



# ANIMAL WELFARE INSTITUTE

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## **Opening Statement of the Animal Welfare Institute 60<sup>th</sup> Meeting of the International Whaling Commission, Santiago, Chile**

The International Whaling Commission embarks on its 60<sup>th</sup> meeting with an eye toward the future. The Animal Welfare Institute can only hope that its future is brighter than its past. For the majority of its history, the IWC has overseen the decimation of the world's cetaceans. Though responsible for the regulation of whaling in its formative years, the IWC failed to regulate the brutal slaughter of the world's leviathans dooming some species to extinction and driving others to the very precipice of elimination. Finally, as whale populations declined and anthropogenic impacts to whales and their habitats became more pervasive, the IWC acted by enacting a global moratorium on commercial whaling. The moratorium, once implemented in 1986, reduced the slaughter of these intelligent and sentient creatures and provided hope for their future. In time, despite enormous worldwide public support for the protection of whales, three countries began to undermine the intent of the moratorium by exploiting loopholes in the International Convention for the Regulation of Whaling (ICRW) to continue to slaughter whales for commercial profit including under the guise of "scientific" whaling. With an escalating body count and an increasing divisiveness among IWC contracting parties, many declared the IWC to be "broken," "dysfunctional," or at an "impasse." Thus, this year's IWC meeting is focused on the future.

While no one can predict the future, at present the future appears bleak, at best, for cetaceans. Beyond the unnecessary and expanding commercial slaughter of whales, including those killed in the name of "science," the anthropogenic threats to whales and their oceans habitats represent a distinct, dangerous, and increasing threat to the world's whales. Such threats include ocean noise, ship strikes, net entanglements, coastal development and pollution, habitat degradation and, of course, the ecosystem wide threats posed by global climate change. Such threats also afflict small cetaceans; many of whom are subject to horribly cruel deaths during drive hunts which are entirely unsustainable to supply a trade in meat to market or live animals for captive exploitation. For the great whales, the anthropogenic threats to their long-term survival are exacerbated by their slaughter by modern commercial whaling vessels and fleets.

This future is further imperiled by current efforts by the IWC's Chair who believes that he can "fix" the IWC. Many previous IWC Chairmen have undertaken similar efforts which have failed. If the chairman's eight-step plan to "fix" the IWC is any indication, his effort is doomed to fail as well. Fundamentally, though many accept the assertion that the IWC needs to be fixed, AWI does not. The IWC is not broken, rather a handful of countries have orchestrated an effort to undermine the will of the majority, to create the impression that a "fix" is needed to achieve self-serving benefits, and have used baseless threats of succession from the IWC and the lives of whales as their bargaining chips. Instead of boldly opposing the actions of these rogue nations, many IWC member governments have fallen victim to their efforts of manipulation. Instead of using all domestic and international tools, including both sticks and carrots, to compel these rogue countries to embrace the will of the majority, many contracting governments have apparently determined that compromise, not confrontation, is an acceptable outcome. Finally, instead of demanding the modernization of the IWC to make it a viable international conservation body with policies and procedures consistent with other 21<sup>st</sup> century treaties, many member governments are being led down a dangerous path of compromise that will only further exacerbate the threats to whales and undermine public will that demands the protection, not persecution, of cetaceans. Indeed, the promotion of the eight-step process as a way beyond the "impasse" is nothing more than an effort that may result in the resumption of commercial whaling or the creation of a new whaling scheme that will undermine the moratorium and create other difficulties within related international fora such as CITES. To support such a package, as the process is currently articulated, is to demonstrate an intolerance of transparency and accountability which for many contracting governments is antithetical to their democratic principles.

As a fundamental matter, AWI supports the recently published NGO Statement on Trade which calls on the IWC to not engage in any discussion of the future of the IWC until and those countries who were involved in the trade and who have reservations to the Appendix I listing of whales under CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora), rescind such reservations. If this statement is ignored, then, if the member nations of the IWC truly desire to create a viable international body that will play a meaningful and effective role in confronting the myriad threats to cetaceans and their habitats, they must:

- Amend the ICRW to remove Article VIII to prevent the ongoing misuse of this provision to slaughter an increasing number and diversity of whale species. In this modern era of scientific research there is no justification for killing whales in pursuit of scientific information. Indeed, despite the rhetoric, an objective panel of cetacean experts concluded that the eighteen years of data collected from the carcasses of thousands of whales killed under JARPA I failed to meet the stated research objectives, failed to provide statistically reliable results, and/or did not provide data that could not be obtained using non-lethal research techniques. JARPN likely suffers from similar flaws. Moreover, dozens of resolutions have been approved by the majority of IWC member countries urging Japan to end its “scientific” whaling program. Though repeatedly ignored, such resolutions reflect the collective expertise of hundreds of the world’s foremost scientists and their governments who embrace non-lethal research methodologies. At a minimum, the contracting governments must adopt a resolution clarifying that the intent of Article VIII was never to support a commercial whaling program and, therefore, any whale products obtained for “science” cannot be sold commercially.
- Eliminate the ability of countries to take reservations to decisions made by the IWC. The current use of reservations undermines the integrity of the ICRW and of the efforts made by contracting governments to promulgate measures to promote the recovery and conservation of whales if such measures are unacceptable to any country. As an international body dedicated to the conservation and management of whales, including highly migratory populations that traverse the jurisdictions of many countries, the will of the majority must prevail over the interests of a single country or a minority of countries.
- Refuse to countenance efforts by any IWC member country to seek any quota or permission to engage in small type coastal whaling, community-based whaling, or any similar whaling scheme. If IWC member countries were to allow such whaling for any one country, they would open a Pandora’s Box as more countries would seek similar allowances. Even if such countries promised to comply with IWC-established parameters to regulate such whaling, ultimately compliance would be entirely voluntary with no means for the broader international community to ensure that such standards would be met. Only if a country can legitimately satisfy the criteria for aboriginal subsistence whaling should there be any discussion of the establishment of a quota to permit the lethal slaughter of whales.
- Embrace conservation as the primary role and responsibility of the IWC. With the increasing anthropogenic threats to all cetaceans, large and small, throughout their range, only by expanding and enhancing the role of the IWC in promoting the conservation of cetaceans and their habitat and by effectively utilizing the precautionary principle when considering management action can the IWC evolve to meet the needs of whales and their habitats. Such a program could allow all IWC member countries to coordinate and cooperate in regional, national, and international conservation plans to help protect and recover both large and small cetaceans and their habitats.
- The international trade in whale meat/products cannot be permitted and must be explicitly rejected by the member countries of the IWC to uphold the intent of the IWC’s commercial whaling moratorium and to comply with the intent of CITES. The recent trade in a significant sum of whale meat/product should be regarded as a slap in the face to the majority of IWC member countries who refuse to engage in such gamesmanship to make a point or advance a self-serving agenda. This shipment must be confiscated by the importing country and either destroyed or sent back to the exporting countries. In addition, member countries must adopt a resolution condemning the incident and seeking assurances from the involved countries that they will not engage in such behavior in the future.
- Ensure that all IWC deliberations and discussions are entirely transparent and welcome civil society to both observe and participate in IWC proceedings as is common in modern multi-national environmental treaties. Though the IWC Rules of Procedure have always permitted civil society to participate in IWC deliberations, for decades representative of non-governmental organizations, regardless of their perspective, have been prevented from intervening to

provide their perspective on IWC agenda items. NGOs were instead expected to pay vast sums of money to attend IWC meetings only to be relegated to the back of the room to only observe the discussions. Not only is this bad practice, but it also reflects an antiquated policy that suggests that NGOs are preferred to be seen but not heard. Considering that many NGOs have a long history of attending IWC meetings, have general and subject matter expertise in issue of concern to the IWC, and have an ability far superior to any government to reach out to millions of people virtually instantaneously to their advocacy on behalf of whales, IWC member governments are missing a unique opportunity to benefit from NGO expertise and public outreach and advocacy skills.

While the 60<sup>th</sup> IWC meeting will now permit limited NGO participation during a plenary session, which is a start in engaging civil society in its discussions, the limitations imposed on such participation (i.e., only three NGO representatives from the pro and anti-whaling perspectives, a five minute limit to interventions, and the threat of cutting off any intervention if any representative makes a remark deemed to not be constructive) are unacceptable and demonstrate that the IWC continues to live in the dark ages in regard to procedure and policy. Moreover, while AWI commends those delegations who advocated for greater transparency and enhanced participation for civil society in the deliberations of the IWC, the failure of the majority of member governments to support an expanded role of civil society within the IWC, including by allowing civil society to both observe and participate in the deliberations of the small working group established to negotiate a package or deal to “fix” the IWC, is disheartening and disturbing. The majority of IWC member countries are democracies which presumably embrace transparency and openness in the deliberations of their governments. Such transparency and openness is essential within the IWC given its subject matter, the public’s intense fascination with whales, and its disdain for whaling. The efforts of the small working group to “fix” the IWC will fail without the involvement of civil society. Secrecy will serve only to breed suspicion, promote rumors, and undermine the entire process.

AWI understands that the IWC allows, under certain circumstances, qualified aboriginal groups to whale to meet their subsistence needs. Unlike many conservation organizations, AWI generally opposes subsistence whaling unless very specific criteria are met which ensure that the aboriginal group in question has a legitimate need, that they meet the explicit criteria established by the IWC, that the need is limited to the least number of whales possible, and that the killing methods used are the most humane available.

Many of the aboriginal hunts for which quotas have been approved by the IWC may not meet these standards. The Makah gray whale hunt, though currently prohibited under United States law, does not meet these criteria and the gray whale quota for the Makah should never have been approved in 1997, 2002, or 2007. In addition, AWI strongly believes that the illegal killing of a gray whale in September 2007 by members of the Makah tribe should be reported as an infraction of the IWC Schedule.

Moreover, as evidenced by debate at the present meeting in regard to the commercial sale of whale products obtained through an aboriginal hunt, it is clear that the entire aboriginal subsistence whaling scheme is in need of review and revision. Indeed, when considering the various aboriginal subsistence whaling quotas that have been approved, there is an obvious lack of consistency in the implementation of the IWC provisions on aboriginal subsistence whaling. Consequently, there is an immediate need both for member government to reevaluate these provisions but to also seriously question future requests for new or renewed aboriginal whaling subsistence quotas.

AWI is working to ensure that the future of the whales in this world is a future where protection trumps persecution and where conservation is embraced as a fundamental key to conserving these magnificent animals and their habitats. It is hoped that the member nations of the IWC will advocate a similar future instead of returning to the unacceptable policies and practices of the past.