

NJG/JAC/29024

17 July 2001

CIRCULAR COMMUNICATION TO COMMISSIONERS
AND CONTRACTING GOVERNMENTS
IWC.CCG.194

Letter from Japan regarding Iceland's adherence to the Convention

Further to Circular Communications IWC.CCG.188, 192 and 193 please find attached a letter from the Japanese Commissioner to the IWC that I have been asked to circulate to Commissioners and Contracting Governments.

As indicated in my earlier Circular, Bo Fernholm will raise the matter of Iceland's adherence to the Convention at the private Commissioners' meeting on Sunday 22 July. The private Commissioners' meeting will start at 14.00.

Dr. Nicky Grandy
Secretary to the Commission

Dr. Nicky Grandy
Secretary
International Whaling Commission
The Red House, 135 Station Road
Histon Cambridge, UK
CB4 4NP

Dear Dr. Grandy

The Government of Japan refers to the Circular Communication to Commissioners and Contracting Governments of 26 June 2001 (IWC.CCG. 181) informing Commissioners and Contracting Governments of the deposit by Iceland of its instrument of adherence to the International Convention for the Regulation of Whaling and the Protocol to the Convention, as well as to subsequent letters from governments attached to Circular Communication to Commissioners and Contracting Governments (IWC. CCG.188) of 13 July 2001. Japan notes that the Government of Iceland's instrument of adherence includes a reservation with respect to paragraph 10 (e) of the Schedule of the Convention. Iceland maintains that its reservation forms an integral part of its instrument of adherence.

The Government of Japan wishes to clarify its position that it accepts this reservation. Considering that the Convention itself allows any Party to file an objection to any amendment of the Schedule so as to exclude the effect of such amendment with respect to that Party, the reservation of Iceland is not considered incompatible with the object and purpose of the Convention.

Further, Japan believes that there are no grounds under the International Convention for the Regulation of Whaling to require acceptance by the International Whaling Commission for Iceland's reservation to have effect. To date, countries, including Argentina, Chile, and Ecuador, that made reservations, have become a Party to the Convention only "by a notification in writing to the Government of the United States of America,"(Article 10), without acceptance of their reservations by the IWC. If the acceptance by the IWC is necessary because the Convention is "a constituent instrument of an international organization," acceptance by the IWC should have been required for the preceding reservations made by such governments.

Japan would be grateful if this communication could be circulated to Commissioners and Contracting Governments.

Sincerely yours,

Minoru Morimoto
Japanese Commissioner
to the International Whaling Commission

17 July 2001

