

Good Afternoon, My Name is Kitty Block, Vice President of Humane Society International. On behalf of The Humane Society of the United States and its international arm Humane Society International and our more than 11 million members and supporters I thank you Madame Chair for the opportunity to discuss the crucial import of the United States whale conservation mandate, and the need for a strong U.S. commitment to seeking an end to commercial whaling at IWC 61 in June.

In March of 2008, William Hogarth, Chair of the IWC and US Commissioner, launched an effort to address the future of international whale conservation as managed by the IWC. This endeavor generated numerous meetings, discussions and proposed deals. Dr. Hogarth planned to advance a package deal to be adopted by consensus at IWC 61, however, it was reported Monday that the drafting group was not able to complete an outline of the deal in time to be voted upon in June. Instead Dr. Hogarth intends to seek a commitment from the IWC members at this next meeting to have a compromise deal approved by IWC 62.

Dr. Hogarth's stated reasons for initiating this process were to reduce the acrimony within the IWC and the number of whales killed each year, both worthy goals. However, having started this process, and seen where it has led, the U.S. government has the responsibility to ensure that it doesn't put the IWC and the whales in a worse position. Candidly, that is the course that the Hogarth plan has set.

With all its invocations of a way forward, a future for the IWC, and a new beginning, the compromise deal at its core is an alarming and stealthy retreat to the past, one that bodes ill for whales. This plan emerged from numerous closed door meetings that kept civil society in the dark, produced proposals to legalize coastal commercial whaling, legitimize scientific whaling, and issue ad hoc quotas on a scientifically unsound basis. Madame Chair, there is nothing forward-thinking about this plan, and it flaunts the precautionary principle that has guided American policy in this arena for decades. It resurrects the worst elements of the previous generation's attempts to "fix" the IWC. It is a blueprint for tragedy based on a non-transparent process that now threatens to upend the very real progress made in saving the world's whales. It is, moreover, a most unfortunate product of the US delegation's lack of vision and commitment to our historic conservation mandate throughout the last eight years. It is a deal that the members of the Whales Need US coalition reject, and it does not deserve, and should not enjoy, the support or sanction of the Obama administration.

To be clear – we are not calling for an end to deliberations about the future of the IWC. We too have a vision of the future. It is one in which through our collective efforts, we forestall the most urgent threats to the survival of whales. It is one in which a global consensus about the majesty and value of these wonderful creatures is honored to the highest degree in our laws, our treaties, and our foreign policy negotiations. It is one in which sanctuary boundaries are recognized and respected, and one in which the blight of commercial whaling gives way to the lucrative and sustainable enterprise of whale watching.

The United States is uniquely positioned to champion and advance this way forward, through a process that is transparent, principled, and resolute, and one that has as its goal - ending all forms of commercial whaling.

The plan on the table, and the process that produced it, was flawed from the outset and therefore unlikely to ever result in fewer whales killed. Part of the problem lies in the fact that this process was born from a false notion and over-reaction to the rhetoric that the IWC is at the point of collapse requiring urgent resolution at whatever the cost. The reality is however, that Japan has been threatening to leave the IWC for several decades but hasn't done so – its leadership knows that such a decision would go against its interests. Iceland quit in 1992 but rejoined in 2002 recognizing the value and need to be an IWC member. Norway has been a member since 1948 and continues to participate in the meetings even though it has joined a regional marine mammal organization that claims overlapping IWC jurisdiction.

The other issues impeding the success of this process are the fact that Dr. Hogarth acted with a number of underlying assumptions that are now proving faulty.

- First, it was believed that Japan was willing to meaningfully reduce the numbers of whales it slaughters in the Southern Ocean Sanctuary. However, Japan has committed to reducing the numbers killed by only 29 less than last year – leaving a self-allocated quota of 650.
- Second, that it was only necessary to cut a deal with Japan over its so-called scientific whaling while ignoring on-going coastal commercial whaling by both Norway and Iceland. The Chair's approach focused almost exclusively on delivering solutions to placate Japan, while Japan has shown no movement towards conciliation – an all too familiar pattern. Meanwhile Iceland, Norway and Japan have firmly adhered to a business as usual approach to whaling throughout this process including restarting international trade in whale meat.
- Third, that non-binding solutions would be sufficient to solidify a deal with Japan. It is simply stunning - given Japan's long and infamous history of flagrant disregard for IWC conservation measures predating even the moratorium- that a handshake and a nod would be acceptable to anyone. The 1946 Convention guarantees the absolute right to conduct scientific whaling. The only way to ensure that Japan does not continue to abuse this right is to remove it from the Convention. Any limitations on lethal scientific whaling - short of amending the Convention -- are neither binding nor enforceable.
- Fourth, the mistaken belief that a trade-off between scientific and coastal whaling is a practical or suitable solution. Lethal scientific whaling has been rejected by nearly every country around the world as unnecessary. It is just an unethical way around the moratorium. Why should Japan be allowed to "trade it off" in exchange for coastal whaling which is equally objectionable? Why should Japan, having persistently ignored the international will on these issues, and defied the conservation measures of the IWC itself, now be rewarded with part of what it seeks?

This trade-off also ignores the inherent problems with a resumption of coastal commercial whaling. Historically, coastal hunting has been the easiest whaling to undertake, most difficult to control and, consequently, it has seriously depleted many inshore stocks. It would take place in coastal waters where whales calve and nurse their young -- waters that already

present greater-than-normal environmental threats to whales, including bycatch, ship strikes, and entanglement in fishing gear.

As a factual matter, any deal that allows for coastal commercial whaling cannot legally limit whaling to Japan and its four coastal communities because the Convention assigns quotas to stocks, not countries. Hence, there is no logical or legal basis for the IWC to exclude other nations that might wish to start commercial hunting of whales along their coasts. A Reuters article dated April 22, 2009, reported that South Korea would consider resuming commercial whaling off its shores if the IWC approves a plan for Japan to conduct coastal whaling.

Given these fatal deficiencies – it should not come as a surprise that what has resulted is an ill-conceived plan that sacrifices hard won and important conservation victories for short-term cosmetic gains. This deal will not solve the IWC's problems- it will exacerbate them.

The question before us, in fact, is not whether there should be commercial whaling in the 21<sup>st</sup> century- rather the question is when and how will we, as a nation, initiate the measures needed to end such inhumane and unnecessary pursuits. The world looks to the United States for leadership and we must rise to this occasion and meet our responsibilities head-on. Phasing out all forms of commercial whaling is the only way to ensure the survival of the world's whales. Those who suggest that fewer whales may be killed if this kind of compromise is reached with Japan could not be more ill-advised; this type of compromise squanders the historic opportunity we have to finally put an end to this brutal practice.

Now is the time for the United States to act decisively to set a course that leads to an end to commercial whaling by all nations. It is a difficult undertaking, one with significant diplomatic complexities. But our energy and resources will be better spent making inroads into closing down a bloody and outmoded industry rather than propping it up while dangerously renewing hopes for the resumption of full- scale commercial whaling. It took over a decade to pass the moratorium; the Hogarth proposal would take just one meeting to end it.

IWC 61 will be the last meeting with the US Commissioner serving as IWC Chair – and we have nearly missed our opportunity to articulate a policy designed to recast the debate. The IWC needs to be transformed into a 21st century international whale conservation body, not to be dragged back to its 1946 origins. With the world's whales currently facing a myriad of anthropogenic threats, including climate change, habitat degradation, pollution, and overfishing of prey species – the only way forward is to end all commercial whaling.

In 2009, it is legally valid and justified by current environmental circumstances, for the IWC to place greater emphasis on conservation rather than maintaining a commercial whaling industry which is no longer internationally acceptable. In 1946, whaling was widely regarded as a legitimate industry, so it was appropriate to reach international agreement on its regulation. Even then, however, the Convention was unique in that it provided for - and indeed, gave equal emphasis to conservation – well before such thinking became the norm.

Pro-whalers will object undoubtedly to a significant conservation shift just as the anti-whalers objected when the IWC placed greater emphasis on commercial whaling decades ago; but neither can argue that the Commission is not fulfilling its legal mandate under the

Convention. Times have changed and so too have our understanding, our compassion, and our respect for these magnificent marine mammals. International law such as conventions and treaties are not static either; by necessity they are interpreted in an evolutionary manner in order to remain relevant and credible. Contrary to what might have been the case in 1946, most of the world now believes that whaling should be reserved for very special circumstances –such as subsistence aboriginal whaling.

I agree with those who say the IWC is at a crossroads – but not because Japan is threatening to quit or Norway and Iceland threaten to escalate their whaling. In considering the proposed plan, the IWC is in danger of making itself irrelevant by authorizing and enabling a return to regulating commercial whaling rather than seeking its end. If the IWC votes to approve a package that includes even a limited resumption of coastal whaling - the body will be out of step and dramatically at odds with civil society.

I would only add that we can build on what Dr. Hogarth has started, by adopting a robust process that is truly forward thinking and one that embraces the widely held views that whales should no longer be slaughtered for commercial gain. The IWC needs to be modernized and strengthened and whales fully protected from all commercial hunting - anything less is unacceptable.