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CIRCULAR COMMUNICATION TO COMMISSIONERS  
AND CONTRACTING GOVERNMENTS  
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**Brazil's position regarding Iceland's accession**

The Embassy of the Federative Republic of Brazil has requested that the attached Diplomatic Note which was sent on 31 January 2003 to the Depositary of the International Convention for the Regulation of Whaling, regarding Iceland's accession to the International Convention for the Regulation of Whaling (1946) be circulated to all Contracting Governments.

Dr. Nicky Grandy  
Secretary to the Commission

The Embassy of Mexico to the United States of America presents its compliments to the Department of State, and has the honor to refer to the deposit by the Government of Iceland of an instrument of adherence, on 10 October 2002, to the 1946 International Convention for the Regulation of Whaling (Convention), as well as to the reservation formulated by Iceland at the time of its deposit.

The Government of Mexico has examined the Icelandic Government's reservation and has determined that it is incompatible with the object and purpose of the Convention.

As a matter of principle, Mexico believes that Contracting States to the Convention cannot allow a State that denounces it to later re-adhere for the sole purpose of submitting a reservation that was not presented as an objection to the respective Schedule amendment within the prescribed time limit, or that is manifestly incompatible with the object and purpose of the Convention. Such action constitutes a negative precedent for the integrity of the Convention and runs counter to the law of treaties. In this case, the Moratorium on commercial whaling established by paragraph 10(e) of the Convention Schedule was adopted in 1982 and no objection was lodged by the Government of Iceland within the prescribed time limit. Thus, Mexico believes that the way in which the reservation has been submitted is solely intended to circumvent the relevant provisions and procedures of the Convention.

In addition, the Government of Mexico considers that the reservation lodged by Iceland includes the very same objection to the Moratorium on commercial whaling which Mexico has found to be unacceptable on previous occasions when Iceland attempted to adhere to the Convention and which a majority of the Commission rejected during the annual meetings in London (2001) and Shimonoseki (2002).

Accordingly, the Government of Mexico wishes to formally register its objection to the reservation formulated by Iceland. In this regard, because of its reservation, Iceland will not be regarded as a party to the Convention, nor as a member of the International Whaling Commission (IWC), insofar as Mexico is concerned.

The Government of Mexico also wishes to register with the Convention's Depository Government its strong objection to the procedure that was followed at the fifth Special Meeting of the IWC in Cambridge on 14 October 2002. The patently illegal voting procedures that took place at that meeting resulted in:

- a. allowing an observer State, without any voting rights, to participate in the voting procedures, and
- b. the "vote" by that observer State which did not have the right to vote was decisive in determining its alleged right to participate in the decision-making process and, subsequently, in "voting" upon its own membership. It should be noted that the final result of the vote indicated that Iceland would not have been accepted as a Party to the Convention if it had not illegally participated in the vote.

As was stated for the record by Mexico's Alternate Commissioner at the time of the vote, the Government of Mexico therefore does not recognize the legality of the voting procedure undertaken during that Special Meeting of the IWC, **nor will Mexico recognize the validity of any vote emanating from Iceland at future meetings of the Commission.**

The Government of Mexico kindly requests the Depository Government to circulate the contents of this Note to all Contracting Parties to the 1946 International Convention for the Regulation of Whaling.

The Embassy of Mexico to the United States of America avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.