

Norwegian policy on whaling

When Norway's then Prime Minister, Mrs. Gro H. Brundtland, in June 1992 announced that Norway would resume commercial whaling, some observers professed to be surprised. They shouldn't have been. At least with the benefit of hindsight, it should have been fairly obvious that this decision was the logical outcome of a long-term commitment to a set of values and policies that is characterized by a remarkably high degree of consistency.

Basically, Norway's whaling policy must be understood in terms of two elements that have formed a central part of public awareness and attitudes as well as of the political programs of successive governments through several decades. These two elements are:

- The concept of sound environment conservation.
- The concept of rational management of Nature's resources, based on the best available scientific advice.

These are actually two aspects of the same issue. The key concept in both is sustainability, - in the sense of sustainable management of our environment and its natural resources:

Renewable resources should not be over-exploited to the point of depletion, but the surplus should be harvested prudently and responsibly, with due regard to the needs and requirements of future generations.

Thus, Norway has a serious approach to its environmental policies. It is an approach that has consistently avoided the path of just looking for cheap 'green alibis'. A central tenet maintains that in order to be consistent and credible, sound environment policies must include rational resource management, - and vice versa. Since whales form a part of the whole marine ecosystem, whaling constitutes a necessary component in Norway's integrated and comprehensive management of the marine living resources. This consistent approach to the issues of environment and resource management is also why the country's whaling policy enjoys the support of all Norwegian environment conservation organizations. It is a policy which is also firmly backed by all political parties represented in the Norwegian Parliament – the *Storting*.

In the past, critics of Norwegian whaling sometimes made the accusation that our whaling is a threat to allegedly 'endangered species' and thus, ecologically harmful. For good reasons, this misinformed argument is seldom heard any more. There are more than 70 widely different species of whales. None has ever become extinct as a result of human activities. It *is* true that because of reckless exploitation, certain stocks became depleted to the point where they were no longer commercially interesting. But that is certainly not true of the Northeastern and Central North Atlantic minke whale stocks. These are in a very healthy state of abundance, numbering some 180 thousand individuals, of which the Norwegian catch quota for this year (2009) is a modest 885 animals.

Thus, the basic parameters in Norwegian whaling policy, as pursued by successive governments and with full parliamentary support, may be summed up as follows:

- Norway is – and will remain – a whaling nation.
- The whaling industry must be conducted in accordance with the principle of *sustainable use* of renewable natural resources, which is the main guiding principle in all Norwegian policies on the environment and resource management, as well as in the country's involvement in international cooperation on these matters.
- To ensure sustainability, management measures must be based on the best available *scientific advice*.
- The whaling industry should also be *economically sustainable* i.e. viable and contributing to positive value creation; hence trade including *international trade* in whale products – as with regard to the products of other legitimate industries – should be allowed and encouraged.

On the international scene, Norway's policy on whaling is exercised in the context of the International Whaling Commission (IWC), a management body comprising some 50 mostly non-whaling member countries. The IWC was established in terms of the 1946 International Convention for the Regulation of Whaling (ICRW), which governs the Commission's work, - directed towards fulfilling the twin objectives of (1) protecting whale stocks against over-exploitation; in order to (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 structures of binding international cooperation on environment conservation and resource management that has evolved since the 1970's. These structures include such basic and broad-scale agreements

and mechanisms 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, the 1995 UN Fish Stocks Agreement, the 1997 Kyoto Protocol and the 2002 Johannesburg WSSD Declaration – all of which firmly established and entrenched the twin principles and objectives of conservation and sustainable use of Nature's resources.

It is within this broader context that one must consider the performance of the IWC. Regrettably, developments have led the IWC into a situation where the Commission finds itself painfully out of step with the universally accepted principles embodied in the abovementioned contemporary agreements, as well as out of step with its own founding principles and objectives. To put it bluntly; instead of serving its purpose of being an organization to provide for the *management* of whaling activities, it has been turned into a playground and an instrument for activists seeking to *prohibit* whaling.

As Norway's relations with the IWC are of central importance to its whaling policy, the following should be noted:

There is (still) a widespread misunderstanding that the IWC in 1982 introduced a categorical and total *ban* on commercial whaling. In fact, the Commission adopted, with effect from 1986, a temporary *moratorium* consisting of two components, viz. (1) fixing catch quotas at zero for a number of 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)). This commitment was, however, subsequently ignored by the Commission and has not yet been fulfilled. Norway has subsequently maintained that, taking into account that the very text of para 10(e) amounts to a *de facto* "sunset clause", whatever validity the moratorium may once have been thought to have, has fully and well expired.

Norway never accepted the 1982 decision, because it did not meet the requirements stipulated by the Convention. Thus, the decision did not become binding upon Norway, as Norway lodged such an objection as provided for by the Convention. However, in 1986 Norway introduced, on an autonomous basis, a temporary halt in its own commercial whaling operations, pending the outcome of the research efforts undertaken nationally as well as under the auspices of the IWC to establish a sound scientific basis for future catch limits. The tasks

of conducting the comprehensive assessment of whale stocks and develop revised procedures for establishing catch limits were delegated by the IWC to its Scientific Committee. Largely as a result of Norwegian contributions, financially and professionally, the Scientific Committee in 1991 succeeded in finalizing the so-called "Revised Management Procedure" (abbr. RMP) as a mechanism for establishing catch quotas for the Northeastern Atlantic stock of minke whales. The RMP was designed as a highly conservative mechanism, reflecting above all the instructions given by the Commission to its Scientific Committee that top priority be given to the precautionary principle, i.e. maximum safeguards against any possibilities that catches might endanger the stock. Nevertheless, the IWC refrained from making the decision of implementing the RMP to replace the moratorium, notwithstanding the fact that the moratorium had already, by its own very wordings, run its full course.

The RMP was, however, implemented by Norway as a mechanism for establishing catch quotas for the Norwegian whaling operations, which have taken place subsequent to the government's 1992 decision to resume commercial whaling, thereby normalizing this component of the whaling industry.

Thus, it may seem a bit of a paradox that Norway – the most consistent opponent of the IWC 1982 moratorium decision – has also been the country that has most loyally and systematically abided by that decision. Indeed, Norway was for a long time (until Iceland recently followed suit) the only country that actually implemented its provisions by adopting – as prescribed by *Schedule para 10(e)* – the RMP as the basis for setting catch quotas since the country resumed commercial whaling 17 years ago.

The paradox is one of appearances only. Norway's commitment to the IWC is real. From the very beginning – dating back to 1946 – Norway has played an active role in making the IWC an effective and credible instrument for responsible international cooperation on the conservation and management of whales. While exercising its rights under the 1946 Convention and its *Schedule* regulations, Norway has not only conscientiously adhered to the Commission's rules and principles, but also consistently strived to assist the IWC itself in doing so. To this end, Norway has always displayed a pointed and pronounced readiness to cooperate in good faith with other IWC states in order to seek constructive and acceptable solutions to the problems which the Commission has brought upon itself.

Returning to our broader context of the agreement regimes of international cooperation on environment conservation and resource management: One can hardly avoid noticing 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, thereby threatening the very credibility of this still vulnerable regime structure. This is a serious prospect, indeed a prospect which the world can ill afford. For Norway – as for the rest of the world – this is an issue far 'bigger than whales'. But this is also why Norway sees the developments in the IWC as a test case in defending and consolidating these basic principles and objectives. This is why – the dysfunctionalities of the IWC notwithstanding – Norway has chosen to continue to work within the IWC with these considerations in mind. There should be no doubts about Norway's deepfelt convictions and commitments in this respect.