

## Further information

The Makah Whale Hunt and Leviathan's Death: Reinventing Tradition and Disputing Authenticity in the Age of Modernity. Rob van Ginkel, University of Amsterdam. It is available on the Internet; put the title into your search engine.

For information about the rights of indigenous peoples, see the International Work Group for Indigenous Affairs [www.iwgia.org](http://www.iwgia.org); for the full text of the 2007 Declaration on the Rights of Indigenous Peoples see [www.un.org](http://www.un.org).



There is more information about animal rights and the idea that kindness and respect is due to all sentient creatures on [www.uncaged.co.uk](http://www.uncaged.co.uk).

## Handouts

### General information for the facilitator

The Makah people (also called the Makah or Makah tribe) live on a reservation that sits on the most north-western tip of the Olympic Peninsula in Washington State, USA. The current reservation is approximately 27,000 acres. In July 1999 tribal census data showed that the Makah tribe has 1214 enrolled members, although only 1079 members currently live on the reservation. The average unemployment rate on the reservation is approximately 51%. Almost 49% of the reservation households have incomes classified below the federal poverty level, and 59% of the housing units are considered to be substandard.

In spite of this bleak description, the traditions are very strong and many Makahs who graduate from college come back to the reservation to work for the Makah tribe, the local clinic, and the public school.

<http://www.statemaster.com/encyclopedia/Makah>

### *A brief history of the recent disputes*

- October 1997: International Whaling Commission agreement allotted the Makah four grey whales per year.
- May 10, 1999: the first Makah whale hunt in more than 70 years took place. Protestors disrupted the hunt, putting their own and other's lives in danger.
- May 17, 1999: one whale caught.
- June 9, 2000: the 9th Circuit Court of Appeals ordered that hunts cease until a new environmental assessment was prepared.
- July 2001: the new assessment was issued. Hunting again approved.
- 2002: the International Whaling Commission approved the Makah request to renew its quota of whales for an additional five years.
- December 2002: a three-judge panel of the 9th Circuit placed the hunt on hold indefinitely until a full environmental impact statement was prepared.
- February 2005: the Makah tribe submitted a formal request to the National Marine Fisheries Service for a waiver of the Marine Mammal Protection Act allowing them to hunt whales.
- September 2007: some members of the tribe, frustrated by the lack of progress, hunted a whale illegally.
- May 2008: the Fisheries Service released a draft of the environmental impact statement.
- Mid-2009: no final environmental impact statement or a decision on the waiver request.

Source: [www.historylink.org](http://www.historylink.org)



More information about whaling and the Makah nation can be found at: [www.historylink.org](http://www.historylink.org) (search for makah whaling)

## Role cards

### CREST role card

Your position on the whaling issue is neutral. Your role is to provide background information on the human rights and environmental legislation, to mediate between the groups and to sum up at the end. Your job as facilitators of the meeting is to ensure that the discussion is focused on the task in hand and to clarify misconceptions and misunderstandings. Help the groups move away from their differences and explore instead what they have in common in order to come to a consensus about the following questions:

- Why are whales important?
- Are grey whales an endangered species?
- Why should the Makah be stopped from eating whale meat?
- Could the Makah's ritual of hunting whales be modified?
- If an agreement can be reached, what sort of monitoring will be needed to ensure that the whales are protected?

Start by welcoming everyone. Set the framework for the discussions. Take about two minutes to set the scene by summarising the main human rights and environmental aspects of the issue, quoting if you wish from the extracts below. Restate the purpose of the meeting: to discuss the issues and to try to come to a mutual understanding in order to find a durable solution to the current conflict.

Ask the Makah tribe to explain their reasons for wanting to resume whaling before opening the general discussion. After 50 minutes' discussion you should briefly sum up, and list points that arose in this meeting that will need to be clarified at the next.

### Some background information about human rights, culture and the environment

The International Covenant on Economic, Social and Cultural Rights states in Article 1 that:

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

Article 15:

1. The States Parties to the present Covenant recognise the right of everyone:
  - (a) To take part in cultural life;
  - (b) To enjoy the benefits of scientific progress and its applications.

The preamble to the Vienna declaration of 1993 states that, "All human rights are universal, indivisible and inter-related. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis ... the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind".

In 1981, the International Whaling Commission decided to permit Aboriginal Subsistence Whaling (ASW). This is defined as "whaling for 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 the use of whales".

The UN Convention of the Law of the Sea states that, "One of the general principles is the optimum sustainable utilisation of renewable marine resources."

In 1982, the IWC placed a moratorium on fishing for the endangered grey whale. In 1994 the population had recovered to an estimated 21,000 individuals and it was also removed from the U.S. Endangered Species List.

### Makah tribe role card

Your role is to present the case of the Makah Indians who live on the north-west coast of North America. Whaling is an important cultural tradition for the Makah and you only want the right to kill five grey whales each year.

You should use your own existing knowledge of human rights and environmental issues together with the following information:

- Even though it is 70 years since the last whale hunt took place, the ceremonies, rituals, songs and tales have been passed down and kept alive. A whole social structure was built around the hunt.
- Nowadays some Makah Indians make a living fishing salmon and pacific sable fish, which is sold to a local fish plant, but the old system of sharing between family and friends is still in existence.
- It was the industrial whaling operations carried out by Europeans and Americans that depleted the whale stock. Now the stock is back up at a historically high level and has been removed from the US Endangered Species List.
- Our young people value having an identity based on their own culture and history. Being part of a culture that has a long tradition is a privilege that not many young people in the US have.
- We're not going to hunt the grey whales for commercial purposes. Our purpose is ceremonial and for food / subsistence.
- We've requested up to 5 grey whales but that's not to say that we'll take them all.
- We fish in small coastal vessels using the traditional hand harpoon. We are considering a modified version with a grenade on the tip like the ones used in the Alaskan bowhead hunt.
- We will be an active player to ensure the grey whale never goes back on the Endangered Species List.

### Sea Shepherd and the Whale and Dolphin Conservation Society role card

The Sea Shepherd International is a non-profit, non-governmental organisation (NGO) involved with the investigation and documentation of violations of international laws, regulations and treaties protecting marine wildlife species. The Whale and Dolphin Conservation Society (WDCS) is the world's most active charity dedicated to the conservation and welfare of all whales, dolphins and porpoises.

You should use your own existing knowledge of human rights and environmental issues together with the following information:

- "Dress it up how you like – whaling is murder and murder is wrong."
  - Whales are not human but they are not less than human. The mindset that accepts killing whales overlaps with the mindset that accepts the genocide of "inferior" human beings.
  - In a profound sense, whales and some other sentient mammals are entitled to, if not human rights, then at least "humanist rights".
- The real reason for this initiative by the Makah is because they know very well that whale meat goes for \$80 per kilo in Japan. One whale is worth nearly one million dollars.
- Allowing the Makah to whale will have implications for thousands of whales because Norway, Japan, Russia and Iceland are looking at this as a precedent.
- We are walking the tightrope of trying to respect people's historical right to carry on long-standing traditional ways and yet balance the interests of conserving and protecting whales.
- In 1995 there was criticism of the Russian grey whale hunt when it was alleged that the whale meat was not eaten by indigenous peoples but was actually fed to foxes in fox fur farms.
- Cultures change. The Alaskan North Slope Eskimos are now economically very different to the peoples who hunted whales a century ago. Oil exploitation has brought an enormous amount of money to the local people. Also, hunting from modern skidoos and helicopters is straining the definition of what is aboriginal.
- While the International Whaling Commission (IWC) continues to debate the emotive issue of the resumption of commercial whaling, hundreds of whales, and their cousins, the smaller dolphins and porpoises, are dying every year, almost unnoticed, in aboriginal hunts.
- In the context of wildlife, the precautionary principle should be followed.

### The High North Alliance role card

The High North Alliance is an umbrella organisation representing whalers and sealers from Canada, Greenland, the Faeroe Islands, Iceland and Norway. The HNA is committed to working for the future of coastal cultures and the sustainable use of marine mammal resources.

You should use your own existing knowledge of human rights and environmental issues together with the following information:

- The Makahs had been whaling for 2,000 years before the white imperialists came over and took the whales, and destroyed the Makah traditions and way of life.
- Now the whales are plentiful again but the white men want to ban all use of this resource and to deny us our rights.
- Different cultures will never be able to agree on which animals are special and which ones are best for dinner. In northern Norway people have a special relationship to the eider duck although in Denmark eider breast is a delicacy. Therefore, the statement “whales are different” begs the question: different for whom?
- Whaling, as well as sealing, is allowed only as long as it is conducted by indigenous peoples, is non-commercial and is only for “traditional usage”. This is unfair because:
  - It tends to be the outsiders who define what is “traditional”.
  - To link whaling and sealing to a non-commercial mode of production is to deny people their obvious right to define their own future.
  - No culture is static, but the policy of anti-whalers is de facto an attempt to “freeze” the situation, to turn an evolving culture into a static museum object.
  - Commercialism in itself seems to be considered bad by the majority of the contracting governments at the International Whaling Commission (the body that controls whaling). It is ironic that this view is expressed by governments which are usually strong advocates of free trade.
- The current moratorium, or “hands off whales” policy is difficult to defend using logical arguments. There are many practices in agriculture, fishing and forestry that are clearly unsustainable, but there is no blanket ban on these industries.
- “Marine mammals are part of the living resources of the ocean ecosystems. They should be protected when threatened and only hunted when there is certainty that the size of their stocks allows it. Hunting may also be necessary in order to avert over-population and imbalances in marine ecosystems.” (Report on Marine Mammals, Council of Europe, July 12, 1993)
- Whaling is a good example of how international co-operation can transform a situation of over-exploitation into one of sustainable use. International co-operation is not perfect, but it can and does work.

### Greenpeace role card

Greenpeace supporters around the world campaign for their visions of how to achieve a more sustainable world.

You should use your own existing knowledge of human rights and environmental issues, together with the following information:

- People from many cultures worldwide hold whales to be sacred and consider each species a sovereign nation unto itself, worthy of respect and protection.
- Whales bring joy to many thousands of whale watchers.
- Greenpeace does not support any whaling, but does not oppose truly subsistence whaling, as long as there is no commercial element.
- Grey whales migrate vast distances each year and they only briefly pass through Makah waters.
- If the proposal to authorise 5 grey whales to be taken by one tribe goes ahead, then several other tribes in Canada and Alaska will say, “Well, if they can hunt them, we can hunt them”.
- It's extremely difficult to determine accurately the actual number of whales in different whale populations. The size of most populations is known no more accurately than plus or minus 50%. Since changes happen very slowly; it is impossible to tell if a population is growing or shrinking in the course of a few years' study. However, there is no doubt about the decline in whale numbers caused by commercial whaling.