

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: June 18, 2010

TO: Honorable Members of the Information Technology & Government Affairs
Committee

FROM: Gerry F. Miller 
Chief Legislative Analyst

Assignment No: 10-06-0572

SUBJECT: Resolution (Koretz-Rosendahl) in Opposition of Commercial Whaling

CLA RECOMMENDATION: Adopt Resolution (Koretz-Rosendahl) to include in the City's 2009-2010 Federal Legislative Program, OPPOSITION to legislation or administrative action which would support provisions in the International Whaling Commission's (IWC) proposal, that would allow for commercial whaling.

SUMMARY

Resolution (Koretz-Rosendahl), introduced on June 9, 2010, indicates that commercial whaling and increased use of the international black market for whale meat has resulted in a substantial killing rate of whales over the past 24 years. The Resolution also states that the International Whaling Commission (IWC) implemented the existing moratorium on commercial whaling in 1982, and limited the number of permitted whale killings for indigenous and scientific purposes. Despite these actions, the number of whales killed due to commercial whaling has continued to grow, per the subject Resolution. Further, the Resolution shows that while a recent proposal of the Chair and Vice Chair of the International Whaling Commission (IWC) contains some benefits to addressing the issue of commercial whaling, critics argue that specific provisions of the proposal would inadvertently permit countries which currently violate the moratorium on commercial whaling, to continue their current practices, as long as they adhere to the catch limits contained in the proposal. Lastly, the Resolution would oppose any provisions in the International Whaling Commission's proposal which would condone commercial whaling practices which further contribute to the extinction of additional whale species.

BACKGROUND

The International Whaling Commission (IWC) was established under the International Convention for the Regulation of Whaling, which was signed in December of 1946. The IWC focuses on policies which attempt to regulate whaling practices around the world. Those policies set forth in the "Schedule of the Convention" includes: protection of certain whale species; designating specified areas as whale sanctuaries; setting "catch limits" for the numbers and sizes of whales which may be taken; establishing open and closed seasons for whale catching; and prohibiting the capture of suckling calves and female whales accompanied by calves. Additionally, the IWC coordinates, and funds research on whale extinction, whale habitat impacts by global warming, etc.

There are 88 member nations of the IWC and each nation may voluntarily govern their respective domestic laws and regulations related to whaling, as established in the Schedule of the Convention. However, some critics indicate that existing disagreements continue to remain a barrier to much progress made by the IWC. As member nations' positions on IWC regulations vary per government, Article 5, Section 3 of the Schedule of the Convention permits any government to object to any action made by the IWC which it determines to conflict with its nation's interest. Such an objection, as indicated by the IWC, permits that country to not be bound by that particular action, therefore creating many loopholes and exceptions to policies established within the Schedule of the Convention.

In 1982, the IWC considered and adopted by a majority of member nations, a moratorium on commercial whaling. This moratorium prohibits member nations from practicing commercial whaling. This moratorium is non-binding for nations which are not members of the IWC. Exceptions to the moratorium include catching of whales for aboriginal subsistence¹ and scientific² purposes. It has been alleged that member states, and non-member countries, have continued to whale for commercial purposes in defiance of the ban. Various studies have indicated that the international black market for whale meat continues to be a problem for both member nations and non-member nations, as DNA studies by the IWC and international research organizations' DNA tests reveal whale meat in various restaurants, cosmetic materials, pet food, and other luxury items.

According to the IWC, approximately 41,453 whales have been killed since the moratorium was passed, including a substantial number whales which have been identified by the IWC as endangered species. Of this number, the IWC reports that 13,313 were killed under scientific whaling permits, 7,892 were killed under subsistence quotas, and 20,248 were killed by countries with "objections" to the moratorium.

On April 22, 2010, the Chair and Vice Chair of the IWC released a draft 10-year peace plan which was designed to address the "wide range of views of [IWC] members," including compromises from both pro- and anti-commercial whaling members. Due to this, the Chair and Vice Chair of the IWC indicated that they anticipated some criticism as a result to this proposal. The proposal continues the existing moratorium on commercial whaling for member nations. Additionally, the IWC reports the following benefits of the draft plan:

- 1) expansion of current research initiatives addressing climate change and other environmental threats, and establishment of conservation plans for the most endangered species of whales;
- 2) creation of a new South Atlantic Sanctuary; and
- 3) establishes a compromise which could begin major reform for the IWC and its

¹Whaling for aboriginal subsistence purposes are defined as whale harvesting for cultural and nutritional needs of various indigenous peoples residing in member nations. Catch limits are established by the IWC and apply in various numbers per member nation.

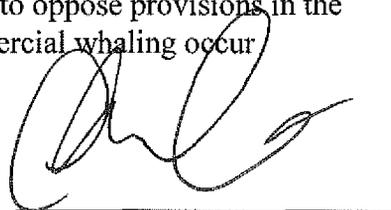
²Whaling for scientific purposes is allowed by permit only for the purposes of scientific data and animal/habitat research, and may only be approved by the Scientific Committee of the IWC.

operations.

Despite the number of likely benefits of the Chair and Vice Chair's draft plan, critics state that the proposal leans heavier to one side, and its drawbacks heavily outweigh the benefits. The IWC proposal does not require non-member nations to adhere to the moratorium that member nations are subject to. Further, critics indicate that the proposal which has been termed, in part, as a "peace plan" does not use its influence or the influence of member nations to peacefully negotiate with non-member nations in order to significantly mitigate commercial whaling. Additionally, the May 12, 2010 report of the California Coastal Commission states that provisions in the proposal establish 10-year annual catch limits for those whaling in defiance of the moratorium, instead of revising the Schedule of the Convention to require that all member nations which disagree with actions of the IWC may submit objections without ability to act in defiance of said actions. The actions of defiant nations to kill whales for commercial purposes, is a de facto end to the moratorium, and is also, arguably, an endorsement of commercial whaling, according to the California Coastal Commission.

Further, the California Coastal Commission argues that the proposal authorizes the killing of several endangered species of whales, by permitting whale catching and setting killing quotas for endangered whales. Although the proposal affirms a commitment to prohibiting the killing of calves, and female whales with calves, there is no mention of lactating females which may be temporary separated from their calves, or pregnant female whales. The California Coastal Commission indicates that nursing calves and unborn calves are critical to the long-term survival of whales, specifically endangered whales, yet no method of mitigation is set forth in the draft peace plan.

Critics have argued that the current proposal's drawbacks heavily outweigh the benefits, and the negative consequences would not only increase the number of whales killed for commercial purposes, but will also directly contribute to the elimination of additional species of whales. The California Coastal Commission specifically states that the U.S. has clearly opposed commercial whaling both through domestic policy, and its work with the IWC to create the Southern Ocean Sanctuary to protect all endangered species of whales which inhabit this region. As the meeting of the IWC is set for June 21, 2010, it is important that any action to oppose provisions in the draft plan which would contribute to increased instances of commercial whaling occur expeditiously.



Chris Concepción
Analyst

Attachments: 1) Resolution

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the California Coastal Commission indicates that increasing trends of whale extinctions such as the North Atlantic Gray whale, and the significant reduction of sustainable numbers of Blue whales, Right whales, Sperm whales, and the Western North Pacific Gray whale, can be attributed to acts of illegal commercial whaling and the international black market for whale meat, resulting in the killing of 41,453 whales for commercial purposes between 1985 and 2009 in order to produce perfumes, oil, pet food, and various luxury items; and

WHEREAS, the International Whaling Commission (IWC) serves as a voluntary collaborative consisting of 88 member nations, tasked with regulating commercial whaling to prevent "overfishing" and other issues related to whale extinction; and

WHEREAS, in 1982, the IWC implemented the existing moratorium on commercial whaling, which allows for the killing of whales only for scientific and aboriginal subsistence purposes, although data suggests that countries with objections to the moratorium have been responsible for approximately 20,000 of the whale killings for commercial reasons since 1985; and

WHEREAS, the Chair and Vice Chair of the IWC have released a proposal, which would set ten-year annual catch limits for various types of whales, establish requirements for whale observing vessels, expand research of existing threats to whales, etc.; and

WHEREAS, despite the benefits of the upcoming proposal, there are drawbacks according to critics, inasmuch as the "bracketing trade language" would set 10-year catch limits for nations which currently violate the moratorium, which would indirectly allow for commercial whaling; and

WHEREAS, since the proposal is set to be considered at the June 21st meeting of the IWC, this urgent matter requires immediate action in order to oppose such provisions which would allow for the continuous reduction of endangered whale populations, and could subsequently result in additional extinctions of endangered whale species;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2009-2010 Federal Legislative Program, OPPOSITION to any legislation or administrative action which would support provisions in the International Whaling Commission's (IWC) proposal, that would allow for commercial whaling, and the subsequent reduction of any species of endangered whales.

PRESENTED BY:



PAUL KORETZ

Councilmember, 5th District

SECONDED BY:

