

**NORWEGIAN DELEGATION TO
THE 54th ANNUAL MEETING
OF THE IWC**

Shimonoseki, 20 May 2002.

OPENING STATEMENT

It is a pleasure to express our heartfelt appreciation to the Government of Japan for hosting this 54th Annual Meeting of the IWC and for providing us with such convenient facilities in this exciting and hospitable city of Shimonoseki.

This year's meeting is a particularly important one. It is no great exaggeration to say that the IWC stands at a crossroads. We have reached a point where basic issues can no longer be dodged. Member states – Contracting Parties to the 1946 International Convention for the Regulation of Whaling – must put their records straight on what they want with this Commission. Norway's position is crystal clear – we want the IWC to function in accordance with the principles and objectives laid down in the 1946 Convention, which entails the twin goals of (1) protecting whale stocks against over-exploitation, and (2) provide for the orderly development of the whaling industry.

We also want to see the IWC function in conformity with other contemporary, over-reaching international mechanisms pertaining to environment conservation and resource management. In this context, special note should be taken of the 1992 Convention on Biological Diversity and the 1982 UN Law of the Sea Convention – both of which have served to further entrench the twin principles of conservation and sustainable use of Nature's resources. In this context we would, in particular, want to see the IWC observe the inalienable rights of coastal states to manage their marine living resources in their Exclusive Economic Zones (EEZ's) in accordance with the provisions laid down in Article 56 of the UN Law of the Sea Convention.

The main challenge facing us at this Annual Meeting is the completion of the Revised Management Scheme (the RMS), - a venture which the IWC embarked upon 10 – ten – years ago. This anniversary is not a particularly proud one. At this meeting, the RMS issue will be discussed on the basis of a report from a special working group (the EDG) that has worked intersessionally since last year's Annual Meeting. The report states that "Progress was made in several areas but some fundamental differences remain". If the RMS process is ever going

to come to a fruitful conclusion, these fundamental differences have to be addressed and overcome. This, indeed, is a task that is long overdue.

The status of the RMS process can only be properly understood in terms of its genesis:

It must not be forgotten that the Commission in 1982 (albeit in contravention of the 1946 Convention) adopted, with effect from 1986, a temporary *moratorium* consisting of two components, viz. (1) setting catch quotas at zero for the large species of whales, and (2) a commitment that by 1990, *at the latest*, the IWC would “undertake a comprehensive assessment of the effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits” (IWC *Schedule*, para 10(e), which, by virtue of its own wording amounts to a “sunset clause” as far as the duration of the moratorium is concerned).

It should furthermore be recalled that the second part of the decision was subsequently ignored by the Commission. Even when the Revised Management Procedure (RMP, developed by the Scientific Committee in terms of the commitment made in the 1982 decision) belatedly but eventually was in place in 1992, the IWC refused to implement it.

It should also be recalled that the very concept of RMS was introduced at the 1992 IWC Annual Meeting by Member States displaying no enthusiasm for the speedy resumption of orderly whaling operations. This, incidentally, was at the very Annual Meeting when Norway announced its decision to exercise its rights in terms of our objection lodged against the 1982 moratorium and resume commercial whaling.

Finally, it should be recognized that, since 1992, we have witnessed a seemingly endless exercise aimed at replacing earlier commitments by developing and making the IWC adopt a so-called Revised Management Scheme. It has become progressively clear that the kind of RMS envisaged by some of its proponents would, make an eventual implementation of the RMP contingent on an ever-widening series of additional measures, which would:

- Infringe on Member States’ rights in terms of the 1946 Convention for the Regulation of Whaling;
- Infringe on Member States’ rights in terms of the 1982 UN Law of the Sea Convention; and at the same time:

- 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 the IWC finds itself today.

It is a well-known fact that Norway has been the most consistent opponent of the 1982 moratorium decision. Norway is also the country that has most loyally and systematically abided by that decision. We are indeed the only country that has actually implemented its provisions in full by adopting – as envisaged and prescribed by *Schedule para 10(e)* – the RMP recommended by the IWC’s own Scientific Committee and endorsed in principle by the Commission itself. Our catch quotas – this year amounting to 671 animals – are set in accordance with the principle of sustainable use as expressed by the RMP.

Thus, for management purposes, Norway has no need for an RMS, which is basically an artificial and superfluous concept. We have, however, always been ready to do our utmost to contribute constructively and to work non-dogmatically towards finding solutions to the problems which the Commission has brought upon itself. It is imperative that we leave no stone unturned in our endeavour to help restoring the Commission’s credibility as a responsible and serious management body.

That is why Norway has patiently pursued a conciliatory and accommodating approach in the face of the “moving-the-goalposts”-tactics employed by our opponents to introduce new and obstructive elements into the RMS process. Thus, we joined the consensus in IWC Resolutions 1992-3 and 1994-5, which laid the foundations for the further work towards creating an RMS. We have also gone along with further steps taken, including Resolution 2000-3, as well as taking active part in the latest initiative – the EDG – with the express purpose of reaching agreement on RMS.

But, lest we forget: The very purpose of the RMS was and remains to replace the moratorium. If Member States cannot even agree on such a basic and obvious proposition, then it is difficult indeed to see how the RMS process has any prospects of progressing any further.

If that is going to be our conclusion, then we would be back to square one with a net loss of ten year's worth of dedicated work. In that case we would expect the IWC to focus its full attention at its most pressing tasks, i.e. (1) the expeditious lifting of the moratorium and (2) the speedy implementation of the RMP.

The IWC is an open organization which is strengthened by the entry of new Member States, which should make a valuable contribution to the task of fulfilling the objectives of the ICRW. At IWC 53 in London we witnessed the sad spectacle of a Contracting Party being denied – for what amounted to be political reasons - from assuming its rightful place as a Member State of the IWC. Such disgraceful incidents can only serve the purpose of destroying the credibility of the Commission, and must not be allowed to occur.

Norway strongly supports the global efforts to achieve a sustainable development, as witnessed by our contributions to the forthcoming World Summit of Sustainable Development (WSSD) in Johannesburg. We do, however, 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. This is a serious prospect which the world can ill afford. That is why Norway sees the developments in the IWC as a test case in defending and consolidating these basic principles. That is why we have chosen to continue to work within the IWC with these considerations in mind, - still hopeful and optimistic that the IWC will decide to join this effort.