

TEXT OF THE TREATY ACTION



International Whaling Commission

Chair
Dr. William Hogarth (USA)

Vice-Chair
Mr. Minoru Morimoto (Japan)

Secretary
Dr. Nicky Grandy

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
Internet: www.iwcoffice.org

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CIRCULAR COMMUNICATION TO COMMISSIONERS AND CONTRACTING GOVERNMENTS IWC.CCG.637

IMPORTANT REVISION TO:

Amendments to the Schedule

International Convention for the Regulation of Whaling 1946

In Circular Communication IWC.CCG.635 of 13 June, the amendments shown to the Schedule for the taking of fin whales from the West Greenland stock (paragraph 13.(b).(3)(i)) and minke whales from the Central stock (paragraph 13.(b)3(ii)) did not reflect properly the amendments agreed at IWC/59 as given in document IWC/59/23 Rev.3 due to a transcription error made by the Secretariat.

Circular IWC.CCG.635 showed the following revisions to these paragraphs:

- (i) The number of fin whales from the West Greenland stock taken in accordance with this sub-paragraph shall not exceed ~~the limits shown in Table 1~~ **19 in each of the years 2008, 2009, 2010, 2011 and 2012.**
- (ii) The number of minke whales from the Central stock taken in accordance with this sub-paragraph shall not exceed 12 in each of the years ~~2003, 2004, 2005, 2006 and 2007~~ **2008, 2009, 2010, 2011 and 2012**, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any **of the**

subsequent years, provided that no more than 3 shall be added to the quota for any one year.

It should have shown the following:

- (i) The number of fin whales **struck** from the West Greenland stock **taken** in accordance with this sub-paragraph shall not exceed ~~the limits shown in Table 1~~ **19 in each of the years 2008, 2009, 2010, 2011 and 2012.**
- (ii) The number of minke whales **struck** from the Central stock **taken** in accordance with this sub-paragraph shall not exceed 12 in each of the years ~~2003, 2004, 2005, 2006 and 2007~~ **2008, 2009, 2010, 2011 and 2012**, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any **of the** subsequent years, provided that no more than 3 shall be added to the quota for any one year.

Furthermore, during discussions in Anchorage of earlier versions of Denmark's proposed Schedule amendments relating to Greenland catch limits, Denmark agreed to the request to replace the use of the terms 'take' and 'taken' by 'strike' and 'struck'. Further review of IWC/59/23 Rev3 since the meeting, has shown that this had not been done consistently with respect to sub-paragraph 13.(b).3(iv) regarding bowhead whales. Sub-paragraph (iv) of IWC/59/23 Rev3 read as follows:

- (iv) The number of bowhead whales struck off West Greenland taken in accordance with this sub-paragraph shall not exceed 2 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than 2 shall be added to the quota for any one year. Furthermore, the quota for each year shall only become operative when the Commission has received advice from the Scientific Committee that the take is unlikely to endanger the stock.

According to discussions and agreements in the plenary it should have read:

- (iv) The number of bowhead whales struck off West Greenland **taken** in accordance with this sub-paragraph shall not exceed 2 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than 2 shall be added to the quota for any one year. Furthermore, the quota for each year shall only become operative when the Commission has received advice from the Scientific Committee that the ~~take is~~ **strikes are** unlikely to endanger the stock.

In addition, in IWC/59/23 Rev3, footnote 2 read:

“Available to be taken by aborigines pursuant to paragraph 13 (b) 3. Catch limit for each of the years **2008, 2009, 2010, 2011 and 2012.**”

It should have read:

“Available to be ~~taken~~ **struck** by aborigines pursuant to paragraph 13 (b) 3. Catch limit for each of the years **2008, 2009, 2010, 2011 and 2012.**”

The Secretariat has confirmed with Denmark that the consistent use of strike/struck had been their intention; the errors in IWC/59/23 Rev3 had been overlooked in plenary. Given the general

understanding in plenary that the term ‘take/taken’ would be replaced by ‘strike/struck’, it would seem sensible to include the intended language in the revised Schedule.

As a result of the above, please disregard Circular Communication IWC.CCG.635 and use this Circular as the basis for notification of the Schedule amendments.

The amendments necessary to the Schedule following IWC/59 are therefore as follows (changes are in ***bold italics***):

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

Substitute the dates ***2007/2008*** pelagic season, ***2008*** coastal season, ***2008*** season, or ***2008*** as appropriate.

Paragraph 13.(b)(1):

In sub-paragraph (i), substitute the dates 2003, 2004, 2005, 2006 and 2007 by ***2008, 2009, 2010, 2011 and 2012*** and the dates 1998-2002 by ***2003-2007***.

Delete sub-paragraph (iii).

Paragraph 13.(b)(2)(i):

Substitute the dates 2003, 2004, 2005, 2006 and 2007 by ***2008, 2009, 2010, 2011 and 2012***.

Paragraph 13.(b)(3) and footnotes 2 and Δ in Table 1:

Amend paragraph 13.(b)(3) as follows:

- (3) The taking by aborigines of minke whales from the West Greenland and Central stocks and fin whales from the West Greenland stock ***and bowhead whales from the West Greenland feeding aggregation*** is permitted and then only when the meat and products are to be used exclusively for local consumption.
 - (i) The number of fin whales ***struck*** from the West Greenland stock ~~taken~~ in accordance with this sub-paragraph shall not exceed ~~the limits shown in Table 1~~ ***19 in each of the years 2008, 2009, 2010, 2011 and 2012***.
 - (ii) The number of minke whales ***struck*** from the Central stock ~~taken~~ in accordance with this sub-paragraph shall not exceed 12 in each of the years ~~2003, 2004, 2005, 2006 and 2007~~ ***2008, 2009, 2010, 2011 and 2012***, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any ***of the*** subsequent years, provided that no more than 3 shall be added to the quota for any one year.
 - (iii) The number of minke whales struck from the West Greenland stock shall not exceed ~~175~~ ***200*** in each of the years ~~2003, 2004, 2005, 2006 and 2007~~ ***2008, 2009, 2010, 2011 and 2012***, except that any unused portion of the ~~strike~~ quota for each year shall be carried forward from that year and added to the strike quota of any subsequent years, provided that no more than 15 strikes shall be added to the strike quota for any one year. This provision will be reviewed ~~if new scientific data become available within the 5-year period and if necessary amended on the basis of the advice of the Scientific Committee~~ ***annually by the Commission, according to the findings and recommendations by the Scientific Committee, which shall be binding***.

(iv) The number of bowhead whales struck off West Greenland in accordance with this sub-paragraph shall not exceed 2 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than 2 shall be added to the quota for any one year. Furthermore, the quota for each year shall only become operative when the Commission has received advice from the Scientific Committee that the strikes are unlikely to endanger the stock.

Amend Column 'FIN', Table 1 as follows:

a) footnote 2 should read:

“Available to be **struck** by aborigines pursuant to paragraph 13 (b) 3. Catch limit for each of the years **2008, 2009, 2010, 2011 and 2012.**”

b) footnote Δ should be deleted.

Paragraph 13.(b)(4):

Substitute 2003-2007 by **2008-2012**.

Delete the last sentence starting ‘The quota for the seasons...’.

An amended version of the Schedule including the correct versions of paragraphs (13.(b).3(i) and (ii) is attached.

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 **20 September 2007**. In the absence of objections by that date, the amendments will become effective. Contracting Governments will be notified accordingly.

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. Please complete this and return it to the Secretariat by post, fax or email as is most convenient.

Dr. Nicky Grandy
Secretary to the Commission

cc: Non-member Government Observers (for information).