

**WRITTEN TESTIMONY OF
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**OVERSIGHT HEARING ON
“U.S. LEADERSHIP ON THE INTERNATIONAL WHALING COMMISSION AND
H.R. 2455, THE INTERNATIONAL WHALE CONSERVATION AND
PROTECTION ACT OF 2009”**

**BEFORE THE
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
HUMAN RIGHTS AND OVERSIGHT
AND
SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES**

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Introduction

Good afternoon, Mr. Chairman and Members of the Committee. I appreciate the opportunity to speak with you today about the upcoming 62nd annual meeting of the International Whaling Commission (IWC or Commission). I am Monica Medina, U.S. Commissioner to the IWC and Principal Deputy Under Secretary for Oceans and Atmosphere with the National Oceanic and Atmospheric Administration (NOAA). 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, including the current proposal by the Chair and Vice-Chair of the Commission.

The goal of the Obama Administration is to conserve whales and preserve the IWC as the international forum for resolving current whale conservation issues, coordinating critical research, and addressing emerging issues for whales, such as climate change and ocean noise. The Administration reaffirms its unwavering support for the commercial whaling moratorium and believes that lethal scientific whaling is unnecessary in modern whale conservation management.

Although the new Administration began while the “Future of the IWC” process was well underway, it fully understands the complexities of, and concerns regarding, this process and the key issues facing the IWC. The Administration is fully committed to furthering discussions of critical issues within the IWC, including the future of the organization. However, the Administration has significant concerns with several aspects of the current proposal put forward by the Chair and the Vice Chair. If the proposal remains unchanged the United States will vote

against it. For any arrangement to be acceptable, it must result in a significant improvement in the conservation status of whales for the long term and be based on sound science.

The United States has participated in the “Future of the IWC” process in good faith to try to achieve a number of U.S. objectives. These objectives include: (1) bring all whaling under IWC control by closing “loopholes” to the Convention that permit unlimited whaling; (3) transforming the IWC to focus squarely on conservation and address the new and emerging threats to cetaceans; (4) recovering severely depleted and endangered populations; (5) increasing the participation of civil society at IWC proceedings; (6) preventing our subsistence hunts from being held hostage by the Commission for political reasons; (7) addressing the growing international trade of whales and whale products between the three whaling countries; and (8) addressing the growing black market for whale meat and whale products.

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 regulates whaling 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 88 member countries to the IWC, with the Commission being roughly split between pro-commercial whaling countries and anti-commercial whaling countries. Because of the strong views held by many member countries, debate at IWC annual meetings is often heated and filled with rhetoric that does not move the organization forward. At this point, the pro- and anti-commercial whaling positions have become so entrenched that the IWC is often at an impasse due to an inability or unwillingness of countries to compromise. As a result, over 85 percent of the whaling that occurs globally is neither regulated by the IWC nor subject to international monitoring and control requirements to prevent illegal trade. Further, a significant portion of this whaling activity occurs within an IWC established sanctuary. Due to the deadlock at the Commission, many members see little point in participating fully in its activities, and meetings of certain key IWC bodies, such as the Conservation Committee, are only attended by approximately half of the member governments.

The Future of the IWC

The polarization of the IWC threatens the viability of the organization as the international forum for resolving current issues, coordinating critical research, and developing international agreements to further whale conservation. 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.

It is the consensus view of the 88 IWC member nations that there is a pressing need to resolve the impasse at the IWC regarding many important issues. There is also general agreement among Contracting Governments that the Commission needs to improve the way it conducts its business, and needs to address the current conflicting opinions among Commission members that make it difficult to reach consensus decisions or to hold constructive discussions. In an attempt to resolve some of the contentious issues facing the Commission, the IWC established a process in 2007 to discuss the future of the organization.

In 2008, the IWC established a Small Working Group (SWG) chaired by an independent moderator was established to develop options for the organization's future by the 2009 annual meeting. The SWG was 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 SWG was not able to reach consensus on a package by the 2009 meeting, and the IWC agreed that the process should continue for one additional year with a final decision to be made at the annual meeting in 2010.

As agreed to by consensus at the 2009 annual meeting, a Support Group was established to assist the Chair in providing direction to the process and in preparing material for submission to the SWG. The membership of the Support Group was designed to include diverse geographic and socio-economic representation, as well as a range of views on whaling issues. It was comprised of Antigua and Barbuda, Australia, Brazil, Cameroon, Germany, Iceland, Japan, Mexico, New Zealand, St. Kitts and Nevis, Sweden and the United States. In addition, Norway was invited to participate by the Chair and attended the last two meetings as an observer.

After three meetings of the Support Group (in Santiago, Chile in September 2009; in Seattle, Washington in December 2009 and in Honolulu, Hawaii in January 2010), the Chair of the Commission submitted a report to the March 2010 meeting of the SWG in Florida that contained a set of ideas (a draft Consensus Decision to Improve the Conservation of Whales) on how the IWC could improve its function in the future. The document was discussed thoroughly at the March meeting. The Support Group met again in Washington, DC in April 2010 to consider comments received both during the March SWG meeting and in writing, on the draft Consensus Decision. The Chair and Vice Chair of the IWC have since released their revised version of this document as a joint proposal to the Commission for consideration at the annual meeting this June.

The United States, as one of the 12 countries appointed to the Support Group, appreciates the constructive collaboration within Support Group discussions, which operated under an agreement that "nothing is agreed until everything is agreed, in contrast to the acrimonious

debate that has characterized IWC annual meetings. The United States commends the Chair, the Vice Chair, and the other members of the Support Group for their willingness to discuss such challenging issues in a diplomatic forum.

However, while we recognize that some progress has occurred over the past year, there is disappointment among IWC members, including the United States, that the “Future of the IWC process” has not yet been able to resolve some of the key issues facing the Commission. While there are positive elements to the current proposal, it falls well short on a number of issues that are critical to the United States. Further, there needs to be clarity on what will happen at the end of the ten-year agreement if a new Convention or permanent reforms have not been agreed by the Commission.

Despite these shortcomings, we believe that the proposal represents a meaningful step forward, and is a possible foundation towards achieving a functioning IWC and improving the conservation of whales. We have encouraged other member countries to approach the upcoming discussions with open minds and constructive attitudes in the hope that a diplomatic solution can be reached.

While the Administration has not taken a position on H.R. 2455, I believe the U.S. objectives, along with our unwavering support for improved conservation of whales, address the intent of H.R. 2455, the “International Whale Conservation and Protection Act of 2009.” As the bill appropriately states, “today whales face an uncertain future due to a variety of threats.” These threats include climate change, pollution, ocean noise, ship strikes, bycatch and entanglement. The United States would like to see the IWC prioritize its work to address these issues. However, we agree with the concerns expressed by the Department of State regarding the need for maximum flexibility to fully strengthen the work of the IWC, and we cannot support certain provisions of H.R. 2455 that seek to restrict our ability to negotiate with other parties and advance U.S. national interests on these issues. In addition, I note that NOAA already has a robust approach to support the research and conservation of whales and an existing nationwide competitive grant program to recover whales and other protected species for which the agency is responsible. Therefore, the authorization of appropriations and a new grant program, as provided in H.R. 2455, are not necessary.

Conclusion

In closing, Mr. Chairman, while the Administration recognizes the conservation benefits outlined in the proposal put forward by the IWC Chair and Vice-Chair, we continue to have significant concerns with the proposal and would not agree to it in its present form. At this time, we reserve judgment on any revised proposal pending further discussions, both before and at the annual meeting in 2010. The United States will also consult with relevant stakeholders to fully consider the elements of the Chair and Vice-Chair’s proposal. 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. Our goal is to conserve whales.