IWC/53/RMS 5, Appendix 2

The International Whaling Commission (IWC)
Intersessional meeting of the RMS Working Group, Monaco 6-8 February 2001.

OPENING STATEMENT

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Contemporary international agreements are sometimes equipped with a device called a *sunset clause*, meaning that if a certain provision of the agreement is linked to a specified time limit, and if the said provision has not been fulfilled by the required deadline, that provision automatically becomes null and void. The 1946 International Convention for the Regulation of Whaling does not have an explicit sunset clause, - in that case Schedule para 10(e) would obviously have vanished in thin air more than 11 years ago. Nevertheless, the very wordings of para 10(e) should make it abundantly clear that this provision is not only outdated but simply absurd.

The whole RMS exercise was embarked upon in 1992, at the behest of those countries that refused to accept the obligations that they themselves had undertaken back in 1982 by adopting para 10(e). Those obligations included implementing, by 1990 at the latest, revised management procedures (RMP) to replace the moratorium with new catch quotas. The fact that this commitment has not yet been fulfilled is more than ridiculous: It is a disgrace to the Commission (witness the letter of warning from the Secretary-General of CITES to the IWC Chairman in July last year).

It may seem a paradox that Norway – the most consistent and vociferous opponent of the moratorium – has also been the country that has most loyally and systematically abided by that decision, indeed the only country that has actually implemented its provisions by adopting – as envisaged and prescribed by para 10(e) – the RMP as the basis for setting catch quotas, since we resumed commercial whaling 8 years ago, thereby normalizing this component of the whaling industry.

The RMS was not a Norwegian invention. Indeed, we have considered it an artificial and unnecessary concept, to say nothing of the fact that it blatantly contravenes previous decisions and commitments made by the IWC. With the RMP in place, there was no objective need for the expanded concept of the RMS. Nevertheless, in the spirit of good cooperation, ever willing to engage constructively in discussions with other IWC countries if that is what it takes to achieve workable solutions, we have since the outset accepted to be a part of the RMS process. To reach agreements, one must negotiate in good faith and be willing to make compromises. To this end, we have patiently pursued a conciliatory and accommodating approach in the face of relentless attempts by our opponents to "move the goal-posts" by introducing new and obstructive elements into the process. We have bent over backwards, turned the other cheek and walked the proverbial other mile, contributing more than our fair share to the common goal of reaching a compromise solution to the problems that the IWC majority had brought upon our Commission. Thus, we joined the consensus in IWC Resolution 1994-5. We have gone along with subsequent steps taken, including Resolution 2000-3, with the express purpose of reaching an agreement on RMS.

But, lest we forget: The very purpose of the RMS was and remains to replace the moratorium.

This is the key issue which we face at this meeting.

Thus, simple logic dictates that, if the RMS exercise is to have any meaning at all, Schedule para 10(e) has got to go. The time has come – if we want to be seen as serious and honest on this issue -–to reaffirm our joint understanding to this effect.

Unfortunately, some Member countries have in the past made statements that seem to run counter to this understanding. In its Opening Statement to the 1997 Annual meeting, Australia said that "Australia will vote against any proposal to adopt the RMS and the RMP". Regrettable as this position may be, Australia nevertheless did the decent thing and decided to stay out of the RMS negotiations. Other states have, however, made similar statements without drawing such conclusions. Thus, the UK in its Opening Statement to the 1996 Annual meeting declared that "...the UK could only agree to the adoption of a Revised Management Scheme if this did not involve ending the moratorium". In its Opening Statement to the 1997 Annual meeting the United States "...reiterated its opposition to all

types of commercial whaling". And New Zealand in its Opening Statement to the 1999 Annual meeting stated that "...we do not want to see the RMS become a precursor for lifting the global moratorium". As I presume that these countries, like the rest of us, are conducting these negotiations in good faith, I take it that they would also like to avail themselves of this opportunity to retract such categorical and counter-productive statements.

We have come a long way towards solving the practical issues concerning the revision of Schedule Chapter V – Supervision and Control. That exercise will, however, have been in vain if we cannot reach agreement on the main issue that triggered off the whole RMS process in the first place: Namely to have the moratorium replaced by a revised set of management rules that would bring about the normalization of the whaling industry, based on the principles laid down in the 1946 Convention. That issue should no longer be dodged.