

IWC/S15/ASW/14

Different Approach to Commercialism in ASW Hunts

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INTERNATIONAL
WHALING COMMISSION

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At least since 1979's Panel Meeting of Experts on Aboriginal Subsistence Whaling (IWC 1982), the Commission has been aware of the fact that some commerciality has existed in some ASW hunts.¹ The Commission's adoption in 2004 (IWC, 2005) of the definition for "subsistence use" (Appendix 1 below), originally proposed by the Panel Meeting of Experts in 1979, formally acknowledged this fact and made legitimate the known practices:

- From paragraph 2, Appendix 1. A generalized currency is involved in this barter and trade, but the predominant portion of the products from such whales are ordinarily directly consumed or utilized in their harvested form within the local community.
- From paragraph 3, Appendix 1. The making and selling of handicraft articles from whale products, when the whale is harvested for the purpose defined in 1 and 2 above.

For the purposes of this essay, let us focus on the sale of edible whale products. In this case, IWC's subsistence use definition makes possible the exchange of currency for edible products in their harvested form, provided that the "predominant portion" of the products are ordinarily directly consumed or used within the local community. An issue, however, is that IWC has never defined "predominant portion". Although not formally specified in IWC's documentation, there is a past, general understanding that, in mathematical terms at least, the phrase means "more than half". So a loose, working rule had been that "51 percent or more" should be consumed locally. Despite mathematics, some IWC members objected to the possibility of allowing such an extent of possible commerciality, giving rise to the issue of "ensuring local consumption vs. commercialism" (IWC, 2012a).

As stated in the 2014 ad hoc Aboriginal Subsistence Whaling Working Group Meeting with Native Hunters, when such commerciality or exchange is on a small scale, it appears not to be controversial (IWC, 2014). So, the question again becomes definitional: what is "small-scale"? No definition exists and, to remedy this situation, some have called for guidance on when the sale of edible whale products results in an ASW hunt becoming commercial, perhaps based on the percentage of such products that go into commercial

¹ It was noted at the 1979 expert workshop that: (1) ASW depends on cash income for purchasing equipment; and (2) the previous system of mutual exchange of hunting products in Greenland does not work in all cases; some households must pay in money as they have no hunting products to give in return. (IWC, 1982, pp. 38, 52.) Moreover, the 2010 Report of the Small Working Group on Conversion Factors (From Whales to Edible Products) for the Greenlandic Large Whale Hunt elaborated on the current distribution system of whale products within Greenland (IWC, 2010, p. 16.)

trade (IWC, 2014). To avoid having to arbitrarily choose an appropriate percentage, however, would require data showing the amounts consumed locally and those going into commercial trade. Among other practicalities, it also isn't clear that such data currently exist or that the local governmental regulations and mechanisms are in place to collect such data, if needed.

Rather than focusing upon the meaning of "predominant proportion" and its associated definitional and practical problems, perhaps another approach would be to consider, at a general level (in order to avoid similar data collection problems), how the income from the commercial sale of edible whale products is applied. For example, one might reasonably ask, "Is it legitimate for hunters to apply this income to the purchase of goods such as foul weather gear or snow machines?" IWC's subsistence use definition (paragraph 1 in Appendix 1) provides some guidance, implying that it is legitimate to apply these funds to procure basic needs such as food, fuel, shelter, outerwear, tools and transportation. The definitions for ASW (Appendix 2) provide further guidance, stating that the purpose of such whaling is for local consumption (paragraph 1), which is further limited to traditional uses in meeting nutritional, subsistence and cultural requirements (paragraph 2). So, based upon these definitions, the commercial sale of edible whale products could help facilitate subsistence uses.

In this regard, it is instructive to recall the Report of the ad hoc Aboriginal Whaling Working Group Meeting with Native Hunters (IWC, 2014), wherein several hunters commented on the expenses required to support a hunt, including acquiring and maintaining equipment, fuel for heating (ice camps) and transportation (vessels, snow machines), and support for whaling crew members (food, shelter), among others. Other hunters commented on the costs incurred by local authorities when providing training to hunters on the proper use and maintenance of new, mandated weapons. Given such expenses, it may be appropriate, in the circumstance where an ASW country's national legislation permits the sale of edible products, to examine whether the income from the sale of edible products helps support subsistence uses, e.g., by offsetting the costs of subsistence hunting.

IWC relies upon the Aboriginal Subsistence Whaling Sub-Committee to consider ensuring local consumption and other issues during its periodic review of these hunts based upon the needs statements submitted by concerned governments. The Sub-Committee's terms of reference (Appendix 3 below) include considering "the use of whales taken for such [subsistence] purposes". It would therefore seem appropriate for the Sub-Committee to ask for and examine information on whether income from the sale of edible products, where allowed, helps support subsistence uses. Including such information in needs statements would seem to be a useful addition, helping the Commission make judgments about the aboriginal subsistence nature of the hunts undertaken by the affected native communities.

Literature Cited

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Appendix 1. Definition of subsistence use (IWC, 1982)

- 1) The personal consumption of whale products for food, fuel, shelter, clothing, tools or transportation by participants in the whale harvest.
- 2) The barter, trade or sharing of whale products in their harvested form with relatives in the harvest, with others in the local community or with persons in locations other than the local community with whom residents share familial, social cultural or economic ties. A generalized currency is involved in this barter and trade, but the predominant portion of the products from such whales² are ordinarily directly consumed or utilized in their harvested form within the local community.
- 3) The making and selling of handicraft articles from whale products, when the whale is harvested for the purpose defined in 1 and 2 above.

Appendix 2. Definitions for aboriginal subsistence whaling (IWC, 1981)

- 1) Aboriginal subsistence whaling means whaling for purposes of local consumption carried out by or on behalf of aboriginal, indigenous or native peoples who share strong community, familial, social, and cultural ties related to a continuing traditional dependence on whaling and on the use of whales.
- 2) Local aboriginal consumption means the traditional uses of whale products by local aboriginal, indigenous or native communities in meeting their nutritional, subsistence and cultural requirements. The term includes trade in items which are by-products of subsistence catches.
- 3) Subsistence catches are catches of whales by aboriginal subsistence whaling operations.

Appendix 3. Terms of reference of the Aboriginal Subsistence Whaling Sub-committee

The terms of reference of the Aboriginal Subsistence Whaling Sub-committee are to consider relevant information and documentation from the Scientific Committee, and to consider nutritional, subsistence and cultural needs relating to aboriginal subsistence whaling and the use of whales taken for such purposes, and to provide advice on the dependence of aboriginal communities on specific whale stocks to the Commission for its consideration and determination of appropriate management measures (Rep. Int. Whal. Comm. 48: 31).

² The definition of subsistence use proposed by the 1979 Cultural Anthropology Panel used the wording “from each whale,” whereas the definition of subsistence use adopted by the IWC in 2004 uses the wording “from such whales.” The revised wording is consistent with that used in the Schedule (IWC, 2012b).

