

ECO

International Whaling Commission Annual Meeting

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18 Nations Condemn Japan's "Scientific" Whaling

Mexico, United States, New Zealand, Australia, Britain, and 13 other conservation-minded nations have condemned the proposal by Japan to double the kill of whales for "research" purposes, including the

first take of sei whales in more than 20 years.

The formal diplomatic protest—a demarche—was delivered on 7 May, at Japan's Foreign Ministry, by ten ambassadors and four deputy chiefs of

mission to Senior Vice Foreign Minister Shigeo Uetaka of Japan, stating:

"Our governments consider Japan's actions as undermining the authority of the IWC, and designed to undo the decades of progress that

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Give Iceland the Cold Shoulder!

Iceland is back this year, wanting to "have it all": They want to join the IWC again, after leaving in a huff, but they will only join if their fisheries bureaucrats can file a reservation against the moratorium on

commercial whaling.

In 1982, the Icelandic parliament voted to not object to the moratorium. Therefore, the whaling ban went into effect for

Iceland under IWC rules. Iceland's attempt to rejoin the IWC while attempting to create a new reservation would make a mockery of international agreements in general and the IWC in particular.

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Japan's Shame

Blatant Vote Buying Continues to Threaten IWC Credibility

Japan's flagrant buying of votes at the IWC — by recruiting new countries into the treaty organization with millions of dollars of fisheries aid, and then sustaining those bought votes with even more millions in succeeding years — is antagonizing the community of nations and turning the IWC into a symbol of public ridicule.

With the professed aim of buying enough votes to overturn the IWC ban on commercial whaling and to block whale sanctuaries and other protections, Japan has turned the

IWC into a disreputable bazaar where poor, often-corruptible states have put themselves up for sale. And Japan has cynically shoved out hundreds of millions of dollars of "tied aid" in return for pro-whaling votes at the IWC, CITES and other international fora.

The Japanese vice-minister for Agriculture, Forestry and Fisheries, Hiroaki Kameya, stated that, "we would like to use overseas development aid as a practical means to promote nations that join, expanding grant aid towards

nonmember countries which support Japan's claim" at the IWC, reported a British newspaper, *The Guardian Weekly*, on 18 November 1999 in a story headlined "Japan Admits Aid Link to Votes."

The Japanese press has referred to the scheme as a "vote consolidation operation" jointly coordinated by Japanese "government and industry circles together." Tens of millions of dollars have been doled out annually to developing countries as "grant aid for fisheries."

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Demarche, continued from page one have achieved the substantial level of protection that whales enjoy today...

"We are concerned that Japan's activities conducted under the 'scientific research' provisions of the IWC are not supported by the majority of Scientific Committee and represent a continuously increasing level and range of catches for what in effect is a unilateral program carried out by a single member State, without the approval of the majority of the IWC's other members..."

ECO

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"We further deplore the fact that the program includes a take of up to 50 minke whales for the benefit of small-type coastal whaling communities, despite the consistent rejection by the IWC in the last thirteen annual meetings of requests by the Government of Japan for commercial quotas for these communities in exception to the moratorium on commercial whaling."

Nation's signing the demarche were: Argentina, Australia, Austria, Brazil, Chile, Finland, France, Germany, Ireland, Peru, Mexico, Monaco, Netherlands, New Zealand, Spain, Sweden, United Kingdom, and United States.

Can't Tell the Players Without a Score Card

ECO provides this year's IWC meeting delegates with the count: Who's in and who's out; who's good and who's bad; and who can't make up their mind.

Member countries of the IWC expected to join the pro-whaling (Japan) countries:

Antigua & Barbuda
 Benin
 China
 Dominica
 Gabon
 Grenada
 Republic of Guinea
 Japan
 Republic of Korea
 Mongolia
 Morocco
 Norway
 Palau
 Panama
 Russian Federation
 St. Kitts & Nevis
 St. Lucia
 St. Vincent & the Grenadines
 Solomon Islands

That leaves one country that may pay up back dues: Kenya.

Oman and Denmark have a mixed voting record on the issues.

La Cucaracha Returns!

 In honor of ECO's most-quotable Japanese whaling official, we are  reviving last year's popular cockroach on our pages. Masayuki Komatsu, the Deputy Commissioner, two years ago during an Australian radio broadcast declared that minke whales are the "cockroaches" of the sea, breeding like insects, and gobbling up all the fish. Delegations are cautioned that hordes of the voracious whales may pour out of the sea like rampaging Godzillas! (Fortunately, even Godzilla must follow the new Japan security rules at IWC.) 

On the conservation-minded country side of the ledger, we have:

Argentina
 Australia
 Austria
 Brazil
 Chile
 Finland
 France
 Germany
 India
 Ireland
 Italy
 Mexico
 Monaco
 Netherlands
 New Zealand
 Peru
 Portugal
 San Marino
 South Africa
 Spain
 Sweden
 Switzerland
 United Kingdom
 United States
 ECO prediction: Despite massive vote buying by Japan, conservation-minded countries will maintain the whaling moratorium.

Blubbering About Whale Trade

Japan and Norway continue to do a remarkable public dance around the issue of trading in whale meat and blubber, with both countries alternately exhorting the value of whales and trade, but balking when details like quality, toxics, and international treaties get in their way.

According to Asahi Shimbun, the respected Japanese news organization, Japan wants to import whale meat but “fears the overseas reaction.”

Norway’s whalers, who openly violate the IWC ban on commercial whaling, want very badly to sell whale meat in Japan, where prices are far better than in Norway.

“Unless Japan starts importing whale meat, we are doomed,” said Ulf Ellingsen, president of a Norwegian whaling company. “We can’t afford (to store) it any longer.” Ellingsen’s company has 500 tons of blubber and meat from whaling.

“We still plan to import it,” said a Japanese Fisheries Agency spokesman, “but we have to consider the international community’s response when making a decision.”

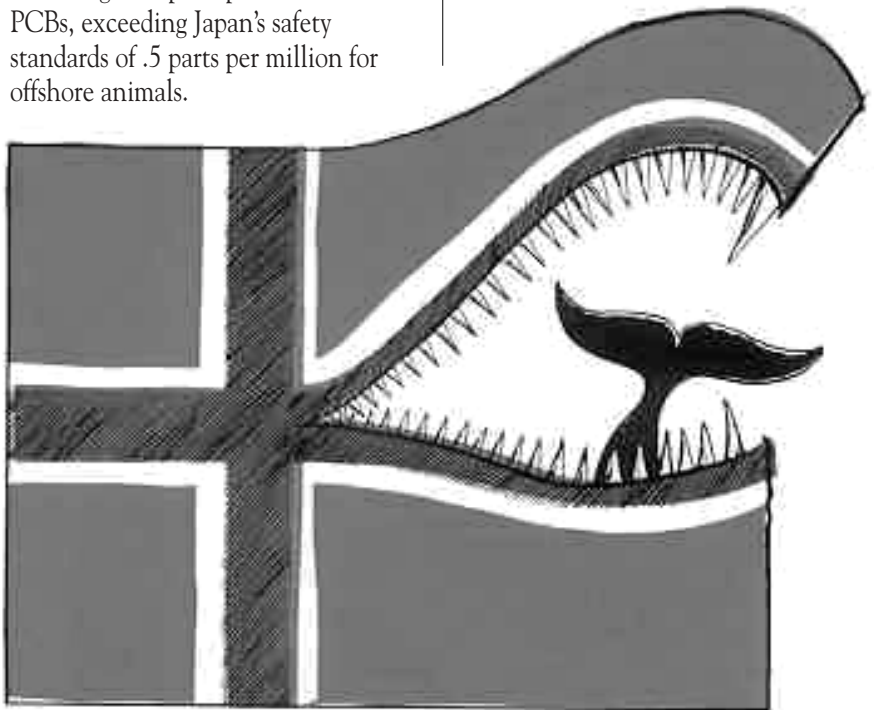
However, an official of Japan’s powerful Ministry of Economy, Trade and Industry (MITI) stated: “We may not approve imports if anti-whaling groups fiercely oppose them and subsequent anti-Japan sentiment is likely to hurt the economy.” The Convention on International Trade in Endangered Species (CITES) has banned trade in all whale products.

Meanwhile, consumers and anti-whaling organizations in Japan have petitioned the Japanese Health, Labor and Welfare Ministry to block imports of whale meat from Norway, due to contamination with toxics.

Whale meat and blubber have been found to have very high levels of mercury, polychlorinated biphenyls (PCBs), and other toxic materials.

Whales and dolphins are at the top of the oceanic food chain, so pollutants dangerous to humans tend to be in higher concentrations in the meat and blubber of these animals than other sources of protein. Greenpeace Germany reported blubber from minke whales killed by Norway had an average 3.7 parts per million of PCBs, exceeding Japan’s safety standards of .5 parts per million for offshore animals.

meat: health recommendations include no eating at all of internal organs, blubber should not be eaten by women who plan to have children, and whale meat should not be eaten more often than twice a month. Shamefully, Japan has no such recommendations.



Biting off more than they should chew: for years, Norway has defied the International Whaling Commission’s moratorium on all commercial whaling, slaughtering whales and ignoring scientific concerns. But toxic waste blubber has thrown a monkey wrench into the illegal whaling scheme.

In humans, PCBs are known to increase cancer rates, including induced brain, liver and gall bladder cancers. Mercury causes destruction of central nervous system and brain tissue.

Of 14 samples of small cetacean meat bought in Japanese markets in 1991, all contained levels of mercury exceeding Japanese permitted levels, and 4 of the 17 showed levels of PCBs which exceeded permitted levels.

Ironically, the whale-eating Faroe Islanders have taken steps to protect consumers from toxic whale

Clearly, health laws in Japan are being violated by the markets that cater to the government’s pushing of contaminated whale and dolphin meat down the throats of unsuspecting consumers.

Reports from Norway last week indicate that the mountain of toxic whale blubber will be banned for human consumption in both Norway and Japan. Even the salmon farmers of Norway have refused to use it for fish food.

Now, Norway’s fat is really in the fire.

Japan's Marketplace May Doom Its Whaling Industry

Could Japan's whaling industry—as well as blue, right, and humpback whales—be facing extinction?

Japan's most respected newspaper, the *Asahi Shimbun*, observed last month that dramatically falling demand for whale meat could silence the deadly harpoon guns.

"There are already signs that it is the Japanese themselves, not foreigners, who are poised to bring the entire whale-eating tradition to an end," the *Asahi* reported on 25 April in a story headlined "Changing Tastes May Sink Whaling Fleet."

"Ultimately, whaling's demise may have little to do with how majestic, smart or endangered the mammals are, but simple economics. For call it what you will—traditional food, a delicacy or something-they-ate-when-there-was-nothing-else—a growing number of Japanese don't want to eat whale meat.

"And if they won't eat it, they won't buy it, and if they won't buy it, say good-bye to Japanese whaling.

"The popularity of whale meat is plummeting nationwide. Last year, marine wholesale markets around the country were left holding a surplus of whale meat for the first time since 1987.



This fine 2000 editorial cartoon from The Adelaide Advertiser captured the widespread cynicism about Japan's "scientific" whaling program.

"That the Japanese public would turn up their noses at a product promoted as a delicacy came as a tremendous shock to the Fisheries Agency and the Institute of Cetacean Research Whaling.

"Proponents, wedded to the line eating whale meat is part of 'traditional Japanese food culture,' see their efforts sinking to the bottom of the sea.

"Red meat from whales harvested during research is distributed to wholesale markets at fixed prices. Of the 725 tons of meat intended for sale last year, 220 tons, distributed to major cities including Tokyo and Osaka, remained unsold.

"Although the institute tried to put on a happy face, saying the surplus was eventually sold, a major whale meat dealer in Shimonoseki disagreed. 'Over the last few years, there has been an increasing number of businesses that simply do not want to deal in whale meat any longer,' he said."

The *Asahi Shimbun* noted that Japan's three giant fish-trading companies, Nippon Suisan, Kyokuyo and Maruha (formerly Taiyo), which once dominated Japan's whaling industry, have shunned whale meat in recent years.

The consumer, it seems, will be the ultimate savior of the whales.

Whale Meat "Tradition" Debunked by Facts

The Japanese government and the whaling industry have launched a propaganda blitz to defend whaling.

One of the deceptive claims is that the Japanese people have been dependent upon whale meat for centuries and that it is vital to the national diet.

But the Japanese government is covering up the truth. In reality, there was very little whale meat

consumption in Japan until after World War II. A handful of fishing villages historically caught a few whales by netting or harpooning—or salvaging dead whales—just as fishing villages did around the world for hundreds and even thousands of years. The few hundred tons of whale meat produced annually in Japan were only consumed by locals—there was no refrigeration or transportation

to the cities. Until after World War II, there was no large-scale market for whale meat in Japan or anywhere else in the world. It was whale oil and whale bone that drove the hunt in every ocean for centuries.

Indeed, Japan entered large-scale, deep-sea whaling not to feed its people but to finance its conquest of Manchuria and China. Professor George Small described Japan's motives for expanded industrial

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“Tradition,” continued from page four whaling in his landmark 1971 history of whaling, *The Blue Whale*:

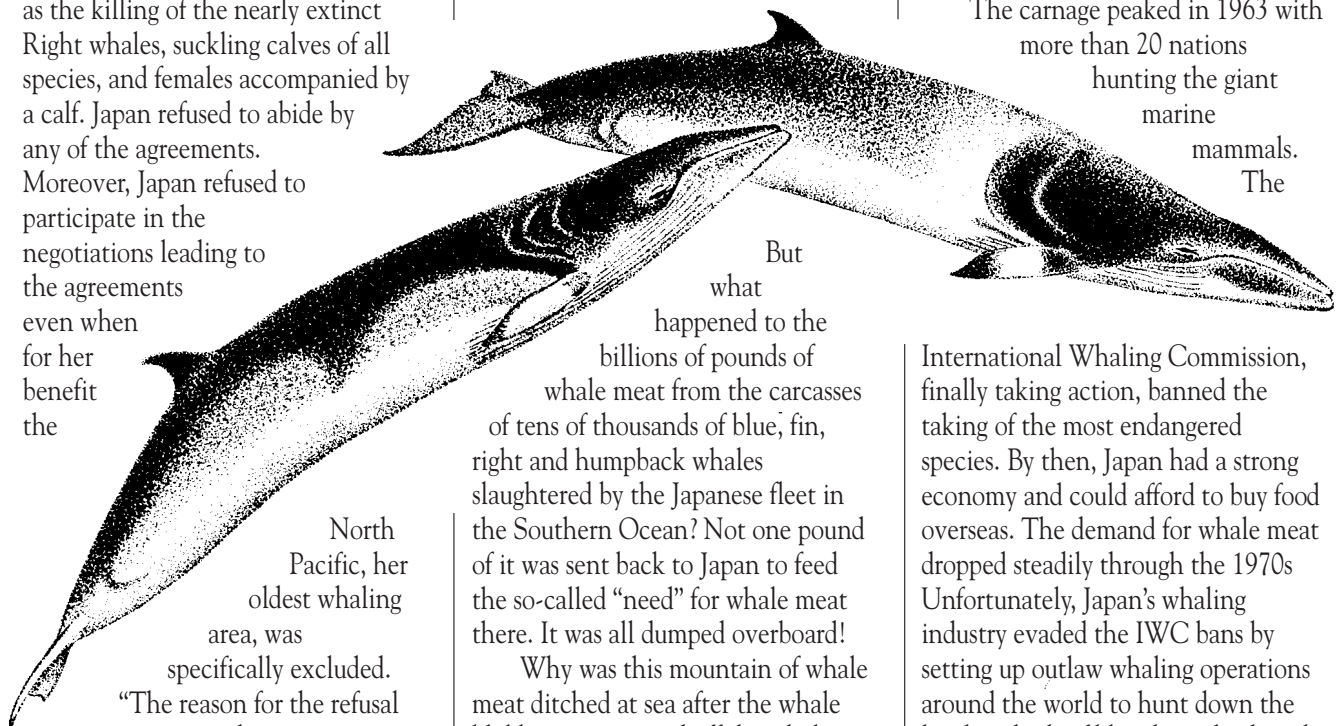
“Japanese pelagic whaling began with the 1934/35 season, and by 1939 operations had expanded to a total of 6 floating-factory expeditions. During those years several international agreements, designed to prevent overexploitation of stocks of whales, were reached under the aegis of the League of Nations. The agreements included standard prohibitions such as the killing of the nearly extinct Right whales, suckling calves of all species, and females accompanied by a calf. Japan refused to abide by any of the agreements. Moreover, Japan refused to participate in the negotiations leading to the agreements even when for her benefit the

food supplies for the Japanese armed forces.”

Tens of thousands of tons of whale oil was sold by Japan in Europe, particularly to the Anglo-Dutch Unilever Company, which had developed the method of turning whale oil into edible margarine. Hundreds of millions of dollars of weapons, mostly from Germany and England, were purchased with the proceeds from the plunder of the whales.

U.S. took the whale oil in return for financing the fleets. By the early 1950s millions of tons of whale meat were feeding the Japanese people from the whale kill. The Japanese whaling industry became the largest in the world because it profited not only from whale meat, but also from whale oil after the U.S. investment was paid off. Japan led the final destruction of the last of the great stocks of blue, fin and humpback whales in the Southern Ocean.

The carnage peaked in 1963 with more than 20 nations hunting the giant marine mammals. The



North Pacific, her oldest whaling area, was specifically excluded. “The reason for the refusal to accept even rudimentary conservation practices was the urgent demand placed on the Japanese economy by the country’s war in Manchuria and China. All the pelagic fleets sent to the Antarctic were owned and operated by the Nippon Suisan Kabushiki Kaisha Company, the main shareholder of which was the Manchurian Heavy Industries Corporation. This corporation was the principal economic and industrial arm of the Japanese army in Manchuria. The objective of the Nippon Suisan Company, as stated in the 1941 Mainichi Yearbook, was the acquisition of foreign currency and

But what happened to the billions of pounds of whale meat from the carcasses of tens of thousands of blue, fin, right and humpback whales slaughtered by the Japanese fleet in the Southern Ocean? Not one pound of it was sent back to Japan to feed the so-called “need” for whale meat there. It was all dumped overboard!

Why was this mountain of whale meat ditched at sea after the whale blubber was stripped off the whales? Because there was no demand for whale meat in Japan. Indeed, the Japanese fishing industry and farmers won a ban on whale meat imports from the pelagic whaling fleets, fearing rightfully that such a deluge of meat would destroy the domestic markets for fish, beef, pork and poultry.

It was only after World War II when the ruined, destitute nation needed quick supplies of food that Japan began consuming large quantities of whale meat. The U.S. occupying force directed Japan to build new whaling fleets. Japan was to consume the whale meat taken; the

International Whaling Commission, finally taking action, banned the taking of the most endangered species. By then, Japan had a strong economy and could afford to buy food overseas. The demand for whale meat dropped steadily through the 1970s. Unfortunately, Japan’s whaling industry evaded the IWC bans by setting up outlaw whaling operations around the world to hunt down the last hundreds of blue, humpback and right whales from land stations around the Pacific and with pirate ships roaming the Atlantic and Indian Oceans as well as the Pacific.

Today Japan is an exceedingly wealthy nation that imports the best foods from every corner of the world. There is no longer any “need” for whale meat. Indeed, the whale meat from Japan’s outlaw “research” whaling is a high-priced exotic delicacy. It is less than one hundredth of one percent of Japanese meat consumption. But the Japanese government deceitfully claims that whale meat is “vital.”

Japan Pioneers Shedding Blood for Science

Last year, Japan announced to the world that, in addition to continuing to conduct “scientific research” whaling (a thin excuse for continuing commercial whaling in defiance of the IWC’s global moratorium), the country’s whaling fleet would expand the so-called “research” to killing another 50 Bryde’s whales and 10 sperm whales.

This year, Japan has announced plans to kill an additional 50 sei

whales, plus a controversial plan to allow coastal whalers to slaughter an additional 50 minke whales (on top of the whopping 540 minke whales now being slaughtered in the name of science).

Every year, Japan increases the number of whales they kill, using the feeble excuse of “science.” When is the scientific whale research program going to end, you say? Try “*never*.”

However, if you are curious about

the results of all this “scientific” whaling, we at ECO urge you to partake in one of the many “blubber banquets” taking place this year in Shimonoseki. The government is pushing whale meat consumption.

Even Norway has gotten into the act. Not content with continuing their commercial whaling in the Atlantic, Norway is now proposing to slaughter 60 white-sided and white-beaked dolphins. Oh yes, we almost forgot—the dolphin bloodshed is for “science.”

Vote Buying, continued from page one

New Zealand’s Minister of Conservation, Sandra Lee, denounced Japan’s vote-buying practices in a scathing speech at last year’s IWC meeting:

“My prime minister and government view the proposition of vote-buying as outrageous and have publicly said so. Taking advantage of the poverty or vulnerability of developing countries and small island states to buy their votes can only be regarded as a serious misuse of power and influence by a wealthy nation.

“I should not need to remind this organization that principle 10 of the United Nations Declaration on Environment and Development calls on States to, among other things, ‘facilitate and encourage public awareness and participation by making information widely available.’

“For many years, the IWC struggled to justify itself to the outside world because of its lack of transparency. However, increasing media access, an expanded observer role for NGOs, and keeping secret ballots to a minimum has alleviated this problem.

“But all these attempts to increase transparency are made a

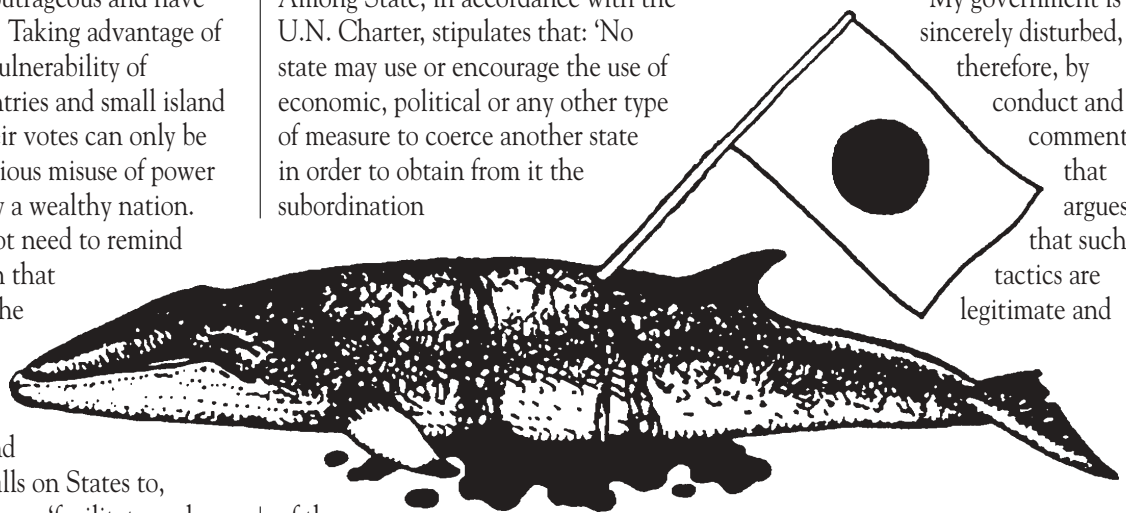
mockery if sovereign governments lose the very thing that makes them sovereign—the right to make their own decisions, without undue influence of other states.

“The 1970 Declaration of International Law Concerning Friendly Relations and Cooperation Among State, in accordance with the U.N. Charter, stipulates that: ‘No state may use or encourage the use of economic, political or any other type of measure to coerce another state in order to obtain from it the subordination

ultimately see participation by all but a few affluent nations becoming an exercise in futility.

“It is disappointing that Japan is using such tactics, as we confidently worked alongside Japan at the United Nations and many other international fora.

“My government is sincerely disturbed, therefore, by conduct and comment that argues that such tactics are legitimate and



of the exercise of its sovereign rights and to secure from it the advantages of any kind.’ ”

Stated Minister Lee, who has been fully backed by her Prime Minister and parliament: “New Zealand fails to see how tied aid or vote buying promotes good faith, transparency or basic respect for independent governments. My government believes it is important that the IWC is not perceived as condoning such strategies that would

appropriate,” Ms. Lee concluded.

It is time for the world community to join the principled New Zealanders by speaking out against this shameful abuse of power by Japan. Nations that sell their votes to the highest bidder are compromising their integrity, especially those that have escaped the yoke of colonialism. And international institutions that serve humanity are degraded by such antidemocratic conduct.

The RMS's Fatal Legal Flaws

Like a beached whale, the IWC's Revised Management Scheme (RMS) isn't going anywhere. The RMS Working Group meeting failed miserably to make progress on the major issues dividing member nations on this framework for possible resumption of commercial whaling.

Meanwhile, international lawyers for the Humane Society of the US have outlined a number of fatal flaws in the RMS, which has been in development since 1994.

It is vital that all international Agreements implement effective international monitoring, control, surveillance, and enforcement regimes. But the IWC has limited consideration to

amending parts of Chapter V, which were drafted many years ago and do not take into account numerous developments in international law, fisheries and wildlife management. By focusing only on issues of 'supervision' and not on issues of enforcement, the IWC is out of step with developments in international law and will end up agreeing to an

unenforceable management regime.

An effective RMS must incorporate binding procedures and systems for management of data collection, surveillance of whaling operations and markets, reporting, investigation, prosecution and punishment of violations. However, the current draft RMS does not contain any of these basic elements.

To create an effective "Observation and

Inspection" scheme, the IWC must at a minimum establish the following:

- A. An International Observer Program
- B. An International Registry System
- C. An International Vessel Monitoring System (VMS)
- D. An International Genetic Tracking Program

In order to assure effective Compliance and Enforcement, there must be a transparent and neutral body in place to review alleged infractions and make recommendations for penalties.

There must also be a binding dispute mechanism in place to address conflict or disagreement amongst the parties regarding compliance. And finally, there must be penalties of sufficient gravity to deter noncompliance. These elements are only effective when all three are present in any management scheme.

No Agreement can be effective if the Parties do not comply with their obligations. Ensuring compliance in Agreements is

particularly difficult when there is a lack of international enforcement mechanisms and penalties.

However, the proposed RMS contains none of these enforcement and compliance mechanisms. As such, the Agreement will never provide effective protection for whales on the high seas. Years of illegal whaling activity should warn the IWC about the consequences of renewing commercial whaling under the fatally flawed RMS.



Where's the Beach (ed Whales)?

The Japanese Fisheries Agency is considering a wonderful new proposal to "make good use" of the meat of beached whales.

The Fisheries Agency reportedly is putting together panels of experts to study the possibilities of allowing dead whales, dead by who-knows-

what manner, to be sold in markets for people food.

Whale and dolphin strandings take place frequently along Japan's coast, but local authorities are now required to dispose of the whales without human consumption because of health concerns.

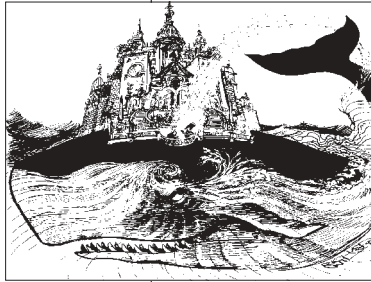
However, local authorities have called for the lifting of the ban on eating beached whales, citing heavy disposal costs. Apparently, disposal as human food is more cost-effective than disposal in waste dumps.

So, while in Shimonoseki, ECO advises that you not touch that whale meat. You don't know where it's been—or how it got there!

Iceland's Sad Saga

For 20 years, Iceland has agonized over whether it should continue whaling. In 1982, shortly after the IWC adopted the ban on commercial whaling, the Icelandic Parliament narrowly voted (28 to 27) to not file an objection to the ban, which went into effect in 1986.

But in 1987 Iceland unilaterally defied the ban by continuing whaling under the guise of "scientific research" — a ploy also used by Japan. That ill-conceived action touched off a massive international boycott campaign against Icelandic fish, the mainstay of Iceland's economy.



Within months, conservation and animal welfare groups had persuaded McDonald's and Burger King and other fast-food chains to cancel all orders for Icelandic cod—a prized, high-quality product used in fish sandwiches. The U.S. threatened to certify Iceland under the Pelly Amendment, an action that could have led to an embargo of Icelandic products.

Suddenly, Iceland's fishing industry had lost its largest, most lucrative markets. The national economy was being crippled. In 1989, the government capitulated, ending three years of outlaw whaling

and saving its critical fishing industry, which quickly rebounded with renewed fast-food contracts and even gobbling up sales once made by Norway, which was also under boycott pressure.

In 1991, Iceland hosted the IWC. Intense frustration over the continuing whaling ban compelled the government to walk out of the meeting in Reykjavik—and to declare that it was quitting the IWC in disgust. Ironically, the Icelandic fishing industry set up a large booth at the meeting and openly voiced its opposition to any resumption to whaling.

Now, 11 years later, Iceland is launching another assault on the IWC whaling ban, promising more agonies for the whales — and Iceland's fishing industry.

Iceland, continued from page one

Why should IWC member nations object to this scheme? It's a matter of international law:

Iceland's Formulation of its Reservation is in Violation of International Law and is Therefore without Legal Effect. Under the Vienna Convention on the Law of Treaties and decisions of the International Court of Justice, a reservation must be compatible with the "object and purpose of the treaty" to be valid. Iceland's attempt to adhere to the Whaling Convention with a reservation with respect to the moratorium is necessarily incompatible with the "object and purpose" of the Convention. This is because the reservation seeks to avoid compliance with a core obligation of the Convention that the Contracting Governments have previously determined to be "necessary" to the objects and purposes of the IWC.

"Iceland's Proposed Reservation was Properly Considered and Rejected by the IWC. Under applicable international law, a properly

formulated reservation to a treaty that is a constituent instrument of an international organization requires the acceptance of the competent organ of that organization. The IWC acted properly in asserting its competency to consider and reject Iceland's attempted reservation. Moreover, the IWC's decision to reject Iceland's attempted reservation is consistent with the IWC's past action on other reservations that would significantly alter a government's obligations to implement the requirements of the Whaling Convention.

The IWC's Action was Consistent with the Recent Trend Among Governments to Discourage or Prohibit Reservations to Multilateral Agreements Concerning Environmental Protection and Resource Management. In recent years, governments have sought to discourage or prohibit reservations to multilateral agreements concerning environmental protection and resource management. This trend reflects a growing consensus among governments on the importance of

fairly and sustainably managing global resources under common agreed upon rules and commitments.

Acceptance of Iceland's Reservation Would Establish a Dangerous Legal Precedent that Could Undermine Other Important International Agreements on the Environment and the Management of Natural Resources. Acceptance of Iceland's reservation would establish a legal precedent that would encourage other governments to withdraw from multilateral environmental agreements and rejoin them with reservations to specific obligations that have proven difficult to implement. Allowing governments to withdraw from a treaty and unilaterally select the obligations to which they wish to subscribe will undermine many existing environmental accords and make the negotiation of future agreements increasingly difficult.

For these reasons, member countries should continue to oppose Iceland's efforts to rejoin the Whaling Convention with a reservation to the commercial whaling moratorium .