

**THE FUTURE OF THE
INTERNATIONAL WHALING COMMISSION
Strengthening Ocean Diplomacy**

Calestous Juma
*Belfer Center for Science and International Affairs
Harvard Kennedy School*

*Special Advisor
International Whaling Commission*

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INTRODUCTION

Background to this report

At its last session in Anchorage, the International Whaling Commission (IWC) agreed that an intersessional meeting should be held prior to the 2008 Annual Meeting to provide an opportunity for Contracting Governments to discuss the future of the organisation, given *inter alia* the impasse reached on the Revised Management Scheme (RMS) and the number of issues for which polarisation rather than consensus appear to be the norm within the Commission.

The Commission agreed to establish a Steering Group to help prepare the meeting. The Steering Group comprised the Commission Chair, Vice Chair and representatives (from Chile, New Zealand and Palau) of three non-IWC meetings held between the 2006 and 2007 Annual Meetings to discuss the future of IWC.

The Steering Group met in Washington in October 2007 and noted that attempts made to date to find a way out of the impasse in which IWC currently finds itself have not worked, and agreed that there is an urgent need to explore ways that might be more successful and which can improve levels of trust amongst members and others.

Rather than launching into negotiations on substantive issues where major differences among IWC members exist, the Steering Group agreed that, initially, it would be more fruitful to take a process-orientated approach and to seek ways to improve how negotiations within the IWC are conducted.

I was engaged by the Commission to help with the planning and execution of the March 2008 Intersessional Meeting of the Future of IWC and to help identify other outside experts with experience in handling difficult international issues who would be invited to become involved.

Part of my preparation involved private interviews with Commissioners and/or Alternate Commissioners conducted by telephone or in person at the intersessional meeting to gain an understanding of individual IWC Contracting Government views regarding *inter alia* how the conflict in IWC arose and how they believe it might be resolved. I also sought similar input from IWC-accredited non-governmental organizations (NGOs).

This document is a synthesis of the views and ideas expressed during the interviews. The purpose of the document is to provide the IWC with a starting point for negotiating how to shape the future of the organization without prejudging the outcome. The document does not cover the full range of input provided to me during the interviews but focuses on key issues related to finding solutions to many of the challenges in the regime through diplomatic means. This approach is guided by the view that there is sufficient knowledge and expertise in the IWC community to provide specific recommendations through a diplomatic process.

Escalation and ramifications

During discussions and interviews with IWC Commissioners and other stakeholders, the majority expressed concern that the controversy over whaling had escalated in recent years as reflected in the rise in media coverage over the confrontation in the Southern Ocean involving Japan's research whaling conducted under special permit.

These confrontations have been receiving increasing media coverage and as a result have highlighted the political nature of the whaling issue. In fact, the issue has now acquired greater diplomatic significance as is illustrated by the recent decision of Australia to appoint a fulltime envoy to deal with whaling. In addition, whaling issues have become a key item on the agenda of diplomatic relations between a growing number of countries. The rise in the number of contracting parties to the whaling treaty is an indication of growing interest in the international community at large.

Furthermore, the tactics used by one campaign group opposing whaling have become more militant, attracting condemnation from IWC member governments via a recent statement.¹ On the whole, the escalation is decisively moving the issue from the purview of natural resources management *per se* into the domain of international diplomacy.

This escalation has implications for the conservation and management of whales in general and for the functioning of the IWC in particular. On the one hand, the escalation has the potential to undermine confidence in the ability of the international community to address critical issues related to the world's oceans. The confrontation is hardly contributing to the conservation of whales given the wide range of threats to which they are exposed. But it also offers an opportunity to find negotiated solutions given the attention that the international community is now paying to the issue.

Despite the challenges, the majority of the Commissioners and stakeholders were optimistic that a diplomatic solution was possible despite divergent views among IWC members.

1. WHALES AND OCEAN DIPLOMACY

Most of the Commissioners and stakeholders located their perception of whales in two broad categories. Some considered whales as natural resources that should be managed like other resources. Others, however, considered whales to belong to a category of species that need to be handled using a different moral standard.

But a closer look at the diverse views expressed by the Commissioners and stakeholders suggests the existence of a more complex view. The whaling controversy has become a symbol of the challenges associated with the management of natural resources in general and oceans in particular. It is being used as a reference point for expressing a diverse range of views and aspirations.

¹. Statement on safety at sea made at the International Whaling Commission's intersessional meeting (March 2008).

Whales symbolize divergent issues ranging from science-based management of natural resources to moral considerations associated with our relationship with the natural world. Some of the interviewees suggested that it would be difficult to find negotiated compromises until the wider underlying concerns of parties are more clearly articulated than simply pro- or anti-whaling.

While much work has been done on the management of terrestrial ecosystems, there is growing concern over the state of the world's oceans and the limited number of comprehensive international regimes that can address critical issues such as the resources that lie beyond national jurisdiction. This problem is compounded by scientific uncertainties associated with the current state of knowledge of marine ecosystems.

But these uncertainties also represent opportunities to position the International Whaling Commission as a flagship organization in ocean diplomacy and science-based conservation and management. Many of the practices and proposals generated by IWC can become authoritative sources of standards that can be adopted by other treaties. The scientific and technical foundations upon which to build this new beginning have already been laid. What is needed now is a diplomatic process that realizes this goal in the shortest time possible. Failure to do so will not only be detrimental for whales, but it will send a sign of despair to the rest of the international community of the state and fate of the world's oceans.

2. EVOLUTION OF THE CONFLICT

2.1 Evolution of the conflict

Most of the interviewees noted that the origin of the conflict lies in the changing attitudes to the acceptability of whaling over time. The Convention was adopted and IWC established to regulate whaling. At the time, all twelve members were whaling nations and countries did not hold different views on the acceptability of killing whales. However, today, large whales are taken by only seven out of the current membership of 79 countries and very different views exist among the members regarding whales and whaling with some seeking to eliminate whaling altogether, some seeking to restrict it to aboriginal subsistence whaling only and some seeking to allow whaling provided it is shown to be sustainable.

This shift in views has resulted in two major trends in IWC. One approach has been to seek to “modernize” the treaty to bring it in line with contemporary developments in treaties or agreements whose focus is solely on a narrower definition of ‘conservation’ than one which includes some lethal use. Another view has focused on ways to “normalize” the treaty and return it to the core objectives upon which it was founded.

From the interviews, it is also clear that a lack of trust among members has exacerbated the conflict. The loss of trust appears to be the result of two key factors.

First, the lack of good scientific information coupled with ineffective compliance mechanisms in the commercial whaling regime of the past resulted in catastrophic consequences for whale populations in some areas. Even with improved scientific information in the 1970s and the introduction of an international observer scheme, there were still inadequacies and in addition there was a changing view in several western countries as to whether whaling itself was an acceptable activity. This culminated in the IWC voting for a moratorium on commercial

whaling in 1982. Subsequently, the IWC Scientific Committee has developed a sophisticated, risk averse scientific approach to estimating safe catch limits. However, such a management system can only make sense if parties can have trust that such systems would be complied with so as to avoid the over-exploitation of the past.

A second source of low levels of trust stems from the view that promises to put in place an improved management system (i.e., RMS) and to lift the moratorium on commercial have not been honoured.

Such an atmosphere makes it difficult for parties to commit to a negotiated outcome. A considerable degree of confidence-building will therefore be required to restore trust in the ability of IWC members to honour negotiated agreements.

The low level of trust is compounded by a decision-making culture and practices within IWC that do not readily lend themselves to confidence-building. These include the regular use of voting and the absence of real dialogue among all parties both during and between meetings of the Commission.

2.2 Basic interests

One of the main issues that define the whaling debate is the general characterization of the stakeholders into two opposing groups: opponents of whaling and its proponents. This dichotomy makes it easier to mobilize support, especially in the context of a decision-making system that functions largely on the basis of voting. It also makes it easier to communicate simple messages to the general public. But it hardly captures the diversity of interests and views among stakeholders. There are a wide range of underlying basic interests that need to be addressed beyond the simplistic caricatures of being either for or against whaling.

The basic interests of member governments are reflected in differing positions, including: (1) the definition of whales as special creatures that should not be hunted under any circumstances except if done for subsistence reasons; (2) the view that whales cannot be killed humanely and should therefore not be hunted (an argument that should logically be extended to whaling for subsistence purposes); (3) that whales are natural resources like any other that can be exploited provided this is done in a sustainable manner; and (4) that whale watching is the only sustainable use of whales, though this too has to be done under proper management practices. It is interesting that many governments and stakeholders have not fully considered the logical extension of their particular views on whales and whaling to the broader moral, environmental or economic world.

The basic interests of the stakeholders include a complex interaction of factors such as sovereignty, economics, resource management, tourism, domestic political popularity and animal welfare. Many of these issues get conflated and shape public perceptions about whaling. Diplomatic efforts to find solutions to the controversy will make little headway if they do not take into account the underlying concerns, many of which are not publicly stated and are conveniently captured under broad categories of opponents and proponents.

Take whalewatching as an example. Since the adoption of the commercial whaling moratorium, whale watching has emerged as a significant industry for coastal communities in various countries. This expanding activity is connected to a wide range of other industries such as tourism as well as concerns such as those expressed by some animal welfare groups.

Diplomatic efforts that do not take emerging economic activities such as whalewatching and divergent interests into account are likely to run into difficulties. Similarly, solutions that appear to suggest that whaling is an uncivilised activity only to be permitted by people with a less-developed moral code will similarly run into difficulties. A better understanding of such underlying factors is therefore critical to the success of any negotiations.

2.3 Previous efforts to address the conflict

The challenges facing IWC were noted soon after the adoption of the moratorium on commercial whaling but efforts to resolve the issues have been largely unsuccessful. For example, most of the Commissioners interviewed referred to the proposal put forward by Ireland at the 1997 IWC Annual Meeting. The proposal was inspired by the concern that decisions to pursue whaling outside IWC control with the exception of aboriginal subsistence whaling could lead to the break up of the organization.

Taking into account the fact that IWC had adopted the Revised Management Procedure (RMP) in 1994 and that efforts were underway to develop a revised inspection and control scheme for future commercial whaling, Ireland put forward four proposals. First, it suggested that commercial whaling quotas be restricted to existing coastal whaling and all other waters should be declared a global sanctuary. Second, it proposed that products from commercial whaling be for local consumption only and international trade should be outlawed. Third, it recommended that lethal scientific permit whaling be phased out. Finally, it proposed regulation of the impacts of whalewatching activities.

Building on some of the elements of the “Irish Proposal”, a previous Chairman of the Commission, Henrik Fischer after consultation with a group of countries known as the ‘Friends of the Chair’ and including countries with a range of views on whaling, proposed a “package” for a Revised Management Scheme (RMS) in 2004. The package aimed to represent a compromise of the different views on whaling and contained a number of elements which included: (1) the RMP as agreed by the Scientific Committee and endorsed by the Commission; (2) a phased-in approach to the resumption of commercial whaling for an initial period (e.g., five years after the lifting of the moratorium), commercial whaling would only be allowed in waters under national jurisdiction; (3) national inspection and observation scheme; (4) additional catch verification to combat illegal, unregulated, or unreported whaling and/or unreported bycatches; (5) a Compliance Review Committee with duties as developed by the RMS Expert Drafting Group and agreed by the Commission, and inclusion of Schedule text as proposed in Berlin; (6) a mechanism to apportion RMS costs among Contracting Governments; (7) measures for the lifting of the moratorium; (8) recognize that the sovereign rights of nations to conduct Whaling under Special Permit but develop a Code of Conduct; and (9) explicitly recognize the animal welfare considerations in the Schedule.

In presenting his ‘package’ of measures Fischer noted that it included, in some way, all but two of the elements that had been discussed in the context of the RMS. The exceptions being blanket trade restrictions and sanctuaries. He considered that while some form of trade restriction might be appropriate in deterring illegal, unregulated and unreported (IUU) whaling, he believed that a blanket ban on international trade in whale products would be discriminatory against some countries, against principles of free trade, and outside the competence of IWC. With respect to sanctuaries, he suggested that each should be reviewed on its own conservation and management merits and would therefore be difficult to build into any RMS ‘package’.

While some member countries viewed Fischer's proposal as a good basis for a compromise solution, others were less convinced, with at least one government believing it to be fundamentally flawed. While the Commission at IWC/56 did agree to further intersessional work on an RMS, by IWC/58 in 2006 it agreed that it had reached an impasse and no further work has been done since at the Commission level. On a number of occasions, it has been noted that much of the difficulty the Commission faces over the RMS is due to a fundamental lack of trust between members and a fundamental disagreement over the objectives of the Convention and the principle of sustainable use. This has been reflected in the views frequently expressed that whoever was perceived as on the 'other side' was not negotiating in good faith or making meaningful compromises.

The IWC is now believed by many to have reached a critical impasse in its operations and at least one party to the treaty has indicated the wish to withdraw from the Convention if the current difficulties are not resolved.

The March 2008 Intersessional Meeting on the Future of IWC confirmed the need to improve the internal workings of the Commission so that it can better address substantial issues. The positive atmosphere demonstrated by the meeting showed the willingness and interest on the part of Contracting Governments to use diplomatic means to resolve the impasse.

3. ISSUES FOR CONSIDERATION

3.1 Substantive issues

Nearly all the Commissioners and stakeholders interviewed acknowledged the difficulties associated with finding a solution to the IWC's problems. This was largely because any proposed solutions would be influenced by uncertainties pertaining to the divergent worldviews related to whales.

They, however, agreed that solutions would need to be worked as "comprehensive packages" of key issues negotiated by all IWC Commissioners and that results would need to be mutually-beneficial. A minority of others, however, felt that such negotiated solutions would have to reflect their fundamental positions on key issues. Such views would represent a major problem if these fundamental positions are mutually exclusive.

It was widely recognized that any negotiating process will have to address a wide range of issues including scientific permits, coastal whaling, sanctuaries, whalewatching, animal welfare, management procedures, and small cetaceans and that concerted diplomatic efforts that include bilateral and multilateral negotiations within the framework of the treaty will be required.

3.2 Scientific advice

It is clear from the comments made that the Scientific Committee plays a critical role in the functioning of the IWC. However, it is important to recognize that the current difficulties facing the Commission do not result from an inability to provide scientific advice. Nevertheless it is also clear that its effectiveness could be strengthened, for example, through: (1) separating meetings of the Scientific Committee from those of the Commission so as to

provide more time for consideration of the Committee's work; (2) improved co-ordination and co-operation with other relevant scientific organizations in addition to those for which extensive co-operation exists; and (3) facilitating participation of scientists from developing countries to better-reflect the membership of the Commission.

With respect to separating the meetings of the Scientific Committee and the Commission, the time between these may depend on whether one or both continue to meet on an annual basis, but a three-month advance period could be considered.

3.3 Decision-making process

Voting practices

The current decision-making process relies too heavily on voting and less so on negotiations. Efforts need to be made to develop a culture of negotiation where effort is made to arrive at decisions by consensus. Where decisions cannot be easily reached, the Commission may choose to defer issues to a future meeting to allow for a cooling-off period. Such periods can also be used to further informal consultations. Voting on substantive issues should be used as a last resort.

IWC could explore adopting measures used in other treaties to foster a culture of compromise and negotiation. For example, organizations such as the World Conservation Union (IUCN) are seeking to raise the number of parties that can bring a resolution forward from five to ten. The rationale for such a move is to promote consultation and the seeking of broad support for proposals before they are tabled for consideration.

Adherence to the Convention

Concern was expressed by a number of Commissioners regarding the fact that a new Government could adhere to the Convention just prior to or even during a meeting of the Commission and immediately have voting rights (providing it had also paid its financial contribution). They commented that this can create an unwelcome degree of uncertainty and surprise. While adherence to the treaty is done transparently by established procedures that provide for the deposition of instruments of accession to the depository government and notification to other parties, it would seem sensible that new parties to the treaty should be allowed to vote only after a defined period following the date of the deposit of their instruments of accession. This would not only reduce the element of surprise but also allow for adequate consultations between new and existing parties to the treaty.

Meetings of the Commission

A number of Commissioners expressed concern that the current annual frequency of meetings does not allow for sufficient intersessional work and suggested that the Commission move to holding meetings every two years. Biannual meetings would provide adequate time for preparation as well as the requisite notice of issues to be discussed.

The move to hold biannual meetings was also supported by those who believe that the rise in the number of contracting parties has increased the pressure to undertake broader consultations which take more time. In addition, others argue that biannual meetings would

also create opportunities for extended bilateral contacts among members. The issue of whether to move to biennial meetings is already under consideration by the Commission.

Documentation and proposals

Documents of the Commission will need to be made available to Commission members at least 90 days before the meeting. Proposals and amendments to proposals should be introduced in writing by the Parties and handed to the Secretariat for circulation well in advance of the meeting.

Proceedings of the meetings of the Commission

Concern was expressed during interviews that the current practice of allowing live transmission or external recording of Commission meetings by the media undermines the capacity of the delegates to engage in negotiations. This is mainly because there is a tendency for Commissioners to talk for the benefit of their domestic constituencies rather than to each other.

Also related to this is the desire on the part of many Commissioners to have more opportunities to consult with each other and to negotiate in private while maintaining sufficient communication with other constituencies. This desire would be in line with practices in other treaties where the chair regularly determines which sessions are restricted to Commissioners and which ones are open to non-parties.

Bureau of the Commission

The Intersessional Meeting of the Commission convened in March 2008 benefited significantly from the work of the Steering Group established to plan the meeting and to develop a draft agenda. The Commission could benefit from a standing Bureau elected by the Commission to assist the Chair in planning and running the meetings of the Commission. In addition to helping to plan meetings, such a Bureau would also serve as a communication link between the Chair and the rest of the Commissioners. One option would be to create a new organ that would have geographical as well as thematic representation. Alternatively, the current Advisory Committee could be reconstituted to serve as a Bureau with the requisite representation as determined by the Commission.

Non-governmental organizations

Although NGOs act as observers under IWC with no speaking rights, they represent a diverse source of input into the work of IWC and participate in many of its activities in a number of ways. For example, a number of many NGOs are represented on government delegations at both the Commission and Scientific Committee and suitably qualified individuals from NGOs attend the Scientific Committee as invited participants. They also play a major role in lobbying delegates and NGOs are often (unacknowledged) initiators of draft resolutions. At least some delegations have commented that they do not feel able to comment on certain issues because of the perceived domestic power that certain NGOs exhibit and their overall lack of accountability. It would be worth examining the considerable experience in other international regimes on how best to incorporate NGOs in the work of the Commission in a positive manner.

For example, this might be achieved through a new accreditation system that specifies the role they can play under the various organs and functions of the Commission. One of the key issues relates to statements to IWC. NGOs, through a system of collective representation, could be allowed to make formal presentations to Commission meetings. The timing and duration of such presentations would be determined by the Chair of the Commission.

3.4 Operational issues

Public communication

Public communication plays an important role in activities of international treaties and organizations. However, a large part of the media coverage of IWC is devoted to reporting on controversies and little attention is given to other important work that goes on in the Commission. The concentration on controversial issues is of course part of the nature of the press but managing the press should be part of a larger strategy on improving public communication on international activities related to whales. This will, of course, be considerably easier if the Commission can begin to operate in a more co-operative manner aiming at consensus. The present dichotomy of views on many important issues makes dealing with the press more difficult for the Secretariat. The Secretary should serve as the Commission's spokesperson and should do so in close cooperation with the Chair of the Commission.

Relationship with other bodies

Several comments were made that the Commission, through its Secretary, should seek to improve cooperation with other relevant international, regional and national organizations, under the guidance of the Commission. It is recognised that the Commission already has good scientific co-operation with a number of bodies including IUCN, CMS and its cetacean agreements, and CCAMLR but there would be benefit in improving or establishing co-operation with those organizations that might assist in helping to address threats to cetaceans that do not stem from direct hunting and/or who are addressing similar conservation and management issues. Such cooperation should be carried out with due regard to the need to promote synergy while reducing the transaction costs associated with such cooperation.

Languages

The growth in the membership of treaty has resulted in demand for documents and interpretation services to be provided in other languages (currently English is the only official and working language of the Commission). A number of Commissioners expressed concern that the absence of documents in other international languages undermines their ability to engage effectively in IWC discussions. The IWC needs to determine the number of languages in which documents and interpretation services are to be provided together with the way in which such changes could be introduced.²

² It is recognised that the Commission is currently working on this matter and that the introduction of French and Spanish as working languages is under consideration.

Role of the Secretariat

Some of the activities suggested in this report and elsewhere aimed at improving the work of the Commission may have implications for the work and expertise within the Secretariat. For example, the proposed intersessional work is likely to require an increase in staffing. A more detailed assessment of the impact of changes in IWC will need to be carried out to ensure that new tasks do not exceed the capacity of the Secretariat.

For example, issues such as cooperation with other international bodies as well as tracking of international negotiations in other regimes may require greater investment in legal expertise in the Secretariat. One possible way to address this is to engage a full time staff member with expertise on international law as well as procedural matters to complement the scientific expertise already available in the Secretariat.

4. THE WAY FORWARD

4.1 Implications of continued impasse

Based on the interviews, I believe that continued impasse in IWC has a number of dire consequences for the treaty and its cetacean conservation and management objectives. First, it will encourage member countries to either leave the treaty or reduce their level of participation and commitment. Such acts will undermine capacity of the treaty to meet its objectives and will encourage efforts by other treaties and processes to fill the void.

One possible outcome of such a scenario will be territorial conflicts among competing treaties which will further erode the credibility of the players involved. Attention is therefore likely to shift to such institutional conflicts at the expense of the objectives of the treaties themselves. It is also possible that other negotiations, especially those dealing with biological resources beyond national jurisdiction, could adopt decisions that could curtail the functioning of IWC. In effect, failure to resolve the impasse in a timely manner is likely to render the IWC marginal to ongoing efforts to strengthen ocean diplomacy.

4.2 Options for action

The Commissioners and stakeholders interviewed proposed a wide range of options for finding diplomatic solutions to the challenges facing IWC. These options ranged from convening ministerial meetings to launching a series of negotiations to resolve many of the controversial issues within IWC. Many of the interviewees also thought that such negotiations would provide IWC members with the opportunity to work on issues that they agree on while continuing to explore solutions to issues that they do not readily agree on.

There is, however, consensus that finding ways to accommodate the divergent interests while at the same time advancing the goals of the Convention can best be achieved through a negotiated process that involves the development of a comprehensive package of key issues. It is clear that negotiations should begin in earnest at IWC/60 in Chile.

There are several ways to approach the negotiations. The first option is to launch the negotiations through a series of extraordinary or special meetings of IWC that will work on agreed terms of reference. The results of the meetings will then be reported to the regular sessions of IWC starting in Madeira and continuing as needed. The Chair of IWC will serve as the Chair of the extraordinary meetings and may as needed establish sub-groups to address specific issues with the agreement of IWC members. The task of such sub-groups would be to

assist the Chair in finding solutions and compromises to key issues arising from the terms of reference.

A second scenario would be for IWC to establish an Open-ended Working Group (i.e., any or indeed all members of the Commission may decide to participate) on the Future of the Commission. The IWC would elect a Chair of the Working Group. The Chair of the Working Group would work closely with the Chair of the Commission over the period. The Chair of the Working Group may from time to time use sub-groups of countries for assistance in finding compromises to be considered by the Working Group. The results of the Working Group would need to be considered for adoption at the regular sessions of IWC.

A third scenario could be the launching of negotiations initially among all members of the Commission via open and closed or private meetings to ensure that all governments have the opportunity to identify their key issues that should be considered in the development of any comprehensive package. This would be followed by the establishment of a smaller working group (of defined membership) who would, on the basis of discussions of the whole Commission, develop options for comprehensive packages of key issues for consideration by all parties through both intersessional and regular sessions of IWC.

4.3 Enlarging diplomatic representation

Many of the Commissioners and stakeholders acknowledged the importance of drawing from negotiating experiences in other fora. They, however, stressed that such contributions should be made in ways that help to strengthen IWC. One way to achieve this would be to seek greater involvement of officials from ministries of foreign affairs and other relevant ministries in delegations to IWC meetings. Enlarging diplomatic representation would also reflect the changing character of IWC and the interests of Contracting Governments. For example, issues related to whale watching are likely to be addressed by ministries responsible for tourism and their interests will need to be more systematically addressed. Some Commissioners were concerned that such enlargement will demand greater coordination costs and might affect the frequency of meetings.

CONCLUSION

The contents of this report are based on interviews with the IWC community. It is intended to encourage the community to find diplomatic solutions to many of the challenges facing the treaty to allow IWC to position itself as a leading source of best practices not only for matters related to whales, but to ocean government in general. But above all, the preparation of the document was guided by the conviction that there is sufficient expertise and political will within the IWC community to embark on a new diplomatic path. The next meeting of IWC therefore represents a unique opportunity for the organization to forge ahead in a new spirit of open dialogue and compromise.

While this paper deals with multilateral processes, the spirit of dialogue and negotiation that it advances should also be extended to bilateral discussions between nations. Such initiatives will not only help to generate solutions which can be adopted by IWC, but they will help improve understanding among nations as they work together to improve ocean governance through diplomacy. All options for creative thinking should be explored under the circumstances.