

The Future of the International Whaling Commission: An Australian Proposal

Introduction

Australia supports the International Whaling Commission (IWC) as the body with primary responsibility for the conservation and management of cetaceans globally. Cetaceans are a global concern demanding a responsible collective approach.

Australia has been an active participant in the 'Future of the IWC' process from its inception at the March 2008 intersessional meeting in the United Kingdom. At IWC61, Australia joined the consensus agreeing to further intensify efforts on the future of the Commission, participating in the three rounds of discussion of the twelve-member IWC Support Group. The Support Group was established to assist IWC Chair, Ambassador Cristian Maqueira, to prepare material for submission to the Small Working Group and ultimately to the next annual meeting of the Commission.

Members of the Support Group have worked diligently to explore a range of options without prejudice to principles held by individual IWC member nations. Australia has engaged constructively and intensively in these efforts. The Support Group talks, whilst robust, were frank, friendly and constructive. We would like to acknowledge the leadership of the Chair and the positive efforts of all members of the Support Group.

It is Australia's view that the approach that has been under discussion in the Support Group, as it stands, demands too many first order concessions from those who are committed to an end to commercial and special permit (unilateral so-called 'scientific') whaling, and does not do enough to conserve and protect whale populations.

The Australian Government remains resolutely opposed to commercial whaling and unilateral 'scientific' whaling, and strongly supports the global moratorium on commercial whaling. The primary objective of the Australian Government remains the reform of the International Convention on the Regulation of Whaling (ICRW) 1946 to bring about an effective, permanent international ban on both commercial and unilateral 'scientific' whaling.

Australia will continue to argue vigorously that whaling should be phased down to zero, with total and permanent elimination of all whaling (other than current aboriginal subsistence whaling), within a reasonable timeframe.

However, the Government recognises the significant difficulties to be overcome to meet this outcome and acknowledges that it may not be possible to achieve these goals immediately.

From Australia's perspective there are four major priorities.

First, Australia needs to see an immediate end to unilateral so-called 'scientific' whaling purportedly conducted under Article VIII of the ICRW. From the outset, Australia has been clear that we consider any new approach must include an agreement to bring an immediate end to this form of whaling and must put in place a mechanism and timetable to address the reform of Article VIII of the ICRW to permanently end this practice.

Second, cetacean species or populations not currently hunted should not be available for whaling and no new whaling should be allowed; the take for vulnerable species and populations will be reduced immediately to zero.

Third, we wish to see sanctuaries operating as genuine sanctuaries. No whaling should take place within them.

Fourth, there should be a decisive setting of the direction of the future work for the IWC to bring it into the 21st Century, including measures to reform the governance of the Commission. A new way forward should uphold the central role of science, particularly to address the gaps in the science to enable the Commission to effectively conserve whale populations. It should also contain a mechanism to address other contentious issues including, *inter alia*, the reform of the use of reservations and objections, bycatch and small cetaceans.

Australia has engaged in the discussions on the future of the IWC creatively and has demonstrated flexibility. We have provided a number of papers and statements in the Commission over the past two years setting out our views

on the possible options for a new direction to help reform the IWC into a truly modern 21st century multilateral conservation organisation. Australia has also provided significant funding and human resources for new collaborative programs.

In the same spirit, and against the background summarised above, Australia now submits a proposal which has been developed as a further contribution to the ongoing discussions on the Future of the IWC. We hope that our proposal will be considered carefully by all members. Australia believes that all IWC countries can work together in a common effort to achieve the conservation and the recovery of cetaceans globally. We look forward to continuing to work together at the IWC Small Working Group meeting to continue to seek a solution acceptable to all parties.

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Australia will present and elaborate this approach at the upcoming meeting of the Small Working Group on the future of the IWC on 2 to 4 March.

Australia proposes that the IWC should build upon the work done so far to ensure that any new arrangement embody the following key points:

1. All whaling should be under the control of the IWC. Unilateral so-called ‘scientific’ whaling purportedly conducted under Article VIII and whaling under objection or reservation should be brought to an immediate end. An agreed mechanism and timetable to address the reform of Article VIII and the use of objections and reservations should be established.
2. Whaling (other than current aboriginal subsistence whaling) should be phased down within a reasonable timeframe, including the phasing down and out of whaling in the Southern Ocean within five years.
3. No new whaling on cetacean species or populations not currently hunted should be allowed.
4. Recognising the threats to recovery of whale species and populations, including new and emerging threats associated with climate change, the take for vulnerable species and populations should be reduced immediately to zero.
5. Paragraph 10(e) (moratorium on commercial whaling) of the schedule to the International Convention on the Regulation of Whaling will remain in place.
6. All whaling should be prohibited in all IWC-recognised whale sanctuaries – including the Southern Ocean Whale Sanctuary and the Indian Ocean Whale Sanctuary and the proposed South Atlantic Whale Sanctuary.
7. An agreed mechanism and a strategy for implementation to ensure a robust and properly funded monitoring, compliance and enforcement framework for whaling during the phase-out period should be established.
8. An agreed mechanism should be established to address new and emerging threats to cetaceans, including climate change, marine pollution, fishing activities, poorly regulated whale watching industries, ship strikes and habitat disturbance; as well as an agreed framework to broaden the management tools available to the Commission to address non-consumptive uses of whales.
9. An agreed consensual and principle-based approach, as previously outlined by Australia (IWC/61/9), should be followed for all scientific research conducted under the authority of the Commission. Decisions should be based on IWC-approved scientific procedures.