

## JOINT STANDING COMMITTEE ON TREATIES

### REPORT 23. Amendments proposed to the International Whaling Convention. August 1999

#### GOVERNMENT RESPONSE. August 2000

On 23 August 1999 the Joint Standing Committee on Treaties (the Committee) tabled in Federal Parliament its 23<sup>rd</sup> Report, on "Amendments proposed to the International Whaling Convention".

The report relates to proposed amendments to the Schedule to the International Convention for the Regulation of Whaling, 1946 (the Convention), which were tabled in Parliament on 23 June 1999.

The first set of amendments arises from a decision taken by the 51<sup>st</sup> Annual Meeting of the International Whaling Commission (IWC), which met in Grenada from 24 to 28 May 1999. These amendments involve revisions to Paragraph 13(b)(4), in order to renew the annual quota for the Bequian people of St Vincent and the Grenadines, in the Eastern Caribbean, to take two humpback whales per annum for three years from 2000 to 2002.

The second set of amendments arises from the annual requirement to make current the dates in Paragraphs 11 and 12 and Tables 1, 2 and 3 of the Schedule to the Convention, in order to maintain the moratorium on commercial whaling (zero catch limits). The dates will be changed from 1998/1999 pelagic season to 1999/2000 pelagic season, from 1999 coastal season to 2000 coastal season, from 1999 season to 2000 season, and from 1999 to 2000 respectively.

The Committee recommended that no formal objection be lodged to either set of the proposed amendments. The Government has noted the recommendation, and did not lodge any objection within the 90 days provided under the Convention. No other Contracting Government lodged objections within the 90 days, and the amendments therefore came into force on 9 September 1999.

The Committee discussed in some detail the first set of amendments, which renewed the quota for the Bequian people to take two humpback whales annually from 2000 to 2002. The Committee recommended that Australia lodge an "expression of concern", seek to have the quota reconsidered at the 52<sup>nd</sup> annual meeting of the IWC, and request the IWC to obtain a detailed needs statement from the Bequian people for consideration at the meeting.

The Government shares the concerns expressed by the Committee about the justification for the Bequian quota and the manner of the hunt. Australia voiced these concerns clearly both before and at the 51<sup>st</sup> annual meeting of the International Whaling Commission. By negotiating at length with other IWC members, Australia was instrumental in ensuring that the IWC placed more stringent conditions upon the Bequian hunt. While sharing the Committee's concerns, the Government considers alternative action is more appropriate than the three specific actions recommended by the Committee in relation to the Bequian quota.

There is no specific mechanism within IWC procedures for lodging an "expression of concern", as recommended by the Committee. The Australian Government made its concerns known to the IWC and to the Government of St Vincent and the Grenadines by letter prior to the last meeting, during negotiations over the quota, and again in a statement following the IWC decision. A further expression of concern would not alter the quota. The Australian Government will however write to the Government of St Vincent and the Grenadines, prior to the 52<sup>nd</sup> meeting in 2000, requesting that a full report on any take of whales in 2000 be lodged with the IWC before the annual meeting, as required under the Convention.

It is also not considered practical for Australia to seek to have the quota reconsidered at the 52<sup>nd</sup> annual meeting of the IWC. The decision of the 51<sup>st</sup> annual meeting of the IWC notes that the Government of St Vincent and the Grenadines has given a commitment that it will "submit a detailed needs statement when the quota is next considered for renewal", i.e. in 2002. There is no mechanism for the IWC as a whole to request a needs statement before the meeting in 2000 and it is most unlikely that the Government of St Vincent and the Grenadines would submit such a statement in 2000 without such a request. In the absence of a detailed needs statement, it would not be feasible for the IWC to consider the Bequian quota in any more informed way in 2000 than was possible at the meeting in 1999.

In addition to making recommendations relating directly to the amendments, the Committee made a more general recommendation that the Australian Government should prepare a proposal for the next annual meeting of the IWC to revise the Convention and its Schedule.

The Australian Government shares the view of the Committee that revision of the Convention and its Schedule would be highly desirable. Nevertheless, as the Committee noted in its report, the current membership of the IWC makes it most unlikely that the required three-fourths majority could be obtained for any significant amendment of the Schedule.

At the 52<sup>nd</sup> annual meeting of the IWC, which will be held in Adelaide from 3 to 6 July 2000, Australia will again negotiate actively with all Contracting Governments in pursuit of Australia's whale conservation objectives. Australia must be judicious in selecting which issues to pursue most actively at the meeting. The highest priorities for Australia will be: to continue the current moratorium on commercial whaling; to support existing whale sanctuaries; to pursue the establishment of further whale sanctuaries including the South Pacific Whale Sanctuary; and to continue to seek an end to so-called "scientific" whaling and to commercial whaling carried out under reservations.

Recognising the time and resources required to pursue any international initiative successfully, the Australian Government considers that its efforts in the lead-up to the 52<sup>nd</sup> meeting of the IWC are best focused on these highest priorities. The potential for longer term changes to the Convention and its Schedule will become more apparent after the 52<sup>nd</sup> meeting, and it may be timely to begin work later in 2000 on a multi-lateral proposal for revisions.

In conclusion, the Government appreciates that the Committee considered the issues arising from the amendments in some detail, and the Government wishes to express its gratitude to the Committee for their close attention to these important matters.