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**The whale resource negotiations between the Inuit Circumpolar
Conference and the International Whaling Commission, a case of cross-
cultural negotiation**

by

Catherine Lee Francis, B A

A thesis submitted to the Faculty of Graduate Studies and Research in partial
fulfilment of

the requirements for the degree of

Master of Arts

Department of Sociology and Anthropology

Carleton University
Ottawa, Ontario
May 21, 1996

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The whale resource negotiations between the Inuit Circumpolar Conference and the
International Whaling Commission"

submitted by Catherine Lee Francis, B A
in partial fulfilment of the requirements for
the degree of Master of Arts

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Chair, Department of Sociology and Anthropology

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May 21, 1996

Abstract

The management of whale resources is the subject of a lengthy and as of yet unresolved negotiation between the Inuit Circumpolar Conference and the International Whaling Commission. By examining the link between culture and negotiation, this thesis attempts to identify the various points of cultural contestation that are manifested in processes of cross-cultural negotiation.

Using paradigms advocated by Galtung, Bourdieu and Foucault, elements that affect the IWC/ICC negotiations are analyzed in order to further an understanding of the stratified position of Aboriginal NGOs in international relations and to explore the discursive gap between western-science and traditional environmental knowledge. This simultaneous exploration of culture and negotiation sheds new light on the dynamics surrounding international handling of the issue of animal rights and Inuit and Aboriginal resource management practices.

Acknowledgements

I would like to wholeheartedly thank my advisors Simon Brascoupe and Derek Smith for their encouragement and support

To my partners in thesis crime, Nicole Sharma (M A Carleton, May 1996) and Julie Robertson (M A Carleton, April 1996)—Yes I've had a whale of a time!

Thanks to Jay Illingworth of Aboriginal Business Canada for giving me the opportunity to happily work in two places at once

And to my husky Kiva, whose sweet face gave me my daily dose of Arctic inspiration.

This thesis is dedicated to my husband Paul Arscott who keeps me constantly smiling

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ACRONYM GLOSSARY

AEWC	Alaskan Eskimo Whaling Commission
BWU	Blue whale unit
ICC	Inuit Circumpolar Conference
ICCEC	Inuit Circumpolar Conference Environmental Committee
ICRW	International Convention for the Regulation of Whaling
ILO	International Labour Organization
IUCN	World Conservation Union/International Union for the Conservation of Nature
IWC	International Whaling Commission
IWGIA	International Work Group for Indigenous Affairs
NGO	non-governmental organization
NAMMCO	North Atlantic Marine Mammal Commission
NMP	New Management Procedure (IWC)
SciCom	Scientific Committee (IWC)
SMS	sustained management stock
TEK	traditional environmental knowledge
UNCED	United Nations Conference on Environment and Development
UNCLOS	United Nations Conference on the Law of the Sea

CHAPTER ONE

Preliminaries: The Problem, and Issues of Method for the Analysis of cross-cultural negotiation

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I. Cross-cultural Negotiations—The Inuit Circumpolar Conference (ICC) and the International Whaling Commission (IWC)

On the second last day of their Seventh General Assembly, members of the Inuit Circumpolar Conference (herein referred to as the ICC) heard Ingmar Egede, ICC Vice-President for Greenland, say the following words.

To me it looks like the ship of the IWC [International Whaling Commission] is losing its ability to navigate...After 50 years of increasing threats on our culture from the international community, represented by the IWC, Inuit people should consider creating our own management or advisory bodies"

(Ingmar Egede as quoted in The Morning Edition 1995)

Egede made this remark as part of his introductory comments for the Executive Council report entitled "Circumpolar Whaling and the ICC Whaling Agenda", that was commissioned at the ICC General Assembly in 1992, and which encouraged the creation of an independent ICC Whaling Commission to manage the stocks of certain whale species. This decision by the ICC to cleave itself away from the management

practices and decisions of the IWC, may be seen as the closing-off in an international negotiation exercise that has lasted since the inception of the ICC in 1977

This particular negotiation, like many others, is an attempt by the parties to resolve their differences through non-physically violent methods and mechanisms. As two organizations that operate within the realm of international professionalism and diplomacy, it is natural to assume that they will conduct negotiations with one another according to the procedures and particulars of generally accepted international protocol. Indeed the way in which this particular negotiation unfolds has many elements common to the resolution of other international conflicts. For example, the ICC/IWC negotiation is multi-national, involves interpretations of international law and evaluations of geographical jurisdiction; aspects and issues change over time, taking on one form in one decade only to take on a new perspective from a different angle in the next

However, there is something that makes these negotiations profoundly different from other international to international discussions and encounters. The distinctiveness of these negotiations might be attributed to where they take place and the process which they follow. After all, it is at ICC General Assemblies from Godthab (Greenland) to Tuktoyaktuk (Canada), and at IWC Annual Meetings in places like Brighton, Tokyo and San Diego, that the ICC and IWC convey to one another their viewpoints and positions by using an admixture of communicated approval and disapproval for the pro-action and inaction of the other side.

However negotiations can occur in many other places and proceed down many paths. The key to explaining what sets these negotiations apart from the rest may lie in an examination of the issue upon which they are focussed. International negotiations frequently centre around money, land, war, peace, weapons, business, trade, science and religion. This particular negotiation is not solely about money, science, peace and trade, although these issues do surface at various points in its progression. Instead, the management direction to be adopted by the ICC as identified by Egede at the ICC General Assembly, is the result of a negotiation between the IWC and the ICC that centres around the management of an internationally shared resource. The issue which is at the heart of the negotiation between the IWC and the ICC, is whaling and whales, the management and hunting of which is rarely raised without being accompanied by queries, questions and discussions of animal rights, human rights, sustainable environmental management and alternative cultural perspectives.

The topic of whales and the activity/industry of whaling itself is not unique to these negotiations. But while international and domestic bodies have concerned themselves with related issues, the dissimilar cultures of the two parties here and their viewpoints towards the issue indicate that culture is most certainly an ardent and definitive component of their negotiations with one another. Culture is an element that pervades and influences this negotiation from its beginning to its end. Indeed, it permeates the negotiation process, affects the strategies, structure and outcome, and is what makes and sometimes breaks the IWC/ICC negotiation relationship. The term 'culture' is used here in the broadest sense, and refers to both the world view of the

two parties and those life-practices that reinforce that world view. Both the IWC and the ICC have a cultural understanding of negotiation as a process, have cultural perceptions of each other, and cultural relations with outside groups. In addition to this the act of whaling and the existence of whales has cultural significance and value to both organizations.

It is important to understand the role that culture plays in negotiations over resources because of what it can tell us about the global and very real debate over the health and state of the environment and humans relation to it. Whilst negotiating over the earth's resources is not a new phenomenon, it has in recent decades become more and more contentious due to increasing fears of resource depletion and irreparable environmental damage. Becoming informed about the progress and direction of this type of negotiation is essential for uncovering the means by which to resolve these environmental conflicts. However, an equally important motivation for examining the link between culture and negotiation in this context is the fact that not only is the negotiation cross-cultural and tied in with environmental issues, but it involves a conflict in resource-allocation between Aboriginal¹ and non-aboriginal parties. And while the cultural effects and power dynamics that might ensue between an Inuit party (here the ICC) and a non-Inuit party (the IWC), have been examined extensively in the realm of domestic land claims and self-government, the role of Aboriginal peoples (and specifically Inuit), in the international management of resources has not been similarly explored.

This thesis will not only examine the nature of the relationship between the IWC, as a resource management body, and the ICC as representing Inuit² whaling interests, but will also explore the effect that culture has had on the negotiation process and its outcome. The outline and description of the negotiation will be organized around indicators utilized by Faure and Rubin to describe the presence of the link between culture and negotiation. The approaches of Galtung, Bourdieu and Foucault will serve to inform and lend perspective to the complex bricolage of relations that exist between the ICC and the IWC and which greatly affect how and why they negotiate with each other the way they do. Dynamic interplay between the different perspectives on whaling, ranging from the traditional Inuit¹, to the western-scientific⁴, to the preservationist⁵, converges during the lengthy process of these negotiations and provides an excellent opportunity to observe the resulting approaches to resolution.

This chapter (Chapter One), proceeds from a discussion of the development of the research problem to an examination of the choice of methodology and availability of sources. Clarification of concept definitions and the choice of terminology is also included in this preliminary section. Chapter Two provides the theoretical basis through which the case study will be analyzed, drawing upon the peace research work of Galtung, the 'habitus' and 'field' designations of Bourdieu, and the discourse analysis prescribed by Foucault. Their work is preceded by an exploration of the link between culture and negotiation advocated by Faure and Rubin, wherein the origins of their methodologies are also surveyed. Chapter Three, Part A presents a brief historical

survey of the two organizations involved in the negotiation (the International Whaling Commission and the Inuit Circumpolar Conference)⁶. The focus in the Chapter is on their individual relationships to the general issue of Aboriginal subsistence whaling, with subsistence⁷ being defined as, "a set of culturally established responsibilities, rights and obligations that affect every man, woman and child each day" (Wenzel in Freeman 1993: 245). Chapter Three Part B, examines the details of the case study using the elemental delineations of *actors, structure, strategies, process* and *outcome*. Pondering the application of the presented theory to the case-study occupies most of Chapter Four, along with a discussion of the anthropological relevance of this study, possible future considerations, and my final thoughts on the research process and the research presented.

II. Formulating the Research Problem

In many ways this "research problem" is an amalgamation of many different topics and issues, portions and parts of which have been inspected and scrutinized by numerous other scholars and academics, and portions and parts of which I really doubt have seen the light of any pedagogical day⁸. By this I do not mean to imply that the research problem, as set out in this thesis, did not exist prior to this particular attempt at enlightenment. On the contrary, I believe that the realization, perception and examination of the connections between the topic of negotiation, the issue of culture and the relationship between the International Whaling Commission and the Inuit Circumpolar Conference, could be accomplished by following any number of

intellectual and cognitive pathways. Thus the research problem as characterized, is unique, not in the sense of its existence or presence in the sphere of research problems, but rather in the way in which it has been recognized and the perspective from which it originates. Therefore, in order to rationalize the methodology and theoretical perspectives that are used in this work, it is important to consider the non-linear path which led this researcher to question the association between culture, negotiation and the international management of animal resources

The organizational details of the creation of *Nunavut* are currently underway and on schedule for April 1st, 1999⁸. At that time the new Inuit territory, whose Inuktitut name means 'our land', will officially come into being as a distinctive territory within Canada. The creation of Nunavut represents the lengthy and dedicated efforts of Inuit living in the central and eastern Canadian Arctic to settle the Tungavik Federation of Nunavut Land Claim⁹ and to negotiate the political accord which divided the Northwest Territories and established provisions for a Nunavut territorial government in the Eastern Arctic (Indian and Northern Affairs Canada Information Sheet No. 8-2). The official Acts of Parliament for both the land claim (Bill C-133) and the Act to divide the Northwest Territories (Bill C-132) were passed by the Canadian government in June of 1993.

The Nunavut Land Claim is just one of many Aboriginal land claims that has been successfully negotiated since the announcement of the federal government's claims policy in 1973¹⁰. As a researcher who (like countless other anthropologists) has always been drawn to the "goings on" in northern regions, the signing of the Nunavut

Implementation Agreement drew my attention to the topic of "negotiation". It appears that in many cases, the final outcome of any "negotiation" is what is focussed on by the press, by politicians and participants, and by those whose lives are positively or negatively affected. In the case of Aboriginal land claims the situation is no different—negotiations are either "underway", "stalled" or "successfully completed".

There is of course so much more that can and needs to be said about processes of negotiation, especially those that bring together two parties whose relationship history has traditionally been guided by the policies, practices and ideologies of only one of these parties. More often than not these dominant ideologies have emphasized and advocated the intolerance of cultural differences. This is true in the case of Land Claim negotiations, which provide an opportunity for differing interests and ideas to be exchanged and redefined, but can also be experienced and interpreted in a different way by each participant. Who and what values an individual represents, how he/she feels about the issues, what he/she has to offer and what they need or want in return, are all factors that may influence what a negotiator may do during a negotiation. In thinking about Land Claim negotiations and whale resource negotiations, where the interests and motivations to negotiate are culturally based and the negotiators are from different cultures, the logical and necessary next question to ask is if the culture of a negotiator, or the cultural background of a particular issue can be an influencing factor on the process and outcome of negotiations. And if it is, how is it manifested, how can you tell, what negotiation decisions does it change, affect and alter?

The first component of the research problem is therefore to identify the link that exists between culture and the outcome and process of negotiation in general, but more specifically to explore how and if negotiations between Aboriginal and non-aboriginal parties are affected by cultural characteristics

The obvious route to formulating an explanation for this research problem would be to examine in detail the Nunavut land claim negotiations, which led to this line of questioning in the first place. As it turns out however, an obvious route is often obvious to more than one researcher; preliminary investigations indicate that while the research questions posed about Land Claim negotiations are frequently quite different than those outlined for this thesis, for the most part there existed and exists an abundance of thorough and detailed perusals of Comprehensive Canadian Land Claim policies, negotiations and agreements. The sources range from academic interpretations, to legal analyses and political commentaries, through to mainstream editorials.

Definition of the research problem became more clear with the case-study selection of the negotiation between the IWC and the ICC over the issue of the management of cetacean/whale resources. There are several unique aspects of the IWC/ICC relationship that, when surveyed, highlight the importance of contextualizing terminology such as "negotiation process" and "cross-cultural relations". For example, the IWC/ICC negotiation has already spanned several decades, giving new meaning to the "process" of negotiation, and as international organizations, both the IWC and ICC

are multi-national, making it more difficult to see the effects on the negotiation of one particular set of cultural values or perspectives

While these case-study particulars affect how the main components of the research problem are defined and described, other aspects of the IWC/ICC relationship actually compound the research problem by adding to the list of questions that must be answered. Examples of this include the relationship structure between the IWC and the ICC, the discursive competition between western scientific and traditional-knowledge management perspectives, and the external influence of the "environmental movement" which will be shown to have profoundly affected these negotiations. While the question of the existence of a link between culture and negotiation must first be established or disproved, it is the extent and manifestations of that connection in an Aboriginal/non-aboriginal negotiation environment that constitutes the heart of the research problem.

The development, definition and identification of the research problem is perhaps one of the most difficult tasks faced by any researcher who is reluctant to create a problem where there is none! The boundaries and defining features of the research problem have been clearly identified, and foreshadow to a certain extent the motivations and reasoning behind the methodological and theoretical choices that have been used to address the problem.

In the research analyses that follows, the link between culture and negotiation will be examined and proven and subsequent to this, the IWC/ICC case negotiation

will be studied in order to determine both the diverse ways in which culture affects the process and outcome of negotiation, and to analyze the magnitude of those effects

III. Methodology

Measuring the effect of the concept of "culture" on the process of "negotiation", necessitates the adoption of a methodology that borrows from the many approaches used to examine cross-cultural negotiation, international relations and intercultural communication. The final choice of methodology for this research meets this criterion by combining elements from different approaches in order to answer a similar research question to the one guiding this research project. The case-study method, as developed by Faure and Rubin (1993) will be detailed in this chapter, however the rationale for choosing one method over another is sometimes difficult to identify without having a sense of what the methodological choices are. Thus a brief discussion of these other approaches will be undertaken.

The methodologies developed in order to examine cross-cultural negotiation originate from the research conducted in several different disciplines, including those of anthropology and international relations. However, in recent years the predominant methodological contributions have increasingly come from the direction of research into business management.

Two very different examples of business management methodologies are illustrated in the work of S.E. Weiss (1994) and in that of Graham, Mintu and Rodgers (also 1994). These approaches concentrate primarily on the way in which people from

different cultures negotiate with one another, and on determining the negotiation behaviour that can result in the most successful negotiation (as measured by profit and trading achievement) Whereas Weiss's exploration is based on how business negotiators can change and alter their own behaviour so as not to be offensive, Graham, Mintu and Rodgers actually set out to uncover the existence of the universal "successful negotiator"

In his attempt to provide negotiators with a list of "tips" to get them through sticky cultural situations, Weiss draws upon an accumulated wealth of anecdotes that illustrate the problems that arise when businesspeople from different cultures conduct business

In the early 1980s, American negotiators in the Toyota-Ford and GM-Toyota talks over car assembly joint ventures, prepared by reading books such as James Clavell's *Shogun* and Edwin Reishauer's *The Japanese*, watching classic Japanese films (e.g., "Kagemusha"), and frequenting Japanese Restaurants.
(Weiss 1994:61)

Weiss has based his research on an examination of *real world* business negotiations, which include not only the GM-Toyota-Ford arbitrations mentioned above, but also the, "Negotiations over MCA's acquisition by Matsushita...in 1990", the "Camp David 'peace' talks between Egypt, Israel, and the United States in the late 1970s", and the negotiations undertaken in the same decade by, "Coca-Cola...in the People's Republic of China in order to produce and sell cola drinks there" (Weiss 1994:57).

From his examination of these negotiation situations¹¹, Weiss has developed a list of "culturally responsive strategies" (Weiss 1994:52) aimed largely at smoothing the negotiation path for North Americans conducting international business. With the

purpose of appealing to an American (and perhaps to a lesser extent a Canadian) audience, Weiss has chosen information and case-studies that feature negotiation situations between Americans and other cultures. Due no doubt to the prevalence of business and trade between the United States and Japan, in many cases the 'other' culture profiled is Japanese.

So, while Weiss does use a form of case-study analysis to demonstrate how cultural practices of politeness and etiquette may cause moments of discomfort during cross-cultural negotiations, the question he asks and answers, is not quite the same as the one being posed in this study. It is obvious then, that the type and formulation of the research problem will affect a researchers choice of methodology.

Like Weiss, Graham and Mintu and Rodgers would also like to shed some light on the question of cross-cultural negotiation styles. In their research however, they have broadened the number and diversity of cultures to include negotiators who are neither American nor Japanese. Rather than observing 'real' or 'natural' negotiations, their analysis relies on results obtained through a negotiation simulation game called "Kelly's game". The game that they undertook involved 700 participants from 11 different cultural groups, including the United States, Canada (anglophone), Canada (francophone), Mexico, the United Kingdom, France, Germany, the former USSR, Taiwan, China and Korea (Graham et al. 1994:78), but included no Aboriginal participants.

The simulation methodology employed by Graham et al. saw the participants engage in simulated product and price negotiations, after which they were given a

questionnaire requiring them to answer specific questions about their negotiation experience. The questionnaire was specifically designed by the researchers to measure certain types of negotiation behaviour in the hopes of identifying those that might be universal.

It is clear here that while there is undoubtedly a connection between identifying cultural styles of negotiation and determining the effective relationship between culture and negotiation, the methodologies used by business management researchers are perhaps not the most suitable techniques for answering questions surrounding the latter issue. Business-to-business negotiations, whether they be cross-cultural or not, are typically symmetrical in the sense that both parties 'want' to 'do business' with each other. This is not to suggest that there are no power struggles, tactical *coups* or disastrous outcomes in business negotiations, for that can be the reality in any negotiation. What is implied here is that the motivation to negotiate in business is clear to everyone from the beginning, and this serves to level the playing field in terms of power positioning almost before the negotiations begin. Contrast this with the situation of an individual or collective Aboriginal party that wishes to negotiate on behalf of their own interests. The playing field is not automatically level as in the business-to-business scenario, and tactical opportunities that may have been used in that case to acquire a positive and successful outcome for one side, instead have to be used by indigenous negotiators to level the playing field and acquire what is often only periodic and occasional negotiation symmetry with the other party.

Tactical symmetry can be achieved by Aboriginal groups using cultural strategies to bring their own sense of cultural understanding to the other negotiation participant. In many cases, this is more easily achieved by applying these tactics to gain the support and influence of an alternative or indirectly involved third party who may already operate on a more level playing field with the second party. In many cases, including the ICC/IWC situation to be profiled later, the third party or third order alliance is made with an international NGO.

While the anecdotal approach employed by Weiss does offer a taste of the type of valuable information that can be gleaned from case-study analysis, and the method of simulating negotiations can provide information on the negotiation behaviours of many different cultural groups, neither one of these approaches can quite meet the requirements for a study that focusses on the relationship between culture and negotiation and its manifestation in an international resource management negotiation that involves Aboriginal and non-aboriginal cultural representatives.

Fortunately the discipline of anthropology can provide a methodological alternative which is based on the utilization of a detailed case-study analysis of non-North American negotiations. Philip Gulliver has blazed the anthropological trail when it comes to negotiation research. The model of the negotiation process which is fostered by Gulliver is intended to describe patterns of negotiation behaviour that occur within certain negotiation situations. It is not meant however to provide "how-to" instructions on negotiating to one's advantage (Gulliver 1979:66).

Gulliver views negotiation as a cyclical process that must be followed through from its beginning to its end. Citing anecdotes here and there and simulating 'virtual' negotiations, are processes that ignore the wealth and depth of the 'real situations' that provide the 'real data', which upon examination and analysis can provide 'real answers' to 'real questions'. In examining negotiation situations observed during fieldwork in Arusha, Gulliver is able to view the negotiation process holistically, which allows for an analytical intensity and depth that is simply not possible using the methods employed by business management.

Although Gulliver's methods do correspond to the research questions concerning the connection between culture and negotiation, and they can and are applied to negotiations that are not strictly conducted in and between industrialized nations, he does however recommend studying negotiation on a "culture by culture" basis. That is to say, negotiation research should focus on how people of one culture negotiate with each other. Only later should the data be used for a comparative analysis of negotiation between cultures, as opposed to examining cross-cultural negotiations as they occur.

The three methodologies that have been outlined above provide only a representative snapshot of the many methods available for studying the topic of cross-cultural negotiations and answering questions about the possible effects of culture on the process of negotiation. Yet none of them individually provide quite the precise set of tools that is needed to answer the research question at hand.

However, as will be shown here, not only have Faure and Rubin developed a methodological framework that organizes the process of cross-cultural negotiation for analytical purposes, but this methodology also addresses the question of the relationship between culture and negotiation, and has been used extensively in studies that look at intra-cultural and cross-cultural negotiations of many different cultures, including China (intra-cultural studies by Derong and Faure 1995, Lieberthal [in Faure and Rubin 1993 176]), Northern and Southern Sudan (Deng in Faure and Rubin 1993 62], and the multi-cultural negotiation between Turkey, Bulgaria, Romania, and the Soviet Union (Slim in Faure and Rubin 1993 135)

In each of these cases a detailed examination of the negotiation was undertaken in an attempt to survey the negotiation relationship "holistically" from beginning to end. Tips for smooth cross-cultural negotiations, and descriptions of negotiation styles are recognized as playing an important role in negotiation of this nature, but the methods focus attention on the broader effects of culture on negotiation

Faure and Rubin believe that, "In order to specify the impact of culture, it is useful to distinguish between the basic elements of negotiation: actors, structure, strategy, process, and outcome. Cultural factors relate somewhat differently in each [but] it is conceivable that a cultural factor or set of factors that influences one dimension of negotiation—has no immediate significant effect on other dimensions" (Faure and Rubin 1993: 8). These basic elements of negotiation are described briefly here, but will be expanded upon in Part B, where they are applied to the IWC/ICC case study.

In short then, it is the *actors* in negotiations that may have the strongest link with cultural influences, "All actors directly represent a national, ethnic, professional, organizational, or other culture—or usually a combination thereof" (ibid). *Structure* in a negotiation may encompass such factors as the number of parties involved, the number of issues at stake, and the distribution of power between negotiating parties. Structure can also refer to how culture itself is organized in the negotiations (ibid), as in the case of international structures such as the United Nations and of course the Inuit Circumpolar Conference (ICC) and the International Whaling Commission (IWC).

According to Faure and Rubin, *strategy*, "may be described as the art of devising plans to achieve a goal or set of goals" (Faure and Rubin 1993:10) and may be influenced culturally by the way negotiators view the process of reaching a negotiated outcome, how they strategically view the idea of cooperation to achieve these goals, and on what grounds and who they will cooperate with (ibid).

Process is the element of negotiation that encompasses issues of cross-cultural communication and style, which as has been shown was so often given priority of purpose and effect in the methodologies associated with business management. But process also includes such factors as the differences that exist between actors from different cultures in the use of humour, in using deception (ie. in some cultures it is more important to be polite than to convey the correct information), and in the understanding and perception of timeliness and limits (ibid).

The final element that may be affected by culture is that of *outcome*, described as "the function of all of the other dimensions of negotiation: actors, structure, strategy, and process" (Faure and Rubin 1993: 12). The outcome of a negotiation may be accepted by representatives of certain cultures in a format that is strictly formal, as in a carefully worded legal agreement, whereas other cultures may be more concerned with the substance of the agreement, and more willing to accept less formulated texts or verbal agreements.

The outcome of a negotiation may also be viewed very differently by the participants: some view it as constraining and therefore worth circumventing; others will see it as an agreement that must be respected and honoured by all sides, while another possible view is to see it as a, "symbolic manifestation of the good relations between the parties who have entered the agreement" (ibid). It is at this outcome stage of a negotiation that perspectives on fairness and senses of justice also become evident.

The methodology for studying the effects of culture on negotiation does provide the means by which to answer the research question of this thesis, while at the same time providing options and possibilities for working with a case-study involving international organizations that represent the interests of Aboriginal and non-aboriginal people.

The methods prescribed by Faure and Rubin are admittedly not without their limitations. Their flexibility can be interpreted as being unspecific, inaccurate and not easily reproduced, and the analysis and interpretation of the data does rely heavily on

its representation by the researcher. However, the motivation behind this methodological development and the studies which have already quite successfully utilized this technique, indicate that the choice for this thesis should be the Faure and Rubin methodological approach.

Having justified the selection of this particular methodology, it is important to explain exactly how the method can be applied to this research. This will involve a discussion of the rationale behind the selection of the Inuit Circumpolar Conference/International Whaling Commission case-study, as well as an overview of the utilization and availability of sources.

IV. Access and Availability of Sources

The case-study approach is "a very appropriate means of going deep into the organizational process and capturing its rationale" (Derong and Faure 1995:30) because it provides the opportunity for profiling the negotiation process from beginning-to-end.

The negotiation between the International Whaling Commission (IWC) and the Inuit Circumpolar Conference (ICC) has been underway since the creation of the ICC in 1979, but the defining issue of the negotiation dates as far back as the early part of this century. Actions by both parties have at times accelerated and then abated as the priority of issues has shifted due to the passage of time, changing public opinion, media hyperbole and political activism. All of these elements have affected the negotiation process in different ways, but nonetheless, it is the duration of the relationship and the role of these external influences that make the ICC/IWC case a

complex and interesting one that may provide answers to questions concerning the effects of culture on negotiation.

The lengthy time-span of this negotiation has created an interesting dilemma with regard to the sources of information. The preference in studying a cross-cultural negotiation would be to observe first-hand, any formal proceedings, preliminary hearings, as well as any secret meetings and conversations. Although this type of scrutiny could provide excellent information concerning the *process* aspect of negotiation, first-hand observation is limited in what it can bring to light with regards to the *outcome*, *strategies*, *actors* and *structure* of the negotiation. In the case that is being looked at here, it was simply too difficult to attend all the meetings of the International Whaling Commission (IWC) since 1949, all the meetings of the Inuit Circumpolar Conference (ICC) since 1977, and still be the researcher I am today!

As a result of this, information concerning the negotiation has had to be obtained in other ways. Informal interviews with officials of the ICC and of the government of Canada's Department of Fisheries have been invaluable in pointing me to appropriate sources and in supplying context for the actions and events that make up the IWC/ICC negotiation process¹². Numerous academic and literary secondary sources have provided food for thought, as well as valuable chronological summaries of the circumstances that make the negotiation what it is (see Lauritzen 1983, Huntington 1989 for relevant ICC events, see Hoel, Andresen, Gambell, and Freeman all 1993, for those of the IWC). Media reports, newspaper articles, press releases and

editorials have also been drawn on extensively, as have sources posted or provided over the Internet (see the worldwide web location <http://tirpitz.ibg.uit>).

A request was made to the International Whaling Commission as to the possibility of gaining access to their verbatim records. The written response from the Secretary of the Commission Ray Gambell is included in Appendix II-II, where he suggests using the IWC Annual Reports, which are available in Ottawa at the Department of Fisheries and Oceans Library. IWC Reports are published to correspond with the convening of the annual meetings, and each of these reports, from 1949 to 1995 were scrutinized. When first researching the type of sources relevant to the case study, it appeared that verbatim records might provide the most valuable and consistent information. However as preparatory research soon indicated, the position of the ICC as a non-voting *observer* (as opposed to a *member*) at IWC meetings, certainly limits their official involvement in the 'discussions' that go on between member nations. Copies of any special statements made by the ICC at IWC meetings were therefore obtained either indirectly through their inclusion in the IWC Annual Meeting Reports, or directly through the ICC itself. The process of examining more than 50 years of IWC annual reports (fewer assembly reports for the ICC because of their more recent inception and less-frequent meetings) was a time-consuming but ultimately very useful exercise. It has been important as a researcher to have beside me a synopsis of the particular items I felt were relevant, even if I could not access all the details at once. Because of this, I have provided for the reader an extensive synopsis in Appendix-form of pertinent ICC (Appendix I) and IWC (Appendix II)

sources, in order that they may be accessed for additional details that are not profiled in the text

Certain verbatim accounts that were contained¹¹ in the collections of the Department of Fisheries and Oceans have provided an understanding of the flow of the IWC meetings, the way that members discuss certain issues, and the process by which NGOs influence member countries. As well, the research of Iwasaki-Goodman, who was present at the 43rd IWC meeting in 1991, has in detail described the type of interaction that may be expected to occur during typical IWC plenary and committee sessions, both of which are part of the IWC meetings as a whole (see Iwasaki-Goodman 1994)

Whereas the IWC meets annually in various international locations, the ICC meets every three years in a circumpolar city such as Barrow in 1970, Sisimiut in 1989, and Tuktoyaktuk in 1992. The official published reports for these General Assemblies are usually made available several weeks after they occur, and include a schedule of events, inventory of speakers, text of speeches, and listing of all the resolutions passed. Often these reports are complemented by a daily "bulletin" that is distributed for the duration of the Assembly itself. In the case of the 1995 ICC General Assembly, this 'daily' was entitled "The Morning Edition", and updated participants as to the previous day's events and the discussions, votes and resolutions that were coming up on the agenda. These bulletins provide an active sense of who the key ICC players are at the time, as well as emphasize principal issues and debates that will determine the next three-year mandate of the organization

While the ideal sources for this study would have at first appeared to be the verbatim reports of the IWC, their very lack of availability has led to the discovery of a variety of other sources that are perhaps more appropriate and equally as valuable.

In this initial Chapter, the preliminary ideas, methods and motivations for this research have been explored, the issue and theoretical frameworks identified. The next Chapters continue to discuss the nature of the relationship between culture and negotiation from the perspectives provided by an examination of the ICC/IWC case study. In order to understand the complexities associated with the culture/negotiation link, the work of Faure and Rubin is discussed in Chapter Two. The theoretical approaches of Galtung, Bourdieu and Foucault are also considered in order to grasp the particulars of the IWC/ICC relationship.

Endnotes

1 I have chosen throughout this thesis to use the capitalized version of Aboriginal which is the common spelling of the term in much of the literature surrounding the issue of Aboriginal negotiations. Others may find the capitalization unnecessary, but I am most comfortable with it left intact.

2 The term "Inuit" has been used by the ICC as an identifier of the peoples indigenous to the northern regions of Canada, the United States, Russia and Greenland, hence the name of their international NGO, INUIT CIRCUMPOLAR CONFERENCE. However this is not universally accepted terminology and so where reference is made particularly to certain populations living within certain countries, the following terminologies will be used: Inuit (referring to populations and communities in Canada), Greenlandic (referring to populations and communities in Greenland), Alaskan Eskimo or Eskimo (referring to populations and communities in Alaska) and Yuit (referring to populations in Russia or Chukotka).

3 "Traditional" is used here to associate the Inuit perspective with the traditional or indigenous environmental knowledge system that Inuit have developed over thousands of years by using the "knowledge of their local environment to sustain themselves and to maintain their cultural identity" (Johnson 1992:3). The term 'traditional' can imply that this type of knowledge is static and strictly based on the knowledge of the past. It is important to stress that here the term is used to describe a knowledge that, "With its roots firmly in the past, traditional environmental knowledge is both cumulative and dynamic, building upon the experience of earlier generations and adapting new technological and socioeconomic changes of the present" (Johnson 1992:4).

4 The contrasts between western-scientific and traditional environmental knowledge will be explored more fully in later chapters that deal with the manifestation of culture in the ICC/IWC negotiation. However, some of the differences between these two world views involve the way in which the knowledge is transmitted, i.e. TEK is transmitted through oral tradition, western-scientific through writing, the way in which the knowledge is learned i.e. TEK is learned through observation, western-scientific knowledge through abstracted situations, and whereas TEK does not view human life as superior to any other animate or inanimate elements, western-science advocates the belief that humans have the right to control and exploit nature for their own interests. The differences, compiled in Martha Johnson's work entitled "Lore", are of course not "mutually exclusive for either system" (Johnson 1992:6).

5. The 'preservationist' viewpoint referred to here is that associated with certain ecological and environmental movements that has been advocated and promoted by various NGOs who are largely based outside the circumpolar region. With regard to the whaling issue, those aligning themselves with this perspective advocate that due to numerous whale characteristics, they should not be hunted nor considered a resource for human consumption of any kind (see Kalland 1993). This perspective, as will be shown, differs from both the Inuit and conservationist perspective on the issue.

6 Herein referred to as the IWC and the ICC respectively.

7. Freeman details the course that the IWC has followed in defining the term subsistence, and points out the inconsistency in their utilization of the term. He stresses that there are indeed many definitions associated with the term. Freeman states that, "The term 'subsistence' in everyday speech commonly implies bare existence or a livelihood that only provides in minimal life's necessities" (Freeman 1993:244), but that when discussing the term technically, researchers should identify what definition they ascribe to. Wenzel's definition which is highlighted in the text is similar to the meaning alluded to by the ICC in their dialogue on Inuit whaling and so it is to this one that I ascribe as well.

8 A comment was made to me recently about the interesting choice of April 1st as the date that Nunavut comes into effect, being that it is superstitiously associated with April Fool's day. All evidence points to the fact that Nunavut will enter the world "unfooled", but nevertheless from morning till noon I'm sure the world will be watching'

9 The TFN land claim is identified as the "largest comprehensive claim settlement in Canada" and provides the approximately 17,500 Inuit living in the area with 350,000 square kilometres of land (of which 36,000 square kilometres includes mineral rights); \$1.17 billion in financial benefits over 14 years, a share of royalties, guaranteed wildlife harvesting rights; and participation in decision-making processes dealing with land and environmental management (Indian and Northern Affairs Canada, Information Sheet No 59. 2).

10 A few of those successfully negotiated include The James Bay and Northern Quebec Agreement in 1975, the Northeastern Quebec Agreement in 1978, the Inuvialuit Final Agreement in 1984, the Gwich'in Agreement in 1992, Sahtu Dene and Métis Agreement in 1994, and the Yukon Indians Umbrella Final Agreement in 1993 (Indian and Northern Affairs Canada, Information Sheet No 59 1).

11 Weiss discusses several of these cases in more detail elsewhere (see Weiss 1990, 1991)

12 Here I would like to thank Frank Anderson of the Inuit Circumpolar Conference for his invaluable comments and suggestions, and to Dan Goodman of the Department of Fisheries and Oceans for recommending some excellent sources of information'

13 I am still unsure as to how the verbatim report (marked confidential) of the IWC's Plenary Session of 1975 came to be included in the collection of IWC documentation at the Canadian Department of Fisheries. However, it exemplified the way in which the plenary sessions are organized and the importance of the 'special statements' made by various NGOs who are on both sides of the whaling issue.

CHAPTER TWO

Issues of Social and Cultural Theory and the analysis of cross-cultural negotiation

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I. The Theories in Short

There are several theoretical paradigms that have been used at stages of this research in order to help conceptualize the multi-causal role that Inuit culture may have on the process and outcome of international whale management negotiations. Admittedly, these theoretical paradigms draw upon the fundamental works of several different sociological and anthropological theorists (Bourdieu, Foucault, and Galtung), as well as the contributions made by researchers of international relations like Faure and Rubin. And while these theories range from what might be considered the "post-structuralist" to the "postmodern", in each there are principles that help bring to clarity the negotiation process and outcome of the relations between the International Whaling Commission and the Inuit Circumpolar Conference. The following review defines the theoretical principles associated with each perspective and explains how, when applied

to the case study, these concepts contribute to a deeper understanding of the obvious and the hidden social, political and cultural influences on the relationship at hand.

The first of these paradigms identifies the relationship that exists between culture and negotiation in general, as well as the particular cultural obstacles that can occur during cross-cultural international negotiations. The international aspect of Faure and Rubin's work (1993) will provide an appropriate starting point from which to launch Galtung's dialogue (1980) on structural imperialism and structural violence, illustrating how participant power and rank combine to produce a system of asymmetrical negotiation. An explanation of Bourdieu's (1989) symbolic violence and the "fuzzy logic of practice" will highlight an alternative, less structural explanation, of why and how unequal relations are maintained. And finally, as will become clear in the thesis itself, I will explain how the negotiated outcome between the IWC and the ICC can be defined as a competition between the western-scientific discourse and the discourse associated with traditional knowledge systems. Definitions and explanation of the phenomena of discourse are dealt with by Foucault in his theory of "discourse analysis," and an examination of this should contribute to an understanding of the IWC/ICC negotiated outcome, as well as provide interpretive tools for comprehending the influencing effects that the discourse of environmental NGOs may have had on the practice and policy of the IWC.

II. Saving and Sinking the Link—The relationship between Culture and Negotiation?

One of the main goals of this thesis is to provide a better understanding of the relationship that exists between the outcome of a particular negotiation and the predominant cultures involved. As the theoretical overview unfolds, it will be shown that Galtung, Bourdieu and Foucault have much to offer in the way of conceptual tools and frameworks that help to interpret these and other cultural and social relations. But before launching into a discussion of cultural relations in general, and those that exist specifically between the IWC and the ICC, it is necessary to take a closer look at the relationship that may exist between culture and the processes and outcomes of negotiation.

Negotiation, conflict resolution, trade, haggling and mediation are all words which describe an interactive relationship between individuals or groups that is established in order to come to a compromise, agreement, or mutual understanding over a contentious issue. Many factors may or may not have an effect on the outcome and impacts¹ of a negotiation, including the issue itself, the actors, strategies, timing, location, and even the weather. It comes as no surprise then, that culture in its broadest sense, would also be viewed as having a similar influence. But while most would acknowledge the existence of this relation between culture and negotiation, not all would agree on its nature nor its strength. The following section will examine the debate surrounding the "Culture-Negotiation link" (as coined by Janosik 1987:385), and will relate the resulting conclusions to the IWC/ICC case study and to the theoretical paradigms set out in the next three sections.

With regard to the relationship between culture and negotiation, I. William Zartman believes that it is at best, a weak link. And he takes issue with its unquestioning supporters by stating that,

Culture is to negotiation what birds flying into engines are to flying airplanes. practical impediments that need to be taken into account (and avoided) once the basic process is fully understood and implemented.
(Zartman in Rubin and Faure 1993 19)

He suggests that: there are five problematical issues that must be taken into consideration before ascribing to the relationship too much strength and credibility.

In explaining the first of these issues, Zartman asserts that 'culture' as a determining factor is only used to explain negotiation processes that are unsuccessful or have broken down because either one or more of the participants have failed to take into consideration the 'culture' of the other party or parties (Zartman in Faure and Rubin 1993:17). Furthermore, 'culture' is never used to explain successful negotiations, because it is always shown that either a participating culture contains, "'pro-negotiating' traits or that two cultures are paired appropriately to conduct negotiations" (ibid). Thus, in the successful negotiation scenario, 'culture' is nullified and the outcome of the negotiation is explained using other factors. As Zartman states, "serious experimental studies of negotiation document the absence of cultural differentiation in bargaining behaviour" (Zartman in Faure and Rubin 1993:18).

Secondly, Zartman believes that whether culture is treated negatively or not at all with regard to negotiation, as a determining factor it generalizes and makes assumptions about the cultural values and behaviours of individuals and groups

involved in the negotiation. If the participants do not act in accordance with their prescribed, stereotypical traits, they are "treated as deviants" (ibid)

This issue of prescriptive stereotyping is expanded upon by Robert Janosik (1991) in his description of a number of the 'deterministic' perspectives currently associated with the culture-negotiation link.

Though most often identified with business negotiations, Janosik's, "culture as learned behaviour" perspective, can easily be applied to cases of international negotiations. In the realm of business management, international negotiations have had the reputation of being everything from frustrating to quaint. These negotiations usually involve business people making an attempt to successfully achieve what they want from their international counterpart, without completely offending them with 'impolite' cultural behaviour. With the increase in international trade and indeed in international negotiations as a whole, it has become quite clear that cultural awareness and sensitivity often make for a much more enjoyable and smoothly run negotiation process. If one knows the cultural "etiquette" then one can more easily get down to business.

It is this knowledge of cultural negotiation "etiquette" that defines the stereotypical aspect of the culture-negotiation link. Instead of being concerned with the when, why and how of the negotiation behaviour, the focus is placed on identifying the way in which people in certain cultures generally behave while engaged in the process of negotiation. The purpose for identifying and describing these "cultural behaviours" is so that negotiators will know how to successfully negotiate in

a cross-cultural negotiation situation. This perspective basically provides a "how-to list" for negotiating with different cultures, by describing culturally generalized behaviour (Janosik 1987: 386).

Janosik also looks at one other 'deterministic' perspective that is associated with the culture-negotiation link. This "culture as shared value" perspective looks at clusters of cultural values that characterize a specific culture. Based on how these values are manifested in negotiation behaviour, one should be able to predict easily, the outcome of a negotiation between certain cultures. This perspective goes beyond the "how-to list" advocated by the "culture as learned behaviour" viewpoint, and prescribes certain styles of negotiation to individual cultures. For example, the John Wayne Style has been ascribed to American negotiators, who have a tendency to "prefer short, informal negotiations that emphasize the equality of the participants" (see Graham and Sano). Contrast this with the Japanese negotiation style which is said to be based on a cluster of cultural values such as *amae* (indulgent dependency); *wa* (the maintenance of harmony), and *shinyo* or gut feelings, a value that encourages Japanese negotiators to spend a "great deal of time at activities not directly related to the negotiation, including gift-giving" (Janosik 1987: 388).

Both Zartman and Janosik agree that defining 'culture' is yet another problematical issue associated with the culture-negotiation link. They feel that "beyond its tautology, culture is a vague concept, drawing very little agreement among analysts" (Zartman 1991:19). In identifying a certain negotiation style by culture, Zartman questions whether it is subnational, national, continental or world traits that

determine whether a culture *is* a culture. In his own words he inquires, "what (or where) is culture?" (ibid). If culture as a concept cannot be identified, bounded and set in stone for the purpose of analysis, then how and why would its relationship to negotiation be studied or examined?

Zartman's third problematic is loosely associated with the issue of defining culture. He makes the suggestion that, "In this internationalized world, is it not clear that previous national differences prevail [any] longer, because many have disappeared into a homogenized cosmopolitan culture of international negotiations fostered by the United Nations and other multilateral encounters" (ibid). What is implied here, is that cross-cultural negotiations really no longer exist and that culture has been completely removed from the sphere of the negotiation process.

Finally, while Zartman does believe that "an understanding of national idiosyncracies can make negotiations smoother and avoid misunderstandings" (ibid), he also agrees with Janosik's perception that it is hardly a significant enough relationship to aid in an understanding of the negotiation process itself.

An examination of the various positions associated with the debate over the culture-negotiation link is a valuable and necessary exercise to further understanding the IWC/ICC negotiation case study. As representatives of the "skeptics view" (Zartman in Faure and Rubin 1993 17), both Zartman and Janosik clearly question the validity of the culture-negotiation link, although some of the problematics they identify are more convincing than others.

For example, Zartman's lament over the difficulty of defining culture, has been addressed by Faure and Sjostedt in their working definition of culture

Culture is a set of shared and enduring meanings, values, and beliefs that characterize national, ethnic, or other groups and orient their behaviour
(Faure and Sjostedt in Faure and Rubin 1993:3)

They concede that defining culture with precision is indeed a difficult task, but maintain that culture does influence human behaviour in certain ways and thus will influence the realm of negotiation in a similar fashion. For example, definitions of "success" and the good and bad behaviour associated with its achievement are values that are embedded in culture. Even though Janosik points out the difficulties of applying "culture as learned behaviour" to the culture-negotiation link, he does acknowledge (like Faure and Sjostedt), the fact that, "Actors may be guided unconsciously by cultural values that help reproduce learned behaviour" (Faure and Sjostedt in Faure and Rubin 1993:4)

In examining how culture relates to negotiation, it is impossible to dissociate culture from language. Faure and Sjostedt state that, "One function of language is to structure reality and to order experience" (ibid), while another of its functions is communication. Hence language is not only a mechanism used for human interaction, it also acts a means by which to reproduce and disseminate culture (ibid).

Culture also functions to "help people build and preserve their own identity" (Faure and Sjostedt in Faure and Rubin 1993:5). Depending on the negotiation situation and issues, being aware of one's cultural differences can either strengthen one's confidence and 'compromising' abilities, or it may exacerbate the situation.

Either way, a sense of cultural identity, whether it be the same or different for the other party or person involved, will affect the process, outcome and impact of a negotiation

So Faure and Sjostedt easily address Zartman's questioning of culture as a notion, but what of his (and Janosik's) other aversions to the culture-negotiation connection? The issue of prescriptive stereotyping is a serious one, and will be given the attention it warrants near the end of this section. But Zartman does claim that culture is only ever used to analyze and explain negotiation situations that have not been successful, and (regarding international negotiations) that cultural differentiation is simply not a contemporary issue because of the prevalence of the culture of internationalism.

Cohen takes issue with the negative failure hypothesis and stresses that not all cross-cultural negotiations lead to unsuccessful negotiations, just as all intercultural² negotiations do not necessarily result in agreement (Cohen in Faure and Rubin 1993:23). Take for example the case of the Japan-United States San Francisco Peace Treaty, where "in the context of the post-war American occupation of Japan... both sides [were able] to work together constructively for the rehabilitation of the war-torn country" (Cohen in Faure and Rubin 1993:28). According to the author of the study (M.D. Strazer, 1981), the success of the peace-treaty talks was due to the different, but surprisingly complementary cultural traits of the two countries. The United States exerted their "optimistic and manipulative 'can do' approach" (ibid) to the situation, while the Japanese demonstrated their "*awase* ethos" which illustrates their belief that

humans must adapt themselves and their actions to the surrounding environment and situation. These cultural traits actually worked in the same positive direction, resulting in a mutually acceptable peace treaty

Ignoring the culture of a negotiation counterpart can result in negotiation failure (Zartman 1993 18), but so too can recognizing and acting upon those differences. In his examination of Soviet and Japanese fishery negotiations in 1977, Kimura says that differences in cultural behaviour and thought were behind the resulting negotiation difficulties. In this particular case the Japanese were acting based on the concept of *amae* which assumes that the party occupying the lower position of power or advantage, can rely somewhat on the benevolence of the party occupying the higher position (Cohen 1993 28). The relationship was taken advantage of by the Soviet Union's propensity to be preoccupied with "rank, power relationships, and the establishment of its own superiority" (ibid). These two attitudes led to the Japanese explaining their situation accurately and precisely, while the Soviet Union "hammer[ed] home their advantage and conducted, in the eyes of the Japanese press, diplomacy by intimidation" (ibid).

It is obvious after this discussion of Japanese-U.S., and Japanese-Soviet Union negotiations, that contrary to Zartman's assertions, cultural differentiation does exist within international negotiations. The cultural differentiation in these cases however, exists between negotiators that have a different ethnic or national background. Lang (in Faure and Rubin 1993) asserts that when looking at the relationship between culture and negotiation, 'culture' must also include "sub-cultures" like *corporate culture*

and *organizational culture*. Clearly, cross-cultural negotiation is not in danger of becoming a thing of the past. Within the emerging European Economic Community, acknowledgement of *regional cultures* has become more necessary, as has recognition of Zartman's *international diplomatic culture*. These *professional cultures* are "more superficial than the national cultures because [they] consist of well-understood symbols and common habits, rather than shared values" (Lang 1993:39)

In the case of multi-lateral international negotiations, this culture of common habits and well-understood symbols is often prevalent due to the negotiations being "embedded in the framework of an international organization" (Lang 1993:45). With officials and officers of the nonnational organization presiding over the negotiation or disputes, Lang suggests that national culture becomes less important than the culture of international diplomats.

"Negotiations are easier with people from other countries sharing the same professional culture than with those who do not" (Hofstede in Lang 1993:40). Thus when negotiations are taking place, although the professionals and experts may have to argue the position of their nation or country, in terms of the technical issues most will share a common language and knowledge of the issues surrounding their particular profession or expertise. If however, the availability of experts and the nature of professions is not consistent across national cultures, negotiation problems may result. This is true especially for Third or Fourth World' delegations where specialized knowledge is required to influence negotiations, but may not be available or presented in the appropriate language or culture of 'experts' or 'professionals'. This lack of

available scientific and technical expertise is not only a problem for indigenous negotiators but for indigenous politicians as well, and it will be interesting to note how this relates to the IWC/ICC case study, especially since Lang states that, "In order to overcome this drawback, some of these delegations [from the Third and Fourth World] tend to overemphasize political issues, which they may master more easily" (Lang in Faure and Rubin 1993:44). These same political principles however, can be difficult to translate into technical solutions due to the failure of other governments and states to recognize indigenous or Aboriginal sovereignty or states of government.

Having explored some of the issues and positions that surround the debate over the culture-negotiation link, I would like to return for the moment to the question of prescriptive stereotyping, which remains a troubling element of the culture-negotiation link

Challenging Zartman and Janosik's positions has highlighted the many different ways that culture can affect the process, outcome and impacts of a negotiation. Yet making generalizations about the core or cultural values of a certain participant, does lead to the assumption that all negotiators from a certain national, ethnic, or professional background will exhibit negotiation behaviour that is consistent with their cultural values. Individuals do not always act in accordance with the 'right' set of values associated with their culture. If a negotiator is relying on a set of cultural values in order to assess and predict the behaviour of their counterpart, they may just be surprised at how wrong they might be. It is easy for negotiators and other decision-makers to fall back on stereotypical categories because it tends to simplify

what is most certainly a complex situation. However, stereotypes, "also deprive perceivers of the true richness and diversity of the social world, while depriving the objects of stereotyping of their individuality. As perceivers, we remain aware of our own individuality, while the objects of our stereotypes are regarded as 'exemplars' of some broader culture, rather than as individuals" (Faure and Rubin 1993: 225)

There is no antidote for prescriptive stereotyping, no preventative measures that can be taken in order to "stop the generalizing", because "Etiquette" and "How To" manuals that focus on cultural negotiation behaviour, do serve a purpose for practitioners. They provide rules and regulations, tips and treatises on how cross-cultural negotiations can run more smoothly due to knowledge of cultural behaviour. It is important to be aware that as a negotiator, a failure to recognize the limits of our "own cultural biases and stereotypes can create serious difficulties in negotiation" (Faure and Rubin 1993: 224)

Examining the viewpoints that surround the issue of the culture-negotiation link, has brought to the forefront questions of the very existence of the relationship, as well as the identification of components that make up that connection. The conclusions that have come out of this discussion point out that negotiation is indeed affected and influenced by many different factors, including culture. The anthropologist Phillip Gulliver states that we must question "the notion that negotiations are fundamentally a power contest, or that negotiated outcomes are matters of winning and losing, or that negotiations are concerned (or can readily be

assumed to concern) a single issue with a single attribute rather than multiple issues with multiple attributes" (Gulliver 1988 251)

In this study, which examines the process, outcome and impacts of a negotiation involving different cultures, it is the nature and extent of the influence of culture on the negotiation itself that will be explored. In order to accomplish this, it is vital to develop an understanding of the cultural and socio-political relations that exist between the IWC and the ICC, and examine how they may affect the process, outcome and impact of their negotiations over the management of whale resources. In the sections that follow, the theoretical paradigms of Galtung, Bourdieu and Foucault will be outlined in order to provide the appropriate perspectives and tools of analysis to further develop that understanding of relations

III. Galtung's Structural Imperialism and Violence

In this second section of the theoretical overview, we will examine the framework of Johan Galtung's theories of structural violence and imperialism and how they relate to the power dynamics of the IWC\ICC negotiations. These theoretical perspectives stem primarily from his work advocating the value of peace research, a task which necessitated his contemplating issues of ranking within global *structures*⁴. In his own words, Galtung suggests that, "peace research, defined as research into the conditions - past, present and future - of realizing peace, will be equally intimately connected with conflict research and development research" (Galtung 1968:17). Indeed, issues related to conflict and development research can be identified in the negotiation

relationship between the ICC and the IWC. However prior to becoming involved in a discussion of how the theory might apply to the specific case study, let us first define the interconnectedness of Galtung's peace-related ideas, beginning with peace research itself.

In his critique of Johan Galtung's work, Lawler describes peace research as being "determined as much by the geographical location of specific institutes or scholars and their immediate intellectual milieu as by any understandings that they might share beyond a generalized concern with the problem of violence—war in particular—and the possibility of its reduction or elimination" (Lawler 1995 vii). This concern with the problem of "violence, and the possibility of its reduction" is just the goal that Johan Galtung set out to achieve and understand in his own developmental work on peace research.

Galtung believed that violence occurs between parties or groups in conflict, and that violence in the form of war often occurs between nations or states. Because the ultimate aim of peace research is the abolition of violence and war, Galtung had a great interest in the conflict relationships and interaction between states and nations of the world. The stratified nature of these relationships, where one state occupies a higher rank in relation to another, did not go unnoticed by Galtung. He attempted to explain the characteristics of this "global stratification" (Lawler 1995: 91) with a modified theory of imperialism.

Influenced in part by the general trend toward studying North-South relations in the 1960's and 1970's, and by his own work in Rhodesia and Chile (Lawler 1995:92,93), Galtung's model of imperialism,

takes as its point of departure two of the most glaring facts about this world: the tremendous inequality, within and between nations, in almost all aspects of human living conditions, including the power to decide over those living conditions; and the resistance of this inequality to change
(Galtung 1980:437)

Galtung's model begins with a hypothetical world made up of two nations. One nation occupies the role of Center nation, while the second Galtung identifies as the Periphery nation. Within each nation there is also a center and a periphery, thus the Center nation has a center and periphery, and the Periphery nation has a center and a periphery. Imperialism as a "dominance relation between collectivities, particularly nations" (ibid) is described as a particular subtype of dominant relationships and is defined by the characteristic establishment of a "bridgehead" by the Center nation between the centers and peripheries of the nations, supposedly for the "joint benefit of both" (ibid). Imperialism thus divides nations or groups of the world in an attempt to relate some of their parts in relations of either harmony of interest (ie. the center with the center, the periphery with the periphery), or conflict of interest (ie. center with periphery)

The nations themselves are described as having certain *goals* or *living conditions*, which can be measured by indicators such as income, standard of living, quality of life and autonomy⁵. If the living condition differential between two nations is increasing, then there is bound to be conflict or disharmony of interest. Conversely,

if the living condition differential is decreasing then there is usually no conflict or disharmony of interest (Galtung 1971 439) By the same token, in order to have conflict or harmony of interest, nations must be interacting with one another If there is not interaction then there can be no issue of interest between them Galtung stresses the fact that conflict and harmony are not either-or values There can in fact be degrees of harmony and degrees of disharmony according to the rate of the living condition differential and the direction which it is travelling (either closer or further away from disharmony). Nations that have living condition differentials that remain constant are considered to have disharmony because a gap continues to exist (ibid)

In describing the two basic mechanisms of imperialism, Galtung distinguishes between the *vertical interaction relation* and *feudal interaction structure* *Vertical interaction* is the relationship between center and periphery groups, actors or states⁷, while *feudal interaction structure* is the broader relationship between Center and Periphery nations (Lawler 1995:99).

The *vertical interaction relation* is based not only on the value exchange between states, but also on the effect of those value exchanges on the states. For example, an exchange between a periphery state⁷ (developing) and a center state (developed) of raw materials for monetary resources, has a doubly positive effect on the center state and a doubly negative effect on the developing state. What Galtung means by this "double effect" is that for the center state they benefit both from acquisition of the raw materials (value exchange) and the eventual monetary benefits (effects) of the manufactured goods they sell back to the periphery state. The

periphery state on the other hand loses their raw materials (value exchange) and they must pay for the cost of the materials (effect)(Lawler 1995 99)

The exploitation relationship between center and periphery has three phases that are identified and described by Galtung in the following way

- PHASE 1   The developed state loots the raw materials of the developing state without offering anything in return
- PHASE 2   The developed state wants something from the developing state but decides to offer something of lesser value in return ie "Oil, pitch, land, etc , is 'bought' for a couple of beads—it is no longer simply taken away without asking any questions about ownership The price paid is ridiculous" (Galtung 1971.445)
- PHASE 3   Between the second and third stage of the exploitation relationship, shifting values in markets and labour between the two states can cause a change in the power relationship between the center and the periphery. This change sees the "power level of the weaker party [move] up from zero to some low positive value"(ibid), and the developing state is able to exact a higher price for goods from the developed state.

In the third stage of imperialism it appears that the exchange relationship between the developing and developed states, might be moving towards equality. Galtung stresses however, that this is not the case due to the "doubly negative/positive" effect mentioned previously The relationship begins with a one sided exchange (ie. oil for nothing), and is then followed by an exchange between developed and developing nations that is unequal in both its value and the effects (ie. oil for beads). The third stage remedies the unequal value exchange (both states are exchanging goods of equal value) but does not eliminate the negative *effects* of exchanging money for raw materials, (ie. oil for money, with the developed nation using the oil for manufactured petroleum products that they will sell back to the

developing country). Although the relationship between developed and developing states may appear to be equal, especially in the third stage of imperialism, the fact remains that exchanging money for goods cannot correct the unequal nature of the relationship itself. In his own words, Galtung states that, "It is hard to see, how the psychology of self-reliance can be bought for money" (Galtung in Lawler 1995 101)

While the vertical interaction relation is more easily understood as applied to the relationship between center and periphery states of a center or periphery nation, Galtung believed that it also could be applied to describe such relations at either higher or lower levels. Thus the same type of relationship could occur between the center and periphery of a state itself or between a Center and Periphery nation. However the horizontal relationship between Centers and Centers and Peripheries and Peripheries (and so on down the line), he identified as *feudal interaction*, or the second mechanism of imperialism (Lawler 1995 101)

The global and international structure of the world is epitomized by *feudal interaction*, with several characteristics being attributed to Center nations and much fewer being attributed to Periphery nations. Globally, Center nations are much more involved in multilateral interaction with other nations, both Center and Periphery." Periphery nations are said to interact bilaterally with Center nations and virtually not at all with other Periphery nations (ibid).

Although the imperialism model uses examples primarily of economic interaction between nations, Galtung did not ignore its applicability to other forms of interaction which can result in imperialism of the political, military, communication,

cultural (Galtung 1971 453) and even social (Lawler 1995 103) varieties. As will be demonstrated in the latter sections of this paper, many of these forms of imperialism are manifested in the ICC\IWC case study, with particular emphasis on the political, communication and cultural varieties. These three types will be examined here, followed by a brief discussion of how *structural violence* is used as an imperialistic tool.

Figure 1 briefly denotes five of the six types of imperialism identified by Galtung. The sixth type, social imperialism, is not included in the table due to the fact that Galtung did not introduce it into the imperialism model until 1980 (Lawler 1995 103), and it was based primarily on "a concept taken from Chinese criticisms of the Soviet Union's attempts to impose upon China a particular societal configuration" (ibid).

Figure 1

	Economic	Political	Military	Communication	Cultural
Center nation provides	processing, means of production	decisions, models	protection, means of destruction	new, means of communication	teaching, means of creation—autonomy
Periphery nation provides	raw materials, markets	obedience, imitators	discipline, traditional hardware	events, passengers, goods	learning, validation—dependence

Outlined in more detail below are the political, communication and cultural varieties of imperialism.

Political imperialism relies on the perceived notion of a "mother country". The Center nation decides what must change in the Periphery nation and how it must be done. And Galtung emphasizes that, "Nothing serves that distinction quite so well as

unilinear concepts of 'development' and 'modernization', according to which Center nations possess some superior kind of structure for others to imitate (as long as the Center's central position is not seriously challenged)" (Galtung 1971 454) Thus any political typology or decision-making model advocated by the "mother country", is projected onto the Periphery nation merely because it comes from the "mother country", not because of what it is composed of, or how it might successfully or unsuccessfully be applied to the Periphery nation

Communication imperialism applies primarily to the advanced communication and transportation technology and networks that are dominated by Center nations. Because of this, Periphery nations are exposed much more to 'news' from the Center nations than 'news' and happenings that occur either in their nation itself or in other Periphery nations. However, as in the case of economic imperialism where the Periphery nation supplies the Center nation with raw materials to make into manufactured goods, in communication imperialism the Periphery nation provides "events that the Center turns into news" (Galtung 1971 455) Galtung alludes in fact to the unseemly practice by Center nations to train their journalists to process Periphery nation news so that it fits a standard news pattern for consumption yet again by Center nations.

Cultural imperialism focusses on the relationship between teaching and learning, with the Center state "always provid[ing] the teachers and the definition of what [is] worthy of being taught (from the gospels of Christianity to the gospels of Technology), and the Periphery always provid[ing] the learners" (Galtung 1971 456)

Cultural imperialism also addresses the intriguing relationship between scientists and raw scientific data. Scientists from Center nations travel to Periphery nations in order to collect raw data in the form of "sediments, flora, fauna, archaeological findings, data analysis" (ibid) etc. and then turn this material into books, reports and findings that can be sold or sent back to the Periphery nation. The end result is that "the precise nature of the research is to provide the[C]enter with information that can be used economically, politically, or militarily to maintain an imperialist structure" (ibid).

In order to recognize the various types of "imperialism" at work, Galtung supplies possible indicators for each one, ranging from how a "mother country" (Center nation) might force a certain political system on a colony (Periphery nation), to how Center nations might manipulate and dominate communication networks. While specific to their corresponding type of imperialism, these indicators are representative of the tool of imperialism which presents the greatest hurdle to achieving peace—that of structural violence.

Galtung believed that, "peace is the absence of violence" (Galtung 1969:1), and interpreted the "violence" to mean much more than its obvious definition of, "involving or using great physical force" (Allen 1990:1370). According to Galtung, violence is divided into two types, *personal* and *structural*, which vary according to certain criteria. The foremost distinction between *personal* and *structural violence* is that "Personal violence shows", (Galtung 1969:1) and that, "The object of personal violence perceives the violence, usually, and may complain—the object of structural

violence may be persuaded not to perceive this at all" (ibid) *Structural violence* is considered more subversive than *personal violence* and also more stable and continuous. Whereas *personal violence*, depends on the "whims and wishes of individuals" (Galtung 1969:3), *structural violence* is recognized as being more stable and static due to its dependence on social structures, which as Galtung has said, "may perhaps sometimes be changed over night, but they may not very often be changed that quickly" (Galtung 1969:7).

The continuous nature of structures and indeed of structural violence is illustrated in the discussion of Galtung's theory of imperialism, with the relationship between Center and Periphery nations being largely determined by the powerful wants of the Center. There is something in the nature of imperialistic structures that facilitates their endurance, and which also results in the maintenance of structural violence. By the same token then, not all imperialistic structures last, and structural violence in some cases is overcome, ideally resulting in a structure absent of structural or personal violence.

The structure of the negotiations between the ICC and the IWC is characterized by the same structural violence and imperialistic elements that are evident in their relationship to one another as Periphery and Center state. But just as the possibility exists for Periphery states to overcome the structural violence imposed on them by Center states, so too can these elements be eliminated in a negotiation structure. A Periphery state, group or individual, such as the Inuit representing ICC, wishes to negotiate with a Center state or group such as the IWC. In order to obtain and

negotiate an absence of structural violence for themselves, the Periphery state can use several peace tactics or tools that will minimize the differential between themselves and the Center state. This can be accomplished in a number of ways, including the development of Periphery state self-reliance, as advocated by Galtung (as cited by Alger in Merryfield and Remy 1995 151), as well as the third party/third order or second track approach, whereby the Periphery state allies itself with a third party or NGO that has greater influence with the Center state.

In the first of these 'peace tools' the recommendation is not for Periphery nations to be self-sufficient at all times, but rather that in the event that structural violence is continuing or threatens to widen the living condition differential even further, then, "reliance on oneself to the point that your own capabilities are so well developed that if a crisis should occur, then one could be self-sufficient" (ibid). Translated to apply to a negotiation situation, this suggests that Periphery groups or states be prepared to use their own peace tools and tactics to lessen the living condition differential. This is of course what is accomplished when Periphery groups appeal to a third order or third party. They are able to use cultural strategies such as interpersonal contact, education and participation in cultural events to bring the third party on side.

In this sense and in others the structural nature of Galtung's theoretical perspective is useful for understanding several facets of the IWC/ICC case study. World structure and structural imperialism make sense of both the power dynamics that exist between two groups in a negotiation, as well as those that are present

internationally, while his categories of political, cultural and communication imperialism are areas and mechanisms through which structural imperialism and consequently structural violence, are implemented

Peace research largely focusses on resource-exchange relationships, and as such has relevance for the negotiation between the IWC and the ICC because of the 'resource-based' nature of cetacean management and the whaling industry. However, this particular focus, while helping to mentally organize the various hierarchies and interactions of the case study, tends to lack the concepts necessary to explain the role played by non-structural, sentient beings. As will be shown in the following sections on Bourdieu and Foucault, there are aspects of other theoretical paradigms that address these questions and that will be drawn upon in the analysis of the case study to complement those of Galtung.

IV. Negotiating through 'fields' and 'habitus'

Both Bourdieu and Foucault, as we shall see shortly, are theoretically concerned with 'relations'. But whereas Foucault examines relations through the lens of discourse and 'things said'—a decidedly 'postmodern' approach, Bourdieu looks at relations through a theoretical perspective he identifies as "structuralist constructivism" or "constructivist structuralism" (Bourdieu in Wacquant 1991 11)

This double-labelling of his own work stems largely from his concern with dichotomous issues, which include "subjectivist and objectivist modes of knowledge, the separation of the analysis of the symbolic from that of materiality, and the

continued divorce of theory from research" (Wacquant 1991 3) Bourdieu also deals with the dichotomy of structure versus agency, which will later on be shown to be of particular significance to the IWC/ICC case study

The preceding dichotomies will be examined in this Bourdieuan overview, and should bring to the forefront several other of Bourdieu's theoretical concepts, including his perspective on the composition of social reality

Bourdieu believes that sociology is the study of "buried structures of the various social worlds which constitute the social universe" (Bourdieu in Wacquant 1991 7), but that these 'structures' must be analyzed separately using two very different perspectives, in order to gain a full understanding of the social relations operating within them

The first of these perspectives he identifies as "objectivity in the first order" (ibid) This view examines societal structures from the outside in, and pays little attention to those individuals actually participating in the structures This outside-in perspective supposedly provides a transparent view of the determinate relations that people enter into in order to produce their social and material existence. The structures themselves are composed of certain elements that work together in certain ways that affect the individuals participating in the structure. When examined, the relations between the structural elements serve to explain "the distribution of material resources and means of appropriation of socially scarce goods and values" (ibid). The merit of this outlook is that it can highlight the less than obvious set of rules and regularities that are subliminally followed by participants in that structure. This very

structural approach, does of course have its limitations. The precept which objectivity in the first order is based upon, is a setting-aside of the will of the participants in the structures. Endowing structures with the ability to act and interact with each other is not necessarily an appropriate construction of reality, even though it does facilitate an understanding of how structures operate. Bourdieu suggests that an approach focussing on objectivity of the first order, must be followed independently by an approach of objectivity of the second order.

Objectivity of the second order has as many, if different liabilities compared to objectivity of the first order, a fact which supports Bourdieu's suggestion that they be used in conjunction with one another. The second order of objectivity focusses on the participants in societal structures and recognizes that "individuals have a practical knowledge of the world and invest this practical knowledge in their ordinary activity" (Wacquant 1991:9). Social reality is what social actors make of the world around them. Their will and agency influence everyday practices, which are then re-incorporated into the social reality.

Again, Bourdieu recognizes the problematics associated with utilizing this viewpoint on its own. Assuming that the agency of participants in social structures is what creates them, does not account for the fact that social structures are continually changing and resurfacing and that strategies associated with agency are often in response to the categorical nature of the structures already established (Wacquant 1991:10).

In attempting to marry these two viewpoints together, Bourdieu adopts a perspective which he identifies as *social praxeology*,

First, we push aside mundane representation to construct the objective structures (spaces of *positions*), the distribution of socially efficient resources that define the external constraints bearing on interactions and representation. Second, we reintroduce the immediate, lived experience of agents in order to explicate the categories of perception and appreciation (dispositions) that structure their action from inside
(Wacquant 1991:11)

Social praxeology sets the premise for the theoretical connection between social structures and mental structures. Mental structures are both representative of and integrated into, the given social structures. That is to say that agency is influenced by the structures within which it operates, while at the same time providing symbolic fodder for its maintenance (Bourdieu in Wacquant 1991:13). These symbolically influenced structures are considered by Bourdieu to be both "instruments of knowledge. [and]also *instruments of domination*" (Wacquant 1991:13). Groups and individuals who control the social structures are able to do so because of the symbolic influence they can wield through those structures. In turn the structures are maintained and perpetuated to meet the symbolic formations that keep them in that position of symbolic power, "Classes and other antagonistic social collectives are continually engaged in a struggle to impose the definition of the world that is most congruent with their particular interests" (Wacquant 1991:14). Bourdieu refers to this relationship as symbolic power, which manifests itself through symbolic violence. Social praxeology is an attempt to meld together in a useful format the analysis of social reality through the lens of objectivity in the first order and objectivity in the

second order, which is difficult to accomplish without granting primacy to either structure or agents or social structures or mental structures. Bourdieu's solution is to stress the "primacy of relations" (Wacquant 1991:15) between these dichotomies, "Society does not consist of individuals; it expresses the sum of connections and relationships in which individuals find themselves" (Wacquant 1991:16). In examining the relations that characterize social reality, it is possible to further understand the role played by everyday practices in perpetrating symbolic domination and symbolic violence.

Bourdieu sees social reality as being composed of two components—*field* and *habitus*, "A field consists of a set of objective, historical relations between positions anchored in certain forms of power (or capital), while habitus consists of a set of historical relations "deposited" within individual bodies in the form of mental and corporeal schemata of perception, appreciation, and action" (Wacquant 1991:16).

Fields as related by Bourdieu, are similar to what one might define as open but bounded fields of social play, where "each field prescribes its particular values and possesses its own regulative principles". Acting within the boundaries of those fields are agents or subjects who are willing to play by the rules of the field, but who also possess an unseen, unheard connection to those rules, "Habitus is creative, inventive, but within the limits of its structures, which are the embodied sedimentation of the social structures which produced it" (Wacquant 1991:19).

This "kinetic knowledge" (Jackson in Wacquant 1991:20) associated with habitus, endows the social body with a "fuzzy logic" (Wacquant 1991:22) by which to

react to situations in the field. It is not a clear logic, not a determining logic and most certainly not a logic that can easily predict linear cause and effect relationships, although in some cases it can and does. Bourdieu describes the fuzzy logic of practice as being, "practical up to the point where to be logical would cease being practical" (Bourdieu in Wacquant 1991:23).

With the connection between the habitus and the field being largely governed by the fuzzy logic of practice, what does this imply about the inequality of social relations? In keeping with the idea of habitus as an inherent yet shifting sense of "being", Bourdieu implies that dominated and dominating societies are positioned due to their habitus. Bourdieu appears to be insinuating that dominated societies contribute to their own domination (Bourdieu in Wacquant 1991:24), but this is true only in the sense that domination is in effect "embodied" (ibid) in their habitus.

About this "logic of symbolic domination" (ibid), Wacquant has the following to say, "the submission of workers, women, minorities, and graduate students is most often not a deliberate or conscious concession to the brute force of managers, men, whites and professors; it resides, rather, in the unconscious fit between their habitus and the field they operate in" (Wacquant 1991:24).

The principle of symbolic domination is associated with the practices and procedures inherent in the relationship between field and habitus. In the case of the IWC and the ICC, we might look at the negotiation as a field or social structure that is occupied by both the IWC and the ICC. Their habitus' will of course each fit

differently within the negotiation field, and an examination of these "fits" may help to explain some of the strategies that unfold during the negotiation process

Bourdieu's concepts of habitus, field and symbolic domination, provide a tangible explanation about the almost subliminal interaction between where social beings are and who they are, while at the same time moving quietly away from the precision associated with perspectives such as Galtung's that appear largely to be based on systems and structures of resource-exchange. Social praxeology is a perspective that combines the social reality components of structure and agency to effectively describe the social reality of asymmetric negotiations

The perspectives of Galtung and Bourdieu provide theoretical paradigms that are pragmatic for understanding certain facets of the negotiation relationship between the ICC and the IWC. However, as valuable and useful as they may serve in an analysis of the case study, there is one more perspective that I find worthwhile to draw from and which will make the final analysis, in my mind, complete and satisfactory. Foucault's work on discourse and political practice ties in somewhat strangely, but effectively with Bourdieu's 'fuzzy logic of practice', while at the same time providing tools of analysis which explain power relationships and 'things said', both of which will prove to be important components in the IWC/ICC negotiation relationship

V. Foucault—Discourse and the mattering of relations

In describing what constitutes discourse, Foucault states that, "alongside everything a society can produce (alongside that is to say, in a determinate

relationship with) there is the formation and transformation of 'things said' (Foucault 1979:63). Foucault's version of what constitutes 'things said', is however much more complex than the simplicity of the expression implies. These 'things said' or 'discourses' include not only words spoken or texts written, but also the objects or topics around which the 'speaking' centers, the concepts which define the topic, the theoretical perspectives that inform the concepts and finally, the total effectiveness or operations of the discourse (Foucault 1979:54).

Examples of individual discourses as defined by Foucault include psychiatry, medicine, grammar, biology, economics, and sociology, each of which will undergo discursive changes as "new utterances" are added (ibid). Due to the transforming nature of discourses, it is sometimes difficult to recognize all the concepts, theoretical perspectives, objects and operations associated with an individual discourse.

In order to make that task less difficult, Foucault provides three criteria by which to identify individual discourses. The first is the *criteria of formation*, which suggests that an individual discourse has a set of rules which affects the formation of all the objects, concepts, theoretical options and operations within an individual discourse.

The second criteria that must be met, that of *transformations or thresholds*, involves the identification of the set of conditions that occur to cause the formation of the set of rules for an individual discourse. This criteria of transformations also requires that the internal modifications of an individual discourse be understood.

These internal modifications can lead to the formation of a new set of discourse rules, and when this occurs, it is known as the threshold of transformation.

Finally, the third criteria for designation of an individual discourse is that of *correlation*. As noted above, individual discourses consist of changing sets of rules that determine the formation of objects, operations, concepts and theoretical perspectives. These sets of rules will be related and unrelated in certain ways to the sets of rules that define other discourses (ie. the sets of rules for biology have relations with the sets of rules of chemistry and political theory). Individual discourses function within certain non-discursive contexts, such as institutions and social relations. For a discourse to meet the criteria of correlation, one must be able to situate it within these contexts (Foucault 1979:54).

The criteria for defining individual discourses becomes valuable when examining what Foucault describes as the "spirit of a century" (ibid). The "spirit of a century" cannot be designated by a singular discourse and neither should it be defined as the sum of the parts of a variety of discourses. Rather the spirit of a century must be defined in terms of the relations between the various discourses in play at the time.

It is not enough merely to look at the history of one discourse in existence at a certain time and designate the spirit of the century with only that history. Nor can it be said that historical similarities between numerous discourses are enough to identify the spirit of a century. It is only an examination of the histories of individual discourses, their transformations and thresholds, that can describe the "ensembles of discourses" (Foucault 1979:55) that define the spirit of a century.

As something that is continually undergoing transformations, discourse must be understood as a fluid but real set of relations. Thus in order to fully become acquainted with discourse and discourse analysis, it is essential to discuss ways in which these discursive relations are transformed.

Change affects discourses in a number of ways, both externally and internally. Derivations within a discourse are those transformations that affect the objects, operations, concepts and theoretical options of an individual discourse. They involve internal changes to the discourse that are brought about by certain deductions, generalizations, limitations, and exclusions or inclusions (Foucault 1979: 56).

There can also be external changes to an individual discourse that affect it as a whole, such as "the displacement of boundaries which define the field of possible objects" (ibid) and the new position and role occupied by the speaking subject. The issue of the changing position of objects and speakers is exemplified by Foucault's example of the eighteenth-century medical-scientific discourse. He suggests that prior to the nineteenth century, the medical object was "positioned on a surface of classification" (ibid) and was then later transformed to being mapped three-dimensionally onto the human body, altering the real definition of what a medical object was and could be. Along similar lines, Foucault notes the changes in the role of the speaking subject in naturalist discourse of the same era, it "becomes exclusively a subject looking according to a grid of perceptions, and noting according to a code, it ceases to be a listening, interpreting, deciphering subject" (Foucault 1979: 56).

In his description of how discourse might define the 'spirit of the century' Foucault mentions that certain historical components of individual discourses may be shared. He picks up this theme of commonalities, in his description of the third type of discursive change. There appears to be a hierarchy of discourses during various periods in time. When one discourse takes precedence over another it naturally affects the positioning of other discourses in the hierarchy. In addition to this there are certain "directing principles" that seem to affect numerous discourses at the same time, often being borrowed from one discourse. When one discourse ceases to use a "directing principle" and another one picks it up, it is described as a "functional displacement" (Foucault 1979 57).

The changes that discourses undergo, are important to understanding again, the "sets of rules" that surround the functioning and makeup of individual discourses. Thus Foucault continually asserts that it is not the 'what' that concerns him with regard to discourses, but rather the 'how', "I do not question discourses about their silently intended meanings, but about the fact and the conditions of their manifest appearance, not about the contents which they may conceal, but about the transformations which they have effected" (Foucault 1979 60).

In a practical sense, having identified individual discourses and the types of changes and transformations they can undergo, it is possible to begin to ask questions that help to define examples of these transformations themselves, thus creating a sort of discursive descriptive framework constructed from narratives of changes, transformations and fluid processes. At a given period, for a given society, a

discourse will have limits and forms of what is sayable, and limits and forms of what is not. Certain sayable things may pass from one category to another over periods of time, and the knowledge of what utterances are valid, passé, or inappropriate, has its own limits and forms, as do sayable things that have been borrowed or reactivated from past use. Finally, certain discourses are appropriated for use by individuals, groups and classes, "What individuals, what groups or classes have access to a particular kind of discourse? How is the relationship institutionalized between the discourse, speakers and its destined audience? How is the relationship of the discourse to its author indicated and defined? How is struggle for control of discourses conducted between classes, nations, linguistic, cultural or ethnic collectivities?" (Foucault 1979 60).

So far, this discussion on discourse has covered the various defining factors that qualify an individual discourse and has looked at the types of transformations that discourses may undergo both internally and externally. As well, a brief review has been completed of the component varieties that may identify the nature of those transformations. What has not been addressed up to this point, is the relationship between discourses and external influences that affect the internal and external transformations. A discussion of these 'influences' is essential in this thesis because it makes the connection between discourse and the notion of 'practice', which was dealt with by Bourdieu from a different but oddly enough related perspective.

Foucault is clear in pointing out what the connection between discourse and practice is **not**. It is not a connection between economic, social and political changes,

and the consciousness of humankind. Although it is true that these kinds of changes can eventually lead to new perceptions of the world, they do not necessitate the creation of a new discourse. More often than not, economic, political and social changes in practice affect the positioning of an already established discourse, in the hierarchy of discourses. There is thus no direct link between practices and the creation of discourse (Foucault 1979:66)

Neither can it be said that concepts and theoretical options of a discourse are merely transposed, derived elements based in certain practices (particularly political). In medical discourse, there was a change from classifying and typifying medical phenomena independently, to viewing the functions and relations of the body as a whole (ibid). It might be hypothesized that this alteration was due to "political practice which revealed, beneath surface strata which were still feudal, social relationships of a functional and economic type" (Foucault 1979:66).

Having identified the "non-connections" between practice and discourse, the question remains as to what does constitute the practice-discourse connection? The answer to this lies in Foucault's concentration with sets of rules of discursive transformations. He suggests that "The link is much more direct: political practice did not transform the meaning or form of medical discourse, but the conditions of its emergence, insertion and functioning; it transformed the mode of existence of medical discourse" (Foucault 1979:67). Using the familiar case of medical discourse, Foucault uses the example of the discursive concept of 'morbid species' being substituted by the concept of 'lesional infections'. He states that it is obvious that political practice had

nothing to do with that substitution. Instead, it is the systems that supply these discursive objects that are affected by political practice i.e. administrative recordings of illness, death, their causes, and the establishment of medical archives (Foucault 1979: 68).

The concept of 'practice', as has been shown, is prevalent in both the theoretical approaches of Foucault and Bourdieu. With regard to Foucault's work, the connection he makes between practice and discourse is particularly relevant in an examination of the negotiation between the ICC and the IWC, because of the role it played and continues to play in the creation of both the western-scientific and traditional knowledge discourses individually, and in influencing their relationship as discourses to one another.

Foucault's method for determining the effect of political practices on the transformations of concepts of discourse, is identified by Michel de Certeau as one where a selection is made from an "ensemble of procedures that form the fabric of social activity" (de Certeau 1984: 46) of a given era, upon which a "surgical operation" (ibid) is conducted that, "extracts the optical and panoptical procedures which increasingly multiply within it and discerns in them the at first scattered indexes of an apparatus whose elements become better defined, combine with each other, and reproduce themselves little by little throughout all the strata of society" (de Certeau 1984: 47).

Foucault clearly establishes that not all discourses undergo the same transformations, nor are the sets of rules for these transformations identical within

discourses. Various sets of rules are created and followed and other sets of rules and transformations are, we assume, left to be picked up by other discourses or ignored altogether. The same thing must then be true for procedures and practices that influence discourse transformations. We must question why certain political practices exert more influence on the transformations of concepts in discourse, than do others.

As de Certeau puts it, "A society is thus composed of certain foregrounded practices organizing its normative institutions *and* of innumerable other practices that remain 'minor', always there but not organizing discourses" (de Certeau 1984: 48).

de Certeau describes the 'minor' practices as *tactics* or practices and procedures that are lost to either one discourse or another. The only way to analyze these tactics are through their manifestation in other societies, "They return to us from afar, as though a different space were required in which to make visible and elucidate the tactics marginalized by the western form of rationality" (ibid). de Certeau's statement is interesting for several reasons, not the least of which is his unintentional but effective anthropological justification for 'studying' foreign cultures in order to better understand our 'own'. That aside however, those practices that are marginalized in the western-scientific discourse may be foregrounded in others and vice versa. If we were to look at the practice, or procedure of 'negotiation over resources', we might find that the western-scientific discourse affords this with a 'foreground' status. The practice of negotiation over resources might be said to have influenced the sets of rules that determine the formation of western-scientific discourse, but this same practice may not have influenced the formations of the discourse of traditional environmental knowledge.

(TEK) or traditional indigenous knowledge. What will be interesting to note is the situation that results when the same practice ie negotiation of resources, has the opportunity to influence the transformations of two individual discourses, where that same practice has afforded foreground status in one discourse and minor status in the other. That is, we might say that negotiation over resources for commercial use and financial gain is a practice that has influenced the transformations of western-scientific discourse, but has remained largely an uninfluential *tactic* influencing the discourse of traditional environmental knowledge, in the sense that land and resources and their use according to TEK principles have traditionally had an intangible value. Their care, protection and management has not required the formal setting of quotas and monitoring. Registration and individual land 'ownership' and resource 'rights', are not ideas that were associated with the traditional Aboriginal way of life and therefore they have not had the same transformational influence on TEK compared to western-scientific knowledge and discourse systems. What has resulted instead is that in the western-scientific discourse, preservation is foregrounded over sustainable use, whereas in the TEK discourse sustainable use is foregrounded over preservation.

As has been illustrated in this particular section, Foucault deals in the realm of relations—those that are present within individual discourses, those that develop amongst several discourses, those that exist between discourses and their non-discursive contexts and those that persist between practice and discourse. Defining and understanding these relations and how they are manifested, is a task that is pertinent for this thesis in the sense that the process of negotiation between the IWC and the

ICC can be described as the transformational relation between two individual discourses. If we can identify the IWC as an institution or social setting representative of the western-scientific discourse, and define the ICC as an institution representing the discourse of traditional environmental or indigenous knowledge, then it follows that utilizing Foucault's strategies for discourse analysis might explain the 'things said' during the negotiation process

It is important to recognize however that the western-scientific discourse and the discourse of traditional environmental knowledge are merely the two discourses that are most apparent. Other discourses, such as the eco-political, are situated within the same context and their relations with the other two discourses will not be ignored

The aim of this section has been to provide a detailed overview of just a few of the concepts inherent in several theoretical paradigms, for the purpose of analyzing the negotiation between the IWC and the ICC. Setting out the theoretical components, provides the freedom to reflect upon them in the context of the case study, which will be elucidated in different ways in Chapter Three. What follows immediately in Part A of Chapter Three is the organizational histories of the IWC and the ICC, with a special focus on their respective views surrounding the issue of Aboriginal subsistence whaling. Part B is a review of pertinent events in the negotiation process, as well as a summary organized around the components of a negotiation. It will be in this section where the relationship between the case study and the theoretical elements will be articulated

Endnotes

- 1 Arild Underhal makes the point that "As Easton (1965, pg 351-352), Sharkansky (1970), and others remind us, a distinction can be made between the "output" of a decision-making process—that is, the decision itself—and the set of consequences flowing from the implementation of and adaptation to that decision (here referred to as "impact") In describing the outcome, actors as well as observers will frequently refer to both; thus, an observer may note that the actors succeeded in concluding an agreement (output), and then proceed to characterize the distribution of costs and benefits as favouring one of the parties (probably referring to expected impact) (Underhal in Kremenjuk 1991: 100)
- 2 The term "intercultural" is here used to identify negotiations that occur within an individual culture ie. Americans with Americans or between similar cultures ie. the multi-lateral negotiations between Switzerland, France, Germany and the Netherlands which focussed on protecting the Rhine from pollution (Dupont in Faure and Rubin 1993: 97)
- 3 The Third and Fourth World refer to developing countries and indigenous peoples living in First World or western societies. It is important to note however that these are relative terms, and that in order for the First World to exist there must be a Third and Fourth World
- 4 *Structure* is used here to define both the international and global relationships that exist between states, as well as the stratified power relationship of negotiations
- 5 In place of living conditions, one might easily substitute the terminology associated with discourse. How nations speak to one another based on the values of life associated with that nation.
- 6 The author finds it much easier to think of center and periphery as *states* within Center and Periphery *nations* when conceptualizing the two mechanisms of imperialism
- 7 The author has tried to maintain consistency of terminology throughout this section for ease of comprehension. Galtung moves freely between the terms actor, state, underdeveloped nation, periphery state etc. For the purposes of this model, the term periphery state is believed to be most descriptive.
- 8 Although Galtung does not specify which nations might be considered Center or Periphery, hypothetically we might say that the United States represents a Center nation, while Mexico would be a Periphery nation. The United States has a greater international profile and multilateral dealings with other Center and periphery nations

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CHAPTER THREE

Brumal Beginnings and Mercurial Ends: The course of a cross-cultural negotiation

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PART A - The Course of the Negotiations

I. The ICC melts the Ice Curtain

In Barrow Alaska in 1977, the "Ice Curtain" began to melt. Inuit from Canada, Greenland and Alaska brought themselves together for the first time to meet, exchange ideas and celebrate the uniqueness of Inuit "ancestry, culture and homeland" (ICC Charter 1979).

The "Ice Curtain" is a phrase which has been used to describe the mainly geographical distances that exist between Inuit living in all corners of the world. These geographical distances have not changed since time immemorial, but have led to the artificial imposition by other nations, of differing political and national paths for Inuit. Thus while Inuit recognize that "the world's arctic and sub-arctic areas which we [Inuit] use and occupy transcend political boundaries" (ICC Charter 1979), they

continue to be politically and socially associated with the four flags of Canada, Denmark (Greenland), the United States and Russia.

Historically the colonial influence of these countries contributed to the formation of the "Ice Curtain" by reinforcing those geographical distances that existed between Inuit from east to west. The distance from Greenland to Siberia, passing through the Northwest Territories, the Yukon and Alaska is some 5,000 kilometres. With such vast amounts of land, ocean and coastline spread between them, it was not traditional for Alaskan Eskimos (in the west) to meet and trade with Greenlanders (in the east). While Alaskan Eskimos did have occasions to meet up with Yuit to trade, communicating with each other in the same language could at times be problematic. Tom Brower, the son of the late 19th century American whaler Charles Brower, who was also one of the founders of Barrow, Alaska, illustrates this problem by stating that in sailing up from the west coast of Alaska, Alaskan Eskimo's, "often used to meet the Inuit [Yuit] in Siberia. When we [got] stuck in the ice they used to come out to the ship and trade, but we couldn't understand them" (Brower in Lauritzen 1983: 37).

However, while language presented somewhat of a barrier, information and knowledge about the existence of other Inuit in other places was evident in the commonality of stories and legends that were recorded by traders, trappers and scientific explorers as they criss-crossed the north. On his fifth Thule expedition, the Danish explorer Knud Rasmussen brought news of Inuit in the east to those in the west, "It was interesting to hear what he had to say, but we knew quite well that there were Inuit in Canada and Greenland", says Tom Brower, "Our trading company traded

over a great part of the Arctic coast, where our greatest competitor was the Canadian Hudson Bay Company" (ibid) In the Mackenzie Delta Rasmussen observed that,

One might think that, under these conditions, there couldn't be very much left of that solidarity which, despite all, must exist between them and their kinsmen in the east. But nonetheless, proof of this solidarity is very much alive in all their recollections about the olden days. I wrote down over a hundred old stories and legends, and a surprisingly great number of them were old acquaintances we had already heard in both Eastern Canada and Greenland" (Rasmussen as quoted in Lauritzen 1983 59).

It would take fifty years after Rasmussen's expeditions in the 1920s, and countless exchanging of legends and tales of one another before the world's Inuit would come together and meet face to face in 1977, at the first meeting of the Inuit Circumpolar Conference

The formation of the Inuit Circumpolar Conference was preceded in 1973 by a gathering of Inuit, Saamis¹ and other First Peoples living in northern regions, at the Arctic Peoples' Conference in Copenhagen (Lauritzen 1983 1) The interchange of information on culture, political progress and the impending crises of development helped identify the common bond that existed between people living in arctic and sub-arctic regions, and at the same time highlighted the need for an "inter-arctic organization of the entire Inuit population" (ibid).

The impacts of developmental decisions such as the Mackenzie Valley pipeline and the establishment of military bases in Alaska needed to be addressed and understood by the Inuit population as a whole, as did the land based problems associated with Home Rule in Greenland and the creation of the territory of Nunavut in Canada. If not made carefully and with the consultation of Inuit, it was believed

that these decisions would have a profound and lasting effect on the arctic environment and subsequently alter southern environments as well. Charles Edwardson, another Eskimo from Alaska has stated that, "We [the north] are the refrigerator of the world. In addition, our climate, to a great extent, determines the climate in a number of powerful white societies" (Edwardson in Lauritzen 1983:48).

The meeting in Barrow Alaska brought together Inuit, Eskimo and Greenlanders from three of the four 'flags' under which Inuit people live, with the exception of Yuit from Siberia², who were finally granted permission by their government to participate in the ICC in 1989 (ICC Fifth General Assembly Precis 1989:2). From Canada there were 18 delegates from the various Inuit regions. Representing the western arctic, and specifically the Inuit of the Mackenzie Delta, was the Committee for Original Peoples Entitlement or COPE, while other areas such as Baffin Island, Keewatin, Labrador and Quebec had their own representatives. At the time of this first ICC meeting, the reality of the creation of the new territory of Nunavut³ had only recently been revived by the Inuit Tapirisat of Canada⁴. However, in 1977, these organizations had no kind of legal basis, and with no "Provisional Council . . . [and] no constitutional representation in the Canadian Parliament" (ibid) it was clear that of all Inuit, it was those from Canada who faced the greatest challenge when it came to achieving the goals of full political autonomy and the settlement of land claims.

The delegation from Greenland was also composed of eighteen members. The organization and rule of Greenlanders however was and is, quite a bit different from

that of Inuit living within Canadian and American borders. Greenland is legally part of Denmark "with the constitutional right to two of the 179 seats in the Danish Parliament" (Lauritzen 1983:3). Two years after the first ICC conference the Greenland Provisional Council was replaced by a parliament, or Landsting under what is called "Home Rule". Home Rule gave Greenlanders the right to a legislative assembly that would determine the direction of education, culture, communication, religion, industry, the labour market, social services and internal economic policy. Similar to the relationship between provincial governments and the federal government in Canada, Greenlandic defense policy and foreign policy remain in the hands of the national Danish Parliament. Although Home Rule is seen only as a beginning, it is recognized that it represents the "most far-reaching local government ever given to Inuit in any region" (Lauritzen 1983:4).

Alaska, as host to the first ICC meeting in Barrow, was represented by twenty delegates including the mayor of Barrow, Eben Hopson who even in 1989 was still hailed and revered as the "founder" of the Inuit Circumpolar Conference (ICC Fifth General Assembly, Precis 1989:2). Alaskan Eskimo's were subject to another type of political and social organization, due to their more than logistical association with the United States. In 1971 the government of the United States passed the Alaska Land Claims Settlement Act, that had been brought forth largely due to the efforts of the Alaska Native Federation⁵ which represented the entire native population of Alaska. The Alaska Land Claims Settlement gave Aboriginal peoples in Alaska a total of "58,300 sq. miles, including the right of ownership to the underground. In addition,

over a period of 11 years, they were to receive 462.5 million dollars and, together with the State of Alaska, a further 500 million from the oil revenues etc." (Lauritzen 1983:43). The land and the money were to be administered by 12 regional corporations whose share-holders could only be native Alaskans until the year 1991. However, the settlement fell far short of granting self-government or political and cultural control over future development. Within the ANF, there was one group of Inuit who felt that the Alaska Land Claims Settlement did not go far enough, and when asked to approve the legislation the Arctic Slope Native Association representing Inuit in the Arctic Slope area, voted against accepting the agreement. Despite their efforts to hold out for more, the law did pass and the Arctic Slope Native Association was forced to come up with a different approach which would give them control over their own lives and land. The innovative and rather unusual approach they adopted was to "convert Arctic Slope into a borough, which was to be comprised of the towns of Barrow, Anaktuvuk Pass, Kaktovik, Point Hope, Wainwright and Nuiqsut with their total of 6000 inhabitants—one quarter of the total Eskimo [Inuit] population in Alaska" (Lauritzen 1983:44). "North Slope Borough" as it became known, provided Inuit with a form of self-government that was admittedly limiting, but did include the administration of schools, municipal taxation and a type of central political control. Occurring several years prior to the Danish creation of a Legislative Parliament for Greenlanders, the formation of the North Slope Borough was considered the first form of Home Rule given to Inuit anywhere in the world (Lauritzen 1983:45).

In terms of political and social experiences affecting Inuit in different countries, it is important to note that because they were not affecting all Inuit simultaneously, the lessons and struggles of one group could be learned from and built upon in the future by other Inuit. The first meeting of the Inuit Circumpolar Conference proved that examining variations in past and future political organization could be extremely valuable. This first meeting also emphasized the invaluable strength that can be gleaned by the acknowledgement of cultural similarities and likenesses.

The impact of development, a suffering Arctic environment and less and less respect for the traditional Inuit way of life by Inuit and non-Inuit alike, led many Inuit to feel that the formation of the Inuit Circumpolar Conference could serve as a messenger to the rest of the world that "Hidden conditions in the arctic will no longer be hidden that the rights of indigenous peoples and their position within the human race can no longer be ignored" (Edwardsen in Lauritzen 1983:46). The ICC brought Inuit together in "common cause" (Olsen in Lauritzen 1983:29) and as then president of the Inuit Tapirisat of Canada Michael Amarook said, "For the first time in history we have become one people" (Amarook in Lauritzen 1983:26).

The meeting in Barrow, Alaska was only the first of what would be called the ICC's "General Assembly", held every three years in a different Inuit community. Delegates to the 1977 meeting produced a draft ICC Charter which would eventually be ratified and approved in 1980-1982 by "the respective Inuit authorities and Inuit-organizations in Alaska, Canada and Greenland" (see Appendix I-II). The main

themes that run through the Charter are exemplified in Article 2, which lists the purposes of the Charter, and includes the following sections

- a) to strengthen unity among the Inuit of the circumpolar region,
- b) to promote Inuit rights and interests on the international level,
- f) to promote long-term management and protection of arctic and sub-arctic wildlife, environment and biological productivity, and
- g) to promote wise management and use of non-renewable resources in the circumpolar region and incorporate such resources in the present and future development of Inuit economies, taking into account other Inuit interests
(Appendix I-II)

The Charter also outlines the membership qualifications (Article 4), the functions and powers of the conference (Article 3), the makeup of the executive council (Article 7) and the guidelines for budgets and contributions (Article 9). Article 6 supplies the directive for organization of the ICC General Assemblies, the rules for the election of a President to the ICC and establishes the frequency of General Assembly meetings.

The Inuit Circumpolar Conference has met six times since that initial meeting in 1977. In 1980 the General Assembly was held in Godthab Ford, Greenland, while in 1983 the delegates⁶ headed to Frobisher Bay in Canada. Alaska was the host of the 4th General Assembly in 1986, Sisimiut, Greenland host of the 5th in 1989, Inuvik in 1992 and most recently Nome, Alaska in 1995.

Since the creation of the ICC in 1977, the political and social situation of Inuit in all countries has changed. These changes are mirrored in the progressive milestones reached by the ICC in the past two decades, which have proven that the bringing together and recognition of Inuit as "indigenous members of the Inuit homeland" (Appendix I-II) was only the first step in realising the creation of "an international organization of Inuit, known as the INUIT CIRCUMPOLAR CONFERENCE,

dedicated to protect and advance Inuit rights and interests on the international level" (ibid)

Other milestones reached by the ICC include their recognition as an NGO by the United Nations in February of 1983, which allowed for greater participation in United Nations forums dealing with issues of particular relevance to indigenous and Aboriginal peoples. The ICC has played a major role in the UN Working Group on Indigenous Peoples since the 1980s and has also consistently contributed to the International Labour Organization (ILO)(ICC General Assembly Report 1989 5)

Membership of the ICC has expanded to include the much anticipated participation of Yuit from Chukotka in Russia, and provisions have been made for specific youth representatives from each of the member countries to be accorded delegate status at future ICC General Assemblies (ICC General Assembly Report 1989, Resolution 89-37) The needs of Inuit youth to have the opportunity to draw upon the wisdom and strength of their elders, has been recognized by the ICC in the organization of the 'Inuit Elders' International Conference, first held in 1995 at the same time as the general ICC Assembly in Nome, Alaska

At the end of each General Assembly the delegates to the Conference produce a list of resolutions that outline the direction to be pursued by the ICC in the following three year period. A survey of the types of resolutions that have been adopted by the ICC range from resolution 77-11, which proposed that arctic regions be used only for peaceful, non-military purposes (Lauritzen 1983 27), to resolution 89-17 which addresses the issue of Inuit child welfare, resolution 92-16 which supports the

"secession of the Inuit Homelands from the State of Alaska to assure self-autonomy, self-government and self-determination for the Inuit of Alaska" (ICC General Assembly Report 1992 143) and resolution 95-06 which addressed the issue of the harvesting of bowhead whales, "THEREFORE BE IT RESOLVED THAT ICC support the efforts of the Canadian Inuit (Inuvialuit, Kitikmeot, Kivalliq, Baffin, Nunavik and Labrador regions) to harvest Bowhead in their respective regions" (ICC General Assembly Report 1995 Appendices 95-09)

It is clear that the melting of the "Ice Curtain" helped to facilitate the formation of the Inuit Circumpolar Conference. The removal of geographical and political barriers enabled Inuit worldwide to physically meet, greet and share their similarities and differences. But modernization and technological advances also motivated Inuit to form the ICC in another way. The rapid change and development that was continuing to come to the north began to threaten the existence of the Inuit way of life and the environment which supported it. This did not go unnoticed by Inuit, many of whom began to build appropriate national and regional organizations in order to have their voices heard domestically. Internationally however the fact remained that Inuit in all countries shared not only a cultural identity, but a concern for many of the same issues. Working alone, national Inuit voices may have become lost in the international forum, whereas if they joined together they had a much better chance at being heard. These Inuit efforts resulted in a forum that acknowledges the unique rights and interests of the world's Inuit, and ensures that "international and national policies give

due consideration to protection of the arctic and subarctic environment and to the preservation and evolution of Inuit culture and societies" (Appendix I-II)

II. From the 'Whaling Olympics' to 'Proud Preservationists': The Rolling Ride of the International Whaling Commission

Unlike the Inuit Circumpolar Conference, the International Whaling Commission came into existence in the 1940s for economic and commercial purposes rather than cultural ones. Some have described the Commission in its early years as a 'whalers club' where, "Like some exclusive big game shooting club, the members came together once a year before the opening of the killing season" (Day 1987:27). Others refer to the IWC using milder and more formal terminology, i.e., "The 1946 International Convention for the Regulation of Whaling (ICRW), and the International Whaling Commission (IWC) as its operative body, was established "to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry" (Appendix II-IV, Hoel 1993:116)

International regulation of the whaling industry was virtually non-existent up until this century, when technological progress dramatically improved the success rate of the capture of whales and enhanced the procedures for the processing of whale products (Andresen 1993:109). Inevitably these advances in technology would lead to the depletion of worldwide whale stocks, but during the 'whale boom', technological progress caused the whale industry to grow, which in turn increased the supply of whale oil available to the market. Recognizing that the market could not absorb the

increase in product availability, the whaling nations and companies decided to try to stabilize the supply, and felt that an internationally recognized convention would spur their governments to take notice (see Andresen 1993, Gambell 1993) Thus the initial motivation for regulating whaling was to monitor the industry itself, not to specifically monitor the future existence of the resource

The nations engaged in whaling on the open seas⁷ numbered around 8-10, but the industry was dominated by Norway and the United Kingdom, where it contributed substantially to their economies prior to the Second World War (ibid) Nonetheless, while the concept of whaling regulation was initiated by industrial problems of supply and demand, it could not be ignored that the diffusion of the whaling industry into the Antarctic at the turn of the century had succeeded in greatly devitalizing the stocks of right, grey, blue, fin, humpback and sperm whales (Gambell 1993 98)

Conventions were established in 1931 and in 1937 in an effort to set in motion primarily the international stabilization of the industry, but also to make a preliminary effort to protect the stocks in Antarctica. Neither one of these conventions was particularly effective due to the fact that adherence to the conventions were voluntary, and countries like Germany and Japan who were new to Antarctic whaling were not interested in having their whaling activities monitored, regulated nor interfered with (see Andresen, Gambell, Hoel, 1993)

International regulation efforts were somewhat curtailed by the events of the Second World War Although motivations for an internationally recognized whaling convention remained the same as they were before the war, maximum Antarctica

catch-limits could be set far lower than the pre-war limits. This was due to the fact that many whaling factory ships had been sunk during the war which diminished the size of whaling fleets. Catch-limits could then be lowered without placing "unacceptable restrictions on the remaining fleets" (Gambell 1993:98). This somewhat eased the unpopularity of possible whale catch restrictions and facilitated efforts to "protect the whale stocks and regulate the whaling industry" (ibid) in 1946.

At an International Whaling Conference held in Washington, D.C. at the end of that year (1946), the International Convention for the Regulation of Whaling (ICRW) was adopted (see Appendix II-IV), and by 1948 had been ratified by the 17 original members of the International Whaling Commission* including the four countries with Inuit populations—Canada, Denmark, the United States and the USSR. In principle the goals of the International Convention for the Regulation of Whaling included recognition that, "Considering that the history of whaling has seen over-fishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further over-fishing" (Appendix II-IV), while at the same time, "Recognising that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers" (ibid).

The convention included a number of regulations that would apparently provide for the protection of certain species and designate certain areas as whale sanctuaries. Maximum catch-limits on the number of whales caught would also be established, as

would restrictions on the size of the whales being caught. The capture of suckling calves and female whales accompanied by calves was strictly forbidden (Gambell 1993: 99).

The regulations of the ICRW as operationalized by the IWC, looked rather good on paper, but were being virtually ignored for the most part during this time. During the late 1940s to the mid 1960s information about these practices resulted in the IWC gaining a none too positive reputation (see Andresen, Hoel, Gambell 1993, and Iwasaki-Goodman 1994). In his description of the early meetings of what he refers to as the 'whalers club', Day provides one possible reason why the IWC gained the reputation it did, "they [the member nations] sat down at the table and bargained until they agreed among themselves what the sporting number of whales to be bagged this year would be. The trouble was that none of the gentlemen stuck to the agreement, and under the IWC direction more whales were killed than before its controls and regulations were set" (Day 1987: 27).

Day's passionate description clearly illustrates the greed among the member nations for whaling resources and portions of the whaling industry. However, the whale quotas as set by the IWC in these early years were based on a total worldwide catch. Once the quota was set, all the member-nations would send out their whalers to catch as many of the quota as they could for their own country. The problem that resulted was that certain whales inhabited certain waters and the different species in different bodies of water were not necessarily the same size, thus would not produce the same amount of whale products. In order to avoid discriminating against any

specific companies or nations, the IWC set the annual quota for the diminishing Antarctic catch based on the "blue whale unit"⁹ The post-war catch limit was originally set at 16 000 bwu annually, down considerably from the pre-war total annual catch of an estimated 30 000 bwu Although placing a limit on whale catches was a significant action, there was no corresponding reduction in the number of factory ships and land stations (Andresen 1993 110) This of course intensified the competition between nations which resulted in the commencement of the "whaling olympics" (see Andresen 1993, Iwasaki-Goodman 1994), that reached their peak in the 1950s and which involved this rather unscrupulous pursuit of whaling quotas by IWC member nations

As the organizational body whose job it was to implement the International Convention on the Regulation of Whales (ICRW), the IWC relied on the advice of the 'Scientific Committee' (SciCom) which reviewed catch data and made recommendations to the IWC based on that information Member¹⁰ nations could choose to have as many or no representatives on the SciCom, although throughout the years of the "whaling olympics" the validity of the advice they provided was often brought into question, "The quota was based on virtually non-existent science and a lot of wishful thinking" (Day 1987 27) as was proven by the rumours surrounding the initial setting of 16 000 bwu's for the 1946-47 whaling season, "this figure was little more than a 'guesstimate' arrived at by three scientists (Tonneson and Johnsen, 1982 157) According to one of them 'the two others were pleased that I suggested

this figure instead of 15 000 or 20 000 bwu. It looked more reliable" (Andresen 1993:109)

As an advisory body, the Scientific Committee¹¹ began to be taken more seriously as the "whaling olympics" were replaced by an era that saw the IWC become much more effective at meeting the original goals of the ICRW. The late 1960s saw the introduction of the IWC's 'New Management Procedure' (NMP) whereby the IWC began to manage not only Antarctic whale stocks, but also those in the North Atlantic and North Pacific. The blue whale unit was no longer used to measure and identify stock quotas, and was replaced by a management practice that identified separate quotas for all different whale stocks (Andresen 1993:110). During the "whaling olympics" the national fleets had rushed out to compete with one another to see who could catch the most whales in the shortest time, actions which of course had disastrous effects on Antarctic whale populations. This problem was addressed in the NMP where national quotas were eventually established to replace the bwu (ibid).

In addition to the NMP, in 1972 the International Observer Scheme was set-up, "whereby observers appointed by the commission and reporting directly to it were stationed at the whaling operations of the member states to confirm their compliance with the agreed whaling regulations" (IWC 1974 in Gambell 1993:100). The whaling observer scheme was financed for the most part by whaling nations who wished to participate in the exchange of observers. They most often did this with other IWC member countries that shared their whaling interests or area, thus Japan exchanged

observers with the USSR in Antarctica and the North Pacific, while Canada, Iceland, Norway, and Spain exchanged observers in the North Atlantic (Gambell 1993 100)

By this time the SciCom had increased its credibility and the information it was providing to the IWC was generally deemed to be more accurate than it had been in previous years. Meeting annually to set the stock-quotas, the IWC had always listened to the information and advice of the Scientific Committee, but had not always agreed nor acted upon their suggested quota levels. It wasn't until 1967 that the member nations of the IWC, "agreed on a quota that was below scientific estimates of the sustainable yield of the stock" (Scarff in Andresen 1993 116) for the first time. The NMP signalled a shift in the IWC from being a 'whaling club', to being an international organization interested in conserving the future of its resource industry, as well as being actively involved in its management.

By 1979 the number of nations belonging to the IWC had increased from the original 17 (see endnote 9), up to 23, with the addition of countries such as Seychelles, Sweden, Chile, Peru, Spain and Korea (Day 1987 97). As countries that had previously not belonged to the IWC began to join, the management direction of the Commission moved even further away from the practices which had garnered its reputation as the 'whalers club' that had hosted the "whaling olympics".

The IWC was then and is now, governed by the Articles of the ICRW. Article V (1) outlines the types of amendments to regulations that may be introduced, and include such decisions as fixing "(a) protected and unprotected species", "(e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken

in any one season)", and "(f) types and specifications of gear and apparatus and appliances which may be used" (Appendix II-IV). In the annex of the ICRW, there are 16 whale species that are "managed" by the IWC, all of which are considered 'large cetaceans'¹² whose numbers were the first to dwindle due to commercial over-fishing.

Any amendments to these regulations must follow the approval rules set out in Article III (2), which states that a favourable three-fourths majority (of members voting), must be achieved for the amendment to pass and be acted upon by the Commission. If the three-fourths majority is reached, any member nations that were not in favour of the motion are exempted from the regulation and not bound to comply with it (see Appendix II-IV, Hoel 1993: 117). Thus, having three-quarters of IWC members agree on a resolution is the key number for passing regulations that will raise the whale catch-limit quotas, lower the whale catch-limit quotas, eliminate quotas altogether or arrange for a moratorium on all whaling.

In the late 1970s certain new and old member nations to the IWC began to pressure the IWC to adopt a preservationist attitude with regard to the management of whales. This was in complete contrast of course with the laissez-faire approach first associated with the IWC, and differed markedly from the conservationist measures adopted in the 1960s. D'Amato and Chopra (1991, in Hoel 1993: 117) identify the differences between the conservationist and preservationist ideologies by saying that, "Preservationists stand in opposition to conservationists in that they do not regard whales as a resource that may be exploited and managed as other living resources, but

say rather that they should be accorded a special status similar to that of human beings"

Rumours began to circulate that certain nations were on a "worldwide recruitment drive for conservationist nations to join the IWC" (Day 1987:96), so that a three-fourths majority could be reached for a moratorium on all commercial whaling

In addition to new member nations influencing the policy direction of the IWC at this time, there were also a number of 'preservationist' NGO observers who began to attend annual IWC meetings. Observers from various organizations and non-member countries had been attending the IWC annual meetings since 1949, but in 1978 the IWC amended Rule III of its Rules of Procedure to admit "Accredited Observers" to their meetings. The two provisions require that "Any Government not a party to the Convention or any intergovernmental organization may be represented at meetings of the Commission by an observer or observers" (Appendix II-III), as long as they are either invited by the Commission to attend, have previously attended IWC meetings, or apply in writing to the IWC 30 days before the start of the meeting. The observers representing International organizations are also required to have offices in at least three countries (ibid, and see Iwasaki-Goodman 1994:93)

Observers to the IWC are not active in the working groups, sub-committee meetings, the technical committee meetings and the plenary sessions, although their presence does provide "a monitoring mechanism through which the performance of each government representative is evaluated and, through lobbying, influenced in some cases" (Iwasaki Goodman 1994:94). By the early 1980s a large coalition of

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PM-1 3½"x4" PHOTOGRAPHIC MICROCOPY TARGET
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PRECISION^{SM} RESOLUTION TARGETS

preservationist NGOs¹³ and non-whaling nations began to put pressure on the IWC to change its policy direction and they received large support from the public in both the United States and the United Kingdom (Andresen 1993 113). In 1982, a change in the agenda direction of the IWC resulted in the Commission adopting a moratorium, which limited the quota for commercial whale catches to zero starting in 1986. The moratorium was to last until 1990 at which time it would be re-evaluated (Hoel 1993 117).

Following the moratorium in 1982, a "comprehensive assessment" of the whale stocks was undertaken in order to conduct, "an in-depth evaluation of the status and trends of all whale stocks in the light of management objectives and procedures" (Gambell 1993 101). The information provided by the SciCom in the years that followed the moratorium actually demonstrated that many whale stocks could sustain exploitation at a certain level (Hoel 1993 117). But even recently, problems have surfaced with regard to the validity and accuracy of this information since for the most part research on whaling is now carried out by nations who wish to resume the hunting of whales, like Norway¹⁴ and Japan. It has been noted by Andresen (1990) that, "Research efforts are generally very modest both by the non-whaling nations and the IWC secretariat", which has added extra weight to the accusation that the 1982 moratorium was not implemented in order to research and evaluate the whale population, nor to allow depleted stocks to biologically replenish themselves. Instead the motivations for declaring the 1982 moratorium on whaling are seen increasingly as

a calculated effort by the Commission to control the non-resumption of commercial whaling (Hoel 1990 in Hoel 1993: 117)

In 1996, the International Whaling Commission remains a controversial International management organization. While country membership has continued to increase, sometimes doubling in size over the course of a decade, as it did from 1971 to 1983 (Freeman 1990 in Iwasaki-Goodman 1994: 93)¹⁵, several members have discontinued their member status¹⁶ due to the shifting and unpredictable direction the IWC has adopted.

III. Aboriginal Subsistence Whaling

In a specially compiled IWC report on Aboriginal/Subsistence Whaling, the Cultural Anthropology Panel had the following to say with regard to the importance of whaling in the lives of Inuit,

The Eskimos [Inuit] are by tradition the most hunting-oriented of all human groups, because their environment provides very few non-animal resources. Throughout their 4,000-5,000 year existence, they have sustained themselves by harvesting the wild resources of the land and sea, following a lifeway that entails the most direct interactions between hunter and environment. It is difficult for outsiders to comprehend the intimacy of these interactions because their relationship to the natural world is so different. The Eskimos' [Inuit] language, folklore, world view, ethics, education, and epistemology have all grown directly from the land, sea, atmosphere, and animals that surround them. Thus, Eskimo [Inuit] culture is a manifestation in human terms of the environment that has been its sustaining foundation.

(Report of the International Whaling Commission, Special Issue (4)
1982: 40)

In the words of Eben Hopson,

The whale is more than food to us. It is the center of our life and culture. We are the People of the Whale. The taking and sharing of the whale is our Eucharist and Passover. The whaling festival is our Easter and Christmas, the Arctic celebration of the mysteries of life.

(Eben Hopson, in Huntington 1989: 7)

Whaling has long been an integral part of the lives of Inuit, who depending on the location of their communities have hunted many different species of whales, some of which are considered large cetaceans, while others are identified as small cetaceans (see endnote 11)

In Alaska the whale hunt is focussed primarily on the bowhead and beluga whales, with gray whales being hunted by certain communities on Saint Lawrence Island (Appendix I-I, ICC 1995a:5). In Canada, Inuit hunters from Northern Labrador, Hudson Bay, Foxe Basin, Baffin Island and Ellesmere and Somerset Islands continue to hunt belugas, although due to depleted populations, very rarely do they hunt the large bowhead. Narwhals are hunted in Northwest Hudson Bay, Foxe Basin, and the east and north coast of Baffin Island, while along "the Labrador coast, Inuit hunt bottlenose dolphins, harbour porpoise and (in the past) minke whales" (ICC 1995a:6). For Yuit living in the region of Chukotka, the hunting of bowhead and gray whales has been going on for 2000 years. Greenland hunters take minke (in West and East Greenland), fin, beluga, narwhal, killer whales, pilot whales, harbour porpoises and two species of dolphins (ICC 1995a:9), as well as humpback (Freeman 1993b:244).

The hunting, capture and consumption of whales by Inuit serves a variety of nutritional, cultural, social and economical needs. Whale skin with a layer of blubber

attached is a delicacy known as *muktuk*. *Muktuk*¹⁷ has proven to be "nutritionally and psychologically beneficial" (ICC 1995a:11), in the sense that it is recognized as having a higher level of protein, calcium and iron compared with store-bought imported foods, as well as linking Inuit symbolically and spiritually to their ancestors (ibid). The sharing of muktuk and other foods is considered a basic ethic in Inuit society, with Elders being given special portions as a sign of respect, and with widespread community sharing of the whale products. Even for non-coastal or inland Inuit, muktuk often reaches them by trade or generous relatives,

I am only an inland hunter. even though I am not a whale hunter I was raised on blubber and oil with meat. I would hear that Barrow people had caught a whale and, yes I will eat oil from that whale. my relatives will send me some muktuk and meat. Whenever Barrow catches a whale, it doesn't matter which crew, a package will reach us with muktuk and meat.

(Elijah Kakinya, Anaktuvuk Pass 1977 in ICC 1995a:12).

The sharing of muktuk is a living tradition that is associated primarily with the hunt and capture of the large bowhead whale, which often provides a source of income for the hunters. In Canada and Greenland where the small narwhals are hunted, the sale of their tusk ivory also serves an economic purpose (ICC 1995a:12).

It has been noted that in many Inuit whaling communities political leadership, prestige and community organization are intimately linked with the annual whale hunt (IWC, Special Issue 4, 1982:40). As an event that requires the helping hands of virtually everyone in the community, from hunting the whales, to the distribution of the catch, to the conduction of the required ceremonials, the whale hunt serves to integrate the individual members of Inuit communities, as well as provide a connective link to other Inuit communities (ibid). Thus, for Inuit, the practice of whaling both

large and small cetaceans is considered an inherent part of their culture. While there are economic benefits to be derived by Inuit who capture whales, for the most part their whaling is not considered commercial and therefore theoretically not covered by the management principles or directions of the ICRW, and subsequently not regulated by the IWC. However, due to the dwindling population of certain whale species, specifically the bowhead whale, the IWC has continued to monitor and take an interest in Inuit whaling activities.

The first draft of the International Convention for the Regulation of Whaling (ICRW) in 1931, stipulated that, "It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines" (IWC 1950 in Gambell 1993:101). The hunting of whales by Aboriginal peoples was also restricted by the technology used to kill the whales. For example they could only use, "canoes, pirogues or other exclusively native craft propelled by oars or sails" (ibid). Inuit could not use firearms, and could not be employed by any non-Aboriginal nor under any contract to provide a non-Aboriginal with the products of their whaling (ibid).

By 1946, the year the International Whaling Commission was set-up, the limitations placed on the use of technology for Aboriginal subsistence whaling had been removed, but, "it remained essential that only aboriginal people conduct the whaling, and that the whale products be used exclusively for local consumption" (Freeman 1993b:244). In 1961, the IWC became even more involved and 'interested' in the Aboriginal hunting of whales and a "special provision was made for

Greenlanders in 1961 to take humpback whales using vessels of less than 50 tons, even though humpback whaling in the North Atlantic by commercial vessels was prohibited" (Gambell 1993 106 and see Freeman 1993b 244) Greenlanders were also permitted an extended season for minke whaling (from 6 months to 8 months) and whales were permitted to be processed off-shore as opposed to requiring a land-based station (Gambell 1993 106)

The great "Eskimo [Inuit] Conspiracy" (Day 1987 36) occurred in the mid-1970s when the IWC Scientific Committee identified the bowhead whale as being dangerously near to extinction. In June of 1977 the IWC amended the ICRW regulations on Aboriginal subsistence whaling and eliminated the right of Aboriginal whalers to hunt for right whales, "thus banning all hunting of bowheads, recognized to be the most endangered of the whales (IWC 1978 in Gambell 1993.102)"¹⁸ This infringement and attempt by the IWC to regulate subsistence whaling did not go over well with Inuit, especially those in Alaska. As a result of this infringement on their rights as subsistence hunters, they formed the Alaska Eskimo Whaling Commission (AEWC) which consisted of one representative from each of the nine Alaskan whaling villages. The goals of the AEWC were threefold and included 1) an effort to fight the regulations of the IWC and the total ban on bowhead hunting, 2) to fight ignorance that the outside world had to their way of life, and 3) to promote scientific knowledge by creating their own Science Advisory Committee and by participating in cetacean research in other countries and organizations (Huntington 1989:20-29)

The AEWC was eventually successful at having the total ban on whaling overturned by the IWC in 1981, although many allegedly 'secret meetings' between the United States and other IWC member countries had to occur before the IWC would set a modest quota to satisfy their subsistence and cultural needs (Gambell 1993:102)

As a direct result of the situation that arose over the bowhead whales, the IWC began a comprehensive and detailed evaluation of their regulations with regard to the management of Aboriginal subsistence whaling. While much of this evaluative process has surrounded the gathering of cetacean population statistics, Aboriginal subsistence whaling, especially the whaling of small cetaceans which are currently not regulated or managed by the IWC, has become an area that the IWC would like to include under its management and regulation.

In this chapter, an attempt has been made to provide an overview of the histories of both the Inuit Circumpolar Conference (ICC) and the International Whaling Commission (IWC), as well as supply a background of their relationships to Aboriginal subsistence whaling. The issues and events that have been detailed foreshadow the issues and events that are manifested in the negotiations that occur between the two organizations with regard to the management of whale resources. In Part B of this chapter, the negotiation is examined using the elements of actors, structure, strategy, process and outcome in order to bring into relief the possible manifestations of culture.

PART A

Endnotes

- 1 Saamis are the indigenous people of Sweden, Norway, Finland and parts of Russia. Their interests are represented currently by the Saami Council, a group which has worked in collaboration with the ICC on a number of occasions including the establishment of a joint Saami/ICC task force to coordinate a common Arctic policy. At the 1995 ICC General Assembly meeting in Nome, the Vice-President of the Saami Council, Olav Mathis Hira addressed the delegates to the General Assembly (The Morning Edition, Monday July 24 1995 7)
- 2 In 1977 Siberia was still a part of the USSR (as opposed to being part of Russia as it currently is now) and although overtures had been made on several occasions to invite representatives of the approximately 3000 Yuit living in Siberia, none of those requests were answered (Hopson in Lauritzen 1983 23). The Chukotka (Yuit) were finally given permission by the USSR Council of Ministers to participate in the ICC in 1989, but conversations with Frank Anderson of the ICC Canadian Office have indicated that it is still difficult at time to reach the representatives even by telephone (personal conversation February 29th, 1996)
- 3 The territory of Nunavut will come into being on April 1st, 1999. The Agreement-In-Principle between the Inuit and the government of Canada consisted of a land claim agreement and the creation of a new territory. "In December 1991, negotiation were finalized on outstanding items in the land claim, including the creation of Nunavut. The final agreement committed Canada, the GNWT and TFN (Tungavik Federation of Nunavut) to negotiate a political accord (separate from the land claim settlement) to deal with powers, principles of financing and time for the establishment of a distinct Nunavut government" (Canada, Department of Indian and Northern Affairs, Info-Sheet No. 55, May 1994)
- 4 In 1976, one year before the initial meeting of the ICC, the Inuit Tapirisat of Canada had revived interest in the creation of a new territory in Northern Canada which would include the central and eastern area of the Northwest Territories (but not the Western Arctic) where a majority of residents are Inuit (Canada, Department of Indian and Northern Affairs, Info-Sheet No. 55, May 1994)
- 5 The Alaska Federation of Natives was formed in October of 1966 for the purpose of representing the entire native population (Inuit as well as other Aboriginal peoples)(Lauritzen 1983 40)
- 6 See Article 6, Section 2 for guidelines for the make-up of delegations.
- 7 "Whales are regarded as a common property resource, which implies that no single user has a right to the resource, nor can they prevent others from sharing in its exploitation" (Gambell 1993:98). As the whale resources depleted along the coasts of the North Atlantic and the Arctic Oceans, whalers moved south to the Antarctic and began to engage more frequently in 'pelagic' whaling or whaling on the open seas.
- 8 The original 17 member countries of the International Whaling Commission are Argentina, Australia, Brazil, Canada, Denmark, France, Iceland, Japan, Mexico, the Netherlands, New Zealand, Norway, Panama, South Africa, the USSR, the United Kingdom and the United States (Iwasaki-Goodman 1994: 92)
- 9 The "Blue Whale Unit" was based on the oil production regulation established by the industry in the 1930s whereby 1 blue whale = 2 fin whales = 2½ humpbacks = 6 sei whales (Gambell 1993:99).
- 10 "All states may become members of the IWC, irrespective of their whaling interests" (Andresen 1993:109). Although original country membership in the IWC numbered 17, over the next 50 years the number of members would fluctuate on a regular basis, as would the specific countries participating.

11 The Scientific Committee eventually came to be known (affectionately or not) as the "Seicom" (Andresen 1993 110)

12 Large cetaceans which are 'managed' by the IWC and regulated by the ICRW, include the Bowhead, gray, blue humpback and minke whales (Annex of Appendix II-IV). Whales such as the beluga, narwhal and pilot are not currently managed by the IWC

13 Day has identified the anti-whaling NGOs as Greenpeace, World Wildlife Fund and the Animal Welfare Institute (Day 11987 96)

14 In an extremely controversial decision, Norway resumed commercial whaling in 1993 (The Ottawa Citizen, August 20th 1994 D10)

15 As of 1993 there were 40 countries registered as members of the IWC (Iwasaki-Goodman 1994 17)

16 In 1959 both the Netherlands and Norway withdrew from the Commission over their objection to the setting of catch-limits. When the New Management Plan established national quotas in 1962, the countries once again became members.

The Commission has endured other departures (Panama in 1979-80, Jamaica, Dominica in 1982-83) and most notably the departure of Canada in 1980-81, one of the original and founding members of the IWC

17 This delicacy is identified in the ICC report on Circumpolar Whaling as *muktuk*, while the IWC report on Aboriginal/Subsistence whaling uses the term *maktuk*. The word varies according to the different dialect being spoken: *mattak* (Greenlandic), *makatak* (Inuktitut and Inupiaq), *mantak* (Central Yupik) and *mangak* (Siberian Yupik) (ICC 1995b 1).

18 Day (1987) has stated that in the case of the bowhead whale being identified as an endangered species, the prevention for hunting it would normally have fallen under the jurisdiction of the Endangered Species Act, however in American law "native Indians and Eskimos as subsistence hunters are exempt from such restrictions" (Day 1987 37)

PART B - Elements and Key events of the Negotiation

IV. Background

In the preceding chapters, the negotiation between the IWC and the ICC has been loosely referred to as one of 'resource management'. However as the discussion on organizational histories has outlined, the negotiations over whale resource management are not comprised of one clear and simplistic issue. There are in fact two issues that can be identified as key within the IWC/ICC negotiations—(1) Aboriginal subsistence whaling, and (2) the management of small cetaceans.

Neither Aboriginal subsistence whaling nor the hunting of small cetaceans was officially included in the management mandate of the International Whaling Commission. However, as the 1982 IWC-imposed moratorium on the catch of bowhead whales indicates, the International Whaling Commission has consistently observed and monitored the hunting of whales by Aboriginal people for subsistence purposes. There is also evidence that the IWC practice of unofficially 'overseeing' whaling in general, has included keeping a close watch on the stock populations of small cetaceans. The 27th Annual IWC Report (outlining the 26th annual meeting in 1976) has the Commission reporting that, "copies of the printed Report of the Sub-Committee of the Scientific Committee on Small Cetaceans... would be available very shortly", and that this special sub-committee had, "recommended that the Commission considers initially the management of those small cetaceans which are taken in deliberate, direct fisheries". Even by 1982 the issue had not been resolved when, "Mexico stated that it does not believe small cetaceans within coastal waters are within

the IWC's jurisdiction or competence" (IWC 32, 1982: 25), which added to previous remarks made at an IWC meeting, where, "Several delegations expressed the view that small cetaceans are not properly the concern of the 1946 Convention" (IWC I-XVI).

So while the issue of Aboriginal subsistence was bandied about by the IWC, and finally brought to a head by Inuit from Alaska¹, the problem of international small cetacean management continues to be brought up time and time again at meetings of the IWC. As will soon be evident, in response to many different concerns they have with the IWC, the ICC has decided to question the status-quo and look into the option of pursuing legal and international management jurisdiction over small whale species (ICC 1995b: 22).

The two issues of Aboriginal subsistence whaling and the management of small cetaceans have been played out in meetings, negotiations, strategies and actions that have occurred between the ICC and the IWC. These encounters, are more than just examples of the way in which international organizations work out international matters. The negotiation relationship between the two international organizations provides a platform for an encounter primarily between the forms and perspectives of traditional environmental knowledge and western-scientific knowledge. However, it is essential to note that this platform is also sometimes not so subtly inhabited and influenced by the conservationist and preservationist environmental viewpoints.

In this chapter, the negotiation between the ICC and the IWC over whale resource management in general, and Aboriginal subsistence whaling and small cetacean management specifically, will be examined according to the analytical

framework developed by Faure and Rubin (1993) This framework encompasses several different elements of negotiation through which the influence of culture may be identified As profiled in the methodological overview, these five elements include *actors, structure, strategies, process and outcome*

V. Elements of the Negotiation

A. Actors

This negotiation basically takes place between two parties the International Whaling Commission (IWC) and the Inuit Circumpolar Conference (ICC), the membership of each being made up of participants from different countries, and in the case of the IWC, from different cultures

Over the years the membership of the IWC has been added to and changed considerably From its original count of 17 members (Iwasaki-Goodman 1994: 92), it has grown to include as many as 41 members in 1985-1986 (Day 1987:97). Typically any nation may join the IWC as a 'contracting government' under section 3, Article 4 of the 1946 International Convention for the Regulation of Whaling (ICRW) This particular article states that, "'Contracting Government' means any government which has deposited an instrument of ratification or has given notice of adherence to this convention" (Appendix II-1) Once the convention has been ratified, the Contracting Government also becomes a member of the IWC, whereupon they are entitled to appoint a Commissioner to the IWC, who may be accompanied by, "one or more experts and advisers" (ibid) and who is entitled to one vote on IWC resolutions and

motions. The Commission elects its own "Chairman and Vice-Chairman", and as it sees fit may create from within its own membership, "such committees as it considers desirable to perform such functions as it may authorize" (ibid).

With a negotiation time span loosely bounded by the date of the IWC creation in 1946, it would be difficult and ineffective to examine all the individual actors that have played a key role in the formation of the IWC². There are a number of countries however, who have had a considerable impact on the IWC, based upon their opposition or support for certain IWC initiatives.

In some cases the countries might appear at different times associated with different and seemingly opposing causes. This is especially true of the United States. Although the US is by far the most influential country at the IWC, it has had many contentious domestic cetacean issues to deal with, most of which have been played out on the international stage at the IWC.

The IWC member countries considered to have a long history of commercial whaling are the United Kingdom, USSR (formerly), Japan, Norway and the United States, to name just a few. The four countries whose Aboriginal people engage in subsistence whaling, and who for the most part have supported the hunting of whales by Aboriginal people, include not surprisingly, those same countries whose Inuit make up the ICC—the United States, Canada, Denmark (Greenland) and the USSR (Appendix II-V). Countries such as Australia, New Zealand and Seychelles have been identified as IWC members who oppose not only commercial whaling but whaling of any kind, including that conducted by Aboriginal peoples.

to work on their behalf. This same relationship can be taken advantage of by member nations who wish to bargain or influence the ICC, on behalf of the IWC.

Thus with regard to the issue of Aboriginal subsistence whaling, for certain periods of time the United States, Greenland (Denmark), Russia⁷ and Canada⁸, have been represented on both the ICC and the IWC. Delegations to the IWC from these countries have been duly constrained to represent and protect the interests of Inuit within their borders who obviously would like to continue to hunt whales at sustainable levels. They must also acknowledge and act upon the interests of their non-Inuit populations, large majorities of whom feel that any killing of whales is inhumane (see Kalland 1993:124), while at the same time they are being influenced by other member countries of the IWC who do not share either of these viewpoints, such as the country of Norway which resumed whaling in 1993 (The Ottawa Citizen, August 1994:D10) and the Japanese who believe that subsistence whaling is not exclusive to Aboriginal peoples (see Iwasaki-Goodman 1994, Freeman 1993). The two countries that have continually wrestled with this particular issue are Canada and the United States, with somewhat unfavourable results as will soon be shown.

The negotiations over whether the IWC should manage the international stocks of small cetaceans is limiting to both the Greenlandic and Canadian delegations to the IWC. Wrestling less with negative public opinion at home, and more with other members of the IWC, both countries have been restricted in their support of either side due to their development of a joint regional agreement concerning the management of certain species of small cetaceans⁹. The existence of this partnered

of guiding directives for the international management of whale resources, as well as abide by those directives that are accepted by a members majority. So although the power for making final decisions on international whale resource management lies with the IWC, due to the individuality of its member nations, the whole of the IWC cannot be defined as the sum of its cultural, political, national and social parts.

The actors representing the ICC in this negotiation are somewhat fewer and less nationally diverse than those that have been associated with the IWC. While all members of the ICC are Inuit, they too are organized under a certain flag, whether it be American, Canadian, Russian or Danish. The ICC is a non-governmental organization, a status which was granted in 1983 by the United Nations (ICC 1989:5). As such, the delegates to the ICC do not actually represent the governments of the nations they are from, but represent the interests of the Inuit who live there. Thus when ICC members attend IWC meetings, they are not associated with any government department of any specific nation, nor have they been assigned to "act on behalf" of any perspective or policy that is not directly Inuit related.

The composite membership of the ICC is much less divisive than that of the IWC, especially around the issue of Aboriginal subsistence whaling and the international management of small cetaceans. For example, the problem of the complete moratorium on hunting of all bowhead whales was viewed by the world and the IWC as a largely Alaskan Eskimo issue due to the size of their traditional bowhead catch. However, all members of the ICC recognized the repercussions and consequences of the direction being pursued by the IWC, even though specific

members of the ICC such as Eben Hopson Jr and Charles Edwardsen Jr. from Alaska, led the successful effort to have the moratorium revoked.

In the years following the first ICC meeting in 1977, both Eben Hopson Jr. and Charles Edwardsen Jr. represented the ICC at various IWC annual meetings³, as did Jeslie Kaleak, also from Alaska, and Ingmar Egede from Greenland⁴. However the predominance of Alaskan Eskimo involvement in international whaling issues may change with the negotiations over who will have jurisdiction over the management of small cetaceans. It is an issue that affects more comprehensively the Inuit from all geographical areas and may add to the number of specific ICC actors currently involved in the discussion of the whaling question⁵.

Because there is more than one issue involved in the negotiations between the IWC and the ICC, the predominant actors who are selected, nominated or self-appointed to deal with the negotiations are those that have an intimate knowledge of the issues at hand. The size of the ICC membership makes it easier to identify the specific actors who will play a part in a given negotiation. In addition to this, the overriding commonality between ICC members is their cultural identity. They all identify themselves as Inuit who are working together to promote the interests of Inuit around the world. And while the issues that are deemed valuable by certain Inuit no doubt differ depending on their geographical location, it is the cultural bond that they share, that was and continues to be the motivating factor behind the very existence of the ICC.

In contrast to this, the actors from the IWC were brought together in order to 'control' the hunting of a depleting international resource. For many nations, the consequence of managing and 'limiting' hunting quotas, was a decrease in monetary resources from the whaling industry. In later years the actions of managing and limiting whale resources became for some nations a moral, environmental and political issue, with each nation having to side accordingly. Thus the issue of 'whale management', which binds the members of the IWC together, is most certainly not uncontentious. The experiences and perspectives of all the members differ significantly, a fact which has influenced the choice of actors forced to negotiate on certain issues. This is exemplified by the multi-faceted role played by the United States with regard to the bowhead whale moratorium. It was a member nation of the IWC which passed the moratorium, but could not ignore the charges of their Alaskan Eskimo citizens who also belonged to the ICC.

Finally, although the negotiation occurs between the ICC and the IWC and the various groupings of actors within them, there is a third set of secondary actors that it is essential to make note of. Like the ICC, these actors are NGOs, and like certain member countries of the IWC, they support a total ban on all whaling (commercial and Aboriginal subsistence) due to their moral and ethical beliefs. These beliefs, which are echoed by the general public in many countries, advocate the idea that people should care about the welfare of whales because, "whales figure as icons or totems in the animal liberation movement; because they are marvellous and mysterious; because they are beautiful, and because they enrich our folklore" (Scheffer

in Kalland 1993 124) These preservationist NGOs such as the World Wildlife Fund and Greenpeace are bound together internally and with the IWC, by their common interests as opposed to a common culture. Due to their lobbying of various governments inside and outside the IWC, these NGOs are recognized as playing an influencing role in the negotiation between the ICC and the IWC.

B. Structure

Although the number of parties participating in the negotiations between the IWC and the ICC is limited to two, the number of participating *actors* and issues makes the structure of the negotiations relatively complex. An attempt will be made in this particular section to summarize the structure of the negotiation by examining the relationship of the various actors to the various issues, exploring the asymmetrical power relations that are in existence, and also by looking in detail into the influences of external parties, which in this case are the environmental NGOs.

To begin with, we may state that the two parties involved in the negotiation are the Inuit Circumpolar Conference (ICC) and the International Whaling Commission (IWC). The fundamental issue at stake is the international management of whale resources, with the specific issues being identified once again as (1) the management of Aboriginal subsistence whaling; and (2) the management of small cetaceans.

The negotiations themselves are not formal, in the sense that there are no organized meetings, no established negotiation legislation, and no real negotiation table or forum. The realm of IWC/ICC negotiations is characterized by periods of action

and communication in the form of resolutions, statements, press releases, quiet comments and overt though diligent observation of the actions of the other side. The calmness of these periods is frequently peppered however, with occasions when face to face communications must occur and when impressions and 'treatment' of and by the other side can leave lasting impressions. The negotiations have occurred in as many countries as IWC and ICC meetings have convened⁶ and have criss-crossed technological and electronic borders. Their structure is multi-lateral, multi-national and multi-cultural, all elements which are reflected in the particular diplomatic style adopted by each party in negotiating with the other.

As Figure 2 suggests, the decision-making powers rest with the ICC and the IWC as composite international organizations. However the structure of the two parties

Figure 2

and the way in which both their memberships are defined by the 'countries' who participate in them, adds to the particular constraints and limitations they bring to the negotiations

The ICC identifies itself as a group that fulfils, "the hope and the vision that Inuit from all four countries would some day be able to meet together and freely exchange ideas in our own forum. For this reason, the national flags of the four Arctic countries were displayed at each of our General Assemblies since 1977" (Mary Simon in ICC 1989:2). And with the recent inclusion of Chukotka into the ICC, its membership is considered complete. The ICC does join together Inuit from all corners of the world with the understanding of a shared cultural identity.

The whaling tradition amongst Inuit differs from community to community, some of whom are under the Danish (Greenlandic) flag, some under the Canadian, American and Russian flags. During this negotiation with the IWC, the 'flag' associations within the ICC have not proven to be constraining or limiting factors to the ICC's position with regard to whale resource management. As the ICC states in their report on Circumpolar Whaling (1995b:1), "Hunting, distributing, consuming and celebrating whales promotes the sharing of Inuit values, traditions and knowledge, and maintains the spiritual connection Inuit have with animals upon which their physical, social, and cultural existence and identity they continue to depend". And while the negotiations with the IWC have seen certain ICC members, such as those from Alaska (United States), lead the efforts over certain issues (in this case the quotas for bowhead whales), the ICC stand on the issue of whale resource management is clearly

not a divisive one. The cultural, social, spiritual and economical value of whaling to Inuit appears to supersede the individual whaling interests associated with each country.

In the case of the IWC however, no such uniformity of interests exists. It is true that certain countries have aligned themselves with certain perspectives on whaling at different times, but just as the IWC has altered its position on whaling numerous times over the past five decades, so too have its member countries. The strong political, economical and 'ethical' constraints that characterize many of the decisions made by countries over the issue of whale resource management, has left the IWC with the unenviable reputation as an inconsistent and highly divided international organization. The reputation aside however, this divisiveness has affected its negotiations with the ICC in several ways.

Because the IWC is currently the primary whaling management body in the world, not acting in accordance with its mandate (see ICC 1995b) has led to accusations that it simply is not working well as a governing management body (ibid). This has not always been the case of course, but the internal wranglings of the commission have made it an unpredictable, thus a somewhat unknown entity with which to negotiate.

However the diversity of nations within the IWC, may work to the advantage of the ICC when it comes to negotiating over whale resource management issues. If any of the four countries which belong to the ICC, also belong to the IWC at a given point in time, the possibility exists to call upon and hopefully influence those countries

to work on their behalf. This same relationship can be taken advantage of by member nations who wish to bargain or influence the ICC, on behalf of the IWC.

Thus with regard to the issue of Aboriginal subsistence whaling, for certain periods of time the United States, Greenland (Denmark), Russia⁷ and Canada⁸, have been represented on both the ICC and the IWC. Delegations to the IWC from these countries have been duly constrained to represent and protect the interests of Inuit within their borders who obviously would like to continue to hunt whales at sustainable levels. They must also acknowledge and act upon the interests of their non-Inuit populations, large majorities of whom feel that any killing of whales is inhumane (see Kalland 1993:124), while at the same time they are being influenced by other member countries of the IWC who do not share either of these viewpoints, such as the country of Norway which resumed whaling in 1993 (The Ottawa Citizen, August 1994:D10) and the Japanese who believe that subsistence whaling is not exclusive to Aboriginal peoples (see Iwasaki-Goodman 1994, Freeman 1993). The two countries that have continually wrestled with this particular issue are Canada and the United States, with somewhat unfavourable results as will soon be shown.

The negotiations over whether the IWC should manage the international stocks of small cetaceans is limiting to both the Greenlandic and Canadian delegations to the IWC. Wrestling less with negative public opinion at home, and more with other members of the IWC, both countries have been restricted in their support of either side due to their development of a joint regional agreement concerning the management of certain species of small cetaceans⁹. The existence of this partnered

agreement between Greenland and Canada constrains the Greenlandic and Canadian contingents of the ICC in a similar way. The agreement is generally considered to be quite successful, even though it covers only certain whale species in certain areas. But while broadening the scope of the Greenland/Canada agreement is one action that both the ICC and IWC would like to be responsible for, they are both limited by the presence¹⁰ of both Canadians and Greenlanders within their ranks.

Thus, the limitations and constraints of the IWC and the ICC, whether they be political, moral or cultural, can determine the position of each party within the structure of the negotiation.

The power relationship that exists between the IWC and the ICC, has several different aspects to it that indicate an asymmetrical structural format. Each of the parties derives its strength in the negotiation from different sources. As a UN recognized NGO, the ICC is able to participate in numerous different forums such as the United Nations Conference on Environment and Development (UNCED), the International Labour Organization (ILO) and the United Nations Working Group on Indigenous Peoples (ICC 1992:37). The resolutions and decisions made by the ICC, can be validated and accredited by the attention they garner from other international legal and decision-making bodies (Appendix I-VII, I-VIII).

In contrast to this, the member nations belonging to the IWC have all ratified and signed the International Convention for the Regulation of Whaling (ICRW), which enables the IWC to exercise their decision-making powers with the support and agreement of a three-fourths majority of its members. In the negotiations with the ICC

the IWC has the added advantage of already having a mandate to manage commercial whaling (see Appendix II-I), and as evidenced by the moratorium on commercial whaling discussed in 1981 (Appendix II-XIV) and passed in 1982 (IWC 1983:21), has attempted on numerous occasions to extend that mandate to include all types of whaling, including Aboriginal subsistence whaling. The IWC represents the status quo in terms of whaling issues, and also has developed a broad and far-reaching international profile. The high profile reputation of the IWC is due in part to its lengthy history as an international organization that managed to save the blue whale and certain Antarctic stocks, as well as the interest in whaling that is exhibited by the general public. For nations without Inuit populations, the debate no longer focusses on whaling as an economic issue, but has shifted to moral discussions of conservation and preservation.

The obvious choice for Inuit is that whales should be hunted at sustainable levels. This position however has not been supported by the public of many nations, a fact that has greatly affected the structure of the negotiations. And at the heart of this matter are the vast differences that exist between the individual perspectives of the IWC and the ICC with regard to environmental knowledge and ways of knowing.

When the IWC first began to manage whale resources, the goal was to somehow prevent the rapid decrease in whale populations so that the commercial industry could continue in the future. Although limiting quotas was the method of choice used to initially prevent these decreases, the member nations influencing IWC decisions had little understanding or awareness about whale populations as a whole. It

wasn't until 1961, that the IWC appointed a special committee to examine the population dynamics of certain whale species (Gambell 1993:99). This committee was the forerunner of the SciCom that continues to study whale populations today for the IWC (Gambell 1993:101).

The IWC has adopted a procedure which derives its strength from the common understanding or acceptance of western-scientific knowledge. Making decisions based on what 'experts' have to say, and relying on information that is collected according to 'scientific' methods and procedures, is not an unusual practice. However, the IWC has a mandate to manage a resource that has been sustainably hunted for hundreds of years by a group of people who just happen not to be members of the IWC. Inuit knowledge and advice on managing whale resources has not been sought by the IWC in any format. In fact, even in 1981, when the IWC convened a special panel to "analyze the role of subsistence hunting for bowhead whales in the contemporary culture, society and economy of north Alaskan Eskimos [Inuit]" (IWC 1982:35), out of the twenty six experts assembled from the United States, Norway, Denmark, Russia and Canada, not one of those experts came from an Inuit community or represented an Inuit organization¹¹.

Ignoring the valuable contribution that can be made by Aboriginal people to the sustainable management of resources in the form of traditional environmental knowledge, has been recognized by numerous international agreements including the Biodiversity Convention signed at the earth summit in 1992, which identifies, "the role of sustainable resource use as a key element in human development and the

importance of protecting traditional ecological knowledge" (ICC 1995b: 16), and the Arctic Environmental Protection Strategy (AEPS) which, "affirms that arctic nations will be guided by traditional ecological knowledge, as well as by scientific advice, when deciding issues relating to the sustainable use of arctic living resources" (ICC 1995b: 17)

However as the dates of these agreements indicate, any acknowledgment of the value of traditional environmental knowledge has been a long time in coming. The integrity of this knowledge system and the practices and perspectives associated with it, continue to be ignored by the IWC in the setting of their policy for managing cetacean resources (ICC 1995b: 17)

A large discrepancy exists between the language associated with traditional environmental knowledge, and that of the system which is associated with western scientific perspectives and ways of thinking and doing. The differences between these two discourses affect the structure of the ICC/IWC negotiations because of the predominance of the western-scientific way of thinking when it comes to cetacean management. Because the IWC has held jurisdictional management over whale resources since 1946, they have fostered the notion that it is the western-scientific tradition that empowers them to do so. Indeed, in order for the ICC to become the management body for small cetaceans there are numerous scientific hoops that must be jumped through, such as the scientific requirements outlined by the UN Convention of the Law of the Sea (UNCLOS), which state that in order for an international organization to have jurisdiction over the management of cetaceans, they must prove

that they already have the mechanisms to conserve, manage and study whale populations (ICC 1995b:19)

The power structure of the negotiations between the IWC and the ICC is made even more complex (see Figure 2) with the addition of what we may call "external party intervention" (Derong and Faure 1995: 34). Although there is no higher authority that can exert pressure on either side to continue or discontinue negotiations, both the ICC and the IWC must struggle with "worldwide public opinion", which wields its influence by forcing the change of government of IWC member countries, or by supporting the creation of NGOs with similar agendas. The most prevalent group of NGOs are those who associate themselves with the preservationist perspective, and include once again Greenpeace and the World Wildlife Fund (Day 1987:96)

Thus, the structure of the negotiations is characterized by the specific issues of Aboriginal subsistence whaling and small cetacean management, as well as by the relationships that exist between the actors and external parties. This examination of the structure of the relationship between the ICC and the IWC has provided some understanding of the complexity of factors that influence the asymmetrical connection between the two organizations.

C. Strategies

The strategies that each party uses in a negotiation, are really the "deliberate calculations" (Faure and Rubin 1993:10) that they hope will help them achieve the best possible results for their negotiation efforts. Strategy involves choosing one

course of action over another, or choosing to take no action at all. However certain strategic directions are implemented more commonly by some groups than by others, and the IWC/ICC negotiation provides an interesting illustration of how strategic actions are influenced by the individual party's cultural interpretation of the issues.

When two parties are faced with solving the same issue-related problem, the strategies they choose can be based on many different factors such as who they are, what the issues are, and the state of their relationship before the negotiations begin. The lengthiness of the IWC/ICC negotiations has provided both parties with the opportunity to adopt and implement many different strategies, including those identified by Dupont (see Dupont in Faure and Rubin 1993:102) such as strategies of pressure, flexibility and alliance building. And although the strategic direction of each party is not uniform, there are interesting trends in the timing of these strategies that serve to further interpret the role of culture in negotiations.

If we look at the various strategic examples of the IWC in this negotiation, it is clear that pressure, flexibility and alliance building are preceded by a strategy of indifference toward Inuit in general and ICC members in particular. Although Aboriginal subsistence whaling is singled out as the one type of whaling that will not be restricted by the ICRW (see Appendix II-I), when the IWC overlooked this mandate, and proposed a moratorium on bowhead whaling in 1978 (IWC in Huntington 1989 14), they served notice that Aboriginal subsistence whaling would not be left alone. The strategy of indifference did not change in the IWC as a whole, however increasing pressure was placed by this decision on those member nations with

Inuit populations, especially the United States, who was having to defend the decision of the IWC, "to delete the words 'or right' from Schedule paragraph 7, which gives exemption for certain aboriginal whale fisheries" (ibid) to Alaskan Eskimo whalers

Initially the IWC begrudgingly agreed to let the United States government negotiate with Alaskan Eskimos for a revised bowhead whale quota. The reluctance of the IWC to acknowledge the claims of the Alaskans, who had formed the Alaskan Eskimo Whaling Commission (AEWC) in response to their actions with regard to bowhead whales, originated with the IWC's scientific assessments of a large decrease (from approx 11,700-18,000 in 1850, to 600 to 2,000 in 1977) in the bowhead whale population around Alaska (Gambell 1993:102)

The bowhead whale controversy influenced how the IWC began to deal with issues surrounding Aboriginal subsistence whaling. While it appears that pressure was placed internally on the various member nations that have Inuit populations, the IWC's strategy changed from one of indifference toward Inuit concerns, to what might be described as one of scientific flexibility. The IWC's mandate did not change to incorporate the management of Aboriginal subsistence whaling, but the presence of the issue on the agenda of annual meetings became the norm (see IWC Annual Reports 1978 onward), and a special "meeting of experts on Aboriginal/Subsistence" was established in 1981, and asked to "provide and develop the appropriate data base necessary to assist the IWC Technical Committee in formulating proposals for a regime for the aboriginal bowhead hunt in Alaska" (IWC 1981:7). The panel of experts included nutritionists, wildlife scientists and cultural anthropologists, all

deciding what could be done about what they called, the bowhead whale "problem" (Appendix II-X). By taking seriously the issue of Inuit and Aboriginal subsistence whaling, the IWC could appease those of its member nations who had Inuit populations, as well as send a message to other international organizations, such as the ICC, that they were on-side with the principles associated with indigenous and human rights

As an international organization themselves, the IWC is constantly in a state of negotiation within its own membership. In order to make their management mandate work, various countries continuously execute strategies characterized by the exertion of pressure tactics and flexibility procedures. However the most common tactic they engage in strategically is alliance-building between nations. Due to the three-fourths majority vote required to pass IWC resolutions, alliance building has occurred at the IWC at different times between different nations. The years of the 'whaling olympics' were witness to the establishment of alliances between the key commercial whaling nations, the United States, Japan and the United Kingdom. More recently, alliances have built up between nations in support of continuing the moratorium on all whaling, such as the United States, Australia and New Zealand.

With regard to small cetacean management, the main strategy taken up by the IWC has been one of waiting for other interested parties to make their move. As indicated earlier in this chapter, the IWC has danced around the issue of small cetacean management for many years, confident in knowing that internationally there

was no other organization in a position to formally take up management of those species.

It is obvious that the asymmetrical power structure of these negotiations favours the position of the IWC, something that is reflected in the primary strategy of indifference that they have adopted toward the ICC and the Inuit organizations that informally predate it (such as the Alaskan Eskiimo Whaling Commission [AEWC]). When the issues that affect Inuit whalers threaten to turn controversial, the IWC defers the negotiations to the member nation closest to the conflict.

With such a large membership and a single common interest (whales and whaling), the strategic direction followed by the IWC does not depend on fiscal availability or allocation. The ICC, on the other hand is a relatively young international NGO and fiscal considerations can often play a considerable role in determining what type of negotiation strategy should be used. In addition to this, while the ICC does aim to serve the needs of Inuit in the circumpolar region, their interests and mandate extend beyond the realm of whaling. Monetary resources must be allocated to address the issues of self-government, the environment, human rights, Inuit health and economic development (ICC 1992:5). It follows then that the strategies adopted by the ICC are affected by the priority of whaling in relation to other sometimes more pressing problems.

The ICC has had to rely on different strategies to negotiate with the IWC, few of which correspond with those of the IWC. For example, the IWC's strategy of indifference is never mirrored by the ICC. Instead, the ICC exerts a subtle yet

consistent pressure on the IWC as a whole, and on the IWC member nations with Inuit populations. This strategy is exemplified by the ICC's unfailing attendance as an observer at the annual meetings of the IWC since 1978 (see Appendix 1-III), and Iwasaki-Goodman has suggested that

The presence of NGOs provides a monitoring mechanism through which the performance of each government representative is evaluated and, through lobbying, influenced in some cases. It is not unknown for a member government to change its official position during the meeting, upon receiving instruction from their home government as a result of such NGO monitoring activities

(Iwasaki-Goodman 1994: 94)

By attending these meetings, the ICC takes advantage of the opportunity to influence government representatives, while strengthening those alliances that might work for them in the future.

Despite the IWC's questionable unity on many issues, the ICC has addressed the Commission directly with regard to those issues that they deem relevant. Regardless of the fact that certain country members may be in agreement with their position, the ICC has not balked at going one on one with the commission as a whole. Their resolution at Barrow in June of 1979, "calling upon the International Whaling Commission to defend Inuit rights to hunt whale" (IWC 1982: Appendix II-XIII), was published by the IWC as part of their "Expert Panel" report on Aboriginal subsistence whaling, and this has been followed more recently by a statement issued jointly with the International Working Group for Indigenous Affairs (IWGIA), which stated that, "the IWC has become a forum for expressing the most common misconceptions and

prejudices about indigenous peoples that regrettably still prevail in many Western societies" (Appendix I-IV).

It is clear from the issuing of this joint statement and from the number of international working groups they participate in, that the ICC has built strong alliances with other international organizations, and the support has been invaluable in helping to guide the ICC's strategic direction in their negotiations with the IWC. It is interesting to note that in the Charter of the ICC, there is a direct reference made to the type of negotiation approach they wish to pursue and be identified with, "In the furtherance of our spirit of cooperation with the international community, we seek to promote world peace and the objectives of this Charter" (Appendix I-I)

The ICC and the IWC have adopted strategies toward one another that are predicated on their perspectives surrounding the two issues of Aboriginal subsistence whaling and small cetacean management. Since both the organizations are international in scope, it may be difficult at first to perceive how culture might determine the choice of negotiation strategies. The key to understanding this role rests in the differences that exist between the western-scientific tradition of the IWC and the indigenous traditional environmental outlook of the ICC.

In brief, although the IWC is composed of a large nation membership, the enduring basis for information that the IWC bases its decisions on has always been scientific analysis of the whale populations. For the first three decades of its existence, the IWC relied on the advice of experts¹² to determine what management policies to implement and how low or high to set the requisite whale-hunting quotas

At this point in its history, even if member nations were disgruntled over certain quotas being set, the IWC always had the scientific tradition to back them up. The IWC's unacceptability of any other management perspective, especially that of the "non-scientific" tradition of the ICC, clearly explains their indifferent attitude, just as the important value and prevalence of traditional environmental knowledge for Inuit in the area of whaling explains the strategy of pressure adopted by the ICC.

For the most part, the scientific evidence produced by the IWC originally suggested that whale populations were decreasing, thus in a sense justifying the quota limitations established by the IWC. However in recent years, as Kalland suggests, "The ecological argument that the whales are endangered is losing ground...and the Scientific Committee of the International Whaling Commission (IWC) and the U.S. Marine Mammal Commission have made it clear that some of the 75-odd species of whales can sustain regulated harvest" (Kalland 1993:124). The IWC has been accused of ignoring this change in the scientific numbers, and has switched from supporting a total whale moratorium based on ecological grounds, to supporting a total whale moratorium based on moral issues, "as more and more people worldwide become aware of the remarkable qualities of whales, there is increasing doubt about the ethics of killing whales for commercial profit even if it could be guaranteed to be both sustainable and humane" (The World Wide Fund for Nature [alias World Wildlife Fund] at the 43rd annual meeting of the IWC, as quoted in Kalland 1993:125).

The implications of this do not imply that the western-scientific tradition has been abandoned by the IWC, but rather that western-science has "saved the whales"

and moved beyond any reliance on this particular resource. The general assumption remains the same, that there is no possible way that whales can be managed as a sustainable resource. The cultural implications of promoting this idea can and have been devastating to Inuit and other Aboriginal peoples who count whaling, seal harvesting and fur trapping as integral to their culture, way of life and livelihood.

It is interesting to note that both preservationists and Inuit cultures revere the whale in surprisingly similar ways. For example, in the words of one Inuit,

Whaling is a sacred affair to the Inupiat hunter. The belief that spirits are embodied in sea mammals is very strong among the northern Inuit. An appropriate ceremony must be conducted when a whale is landed by the whaling crew to avoid insult to the spirit of the whale and other sea mammals
(Herbert O. Anungazuk in ICC 1995b:15)

And a like experience is expressed by the writer of the history of Greenpeace, who Kalland quotes as saying that,

Not only can they [whale-watchers] 'save' whales, but they can 'meet' them, 'engage' them, and even 'touch' them. For them there can be a 'transcendent element lying at the center of the undertaking'. They, too, can be said to be in search of their 'Holy Grail'
(Hunter in Kalland 1993:129)

And yet even though the whale as "guardian spirit and helper" (Kalland 1993:129) pervades both the Inuit and preservationist world view of whales, they continue to have very diverging perspectives over the issue of whales as a sustainable resource or a resource at all.

The IWC insistence on quite consistently ignoring the cultural implication of their decisions on moratoriums and quotas, has led the ICC to suggest that the IWC, "has perhaps more than any other inter-governmental organization developed a deep

cultural divide, that not only seems impossible to solve, but which some countries wish to see continue"(ICC/IWCIA 1994.1), and that, "The great majority of anti-whaling member nations and their affiliated NGOs have not understood, or even shown a will to understand, the nature of this [Inuit] kind of whaling" (ibid).

The strategies adopted by the IWC and the ICC during their negotiations over whale resource management, are influenced by many factors, including the actors and structure of the negotiation itself. Hopefully the discussion that has taken place here has shown that these strategies are discernably related to the dominant cultural viewpoints each party has taken toward the issues at hand.

D. Process

The process of the IWC/ICC negotiations has been characterized by the changing perspective and inconsistent use of strategy on the part of the IWC, and by the unwavering position, but flexible strategies of the ICC. The way in which the two parties choose to communicate these strategies to one another is an important element of the process, and one that will be discussed in detail in this section. How decisions are made with regard to the negotiations by both the ICC and the IWC will be discussed, as will the events that make up the negotiation and any cultural impacts affecting the direction and speed of the negotiations.

To begin with, the IWC and the ICC communicate what their positions are ie. what they are willing to offer, when they are willing to compromise and when they are not, in quite different ways. The IWC is limited by its design as an international

management organization that must base its general decisions on a majority consensus amongst its member nations. There is no cultural commonality between the members, and often no unanimity among members as to what policies and procedures are to be adopted. For the most part, the IWC has based its decisions for whale management, on the information provided to it by its scientific committee¹¹. If certain member nations do not agree with the scientific assessment, or feel that it should be overruled, they are free to voice that opinion but ultimately the IWC pursues the interests of its majority, makes the 'supreme' decision and then deals with the internal dissent. In their dealings with the ICC, it is these "supreme" decisions that are communicated in the form of amendments to their schedule, and which serve to represent the IWC position with regard to Aboriginal subsistence whaling and small cetacean management.

For the ICC, while their formal decision-making process can be traced to their Charter of 1977, their position regarding Aboriginal subsistence whaling and small cetacean management has been informally in place for hundreds of years. As an international Inuit NGO, they are limited by the number of Inuit-related issues that demand their attention and fiscal resources. However, even though the ICC membership is also made up of member states, on the issue of Aboriginal subsistence whaling and small cetacean management, they are united in their belief that the IWC is simply not an acceptable forum where these issues can be dealt with.

Because the ICC is less preoccupied than the IWC with familial conflict, their communication with the IWC on these issues has been more frequent, more direct and

more responsive. When the IWC has made decisions that harm the ICC and thus Inuit from around the world, the ICC has reacted quickly within their own organization to make their positions clear. This has manifested itself in the form of concrete ICC resolutions, forums, and research and discussion papers (see ICC 1995a:49,64 and 1995b). However, the ICC has not stood idly by and waited to be noticed. They have communicated their concerns to the IWC by attending as observers, the majority of IWC meetings (see again Appendix I-II) and by making statements (see again Appendix I-IV) identifying their current stance on the issues.

The negotiation between the ICC and the IWC really began with the signing of the ICRW in 1946, even though the ICC did not come into being until 1977. Because the IWC has influenced the management of a resource that has important cultural and subsistence meaning for Inuit since this time, the negotiation relationship can be described by detailing the events that occurred between that year and 1995. It is convenient to divide the negotiations into three stages, which correspond loosely with Andresen's three phases of effectiveness of the IWC¹⁴ (1993:108). Andresen divides the history of the IWC into phases that are characterized by the various events and policy directions adopted by the IWC. The first phase stretches from 1949-mid 1960s, the second phase from the mid 1960s to the late 1970s, and the final phase spans the late 1970s to the present day. These timeframes are appropriate for delineating the events of the negotiations between the IWC and the ICC, and should help to further clarify the specifics of the process itself.

Although many of the events in the following discussion have been alluded to and foreshadowed in preceding chapters and sections of this thesis, the aim here is to further develop and contextualize the relation between these events and the IWC/ICC negotiations.

Mid 1940s - Mid 1960s

The 1940s to the 1960s, as has been previously noted, have been called the 'whaling olympic' years. After the signing of the ICRW and the establishment of the IWC, competition amongst the whaling nations to catch the largest proportion of the IWC-set cetacean quotas was fierce. Commercial whaling was continuing virtually unabated, and restricting Aboriginal subsistence whaling or extending their mandate to include small cetaceans was not even close to being an agenda item for the IWC. The protocol had been established in the 1931 version of the ICRW that Aboriginal whaling would be exempt from all restrictions (Freeman 1993:244) and as far as the member nations of the IWC could see, the status quo was acceptable and would continue to be acceptable for some time to come.

Freeman has identified a list of the criteria used by the IWC to distinguish between Aboriginal and non-aboriginal whaling (Figure 3), and from this it is clear that the IWC could not have had the foresight to see that changes in technology and economy would soon blur the distinction between commercial and subsistence whaling, affecting profoundly any future decisions they would make with regard to Aboriginal subsistence whaling.

Figure 3

CRITERIA	ABORIGINAL WHALERS	NON-ABORIGINAL WHALERS
Technology	Primitive ¹⁵	Modern
Social and political systems	Simple ¹⁶	Complex
Culture	Traditional	Non-traditional
Economy	Non-commercial	Commercial
Economic transactions	Non-monetized	Monetized
Scale of operations	Small-scale	Large-scale
Resource capture and consumption	Local	Non-local

During the first decade that the IWC was in operation (from 1946 to 1956), the circumpolar region was undergoing life-altering social and economic changes. Greenlandic society was being "restructured" by the Danes (Lauritzen 1983:223), the period of "Arctic Construction" had begun in the United States (Huntington 1989:10), and the Canadian government began increasing its fiscal spending in the northern regions. The (then) USSR, along with its Inuit population, continued to be worlds apart from the other circumpolar countries both geographically and ideologically. At this time, the reality of creating a circumpolar organization for Inuit was simply not an option. Although the idea of meeting and joining together with other Inuit was a goal shared by many, there was no mechanism or support, nor the opportunity for this to occur. Inuit were considered citizens and populations of their requisite countries, and any cultural commonality they may have shared was believed most definitely to be superseded by their association with that country.

Aside from the fact that Inuit did not have the appropriate means by which to communicate their viewpoints on any issue, let alone resource management, there were

other factors that played a part in making Aboriginal subsistence whaling a non-issue for Inuit during that time. First of all, the push for northern development had created wage employment for the first time for many Inuit. In Alaska especially, this resulted in a "decrease in whaling activity, because men were working rather than whaling" (Worl in Huntington 1989:11). Whaling was temporarily waning due primarily to time constraints placed on the whalers, and since rarely during this period did the IWC member nations obey the whale catch quotas they themselves had set, any restrictions or management issues the IWC decided to pursue were not high on the agenda of importance for many circumpolar Inuit.

Secondly, it is important to note that the IWC's original goal had been the protection of the Antarctic whale stocks, whereas Inuit primarily hunted in North Atlantic waters and the Bering Sea (see Appendix I-I). In the 1950s approximately 75% of all whales taken came from Antarctica. By 1966/67, that number had dropped to 62% (ibid). The IWC would later respond to this decrease by including new areas, such as North Atlantic waters, and additional species (see Appendix II-VII) to be regulated. However with the focus at this time on Antarctic vs. North Atlantic whaling, Inuit had little to be immediately concerned about.

Mid 1960s to late 1970s

It was during this period that the IWC's policy actions began finally to correspond effectively with their mandate as a "conservation and management" body. Andresen has suggested that this era saw a "considerable improvement in the achievements of the IWC compared to the status quo" (Andresen 1993:110).

This increased effectiveness included putting a halt to the 'whaling olympics' and adopting a new management procedure (NMP) that placed more of an emphasis on conservation of the resource than had been the case in earlier years. One of the main premises behind the NMP was the division of whale stocks into three categories depending on the relative "health" of their populations. Based on this classification, each stock was managed ie individual quotas set, so that their populations could reach the status of what was called a "sustained management stock" or SMS (Andresen 1993:110)

Due to the depleted Antarctic stocks, the IWC added new species to the list of whale stocks they managed and also abandoned the bwu (blue whale unit) as a quota measurement. A new national quota system was adopted that reduced competition (ibid) amongst whaling nations, and in 1972, the International Observer scheme was implemented, which cut down on pirate whaling and the taking of whales over and above set quota limits (Gambell 1993:100). By this time, IWC actions based on scientific cetacean population data had also become much more of a reality.

In terms of Aboriginal subsistence whaling however, it was the move by the IWC to increase the number of species they regulated that signalled that the period of

negotiation exchange between the IWC and the precursor organizations of the ICC had begun. In extending their management reach to include whale stocks not already within their jurisdiction, the IWC began to take an active interest in those whale stocks being hunted by Inuit.

In 1961 the IWC decided to place a restriction of 10 humpback whales per season on the Greenlandic coastal whale fishery (Freeman 1993:244), due to their concerns over the species' decreasing population (Caulfield 1993:144). The Greenlanders accepted the quotas in 1961 and would in 1975, under Home Rule, abide by those limits imposed by the IWC on minke and fin whales, even though the whale products caught under those provisions were not allowed to be exported and were to be used for local consumption only (Caulfield 1993:145).

The IWC strayed further into the area of Aboriginal subsistence whaling with the moratorium on bowhead whales passed in June of 1977,

When the International Whaling Commission (IWC) made its decision to remove aboriginal rights to the bowhead whale, it knew it was taking a drastic step. Its data, however, indicated that drastic measures were needed to save the bowhead from extinction. The population in 1977 was estimated by the IWC to be between 800 and 2000 (IWC, 1978b:67). Though these figures were of doubtful reliability (Underwood, 1977), with the total whales struck in 1976 at 91 and the total for 1977 at 111, they caused great concern. Eskimo whaling appeared to be inefficient and out of hand (IWC, 1978; McVay, 1979).
(Huntington 1989:14)

What happened between Alaskan Eskimos and the government of the United States as a result of the moratorium that passed, is indicative of the relationship that would exist in later years between the ICC and other members nations of the IWC. Being a very active member of the IWC, the United States government had since

1972, been fully aware that the bowhead whale population was in great decline according to the SciCom of the IWC. Thus in 1977, the possibility of the IWC removing the right of Aboriginal whalers to hunt the bowhead whale, came as no surprise to the American government, but some say it did come as a great surprise to Alaskan Eskimo whalers. The government of the U.S. had neglected to inform the whalers that the situation was imminent until it was too late, "the status and need for more information on the bowhead whale...[was] not conveyed by the U.S. government to the Eskimo people until 1977" (Gambell 1993:102). Under federal law in the United States, the federal government has a trust obligation to Native Americans (Huntington 1989:14) and this failure of the government to adequately inform and represent the needs of its Aboriginal populations, justified the Alaskan Eskimos' feelings that, "the government had not even bothered to inform...[them] about what was happening, much less live up to its responsibility to act on their behalf" (ibid).

In response to the moratorium passed at the IWC annual meeting in Canberra, the whaling captains from nine whaling villages in Alaska (several of whom had helped to form the Inuit Circumpolar Conference (ICC) two months prior), formed the Alaskan Eskimo Whaling Commission (AEWC) which vowed to, "fight against the pressures and regulations imposed from the outside" (Huntington 1989:15).

The AEWc recognized that several factors had contributed to the position they found themselves in at this time. They had to question the jurisdictional powers of the IWC to manage Aboriginal subsistence whaling at all, and the passage of the regulation itself with the support of the United States was definitely cause for concern.

Finally, the AEWC understood the significant effect that cultural and scientific ignorance about Aboriginal subsistence whaling had on the decision (Huntington 1989:17).

In fighting the regulation itself, the AEWC was able to pressure the United States and the IWC into placing the issue of the bowhead whale hunt on the agenda for the special IWC meeting held in Tokyo in December 1977 (Appendix II-IX). On behalf of Inuit hunters the United States requested, "an exemption from the Convention for an Alaskan Eskimo [Inuit] bowhead whale hunt on the basis of the U.S. domestic implementation of the scientific research and conservation programs" (Huntington 1989:18). The United States requested that the commission authorize a quota for the 1978 whaling season at no more than 30 bowhead struck or 15 landed for Alaskan Eskimos, whichever came first. What the IWC granted was a quota of 18 struck or 12 landed which eventually raised by two for the 1978 hunting season (ibid). This action confirmed the Alaskan Eskimo opinion that, "the whalers felt they could not trust the U.S. delegates to the IWC", and that they, "did not feel well represented at the IWC" (Huntington 1989:19). In 1977, the American Deputy Commissioner to the IWC was Tom Garrett. In September of that year he stated that, "the hunt, as it is at present being conducted, and its current expansion, are in fact nothing more or less than a function of dissolution of the Eskimo [Inuit] culture .this is a sort of bastard culture, not used in the pejorative sense, of the methods that commercial whalers brought in and original Eskimo methods" (Garrett in Huntington 1989:19).

The Inuit felt that both quotas, the one requested by the United States and the one granted by the IWC, were ridiculously low. The apprehensiveness of the U.S. to wholeheartedly support the Inuit position by filing a formal objection to the IWC, stemmed from the fact that, "an objection, even subsequently withdrawn, would substantially harm the efforts by the United States to promote an effective international machinery for the protection of marine mammals" (Adams v. Vance, 1977 in Huntington 1989:19). This disregard for the cultural significance of whaling for Inuit, was becoming increasingly compounded by comments and insinuations from U.S. supported movements such as Project Save our Whales, whose spokesperson stated that, "Until the eskimo [Inuit] goes back to hunting with his primitive weapons such as bone tipped harpoons we cannot take seriously his claim about disrupting culture that isn't even there to be disrupted" (Huntington 1989:15).

The controversy surrounding bowhead whaling led to the IWC's establishment of a working group in 1979, whose task it was to study the Aboriginal bowhead whale hunt, and to develop proposals, "for a regime for the aboriginal bowhead hunt in Alaska and, if appropriate, a regime for other aboriginal hunts (IWC 1979 in Gambell 1993:103).

Due to the fact that the bowhead whale crisis erupted simultaneously with the creation of the ICC, and that many of the same Alaskan Eskimos (Eben Hopson Jr., Charles Edwardsen Jr.) were involved in both, it is fair to say that had the ICC been in place prior to the bowhead incident, it would likely have taken up a similar and complimentary role to that of the AEWC, which was created quickly and specifically

for the purposes of developing an Inuit solution to the bowhead whale problem. As an Inuit initiative, achievement of revised bowhead quotas for the 1978 hunting season served notice to the IWC and the member nations of that organization who have Inuit populations, that any future actions or directives that affected Inuit whaling practices would not go unnoticed by Alaskan and other Inuit whalers. If the mechanism or organization was not in place to officially represent their views, they would create one. If their own governments failed to inform them of IWC decisions, they would send their own observers. If they had to use international and domestic courts, or go head to head with the IWC themselves to get their voices heard, then that is what they would do.

Late 1970s to the Present (1994/95)

Needless to say, the IWC was not overjoyed at having placed the United States, one of the most influential member nations on the Commission, in the awkward position they found themselves in during the whole bowhead whale moratorium situation. Although they had granted a revised quota for the Alaskan Eskimo bowhead hunt, the IWC remained sceptical about both the future of the species, and how to go about developing a formal procedure for dealing with future concerns over Aboriginal whaling.

In response to this uncertainty, the Commission convened a Technical Working Group whose purpose it was to study the bowhead whale problem and come up with a viable policy direction that they could apply to Aboriginal hunting of the bowhead and

other species (Gambell 1993 103) The aim was to come up with a strategy that would satisfy, "both the hunters and the very strong conservation lobby" (ibid), and once again the onus was on the United States, with vested interests on both sides, to come up with an acceptable solution.

The end result of the Technical Working Group was the adoption of a resolution whereby the IWC agreed to take into account the, "documented need of aborigines" (ibid). In the case of Alaskan Eskimos, the United States was given the task of "documenting" their needs, on the understanding with the IWC that they would, "adopt a national management plan designed to establish catch limits and reporting and data requirements, allow for reduction in the struck and lost rate, and implement an appropriate research plan" (ibid). The report produced by the United States in 1980, outlined the historic, nutritional and cultural whaling needs of the Alaskan Eskimo. The report concluded that based on past hunts, the annual Alaskan Eskimo whale catch should range between 19-33 whales. This was supported by nutritional documentation that suggested that 32-33 whales per year, "were needed to maintain a proportional share of the subsistence" (ibid). Finally the cultural needs of the Inuit were calculated and determined to be between 18-22 whales per year.

The IWC continued to move forward with plans to develop a comprehensive management strategy for Aboriginal whaling, and decided to take the work they had conducted on Alaskan Eskimo whaling one step further. Following the issuance of American's report, the IWC convened yet another Committee (this time a Working Group of the Technical Committee), which was to have representatives from the

Technical Committee Working Group, the IWC SciCom, and indigenous people who take subsistence catches¹⁷ (ibid) The Committee defined several concepts considered pertinent to the issue, including Aboriginal subsistence whaling, local consumption, and subsistence catches (see Appendix II-XI), and by 1982 had passed a resolution committing themselves to the development of policies that would.

- (a) ensure that subsistence whaling would not contribute to the further extinction of certain species;
- (b) enable aboriginal people to harvest whales in perpetuity at levels appropriate to their cultural and nutritional requirements;
- (c) maintain the whale populations that were currently at levels giving the highest net recruitment, and;
- (d) manage so that whale stocks below this level can move toward a level giving the highest net recruitment.

Built into this resolution, which was adopted as an amendment to the IWC's schedule, was the Commission's recognition that, **"the full participation and cooperation of the affected aboriginal peoples are essential for effective whale management"** (Gambell 1993:104), even though the new IWC provisions expanded their own management reach and would be applied to the Bering Sea bowhead whale stock, humpback whales in Greenland waters, gray whales from the eastern stock in the North Pacific, and minke and fin whales from the West Greenland stock (ibid) All of which were stocks hunted by Inuit.

The late 1970s and early 1980s saw the IWC acknowledge both the significance of the Aboriginal subsistence whaling issue and the value of seeking out Aboriginal input into those decisions. The bowhead whale situation is a likely catalyst for the increase in IWC activity with regard to this topic, however perhaps not surprisingly, the creation of the newly formed ICC corresponds with this flurry of

appeasement. The ICC had made their presence known at the first IWC meeting (in 1978) that followed the beginning of the bowhead whale crisis (see Appendix I-III), and had brought to the attention of the second IWC committee, a series of resolutions they had adopted at their General Assembly in 1977, outlining their approach to the overall issue of Aboriginal subsistence whaling.

Resolution 77-15 called directly upon the IWC to "defend Inuit rights to hunt the whale", while 77-16 urged the "wise and full use of subsistence resources", and resolution 77-06 specified that, "**the Inuit have not been permitted full participation in the various decision-processes both in private and public sectors**", (see Appendix I-XIII).

The intentions of the IWC to communicate more frequently with Aboriginal whalers did not amount to an open and equal two-way exchange over proposed decisions made, agreed upon and adopted. The ICC was not given partnership or member status to the IWC, and thus was not allowed to vote or put forward IWC resolutions. They were simply accorded the same type of opportunity for lobbying member nations as other NGOs, the majority of whom were urging for an all together moratorium on whaling

By 1982, the IWC had passed a resolution that set whale stock quota limits for commercial whaling at zero, effectively placing a moratorium on whaling that would commence for the 1986 whaling season (Kirkwood in Gambell 1993:100, see also Andresen 1993:110), and would be re-examined in 1990 (Freeman 1993:243). The moratorium on commercial whaling would at first glance appear not to have much

influence over the negotiations between the ICC and the IWC due to the fact that it is Aboriginal subsistence whaling as opposed to commercial whaling that interested both parties in that case. However, the changing composition of the IWC prior to this decision did have an immediate and long-lasting affect on the direction taken by the ICC.

It has been suggested (see Andresen 1993, Iwasaki-Goodman 1994) that the successful passing of the zero-quota resolution, came as a direct result both of lobbying by on-side NGOs, and by the recruitment of non-whaling member nations to the IWC, "There is little doubt that the non-whaling countries' sudden concern for the whaling issue came as a result of active lobbying by environmental organizations" (Gulland 1988:45), who needed to mobilize the new nations in order to secure a three-fourths majority behind the moratorium (Andresen 1993 114). For some member nations, the climate of the IWC became too contentious and ridiculous. With its not so subtle membership recruitments, the Commission's failure to abide by its mandate to conserve and manage the whaling industry (ie. commercial whaling), and its treatment of Aboriginal whalers, Canada decided to leave the IWC in 1982, after almost forty years of active participation,

Canada signed the Convention in 1946, when Canadians were engaged in commercial whaling. Since the Canadian Government banned commercial whaling in 1972, Canada no longer has any direct interest in the whaling industry or in the related activities of the IWC.

(Canadian Department of External Affairs, June 26th 1981, see Appendix II-XII)

As a member nation of the IWC, Canada's presence on the commission could be viewed as advantageous for the ICC since Inuit from Canada make up part of their

organization as well. Not having a Canadian Commissioner's ear to bend on key IWC votes such as the moratorium, might have resulted in dire consequences for the ICC, save for the fact that Canada's withdrawal from the Commission sent a clear message to the rest of the world that the IWC's inconsistent and checkered management procedures were not being tolerated even by some of its founding members. The anti-harvesting sentiments of the IWC became too much for the government of Canada, and although Canada's official reason for departure was the country's disinterest in commercial whaling, unofficially it was the failure of the IWC to recognize and support Inuit and harvesting interests in general that prompted Canada to withdraw its membership.

For its own part in the Aboriginal subsistence and bowhead issues, the Canadian delegation to the IWC had abstained where appropriate and voted against any proposals that altered the IWC's exemptions for Aboriginal whaling (Day 1987:31). While they would later run into problems with the ICC over the landing of a bowhead in Igloolik in the 1990s (see Appendix I-X), for the most part the Canadian government had worked successfully with Inuit to set up management agreements for certain whale species not covered by the IWC. The bilateral agreement that Canada has with Greenland to manage and safeguard narwhal and beluga, two species which are primarily hunted by Inuit in Davis Strait, Baffin Bay and the Thule district, is just one example of how Canada has advocated regional and community-based approaches to whale resource management

Canada's withdrawal from the IWC indicated support for the development of new and different approaches to managing whales, which was echoed shortly thereafter in the composition of the United Nations Convention for the Law of the Sea (UNCLOS), which states that nations "shall cooperate with a view to the conservation of marine mammals and in the case of cetaceans [whales], shall in particular work through the appropriate international organizations for their conservation, management and study" (as quoted in ICC 1995b:16), but which does not specify which international bodies the nations should cooperate with, nor if it should be only one international body.

UNCLOS came into force in 1994 after 60 countries had ratified the 1982 agreement. It was copied without change into "Agenda 21" which was the final report of the UN Conference on Environment & Development. Agenda 21 emphasizes many of the principles put forward in UNCLOS, and with regard to sustainable whale use urges governments to take steps to:

- (1) co-operate with, or establish, sub-regional and regional management and regional management organizations,
- (2) encourage the sustainable use of marine resources by local communities and aboriginal peoples for food and as sources of income,
- (3) incorporate traditional knowledge into management and legislation,
- (4) formally recognize indigenous rights to subsistence.

Canada's withdrawal from the IWC and the passage of UNCLOS, encouraged the creation of whale management bodies that were more regional and community-based, and which were not necessarily the IWC. This corresponded with the ICC's continuing belief that Aboriginal subsistence whaling should not be managed by the IWC.

With, the zero-catch limit set for commercial whaling in 1982 however, it appeared that the IWC was managing itself out of existence. The obvious solution to this was to increase the species scope of their mandate (to include small cetaceans), and to continue to push for more management capabilities with regard to Aboriginal subsistence whaling, even though the IWC freely admitted that "in the present climate of environmental awareness, the commission is acting in a way that reflects the views of the majority of its members and [is] exercising the so-called 'precautionary principle' of management" (Gambell 1993:106).

Lynge has stated that "There can be no doubt that in the coming years, we stand to experience an extraordinarily uncomfortable conflict over the management of small cetaceans worldwide" (Lynge 1992:53). The IWC has been debating the issue of small cetacean management for many years (see Appendix II-VI, II-VII), while the ICC has recently begun very serious internal discussions of the issue (ICC 1995b).

Although UNCLOS was passed in 1982, it was only in 1994 that the Law of the Sea came into force, after being ratified by 60 countries. Governments who have ratified UNCLOS are bound by the commitments outlined in the document, including those that deal with whale resource management. For the IWC and the ICC, the implementation of UNCLOS has compelled both parties to examine their current and future roles in the management of small cetaceans. Both organizations have the option of proposing alternative management solutions for small cetacean resources, so long as they meet the standard set by UNCLOS of being an organization that is "appropriate[ly]" engaged in conservation, management and study (Hoel 1993:122).

Establishing that they are appropriately engaged in these three activities is the challenge that lies ahead for both the IWC and the ICC. Questions have arisen as to "The problems that [the] IWC experiences in discharging management responsibilities in accordance with international customary law and accepted regulatory practices" (IWC 1995b:20) and as to whether or not they are actually engaged in "conservation, management and study" (Hoel 1993:122).

In 1992 the ICC adopted resolution 92-17 calling for "immediate steps to initiate the operation of the ICC Whaling Commission by instructing the ICC Executive Council to activate this commission and to determine its composition, structure, [and] to develop terms of reference and a budget" (Appendix I-IX). The resolution was in direct response to several IWC resolutions that were also passed in 1992 in which the Commission dealt "specifically with narwhal, beluga and pilot whales, without any formal decision that it had the authority to do so" (ibid).

By 1995 the ICC Whaling Commission had outlined several possible options that the ICC could pursue with regard to small cetacean management. Many of the options involve entering into partnerships with other international organizations that also address the issue of whale resource management including the North Atlantic Marine Mammal Commission (NAMMCO), the Arctic Council, the Northern Forum, the Canada-Greenland Commission and the World Conservation Union (IUCN). New options include the establishment of an Inuit Circumpolar Whaling Commission (as part of the ICC), and a Circumpolar Whaling Authority. The last option put forward is to maintain the status quo and officially support to have the IWC's management

mandate altered to include small cetaceans (ICC 1995b.21). However, in discussing the options that are available to their membership, it is clear that the ICC does not favour a future partnership with the IWC

In bringing the process of the negotiations between the IWC and the ICC up to the present day, it is important to note a few of the elements that characterized the negotiation at this level. It is apparent that during most of the negotiation, the IWC has engaged in very little direct communication with the ICC. In the early years there was simply no Inuit voice loud enough for the IWC to hear, nor was it particularly interested in listening hard for any whispers of discontent from that direction. When the situation became more heated, as in the case of the bowhead whale controversy the IWC as a whole quickly deferred the issue to the country (in this case the United States) whose Inuit citizens dared to question them. The IWC became increasingly preoccupied with the dissenting views of its member nations, and could afford neither the time, energy nor resources to properly address the questionings of an NGO like the ICC, which represented a decidedly minority perspective on whaling. Operating strictly by "majority rules", the IWC had to accept the ideology, morals and ethics of the "majority" of its member nations, the "majority" of the lobbying NGOs and the "majority" advice of their scientific committee when it suited them. Although the SciCom's effectiveness was questioned early on, and has been the object of debate by members nations of the IWC throughout its existence, when the IWC began to ignore even the SciCom's estimates that certain whale populations had rebounded to sustainable levels, and when the Chair of the Scientific Committee publicly resigned in

1992 (Appendix II-XVI), it was made clear that the IWC had made the choice to prioritize preservation as opposed to the conservation of whales

The attitude of the IWC towards Inuit-related issues and whaling in general, was not lost on the ICC and its general membership, who noted more than once how, "Inuit and other whalers attending IWC meetings are insulted to hear whaling described as an 'unethical' or inappropriate activity" (ICC 1995b 18), and that, "while some aboriginal whalers appeared to be well treated at the IWC in 1994, other whalers in 1994 and 1995 continued to be treated with disrespect and disdain" (ibid)

E. Outcome

In evaluating the outcome of these negotiations, it is important to be aware of the different interpretations and value that each side might have. The negotiations between the ICC and the IWC have centred around the issue of the management of Aboriginal subsistence whaling in general, and the management of small cetaceans in particular. The difficulty with assessing what the final outcome of these negotiations will be, lies in the fact that the question of small cetacean management remains unresolved. With regard to Aboriginal subsistence management however, it is clear that over the course of this interaction between Inuit and non-Inuit, the power differential between the ICC and the IWC has decreased, and that the ICC, with much effort and perseverance, has successfully managed to bring attention to some of the devastating effects that the implemented policies of the IWC have had on Inuit around the world. When pressured to do so by member nations such as the United States and

NGOs like the ICC, the IWC did alter to a certain extent its policy on Aboriginal subsistence whaling. Even though the issue was not considered part of its original mandate, in later years the discussions and decisions that were undertaken by the IWC at least acknowledged the value of information gathered from whaling communities who had been affected by their policies.

From a cultural perspective both parties appear to agree on the symbolic significance of the negotiations, even though no detailed and formalized agreement describing their obligations and relationship with one another has been signed. The relationship no doubt will continue between the two organizations as jurisdiction over small cetaceans is established eventually by one or the other, or neither. When that occurs, quite possibly in the near future, more formal agreements will ascribe legal jurisdiction to the successful organization.

The conflict over Aboriginal subsistence whaling and small cetacean management was characterized by the substandard treatment of the ICC by the IWC throughout most of its existence. The resulting relationship then cannot be considered one of goodwill despite the successful tactics and techniques employed by the ICC to gain recognition for their whaling interests and perspectives. Both parties are however, fully aware of their respective positions with regard to the issues of Aboriginal subsistence whaling and small cetacean management and if the playing field is balanced, as it presently appears to be, then the outcome must be positively viewed by at least one of the parties involved.

This exploration of the five elements of actors, structure, strategies process and outcome has identified both the components of this particular negotiation, as well as the occasions where culture has played a more than a passing role in determining the actions and reactions of the negotiating parties to one another. With the process and the structure of the negotiations now adequately outlined, it is important to move beyond mere description and question why this specific interaction between the culture of the ICC and that of the IWC resulted in a negotiation process and outcome of this nature. The aim of the next Chapter is to bring together the models of Galtung, Bourdieu and Foucault, in order to consider practices, perspectives and relations that characterized the IWC/ICC relationship before, during and after the negotiation over whale resources.

Schedule of Events and Negotiation Milestones

- 1931** An attempt is made to bring order and control to the Antarctic whaling industry and results in the signing by 26 countries, of the Convention for the Regulation of Whaling (signed in Geneva 1931, League of Nations Treaty Series, CLV, 349)

An exemption is provided "aborigines dwelling on the coasts of the territories of the High Contracting Parties".

- 1937** Revisions are made to the Convention and signed by nine nations including Norway, the United Kingdom and Germany. The Antarctic pelagic whaling season is restricted to three months, from December to March.

The exemption for Aboriginal hunting of whales is left out in this version of the convention.

- 1938** Still focussing primarily on the protection of the Antarctic whaling industry, the 1938 protocol establishes among other things, a whale sanctuary in the Pacific sector of the Antarctic between longitudes 70°W and 160°W.

- 1944** The blue whale unit (bwu) is established as the unit for whale stock limitations.

- 1946** The first International Whaling Convention is held in Washington D.C. and the International Convention for the Regulation of Whaling (ICRW) is adopted and the foundation for the establishment of the International Whaling Commission (IWC) is agreed upon by the 17 founding members.

A Scientific Committee is created to research and monitor the population of whale species.

All of the countries that are home to circumpolar Inuit are among the 17 founding members of the IWC. They include Canada, Denmark (Greenland), the United States (Alaska) and the USSR (Chukotka etc.)

Restrictions previously placed on Aboriginal subsistence whaling (such as the use of modern technology) are removed. It is still essential however that only Aboriginal people conduct the whaling and the resulting whale products be used exclusively for local consumption.

- 1961** The IWC moves to further regulate Aboriginal subsistence whaling and a quota of ten humpback whales per year is imposed on the Greenland whale fishery.

- 1964 The IWC allows non-aboriginal people to whale "on behalf" of Aboriginal people.
- 1972 The International Observer Scheme is introduced by the IWC. Based on formal agreements set up between governments in a certain region, it provides for special IWC appointed observers from member nations to be stationed, "at the whaling operations of the member states to confirm their compliance with the agreed whaling regulations" (IWC 1974 in Gambell 1993 100)
- 1975 The IWC adopts the "New Management Procedure" effectively eliminating the use of the bwu and creating national quotas for the whale hunt
- 1977 (June 15th) The first meeting of the Inuit Circumpolar Conference is held. The ICC Charter is adopted. A resolution is passed that maintains that whaling is an integral part of Inuit life. A request is put forward that delegates from Canada and the United States who are participating in this first ICC meeting, should try and participate in the next meeting of the International Whaling Commission in order to defend the "original right of the Inuit to hunt whales in the Arctic"

Resolution 77-16 encourages, "Inuit to behave as hunters and in no way that will create scandal and endanger our subsistence hunting rights, and to conserve our game as we would conserve our homeland, and protect the future generations of our people"

(June) Based on recommendations from the Scientific Committee, the IWC deletes the Aboriginal subsistence exception clause for right whales, banning the hunting of all bowhead whales.

(September) In response to the striking of the Aboriginal exemption clause for right whales, whaling Captains from the nine whaling villages in Alaska form the Alaska Eskimo Whaling Commission.

(October) Jacob Adams (Whaling Captain and first Chairman of the AEWC) files suit against Cyrus Vance to compel Vance on behalf of the United States, to file an objection to the IWC action. The ruling is upheld and then overturned on appeal (Huntington 1989).

(December) A Special Meeting of the IWC is held in Tokyo with the United States requesting a ruling to take place reversing the IWC decision to forbid Aboriginal subsistence hunting of bowhead whales.

The IWC grants a quota of 18 struck or 12 landed (later raised by two whales) for the 1978 fall hunt.

- 1978 (June) The annual meeting of the IWC is held in London, England Charles Edwardson attends as the first observer from the newly formed ICC

(July) Eben Hopson files a suit against Juanita Kreps, Secretary of Commerce for the IWC, claiming that the IWC does not have jurisdiction over Aboriginal whaling and can therefore not enforce a moratorium or zero quota of any kind on the Aboriginal whale hunt (Huntington 1989)

- 1979 IWC convenes a panel of experts to study Aboriginal Subsistence Whaling (resulting document published in 1982)

Rule III of the IWC's rules of Procedure are amended to allow non-governmental observers to attend IWC meetings.

- 1981 Canada withdraws from the International Whaling Commission over the issue of the proposed moratorium on whaling.

- 1982 It is proposed at the 34th meeting of the IWC to set zero quotas for the whale hunt starting in 1986

The United Nations Convention on the Law of the Sea is signed by 159 countries. UNCLOS is a package proposal consisting of 320 articles in 17 parts and will come into force when 60 countries have ratified it.

- 1989 (July) At their General Assembly in Sisimiut, Greenland, the ICC passes resolution 89-07, commending the governments of Canada and Greenland/Denmark for their proposal for an international agreement on narwhal and beluga, and calling for the ICC Executive Council to promote a discussion of issues related to the research and management of small whales within the circumpolar region

(July) The ICC also passes resolution 89-10, encouraging, "all governments to review their positions with respect to the anti-harvesting issue, in light of human rights commitments and in light of the needs of indigenous peoples".

Canada and Greenland establish the Joint Commission on Beluga and Narwhal Conservation and Management.

- 1992 (May) Dr Philip Hammond, Chairman of the SciCom of the IWC resigns, stating that, "I can no longer justify to myself being the organiser of and spokesman for a Committee whose work is held in such disregard by the body to which it is responsible".

(July) The North Atlantic Marine Mammals Commission is established by the Faroe Islands, Greenland, Iceland and Norway in response to preservationist policies of the IWC. NAMMCO's mandate is to "enhance cooperation in research on marine mammals and their role in the ecosystem" (Hoel 1993 118), while recognizing the need for, "conservation and management of marine mammals in the North Atlantic and the need to do this by a multispecies approach" (ibid) and acknowledging the special needs of Aboriginal communities. The objectives of NAMMCO are to, "contribute through regional consultation and cooperation to the conservation, rational management and study of marine mammals" (Article 2 in Hoel 1993 121)

The ICC passes resolution 92-17, resolving to take immediate steps to reactivate the ICC Whaling Commission, which had not been in existence since 1983.

- 1994 Observers from the Inuit Circumpolar Conference (ICC), the International Work Group for Indigenous Affairs (IWGIA) and International Cultural Survival, make a joint statement calling for the IWC to relinquish its management control of indigenous whaling to the bilateral and regional management initiatives already in place.
- 1995 The ICC passes resolution 95-09 which takes into consideration the IWC's failure to accommodate the needs of Inuit in Canada and the recent decision by the Canadian government to charge Inuit whalers from Igloodik, Nunavut for harvesting bowhead whales in their waters. The resolution, "calls upon the ICC to support the hunters of Igloodik and to insist that all charges be dropped by the government of Canada immediately" (The Morning Edition, July 28th 1995:6).

PART B ENDNOTES

- 1 Many of the founders of the Inuit Circumpolar Conference such as Eben Hopson Jr and Charles Edwardsen Jr also played key roles in the formation of the Alaska Eskimo Whaling Commission (Huntington 1989).
- 2 Interestingly enough, examination of the attendance records of annual IWC meetings has shown that many countries send the same commissioners and advisors for extended periods of time. For example, from 1958 through to 1971 Denmark sent Mr J Nørgaard as its commissioner, while Canada had a similar run with Dr. W R Martin (Appendix II-V).
- 3 Mr Edwardsen in 1978 and Mr Hopson from 1982 to 1984 (Appendix I-III).
- 4 Ingmar Egede attended IWC meetings as an observer from the ICC's Environmental Commission (ICCEC) in 1990 and 1991, and as the ICC observer in 1994.
- 5 In speaking recently with Frank Anderson of the ICC, he stated that ICC representatives from Alaska and Greenland would most likely be attending the 1996 IWC meeting as opposed to ICC representatives from Canada. The assumption here is simply that the Alaskans and Greenlanders both have their corresponding nation governments as members of the IWC, and they commonly take the lead within the ICC on whaling issues.
- 6 The ICC has held its General Assembly in five cities, three countries, while the IWC has held its annual meeting in 18 different cities, fifteen different countries.
- 7 The Chukotka region of the Russian Federation officially joined the ICC in 1989 (ICC 1989 2).
- 8 Canada officially withdrew from the Commission effective in June of 1982 (IWC 81st Annual Report 1982).
- 9 Greenland and Canada entered into a joint agreement to safeguard and manage narwhal and beluga whales. At this same time a background agreement was developed to establish a common research program, the background of which, "is the traditional use by hunters in both Greenland and Canada, of small cetaceans in the Davis Strait, Baffin Bay, and the Thule district" (Lynge 1992:53). The creation of this commission was supported by the ICC in resolution 89-07 (Appendix I-VI).
- 10 Note here the use of the word "presence" versus "membership". Although Canada has not been a member of the IWC since 1982, Canadians were continuously involved in small cetacean research prior to their departure (IWC 1975: 9). Attending meeting as observers, their presence cannot help but be felt due to the large contingent of delegates they send each time. (Canada continues to be a member nation of the ICC).
- 11 I do not mean to imply here that the experts at the meeting did not know, explain or support Inuit perspectives on the whaling issue, for certainly the name of Milton Freeman (1990, 1992, 1993) who has written extensively on this issue on the list of experts attests to the fact that traditional environmental knowledge has permeated the world of academia.
12. Even though the IWC's New Management Procedure only came into existence in 1961 which, "brought into the analysis of the whale stocks the mathematical methods and techniques newly developed for fisheries assessment" (Gambell 1993:99), the original 1946 ICRW made it a, "requirement to compile and submit catch reports and other statistical and biological records" (ibid).

13. The exception to this is of course the trend in the last two-three years, for the IWC to ignore the data provided by its scientific committee, who suggest that certain whale species populations can easily handle the resumption of sustainable hunting. Instead the IWC continues to favour the maintenance of the currently imposed moratorium on whaling (Freeman 1994: 1)

14. Andresen has discussed the effectiveness of the IWC in relation to three criteria, including stated goals, correspondence between scientific and political decisions, and relative improvements in relation to the status quo. He concludes that under these criteria, the IWC scores poorly from 1949 to the mid 1960s, but increases its effectiveness for the fifteen year period between the mid-1960s to the late 1970s, only to decrease in effectiveness from then on up to the present (Andresen 1993: 108)

15. It is extremely important to stress here that the language used by the IWC in this list of criteria (and subsequently reproduced by Freeman and this author) is unacceptable in terms of what it implies and suggests about traditional environmental knowledge and those who practice it. I have maintained the original text solely to highlight the language use adopted by the IWC when discussing Aboriginal subsistence whaling. It is typical and directly representative of the failure of western-science to recognize the value and complexity of the traditional knowledge system.

16. See endnote 15

17. In contrast with the second committee which included Aboriginal peoples, the first Committee set up by the IWC in 1979 (called the Technical Committee Working Group), had no such representation (IWC 1982: 35)

CHAPTER FOUR

Rival Interpretations: Political and Academic Exploration and Analysis

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I. Analytical Synopsis

The IWC/ICC negotiation case-study was outlined in the previous chapter in order to detail the elements of a negotiation that may be influenced by the differing cultures of two parties. The actors, structure, strategies, process and outcome of the negotiation were all affected in different ways by the organizations' contrasting cultural convictions over the practice of whaling, and clearly the conflict between the ICC and the IWC over whale resource management would not have proceeded as it did, had the issue not been so contentious from a cultural perspective.

It is obvious that negotiations in their entirety, whether cross-cultural or not, are affected by a myriad of factors that can change and alter as the negotiation progresses. Counting culture as one of these influences is a fairly safe assumption to make based on the case-study profiled here, and others outlined elsewhere. The question that remains unanswered however, is the extent to which culture can act as

the primary or predominant factor influencing a negotiation. The fact that culture may not be the sole influence is acceptable, but why are some negotiations so affected by cultural differences while others are not?

The answer to this question may lie in an examination of the less obvious nature of the relations between the culture represented by the ICC, and that represented by the IWC. It is possible to divide the relations between the ICC and the IWC into three different levels. The first level defines the general relations that have existed between the two cultures outside of any negotiation activity. Galtung's theory of imperialism and structural violence will be the basis for this discussion, while his "third order" and "tools of peace" will be used to explain why one party may relate, communicate or act towards the other party in a certain way during a negotiation. Bourdieu's social praxeology and "fields" and "habitus" will contribute to this discussion, with special reference to the existing relationship between the ICC and the IWC. Finally we'll look at the third level of relations through a Foucaultian lens. The point of issue and the point of conflict between the ICC and the IWC within their negotiations, might stem from discursive discourses that are cultural in origin. It is essential to examine how the relationship between these discourses might have affected both the process and outcome of the negotiation.

The IWC/ICC relationship outside the negotiation arena can be viewed as an example of Galtung's Center/Periphery nation model. The IWC, with its international scope and multi-nation membership, can be seen as representing the role played in an

imperialistic structural relationship by the Center nation-state, while the ICC as an Aboriginal NGO represents the Periphery nation-state.

In this model of global stratification, which Galtung has based on the reality of inequalities that exist globally between nations, each nation has certain goals or living conditions that are indicated by their income, standard of living, quality of life and level of autonomy. The relationship between the two nations, Center and Periphery, is based on the size of the differential between their respective living conditions. Even though the IWC has a membership that includes many different nations, as a whole and comparatively, the IWC has a much higher "standard of living" than the ICC, which represents the interests of a geographically diverse cultural minority. As long as the gap between living conditions continues to increase or remains constant between Center and Periphery nations, then a disharmony of interests will occur, resulting in conflict. And while the living condition gap between the ICC and the IWC has both increased and decreased throughout their whale resource management negotiations, as was shown in the case-study discussion, closing the distance has required a great deal of effort on the part of the ICC in its role as Periphery nation. The ICC has been successful at this however by utilizing the peace tool of building alliances with third parties or third orders, such as other international NGOs.

According to Galtung, the Center nation is reluctant to let the differential decrease and to let go of the status quo. As the status quo in whale resource management, the IWC has demonstrated a preference for self-maintenance even though it is no longer considered effective at implementing its own mandate.

In order to prevent the living conditions of a Periphery nation from approaching those of their own, a Center nation will foster an imperialistic and exploitive relationship with the Periphery nation. This relationship involves interaction between the two nations in a variety of different spheres including those that are focussed on economical, cultural, political and communicative activities. For example, according to Galtung, economically the Center nation uses the raw materials taken from the Periphery state and processes and manufactures them, only to sell them back to the markets in the Periphery nation. The IWC has done a similar thing with the whale resources of Inuit (represented by the ICC in this model). After commercial whaling depleted whale populations, the IWC was mandated to manage not only the populations themselves but also the processing and production of the resource. Although Inuit were not used as a market for the whale products managed by the IWC, in later years when the IWC wanted to promote the new whale as a "preservationist product", attempts were made to have Inuit reverse their own ways of thinking, so that they would consume the "preservationist" ethical and moral standpoint.

This forcing by a Center nation, of a certain ideology and structure onto the Periphery nation is also found in political imperialism as outlined by Galtung. The IWC assumed that the ICC would welcome the chance to imitate their management style and policy direction simply because they were the IWC, and they were the international management organization that had always managed whale resources. The notion that the Inuit of the ICC might actually be the experts on whale resource

management, was simply not a theoretical possibility. The IWC imposed its own structure and model upon the ICC without much consideration as to how it might successfully or unsuccessfully apply to the structure and model already utilized by the ICC.

The issue of whale resource management was and continues to be an extremely contentious and very publicly debated issue. Public opinion in the 1980s, primarily in the United States, Australia and New Zealand, advocated the preservation of whales based on their biological, ecological, cultural, political and symbolic differences from other animals. It is argued by preservationists that as a species, whales are over 25 million years old, have exceptionally large brains and are highly intelligent. These characteristics, coupled with the fact that whales are apparently undeniably 'beautiful', 'photogenic' and 'apolitical', are just a few of the more interesting reasons why preservationists believe that whales should not be hunted or killed (Kalland 1993:127). The save the whales movement and the IWC imposed moratorium on whale quotas generated a great deal of media attention. As a Center nation wishing to keep the differential in place between itself and the Periphery nation, the IWC was able to use its dominant reputation and command of communication and transportation networks to make sure the preservationist message reached far and wide. Any Inuit or ICC messages that contradicted this perspective were either condemned or sensationalized in order to uphold the perspective advocated by the IWC.

The IWC with its SciCom, Technical Committees and Working Groups believed that their fifty years of accumulated expertise and knowledge could teach the"

Inuit of the ICC how to sustainably manage whale resources. This corresponds with Galtung's cultural version of imperialism where the Center nation offers to provide "teachers", while the Periphery nation is to supply the "learners". With what can only be described as western arrogance, the IWC felt they could teach Inuit how to sustainably manage a resource that Inuit had been successfully managing for many years. When this policy became less popular due to criticisms and pressure from nations such as Canada, appropriation of knowledge systems and raw data from the Periphery nations by the Center nations ensued, evidence of yet another mechanism of cultural imperialism being employed extensively by the IWC. When it served their purpose, the IWC made overtures of acknowledging the needs of Inuit whalers and promised to make changes to their procedures and policies with regard to Aboriginal subsistence whaling. Although the most obvious reason the IWC may have chosen to do this was to diffuse what little negative press there might have been regarding their treatment of Aboriginal whalers, Galtung has implied that Center nations, will not uncommonly collect Periphery nation information, news and knowledge, to be used later either economically or politically to maintain the imperialistic structure.

These cultural, political, economical and communicative mechanisms of structural imperialism, are also the mechanisms used by Center nations to exert a type of subtle and quiet control over the Periphery nation, an activity that Galtung identifies as structural violence. In the case of the relationship between the ICC and the IWC, the violence exerted on the Periphery nation by the Center nation is built into the stratified structure of global relations. Structural violence can be so embedded in the

relationship that the Periphery nation may not even be aware of its existence. It takes great effort on the part of the Periphery nation to both recognize and act upon the structural violence being perpetrated by a Center nation, especially since the Center nation is constantly working to maintain the gap between the living condition differential. Thus because structural violence is set within the framework of the relationship between the IWC and the ICC, and because the IWC has the opportunity to reinforce and maintain that relationship as it stands, eliminating structural violence can be quite difficult and more often than not takes a great deal of time to reverse. However Galtung asserts that it is possible for a Periphery nation to overcome the violence and imperialism associated with its position in a global structure. In the area of whale resource management, actions by the ICC have sent a clear message that Inuit have not been unaware of the tendency towards imperialism that has characterized their relationship with the IWC. In recent years consistent and proactive strategies, such as the re-formulation of the ICC Whaling Commission and the move towards management of small cetaceans, have served to lessen the living condition differential and eliminate the opportunities for Center to Periphery nation structural violence.

Galtung's theory of structural imperialism and violence is an adequate model from which to conceptualize the historical positioning of the Inuit of the ICC in relation to the multi-nation coalition of the IWC. However, in the case of the ICC/IWC, conflicts that arise between them, whether it be over Aboriginal subsistence whaling or small cetacean management, are present due to more than just their

individual position in an imperialistic structure. While it is clear that structural violence as defined by Galtung is most certainly present within the relationship, there are other forms of violence, such as Bourdieu's symbolic violence, that take into account the connection between mental structure, social structure and everyday practice.

Rather than looking strictly at how structures can generate violence, Bourdieu advocate examining structural interactions first and then looking independently at how the participants in that social structure both interpret the world around them, and then re-incorporate that view into structural operations. Those participants that can successfully incorporate their own viewpoint into a certain structure are able then to practice and act according to their own outlook, subverting any different or contrasting knowledge systems.

The member-nations of the IWC, while diverse culturally, politically and economically, have agreed upon the structure and knowledge system within which the IWC operates. Although this system has altered remarkably over the course of the IWC's existence, moving from resource exploitation to the opposite polarity of whale preservation, what has remained constant is the practice of keeping Inuit ideology and environmental knowledge from infiltrating the IWC's policies and management operations. This everyday practice of indifference, which was evident also in the strategies the IWC chose to employ during the negotiation, became part of the structure of the IWC as a whole. As the organization set up to manage whale

resources, it was thus the IWC's definition of whaling and their management that was levied worldwide.

It is important to understand that the negotiations between the ICC and the IWC occurred primarily within the field of social interaction dominated by the IWC. Bourdieu uses the term 'field' to describe a field of play which is determined by a certain set of historical relations between positions that are anchored in certain forms of power. Operating within the constraints and regulation of these fields are the actors or participants who are said to possess 'habitus', which is a mental form of perception, appreciation and action. Habitus denotes how participant social bodies are inherently aware of the limits and rules of the field in which they operate. There is another component involved in habitus however that allows the social body to follow the rules and limitations of the field in a creative and individual way. This flexibility in action and practice is sometimes re-absorbed by the field and can itself become part of the structure. It is this interconnected relationship between field and habitus that Bourdieu describes as the 'fuzzy logic of practice', and which plays a part in explaining some of the characteristics of the asymmetrical negotiation between the IWC and the ICC.

Practices that become integrated into a given field can change and alter the limits and boundaries of the field. If two social bodies such as the ICC and the IWC are engaging in the same 'field' (in this case whale resource management), the body which has the better 'habitus' fit with the field will ultimately dominate the body with the less appropriate 'habitus fit'. Because of the IWC's status quo position with regard to international whale resource management, it is their everyday management practices,

policies and perspectives that have been re-integrated into the field. The whaling experience and wisdom of Inuit represented by the ICC, is associated with a field and habitus that is not the same as that of the IWC. Because negotiations over international whale resource management occur in the field of the IWC, it is not surprising that the habitus of the ICC does not operate quite precisely to the regulations intrinsic in that particular field. Being the dominant operator and influencer in this particular negotiation field has enabled the IWC to exercise symbolic domination over the ICC in the sense that their perspectives on whale resource management have been built into the negotiations over whale resource management. Any other social body that wishes to engage in whale resource management negotiations, or that wishes to provide alternative solutions, must enter the field which is already firmly occupied by the IWC.

If another social body other than the Inuit represented by the ICC were to question the IWC as a whole on this issue, it would be interesting to note how their habitus would fit with the IWC field, compared to that of the ICC. Organizations such as NAMMCO and the Canada-Greenland Commission have entered this IWC dominated field and although the fits have not been perfect, the interactions appear to have gone much more smoothly than those between the ICC and the IWC. In these cases the similarities in their 'fuzzy logic of practice' might include such things as their reliance on western-scientific knowledge, their multi-lateral memberships and their limiting of their own resources to focus solely on cetacean management.

Undoubtedly, the habitus of the ICC in the field of whale resource management is distinct even from other social bodies who have attempted to challenge the IWC. The ICC's Charter emphasizes that the ICC was created in order to serve the diverse interests of Inuit from around the world. The nature of the ICC's perspective of whaling then, is an *Inuit* perspective. And even though the Inuit perspective may vary within, the level of this variance will not even approach the vast difference between the Inuit perspective and that of the IWC.

The negotiation process between the IWC and the ICC, is therefore influenced by the 'habitus' relationship between each party to the social 'field' where the negotiations occur. Since the negotiations occur in the 'field' which is dominated by the IWC, it can be suggested that the everyday practices of the IWC affect the relational process of the whale resource management negotiations. But historical practices have also affected the IWC/ICC negotiations in a way that can also be looked at through the discourse analysis approach advocated by Foucault.

These particular negotiations have at their center an issue of conflict over the management of whale resources, specifically related to Aboriginal subsistence whaling and the management of small cetaceans. The two parties, the ICC and the IWC, have throughout their relationship had differing viewpoints as to who should manage whale resources and the appropriate measures and means to do so. So far the indifferent attitude of the IWC to the ICC during the negotiations has been explained by the historical positioning of Inuit and Aboriginal cultures within a global framework.

(structural imperialism), and by their cultural fit into a negotiation framework already embedded with the perceptions and ideology of the decidedly un-Inuit IWC

The relationship between the ICC and the IWC however, does not represent a typical cross-cultural negotiation, nor does it represent a typical NGO/management body negotiation, or even a typical Inuit NGO/multi-cultural management body negotiation. The ICC/IWC negotiations are not typical because of the nature of the issue around which they focus:

To the Inuit living along the coasts of the Arctic seas, whales are an integral part of life. As we grow up we learn more and more about them. We talk about them, we love to watch them, we look forward to their arrival. We admire the people who hunt them who provide us with some of the best and healthiest food we know. The whales are in our folklore. We name places after them. Our dependence on whales taught our forefathers to hunt them in a sustainable way

(Ingmar Egede, IWC 1995b.preface).

Thus, for Inuit, the regulation of whaling is not a new practice that required a signed convention, had a special start date or involved the input of parties with no interest in whaling at all. Whaling was and is, embedded in the practices of Inuit everyday life

It is difficult however to clearly identify what whaling 'means' to the member-nations of the IWC. The Commission itself has changed its perspective on whaling numerous times over the past fifty years, and has continually had to resolve the various positions advocated by its member nations. One thing that has remained constant however, is the IWC's consistent failure to recognize and support the Inuit view of whaling. Whether they have gone out of their way to exploit the resource as in the 'whaling olympic' days, or whether they have gone far in the other direction by

adopting a zero-quota on all catches, the IWC has quite successfully avoided associating itself in any way with the Inuit view of whaling represented by the ICC

Much has been made of the differences between the Inuit perspective on whaling and that of the IWC. Whaling is no doubt important to the member-nations of the IWC, and this importance stems both from commercial and economic, as well as ecological and environmental reasons. For Inuit on the other hand, the issue of whaling affects the very way they live each part of every day.

In defining an individual discourse, Foucault identifies many of the same components that have been used here to describe the different perspectives on whaling held by the ICC and the IWC. Discourse includes the 'things that are said' by certain groups or certain people. Individual discourses often embody a particular theoretical perspective and are focussed around specific topics and objects.

Each discourse is governed by a unique set of rules that affects the formation of the objects and theoretical perspectives. There are certain conditions that create these sets of discourse rules, and when these conditions are altered or begin to change, they in turn affect the sets of discourse rules and thus the formation of the objects and theoretical perspectives of the discourse.

The negotiation between the IWC and the ICC is an occasion that characterizes the interaction between two very different individual discourses. Over the course of its existence, the IWC has operated using the language of western science and the language of the environmental/ecological movement. As has been noted before, the ICC, has continually spoken the language associated with Inuit traditional knowledge.

For each of the discourses involved, the set of rules for their formation are extremely different. Unlike some discourses which share certain historical components and which may be affected by the same directing principles that come into play at a certain time, Inuit traditional environmental knowledge and western-scientific knowledge have no common historical basis, and until very recently have not been affected by any of the same directing principles. The exception to this statement would be the effects on both discourses of the directing principles associated with the animal rights and preservationist movements. But whereas the western-scientific discourse has to a certain extent incorporated these principles as they are, the TEK discourse has had to develop an internal language for counter-acting the effects of these principles on other discourses.

The negotiations between the ICC and the IWC occur during a period of time where the hierarchy of discourses favours the western-scientific and preservationist discourses over that of traditional environmental knowledge. Foucault recognizes the existence of discourse hierarchy as characteristic of the relations that exist between discourses at a certain time, and attributes it to the differences in the formation of the sets of rules that constitute the discourse. However, while this may explain the existence of discourse hierarchy at a given point, it does not resolve the question of why the western-scientific discourse retains a higher position in the hierarchy compared to that of traditional environmental knowledge.

One possible explanation lies in the relationship between practices and discourse. Practices, whether they be political or otherwise, do not in and of

themselves create new discourses. Theoretical perspectives and concepts are simply derived elements based in certain practices and are seen by Foucault as influencing the conditions for the formulation of discourses. These formulation conditions include a selection of practices and procedures that may be incorporated, developed and re-integrated into the discourse itself. However, not all of these practices are incorporated in the same way into one individual discourse. Some are considered foregrounded practices, while others are considered tactics that are present but do not play an integral part in organizing the discourse.

Practices that are foregrounded in western science include such things as the identification and classification of objects and ideas, and the ability to test and retest theories and phenomenon in an objective way. It is "taught and learned in a situation usually abstracted from the applied context" (Johnson 1992:7) and there is a need to search for provable, concrete and qualifiable answers to questions that are unexplainable. Western science suggests that the environment can be monitored, manipulated and controlled if it is catalogued and counted not just by anyone but by a "specialized group of researchers who tend to be more selective and deliberate in the accumulation of facts" (ibid). Hierarchy and power positioning is built into western-scientific thought, and as Johnson states, "Managers become distinct from harvesters; authority becomes centralized and flows from the top down. The environment is reduced to conceptually discrete components that are managed separately" (ibid).

But while these may be the types of practices that are foregrounded in western-scientific discourse, they are not practices that affected nor were incorporated into the

formulation of traditional environmental knowledge Much older than western-science, especially when applied to the environment, the practices that are foregrounded in TEK are those such as a belief in immemorial wisdom, learning through real-world practice, and the use of diachronic data, or the gathering of information on one locality over a long period of time. Johnson has intimated that, "TEK is rooted in a social context that sees the world in terms of social and spiritual relations between life-forms" (ibid) and that the world of resources, knowledge and meaning must not be hoarded but shared The transmission of TEK is based on oral tradition, intuition and faith in the generosity of larger powers.

The practices that affected the formulation of the western-scientific discourse had the simple advantage of being more common to the social bodies who would eventually appropriate the discourse. This discourse, communicated and institutionalized among the academic and political forces in many Western countries, was for those involved in the IWC, easily accessible and probably the most natural and only option that was ever considered for use within the IWC Contrast this to the practices that affected the formulation of the discourse of traditional environmental knowledge, which were certainly less institutionalized and could only spread so fast due to the geographical distances between the social bodies who enacted them

Thus, within the negotiations between the ICC and the IWC, the discourses that are utilized are operating within the limits of the discourse hierarchy already in place The only way that this hierarchy can be altered is by changes in practice that can modify the conditions for the formulation of new discourses, and which will also affect

the positioning of discourses like TEK and the western-scientific that are already established. In the case of the ICC and IWC, imperialistic practices changed in the 1980s to become more flexible and tolerant of other viewpoints and ways of doing things, which in turn led finally to the IWC's begrudging acceptance of the fact that they had to begin to recognize the requirements and needs of Inuit whalers. This same change in practice helped to spur the ICC into entering the same negotiation playing field as the IWC, and to compete for jurisdictional management of small cetaceans.

Certainly the hierarchy of the discourses utilized by these groups was altered in a profound way. Drawing upon Foucault's idea that changes in practice can affect the hierarchy of certain discourses, it is viable to suggest that the changing practice that may have affected the discourses used by the IWC and the ICC, is one of if not complete understanding of other 'things said', then a tolerance and acceptance of dissimilar 'things said'. Being willing to condone what others say, believe and feel, is a practice that while not being adopted by every person, has most certainly affected the hierarchy between the western-scientific and TEK discourses, and thus in turn has affected elements of the relationship between the IWC and the ICC which themselves have influenced the process and strategies or 'things said' during the negotiations over whales.

II. Conclusion

Culture and negotiation. What's the connection, the relationship, the conflict? How is it manifested and what does it say about how the world resolves conflicts over

practice, perspective and policy? These are just a few of the questions that I have attempted to address and understand in this thesis. What this investigation has shown, and what I firmly believe now, is that the nature of the relationship between culture and negotiation in general, and Inuit/non-Inuit negotiations in particular, is that the cultural relevance and value of the issue in conflict is the factor which in a negotiation most strongly affects the negotiation strategies and processes. The culture of the actors is relevant, how culture determines the structure of the negotiations is pertinent, and culture does affect the way in which people communicate, organize and proceed with negotiations. These factors and indicators however are not as easily identified, nor seemingly as important if the issues do not hold any cultural significance or value themselves. Thus culture is often both the basis for conflict and the basis for the miscommunication that can lead to further conflict and a failure to negotiate a resolution.

In conducting this research on cross-cultural negotiation, I recognize fully that the approach taken does not utilize the more obvious and practical theories associated with negotiation, such as win-win agreements, win-lose compromises and game theory. I acknowledge also that the expected format of a negotiation, where the two sides meet to discuss the situation and an agreement or disagreement is established, is not what has been dealt with in this work. The theory and case-study were chosen because of the insight that their exploration would bring to the research areas of cross-cultural negotiation, resource management negotiation, and negotiation between Inuit and non-Inuit international organizations.

Within the scope of this thesis I was not able to explore several matters that caught my attention along the way. The fascinating dialectic between environmental NGOs and Aboriginal NGOs has an incredible history and track record, and I believe that negotiations of a similar kind to the IWC/ICC negotiations, will soon fill the air with a crackling polarity that will be difficult to ignore. Along the same lines as this, is the fascinating symbolism and myth that surrounds marine mammals, especially whales. In conducting the research for this thesis, I was amazed time and time again how alike the Inuit whale fables and feelings are when compared to those of many preservationists. That these similarities have resulted in such opposing or perhaps such differing viewpoints is a question I would like to pursue in more detail. Also, the issue of commercial versus subsistence whaling and the definitions and discussions associated with monetary gain from whaling, is a debate that is heating up in the sphere of marine mammal management (see Freeman 1993 and Iwasaki-Goodman 1994) and I feel that although it was touched on briefly in this work, there simply wasn't sufficient space for it here to be dealt with as effectively as others have already done. The availability of additional and perhaps differing resources could bring to this research the valuable richness of oral histories and the details of ethnographic information. Gulliver implied that more diverse "cultural" material must be examined and applied to the study of negotiation, and in my own opinion, case-studies like the IWC/ICC negotiation fall into that category. In order to understand the contestation that occurs because of differences in discourse, culture and global positioning, negotiation research must in the future become informed by case-studies and situations

that occur in the real-world and those that are witnessed first-hand by the people who have lived them and choose to write about them

Finally, it is the practice of tolerance that I see clearly now as being at the root of these questions surrounding culture and negotiation. Negotiations are sites of conflict, and conflicting interests are occasions where tolerance and understanding of different beliefs, perspectives, values and ways of life are often the first things to be pushed to the wayside in an attempt to bargain hard, maintain control and win the best possible outcome. Even though the negotiations between the ICC and the IWC have spanned more than several decades, in many ways this thesis only touches the tip of the iceberg in terms of future cross-cultural resource management negotiations, which are sure to involve new actors, new NGOs and different strategies, even negotiation by internet perhaps? But who will barter best for whales, for power, for Leviathan? With regard to the ICC/IWC negotiations, a Canadian participant at the seventh ICC General Assembly stated, "Whaling is a part of our life. We can't give it up" and my guess is that they won't

APPENDIX I
THE INUIT CIRCUMPOLAR CONFERENCE

Appendix 1-1
Selected Communities in the Circumpolar Region
 (ICC 1995b Introduction)

Appendix 1-II
I.C.C. — Charter
(as cited in Lauritzen 1983 268)

PREAMBLE

RECOGNIZING

That we, the Inuit, are an indigenous people, with a unique ancestry, culture and homeland,

That the world's arctic and sub-arctic areas which we use and occupy transcend political boundaries.

That due to our historical inheritance and use and occupancy of our homeland we enjoy cultural rights unique to indigenous peoples and share common traditions, values and concerns;

That the Inuit homeland and its resources are of critical importance to the international community,

That renewable and non-renewable resources of the Inuit homeland are essential to the present state and future development of Inuit economies and cultural identity,

That international and national policies and practices should give due consideration to protection of the arctic and subarctic environment and to the preservation and evolution of Inuit culture and societies;

That our right to self-determination must be confirmed and Inuit participation in policies and activities affecting our homeland assured,

That in furtherance of our spirit of cooperation with the international community, we seek to promote world peace and the objectives of this Charter;

That an international organization of Inuit, known as the INUIT CIRCUMPOLAR CONFERENCE dedicated to protect and advance Inuit rights and interests on the international level, has been created by a resolution unanimously adopted on June 15, 1977 in Barrow Alaska;

THEREFORE

**A FORMAL CHARTER FOR THE INUIT CIRCUMPOLAR
CONFERENCE IS NECESSARY IN ORDER TO CONTINUE THE**

ENDEAVOURS INITIATED BY THE CONFERENCE AND TO IMPLEMENT ITS RESOLUTIONS AND WE, THE INUIT OF THE CIRCUMPOLAR REGION, IN ACCORDANCE WITH THE PRINCIPLES OF EQUALITY, FRIENDSHIP AND RESPECT, HEREBY ACCEPT AND AGREE TO THIS CHARTER, THE PROVISIONS OF WHICH ARE SET FORTH BELOW

DEFINITIONS

- 1 "Aboriginal rights and interests" means those collective and individual rights and interests which are unique to indigenous peoples
- 2 "Circumpolar region" means the Inuit homeland
- 3 "Inuit" means indigenous members of the Inuit homeland, recognized by Inuit as being members of their people, and includes such regional groups as Inupiat, Yupik (Alaska), Inuit, Inuvialuit (Canada), and Kalaallit (Greenland)
- 4 "Inuit homeland" means those arctic and sub-arctic areas where, presently or traditionally, Inuit have aboriginal rights and interests
- 5 "Member Party" or "Members" means, collectively, Inuit of a member state of the Inuit Circumpolar : Conference
- 6 "Regional Organizations" means the Inuit regional organizations of the Member Parties

ARTICLE 1

OFFICIAL NAME

The official name of the conference shall be
"Inuit Circumpolar Conference," in English

ARTICLE 2

PURPOSES

The purposes of the Conference are

- (a) to strengthen unity among the Inuit of the circumpolar region,
- (b) to promote Inuit rights and interests on the international level,
- (c) to ensure Inuit participation in political, economic and social institutions which we, the Inuit, deem relevant,
- (d) to promote greater self-sufficiency of Inuit in the circumpolar region,
- (e) to ensure the endurance and the growth of Inuit culture and societies for both present and future generations,
- (f) to promote long-term management and protection of arctic and sub-arctic wildlife, environment and biological productivity.

- (g) to promote wise management and use of non-renewable resources in the circumpolar region and incorporate such resources in the present and future development of Inuit economies, taking into account other Inuit interests

ARTICLE 3

FUNCTIONS AND POWERS

The Conference shall have the following Functions and powers to carry out the Purposes and Principles declared in the Charter.

- (a) to establish policies, principles and positions in matters affecting Inuit and the circumpolar region, in accordance with resolutions duly passed for such purposes,
- (b) to further exchange information among Member Parties and to disseminate information to the international community,
- (c) to support action for political, economic and social justice for Inuit,
- (d) to participate in, or make representations to, international organizations concerned with matters affecting Inuit interests,
- (e) to undertake appropriate action, where necessary, in accordance with resolutions duly passed for such purposes,
- (f) to undertake and assist research in areas of interest to Inuit,
- (g) to recommend measures to be taken to further Inuit common interests,
- (f) to otherwise act so as to carry out the purposes of this Charter

ARTICLE 4

MEMBERSHIP

1 Initial Membership

The Initial Members of the Conference shall be the Inuit of those states, namely United States (Alaska), Denmark (Greenland) and Canada, who founded and participated in the first Inuit Circumpolar Conference held at Barrow, Alaska, in June, 1977

2 Subsequent Membership

Membership in the Conference is open to all Inuit who accept the obligations contained in the present Charter and, in the judgement of the Conference, are able and willing to carry out these obligations.

3 Observer Status

Observer status may be permitted [to] non-Members at the approval of the Executive Council

ARTICLE 5

GENERAL ASSEMBLY

1 Composition

The General Assembly shall consist of all recognized delegates to the Conference at a meeting duly called and convened

2 Delegates

There shall be in the General Assembly an equal number of Inuit delegates from each Member Party to this Charter. The proposed delegates shall be subject to the procedure provided for in the by-laws. Initially, there shall be eighteen delegates from each Member Party, which number shall include the Executive Council members of the respective Member parties and the President as the case may be, unless a different number is established by the General Assembly

3 Powers

The General Assembly

- (a) shall discuss any matter within the scope of the Conference
- (b) shall determine policy of the Conference and shall exercise the other powers conferred upon it by this Charter and the by-laws,
- (c) shall elect members of the Executive Council. The delegation of each Member Party shall elect its own two members to the Executive Council.
- (d) shall elect its President of each regular General Assembly
- (e) shall have the powers necessary to conduct its business, including the power to receive and expend funds and to consider and approve the budget of the Conference

4 Voting

Each delegate shall have one vote in the General Assembly. Decisions shall be made by a two-thirds majority vote of each Member delegation. A majority shall be a majority of the delegates present and voting. Voting by proxy is prohibited

5 Quorum

A quorum of the General Assembly shall consist of two-thirds of the delegates of each Member. No action of the General Assembly may take place without a quorum.

6 Meetings

The General Assembly shall meet in regular sessions at such intervals as determined by the General Assembly and in special sessions at such intervals as may be determined by the Executive Council.

ARTICLE 7 EXECUTIVE COUNCIL

1 Composition

The Executive Council shall consist of the President of the General Assembly and six executive members selected by the Member Parties in accordance with paragraph 3 (c) of Article 6.

2 Vice Presidents

The six executive council members shall select from among themselves three vice-presidents, one from each of the respective Member Parties' executive members.

3 Powers

The functions and powers of the Executive Council shall be defined by the General Assembly and are contained in the by-laws to this Charter. The functions and powers of the vice-presidents shall be defined by the President and are contained in the by-laws to this Charter.

4 Voting

Each executive member shall have one vote. Decisions of the Executive Council shall require a unanimous vote.

5 Quorum

A quorum of the executive Council shall consist of four executive members physically present, one executive member *from* each of the Member Parties and the President.

6 Delegation membership

Executive Council members once elected shall automatically become delegates to, and form part of, their respective Member Party delegations at the next General Assembly

7 Meetings

The Executive Council shall be so organized as to be able to function continuously and shall hold at least two regular meetings each year. Special meeting may be called by the President at any time

ARTICLE 8

SECRETARIAT

- 1 The Executive Council shall establish a Secretariat to carry out the administrative and program functions of the Conference
- 2 The staff of the Secretariat shall be appointed by the President under criteria established by the General Assembly
- 3 The Secretariat shall be located in a place to be determined by the President

ARTICLE 9

BUDGET AND CONTRIBUTIONS

- 1 The Executive Council shall prepare and approve a budget for the Inuit Circumpolar Conference annually.
- 2 Each Member Party undertakes to contribute to the Conference an equal share of the budget as apportioned by the Executive Council
- 3 Each Member Party shall pay as its first contribution a proportion, to be determined by the Executive Council, of the budget for the current financial period
- 4 The financial period of the Conference shall be the period between regular sessions of the General Assembly of the Conference, unless the General Assembly should otherwise determine
- 5 Decisions by the General Assembly on the level of the budget shall require a two-thirds majority vote by each Member delegation

ARTICLE 10**BY-LAWS****1 Adoption**

The General Assembly shall adopt by-laws to implement and make more specific the provisions of this Charter. All by-laws must be consistent with the Articles of the Charter.

2 Amendment

Amendments to the by-laws require a two-thirds majority vote of each Member delegation to the General Assembly.

ARTICLE 11**AMENDMENTS**

- 1** Amendments to the present Charter shall become effective for all Member Parties when they have been adopted by a vote of the Executive Council with all executive members physically present and voting and by a unanimous vote at the General Assembly.
- 2** The President, any Executive Council representative and any delegate to the General Assembly through its respective Executive Council representative may propose an amendment to the Charter or its by-laws.

ARTICLE 12**RATIFICATION**

This Charter shall be ratified by July 1, 1982 by the Member Parties in accordance with their respective procedures which procedures shall be subject to certain minimum standards to be set forth by the Executive Council. This Charter shall come into force after ratification and when signed by all the initial Member Parties.

APPENDIX I-III
ICC attendance at annual IWC meetings, 1978-1994
 (gleaned from IWC Annual Reports 1978-1994)

Meeting Place Date	ICC Representative	ICC Environmental Committee Representative
1978 London	Mr C. Edwardsen	no ICCEC
1979 London	no ICC	no ICCEC
1980 Brighton	no ICC	no ICCEC
1981 Brighton	Mr H J Helms	no ICCEC
1982 Brighton	Mr H J Helms	no ICCEC
1983 Brighton	Mr E. Hopson Jr	Mr G. Ahmagoak
1984 Buenos Aires	Mr E. Hopson Jr Mr H J Helms	no ICCEC
1985 Bournemouth	Mr H J Helms	Mr G. Ahmagoak (ICC Whaling Commission)
1986 Malmo	no ICC	no ICCEC
1987 Bournemouth	Mr G. Ahmagoak	Mr F. Lynge
1988 Auckland	Mr G. Ahmagoak	Ms. Nancy Doubleday
1989 San Diego	Mr A. Brower Jr	Ms. Nancy Doubleday
1990 Noordwijk	Mr G. Ahmagoak Mr A. Brower Jr	Mr I. Egede
1991 Rekjavik	Mr. Jeslie Kaleak Sr Mr. J.L. Aiken	Mr I. Egede
1992 Glasgow	Mr. Jeslie Kaleak Sr	Mr I. Egede
1993 Kyoto	Mr. Jeslie Kaleak Sr Mr H. Brower Jr	Mr I. Egede
1994 Puerto Vallarta	Mr C. Pungowiyi	Mr I. Egede

Appendix I-IV
ICC-IWGIA Statement to the IWC, 1994
 (provided by the Inuit Circumpolar Conference)

IWC/46/OS/ICC-IWG

JOINT OPENING STATEMENT BY THE OBSERVERS FOR ICC AND IWGIA TO THE
 46TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION,
 PUERTO VALLARTA, MEXICO, 23-27 MAY 1994

Mr. Chairman, commissioners, whalers, delegates, and fellow observers. The Inuit Circumpolar Conference (ICC) is an international Inuit organization created to protect, maintain, and promote the Inuit cultures of Alaska, Chukotka, Canada, and Greenland. International Work Group for Indigenous Affairs (IWGIA) is an international human rights non-governmental organization devoted for over 25 years to the support of indigenous peoples. Together with Indigenous Survival International (ISI), we wish to present the following statement.

We fully support the principle of sustainable utilization of living natural resources and wish to bring to attention to this Commission that indigenous peoples have recognized rights for sustainable use of such resources as accepted by IUCN, Agenda 21, and United Nations Draft Declaration of Indigenous Rights.

ICC and IWGIA have attended IWC meetings for many years with mixed feelings about the ability of this Commission to act as a proper managing authority for so-called "aboriginal/subsistence" whaling. The IWC shows several encouraging structural characteristics for being an effective and responsible organization for international management of living natural resources. It has a suitable size, a minimum of bureaucracy, a devoted secretariat, a technically competent scientific committee and a very informal way of working. Yet, the IWC has perhaps more than any other inter-governmental organization developed a deep cultural divide, that not only seems impossible to solve, but which some countries wish to see continued.

The IWC management of indigenous whaling plays an important role in this conflict. The great majority of anti-whaling member nations and their affiliated NGOs have not understood, or even shown a will to understand, the nature of this kind of whaling. Instead, the IWC has become a

forum for expressing the most common misconceptions and prejudices about indigenous peoples that regrettably still prevail in many Western societies.

The various IWC working groups, sub-committees, and plenary debates have revealed an overall image of indigenous peoples' cultures as static and primitive, and consequently not expected to have an economic dimension to their utilization of living natural resources such as marine mammals. In a patronizing manner, the IWC seeks to restrict indigenous peoples' use of local resources, and frustrates their efforts to adjust their own management principles to contemporary needs.

By avoiding to define important concepts like "aboriginal", "subsistence", and "commercial", the Commission contributes to continuing the ambiguity and confusion. In this respect, the management term "aboriginal/subsistence whaling" is most unfortunate, since it firmly connects indigenous peoples with a subsistence economy alone. There are two important consequences of this idea. The first implies not only that indigenous peoples alone live by subsistence, but that they are supposed to live by subsistence only. The second implies that non-indigenous peoples cannot possibly live by subsistence and therefore must be "commercial".

By offering indigenous peoples quotas for fully legitimate reasons, other whalers are then refused quotas for the same reasons, since they are not "aboriginal" and consequently must be "commercial". Thus it is possible for the Commission to create a dichotomy between "aboriginal/subsistence" whaling on one side and "commercial" whaling on the other, where the latter is believed to have no cultural and social justification.

Comments on the past of the IWC can be concluded with the following recommendation: Move the responsibility for indigenous whaling to the bilateral and regional management initiatives that have shown the best and most sincere respect for both whaling cultures and scientific findings.

**PM-1 3½"x4" PHOTOGRAPHIC MICROCOPY TARGET
NBS 1010a ANSI/ISO #2 EQUIVALENT**

PRECISION^{SM} RESOLUTION TARGETS

Appendix I-V

Portion of the Morning Edition. Proceedings from July 27th of the Seventh General Assembly of the Inuit Circumpolar Conference

THE MORNING EDITION:

A Review
of Proceedings
from
Thursday
July 27, 1995

Inuit Circumpolar Conference
Seventh General Assembly
Nome, Alaska
July 24-28, 1995

Chairperson for AEPS Task Force on Sustainable Development commends ICC for its strong voice on environmental issues

Leslie Whitby, Director of Environment and Renewable Resources for Indian and Northern Affairs Canada and Chairperson for the AEPS Task Force on Sustainable Development, urged ICC to continue its good work speaking out on environmental issues in international fora. The poor state of the Arctic environment could be alleviated by combining the traditional knowledge of Inuit Elders with western scientific knowledge, she suggested.

Drawing on the research she conducted for her PhD, Whitby spoke about the causes and effects of acid rain and the findings of her research. "Pollution doesn't stay where we put it," she stated, "it moves around." Pesticides move, and they move to the Arctic, she said. Persistent Organic Pollutants (POPs) like DDT, the main component of pesticides, are resistant to breakdown. At high levels, they can cause tumours, depress the immune system, and cause low sperm counts in men. DDT is used by many developing countries in pesticides. It is then transported to Arctic regions through the atmosphere. However, there are also benefits to DDT. The World Health Organization (WHO) recommends the use of DDT to ward off mosquitos in countries in which Malaria is present.

"A reduction of POPs in the Arctic can only be achieved with action on a global scale," said Whitby. Cooperation and partnership between developing and developed countries is therefore needed, and ICC is a key actor in forging these partnerships, she emphasized.

ICC could do much to lessen the power of chemical companies in places like the Philippines. In the Philippines, chemical companies are using threats that they will prevent humanitarian aid from reaching the country if a ban on products that contain POPs is imposed.

Whitby then spoke of the reason why partnerships are important. "When we get angry, we get action," she said. "It's important that you speak to your people just as I speak to your governments."

Partnerships between Inuit Elders and older western scientists would also help alleviate the stress on the global environment. She pointed out that Inuit and western scientists aren't that different - "You communicate orally, we [scientists] write papers." Much knowledge could be gained from this partnership. "We could share our knowledge and work together." Inuit youth

continued on pg. 2

Leslie Whitby

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Whitby *Continued from page 1*

could be instrumental in recording the traditional knowledge of Elders.

It is impossible for countries to take part in global action if they haven't started working to learn their own back yard. The partnership between the government, ICC and the Inuit Tapiriat of Canada (ITC), has been crucial in furthering the goals of Canada's Arctic Environmental Strategy (AES) which Whitby heads. The funding for the ALS will run out in 20 months, and Whitby asked for ICC's help in lobbying government on this matter.

Whitby called on Inuit to encourage their youth and women to enter the field of science. In the age of the information highway, Inuit can conduct their research with the help of computers and not have to leave home.

In her final comments, Whitby urged ICC to take advantage of its official NGO status at the UN, and to keep attending international fora to put pressure on the international community to alleviate environmental contamination in the Arctic. She particularly emphasized an important meeting this autumn on the UN's Convention on Long-Range Transport and Air-borne Pollutants (LRTAP).

ICC has played a very important and influential role in the AEPS, said Whitby. When ICC recently raised an objection at the AEPS table, the eight Arctic states stayed their proposed action on the issue in question. "I hope the new ICC Executive Council takes advantage of Canada being in the Chair of the AEPS," she urged the Assembly. "I'd like to see strong recommendations come out of your workshop," she told delegates. In this way, she could argue on behalf of the ICC through the AEPS. "I will be willing to do whatever I can in supporting your resolutions," Whitby concluded.

Inuit singers from Pitmequtuk, Nunavut, singing at opening ceremony.

Mackenzie Delta drummers and dancers of the Canadian Western Arctic perform during opening ceremonies.

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Circumpolar Whaling and the ICC Whaling Agenda

As an introduction to the new ICC study of alternatives for its agenda for circumpolar whaling, Ingmar Egede, ICC Vice-President of Greenland, provided a brief history of the International Whaling Commission (IWC) and his thoughts on its future.

IWC was founded in 1946 in response to concerns that the popularity of whaling during World War II had threatened whaling stocks. "So much has changed since," Egede said. "Commercial whaling went berserk, and more and more whales species were threatened." The Law of the Sea and Agenda 21 are now in place. Indigenous Peoples play a role in international policy on issues like land claims and human rights. There are more players in the field, including animal rights groups.

The way whaling is managed through the IWC will probably change, Egede continued. The dominant nations within the Commission are working to take over the management of the small cetaceans and to apply the exceedingly conservative quota-setting approach to Aboriginal whaling. Judging by current procedures, "management decisions would be further removed from any direct influence by community-based whalers to the serious detriment of their traditional knowledge, cultural traditions and socio-economic needs," Egede remarked.

Recognizing that a new approach was needed to circumpolar whaling, the ICC General Assembly of 1992 in Inuvik requested that the Executive Council activate an ICC Whaling Commission and consider cooperating with regional organizations such as the Canada/Greenland Joint Commission. The Executive Council has prepared a study, *Circumpolar Whaling and the ICC Whaling Agenda*, which will be published as an extended report within the year. Egede encouraged delegates to pick up the summary report which has been prepared to provide information and to spark further discussion on this important issue.

"To me it looks like the ship of IWC is losing its ability to navigate," he said. ICC, as an international Inuit organization representing more than 99% of the legal whaling under the IWC, must address these uncertainties. After 50 years of increasing threats on our culture from the international community, represented by the IWC, Inuit people should consider creating our own management or advisory bodies, he said.

The ICC report will provide information and analysis for that discussion.

A balance must be struck between taking time for careful thought and responding to urgent need, particularly of the Chukotkan people. Egede suggested ICC ask the Alaska Eskimo Whaling Commission to invite ICC representatives to their next annual meeting. Decisions for future actions could be taken at that meeting, he concluded.

The Message in the Painting ...

John Hardbattle (left) of the First People of the Kalahari explains to a delegate the symbolism of the painting that his colleague, Aron Johanes, presented to ICC the previous day. The two bat-eared foxes at the top corners are doubly symbolic: the foxes represent Aron Johanes' Kweni name and the intensity with which he will listen at this conference. Like the insect-eating foxes who use their large ears to listen carefully to the ground to get their food, Johanes came to the General Assembly to listen carefully to the experiences of the Inuit.

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international restrictions on certain animal parts? Tungilik wondered about the strategic implications of confronting anti-hunting groups on this issue. Would Inuit trade in animal parts simply provide more ammunition for anti-hunting groups? Or should Inuit assert their right to trade in any animal part provided conservation is the priority?

"The community itself should decide when trade in animal parts is acceptable, and draw up its own management plan."

Marius Tungilik

Chukotka

Alexandra Kharitontseva of Chukotka reminded delegates that Chukotkans have traditionally hunted sea mammals for their livelihood. In the 1950s, when walrus was their only source of Chukotkan food and clothing, the government created fox farms and promised this would help the local people. Then the government started to kill walrus in large numbers to provide food for the foxes, and fed the foxes before they fed the people. To this day, Chukotkans don't know about the state of the walrus population.

Chukotka is pressing to have environmental assessments done in their regions. Kharitontseva told of a recent catch of several seals that were totally without fur. She mentioned two sources of disturbances – the large number of tourists who disrupt marine animal migration patterns, and the boats who dump their oil in the sea. "We suffer now," she said, "we don't have meat."

Chukotkans have received no quotas to hunt bowhead whale. They had planned to attend the last International Whaling Commission (IWC) meeting to lobby for a quota, but were unable to finance the trip. In addition, commercial fishing remains a big problem as

foreign boats come to fish their waters. Kharitontseva recommended that an independent, international committee be established to facilitate joint management of marine animals and fish. She also called for help with Chukotkan whaling boats and motors.

General Discussion

A Canadian delegate described a recent lobbying effort of the European Parliament by the Inuit Tapirisat of Canada (ITC) and other groups. European parliamentarians were quite sympathetic to the argument that the human rights of Indigenous Peoples include the right to continue their way of life. Animal rights extremists, however, followed the Indigenous delegation very closely and issued their own news briefings accusing the Indigenous people of being manipulated by their governments and the fur trade. The extremists also said that because the Indigenous market of fur was so small, Indigenous human rights were not worth protecting. The Canadian delegate called on ICC to mandate a representative from each of the four countries to visit the European Parliament in the Fall of this year to fight against those who would put animal rights above Indigenous human rights. He then asked ICC to lodge a human rights complaint to the United Nations should the European mission fail.

An Alaskan delegate recommended that ICC consider consolidating all individual species management committees under one committee. Charlie Johnson added that "to apply traditional knowledge means that you have to have an ecosystem approach." In fact, single species management does not work. Species have relationships to one

another, and this was recognized by traditional holistic practice.

There was some discussion about what came out of the fall 1994 conference in Reykjavik, Iceland concerning the application of traditional knowledge to living resources management practices. Charlie Johnson suggested that government and scientists are finally starting to recognize that Inuit have lots of knowledge about living successfully in the Arctic environment. Ingmar Egede referred delegates to the report that came from the conference, saying the report reflected discussion but no action has resulted as of yet.

A Chukotkan representative asked ICC to lobby the Russian government to recognize the right of Indigenous people to participate in the management of their own living resources. She noted that it cannot really be legal to forbid Native people from using their own resources and that it makes no economic sense. "People can make money from subsistence farming," she said. Caleb Pungowiyi recounted some actions ICC has taken on behalf of Chukotka. ICC has lobbied the Russian delegation at the IWC to include Inuit in their delegation team. The Russians informed IWC that they intended to seek a bowhead quota for Chukotka.

Pungowiyi said this would involve time and discussion within the IWC, but that at least there is some movement. In addition, the Greenlanders had offered to pay for a Chukotkan representative to attend IWC if the Russian government had included them in their delegation.

Kharitontseva told of a recent catch of several seals that were totally without fur. She mentioned two sources of disturbances – the large number of tourists who disrupt marine animal migration patterns, and the boats who dump their oil in the sea.

This did not happen.

An Alaskan delegate reminded participants about the international black market in animal parts, and recommended that something be done before

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"Whaling is a part of our life ... We can't give it up."

A Canadian participant

it gets out of hand.

A Canadian participant asked ICC to approach NAMMCO to extend its mandate and membership into a circumpolar committee. Its current regionalism is a major weakness. He also spoke against IWC managing small marine animals. "Whaling is a part of our life," he said. "We can't give it up." Peter Davidsen agreed. "Inuit have been hunting for many centuries without decreasing animal stock," he said. "Now we are looked at as the abusers of animals."

One delegate said Chukotkan reindeer pastures are in a critical condition because of environmental problems from industry. Reindeer farms are now located 200-300 kilometres out of villages to stay away from contamination. He asked ICC to lobby industrial companies to clean up the reindeer pastures.

A Canadian Inuk from Keewatin in Nunavut asked for ICC support in applying to IWC to harvest bowhead whales. He also asked ICC to join the Keewatin's campaign to have charges dropped against two local hunters who caught a bowhead whale illegally. "An older person had a craving for bowhead muktuk," he explained. He asked that it be put into the resolutions that "it was not our fault that numbers have decreased." Ingmar Egede replied that since Canada is not an IWC member, ICC may not be able to do much lobbying on their behalf at the IWC itself.

An Alaskan delegate expressed a personal message to the Chukotkan people. "I feel downtrodden and sad," he said. "I know that you want to eat your own food and that you have children and grandchildren to feed." He suggested support letters be sent on the behalf of Chukotkans, and that people supply the needed hunting equipment.

News Briefs

Third Call For Nominations for President

No new presidential candidates were announced during this call for nominations

Aqqaluk Lyng of Greenland, ICC Presidential Nominee with Kuupik Kleist.

ICC Presidential candidate, Rosemarie Kuptana of Canada.

Message from the Governor of Chukotka

In a statement read by Chairperson John Schaeffer of Alaska, Aleksander Nazarov, Governor of Chukotka, expressed his regrets for not being able to attend the ICC General Assembly on account of meetings with the Russian government. "My best congratulations to you on this outstanding event," Governor Nazarov stated, and noted that "the ICC has become an important organization that unites Inuit people".

Khanti-Mansi share dream of sharing ongoing dialogue with ICC and the Saami Council

A representative of the Khanti-Mansi people of Russia gave a short address to the delegation. "We listened to the problems raised here and they are extremely close to our own," he said. The Khanti-Mansi have acute problems with their environment, their health, alcoholism, and exploitation from oil development. He shared his dream with ICC delegates, namely that the Peoples represented by ICC, the Saami and the Khanti-Mansi will sit around one big table to solve common concerns.

Dr. Krauss presents new map of Inuit Peoples

Dr. Michael Krauss of the University of Fairbanks Native Language Centre presented ICC with a copy of a newly-developed map representing the world of Inuit Peoples. The map differs from other maps in several important ways: Indigenous place names are used wherever possible, nation state boundaries are left out, and colours are coded to represent the relative strength of the Indigenous languages. The map will be used to educate people about the views and realities of Inuit Peoples.

Appendix I-VI
ICC Resolution 89-07
 (ICC Fifth General Assembly, July 1989)

INUIT CIRCUMPOLAR CONFERENCE

Resolution 89-07

Proposed International Narwhal and Beluga Agreement
 and ICC Work on Whaling Issues

- WHEREAS, governments of Greenland Home Rule/Denmark and Canada are considering the creation of an international agreement for scientific cooperation and management of shared narwhal and beluga stocks; and
- WHEREAS, KNAPK in Greenland and the Inuit Tapiristat of Canada have given approval in principle to such an agreement, subject to recognition of any rights of Inuit with respect to these resources which exist or which may be negotiated under domestic agreements; and
- WHEREAS, ICC is committed to the sustainable utilization of all living resources and is developing the Inuit Regional Conservation Strategy (IRCS) to ensure appropriate management of shared resources including narwhal and beluga; and
- WHEREAS, the ICC Whaling Commission has been inactive since 1983; and
- WHEREAS, concerns exist with respect to research on and management of other shared stocks of small whales, particularly belugas; and
- WHEREAS, the Environmental Issues Workshop Report of the 1989 ICC General Assembly and the Arctic Policy Principles call for populations of animals to be managed uniformly regardless of administrative boundaries; and
- WHEREAS, the IRCS Status Report presented to the Environmental Issues Workshop calls for further work with regard to cooperation within the circumpolar region on whaling and other environmental and subsistence concerns;
- NOW THEREFORE BE IT RESOLVED THAT the Inuit Circumpolar Conference commend the governments of Greenland/Denmark and Canada for their efforts in a proposed international narwhal and beluga agreement and call for the early completion of the agreement, subject to the approval of KNAPK in Greenland and appropriate Inuit organizations in Canada; and

Resolution 89-07 (continued)

BE IT FURTHER RESOLVED THAT the Inuit Circumpolar Conference takes note of the need to address issues of research and management of small whales, within the circumpolar region, and directs the ICC Executive Council to promote discussions among interested parties within the Inuit regions of the circumpolar world, and to report back to the 1992 ICC General Assembly.

INTRODUCED THIS 28th DAY OF JULY, 1989

ADOPTED THIS 28th DAY OF JULY, 1989

M. Simon
ICC Executive Council Member

07-02-20
Date

Appendix I-VII
ICC Resolution 89-09
(ICC Fifth General Assembly Report 1989)

INUIT CIRCUMPOLAR CONFERENCE

Resolution 89-09

UNEP Global Action Plan for Marine Mammals

WHEREAS, the United Nations Environmental Program (UNEP) has initiated development of a Global Action Plan on Marine Mammals and has invited various governmental and non-governmental organizations to assist; and

WHEREAS, Inuit have a long history of utilization and knowledge of marine mammals; and

WHEREAS, groups opposed to the interests of Inuit are actively participating in UNEP's project, but no Inuit representation has been sought;

NOW THEREFORE BE IT RESOLVED THAT the Inuit Circumpolar Conference General Assembly request that UNEP include the ICC 1. the development of UNEP's Global Action Plan on Marine Mammals as an international non-governmental organization.

INTRODUCED THIS 28th DAY OF JULY, 1989
ADOPTED THIS 28th DAY OF JULY, 1989

_____
ICC Executive Council Member

07-03-90
_____
Date

Appendix I-VIII
ICC Resolution 89-10
(ICC Fifth General Assembly Report, 1989)

INUIT CIRCUMPOLAR CONFERENCE

Resolution 89-10

Anti-harvesting and International Human Rights

WHEREAS, the international law recognizes many human rights including rights to subsistence, and many nations have endorsed the recognition of these rights; and

WHEREAS, the new rights, such as the right to development, are emerging areas of international law; and

WHEREAS, the anti-harvesting movement actively lobbies governments to adopt measures which undermine the rights of indigenous peoples; and

WHEREAS, the ICC promotes the rights of Inuit, including subsistence harvesting rights;

NOW THEREFORE BE IT RESOLVED THAT the Inuit Circumpolar Conference call on all governments to review their positions with respect to the anti-harvesting issue, in light of human rights commitments and in light of the needs of indigenous peoples.

INTRODUCED THIS 28th DAY OF JULY, 1989

ADOPTED THIS 28th DAY OF JULY, 1989

M. Simon
ICC Executive Council Member

07-03-90
Date

Appendix II-II
Letter from Ray Gambell, IWC

**International
Whaling
Commission**

The Red House, 135 Station Road
 Histon, Cambridge, UK CB4 4NP

Tel: +44 (0)1223 233971
 Fax: +44 (0)1223 232876

To Catherine Francis Fax No. 00 1 613 957 7010	Date 8 January 1996	
From Ray Gambell	Total pages inc this page	1

Dear Ms Francis

Observer organisations attending the Annual Meetings of the IWC do not address the sessions. There is therefore nothing in the Verbatim Records from them. They can, however, present an Opening Statement in writing, which would be included in the official archives of the meeting documentation. In fact, the organisations representing aboriginal whaling interests rarely use this facility, although the Inuit Circumpolar Conference and International Work Group for Indigenous Affairs did make a submission in 1994. Generally the aboriginal representatives are included in national delegations and contribute to discussions in the Aboriginal Subsistence Whaling Sub-committee.

Full sets of the IWC Annual Meeting documents should be held by the Department of Fisheries and Oceans, 200 Kent Street, Ottawa K1A 0E6. Otherwise we can supply copies.

Finally, we do not yet have an IWC Email address to replace a now ended connection through the University of Cambridge.

Yours sincerely

Dr R. Gambell
 Secretary to the Commission

Appendix I-X
ICC Resolution 95-09
(ICC Seventh General Assembly Report, 1995)

INUIT CIRCUMPOLAR CONFERENCE

RESOLUTION 95-09

REGARDING THE HARVEST OF BOWHEAD

WHEREAS Inuit of the Nunavut settlement area of Canada continue to reinforce their traditional and cultural harvesting activities in their territory, and

WHEREAS the International Whaling Commission has not accommodated the needs of Inuit of Canada for harvesting of Bowhead whales in the Nunavut settlement area, and

WHEREAS the government of Canada has not represented Inuit interests at conferences of the IWC in the past, and

WHEREAS hunters of the Igloodik area in Nunavut have been charged for harvesting Bowhead in their waters by the Government of Canada, and

WHEREAS this action by the government of Canada is not acceptable to Inuit of the Nunavut settlement area;

THEREFORE BE IT RESOLVED THAT ICC support the efforts of the Canadian Inuit (Inuvialuit, Kitikmeot, Kivalliq, Baffin, Nunavik and Labrador regions), to harvest Bowhead in their respective regions, and

BE IT FURTHER RESOLVED THAT ICC support the Inuit hunters of Igloodik in their taking of Bowhead, and

BE IT FURTHER RESOLVED THAT ICC insist that all charges be immediately dropped by the Government of Canada

APPENDIX II
THE INTERNATIONAL WHALING COMMISSION

Appendix II-I
CLF Letter to IWC

CATHERINE L. FRANCIS
#1-333 METCALFE STREET
OTTAWA, ONTARIO
K2P 1S5

CANADA

January 6th, 1998

Mr. Ray Gambel, Secretary
International Whaling Commission (IWC)
The Red House
135 Station Road, Histon
Cambridge CB4 4NP
United Kingdom

Dear Mr. Gambel

I am writing to inquire about the possible availability of verbatim reports from several IWC meetings. Although I do have library access to IWC annual reports here in Ottawa, they do not include speeches made by observer members to the Commission. I realize that there may be a cost incurred, as these reports are unpublished, and was wondering if you might be able to send me a price list of what that cost might be. If purchasing the verbatim reports from the IWC is not an option, do you know of any library or institution in Canada or the United States that might have accessible and complete records?

I am working on a Masters Thesis that deals with Aboriginal/Subsistence whaling and am interested in speeches made to the IWC by indigenous ngo's. If you could be of any help, I would be most grateful. I can be reached by telephone at (613) 236-3211 or (613) 954-1071, by fax at (613) 957-7010 or by e-mail at cfrancis@ic.gc.ca. Incidentally, I did try to contact you through an e-mail address that appeared in an internet directory, but was unsuccessful at getting the message through. The address given was CA@UK.AC.CAM.PHX.

Thanks very much and I look forward to hearing from you.

Catherine L. Francis
Catherine L. Francis

Appendix II-II
Letter from Ray Gambell, IWC

**International
Whaling
Commission**

The Red House, 135 Station Road
 Histon, Cambridge, UK CB4 4NP

Tel: +44 (0)1223 233971
 Fax: +44 (0)1223 232876

To Catherine Francis Fax No. 00 1 613 957 7010	Date 8 January 1996	
From Ray Gambell	Total pages inc this page	1

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Finally, we do not yet have an IWC Email address to replace a now ended connection through the University of Cambridge.

Yours sincerely

Dr R. Gambell
 Secretary to the Commission

- 2 No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention
- 3 Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offence
- 4 Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed

Article X

- 1 This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America
- 2 Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America
- 3 The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received
- 4 This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.
- 5 The provisions of the Schedule shall not apply prior to 1 July 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to 1 July 1949

Article XI

Any Contracting Government may withdraw from this Convention on June thirtieth of any year by giving notice on or before January first of the same year to the depository Government, which upon receipt of such a notice shall at

Appendix II-IV

The International Convention for the Regulation of Whaling, 1946 (Taken from the Internet site on Whaling at <http://tirpitz.ibg.uitt>)

The Governments whose duly authorized representatives have subscribed hereto,

RECOGNIZING the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stock,

CONSIDERING that the history of whaling has seen over-fishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further over-fishing;

RECOGNIZING that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the numbers of whales which may be captured without endangering these natural resources,

RECOGNIZING that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

RECOGNIZING that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

DESIRING to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling signed in London on 8 June 1937, and the protocols to that Agreement signed in London on 24 June 1938, and 26 November 1945; and

HAVING decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

HAVE AGREED as follows

Article I

- 1 This Convention includes the Schedule attached hereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V

- 2   This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments, and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers

Article II

As used in this Convention.

- 1   "factory ship" means a ship in which or on which whales are treated whether wholly or in part,
- 2   "land stations" means a factory on the land at which whales are treated whether wholly or in part;
- 3   "whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales,
- 4   "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention

Article III

1.   The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisors
- 2   The Commission shall elect from its own members a Chairman and Vice-Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.
- 3   The Commission may appoint its own Secretary and staff.
- 4   The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.
- 5   The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government

- 6 Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations
- 7 In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above
- 8 Subsequent meetings of the Commission shall be convened as the Commission may determine

Article I

- 1 The Commission may either in collaboration with or through independent agencies of the Contracting governments or other public or private agencies, establishments, or organizations, or independently
  - (a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling,
  - (b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities therein,
  - (c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.
- 2 The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

Article V

- 1 The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary

- areas, (d) size limits for each species, (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season), (f) types and specifications of gear and apparatus and appliance which may be used, (g) methods of measurement, and (h) catch returns and other statistical and biological records
- 2 These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources, (b) shall be based on scientific findings, (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations, and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry
  - 3 Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days, (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later, and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals
  4. No amendments shall become effective before 1 July 1949

Article VI

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention

Article VII

The Contracting Governments shall ensure prompt transmission to the International Bureau of Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission

Article VIII

- 1 Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of these Articles shall be exempted from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorization which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.
- 2 Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.
- 3 Each Contracting Government shall transmit to such body as may be designated by the Commission, in so far as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article I.
- 4 Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

Article IX

- 1 Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

- 2 No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention
- 3 Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offence
4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed

Article X

- 1 This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America
- 2 Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.
- 3 The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received
- 4 This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.
- 5 The provisions of the Schedule shall not apply prior to 1 July 1948
Amendments to the Schedule adopted pursuant to Article V shall not apply prior to 1 July 1949

Article XI

Any Contracting Government may withdraw from this Convention on June thirtieth of any year by giving notice on or before January first of the same year to the depository Government, which upon receipt of such a notice shall at

once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depository Government, give notice of withdrawal, so that the Convention shall cease to be in force on June thirtieth of the same year with respect to the Government giving such notice of withdrawal.

This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention.

DONE in Washington this second day of December 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

Protocol of Amendment

A Protocol to the International Convention for the Regulation of Whaling was adopted in Washington, D C on 19 November 1956. The Protocol provides as follows:

The Contracting Governments to the International Convention for the Regulation of Whaling signed at Washington under date of December 2, 1946 which Convention is hereinafter referred to as the 1946 Whaling Convention, desiring to extend the application of that Convention to helicopters and other aircraft and to include provisions on methods of inspection among those Schedule provisions which may be amended by the Commission, agree as follows:

Article I

Subparagraph 3 of Article II of the 1946 Whaling Convention shall be amended to read as follows:

"3 'whale catcher' means a helicopter, or other aircraft, or a ship, used for the purpose of hunting, taking, killing, towing, holding on to, or scouting for whales."

Article II

Paragraph 1 of Article V of the 1946 Whaling Convention shall be amended by deleting the word "and" preceding clause (h), substituting a semicolon for the period at the end of the paragraph, and adding the following language "and (i) methods of inspection"

Article III

- 1 This protocol shall be open for signature and ratification or for adherence on behalf of any Contracting Government to the 1946 Whaling Convention
- 2 This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States on behalf of all the Contracting amendments to the 1946 Whaling Convention
- 3 The Government of the United States of America shall inform all Governments signatory or adhering to the 1946 Whaling Convention of all ratifications deposited and adherences received
- 4 This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE in Washington this nineteenth day of November 1956, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all Governments signatory or adhering to the 1946 Whaling Convention

APPENDIX II-V

IWC Attendance Records for Canada, Denmark, USSR (Russia), United States, 1949-1994.

Note » indicates the date that Canada ceased to be a member of the International Whaling Commission (IWC) Thus the names listed for Canada after this date are those of Canadian governmental observers

Meeting place Date	Canadian Commissioner	Danish Commissioner	American Commissioner	Russian Commissioner
1950 Oslo	Dr. Steward Bates	Not yet appointed	Dr Remington Kellogg	A S Bogdanov
1951 Cape Town	Dr Steward Bates	P F Erichsen	Dr Remington Kellogg	A S Bogdanov
1952 London	Mr R G Clark	P F Erichsen	Dr Remington Kellogg	N I Boyev
1953 London	Mr R G Clark	P F Erichsen	Dr Remington Kellogg	Captain A N Solyank
1954 Tokyo	Mr R G Clark	P F Erichsen	Dr Remington Kellogg	Captain A N Solyank
1955 Moscow	Mr R G Clark	P F Erichsen	Dr Remington Kellogg	Captain A N Solyank
1956 London	Hon J Sinclair	P F Erichsen	Dr Remington Kellogg	Academician I N Pavlovsky
1957 London	Mr. Alistair Fraser	P F Erichsen	Dr Remington Kellogg	Captain A N Solyank
1958 The Hague	Mr R G Clark	Mr J Norgaard	Dr Remington Kellogg	Captain A N Solyank
1959 London	Mr R G Clark Vice-Chair of Commission	Mr J Norgaard	Dr Remington Kellogg	Captain A N Solyank

Meeting place/Date	Canadian Commissioner	Danish Commissioner	American Commissioner	Russian Commissioner
1960 London	Mr. R.G. Clark	Mr. J. Norgaard	Dr. Remington Kellogg	Captain A.N. Solyanik
1961 London	Mr. R.G. Clark	Mr. J. Norgaard	Dr. Remington Kellogg	Captain A.N. Solyanik
1962 London	Mr. R.G. Clark	Mr. J. Norgaard	Dr. Remington Kellogg	Mr. M. Sukhoruchenko Vice-Chairman
1963 London	Dr. W.M. Sproules	Mr. J. Norgaard	Dr. Remington Kellogg	Mr. M. Sukhoruchenko
1964 Norway [sic]	Dr. W.M. Sproules	Mr. J. Norgaard	Dr. Remington Kellogg	Mr. M. Sukhoruchenko
1965 London	Dr. W.M. Sproules	Mr. J. Norgaard	Dr. Remington Kellogg	Mr. M. Sukhoruchenko
1966 London	Dr. W.M. Sproules	Mr. J. Norgaard	Dr. Remington Kellogg	Mr. M. Sukhoruchenko
1967 London	Dr. W.M. Sproules	Mr. J. Norgaard	Dr. Remington Kellogg	Mr. M. Sukhoruchenko
1968 Tokyo	Dr. W.M. Sproules	Mr. J. Norgaard	Mr. J.L. McHugh Vice-Chairman	Mr. M. Sukhoruchenko
1969 London	Dr. W.M. Sproules	Mr. J. Norgaard	Mr. J.L. McHugh Vice-Chairman	Mr. M. Sukhoruchenko

Meeting place/Date	Canadian Commissioner	Danish Commissioner	American Commissioner	Russian Commissioner
1970 London	Dr W M Sproules	Mr J Norgaard	Mr J L. Mellugh	Mr M Sukhoruchenko
1971 Washington	Dr. W M. Sproules	Mr J Norgaard	Mr J L. Mellugh Chairman	Mr N F Nosov
1972 London	Dr. W M Sproules	Mr Hertoft	Mr J L. Mellugh	Mr N F Nosov
1973 London	Dr. W M. Sproules	Mr J Norgaard	Dr DM White	Mr N F Nosov
1974 London	Dr R W Martin	Mr E Lemche	Dr DM White	Dr IV Nikonov
1975 London	Dr R W. Martin	Mr E Lemche	Dr DM White	Dr IV Nikonov
1976 London	Dr R W. Martin	Mr E Lemche	Dr DM White	Dr IV Nikonov
1977 Canberra	Dr. R W Martin	Mr E. Lemche	Dr W. Aron	Dr IV Nikonov
1978 London	Mr B Applebaum	Mr E Lemche	Dr R A Frank	Dr IV Nikonov
1979 London	Mr. M C Mercer Vice-Chairman	Mr E Lemche	Dr R A Frank	Mr S V Butysyn

Meeting place/Date	Canadian Commissioner	Danish Commissioner	American Commissioner	Russian Commissioner
1980 Brighton	Mr. M C Mercer	Mr E Leneche	Dr R A Frank	Dr I V Nikonorov
1981 Brighton	Mr M C Mercer	Mr E Leneche Vice-Chairman	not notified	Dr I V Nikonorov
1982 Brighton	»Ms J Swan	Mr E Leneche	Dr J Byrne	Dr I V Nikonorov
1983 Brighton	»Mr D Goodman	Mr E Leneche Vice-Chairman	Dr J Byrne	Dr I V Nikonorov
1984 Buenos Aires	»Mr. D Goodman	Mr E Leneche	Dr J Byrne	Dr I V Nikonorov
1985 Bournemouth	»Mr. D Goodman	Mr E Leneche	Dr J Byrne	Dr I V Nikonorov
1986 Malmo	»Mr D Goodman	Mr H Fisher	Dr A J Calho	Dr I V Nikonorov
1987 Bournemouth	»Mr D Goodman (Anderson, Freeman)	Mr H Fisher	Dr A J Calho	Dr I V Nikonorov
1988 Auckland	»Mr D Goodman (Hewlett, Freeman)	Mr H Fisher	Dr W E Evans	Dr I V Nikonorov
1989 San Diego	»Mr D Goodman (et al)	Mr H Fisher	Dr W E Evans	Mr V Ismailov

Meeting place/Date	Canadian Commissioner	Danish Commissioner	American Commissioner	Russian Commissioner
1990 Noordwijk	»Mr D Goodman (etal)	Mr H Fisher	Dr W E Evans	Mr A Ismailov
1991 Reykjavik	»Mr D Goodman (etal)	Mr H Fisher	Dr J Knauss	Mr A Ismailov
1992 Glasgow	»Mr D Goodman (etal)	Mr H Fisher	Dr J Knauss	not notified
1993 Kyoto	»Mr D Goodman (etal)	Mr H Fisher	Dr J Knauss	Mr K V Sherlagan
1994 Puerto Vallarta	»Mr D Goodman (etal)	Mr H Fisher	Dr D James Baker	Mr K V Sherlagan

Appendix II-VI
IWC 27th Annual Report, Page 9 (Small Cetaceans)

11. SMALL CETACEANS

The Commission was informed that the copies of the printed Report of the Sub-Committee of the Scientific Committee on Small Cetaceans which was being published by the Fisheries Research Board of Canada would be available very shortly. The Commissioner for Canada reported that the cost of publication amounted to about 30,000 dollars towards which contributions of 5,000 dollars each had been received from Canada, Norway and the USA and 1,000 Australian dollars from Australia. The Commission agreed to contribute £1,200 towards the cost of publication.

In its report the Scientific Committee made recommendations for future action. It recommended that the Commission considers initially the management of those small cetaceans which are taken in deliberate, direct fisheries. It listed the species taken in fisheries where the cetacean is the desired product and where there is a need for stock assessment. It recommended that all member nations report incidental kills of cetaceans taken in yellow fin purse seine operations as well as any other statistics for direct and indirect fisheries for small cetaceans. The sub-committee is to continue as a standing sub-committee of the Scientific Committee.

Appendix II-VII

IWC 27th Annual Report, Page 31 (List of Small Cetaceans)

LIST OF SMALLER CETACEANS RECOGNISED

Scientific Name

Balaenoptera acutorostrata Lacépède, 1804
Caperea marginata (Gray, 1846)
Tasmacetus shepherdi Oliver, 1937
Berardius arnuxii Duvernoy, 1851
Berardius bairdii Stejneger, 1883
Mesoplodon pacificus (Longman, 1926)
Mesoplodon bidens (Sowerby, 1804)
Mesoplodon densirostris (de Blainville, 1817)
Mesoplodon europaeus (Gervais, 1855)
Mesoplodon layardii (Gray, 1865)
Mesoplodon hectori (Gray, 1871)
Mesoplodon grayi von Haast, 1876
Mesoplodon stejnegeri True, 1885
Mesoplodon bowdoini Andrews, 1908
Mesoplodon mirus True, 1913
Mesoplodon ginkgodens Nishiwaki & Kamiya, 1958
Mesoplodon carlhubbsi Moore, 1963
Ziphius cavirostris G. Cuvier, 1823
Hyperoodon ampullatus (Forster, 1770)
Hyperoodon planifrons Flower, 1882
Kogia breviceps (de Blainville, 1838)
Kogia simus Owen, 1866
Monodon monoceros Linnaeus, 1758
Delphinapterus leucas (Pallas, 1776)
Steno bredanensis (Lesson, 1828)
Sotalia fluviatilis (Gervais, 1853)
Sousa chinensis (Osbeck, 1765)
Sousa teuszii (Kükenthal, 1892)
Orcaella brevirostris (Gray, 1866)
Peponocephala electra (Gray, 1846)
Feresa attenuata Gray, 1875
Pseudorca crassidens (Owen, 1846)
Orcinus orca (Linnaeus, 1758)
Globicephala melaena (Traill, 1809)
Globicephala macrorhynchus Gray, 1846
Lagenorhynchus albirostris (Gray, 1846)
Lagenorhynchus acutus (Gray, 1828)
Lagenorhynchus obscurus (Gray, 1828)
Lagenorhynchus cruciger (Quoy & Gaimard, 1824)
Lagenorhynchus australis (Peale, 1848)
Lagenorhynchus obliquirostris Gill, 1865
Lagenodelphis hosei Fraser, 1956
Tursiops truncatus (Montagu, 1821)
Grampus griseus (G. Cuvier, 1812)
Stenella longirostris (Gray, 1828)
Stenella coeruleoalba (Meyn, 1833)
Stenella attenuata (Gray, 1846)
Stenella lubia (G. Cuvier, 1812)
Stenella frontalis (G. Cuvier, 1829)
Stenella plagiodon (Cope, 1866)
Delphinus delphis Linnaeus, 1758
Lissodelphis peronii (Lacépède, 1804)
Lissodelphis borealis (Peale, 1848)
Cephalorhynchus heavisidii (Gray, 1828)
Cephalorhynchus cutropia (Gray, 1846)
Cephalorhynchus hectori (van Beneden, 1881)
Cephalorhynchus commersoni (Lacépède, 1804)
Phocoena phocoena (Linnaeus, 1758)
Phocoena sinus Norris & McFarland, 1958
Phocoena spinipinnis Burmeister, 1865
Phocoena pacifica Lohle, 1912

Recommended Common Name

Minke whale
 Pygmy right whale
 Shepherd's beaked whale
 Arnoux's beaked whale
 Baird's beaked whale
 Longman's beaked whale
 Sowerby's beaked whale
 Blainville's beaked whale
 Gervais' beaked whale
 Strap-toothed whale
 Hector's beaked whale
 Gray's beaked whale
 Stejneger's beaked whale
 Andrew's beaked whale
 True's beaked whale

 Ginkgo-toothed beaked whale
 Hubb's beaked whale
 Cuvier's beaked whale
 Northern bottlenose whale
 Southern bottlenose whale
 Pygmy sperm whale
 Dwarf sperm whale
 Narwhal
 White whale
 Rough-toothed dolphin
 Tucuxi
 Indo-Pacific hump-backed dolphin
 Atlantic hump-backed dolphin
 Irrawaddy dolphin
 Melon-headed whale
 Pygmy killer whale
 False killer whale
 Killer whale
 Long-finned pilot whale
 Short-finned pilot whale
 White-beaked dolphin
 Atlantic white-sided dolphin
 Dusky dolphin
 Hourglass dolphin
 Peale's dolphin
 Pacific white-sided dolphin
 Fraser's dolphin
 Bottlenose dolphin
 Russo's dolphin
 Spinner dolphin
 Striped dolphin

 Spotted dolphin
 (two species)

 Common dolphin
 Southern right whale dolphin
 Northern right whale dolphin
 Heaviside's dolphin
 Black dolphin
 Hector's dolphin
 Commerson's dolphin
 Harbour porpoise
 Cootie
 Burmeister's porpoise
 Spotted porpoise

<i>Scientific Name</i>	<i>Recommended Common Name</i>
<i>Phocoenoides dalli</i> (True, 1885)	Dall's porpoise
<i>Neophocaena phocaenoides</i> (G. Cuvier, 1829)	Finless porpoise
<i>Platanista gangetica</i> (Roxburgh, 1801)	Ganges susu
<i>Platanista minor</i> Owen, (1854)	Indus susu
<i>Inia geoffrensis</i> (de Blainville, 1817)	Boutu
<i>Lipotes vexillifer</i> Miller, 1918	White flag dolphin
<i>Pontopona blainvillei</i> (Gervais and d'Orbigny, 1844)	Franciscana

Appendix II-VIII

IWC 28th Annual Report, Page 22, Article on Bowhead Whales

(iv) Arctic

Bowhead whales

The Scientific Committee recognised five stocks, and recommended that all should retain their Protection Stock status. The Bering Sea stock gives most cause for concern, with increased catches and 'struck but lost' whales reported. The latter arise from a progressive change from the use of the darting gun to the shoulder gun. It was suggested that the shoulder gun should be prohibited.

Thus is the most endangered of all species despite protection from commercial harvesting for 40 years. The kill rate is increasing and the present figure of 5% is the rate allowed only for commercial catches of IMS stocks. There is also concern over potential habitat pollution and destruction by oil exploration and development.

The Commission confirmed the Protection status of these stocks, and accepted the proposal, endorsed by the Technical Committee, to delete the words 'or right' from Schedule paragraph 7 which gives exemption for certain aboriginal whale tubers.

The USA explained their domestic dilemma concerning native people's subsistence rights but will implement any IWC regulations when their legislation problems are resolved. Denmark commented on this problem, which creates an anomaly concerning the restrictions on the salmon catch by Greenland eskimos.

(v) Opening and closing dates of the Antarctic season

The Commission agreed that there should be no change in the opening and closing dates.

10. REPORTING REQUIREMENTS FOR SMALL-TYPE WHALING OPERATIONS

The Scientific Committee had identified three kinds of operations.

- (1) small type whaling;
- (2) direct fisheries for small cetaceans;
- (3) fisheries involving incidental take of small cetaceans.

The Scientific Committee proposed a re-definition of 'small-type whaling' to include bottlenose, beaked, pilot and killer whales. This was accepted by the Technical Committee and the Commission adopted the proposal to amend the final definition in Section I of the Schedule 'Interpretation' as given in Appendix 11.

The Commission discussed the Scientific Committee's proposals for reporting requirements for direct fisheries for small cetaceans and for fisheries involving incidental take of small cetaceans and the concomitant amendment of the Schedule. The USA expressed strong support for the proposals. Japan pointed out, however, that the present Convention does not cover small cetaceans and Canada suggested that, to avoid the legal difficulties posed by amending the Schedule, a resolution would be more appropriate than amendment of the Schedule. The Commission adopted the resolution shown in Appendix 6.

11. EXTENSION OF GREENLAND WHALING SEASON

Denmark had proposed that the whaling season in Greenland could be extended from the present eight to nine months. Climatic conditions occasionally permit a catch of minke whales in December which would contribute a desirable supplement to the nutrition of the local population. The Scientific Committee reported that such an extension of the season by one month should not adversely affect stocks of minke whales since the catch is fixed by quota. The matter should be kept under review, however, since an extended season could change the sex ratio of the catch. The Technical Committee recommended and the Commission approved the appropriate amendment to the Schedule.

12. STOCKS OF SMALL CETACEANS

The report by the Secretary of action taken arising from the report of the Small Cetacean sub-committee 1976 had been circulated and there was no additional comment.

13. INTERNATIONAL DECADE OF CETACEAN RESEARCH

The Scientific Committee had prepared a revised list of priority projects, and the Commission approved the provision of support from the Research Fund for whale marking equipment.

Appendix II-IX

Representation at Special IWC Meeting in Tokyo, December 1977 (Chairman's Report of the Special Meeting)

Chairman's Report of the Special Meeting, Tokyo, December 1977

1. DATE, PLACE AND PURPOSE

The Special Meeting was held, at the kind invitation of the Government of Japan, at the Ministry of Foreign Affairs, Tokyo on 6 and 7 December 1977.

The proceedings were conducted by the Chairman of the Commission, Mr A. G. Bollen (Australia). He reminded participants that the prime purpose of the Special Meeting was consideration of the management of North Pacific sperm whale stocks including classification, the setting of catch limits and implementation of any recommendations of the Scientific Committee arising from a special meeting of that Committee held specifically to consider the problems and review the assessment of these particular stocks. A second important item for the attention of the Special Meeting was the reconsideration by the Commission of its decision in June to prohibit the take by Alaskan Eskimos of bowhead whales from the Bering Sea stock.

2. REPRESENTATION

Commissioners and delegates attended from fifteen of the seventeen member countries, Brazil and Panama being absent. Observers were present from the Governments of:

Chile
Korea, Republic of
Peru

and the following international organisations.

Food and Agriculture Organisation of the United Nations
International Union for the Conservation of Nature and Natural Resources
African Wildlife Leadership Foundation
Fauna Preservation Society
Friends of the Earth
Friends World Committee for Consultation
Greenpeace Foundation
Inuit Circumpolar Conference
International Transport Workers Federation
Project Jonah
World Federation for the Protection of Animals
World Wildlife Fund

3. ADDRESS OF WELCOME

An address of welcome on behalf of the Japanese Government was given by Mr Imai, Vice-Minister of Agriculture, Forestry and Fishery.

He reviewed briefly the achievements made by the Commission since its establishment and noted its efforts in preserving and conserving whale resources. However, the

present meeting was to review the provisions of the Schedule with regard to the sperm whale quota in the North Pacific, and in wishing every success to the meeting, hoped that it would arrive at a fair and proper decision based on the assessment of the Scientific Committee.

4. STATEMENTS BY COMMISSIONERS AND OBSERVERS

In order to make the most economical use of the time available Commissioners and Observers had been asked to present written rather than oral statements. These were collated and circulated during the course of the meeting.

5. ADOPTION OF AGENDA

The provisional annotated agenda, circulated sixty days in advance of the meeting in accordance with the Rules of Procedure, based upon a draft agenda distributed 100 days before the meeting, was adopted.

6. REVIEW OF TECHNICAL COMMITTEE MANDATE AND FUNCTIONS

The Technical Committee supported the important initiative contained in a paper put forward by Canada. This outlined the need to develop a truly technical role for this Committee by bringing in all the necessary expertise so that it can act as an intermediary stage between the Scientific Committee and the plenary session. The Commission agreed to establish an *ad hoc* working group to discuss this question, and to develop terms of reference for a reconstituted Technical Committee, together with appropriate rules of procedure and other relevant proposals for Commission action. Canada was asked to convene the working group, which would meet in Cambridge for two days prior to the 30th Annual Meeting and report to that meeting.

7. NORTH PACIFIC SPERM WHALE STOCKS

The Scientific Committee had carried out a detailed review and analysis of the available information at a special meeting of the Committee held in Cronulla, NSW, 21-26 November 1977. Their three recommendations were endorsed by the Technical Committee and adopted by the Commission. The decisions were that:

- (1) Management of the North Pacific sperm whale stocks should be based on two Divisions divided by a line from the ice edge south along the 180° West meridian of longitude to 180° West 50° North, then east along the 50° North parallel of latitude to 170° West 50° North, then south along the 170° West meridian to

Appendix II-X
List of Technical Experts, Special IWC Technical Committee Meeting on Alaskan
Bowhead Hunting
(IWC Special Issue 4)

TECHNICAL EXPERTS PARTICIPATING

Panel 1—Wildlife

Howard W. Braham
 Marine Mammal Laboratory
 National Marine Fisheries Service
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 Grønslund Fiskerierunderogelsen
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 Charlottenlund
 Denmark

J. Bryan Kemper
 Department of Indian and Northern Affairs
 Ottawa
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Michael F. Tillman
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 National Marine Fisheries Service
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Panel 2—Nutrition

Emil Abelsen
 (Ministry for Greenland)
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 Kokkedal
 Copenhagen
 Denmark

Harold F. Draper
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 University of Guelph
 Guelph
 Ontario, Canada

Frederick A. Milan
 Institute of the Arctic Biology
 University of Alaska
 Fairbanks
 Alaska, USA

Winston Osborn
 Indian Health Service
 Aberdeen
 South Dakota, USA

Otto Schaefer
 Department of Health and Welfare
 Medical Services
 Northern Medical Research Unit
 c/o Charles Cammell Hospital
 Edmonton
 Alberta, Canada

Panel 3—Anthropology

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 New Bedford Whaling Museum
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William S. Laughlin
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 Department of Anthropology
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Ontario, Canada

Rosita Worl
Department of Anthropology
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Organisers

William Aron, Director
Office of Marine Mammals and Endangered Species
NMFS
U.S. Government Representative

Prudence Fox, Vice Chairperson
Technical Committee
of the International Whaling Commission

Ray Gambell, Secretary
International Whaling Commission

Michael Levitt
Office of General Counsel
NOAA
USA

Appendix II-XI

Definitions developed by the Working Group to the Technical Committee on Aboriginal Subsistence Whaling (IWC 1981 in Gambell 1993 104)

- Aboriginal Subsistence Whaling:*** means whaling for the purposes of local aboriginal 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
- Local 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 that are by-products of subsistence catches.
- Subsistence catches:*** are catches of whales by aboriginal subsistence whaling operations.

Portion of the Management Proposal Adopted by the IWC at the 1982 meeting in Brighton (in Gambell 1993).

- (a) Notwithstanding the provisions of paragraph 10 [which sets out the management principles for commercial whaling], catch limits for aboriginal subsistence need for the 1984 whaling season and each whaling season thereafter shall be established in accordance with the following principles.
- (1) For stocks at or above the Maximum Sustainable Yield (MSY) level, aboriginal subsistence catches shall be permitted so long as total removals do not exceed 90 per cent of MSY.
- (2) For stocks below the MSY level but above a certain minimum level, aboriginal subsistence catches shall be permitted so long as they are set at levels which allow whale stocks to move to the MSY level.*

(3) The above provisions will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of these provisions on whale stocks, and consider modifications

*The Commission, on advice of the Scientific Committee, shall establish as far as possible (a) a minimum stock level for each stock below which whales shall not be taken, and (b) a rate of increase towards the MSY level for each stock. The Scientific Committee shall advise on a minimum stock level and on a range of rates of increase towards the MSY level under different catch regimes [IWC 1983:40]

Appendix II-XII
Communiqué on Canada's Withdrawal from the IWC

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

communiqué

No: 62
No.: 62

DIFFUSION: FOR IMMEDIATE RELEASE
RELEASE: JUNE 26, 1981

CANADA WITHDRAWS FROM THE INTERNATIONAL WHALING CONVENTION AND COMMISSION

The Secretary of State for External Affairs, Dr. Mark MacGuigan, and the Minister of Fisheries and Oceans, Roméo LeBlanc, announced today that Canada has deposited a notice of withdrawal from the 1946 International Convention for the Regulation of Whaling and from the International Whaling Commission (IWC) established thereunder. This notice was transmitted today to the Government of the USA as the depositary government under the Convention.

In making the announcement the Ministers noted that this action follows an intensive review of Canada's whaling policy. The decision to conduct this review was taken prior to the 1980 annual meeting of the IWC in light of the changing composition and operations of the IWC and recent efforts to renegotiate the 1946 Convention.

The major conclusions reached in the course of the review were as follows:

- (1) The 1946 Whaling Convention was intended to "provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry". Canada signed the Convention in 1946, when Canadians were engaged in commercial whaling. Since the Canadian Government banned commercial whaling in 1972, Canada no longer has any direct interest in the whaling industry or in the related activities of the IWC.
- (2) Canadian participation in the IWC has been aimed at ensuring the conservation of whales and the regulation of their harvest on the basis of the best scientific evidence available. This approach has led to considerable improvement in the conservation regime for whale stocks on a world-wide basis.

...2

- 2 -

- (3) Canada should continue to support international cooperation for the conservation of the world's whale stocks. This objective, however, does not require Canadian participation in the IWC as a member state.
- (4) As a responsible coastal state with exclusive sovereign rights over all living resources within its 200-mile zone, Canada should continue to seek the advice of the IWC's Scientific Committee, and to exchange scientific data and analyses with that body, relevant to Canadian management of cetacean stocks in its 200-mile zone. This applies particularly to narwhal and beluga stocks in Canada's northern waters, which are hunted on a subsistence basis by aboriginal peoples under Canadian controls designed to ensure the conservation of the stocks. While the Commission does not regulate these species, Canada has supported international scientific review of all cetaceans.
- (5) Canada should continue to support the idea of an International Cetacean Convention which would supersede the 1946 Convention, taking into account recent developments in the law of the sea and the increased emphasis on conservation since the establishment of the IWC in 1946.

In withdrawing from the 1946 International Convention for the Regulation of Whaling, and in future relations with the IWC, the Government of Canada will give effect to the above conclusions. Under the terms of the Convention, Canada's withdrawal will become effective on June 30, 1982. Canadian participation in the July 1981 annual meeting of the IWC will be restricted to observer status.

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Appendix II-XIII

ICC Resolutions 77-15, 77-16, 77-06 (IWC Special Issue 4)

RESOLUTIONS ADOPTED AT THE INUIT CIRCUMPOLAR CONFERENCE, BARROW, JUNE 1979

A Resolution calling upon the International Whaling Commission to defend Inuit rights to hunt the whale (Resolution 77-15)

WHEREAS, the Inuit have hunted the whale for thousands of years, and the relationship between the Inuit and the whale has become a necessary part of the Arctic ecological system, and

WHEREAS, there are those who do not understand the relationship between the Inuit and the whale, and are working to stop Inuit whaling as a means of preserving whale species being destroyed by commercial whaling, and

WHEREAS, whaling is a necessary part of Inuit cultural identity and social organization, and is in no way similar to commercial whaling;

NOW THEREFORE, BE IT RESOLVED that the delegates assembled at the first Inuit Circumpolar Conference call upon the United States and Canadian delegates to attend the forthcoming meeting of the International Whaling Commission in Australia to defend the Inuits' aboriginal right to hunt the whale in the Arctic.

A Resolution urging the wise and full use of subsistence resources (Resolution 77-16)

WHEREAS, game stocks upon which the Inuit depend for their physical and cultural survival are limited, and are under heavy pressure wherever Arctic natural resources are being developed; and

WHEREAS, these pressures will result in attempts to limit or eliminate subsistence hunting in the Arctic unless special care is taken, and

WHEREAS, it is traditional behavior for game biologists and other to justify hunting limitations by pointing to wasteful hunting practices through modern hunting equipment and transportation, and

WHEREAS, wastes of game and other poor hunting practices make the political defense of subsistence more difficult by reducing public confidence in the ability of the Inuit to manage fish and game;

NOW, THEREFORE, BE IT RESOLVED that the delegates assembled at the first ICC call upon Inuit to behave as hunters and in no way that will create scandal and endanger our subsistence hunting rights, and to conserve our game as we would conserve our homeland, and protect the future generations of our people.

A Resolution concerning environmental policy (Resolution 77-06)

WHEREAS, the regions of the Inuit homeland are made up of numerous fragile ecosystems and environments, and

WHEREAS, the nations within the circumpolar region presently lack adequate environmental policies and legislations to protect these regions, and

WHEREAS, the Inuit have not been permitted full participation in the various decision-making processes, both in private and public sectors, affecting these regions;

THEREFORE, BE IT RESOLVED that each nation in which the Inuit live is vigorously urged to adopt by convention a common set of rules with respect to offshore and onshore Arctic resource development, and that the Inuit community has right to participate in this rule-making;

BE IT FURTHER RESOLVED that the rules for Arctic resource development will specifically provide for an Inuit-controlled technology assessment program; and

BE IT FURTHER RESOLVED the rules of Arctic resource development will specifically provide for the determination of safe technology, Arctic population policy; and locally controlled wildlife management

Appendix II-XIV

IWC Member Nation Australia's Proposal for a world-wide ban on whaling (32nd IWC Annual Meeting Report, 1980)

9.2.1 Proposal for a world-wide ban on whaling (Australia)

In considering the relation of this proposal to those for a moratorium on commercial whaling and a three year ban on taking sperm whales, the Committee concluded that the objective of a total ban on whaling was essentially different from that of a moratorium.

The Committee had no information concerning the arguments which the proposing government intended to make in support of its proposal. It appeared to the Committee that these might include ethical, ecological, cultural, aesthetic and perhaps other considerations. The first two of these categories have scientific elements. The Committee did not on this occasion have time to examine the ecological aspects of the proposal in depth. It is however clear from its work on other matters, such as the interactions between baleen whale species in the southern ocean, that the depletion of certain species by whaling has led to profound changes in composition by species of the main krill-feeders in the system—whales, seals, sea-birds and possibly fishes and cephalopods.

The effect of a cessation of whaling on this composition, and the time scale of any change are not known. It cannot necessarily be assumed that the system would in the foreseeable future revert to its former composition. If one purpose of bringing an end to whaling is to permit the recovery of the ecosystem to something like its condition just before intensive whaling began then it must be said that this would not thereby be assured. However, it must also be said that in the present state of our knowledge it would be difficult to secure agreement on a selective harvesting procedure which would guarantee such a recovery. An adoption of any such procedure would require very careful monitoring. Ecological considerations are in the present state of knowledge neither favourable nor unfavourable to the Australian proposal.

The Committee considered, as in 1978, that it was no more qualified than any other body to comment on the general ethics of killing animals. It noted that humane considerations are already being examined by the Commission. However, it also noted that there were scientific matters particularly relating to whale intelligence and behaviour which formed an important part of the background to ethical considerations. It noted that these matters are also significant in relation to whale assessment and management. It considered therefore that the meeting on these subjects which it had proposed and the Commission had endorsed at the 1978 meeting, could provide information which would be of value to the Commission as background material for any discussions which it may wish to hold on the ethical issues in relation to whaling.

It therefore suggests that such a meeting should be held as soon as possible, as discussed in Section 18 of this Report.

Appendix II-XV

IWC Member Nations express concern over the take-over of management of small cetaceans

(31st IWC Annual Meeting Report, 1979)

13.-SMALL CETACEANS

The Scientific Committee recommended a series of proposals developed by its small cetacean sub-committee which centred on white whales and narwhals. This included the listing of both species in the Schedule paragraph 1 and a series of research proposals. Other research on killer whales and suggested limitation of catches were also proposed.

Several delegations expressed the view that small cetaceans are not properly the concern of the 1946 Convention, so that they should not be listed in the Schedule, although the small cetacean sub-committee is an appropriate forum for scientific discussion. Some delegations were unsure of their position on this matter but it was thought important that the recommendations of the small cetaceans should not be ignored. It was agreed therefore, to refer this matter to the 32nd Annual Meeting and Contracting Governments should seek legal advice on their position in the meantime.

Appendix II-XVI

Resignation letter of the Chairman of the IWC Scientific Committee, May 1992 (Internet site <http://tirpitz.ibg.uib.no>)

Following is the entire letter of resignation from the Chairman of the Scientific Committee of the International Whaling Commission (IWC), Dr. Philip Hammond, Great Britain. The letter is dated 26. May 1992.

This letter is edited by Gunnar Davidsson (gunnar.davidsson@itek.norut.no) and Birger Andresen (birger.andresen@met.sintef.no). Any misspellings would probably be ours...

Dr. R. Gambell
Secretary IWC
The Red House
Stations Road, Histon
CAMBRIDGE CB4 4NP

Dear Ray

As you know I have been an active member of the Scientific Committee since 1961, chairing various working groups and sub-committees and being elected vice-chairman in 1988. When I was elected Chairman in 1991, the highest priority for the Committee was to complete the Revised Management Procedure (RMP..ed. com.). By that time it had long been recognised that the NMP (New Management Procedure adapted in 1974 ..ed. com.) was unworkable so that, although there was a management procedure defined in the Schedule, the Commission effectively had no mechanism in place for the management of commercial whaling, an unacceptable situation for an international organisation with such a mandate. It was my job to guide the Scientific Committee to finalise the RMP as soon as possible.

In 1992, the Committee unanimously recommended the adoption of the draft specification for the RMP, whilst recognising that work remained to be done on documentation of the computer programs, on specifying minimum standards for data required for the RMP, and on outlining guidelines for conducting surveys and analysing data from them. In a resolution, the Commission accepted the draft specifications, thus recognising that the RMP should replace the NMP, and highlighted these other aspects which needed agreement before umbrella Revised Management Scheme could be completed.

This year, the Scientific Committee completed its part of that work and unanimously recommended it to the Commission for adoption and endorsement. Although a minority view had been expressed stating that the RMS required further monitoring than that implicit in the RMP itself, the Scientific Committee even agreed unanimously on other data which should be required under the RMS. The question of whether or not monitoring of the RMP's performance should be a minimum requirement of the RMS was, therefore, elevated to a policy decision for the Commission to make; the practical scientific implications had already been dealt with.

Thus one of the most interesting and potentially far-reaching chapters in the science of natural resource management came to a conclusion. The Commission could now put in place a mechanism for the safe management of commercial whaling, regardless of whether or not the "moratorium" was lifted.

The reality was somewhat different. At the Commission meeting, the work of the Scientific Committee was praised and acknowledged by several

delegations to be complete, but it remained unadopted. The future for this unique piece of work, for which the Commission had been waiting for many years, was left in the air. This has left the Commission in the incongruous position of having accepted the draft specifications of the RMP but having neither accepted nor adopted the final version.

Of course, the reasons for this were nothing to do with science. Although, despite the unanimity of the Scientific Committee's recommendation, some Commissioners used selective quotations out of context from the Committee's report to justify not adopting the RMP on "scientific" grounds.

But the matter of substance is, what is the point of having a Scientific Committee if its unanimous recommendations on a matter of primary importance are treated with such contempt? And in what position does this leave the Chairman?

I have come to the conclusion that I can no longer justify to myself being the organiser of and spokesman for a Committee whose work is held in such disregard by the body to which it is responsible. Nor can I justify asking other members of the Committee to spend their valuable time working hard during the year and even harder at annual meetings knowing how the results of this work may be treated. And I cannot justify to my employer spending a significant amount of my own time on such an unproductive end.

I am left with no alternative, therefore, but to resign as Chairman of the Scientific Committee.

The morale of the Scientific Committee is lower than at any other time in my experience and I think many members will understand my position. I hope that some Commissioners will, too.

I am, of course, prepared to continue as Chairman for a short time until the new Chairman is able to take over and to help, if needed, in the development of the work plan for the coming year.

I plan to maintain my scientific participation in the work of the Committee and I am willing to continue as Convenor of the Steering Group on management procedures if the new Chairman so desires.

Yours sincerely

Philip Hammond

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