

# **The Moratorium Issue**

**U.S. DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**

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July 1979



**U.S. DEPARTMENT OF COMMERCE**

Juanita M. Kreps, Secretary

**National Oceanic and Atmospheric Administration**

Richard A. Frank, Administrator



THE WHITE HOUSE

WASHINGTON

June 1, 1979

Whales are a part of the natural world that all of us want to pass on whole and undamaged to our children. But the unhappy fact is that human beings have hunted one species of great whale after another, almost to extinction, until scarcity became their only defense.

In the modern world of commercial whaling, we know that we cannot protect the world's whales without common action. The call for effective international action has been insistent in this decade, from 1972, when the United Nations Conference on the Human Environment overwhelmingly passed a resolution for a ten-year moratorium on commercial whaling, to the present day. Just this year, Australia shut down its own commercial whaling and called on all nations to do the same.

It is of course the purpose of the International Whaling Commission to manage and preserve these unique and marvelous animals. In the past four years, the IWC has taken steps to place whale conservation on a stronger scientific basis. Yet, our attempts to do this scientifically have made it clearer than ever how limited our knowledge is. And despite our efforts, the survival of many of the great whales is still in serious question.

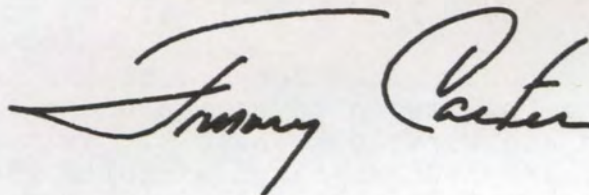
Scientific understanding of whales is complex and elusive, but I believe we can substantially improve on the efforts we are making now. Better cooperation by member nations in furnishing data and better capacity to analyze the data are both within our reach. Both are needed to improve the scientific basis on which effective conservation must rest.

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In addition, it is clear that the continued purchase of whale products by member nations from nonmember nations, and the continued failure of certain whaling nations to join this body, fundamentally undercut efforts at sound management.

I believe that there is strong international support for efforts to preserve the world's whales. To reflect that support, the United States at this meeting will propose that all nations stop commercial whaling now, until there is an effective, comprehensive conservation program for whales which will guarantee their continued survival.

I pledge a strong effort by the United States for an exemplary conservation program for whales and earnestly request the support of other nations.

A handwritten signature in cursive script, reading "Jimmy Carter". The signature is written in dark ink and is centered on the page.



July, 1979

STATEMENT OF  
RICHARD A. FRANK  
UNITED STATES WHALING COMMISSIONER  
ON THE  
PROPOSAL FOR AN INDEFINITE  
MORATORIUM ON COMMERCIAL WHALING  
AGENDA ITEM 6  
31st ANNUAL MEETING  
IWC  
July 9-13, 1979

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Mr. Chairman:

The United States, in President Carter's words, proposes "that all nations stop commercial whaling now, until there is an effective, comprehensive conservation program for whales which will guarantee their continued survival."

This proposal results from grave and abiding concerns about the ability of our present system to preserve, enhance, and properly manage whale populations. Deficiencies in scientific analysis, in quantity and quality of data, and in funding of research efforts, coupled with support from within the IWC for non-member whaling, all have combined to undermine fundamentally our efforts at whale conservation. The United States firmly believes that only a moratorium, enacted now, will ensure that all stocks of great whales will not decline to dangerously low levels. Unless the members of the Commission act vigorously and courageously to call a definite halt to commercial whaling, this great resource may be lost forever.



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So that the Commission can understand fully the basis for our moratorium proposal, I would like to describe the background of the current management system and to discuss the deficiencies in that system. I shall then outline our moratorium proposal, which I urge the members of the Commission to consider carefully and to support. We hope that the 31st meeting of the Commission will be remembered as the meeting at which the international community fully commits itself to effective whale conservation.

I. Development of the Current System\*

A. History of IWC Whale Management

The Commission has, throughout its history, adopted a number of different management regimes, though none has proved fully effective. Although the Commission has continually sought to improve whale management, it nonetheless has been generally unwilling to abandon a regime, even when it is confronted with evidence that the regime is ineffectual, until significant damage has been inflicted on whale stocks.

This theme can be detected in the very first meeting of the Commission in 1949, and in the two major decisions made at that time. First, it agreed to continue the Antarctic baleen whale quota of 16,000 blue whale units

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\* The following abbreviated account of the history of the IWC is taken from Scarff, 6 Ecology Law Quarterly 326 (1977).



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which had been set at the whaling conferences of 1944 and 1945. This quota was maintained until 1953 despite evidence that the blue whale stocks could not tolerate this rate of exploitation. The Commission also decided at its first meeting that humpback whales no longer needed the protection afforded them since 1939. Scientists estimated that the humpback stock in the Antarctic had recovered enough to allow a sustainable harvest of about 1,250 whales per year. In spite of this quota, during the 1949-1950 season, 2,117 humpbacks were taken, almost 170 percent of the quota. The same quota was tried for the 1950-1951 and 1951-1952 seasons, but 1,630 and 1,545 humpbacks were taken in those years.

Errors of whale management continued to mark the second decade of Commission operations. After the 1958 meeting of the IWC, the Antarctic whaling nations began 5 years of negotiations for the purpose of dividing the Antarctic quota into national quotas. Because agreement could not be reached on national quotas, the Netherlands and Norway withdrew from the Commission. By 1959 the situation had deteriorated to the point where the Commission was unable to adopt any formal quota.



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Although both Norway and the Netherlands had re-joined the IWC for the time of the 1963 meeting, the Commission's future was still in serious doubt. At this meeting a panel of three scientists submitted a report which recommended a total ban on the hunting of blue and humpback whales and a quota of no more than 7,000 Antarctic fin whales. In spite of these recommendations and the recommendation of the Scientific Committee which concurred in this report, the Commission rejected the recommendations. It retained the blue whale unit, continued to allow harvesting of blue whales, and adopted an Antarctic quota of 10,000 blue whale units.

Whale management in the second half of the 1960's was no more satisfactory. For example, in 1964 several countries objected to protection of the Antarctic blue whale, and in 1965 quotas set for fin and sei whale stocks were well in excess of the maximum sustainable yield.

The first sign of real improvement came in 1971, when the IWC agreed that in 1972 it would abolish the blue whale unit and set quotas by species.



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B. Current Management

In 1972, the United Nations Conference on the Human Environment adopted by a vote of 53 to 0, with 3 abstentions, a resolution calling for a 10-year moratorium. That same month, at the 24th annual meeting of the Commission, the United States sponsored a motion for a moratorium, which was supported by France, Mexico, and Argentina. One year later, a similar U.S.-sponsored motion, although receiving a majority of votes, failed to receive the required three-quarters majority. At the 1974 meeting the U.S. resolution for a 10-year moratorium was amended by Australia to establish a "selective" moratorium. This "selective" moratorium was implemented in the form of the New Management Procedure ("NMP") in 1975.

Perhaps the most significant feature of the NMP is the provision that stock classification and catch limits must be consistent with the advice of the Scientific Committee. Based upon scientific principles,



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each whale stock is classified as a protected, sustained management, or initial management stock. Under the NMP, no commercial whaling is permitted on protected stocks.

The NMP was designed to provide a conservation safety factor due to deficiencies in our knowledge about whale populations. Its implementation at the 1975 meeting and its use in subsequent years has resulted in complete protection for fin and sei whales in the North Pacific and the Southern Hemisphere and progressive reductions in virtually all catch limits, including moratoria on some stocks of sperm and Bryde's whales.

## II. Deficiencies in the Current System

The United States has supported the NMP as the principal manifestation of the compromise reached in 1974, and under it the Commission has made progress. However, the NMP is not functioning as adequately as we believe necessary. Though the intentions of the Commission were sound in attempting to place whale management on an objective scientific footing, as a pragmatic matter the Commission has not been able to develop the data, raise the operating funds, or require, to a large extent, the necessary domestic regulations which would be required to manage whale stocks in a safe and responsible manner.



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The most serious deficiencies in the current system are as follows:

(A) Exports of assistance to and imports of whale meat from non-members, have seriously undermined the NMP.

(B) The NMP is not fully capable of taking into account serious whale population declines.

(C) Member nations have failed to submit sufficient data.

(D) Member nations have failed to fund the IWC adequately

Let me explore with you each of these deficiencies in turn.

(A) The Member Nations Have Failed to Implement Domestic Laws Which Prohibit the Import of Whale Products from and the Export of Whaling Technology and Equipment to Non-Members

Rational and sound management of whale stocks cannot succeed so long as IWC nations give aid and comfort to those who undercut our efforts to bring commercial whaling under control. Until quite recently, imports from non-member countries by Japan, in particular,



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created enormous problems for the Commission. \*/ Japan has now promulgated regulations, effective July 5, 1979, to ban the import of whale meat and products from non-member nations. This development is a welcome one for which each of us is quite appreciative. The Government of Japan is to be complimented for having confronted this issue and I would like to express my personal appreciation for this progressive step. I also think the Commission should commend South Africa for its efforts to curb the provision of assistance to non-member whaling operations.

I also note, however, that unregulated whaling from the operations of others continues to plague the Commission. The Sierra cavalierly flies a flag of convenience while harvesting some of the world's most endangered whales. These operations continue to exist with the financial and technical assistance and materiel exported from Commission members. The U.S. Government frequently receives reports, often difficult to confirm, that Commission members are selling or providing materiel and other assistance to non-member operations.

Thus, while Japan's actions, in particular, have helped to ease this problem, it still remains true that the NMP cannot be used to conserve successfully and to manage properly the world's whale stocks if unregulated whalers

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\*/ The tables and charts attached to this paper indicate just how serious the Japanese import problem had become.



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are allowed to prosper with the assistance of Commission members. This Commission must continue to take further action to stop unregulated whaling.

(B) The NMP Is Not Fully Capable Of Taking Into Account Serious Whale Population Declines.

The NMP was intended to prohibit the commercial taking of whale stocks most in need of protection. Yet, it lacks any provision for prohibiting the commercial taking of populations that, according to the best biological evidence, will inevitably decline into Protection Stock status.

This situation is illustrated by the case of the Southern Ocean sperm whales. The quota for the 1978-79 Southern Hemisphere sperm whaling season in Division 5 was set at 561 animals at the June 1978 IWC meeting. Australian scientists later determined that the recruitment rate for this stock was such that the population would decline and move toward Protection Stock status even if no take were permitted. Had exploitation been permitted, it would have accelerated this decline and at least prolonged the recovery of the stock. Even though the Commission ultimately voted at a special meeting in December 1978 to prohibit the taking of this stock, it did so despite the NMP which contains no mechanism for anticipating such events and taking corrective action.



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(C) Member Nations Have Failed to Submit Sufficient Data.

The NMP can only function as intended if adequate whaling data are submitted by member countries. Under the NMP, quota recommendations must be consistent with the status of whale populations. In calculating the necessary quotas, the Scientific Committee is dependent on catch statistics, biological data from landed whales, and other data supplied by whaling countries. Some countries have, however, consistently failed to submit essential data on their whaling operations despite the pleas of the Scientific Committee and despite their obligations under the Convention.

The problem of data reporting has been particularly acute in the case of the Soviet Union. The expectations of the Scientific Committee for data from the Soviet Union were not satisfied in at least four instances:

1. In June, 1976, the Scientific Committee requested that analyses of recent and past fin whale biological collections obtained by Soviet operations in Southern Hemisphere Area 1 be submitted at the next annual meeting.

2. In June, 1977, the Scientific Committee requested that analyses of sperm whale age and reproductive data obtained by past and recent Soviet operations in the North Pacific be submitted to a special assessment meeting.



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3. In June, 1977, the Scientific Committee requested that full details of great whale biological collections obtained by the Soviet fishery on behalf of aboriginals, with special emphasis placed upon ensuring availability of ear plug data, be submitted at the next annual meeting.

4. In June, 1977, the Scientific Committee requested that examinations of age distribution and of recent minke whale-biological samples obtained by Soviet operations upon Southern Hemisphere stocks be submitted to assure attainment of a satisfactory special assessment meeting.

In the last case the Scientific Committee stated:

The Subcommittee was especially appreciative of the obviously great deal of work undertaken by Japanese scientists in preparing the catch effort and biological data requested by the Scientific Committee last June . . . . The absence of any comparable Soviet material, particularly on catching effort and biological data and age - length data, was especially regrettable considering that the meeting had been delayed by six weeks on the understanding that all the requested data would be forthcoming.

The Soviet Union has not yet provided the requested data.

One example of how the inadequacy of data undermines the efforts of the Scientific Committee in projecting whale populations and classifying stocks is demonstrated



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by examining sperm whale models. For example, as the Seychelles has noted, the parameter estimates for all sperm whale models are poor. It has proven practically impossible to derive adequate measures of effective whaling effort, needed to determine changes in relative stock size. One reason is that estimates are made from selected data from only a few whaling fleets which report on only a part of their operation. Our inability to develop an adequate sperm whale model is just one example of how the Scientific Committee is intolerably hampered by lack of data in its efforts to provide meaningful quota recommendations.

(D) Member Nations Have Failed to Fund the IWC Adequately.

Because of lack of adequate funding, the Scientific Committee has become so handicapped in performing its analyses that the entire NMP is in danger of being paralyzed. The Committee itself has told the Commission that "unless the Commission makes immediate provision for the establishment and staffing within its organization of facilities to provide these [computer] services, it



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faces a serious possibility that the Scientific Committee will become unable to provide the Commission with the advice which it is required to give."

The Scientific Committee maintains volumes of data which pre-date today's sophisticated techniques and models of analysis. Because of the lack of funding to establish the necessary data processing services, the Scientific Committee is unable to utilize effectively that earlier data in developing its population models and projections.

At the Special Meeting held in December, 1978, the United States proposed a modest budget allocation to establish an independent data processing and storage retrieval system to support the work of the Scientific Committee and IWC research programs. In spite of the fact that this computer service represents one of the Commission's most pressing needs, the United States was supported by the vote of only one other member. Obviously, with this kind of apathy, the NMP becomes an inadequate instrument for whale management.



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### III. The Moratorium Proposal

Each of these deficiencies in the NMP represents a sufficiently serious flaw to arouse grave concern about the present system. In combination they dictate that the Commission halt all whaling until the flaws can be corrected.

Thus, for the Convention to be effective, the United States is proposing a moratorium on all commercial whaling to be in effect until:

1. Population levels referred to within the NMP can be determined with accuracy and confidence sufficient to avoid subjecting whale stocks to unacceptable risks;
2. Whaling technology and equipment are no longer transferred from IWC member countries to nonmembers;
3. Member countries of the IWC no longer import whale products from nonmembers;
4. Member countries perform all analysis and submission of extant data and information as required under Section VI of the Schedule or as requested by the Scientific Committee;
5. The NMP is strengthened by the adoption of a conservation principle which assumes an ecological rather than a species-specific approach to whale conservation, and;



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6. Member nations fund the Commission at a level consistent with the global conservation of whales in a manner that avoids subjecting whale stocks to unacceptable risks.

When each of these conditions is fulfilled, the international community will once again be able to manage the world's stocks without subjecting them to reprehensible and unacceptable risk.

#### IV. Conclusion

With the best of intentions, this Commission has attempted to manage whale stocks scientifically. This effort, I fear, is not succeeding. In view of the great value of whales, it is imperative that the Commission recognize the need to provide whale stocks with greater protection until the Commission can manage them with a greater degree of confidence and safety. The Commission should adopt a moratorium until responsible management is possible.



Table 1  
 Japanese Whale Catch, and Whale  
 Meat Imports<sup>1</sup>

	1971	1972	1973	1974	1975	1976	1977	1978
Catch <sup>2</sup>	16,083	17,393 108%	13,901 86%	14,180 88%	13,319 83%	9,604 60%	9,247 57%	2,950 <sup>3</sup>
Imports from Non-IWC Members <sup>4</sup>	4,170	4,201 101%	4,995 120%	6,798 163%	4,831 116%	5,665 136%	7,642 183%	10,432 250%
Imports from IWC Members <sup>4</sup>	11,859	14,074 119%	20,492 173%	21,778 184%	23,990 202%	26,811 226%	29,118 246%	23,403 197%
Total Imports <sup>4</sup>	16,029	18,275 114%	25,487 159%	28,576 178%	28,821 180%	32,476 203%	36,760 229%	33,835 211%

<sup>1</sup>All percentages based on 1971 figures.

<sup>2</sup>In numbers of whales.

<sup>3</sup>Antarctic only.

<sup>4</sup>In metric tons

SOURCES:

Import statistics: Imports of Marine Products by Country, Japan Marine Products Importers Association. All figures have been rounded.  
 Whaling statistics: Bureau of International Whaling Statistics, per data supplies by Japan.



Figure 1

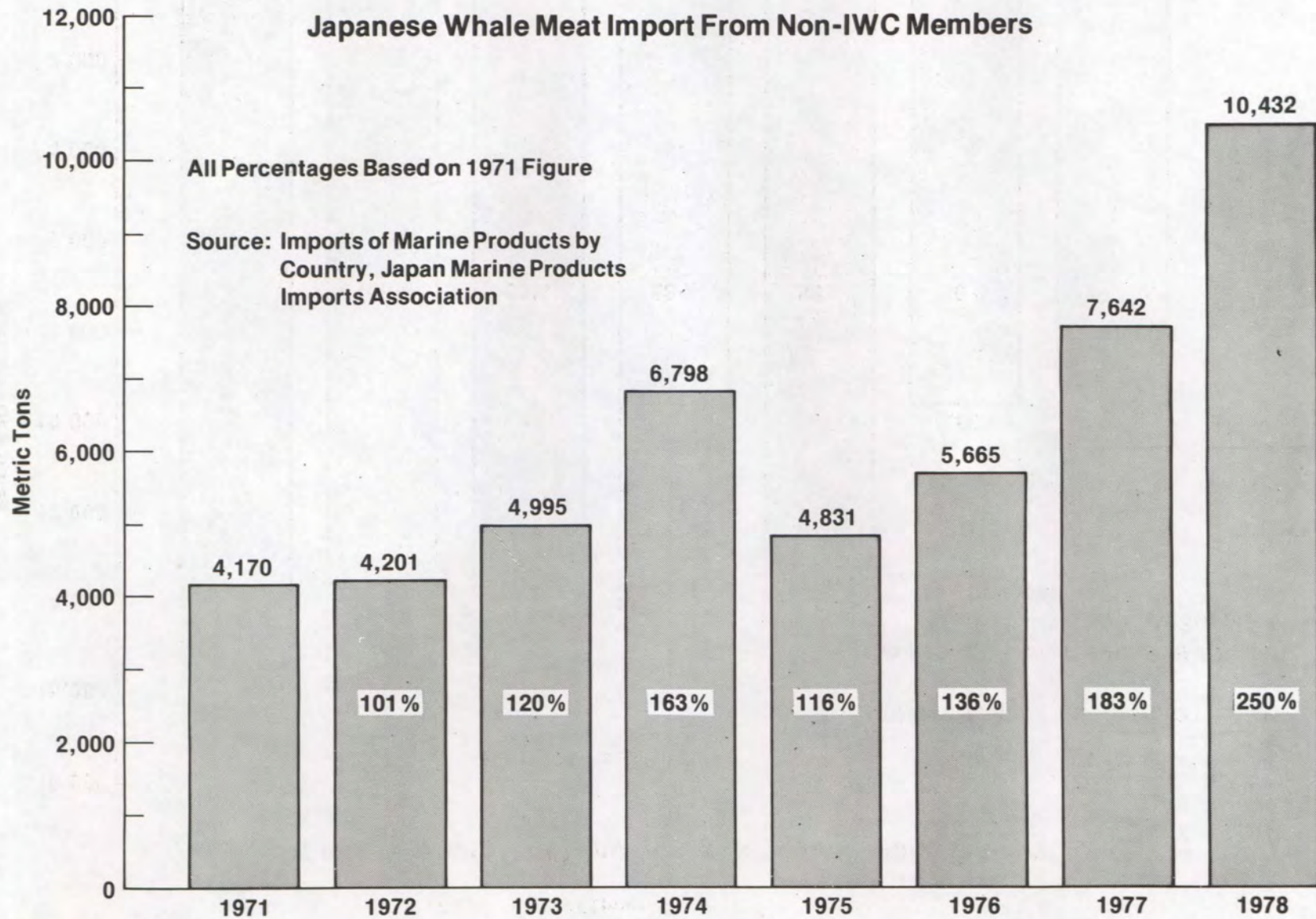




Figure 2

### Japanese Whale Catch Including Large and Minke Whales

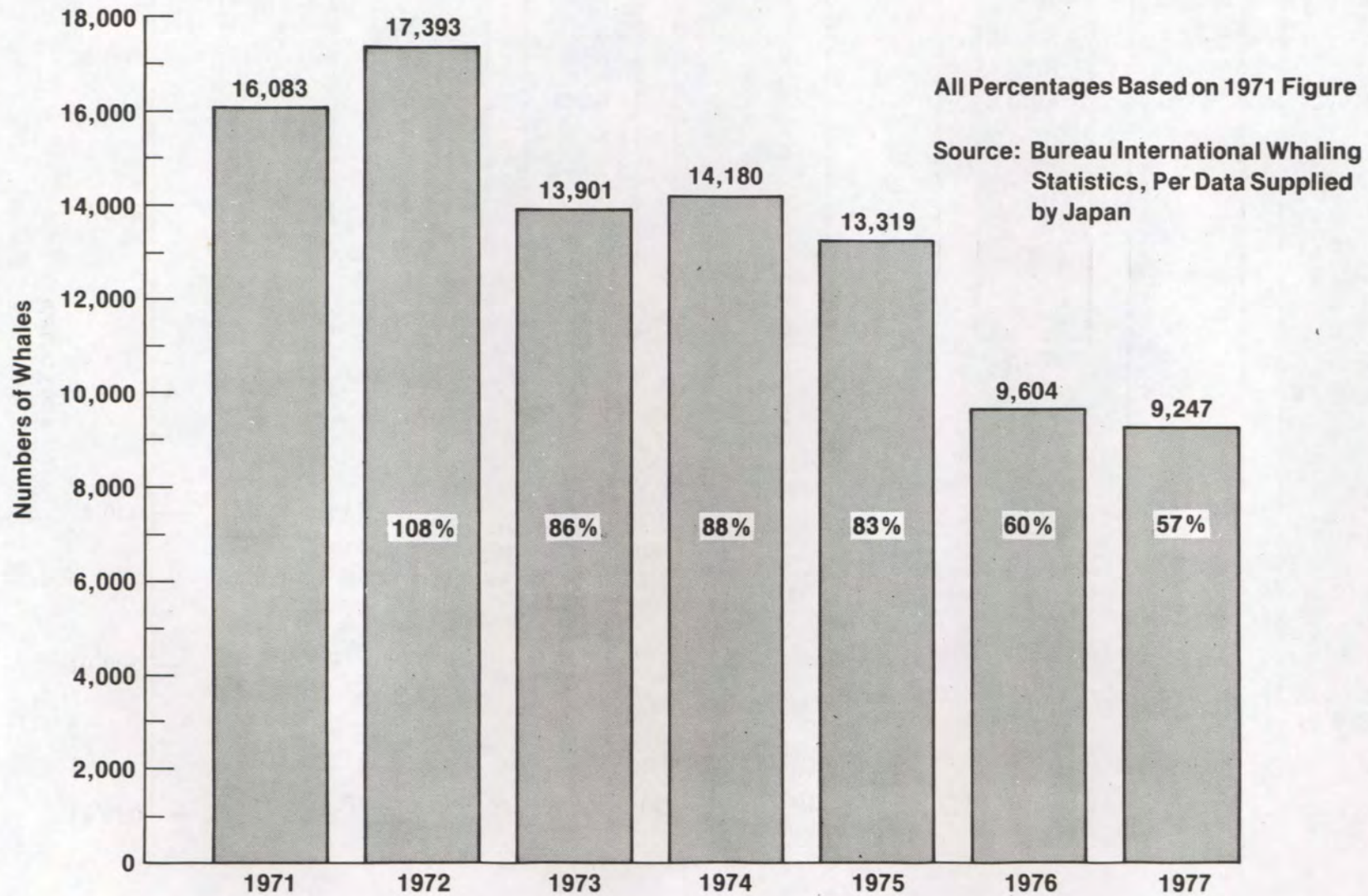




Table 2  
 Japanese Imports of Whale Meat in  
 Metric Tons, 1977

	JAN	FEB	MAR	APR	MAY	JUN <sup>1</sup>	JUL	AUG	SEP	OCT	NOV	DEC	CUM <sup>1</sup> TOTAL	CUM ROW %
R KOREA	1	238	78	360	272	141	248	280	39	550	42	1	2,251	6.12
N KOREA	0	0	10	0	0	0	0	0	0	0	12	12	34	.09
ICELAND	479	14	0	0	0	0	0	136	990	605	358	345	2,926	7.96
NORWAY	3	0	0	0	0	0	0	0	0	43	0	34	81	.22
SPAIN	0	155	0	131	7	0	0	0	352	0	351	357	1,353	3.68
USSR	90	362	1,898	11,217	6,378	2,595	1,592	39	110	12	1,192	625	26,111	71.03
CYPRUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PERU	190	0	361	0	420	0	0	295	0	0	0	183	1,450	3.95
BRAZIL	60	14	0	0	0	0	0	0	0	25	100	120	320	.87
SOMALIA	1	225	0	357	3	289	15	126	265	272	278	404	2,235	6.08
TOTAL	824	1,008	2,348	12,065	7,080	3,024	1,855	876	1,757	1,507	2,333	2,083	36,760	

<sup>1</sup>Includes .01 metric ton from U.K.

SOURCE: Imports of Marine Products by Country, Japan Marine Products Importers Association. All figures have been rounded.



Table 3  
 Japanese Imports of Whale Meat in  
 Metric Tons, 1978

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP <sup>1</sup>	OCT	NOV	DEC	CUM <sup>1</sup> TOTAL	CUM ROW %
R KOREA	1	153	166	380	536	125	427	217	120	108	40	111	2,383	7.04
N KOREA	0	0	8	0	0	0	0	0	0	0	0	0	8	.02
ICELAND	862	0	1	0	0	0	0	206	2,017	604	230	366	4,285	12.66
NORWAY	150	0	125	0	2	0	0	0	0	74	10	188	549	1.62
SPAIN	0	229	8	0	0	0	0	0	654	551	107	1,095	2,645	7.82
USSR	204	11	1,721	6,112	4,966	3,538	0	668	274	653	104	0	18,250	53.94
CYPRUS	0	0	0	0	0	281	1,060	0	592	295	280	267	2,776	8.20
PERU	0	477	517	0	456	0	344	224	0	0	0	0	2,019	5.97
BRAZIL	150	0	55	0	0	0	0	0	0	0	27	87	319	.94
SOMALIA	0	0	216	105	0	275	0	0	0	0	0	0	597	1.76
TOTAL	1,368	871	2,816	6,598	5,960	4,219	1,831	1,315	3,662	2,285	797	2,114	33,835	

<sup>1</sup>Includes 6 metric tons from China (PRC).

SOURCE: Imports of Marine Products by Country, Japan Marine Products Importers Association. All figures have been rounded.