

Opening Statement, IWC/63 - Animal Welfare Institute

The effectiveness of any organization is measured by its ability to accomplish objectives, achieve tangible results, to constantly pursue strategies to increase its efficiency, and to adapt to new circumstances and evolving societal norms. By these measures, the International Whaling Commission is not an effective organization. That is not to say that the IWC has failed to achieve substantive results. The commercial whaling moratorium, for example, remains one of the most significant conservation successes in the past century. The fact that whale populations had to be so substantially depleted prior to the international community agreeing to the moratorium was shameful but now, with the protections that many great whales receive, some are recovering.

Today, the IWC finds itself at another crossroads. For the past several years, the contracting governments endeavored to find a new future for the IWC. That future, however, was not acceptable to a large number of governments, international governmental organizations, non-governmental organizations, or the public so it inevitably failed. The Animal Welfare Institute (AWI) applauded that failure because the "deal" would have legitimized commercial whaling and provided no meaningful reduction in the number of whales killed. Furthermore, the deal failed to modernize the IWC to improve its integrity, efficiency, operations, accountability, and transparency. Sadly, despite the nearly unanimous rejection of the deal as written, it was neither withdrawn nor terminated, ensuring, among governments and observers alike, that it could be resurrected. AWI hopes that this is not the case, that no government has any interest in reconstituting the deal in any form, even resembling that in the past, but that there is a collective will to secure a new, modernized, and conservation-based future for the IWC and whales.

The IWC has a decision to make. Does it continue to operate as a largely ineffectual international body that, operationally, is in the dark ages compared to other multinational environmental organizations or does it embark on a course of modernization to become a stalwart entity that recognizes that cetacean conservation, not regulated whaling, is the future of the IWC?

Simply put, change is inevitable and either the IWC embraces the change or the IWC will dissolve. Some governments may prefer this option, though, in recognition of the global nature of cetaceans, we implore those governments to willingly accept change and to embrace its implications as members of the international community. We (all of us) do not have time to continue the endless debates of largely inconsequential issues within the IWC. The oceans are dying as a result of anthropogenic impacts and though there is evidence that some cetacean populations are holding their own or increasing, this progress will not continue. They simply cannot survive in oceans that are becoming more polluted, warmer, overwhelmed by human-caused noise, and where the vast industrial fishing fleets are emptying the seas of fish and other species that provide the very food that some cetaceans need to survive. If we do not address these significant conservation threats facing cetaceans, most species will not survive.

The IWC has the scientific capacity to assess, study, and develop strategies to address many of these conservation challenges. Success will not come with the IWC acting alone, but rather, as part of a broad coalition of governments, international institutions, corporations, private interests, and the public working together to protect cetaceans. To achieve that goal, however, the IWC must change.

IWC 63 provides an opportunity to begin that reform. It is essential that the contracting governments accept the reforms to the operation of the Commission as offered in IWC/63/F&A 4. While the changes, if accepted, may not complete the necessary reforms, they will represent a substantial step forward. Reform of the mechanisms used to adopt and report decisions of the Commission will enable governments to more expeditiously integrate those decisions in their national governance plans. The release of the Chairman's report soon after the annual meeting instead of nearly a year later is also a welcome change as is the release of the Scientific Committee report well before the opening of the IWC plenary. Considering the importance of the Scientific Committee, existing policy, which bars

release of the report until the morning plenary, prevents observers from having any time to review and benefit from the analysis and conclusions of the Committee. Even governments will benefit from that proposed change as it will provide them more time to understand the content of the report before attending plenary.

Considering the allegations of vote-buying that were pervasive at IWC/62, proposals to reform the fee payment process will assist in bring some integrity back to the IWC. While there still would be the potential for vote-buying, all governments and observers should commit to avoiding the payment of fees or provision of other financial support to other government delegates.

Finally, though there are a host of issues on governance and transparency to be discussed by the Commission, the issue of observer participation is crucial to the evolution and maturation of the IWC. Many of those who attend IWC meeting as observers have a significant amount of expertise in cetacean protection, ocean ecology, habitat conservation, and management planning and, if given the opportunity to constructively engage on individual agenda items, can provide information that may be of relevance to the Commission during their deliberations. In addition, considering the myriad threats to cetaceans, observers have substantial knowledge and expertise in those challenges and, if given a chance to speak in a meaningful way, would inevitably provide the Commission with valuable input.

Beyond the governance/transparency issues, IWC/63 includes a number of critically important agenda items that merit serious consideration by delegates from all contracting governments.

The Future of the IWC: As previously indicated, there has to be a future of the IWC, but it can't be the future of last year but, rather, a progressive future of tomorrow. The debate over commercial whaling must be replaced with a discussion over conservation. Given international public sentiment, commercial whaling must be ended as expeditiously as possible and a framework of modernization must be embraced. That framework must emphasize conservation as the primary focus of the Commission as this is consistent with world opinion which recognizes that cetaceans are far more valuable live than dead.

Aboriginal Subsistence Whaling: It is imperative that strong and rigorous standards be developed to ensure that all ASW countries provide similar information to demonstrate their nutritional, subsistence, and cultural needs to kill whales. For those countries or ASW organizations which don't currently provide comprehensive needs statements, this recommendation should not be perceived as a penalty but an opportunity to improve the science supporting the hunt, the data collection needed to monitor the hunt, and the procedures employed in conducting the hunt in order to ensure that when whales must be killed to meet an aboriginal need it is done in a manner that is efficient and minimizes suffering of the target animal. It is also critical that agreement is reached by the Commission, with advice from the Scientific Committee and ASW Committee, on language to be included in the schedule that provides a formal definition of ASW and "subsistence use." The development of an ASW management plan should also be a priority for the Commission along with ensuring that ASW needs statements, when submitted, are subject to critical review by the ASW Committee. In recent years those statements have simply been accepted without any substantive evaluation.

Whale Killing Methods and Associated Animal Welfare Concerns: AWI commends the effort by the World Society for the Protection of Animals in concert with the host government of this year's IWC meeting to coordinate a whale welfare and ethics workshop held in the United Kingdom earlier this year. We encourage all contracting governments to seriously consider this information not only in regard to decisions relevant to the IWC but also in terms of the management and treatment of other animals, wild and domestic, under their jurisdiction. Though AWI recognizes that there is compelling scientific evidence of the sentience, intelligence, language use, and sociality of cetaceans, it believes that the expanding ethic of "humanness" must encompass all animals. It agrees, for example, with governments who question claims about the cruelty they inflict on whales when the complainant's own animal welfare record remains suspect. The answer is not to dismiss such concerns but for all the governments of the world to commit to implementing, expanding, or improving animal welfare statutes, regulations, or standards in their own countries.

Sanctuaries: A sanctuary must be an area where protection, not persecution, is predominant in the area's management. The killing of cetaceans or any wild species in a sanctuary is abhorrent and must end. The general public simply doesn't understand, nor does AWI, how an area designated as a sanctuary can be open to exploitive use, including whaling. We recognize that contracting governments and even some of our own colleagues do not share such a protectionist policy in regard to all wildlife within sanctuaries but, considering the threats that species face – threats that are only escalating – providing comprehensive protection of all species in established sanctuaries is critical for protection of our natural biodiversity in precarious times. Furthermore, for the same reasons, we must endeavor to establish new or expand existing sanctuaries and, hence, AWI strongly encourages all contracting governments to support the proposal to establish a South Atlantic Whale Sanctuary.

Small Type Coastal Whaling: While we share the international concern over the dual disasters that befell an IWC member government only a few months ago, now is not the time for contracting governments to even consider the prospect of permitting Japan to engage in commercial coastal whaling. Considering the massive amount of whale product stockpiled in Japan, a declining demand for said products, and a citizenry that is increasingly concerned about the waste of its tax dollars to support an increasingly unpopular hunt, it is clear that commercial whaling is a dying industry. Should it die entirely, as we know it will, whether through attrition or, preferably, by government decision, the international reaction should be one of thanks and respect. Providing any lifeline to a dying industry now, wherever that industry may be active, is precisely the wrong decision to make or message to be sent.

Scientific Committee issues: AWI must continue to commend the Scientific Committee for its ongoing efforts to study and address a number of conservation and management issues dealt with by the Conservation Committee, in regard to environmental health, and in the development of conservation management plans. We encourage the Commission to continue to fully support, financially and otherwise, the work of the Committee as it tries to answer the many questions posed by the Commission with sound scientific data and to explore other issues that require their attention. AWI would note, however, concern with what appears to be the Committee's progression towards a body focused more on management and less on conservation and efforts to avoid substantive discussion of issues in a transparent manner versus behind closed doors.

IWC budget: It has come to the attention of AWI during this meeting that the IWC budget needs to be subject to a comprehensive review. Not only are IWC funds being spent disproportionately to support activities, including research, geared toward providing management advice to expand whaling but the transparency of the budgeting process is also suspect. As a consequence, AWI is aghast to recognize that its fees may be supporting research intended to permit whaling. This is unacceptable to AWI and, presumably to like-minded non-governmental organizations and even anti-whaling contracting governments. It is, therefore, imperative that the Commission direct the Secretariat to establish a mechanism to allow governments and observers to specify how they desire their funds to be spent and/or where their funds can be allocated. Those who do not support commercial whaling should not be supporting that activity through their financial payments to the Commission.

AWI encourages all contracting governments and observers to prepare and embrace the future – a future of modernization of the IWC, a future of conservation not killing, and a future where the international community work together to confront the serious conservation challenges facing our planet, ourselves, and all the animal and plants with whom we share this one Earth.