

Amendment to the Schedule to the International Convention for the Regulation of Whaling

Background¹

- 3.1 The *International Convention for the Regulation of Whaling, done at Washington on 2 December 1946* (the Convention) is a multilateral treaty that regulates the utilisation of whale stocks. The Schedule is an integral part of the Convention, and is amended from time to time to take account of decisions of the International Whaling Commission (IWC) established under the Convention. Australia has been a contracting party to the Convention since it came into force in 1948.
- 3.2 The *Amendment, done at Cambridge, United Kingdom on 14 October 2002, to the Schedule to the International Convention for the Regulation of Whaling, done at Washington on 2 December 1946* (the Amendment) renews a quota for aboriginal subsistence whaling by the indigenous peoples of Alaska and the Chukotka Peninsula (Siberia) in the Bering-Chukchi-Beaufort Seas.

1 Unless otherwise specified the material in this section was drawn from the National Interest Analysis (NIA) for the *Amendment, done at Cambridge, United Kingdom on 14 October 2002, to the Schedule to the International Convention for the Regulation of Whaling, done at Washington on 2 December 1946*.

- 3.3 The Amendment creates a five year period that allows the taking of bowhead whales for the purposes of aboriginal subsistence, continuing arrangements that have been in force over the previous five years.
- 3.4 The Committee examined similar changes to the Schedule in *Report 48: Treaties tabled in August and September 2002*.² While three aboriginal subsistence quotas (dealt with in Report 48) were renewed at the 54th annual meeting held at Shimonoseki in May 2002, the IWC did not agree to set a catch limit for bowhead whales taken by indigenous peoples of the United States and Russia. Negotiations among IWC member states resulted in the convening of the special meeting, which produced this Amendment.
- 3.5 The Amendment will not add to Australia's existing obligations under the Convention. It will not require any additional measures for implementation and is not expected to impose any additional costs on Australia.
- 3.6 Australia does not intend to lodge an objection to the Amendment and therefore no binding treaty action is required. The Amendment came into force for Australia on 19 January 2003 as no objections were lodged.

Evidence presented and issues arising

- 3.7 The Committee inquired into the reasons that made necessary the special meeting after the annual meeting. Environment Australia (EA) responded that the Amendment required more time to negotiate to the satisfaction of all parties:

It is fair to say that the 54th meeting at Shimonoseki got fairly acrimonious ... this issue was swept up as a byplay to issues that other parties were trying to achieve ...³

- 3.8 Further evidence was presented regarding the purpose of aboriginal subsistence whaling. The Committee was advised that whaling under

2 Chapter 1, *Report 48: Treaties tabled in August and September 2002*. Available at: <http://www.aph.gov.au/house/committee/jsct/augustandseptember2002/report/chapt1.pdf>

3 Mark Flanigan, *Transcript of Evidence*, 9 December 2002, p. 13.

these conditions is traditional and undertaken in a way that does not result in trade or the establishment of a commercial basis.⁴

- 3.9 The Committee was advised by officials of EA that the access of indigenous peoples of Alaska and the Chukotka peninsula to other forms of protein is extremely limited.⁵ The Committee understands that for these reasons the hunting of whales by indigenous cultures in remote locations, according to the terms of the Convention, is for subsistence purposes.

Recommendation 2

- 3.10 ***The Committee supports the Amendment, done at Cambridge, United Kingdom on 14 October 2002, to the Schedule to the International Convention for the Regulation of Whaling, done at Washington on 2 December 1946.***

4 Mark Flanigan, *Transcript of Evidence*, 9 December 2002, p. 15.

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