

Article Type: Letter to the Editor

A deal on whaling is a bad idea: a response to Gerber

The global moratorium on commercial whaling was agreed by the International Whaling Commission (IWC) in 1982, after decades of failed attempts to make whaling sustainable (Tønnessen and Johnsen 1982). Gerber's call (2015; *Front Ecol Environ* **13**[7]: 347) for an end to the moratorium, like prior calls, should be evaluated in a historical context and in light of not only relevant international law and science but also current geopolitics.

Similar to other calls for the re-legitimization of commercial whaling, Gerber refers to the IWC as being an unhelpful "stalemate". However, we would like to highlight that the appropriate international body (the IWC) agreed to the moratorium: a major conservation success that continues to save the lives of thousands of whales each year by limiting the expansion of commercial whaling. Three countries continue to kill whales for profit by using various loopholes in the IWC's convention. Despite this, the IWC has advanced its conservation mandate, furthering our knowledge of whale populations and taking steps to understand and mitigate other threats, including entanglement, ship strikes, and chemical pollution.

Gerber includes several other assertions with which we disagree. First, she claims that whaling by Japan, Norway, and Iceland is "basically unregulated". Commercial whaling remains at historically low levels, both in terms of species and numbers of individuals killed. Lifting of the moratorium will lead to more whales, and more species, being hunted, including by countries not currently whaling but with an interest in resuming or initiating an industry.

Second, Gerber states that modern techniques can ensure that there will be "virtually no cheating". Nevertheless, the molecular DNA techniques to which she alludes have revealed that, despite the moratorium, extensive sales of products from unreported whale catches have continued (Baker *et al.* 2010). Increased commercial whaling and the introduction of more whale meat into the marketplace will increase opportunities for cheating (Bennett 2015). When overseeing commercial whaling, the IWC had a very poor record that included numerous examples of systematic, large-scale, unreported illegal catches (Ivashchenko and Clapham 2014), including catches by Japan (Ivashchenko and Clapham 2015). The availability of technical tools is no guarantee that cheating will not occur.

This is the author manuscript accepted for publication and has undergone full peer review but has not been through the copyediting, typesetting, pagination and proofreading process, which may lead to differences between this version and the [Version of Record](#). Please cite this article as [doi: 10.1002/fee.1263](https://doi.org/10.1002/fee.1263)

Negotiations to agree on a future independent inspection system were strongly resisted by the current whaling nations and resulted in stalled discussions in 2006, which are unlikely to be revived.

Third, Gerber claims that the recent International Court of Justice (ICJ) judgment that found Japan's Antarctic "scientific" whaling in breach of international law "applies only to a small Japanese whaling program in the Southern Ocean known as JARPA II". Indeed, the ICJ expected – and Japan initially acknowledged – that its ruling would be taken into account in any future scientific whaling programs. This fact – and the certainty that Japan does not want to undergo further deliberations with the ICJ over its planned new Antarctic program – is made clear by Japan's recent decision to unilaterally exempt itself from the ICJ with respect to "any dispute arising out of, concerning, or relating to research on, or conservation, management or exploitation of, living resources of the sea". The implications of Japan's refusal to comply with the ICJ's adjudication have ramifications beyond whaling, and the unilateral removal of this key conflict resolution mechanism does not bode well for any "deal".

Although Gerber noted that the endangered "J-stock" minke whale population in the North Pacific is imperiled by current whaling, she failed to mention that the years of unresolved arguments in the IWC's Scientific Committee over the stock structure and status of minke whales in this region recall debates held prior to the moratorium that saw the serial depletion of numerous whale populations (Tønnessen and Johnsen 1982).

Like others, Gerber also speaks of "food security" as a rationale to cull whales. This ignores research examining how the recovery of whale populations would likely increase ecosystem productivity (eg Roman *et al.* 2014; Willis 2014). Whales have low reproductive rates, and monitoring both whale populations and commercial whaling would be extremely expensive. This interplay of biology and economics undermines claims regarding whales' sustainability as a food source.

Finally, while it is true that welfare concerns have come to the fore in recent years as a reason to oppose whaling, this does not mean that such arguments are unsound or unscientific, nor that conservation-related concerns have been dismissed. Commercial whaling meets no pressing human need, and its resumption would be an unnecessary and – given the arguably positive ecosystem role of whales – dangerous ecological experiment. The available evidence suggests that ending the moratorium is far less likely to result in "an agreement that ensures sustainability and effective conservation of large whales" than the current, admittedly imperfect, situation.

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Acknowledgements

Any views or opinions expressed herein are those of the authors and do not necessarily reflect the views of NOAA or the US Department of Commerce.

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