

ICELAND'S WHALING COMEBACK

Preparations for the Resumption of Whaling



An analysis by Dr. Sandra Altherr



Summary

After a pause of 14 years, Iceland plans to resume whaling and trade in whale meat in the very near future: Within the last three years Iceland has become a member of CITES (the convention that regulates the international trade in endangered species), started to import whale products from Norway, rejoined the *International Whaling Commission* (IWC) with a reservation on the IWC moratorium for commercial whaling and consolidated its relations on fisheries and whaling issues with Japan. In March 2003, Iceland submitted a plan for a two-year research whaling programme to the IWC, involving the killing of 500 whales. This programme may start as soon as summer 2003. Iceland's Fisheries Minister has stated that it is a precondition for any whaling for Iceland to be able to export whale products to Japan.

These recent developments must be assessed in the light of Iceland's leading role in whaling in the past. Since 1883, Iceland has killed at least 35,195 whales. It has repeatedly demonstrated that it is not willing to follow international conventions if they are not in line with Iceland's interests. Shortly before the IWC moratorium came into force in 1985, the Icelandic Government presented a programme for

"scientific whaling", which, besides 320 fin, 320 minke and 160 sei whales even proposed the hunting of blue and humpback whales in its original version. By this means, Iceland evaded the moratorium by using a loophole in the *International Convention for the Regulation of Whaling* (ICRW 1946).

This report gives an overview of Iceland's whaling history and exposes its recent steps to prepare the ground for a resumption of both whaling and international trade, with a focus on Japan's market. Resumption of whaling in Iceland would cause serious conflicts with whale watching, which recently has become a booming and lucrative income source for Iceland. The report also examines the domestic market in Iceland for products of whales and small cetaceans that are killed intentionally or as bycatch.

At the 55th annual meeting of the IWC, for the first time held in Germany (Berlin, 16th-19th June 2003), delegations will have the opportunity to criticize Iceland's plans, which are ignoring the decisions of international conventions, as the IWC, CITES and the International Law of the Seas (UNCLOS). Only a strong international opposition will prevent Iceland from a resumption of whaling.

Content

1. Iceland's Whaling History	3
1.1. Periods of Whaling	3
1.2. The Trojan Horse "Scientific Whaling"	3
1.3. Iceland's plans for hunting blue whales	3
2. Iceland and the IWC – A Difficult Relationship	4
2.1. Undersized Whales	4
2.2. Commercial "Scientific whaling"	4
2.3. Scientific Value	5
2.4. NAMMCO – a Substitute for the IWC?	5
2.5. IWC-Membership	6
2.6. Why did Iceland Rejoin the IWC after 10 Years Absence?	6
3. Conflicts with other Conventions: CITES & UNCLOS	6
3.1. CITES	6
3.2. Reservations at CITES	7
3.3. UNCLOS – The Law of the Sea	7
3.4. The European Union	7
4. Consumption of Whale Meat in Iceland	7
4.1. Current Sources of Cetacean Meat in Iceland	8
4.2. New IWC Membership – New Reporting Responsibilities	9
4.3. Contamination of Whale Meat	9
5. Iceland's Whaling Fleet	10
5.1. Whaling Equipment	10
6. Whale Watching Versus Whaling	10
7. The "Whales eat Fish" Debate	11
8. Iceland's Road Back to Whaling	12
8.1. Promotion to Resume Whaling	12
8.2. Iceland's New Proposal for Lethal Research on 500 Whales	14
9. Conclusions and Recommendations for IWC 55	14

The author wants to thank Dr. Ole Lindquist, Sue Fisher, Ásbjörn Björgvinsson, Kitty Block, and other persons who don't want to be mentioned by name for their input of valuable information.

1. Iceland's Whaling History

Iceland has historically been one of the most active whaling nations: Since records of whaling data were started in 1883, the killing of a total of at least 35,195 whales in Iceland has been documented:

1.1. Periods of Whaling

Period 1 (before first world war): Between 1883 and 1915, 2,264 blue, 1,166 fin, 211 humpback, 46 sperm whales, and a total of 13,502 unspecified individuals were taken in Icelandic waters. Most unspecified animals were blue and fin whales¹.

Period 2 (between first and second world war): From 1915 to 1935, the Icelandic Parliament, the 'Althing', banned whaling from all land stations, due to the severe depletion of stocks². Whale oil was exported, peaking at the beginning of the 20th century (figure 3). Between 1935 and 1939, a total of 30 blue, 375 fin, 2 humpback, 52 sperm whales and 10 sei whales were caught¹.

Period 3 (since the second world war): Between 1948 and 1989, Iceland caught 17,078 whales in total: 163 blue, 9,180 fin, 2,644 sei, 2,885 sperm and 6 humpback whales (figure 2). Export of meal, meat, and meat extract only started in this period, but resulted in booming revenues with meat being the most prominent product (figure 3).

Whaling for minke whales began in 1914 in Iceland, but was not statistically registered before 1974, when the IWC established a *New Management Procedure* (NMP), under which quotas were set for the first time for the hunt on North Atlantic whales. Between 1974 and 1985, Iceland hunted 2,200 minkes (figure 4, 11).



Figure 1: Icelandic cold harpoon

1.2. The Trojan Horse "Scientific Whaling"

In 1982, the IWC adopted a moratorium for commercial whaling which took effect in 1985/1986. This step was a consequence of the further collapse of populations of the great whales. This moratorium is still in effect, and remains so until modified by a ¾ majority vote by the IWC. In 1983, the Icelandic

¹ Rorvik et al. (1976): "Fin whales, *Balaenoptera physalus*, off the West Coast of Iceland. Distribution, segregation by length and exploitation", *Rit fiskideildar. Hafrannsóknastofnunar, Reykjavík*.

² Sigurjónsson, J. (1988): "The intensified programme of whale research in Iceland", *Modern Iceland*, No. 4, 29-33.

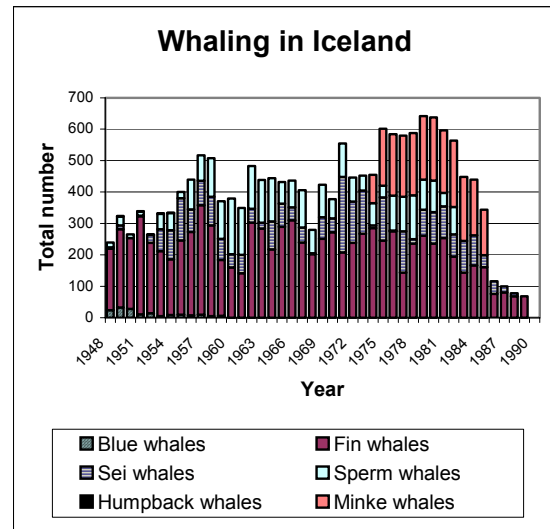


Figure 2: Number of blue, fin, sei, humpback, sperm and minke whales officially killed in Icelandic waters between 1948 and 1989.

parliament decided by a one-vote majority not to lodge a reservation against the moratorium³, which it was entitled to do under the *International Convention for the Regulation of Whaling* (ICRW), the treaty which established the IWC. However, soon afterwards this decision was regretted. Officially, Iceland ceased commercial whaling in 1985, but immediately found a way to escape the moratorium by using a loophole within the ICRW, which permits a Contracting Government to issue its nationals with permits to conduct whaling for the purpose of scientific research (Article VIII, ICRW): Only a few months after the Icelandic decision to accept the moratorium, it started drawing up a programme for "scientific whaling". The goal of this programme was to collect data on e.g. "age distribution, maturity and reproduction". Notwithstanding Iceland's sudden enthusiasm for "whale research" and the scientific merits of the programme were doubted by many countries and the IWC itself (see section 2.2 and 2.3).

1.3. Iceland's plans for hunting blue whales

At least two versions of the four-year research programme existed in 1985: One version was officially presented to the IWC in July and covered the annual take of 80 fin, 80 minke and 40 sei whales from 1986 to 1989 [SC/37/020]. But another version even contained lethal research on blue and humpback whales with the aim "to study population response in stocks that have had decades of protection"⁴.

A contract concluded in May 1985 between the Ministry of Fisheries and the whaling company Hvalur H/F⁵, included the killing of 40 blue and 40

³ Icelandic Parliament (1983): 294th Committee Report, Reykjavík.

⁴ Marine Research Institute (1985): "Introductory meeting on whale research in Iceland and plans for intensified research in the period 1986 to 1989", 16th August, Reykjavík.

⁵ Hvalur H/F was the enterprise, which got an exclusive contract to kill fin and sei whales. The stockholders of this firm have never been revealed, but conservationists suspected the involvement of top figures in the Ministry for Fisheries.

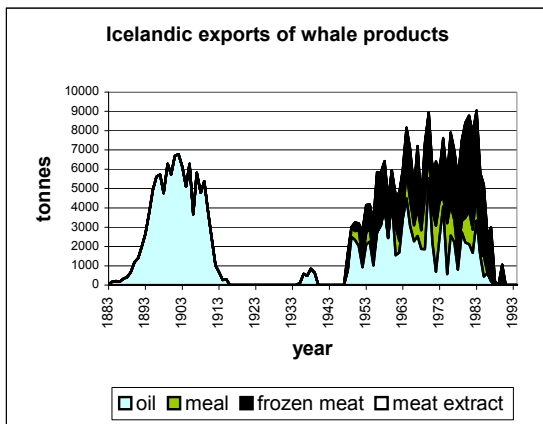


Figure 3: Volume of exports of different whale products in tonnes; data based on *Icelandic Historical Statistics - Hagskinna* [1997].

humpback whales during the research programme⁶. However, when on 24th May 1985 Iceland announced that it would kill 200 whales a year during its research programme, it omitted the takes of blue and humpback whales due to strong international protests. Iceland signed the contract with the whaling company in May, two months before the IWC had the chance to comment on the research programme. At the IWC meeting in July 1985, when the research programme was officially presented, many members of the IWC's Scientific Committee expressed their reservations about the usefulness and necessity of the proposed catch and doubted that it would significantly contribute to improved assessment of the stocks involved. Nevertheless, Iceland subsequently issued annual permits for 80 fin and 40 sei whales, and whaling began in May 1986. Permits for minke whales were not given.

Iceland's research whaling programme caused strong international protests, and Greenpeace, Humane Society of the United States and others launched a boycott campaign against Icelandic fish products, which had a distinct effect on fish exports. As fish still account for 75 percent of its exports, the Icelandic Government is aware that any future resumption of whaling may again provoke boycott reactions, which would be especially serious in the leading markets Britain, Germany and USA⁷.

2. Iceland and the IWC – A Difficult Relationship

The history of Iceland and its relationship to the IWC is a story of provocations, violations of decisions, ignoring recommendations, and exploitation of loopholes. In the first decades of its initial IWC membership, Iceland built up a shockingly bad record of opposition to regulatory measures that affected its own whaling interests.

⁶ EIA (1985): "Pirate whaling 1985 and a history of the subversion of international whaling regulations", London.

⁷ Binyon, M. (1999); *The Times*, dated 11th February, London.

2.1. Undersized Whales

In the past, Iceland regularly violated the IWC's catch restrictions for fin and sei whales, which prohibit the killing of sei and fin whales under a minimum size (Schedule paragraph 15 (a) and (b)). Every year between 1977 and 1983, undersized animals of both species were taken by Iceland's whalers - 171 fin and 71 sei whales in total⁸. Meat and blubber of these animals were not separated from the carcasses of permitted size, and were exported with them. This fact represents an additional violation, as the use of undersized sei and fin whales is restricted to local consumption according to Schedule paragraphs 15 (a) and (b).

2.2. Commercial "Scientific whaling"

Article VIII of the 1946 ICRW explicitly allows whaling under scientific permits, but the IWC has long expressed its belief that this provision is not to provide a commercial source of meat. The Environmental Law Centre of the IUCN (*International Union for the Conservation of Nature*) concurred with this view in 1986, stating that "to undertake whaling operations in order to fund research would not be in accordance with the provisions of Article VIII"⁸. Nevertheless, revenue from the commercial sale of whale products, including exports, did finance Iceland's "research whaling" from 1986 to 1989 – and is expected to do so again when Iceland's "research whaling" resumes.

Such commercialisation of what is clearly intended to be a scientific research programme would defy IWC Resolution IWC/37/33 adopted in 1985, which "urges any contracting Government proposing the issue of scientific permits... to take account of the serious concerns expressed in the Commission at the possibility of whaling for scientific purposes in the period referred to in Article 10(e) assuming the characteristics of commercial whaling".

Domestic Consumption:

At the 1985 IWC meeting, a resolution was proposed to prohibit trade in whale products obtained under special permits [IWC/37/27]. Due to Iceland's vehement opposition, this resolution was later watered down to state that the products "should be utilized *primarily* for local consumption". In this version the resolution was passed in 1986. The following year, the Icelandic Government declared in writing that a maximum of 49% of meat and other products would be exported. In practice, this represented a huge problem for Iceland because previously "most of the products have been exported"⁹.

Unofficial estimates calculate that, in the 1980s, local consumption of whale products in Iceland was no more than 150-200 of the 2,000 tonnes of meat resulting from the kill every season. In February 1987, only 130 tonnes of the previous year's catch

⁸ Environmental Law Centre of the IUCN (1986): in litt. to Arnie Schiotz, dated 7th April.

⁹ Ministry of Fisheries, Iceland (1990): "A report to the technical Committee's working group on socio-economic implications and small-type whaling", tabled as document TC/42/SEST6.



had been consumed¹⁰ despite a campaign to increase demand. Iceland's Minister of Fisheries has stated that few Icelanders had a taste for whale meat¹¹, and minke whale products were preferred. Indeed, an analysis of exports of Icelandic whale products to Japan indicated that they added up to at least 58.4, maybe even 77.2%, of the total yield resulting from scientific whaling¹². In this context it was also demonstrated - by comparing with Japan's import statistics - that Iceland did not register all exports of whale products in its statistics¹².

In 1994, the IWC adopted Resolution IWC/46/61, which "considers ... that meat and products from research whaling should be utilized entirely for domestic consumption". This still valid resolution is a serious legal obstacle for Iceland's plans to export products from its future "research whaling".

2.3. Scientific Value

The IWC repeatedly expressed criticism of the scientific value of Iceland's whaling, noting on several occasions that the Icelandic Programme did not satisfy the criteria of the Commission [e.g. Resolution IWC/41/26] and recommending that permits should not be given until "the *uncertainties identified by the Scientific Committee ... have been resolved to the satisfaction of the Scientific Committee*" [IWC/39/41Rev]. Despite these expressions of the Commission's will, Iceland made only a small reduction in its catch quotas; from 80 fin and 40 sei whales to 68 and 10 respectively in 1988¹³.

Iceland's scientific whaling programme ended in 1989, having taken a total of 292 fins and 70 sei whales – species that earlier had been subject to Icelandic commercial whaling. It is obvious that science was not the goal of Iceland's first research programme, but simply the continuation of formerly commercial activities under the label of "science". This is also born out by the fact that whale products deriving from the Icelandic "research whaling" were – as before - commercially exported to Japan, and

trade only ceased in 1992 after Iceland had withdrawn from the IWC.

The real impetus for Iceland's "research whaling" was also revealed when a senior scientist of the "Iceland Programme for Whale Research" emphasized that the taking of scientific samples occasionally "*delayed the flensing process by up to 12 hours*"¹⁴. Such delays interfered with the Japanese requirements for the quality of imported whale meat.

In general, the data derived from the lethal aspects of the Icelandic "research whaling programme" were scarce, and critics emphasized that the few results could have been obtained by non-lethal research methods. Following the conclusion of the research programme in 1989, Iceland asked at the next IWC-meeting for a commercial quota of 200 minke whales under an interim management procedure. Both were rejected by the IWC because such an allocation would be contrary to the moratorium.

2.4. NAMMCO – a Substitute for the IWC?

When Iceland, in the late 1980s, experienced increasing opposition in the IWC to its whaling activities, the northern island began to promote the idea that Iceland could pursue whaling under the aegis of an alternative body, composed only of states and territories in the North Atlantic region with an interest in whaling; namely Norway, Greenland and the Faroe Islands.

This alternative body was established as NAMMCO¹⁵, the agreement of which was signed on 9th April 1992 – three months before Iceland's withdrawal from the IWC came into force. With NAMMCO Iceland hoped to establish a body that would qualify as an "*appropriate international organisation*" for the conservation and management of whales, as established under the *United Nations Convention for the Law of the Sea* (UNCLOS, see section 3.3). However, NAMMCO is only composed of two sovereign countries (Norway and Iceland), whereas the Faroe Islands and Greenland are only semi-autonomous territories of Denmark. Denmark itself is neither a member of NAMMCO nor had an interest in promoting NAMMCO as an alternative to the IWC, because it did not want to risk its IWC quota for aboriginal subsistence whaling for Greenland. Norway acted reserved as well. Canada and Russia were invited to become members, but did not join. As a result, NAMMCO was largely ignored by the international community, and CITES in 2000 confirmed the IWC's primary legal competence for the management and conservation of whales [CITES Conf. 11.4 Rev. 2000]. In the end, Iceland had to realise that its plan to establish a North Atlantic whalers' club as an internationally recognised alternative to the IWC had failed. As a consequence it decided to rejoin the IWC.

¹⁰ AWI (1995): "Whaling for Science", In: *Whales vs. Whalers 1971-1995: A continuing commentary published by the Animal Welfare Institute, Washington*.

¹¹ Reuters (1989): "Iceland says whales must be hunted for sake of environment", *Reuters News Reports*, 18th May.

¹² Reeve, R. (1991): "Icelandic Pirate Whaling 1991 – Illegal whale meat exports and history of Iceland's pirate whaling record", *Environmental Investigation Agency, London*.

¹³ US Embassy in Iceland (1988): in litt. to Steingrímur Hermanson, Foreign Minister of Iceland, dated 22th June.

¹⁴ Víkingsson, G.; Sigurjónsson, J. & Gunnlaugsson, T. (1988): "On the relationship between weight, length and girth dimensions in fin and sei whales caught off Iceland", *Re. Int. Whal. Commn* 38, 323-326.

¹⁵ North Atlantic Marine Mammal Commission

2.5. IWC-Membership

Iceland had furiously resigned from the IWC in 1992, but this decision was obviously not “*very well thought through*”, as Prime Minister David Odsson later acknowledged¹⁶. As early as in 1994, Icelandic politicians discussed rejoining the IWC, but with a reservation against the moratorium on commercial whaling. According to Odsson, the withdrawal from the IWC had been based on certain premises, *inter alia*, that other whaling countries would also leave the organisation and render the IWC defunct. However, as this did not happen, the issue had to be reconsidered.

At the 2001 IWC meeting Iceland tried to rejoin with a reservation on the moratorium, i.e. Paragraph 10 (e) of the IWC Schedule. This was unprecedented in the history of the IWC, as the ICRW only acknowledges objections to Schedule amendments within a defined period that, in the case of the moratorium, expired on 3rd February 1983. By including a reservation in its accession notification, Iceland tried subsequently to change its previous acceptance of the moratorium in 1983.

Taking a retrospective objection, unfairly benefits Iceland and it creates a dangerous precedent for the IWC and other international conservation agreements. Accordingly, many IWC member states regarded (and still do) this reservation as being incompatible with the ICRW's object and purpose. The admission was denied at the IWC meetings in July 2001 and May 2002.

However, at a closed session of a special IWC Meeting, on 14th October 2002, Iceland's accession was tacitly accepted after a series of convoluted and confusing procedural votes during which Iceland was even permitted to vote on its own membership. This decision was only implied in a vote which was formally presented as a vote on a point of order. Iceland's reservation has been modified by a phrase that commercial whaling would not be started before 2006. The precise wording in its amended reservation reads as follows (our emphasis):

*“Notwithstanding this, the Government of Iceland will not authorize whaling for commercial purposes by Icelandic vessels before 2006 and, thereafter, will not authorize such whaling while progress is being made in negotiations within the IWC on the RMS. This does not apply, however, in case of the so-called moratorium on whaling for commercial purposes, contained in paragraph 10 (e) of the Schedule, not being lifted within reasonable time after the completion of the RMS.
Under no circumstances will whaling for commercial purposes be authorised in Iceland without a sound scientific basis and an effective management and enforcement scheme.”*

The Icelandic Ministry for Foreign Affairs emphasized that after the vote all IWC members “*accepted*

¹⁶ at a conference of Young Conservationists in Reykjavik, end of April 1997

that the decision has been made and there is no longer a dispute over the status of Iceland within the IWC”¹⁷. However, Sweden later stated that its vote in favour of Iceland was a mistake and several other countries, including Australia, Italy, Germany, Mexico, and the United Kingdom have subsequently expressed their formal opposition to Iceland's reservation. Furthermore, the legal status of Iceland's reservation is still disputed¹⁸.

2.6. Why did Iceland Rejoin the IWC after 10 Years Absence?

The Icelandic Government tried to promote the idea that, by being outside the IWC, Iceland would not be bound by IWC decisions and could resume whaling without severe consequences. However, an IWC resolution from 1979 includes the following provision: “... *that all member states shall cease immediately any importation of whale meat and products from, and the export of whaling vessels and equipment to non-member states and operations*”¹⁹. This resolution caused two problems for Iceland:

Firstly, since Iceland left the IWC in 1992, Japan, virtually the only lucrative market for Icelandic whale products, had refused imports of whale meat from Iceland.

Secondly, the IWC had outlawed any use of the non-explosive ‘cold’ harpoon in commercial whaling from 1983. Until Iceland left the IWC it held a reservation to this ban and exclusively used this weapon in minke whaling (section 5.3). To conduct future whaling, Iceland would have to import explosive harpoons from Norway as it did not manufacture them domestically. However, until Iceland rejoined the IWC, exports of explosive harpoons by Norway to Iceland would have violated the 1979 resolution.

3. Conflicts with other Conventions: CITES & UNCLOS

Iceland's whaling intentions not only conflict with the ICRW and decisions of the IWC but also with other international conventions, most importantly the *Convention on the International Trade in Endangered Species of Wild Fauna and Flora* (CITES) and the *United Nations Convention on the Law of the Sea* (UNCLOS).

3.1. CITES

Since 1975, when CITES was established, humpback and blue whale have been listed in its Appendix I, which imposes a total ban on international commercial trade in all products from these species. Sei and fin whales followed in 1977, Bryde's whales

¹⁷ MFA (2002): “*Iceland's membership of the International Whaling Commission*”, www.mfa.is/embassy, 31st October.

¹⁸ Beveridge & Diamond (2002): “*A legal Analysis of Iceland's attempted reservation to the International Whaling Convention on the Regulation of Whaling*”, P.C., March 2002, U.S.

¹⁹ IWC (1979): “*Importation of whale products from, export of equipment to, and prohibition of whaling by non-member states*”, *Resolution of the International Whaling Commission 31st Annual Meeting, July 1979.*

in 1983 and minke whales in 1986. Although Iceland itself was not a CITES party, severe consequences arose from the CITES Appendix I status of large whales: For example, important export routes for whale products were interrupted when CITES parties began to confiscate whale meat from Iceland on its way to Japan through Germany²⁰ and Finland²¹.

A further incentive to join CITES was provided by Resolution Conf. 9.5 adopted by CITES in 1997, which recommends that its member states “only authorize import... from non CITES members of species of wild origin of Appendix I species only in special cases where it benefits the conservation of the species ...”

Japan stopped imports of Icelandic whale products in 1992 due to Iceland's non-membership of CITES and its withdrawal from the IWC. Until 1992, Iceland's exports of whale products were almost exclusively directed to Japan and amounted in some years to up to 5,000 tonnes²². Norway also declined to issue export permits to Iceland²³ until it joined the CITES and IWC.

Iceland clearly needed to be a CITES Party in order to resume trade with its previous partners and in February 1999, Halldór Ásgrímsson, now Minister for Foreign Affairs, recommended that Iceland should join. This recommendation came only one week after the Parliament decided to resume whaling “as soon as possible”²⁴. The following year, the Icelandic Prime Minister acknowledged that Iceland needed to establish markets for whale meat exports if it was to resume whaling²⁵.

3.2. Reservations at CITES

Having joined CITES in April 2000, just before the 11th meeting of the Conference of the Parties, Iceland promptly submitted reservations against the Appendix I listing of fin, sei, sperm, minke, blue and humpback whales²⁶ – exactly those species that it had targeted in previous whaling activities. According to CITES Article XXIII, these reservations enable Iceland to trade in these species with other Parties holding the same reservation, namely Norway and Japan. Although they permit legal trade, such reservations undermine the work of CITES and the trade under reservation that has occurred (including between Norway and Iceland in 2002, see section 4.3) has caused serious international protests.

²⁰ In March 1987, Germany confiscated seven containers of meat from fin and sei whales, which was labelled as “frozen seafood”, in the port of Hamburg. The meat, 140 tonnes, had an estimated value of 360,000–450,000 US\$.

²¹ In 1988, a shipment of 200 tonnes of fin and sei whale meat was blocked in Helsinki and was sent back to Iceland.

²² Ministry of Fisheries, Iceland (1990): “A report to the technical Committee's working group on socio-economic implications and small-type whaling”, tabled as document TC/42/SEST6.

²³ HNA (1998): “International trade in minke whale products: Blubber from Norway to Iceland?”, news release dated 2nd February, www.highnorth.no

²⁴ HNA (1999): “Iceland to join CITES?”, press release 16th March, www.highnorth.no.

²⁵ FT (2000): “The FT reports that Iceland plans to rejoin IWC in light of perceived spirit of compromise on whaling”, 7th September, www.FT.com.

²⁶ CITES Notification No. 2000/055, dated 31st August 2000.

3.3. UNCLOS – The Law of the Sea

In December 1982, Iceland was among the first countries to sign the *United Nations Convention on the Law of the Sea* (UNCLOS) and was very active in pushing for, and establishing, the rules of this convention. Its ratification followed in 1985. Among others, UNCLOS defines the “*Exclusive Economic Zone*” (EEZ): Within 200 nautical miles, coastal states have the sovereign right to exploit resources, coupled with an obligation to maintain living resources. Iceland obviously hoped thereby to secure for itself the right to exploit all marine species. However, Article 65 of UNCLOS contains an exception concerning marine mammals: “*States shall cooperate with a view on the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organisations for their conservation, management and study.*” Furthermore, Article 120 states that “*Article 65 also applies to the conservation and management of marine mammals in the high sea.*” Therefore, Iceland's whaling activities under scientific permits conflicted with the law of the Sea. Future whaling without IWC approval would do so as well.

3.4. The European Union

Although not a member of the European Union (EU), Iceland is a member of the *European Economic Area* and depends on many European nations as trading partners. By resuming whaling, Iceland would risk strong opposition from the EU – one of the major markets for Icelandic fish exports and a significant source of its tourism revenue. Already in May 1990, the EU Parliament called upon Iceland via a resolution to “*conform with the moratorium and to fully cooperate with the IWC.*”

Iceland, like Norway, must also decide whether to join the EU, which tolerates aboriginal whaling but would not accept so-called “scientific” or commercial whaling by any EU member state.

4. Consumption of Whale Meat in Iceland

Trade with Japan – the true reason for Iceland's determination to rejoin the IWC and resume whaling – is revealed by its own small domestic market for whale meat: Although the need to supply local demand is often used as a pro-whaling argument by Iceland, whale meat is not particularly “traditional” food here. In centuries gone by it was certainly eaten when available but the only “traditional” use that remained in the second half of the 20th century was “sour whale” (specially prepared whale blubber), of which adult Icelanders might taste a little cube at social occasions in winter called “thorablót”. However, whale meat consumption has decreased even further over the last two decades²⁷. Even during the late 1980s, Icelanders did not consume enough whale products to meet the IWC's 1986

²⁷ Lindquist, O. (2003) in litt. to Dr. Sandra Altherr, Pro Wildlife, several letters dated January to April.



Figure 5: Advertisement of the restaurant Thrir Frakkar for Whale Meat

requirement that the products of its special permit operations be “primarily utilized for local consumption” (see section 2).

To stem falling demand, the Icelandic Government launched a media campaign to reinvigorate the domestic market and promote the consumption of whale meat. Cooking recipes for whale meals were published, Icelandic politicians ate whale meat in front of the media, and articles even claimed that whale meat would be especially healthy²⁸.

As a result, domestic consumption increased to an estimated 7% of the total yield that year, i.e. 150-200 of 2000 tonnes^{29, 30}, but the government announced it would sell a portion of the – presumably unwanted – products to local fur farms.

Only one restaurant in Reykjavik, Thrir Frakkar (see figure 5), still regularly advertises whale meat on the menu. The owner has stated that this meat is from fin whales, “frozen before the whale was declared an endangered species in 1989”³¹. One may wonder why meat, which has been frozen for more than 12 years, should attract gourmets. At the IWC meeting in 2001, a remaining source for domestic consumption in Iceland was suggested, “bycatch” of whales and small cetaceans³².

4.1. Current Sources of Cetacean Meat in Iceland

4.1.1. Directed Kills

The taking of cetaceans in Icelandic waters is regulated by the *Whaling Act* of 1949 and hunting without permits is illegal. Until recently this law has only been enforced in respect of large cetaceans to which the minke whale was added in 1975.

Due to the absence of regulations, the hunting of small cetaceans has long been free-for-all in Iceland. The *Act Concerning the Preservation and Protection of Wild Birds and Wild Mammals* (1994) especially excludes cetaceans while the *Whaling Act* of 1949 neither covers sport hunting of small cetaceans nor catching for private use.

The *Whaling Act* issues permits for fishermen to catch small cetaceans, but since the closure of the Ministry for Work, regulatory responsibility has fallen between the Ministry of Justice and the Ministry of Fisheries and, according to newspaper reports, “permits are usually not issued”³³. Accordingly, official data on number of directed kills compared to bycatch for small cetaceans do not exist.

4.1.2. Bycatch of whales and small cetaceans

Directed kills of large whales using nets is illegal without a permit under the *Whaling Act*. However, it is clear from the Icelandic press that fishermen kill both large and small cetaceans found entangled in their nets. There is no domestic legislation to regulate the sale of whale and dolphin meat from bycatch and accordingly it enters the domestic market more or less uncontrolled.



Figure 6: Advertisement for humpback whale meat “from Iceland”

Occasionally, Icelandic butcher and fish shops offer meat from whales allegedly taken as bycatch in fisheries. Insiders estimate that up to 25 minke whales may be killed annually as “bycatch” and enter commercial channels through fish auctions or covertly. One fisherman compared the bycatch of a minke whale with a “lottery prize in the net” and expected a good revenue from the sale³⁴.

Several other press articles report the bycatch of minke whales (e.g. in September 2002 off Ólafsvík³⁵) and occasionally of humpback whales and orcas. According to a fisherman’s report on Icelandic State Broadcasting, Icelandic fishermen regularly shoot at whales to drive them away when fishing for capelin³⁶. However, it is not known what happens to wounded animals.

In November 2002, *Hagkaup*, one of the leading supermarket chains in Iceland, advertised the sale of “Icelandic” humpback whale in the newspaper (figure 6). It was assumed that this meat originates

²⁸ Magnúsdóttir, E. (1986): “Hvalkjöt er hollt”, *Morgunblaðid*, 21st August, Reykjavik.

²⁹ *Alpydubladid* (1986): “Rekna med tapi?”, 9th August.

³⁰ Greenpeace (1990): *Outlaw Whalers 1990*.

³¹ *New York Times* (2001): “In Iceland, 75% back a move to reverse ban on whaling”, 16th October

³² IWC/53/14 (2001): “Report of the Infractions Sub-Committee”

³³ *DV* (2002), 1st August

³⁴ *Morgunbladid* (1999), 26th May

³⁵ *Morgunbladid* (2002), 11th September

³⁶ *Icelandic Broadcasting Service* (1994), 21st August