

**Joint hearing on**  
**“U.S. Leadership on the International Whaling Commission and H.R. 2455, the**  
**International Whale Conservation and Protection Act of 2009”**

**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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**Testimony by:**

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Mr Chair, distinguished Representatives, Ladies and Gentleman

I am Justin Cooke, a mathematician and biologist, based in Germany, specialising in the quantitative assessment of biological populations. Since the 1980s I have been the representative of the International Union for the Conservation of Nature (IUCN) on the Scientific Committee of the IWC.

I have been invited here specifically to comment on the proposed “deal” between the pro- and anti-whaling members of the International Whaling Commission, but first I want to say what an honour it is for me to be invited to testify to your Subcommittees and that I am thrilled to be here on the Hill talking to you today.

On the IWC Scientific Committee I have been particularly active in the development of the so-called Revised Management Procedure (RMP). Because the proposed deal makes several references both to the Scientific Committee and to the RMP, I’ll start by explaining what these are.

The IWC is required by its charter to base its decisions on scientific findings, and for this purpose has a Scientific Committee, which has in recent years become recognised as a world authority on the state of the world’s whale stocks and the science of sustainable whale management. Its members include representatives of both whaling and non-whaling countries, as well as a number of independents. It reaches its conclusions and recommendations mainly by consensus, such consensus being reached usually after a very thorough examination of the evidence.

Shortly after the moratorium on commercial whaling came into force in the 1980s, the Scientific Committee started to analyse what had caused the failure of previous attempts to put the management of whaling onto a sustainable basis. The Committee soon recognised that, for the event that the IWC would decide to lift the whaling moratorium at some future date, the Committee needed to develop a Revised Management Procedure that would provide a robust scientific basis for ensuring that any future whaling would be managed sustainably.

The RMP that emerged is a data-based rule for determining sustainable catch limits, with a margin of safety sufficient to cover almost all conceivable circumstances. It was unanimously recommended by the Scientific Committee, and was also endorsed by an independent scientific review panel appointed here in the US by the National Marine Fisheries Service. The IWC itself has endorsed the RMP in principle in a number of consensus resolutions.

The proposed deal contains as yet no agreed numbers for how many whales of each species would be killed. As explained in the IWC Chairman's covering note, the numbers in the current draft proposal are merely examples inserted by him as placeholders for final numbers yet to be negotiated.

The proposed deal mentions the RMP, but does not provide for it to be used for the determination of sustainable catch limits. The numbers are instead to be agreed through political negotiation behind closed doors. The proposal appears to provide that catch limits would be reduced if RMP catch limits are found to be lower, but this provision doesn't mean what it appears to mean. The proposal does not reference the official, published version of the RMP but refers to unspecified "latest versions" of the RMP. A number of alternative procedures have been developed in various quarters that claim to be later versions of the RMP. None of them have been subject to serious scientific scrutiny. They would allow higher catches, but only by modifying the notion of sustainability so drastically that it no longer bears any relation to what people commonly understand by the term.

The proposal contains a programme of RMP-related work for the Scientific Committee, but closer inspection reveals this to be a mere decoy, more like a programme of occupational therapy for the scientists. There is no provision for the results of this work to feed back into the management decisions. The Committee is instructed to continue work on preparing RMP Implementations for different species and areas, but has been told not to calculate any actual catch limits. The calculation of catch limits is to be left to unspecified players free to use "versions" of the RMP whose safety has not been tested by the Committee for the species and areas in question.

The proposal as written is disingenuous and I suspect that it will fool many people. It fooled me on first reading. The true nature of the scam only dawned on me after reading the text several times. And even then only with the benefit of many years of experience with IWC procedures, that enables me to relate such a text to how it would actually be implemented in practice. Those without the benefit of such experience will find it even harder to discern what the text really implies and to spot the scam.

I consider the move to sideline the Scientific Committee and to sidestep accepted scientific procedures to be a retrograde step and to be very unwise. The proposal before us is back to front. It tries to divide the cake before we know how big the cake is. It would make more sense to first have the Scientific Committee calculate RMP catch limits for each stock in a transparent, verifiable manner using the agreed and established procedures. For at least half of the whale stocks in question, this could be done straight away, because the Implementation work has been completed. All we require is a green light. These RMP limits would then define the outer bounds for what the diplomats have left to negotiate over. That approach would ensure a transparent separation of science and politics, instead of the opaque mixture of quasi-science and politically negotiated numbers that characterises the current proposal.

Finally I should emphasise that none of what I have said should be construed as criticism of the very sincere efforts of the US delegation to these negotiations, led by the US IWC Commissioner Monica Medina. I know that Monica has been highly motivated to achieve the best possible deal for the world's whales.

However, we need to appreciate that one is dealing here with very experienced negotiators from the whaling countries, who know the whaling issue inside out, who are on top of the science, and who have plenty of skill and practice in calving out deals that aren't what they seem to be. Such negotiations require a thorough grasp of all aspects of the subject matter.

To sum up, I warn against endorsement of this proposal and advocate instead a two-stage approach as I have just outlined, that would keep the political and scientific aspects separate, and ensure that all measures taken are based on a strong and transparent scientific consensus.

Thank you Mr Chair.