

**EXPLANATORY STATEMENT 2 of 2011**  
**Amendments to the Schedule to the International Convention for the Regulation of Whaling, done at Washington on 2 December 1946**  
**Adopted at the 63<sup>rd</sup> Annual Meeting of the International Whaling Commission at Jersey on 11 – 14 July 2011**

**Practical and legal effect**

1. The proposed minor treaty action extends the operation of the zero catch limit on commercial whaling established under the Schedule to the *International Convention for the Regulation of Whaling* (the Convention, [1948] ATS 18) for another year.

**Nature and timing of proposed treaty matter**

2. The moratorium on commercial whaling, established under paragraph 10(e) of the Schedule to the Convention, prohibits the killing of whales for commercial purposes from the 1986 coastal and the 1985/86 pelagic seasons.

3. The moratorium is reflected in paragraphs 11 and 12 of the Schedule, which provide that the catch limit for all whale stocks is zero. The continued application of these zero catch limits is updated annually for each whaling season, via an amendment to these paragraphs of the Schedule adopted by the Commission. The proposed treaty matter extends the application of the zero catch limits established under paragraphs 11 and 12 to the 2011/12 whaling seasons.

4. The Schedule may be amended in accordance with the provisions of Article V of the Convention, to take account of decisions of the International Whaling Commission established under the Convention (the Commission). These amendments become effective as follows:

- If a Contracting Government does not wish to be bound by the proposed Schedule amendment it must object within 90 days following the date the Secretariat of the Commission notified the amendments.
- If no Contracting Government lodges an objection, the amendment becomes effective for all Contracting Governments after this 90 day period.
- If a Contracting Government lodges an objection, the amendment becomes effective (except for any Contracting Governments that have lodged an objection) after 180 days.
- If any further Contracting Governments lodge an objection, the amendment becomes effective (except for any Contracting Governments that have lodged an objection) at the expiration of the 180 day period, or 30 days after the last objection is received, whichever is the later.

5. In accordance with this procedure, the Commission's Secretariat notified Contracting Governments on 27 July 2011 that if no objections to the amendments are lodged, they will come into force on 25 October 2011. If, however, objections to the amendments are lodged before 25 October 2011, the amendments will come into force for those countries that have not lodged an objection on 23 January 2012. If further objections are lodged, the latest date at which the amendments could come into force is 22 February 2011. We expect the Czech Republic will object to the amendments on domestic administrative grounds. However, we also expect the Czech Republic will withdraw this objection as it has objections made in 2008, 2009 and 2010.

6. Should any Contracting Government lodge an objection to the proposed treaty matter, that Government would nevertheless still be bound by the moratorium on commercial whaling under paragraph 10(e) of the Schedule (with the exception of those Contracting Governments with an objection or reservation to the moratorium).

7. Australia does not propose to lodge an objection to these amendments and therefore no active binding treaty action is required to be taken by Australia. The amendments will not alter Australia's obligations under the Convention and in fact extend the life of the moratorium which Australia strongly supports.

**Reasons for Australia to take the proposed action relating to the treaty matter**

8. The proposed minor treaty action is in the national interest. Australia opposes all forms of commercial whaling and strongly supports the continuation of the moratorium.

**Implementing Legislation**

9. No legislative changes are needed to implement the proposed treaty action.

**Financial Implications**

10. There are no financial implications for Australia arising from the proposed amendments to the treaty.

Marine Division  
Department of Sustainability, Environment,  
Water, Population and Communities

Submitted to JSCOT: 13 September 2011

Tabled: 13 September 2011

**ATTACHMENTS:**

A: Schedule to the Convention, with changes in *bold italics* type.

B: Secretariat Circular communication to Commissioners 27 July 2011.



International  
Whaling  
Commission

Secretary  
Dr Simon Brockington

The Red House  
135 Station Road  
Impington, Cambridge  
CB24 9NP UK

Tel: +44 (0) 1223 233971  
Fax: +44 (0) 1223 232876  
Email: [secretariat@iwcoffice.org](mailto:secretariat@iwcoffice.org)  
Internet: [www.iwcoffice.org](http://www.iwcoffice.org)

SB/JAC/31342

27 July 2011

CIRCULAR COMMUNICATION TO COMMISSIONERS  
AND CONTRACTING GOVERNMENTS  
IWC.CCG.958

**Amendments to the Schedule**  
**International Convention for the Regulation of Whaling, 1946**

At the 63rd Annual Meeting of the International Whaling Commission held in Jersey, Channel Islands, from 11-14 July 2011, no modifications were made to the provision for zero catch limits for commercial whaling with effect from the 1986 coastal and the 1985/86 pelagic seasons.

The following amendments to the Schedule of the International Convention for the Regulation of Whaling are therefore necessary (changes in *bold italics* type):

*Paragraphs 11 and 12, and Tables 1, 2 and 3:*

- Substitute the dates 2010/2011 pelagic season and 2011 coastal season for **2011/12** pelagic season and **2012** coastal season as appropriate.

In accordance with Article V of the Convention, these amendments become effective with respect to each Contracting Government ninety days following the date of this letter, unless any Contracting Government lodges an objection, in which case the procedure under Article V, paragraph 3 of the Convention will be followed.

The ninety days period will expire on 25 October 2011. In the absence of objections by that date the amendments will become effective. Contracting Governments will be notified accordingly.

On 16 June 2011 the Czech Republic withdrew its objection to the Schedule amendments agreed at the Commission's 60th, 61st and 62nd Annual Meetings (see Circular Communication IWC.CCG.951). Accordingly the editorial footnote to Table 1 which recorded this objection has been removed.

Contracting Governments are reminded that Article V paragraph 3 of the Convention requires them to acknowledge receipt of this notification of amendments. In order to encourage compliance with this requirement, a form of acknowledgement is attached, to be completed and returned by post, fax or-email as is most convenient.

Simon Brockington  
Secretary to the Commission

c.c. Intergovernmental Organisation observers to the IWC