

Adelaide, 3 July 2000.

OPENING STATEMENT

It is a pleasure to express our genuine appreciation to the Government of Australia for hosting this 52nd annual meeting of the IWC and for providing us with such excellent facilities in this beautiful city of Adelaide.

The IWC was established in terms of the 1946 International Convention for the Regulation of Whaling, which governs the Commission's work, - directed towards fulfilling the twin goals of (1) protecting whale stocks against overexploitation, and (2) provide for the orderly development of the whaling industry. This was a pioneering achievement. In retrospect, the setting-up of the IWC can be seen as the forerunner of the grand, ambitious and comprehensive regime structure of binding international cooperation on environment conservation and resource management that has evolved since the 1970s – including such basic and broad-scale agreements as the 1973 CITES agreement, the 1982 UN Law of the Sea Convention, the Agenda 21 of the 1992 Rio UNCED Conference, the 1992 Conventions on viz. Biological Diversity and Climate Change, and the 1997 Kyoto Protocol – all of which firmly established and entrenched the twin principles of conservation and sustainable use of nature's resources.

It is within this broader context that the IWC and its performance must be judged today. Regrettably, the IWC is completely out of step with the universally accepted principles embodied in these contemporary agreements, as well as with its own founding principles. It is no exaggeration to say that the IWC's relevance to its tasks and the Commission's credibility are at an all-time low.

The first major blow that the IWC dealt itself came in 1982 with the so-called moratorium, - a decision taken in blatant contravention of the 1946 Convention which laid down that decisions to amend the Schedule must promote the objectives of the

Convention, and must be scientifically based (i.e. based on the advice of the Scientific Committee). These preconditions were notably absent.

Next, we saw the pitiful failure of the IWC to fulfil its obligations and deliver on its commitments - in terms of the very same 1982 decision – to conduct a comprehensive assessment of whale stocks and adopt a Revised Management Procedure (RMP) in order to replace the moratorium and establish new catch quotas, *by 1990 at the latest* (a stipulation which – absurdly enough – still stands as an operative element of the Schedule).

Furthermore, we note the refusal of the IWC to implement the RMP, even when it eventually (thanks to a belated but commendable effort by the Scientific Committee) was in place in 1992.

Since 1992 we have witnessed the sad spectacle of a seemingly endless exercise – initiated by Member States displaying no enthusiasm for the speedy resumption of orderly whaling operations – to replace earlier commitments by developing and making the IWC adopt a so-called Revised Management Scheme (RMS). It has become progressively clear that the RMS would, tentatively, make an eventual implementation of the RMP contingent on an ever-widening series of additional measures, which would partly infringe on Member States' rights in terms of the 1946 Convention, and partly extend the prerogatives of the IWC into areas outside its field of competence or jurisdiction. This exercise, which has made scant progress, is the core element of the deadlock in which IWC finds itself today.

From the very beginning Norway has played an active and constructive role in making the IWC an effective and credible instrument for responsible international cooperation on the conservation and management of whales. While exercising our rights under the Convention and its Schedule regulations, we have not only conscientiously adhered to the Commissions' rules and principles, but also consistently strived to assist the IWC itself in doing so. To this end, we have always been ready to cooperate in good faith, non-dogmatically and with an open mind with other IWC Member States in order to find acceptable solutions to the problems which the Commission has brought upon itself.

As is well known, Norway availed itself of its rights in terms of our objection lodged against the 1982 moratorium decision, and in 1993 resumed commercial whaling. Our catch quotas – this year amounting to 655 animals – are set in accordance with the RMP. Thus, for management purposes, Norway has no need for an RMS, which is basically an artificial and superfluous concept. We do, however, see the merits of the revision and updating of Schedule Chapter V (Supervision and Control). We have also always been ready to do our utmost to contribute constructively and substantively to working towards a solution – whether it is termed RMS or not – that would bring the IWC out of its current deadlock and facilitate real progress in the towering task of restoring the Commission’s credibility as a responsible and serious management body. This is why we found it feasible – despite substantial misgivings - to go along with such initiatives as IWC Resolution 1994-5, which laid the foundations for the further work towards creating an RMS. This is also why we have welcomed the Irish Initiative as a sincere and positive step (albeit an imperfect one) in the right direction. Always assuming that other Member States, including our most ardent opponents, are acting in good faith, Norway has been consistently willing and ready to walk that extra mile that it might take in order to arrive at mutually acceptable solutions.

There are, however, basic principles that we are not ready to renounce. In addition to the principle of sustainable use, we would also like to emphasize the principle that international agreements should be observed faithfully, - *Pacta sunt servanda*. And, returning to our broader context of the agreement regimes of international cooperation on environment conservation and resource management: We see the grave danger that undermining the principle of sustainability in the IWC will serve to undermine that principle within the whole structure of international cooperation on environment conservation and resource management, and thereby the very credibility of this still vulnerable regime structure. This is a serious prospect, indeed a prospect which the world can ill afford.

This is why Norway sees the developments in the IWC as a test case in defending and consolidating these basic principles. This is why we have chosen to continue to work within the IWC with these considerations in mind. Let there be no doubts about Norway’s deepfelt convictions and commitments in this respect.

The Norwegian Delegation to the 52nd meeting of the IWC would like to make this appeal to fellow Member States: Let's rise to the challenge of restoring the credibility of our venerable and once highly and rightly respected organization!