

Agenda item 8.4.2

Aboriginal Subsistence Whaling Catch Limits Eastern North Pacific Gray Whales

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This intervention is made on behalf of the Whaleman Foundation, Animal Welfare Institute, legaSeas, and Whale and Dolphin Conservation. We thank the United States and the representative from the Makah Tribe for their presentations and the information presented to this Commission about the Makah's historic tradition of whaling. We don't dispute that tradition but we are concerned that the Commission continues to approve an Aboriginal Subsistence Whaling quota for the Makah tribe without scrutinizing whether the Makah qualifies for an ASW quota and whether the United States is even able to allocate a quota.

Given the 78 years from 1921 to 1999 and from 2000 to the present during which time the Makah tribe legally killed only a single whale, the Makah can't satisfy the standards to obtain an ASW quota which include a continuing traditional dependence on whaling and the use of whales and evidence of a cultural, nutritional, and subsistence need for whales. Furthermore, while we recognize that the Makah Tribe and the US government have developed a new management plan in an attempt to reduce the impact of a hunt on the critically endangered Western North Pacific gray whale and the Pacific Coast Feeding Aggregation gray whales, both of which number only 200 animals, any hunt that may cause the loss of a whale from either of these populations is not appropriate.

We recognize that in 1997 this Commission approved an Eastern North Pacific gray whale ASW quota which included the US request for the Makah. However, the record from that meeting suggests this was done primarily to satisfy the needs of the Chukotkan whalers of Russia and should not be interpreted as support for the US catch/strike limit request for the Makah.

Finally, Mr. Chairman we note that, since 2002, United States domestic legal requirements have prohibited the allocation of any ASW quota to the Makah Tribe. These are complex legal issues that may still require years to complete thereby calling into question why the United States has even brought this request to this Commission versus deferring its request until its domestic legal obligations have been met.

In light of these issues, we would respectfully request that the IWC resurrect its efforts to more closely scrutinize ASW needs statements or what are now referred to as descriptions of the hunt to ensure that when ASW catch/strike limit requests are approved they are for qualifying ASW hunts.

Thank you.