

FOR IMMEDIATE RELEASE

JANUARY 16, 1975

Office of the White House Press Secretary  
-----THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

The Pelly Amendment to the Fishermen's Protective Act of 1967, 22 U.S.C. § 1978 (1971), states that when the Secretary of Commerce determines that the citizens of a foreign country conduct fishing operations which diminish the effectiveness of a conservation program of an international fishery convention to which the United States is a party, he shall so certify to the President. The President may then direct the Secretary of the Treasury to prohibit the importation of fish products of the offending country. Within sixty days of certification, the President is required to notify the Congress of any action taken by him pursuant to such certification. If the President takes no action, or if he imposes an import prohibition which does not cover all fish products of the offending country, he must inform the Congress of his reasons.

The Secretary of Commerce has certified to me that the minke whale catches of the USSR and Japan during the 1973-1974 season exceeded the International Whaling Commission (IWC) quotas for that season. These actions diminished the effectiveness of the conservation program of the Commission.

Quotas on the number of whales to be taken each year are set at the annual meeting of the IWC. These quotas together with certain other limitations constitute an "international fishery conservation program." Objections to adopted quotas are permitted by the terms of the Convention. An objecting country is not legally bound by the quota. Whether or not the objection is legal, however, does not alter the fact that exceeding the quotas will diminish the effectiveness of the program. It constitutes a prima facie case for application of the Pelly Amendment.

Last year both Japan and Russia objected to the minke and sperm whale quotas set by the IWC. In the case of the minke whale, a quota of 5,000 whales was set for the Antarctic. This figure was admittedly an informed estimate of the maximum sustainable yield of the stock, since precise figures on existing populations were lacking. Relatively few of these small whales had been previously taken. Nonetheless, the quota represented the best judgment of the scientific advisors and was duly adopted by the member nations. The Soviet Union and Japan voted against this quota. They said the figure should be 8,000, and formally objected to the quota. They then announced that each would take 4,000 minke whales during the 1973-1974 season. In fact, the Soviet Union took 4,000 and Japan took 3,713. This represented an excess of 2,713, or approximately 50 percent over quota.

To date, no prohibition has been imposed under the terms of the Pelly Amendment. I have decided to impose no such prohibition at this time. My decision is based upon the results of this year's meeting of the IWC in London. At this meeting, most of the member nations adopted an Australian amendment to the United States 10-year moratorium resolution. The amended resolution establishes the principle of a selective moratorium applicable to any stocks of whales which fall below their maximum sustainable yield levels or optimum population

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(OVER)

levels as these are determined. In effect, the selective moratorium shall prevent any whale stock from becoming endangered. According to its terms, the resolution shall be implemented in the 1975-1976 whaling conservation measures fixed by the IWC next year.

The June meeting also produced an agreement to strengthen the Secretariat and to convene a working level meeting to consider changes in the International Whaling Convention itself. In addition, the Commission's quotas for the 1974-1975 season incorporated some conservation improvements not included in the quotas for the last season. The Soviets and Japanese voted for the 1974-1975 quotas and, in general, appeared to be more conciliatory than during previous meetings. They, therefore, provided some hope that all member nations would comply with the resolution and with the 1974-1975 quotas.

There is, of course, the serious economic impact of trade sanctions to consider, particularly in the case of Japan, which in 1973 shipped \$235 million in fishery products, 36 percent (in dollar value) of its fishery exports, to the United States. Domestically, withdrawal of Japanese imports, amounting to about 11 percent of our supplies, would result in higher prices for fish products.

Because of the important economic and political ramifications of such sanctions, they should be imposed only after all reasonable alternatives for the achievement of the conservation objective have proven ineffective. With the progress made at this year's IWC meeting, the current situation does not warrant such stringent measures and, therefore, I am taking no action now.

There is, of course, the possibility that subsequent action by Japan or the USSR may require a reassessment. In this event I will expect the Secretary of Commerce to submit such reports and recommendations as he finds warranted. The Secretary's present certification, prepared by the National Oceanic and Atmospheric Administration, recommends the course of action I have decided on.

GERALD R. FORD

THE WHITE HOUSE,  
January 16, 1975

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