

TESTIMONY OF
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BEFORE THE
HOUSE COMMITTEE ON FOREIGN AFFAIRS' SUBCOMMITTEE ON
INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS and OVERSIGHT, and
SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT

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Chairmen and Members of the Subcommittees:

I am pleased to be here today to speak to you about ongoing efforts within the International Whaling Commission (IWC) regarding its future. First, I would like to thank Congressman Faleomavaega and other Members of Congress for their interest in strengthening our efforts to conserve whales and to improve the way in which the IWC functions. As my colleague, Ms. Monica Medina, has described, the United States is a leader in whale conservation and continues to view the IWC as the preeminent organization to coordinate critical cetacean research, to study emerging threats to whales and their habitat and to resolve current whale conservation issues.

Unfortunately, divergent views within the IWC membership have for many years prevented real progress on these important issues. Ms. Medina has detailed the existing whale conservation concerns of United States and the prospects for moving forward on this agenda. I would like to take this opportunity today to offer the perspective of Department of State on this issue, to put this issue in the context of the broader foreign policy of the United States, and to describe the effect this stalemate in the IWC has on otherwise fruitful diplomatic relationships. I speak as someone who has spent much of the past 20 years negotiating international agreements to conserve and manage living marine resources that we share with other nations.

From the perspective of overall U.S. foreign policy, the whaling issue is an unfortunate anomaly. For nearly two decades, the IWC has been mired in a prolonged stalemate. This stalemate has steadily eroded the stature and effectiveness of the organization. As six past U.S. Commissioners recently put it in a letter to President Obama, “we have seen the steady decline of the IWC from a world-class international organization for the conservation and management of the great whales to a nearly dysfunctional body.”

The organization’s stated objectives are to conserve whales and to manage whaling operations. Following years of overharvest, the IWC adopted a moratorium on commercial whaling in the mid-1980s. For several years thereafter, the moratorium proved to be reasonably effective. The IWC members who had previously engaged in commercial whaling generally abided by the moratorium. Within the IWC, work proceeded to study the stocks of great whales and to prepare a new set of management rules under which limited whaling might resume under tightly

controlled strictures. But starkly divergent views arose among IWC members which effectively brought this work to a halt. Norway, which was never legally bound to the decision establishing the moratorium, resumed commercial whaling in 1993. Iceland, which left the IWC in the early 1990s, rejoined the IWC some years later, claimed that it was no longer bound to observe the moratorium, and resumed whaling operations. Japan, which claims to observe the moratorium, significantly expanded lethal scientific whaling in both the Southern Ocean and North Pacific.

At this point, the IWC does not meaningfully control any of these whaling activities. Indeed, the only whaling activities that the IWC oversees closely are the taking of whales for aboriginal (or indigenous) subsistence use, including the whaling undertaken by Alaskan Eskimos. Recently, the Commission has struggled with this activity as well, as shown by the Commission's inability to assemble enough of its membership this spring to consider Greenland's request for a modification of its subsistence quota. By all accounts, the organization is increasingly becoming ineffective.

I wish to emphasize that the nations most involved in this stalemate are normally allies on a wide range of international issues -- with each other, and with the United States. Australia, the Member States of the European Union, Iceland, Japan, Norway, and the United States generally work closely together within the international system, including on many environmental and ocean-related issues. Many of these nations are military allies as well. The whaling issue is a source of ongoing friction in these relationships. Staunch positions taken by IWC members at opposite ends of the spectrum of views on whaling fuel this friction.

The Department of State therefore sees value in seeking a resolution of this stalemate, provided the resolution otherwise serves U.S. interests. In our view, moving forward would allow advancement of our shared foreign policy agendas with these and other partners.

The United States certainly has different views about whaling and whale conservation than those who are engaged in commercial whaling and lethal scientific whaling. Nevertheless, the governments who are engaged in those activities are now responsibly engaged with us and other IWC members in an honest if difficult effort to find a way forward. We do not know whether or not this effort will succeed. If it fails, it will be because IWC member governments simply could not find a mutually acceptable formula for resolving those differences.

This process still has a chance to succeed, however. The Chairs' proposal, while not acceptable to the United States or to most other IWC member governments, provides a strong foundation by which to continue discussions, and develop an arrangement that might be acceptable to the IWC membership. In our view, such an opportunity to improve whale conservation and to make the IWC an effective organization may not present itself again soon.

The United States Government is investing significant time and attention to this effort. Throughout this process, the United States has sought the cooperation of all participants through senior level engagement with counterparts in other governments. Capitalizing on our strong and robust relationships with Japan, Australia, Iceland, Norway, Member States of the European Union and others, the United States has urged all governments participating in the process to engage with creativity, determination, and flexibility. Under the Obama Administration, the

United States has sought to promote and advance serious and measureable improvement to whale conservation through high-level, diplomatic engagement. Examples of this diplomatic engagement include letters from CEQ Chair Nancy Sutley, Secretary Clinton, and Secretary Locke to officials in Japan, Australia, and New Zealand. Additionally, U.S. Ambassadors in Japan, Norway, and Iceland have been and remain engaged in advancing the United States interests.

As the process comes to a head, it will be more difficult for IWC member governments to continue to be flexible in these discussions. Indeed, some members (including the United States) are under increasing political pressure and criticism from constituents who believe that the Chairs' proposal would effectively capitulate to those members who want to engage in commercial whaling. On the other side, Japan, Norway and Iceland are under increasing political pressure and criticism from constituents who believe that the Chairs' proposal would unduly restrict their right to harvest whales. My hope is that some acceptable solution is nevertheless within reach.

With regard to H.R 2455, we appreciate the interest of Members of Congress in seeking viable solutions to promote whale conservation measures. As stated in the legislation, "whales are of great aesthetic and scientific interest to mankind and are a vital part of the marine ecosystem." However, 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 in international negotiations. We understand that other Departments are reviewing the bill and have concerns with certain provisions.

In conclusion, let me echo Ms. Medina's remarks that the United States is not satisfied with the Chairs' proposal in its current formulation. However, we are also not satisfied with the status quo, particularly as it relates to our ability to advance our shared foreign policy interests with key governments engaged in this debate. We believe that this process represents the best opportunity to resolve this long-standing difficult issue, thereby enhancing and strengthening several bilateral and multilateral relationships, to restore the functionality of the IWC and to conserve whales more effectively. We hope that the Chair's proposal is significantly strengthened and improved over the coming months.