

Dear friends and Colleagues:

Firstly I would like to welcome you all here in Lisbon, to the Pew Whales Commission. And to thank Leon Panetta for the work he had done in this process before becoming 001, and Pew and all of you for allowing me the opportunity to try and fill his shoes.

In our world we are lucky, or perhaps some would say, unlucky, enough to have the International Whaling Commission, established by the International Convention on the Regulation of Whaling. Its history is one similar to today's mess in the financial world, characterised by mismanagement and driven too much by greed and falsehood. And today it is *plagued by*, as Judge Neroni Slade said in opening the Second Pew Symposium in Tokyo in January 2008: *considerable controversies; and the Contracting Governments are at loggerheads. The whaling countries, as well as those which oppose whaling, share a sense of unhappiness and concern about the way the IWC currently conducts its business.*

So to deal with this situation, one which has persisted in fact for some decades, I want us to imagine we are inhabiting a parallel world, one in which we are setting out to design a legal instrument for the conservation and management of all cetaceans, as if none existed at present. Yet at the same time we need to look over the shoulder of this world, where the IWC, in all its creaking intransigence is trying to find a way forward through its Small Working Group. Less than one week ago that SWG released its report identifying a suite of options to resolve the decades-old conflicts on whale conservation.

So is our work over?. Not at all! This Pew Whales Commission has a unique and important opportunity to help shape the way forward for the IWC in ways that strengthen whale conservation and management throughout the world's oceans. I will talk about just how we link and reflect IWC processes tomorrow morning.

Like legs of good chair, there are four issues we would need to think about in a parallel world:

Firstly, different cultural perspectives of the citizens of that world on cetaceans. Some populations in that world almost revere the whales, some see them as a means of being able to subsist in harsh environmental conditions where they live, where little other food resources are available, and some simply enjoy to eat them, and use them in cultural ceremonies. This cultural clash must be our first and important priority – Can we find a way to reconcile these perspectives in ways which respect each of those cultural concerns?

The second issue concerns a scientific approach to understanding whale populations. One set of citizens wants to analyse in some detail the physical structures of individual whales in populations, involving killing and taking a number of specimens; another set wants to simply use non invasive techniques to determine population numbers. But both sets of citizens agree that science must be the basis of discussion and decision. Can we

arrange a future where all these objectives are able to be met, or sublimated in other ways?

The third issue concerns the use of protected areas or sanctuaries to ensure there is some space where whales can live and breed without being interfered with, and to respect the wishes of countries who want whales living or migrating within or in the vicinity of their coasts to persist? This means devising a set of areas where there could be agreement on cetaceans having free range, but perhaps with some monitoring of the population size. And making sure maritime transport and fisheries activities (through by-catch) do not defeat the object of such sanctuaries.

The fourth issue is what sort of legal instrument would work best, given changes in the global environment. Should it be a separate instrument? Should it link carefully to existing legal agreements? And, most critically, how do we ensure strong compliance with the provisions of the agreement?

Although I present them separately these four issues are completely interconnected, which explains some of the complexity of our task! Finally, to illustrate the ultimate complexity of all this, let me tell the story of Old Tom.

Old Tom was an Orca, or Killer Whale, who lived in the waters near a town called Eden in south-eastern Australia. His Skelton is in the local museum, and if you see it at once you notice some teeth at the back of his skull are worn down almost to the base. This is because Old Tom used to attract the attention of the then whaling fleet in Eden harbour by grasping and yanking on the steel hawsers anchoring the boats to the harbourside. He would even tow the boats into the direction of the migrating humpback whales on route to or from the Antarctic waters. The whaling fleet then did their thing, and proceeded to dispose of the parts of the whale not useful for processing. Old Tom, and his family, thus had a free feed of Humpback, without the need to tangle with and kill a much bigger beast.

This story shows that the relationship is not just people and whales, but people and people, whales and whales. Just as Ambassador de Soto, the author of the IWC SWG report, has said “nothing is agreed until everything is agreed” so we should understand that nothing *can* be agreed unless we change our perspectives and stances to embrace a wider range of world views on each side of the main debate.

So, dear colleagues, as is said in the Mission Impossible films, *this is your task should you decide to accept it*. In fact by being here you have already accepted, and I hope our collective efforts can help transform IWC into a body fit for the 21st Century, with a reformed modern convention to back it up. It’s up to us all to help this process as best we may. Let’s wish us all luck, and again thank the Pew Environment Group for engaging in this most difficult, yet ultimately solvable of issues.