Mr. Chairman, Delegates, Observers, my name is Patricia Forkan. The first time I had the opportunity to speak to the IWC was in 1973. At that time, NGO’s enjoyed the option of an opening or a closing statement; we were free to comment on any subject or any country of our choosing. That was also a time when tens of thousands of whales were killed with very limited scientific knowledge and -- as we now know -- limited enforcement of quotas.

Now here we are three decades later during which time I have not been able to directly address this commission. Today I am pleased and privileged to speak on behalf of my NGO colleagues, who collectively represent tens of millions of citizens worldwide who care about whales and other creatures of our oceans – to speak about how we got to where we are, the future of the IWC, and the way forward from here.

Before moving to the body of my comments I would first like to take this opportunity to thank the Government of Australia for its proposals for conservation management plans and the promotion of sound science. Humane Society International, with numerous others, believes that, in 2009, it is legally valid -- and more than justified by current environmental circumstances -- for the IWC to focus its efforts and its energies on the conservation of whales.

While we respect the stated motivation in seeking a consensus package to bring whaling back under the IWC’s control and address the 33 issues identified as priorities by members of the IWC, it is clear that this initiative process has failed to produce a tangible outcome. One might say -- to be clear, and fair -- that while the process has moved forward, it has produced no substance, no foundational elements from which to build.

The Chair asserts that “the real impediments to consensus are the issues of coastal whaling, research under special permit and sanctuaries” and seeks another year for deliberation so that recommendations can be put to the Commission for a decision in 2010.

We disagree with this assessment of why consensus is lacking, and do not support this request for more time.

IWC/61/10, drafted in a private Commissioners meeting and adopted before NGOs were able to speak, is a consensus resolution calling for the continuation of the SWG process for an additional year. But what has changed? What new elements are addressed in this resolution that will allow the parties to come to an agreement? Have any of the whaling countries agreed to meaningfully compromise? These are the questions that hang over and cast a long shadow over the SWG’s deliberations of the coming year.

Over the last ten years, two other major negotiations within the IWC – the Irish Proposal and the RMS – have shown that the real impediment to compromise is the unwillingness of whaling countries to make concessions. For example, since the current process began in 2008 with the Chair’s plea for all sides to act in good faith, the whaling nations have failed to make a single concession towards ending, or even substantially reducing, their
whaling programs, and one has even resumed commercial whaling. Moreover, more whale meat has been traded internationally under reservations to the CITES ban in the last year than in the whole previous decade.

These actions undermine the effectiveness of the IWC and the Small Working Group process and they are, candidly, signs of bad faith.

In contrast to the intransigence of the nations engaged in commercial whaling, other members of the Commission were willing to contemplate a proposal tabled by the Small Working Group in March 2009, to establish a new category of whaling and effectively lift the commercial whaling moratorium, give new rights to kill whales, and condone scientific whaling. All this would proceed with no safeguards in place to ensure compliance with international regulations, no mechanism to address commercial whaling in defiance of the moratorium, nothing to prevent other nations from starting whaling under the new category, and nothing to stop the international trade that is continuing despite the ban on all commercial trade in whale products under CITES.

Some governments are even considering using an ad-hoc method to calculate catch limits for a new category of whaling, rather than using the Revised Management Procedure accepted by the Commission in 1994.

Without significant concessions from the nations involved in commercial whaling, the Small Working Group process is not a negotiation, and is unlikely to deliver the Chair's objective of bringing whaling under control and improving the conservation status of whales.

Without a commitment from all nations to eliminate all whaling outside international control, we urge the Commission and its contracting government not to allocate more scarce resources to the continuation of these negotiations. Instead, we believe the IWC should become an effective organization dedicated to the conservation and protection of cetaceans.

Thank you for your attention.

Endorsed and supported by:

Antarctic Southern Ocean Coalition
American Cetacean Society
Asociacion de Biologia Marina de Guatemala
Animal Welfare Institute
Campaign Whale
Canadian Marine Environment Protection Society
Centro de Conservacion de Cetaceans
Cetacean Society International
Comite Ballenas Azul
Conservación de Mamíferos Marinos de México
Cousteau Society
Dolphin Connection
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Fundacion MonteCarlo Verde
Greenpeace
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International League for the Protection of Cetaceans
International Marine Mammal Project of Earth Island Institute
International Ocean Institute
Iruka and Kujira Action Network
Irish Seal Sanctuary
LegaSeaS International
Natural Resources Defense Council
NOAH
Norwegian Society for the Protection of Animals
OceanCare
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Pro Wildlife
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