

Korea's Proposal and Position on the Chair's Consensus Decision

I. Introduction

The Republic of Korea would first of all like to acknowledge the leadership of the Chair and the Vice Chair in working out the proposed Consensus Decision. We also appreciate the devotion and hard work undertaken by the Support Group, the SWG and all IWC member countries.

In presenting our principled proposal and position on this framework document, Korea wishes to remind the Commission that it had been an active whaling country taking annually 500-1,000 minke whales up until 1986 when the IWC adopted a reviewable moratorium on commercial whaling. As such, whaling was an integral part of the Korean history and tradition, deeply embedded in its indigenous culture for a long time.

Again, Korea had issued a special permit in 1986 to conduct whaling for scientific purposes. However, Korea has since then honored and complied with the moratorium on commercial whaling. Indigenous whaling has been banned around Korean waters ever since.

II. The Chair's Proposal

The Republic of Korea wishes to congratulate genuinely on the excellent work done amid enormous pressure and time constraint. We note that the Chair's proposal has identified various elements of differences and come up with various conservation and management schemes for the viable future of the IWC and for the healthy populations of large cetaceans.

It is therefore unfortunate that Korea is unable to support the Chair's proposal in the present form and substance, insofar as it does not adequately address the legitimate rights of a contracting party nor properly balance its rights and obligations. In our view, the proposed text unduly restricts the rights of a contracting party and even discriminates against it.

The end result is that the Chair's proposal effectively denies Korea any opportunities to resume whaling. For this reason, the proposed Consensus Decision lacks in legitimacy and validity in terms of fairness and of the inherent rights of a contracting party.

III. Korea's Proposal and Position

It should be recalled that at the last SWG meeting in March 2010, the Republic of Korea delegation set out a modification on the draft document. We subsequently tabled our proposal through an e-mail addressed to the Secretariat in the hope that it would be reflected in the Chair's draft.

However, contrary to our expectation, the final version of the proposed Consensus Decision has failed to incorporate our proposal. Therefore, Korea would like to take this opportunity to reiterate our consistent position and to table the following proposal.

Appendix A- Amendments to the Schedule, para.35

“Each Contracting Government agrees that it will not authorize whaling pursuant to Table 4 unless it authorized whaling operations in 2009. For the area where substantial indirect catches have been identified and used as traditional food for cultural and indigenous needs, the Commission shall, as soon as practicable within the interim period, implement the RMP and set catch limits through which total removals will be managed to ensure a long-term sustainable level of the stock.

IV. Conclusion

In sum, it has been the Republic of Korea’s consistent policies to strike a right balance between conservation and sustainable utilization of marine resources on the best scientific basis. And it is our sincere desire and intention to work with other members of the Commission in a cooperative and constructive spirit towards improving the conservation of whale stocks consistent with the ongoing reform process.

It is unfortunate to conclude that the present Consensus Decision, which crystallizes the aspirations of contracting governments for a consensus solution to the formidable challenges ahead of us, fails to recognize nor reflects Korea’s lawful position and rights.

Unless due regard and equitable considerations are incorporated in the Chair’s text in the interest of the Republic of Korea, it would be unable to endorse the Chair’s proposal as it stands now. And Korea reserves any right granted to a contracting government under the Convention and in international law.