

**WRITTEN TESTIMONY OF  
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**OVERSIGHT HEARING ON  
“61<sup>st</sup> ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION”**

**BEFORE THE  
COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND OCEANS  
U.S. HOUSE OF REPRESENTATIVES**

**May 20, 2009**

**Introduction**

Good afternoon, Madam Chair and members of the Subcommittee. I appreciate the opportunity to speak with you today about the upcoming 61<sup>st</sup> annual meeting of the International Whaling Commission (IWC).

I am William Hogarth, U.S. Commissioner to the IWC. Last year, I retired from the Federal Government after fourteen years of service, and accepted the position of Dean of the College of Marine Sciences, University of South Florida. With the support of the Obama Administration, I have retained my position as the U.S. IWC Commissioner and will continue to serve at the pleasure of the President until I step down from this position following the June annual meeting. Dr. Doug DeMaster of the National Marine Fisheries Service remains the Deputy Commissioner. In 2006, I was elected by consensus to assume the role of Chair of the IWC and I continue to serve in that position. I would like to make it very clear, however, that I am testifying today exclusively in my capacity as the U.S. IWC Commissioner and not as Chair of the IWC.

My testimony will provide background information on the IWC, discuss the main issues currently confronting the IWC, and explain the status of the “Future of the IWC” process. I would first like to introduce a written statement on behalf of the Obama Administration. The Obama Administration would like to see the International Whaling Commission (IWC) serve as the premiere international forum to resolve current whale conservation issues, coordinate critical research, and address emerging issues for whales such as climate change and ocean noise. The Administration reaffirms the United States’ position that the commercial whaling moratorium is a necessary conservation measure and believes that lethal scientific whaling is unnecessary in modern whale conservation management. While the new Administration began while the Future of the IWC process was well underway, it fully understand the complexities of, and concerns regarding, this process and the key issues facing the IWC. The Administration is supportive of this process and is fully committed to furthering discussions of critical issues within the IWC, including the future of the organization. However, the Administration reserves judgment on various proposals regarding a way forward on the IWC until discussions are completed, which, in its view must occur before the annual meeting in 2010. For any package, to be acceptable, it must result in a significant improvement in the conservation status of whales and be based on

sound science. The Administration will evaluate its options and seek public input before making any decision.

### **International Whaling Commission**

The International Convention for the Regulation of Whaling (ICRW) was signed in 1946, as a direct result of decades of overharvesting of the great whale species of the world. The primary purpose of the ICRW is the conservation and management of the great whales. The IWC was formed by the ICRW, and is responsible for managing the 13 great whale species — bowhead, North Atlantic right, North Pacific right, southern right, gray, blue, fin, sei, Bryde's, common minke, Antarctic minke, humpback, and sperm. The IWC adopts regulations by periodically amending the Schedule to the Convention (Schedule), an integral document to the ICRW, which lists measures that govern the conduct of whaling. Amendments to the Schedule must be based on scientific findings and require a three-quarters majority of those IWC members who voted. The ICRW contains provisions that allow member countries to object to Schedule amendments within certain time frames, in which cases such Schedule amendments do not bind the objecting country.

The IWC also provides for aboriginal subsistence whaling to help preserve aboriginal cultures and provide for traditional nutritional needs. This is done through catch limits in the Schedule. The IWC has set catch limits for whale stocks harvested by certain aboriginal groups from the United States, the Russian Federation, Denmark (Greenland), and St. Vincent and the Grenadines.

There are currently 85 member countries to the IWC, with the Commission being split between pro-commercial whaling countries and anti-commercial whaling countries.

### **The Future of the IWC**

In an attempt to resolve some of the contentious issues facing the Commission, the IWC established a process in 2008 to discuss the future of the organization. Years of protracted and unresolved debate over the proper means to conserve, utilize, and study whales have made many IWC members, including the United States, concerned about the body's future relevance in controlling unilateral whaling and conserving whale stocks. Some countries have questioned their continued membership in the Commission as a result of this polarization.

As agreed to by consensus, a Small Working Group (SWG) chaired by an independent moderator, Mr. Alvaro de Soto, was established to develop options for a way forward. The SWG is charged with assisting the Commission to arrive at a consensus solution to the main issues it faces, and thus to enable it to best fulfill its role with respect to the conservation of whale stocks and the management of whaling. The primary task of the SWG is to develop a package or packages for consensus solutions regarding the future of the IWC for review by the Commission.

The SWG has held three meetings: at St Petersburg, Florida, USA, in September 2008; at Cambridge, United Kingdom, in December 2008; and at Rome, Italy in March 2009. The SWG Chairman has submitted to the Commission his progress reports on all three meetings, as well as his final report, which are all available on the IWC website ([www.iwcoffice.org](http://www.iwcoffice.org)). In summary,

the SWG was not able to reach consensus on a package and has suggested that the process continue for an additional year with a final decision to be made at the annual meeting in 2010.

Polarization of the IWC threatens the viability of the organization as the premiere international forum for resolving current conservation issues, coordinating critical research, and developing international agreement on whale conservation. There is a consensus view of the 85 IWC member nations that there is a need to resolve the impasse at the IWC regarding many important issues. It is promising that the IWC is now engaged in a process to reduce the polarization among its members to seek resolution of critical issues, including the future of the organization, but there is currently no agreement on the way forward.

There is general agreement among Contracting Governments that the Commission needs to improve the way it conducts its business, and to address the current conflicting opinions among Commission members that make it difficult to reach consensus decisions or to hold constructive discussions. The United States appreciates the frank and collegial dialogue that has prevailed during the meetings of the SWG.

However, while we recognize the significant achievements that have occurred over the past year, there is disappointment among IWC members, including the United States, that the SWG did not make more progress on the critical issues facing the Commission. Breakdown of the current IWC discussions will occur unless we can address the critical issue of scientific whaling. Most countries, including the United States, believe that the science necessary for effective management in the IWC does not require the lethal take of whales. This is one of the most difficult issues for IWC members and must be resolved prior to reaching consensus on a package.

The United States is fully committed to working with all contracting Parties in the next year to complete the process. We are concerned that if real progress is not made over this next year the civil discussion currently occurring in IWC meetings will relapse into unproductive exchanges, further jeopardizing the relevance of the IWC for whale conservation.

There is a real opportunity to make significant progress on the important long-standing issues facing the Commission. We are optimistic that by working together, viable solutions to the IWC's current difficulties can be found. We have encouraged other member countries to approach the ensuing discussions with an open mind and constructive attitude.

### **Current U.S. Positions on the Key Issues Facing the IWC**

#### **Unregulated Whaling**

Many issues need to be resolved at the IWC. The most serious problem is the occurrence of unregulated scientific and commercial whaling. The IWC is responsible for the conservation and management of the great whales, yet roughly 80 percent of the whales killed today are not regulated by the Commission because they occur either through scientific whaling or whaling under objection.

The moratorium on commercial whaling is a needed conservation measure to protect whales. The moratorium needs to remain in place because the abundance of most whale stocks are either

unknown, too low or still recovering. In addition, the IWC has not yet agreed to a sufficiently protective scheme for the monitoring and control of commercial whaling.

However, given the continuation of unregulated whaling since the moratorium took effect in 1986, it has become clear that the moratorium may not be enough to achieve the long-term conservation and policy goals of the United States.

Article VIII of the ICRW allows member countries to unilaterally grant Special Permits to kill whales for the purpose of scientific research. Scientific research whaling has been responsible for the largest increase in the take of whales over the past ten years. In 1987, approximately 300 whales were taken through scientific research whaling; this number has increased to more than 1,000 per year and now includes six species. Since the moratorium, over 12,000 whales have been taken for lethal scientific research. Japan is currently the only member country conducting lethal scientific research. Furthermore, both Iceland and Norway are currently engaged in commercial whaling outside the IWC under reservations or objections to the moratorium and have recently exported whale meat to Japan.

The United States continues to oppose lethal research whaling programs and believes the scientific data needed to improve management and promote recovery of large whale populations can be collected through non-lethal means. Lethal scientific whale research, although allowed under Article VIII of the ICRW, is unnecessary for modern whale conservation and management.

#### Small-Type Coastal Whaling

Every year since 1987, Japan has proposed a Schedule amendment to allow small-type coastal whaling (STCW) for four coastal whaling operations, but these proposals have consistently failed to gain the necessary three-quarters majority needed for approval. The United States and many other IWC members have not supported Japan's STCW proposal because of the commercial nature of the proposal and because Japan's STCW proposal is not based on review and input from the IWC's Scientific Committee. We understand Japan has a strong desire to ensure that any package include some accommodation for STCW. However, there are significant concerns that must be addressed about this proposal, including how it would relate to the commercial moratorium, whether it can be scientifically justified, its impacts on Western North Pacific minke whales, especially the depleted J stock of whales, and the potential precedent it may create for other countries to seek a similar proposal.

#### Bycatch of J Stock Minke Whales

Another important conservation issue that exists at the IWC is the bycatch of "J" stock minke whales found in Japanese and Korean waters. J stock was depleted to a low level by commercial whaling and bycatch prior to 1986, and continues to be impacted due to ongoing bycatch and research whaling. The IWC Scientific Committee has advised that the current annual removal level is already harming this depleted stock. The current estimated annual bycatch alone of J stock minke whales by Korea and Japan is about 230 animals. The Scientific Committee must carefully review any proposal for STCW by Japan in order to ensure it would avoid additional J stock impacts, and not impede its recovery.

#### South Atlantic Sanctuary

The ICRW provides for the establishment of closed areas for the purpose of fostering the conservation and recovery of whale stocks. The United States was a major sponsor of the Southern Ocean Sanctuary adopted by the IWC in 1994. Since 2000, there have been efforts to establish a South Atlantic Sanctuary to complement the Southern Ocean Sanctuary. The United States continues to support the establishment of this sanctuary, as it would promote the conservation and recovery of whale stocks.

Sanctuaries generally provide opportunities to conduct non-lethal research on undisturbed whale stocks, including studies on their life history and population dynamics. The status of most major whale stocks is either still depleted or unknown. Therefore, it is imperative that the IWC make further efforts to establish whale sanctuaries and maintain existing ones to allow for full recovery of all the great whale stocks.

#### Whalewatching/Non-lethal use

The contracting parties of the IWC have recognized non-lethal use of whales as a management option for coastal States. The IWC Scientific Committee has agreed to general guidelines for whalewatching and produced a compilation of whalewatching regulations from around the world. The United States believes that valuable benefits can be derived from the non-lethal uses of cetaceans. We support discussion of whalewatching by the IWC as a sustainable use of whales on the grounds that nothing in the Convention restricts the discussions to lethal utilization of whale resources.

#### **Conclusion**

In closing, Madam Chair, I would like to reiterate that the United States' position on whale conservation and management has not changed. The United States continues to support the moratorium on commercial whaling and will continue our efforts to end lethal scientific research whaling. The United States is strongly committed to resolving international differences on whaling in the IWC, and preserving the organization as the premiere international body for the effective conservation and management of the great whales. Ending the current discussions without an agreement on the future of the IWC and returning to the status quo would negatively impact the organization as a whole and is an unacceptable outcome to the United States and the majority of member countries. I would like to thank the Committee members and your staff for supporting the conservation and management of whales.