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# INTERNATIONAL WHALING COMMISSION INDICATES POTENTIAL REVERSAL OF POLICY

by Athena Kennedy and Jon Feldon\*

In June, the International Whaling Commission (“IWC”) held its 58th Annual Meeting in St. Kitts and Nevis and, for the first time since its inception in 1946, declared that it intends to reintroduce “controlled and sustainable” whaling of certain whale species.<sup>1</sup>


The 33-32 vote is purely declaratory and does not effect a change in the IWC’s ban on whaling, which would take a 75 percent vote to overturn.<sup>2</sup> However, organizations across the globe call the vote an indication of a dramatic policy shift demonstrating an “abdication of responsibility by the global community” and a sign of IWC evolution from a conservational force to a “whaling club.”<sup>3</sup> The members of the IWC voting to lift the ban describe the declaration as a normalization in keeping with the Commission’s original declared purpose.<sup>4</sup>

The International Convention for the Regulation of Whaling created the IWC for the underlying purpose of allowing for the “orderly development of the whaling industry.”<sup>5</sup> Recognizing an international interest in preserving whale stocks, the IWC decided to take an active role in preventing the over-fishing of the dwindling populations of the majority of whale species.<sup>6</sup> Starting in 1986, this mission took the form of a worldwide moratorium on commercial whaling, although loopholes allowed certain numbers of whales to be hunted for cultural purposes by certain indigenous groups, and unlimited whaling for scientific research.<sup>7</sup>

Now, for the first time, a majority vote, with one abstention (China), has put the IWC in favor of declaring an end to the moratorium.<sup>8</sup> This vote is significant because it marks the first time in twenty years that more than half of the members of the IWC have indicated they are in favor of lifting the ban on commercial whaling.<sup>9</sup> The reasons cited by the IWC include the expected rationales that the IWC’s mission statement has always been to maintain whale levels suitable for sustainable whaling practices, and the claim that certain species of whale have reached populations at which whaling may safely resume. However, the majority also cited new concerns that the recovered whale populations’ overconsumption of certain types of commercial fish stocks have resulted in a threat to the economies of ocean states.<sup>10</sup>

The World Wildlife Fund (“WWF”) is one of many organizations criticizing the IWC’s new stance. WWF alleges that the IWC makes unwarranted claims against non-governmental organizations, exaggerates the recovery of whale species, and that the scientific basis for claiming that whales significantly affect commercial fisheries is invalid.<sup>11</sup> Other anti-whaling groups believe that the shift in voting patterns is related to pro-

whaling “vote-buying” (*i.e.*, offering poorer countries financial aid in return for both joining the IWC and voting to lift the whaling ban).<sup>12</sup> Recent polling showing that citizens from small island nations overwhelmingly disapprove of their country’s decision to vote to lift the ban on whaling further supports this allegation.<sup>13</sup>

Only time will reveal the significance of the IWC’s new majority position. The vote may act as a wake-up call for the IWC, encouraging a reevaluation of its values and a shift back towards favoring whaling bans. Alternatively, this kind of outcome could be the first in a series strengthening the coalition to end the commercial whaling moratorium. 

## Endnotes:

<sup>1</sup> International Whaling Commission, *Chair’s Summary Report for the 58th Annual Meeting, St. Kitts and Nevis*, June 2006, available at [http://www.iwcoffice.org/\\_documents/meetings/ChairSummaryReportIWC58.pdf](http://www.iwcoffice.org/_documents/meetings/ChairSummaryReportIWC58.pdf) (last visited Sept. 29, 2006) [hereinafter IWC Chair’s Summary].

<sup>2</sup> Robert Booth, *Whalers Secure Crucial Vote Win in Bid to Overturn Ban*, GUARDIAN, June 19, 2006, available at <http://environment.guardian.co.uk/conservation/story/0,,1846871,00.html> (last visited Nov. 1, 2006).

<sup>3</sup> Joanna Benn, *Sad Day for the Whales*, Panda.org, June 19, 2006, [http://www.panda.org/about\\_wwf/what\\_we\\_do/species/our\\_solutions/policy/iwc/index.cfm?uNewsID=72780](http://www.panda.org/about_wwf/what_we_do/species/our_solutions/policy/iwc/index.cfm?uNewsID=72780) (last visited Sept. 29, 2006).

<sup>4</sup> IWC Chair’s Summary, *supra* note 1.

<sup>5</sup> IWCOffice.org, IWC Information, <http://www.iwcoffice.org/commission/iwcmain.htm#history> (last visited Sept. 29, 2006).

<sup>6</sup> IWCOffice.org, The Convention, <http://www.iwcoffice.org/commission/convention.htm#convention> (last visited Sept. 29, 2006).

<sup>7</sup> William C. Burns, *The International Whaling Commission and the Future of Cetaceans: Problems and Prospects*, 8 COLO. J. INT’L ENVTL. L. & POL’Y 31 (1997).

<sup>8</sup> Benn, *supra* note 3.

<sup>9</sup> See IWCOffice.org, *supra* note 5 (follow “here” hyperlink under “membership” for a listing of current IWC members as of 2006).

<sup>10</sup> IWC Chair’s Summary, *supra* note 1.

<sup>11</sup> Benn, *supra* note 3.

<sup>12</sup> Jennifer Macey, *Fears Vote Buying Will Spoil Whale Ban*, Abc.net.au, June 13, 2006, available at <http://www.abc.net.au/pm/content/2006/s1662194.htm> (last visited Nov. 19, 2006).

<sup>13</sup> Panda.org, Joanna Benn, *Citizens from Pro-Whaling Countries Say ‘No’ to Whaling*, June 15, 2006, [http://www.panda.org/about\\_wwf/what\\_we\\_do/species/our\\_solutions/policy/iwc/index.cfm?uNewsID=72060](http://www.panda.org/about_wwf/what_we_do/species/our_solutions/policy/iwc/index.cfm?uNewsID=72060) (last visited Nov. 19, 2006).

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