

Annex F

Statement from Henrik Fischer, Chair of the Commission, to the Private Meeting of Commissioners/Alternate Commissioners on the 16th July 2004

First of all I would like to express my deep regret and disappointment at not being able to attend and Chair the 56th Annual Meeting and in particular in being unable to present my proposal on the RMS to you in person and to work with you all to seek agreement on a way forward. I hope however, that you will permit me to communicate, via this statement, the great importance I give to completion of the RMS and what I would like the discussions on the RMS in Sorrento to achieve.

Given the lengthy discussions held to date on the RMS, and especially the constructive and positive discussions held within my small RMS group since last year's meeting in Berlin, I believe the time is right for the Commission to make real and directed progress towards an RMS. I fear that failure to put an RMS in place may not only jeopardise the future of the IWC, but perhaps more importantly serve neither the interests of whale conservation nor management – the dual mandates of our Convention.

The Preface to my proposal (IWC/56/COMMS 2) outlines what I believe is an incontrovertible case for the timely adoption of an RMS from the twin standpoints of conservation and wise management. I won't repeat the case here, but ask you to consider it very carefully indeed. I recognise that the completion and timely adoption of the RMS will require an atmosphere of trust and mutual understanding among member governments that has often appeared to be lacking in recent IWC meetings. However, I was encouraged and heartened by the constructive nature of discussions within my small group, despite the very different opinions held on a number of key issues, and hope that this spirit of co-operation and willingness to seek compromises will continue into the private Commissioners' meeting and indeed all aspects of the Commission's work this year.

I have developed what I believe to be a fair and realistic proposal for the essential ingredients of an RMS package

for consideration now by the whole Commission. Inevitably, not every detail of this package will satisfy every member nation – that is inherent in the concept of compromise. However, I have endeavoured to respect, to the extent possible, the various viewpoints held by Commission members within a logical framework that ensures that the rules and regulations of the Commission are not only obeyed but also seen to be obeyed in an efficient and cost-effective manner.

The proposal is, of course, open to discussion. However, as the package includes, in some way, almost all of the elements that have been discussed recently in the context of the RMS, the exception being blanket trade restrictions and sanctuaries (for reasons explained in my document), I strongly urge you to concentrate on refinements to the package and not, unless deemed necessary by the great majority of Contracting Governments, entertain suggestions that would involve major changes and reconstruction of the entire package. If refinements and changes are considered necessary – and there no doubt will be some – then I believe it is essential to have a clear explanation of why they are needed, following the approach that I have used for my proposal.

If there is a generally favourable reaction to my proposals for an RMS, then I believe it should be possible to have firm proposals ready for adoption at the meeting in 2005. This will require substantial intersessional activity of both a technical and policy nature prior to the 2005 Annual Meeting.

In conclusion, I sincerely hope that you will be able to broadly accept my proposal for an RMS package and agree to the necessary intersessional activities. Once again, I stress my view that failure to put a workable RMS in place will serve neither the interests of whale conservation nor management – the dual mandates of our Convention.