



May 8, 2013

**BY TELEFAX AND REGULAR MAIL**

The Honorable Rebecca Blank  
Acting Secretary of Commerce  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, D.C. 20230

The Honorable Sally Jewell  
Secretary of Interior  
Department of the Interior  
1849 C Street, NW  
Washington DC 20240

The Honorable John F. Kerry  
Secretary of State  
U.S. Department of State  
2201 C Street, NW  
Washington, DC 20520

**RE: Urgent need for U.S. action in response to Iceland's commercial whaling and trade in whale products**

Dear Madam Acting Secretary Blank, Madam Secretary Jewell and Mr. Secretary Kerry,

The undersigned members of the Whales Need US coalition, along with the Species Survival Network ([www.ssn.org](http://www.ssn.org)), who collectively represent tens of millions of United States citizens, are gravely concerned with reports in the Icelandic media on 3 May 2013,<sup>1</sup> indicating that Mr. Kristjan Loftsson, the director of Iceland's fin whaling company Hvalur hf, has decided to resume a commercial hunt for endangered fin whales this summer after a two year pause.

The quota for fin whales in 2013 could be as high as 184, given an annual base quota of 154 whales, plus an allowed carryover of 20% of the unused quota from last year.<sup>2</sup> This quota has

<sup>1</sup> See [http://skessuhorn.is/default.asp?sid\\_id=24845&tId=99&fre\\_id=148549&meira=1&Tre\\_Rod=001|002|&qsr](http://skessuhorn.is/default.asp?sid_id=24845&tId=99&fre_id=148549&meira=1&Tre_Rod=001|002|&qsr) and [http://www.mbl.is/frettir/innlent/2013/05/03/hvalveidar\\_hefjast\\_ad\\_nyju/](http://www.mbl.is/frettir/innlent/2013/05/03/hvalveidar_hefjast_ad_nyju/)

<sup>2</sup> According to the current Icelandic regulations on whaling, quotas are to be set upon the basis of advice given by Iceland's Marine Research Institute, with a potential carryover of 20% of the unused quota from the previous year. See <http://www.hafro.is/Astand/2012/34-hvalir.PDF> and <http://www.reglugerd.is/interpro/dkm/WebGuard.nsf/key2/058-2009>

been unilaterally set by Iceland using catch calculating methods that have not been endorsed by either the International Whaling Commission (IWC) or its Scientific Committee.<sup>3</sup>

Furthermore, based on the comments made to the media, it is clear that Mr. Loftsson intends to continue to export whale meat. He notes, for example, in the interview with *Morgunblaðið* that Japan is the main market for Hvalur's whale products.<sup>4</sup>

In July 2011, then U.S. Secretary of Commerce Gary Locke certified Iceland under the Pelly Amendment to the Fishermen's Protective Act, finding that its ongoing commercial whaling "diminishes the effectiveness of international conservation agreements."<sup>5</sup> This was in response to a Pelly Amendment petition filed in December 2010 by many of the organizations who have signed on to this letter. That petition was filed with both the Department of Commerce (DoC) and Department of Interior (DoI), and alleged that Iceland's commercial whaling was undermining the International Convention for the Regulation of Whaling (ICRW) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). To date, the DoI has failed to respond to the petition.

On 15 September 2011, President Obama concurred with Secretary Locke's conclusion, stating that "Iceland's actions threaten the conservation status of an endangered species and undermine multilateral efforts to ensure greater worldwide protection for whales," and the President issued a series of directives to all Cabinet Secretaries and heads of government agencies to ensure that the "issue continues to receive the highest level of attention."<sup>6</sup>

We are aware and appreciate that, in response to the President's directive, representatives from several agencies have raised the whaling issue with their Icelandic counterparts. However, we are concerned that all agencies have not fully complied with these directives. Given the decision to resume fin whaling in Iceland, we believe that it is now absolutely clear that these diplomatic efforts have failed to achieve their goal.

Indeed, not only have the directives failed to permanently put an end to Iceland's commercial slaughter of minke and endangered fin whales but, in the intervening years since the President's announcement, exports of whale products to Japan have increased such that Icelandic whale meat now represents 20 percent of whale meat sales in Japan.<sup>7</sup> Furthermore, in February 2013, the Norwegian statistical bureau (SSB) reported that 14.1 metric tons of whale meat was apparently imported from Iceland.<sup>8</sup> We have repeatedly notified officials within DoI of this ongoing trade, which clearly undermines CITES, yet Interior has failed to render a decision on the petition.

This trade in CITES Appendix I species subject to reservations was recently the subject of an analysis by the United Nations Environment Program's World Conservation Monitoring Center (WCMC), which found that trade under reservation can result in "sizeable levels of trade and

---

<sup>3</sup>See, e.g., <http://iwc.int/cache/downloads/4r36jqz969ico0wos040k0c00/63-15.pdf>

<sup>4</sup>Supra note 1.

<sup>5</sup>See [http://www.noaa.gov/news/stories/2011/20110720\\_pellyiceland.html](http://www.noaa.gov/news/stories/2011/20110720_pellyiceland.html)

<sup>6</sup>See <http://www.whitehouse.gov/the-press-office/2011/09/15/memorandum-regarding-pelly-certification-and-icelandic-whaling>

<sup>7</sup>See <http://ika-net.jp/en/our-actions/whaling-issue/251-whale-meat-does-not-sell>

<sup>8</sup>See <https://www.ssb.no/utenriksokonomi/statistikker>

may undermine the effectiveness of Appendix I listings.” Notably, WCMC drew attention to Iceland’s large exports of fin and minke whale products under reservation.<sup>9</sup>

The Obama Administration’s actions have been insufficient to ensure that the international bans on commercial whaling and trade are respected by Iceland. Trade sanctions and other robust actions are now urgently required to send a strong signal to Iceland that the U.S. will use all available tools to prevent the resumption of fin whaling, and to stop the flow of trade in Icelandic whale products.

To achieve this, the undersigned NGOs urge the U.S. to use the current certification of Iceland by the DoC to immediately impose targeted trade sanctions against individuals and companies engaged in Iceland’s commercial whale hunt, as well as those facilitating the hunt pursuant to the current certification of Iceland by the DoC. We believe that narrowly targeting such companies (on which we have provided extensive information) would both fulfill the President’s directive to “raise U.S. concerns regarding commercial whaling by Icelandic companies and seek ways to halt such action,” and be consistent with U.S. obligations under the World Trade Organization agreements. In addition, we respectfully request the DoI to immediately certify Iceland for undermining CITES and to recommend the use of targeted trade sanctions against Iceland.

We reemphasize the need for urgent action by the U.S. government at this time both to prevent a resumption of fin whaling and to compel Iceland to cease trade in whale products. Given the existing evidence, we are convinced that targeted economic sanctions are the only tool that will achieve these outcomes. Because Iceland is already subject to certification by the DoC, President Obama has the authority to immediately impose such sanctions in response to Mr. Loftsson’s announcement.

Thank you in advance for considering these concerns and for acting with urgency to address them. We look forward to receiving notification as to how the U.S. will respond to these developments. If you have any questions about these issues, need more information, or would like to discuss these issues in person, please do not hesitate to contact Susan Millward, Executive Director at the Animal Welfare Institute at [susan@awionline.org](mailto:susan@awionline.org) or, by telephone, at (202) 446-2123.

Sincerely,



Cathy Liss  
President  
Animal Welfare Institute  
900 Pennsylvania Avenue, SE  
Washington, DC 20003



Will Travers  
President  
Species Survival Network

---

<sup>9</sup>See UNEP/WCMC. CITES TRADE—A GLOBAL ANALYSIS OF TRADE IN APPENDIX-I LISTED SPECIES 2013. CoP16 Inf. 34 March 2013; accessible at: <http://www.cites.org/eng/cop/16/inf/E-CoP16i-34.pdf>

On behalf of:

Animal Welfare Institute  
BlueVoice  
Cetacean Society International  
Dolphin Connection  
Environmental Investigation Agency  
Fluke Foundation  
Great Whale Conservancy  
Green Vegans/The New Human Ecology  
Greenpeace – USA  
Humane Society International  
The Humane Society of the United States  
International Marine Mammal Project of Earth Island Institute  
Nantucket Marine Mammal Conservation Project  
Natural Resources Defense Council  
Origami Whales Project  
Save the Whales Again!  
Whale and Dolphin Conservation  
The Whaleman Foundation  
World Society for the Protection of Animals  
WWF – US

Cc (by electronic mail):

Ms. Nancy Sutley, Chair, CEQ  
Mr. Roddy Gabel, Chief, Division of Management Authority, USFWS  
Mr. Craig Hoover, Chief, Wildlife Trade and Conservation Branch, USFWS  
Ms. Anne St. John, Biologist, USFWS  
Ms. Laura Noguchi, Biologist, USFWS  
Ms. Danielle Kessler, Outreach & Education Specialist, USFWS  
Mr. Ryan Wulff, Acting IWC Commissioner for the U.S./Senior Policy Advisor, NOAA  
Ms. Melissa Andersen, IWC Coordinator, NOAA  
Ms. Elizabeth Phelps, Foreign Service Officer, US State Department  
Mr. Roger Eckert, Attorney Advisor, NOAA  
Ms. Allison Reed, International Affairs Specialist, NOAA  
Dr. Timothy J. Ragen, Executive Director, Marine Mammal Commission  
Mr. Mike Gosliner, Esq., General Counsel, Marine Mammal Commission  
Mr. Mike Tillman, Commissioner, Marine Mammal Commission  
Congressman Bill Keating