



**HUMANE SOCIETY
INTERNATIONAL**

Opening Statement to the 61st Meeting of the International Whaling Commission June 2009

As the first decade of the twenty-first century draws to a close, the twenty-fifth anniversary of a milestone in the history of whale conservation approaches. The moratorium on commercial whaling has been in effect for nearly a quarter century. Against unremitting pressure to weaken or lift it, against continuous efforts to wear down the will of supporting nations, against campaigns to undermine the case for its necessity, the moratorium has survived.

More importantly, against the combined threats of whaling, habitat degradation, pollution, disturbances from sonar and drilling activities, overfishing of prey species, and the uncertain looming impacts of climate change, whales are surviving. The moratorium has been decisive in their continued existence. Our vigilance must continue to focus on the defense and strengthening of the moratorium. Whales are not saved -- and they can never be entirely safe -- from the hazards and risks that lie beyond their own control. Whales live on a fragile planet in which their fate rests squarely in our hands.

The IWC had its origins in earnest acknowledgment of the harm to whale species that whaling and other activities have wrought. Its charge has never been an easy one, and its remit has become ever more complicated in the midst of changing attitudes toward whales and whaling, and the accumulation of scientific and practical knowledge of whales, their needs, and the threats they face.

The year separating Santiago's IWC 60 and Madeira's IWC 61 has been one of extraordinary activity and dialogue focusing on the future of the IWC. The stated reasons for initiating the Small Working Group process were to diminish acrimony within the IWC and to reduce the number of whales killed each year. These are worthy goals.

However, having initiated this process, and seen where it has led this body so far, the signatory nations have the responsibility to ensure that it doesn't put the IWC and the whales in a worse position. The Small Working Group undertook its work amidst invocations of a way forward, a future for the IWC, and a new beginning. Yet, regrettably, the compromise plan, in its reported forms, is an alarming and in some respects a stealthy retreat to the past, one that, we fear, bodes ill for whales.

It is of particular concern that the plan emerged from closed door meetings that kept civil society out, and produced proposals to legalize coastal commercial whaling, legitimize scientific whaling, and issue ad hoc quotas on a scientifically unsound basis. In these and other respects, the plan seemed to flaunt the precautionary principle that has guided the policy of many signatory nations in this arena for decades. It also resurrected the worst elements of a previous generation's attempts to "fix" the IWC, and in some measure, looked more like a blueprint for tragedy rather than a way forward. It sacrifices hard-won and important conservation victories for short-term cosmetic gains. This plan will not solve the IWC's problems- it will exacerbate them.

To be clear, Humane Society International is not calling for an end to deliberations about the future of the IWC. We, too, have a vision of its 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. Finally, it is one in which commercial whaling, including that being cast as scientific in nature, gives way – once and for always -- to the lucrative and sustainable enterprise of whale watching, which, properly conducted, promises to bring benefits both to humankind as well as to whales and other species inhabiting the world's oceans.

The Small Working Group process that was flawed from the outset and therefore unlikely to ever result in fewer whales killed. Among other defects, this process was grounded in an overindulgence of the rhetorical claim that the IWC is at a point of collapse requiring urgent resolution at whatever the cost. Those nations threatening to leave the IWC for several decades haven't done so -- their leaders know that such a decision would go against their interests.

A number of other underlying assumptions in this process have also proven faulty. The most important of these is 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, and has become nothing more than an unethical way around the moratorium. No nation should be allowed to trade off scientific whaling in exchange for coastal whaling, which is equally objectionable, ignores the international will on these issues, and defies the conservation principles of the IWC itself.

Such a trade-off also ignores the inherent problems with a resumption of coastal commercial whaling. Historically, coastal hunting has been the easiest whaling to undertake, and the most difficult to control. 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, for example, to Japan and its four coastal communities, because the Convention assigns quotas to stocks, not countries. There would be no logical or legal basis for the IWC to exclude other nations that might wish to start commercial hunting of whales along their coasts. In this regard, it is worth noting reports that South Korea says it would consider resuming commercial whaling off its shores if the IWC approves a plan for Japan to conduct coastal whaling.

This is no way forward to a better future for either the IWC or the whales. As it did in the era of the IWC's founding, the world looks to the IWC for leadership at a critical time. The entity must rise to the occasion and meet its responsibilities head-on. In the face of massive public concern that whaling creates throughout the world, even in the whaling nations, and in the face of the tremendous and uncertain threats that confront the world's whale populations, we must come to terms with the fact that the best insurance for whales, and the very best way to ensure their future, is to phase out all forms of commercial whaling.

There are those who suggest that fewer whales may be killed if a compromise is struck with the whaling nations. However well intentioned, this approach could not be more ill-advised. Those nations that cling to whaling do so to the great consternation of the larger majority of nations, and against the objections of hundreds of millions of individuals, in every country, who feel with the deepest conviction that whaling, whatever its viability and justification in past centuries,

cannot be indulged in this one. In this respect, the time for compromise has long ago passed, and the last year's flirtation with appeasement has the potential to negate so much of the progress that the world has made toward ending a brutal practice forever.

We call upon conservation minded nations to act decisively to set a course that leads to an end to commercial whaling. It is a difficult undertaking, one with significant diplomatic complexities. But these nations' energy and resources will be better spent making inroads into closing down an 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; a proposal like the one considered during the last few months would take just one meeting to end it.

Today, six decades after the IWC formed, and a quarter century after its adoption of the moratorium, it is not only legally valid, but abundantly justified by current environmental circumstances, for the IWC to place greater emphasis on conservation rather than maintaining a commercial whaling industry which has so thoroughly run aground in terms of its acceptability to the global community.

In 1946, whaling's legitimacy was not in question, so it was appropriate to reach international agreement on its regulation. Yet, even then, the Convention was unique in that it provided for -- and indeed, gave equal emphasis to, conservation -- well before such thinking became the norm. We are, all of us, fortunate that it did so, for this has left the IWC well-positioned to further extend its commitment to protection for whales, and to honor the developing global consensus against the legitimacy of commercial whaling.

Times have changed, and so too have human understanding, compassion, and respect for these magnificent marine mammals. International law, in the form of conventions and treaties, is not static either. Our laws, by necessity, must be, and they are, interpreted in an evolutionary manner, in order to remain relevant, credible, and apt to our circumstances. Whatever 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.

In considering the plan of the Small Working Group, 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.

Humane Society International encourages the IWC to adopt a robust and transparent process that is truly forward-thinking, one that embraces the widely-held views that whales should no longer be slaughtered for commercial gain. By extending its work in the inexorable direction of greater whale preservation, we do not dishonor the history or the intent of the treaty that formed the IWC. Rather, we recognize the passage of the time, and the sweeping shifts in public attitudes and economic practices throughout the world, that have reinforced the protectionist ethos, and lead us toward a future that is safer, and better, for whales.