

# Amendments to the International Convention for Regulation of Whaling

## Introduction

- 8.1 The purpose of the *Amendments, done at Berlin, Germany on 19 June 2003, to the Schedule to the International Convention for Regulation of Whaling, done at Washington on 2 December 1946* is to maintain the moratorium on commercial whaling that came into force from the 1986 coastal and 1985/86 pelagic seasons.
- 8.2 The Schedule is an integral part of the Convention, and is amended from time to time in accordance with Article V to take account of decisions of the International Whaling Commission (IWC).<sup>1</sup>
- 8.3 The amendments done at the 55<sup>th</sup> annual meeting of the IWC held in Berlin from 16 to 19 June 2003, substitute the dates for the coming year on commercial whale catch limits, which are set at zero in accordance with sub-paragraph 10(e) of the Schedule.<sup>2</sup> The amendments substitute the dates '2003/2004' in place of '2002/2003', and '2004' in place of '2003' in paragraphs 11 and 12, and Tables 1, 2 and 3 of the Schedule. Dr Conall O'Connell, Australian Commissioner, International Whaling Commission and Acting Deputy Secretary, Department of the Environment and Heritage, advised the Committee that these are annual technical amendments

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1 National Interest Analysis (NIA), para. 2.

2 NIA, para. 8.

which maintain the moratorium on commercial whaling<sup>3</sup> as well as the currency of the Schedule.<sup>4</sup>

## Background

- 8.4 The *International Convention for the Regulation of Whaling, 1946* is a multilateral treaty that regulates the conservation and utilisation of whale stocks. The initial focus of the Convention was to ensure international control of post-war development of the commercial whaling industry. More recently the IWC, established under the Convention, has been a more effective vehicle for some major conservation measures, such as the 1982 decision to implement a moratorium on commercial whaling.<sup>5</sup> The IWC currently has 51 member countries.<sup>6</sup>
- 8.5 Australia has been a Contracting Government to the Convention since it came into force in 1948 and a strong opponent of commercial whaling since it accepted the recommendations of the Independent Inquiry into Whales and Whaling in 1979.<sup>7</sup> The NIA states that the amendments correspond with Australia's position to pursue a permanent international ban on commercial whaling.
- 8.6 The *Environment Protection and Biodiversity Conservation Act 1999* prohibits the killing, injuring or interfering with whales in Australian waters (including to the outer limits of the Exclusive Economic Zone), and provides a higher level of protection to whales than under the Convention.<sup>8</sup>

## Consultation

- 8.7 The Committee noted that the Department of Environment and Heritage convenes a number of consultative meetings with NGOs and other government departments prior to each annual meeting of the

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3 Dr Conall O'Connell, *Transcript of Evidence*, 15 September 2003, p. 37.

4 NIA, para. 8.

5 NIA, para. 9.

6 <http://www.iwcoffice.org/iwc.htm#Members>

7 NIA, para. 7.

8 NIA, para. 11.

IWC to canvass views on Commission issues.<sup>9</sup> The three meetings held in October 2002, February 2003 and May 2003 were attended by representatives from Environment Australia (now known as the Department of Environment and Heritage), Department of Foreign Affairs and Trade, Australian Conservation Foundation, Greenpeace, Human Society International, International Fund for Animal Welfare, Project Jonah, Royal Society for the Prevention of Cruelty to Animals, Whale and Dolphin Conservation Society and Whale and Dolphin Watch Australian Inc.<sup>10</sup>

- 8.8 Annexure 1 of the NIA noted that the consultative meetings forum elected representatives of two NGOs to participate as members of the Australia delegation in 2003. A report from the delegation is made available to NGOs, government departments, scientists and institutions following the annual meetings.<sup>11</sup>

## Automatic entry into force

- 8.9 Under the Convention, amendments enter into force on the expiration of 90 days following formal notification of the changes by the IWC, unless a Contracting Government lodges an objection. In the event that an objection is lodged during the 90 day period (in this instance before 30 September 2003), the amendments would not come into force for any Contracting Governments for an additional ninety days (29 December 2003).<sup>12</sup> Subsequently the amendments become binding for Contracting Governments that did not lodge objections.
- 8.10 Australia did not lodge an objection concerning the Amendments to the Schedule to the Convention. However, Norway lodged objections and has exercised its right to set its national catch limit for its coastal whaling operations for minke whales. Dr O'Connell advised that the Norwegians:

claim that it is traditional, but it is not simply on the basis of tradition. They have a reservation to the moratorium, so they continue to pursue it on the basis that they believe their take is sustainable.<sup>13</sup>

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9 NIA Annexure 1 - Consultations.

10 NIA Annexure 1 - Consultations.

11 NIA, para. 14.

12 NIA, para. 5.

13 Dr Conall O'Connell, *Transcript of Evidence*, 15 September 2003, p. 39.

- 8.11 This means that the amendments would enter into force for Contracting Governments on 29 December 2003.

## Costs

- 8.12 The proposed amendments to the Schedule will not add to Australia's obligation under the Convention, require any additional measures or impose any additional costs to Australia.<sup>14</sup>

## Conclusion and recommendation

- 8.13 The Committee acknowledges that the amendments are routine and do not impose any additional costs or obligations on Australia. Furthermore, the Committee continues to support the maintenance of the moratorium on commercial whaling under the *International Convention for Regulation on Whaling, 1946*.

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### Recommendation 9

**The Committee supports the *Amendments, done at Berlin, Germany on 19 June 2003, to the Schedule to the International Convention for Regulation of Whaling, done at Washington on 2 December 1946.***

Hon Julie Bishop MP  
Chair

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14 NIA, paras 11-13.