



Ms Gitte Hundahl  
Denmark's Commissioner to the International Whaling Commission  
Ministry of Foreign Affairs  
Udenrigsministeriet  
Asiatisk Plads 2  
DK-1448 Copenhagen K  
DENMARK

Dear Ms Hundahl

I am writing in my capacity as Australia's Commissioner to the International Whaling Commission (IWC) in response to a letter I received from Mr Jens Lyberth, Greenland's Deputy Minister for Fishing Hunting and Agriculture, dated 30 November 2012, seeking comments on a proposal by the Government of Greenland to unilaterally establish Aboriginal Subsistence Whaling quotas for the years 2013 and 2014.

Greenland is not a Contracting Government to the International Convention for the Regulation of Whaling in its own right. Rather, the rights and obligations established under the Convention concerning Greenland are those of Denmark.

I would like to express my deepest concern at the suggestion that the Government of Greenland might unilaterally 'establish' Aboriginal Subsistence Whaling quotas despite the Commission's express rejection of these very same quotas at IWC64 in July 2012.

While Australia opposes all forms of commercial whaling, including so-called 'scientific' whaling, it recognises the needs of some Aboriginal communities to have continued access to whale products to meet traditional cultural and dietary needs in subsistence cultures, provided relevant criteria are met. Australia voted against the quota proposal by Denmark at IWC64, because it was not supported by an adequate needs statement and appropriate scientific assessment and it would have been an increase over the quotas established by consensus at IWC62 in 2010.

At IWC62, in recognition of the increased spirit of co-operation that had developed within the IWC in recent years, Australia, along with the other countries expressing concerns at Denmark/Greenland's quota proposal, nevertheless agreed to withdraw from a vote on the issue, allowing the Commission to agree, by consensus, Greenland's quotas. This decision was not easy for Australia, yet it was willing to make significant compromise for the good of the Commission.

Australia was therefore disappointed that, following the vote on Denmark/Greenland's proposal for an increased quota at IWC64, Denmark/Greenland was not willing to propose a quota at the levels established at IWC62.

As the representative Contracting Government for Greenland in the Commission, Denmark is responsible for ensuring Greenland's observance of the obligations established under the Convention. Any legitimate conduct of Aboriginal Subsistence Whaling under the Convention requires positive approval of quotas for the conduct of such whaling by a three-fourths majority of the Commission, in the form of a Schedule amendment to paragraph 13(b) which establishes relevant catch limits.

Australia is concerned that should the Government of Greenland continue with its proposed plan to unilaterally 'self-issue' quotas for 2013 and 2014 in the absence of approved quotas from the IWC, and the Greenlandic Aboriginal communities conduct whaling pursuant to these self-issued quotas, Denmark will not be complying with its obligations under the Convention. Australia therefore cannot support the proposal put forward by Greenland.

If, as stated in Greenland's letter, the Aboriginal communities of Greenland require an Aboriginal Subsistence Whaling quota to meet subsistence needs during 2013 and 2014,

Denmark could propose a Schedule amendment to paragraph 13(b)(3) for intersessional consideration by the Commission consistent with Rule E.4 of the Rules of Procedure. Alternatively, Denmark may wait and submit a new proposal to amend Schedule paragraph 13(b)(3) at IWC65 in 2014. However, in the absence of IWC-approved quotas, Greenland's Aboriginal communities may not legitimately conduct any Aboriginal Subsistence Whaling in the intervening period.

I have provided a copy of this letter to Mr Lyberth.

Yours sincerely



Donna Petrachenko  
Australia's Commissioner to the IWC  
17 December 2012