

The Humane Society of the United States  
Position Statements for the 55<sup>th</sup> Meeting of the IWC

*Humane Killing*

In 1946, when the International Convention for the Regulation of Whaling was signed, few if any nations were concerned with whether killing animals for food was humane. In 2003, dozens of countries have humane slaughter laws, most of which require that an animal be rendered immediately insensible before slaughter (see Gregory *et al.*, IWC51). The International Whaling Commission (IWC), originally a product of the mid-20<sup>th</sup> century, has and must remain in step with the times. In the 21<sup>st</sup> century, it must affirm its commitment to incorporating the concept of humane killing in the regulation of whaling.

Based upon past practice, the IWC has established the authority to require that the killing of whales for commercial or aboriginal subsistence purposes be humane. This authority parallels that of national agriculture ministries, which are required under humane slaughter laws to ensure that the killing of domesticated food animals is humane. It would be politically, legally, and ethically inconsistent to require humane slaughter methods for one type of food animal but not another.

The IWC has acknowledged its authority on this issue by outlawing the use of the cold harpoon and the electric lance, as well as by forming the Humane Killing (aka Whale Killing Methods and Associated Welfare Concerns) working group. It has also held periodic workshops on whale killing methods (including at this year's meeting) and collected information on times to death and other relevant data. Through a schedule amendment, numerous resolutions, and the workshops and the efforts of the working group, the IWC has recognized that it falls within the IWC's jurisdiction to consider humane killing issues and that the killing of whales for food should meet reasonable humane slaughter standards.

Over the years, whales have been killed by nearly every method imaginable, from explosive harpoons to bullets. No matter what method is used, however, death – and perhaps more relevantly, insensibility – is often not instantaneous. This is the result of multiple factors, including the whales' large size, their physiology (including their specialized adaptations for diving), and weather conditions at sea. Indeed, given these factors, a “struck and landed” whale may suffer anywhere from a few minutes to several hours.

Humane Society International (HSI) firmly considers all present methods of killing whales to be inhumane because, among other problems, they do not routinely or reliably render the animals instantaneously insensible. Immediate insensibility is a common thread found in the definition of “humane” in humane slaughter laws – hence the standard requirement for stunning of domesticated food animals.

Regarding determination of death, current IWC criteria identify death as the cessation of movement in external body parts such as the pectoral flippers, not the cessation of cerebral function, which is the appropriate criterion to use. Therefore, whales may suffer prolonged deaths using current killing methods. By definition, this cannot be considered humane.

Current killing methods include the explosive harpoon, which uses a large spear tipped with a penthrite grenade that explodes on impact. Accurate execution of this method is often impossible given the conditions at sea, particularly in the Antarctic. Even so, this device is supposed to cause “instantaneous” death (defined as death within ten seconds). Although this method could immediately kill the whale if the projectile pierced directly through the heart or brain, the average time to death (and even insensibility) is usually several minutes, and some whales live and actively struggle for well over an hour after the grenade has exploded.

Cold harpoons use a propulsive device to launch a large spear into the whale. The spear, which does not have an exploding tip, penetrates deeply into the whale's body. If the spear does not hit a vital organ – the most likely result – the whale will not die from the impact of the harpoon, but instead may bleed to death, sometimes over several hours. Alternatively, the whale may survive for some time afterward, suffering aftereffects of the strike, including chronic pain. The IWC currently outlaws cold harpoons; however, some explosive harpoons do not detonate upon impact, resulting in a “cold harpoon” death.

Electric lances have been used as a “secondary” killing method after initially using an explosive harpoon. Because explosive harpoons damage much of the muscle (meat) in the area of impact, whalers are reluctant to use two grenades on one whale when death is not instantaneous. The electric lance passes an electric charge through the whale, which is supposed to induce instant death. However, given the whale's size and the safety concerns for the whalers, the voltage of the electric charge is insufficient to cause immediate death (even when applied directly through the brain or heart) and merely adds to the whale's agony (see van Liere *et al.*, IWC49). The use of the electric lance was to have ceased due to humane concerns, but with no international observers, if and under what circumstances it continues to be used are impossible to verify.

The other common “secondary” killing method involves shooting the whale with rifles if instantaneous death does not result from an explosive harpoon. Killing a whale with a single bullet is virtually impossible; even using a large caliber rifle requires multiple shots. Therefore, most whalers kill the whale by shooting the animal with standard caliber bullets multiple times. The whale feels pain from each wound and may not die for some time.

None of these methods routinely or reliably meet a reasonable standard for humaneness. Times to death continue at unacceptable averages and the maximum times to death recorded cannot be considered humane by any standards. In short, the large size of even the smallest species of whales, their adaptations for diving, and conditions at sea make it

impossible to kill whales humanely using current methods. HSI strongly supports the inclusion of strict humane standards for whale killing as part of any IWC management regime and urges the IWC to support research on humane killing of whales, with a goal toward refining killing methods to ensure immediate insensibility and death.

### *RMS*

The current draft of the RMS is wholly inadequate. Its weak provisions will be unable to regulate or control commercial whaling. The draft RMS does not provide any means of effective enforcement. Penalties are not on the table for discussion. The ineffectiveness of the Infractions Committee and past IWC resolutions regarding scientific whaling make it clear that guidelines alone have no deterrent effect. The RMS also does not provide for an international tracking and verification system to track whales from capture to market. This is essential to ensure that whalers are following the quotas established under the RMP. Until the RMS contains these most basic provisions, it is not even on a par with most modern fisheries agreements.

### *Sanctuaries*

Marine protected areas – sanctuaries – are increasingly recognized as among the most effective methods to allow depleted fisheries resources to recover. Clearly it is appropriate to apply this management tenet to whales and whaling. Sanctuaries are not new to the IWC – closed areas are provided for in the ICRW and have been part of the Convention since its inception. Article V of the Convention states that the Commission specifically has the power to designate sanctuaries. Additionally, nations can – and do – create regional sanctuaries, which should be supported and recognized by the IWC. All member countries need to support the creation of new sanctuaries within the IWC, especially where range states are supportive of such efforts.

### *Berlin Initiative*

For several years HSI has argued that the IWC has evolved into a body that is more concerned with protecting and conserving whales than in defending and subsidizing the whaling industry. This evolution started in the mid 1980s and steadily gained momentum during the 1990s. The Berlin Initiative on Strengthening the Conservation Agenda of the International Whaling Commission is approaching the pinnacle of this evolution. This Initiative is a codification of IWC conservation work to date and a reflection of civil society's expectations of whale protection and the IWC. Agreements and international organizations are not static, they progress and evolve based on precautionary science and social mores. There are a multitude of threats that cetaceans face: fished-out oceans, polluted waters, and climate change. Civil society expects the IWC to protect and conserve whales. By adopting the Berlin Initiative, the IWC will show that it is robust and can meet the challenges of our changing world.