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Subsistence whaling through the lens of international human rights

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INTERNATIONAL
WHALING COMMISSION



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The Universal Declaration of Human Rights (1948)

- ◆ Article 1: All human beings are born free and equal in dignity and rights. . . .
- ◆ Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind
- ◆ **Article 27: Everyone has the right freely to participate in the cultural life of the community**

Lubicon Lake Band v. Canada

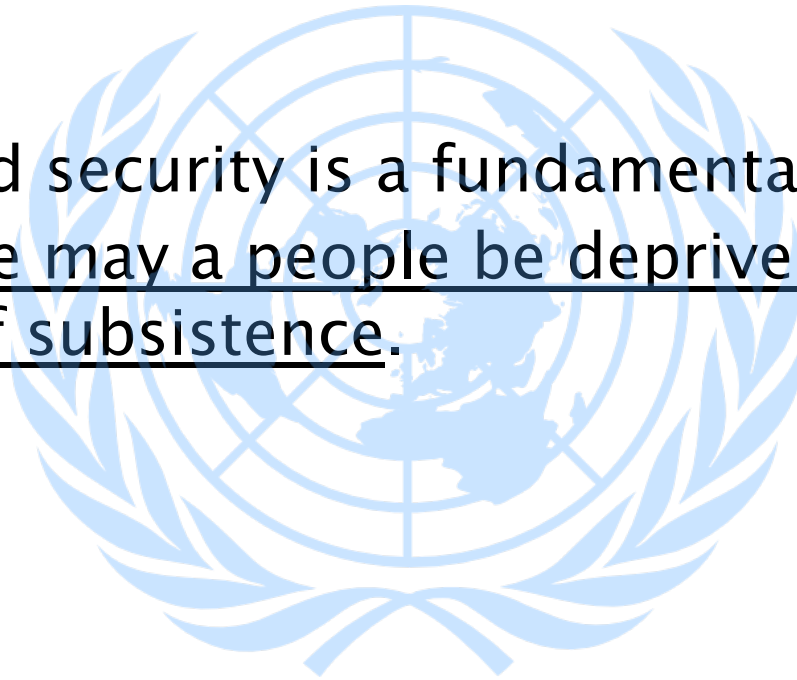
[United Nations Committee on Human Rights, Communication No. 167/1984 (26 March 1990), U.N. Doc. Supp. No. 40 (A/45/40) at 1 (1990).]

- ◆ “It is the right of all people, in community with others, to engage in **economic and social activities which are part of the culture of the community** to which they belong.”
- ◆ Canada found in violation of Article 27

International Covenant on Economic, Social and Cultural Rights

Article 1: food security is a fundamental right:

- ◆ In no case may a people be deprived of its own means of subsistence.



World Health Organization

Pillars of food security:

- ◆ Availability: sufficient quantities, consistent basis.
- ◆ Access: means to obtain appropriate, nutritious food.

*World Food Summit 1996

United Nations Declaration on the Rights of Indigenous Peoples

(Adopted by U.N General Assembly 13 September 2007)

Article 20 — Indigenous peoples have the right to:

- ◆ their own political, economic, and social systems.
- ◆ security in **their own means of subsistence**.
- ◆ freedom of their traditional and other economic activities.

Arctic Council

Arctic Resilience Assessment

Key Indicators of Social and Ecological Resilience:

- ◆ Livelihoods that provide for spiritual and material well-being.
- ◆ Opportunity for self-organization and adaptation to change.

United Nations Human Rights Council

(Seventh Session, May 2008)

Economic and Political Barriers to Food Security:

- ◆ Right to food undermined by [inter alia] food prices.
- ◆ HRC Res. S-7/1, “The Negative Impact of the Worsening of the World Food Crisis on **the Realization of the Right to Food for All.**”

Subsistence Whaling: Use

(IWC, 2005, pp. 16)

- ◆ (1) Personal consumption or use by participants in the whale harvest.
- ◆ (2) The barter, trade or sharing of whale products in their harvested form with:
 - ▣ relatives of the participants,
 - ▣ others in the local community, or outside the local community having familial, social, cultural or economic ties.
 - ▣ a generalized currency is involved but local consumption predominates
- ◆ The making and selling of handicrafts when the whale is harvested for the purposes defined in (1) and (2) above.'

Subsistence Whaling: Human Right

- ◆ Food gathering/production in exercise of right to food security.
- ◆ Associated practices that are part of “the cultural life of the community.”
- ◆ Derivative economic trade in harvested product and/or handicrafts.