarly to subsidise nutritional support programs. Both Japan and Norway have attempted national campaigns promoting the consumption of whale meat. The Japanese government also significantly subsidizes the "scientific whaling" industry, which in turn tries to sell the whale meat from the hunt on the Japanese market. Iceland took 36 minke whales in 2003 and their 2004 quota has been set at 25 minke whales. The whale meat from last year remains mostly unsold, and things are likely not to improve for the Icelandic domestic market anytime soon.

Report compiled with assistance from WWF

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International Whaling Commission Membership List

As of: 19th May 2005

1	Antigua	31	Mali
2	Argentina	32	Mauritania
3	Australia	33	Mexico
4	Austria	34	Monaco
5	Belgium	35	Mongolia
6	Belize	36	Morocco
7	Benin	37	Netherlands
8	Brazil	38	New Zealand
9	Chile	39	Nicaragua
10	China	40	Norway
11	Costa Rica *	41	Oman
12	Côte d'Ivoire	42	Palau
13	Czech Republic	43	Panama
14	Denmark	44	Peru
15	Dominica	45	Portugal
16	Finland	46	Russian Federation
17	France	47	San Marino
18	Gabon	48	Senegal
19	Germany	49	Slovakia
20	Grenada	50	Solomon Islands
21	Guinea	51	South Africa
22	Hungary	52	Spain
23	Iceland	53	St. Kitts & Nevis
24	India	54	St. Lucia
25	Ireland	55	St. Vincent
26	Italy	56	Suriname
27	Japan	57	Sweden
28	Kenya	58	Switzerland
29	Kiribati	59	Tuvalu
30	Korea	60	United Kingdom
		61	United States

(*) this member nation has significant dues in arrears and has lost voting privileges until substantial back payments are made