The Government of Japan submits herewith a proposal for IWC Reform for the consideration by the Members of the IWC. Sections I (Introduction) to IV (Conclusion) below provide a brief overview of the elements contained in the reform package proposed by Japan, and the brief intent of the proponent in making such a proposal. Background information, including the summary of the discussion in the “Way Forward of the IWC” process, its analysis and further details of the intent of the reform proposal is attached for reference. The proposal itself is contained in Annexes 1 and 2 of this document.

I. INTRODUCTION

1. Ever since IWC agreed to place the so-called moratorium on commercial whaling in 1982, there have been significant developments in the work of the IWC Scientific Committee (SC), including the development of the Revised Management Procedure (RMP) and the substantial progress made in the process of comprehensive assessment to enhance our knowledge of the status of whales.

2. On the other hand, given the fundamental differences in positions on whales and whaling, the Members of IWC have worked hard to overcome the impasse that has existed for many years at IWC, to restore its functions as a working whale resource management organization. Unfortunately, however, all such endeavors, including the negotiations on the Revised Management Scheme (RMS) and the “Future of the IWC” process, have not been able to produce results acceptable to all. As a consequence, IWC remains to be a mere forum of confrontation, being unable to make any substantial decisions on its core functions including Schedule amendment for the purpose of neither conservation nor management of whale resources and whaling.

3. For example, Japan’s proposals to establish catch limits for certain whale stocks have been repeatedly rejected even though it was demonstrated that the proposals will have no adverse effect on stocks in the proposed areas and the proposals were in conformity with the Convention’s objective and Paragraph 10(e) of the Schedule to the International Convention for the Regulation of Whaling (hereinafter referred to as “the Convention”). Similarly, some proposals aimed at conservation of whales have also been repeatedly rejected, such as the proposals of South Atlantic Whale Sanctuary (SAWS). Not being conducive to either sustainable use or conservation of whales, the relevance of IWC as an international resource management
4. The current proposal is a renewed attempt to restore the functions of the IWC as a resource management organization with novel and drastic approach. Building on the analysis of the comments provided through the “Way Forward of the IWC” process, Japan proposes an IWC reform package composed of a Draft Resolution (Annex 1) and a Schedule Amendment (Annex 2).

5. Given the substantial magnitude of the reform and the importance of maintaining the integrity of the proposal, Japan seeks a consensus decision on both Annexes 1 and 2 as a package.

II. DRAFT RESOLUTION

6. Bearing in mind the necessity to build a new decision-making scheme which can work despite the severely divided fundamental positions among the Members, the draft resolution contains the following elements. The main changes to the IWC’s process of Schedule amendment proposed in this draft resolution are illustrated in Annex 3.

A. Establishment of the Sustainable Whaling Committee (SWC)
6.1 Japan proposes to establish a Committee dedicated to sustainable whaling (including commercial whaling and aboriginal subsistence whaling). Being conscious of the fact that the Convention pursues the purpose of ensuring the conservation of all species of whales while allowing for their sustainable exploitation, the SWC is intended to function as a main deliberative body for one of such objectives of the Convention, whereas the existing Conservation Committee (CC) emphasizes the other. The decisions of the SWC will be based on scientific advice from the SC. The Commission and the SWC will always give due regard to the interests of the coastal states.

B. Recommendation to convene a Diplomatic Conference of the Contracting Governments to amend the Convention
6.2 In addition, Japan proposes to amend paragraph 2 of Article III of the Convention, so that the Schedule may be amended by a simple majority vote (instead of three-quarter majority vote as is currently required), when Schedule amendment is recommended by either SWC or CC by consensus.

C. Calculation and Establishment of Catch Limits for Abundant Whale Stocks/Species
6.3 Science is clear: there are certain species of whales whose population is healthy enough to be harvested sustainably, and IWC has developed a robust and risk-averse procedure for calculating quotas (known as the RMP) more than 20 years ago. Therefore, Japan proposes a resolution instructing the Scientific Committee to implement the RMP to calculate catch limits for abundant whale stocks/species,
and expressing commitment by the Commission to set catch limits for such whale stocks.

7. In particular, Japan would like to highlight B of paragraph 6 above. Amending the Convention to relax the decision-making requirement of the Commission would be beneficial for all Members. Such an amendment would facilitate actions taken by both the Members supporting sustainable whaling and those supporting conservation, despite the fundamental differences in positions on whales and whaling.

III. PROPOSED SCHEDULE AMENDMENT

8. In addition, Annex 2 proposes to add a new paragraph 10(f) to the Schedule, which provides a legal basis for the Commission to establish appropriate catch limits for stocks/species whose status have been confirmed as abundant by the Scientific Committee.

IV. CONCLUSION

9. We cannot continue making the same mistakes, and must be open to discussing the fundamental issue that IWC faces. Japan believes this package proposal is the only possible way out for IWC which have been unable to make any substantial decisions on its core functions including Schedule amendment for conservation and management of whales and whaling, in disregard of cultural diversity and unable to serve its objectives. Taking into account the history of past compromise efforts where indefinitely prolonged negotiation all resulted in failure, Japan does not intend to prolong discussions on its reform proposal as were the cases such as RMS package and “Future of the IWC” negotiations. Japan sincerely requests all Members to seriously consider its reform proposal so that we could reach a consensus in package at the upcoming IWC67 in September.
BACKGROUND NOTE
Background and Summary of the discussion in the “Way Forward of the IWC” Process

I. BACKGROUND

1. The International Whaling Commission (IWC) is at stake due to the stagnated situation caused by fundamental differences in positions of Members on whales and whaling, having long been unable to make any decisions on its core mandate; conservation and management of whales.

2. In 2014, responding to the rejection of its proposal at the IWC65 on the allocation of a catch limit of minke whale based on the advice by the Scientific Committee, Japan distributed a questionnaire via the IWC Circular (IWC.CCG.1140) requesting those who had opposed Japan’s proposal for their legal interpretation of Paragraph 10(e) of the Schedule, scientific concerns or any other reasons that formed the basis of their views. Majority of the responses simply gave a general explanation on their position of their support for the moratorium on commercial whaling, and no clear scientific or legal reasons for their opposition were provided. It clearly highlighted the fundamental differences of views between those who consider whales as one of fishery resources that can be utilized in a sustainable manner, and those who consider that all whales should be fully protected under any circumstances.

3. This fundamental difference of views has hindered IWC from making any decisions on its core mandate; conservation and management of whale resources.

4. Because of such difference, not only Japan’s proposal on the allocation of the catch limit, but also all proposals of South Atlantic Whale Sanctuary (SAWS) had been similarly rejected. Moreover, there had been repeated failures of the efforts to reconcile the differences in the positions and to find a “package” acceptable to all; i.e. Revised Management Scheme (RMS) negotiations and the process of the “Future of the IWC” amongst others. They all failed. Thus the current IWC situation is not conducive to both sustainable whaling and protection of whales. In order to resolve the stagnated situation of IWC in light of the above, Japan believes there is no other way forward than to address the fundamental differences in positions as the central issue for all the Members.

5. With this in mind, at IWC66 in 2016, the Commission agreed to initiate the discussions on the central issue of such difference so that its progress will be reported at least 60 days prior to IWC67 (see “The IWC in the Future”, p.3, Summary of Main Outcomes, Decisions and Required Actions from the IWC 66th Annual Meeting).

6. In Circular IWC.CCG.1295 dated 16 February 2018, Japan officially invited all the IWC Members to
engage themselves in the discussions on the central issue, i.e. fundamental differences in positions on whales and whaling, by providing any comments or responses to the questions below for stimulating discussions either publicly via Circular or via a closed discussion forum:

- How can we achieve both sustainable use and conservation of whales in the IWC through cooperative relations among the Members?;

- Are we willing to recognize that the fundamental differences in positions among Members on whales and whaling have been hindering the IWC to make decisions on both sustainable use and conservation of whales?; and

- If so, are we willing to have discussions on the fundamental differences, while respecting the basic position of each Member?

7. This document aims to report to the Commission the results of the discussion among Contracting Governments on the central issues identified through discussions, together with Japan’s proposal for reforming IWC, which it has come up with based on the results.

II. SUMMARY OF THE RESPONSES FROM THE CONTRACTING GOVERNMENTS AND THEIR ANALYSIS

8. In response to the IWC Circular IWC.CCG.1295, Japan (IWC.CCG.1301), St. Lucia (IWC.CCG.1305), Cambodia, Grenada, Nicaragua, Mali, Mauritania and Russian Federation (IWC.CCG.1310), Cote d’Ivoire and Lao People’s Democratic Republic (IWC.CCG.1316), the European Union and its Member States (IWC.CCG.1318) publicly provided their comments as attached hereto as Annex 4. Also, some comments were provided via the closed online forum. This note refers to these comments indirectly for the sake of ensuring that a range of views are covered. Taking this opportunity, Japan expresses its sincere and deepest appreciation for their contributions to the discussion on the Way Forward of the IWC.

A. Major points raised by Japan

9. Ahead of other Members, Japan submitted its views to facilitate constructive discussion, including the following major points:

(a) Fundamental differences in positions on whales and whaling have been hindering IWC to make any substantial decisions on both sustainable use and conservation of whales and made IWC a mere forum of conflict rather than as an international resource management organization;
(b) Framework and/or mechanism of IWC need substantial improvement or reform, so that it can be beneficial to all Members of the IWC;

(c) All Members should “agree to disagree” and have discussions on the fundamental differences respecting the basic position of each IWC Member;

(d) A series of past reconciliation efforts have all failed; and

(e) All Members should have a genuine will to work together.

10. Comments in response to Japan’s view can be summarized in order of its points as below.

10.1 Cambodia, Russian Federation and Lao People’s Democratic Republic shared Japan’s concern on IWC’s inability to make any substantial decisions on conservation and management of whale resources. Mali, Grenada and Russia analyzed that the root cause of IWC’s poor decision-making ability is the fundamental differences in positions on whales and whaling. Cambodia and Mauritania underscored the importance of dialogue for sound functioning of IWC. Cambodia and Lao People’s Democratic Republic were concerned that IWC has not been able to provide any merits to its Members as an international organization. Some including the EU expressed strong disagreement with the view that IWC is dysfunctional, mentioning that differences in position are natural within an international organizations and that the Commission plays an important role in the conservation and management of cetaceans.

10.2 Cambodia and Lao People’s Democratic Republic clearly supported Japan’s view on necessity of substantial improvement and reform of IWC. Cote d’Ivoire proposed to increase transparency of the Commission and introduce secret-voting scheme.

10.3 Cambodia further elaborated how the decision-making scheme should be reconsidered, by pointing out the necessity of “give and take.” Cambodia stated that “Such a scheme includes some give and take, meaning that both sides should make some concessions: anti-whaling camp accepts some form of whaling and the pro-whaling camp accepts some form of whale conservation area. Would both sides accept this idea? If we agree to this idea, we can discuss further.”

10.4 Russian Federation highlighted the history of past attempts for reconciliation in IWC where the views have been so deeply divided that it has been unable to make any substantial decisions.

10.5 Mali, Russian Federation, Mauritania, Grenada and Lao PDR explicitly supported the Japan’s initiative
of the “Way forward of the IWC,” while a Member encouraged Japan to better clarify how a proposed process of the “Way Forward of the IWC” might vary from the “Future of the IWC” discussions. Also, EU welcomed Japan’s initiative to address differences in positions on whales and whaling, underscoring the importance of open and constructive dialogue with mutual trust and cooperation.

B. Other major points raised by Members

11. Other points raised by responding Members are summarized as below:

(a) IWC’s deviation from its original objective
11.1 St. Lucia, Cambodia, Cote d’Ivoire, Mauritania and Grenada expressed concern that the IWC has long derailed from its mandate under the ICRW; conservation and management of whale resources. In contrast, some including the EU argued that the focus of the Convention has changed over time since its inception.

(b) Support for sustainable use of whale resources
11.2 St. Lucia, Cote d’Ivoire, Mali, Russian Federation, Nicaragua and Mauritania expressed their support for the sustainable use of whale resources. In contrast, EU expressed that moratorium on commercial whaling should be in place to provide critical protection of whales.

(c) Support for coastal whaling within EEZ
11.3 Cambodia, Mauritania and Grenada gave supportive comments to Japan’s proposal on the allocation of a catch limit of minke whales for its small coastal whaling.

(d) Distinction from the Governance Review process
11.4 There were some suggestions including from the EU on the importance of keeping differing views about the function of the Commission separated from the ongoing governance reform. It was suggested that the governance reform agenda provides an opportunity for all Members to work together irrespective of their views on whales and whaling and that all Members should participate in this work.

III. DISCUSSION AND INTENT OF THE REFORM PROPOSAL

12. At least 11 responses were provided which expressed willingness to engage in the constructive dialogue to overcome the current situation of IWC, i.e. severe polarization over the views concerning whales and whaling. It was also recognized that those Members were in fact willing to respond to Japan’s questions for stimulating the discussion in Circular IWC.CCG.1295. Japan expects all Members
to engage in the dialogue in a constructive manner with full respect for the differing views.

13. With this in mind, and in line with the comments provided by Members, Japan hereby attempts to respond to the question below which herself has posed:

- **How can we achieve both sustainable use and conservation of whales in IWC through cooperative relations among the Members?**

14. The analysis of the discussion shows that the fundamental differences in positions on whales and whaling have been hindering IWC to make any substantial decisions on its core functions including Schedule amendment for conservation and management of whales and whaling, and that addressing this issue should be given utmost priority and urgency. Needless to say, this issue cannot and should not be resolved by simply putting it to a vote without constructive discussions.

15. In this regard, some expressed the view that IWC is not dysfunctional. It is, however, obvious that the long-standing inability to make any substantial decisions on its core functions, including Schedule amendment for conservation and management of whales and whaling, does not represent “balance of views of Members,” and such a decision-making scheme should be regarded as a serious flaw.

16. The views expressed by the members in paragraphs 10.2 and 10.3 above show that in order for IWC to restore its sound functioning and thus provide merits to all Members, its decision-making mechanism must be reconsidered and reformed in a novel and drastic manner. It should be noted that a shift to a new paradigm was proposed where both pro-sustainable-use Members and pro-conservation Members accept the other side’s agenda to some extent. If we could agree with this idea, and if each side could mutually tolerate what the other side expects, the current dynamism of IWC can be changed.

17. However, we need to take into account lessons from past failures. As pointed out in paragraph 10.4 above, all the past reconciliation efforts such as “Irish proposal” and “Future of the IWC” all eventually failed within the polarized IWC. What was common among those failed initiatives was that they were attempts to reach a unified and single solution (package) on the substance of conservation and management. What the series of past failures tell us now is that the views of Members have been so deeply divided that it is no longer possible to seek any single and unified answer which satisfies all Members.

18. It could be therefore concluded that any negotiation in search of an agreeable balance between conservation and management measures is highly unlikely to resolve the central issue of current IWC.
Rather, an “agree to disagree” approach where each side allows the other side to pass proposals which they wish to realize, might be realistic and feasible. It is not necessary to “accept” each other, as long as they could pay due respect to each other. If both sides could agree on such approach, they will be able to achieve their wish respectively and co-exist under the same roof.

19. Under this new cooperative paradigm, with “mutual trust and cooperation” as expressed in paragraph 10.5 above, the pro-sustainable-use side would be able to achieve sustainable management measures (e.g. catch limits), while respecting the wish of the pro-conservation side to implement conservation measures (e.g. sanctuary). Pro-conservation side would be able to pass a whale sanctuary, while tolerating establishment of catch limits, as long as they do not directly conflict each other (e.g. establishing catch limits in a sanctuary, or vice versa). Thus, IWC could restore a decision-making function for conservation and management of whales and whaling, providing merits to all Members.

20. This new model of decision-making is what Japan proposes as the “Way Forward of the IWC”. In response to the Members’ request to differentiate the goal of “Way Forward” process from the “Future of the IWC” process, this proposal is completely different from the past reconciliation attempts under which all Members had searched for a mutually acceptable compromise on the substance of conservation and management of whales and whaling, which had sought acceptance by all Members in vein. Rather, what Japan is proposing as a culmination of the “Way Forward” initiative is a reform package on the decision making scheme, given the fact that fundamental differences in positions on whales and whaling have long hindered IWC from making any substantial decisions on its core functions including Schedule amendment for conservation and management of whales and whaling.

21. This is the basic premise for discussions, which is different from the “Future of the IWC’ discussions.”

22. This new paradigm enables IWC to be consistent with the objectives of the Convention. It even accommodates new and growing conservation needs. As for views supporting maintenance of commercial whaling moratorium in paragraph 11.2 above despite clear scientific advice by the Scientific Committee, Members should remind themselves of the discussion in the IWC66 as well as IWC.CCG.1295.

23. In addition, due regard should be given to the interests of the coastal states in the new cooperative paradigm given the views presented in paragraph 11.3 above.

24. At the same time, Japan agrees with the view illustrated in paragraph 11.4 above that the “Way Forward of the IWC” process addressing the “differing views about the function of the Commission” should be separated from the ongoing governance review process. The governance review, as shown
in its Terms of Reference, “will not take account of the Commission’s objective or mandate.” Also, it would be noteworthy that a Member appreciated “an opportunity for all parties to work together irrespective of their views on whales and whaling” which is the very objective of the “Way Forward” process. Taking into account that some encouraged other Members to participate in such a governance review, it naturally follows that they would also be willing to encourage other Members to proactively participate in a constructive discussion of the “Way Forward of the IWC” seeking the very objective of the governance review as they see.
Resolution 2018-X

Resolution on Way Forward of the IWC

REAFFIRMING that the International Convention for the Regulation of Whaling (hereinafter referred to as “the Convention”) was concluded “to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry”;

RECOGNIZING that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the number of whales which may be captured without endangering these natural resources;

RECALLING the importance of tolerance and respect for cultural diversity and traditions on whales and whaling;

NOTING that sustainable whaling contributes to livelihoods, food security and poverty reduction of coastal communities;

RECOGNIZING the rights and obligations of the coastal states within the area under their national jurisdiction;

BEARING IN MIND that any conservation and management of whale resources, including catch limits for sustainable whaling, needs to be based on the best scientific evidence available;

RECOGNIZING that significant scientific progress has been made since the adoption of the moratorium on commercial whaling in 1982, including the adoption by the Commission in 1994 of a robust and risk-averse procedure for calculating quotas for abundant stocks of baleen whales (known as Revised Management Procedure (RMP)) and the findings by the Scientific Committee that stocks of some whales species are abundant;

RECALLING, however, that various attempts, including the “Future of the IWC” process, at normalizing the functions of the IWC have been unable to produce solutions acceptable to all Contracting Governments of the Convention;

WELCOMING the recent efforts in the “Way Forward of the IWC”, to which the last Commission meeting in 2016 agreed to proceed;
RECOGNIZING that it is in the common interest of the Contracting Governments to have a functioning system of international regulation of whaling to ensure proper and effective conservation of whale stocks and orderly development of whaling;

NOW THEREFORE THE COMMISSION:

A. Establishment of the Sustainable Whaling Committee

1. WELCOMES the exchange of views among the Contracting Governments in the “Way Forward of the IWC” process for promotion of proper and effective conservation and sustainable use of whale resources, including sustainable whaling;

2. DECIDES to strengthen the collaboration among the Contracting Governments to ensure that the Commission realizes the objectives of the Convention;

3. DECIDES, in accordance with paragraph 4 of Article III of the Convention, to establish the Sustainable Whaling Committee, composed of all Contracting Governments committed to promoting sustainable whaling;

4. DECIDES to entrust the Sustainable Whaling Committee with:
   - Making recommendations to the Commission on catch limits for whaling irrespective of the types of whaling, based on the best scientific evidence available;
   - Making recommendations to the Commission on any management issues contributing to sustainable whaling;
   - Implementing activities that the Commission may request in relation to sustainable whaling; and
   - Elaborating its Rules of Procedure to properly conduct its work for the promotion of sustainable whaling based on the best scientific evidence available;

5. INSTRUCTS the Sustainable Whaling Committee in the performance of functions entrusted to it, to always give due regard to the interests of the coastal states;

6. INSTRUCTS the Sustainable Whaling Committee to meet annually from 2019, in order for the Committee to initiate its activities on sustainable whaling so that the Commission can consider any recommendations from the Committee for adoption at the next session in 2020 and thereafter;

7. REQUESTS the Scientific Committee to provide the Sustainable Whaling Committee with advice on the best scientific evidence available, in the performance of functions entrusted in this Resolution, on any
scientific issues contributing to sustainable whaling irrespective of types of whaling;

8. REQUESTS the Sustainable Whaling Committee to respect the advice given by the Scientific Committee, and to provide relevant scientific evidence if it were to make recommendations to the Commission which are contradictory to such advice;

B. Convening a Diplomatic Conference of the Contracting Governments to Amend the Convention

9. RECOGNIZES the need for reforming the working methods of the Commission in order to ensure that the Commission realizes the objectives of the Convention;

10. RECOMMENDS that the Contracting Governments convene a Diplomatic Conference of the Contracting Governments as soon as possible for the purpose of considering and adopting a proposed amendment of paragraph 2 of Article III of the Convention as described in the Appendix attached hereto so that a recommendation on conservation and management measures by relevant Committees may be made in an effective manner; and

11. INSTRUCTS the Secretariat to consult with a host state of the Diplomatic Conference and to provide necessary assistance to facilitate its preparation.

C. Calculation and Establishment of Catch Limits for Abundant Whale Stocks

12. INSTRUCTS the Scientific Committee to implement the RMP, before the end of SC68b in 2020, for whale stocks for which abundance have been confirmed as sufficient as a result of comprehensive assessments and thereby calculate and provide advice on their sustainable catch limits;

13. INSTRUCTS the Sustainable Whaling Committee to consider the advice of the Scientific Committee and make recommendations to the Commission for the establishment of catch limits for whale stocks as described in paragraph 12 above at the next Commission meeting in 2020;

14. COMMITS to considering recommendations of the Sustainable Whaling Committee referred to in paragraph 13 above and setting catch limits based on those recommendations, at the next Commission meeting in 2020;
Appendix

Proposal to amend Article III of the Convention

A new paragraph 2bis will be added to paragraph 2 of Article III of the Convention

Article III

2. The Commission shall elect from its own members a Chairman and Vice Chairman and shall determine its own Rules of Procedures. Decision of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.

2bis. Notwithstanding paragraph 2 of this Article, decisions of the Commission for action in pursuance of Article V shall be taken by a simple majority of those members voting when such decisions are based on the recommendations made by consensus of a relevant Committee, established in accordance with paragraph 4 of this Article.
Proposed Schedule amendment for setting catch limits for certain whale species

10(f) Notwithstanding the other provisions of paragraph 10, catch limits shall be established for the 2020 coastal and the 2020/21 pelagic seasons and thereafter based on the best scientific advice available, for the taking of whales for commercial purposes from stocks for which abundance have been confirmed as sufficient, as a result of comprehensive assessment by the Scientific Committee.
IWC Reform Proposal

Commission

- Approve Recommendations by a simple majority vote
- Objection as necessary (ICRW Article V (3))
- Schedule Amendment

Sustainable Whaling Committee (NEW)
(Members supporting SU of whales)

Scientific Committee
(Scientists)

Conservation Committee
(Members supporting conservation of whales)

Request for Scientific Advice

Schedule Amendment
Recommendations (e.g. catch limits)
Adopted by Consensus

Schedule Amendment
Recommendations (e.g. Sanctuary)
Adopted by Consensus

Annex 3
Dear IWC Members,

At the IWC66, in response to Japan’s initiative, the Commission agreed to initiate informal discussions on issues regarding differences in the positions among Members, and report the progress to the next Commission meeting (see “The IWC in the Future”, p.3, Summary of Main Outcomes, Decisions and Required Actions from the IWC 66th Annual Meeting). Japan has taken an initiative on “Way Forward of the IWC” in an attempt to lead a process of constructive dialogues among Members to address fundamental differences in their positions on whales and whaling, which is indispensable for all the Members in realizing the way forward toward fair and sound functioning of the IWC.

As to Japan’s interests, it had repeatedly requested an allocation of a catch limit of minke whales for its small-type coastal whaling within its Exclusive Economic Zone since the adoption of the commercial whaling moratorium, and at the IWC65 made the proposal, based on advice of the Scientific Committee incorporating extensive management requirements, such as monitoring, control and surveillance measures. Even though Japan’s proposals were fully in line with the objective and purpose of the ICRW; proper conservation of whale stocks and orderly development of the whaling industry, the proposals had been repeatedly denied due to the majority of opposition.

Recognizing that fundamental differences in positions rather than scientific and/or legal views had been latent root cause of the repeated rejections, Japan sent a questionnaire via the IWC Circular (IWC.CCG.1140) requesting those who opposed Japan’s proposal at the IWC65 for their legal interpretation of Paragraph 10(e) of the Schedule, scientific concerns or any other reasons that formed the basis of their views. The majority of the
responses simply gave a general explanation that their support for the moratorium is as it is currently in force and should remain without exception, and no clear scientific or legal reasons for their opposition were provided. Those responses revealed that their opposition reflects their policy on their denial of any forms of whaling. It highlighted once again the fundamental differences in views between those who consider whales as one of fishery resources that can be utilized in a sustainable manner, and those who consider that all whales should be fully protected under any circumstances.

This fundamental differences in views have hindered the IWC from making any decisions on its core mandate; conservation and management of whale resources.

Not only Japan's proposal, but also all proposals of South Atlantic Whale Sanctuary (SAWS) had been similarly rejected because of the fundamental differences in views and positions. Moreover, there had been repeated failures of the efforts for reconciling the differences in the positions and finding "packages" acceptable for all; i.e. Revised Management Scheme (RMS) negotiations and the process of the "Future of the IWC" among others. They all failed. Thus the current IWC situation is not conducive to both sustainable whaling and protection of whales. In order to resolve the state of the IWC that is dysfunctional in light of the above mentioned matters, Japan believes there is no other way forward than to address the fundamental differences in positions as the central issue for all the Members.

With this in mind, at IWC66, Japan proposed to discuss the central issue, and the Commission agreed to initiate the discussions intersessionally as stated above.

The followings are questions for stimulating preliminary discussions.

- How can we achieve both sustainable use and conservation of whales in the IWC through cooperative relations among the Members?
- Are we willing to recognize that the fundamental differences in positions among Members on whales and whaling have been hindering the IWC to make decisions on both sustainable use and conservation of whales?
- If so, are we willing to have discussions on the fundamental differences, while respecting the basic position of each Member?

Japan invites all the IWC Members to engage themselves in the discussions on the central issue, i.e. fundamental differences in positions on whales and whaling, by providing any comments or responses to the questions exemplified above.
It is NOT intended to discuss individual issues, which are allocated for discussions under the respective agenda items of the IWC.

The comments or responses can be submitted either publicly posted via the IWC Circular Communications or via “Yammer” which is a forum not open to the public. All Contracting Governments are invited to join the “Yammer” discussion by contacting the Secretariat who will add them to the group. They will receive an e-mail invitation and “Yammer” can then be accessed by https://www.yammer.com/iwc.int/.

As stated at IWC66, Japan believes it would be more useful to exchange views using open and transparent process. With this in mind, Japan would encourage Members to submit comments or responses via the IWC Circular Communication. Any comments or responses submitted via the IWC Circular Communication will be automatically duplicated onto the “Yammer” page for ease of reference.

Japan is looking forward to engaging itself in constructive dialogues on the fundamental issues on whales and whaling with all the IWC Members, so that a meaningful way forward could be unanimously found at the next Commission meeting in September 2018.

Sincerely,
Hideki MORONUKI
Japan’s Alternate Commissioner for IWC

(Attachments for reference)
IWC66/16 “Responses to Japan’s questionnaire and a Way Forward”
IWC/66/22 “Intersessional Working Group on the Way Forward Terms of Reference”
Re: Invitation to Discussions on Way Forward of the IWC  
(Japan’s View)

Dear IWC Members,

At the IWC66, the Commission agreed to initiate the discussion on Way Forward of the IWC at Japan’s initiative, and, in order to follow-up with the initiative, Japan circulated the IWC Circular (IWC.CCG.1295) inviting all the IWC Members to engage themselves in this discussion in February 2018. The discussion on Way Forward of the IWC is intended to address the central issue, i.e. fundamental differences in positions on whales and whaling which have been hindering the IWC to make decisions on both sustainable use and conservation of whales. With a hope to facilitate the constructive discussion, Japan hereby submits its views as follows.

<The IWC is at risk>

States conclude an international convention and become members thereof because they see benefit in the multilateral cooperation in pursuance of the object and purpose of the convention. For instance, Japan concluded the International Convention for the Regulation of Whaling (ICRW) in 1951 to sustainably utilize whale resources together with other whaling Members, seeing it as a merit to her.

This does not necessarily mean that there is no conflict within an international organization. Rather, the existence of conflicts due to difference in views is quite prevalent. However, those conflicts are usually resolved through utmost efforts by its every member state because, ultimately, an effectively managed international organization always provides more benefit to its members. Indeed, since its inception, the IWC took a number of substantial decisions for conservation and management of whale resources such as catch limits by whale species, despite some differences in views among IWC Members.
As time passed by, several IWC Members changed their position from sustainably managing whale resources to its total conservation. The difference of views among Members has become so divided that no substantial decision on conservation and management of whale resources could be made.

For example, Japan’s proposals to establish catch limits for certain whale stocks had been repeatedly rejected even though it was demonstrated to have no adverse effect on stocks in the proposed areas and the proposal was in conformity with the Convention’s objective and Paragraph 10(e) of the Schedule to ICRW.

At the same time, some proposals aimed at conservation of whale species have also been repeatedly rejected, such as the proposals of South Atlantic Whale Sanctuary (SAWS).

After a series of failures of past reconciliation efforts as illustrated in IWC.CCG.1295, current IWC has unfortunately become the place almost solely for confrontation; easily voting down each other’s initiative without exhausting constructive dialogue. The consequences have been always the same; failure of making any tangible decision to advance neither conservation nor management of whale resources. Being never conducive to both sustainable use and conservation of whales, the IWC is currently dysfunctional as an international resource management organization.

Some IWC Members, particularly those who support total conservation of whales, might argue that the IWC has been able to agree to a number of resolutions and therefore the IWC is NOT dysfunctional. However, unlike other regional fisheries management organizations (RFMOs) where “resolutions” are generally adopted by consensus, in the IWC, almost all proposed resolutions have been put to voting, before exhausting all possible opportunities to address conflicting views. Japan is acutely concerned with this trend of adopting resolutions while ignoring the minority views and thereby aggravating polarization and confrontation within the IWC.

Even if some IWC Members might feel comfortable with the current IWC, Japan is far from being satisfied with the IWC as it currently stands. Japan is therefore of the view that framework and/or mechanism of the IWC needs substantial improvement or reform so that it can provide merits to ALL Members of the IWC. Without such improvement or reform, the IWC would lose its legitimacy as an international organization mandated to conserve and manage whale species.

<A Way Forward>
As Japan has repeatedly pointed out, in order for the IWC to produce meaningful outputs and achievements, all IWC Members should be willing to have discussions on
the fundamental differences while respecting the basic position of each IWC Member. In Japan’s view, such discussions are possible only after all IWC Members “agree to disagree,” duly recognizing the fundamental difference in their positions. In this approach, for example, those IWC Members supporting sustainable use may accept a certain measure for conservation of whales, while other IWC Members supporting conservation of whales may accept sustainable whaling to some extent. Japan sees that only through such a constructive and audacious dialogue, even though bitter it may be, the IWC could restore its function as a valid international resource management organization.

What is questioned now is whether each IWC Member has a genuine will to work together. Or, just leave the IWC as a vehicle to deliver its formal and political positions without producing any meaningful outcomes concerning conservation and management of whale resources.

Japan is continuously looking forward to any comments or responses from IWC Members.

Sincerely,
Hideki MORONUKI
Japan’s Alternate Commissioner for IWC
May 16, 2018

Dr. Rebecca Lent  
Executive Secretary  
International Whaling Commission  
The Red House  
135 Station Road  
Impington  
Cambridge, CB24 9NP  
United Kingdom

Dear Dr. Lent

Ref: IWC.CCG.1295 - Invitation to Discussions on the way forward of the IWC

Attached please find Saint Lucia’s position regarding the Invitation to Discussions on the way forward of the IWC.

With best regards.

Yours sincerely

Horace Walters, MBE  
Commissioner

Telephone: (758) 452-2526  Email: ps.agriculture@govt.lc  Website: www.maff.govt.lc  Fax: (758) 453-6314
Invitation to Discussions on the way forward of the IWC

It is understandable that an International organization such as the International Whaling Commission (IWC) established by several members of the international community in 1948 and which has a mandate for the conservation and regulation of commercial whaling would be guided by rules and regulations to which they would adhere implicitly.

At the time of its establishment, there was need for the orderly development and management of this marine living resource which had been used by many of these nations as a source of food and for other domestic purposes.

In the early days, the question of no taking of some abundant whale species was not an issue. However, as the years went by some nations who no longer needed whales for use in other forms, saw an opportunity to deprive consuming nations from having access to their regular source of food as well as undermine the livelihood of many of their citizens.

The development of the scientific committee of the IWC which comprised marine and whale scientists from the more developed nations and who were in the majority, used this majority to take decisions which were inconsistent with the mandate of the convention which was to conserve and regulate commercial whaling.

In that regard, measures were instituted by majority vote to impose a moratorium on commercial whaling in 1982 which would have come into effect in 1985/86. The grace period was to allow the whaling nations an opportunity to rearrange their domestic whaling activities and find other sources of much valuable animal protein and employment for their people. The moratorium was to be in place until 1990 following which it would be reviewed.
It is recognized that the IWC takes its decisions by majority vote. In addition, it is understood that the majority of members which were no longer whaling nations and no longer had need for this source of food, instituted more stringent measures as it related to whale science, requiring a Revised Management Procedure (RMP); but have failed to agree and implement a Revised Management Scheme (RMS). Consequently, Canada, a founding member nation, withdrew from this organization in 1982 after it had recognized that the mandate of the organization was no longer being adhered to. Furthermore, Canada acknowledged that they still had a responsibility to feed some of its people who depend upon the use of this abundant marine resource.

It was also unfortunate that in 1993, the respected Chairman of the Scientific Committee Dr. Philip Hammond, decided to resign from his position as a result of the one-sided disposition of the Commission that failed to accept the recommendation of the Scientific Committee to adopt the RMP.

Furthermore, the Commission whose members in the main are against the resumption of any form of commercial whaling, pursued the formation and establishment of a Conservation Committee with the primary purpose of undermining any progress towards commercial whaling and further eroding the resources available to the Scientific Committee to undertake its many tasks.

This history and these facts render the existing situation within this august body unsustainable. The sustainable use of marine living resources is the global paradigm reflected in the work of the Food and Agriculture Organisation (FAO) and all Regional Fisheries Management Organizations (RFMOs)/Regional Fisheries Bodies (RFBs). Saint Lucia remains committed to the sustainable management and use of all marine living resources including whales. Therefore, it is critically important that the IWC accepts this paradigm if it is to be relevant as a marine resource management organization.
Dr. Ribecca Lent,
Executive Secretary
IWC Secretariat,
The Red House, 135 Station Road,
Imprington, Cambridge
CB24 9NP, UK
E-mail: secretariat@iwc.int

May 22nd, 2018
Phnom Penh

I am responding to Circular IWC.CCG.1295 dated 16 February 2018 inviting all contracting governments to discuss on way forward of the IWC.

The Government of the Kingdom of Cambodia appreciates the efforts made by the Japanese Government in finding way forward to resolve the current working system of IWC and in pursuing traditional small type coastal whaling for its traditional practices.

The government of Cambodia strongly supports the Japanese government’s proposal for the amendment of the Schedule to allow for Japan’s Coastal Whaling to operate in its EEZ as a subsistence fishing as well as respecting the traditional practices of the century old local coastal communities.

We recognize that the current IWC has not been a relevant international organization to provide benefits to IWC members supporting sustainable exploitation of whale resources, which is one of the main objectives of the ICRW.

Due to the severe discrepancy between the current IWC and the objectives of the ICRW, some drastic and novel approaches are required.
I would like to take this opportunity to reiterate that the objectives of the ICRW are not to totally prohibit whaling per se, and the moratorium on commercial whaling is a TEMPORARY measure. Establishing a catch limit for Small Type Coastal Whaling is consistent with the existing paragraph 10(e).

On the other hand, the Scientific Committee’s finding after the RMP Implementation Review in 2013 took full account of the concerns regarding a risk to the J-stock and concluded that a small quota for Japan’s STCW would not be detrimental to the stock.

It is quite unusual for an international organization for the management of natural resources to resort to vote for decision-making without exhausting constructive discussions especially without considerations of the advices provided by its own specialized Scientific Committee.

I believe that under the current IWC system, any truly meaningful decision like that on schedule amendment could not be made. Therefore, the current decision-making system requires a consideration for a more appropriate scheme. Such a scheme includes some give and take, meaning that both sides should make some concessions: the anti-whaling camp accepts some form of whaling and the pro-whaling camp accepts some form of whale conservation area. Would both sides accept this idea? If we agree to this idea, we can discuss further.

Please accept, Dr. Lent, the assurance of my highest consideration.

Sincerely

[Signature]

Prof. (Dr.) Nao Thuok

IWC Commissioner for Cambodia
ON THE QUESTION OF THE WAY FORWARD FOR THE IWC

The government of Grenada wishes to express its concerns with respect the positions adopted by some member states with respect to legitimate request of access to whale resources by small scale fisheries. It is the belief of this government that certain attitudes and official positions, if they persist, will endanger the very future viability of the IWC itself.

In this regard the government of Grenada supports Japan’s request for an allocation of Minke whales within its EEZ for its small type coastal whaling. The government of Grenada is not convinced that the denial of this request has a scientific basis nor is it supported by legitimate concerns over Japan’s ability to institute the required level of management or an effective Monitoring, Control and surveillance programme. This is evident in the responses provided in the questionnaire circulated by Japan.

The government of Grenada is of the view some positions adopted by some members of the IWC has no consideration with respect to the ICRW charter and therefore should not be granted the status of a valid position. The basis of the very existence of the IWC itself is in
jeopardy when such emotive, rather than scientific or sound management (RMS) positions, are allowed to hold sway over the decisions of the IWC.

Grenada looks forward to further discussion during the closed sessions deliberations of Agenda Items No.8 and No. 12.
COMENTARIOS DE NICARAGUA SOBRE LA INICIATIVA DE JAPON DE REACTIVAR LOS DEBATES EN LA COMISION BALLENERA INTERNACIONAL (CBI)

Nicaragua considera que se deben continuar los debates en los foros de la Comisión Ballenera Internacional CBI sobre los temas relacionados con los permisos de pesca científica, la pesca aborigen y de subsistencia, pesca de pequeña escala realizada por comunidades pesqueras en base a sus tradiciones culturales y la creación de nuevos santuarios en el Pacífico y Atlántico sur entre otros.

La legislación pesquera de Nicaragua se basa en el principio del aprovechamiento sostenible de los recursos pesqueros; esto implica que los recursos marinos deben ser manejados de forma racional y oportuna para que se garantice su reproducción y la protección de los ecosistemas.

La participación de nuestro país en la Comisión Ballenera Internacional (CBI) no se ha dado como una nación ballenera o anti ballenera; se ha dado como una nación pesquera interesada en la ordenación y el aprovechamiento sustentable de los recursos pesqueros considerando que las ballenas son parte del ecosistema y sus interacciones con otras especies marinas alteran las relaciones depredador-presa en perjuicio de otras poblaciones marinas que también son utilizados como alimento por las comunidades costeras de ciertos países.

Nicaragua reconoce el derecho ancestral de los pueblos y comunidades costeras que tienen una tradición milenaria de consumo de proteínas proporcionadas por las ballenas y que están incluidas en su seguridad alimentaria.

El país apoya la continuidad de los permisos de pesca científica solicitados por Japón, pero no apoya la comercialización de este producto.
NON OFFICIAL TRANSLATION

COMMENTS FROM NICARAGUA ON THE JAPAN INITIATIVE TO REACTIVATE THE DEBATES IN THE INTERNATIONAL WHALE COMMISSION (CBI)

Nicaragua believes that discussions in the forums of the International Whaling Commission IWC should continue on issues related to scientific fishing permits, aboriginal and subsistence fishing, small-scale fishing by fishing communities based on their cultural traditions and the creation of new sanctuaries in the Pacific and South Atlantic among others.

Nicaragua's fisheries legislation is based on the principle of sustainable use of fishery resources. This implies that marine resources must be managed in a rational and timely manner so that their reproduction and the protection of ecosystems are guaranteed.

The participation of our country in the International Whaling Commission (IWC) has not been as a whaling or anti-whaling nation; has been as a fishing nation interested in the management and sustainable use of fishery resources considering that whales are part of the ecosystem and their interactions with other marine species alter the predator-prey relationships to the detriment of other marine populations that are also used as food for the coastal communities of certain countries.

Nicaragua recognizes the ancestral right of coastal peoples and communities that have a millenary tradition of protein consumption provided by whales and that are included in their food security.

The country supports the continuity of scientific fishing permits requested by Japan but does not support the commercialization of this product.
Objet : Position du Mali à la CBI par rapport à l'Utilisation durable des ressources aquatiques vivantes.

J'ai l'honneur de vous transmettre la position du Mali pour la réunion sur l'utilisation durable des ressources aquatiques vivantes. Sachant que Le principe essentiel pour la sécurité alimentaire, et le bien-être des populations du monde demeure l'utilisation durable des ressources aquatiques vivantes. Mais, lorsqu'il s'agit de certaines espèces aquatiques telles que les baleines, les requins, les coraux et d'autres espèces dites charismatiques, ce principe a été catégoriquement démenti par les camps anti-utilisation. Une telle opposition à l'utilisation durable est motivée par l'émotion plutôt que par la science.

Le Mali est un pays partenaire qui partage une position commune quant au soutien à l'utilisation durable des ressources baleinières. Par conséquence « le Mali soutient ce que le Japon entreprend pour le fonctionnement de la CIB ».

Je vous remercie de votre collaboration.
Subject: Mali’s position at the IWC on the sustainable use of living aquatic resources.

I have the honor to transmit to you the position of Mali for the meeting on the sustainable use of living aquatic resources. Knowing that the essential principle for food security, and the well-being of the people of the world remains the sustainable use of living aquatic resources. But when it comes to certain aquatic species such as whales, sharks, corals and other so-called charismatic species, this principle has been categorically denied by the anti-use camps. Such opposition to sustainable use is motivated by emotion rather than science.

Mali is a partner country that shares a common position on support for the sustainable use of whale resources. As a result, "Mali supports what Japan is doing for the functioning of the CBI".

Thank you for your collaboration

Dr. Boureima TRAORE
Technical Adviser
at the Ministry of Livestock and Fisheries
Commissioner of IWC - Mali
Mr. Hideki MORONUKI
Commissaire Suppléant du Japon pour la CBI

Objet : Invitation aux Discussions sur les Prochaines Etapes de la CBI
Réf. V/L en date du 16 Février 2018

Le principe de l’utilisation durable des ressources aquatiques vivantes est en adéquation avec la politique des pêches de la Mauritanie, qui est basée sur la durabilité de la ressource et sa gestion soucieuse de la dimension socio-économique et environnementale, et donc suivant les règles de la bonne gouvernance des pêches.

De plus, la gestion basée sur des preuves scientifiques avérées constitue un principe de base de notre politique des pêches. De ce fait, nous réitérons notre confiance au Comité Scientifique de la CBI et félicitons ses membres pour la qualité de leurs travaux.

Nous notons que la proposition japonaise de chasse à la baleine à petite échelle ne demande pas la création d’une nouvelle catégorie de chasse à la baleine. La proposition est une demande de fixation d’une limite de capture pour la chasse commerciale à la baleine conformément au paragraphe 10(e) de l’Annexe.

Nous soutenons l’idée de réfléchir sur l’avenir de la CBI afin de la ramener vers ses objectifs initiaux qui sont la régulation de la chasse à la baleine, donc l’aménagement de cette ressource. Pour cela, un effort de communication doit être continuellement fourni, afin de mettre en évidence la pertinence et les avantages en matière de conservation, d’une utilisation durable des ressources aquatiques vivantes.

Nous remercions le Gouvernement du Japon pour les efforts de faire appel aux Gouvernements Contractants concernant la requête japonaise relative à la chasse baleinière côtière de petite échelle.

Notre pays soutient la poursuite du dialogue constructif avec les Gouvernements membres de la CBI sur tous les sujets d’intérêt pour un meilleur fonctionnement de la CBI.

Cordialement

Dr Azza MINT JIDDOU
Commissaire de la Mauritanie auprès de la CBI
Ministère des Pêches et de l’Economie Maritime
BP : 137
Tel : (+222) 45254607
To: Dr. Rebecca Lent  
Expectative Secretary  
International Whaling Commission  

Ref: IWC. CCG/1295 – Invitation to Discussions on the way forward of the IWC  

Dear Dr. Lent  

The Russian Federation notes that because of the fundamental contradictions in the views of the member countries of the Commission on the IWC mission on the issue of managing whale stocks, it has been difficult to make decisions on this issue for several decades. Political motives on whale conservation block scientific basis for sustainable use of whales.  

We have repeatedly drawn attention to this and actively participated in the discussions on overcoming the conflict, organized within the «The Ireland Initiative» (Ireland), the Berlin Initiative (Germany), «The St. Kitts and Nevis Declaration» (Saint Kitts and Nevis), «Future of IWC» (USA).  

The Russian Federation supports initiative "Way Forward of IWC" and we hope to have constructive discussions during the 67th meeting of the IWC.  

Sincerely,  
IWC Commissioner of the Russian Federation,  
Deputy Director of the Department of International Cooperation  

Irina Fominykh
Circular Communication to Commissioners and Contracting Governments
IWC.CCG.1301

Invitation to Discussions on Way Forward of the IWC (Côte d’Ivoire’s response)

Japan has requested that the attached letter be circulated to all Commissioners and Contracting Governments in response to IWC Circular Communication IWC.CCG.1301: Invitation to Discussions on Way Forward of the IWC.

Dr Rebecca Lent
c.c. Accredited observers to the IWC

Executive Secretary
Re: Invitation to Discussions on Way Forward of the IWC

Abidjan le 22 mai 2018

Dear IWC Members,

Côte d’Ivoire received the IWC Circular Communication IWC.CCG.1295: here is its point of view.

(Côte d’Ivoire’s View)

A- THE IWC AND ITS NOBLE PROJECTS WHEN IT WAS CREATED

The International Whaling Commission is an intergovernmental organization whose purpose is the conservation of whales and the management of whaling. The legal framework of the IWC is the International Convention for the Regulation of Whaling. This convention was established in 1946, making it one of the first international environmental legislation.

In other words, the IWC is created to manage the hunt for large cetacean species in accordance with the provisions of the Convention (ICRW). Having seen this noble goal, the Ivory Coast joined in 2004.

B- WHAT THE IWC BECOMES TODAY

During the first period of its existence, the IWC represented a kind of forum, where hunter countries negotiated among themselves to set a catch quota for large whales for the production of oil. But the following years saw the emergence of anti-whaling movements. These movements have spread very rapidly throughout the Western Hemisphere and since the 1980s, many organizations opposing whaling have been created to strengthen these movements and put pressure on the governments of the major hunters. And as consequence, the IWC has evolved into a body aimed only at banning whaling.

This development occurred following the adoption of a moratorium on commercial whaling, ostensibly based on the pretext that here is, likely, some scientific uncertainty about the status of cetacean stocks.

C - A WAY FORWARD FOR COTE D’IVOIRE

The IWC against whaling was initially a forum for hunters to set catch limits. Its creation therefore intended to conserve cetaceans, but first of all, to stabilize of whale oil’s prices on the market. As the excessive capture of these mammals in a period of time would lower the prices of whales oil, these hunter countries have formed a cartel.

And yet the ICRW has in these few lines of its preamble:
- Recognizing the interests of the nations of the world in safeguarding for future generations the great natural resource represented by whale stocks,
- considering that the history of whaling has seen overfishing from one area to another, from one cetacean species to another, to such a degree that it is essential to protect all whale species against further exploitation,
- recognizing that whale stocks are likely to increase naturally if whaling is properly regulated, that the growth in whale stocks will allow the numerical increase of whales that could be caught without endangering these resources.

This preamble clearly states "if whaling is properly regulated"; in other words, if whale stocks are well managed, then good management involves good scientific studies with non-lethal methods, which can be lethal if the results we aim at are considered inevitable (see Article 8 of the Convention).

Ivory Coast, a contracting country of the CBI, would like to propose, among others, these three ways to follow:

- Make efforts to make the sessions of the Commission transparent as it was at its 53rd meeting in London in 2001 where TV cameras were allowed in the conference room and daily debates were been broadcast to the world via the Internet. This allowed viewers around the world to see first-hand how the discussions were going. This act made clear that some countries, wrongly accused, were in full compliance with the terms of the Convention (ICRW) and scientific evidences.
- Make the vote by secret ballot: Côte d’Ivoire suggests that the introduction of this new voting system will make less aggressive these many environmental NGOs who do not hesitate to harass some countries.
- The annual fee, which will facilitate IWC membership for developing countries, needs to be reduced; this system of assessment, proposed a twenty years ago by a country in the Caribbean Sea, was modeled on that of the United Nations; according to this system, the amount of the contribution depends on the GNP of each country. If this system is adopted within the IWC, developing countries, countries reluctant to join because of the relatively heavy care, can easily access it.

Best regards

Zoumana MEITE Anlyou
Côte d’Ivoire’s Commissioner for IWC
Dr. Rebecca Lent,
Executive Secretary,
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Dear Dr. Rebecca Lent,

Invitation to Discussions on the Way Forward for the IWC-
Responses from Lao PDR

Please kindly refer to the Circular IWC.CCG. 1295 dated 16 February 2018 concerning invitation to discussions on the Way Forward for the IWC.

The government of the Lao PDR strongly support Japan's series of proposal and action on way forward of the IWC.

The current IWC has not been beneficial for IWC members supporting sustainable exploitation of whale resources, which is one of the main objectives of the ICRW, because IWC has not been able to make meaningful decisions. In order to make IWC more functioning according to the ICRW's objective, some drastic and novel approaches are needed. Constructive discussions among the member countries before voting for decision-making are insufficient. Therefore, current IWC's decision-making mechanism should be reformed.

Yours Sincerely,

Deputy Minister and
IWC Commissioner for Lao PDR
Ministry of Agriculture and Forestry
Dr. Rebecca Lent  
Executive Secretary  
International Whaling Commission  
The Red House  
135 Station Road  
Impington, Cambridge  
CB24 9NP, UK  
secretariat@iwc.int  

29 June 2018

Dear Dr. Lent,

On behalf of the European Union and its Member States, please find enclosed the response to Circular Communication IWC.CCG.1295 of 16 February 2018 on Invitation to discussions on way forward of the IWC.

Please note that the present response could be distributed by the Secretariat to any international body, other governments or public organization which may apply to receive it.

Yours sincerely,

Mr. Valeri Georgiev  
Head of Biodiversity Unit  
National Nature Protection Service Directorate  
Ministry of Environment and Water, Bulgaria  
Chair of Working Party on International Environment Issues “Whaling” in the Council of EU
INVITATION TO DISCUSSIONS ON THE WAY FORWARD OF THE IWC

Reply from the European Union and its Member States

Brussels, 29 June 2018.

The European Union and its Member States welcome the initiative of the Government of Japan to initiate informal discussions among members of the International Whaling Commission (IWC) aimed at addressing differences in their positions on whales and whaling.

The European Union and its Member States consider it important to engage in an open and constructive dialogue on all international whaling matters.

While we realise that within the IWC there are differences in the positions being expressed and that they can sometimes have a limiting nature, we consider that such differences are constitutive of any international forum in which members have multiple and diverse policy objectives.

We therefore do not interpret those differences and the possible disagreements that may result as a dysfunction of the organisation.

The IWC is making very important contributions to the conservation and management of cetaceans globally. Over the last years, considerable progress has been made in modernising the IWC and an immense body of work has been carried out towards achieving an effective conservation and management regime that responds to the changing expectations of our societies, including but not exclusively, those related to greater environmental protection. IWC's proactive and successful work on a wide range of issues is underscored by the recognition and value given to it by a great number of other international organizations in their fruitful cooperation with the Commission.

We emphasize that the moratorium on commercial whaling has been instrumental to provide critical protection for whales and continues to play an effective role in this regard, including by helping critically depleted populations to recover and by protecting them from the growing anthropogenic threats they face.
We also note that the IWC has continued to set catch limits for aboriginal subsistence whaling every six years, which constitutes a fundamental and integral part of the tasks it performs.

All this has not been easy, of course, but it was made possible through joint efforts and by initiatives that promote mutual trust and cooperation between all members of the International Whaling Commission.

The objective of the EU and its Member States remains to ensure an effective international regulatory framework for the conservation and management of whales that guarantees a significant improvement in the conservation status of whales in the long term and brings all whaling operations under IWC control.

Finally, we are convinced that the way forward lies in a continued dialogue within the ongoing process to review the IWC's institutional and governance arrangements and we are pleased that Japan is actively involved in those efforts.