

The Revised Management Procedure and Revised Management Scheme

The International Whaling Commission has developed a mathematical model that supposedly will predict whale kill quotas that are sustainable. But this model is based on many unknowns. In addition, the enforcement mechanism under debate is extremely weak. In fact, it has no enforcement power and no ability to ensure compliance.

When the International Whaling Commission (IWC) first set whale kill quotas in the late 1940s, they were based on the amount of oil the average blue whale produced. This was known as the blue-whale-unit (BWU). A whale from a smaller species might be worth one-half or one-third of a BWU, and the quotas for that species would be two or three times as high as the quota for blue whales. In other words, quotas were based not on what was sustainable, but rather on a population's monetary value—a practice that led to the near extinction of whales.

REVISED MANAGEMENT PROCEDURE

In 1974 the IWC attempted to fix the problem of over-harvesting by using a new quota-producing mechanism: the New Management Procedure. But the new quotas were still unsustainable. By 1982 it became necessary for the IWC to adopt a commercial whaling moratorium, which became effective in 1986. During the indefinite moratorium, the IWC's Scientific Committee attempted to develop a Revised Management Procedure (RMP)—based on science, not economics—that would produce truly sustainable quotas.

The RMP is a mathematical model meant to simulate the actual behavior of a biological system when subjected to certain action: The *system* [a whale population] will do *this* [decrease, remain stable, increase] if you do *this* [kill X number of whales in the population]. Like most biological models, the RMP is built on a mixture of assumptions and facts about whale populations. In this case, the assumptions outweigh the facts.

THE FLAWS IN THE MODEL

Models such as the RMP are only as good as the assumptions on which they are based. When enough is known about population size, birth rate, and mortality rate, the model can predict the actual behavior of a population fairly accurately. Unfortunately, most of the assumptions regarding whale populations are gross estimates or outright guesses. Scientists and researchers actually know very little about most whale species and populations.

The RMP was completed in 1993 and adopted in 1994, but the moratorium on commercial whaling continued, not only because many countries do not want whaling to resume, but also because some scientists and commissioners have concerns about the RMP. Their concerns are based on the fact that while the RMP may be able to produce sustainable quotas, it can do so only if a number of assumptions hold true. One such assumption is that all whalers provide accurate information about their kills and struck-and-lost rates. In the past, we know that some of these reports have been completely fabricated.

Another concern is that it will take too long to discover if some quotas are invalid. Whales are long-lived, slow-growing, slow-to-reproduce animals. It could be years or even decades before there are enough meaningful data to alert researchers to a declining population. By that time, a population would have suffered considerable damage.

REVISED MANAGEMENT SCHEME

A key component of the quota system is effective enforcement, which, within the IWC, is completely lacking. Compliance with the RMP would be handled through the Revised Management Scheme (RMS). ▶



PROBLEMS WITH THE RMS

The RMS, as currently drafted, does not provide any means of effective enforcement. In fact, instead of setting rules for conducting whaling and penalties for breaking them, it merely presents a set of guidelines for whalers to follow. History has already demonstrated that good faith alone is not a successful scheme for regulating whaling. But because of the structure of the proposed RMS, good faith is all there is.

The current RMS draft establishes a Review Committee to review alleged infractions and make recommendations. Although the committee has no power of enforcement, and therefore no ability to ensure compliance, the pro-whaling nations of Norway and Japan vociferously oppose the very idea of a review committee. They claim that the existing IWC Infractions Committee, which simply receives information but has no power to take action, is adequate.

Even if there is a Review Committee, penalties for failing to follow the RMS guidelines 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.

Another problem is how infractions would be reported. Under the draft RMS, international observers are little more than data collectors. They have neither the authority to enforce the guidelines nor the right to intervene in whaling operations. Their only option is simply to file a report with the Review Committee. If Norway has its way, such reports will be forwarded to the Review Committee only at the end of an inspector's "tenure." Absurdly, this means that information regarding the hunting, striking, and killing of whales may not be presented to the Review Committee until an inspector's retirement.

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 by the RMP. The RMS should establish a DNA diagnostic register comprised of samples taken not just from commercially killed whales but also from whales who have been stranded or killed as by-catch.

THE MOVEMENT FOR A MORE EFFECTIVE RMS

Although both would prefer no resumption of whaling, New Zealand and the United Kingdom have argued for a more effective RMS, in case Japan and Norway manage to overturn the moratorium. But these countries must be joined by others that are committed to managing whaling sustainably. IWC members should either refuse to complete this RMS or work to transform it into a strong, effective, and deterrent-oriented scheme.

In order for any RMS to work, it must include several elements:

- A panel must be established to review violations of the RMP. Its decisions must be binding.
- A system of penalties must be established. These penalties must be severe enough to stop infractions. Warnings and small fines will be viewed as the cost of doing business rather than a method of deterrence.
- Supervision, inspection, and enforcement must be under international control. National observers and domestic legislation can enhance an international program, but they cannot replace it. While member nations may wield police powers, the international regime must be the final arbiter of whether national enforcement is sufficient.

Even if these elements are included, the fact remains that today we are facing a possible return to commercial whaling that is based on quotas having more to do with guesswork than fact and that lacks effective enforcement of regulations.