

**Pelly Amendment Certification of Iceland
by the US Secretary of Commerce
is Without any Legal or Scientific Basis**

1. The letter of the Certification of Iceland by the US Secretary of Commerce under the Pelly Amendment, dated 19 July 2011, states at the outset: “Pursuant to these provisions, I write to certify to you that Iceland, by permitting its nationals to engage in commercial whaling and exporting endangered fin whale meat, is diminishing the effectiveness of the IWC conservation program.”

These allegations, which form the basis of the certification of Iceland, are incorrect and lack both legal and scientific foundation. First, upon its re-entry into the IWC in 2002, Iceland made a lawful reservation with respect to the so-called moratorium on commercial whaling and is therefore not bound by the moratorium. Consequently, Iceland’s whaling is lawful. Second, the fin whale stock in the North Atlantic is not endangered at all. On the contrary, this stock is abundant and in very good health and is in no way connected to the fin whale stocks in the Southern Hemisphere which are in a poor state. Icelandic whaling activities are only directed at abundant whale stocks, North Atlantic fin whales and minke whales, they are science-based and clearly sustainable. Iceland’s whaling activities therefore do not diminish the conservation of whales.

2. The certification letter also states: “... Iceland continues to permit whaling and has a government issued fin whale quota in effect for the 2011 season that continues to exceed catch levels that the IWC’s scientific body advised would be sustainable if the moratorium was removed. This continues to present a threat to the conservation of fin whales.”

These allegations are also without any basis. In a letter from the US Secretary of Commerce to the Minister of Fisheries and Agriculture of Iceland, dated 22 November 2010, it was alleged that the Scientific Committee of the IWC did, at its 2010 meeting, recommend that annual catch limits for North Atlantic fin whales be 46 whales. As was pointed out in the letter of reply by the Minister of Fisheries and Agriculture, delivered on 10 December 2010, that allegation has no foundation and no such recommendation can be found in the Scientific Committee report. However, in Table 7 of the report, four different numbers ranging from 46 to 155 are given as output of the catch limit algorithm (CLA) for fin whales based on two different Revised Management Procedure (RMP) variants and two tuning levels, 0.60 and 0.72. Iceland and Norway have found it appropriate and precautionary to use tuning level 0.60 of the RMP for determining catch levels. This tuning level is within the range recommended by the Scientific Committee as sustainable. Subsequently, tuning level 0.72 was chosen by the Commission on a purely political and non-scientific basis by voting. The Icelandic annual quota of 154 fin whales is therefore clearly sustainable and does not present “a threat to the conservation of fin whales.” It should be noted, that viewed proportionally to population size, the quotas set by Iceland for fin whales are in fact similar to those set for the United States catches for bowheads off Alaska. Both of these amount to well under 1% of the respective population sizes.

3. The certification letter further states: “Iceland’s actions threaten the conservation status of fin whales, an endangered species, and undermine multilateral efforts to ensure greater worldwide protection for whales. Iceland’s increased commercial whaling and recent trade in whale products diminish the effectiveness of the IWC’s conservation program because: (1) Iceland’s commercial harvest of whales undermines the moratorium on commercial whaling put in place by the IWC to protect plummeting whale stocks; (2) Iceland’s fin whale harvest greatly exceeds catch levels that the IWC’s scientific body advised would be sustainable if the moratorium were removed; and (3) Iceland’s harvests are not likely to be brought under IWC management and control at sustainable levels through multilateral efforts at the IWC.”

Most of these allegations are repetitions and have already been refuted above. It should be reiterated that both North Atlantic fin whale and minke whale stocks are abundant and in very good health and can therefore not be considered “plummeting whale stocks”. As far as point (3) is concerned, Iceland has repeatedly declared its willingness to bring all whaling activities, including its own, under IWC management and control at sustainable levels. Iceland is committed to cooperate to this end with other Member States of the IWC and will, in any event, continue to ensure that its whaling activities are at sustainable levels.

4. The certification letter is furthermore inaccurate in other respects. For example, it is stated that Iceland harvested only seven fin whales between 1987 and 2007. This statement ignores the fact that 80 fin whales were caught in 1987, 68 were caught in 1988 and 68 were caught in 1989.

5. It follows from the aforementioned that there is no legal or scientific basis for the Pelly Amendment certification of Iceland by the US Secretary of Commerce. Consequently, there is no basis for the actions against Iceland recommended in the certification letter.

Reykjavik, 8 September 2011
Ministry of Fisheries and Agriculture of Iceland