

Small Working Group on the Future of IWC, 2-4 March 2010, St. Pete Beach, Florida, USA

**Summary of statement by the Government of New Zealand on the
Chair's Report to the SWG (Document IWC/M10/SWG4)**

NZ has been an enthusiastic participant in the reform process since it began. That may seem odd for a country which has often been regarded as one of the most pro-conservation countries in the IWC and at one extreme of the ideological divide in this organisation.

We have been enthusiastic participants because we realised that in over two decades of passionate advocacy on the part of the whales, results were slipping away, more whales were being killed and concrete measures to improve conservation were not being advanced easily. Among international organisations, the IWC was one of the worst examples of dysfunctional diplomacy.

The fact that we have joined enthusiastically in the reform process does not mean we have abandoned our fundamental positions or principles:

- We still want an end to all commercial whaling;
- We remain opposed to so-called scientific whaling;
- We are especially opposed to whaling in the Southern Ocean, in our part of the world.

We support a complete phase out of whaling in the Southern Ocean as a basic principle and objective.

But we also know we can't achieve that objective alone; we have to work with others, including with those who do not share our views.

The process that has been followed in the Support Group has been well explained by our Chair and by Sir Geoffrey Palmer. It was no easy process. I wondered as we began in Santiago if we were building a castle in which to trap the other or ourselves? In the event, we have built a house, incomplete and somewhat ramshackle, but one in which we all have a stake.

As many have said, the product is not complete or agreed; it is certainly not perfect. Naturally, there has been a lot of focus on the things that are to be put in place immediately and on the arrangements that are to apply during the interim period. But at least as important are the hard issues that must be addressed during that interim period.

The document needs to make the task and the issues to be addressed much clearer. For us, these include:

- Whether any form of commercial whaling should be permitted and, if so, under what terms?
- What is to be done about "scientific whaling? Can we get rid of Article VIII entirely or can we clarify its terms and bring scientific whaling under international supervision?
- Can we get rid of the arrangements that allow parties to opt out of conservation measures adopted by the Commission, just as fisheries management organisations have done?
- Can we put in place a compulsory dispute settlement procedure – which would seem to be essential to any reform of the opt out arrangements?

As many have said, the numbers are the key to any outcome. They must be faced now. And it must be clear that for any arrangement to have any chance of success, there must be real and significant reductions as compared with current levels.

Whaling countries need to understand that they will not get a deal by offering essentially cosmetic concessions on non essential matters and making small adjustments on the numbers of whales taken. To be acceptable, any compromise between countries that take whales and those that oppose the taking of whales

must find some truly middle ground on the numbers of whales taken. If that ground cannot be found, there will be no deal.

There have been some criticisms leveled at the adequacy of the monitoring, control and surveillance mechanisms developed as part of the package. No doubt, those mechanisms can be improved; they were developed in some haste and with the technical expertise that was available. We would welcome working with others to make them better.

But it would be wrong to assume that those mechanisms were developed without care or reference to modern precedents. Yes, there is no catch documentation scheme as there is in a number of agreements dealing with high value fisheries. But very few fisheries have DNA monitoring and market sampling schemes. On balance, the view was taken that these are more effective means of verifying the matters that need to be checked when dealing with very large animals harvested by a very small number of vessels.

Complaint has also been made that the package rewards a few countries whose bad behaviour has been regularly criticised by this Commission in its resolutions. But it is hardly surprising that a package whose aim is to engage the cooperation of those same countries is not constructed on premises of good or bad behaviour. For this arrangement to succeed, we have to work together, and working together requires cooperation.

We have a way to go to complete the reform process. But our instructions from the NZ Government are very clear – we are to work hard to support this process. We believe it offers the best and most realistic way forward. It may not have the attraction of ideological purity. But it offers the most practical and achievable way of improving the conservation of whales.