

**NORWEGIAN DELEGATION TO
THE 55TH ANNUAL MEETING
OF THE IWC**

IWC/55/OS Norway

Berlin, 16 June 2003.

OPENING STATEMENT

It is a pleasure to express our appreciation to the Government of the Federal Republic of Germany for hosting this 55th Annual Meeting of the IWC and for providing us with such convenient facilities here in Berlin.

Norway's position on the various agenda issues follows from our overall policy objective: We want the IWC to function in accordance with the principles and objectives laid down in the 1946 International Convention for the Regulation of Whaling (ICRW). These are – lest anyone forget – to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry. The IWC was *not* established in order to obstruct, strangulate and ultimately liquidate the whaling industry. It was *not* established in order to undermine the principles of conservation and sustainable use of Nature's resources. Nevertheless, instead of serving its purpose of being an organization to provide for the rational and sustainable *management* of whaling activities, the Commission has turned into an instrument for activists seeking to *prohibit* whaling!

The IWC is not only painfully out of step with its own founding principles and objectives. It is also blatantly dysfunctional in terms of the very purpose it was set up to serve. We recall that already in 1982 the IWC decided, with effect as from 1986, to suspend its functions as a management organization pending the completion of certain tasks that would, ostensibly, enable the Commission to resume such functions "*by 1990 at the latest*". We all know that this vision (which actually was a binding commitment) never materialized. Instead, in 1992 the Commission moved its goal-posts to encompass the newly-invented idea of the so-called *Revised Management Scheme* (RMS), which was launched and hailed as the Commission's top priority task. To the extent that the RMS process was conceived in good faith as a path towards the eventual accomplishment of its goals, it has been a resounding failure. Back in 1992 there was at least a semblance of consensus among Parties about the very purpose of the RMS – namely to develop, adopt and implement a management regime to replace the moratorium (*Schedule*, para 10(e)) that was introduced in 1982 as a temporary measure to be

scrapped by 1990. Such a consensus does no longer exist. With every year that has passed, the goals have become ever more distant.

Although Norway is not bound by the moratorium, and although we do not need the RMS, we have nevertheless opted to do our utmost to contribute constructively to working towards a solution that would bring the IWC out of its current state of dysfunctionality, and facilitate real progress in the towering task of restoring the Commission's credibility as a responsible and serious management body. Norway has remained firmly committed to work with the IWC in order to assist the Commission to make the RMS a reality. For us, however, this is no mere academic exercise. We cannot be expected to accept an RMS that would be substantially inferior to the management regime that we already have in place. There are certain basic demands that cannot be dispensed with, including:

- The lifting of the moratorium and the implementation of the RMP (with a flexible tuning range, as recommended by the IWC Scientific Committee).
- The RMS must be negotiated as one whole package, not to be adopted piecemeal.
- The RMS should not comprise extraneous elements such as requirements concerning killing methods, DNA-testing/-register, control or monitoring of trade, animal welfare or environmental concerns. Likewise, whaling under scientific permits in terms of the ICRW, art. VIII is no concern of the RMS.
- The RMS must reflect the sovereign rights and duties of the coastal states as these are defined in international law and reflected in the 1982 U.N. Convention on the Law of the Sea, and not detract from the sovereign rights of coastal states to manage their marine resources in their respective Exclusive Economic Zones.

These are some minimum requirements. Obviously, there are other matters that need to be sorted out if we are to talk in earnest about entrusting the IWC with operating a management regime. It is not a foregone conclusion that the IWC is capable of coping with such a task. With its 1982 moratorium decision, and with the launching in 1992 of the RMS concept, the IWC embarked on a path that has taken the Commission down a slippery slope, ever further removed from the realities of the industry that it was supposed to manage.

The future of the RMS process poses a serious challenge to the ability and the willingness of the Parties to face the realities of the matter that we are discussing. In doing so, we would all be well advised to take guidance from Albert Einstein, who famously pointed out that: "*The*

significant problems we face cannot be solved by the same level of thinking that created them”.

The RMS issue is serious enough, and one could have been forgiven to have expected that this would be the most difficult item at this Annual Meeting. But alas, this is not the case. We have on our agenda an even more sinister matter, that would only further the aims of those who want to make this Annual Meeting an exercise in futility. I am referring to the proposed agenda Item 4, which contains a draft resolution which has been given the pompous designation ”The Berlin Initiative”.

This proposition is inappropriate and unfortunate. If adopted, it will have a destructive effect on the RMS process, and what is more, will be a vicious onslaught on the very integrity of the 1946 Convention.

While the adoption in 1982 of *Schedule para 10(e)* and the subsequent non-fulfilment of its second operative provision has rendered the Commission dysfunctional for the past 17 years, there has nevertheless for the past 10 years been a broad consensus among IWC Member States that the development, adoption and eventual implementation of an RMS (which would allow the Commission to resume its still-suspended functions as a management body) remains the top priority task of the IWC. The so-called ”Berlin Initiative” detracts drastically from that stated aim, and signifies a radical departure from what has up to now been a matter of consensus among Member States. The eventual adoption of this proposal would entail a change of focus, to the detriment of the prospects for constructive cooperation among IWC Parties in their quest for some modicum of common ground. The fact that this ”Initiative” is supported by no less than 18 Members is a cause for grave concern, and can only serve to cast doubts on their commitment to the RMS process. This ”Initiative” puts the very credibility of the RMS concept in jeopardy. It makes one wonder, was the RMS only a hoax all along? Was it ever meant to be anything but a decoy, a stalling device?

But the most disturbing aspect of this ”Initiative” is not its undermining of the RMS. The worst feature of this proposal is its destructive effect on the integrity of the 1946 Convention. The obvious purpose of this proposal is to make a radical and lasting change of the IWC’s character and to set aside the basic principles and main operational objectives of the 1946 International Convention for the Regulation of Whaling. How is this possible? In fact, the

only orderly way of doing such a thing would be to call a diplomatic conference of the Contracting Governments in order to re-negotiate the Convention, - something which is simply not feasible. Instead, those who are not happy with the Convention have chosen this devious way of circumventing the Convention and rendering it inconsequential.

Norway does not accept that such a thing should be allowed to happen. Norway has so far maintained that until the RMS is finalized, no new items should be added to the IWC agenda. However, the very prospect of including "the Berlin Initiative" creates a situation where the paramount importance of the RMS can no longer be a guiding element in our work in the Commission. Adopting this proposal would sanction the changing of the IWC from being a management body into an out-and-out preservationist society. To allow this proposal to be discussed would not only put the RMS process in jeopardy, but would also place the future of the IWC at risk.

Norway urges that the proposal for this agenda item be withdrawn.