

SPECIAL REPORTS ON INTERNATIONAL WILDLIFE MANAGEMENT

by Katy Penland, ACS National President

ACS follows the actions and decisions of national and international wildlife management bodies very closely. These groups play an increasingly important role in the welfare of cetaceans. This summer, both the International Whaling Commission (IWC) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) convened meetings. Many ACS members work long hours to stay abreast of the actions of wildlife management groups and their impact on cetaceans. Without the hard work of these volunteers, ACS could not maintain an intelligent presence or formulate policy that supports the viability of cetaceans everywhere. Because the actions of these bodies can have serious consequences for cetaceans, ACS chose ACS National President Katy Penland as its delegate to the 52nd meeting of the IWC in Adelaide, Australia, in July of this year, and to attend a conference evaluating the performance of CITES over its first 25 years.

In the following pages you will find ACS' formal opening statement submitted to the IWC, Katy's report of the meeting, a reprint of a 1995 National Marine Fisheries Service (NMFS) internal memo concerning the gray whale hunt of the native American Makah tribe of northwestern Washington state, and a report from the ASIL conference on CITES, held in Washington, DC. More information on cetacean issues and copies of new policies can be found on our website: www.acsonline.org

AMERICAN CETACEAN SOCIETY



OPENING STATEMENT

The American Cetacean Society (ACS) greatly appreciates the opportunity to participate as a non-governmental observer at the 52nd meeting of the International Whaling Commission in Adelaide, South Australia.

As the oldest whale conservation organization in the world, founded in 1967 in California, US, ACS is concerned with issues that affect the survivability of all cetacean species. We have always looked to the International Whaling Commission (IWC) for legal and scientific guidance regarding the management of whale species, their abundance and welfare, and we believe that it is the most appropriate international body to fulfill this mandate.

It is, therefore, of grave concern to us that because the IWC has not approved a quota of gray whales for the Makah tribe — indeed, this body twice formally denied the Makah a quota — the US, as the result of an unprecedented and unlawful “bilateral” agreement with Russia to exchange bowheads for gray whales, allowed the Makah to kill a gray whale in May 1999. It is of even more concern to us that the US was very much aware that the Makah hunt was commercial in nature prior to the 48th meeting of the IWC, as noted by Dr. Robert Brownell in a memo to Dr. Michael Tillman in April of 1995, yet the US represented to this body that the hunt was for subsistence and for cultural purposes. In the interests of legal fidelity and political integrity, we respectfully urge the Commission to consider citing the US for an infraction and to encourage the US to respect, fulfill and enforce not only the International Convention for the Regulation of Whaling (ICRW) but its own national regulations pertaining to the killing of cetaceans by any group whose subsistence needs have not been formally recognized by the IWC.

ACS would also respectfully urge the Commissioners, and the Scientific Committee in particular, to consider the overall status of the gray whale (*Eschrichtius robustus*) before any increases in aboriginal quotas are granted. This species exists in only 25% of its former range — it has been extinct on both sides of the Atlantic since the late 1700s, and the western north Pacific stock is considered genetically unviable with a population below 300.

The remaining 25% of this species, the eastern north Pacific stock, has suffered unprecedented mortalities over the past three years as well as a continuing decline in calf counts. While the specific causes for these mortalities are still under analysis, we are very concerned over at least one documented report of a gray whale washing ashore on a southern California beach in 1999 with a Russian-made harpoon embedded in its body. While this incident and the harpoon are currently under investigation, at the very least it raises additional questions of increasing human threat to this remaining population of gray whales.

ACS is also increasingly concerned that Japan does not take seriously its participation in the IWC by its continual and unapologetic disregard for the Southern Ocean Sanctuary. Additionally, Japan's proposed escalation of its lethal "scientific" whaling to include the killing of sperm and Bryde's whales is even more specious and indefensible than the hundreds of minke whales it already kills each year. As this body has already questioned Japan's lethal research methods as well as the scientific importance of such "research," ACS respectfully urges the Commissioners to encourage Japan to abandon its fractious and provocative flouting of both the letter and spirit of the ICRW and to become a serious and honorable participant in the IWC.

ACS is similarly concerned that the actions of St. Vincent and the Grenadines, with their unlawful killing of a humpback calf and a humpback cow-calf pair (1998 and 1999, respectively), are in clear violation of their IWC-sanctioned quota. ACS respectfully urges the Commission to cite St. Vincent and the Grenadines for two infractions for those years. In light of the knowledge that St. Vincent and the Grenadines deliberately killed another humpback cow-calf pair this year, and understanding that the IWC will not address this incident until the 53rd meeting, ACS nonetheless respectfully urges the Commission to rescind the quota for St. Vincent and the Grenadines until such time as the killing of the humpback cow-calf pair this year is considered in the aggregate and can be addressed at the 53rd meeting of the IWC.

While ACS supports the continued moratorium on the commercial hunting of whales, it also recognizes that there are many other threats to cetacean species worldwide that can have an adverse impact at the population level. ACS believes environmental factors have already had a deleterious effect on at least one group of whales, the southern resident population of killer whales, to the point where this genetically distinct stock should be considered for listing as threatened or endangered under our own national laws. ACS respectfully urges the IWC, and specifically the Scientific Committee, to factor in environmental influences such as climate change, habitat degradation, decrease in food or prey sources, chemical and particulate pollutants, and the rise in anthropogenic ambient noise levels, including the increased use and testing of high-power military sonars, when assessing the continued health and recruitment of whale stocks, and particularly where quotas are being considered for aboriginal subsistence purposes. We would also like to emphasize that determination and tracking of environmental impacts to whale stocks are all but impossible when said stocks are subjected to hunting.

ACS applauds the continuing work of the Commission's Revised Management Scheme (RMS) Working Group. However, we share the concern of others that the RMS as currently being drafted is seriously deficient in several key areas: its lack of penalties and no mechanism for creating penalties in the future; its lack of authorizing international observers with police powers and no language to determine that national observer schemes meet the requirements of the RMS; its lack of authorizing observers to collect data on humane killing-related issues; and the issue of bearing of costs by the commercial entity must be resolved before placing the RMS in the Schedule. These comments notwithstanding, ACS does not support a return to commercial whaling, and our desire for responsible language and realistic enforcement mechanisms in the RMS should not be construed as such.

ACS would also like to urge the IWC and its individual Commissioners to encourage and financially support increased research by the Scientific Committee, and that the Scientific Committee welcome the contribution if not the participation of independent scientists worldwide in the furtherance of our mutual knowledge and understanding of cetacean species, their place in the ecosystem, and the overall health of the marine environment.



Katy Penland, ACS President and delegate to the IWC