

IWC Annual Meeting, 21-25 June 2010, Agadir, Morocco

STATEMENT BY THE NETHERLANDS ON SAFETY AT SEA

First and foremost, the Netherlands remains resolute in its opposition to any type of whaling, except for aboriginal subsistence whaling.

Furthermore, the Netherlands respects the right of individuals and groups to protest peacefully, including on the high seas, as long as such demonstrations take place within the limits of the law. Safety at sea must never be jeopardized.

Therefore, the Netherlands shares the concern among IWC member states about safety at sea and deplores the serious incidents that occurred between ships of the Japanese whaling fleet and the Sea Shepherd Conservation Society in late 2009 and early 2010. The Netherlands is particularly concerned about the escalation of violence in such incidents during the last couple of years.

The Netherlands would like to reiterate that it considers the IMO to be the most appropriate forum to discuss the issue of safety at sea. Within this framework, it should be mentioned that the Maritime Safety Committee of the International Maritime Organization very recently adopted a resolution "Assuring safety during demonstrations, protests or confrontations on the high seas". This resolution not only addresses flag states of protesting vessels, but also flag states of vessels subject to protest.

Knowing that Japanese whaling activities in the Southern Ocean would once again attract protest, the Netherlands, together with Australia and New Zealand, issued a statement in December last year, in which we called for restraint by both Sea Shepherd Conservation Society activists and Japanese whalers.

Unfortunately, the call for restraint was disregarded by the activists of Sea Shepherd and Japanese whalers alike, and a number of dangerous incidents have taken place.

In the joint statement of December, we also underlined that any unlawful activities should be dealt with in accordance with relevant international and domestic laws. It is from this perspective that the government of the Netherlands decided to enhance its capacity to act, by broadening the legal scope for revoking certificates of registry. A corresponding amendment of the applicable law has been submitted to Parliament on 15 January of this year. Furthermore, work on the modernization of the registration act is currently under way.

Due to the fall of the Dutch government in February, the debate on the amendment had to be suspended until after the elections of 9 June and the formation of a new government.

The Netherlands remains committed to its obligations as flag state. At the same time, one has to acknowledge that as long as there is whaling, there will be protests, whether by Sea Shepherd or any other organisation. Naturally, international laws and regulations and the principles of good seamanship will always have to be observed.

Mindful of the past conduct of Sea Shepherd ships, the government of the Netherlands has carefully studied the official request for registration of the Bob Barker by Sea Shepherd.

As all legal requirements for registration were met, the government of the Netherlands did not have any legal means at its disposal to deny registration of the Bob Barker. Denying the registration would be an illegal act by the government.

The certificate of registry was accompanied by a stern warning, reminding Sea Shepherd of its obligations to abide by international laws and regulations and the principles of good seamanship.