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September 21, 1993

EXECUTIVE SUMMARY: NORWAY AND WHALING

In May 1993, the Government of Norway licensed its nationals to harvest 296 minke whales -- 160 as part of its traditional coastal whaling and 136 under its scientific research program. On August 5, 1993, the Secretary of Commerce certified to the President that, under the Pelly Amendment (22 U.S.C. § 1978), Norway has "diminished the effectiveness of the conservation program of the International Whaling Commission" by resuming traditional coastal whaling of the minke whale. Under the terms of the Pelly Amendment, the President has the discretionary authority to impose trade sanctions against any Norwegian product.

- Norway has not in any way diminished the effectiveness of the International Whaling Commission (IWC) conservation program. The IWC Scientific Committee has unanimously estimated the Northeast Atlantic minke whale stock at a size that can sustain a limited harvest without adverse effects.
- In implementing its whaling policy, Norway will adhere to a quota that is consistent with the Revised Management Procedure unanimously recommended by the IWC Scientific Committee.
- Norway has also strictly regulated all aspects of its whaling program to ensure compliance with principles endorsed by the IWC Scientific Committee.
- Norway filed a timely objection to the 1982 IWC moratorium and, therefore, pursuant to the rules of the Convention, is not bound by the moratorium.
- The Commission has failed to adhere to the terms of the Convention requiring that the IWC base all its decisions on scientific evidence. The IWC has also strayed from its original purpose -- to "provide for the proper conservation of whale stocks and thus to make possible the orderly development of the whaling industry."
- Resuming the limited harvest of minke whales is in full conformity with both the spirit and content of the 1992 UNCED declarations on sustainable development.
- Norway's whaling activities are not in contravention of any international treaty; they are simply at odds with the political and cultural views of a majority of IWC members, which have chosen to disregard the scientific and legal basis upon which the IWC was founded.
- The United States has publicly conceded that its position on any resumption of traditional coastal whaling has no foundation in scientific principles of conservation, but rather is grounded

in American public opinion. As a result, the United States appears willing to abandon the standards of sustainable development in the context of whale conservation -- a policy which will put every other international environmental effort at risk.

- Despite domestic opposition to the practice of whaling, the United States permits the whaling of an endangered species in Alaska.

- The imposition of trade sanctions under the Pelly Amendment would be an unprecedented action. Moreover, the imposition of trade sanctions against a NATO ally and friend in response to perceived U.S. public opinion would seriously call into question the international trade policy of the U.S.

- Any imposition of a ban on Norwegian products under the Pelly Amendment would violate several of GATT's most fundamental obligations, and would not be justified by any exceptions in the GATT. The imposition of trade sanctions would also be inconsistent with the Pelly Amendment itself, which requires that any trade restriction imposed by the President be consistent with the GATT.

- The achievement of environmental goals on a worldwide basis requires mutual respect for cultural differences and rational decision making based on the best scientific evidence achievable. There is no other basis on which consensus and commitment can be obtained among nations with populations which hold diverse views on many social, cultural, and political issues.