

Annual Report of the International Whaling Commission 2010



**Covering the
2009-2010
financial year
and the 62nd
Annual Meeting
held in
Agadir, Morocco
in 2010**



Annual Report of the International Whaling Commission 2010

**THE INTERNATIONAL WHALING COMMISSION WAS CONSTITUTED UNDER THE
INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING SIGNED AT
WASHINGTON ON 2 DECEMBER 1946**



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List of Members of the Commission

<i>Contracting Government</i>	<i>Adherence</i>	<i>Commissioner</i>	<i>Appointment</i>
Antigua and Barbuda	21/07/82	Mr. A. Liverpool	02/07/04
Argentina	18/05/60	Ambassador S. R. Cerutti	21/01/09
Australia	10/11/48	Ms. D. Petrachenko	09/08/07
Austria	20/05/94	Dr. A. Nouak	09/08/96
Belgium	15/07/04	Mr. A. de Lichtervelde	14/07/04
Belize	17/06/03	Ms. B. Wade	17/05/06
Benin	26/04/02	Mr. J. Ouake	06/05/02
Brazil	04/01/74	Ambassador M. P. Gama	19/11/10
Bulgaria	10/08/09	Mr. S. Vergiev	24/06/10
Cambodia	01/06/06	Mr. H.E. N. Thuok	14/09/09
Cameroon	14/06/05	Dr. B. M. Ousman	04/08/05
Chile	06/07/79	Ambassador J. L. Balmaceda	03/08/10
People's Republic of China	24/09/80	Mr. Li Jianhua	06/06/00
Republic of the Congo	29/05/08	Mr. J.A. Kolelas-Ntoumi	21/07/08
Costa Rica	24/07/81	Mrs. A. L. G. Fernández	19/06/10
Côte d'Ivoire	08/07/04	Dr. D. A. Jeanson	16/07/04
Croatia	10/01/07	Mr. Z. Šikić	16/02/07
Cyprus	26/02/07	Ms. M. Hadjichristoforou	13/03/07
Czech Republic	26/01/05	Dr. P. Hycova	17/03/05
Denmark	23/05/50	Mr. O. Samsing	01/10/06
Dominica	18/06/92	Mr. L. Pascal	10/07/01
Dominican Republic	30/07/09	Mr. J.D.F. Mirabel	30/10/09
Ecuador	10/05/07	Mr. D. Ortega	22/06/10
Eritrea	10/10/07	Mr. S. M. Ahmed	02/10/08
Estonia	07/01/09	Mr. A. Gromov	04/02/09
Finland	23/02/83	Mr. E. Jaakkola	15/04/99
France	03/12/48	Mr. J-P Gavois	21/12/10
Gabon	08/05/02	Dr. G. A. Rerambyath	13/04/04
The Gambia	17/05/05	Mr. M. Bah	23/06/10
Germany	02/07/82	Mr. G. Lindemann	20/04/07
Republic of the Ghana	17/07/09	Mr. P. Coussey	23/06/10
Greece	16/05/07	Ambassador E. Papadogiorgakis	25/11/09
Grenada	07/04/93	Hon. G. Bowen	25/06/04
Guatemala	16/05/06	Dr. F. D. Monge	05/11/08
Guinea-Bissau	29/05/07	Mr. M. D. Sami	16/06/10
Republic of Guinea	21/06/00	Mr. I. S. Touré	29/07/03
Hungary	01/05/04	Dr. K. Rodics	06/06/04
Iceland	10/10/02	Mr. T. Heidar	01/04/09
India	09/03/81	Mr S. J. Kishwan	28/10/10
Ireland	02/01/85	Mr. J. Fitzgerald	15/05/07
Israel	07/06/06	Ms. E. Efrat-Smilg	07/06/06
Italy	06/02/98	Mr. G. Ambrosio	01/01/02
Japan	21/04/51	Mr. A. Nakamae	12/09/08
Kenya	02/12/81	<i>Not notified</i>	
Kiribati	28/12/04	Mrs. R. Nikuata-Rimon	07/06/06
Republic of Korea	29/12/78	Mr. K. S. Lim	08/06/10
Laos	22/05/07	Dr. B. Khambounheuang	01/10/07
Lithuania	25/11/08	Mr. Paltanavičius	25/05/09
Luxembourg	10/06/05	Mr. C. Origer	10/06/05
Mali	17/08/04	Mr. S. Coulibaly	16/05/08
Republic of the Marshall Islands	01/06/06	Hon. M. Zackhras	19/06/10
Mauritania	23/12/03	Mr. M. A. Dia	15/03/06
Mexico	30/06/49	Dr. L. Rojas Bracho	10/05/05
Monaco	15/03/82	Prof. F. Briand	13/06/03
Mongolia	16/05/02	Mr. T. Damdin	09/01/08
Morocco	12/02/01	Mr. A. Benabbou	13/03/09
Nauru	15/06/05	Mr. J. Dowiyogo	20/02/07
Netherlands	14/06/77	Dr. M. J. P. J. Jenniskens	14/11/08
New Zealand	15/06/76	Mr. G. van Bohemen	10/11/10
Nicaragua	05/06/03	Mr. S. F. Müller	09/06/08

Cont.

<i>Contracting Government</i>	<i>Adherence</i>	<i>Commissioner</i>	<i>Appointment</i>
Norway	03/03/48	Ambassador K. Klepsvik	26/11/04
Oman	15/07/80	Dr. A. Al-Mazrouai	22/06/10
Republic of Palau	08/05/02	Mr. V. Uherbelau	19/02/09
Panama	12/06/01	Mr. T. A. Guardia	26/02/10
Peru	18/06/79	Mrs. D. Sotomayor	26/10/06
Poland	17/04/09	Mrs. M. Lesz	14/05/09
Portugal	14/05/02	Prof. J. M. M. M. Palmeirim	25/01/06
Romania	09/04/08	Dr. S. Nicolaev	22/07/08
Russian Federation	10/11/48	Mr. V. Y. Ilyashenko	02/05/95
San Marino	16/04/02	Mr. D. Galassi	10/10/02
St Kitts and Nevis	24/06/92	Hon. Dr. T. Harris	10/02/10
St Lucia	29/06/81	Hon. J. Compton	18/02/10
St Vincent and The Grenadines	22/07/81	Senator E. Snagg	05/03/03
Senegal	15/07/82	Mr. N. Ousmane	30/06/10
Slovak Republic	22/03/05	Ms. D. Kmecová	26/05/10
Slovenia	20/09/06	Mr. A. Bibič	20/01/10
Solomon Islands	10/05/93	Mr. S. Diake	15/03/04
South Africa	10/11/48	Mr. H. Oosthuizen	10/04/06
Spain	06/07/79	Mrs. M. A. Frayle	14/01/11
Suriname	15/07/04	Mr. D. Dwarka	15/02/10
Sweden	15/06/79	Prof. B. Fernholm	15/02/96
Switzerland	29/05/80	Mr. B. Mainini	03/06/05
Tanzania	23/06/08	Mr. G. F. Nanyaro	22/06/09
Togo	15/06/05	Dr. A. Domtani	03/11/09
Tuvalu	30/06/04	Mr. P. Nelesone	13/07/04
UK	10/11/48	Mr. R. Pullen	01/02/11
Uruguay	27/09/07	Ambassador J. Moreira	26/01/09
USA	10/11/48	Ms. M. Medina	17/02/10

Dr. S. Brockington, Secretary to the Commission, 17 March 2011

Preface

Welcome to the thirteenth of the series, the 'Annual Report of the International Whaling Commission'. Subscription details for the publications of the International Whaling Commission can be found on the Commission website (<http://www.iwcoffice.org>), by e-mailing subscriptions@iwcoffice.org or by the more traditional means of writing, telephoning or faxing the Office of the Commission (details are given on the title page and on the back cover of this volume).

This report contains the Chair's Report of the Sixty-Second Meeting of the IWC, held in Agadir, Morocco in June 2010. The text of the Convention and its Protocol are also included, as well as the latest versions of the Schedule to the Convention and the Rules of Procedure and Financial Regulations. The Chair's Report includes the reports of the Commission's technical and working groups as annexes.

The Agadir meeting represented the final meeting to be organised by Dr Nicky Grandy as Secretary to the Commission. The Commission rose in appreciation for her 10 years of service and thanked her for her hard work, good humour, charm and support over the period. She was presented with a beautiful Moroccan blanket chest and the speeches made in her honour are reproduced in this volume.

The new Secretary to the Commission is Dr Simon Brockington.

Cover photo: Moroccan landscape near Immouzer, about 60km north of Agadir, June 2010.

G.P. DONOVAN
Editor

Contents

CHAIR'S REPORT OF THE SIXTY-SECOND ANNUAL MEETING.....	5
FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 AUGUST 2010	133
INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946	141
Full text.....	143
Protocol.....	146
SCHEDULE OF THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946.....	147
RULES OF PROCEDURE AND FINANCIAL REGULATIONS.....	163
Rules of Proceedure	165
Financial Regulations	170
Rules of Debate	173
Rules of Procedure of the Technical Committee	174
Rules of Procedure of the Scientific Committee	175

Chair's Report

Chair's Report: Contents

1. INTRODUCTORY ITEMS	5
1.1 Date and place	5
1.2 Welcome address	5
1.3 Opening statements	5
1.4 Credentials and voting rights	5
1.5 Meeting arrangements	5
2. ADOPTION OF AGENDA	6
3. THE IWC IN THE FUTURE	6
3.1 Background to the 'Future of the IWC' process	6
3.2 Introduction by the Chair of the Commission	7
3.3 Commission discussions, including a proposal to amend the Schedule	7
4. WHALE STOCKS	10
4.1 Antarctic minke whales	10
4.2 Southern Hemisphere humpback whales	11
4.3 Southern Hemisphere blue whales	11
4.4 Western North Pacific gray whales	12
4.5 Southern Hemisphere right whales	13
4.6 Other stocks of right whales and small stocks of bowhead whales	13
4.7 Research cruises (SOWER and North Pacific)	14
5. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES	14
5.1 Data on whales killed and on improving the humaneness of whaling operations	14
5.2 Welfare issues associated with the entanglement of large whales	15
5.3 Other	15
6. ABORIGINAL SUBSISTENCE WHALING	16
6.1 Aboriginal Subsistence Whaling Management Procedure (AWMP)	16
6.2 Aboriginal Whaling Scheme	16
6.3 Aboriginal subsistence whaling catch limits	16
7. REVISED MANAGEMENT SCHEME	20
7.1 Revised Management Procedure (RMP)	20
7.2 Other	21
8. SANCTUARIES	21
8.1 Issues raised in the Scientific and Conservation Committees	21
8.2 South Atlantic Whale Sanctuary	22
9. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING	22
10. SCIENTIFIC PERMITS	22
10.1 Report of the Scientific Committee	22
10.2 Committee discussions and action arising	23
11. SAFETY ISSUES AT SEA	23
12. ENVIRONMENTAL AND HEALTH ISSUES	23
12.1 Climate change	23
12.2 POLLUTION 2000+ Phase II Planning Workshop	23
12.3 State of the Cetacean Environment Report (SOCER)	24
12.4 Anthropogenic sound	24
12.5 Other environment-related issues	25
12.6 Ecosystem modelling	25
12.7 Reports from Contracting Governments on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals	25
12.8 Health issues	25
13. CONSERVATION MANAGEMENT PLANS	26
13.1 Report of the Scientific Committee	26
13.2 Report of the Conservation Committee	26
13.3 Commission discussion and action arising	26
14. WHALEWATCHING	27
14.1 Report of the Scientific Committee	27
14.2 Report of the Conservation Committee	28
14.3 Commission discussions and action arising	28

15. CO-OPERATION WITH OTHER ORGANISATIONS	29
15.1 Report of the Scientific Committee	29
15.2 Commission discussions and action arising	29
16. OTHER SCIENTIFIC COMMITTEE ACTIVITIES AND WORK PLAN	29
16.1 Small cetaceans	29
16.2 Regional non-lethal research partnerships	30
16.3 Other activities	30
16.4 Scientific Committee future work plan	31
16.5 Adoption of the Scientific Committee Report	32
17. CONSERVATION COMMITTEE	32
17.1 Report of the Conservation Committee	32
17.2 Commission discussions and action arising	33
18. CATCHES BY NON-MEMBER NATIONS	34
19. INFRACTIONS, 2009 SEASON	34
19.1 Summary of Infractions reports	34
19.2 Commission discussions and action arising	34
20. NGO ADDRESS	35
21. ADMINISTRATIVE MATTERS	35
21.1 Implications of discussions on the future of the IWC	35
21.2 Amendments to the Rules of Procedure, Financial Regulations and Rules of Debate	35
21.3 Other	35
21.4 Commission discussion and action arising	35
22. FORMULA FOR CALCULATING CONTRIBUTIONS	36
22.1 Procedures on late payment of financial contributions	36
22.2 The Interim Measure and assessment for St. Vincent and The Grenadines	36
22.3 Commission discussions and action arising	37
23. FINANCIAL STATEMENTS AND BUDGETS	37
23.1 Review of the Provisional Financial Statement, 2009/2010	37
23.2 Secretariat offices	37
23.3 Consideration of estimated budgets, 2010/2011 and 2011/2012	37
23.4 Other	38
24. ADOPTION OF THE REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE	38
25. DATE AND PLACE OF ANNUAL AND INTERSESSIONAL MEETINGS	38
26. ADVISORY COMMITTEE	38
27. SUMMARY OF DECISIONS AND REQUIRED ACTIONS	39
28. OTHER MATTERS	39
29. AMENDMENTS TO THE SCHEDULE	39
Annex A Delegates and Observers Attending the 62 nd Annual Meeting	40
Annex B Agenda for the 62 nd Annual Meeting	44
Annex C List of Documents	46
Annex D Chair's Report of the Intersessional Meeting on Greenland Aboriginal Subsistence Quotas	48
Annex E Proposed Consensus Decision to Improve the Conservation of Whales	56
Annex F A Proposal from the Chair on a Way Forward after Discussions at IWC/62	79
Annex G Report of the Sub-Committee on Aboriginal Subsistence Whaling	80
Annex H Minority Statement from the Government of Japan	88
Annex I Report of the Conservation Committee	89
Annex J Summary of Infractions Reports Received in 2010	100
Annex K Catches by IWC Member Nations in the 2009 and 2009/2010 Seasons	106
Annex L Summary of Presentations by Non-Governmental Organisations	107
Annex M Report and Supplementary Report of the Finance and Administration Committee	109
Annex N Approved Budget for 2010/2011 and Forecast Budget for 2011/2012	127
Annex O Approved Research Budget for 2010/11	128
Annex P Amendments to the Schedule Adopted at the 62 nd Annual Meeting	129
Annex Q Speeches Made in Tribute to Dr Nicky Grandy at her Retirement as Secretary to the International Whaling Commission	130

**SUMMARY OF MAIN OUTCOMES, DECISIONS AND REQUIRED ACTIONS
FROM THE 62ND ANNUAL MEETING**

The main outcomes, decisions and required actions arising from the 62nd Annual Meeting are summarised in the table below.

Issue	Main outcomes
Future of the IWC	<ul style="list-style-type: none"> • Prior to IWC/62 the support group established at IWC/61 in 2009 had met four times and the Small Working Group had met once. On the basis of decisions at those meetings the Chair and Vice-Chair of the Commission had developed a 'Proposed Consensus Decision to Improve the Conservation of Whales'. • Structured discussions on the merits of the proposed consensus decision took place in open session over a two day period during the sub-committee week prior to the opening of IWC/62. During IWC/62, discussions on the proposed consensus decision continued as a series of small, private 'one to one' meetings between groups of Contracting Governments. At the end of these meetings it became clear that the Commission was not in a position to adopt the proposed consensus decision. Differences remained on several issues including the question of the moratorium, the numbers of whales that might be taken, special permit whaling, indigenous whaling and trade. At the same time, the Commission recognised the increased level of trust and understanding which had resulted from the process and agreed that a pause and period of reflection was warranted prior to IWC/63 in 2011.
Status of stocks	<p>Antarctic minke whales</p> <ul style="list-style-type: none"> • Completion of the revised abundance estimate for Antarctic minke whales continues to be a high priority. The Scientific Committee developed a work plan to allow it to report agreed estimates at IWC/63 in 2011. <p>Southern Hemisphere humpback whales</p> <ul style="list-style-type: none"> • The Scientific Committee recognises seven breeding stocks (A-G) connected to feeding grounds in the Southern Ocean. Assessments of four of these stocks have been completed, and this year the Committee discussed the breeding stock which uses waters off western Africa. A work plan was developed to complete the assessment of this stock in 2011. • Although not in the Southern Hemisphere, the Scientific Committee repeated its grave concern over the status of the Arabian Sea humpback whale population that may number as few as 82 individuals. <p>Western North Pacific gray whales</p> <ul style="list-style-type: none"> • Special attention was given to the status of the critically endangered western North Pacific gray whale whose population numbers only about 130 animals and which faces anthropogenic threats from oil and gas activities on its feeding grounds and entanglements in fishing gear throughout its range. • The Scientific Committee endorsed the first draft of a Conservation Management Plan developed following the IUCN Western Gray Whale Range Wide Workshop held in 2008. The objective of the plan was to reduce anthropogenic mortality to zero and it contained 11 focused actions covering a variety of topics. • The Scientific Committee recommended the postponement of a seismic survey planned by Rosneft for 2010 due to take place in a high density area of western gray whales. <p>Southern Hemisphere right whales</p> <ul style="list-style-type: none"> • A long-term monitoring programme along the southern Australian Coast estimated an annual rate of increase of around 7.5% for the period 1993-2009 and a total Australian population of around 3,000 southern right whales. • The Scientific Committee received a report from a workshop held in March 2010 to investigate the causes of high mortality of first year calves of right whales around Peninsula Valdes, Argentina. The workshop developed three hypotheses to explain the deaths: (1) reduced food availability for adult females, (2) biotoxins and (3) infectious disease. • A Workshop will be held in Argentina in September 2011 to provide updated assessments of southern right whales. <p>Research cruises</p> <ul style="list-style-type: none"> • The final IDCR/SOWER cruise took place in 2009/10. The completion of this cruise marked the ending of 30 years of sighting surveys and collaborative international research under the SOWER programme. It has resulted in an unparalleled source on information on Antarctic cetaceans. <p>Small cetaceans</p> <ul style="list-style-type: none"> • The Scientific Committee reviewed the status of small cetaceans of north-western Africa and eastern tropical Atlantic waters. The overall scarcity of information prevented the Committee from making a reliable evaluation of the status of any species in the region, but it noted that nearly all species are taken either directly or as by-catch. The Committee expressed serious concern over the Clymene dolphin. • Progress on previous recommendations relating to Baltic harbour porpoise, franciscana, Irrawaddy dolphin, Iberian population of harbour porpoise and narwhals was reviewed. The Committee re-iterated its grave concern about the fate of the vaquita despite the measures being taken by the Mexican Government.

Issue	Main outcomes
Whale killing methods/ associated welfare issues	<p>Welfare issues associated with the entanglement of large whales</p> <ul style="list-style-type: none"> The Commission received the report of a workshop on welfare issues associated with the entanglement of large whales. The report noted that entanglements were occurring at varying rates throughout the range of all large whale species. The workshop established a decision tree for responding to entanglements which included advice on administering euthanasia. The workshop made several recommendations, including that an additional workshop be held to address entanglement prevention.
Aboriginal subsistence whaling	<ul style="list-style-type: none"> The primary focus of discussions was a request by Denmark/Greenland for a catch of 10 humpback whales annually from West Greenland for 2010, 2011 and 2012. The request also included a reduction in its annual quota of common minke whales from 200 to 178 so as to conform to advice from the Scientific Committee issued at IWC/61 in 2009. Denmark/Greenland's proposal for a quota of humpback whales was based on its desire to return to a multispecies harvest as was the norm prior to 1987 when the humpback hunt was halted because of concerns over the status of the population. After negotiations Denmark/Greenland revised their proposal so that the number of fin whales to be harvested from West Greenland was reduced from 19 to 16 and with an additional voluntary reduction from 16 to 10. At the same time, the number of humpback whales to be harvested was reduced to 9 which meant that on aggregate there was no increase in the number of large whales to be taken. After extensive discussion the Commission adopted the revised proposal by consensus.
The Revised Management Scheme (RMS)	<p>Revised Management Procedure (RMP)</p> <ul style="list-style-type: none"> The <i>pre-Implementation assessment</i> for western North Pacific common minke whales was completed. An <i>Implementation Review</i> is to be completed as soon as possible, ideally by IWC/64 in 2012. <p>RMS</p> <ul style="list-style-type: none"> Discussions on the RMS were included as part of the discussions on the 'Future of the IWC' under Agenda Item 3.
Sanctuaries	<ul style="list-style-type: none"> Proposals for the South Atlantic Sanctuary were included as part of the discussions on the 'Future of the IWC' under Agenda Item 3.
Socio-economic implications/ small-type whaling	<ul style="list-style-type: none"> Japan reiterated its concern over the hardship suffered by its four community-based whaling communities at Abashiri, Ayukawa, Wadaura and Taiji since the implementation of the commercial whaling moratorium. It reserved its right to propose an amendment to paragraph 10 of the Schedule to provide a quota for small type whaling should the process surrounding the 'Future of the IWC' ultimately fail.
Scientific permits and related issues	<ul style="list-style-type: none"> Special permit whaling formed an important component of the 'Future of the IWC' process. The Japanese research programmes in the Antarctic (JARPA II) and North Pacific (JARPN II) are continuing on the basis of existing long-term plans. Iceland updated the Commission on the progress with the analytical work from its special permit research programme held from 2003-07. It expected that the external review process agreed in 2009 could take place after the 2011 Annual Meeting. <p>Safety issues at sea</p> <ul style="list-style-type: none"> Japan reported that protest activities against its vessels in the Antarctic had escalated in 2009/10 and posed a serious threat to the safety of both vessels and crew. Contracting Governments, while continuing to support the right to legitimate and peaceful forms of protest, expressed their deep concern at the escalation. The responsibility of the relevant Flag and Port States was noted and the respective governments involved reported on the actions they were taking.
Environmental and health issues	<ul style="list-style-type: none"> A workshop on Small Cetaceans and Climate Change was planned for November 2010 that will focus on: (1) restricted habitats; (2) range changes; and (3) the Arctic regions. The Scientific Committee completed Phase 1 of its POLLUTION 2000+ programme to examine pollutant cause-effect relationships in 2007 and has now agreed a Phase II programme that will investigate the effect of PCB concentrations on vital rates, integration of pollutant information into population risk models, and development of new biomarkers. The USA gave an update on the oil spill clean-up operation following the sinking of the Deepwater Horizon drilling rig in the Gulf of Mexico in April 2010. The Commission requested the Scientific Committee to make preparations for a workshop to examine the impacts of the increasing anthropogenic usage of the Arctic Ocean. The State of the Cetacean Environment Report focussed on the Arctic. The Scientific Committee noted plans for seismic surveys in the Russian Far East. A number of endangered species are found in this region, including off western Kamchatka where seismic surveys were proposed to start in summer 2010. The Committee recommended that these potentially disturbing activities be planned for times of lower cetacean abundance. The Commission discussed the possible human health effects of consuming pollutant contaminated cetaceans and several Contracting Governments requested the Secretariat to contact the World Health Organisation in regard to this issue.

Issue	Main outcomes
Conservation management plans	<ul style="list-style-type: none"> • The Scientific Committee had previously agreed an approach for developing conservation management plans and this year commended the first draft of the North Pacific western gray whale conservation management plan to the Commission via the Conservation Committee. • A small group of the Conservation Committee identified further potential candidates for conservation management plans including the Chile-Peru population of southern right whales, and southern right whales in Argentina. • The Commission also discussed such plans in the context of small cetaceans.
Whale-watching	<ul style="list-style-type: none"> • The Scientific Committee continued to review scientific aspects of whalewatching and noted progress with the proposed large-scale whalewatching experiment, the database for the tracking of commercial whalewatching and associated data (ready to go online in 2011) and its relationship with the Conservation Committee. It reiterated its concern over the effect of tour boats on the critically endangered Irrawaddy dolphin population in the Mekong River. • The Conservation Committee's Standing Working Group on Whalewatching presented its three main priorities for the next five years, these being: (1) research and assessment; (2) management; and (3) capacity building and development. A workshop will be hosted by Argentina in November 2010 to identify the goals and products to be delivered under the plan.
Other Scientific Committee activities	<ul style="list-style-type: none"> • The Scientific Committee received reports on intersessional progress with the Southern Ocean Research Partnership (SORP) which included: (1) holding a workshop in December 2009 to develop the partnership; (2) conducting the first cruise of the joint Australia-New Zealand Antarctic Whale Expedition; and (3) identifying seven proposed projects that would benefit from large scale multi-regional participation. The Committee also endorsed a process for evaluating requests for funding under the IWC/SORP research fund.
Conservation Committee	<ul style="list-style-type: none"> • The Ship Strikes Working Group reported progress in seven areas being: (1) collaboration with the IMO; (2) development of national initiatives; (3) preparations for the joint IWC/ACCOBAMS Workshop in September 2010; (4) awareness raising; (5) the work of the Convention for Migratory Species; (6) an ASCOBANS led study on ship strikes; and (7) the IWC Ship Strikes Database.
Future work of the Scientific Committee	<p>The Commission adopted the report from the Scientific Committee including its proposed work plan for 2010/2011 that included activity in the following areas:</p> <ul style="list-style-type: none"> • Continued work on the RMP including generic issues (e.g. MSYR review and the approach to amend the <i>CLA</i>) and continuation or completion of several <i>Implementations</i> or <i>Implementation Reviews</i>. • Continued work on the estimation of bycatch and other human induced mortality for use in the RMP. • Continued work on developing long-term management advice for the Greenlandic fisheries and the <i>Implementation Review</i> of eastern North Pacific gray whales. • Annual reviews of catch data and management advice for whale stocks subject to aboriginal subsistence takes. • Continued work on in-depth assessments including agreeing estimates for Antarctic minke whales, continuing assessments of Southern Hemisphere humpback whales, further work on Antarctic blue whales and review of any new information on Arabian humpback populations. • Continuing review of the concept of a 'stock' using genetic techniques and spatial structure models. • Continued work on environmental concerns including: (1) the SO CER report where the focus will be the Southern Ocean in 2011; (2) progress with POLLUTION 2000+; (3) progress of the CERD Working Group; (4) new information of impact of oil and dispersants on cetaceans; (5) continued work on anthropogenic sound; (6) review of the planned Workshop on Climate Change and Small Cetaceans; and (7) review of marine renewable energy development. • Continued work on ecosystem modelling including review of models from the North Pacific. • Continued work on small cetaceans including the status of Ziphiidae (beaked and bottlenose whales) and directed takes of small cetaceans. • Continued work on whalewatching including assessment of the impacts on cetaceans and the progress of the large-scale whalewatching experiment (LaWE). • Planning for final review of results from Iceland's scientific take of North Atlantic common minke whales.
Administration	<ul style="list-style-type: none"> • The Commission adopted an amendment to Rule of Procedure J to allow the adoption of consensus Resolutions that may arise during a meeting. • The Secretariat reported that the re-built and re-designed IWC website would go live towards the end of 2010. Translations of pages into French and Spanish would change from PDF to HTML format on completion of the new website and would be maintained by the Secretariat. • The preliminary study on how to make the IWC carbon neutral had not progressed because of work on the 'Future of the IWC', but the Secretariat expected to submit the outcome of the study to IWC/63 in 2011. • The Secretary was asked to review the Commission's Rules of Procedure, including the financial Rules of Procedure and submit a report to the F&A Committee at IWC/63 in 2011.

Issue	Main outcomes
Financial contributions formula	<ul style="list-style-type: none"> • A change to Financial Rule of Procedure F was adopted to remove the ‘double sanction’ of penalty interest and loss of voting rights which arises upon late payment of financial contributions. The change removed the 10% penalty charge for late payment, although the loss of voting rights remained. • A footnote was added to Financial Rule of Procedure F to take account of currency fluctuations when paying financial contributions. The change allowed a short-term concession of up to 500 pounds sterling to be provided to cover remittances that fall short of the full amount due. • The ‘Interim Measure’ for calculating financial contributions was altered so as to waive the share portion attracted by St. Vincent and The Grenadines in regard to its aboriginal hunt.
Financial statements and budget	<ul style="list-style-type: none"> • The Commission: (1) approved the Provisional Financial Statement for 2009/2010 subject to audit; (2) adopted the proposed budget for 2010/2011 including the provision for research expenditure; (3) agreed that for 2010/11, the NGO fee be set at £520 for the first observer and £260 for additional observers and the media fee be set at £65; and (4) noted the forecast budget for 2011/2012. • The F&A Committee established a small group to work by correspondence to examine ways on how to integrate conservation funding into the overall budget of the IWC. The group would report back to IWC/63 in 2011.
Date and place of annual meetings	<ul style="list-style-type: none"> • No offers to host the next Annual Meeting (IWC/63 in 2011) were received and the Chair set a deadline of 1 September 2010 for the receipt of final offers from Contracting Governments. After this time the Secretariat was asked to make suitable arrangements for the location of the meeting and to announce the date when a venue had been established.
Elections and Advisory Committee	<ul style="list-style-type: none"> • The Commissioner for Guinea was elected onto the Advisory Committee for two years to replace the Commissioner for Côte d’Ivoire. The Commissioner for Portugal was unable to continue serving on the Advisory Committee and was replaced by the Commissioner for Belgium for the remainder of the term (one year). • The Advisory Committee now comprises the Chair (Chile), the Vice-Chair (Antigua and Barbuda), the Chair of the F&A Committee (Australia), the Commissioner for Guinea and the Commissioner for Belgium.

Chair's Report of the 62nd Annual Meeting

1. INTRODUCTORY ITEMS

1.1 Date and place

The 62nd Annual Meeting of the International Whaling Commission (IWC) took place at the Centre de Congrès, Les Dunes d'Or, Agadir, Morocco from 21-25 June 2010. In the absence of the Chair of the IWC (Ambassador Cristian Maquieira, Chile), the meeting was chaired by the Vice-Chair Ambassador Anthony Liverpool (Antigua and Barbuda). The meeting was attended by 73 of the 88 Contracting Governments, and observers from 7 intergovernmental organisations and 51 non-governmental organisations were also present. A list of delegates and observers attending the meeting is given as Annex A. The associated meetings of the Scientific Committee and Commission sub-groups (which included two days of discussion on the Future of the IWC) were held at the same venue in the period 30 May to 17 June.

1.2 Welcome address

Opening addresses were given by the Deputy Mayor of Agadir and the Secretary General of the Moroccan Ministry of Marine Fisheries who spoke on behalf of the Minister of Agriculture and Marine Fisheries. They were preceded by a short performance of traditional Moroccan music and dancing.

The Deputy Mayor of Agadir welcomed the IWC on behalf of the town council and population of Agadir. He thanked the IWC for choosing Morocco and Agadir to host the meeting and hoped that delegates would return, with their families and discover the culture, tolerance and generosity of the people of the region. He invited all participants to contribute actively to the meeting and wished everyone success and good luck.

The Secretary General of the Ministry of Agriculture and Marine Fisheries conveyed the apologies of the Minister of Agriculture and Marine Fisheries and read a statement from the Minister. The Minister welcomed the IWC to Moroccan soil and noted that Agadir was chosen not only because it was an international tourist town, but also because it is an important fishery port. His Majesty King Mohammed VI recently visited the city to present a strategy for the development of Moroccan fishery resources, and the city had hosted the first international fishery fair with the second fair due to be held in January 2011. Morocco has two coasts and a tradition of seafaring excellence and is an active member of many international and regional fisheries organisations. Its adherence to the ICRW in 2001 reflected the country's determination to contribute to the international debate on the management of marine resources. Since its adherence Morocco had contributed to the management of the organisation based on principles of conservation and sound management. The Minister recognised the need for member states to work towards a consensus and considered that the proposed consensus decision by the Chair and Vice-Chair of the IWC was a major step forward. He said that the document testified to the determination of its authors to bring the positions of member countries within the IWC as close as possible to consensus.

In conclusion the Minister paid tribute to the Chair of the IWC for his perseverance, and thanked the people and officials of the city of Agadir for making arrangements to provide the best possible facilities to the meeting guests.

1.3 Opening Statements

The Chair welcomed the following Contracting Governments who had adhered to the Convention since the last Annual Meeting: Ghana (adhered 17 July 2009), Dominican Republic (adhered 30 July 2009) and Bulgaria (adhered 10 August 2009). Ghana made a short opening statement noting their pleasure in attending and their intention to participate fully in the meeting ahead. Dominican Republic and Bulgaria did not attend the meeting.

1.4 Credentials and voting rights

The Secretary reported that Credentials were in order for most of the Contracting Governments present at the beginning of the meeting, but that a meeting of the Credentials Committee (Japan, New Zealand and the Secretary) was required to make a final review.

At the start of the meeting voting rights were suspended for Cameroon, Côte d'Ivoire, Dominica, Dominican Republic, Gambia, Ghana, Greece, Guatemala, Kenya, Marshall Islands, Nicaragua, Peru, Romania, Senegal, Solomon Islands, St Vincent and The Grenadines and Uruguay. The voting rights of Ghana, Marshall Islands and St Vincent and The Grenadines were restored during the meeting. The Secretary noted that if and when any voting commenced she would call on San Marino to vote first.

1.5 Meeting arrangements

The Chair expressed his pleasure with the manner in which discussions had proceeded in previous days, especially during discussions about the future of the IWC, and his hope that the Plenary discussions would take place in the same constructive manner. He asked that all Contracting Governments be given the opportunity to freely express their views without interruption, that calls for points of order be kept to a minimum, and noted that second interventions from countries on substantive points would not be allowed until other countries had their first chance to speak. The Chair re-confirmed speaking rights for intergovernmental organisations (IGOs), i.e. that he would allow them to make one intervention on a substantive agenda item and that any IGO so wishing to speak should let him know in advance. He also indicated that Commissioners had again agreed to allow non-governmental organisations (NGOs) to address the meeting during a special session. His intention was to allow a total of 30 minutes of presentations divided amongst organisations representing the full spectrum of views on whaling present at the meeting, with only one individual per organisation being allowed to speak.

The Secretary drew attention to the arrangements for the submission of Resolutions, Opening Statements and other documents.

2. ADOPTION OF THE AGENDA

The Chair drew attention to the Annotated Provisional Agenda and to his proposed order of business.

Japan stated that this was an important meeting for the IWC and that it was ready to make its utmost effort to solve the issues ahead. It noted that in the past it had made proposals for some agenda items to be deleted, and although its basic position on those issues had not changed it would not be making similar requests at IWC/62. This decision was based on a desire to support the improved spirit of co-operation which had emerged during discussions on the future of the IWC.

The agenda was adopted by the meeting and is given as Annex B.

3. THE IWC IN THE FUTURE

3.1 Background to the 'Future of the IWC' process

At IWC/59 in 2007 the Commission agreed to hold an intersessional meeting to discuss the future of the organisation given, amongst other things, the impasse that had been reached on discussions on the Revised Management Scheme (RMS). The intersessional meeting was held in London in March 2008 and developed a general agreement on the need to improve the way the Commission conducted its business. Several suggestions were made including the need to strive to reach decisions by consensus wherever possible¹.

As a result of the productive discussions at the March 2008 intersessional meeting and the following Annual Meeting in June 2008, the Commission agreed to: (1) further reform its working procedures and practices; and (2) hold further discussions and negotiations on substantive issues. The Commission also established a Small Working Group (SWG) on the Future of the International Whaling Commission to 'make every effort to develop a package or packages for review by the Commission' in order to assist it in arriving at 'a consensus solution to the main issues it faces'. The main issues were the 33 elements/issues identified as being of importance to one or more Contracting Governments². At the same time, an Intersessional Correspondence Group (ICG) on issues related to the Scientific Committee was also established.

The SWG met three times between IWC/60 in 2008 and IWC/61 in 2009 and once before IWC/62 in March 2009³. During these meetings, the SWG classified the 33 issues into two categories of: (a) controversial issues that needed to be addressed in the short term; and (b) issues of lesser controversy which would not prevent the agreement of a package to resolve category (a) issues. These meetings agreed a rationale of 'nothing is agreed until everything is agreed' which referred to the need to keep the proposals as a package, so that the final product would contain something of benefit to all Contracting Governments. The meetings also proposed a two-stage process which provided a series of short term solutions to the immediate problems so as to allow a longer period of debate on the deeper, substantive issues. The ICG on issues related to the Scientific Committee developed terms of reference and a draft report⁴ during the same period.

At IWC/61 in 2009 the Commission recognised that the work on the Future of the IWC was not complete and agreed by consensus to extend the time allocated to the SWG until

IWC/62 in 2010. The SWG was opened to observers and tasked with intensifying efforts to conclude a package or packages to allow the Commission to reach consensus on the major issues it faced, building upon the concept of a two stage process as already developed by the SWG. The Commission also established a support group containing equitable geographic and socio-economic representation and range of views to assist the Chair in providing direction to the process and in the preparation of material for submission to the SWG.

Concurrently, the Commission also agreed to establish a small joint working group of the Scientific and Finance and Administration Committees to further discuss issues raised by the ICG and to develop recommendations for consideration at IWC/62 in 2010⁵.

The support group met three times between September 2009 and January 2010, and on the basis of discussions at those meetings the Chair of the Commission submitted a report to the March 2010 meeting of the SWG that contained a set of ideas on how the IWC could function in the future (entitled 'A Draft Consensus Decision to Improve the Conservation of Whales'). The support group met a fourth time in 2010 to consider comments on the draft Consensus Decision made at the SWG meeting and also subsequently in writing by a number of Contracting Governments. The Proposed Consensus Decision to Improve the Conservation of Whales (hereafter the Proposed Consensus Decision) was developed by the Chair and Vice-Chair of the Commission on the basis of discussions of the Support Group and SWG as described above.

The fundamental components of the Proposed Consensus Decision were to:

- retain the moratorium on commercial whaling;
- suspend for a 10-year period unilaterally-determined whaling under special permit, objections, and reservations;
- bring all whaling authorised by member governments under the control of the IWC;
- limit whaling to those members who currently take whales;
- ensure that no new non-indigenous whaling takes place on whale species or populations not currently hunted;
- establish caps for the next ten years that are significantly less than current catches and within sustainable levels and determined using the best available scientific advice;
- introduce IWC monitoring, control and surveillance measures for non-indigenous whaling operations;
- create a South Atlantic Sanctuary;
- recognise the non-lethal value and uses of whales, such as whalewatching, as a management option for coastal states and address related scientific, conservation and management issues of such uses;
- provide a mechanism for enterprise and capacity building for developing countries;
- focus on the recovery of depleted whale stocks and take actions on key conservation issues, including bycatch, climate change and other environmental threats;
- set a decisive direction to the future work of the IWC including measures to reform the governance of the IWC; and
- establish a timetable and mechanism for addressing the fundamental differences of view amongst member governments in order to provide for the effective functioning of the IWC over the longer term.

¹A full account is provided in *Ann. Rep. Int. Whaling Comm* 2008: 6-8; 56-78.

²See *Ann. Rep. Int. Whaling Comm* 2009: 6-14.

³Document IWC/62/6.

⁴Document IWC/M09/5.

⁵Document IWC/62/16.

The Proposed Consensus Decision did not represent a final agreed approach of either the support group or SWG as it was not possible to achieve consensus on all issues. Instead, it was put forwards to facilitate the necessary further discussions which would take place at IWC/62 in 2010. In drafting the document it was particularly difficult to establish consensus on two issues: (1) catch limits; and (2) issues related to international trade in whale meat and products. With regard to catch limits, example numbers were included in the proposal so as to stimulate the necessary discussions prior to Agadir. A Scientific Assessment Group (SAG) had been instituted by the Support Group to give a view on whether any proposed catches would negatively affect the long-term status of the populations concerned. With regard to international trade, the proposal excluded measures to limit the use of meat or products from whales to domestic use because no compromise proposal could be made on this issue.

3.2 Introduction by the Chair of the Commission

The 'Future of the IWC' and the Proposed Consensus Decision were discussed during a two day pre-meeting on 16 and 17 June which was open to observers. At those meetings, it became clear that further time was required to allow full debate of the extensive range of issues covered by the proposal, especially for Contracting Governments which had not been part of the SWG. The Chair noted the requirement for extra time and remarked that this was the most important agenda item at IWC/62 in 2010. For almost a quarter of a century the very different views on whales and whaling had dominated discussions to the detriment of the effectiveness of the organisation. The Chair noted that resolving those differences would not be easy, but that the Commission had certainly been trying. Since IWC/59 in 2007 there had been about 10 intersessional meetings including those of the SWG and the Chair's Support Group. This represented an enormous amount of time, resources and effort and illustrated the commitment to arriving at a consensus solution. The Chair noted this was the first time that all Contracting Governments were together since IWC/61 in 2009 and that all parties needed to be allowed adequate time for full involvement in the negotiating process.

Accordingly, the Chair adjourned the Plenary meeting on 21 June so as to permit a further 1.5 days of structured private small group negotiations⁶. By the time the Plenary re-convened on 23 June almost 30 sessions had been held over the preceding two days. Some of the groups had never previously met in a formal but private manner and the meetings allowed an opportunity to understand the full range of views. All groups reported that the discussions were useful, cordial and conducted in a respectful manner, despite positions often remaining far apart. In other cases groups reported that they had come further together as misunderstandings were removed. Following these meetings, the Chair noted that there remained issues where more work was required, and these included the question of the moratorium, the number of whales that might be taken, special permit whaling, indigenous whaling, sanctuaries and trade. The Chair remarked that the philosophy of the process was to find negotiated solutions to all the issues combined

and that picking the proposal apart was not a suitable way forwards. In opening the floor to discussion, the Chair noted that all Contracting Governments shared a common goal, and a common responsibility to make the organisation as relevant and as credible a conservation and management body as possible.

3.3 Commission discussions, including a proposal to amend the Schedule

3.3.1 Discussions on 23 June

Japan recalled its active role in the negotiations to resolve confrontation within the IWC since 2007. It recorded its support for the spirit of the ICRW to ensure the protection and recovery of whale populations of poor stock status while allowing sustainable whaling of abundant stocks based on scientific catch limits. Japan noted that it consistently applies this policy to the management of all living marine resources. It congratulated the Chair and Vice-Chair for the Proposed Consensus Decision. In doing so, it noted that the proposal contained elements that were difficult for Japan to accept and it had offered substantial compromises in order to establish an overall proposal that was balanced. These elements were in areas including reductions in catch quotas, implementation of monitoring, control and surveillance systems that it believed were stronger than strictly necessary, and agreeing to participate in conservation activities that it believed were of lower priority in the IWC mandate.

However, Japan considered that in spite of the extensive discussions, it believed that there was no prospect for consensus and that the Commission must face the cause of this head on and explore a way forwards. It suggested that one key element was science. It observed that while many emphasised conservation and management actions based on science, public opinion against whaling was not based on science. It stated that recognition of the basic divergent positions on whaling should be mutually acceptable, and that Contracting Governments must be willing to accept that there are differences so as to avoid an impasse and restore the IWC. Japan hoped that members would follow the approach of the Proposed Consensus Decision and continue efforts to find a consensus using that as a basis for discussion.

Uruguay referred to the declaration of the Buenos Aires Group of nations in respect of the Proposed Consensus Decision as being a clear representation of its views (see IWC/62/OS, the Member Government's Opening Statements). It emphasised the constructive and open dialogue that had taken place, and recognised that many of the cornerstone actions of the proposal were shared by all Contracting Governments, e.g. recovery of over-exploited whale populations, work to reduce ship strikes and to understand the effects of changing climate on cetaceans. It recognised the need to continue to build dialogue and it believed that it should be possible to work towards a minimum compromise to guide the future work of the IWC.

Argentina also referred to the views of the Buenos Aires Group. Although it supported some elements of the Proposed Consensus Decision, it believed that there were others that made it unsuitable as a basis for consensus, e.g. acceptance of catch limits that were not significantly lower than at present and that weakened the moratorium, lack of prevention of international trade and legitimisation of whaling in the Southern Ocean Sanctuary. It also believed that whaling nations should bear the costs of the monitoring, control and surveillance measures. Argentina noted the progress which had been made since the moratorium and during the negotiations in a range of areas including the

⁶The nations and groups involved were as follows: (1) Japan; (2) Iceland; (3) Norway; (4) Korea; (5) the Buenos Aires Group of Latin American countries; (6) the EU countries; (7) the African nations; (8) Small Island Developing States; (9) a group comprising Australia, the USA, New Zealand, Israel, Monaco and Oman; and (10) a group comprising Switzerland, the Russian Federation and Denmark.

recovery of overexploited whale populations, the work of the Scientific and Conservation Committees, and the assessments of climate change, emerging diseases, pollution and underwater sound. It suggested that this work must continue and that a separation of the meeting of the Scientific Committee from the Commission meeting may help support the distribution of information. Argentina pledged to continue working toward consensus and celebrated the openness of recent meetings.

Mexico also stated its support for the joint position of the Buenos Aires Group. It found that the discussions on the 'Future of the IWC' had been fruitful and positive, but that it could not support measures in the proposal which were contrary to the spirit of the moratorium and could be interpreted as leaving the door open for other commercial catches in the future. It noted this was the fourth attempt to establish a compromise whaling proposal within the Commission (the previous ones being the Irish Proposal, the RMS discussions and Chairman Hogarth's proposal, and all had met with similar outcomes. In moving forwards, Mexico considered it was possible to improve governance measures within the Commission but that a cooling-off period should be introduced prior to IWC/63 in 2011.

Brazil also supported the position of the Buenos Aires Group. It believed that elements of the Proposed Consensus Decision were problematic and it could not be part of a proposal which may be seen as undermining the moratorium or which permitted scientific whaling in Sanctuaries. However, it also recognised that much progress had been made in terms of mutual understanding and said that it was fully committed to the future and to finding common ground in relation to governance and capacity building. It supported a pause period so as to allow reflection on what the next steps may be to establishing the IWC as a modern conservation organisation.

Chile concurred with the views of the countries of the Buenos Aires Group and re-iterated its support for conservation and non-lethal use of whales and to continued work to find a solution to the problems of the IWC. Its domestic laws prohibited whaling and it continued to promote the moratorium, respect for sanctuaries, and an end to scientific and commercial whaling under reservation. A similar view was held by Ecuador who stressed its support for conservation, the continuation of the moratorium, the suspension of lethal scientific whaling and the need for ongoing research on cetacean ecology.

Panama also supported the statement of the Buenos Aires Group and re-iterated its commitment to conservation and the maintenance of the moratorium. It stated that it was hoping to reduce and ultimately eliminate commercial whaling and that the Commission should continue to work jointly through dialogue to reach consensus on these difficult issues. It attached importance to non-lethal use of whales (especially whalewatching) and supported the use of sanctuaries, especially in the Southern Ocean, as excellent mechanisms to ensure the survival of whale populations. It agreed with the proposed cooling-off period and associated with Mexico's comments that guidance should be developed on how to use the period. It suggested that an intersessional meeting of the Commission prior to its 63rd Annual Meeting in 2011 was appropriate. Costa Rica held similar views and supported the position of the Buenos Aires Group.

The USA reluctantly concluded that after three years of discussions the future process was at an impasse. It had always worked for the conservation of whales and had given its support to the moratorium while working to achieve

significant reductions to the lethal scientific and commercial whaling that continued despite the moratorium. It has also worked to refocus the IWC on conservation issues. The USA also noted that it had enjoyed the constructive dialogue that had taken place during the process, welcomed the new relationships it had developed and remained optimistic that the institution could work its way out of the current difficult position.

Australia noted that its views on the Proposed Consensus Decision were well known and it associated with Argentina's comments. It considered that many positive cultural changes had developed within the IWC during the process; the recent level of frank and respectful dialogue was characteristic of an organisation that can manage its challenges and realise its potential, and was a notable departure from the previous period of acrimony within the Commission. Australia said that while it held strong views on Article VIII it was still possible to make progress by embracing the vision statement within the Proposed Consensus Decision and by working co-operatively. To do this it believed that a practical programme of collaboration would be required, including an international capacity building programme, implementation of the proposals discussed by the Intersessional Correspondence Group on the Scientific Committee, improving the ability of developing nations to participate in the IWC, embracing fully the French and Spanish languages, continuation of critical work on western gray whales and southern right whales and continued work on human induced threats to cetaceans. Australia considered that it was now time to close the door on the Proposed Consensus Decision and that these next steps should be supported by an organisation that maintained best practice management and governance procedures. It believed that there was a need for the IWC to take stock of its rules and standards and develop clear and transparent procedures.

New Zealand also commented upon the cultural improvements that had taken place and that it had a positive view of the process. It recalled that for many years the IWC had been a troubled organisation with members debating the fundamental purpose of the 1946 ICRW regarding whale conservation and hunting. Sir Geoffrey Palmer, as Chair of the Support Group, reviewed the extensive work undertaken since 2007 when the diplomatic process to resolve the impasse had commenced. He particularly paid tribute to the role of the USA for its energy and leadership during the negotiating process, and to Japan for their huge commitment and their willingness for compromise. New Zealand stated that its own primary purpose in joining the negotiations was to remove whaling from the Southern Ocean, and while recognising that this had not been achieved it commented that the establishment of a diplomatic way of working within the Commission was a positive gain which must be retained. With regards to next steps New Zealand considered that it would be possible to either: (1) continue negotiations; (2) invent a new process; or (3) take a pause to allow for rest and reflection. Of these, it recommended a pause as the most appropriate action.

India referred to its more detailed views provided in its opening statement (see IWC/62/OS India). It noted its support for: the conservation of whales as an important component of the marine ecosystem; the moratorium; a reduction in the numbers of whales being killed for research; continued acceptance of aboriginal hunting; the necessity to maintain peaceful dialogue at IWC meetings; and its opposition to any form of violent protest at sea. It believed that it was necessary to assess all whale stocks, especially those in the

Indian Ocean (including small cetaceans). It noted that it was necessary to address all anthropogenic threats to whales, including the influence of climate change and recommended that the IWC be renamed to the 'International Commission for Whales'.

Spain, in its role as President of the European Union, spoke on behalf of the 25 member states that were contracting parties to the IWC. It noted that it had come to IWC willing and eager to negotiate and had valued the discussions which had taken place. It said that differences continued to exist and that these had been laid out in the EU countries' opening statement. Spain commented that it and the EU countries remained committed to exchanging opinions on the best way to move forwards, and it did not consider that the planned pause should mean that the *status quo* would continue.

Belgium supported continued negotiations on the future of the IWC and considered that the Proposed Consensus Decision should continue to serve as a basis for discussions. It did not believe that a cooling-off period was appropriate but stated that if one was to be instigated then it must not turn into a period of hibernation. Germany recalled its active participation in the 'Future of the IWC' process and stated that as a representative of the EU countries it had placed high emphasis on protection and conservation of whales. It supported the concept of a cooling-off period, but not an entire standstill in negotiations. Portugal echoed these comments and requested the Chair to develop a strategy and vision to guide the Commission's preparations for the next Annual Meeting.

Ireland placed great importance on the IWC as the world's foremost authority on the conservation and management of whales. Although differing viewpoints remained there was a greatly increased level of understanding on how to deal with its issues. Ireland supported the EU position and drew attention to trade, catch limits, sanctuaries and conservation issues including emerging threats to cetaceans as key areas. Italy supported this view and also associated itself with the statement of Belgium.

France also supported the EU position and stated that the issues of trade and the Southern Ocean Sanctuary were of specific importance. It supported any process which would continue to break down the deadlock within the organisation, including work to review Articles V and VIII of the ICRW, so as to improve governance and enhance the international role of the IWC. The Netherlands supported this view.

The United Kingdom reiterated its support for the EU position and welcomed the work of the support group and the spirit of the discussions at Agadir which helped in understanding the views of others. Important issues for the UK included trade, catches, sanctuaries, threats, best science and welfare. It stated the need to continue the work of IWC and especially its Scientific Committee, and affirmed that it would continue to engage in dialogue to develop the organisation.

Denmark stated that although the level of politeness at IWC had increased, there had been no substantive changes in views or understanding between nations who wished to advance conservation and other nations who wished to develop the management side of the organisation. Referring to the EU position, Denmark reminded the Commission that when it spoke it did so to represent the interests of Greenland and the Faroe Islands, and that in doing this it was not part of the EU position.

Monaco considered that significant progress had been made during the negotiations but that substantive gaps still existed between parties and so it supported closing the door on the Proposed Consensus Decision. In moving forwards,

Monaco noted that agreements existed in many areas, such as the need to base catch limits on science which integrated all human based mortalities. Monaco suggested that in the future, limited sustainable whaling would have to be accepted, with restrictions in numbers and area. It thought that sustainability can be compromised when resources are harvested far from a nation's home territory, especially as resources in the open ocean do not belong to any one country. It suggested that an agreement must be developed which allowed whaling in sovereign waters only.

St Kitts and Nevis considered that international agreements should be based on a spirit of compromise, and that it had misgivings about the Commission's inability to make a compromise agreement and to function as an effective conservation and management body including a viable whaling industry. Despite this, it noted many positives in the process, especially the greater inclusion of developing countries in negotiations and the proposed IWC co-operation programme to provide resources to developing country members. It noted that there was consensus on the need for such measures. It endorsed the cooling-off period, but suggested that it was not right to close the door on the Proposed Consensus Decision as this represented the furthest the Commission had travelled in developing a proposal that was acceptable to all parties. Grenada and Kiribati supported these comments. Nauru referred to the rights, culture and traditions of people who take whales as part of their livelihood and survival, and aligned itself with the comments made by St Kitts and Nevis. Tanzania supported the comments of St Kitts and Nevis in regard to developing country participation, and indicated that use of living marine resources should be based on science.

St Lucia also noted the recent improvement in behaviour at the IWC. It referred to the need to base decisions on whale hunting on science, and stated that as long as scientific advice stated that the harvesting of whales was sustainable, then whales would be caught by countries for food. St Lucia considered that the IWC must grow to respect cultural differences between countries, and that a pause in negotiations may be the best current option. St Vincent and The Grenadines associated with the comments of St Lucia, and also associated with St Kitts and Nevis in respect of developing country participation at IWC. Côte d'Ivoire supported St Lucia's intervention and stated that countries must be prepared to negotiate, rather than sticking to fundamental principles, in order to overcome the profound differences within the organisation.

Korea also recognised the need for a pause in negotiations but suggested some guidance on how to use the pause period was necessary. In its view the Proposed Consensus Decision unduly penalises those countries that do not currently conduct whaling but which have communities, such as at Ulsan, where consumption of meat and other products from incidentally caught whales continues to be part of the cultural tradition. Following the moratorium, Korea had phased out commercial whaling operations and it considered the RMP represented the best scientific approach to managing whaling and looked forward to the completion of the RMP *Implementation* for western North Pacific common minke whales. Korea reflected on the negotiating process to date and considered that the Commission was primarily divided by the proposals for sanctuaries and for the moratorium. To resolve the differences an approach based on both science and balance would be required.

Iceland stated that it attaches great importance to the rights of coastal states to use whales and other living marine

resources in a sustainable manner. It suggested that when a compromise is desired between countries that either support or are against whaling, then the obvious compromise is limited whaling and that this philosophy had developed within the Support Group of which Iceland was a member. The compromise had been based on two objectives, those being improved conservation of whales and management of whaling. Iceland agreed with Australia that the improved relationships and understanding between countries had led to increasing respect for each other's views and that this was a pre-requisite for the improved functioning of the IWC and a compromise arrangement in the future. It suggested that a pause in negotiations was the most appropriate course of action.

South Africa considered that the process had led to significant steps being taken towards securing the future of the IWC. It also supported a cooling off-period for one year, after which it would participate in future discussions with an open mind.

Morocco commended the constructive and frank nature of the debate and noted that the IWC has developed greater maturity and responsibility during the process.

The Chair thanked all Contracting Governments for their frank and constructive comments under this Agenda Item. Recognising that the Commission was not in a position to come to a consensus agreement he indicated he would make a proposal on how the Commission could continue to move forwards. Accordingly the Agenda Item was left open and discussions continued on 25 June.

3.3.2 Discussions on 25 June

3.3.2.1 STATEMENT ON SUBSISTENCE WHALING QUOTAS

At the invitation of the Chair, the USA referred to its proposal (documents IWC/62/26 and IWC/62/29) on the renewal of IWC quotas for indigenous whaling. Edward Itta, a whaling captain and member of the Alaska Eskimo Whaling Commission, provided an introduction to the hardships of life in northern Alaska and the sustainability of the indigenous take of bowhead whales. He referred to the IWC as the forum for providing global oversight for indigenous whaling and drew attention to the uncertainty caused by the IWC's process for renewal of indigenous quotas. The USA referred to its proposal (IWC/62/26) which was intended to remove the uncertainty from the process of agreeing indigenous hunting quotas and stated that after consultation it had become apparent that the proposal would not achieve the required consensus. Accordingly the USA withdrew the proposal, but remained concerned how the Commission would deal with this important issue in the future.

3.3.2.2 A PROPOSAL FROM THE CHAIR ON THE WAY FORWARD

Despite the extensive discussions and efforts by many countries, the Chair concluded that the Commission was not in a position to come to a consensus agreement on the measures contained in the Proposed Consensus Decision. However, he also noted that during discussions there had been support for a period of reflection. Accordingly, he introduced 'A proposal from the Chair on a way forward' which suggested a framework for how to use the period of reflection (this can be found as Annex F). This contained a twofold approach: (1) member countries would work together to take initiatives on a small number of matters of importance but which had not received general support; and (2) an agreement to minimise Plenary discussions on contentious matters for which it is clear that no progress will be made.

In discussion, several Contracting Governments proposed minor changes or modifications to the document that were incorporated. The Proposal remained a personal guide from the Chair rather than an agreed document between the parties on how the Commission should proceed.

3.3.2.3 THE INTERSESSIONAL CORRESPONDENCE GROUP ON MATTERS RELEVANT TO THE SCIENTIFIC COMMITTEE

Australia referred to the work of the Intersessional Correspondence Group (IGC) on matters relevant to the Scientific Committee which considered a number of items that could be progressed while the main discussions on the Future of the IWC took place separately. One of these issues was the separation of the Scientific Committee from the Commission meeting. Australia referred to a discussion document prepared by the Secretariat following on from the IGC process (IWC/62/16) which suggested that the Scientific Committee meeting could be held at around its normal time and the Commission meeting moved to take place in September. Australia believed that a separation of the meetings would help improve the efficacy of Commission decision making.

Several Contracting Governments supported this proposal in principle, noting that the timing of the Scientific Committee meeting must remain fixed to allow for other commitments. Given the lack of clarity on the timing and location of IWC/63 in 2011, the Chair decided not to make a decision on this matter but instead to schedule a fuller discussion of the proposal at IWC/63 in 2011.

4. WHALE STOCKS⁷

4.1 Antarctic minke whales

4.1.1 Report of the Scientific Committee

The Scientific Committee Chair reviewed the ongoing work to undertake an in-depth assessment of the Antarctic minke whale. The primary data are those collected from the IWC-IDCR/SOWER⁸ cruises (1978/79 to 2003/04) that had been divided into three circumpolar series (CPI, CPII and CPIII). Two different methods for estimating minke whale abundance from these data had been developed during the last few years (a standard hazard probability model and a spatial model) and although they give different estimates of abundance, both are consistent in showing an appreciable decline between CPII and CPIII.

With regard to the difference between the abundance estimates, the Committee has developed a work plan and a contingency plan which will allow it to report an agreed abundance estimate at the 2011 meeting. In relation to the apparent decline in minke whale abundance between CPII and CPIII, the Chair of the Scientific Committee noted that the Committee is considering a number of possible explanations, including a change in the number of animals that are in the pack ice over time and thus not available to be seen by survey vessels. This year the Committee considered several papers which reported and analysed data from surveys of whales within the pack ice. These included an aerial survey conducted by the Australian East Antarctic programme in conjunction with the IWC/SOWER survey and a German aerial survey. Work continues on examining the causes for the appreciable declines in the estimates.

⁷For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 12. [2011].

⁸International Decade of Cetacean Research/Southern Ocean Whale and Ecosystem Research Programme.

Once the abundance estimate is available it can be incorporated into a catch-at-age based assessment model. After discussions at the 2009 JARPA review, an experiment to investigate potential age reading errors was designed and it was completed this year. The Committee agreed that no further experiments or analysis of age reading errors were required, and a work plan was developed to complete the catch-at-age based assessment.

4.1.2 Commission discussion and action arising

The UK supported the continuation of the Scientific Committee's investigation into the differences between the two abundance estimates, noting that both methods showed an alarming decline in estimates over time which may be of significance for whale populations. It urged that determining the reasons for the decline should be given high priority.

Japan said it was unfortunate that as yet there was no convergence of scientific views on the status of Antarctic minke whales and noted the Committee's preparations to provide a final abundance estimate in 2011. With respect to the difference between CPII and CPIII, it believed the status of pack ice had the greatest influence; when ice is extensive, estimates are lower because the animals are in areas which research vessels are unable to survey. CPIII surveys occurred when the ice extent was greater than CPII. The need to examine differences on a regional basis was stressed – for example the largest apparent declines were for Areas II and III where ice conditions fluctuated substantially from year to year. It doubted that a catastrophic event had taken place between CPII and CPIII. It looked forward to agreement being reached at the next Scientific Committee meeting and noted that if the RMP was used to generate catch limits they would be substantial compared to Japan's current research activities, i.e. Japan's current research whaling activities were taking place sustainably.

Mexico agreed with several points made by the UK and Japan, and recalled that despite efforts over many years, the differences in the estimated abundance between the two methods had still not been resolved. It urged that efforts to resolve the differences and to find reasons for the observed declines in the estimates continue. It referred to the need for management measures to ensure effective conservation. It noted the Scientific Committee had completed its analysis of age reading errors and thanked the Committee for its work.

The Commission noted the Scientific Committee report and endorsed its recommendations.

4.2 Southern Hemisphere humpback whales

4.2.1 Report of the Scientific Committee

The Scientific Committee has been undertaking in-depth assessments of Southern Hemisphere humpback whales since 1992. Seven breeding stocks (A-G) are recognised which are connected to feeding grounds in the Southern Ocean. The assessments of four stocks have been completed thus far, these being stock A (eastern South America), stock D (western Australia), stock G (western South America) and stock C (eastern Africa).

This year the main focus was on breeding stock B which is found in waters off western Africa. The Chair of the Scientific Committee reported that extensive discussion had taken place on the structure of this stock which led the Committee to recommend a mixed stock assessment, and that a work plan had been developed to conclude this assessment by 2011 when assessment of the two remaining stocks (stocks E and F – eastern Australia and Polynesia) will also commence.

Although a Northern Hemisphere population, the Chair of the Scientific Committee highlighted the Committee's grave concern over the status of the Arabian Sea humpback whale population that may number as few as 82 individuals.

4.2.2 Commission discussion and action arising

New Zealand welcomed the expected start of assessments for breeding stocks E and F which overwinter in the waters of east Australia and around several Pacific Ocean islands and territories which includes a vast expanse of ocean from New Caledonia to French Polynesia. New Zealand noted that extensive collaborative non-lethal research programmes based on genetic sampling and photo-id revealed a complex picture with mixing of sub-stocks on both breeding grounds and feeding grounds. It noted with concern the results of collaboration between researchers in a number of specific island countries which concluded that total abundance of humpback whales in Oceania is less than 10% of abundance in 1900. It stated that recovery in relation to these stocks is not occurring to any great degree. New Zealand highlighted two important conclusions from this research: (i) that non-lethal methods are more than adequate for scientific research to provide management advice for humpback whales in Oceania; and (ii) that commercial whaling operations for humpback whales on Southern Ocean feeding grounds decades ago have severely inhibited the ability of Pacific Island states to develop whalewatching industries. It commented that growth in these particular humpback whale populations is extremely slow and all efforts should be made to protect their recovery.

With respect to the Arabian Sea population, the USA agreed with the Scientific Committee that it may be a good candidate for the development of a Conservation Management Plan. The USA also suggested that it should be added to the list of endangered whale populations currently being monitored by the Conservation Committee.

Australia drew attention to the preliminary results of the joint Australia-New Zealand Antarctic whale expedition and referred to a side event of the current meeting where they would release the results of this non-lethal research programme.

Mexico concurred with the views expressed by New Zealand, Australia and the USA. In particular, it noted the potential value of a Conservation Management Plan for Arabian Sea humpback whales, noting that they had been severely depleted by illegal Soviet hunting.

Oman welcomed the Scientific Committee's report and interest in the Arabian Sea humpback whale population, but stressed that it believed that further studies should be undertaken before the Commission accepted the conclusions on status and threats. The Chair of the Scientific Committee responded that the Committee had also suggested the need for more research, and so were in full agreement that more data were needed on abundance, stock structure and mortality estimates for the Arabian Sea population.

The Commission noted the Scientific Committee report and endorsed its recommendations.

4.3 Southern Hemisphere blue whales

4.3.1 Report of the Scientific Committee

The Scientific Committee recently completed a circumpolar assessment of Antarctic blue whales which indicated that, whilst still severely depleted, blue whales appear to be increasing at around 8% annually. The Chair of the Scientific Committee reported that the next stage of this assessment would be to undertake area specific studies and also to look

at the possibility of undertaking assessments for pygmy blue whales. This year the Committee examined new methods of estimating abundance including photographic and genetic mark-recapture methods and acoustic techniques. It also received a progress report on the co-operative Southern Hemisphere blue whale photo-identification catalogue which incorporated photos from the JARPA and IDCR/SOWER cruises, and noted that work on matching the photos was underway. The Chair of the Scientific Committee also reported that the Committee was aware of work on surveys, telemetry, genetics and acoustics which would contribute to area-specific assessments in the future. The Committee encouraged continuation of these projects.

4.3.2 Commission discussion and action arising

The Commission noted the Scientific Committee report and endorsed its recommendations

4.4 Western North Pacific gray whales

4.4.1 Report of the Scientific Committee

Special attention was paid to the status of the critically endangered western North Pacific gray whale, whose population numbers only about 130 animals and which faces anthropogenic threats from oil and gas activities on its feeding grounds and entanglements in fishing gear throughout its range. The Committee received papers on genetics, distribution, abundance and life history parameters and made a number of research recommendations. The Committee strongly endorsed the first draft of a conservation plan for this population which included 11 focused actions related to co-ordination, public awareness, conservation research, monitoring and mitigation and recommended the plan to the Commission and range states. It recommended that it be broadly distributed and used as a model for the development of other cetacean conservation plans. The Committee also received information on a Japanese educational programme for fishermen and on a telemetry programme due to take place in summer 2010.

The Chair of the Scientific Committee re-emphasised the Committee's views on the importance of long-term monitoring and recommended that if the observed density of gray whales in the Piltun feeding area continues to decline or remains lower than in previous years, then future studies should investigate possible causes, e.g. natural variation, industrial disturbance, etc.

In terms of conservation advice, the Committee recommended: (i) postponement of a seismic survey planned for 2010 in a high density area of western gray whales at a peak period by Rosneft; and (ii) support for continuation of the work of the IUCN western gray whale advisory panel (WGWAP).

4.4.2 Commission discussion and action arising

Japan, one of the range states, stated its serious concern over the depleted status of the western gray whale. It noted that the Japanese Fishery Resources Protection Act was strengthened in 2008 to give full protection to this population by prohibiting catch, possession and distribution of any parts of a gray whale. Japan had also been conducting educational programmes for set net fishermen in order to avoid bycatch and noted that incidental takes had been reported since January 2007. It said it was committed to preventing human-induced mortality to this depleted population and to working with other range states to strengthen the programme.

The Russian Federation, another range state, also recognised the need to conserve this population. It endorsed the gray whale conservation plan and indicated that it would

follow the programme whenever possible. It also noted that its scientists were undertaking joint genetic studies with Japanese colleagues and this summer will undertake a tagging programme on gray whales.

The Russian Federation also expressed some concern over some of the terms and recommendations in the Scientific Committee report relating to Rosneft, and questioned the independence of the scientists involved. It noted that the five year contract between IUCN and Sakhalin Energy that established the WGWAP would expire at the end of 2011 and it remained to be seen under what terms a similar panel process will continue beyond that time. With respect to seismic surveys, the Russian Federation indicated that the oil companies involved in the Sakhalin project were also involved in conservation and mitigation planning in connection with their planned seismic surveys in 2010 and in 2011. It stated that Rosneft took advice from Russian scientists co-ordinated by the Government of the Russian Federation (through the Russian Interagency Working Group on Western Gray Whale Conservation) on how to conduct seismic surveys. However, it was aware of the concerns with Rosneft's seismic surveys and would inform the Ministries and Agencies of the Government of the Russian Federation accordingly.

Korea, another range state, reported that it had designated the western gray whale as a protected species in its national waters in the 1960s although, despite the existence of a monitoring plan, it has not observed the species in Korean waters for the last 20 years. It strongly supported the conservation plan for this population and hoped that the Commission would endorse and fund it.

The USA noted that this is one of the world's most endangered populations of large whales. It endorsed the conservation management plan, recommended that it be broadly distributed and agreed that it provides a model for the development of other plans. It hoped that range states would support and implement the actions in the plan. The USA also agreed with the Scientific Committee recommendations that seismic surveys off Sakhalin should only occur if they take place as early as possible in June (i.e. when few if any whales are present) and if an adequate monitoring and mitigation plan is in place. All oil and gas operations around Sakhalin should operate following best possible practices so as to protect these whales and their habitat. Mexico supported these comments.

Monaco also noted the critical status of the western gray whale and drew attention to the Scientific Committee's endorsement of the draft conservation plan and hoped that the Commission would do the same. One of the objectives of the plan is a reduction of anthropogenic mortality to zero, and it was encouraged by the measures taken by the Japanese authorities as the lack of apparent entrapment of gray whales in Japanese coastal waters gave grounds for cautious optimism.

In relation to the seismic surveys Monaco noted the Scientific Committee's strong recommendation that the survey planned by Rosneft be delayed from July/August 2010 to June 2011, both to avoid peak abundance of gray whales and to allow a monitoring and mitigation plan to be developed, and hoped that the Commission would also endorse this recommendation and the Russian Federation would work with the relevant authorities to address the problem.

The United Kingdom was also concerned with the critically endangered status of this population and welcomed the mitigation work of some range states. It noted that the

July 2010 seismic survey coincided with a critical feeding period and urged consideration of the Scientific Committee's advice including that the survey be postponed until June 2011. The UK also supported work on conservation plans and agreed with the USA that the western gray whale plan could be considered exemplary. It commented on its long standing support of the WGWAP and had faith in its independence. It hoped that the Commission would endorse the recommendations of the Scientific Committee on these issues.

Austria was also concerned about highly endangered species and stocks and was grateful for efforts to protect the western gray whale. It agreed with the IUCN recommendations and hoped that they would be endorsed by the Commission. It stated that the contribution of the IWC to the international year of biodiversity must be to ensure that all cetacean populations remain as resilient and healthy components of the marine ecosystem. It recognised that in the light of the extinction of the baiji dolphin of China, the western gray whale is a test case for the IWC. It suggested that the IWC encompass the most endangered stocks in a separate agenda item to ensure they are not lost in the consideration of other business.

The IUCN recalled that the WGWAP was one of the bodies that recommended the planned 2010 seismic programme be postponed, both to avoid gray whale peak abundance and allow for the development of mitigation and monitoring plan. Last year, when the Panel made a similar request to Sakhalin Energy in respect of a previous survey it was indeed postponed and the appropriate mitigation and monitoring measures put in place. The IUCN hoped that a similar arrangement could be developed for the survey planned in 2010.

The Commission noted the Scientific Committee report and endorsed its recommendations.

4.5 Southern Hemisphere right whales

4.5.1 Report of the Scientific Committee

The Chair of the Scientific Committee reported that a long term monitoring programme for right whales along the southern Australian coast estimated a rate of annual increase for cow/calf pairs of 7.5% between 1993 and 2009 and a total Australian population of around 3,000. Genetic comparison of right whales around the Auckland Islands and New Zealand showed evidence of movement between the two regions.

In response to the recent high mortality of first year right whale calves around Peninsula Valdés, Argentina referred to a Workshop to investigate possible causes which was held in March 2010 as part of a long-term monitoring programme. Three leading hypotheses emerged: (1) reduced food availability for adult females; (2) biotoxins; and (3) infectious disease. A number of recommendations to improve understanding of the causes were made including continuation of the long term monitoring and necropsy programmes. The Committee also welcomed measures to control nuisance kelp gulls and recognised the importance of governmental commitment to the conservation of right whales.

The long-term monitoring programme for South African right whales has revealed an annual growth rate of around 7% and a population size in 2006 of about 4,100 animals. However the Committee was concerned to hear of potential natural gas developments in the South African region which is home to about 75% of the cow-calf pairs in the spring time. It recommended that all permits issued should contain

mitigation measures to avoid disturbance to right whales.

A Workshop will be held in Argentina in September 2011 to provide updated assessments of southern right whale populations. The Committee re-emphasised the importance of long-term monitoring programmes to conservation efforts and also endorsed a proposal to establish a Southern Ocean right whale photo-id catalogue.

4.5.2 Commission discussion and action arising

New Zealand reported on a recent research expedition to the Auckland Islands which included Australian and Chilean scientists. Telemetry results showed that the animals moved north to feed (a reversal of the general migratory pattern of baleen whales). New Zealand suggested that these animals are excellent candidates for long terms studies of effects of climate change on migration patterns and supported their inclusion in the Southern Ocean Research Partnership (SORP) as a priority species.

The USA welcomed the results of the May 2010 Workshop and noted that since 2003, 366 deaths of southern right whales had been recorded of which 90% were first year calves. It hoped that the Scientific Committee would continue to explore the reasons for this mortality.

Argentina also supported the Scientific Committee recommendations and thanked the scientists who took part in the Peninsula Valdés Workshop. The right whale can be considered a flagship species and over 40 years of useful data had been collected. It supported the studies and conclusions of the Workshop, especially in regards to the continuation of the long-term monitoring programme. It was also pleased to hear of plans for a Workshop in September 2011 on the southern right whale, which it considered to be timely as the last global assessment by the IWC took place in 1998. Brazil thanked the USA and Argentina for the Peninsula Valdés Workshop and agreed with the need to continue surveys.

The Commission noted the Scientific Committee report and endorsed its recommendations.

4.6 Other stocks of right whales and small stocks of bowhead whales

4.6.1 Report of the Scientific Committee

NORTH ATLANTIC RIGHT WHALES

This critically endangered small stock (around 400 individuals) is vulnerable to ship strikes and entanglements. Recent studies from a long-term monitoring programme suggested some growth in the population and this, along with successive years of improved calf production and the introduction of new management measures, provided the Scientific Committee with grounds for cautious optimism. However, it also repeated its previous recommendation that every effort should be made to reduce human-induced mortalities to zero.

NORTH PACIFIC RIGHT WHALES

This extremely small stock (probably less than 100 individuals) from the Bering Sea and Aleutian Islands is critically endangered and the Committee considered it a matter of absolute urgency that further research be conducted on these right whales, including identifying current sources of human-induced mortality.

4.6.2 Commission discussion and action arising

The Commission noted the Scientific Committee report and endorsed its recommendations.

4.7 Research cruises (SOWER and North Pacific)

4.7.1 *Report of the Scientific Committee*

ANTARCTIC SOWER CRUISES

The final IDCR/SOWER cruise took place in 2009/10 and had two main objectives: (1) to undertake a sightings survey in collaboration with an Australian Antarctic Division aerial survey; and (2) to continue research on the priority species (southern right, blue, fin and humpback whales). The cruise was successful and the Committee thanked the Government of Japan for the provision of the vessel and crew, and also thanked all member nations and researchers involved for their contributions. The Committee recognised that the data collected during the programme, which began in 1978/79 provided an unparalleled source of information on Antarctic cetaceans. The Committee also received plans for a systematic Japanese survey within Areas VI and V from December 2010 to February 2011.

NORTH PACIFIC CRUISES

The Committee established a work plan to develop a proposal for a medium to long-term co-operative research programme to provide information for whale conservation and management in the North Pacific. In support of this, an intersessional meeting took place in Japan in September 2009. The Committee endorsed plans for a survey in July and August 2010 and a further planning Workshop will be held in September 2010 for future cruises. Recognising the importance of obtaining biopsy samples to any North Pacific programme, the Scientific Committee recommended that investigations into the use of institutional CITES permits begin immediately. Finally the Chair of the Scientific Committee noted that Japan would also conduct two further sightings surveys in the North Pacific in 2010 to examine the distribution of sei, Bryde's and minke whales to estimate abundance for use in the RMP.

4.7.2 *Commission discussion and action arising*

The USA recorded its strong support for the 2010 North Pacific research cruise sponsored by the Government of Japan but was concerned that problems regarding the issuance of CITES permits could hinder its undertaking. It hoped these issues would be quickly resolved.

Australia drew attention to the ending of 30 years of sighting surveys and non-lethal collaborative research under the SOWER programme. It remarked that the programme was an enormous investment from Japan and the Scientific Committee, and that the programme provided extensive information on Southern Ocean whales. Australia hoped the Commission would endorse the value of this collaborative work and recommend that all countries continue to engage in similar projects.

Japan said it had been a great pleasure to conduct the IDCR/SOWER sightings surveys and described them as flagship research for the IWC which was also symbolic of co-operation between Contracting Governments. Japan continued to believe in the importance of research for estimating stock size and structure, and this year would be restricting its research efforts to the North Pacific, including within the 200n.mile EEZ of the USA. A major target for the sightings surveys would be sei whales.

Japan thanked the Government of the USA for its assistance in generating the necessary permits to work within the country's 200n.mile zone, and for the placement of American scientists on the research vessel. It thanked the Government of Korea for also sending research scientists. In regards to CITES permits, Japan indicated it would like to solve the issue as quickly as possible, and expressed

its continued commitment to working with the countries concerned on this issue.

Korea thanked Japan for the acceptance of Korean scientists aboard the research vessel for the forthcoming North Pacific cruise. It noted the importance of obtaining the best scientific information, and indicated its ongoing support for research aimed at the conservation and management of whale resources.

The Chair thanked Japan and the many scientists involved in the surveys, and noted their contribution to increasing the IWC's scientific capacity.

The Commission noted the Scientific Committee report and endorsed its recommendations.

5. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES

The Working Group on Whale Killing Methods and Associated Welfare Issues did not meet prior to IWC/62 so as to allow extra time for discussions on the future of the IWC. Instead the issues that it normally addresses were dealt with under Agenda Item 5.1.

5.1 Data on whales killed and on improving the humaneness of whaling operations

5.1.1 *Reports from Contracting Governments with whaling operations*

Data on whales killed were voluntarily provided by New Zealand, the USA, the Russian Federation, Norway and Denmark on behalf of Greenland.

New Zealand reported on the euthanasia of 54 whales and dolphins (of which 49 were pilot whales) which had stranded around its coastline between April 2009 and March 2010. The chosen method of dispatch was by rifle and death was often instantaneous. A variety of necropsy samples were taken.

The USA reported that in 2009, 31 bowhead whales were landed, of which 29 were taken using the traditional hand thrown darting gun harpoon with a traditional shoulder gun used as the secondary killing method. Two were taken using the penthrite projectile. Seven whales were struck and lost in 2009 which represents an efficiency of 82%, which is above the 79% average efficiency of the last ten years and contributes to the AEWCS's⁹ ongoing commitment to increasing efficiency. The AEWCS continues to emphasise training and certification of hunters in using the penthrite darting gun and intends to encourage future use of this improved weapons system.

The Russian Federation reported that 115 gray whales were hunted in Chukotkan waters, of which one was lost and six were 'stinky', i.e. inedible. Harpoons and floats were used for all whales, in addition to darting guns (71 whales) and rifles (110 whales).

Norway reported that in 2009, 484 whales were taken by 21 vessels. No vessels reported lost whales and inspectors from the Directorate of Fisheries carried out land-based inspections. One vessel was reported to the police on suspicions of infringement of the national and international ban on using cold grenade harpoons. The case has not yet been concluded by the court but the Directorate of Fisheries excluded the vessel from the hunt in 2010 and the value of the assumed illegal catch was confiscated. This administrative action has been appealed to the Ministry of Fisheries and Coastal Affairs.

⁹Alaska Eskimo Whaling Commission.

Norway also reported that they worked with various nations to improve their whale hunting, including the holding of a workshop in Iceland in 2009.

Denmark, on behalf of Greenland, reported that 165 and 4 (including 11 struck and lost) minke whales were harvested in west and east Greenland respectively. Ten fin whales had also been harvested, including 2 struck and lost. Penthrite grenades and rifles were used as both primary and secondary killing methods depending on the stock and average times to death were reported as 5 minutes for penthrite grenades and 29 minutes for rifles. Denmark on behalf of Greenland also reported that the hunting of bowhead whales in western Greenland was undertaken during a testing period and that it was closely followed by wildlife officers from the Ministry of Fisheries, Hunting and Agriculture and the Greenland Institute of Natural Resources to improve the efficiency of the hunt.

5.1.2 Commission discussions and action arising

Austria considered that improvement with regard to welfare during indigenous hunting was possible and stated that some of the data in the reports were not encouraging. It was disappointed at the lack of data from some hunts; next year it hoped to see reports from St Vincent and The Grenadines and time to death information from the USA.

The UK believed that the IWC must continue to take responsibility for the way in which whales are killed and urged countries to address the reported continued use of cold harpoons. The UK also encouraged countries to provide welfare data to the IWC in order that it can continue to make progress on these important issues.

5.2 Welfare issues associated with the entanglement of large whales

5.2.1 Report of the Workshop on Welfare Issues Associated with the Entanglement of Large Whales

An IWC Workshop on Welfare Issues Associated with the Entanglement of Large Whales was held from 13-15 April 2010 in Maui, Hawaii. The Workshop brought together a group of experts to develop guidelines for dealing with entangled whales, including appropriate methods for euthanasia in circumstances when this is the most appropriate course of action.

Entanglements of all large whale species can occur (at varying rates) throughout their geographical range. The Workshop expressed concern that there is severe under-reporting of entangled whales in the IWC National Progress Reports. It recommended that coastal nations should establish adequate monitoring programmes, especially in areas where fishing operations overlap with the distributions of endangered or depleted populations including for example western North Pacific gray whales, North Pacific and North Atlantic right whales and 'J' stock minke whales.

The Workshop urged the setting up of response capabilities for entanglement events, especially for high risk areas. Any country that has coastal whale populations and static or drifting fishing gear should consider the potential for entanglements to exist. The Workshop developed an assessment and decision tree for responding to large whale entanglements and identified human safety, the welfare of the entangled animal and its conservation status as important considerations. The Workshop noted that animal behaviour and thus associated risks to personnel may vary greatly depending on the species, age and state of the entangled animal and agreed that the use of sedatives may have benefits for the safety of personnel and increased animal welfare.

The Workshop concluded that when disentanglement is not possible and the likely outcome is the death of the animal, euthanasia is the best option if appropriately trained personnel are available. It reviewed various methods for administering euthanasia and recommended its use in situations where all of the following parameters apply: (1) there are no options available to disentangle a severely entangled whale; (2) the injury to the entangled whale is sufficiently serious to compromise the likelihood of the animal's survival in the medium to long term; (3) the chosen euthanasia method does not compromise the safety of personnel administering the method; and (4) that the application of the euthanasia method ensures that the death of the whale is as rapid and pain free as possible. The Workshop also agreed that in most cases, stranded baleen whales will die and that euthanasia is the most humane option if the animal does not refloat of its own accord after one tidal cycle.

Recognising the wounds that entanglements often produce the Workshop recommended prioritising necropsies of entangled and previously entangled whales, and that standardised data be collected on entangled individuals to allow for survival studies to be undertaken, including development of assessment and condition indices for large whales. It also recommended that debris and fishing gear removed from cetaceans during disentanglement operations be collected and analysed.

Finally, the Workshop recommended that the IWC initiate a process and sponsors a Workshop to examine current efforts at entanglement reduction.

5.2.2 Commission discussions and action arising

Australia, Brazil, the UK, the USA, Argentina, Mexico, South Africa and Monaco all thanked the organisers and participants, especially Dr Egil Øen, for the work they had undertaken, the presentation of the report and the USA for hosting the Workshop. They noted the importance of bycatch and entanglement as a threat to whales, and commended the collaborative nature of the Workshop as an example of good practice by the IWC. Brazil added that it was working with Norway to organise practical classes to teach veterinarians and biologists how to deal with entanglement events.

The Commission noted the Workshop report and endorsed its recommendations, giving particular emphasis to the recommendation for a follow up Workshop to address entanglement prevention.

5.3 Other

5.3.1 Workshop on animal welfare and ethics

The UK reported that it was convening a workshop on animal welfare and ethics prior to IWC/63. This would not be an official IWC Workshop, but those who were interested in attending were encouraged to contact the UK. It expected that the workshop would be attended by external experts on welfare and ethics and that the results could inform debates on relevant matters within the Commission. Additionally the UK, supported by Australia, welcomed the assurance of the Chair that a meeting of the IWC's Working Group on Whale Killing Methods and Associated Welfare Issues would be returned to the Agenda for the next meeting of the IWC.

Belgium, Argentina, Australia, New Zealand, Ecuador, Netherlands, Germany, Portugal, Costa Rica, India and Brazil welcomed the UK's workshop proposal. Norway noted that whaling is the most regulated and best documented example of hunting in the world and that this is in stark contrast to the growing industry of hunting large terrestrial animals. It suggested that if such a workshop was to take place on

welfare principles then it should include other types of large animal hunts, and use information on those hunts to compare with whaling. Iceland supported Norway's intervention.

5.3.2 *Response to comments made under Item 20 (NGO address)*

Norway referred to the presentation by the NGO 'NOAH' that had been made under Item 20 (the NGO address) in which NOAH described a film of a Norwegian whale hunt. The film depicted a harpoon being fired at a whale and the narrative stated that it was difficult to achieve an accurate lethal shot from a moving vessel. The narrative also implied that the whale had been struck and lost and went on to relate this statement to 2003 welfare statistics from the Norwegian government which indicated that 20% of whales would take several minutes or more to die.

Norway considered that the film had been manufactured in order to fit the suggestions of the film maker and to provide a basis for making allegations. Rather than being one continuous clip showing a whale being struck and lost, they asserted that the footage in the film was derived from four different occasions. Instead of being struck, the Norwegian delegation considered that the harpoon missed the whale and resulted in a startle response causing the whale to splash and dive. Consequently there were no welfare concerns resulting from a struck and lost whale as inferred by the film. The Norwegian delegation also noted that the blue box electronic system in use in Norway logs each harpoon shot and the system indicated that the whale could not have been hit.

Japan thanked Norway for its presentation and noted that Contracting Governments have no opportunity to respond to what is said during NGO interventions. Japan stated its support for giving the floor to NGOs, recognised that different speakers had different points of view and noted that constructive comments had been made. However it also urged NGO speakers to make positive statements which conformed to IWC guidelines and did not criticise individuals.

6. ABORIGINAL SUBSISTENCE WHALING¹⁰

The meeting of the Aboriginal Subsistence Whaling Sub-committee took place on Tuesday 17 June 2010. It was chaired by Jorge Palmeirim (Portugal) and was attended by delegates from 20 Contracting Governments. The Chair of the Scientific Committee's Standing Working Group (StWG) on the Development of an Aboriginal Whaling Management Procedure reported on the outcome of the Committee's work and discussions. The full report of the Sub-committee is available at Annex G.

6.1 Aboriginal Subsistence Whaling Management Procedure (AWMP)

6.1.1 *Report of the Aboriginal Subsistence Whaling Sub-committee*

6.1.1.1 PROGRESS WITH THE GREENLANDIC RESEARCH PROGRAMME

The Chair of the StWG reported on the Scientific Committee's work. It had focused on developing methods to assess common minke whales using sex ratio data but despite the intersessional progress, it was not in a position

to decide if the approach was valid. The Committee will decide next year whether this method can be used to assess whales and produce management advice. Meanwhile the Committee will give high priority to developing an *SLA* for the Greenlandic hunts.

6.1.1.2 PREPARATION FOR THE IMPLEMENTATION REVIEW FOR GRAY WHALES

The Committee completed its *Implementation Review* this year but called for a new *Implementation Review* next year for reasons associated with the Data Availability Agreement. The intention was to develop trials to consider the plausible hypothesis of a Pacific Coast Feeding Group that may be exploited by the potential Makah hunt. Revised census abundance estimates for the total population for the period 1967/68 to 2006/07 were received. A model based estimate for 2009 is around 22,000 and the population is at about 85% of carrying capacity.

6.1.2 *Commission discussions and action arising*

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

6.2 Aboriginal Whaling Scheme

6.2.1 *Report of the Aboriginal Subsistence Whaling Sub-committee*

The Scientific Committee again recommended the AWS to the Commission and noted ongoing Commission discussions on some aspects.

6.2.2 *Commission discussions and action arising*

The Commission noted this part of the Sub-committee's report.

6.3 Aboriginal subsistence whaling catch limits

6.3.1 *Bering-Chukchi-Beaufort Seas stock of bowhead whales (annual review)*

6.3.1.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The Chair of the StWG noted that a number of interesting scientific papers had been received this year relevant to this stock of bowhead whales. Catch and efficiency data for the USA's 2008 hunt were presented. A total of 38 animals were struck and 31 landed. Two autumn calves were taken in error but from the *SLA* perspective this is not a conservation concern. No bowhead whales were taken off Chukotka. The results from the *SLA* show that the present strike limits are acceptable and will not harm the stock.

6.3.1.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

6.3.2 *North Pacific Eastern stock of gray whales (annual review)*

6.3.2.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

A total of 115 gray whales (58 males, 57 females) were taken in the aboriginal hunt in Chukotka waters in 2009 and one was struck and lost. Use of the *Gray Whale SLA* confirms that the current limits are acceptable and will not harm the total population. An *Implementation Review* will occur next year with a focus on the Pacific Coast Feeding Group and any proposed Makah hunt.

6.3.2.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

¹⁰For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 12 [2011].

6.3.3 Common minke whale stocks off Greenland (annual review)

6.3.3.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

EAST GREENLAND

Four common minke whales were caught off East Greenland in 2009. In 2007, the Commission agreed to an annual quota of 12 strikes for 2008-2012. The Committee agreed that the present catch limit will not harm the stock.

WEST GREENLAND

153 common minke whales were landed in West Greenland (105 females; 47 males; 1 unidentified sex) and 11 were struck and lost during 2009. Genetic samples were obtained from 97 whales.

In 2007, the Commission agreed that the number of common minke whales struck from this stock shall not exceed 200 in each of the years 2008-12, except that up to 15 strikes can be carried forward. Using its agreed method for providing advice for up to two 5-year blocks whilst *SLAs* are being developed, the Committee recommends as last year that an annual strike limit of 178 will not harm the stock.

6.3.3.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

6.3.4 West Greenland stock of fin whales

6.3.4.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

A total of 8 (1 male and 7 female) fin whales were landed and 2 were struck and lost in West Greenland during 2009. Genetic samples were obtained from five whales.

In 2007 the Commission agreed to a quota (for the years 2008-12) of 19 fin whales struck off West Greenland. Using the agreed approach for providing advice for up to two 5-year blocks whilst *SLAs* are being developed, the Committee agreed that an annual strike limit of 19 whales will not harm the stock.

6.3.4.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

6.3.5 West Greenland stock of bowhead whales

6.3.5.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The Committee will discuss its working hypothesis of a single shared Canada-Greenland stock in the eastern Arctic next year. The annual strike limit is two bowhead whales and using the agreed method to provide advice for up to two 5-year blocks, the Committee agreed that the current catch limit will not harm the stock. The Committee requested the Secretariat to ask Canada for information on catches and future catch limits. A total of one male and five female bowhead whales were taken in 2009 and 2010 (none were taken in 2008 and none were struck and lost).

6.3.5.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

6.3.6 North Atlantic humpback whales off St Vincent and The Grenadines

6.3.6.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

A catch of three females was reported. Genetic and photo-id data should be submitted to central archives. The total block catch limit is 20 for the period 2008-12. The Committee

agreed that this catch limit block will not harm the stock. St Vincent and The Grenadines was encouraged to provide annual catch information in a National Progress Report to the Committee.

6.3.6.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

6.3.7 Humpback whales off West Greenland

6.3.7.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

Using the agreed method to provide advice for up to two 5-year blocks, the Committee agreed that strikes of up to 10 humpback whales per year will not harm the stock. The Scientific Committee endorsed the recommendations of a scientific group established to review conversion factors to edible products for the Greenlandic hunts (IWC/62/9).

6.3.7.2 COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission noted this part of the Sub-committee's report and endorsed its recommendations.

6.3.8 Proposed Schedule amendment from Denmark/Greenland

6.3.8.1 INTRODUCTION

Denmark introduced its proposed Schedule amendment for an annual quota of 10 humpback whales from the West Greenland feeding aggregation for the period 2010-12 inclusive and a reduction in the proposed take of minke whales in West Greenland from an annual quota of 200 to 178. The proposal had previously been introduced at IWC/60 in 2008 and again at IWC/61 in 2009, where a decision was deferred pending further scientific research on conversion factors. The proposal was advanced again at the March 2010 interessional meeting of the Commission but no decision was taken because the meeting was inquorate.

The background to Denmark/Greenland's request was presented to the Commission in statements made by Ane Hansen, Greenland Minister of Fisheries, Hunting and Agriculture and Leif Fontaine, Chairman of the Organisation of Fishermen and Hunters in Greenland.

STATEMENT BY ANE HANSEN, GREENLAND MINISTER OF FISHERIES, HUNTING AND AGRICULTURE

Ane Hansen underlined Greenland's commitment to working within relevant international and regional organisations but also stressed the importance of mutual understanding and respect for cultural differences in such fora. She raised a concern that the ICRW was being violated due to a lack of decision making and overly extensive procedural discussions.

The minister advocated increased sustainable use of living resources in Greenland and the importance of sound ecosystem management. She noted that the increasing number of whales and seals around Greenland are the biggest competitors to its fishermen and hunters. Greenland was affected by decisions and domestic politics arising from the European Union, including the trade ban in seal products which had destroyed the seal market.

In implementing self-governance, the Minister referred to the need for Greenland to make full use of its own natural resources so as to limit the importation of western food, which in turn will contribute to a reduction in CO₂ emissions and occurrence of modern life-style diseases.

With respect to Greenlandic whaling, the Minister noted that for many years it has been fulfilling requirements for its quotas to be based on sound science and for its hunts to

be properly regulated and conducted in an effective manner in relation to killing methods. Despite this, Greenland felt that some IWC members were trying to find reasons to deny its requests to hunt whales, including questioning the commerciality of its hunt. In this respect she noted that all activities involve money, that there are expenses associated with the hunt and that any surplus income is used to maintain hunting gear. The size of the quotas is so small that no individual can make a living solely from whale hunting.

The Minister referred to the 2007 UN Declaration on the Rights of Indigenous Peoples and in particular to those Articles concerning the rights of such peoples to determine their own identity and membership as well as their self determination and their own means of subsistence and economic and social development. She believed the UN Declaration would be violated if a satisfactory solution to Greenland's request could not be obtained at the current meeting.

The Minister considered that domestic politics in Europe were destroying the ability of the IWC to live up to its remit, and that it had negative consequences for the Greenlandic hunters, their families and their livelihoods. She stated that the IWC should support reasonable proposals for the management of Aboriginal Subsistence Whaling. These should be based on the following: (1) the state of the stocks is not compromised according to the precautionary approach and the advice of the Scientific Committee; and (2) whaling should be regulated and remain sustainable within the scope of subsistence needs. All whales legally caught should be allowed to be distributed according to existing regulations.

The Minister warned that if the IWC could not differentiate between domestic politics and the objectives and purpose of the Convention then Greenland would question the relevancy of its continued membership of the organisation. She noted her concern for the other subsistence hunters whose quotas are set by the IWC. The Minister said that the 2008 meeting of the IWC Scientific Committee had provided abundance estimates for the humpback population off western Greenland, and this showed the new quota clearly lay within the limits specified by the Scientific Committee.

STATEMENT BY LEIF FONTAINE, CHAIRMAN OF THE

ORGANISATION OF FISHERMEN AND HUNTERS IN GREENLAND
The Minister's statement was followed by one from Leif Fontaine, Chairman of the Organisation of Fishermen and Hunters in Greenland who spoke about Greenland's traditional 1,000 year old hunting culture, and the importance of subsistence whaling that supplies meat for many Greenlanders all through the year. He noted that renewable resources, including whales, form the basis of Greenlanders' existence. Thus it is necessary for them to protect their environment and use the resources sustainably. He noted the improvements over the years in hunting methods that have led to improvements in times to death of hunted whales. Also referring to the UN Declaration on the Rights of Indigenous Peoples he stressed that whaling and the right to use humpback whales had been an important part of Greenland's traditional food source from time immemorial and is part of its cultural heritage. Like the Minister, his organisation also considered that it would be a breach of the UN Declaration if a quota for humpback whales was not awarded to Greenland.

POWERPOINT PRESENTATION BY GREENLAND

Greenland provided further background through a PowerPoint presentation which reported that whale hunting is part of its modern life while at the same time

Greenland is also a traditional hunting society, where food is gathered by those who are able to take it. Opportunities for employment in Greenland are limited and for many of its people, the hunting and sharing of food resources offers the only opportunity for obtaining food. Greenland hunting is opportunistic as different species migrate around its settlements. These resources are shared throughout Greenland and are not exported.

The hunt is monitored by the local authorities and fisheries and hunting inspectors. The sale of harpoon grenades is controlled and they are marked with serial numbers and distributed under a tightly regulated system. The Department of Fisheries and Hunting gathers information and follows the development of the hunt through its reporting system. Licenses are required for the killing of large whales. The product of the catch cannot be sold before the authorities have registered the hunt and the licence. After a whale has been caught, the hunter has an obligation to deliver a catch report to the municipal authority which provides information required under Section VI of the Schedule to the ICRW. The Greenland Government has issued an Act that governs the hunting of all animals including whales. Other related Acts include one on animal welfare in 2003 and another on natural protection from the same year. In addition, there are three Executive Orders that affect the taking of large whales, one on management and approval of harpoon cannons, one on reporting of the hunt and one on the hunt itself. Whaling is indirectly affected by another Executive Order that regulates hunting certificates.

Greenland has 18 towns and 60 settlements spread along a coastline measuring 44,000 kilometres, many of which are accessible only by boat or air, and many accessible for only part of the year. Fourteen out of 18 whale hunting villages are able to take a combination of minke, fin, and until 1985, humpback whales and from the 2009 season, also bowhead whales in the Disko Bay area.

The Greenland whale hunt consists of two forms – the rifle hunt conducted from small boats and the harpoon hunt conducted from fishing vessels mounted with harpoon cannon. The hunting methods have been continually evaluated and improved since the 1980s. The Executive Orders regulate the type of harpoon cannons allowed, who should mount and examine them, and demands they should be re-approved every other year. Only hunters who have attended a special course on the use of harpoon grenades and those whose boat and equipment have been certified can apply for licenses.

The 2007 white paper on the hunting of large whales in Greenland described the efforts to keep up with technology and ensure large whales are killed as humanely as possible while protecting the safety of the crew. Most of this work is done in close collaboration with NAMMCO, weapon experts, veterinarians and hunters. Anticipating that a new species may become available for harvest Greenland reported that they had already started an exchange of knowledge on hunting techniques to ensure appropriate killing techniques are used.

The rifle hunt (requiring a licence and other conditions) is aimed only at minke whales and can take place from the smallest of the communities stretching along the coast. The hunt is a local affair as transport opportunities away from the area are normally not available. The proceeds are distributed to the hunters involved who are also allowed to barter or sell parts of the proceeds in the local open air markets of nearby communities, thereby securing that the wider local community has a supply of meat.

The harpoon hunt (also requiring a licence and other commitments) is directed at minke, fin and now also bowhead whales. Not all local communities have a vessel with a harpoon cannon. The proceeds from this hunt are partly distributed to the crew of the vessel and partly sold at the open air market of the community in question to cover the costs of the hunt (grenades – which cost around US\$1,400 – with some hunts requiring 2 grenades, vessel costs and crew remuneration). The use of its own natural resources is reducing the importation of food from industrialised countries. Greenland believed that whale meat therefore provides a fresh and healthy supply of food with minimum carbon dioxide emissions and is reducing the risk of western diseases. A smaller part of the hunt is processed, according to EU veterinary standards, to meet the needs of those local communities not having access to their own whaling or those communities having a meat deficit. One supermarket chain is a co-operative and two distribution companies are partially owned by the Greenland Home Rule Government, with operations subsidised by the government in one of them.

Greenland believed that the distinction, by some, between subsistence and commercial harvests is artificial. It recalled that in previous discussions, some have maintained that a hunt cannot be considered to be for subsistence if any money enters the distribution system. It did not agree and stressed that its strategy for marine mammal hunting is not that of a commercial enterprise aimed at profit maximisation. In commercial hunting proper, investments not only call for more efficient hunting methods, they also necessitate new investments and create a need for still more income. This is not the case in aboriginal subsistence hunting, even if distribution of the prey secured requires money. There is no profit maximising mechanism, thus ensuring no growth in the pressure on the resource in question.

With regard to the flensing operation, most of the flensing sites are small islands or mainland with stony or rocky shores where the whale can be hauled. The tide can be from 4-7 metres, with 4-6 hours between tides, so flensing must be carefully planned so that it can be completed before the meat spoils.

In regard to conversion factors, Greenland noted that whaling in its waters is strictly regulated and opportunistic in nature which explains why the length of whales are often lower than from commercial hunts. In combination with the practicalities of the flensing situation the yield can never be as efficient as for a commercial hunt. Greenland is already working in collaboration with the Scientific Committee and the Greenland Institute of Natural Resources and will implement the recommendations of the expert group on conversion factors.

Greenland referred to the IWC-recognised need for whale meat in West Greenland of 670 tonnes per year which was based on the average catch between 1965 and 1985 of 232 minke whales, 9 fin whales and 14 humpback whales. The need has never been met by the catch limits allocated by the IWC. It observed that in 2009 the Scientific Committee had been able to give interim advice on all whale species relevant to Greenland, valid for two quota blocks (i.e. 10 years). This advice was that catches of 178 minke whales and 10 humpback whales per year would not harm the stocks.

In asking for a quota of 10 humpback whales it was seeking to return to the multispecies harvest and balance of resources available to its people prior to 1987 when concerns over the status of the population led to the need to abandon the humpback whale hunt. By returning the humpback

whale to its mix of resources it would be able to reduce the overall number of whales taken because of the greater yield provided by the humpback whales.

Greenland recalled that it had been requested by the Scientific Committee to provide measuring equipment and reporting protocols to its hunters to assist in future work on yields and conversion factors. To respond to this request, Greenland planned to develop a programme for updating and standardising the measurement techniques used by hunters. It appreciated advice received from members of the Commission and would report at the 2011 meeting on progress in working towards the goal of improved measurements.

6.3.8.2 COMMISSION DISCUSSIONS AND ACTION ARISING

Spain spoke on behalf of the EU and its member states and noted their general support for aboriginal subsistence whaling proposals on the premise that the condition of whale stocks is not compromised, that whaling operations are properly regulated, and that all catches remain sustainable and within the scope of subsistence needs. Spain also remained convinced that ASW catch limits should be subject to review by the IWC and its Scientific Committee as is currently the practice. Spain suggested amending the proposals submitted by Denmark on behalf of Greenland so that the catch quota for fin whales available to be struck should be reduced to 10 individuals struck in each of the years 2010, 2011 and 2012. Spain also suggested that the new catch quota sought for humpback whales should not exceed 9 individuals in each of the years 2010, 2011 and 2012. Spain considered that these amendments would reconcile Greenland's requirements while also addressing the European Union's concern for not seeing an increase in the number of large whales struck.

Denmark agreed with the substance of the EU's proposal but requested a presentational modification such that the number of fin whales to be struck would be reduced from 19 to 16 (rather than 10) and an additional footnote added to table four of the Schedule to the ICRW which read '*In IWC/62 in Agadir, Morocco, June 2010, Denmark and Greenland agreed to voluntarily reduce further the catch limit for the West Greenland stock of fin whales from 16 to 10 for each of the years 2010, 2011 and 2012*'. Spain, on behalf of the EU, accepted this presentational modification and thanked Greenland for its willingness to compromise.

An extensive debate ensued within the Commission in respect to Denmark/Greenland's modified proposal. A number of countries including Costa Rica, Australia, Brazil, Argentina, Mexico, Panama, Monaco, Ecuador and Chile raised concerns or objections based on some or all of the following arguments: (1) the shared nature of the resource and the possible opportunity costs to tourist-based whalewatching in parts of the Caribbean where humpback whales from the western North Atlantic migrate to breed; (2) the need for notifications and consultations with nations that benefit (e.g. through tourist-based whalewatching) from shared ownership of western North Atlantic humpback whales; (3) Denmark/Greenland's compliance with the requests from the Scientific Committee for technical data and conversion factors on its aboriginal hunt; and (4) the need for Denmark/Greenland to update its needs statement, especially given the recent agreement on conversion factors.

Other countries (including Switzerland, Iceland, St Lucia, St Vincent and The Grenadines, Cameroon, Japan, Russian Federation, Suriname, Tanzania, USA, St Kitts and Nevis, Kiribati, Republic of Korea, Guinea-Bissau, Nauru, Palau, Norway and Marshall Islands) spoke in support of the rights of indigenous people, the need for aboriginal

subsistence whaling quotas and the requirement for the IWC to act in the spirit of the UN Declaration on the Rights of Indigenous Peoples. A number of countries re-iterated the Scientific Committee's interim advice that a strike limit of 10 whales would not harm the stock and also supported the Scientific Committee's extensive research and detailed report on conversion factors associated with the Greenland aboriginal hunt. Speakers also noted the increased sense of co-operation that had developed within the Commission as a result of the 'Future of the IWC' process and urged the Commission to arrive at a consensus agreement to the Denmark/Greenland proposal. At the end of the debate the Commission agreed, by consensus, to Denmark/Greenland's request for a Schedule amendment as revised by the European Union.

In responding, Denmark on behalf of Greenland acknowledged the need to consult with range states, especially the Caribbean states, in the run up to the 2012 negotiations on aboriginal quota renewal. Denmark on behalf of Greenland stated that it had provided an updated needs statement both in 1990 and 2007, but that it had concentrated on estimating the tonnage of whale meat because it believed this was what the Commission wished to be informed about. It noted that the humpback whale had been hunted in Greenland for a very long time and as well as being part of the food supply was part of the culture, and that this cultural argument also formed a key part of the Greenlandic need to hunt humpback whales.

7. REVISED MANAGEMENT SCHEME

7.1 Revised Management Procedures (RMP)¹⁴

The RMP was designed by the Scientific Committee to set safe commercial catch limits for baleen whales according to the Commission's user and conservation objectives. It was adopted by the Commission in 1994. At the core of the RMP is the *Catch Limit Algorithm (CLA)* which is used to determine catch limits.

7.1.1 Report of the Scientific Committee

7.1.1.1 GENERAL ISSUES

An ongoing task for the Scientific Committee has been to re-evaluate the range of values used for the Maximum Sustainable Yield Rate (MSYR) because new information suggests the need to review the plausible range used in population models that test the *CLA*. At present, this range is 1% to 7% when expressed in terms of the mature component of the population. This year, the Scientific Committee reported that it had continued its review of MSYR, developed a work plan and agreed that it will complete its review at next year's meeting on the basis of data and analyses to be available at that time. The Committee noted that the discussion on amendments to the *CLA* cannot be completed until the range of MSYR values is finalised.

In regards to the version of the *CLA* to be used in trials, the Committee received a paper which examined the trade-off between speed and accuracy when running RMP simulation trials. The paper made several recommendations which were endorsed by the Scientific Committee. The Scientific Committee also recommended adoption of changes to several aspects of the RMP guidelines before providing advice on RMP catch limits. The changes were: (1) provision for the adjustment of sources of human caused mortality other than

through commercial catches; (2) clarifying the period of validity of catch limit calculations; (3) clarifying the rule for rounding catch limits to a whole number; and (4) modifying the guidelines for conducting surveys and for implementing the RMP to clarify that changes to the guidelines are not retroactive.

7.1.1.2 IMPLEMENTATION PROCESS

Undertaking an *Implementation* of the RMP for a particular species and region is how the Committee ensures that the generic RMP approach is used safely in each particular case, and that key scientific uncertainties relating to individual stocks have been adequately addressed. Once the Commission confirms that the Committee should go ahead with the *Implementation* process there are a series of steps to be followed over a two year period which include three Annual Meetings and two intersessional Workshops. After an *Implementation* is completed the Committee conducts regular *Implementation Reviews* to see if new information requires revision of the simulation trials. A number of *Implementations* or *Implementation Reviews* are ongoing and information on each is summarised below.

WESTERN NORTH PACIFIC BRYDE'S WHALES

In completing the *Implementation* in 2007, one of the options presented to the Scientific Committee was only determined to be acceptable if accompanied by an agreed research programme to examine the underlying stock structure hypothesis. The Committee discussed aspects of the required research programme, suggested a number of improvements and looked forward to a revised proposal next year.

CENTRAL NORTH ATLANTIC FIN WHALES

In 2009, the Scientific Committee established six possible RMP variants for North Atlantic fin whales, one of which was only acceptable if accompanied by a research programme. This year, the Committee welcomed a draft Icelandic research proposal which aimed to confirm or deny that a particular stock structure hypothesis was implausible. The Committee made a number of suggestions for improvement and looked forward to receiving a revised proposal next year.

WESTERN NORTH PACIFIC COMMON MINKE WHALES

The Chair of the Scientific Committee reported that the Committee had completed its *pre-Implementation assessment* for western North Pacific common minke whales. This was required in order to undertake a full *Implementation Review* as soon as possible, ideally by the 2012 meeting. The focus of a *pre-Implementation assessment* is to establish plausible stock hypotheses consistent with the data and inclusive enough that it is deemed unlikely that the collection of new data during the *Implementation* process will suggest a major novel hypothesis (e.g. a different number of stocks) not already specified in the basic *Implementation Simulation Trial* structure. In addition the *pre-Implementation assessment* ensures that there will be available data series of abundance estimates, catches, bycatches and ship strikes, along with information on the geographical and temporal nature of 'likely' whaling operations and future levels of anthropogenic removals other than due to commercial whaling.

In completing the *pre-Implementation assessment*, the Committee agreed: (1) a separate 'J' like stock (denoted 'Y' stock) occurs in the Yellow Sea and in at least some years 'Y' stock whales are found in the Sea of Japan; and (2) minke whales on the east coast of Korea and on the west coast of Japan are generally part of a single stock. In contrast,

¹⁴For full details of the Scientific Committee's deliberation on this item see *J. Cetacean Res. Manage. (Suppl.)* 12 [2011].

disagreements remained concerning the 'J' stock and sub-structure within the 'O' stock. The Committee ultimately agreed on a set of five stock structure hypotheses to take forwards to *Implementation Review*.

The Committee received information on proposed future whaling operations from Japan and Korea, reviewed abundance estimates and thanked both Japan and Korea for undertaking sightings surveys. It also received information on plans for future sightings surveys by Korea in the Yellow Sea in April-May 2011 and by Japan in the Okhotsk Sea during summer 2010.

The Committee recognised that there was still considerable work to complete ahead of the next Annual Meeting and agreed a preparatory meeting be held in September before the First Intersessional Workshop in December. A detailed timetable and work plan was developed.

NORTH ATLANTIC COMMON MINKE WHALES

The Scientific Committee agreed revised stock boundaries and abundance estimates for use in the RMP for North Atlantic common minke whales.

7.1.1.3 BYCATCH

The RMP estimates a safe limit for all human-induced deaths, rather than just providing a catch limit for commercial whaling. It is therefore important to estimate the number of whales removed from the population by indirect means (e.g. bycatch and ship strikes). This year the Committee discussed bycatch mortality of large whales in longline fisheries, and received evidence of deaths of at least humpback, Bryde's and southern right whales, as well as information on depredation by other species. The Committee considered ways to estimate a time series of bycatch for western North Pacific common minke whales as these are important for the *Implementation Review* described above.

The Committee also reviewed relevant information from the IWC Workshop on Welfare Issues Associated with the Entanglement of Large Whales (see Item 5 above). The Committee made several recommendations relevant to member countries including:

- (1) the establishment of adequate programmes to monitor entanglement of whales and of entanglement response programmes where applicable;
- (2) improved reporting via National Progress Reports;
- (3) standardisation of data collected to maximise their usefulness;
- (4) when examining whale carcasses, to record (at a minimum) whether fishing gear is present and whether fresh scars are visible; and
- (5) to facilitate necropsies on all large whales whenever possible.

Scientific Committee discussions of ship strikes are given under Agenda Item 17 below.

7.1.2 Commission discussions and action arising

Belgium noted that the Scientific Committee had recommended changes to the specification of the RMP which would allow for adjustment of RMP catches for sources of human-caused mortality other than those which arise through directed hunting. Belgium endorsed the inclusion of these new specifications into the RMP framework, along with the other recommendations of the Scientific Committee under Agenda Item 7.1.1.

Japan congratulated the Scientific Committee on completing the *pre-Implementation assessment* for the western North Pacific common minke whale. It also welcomed the work plan and the arrangements for

preparatory meetings and meetings of the intersessional working group which were scheduled as part of the forthcoming *Implementation Review*. It noted that there was considerable discussion and disagreement on stock structure hypotheses for western North Pacific common minke whale within the Scientific Committee. Japan stated that it accepted the decision of the Chair of the Scientific Committee in the spirit of making progress and working collectively. However it drew attention to Appendix 7 of Annex D1 of the Scientific Committee Report which contains a minority statement giving Japan's views on the plausibility of two of the stock structure hypotheses that had been proposed. Japan wished the statement to form part of the record of the Annual Meeting and accordingly it is included here as Annex H. Japan also expressed its great appreciation for the collaboration between scientists from Japan and Korea who had been conducting research and analysis on common minke whales in the western North Pacific and expressed its continued commitment to co-operative research.

Korea thanked the Scientific Committee for its work. It noted the importance of scientific advice in managing the conservation and sustainable utilisation of whale populations. It also noted the schedule to finalise the RMP by 2012 or 2013 at the latest and encouraged the Scientific Committee to accelerate the process so that appropriate conservation and management plans could be developed for these whales based on the RMP as soon as possible.

The Chair of the Scientific Committee clarified to the USA that its Working Group on the Estimation of Bycatch and Other Human-Induced Mortality traditionally looked at all large whales, but gave greater focus to those undergoing RMP *Implementations* or *Implementation Reviews*.

The Commission noted the report of the Scientific Committee and endorsed its recommendations.

7.2 Other

Before the RMP can be used the IWC has agreed that measures must be in place to ensure that the agreed catch limits are not exceeded. It is this combination of scientific (under the RMP) and non-scientific factors (including amongst other things the need for observation and inspection schemes) that comprise the Revised Management Scheme (RMS).

At its 2006 Annual Meeting, the Commission accepted that an impasse had been reached at Commission level on RMS discussions. Accordingly there have been no specific discussions on the RMS since then although the RMS has been included as part of the discussions on the future of the organisation (see Item 3).

8. SANCTUARIES

8.1 Issues raised in the Scientific and Conservation Committees

8.1.1. Report of the Scientific Committee

The Chair of the Scientific Committee noted that no new proposals for sanctuaries had been submitted to the Scientific Committee this year, but that this item would remain on the Committee's agenda.

8.1.2 Report of the Conservation Committee

The Chair of the Conservation Committee reported that the USA hosted the First International Conference on Marine Mammal Protected Areas (ICMMPA) in Hawai'i in 2009. This successful meeting developed several valuable initiatives and the full proceedings had been made available

online. The French agency for MPAs had offered to host the second ICMMPA due to be held in Martinique in November 2011 where the theme 'Endangered Spaces, Endangered Species' would be elaborated. Further information would be released shortly.

He also reported on an ambitious project being undertaken by the French Agency for Marine Protected Areas. The project, called REMMOA (Census of Marine Mammals and Other Pelagic Megafauna by Aerial Survey), aims to map the diversity and relative density of cetaceans and other pelagic megafauna in the EEZs and adjacent waters of French territories in tropical latitudes in the Caribbean, Indian Ocean and South Pacific Ocean. Several surveys have been conducted since 2008 and more are planned. Given the surface areas to be covered, a co-operative regional approach is essential.

8.1.3 Commission discussions and action arising

France stated that it was committed to protecting 10% of the ecosystems in its national waters as marine parks. The first reserves had been created in 2010 and one of the main management objectives was the protection of large whales. France was also examining the opportunities to protect biodiversity reservoirs and in order to identify areas most in need of protection was undertaking aerial surveys to assess species abundance.

France repeated that the first census cruises had been carried out in 2008 in parts of the Atlantic, the Caribbean and the waters around Guiana. Surveys in the Indian Ocean were undertaken in 2009 and this project was carried out within a framework of regional co-operation by the Indian Ocean Commission countries. France was preparing for similar surveys in French Polynesia, and beyond that it would organise further surveys in the 2010/11 season in the South Pacific around New Caledonia which would include observations of tuna. In the following years it expected to cover the French Antilles and Guiana. It noted that for these areas, a co-operative regional approach would be required to understand the conservation priorities for whales and other species.

The Commission noted the Conservation Committee's report.

8.2 South Atlantic Whale Sanctuary

The proposal for the South Atlantic Whale Sanctuary (SAWS) was part of the 'Chair's Proposed Consensus Decision' document tabled under Item 3 on the Future of the IWC. Additionally a specific item on the SAWS had been included on the Agenda at the request of Brazil and other co-proponents in order to allow for progress on the issue to be discussed.

Argentina noted that the proposed SAWS was first submitted to the IWC ten years ago in the year 2000 by Brazil, South Africa and Argentina. Argentina stated that it considered the SAWS to be an important proposal which must remain on the IWC agenda. There was no further discussion on this Item.

9. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING

For many years Japan has referred to the hardship suffered by its four community-based whaling communities at Abashiri, Ayukawa, Wadoura and Taiji since the implementation of the commercial whaling moratorium. Accordingly Japan reserved its right to propose an amendment to paragraph 10 of the Schedule to provide a quota for small-type whaling should the process surrounding the future of the IWC ultimately fail.

10. SCIENTIFIC PERMITS

The Chair reminded the Commission that since the last Annual Meeting in 2009, Japan had issued permits for taking Antarctic minke, fin and humpback whales in the Antarctic under the JARPA II programme and for taking common minke, Bryde's, sei and sperm whales in the North Pacific under the JARPN II programme. Japan had agreed to continue its voluntary suspension of the take of humpback whales in Antarctic waters in the 2009/10 season as long as progress continued to be made in discussions on the future of the IWC.

The issue of special permit catches has been central to discussions on the future of the IWC (Agenda Item 3).

10.1 Report of the Scientific Committee

The Chair of the Scientific Committee noted that the Committee has agreed that full discussions of Scientific Permit whaling will take place at specified review periods, and so this year the Committee received documents describing special permit activities in the last 12 months (available through the website of the Institute for Cetacean Research), but did not discuss these documents except for points of clarification.

10.1.1 Review of results from existing permits

PLANNING FOR FINAL REVIEW OF THE ICELANDIC SCIENTIFIC PERMIT TAKE OF NORTH ATLANTIC COMMON MINKE WHALES

The Chair of the Scientific Committee reported that Iceland had presented the status of its analytical work on the 200 common minke whales that were taken as part of its research programme from 2003-07, and noted that the results of the programme were expected to be available for formal review in 2012. A further update on progress would be provided at the Commission's 2011 meeting and approximately three months later Iceland expects to submit a document to initiate the external review process.

10.1.2 Review of new or continuing proposals

The Chair of the Scientific Committee noted that both JARPA II and JARPN II are continuing on the basis of plans already submitted and reviewed. The Scientific Committee did not discuss this item further.

10.1.3 Procedures for reviewing scientific permit proposals

Last year, the Committee introduced a new review process for evaluating the results of scientific permit whaling. This process (referred to as the 'Annex P' process¹²) was used for the first time in 2009 to review the first six years of the JARPN II research programme¹³. A key component of the new process is the greatly reduced role of the proponents of the research.

The Chair of the Scientific Committee reported the Committee's discussions on whether the 'Annex P' process needs further modification especially in regards to the selection of experts for the review panel and the admission of observers. Given that there was no need to establish a review panel in the forthcoming intersessional period the Committee noted that when it does decide to open 'Annex P' for review then revisions should be limited to just these two areas (selection of experts and admission of observers).

¹²J. Cetacean Res. Manage. (Suppl.) 11: 64; 398-401 [2009].

¹³For summary of the panel's report see *Ann. Rep. Int. Whaling Comm.* 2009, pp. 26-27.

10.2 Commission discussions and action arising

Australia recalled that past Scientific Committee discussions on Special Permit whaling have been long and complex, and noted that the current practice within the Committee was to limit discussions to points of clarification only. Australia stated that the absence of discussion should not be considered as an acceptance of issues relating to special permit whaling, and reminded the Commission that a broad range of views still remained. These views were described in the minority statement accompanying the Scientific Committee's report¹⁴. Brazil supported the statements made by Australia and referred to non-lethal research methods as being more appropriate and stated that whales should not be killed in the name of science.

Japan referred to previous discussion on special permit whaling and introduced IWC/62/20 with the intention of clarifying any misrepresentation on a perceived lack of scientific information being generated by its special permit activities. Paper IWC/62/20 provided a catalogue of 380 scientific papers which had been submitted to the IWC's Scientific Committee through the special permit programme, as well as 169 peer-reviewed articles in scientific journals and 335 presentations to scientific and public symposiums. The paper provided a breakdown of this research in terms of the JARPA and JARPN programmes operated in the Antarctic and western North Pacific respectively. Japan stated that it was confident that it had made an extensive contribution to scientific knowledge through its special permit programmes.

11. SAFETY ISSUES AT SEA

Japan gave a presentation on the escalation in the acts of harassment and interference against its JARPA II research vessels by the Sea Shepherd Conservation Society (SSCS) during the 2009/10 austral summer. It noted that the activities of the SSCS vessels the *Steve Irwin* (registered in The Netherlands), the *Ady Gill* (registered in New Zealand) and the *Bob Barker* (registered originally in Togo, and subsequently in The Netherlands) threatened safety at sea and had resulted in a collision between the *Ady Gill* and the *Shonan Maru*. Japan stated that the SSCS had started using more powerful and harmful weapons to attack the Japanese vessels and crew which included lasers, improvised weapons to shoot glass bottles containing paint and butyric acid, and the use of strengthened wires and ropes to entangle the vessel's propellers. Arrows were also discovered afloat after the collision with the *Ady Gill*.

Japan said that such activities have been carried out against its vessels for a number of years in spite of consensus Resolutions adopted by the Commission in the past¹⁵ and the consensus statement issued at the March 2008 intersessional meeting of the Commission¹⁶. Japan reported that it had raised this matter at the International Maritime Organisation and referred to resolution MSC.303(87) of the 87th Maritime Safety Committee on 'Assuring Safety During Demonstrations, Protests or Confrontations on the High Seas'. Japan had contacted the relevant flag and port States before and after the latest JARPA II cruise requesting that they take measures to prevent such violent

protests and thanked those nations who were able to provide assistance. Japan believed that unlawful activities such as those conducted by the SSCS can never be condoned and requested those countries concerned to impose more resolute measures in future.

Australia, New Zealand and The Netherlands, in their capacities as port or flag States, reported on the present status of investigations/action in their countries. All countries who spoke in the discussion reiterated their strong views about respect for the right to peaceful protest, but also the unacceptability of violent protests that might damage human life and property and threaten the marine environment.

12. ENVIRONMENTAL AND HEALTH ISSUES

Resolution 1998-5 established a regular Commission Agenda Item under which the Scientific Committee reports annually on research progress on environmental concerns, and Contracting Governments can report annually on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals.

12.1 Climate change

12.1.1 Report of the Scientific Committee

The second IWC Workshop on Climate Change was held in Siena, Italy in February 2009¹⁷. This Workshop resulted in a series of recommendations under three headings: (1) Arctic; (2) Southern Ocean; and (3) small cetaceans. In the last year work continued under these themes as follows.

ARCTIC

The Arctic working group established three study themes being: (a) single species regional contrasts; (b) trophic comparisons; and (c) distribution shifts. To address these themes the Arctic working group planned to compare physical indicators of climate change with available data on two Arctic bowhead whale populations.

SOUTHERN OCEAN

The Southern Ocean working group is investigating climate change as one of the possible reasons for the recent die-off of southern right whales off Argentina.

SMALL CETACEANS

A Workshop on Small Cetaceans and Climate Change is planned for November 2010 that will focus on: (a) restricted habitats; (b) range changes; and (c) Arctic regions.

12.1.2 Commission discussions and action arising

Austria noted that the IWC Workshop on Small Cetaceans and Climate Change will take place between 29 November and 1 December in Vienna. Austria expressed its thanks to the USA, Germany, Australia, WDCS and WWF for their financial support of the Workshop.

The Commission noted this part of the Scientific Committee report and endorsed its recommendations.

12.2 POLLUTION 2000+: Phase II Planning Workshop

12.2.1 Report of the Scientific Committee

The Scientific Committee completed Phase I of its POLLUTION 2000+ programme in 2007¹⁸. The programme examines pollutant cause-effect relationships in cetaceans

¹⁴J. *Cetacean Res. Manage. (Suppl.)* 12 [2010].

¹⁵Resolution 2006-2 on the Safety of Vessels engaged in Whaling and Whale Research-related Activities (*Ann. Rep. Int. Whaling Comm* 2006: 69) and Resolution 2007-2 on Safety at Sea and Protection of the Environment (*Ann. Rep. Int. Whaling Comm* 2007: 91).

¹⁶IWC/60/7: Chair's Report on the Intersessional Meeting on the Future of IWC, Renaissance London Heathrow Hotel, UK 6-8 March 2008 (*Ann. Rep. Int. Whaling Comm.* 2008: 56-78).

¹⁷J. *Cetacean Res. Manage. (Suppl.)* 11(2):451-80 [2010].

¹⁸POLLUTION 2000+ has two aims: to determine whether predictive and quantitative relationships exist between biomarkers (of exposure to and/or effect of PCBs) and PCB levels in certain tissues and to validate/calibrate sampling and analytical techniques.

and the Committee has agreed to establish a Phase II programme. The Chair of the Scientific Committee reported that Phase II will study the relationship between PCB concentrations and the reproductive and survival rates of whales. It will include new work on biomarkers and further investigation of the links between molecular biology, physiology and population level effects¹⁹.

The Committee received an overview of the oil spill in the Gulf of Mexico which started on 20 April 2010 when the 'Deepwater Horizon' drilling rig caught fire and subsequently sank. The Committee commended all groups that responded to the impacted marine mammals and turtles in the region and noted numerous reports that large and small cetaceans had been observed swimming in oil contaminated waters. The Committee made a number of strong recommendations²⁰ relating to the need for adequate environmental baseline data, the ability to assess impacts of oil spills and the need for contingency planning and training for oil spill responses in areas of oil and gas development.

12.2.2 Commission discussions and action arising

The USA thanked the Chair of the Scientific Committee and commented that lack of baseline data on chemical contaminants made it difficult to take the necessary steps to address their effects. It commended a recent report by Ocean Alliance and the University of Southern Maine to the Commission and Scientific Committee which provided new information on contaminants in the ocean and their levels in whales.

DISCUSSIONS ON THE DEEPWATER HORIZON OIL SPILL

The USA commended the work of the Scientific Committee on the Deepwater Horizon oil spill and thanked them for their recommendations. It then updated the Commission on events subsequent to the sinking of BP's Deepwater Horizon rig on 20 April 2010 which led to an extensive oil spill following the failure of safety devices on the rig. The USA reported that it was mounting a large cleanup response and continued to monitor the efforts of BP, government organisations and many private individuals who were working to deal with the effects of the spill. The response priorities included stopping the leak, measures to mitigate the effects of the spill on local wildlife and the environment as well as maintaining the safety of seafood from the Gulf of Mexico. The USA added that in the longer term it would ensure the responsible parties paid for the necessary clean up and restoration work.

The USA passed on its gratitude for the offers of assistance it had received from other countries and indicated it had taken up many of those offers. It noted that it was working with its neighbours in the Gulf of Mexico to ensure any response they may need to make would be co-ordinated.

Mexico also referred to the Deepwater Horizon oil spill and remarked that the Gulf of Mexico was an important habitat for cetaceans. It noted that oil can be catastrophic for cetaceans, and that the recent observation of a dead sperm whale from the Gulf could be related to the spill.

PROPOSAL FOR A WORKSHOP ON ANTHROPOGENIC IMPACTS IN THE ARCTIC

Mexico thanked the Scientific Committee for its work and recommendations in dealing with future oil spills and

stated that the Arctic was one such region which required the development of measures to prevent the possibility of a tragedy similar to the Gulf of Mexico occurring there.

The USA agreed with Mexico's concern for the Arctic environment as crucial habitat for many important species including bowhead whales. It proposed that the Commission request the Scientific Committee to establish an intersessional Working Group to develop a plan for a Workshop on Anthropogenic Impacts in the Arctic Ocean relevant to cetaceans.

The Russian Federation noted its concern for whales in regions where oil companies operate, particularly around Sakhalin Island for gray whales and in the Arctic in relation to the aboriginal hunt. Russia, along with Finland, Sweden, Korea, UK and France supported the USA's proposal for the Scientific Committee to organise a Workshop. South Africa supported the Workshop and noted that oil and gas exploration was taking place off the South African coast in a location frequented by southern right whales. Norway, Iceland and St Kitts and Nevis also supported the Workshop and asked that it considered all the growing anthropogenic uses arising from increased access to the Arctic rather than just limiting research to oil and gas.

The Chair of the Scientific Committee confirmed that the Scientific Committee would submit a proposal for the Arctic Workshop described by Commissioners at the next Annual Meeting.

The Commission noted this part of the Scientific Committee report and endorsed its recommendations.

12.3 State of the Cetacean Environment Report (SOCER)

12.3.1 Report of the Scientific Committee

The SOCER provides an annual non-technical summary of events, developments and conditions in the marine environment relevant to cetaceans. The 2010 SOCER focused on the Arctic and was based on research papers published between 2008 and 2010. The biggest issue for the Arctic was climate change. In addition the Arctic Monitoring and Assessment Programme (AMAP) provided a review of pollutant levels in the Arctic. SOCER also covers global issues, and over the past year underwater noise received the most attention, especially disturbance from boat traffic, impacts of sonar on beaked whales and the acoustic impacts of windfarms. Next year's SOCER will focus on the Southern Ocean.

12.3.2 Commission discussions and action arising

The Commission noted this part of the Scientific Committee report and endorsed its recommendations.

12.4 Anthropogenic sound

12.4.1 Report of the Scientific Committee

This year the Scientific Committee focused on 'masking sounds'. These are of concern because the increase in anthropogenic low-frequency noise in the ocean can interfere with whale communication. The Chair of the Scientific Committee reported that the Committee made several recommendations, including quantification of the effects of acoustic disturbance on the small population of Arabian Sea humpback whales.

The Scientific Committee also received plans for seismic surveys in the Russian Far East including the Sea of Okhotsk, the Chukchi Sea, the US Chukchi and the US-Canadian Beaufort Sea region. A number of endangered species are found in those waters including off western Kamchatka, where seismic surveys are anticipated to start in the summer

¹⁹The objectives of Phase II are: (1) to produce a framework for modelling the effect of pollutants on cetacean populations; (2) to identify cetacean populations to be studied under this phase; and (3) to develop a protocol for validating biopsy samples and applying this protocol to any large whale species selected.

²⁰See *J. Cetacean Res. Manage. (Suppl.)* 12 [2010].

of 2010. The Committee recommended that baseline cetacean data be collected and that potentially disturbing activity be planned for times of lower cetacean abundance. The Committee also encouraged industry-led research into vibroseis which may provide a quieter alternative to seismic surveying.

The Scientific Committee reviewed the conclusions from an external Workshop on 'Cumulative impacts of underwater noise with other anthropogenic stressors on marine mammals' and recommended that member governments develop a quantitative approach for assessing cumulative impacts of sound on cetaceans and their prey.

The Scientific Committee also noted the recent progress within the IMO on reducing low frequency sounds from shipping and recommended that: (1) the goal of noise reduction from shipping advanced in 2008 be actively pursued; (2) designs to reduce noise from ship propulsion be advanced within the goals of the IMO; and (3) the IWC and IMO continue to work collaboratively.

12.4.2 Commission discussions and action arising

The Commission noted this part of the Scientific Committee report and endorsed its recommendations.

12.5 Other environment-related issues

12.5.1 Report of the Scientific Committee

CETACEAN EMERGING AND RESURGING DISEASE (CERD) WORKING GROUP

The CERD Working Group was established in response to the report of the 2007 Workshop on Infectious and Non-infectious Diseases of Marine Mammals and Impact on Cetaceans²¹. The Scientific Committee received an update on its interessional accomplishments under the following five categories: (1) skin disease; (2) diagnostic laboratories and veterinary experts; (3) prioritisation of pathogens; (4) emergency response; and (5) enhancement of capacity and communications among stranding networks.

MAPPING OF CETACEAN DISTRIBUTION

The Scientific Committee received information on two studies that will correlate cetaceans with specific habitat features as well as other megafauna. The first was the REMMOA (Recensements des Mammifères marins et autre Mégafoaune pélagique par Observation Aérienne or Census of marine mammals and other pelagic megafauna by aerial survey) initiated by the French Agency for Marine Protected Areas (AAMP). The project is conducting a series of surveys across the French EEZ in the tropical Atlantic, Indian and South Pacific Oceans to identify hotspots of density and abundance. The second study was funded by the Italian Government and conducted systematic monitoring of density and abundance of the most common cetacean species in the Pelagos Sanctuary and in the seas around Italy.

OTHER

The Committee discussed issues related to: (1) the global *One Health* approach to medicine; (2) the rapid expansion of marine renewable energy devices; and (3) noted that there has been limited progress on the Madagascar Mass Stranding Event since the update given in 2008.

12.5.2 Commission discussions and action arising

The Commission noted this part of the Scientific Committee report and endorsed its recommendations.

12.6 Ecosystem modelling

12.6.1 Report of the Scientific Committee

The Scientific Committee established a Working Group on ecosystem modelling in 2007. Its task is to examine the ecological relationships between whales and the ecosystems within which they live. The Chair of the Scientific Committee reported that the Working Group had reviewed publications and models relevant to the Committee's work, and encouraged collaboration with a project called CLIOTOP that was developed to analyse tuna populations in an ecosystem context. The Working Group remained an important forum for evaluating ecosystem models relevant to the Committee's work, and is an appropriate group to review the ecosystem aspects of special permit whaling programmes.

12.6.2 Commission discussions and action arising

Monaco referred to the ongoing research in the Mediterranean Sea to map the location of large predators including cetaceans. The Mediterranean is rich in whales and the Pelagos Sanctuary was established to prevent damage from fishing techniques such as drift nets. Monaco reported on ongoing discussions promoted by the Mediterranean Science Commission to establish further trans-boundary protected areas in the open Mediterranean Sea so as to allow a number of countries to come together to collectively protect, conserve and study cetaceans.

The Chair acknowledged the wide range of activities being undertaken by the Scientific Committee, and re-stated the importance of the Scientific Committee to the effective functioning of the Commission. The Commission then noted this part of the Scientific Committee report and endorsed its recommendations.

12.7 Reports from Contracting Governments on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals

There were no discussions under this item.

12.8 Health issues

12.8.1 Commission discussions and action arising

Switzerland noted that mercury and other toxic substances can become concentrated in the food chain and reach levels in some marine products where their consumption is not recommended. It considered that the IWC can do little about the use of such harmful substances, but noted that Governments are invited to work together through the framework of the UNEP Intergovernmental Negotiating Committee on Mercury. Mexico supported Switzerland's remarks, and said that it is important for countries that consume odontocetes to provide information to the WHO on the levels of contamination, especially where it relates to human health.

Monaco recalled IWC Resolutions 1998-11 on Concern about Human Health Effects from the Consumption of Cetaceans²² and 1999-4 on Health Effects from the Consumption of Cetaceans²³ and urged whaling nations to communicate their scientific findings on human health risk associated with cetacean consumption to their public. Monaco also urged the IWC Secretariat to re-activate communication with WHO on these issues. It stated that the risks associated with bio-magnification are high and

²¹J. Cetacean Res. Manage. (Suppl.) 10: 259-76 [2008].

²²Ann. Rep. Int. Whaling Comm. 1998: 47.

²³Ann. Rep. Int. Whaling Comm. 1999: 53.

that scientific evidence shows human health is at risk if the quantity of cetacean meat consumed is excessive. Monaco recalled that GESAMP (the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection) put bio-magnification in predators on their agenda three years ago. This was supported by the Netherlands, the Czech Republic, Hungary, Argentina, Australia, Austria, Finland, Costa Rica and Germany. Several of these countries also emphasised the importance of re-invigorating co-operation between the IWC and WHO, and requested that the Secretariat contact the WHO on this matter.

Norway said that cetaceans from some areas contain mercury or organic pollutants but the picture is varied between locations and species. It commented that there are also health benefits from eating cetaceans as recorded in a 2007 NAMMCO report²⁴. Norway noted that levels of mercury are equally high in long living fish such as halibut and tuna, and also in fish naturally containing high levels of fat. Overall it considered that in some areas health is increased if consumption is changed from terrestrial mammals to marine mammals.

Japan associated with Norway's comments and emphasised that the Government of Japan takes the issue of food safety seriously having experienced incidents involving other foods. Because of these incidents consumer awareness in relation to food standards is quite high, and the Government had responded by strengthening its food safety regulations. For whale meat by-products derived from special permit whaling under Article VIII (2) of the ICRW all the information on levels of chemicals is openly available on the website of the Institution of Cetacean Research²⁵. With regard to small cetaceans where there is a higher possibility of contamination the Ministry of Health and Work has issued instructions for the consumption of the products from small cetaceans. Japan also emphasised Norway's comments on the overall merit of eating foodstuffs derived from cetaceans, and noted that countries with a whale-eating culture also have long life expectancies.

13. CONSERVATION MANAGEMENT PLANS

Conservation management plans were discussed by the Scientific Committee under its Agenda Item on whale stocks²⁶ and by the Conservation Committee under a specific Agenda Item²⁷. The draft conservation management plan for North Pacific western gray whales was introduced under Agenda Item 4.4 above.

13.1 Report of the Scientific Committee

The Scientific Committee had previously agreed an approach for developing conservation management plans²⁸. The draft gray whale conservation plan discussed under Agenda Item 4.4 provided a standard for the development of future plans (Arabian Sea humpback whales had been identified as one potential candidate). In commending the western gray whale plan to the Commission, the Scientific Committee noted that its overarching goal is to reduce mortality from anthropogenic activities to zero as quickly as possible. The need to engage all stakeholders in refining the

plan was recognised and stressed by the drafters of the plan. It comprised 11 actions for the conservation of this critically endangered population, the most important initially being the appointment of a broad-based but focused Steering Committee and of finding funds for, and appointing, a full-time co-ordinator.

13.2 Report of the Conservation Committee

Conservation management plans and the relationship with the conservation of small cetaceans were discussed by the Conservation Committee. A summary is provided below with the full report of the Committee's discussions available as Annex I.

13.2.1 Conservation Committee discussion on conservation management plans

The Chair of the Conservation Committee recalled that at IWC/61 in 2009 a small, specialist group was established to construct a list of candidate conservation management plans. This group met in March 2010 and it reported that the development of plans were most urgently needed for the Chile-Peru population of southern right whales, and also – in the light of the recent die-off – for southern right whales in Argentina. The group recommended the use of voluntary funds to support an intersessional Workshop to finalise the framework and assess the best Conservation Management Plan proposals. The Conservation Committee indicated its overall support for the development of conservation management plans, and Australia confirmed that it supported the use of funds that it had voluntarily contributed to support an intersessional Workshop to be held in Argentina in September 2011.

13.2.2 Conservation Committee discussions on small cetaceans

The Chair of the Conservation Committee referred to the Committee's discussions on document IWC/62/CC11rev1 submitted by Belgium entitled 'Small Cetaceans and the IWC: A contribution to the discussions on the Future of the IWC', and noted that this document was submitted in the recognition that small cetaceans had not formed part of the core business of the Commission since 1993. The document identified direct and indirect threats to small cetaceans, described ways in which these threats are addressed and gave recommendations for further work on small cetaceans, the most important being: (1) broadening the Scientific Committee mandate and increasing its effectiveness; (2) clarifying the terms of reference for the use of money from the small cetaceans fund; (3) establishing a Commission Sub-committee on Small Cetaceans; (4) including small cetaceans in the development of conservation management plans; and (5) enhancing collaboration between IWC and other multi-national environmental agreements. The Chair of the Conservation Committee reported that many countries agreed on the need for international co-operation to improve the status of small cetaceans, but that differences existed over the IWC's competence to manage small cetaceans.

13.3 Commission discussion and action arising

13.3.1 Discussion on the Scientific Committee report

St Kitts and Nevis requested clarification on the term 'conservation management plan', and enquired whether the term represented both conservation *and* management or just conservation management. The Head of Science responded that the term 'conservation plan' was generally used by the Scientific Committee, but that the same approach was also often referred to as a 'conservation management plan'. Both

²⁴<http://www.nammco.no/Nammco/Mainpage/Publications/Miscellaneous/>

²⁵<http://www.icrwhale.org/eng-index.htm>

²⁶*J. Cetacean Res. Manage. (Suppl.)* 12: 1-75 [2011].

²⁷The report of the Conservation Committee is available as Annex I.

²⁸Donovan, G., Cañadas, A. and Hammond, P. 2008. Towards the development of effective conservation plans for cetaceans. Paper SC/60/O17 presented to the IWC Scientific Committee, Santiago, Chile, June 2008 (unpublished). 15pp. [Paper available from the Office of this Journal].

terms described the same method of reviewing the scientific evidence on a population's status and describing 'actions' needed to improve that status, including the management of human activities.

In addition to its comments under Agenda Item 4.4, the Russian Federation reported that the Russian Ministry of Natural Resources had established a special Interagency Working Group on Western Gray Whale Conservation. The draft of the western gray whale conservation management plan would be distributed to the Working Group, and the Russian Federation noted that it may wish to provide comments in due course.

The Commission noted the report of the Scientific Committee and endorsed its recommendations.

13.3.2 Discussion on the Conservation Committee report

13.3.2.1 DISCUSSION ON CONSERVATION MANAGEMENT PLANS

St Kitts and Nevis stated its concern over divorcing management from conservation within the mandate of the ICRW. It said that the Conservation Committee's vision of conservation management plans must ensure that conservation and management go hand in hand, and recommended that the Conservation Committee review its mandate, and also its use of terminology, so as not to conflict with the main purpose of the organisation.

Argentina supported the work of the Conservation Committee and considered that it had made much progress in recent years. It thanked Australia for its work on conservation management plans and the inclusion of the southern right whale populations of Chile-Peru and Argentina, especially given the calf mortality in the latter population. Brazil also supported the work of the Scientific Committee and Conservation Committee and highlighted a proposed Workshop on right whales to be hosted in Puerto Madryn in 2011 as an opportunity to develop a conservation management plan for this species. It encouraged members to attend the Conservation Committee so as to provide clarity on the work of the Committee.

Australia echoed Brazil's comments and referred to document IWC/60/CC7 which provided an overview of conservation management plans and commended the western gray whale plan as a good example. Australia recalled that it was delighted when IWC/61 in 2009 accepted the concept of conservation management plans as they are an important step to allow the alignment of conservation priorities and to focus on threats to populations around the world. The plans do not replace national work programmes; rather they provide a broader regional approach which is essential given the migratory characteristics of the species concerned. Australia noted the forthcoming Workshop in 2011 and hoped that it would allow for an assessment of a conservation management plan that was currently being drafted for right whales. It re-iterated its desire to have the plans endorsed and its provision of funding in this respect. Mexico, Monaco, Chile, Peru and UK noted their support for the work and interventions of Argentina, Brazil and Australia. The USA said that it continued to be a supporter of the work of the Conservation Committee.

Costa Rica, supported by Ecuador, Panama and Columbia introduced a request that it will make to the Scientific Committee in 2011 to consider humpback whales and cetaceans in general that inhabit the corridor of the tropical Pacific that runs from the Galapagos Islands to the Cocos Islands. The proposal will ask for ecosystem research to develop effective management of tourist whalewatching activities and carry out pilot projects with the participation

of local experts and scientific support from the IWC. The information will be used to support conservation and the promotion of non-lethal uses of whales, especially whalewatching. Panama, Ecuador, Peru, Brazil and Argentina supported the proposal.

13.3.2.2 DISCUSSION ON SMALL CETACEANS

St Kitts and Nevis recalled earlier discussions on the establishment of the Conservation Committee by majority vote rather than by consensus and noted that the Committee still represents a concern to some states. It was concerned that the Conservation Committee was expanding its work into small cetaceans and that it involved collaboration with other organisations outside of the IWC that are responsible for cetacean conservation and management issues. It suggested caution should be applied because the work of the Conservation Committee is not fully established within the framework of the IWC. It further recommended that the Committee should withdraw any plans for external collaboration on small cetaceans until the internal matter of the IWC's competence to deal with small cetaceans is resolved. St Vincent and The Grenadines recalled its previously stated objections to the establishment and operation of the Conservation Committee, and re-iterated its position on this matter relating to small cetaceans.

Switzerland noted Belgium's presentation to the Conservation Committee and said its interpretation is that all cetaceans fall under the application of the IWC. Accordingly Switzerland gave its support for all efforts to promote the conservation and sustainable use of small cetaceans. Luxembourg and Ireland both supported this view.

The Commission noted the report of the Conservation Committee.

14. WHALEWATCHING

While the Scientific Committee deals exclusively with scientific aspects of whalewatching, in 2007 it was suggested that the Conservation Committee could usefully address aspects related to management, including the implementation of the Scientific Committee's recommendations in this area, socio-economic aspects and international co-operation.

14.1 Report of the Scientific Committee²⁹

The Chair of the Scientific Committee reported on progress to develop its 'large-scale whalewatching experiment' (LaWE) which will describe the effects of whalewatching, improve understanding of mechanisms and develop mitigation measures. The LaWE intersessional steering group had developed objectives, aims, methodology, design, management and funding considerations for this initiative. The Scientific Committee agreed a procedural mechanism to manage the different components of the LaWE project. A variety of potential funding sources for the LaWE effort were identified and a budget request made to assist the work.

The Scientific Committee reviewed papers concerning whalewatching. The Committee noted the lack of information on whalewatching activities in western and northern Africa and expressed concern at the potential for expansion of these activities in the region without sufficient scientific information. It called for an assessment of the scope of activities to be made by relevant authorities as soon as possible. In addition, it reiterated its concern over the critically endangered Irrawaddy dolphin population

²⁹Details of the Scientific Committee's deliberations on this Item are provided in *J. Cetacean Res. Manage. (Suppl.)* 12: 1-75 [2011].

inhabiting the Mekong River and strongly recommended that the Cambodian government and relevant agencies make every effort to reduce the exposure of dolphins to vessel-based tourism in deep-water pools in the Mekong River.

Considerable intersessional progress was made on a database for world-wide tracking of commercial whalewatching which should be available to go online prior to next year's Annual Meeting. The compendium 'Whalewatching Guidelines and Regulations around the World' is in the process of being updated and will be available on the IWC's website shortly.

14.2 Report of the Conservation Committee³⁰

14.2.1 Standing Working Group on Whalewatching

The Conservation Committee's Standing Working Group on Whalewatching established an intersessional correspondence group in 2008 to look at all aspects of whalewatching and make recommendations for any potential future workshop. The group made a number of recommendations in 2009 that were endorsed by the Conservation Committee including *inter alia*: that a Standing Working Group (SWG) on Whalewatching be established to prepare, in consultation with the Scientific Committee, a five-year strategic plan and that support be given to an intersessional Workshop to be held in late 2010 to initiate the strategic plan.

Argentina presented the draft strategic plan on behalf of the Standing Working Group and identified its main priorities over the next five-years. The plan had three key elements:

- (1) research and assessment;
- (2) management; and
- (3) capacity building and development.

The Standing Working Group will provide practical guidelines for member states seeking to identify the potential of whalewatching to contribute to the socio-economic growth of their communities and to exploit that potential sustainably, consistent with a precautionary approach. It will also develop the tools for countries to implement the three core elements in building sustainable whalewatching industries.

A Workshop will be hosted by Argentina in November 2010 to begin a discussion on the three key themes for responsible whalewatching activities and to identify the goals and products to be achieved as part of the five-year strategic plan. A number of countries expressed support for the proposed Workshop and gratitude to Argentina for hosting it. Financial support for the Workshop was offered by Australia and the USA.

14.2.2 Conservation Committee discussions and recommendations

The Conservation Committee noted requests from the Scientific Committee to clarify the arrangement whereby the Scientific Committee's work on whalewatching will inform the work of the Conservation Committee. Several countries supported close collaboration between the Scientific and Conservation Committees and suggested mechanisms to assist in facilitating the collaboration. The Conservation Committee also discussed the economic benefits and need for proper management of whalewatching in the context of the ICRW.

14.3 Commission discussions and action arising

New Zealand repeated its support for whalewatching and recalled the example of the Kāti Kurī tribe from Kaikoura

which had used whalewatching to grow the economy of its entire community and had contributed an estimated total of 80 million US dollars to the New Zealand economy. New Zealand recognised that whalewatching was an important activity in the wider Pacific which must be managed and supported by scientific research. It was proud to report that it had hosted several whalewatching events and workshops, and had reported the findings from those events to the Scientific Committee. It supported the five year strategic plan advanced by the Conservation Committee.

Argentina stated its support for the work of the Scientific and Conservation Committees, and referred to the draft strategic plan submitted to the Conservation Committee by Argentina, Australia, Brazil, South Africa, UK and USA. It drew attention to the Workshop that was planned for November 2010 in Puerto Madryn on whalewatching and said that participants from many countries and many related disciplines would attend. It noted the report of the Workshop would be available to IWC/63 in 2011. Australia also gave its support to the draft strategic plan and considered that the tools for managing whalewatching that would be developed at the Workshop would continue to grow in value as more countries develop whalewatching activities. Australia said that in 2008, more than 13 million people participated in whalewatching, and encouraged all countries to participate in the Workshop, including those that were yet to develop a whalewatching industry. It was pleased to provide financial support for this Workshop to help with the costs of organisation and to allow delegates from developing countries to attend.

Many delegations including India, Costa Rica, UK, South Africa, Brazil, Ecuador, Mexico, Luxembourg, USA, Uruguay and France also gave their support to the work of the Scientific and Conservation Committees, thanked Argentina for offering to host the whalewatching Workshop in November 2010 and thanked Australia and the USA for their financial support.

Chile reported that in the last year it had developed regulations allowing whalewatching to be carried out in a sustainable and responsible manner. The regulations were a joint effort between Government and civil society organisations.

Uruguay and Argentina both referred to a 2008 report called 'The State of Whale Watching in Latin America' by Erich Hoyt and Miguel Iñiguez and published by WDCS, IFAW and Global Ocean. The report showed that whalewatching in Latin America has shown strong and steady growth since 1998, increasing at an estimated average of 11% per annum between 1998 and 2006. Uruguay went on to report that more than 30 NGOs in Latin America were working to support the development of the whalewatching industry

Cameroon said that for African countries, especially in the Gulf of Guinea, the financial and technical resources necessary to develop a whalewatching industry were very costly, and that tourism activities in general had declined because of security concerns.

Several delegations thanked Dr Kato for his hard work and dedication in chairing the Scientific Committee's Sub-Committee on Whalewatching for the last 14 years.

The Commission noted the report of the Scientific Committee and endorsed its recommendations. The Commission also noted the Conservation Committee report on whalewatching.

³⁰Details of the Conservation Committee's deliberations are provided as Annex I.

15. CO-OPERATION WITH OTHER ORGANISATIONS³¹

15.1 Report of the Scientific Committee

Co-operative arrangements have continued and been strengthened with a number of other organisations including CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources), ICES (International Council for the Exploration of the Seas), the Lima Convention (Convention for the protection of the marine environment and coastal area of the south east Pacific), ASCOBANS (Agreement on Small Cetaceans of the Baltic and North Seas), the Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region, NAMMCO (North Atlantic Marine Mammal Commission), PICES (North Pacific Marine Science Organisation), CITES (Convention on International Trade in Endangered Species), IMO (International Maritime Organization), ICCAT (International Commission for the Conservation of Atlantic Tuna), IUCN (International Union for the Conservation of Nature) and ACCOBAMS (Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area).

15.2 Commission discussions and action arising

There was no discussion under this item.

16. OTHER SCIENTIFIC COMMITTEE ACTIVITIES AND WORK PLAN

16.1 Small cetaceans

In 1991, the Commission adopted a Resolution on Small Cetaceans³² which recalled its request of the previous year for the Scientific Committee to draw together information on stocks subjected to significant directed and incidental takes, and requested the Scientific Committee to continue this work, including those stocks which were not reviewed.

16.1.1 Report of the Scientific Committee

16.1.1.1 SMALL CETACEANS IN NORTHWESTERN AFRICA AND EASTERN TROPICAL ATLANTIC WATERS

The priority topic for the Scientific Committee this year was to review the status of small cetaceans of north-western Africa and eastern tropical Atlantic waters. Of the 22 species in this region the IUCN Red List status for all but one species is either Least Concern or Data Deficient. The overall scarcity of information prevented the Committee from being able to make a reliable evaluation of the status of any species in the region, although nearly all species are either taken directly or as bycatch. The Committee expressed serious concern over one species, the Clymene dolphin, due to ongoing observed landings in Ghana. The Committee expressed concern over anthropogenic threats to the Atlantic humpback dolphin in many parts of its range. It made a number of recommendations for further work in the region and expressed concern over information from 12 West African countries that suggested conditions there may lead to unregulated direct hunting. However the Committee also noted that ongoing activities in some West African countries (e.g. Ghana, Togo, Nigeria and Benin) provided good examples on realising some of the general recommendations from the Scientific Committee on small

cetacean conservation, but that there was still a great need for capacity building and financial support.

The Committee received a summary on the ongoing plans for an IWC Workshop on the Effects of Climate Change on Small Cetaceans introduced under Agenda Item 12. The Committee re-confirmed its support for the Workshop.

16.1.1.2 PROGRESS ON PREVIOUS RECOMMENDATIONS VAQUITA

The Committee recalled that present abundance of vaquita is around 250 animals which is less than half the estimate of 1997 and puts the vaquita in very real danger of extinction in a short period of time. Despite the establishment of the vaquita refuge area, their behaviour and distribution means they are still at risk from fishing operations. The buyout programme begun by the Mexican government in 2007 has reduced the fishing effort by about 40% but over 600 artisanal boats (*pangas*) are still fishing. In 2008, Mexico committed to reduce bycatch to zero in three years but there are no data to confirm a reduction in bycatch apart from an inference with the reduction in fishing effort. The regulatory situation means that fishermen generally no longer report and deliver bycaught vaquitas. The Committee reiterated its grave concern about the fate of the vaquita and repeated its recommendation that all gillnets must be removed from the upper part of the Gulf of California as soon as possible. The Committee also recommended intensified development of alternative fishing gears and encouraged Mexico to continue and intensify its conservation efforts.

BALTIC HARBOUR PORPOISE

The Baltic harbour porpoise population is also critically endangered. The Committee recommended that the EU regulation on monitoring and mitigation of cetacean bycatch in gillnet and pelagic trawl fisheries should be reviewed and small boats (<15m) must be included if realistic total estimates of bycatch are to be obtained. The Committee expressed concern over the large-scale bycatch in the German North Sea and Baltic, including the western Baltic. Better information on both the scale of incidental mortality and the stock affinities of the affected porpoises is essential.

FRANCISCANA

The franciscana is endemic to the eastern coasts of Brazil, Uruguay and Argentina and is one of the most threatened small cetaceans in South America due to high bycatch levels and increasing habitat degradation throughout its range. The Committee welcomed a paper that provided the first estimate of abundance of franciscanas in Brazil. Although this estimate is probably negatively biased, when combined with current bycatch estimates the estimated incidental mortality rate is 3.3-6.2% which is probably unsustainable. The Committee recommended continuing studies to estimate the abundance and stock structure of this species in these countries. Assessments must be undertaken of not only bycatch but also the other potential threats to this species.

IRRAWADDY DOLPHIN

The freshwater population of Irrawaddy dolphins in the Mekong River is Critically Endangered. The Committee expressed grave concern about the rapid and not fully explained decline of this population. It commended the efforts by Cambodian government agencies and WWF-Cambodia to diagnose the cause(s) of the decline, and strongly recommended that every effort be made to stop and reverse it; for example by immediately eliminating entangling fishing gear in the pool areas used most

³¹Details of the Scientific Committee's deliberations on this Item are provided in *J. Cetacean Res. Manage. (Suppl.)* 12: 1-75 [2011].

³²*Rep. int. Whal. Commn* 42:48 [1992].

intensively by the dolphins and by taking immediate steps to reduce the exposure of the dolphins to tour boat traffic.

OTHER

The Scientific Committee also: (1) drew attention to the vulnerability of the recently identified isolated Iberian population of harbour porpoises; (2) expressed concern about small cetacean bycatch in the Machalilla National Park in Ecuador; and (3) received encouraging news about the abundance of narwhals in Canadian and Greenlandic waters.

16.1.2 Commission discussions and action arising

Sweden reported it has increasing problems with bycatch of marine mammals and because of this the National Board of Fisheries was developing new equipment to solve this problem. They have constructed a new large trap to be used for catching coastal salmonid fish. These traps not only stop bycatch, but they also catch mammals – in this case seals – alive so that they can be released in another location or killed. Because the vaquita (another porpoise species) experienced similar threats due to bycatch, and in line with Resolution 2007-5³³, Sweden reported that it introduced the same trap in Mexican waters. Preliminary results indicate quite promising results for the trap both in Sweden and Mexico.

Mexico recalled resolution 2007-5 and the subsequent agreements made at the 2008 Annual Meeting of the IWC to offer friendly assistance to Mexico to support conservation efforts for the vaquita. Mexico thanked the 17 countries involved, especially Sweden. It also thanked Sarah Kingston for her expert assistance in trialling the new traps, and stated that the initial results were promising. Mexico reported that they expected to continue the work and were developing new traps for the shrimp fishery. With respect to estimating abundance of vaquita, Mexico reported its most recent abundance estimates were in the region of 240 animals. Sweden also reported its concerns about the bycatch of harbour porpoise in the Baltic Sea. In an effort to eliminate the bycatch of harbour porpoise in nets used in cod fisheries it had introduced observers on some ships and pingers on nets. But it indicated its main approach was to replace nets with traps, and the Swedish National Board of Fisheries was researching and developing large traps to be used instead of nets.

Brazil and Argentina both noted the endangered status of the franciscana and thanked the Scientific Committee for its work and recommendations. Brazil reported that this year it had published an action plan to assist the conservation of franciscana in Brazilian waters and noted the importance of the funding from the IWC voluntary fund for small cetaceans in allowing it to conduct aerial surveys. Argentina reported that it continued to promote the joint research undertaken by Brazil, Uruguay and Argentina to develop and adopt appropriate management measures.

India reported that it had recently recognised the Ganges river dolphin as the national aquatic animal of India and expected that the measure would help assist the conservation of this species. Cameroon drew attention to the stranding of five dolphins in its waters in the previous year. Ecuador thanked the Permanent South Pacific Commission for the funding it provided to allow Ecuador to develop a pilot project on bycatch of small cetaceans in the Machalilla National Park, and stated that the Government of Ecuador will continue to investigate the matter.

The Commission noted this part of the Scientific Committee report and endorsed its recommendations.

16.2 Regional non-lethal research partnerships

16.2.1 Report of the Scientific Committee

The Southern Ocean Research Partnership (SORP) was proposed by the Australian Government in 2008 to develop a multi-lateral, non-lethal scientific research programme to deliver relevant scientific information to the IWC. The Committee received reports on intersessional progress of SORP which included: (1) holding a Workshop in December 2009 to develop the partnership; (2) conducting the first cruise of the joint Australia-New Zealand Antarctic Whale Expedition; and (3) identifying seven proposed projects that are consistent with SORP objectives and would benefit from large-scale, multiregional participation.

The joint Australia-New Zealand cruise focused on telemetry, biopsy and photo-id studies of Southern Hemisphere humpback whales. The data are freely available so comparisons can be made to animals sampled in other parts of the world. The Committee recommended continuation of this type of work, especially in other poorly surveyed areas in the Southern Hemisphere. The Committee also discussed and endorsed a process for evaluating requests for funding under the IWC/SORP research fund.

16.2.2 Commission discussions and action arising

Australia welcomed the report of the Scientific Committee and thanked the scientists involved. It indicated it was pleased with the funding mechanism that had been developed and the projects proposed to date. It requested that the Commission raise the financial limit for smaller projects from the suggested £4,000 to £15,000 to allow those projects to commence without waiting for approval at the next Annual Meeting. There were no objections to this proposal and it was accepted by the Commission.

The Committee noted this part of the Scientific Committee's report and endorsed its recommendations.

16.3 Other activities

16.3.1 Report of the Scientific Committee

16.3.1.1 STOCK DEFINITION

Examination of the issues of population structure and stock definition plays an important role in much of the Committee's work, whether for the RMP, AWMP or general conservation and management. In recognition of this, the Committee established a Working Group to review the theoretical and practical aspects of the stock concept in relation to management several years ago. The Committee previously endorsed a set of guidelines for ensuring sufficient quality of genetic data used for developing management advice, and continues to develop guidelines for statistical analysis of genetic data.

Scientific Committee discussions continued on the TOSSM (Testing of Spatial Structure Models) project and its possible use in assisting the Committee's work on North Pacific common minke whales.

16.3.1.2 DNA TESTING

This item is discussed in response to Commission Resolution 1999-8³⁴. The Scientific Committee reported that it had received tissue samples arising from catches and bycatches from Norway, Japan and Iceland in 2009, and updated the Commission on the status of work to analyse the samples. It recommended the adoption of a standard format for the

³³Resolution 2007-5 was entitled 'The vaquita, from critically endangered to facing extinction'. *Ann. Rep. Int. Whaling Comm* 2008: 93.

³⁴*Ann. Rep. Int. Whaling Comm.* 1999: 55.

updates of national DNA registers, and also noted that the full technical specifications for the Japanese and Icelandic DNA registries had not been received or reviewed.

16.3.1.3 WORKING METHODS

The Committee discussed ways to improve its working methods relating to new procedures for primary and working papers. These procedures will be included in the Scientific Committee handbook³⁵.

The Committee also noted the problems faced by the *Journal* because of the closure of the printing company that had been used for many years and expressed its thanks to the editorial staff for minimising these problems. It reiterated the importance of the *Journal* to its work and noted that the possibility of establishing electronic subscriptions is being investigated.

16.3.2 Commission discussions and action arising

The Commission noted this part of the Scientific Committee report and endorsed its recommendations.

16.4 Scientific Committee future work plan

16.4.1 Report of the Scientific Committee

The Chair of the Scientific Committee described the work plan drawn up by the sub-committee Convenors, with the agreement of the Scientific Committee, after the close of the Committee meeting. The work plan took account of: (1) priority items agreed by the Committee last year and endorsed by the Commission, and within them the highest priority items agreed by the Committee on the basis of sub-committee discussions; (2) general discussions in the full Committee on this item and in particular the need to reduce the Committee's workload; and (3) budget discussions in the full Committee.

16.4.1.1 REVISED MANAGEMENT PROCEDURE (RMP)

The following issues are high priority topics:

GENERAL MATTERS

- (1) Complete the review of the range of MSYR values for use in the RMP;
- (2) finalise the approach for evaluating proposed amendments to the *CLA*;
- (3) evaluate the Norwegian proposal for amending the *CLA*;
- (4) consider implications that the phase-out rule in the RMP is applied by *Small Area* when catch cascading is applied and the abundance estimates are based on multi-year surveys; and
- (5) modify the Norwegian 'CatchLimit' program to allow variance-covariance matrices to be specified for the abundance estimates.

IMPLEMENTATION REVIEW FOR NORTH PACIFIC COMMON MINKE WHALE

- (1) Review results of intersessional Workshops; and
- (2) complete the work assigned to the 'First Annual Meeting' in accord with the guidelines.

IMPLEMENTATION FOR THE WESTERN NORTH PACIFIC BRYDE'S WHALES

- (1) Review the research proposal for the 'variant with research'.

IMPLEMENTATION FOR NORTH ATLANTIC FIN WHALES

- (1) Review revised research proposal for the 'variant with research'; and
- (2) review abundance estimates for use in the *CLA*.

IMPLEMENTATION FOR NORTH ATLANTIC MINKE WHALES

- (1) Review any new abundance estimates.

16.4.1.2 ABORIGINAL WHALING MANAGEMENT PROCEDURE (AWMP)

The following issues are high priority topics:

- (1) work on developing appropriate long-term management advice for the Greenlandic fisheries with the primary focus on:
 - (a) completing work on a sex-ratio based assessment of common minke whales off west Greenland;
 - (b) progress on developing *SLAs* for West Greenland fin and common minke whales;
- (2) the *Implementation Review* for the eastern North Pacific gray whales; and
- (3) consider any new scientific information related to conversion factors for edible products for Greenland fisheries.

16.4.1.3 BOWHEAD, RIGHT AND GRAY WHALES (BRG)

The following issues are high priority topics:

- (1) perform the annual review of catch information and new scientific information for the B-C-B stock of bowhead whales and prepare for the 2012 *Implementation Review*;
- (2) review stock structure and abundance for Eastern Canada and West Greenland bowhead whales;
- (3) review scientific information on North Pacific and North Atlantic right whales;
- (4) review progress towards a southern right whale Workshop;
- (5) review new information on western gray whales;
- (6) review information on other stocks of bowhead whales; and
- (7) review new information on eastern gray whales (not relevant to *Implementation Review*).

16.4.1.4 IN-DEPTH ASSESSMENT (IA)

The following issues are high priority topics:

- (1) resolve the reasons for the differences between estimates of abundance of Antarctic minke whales between the OK and SPLINTR models;
- (2) continue development of the catch-at-age models of Antarctic minke whales, including sensitivity tests to examine various assumptions regarding ageing errors and age-length keys; and
- (3) continue examination of the differences between minke abundance estimated from CPII and CPIII, by further investigation of the relationship between sea ice and minke whale abundance.

16.4.1.5 BYCATCH AND OTHER HUMAN-INDUCED MORTALITY (BC)

The following issues are high priority topics:

- (1) collaboration with FAO on collation of relevant fisheries data and joining FIRMS;
- (2) review progress in including information in National Progress Reports;
- (3) continue development of the international database of ship strike incidents;
- (4) consider methods for estimating risk and rates of bycatch and entanglement;
- (5) consider methods and data sources for establishing time series of bycatch;

³⁵www.iwcoffice.org/sci_com/handbook/htm.

- (6) review methods to estimate mortality from ship strikes; and
- (7) review methods for assessing mortality from acoustic sources and marine debris.

16.4.1.6 STOCK DEFINITION (SD)

The following issues are high priority topics:

- (1) furtherance of guidelines for genetic analyses;
- (2) updates on guidelines for DNA Data Quality;
- (3) statistical and genetic issues concerning stock definition;
- (4) TOSSM; and
- (5) unit-to-serve.

16.4.1.7 DNA (DNA)

The following issues are high priority topics:

- (1) review genetic methods for species, stock and individual identification;
- (2) review of results of the 'amendments' work on sequences deposited in GenBank;
- (3) collection and archiving of tissue samples from catches and bycatches; and
- (4) reference databases and standards for diagnostic DNA registries.

16.4.1.8 ENVIRONMENTAL CONCERNS (E)

The following issues are high priority topics:

- (1) SOCER;
- (2) review progress on POLLUTION 2000+;
- (3) review new information on the impact of oil and dispersants on cetaceans;
- (4) review progress of the CERD Working Group;
- (5) review progress on recommendations from the 2010 focus sessions on masking sound;
- (6) review approaches as available from other international forums with regard to mitigation of effects of anthropogenic sound on cetaceans;
- (7) review progress on work from the 2nd Climate Change Workshop; and
- (8) review of marine renewable energy development.

16.4.1.9 ECOSYSTEM MODELLING (EM)

The following issues are high priority topics:

- (1) review ecosystem models from the North Pacific that may be relevant to assessments and RMP *Implementations*;
- (2) review other issues relevant to ecosystem modelling within the Committee; and
- (3) review ecosystem modelling efforts undertaken outside the IWC.

16.4.1.10 SOUTHERN HEMISPHERE WHALES OTHER THAN ANTARCTIC MINKE WHALES (SH)

The following issues are high priority topics:

- (1) humpback whales - complete the assessment of breeding stock B;
- (2) blue whales (Antarctic and pygmy) - population estimates and continue work on the Southern Hemisphere blue whale catalogue;
- (3) prepare for assessment of humpback whale breeding stocks D, E and F; and
- (4) review new information on the Arabian Sea humpback whale population.

16.4.1.11 SMALL CETACEANS (SM)

The following issues are high priority topics:

- (1) the status of status of Ziphiidae (beaked and bottlenose whales) worldwide;
- (2) directed takes of small cetaceans;
- (3) review report from the Climate Change and Small Cetaceans Workshop;
- (4) other topics e.g. marine bushmeat; and
- (5) review of progress on previous recommendations.

16.4.1.12 WHALEWATCHING (WW)

The following issues are high priority topics:

- (1) assess the impacts of whalewatching on cetaceans;
- (2) review reports from intersessional working groups:
 - (i) large-scale whalewatching experiment (LaWE) Steering Group;
 - (ii) LaWE Budget Development Group;
 - (iii) on-line database for world-wide tracking of commercial whalewatching and associated data collection;
 - (iv) swim-with-whale operations;
- (3) consider information from platforms of opportunity of potential value to the Committee;
- (4) review of whalewatching guidelines and regulations; and
- (5) review of collision risks to cetaceans from whalewatching vessels.

16.4.1.13 SCIENTIFIC PERMITS (SP)

The following issues are high priority topics:

- (1) review of activities under existing permits;
- (2) review of new or continuing proposals;
- (3) procedures for reviewing scientific permit proposals; and
- (4) planning for final review of results from Iceland's scientific take of North Atlantic common minke whales.

16.4.2 Commission discussions and action arising

The Commission endorsed the programme recommended by the Scientific Committee.

16.5 Adoption of the Scientific Committee Report

The Commission adopted the Scientific Committee report and its recommendations, including the future work plan.

17. CONSERVATION COMMITTEE

The Conservation Committee met on 15 June and was chaired by Thomas Schmidt (Germany). Delegates from 25 Contracting Governments participated and its report is given as Annex I. The Conservation Committee's discussions on whalewatching, whale sanctuaries and conservation management plans are included under Agenda Items 14, 8 and 13 respectively of this report. The discussions on other items are summarised below.

17.1 Report of the Conservation Committee³⁶

17.1.1 Investigation of inedible 'stinky' gray whales

At IWC/57 the Conservation Committee established a research programme to address the issue of inedible stinky gray whales caught by the Chukotkan aboriginal subsistence hunters. No report was provided under this Agenda Item this year and there was no discussion.

³⁶The full report of the Conservation Committee is available as Annex I.

17.1.2 Ship strikes

In 2005, it was agreed that the Conservation Committee would work on the issue of whales being killed or injured by ship strikes, recognising that this is also being addressed by the Scientific Committee. Ship strikes are primarily on the Scientific Committee's agenda because the RMP takes anthropogenic mortality such as this into account when recommending catch limits. The Ship Strikes Working Group (SSWG) was established to develop detailed proposals for the Conservation Committee and to co-ordinate any work initiated.

17.1.2.1 REPORT FROM THE SCIENTIFIC COMMITTEE

The Chair of the Scientific Committee reported that the Committee had reviewed a number of papers on ship strikes, particularly dealing with southern right whales in Uruguayan waters during 2003-07. The Scientific Committee noted that good progress had been made with the IWC's global ship strikes database. The Committee looked forward to the results of the joint IWC/ACCOBAMS Workshop on ship strikes to be held in September 2010 and appreciated the ongoing collaboration with the IMO.

17.1.2.2 REPORT OF THE SHIP STRIKES WORKING GROUP

The Chair of the Ship Strikes Working Group presented a report of activities conducted over the past year. There were seven main points of progress:

- (1) increased collaboration with IMO on ship strikes, habitat degradation and noise;
- (2) national legislation or initiatives developed by Argentina, Chile, New Zealand, Spain and the USA;
- (3) finalisation of the agenda for the September 2010 ACCOBAMS/IWC Workshop;
- (4) increased awareness of the issue and the global ship strikes database;
- (5) the adoption of a whale and dolphin action plan that included matters related to ship strikes by the Signatory States at the second Meeting of CMS MoU for the Conservation of Cetaceans and Their Habitats in the Pacific Islands Region;
- (6) the undertaking of an ASCOBANS study on ship strikes was underway using ships' Automatic Identification System data; and
- (7) expansion of the ship strike database which now contained almost 1,000 entries.

France and Belgium had made voluntary donations to the work of the SSWG.

17.1.2.3 CONSERVATION COMMITTEE DISCUSSIONS

Several delegations reported on their progress to reduce ship strikes including:

- (1) the holding of a 2009 stakeholder Workshop in New Zealand which discussed ship strikes on Bryde's whales in the Hauraki Gulf;
- (2) the development of a series of recommendations to diminish the risk of collisions in the province of Chubut, Argentina;
- (3) the development of Conservation Action Plans for large whales by Mexico;
- (4) the introduction of additional measures to reduce ship strikes in the USA including auto detection buoys in New England;
- (5) the development in Spain of a European LIFE+ Project to identify, assess and mitigate the effects of maritime traffic on marine biodiversity and cetaceans;

- (6) the development of an Action Plan for Aquatic Mammal Conservation in Brazil including mitigation for ship strikes; and
- (7) the development of a national ship strike strategy by Australia.

17.1.3 Southern right whale population of Chile-Peru

At its meeting in 2008 the Conservation Committee received reports from a Workshop on the status of the Chile-Peru right whales and recommended that the issue remain a high priority in the future work of the Scientific Committee. The Scientific Committee did not receive any new information on this population this year.

Chile highlighted the critical status of the Chilean population of southern right whales, estimating that it probably consisted of less than 50 mature whales. One animal was found dead in 2009 bearing signs of human interaction, and there were only two reports of sightings. The conservation status of these whales is of great concern, and Chile considered that the development of a conservation management plan is crucial.

17.1.4 National Progress Reports

The Committee welcomed voluntary national reports from Australia, USA, New Zealand, UK, Brazil, Argentina, Chile and France which summarised a wide range of measures being undertaken to assist in the conservation of cetaceans. A summary of these reports is provided in the report of the Conservation Committee (Annex I).

17.1.5 Other matters

The USA noted that only approximately 20 member nations had attended the meeting of the Conservation Committee. Regardless of the result of discussions on the Future of the Commission, the USA hoped that the Conservation Committee can collaborate more effectively in the future on conservation initiatives.

France drew the Committee's attention to the Maldives Declaration (Lankanfinolhu Declaration) made at the Indian Ocean Cetacean Symposium which was held to mark the 30th anniversary of the creation of the Indian Ocean Sanctuary. Key aspects of the declaration relevant to the IWC are reproduced in Appendix 4 of the Conservation Committee Report (see Annex I).

17.2 Commission discussions and action arising

17.2.1 Investigation of inedible 'stinky' gray whales

There were no comments made.

17.2.2 Ship strikes

Argentina, France, Luxembourg and Brazil thanked the Scientific Committee, Conservation Committee and Chair of the Ship Strikes Working Group for their reports. Argentina noted its voluntary report on ship strikes included updates on decisions made to reduce the number of ship strike events during the breeding period of southern right whales from May to December. It also referred to scientific work going ahead in the Province of Chubut to further reduce the frequency of collision events with right whales.

France noted that the western Mediterranean is an important area for fin and sperm whales and has a high density of maritime traffic. Because of this France will be pleased to take part in the joint IWC/ACCOBAMS Workshop to reduce ship strikes. Also relevant to the Mediterranean, France referred to the Pelagos Sanctuary where trials of the REPSET transmission system were taking place which had the potential to alert merchant navy ships to the presence

of cetaceans. It noted that the three parties responsible for the Pelagos Sanctuary (Monaco, France and Italy) were considering proposing the Sanctuary as a Vulnerable Maritime Area under the framework of the IMO. Finally France recognised that it is difficult to assess the impacts of ship strikes on whale populations because the strikes are not always recorded, and it referred to co-operation between the Governments of France and Italy to notify Port Authorities on how to register ship strikes using a standardised system.

Brazil referred to its Action Plan for the Conservation of Aquatic Mammals and stated that one of the priorities for the Plan was to reduce ship strikes. Over the next year Brazil intended to collect information and study how to minimise the impacts of vessels on whales. Chile reported that it will start work on developing regulations so that all fishing vessels will have contingency plans in case of strikes with whales.

17.2.3 Southern right whale population of Chile-Peru

Chile asked for this subject to remain on the agenda of the Conservation Committee.

17.2.4 National Progress Reports

There were no comments made.

17.2.5 Other matters

There were no comments made.

The Commission noted the report of the Conservation Committee.

18. CATCHES BY NON-MEMBER NATIONS

There were no contributions or discussions under this item.

19. INFRACTIONS, 2009 SEASON

The Infractions Sub-Committee did not meet prior to IWC/62 so as to allow time for extra discussions on the 'Future of the IWC' (see Agenda Item 3) during the sub-group week. Instead the material usually dealt with by the Sub-Committee was heard directly by the Plenary. A summary report of infractions received was prepared by the Secretariat and is available as Annex J.

The summary of catches by IWC member nations in the 2009 and 2009/2010 seasons is available as Annex K.

19.1 Summary of Infractions reports

19.1.1 Infractions reports from Contracting Governments

19.1.1.1 REPORTS FOR 2009

Denmark, on behalf of Greenland reported one infraction for waste of fin whale meat and a second infraction where a minke whale had been taken using an inappropriate hunting method. The USA reported two infractions, both relating to the take of bowhead calves and Iceland reported three infractions: one relating to the take of an undersized fin whale, the second for the take of a lactating fin whale and the third because of the type of grenade used to take a minke whale. The Republic of Korea reported 16 infractions, all relating to minke whales taken illegally. The details of these infractions and the penalties imposed are provided in Annex J.

No infractions were reported by Japan, Norway, St Vincent and The Grenadines or the Russian Federation this year.

19.1.1.2 UNRESOLVED INFRACTIONS FROM PREVIOUS SEASONS

Investigations of two previous infractions dating from 2005 and 2006 in West Greenland were suspended as

further investigation by the police is not expected to result in prosecution. Investigations were ongoing for two other unresolved infractions in Greenland dating from 2006 and 2008 with verdicts expected in 2010.

19.1.2 Surveillance of operations

The Infractions reports submitted by the USA, the Russian Federation and St Vincent and The Grenadines stated that 100% of their catches are under direct national inspection. Denmark's (on behalf of Greenland) Infractions report stated that their catches were subjected to a random check.

19.1.3 Checklist of information required or requested under section VI of the Schedule

The following information was provided:

Denmark: Information on date, species, length, sex, whether the whale was pregnant and/or lactating and the length and sex of any foetus if present was collected for between 73-100% of the catch, depending on the item. The position of each whale killed was collected for 62% of the catch and the name of the area where whales were hunted was reported for all of the remainder. Information on killing methods and struck and lost animals was also collected.

USA: Information on date, time, species, position, length, sex, the length and sex of any foetus if present, killing method and number of struck and lost was collected for 97-100% of the catch. Biological samples were collected from at least 71% of animals.

Russian Federation: Information on date, time, species, position, length, sex, the length and sex of any foetus if present, killing method and numbers struck and lost was collected for 100% of the catch. Biological sampling was conducted on 61 gray whales.

St Vincent and The Grenadines: Information on date, time, species, length, sex and numbers struck and lost was collected for 100% of the catch.

Norway and Iceland: The required information was submitted to the Secretariat as noted in the Scientific Committee report.

19.1.4 Submission of national laws and regulations

A summary of national legislation supplied to the Commission is given in Annex J, Table 1. The only new legislation received in the last year was from Japan concerning the release of live gray whales caught in set nets.

19.1.5 Other matters

The Secretariat had received no reports from Contracting Governments on availability, sources and trade in whale products and no comments were made during the meeting.

19.2 Commission discussions and action arising

Korea stated that it suspended commercial whaling in 1986 pursuant to the moratorium and said that infractions are subject to the administrative and judicial sanctions as described in the Secretariat's report. The Korean Fisheries Act provides for those who illegally take whales to be punished by up to three years in jail and a fine equivalent of up to US\$25,000. Those committing illegal acts are also subject to administrative disciplinary measures including cancellation of their fishing licence or confiscation of their rights to sell whale meat. In 2009 the Korean Government detected 16 whales which were being illegally caught or

transported and stated that it will continue to strengthen enforcement activities so as to end illegal whaling in Korean waters.

The Commission endorsed the report of the Subcommittee.

20. NGO ADDRESS

Eight NGOs, broadly representing the spectrum of views on whaling, addressed the Plenary meeting for five minutes each. Those organisations chosen by their peers to address the Plenary were: WWF, Concepesca, NOAA, Species Management Specialists, Eastern Caribbean Coalition for Environmental Awareness (ECCEA), Global Guardian Trust, Cousteau Society and Greenpeace Japan. A summary of their presentations, in the order they spoke, is given in Annex L.

At the end of the NGO interventions, Norway remarked on the content of some of the presentations and referred to accusations made about Norwegian whaling operations in a film that the Norwegian Government believed had been falsified. The Chair advised Norway to raise these concerns under Agenda Item 5.3 and Norway's comments can be found under that Agenda Item.

21. ADMINISTRATIVE MATTERS

Agenda Items 21 to 23 covering administrative and financial matters were considered first by the Finance and Administration (F&A) Committee. The F&A Committee met on two occasions on 18 June and 24 June with Donna Petrachenko (Australia) as Chair. The report and supplementary report arising from these meetings are provided at Annex M.

21.1 Implications of discussions on the Future of the IWC

The F&A Committee considered the range of administrative and financial implications of the work related to the Future of the IWC reported under Agenda Item 3. In particular, the Committee considered the possible budgetary effects of the need for further intersessional meetings, as well as the need for an additional member of staff within the Secretariat to support the extra activity. The outcome of those discussions is reported under Item 23.

21.2 Amendments to the Rules of Procedure, Financial Regulations and Rules of Debate

At IWC/61 in 2009 the Commission adopted changes to Paragraph J of the Rules of Procedure. The changes were intended to allow the Commission to consider urgent draft resolutions which arise at its meetings after the 60 day deadline. However as originally drafted the changes made at IWC/61 would not have allowed the adoption of a consensus resolution that may arise *during* a meeting. After discussion the F&A Committee agreed to recommend to the Commission that a new paragraph (J.3) be added which permits the Commission to adopt Resolutions on any matter that arises during a meeting but only when consensus is achieved. The new paragraph is as follows:

3. *Notwithstanding Rules J.1 and J.2, the Commission may adopt Resolutions on any matter that may arise during a meeting only when consensus is achieved.*

21.3 Other

21.3.1 IWC website

21.3.1.1 TRANSLATION

French translations of eleven and Spanish translations of two of the most viewed IWC web pages were correct as of June 2010 following a one off in-kind contribution from the Government of France in 2009. Efforts are underway to update the remaining pages, and translations of these pages will change from PDF format to HTML pages, to be maintained by the Secretariat, on completion of the website rebuild referred to below.

21.3.1.2 WEBSITE REBUILD

The Chair of the F&A Committee reported that the Secretariat expected the re-built and re-designed website to go live towards the end of 2010. The new website will be hosted on a dedicated server and will be maintained by the Secretariat. This will allow for greater security from malicious intrusions and also provide greater speed to cope with the increased traffic to the website (over one million page views were noted in the first six months of 2010, compared with 650,000 in the same period of 2009).

A rise in demand for electronic versions of documents was recorded which resulted in a 35% reduction in the number of paper copies required at the Scientific Committee meeting in 2010 compared to 2009.

Suggestions or comments were invited from Commission members for new additions to the site or amendments to existing sections to improve either accessibility or presentation of information.

21.3.2 Need for a Technical Committee

The F&A Committee Chair reminded the Commission that no provision had been made for the Technical Committee to meet at Annual Meetings since 1999. However, the Commission had agreed to keep the need for a Technical Committee under review in case catch limits other than zero should be set in the future, and the Chair of the F&A Committee recommended the continuation of the current arrangement.

21.3.3 Carbon Neutral Study

The Chair of the F&A referred to the Secretariat's report that a preliminary study on how to make the IWC carbon neutral was started in 2008. The work had not been further advanced since IWC/61 in 2009 because of other commitments relating to the future of the IWC. However, the Secretariat indicated it takes routine steps to reduce its carbon footprint. The F&A Committee noted this and looked forward to receiving the outcome of the study at its next meeting.

21.3.4 Review of Rules of Procedure

The Chair of the F&A Committee reported that following the discussion of a proposal from the UK, the F&A Committee agreed to recommend to the Commission that the new Secretary be asked to review the Commission's rules and procedures, including its financial rules and procedures, in comparison with other intergovernmental organisations and submit a report to the Committee at IWC/63 in 2011. The Committee further agreed that the Advisory Committee would provide advice to the new Secretary on which intergovernmental organisations should be included in the comparison.

21.4 Commission discussion and action arising

The Commission noted the report and recommendations of the F&A Committee in relation to the above items.

22. FORMULA FOR CALCULATING CONTRIBUTIONS

22.1 Procedures on late payment of financial contributions

22.1.1 Removal of double sanction

The Chair of the F&A Committee referred to discussions on the due date for financial contributions where Cameroon, supported by a number of countries considered that the current procedures with respect to non- or late payment of financial contributions imposed a double sanction in the form of both penalty interest and the suspension of voting rights. The F&A Committee agreed that interested countries should work together to present a proposal to the Commission. After discussions, Cameroon proposed the following amendment to F.1 of the Financial Regulations to remove the 10% penalty charge for late payment. The due date would remain unchanged:

F. Arrears of Contributions.

1. If a Contracting Government's annual payments have not been received by the Commission by *within 12 months of* the due date referred to under Regulation E.2. ~~a penalty charge of 10% shall be added to the outstanding annual payment on the day following the due date. If the payment remains outstanding for a further 12 months compound interest shall be added on the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the base rate quoted by the Commission's bankers on the day. The interest, calculated to the nearest pound, shall be payable in respect of complete years and continue to be payable in respect of any outstanding balance until such time as the amount in arrears, including interest, is settled in full.~~

The Chair of the F&A Committee reported that the Committee agreed to this proposal and recommended to the Commission that Financial Regulation F.1 be amended as shown.

22.1.2 Proposal to take account of exchange rate fluctuations

The Chair of the F&A Committee reported concerns that fluctuations in the currency exchange rate can result in the amount remitted by a Contracting Government to pay its financial contributions falling short of the amount required. This can also lead to loss of voting rights. After discussions the F&A Committee agreed to recommend the inclusion of a new footnote (footnote 3) to paragraph F.2 of the financial regulations as shown below:

F. Arrears of Contributions.

1. If a Contracting Government's annual payments have not been received by the Commission by the due date referred to under Regulation E.2. a penalty charge of 10% shall be added to the outstanding annual payment on the day following the due date. If the payment remains outstanding for a further 12 months compound interest shall be added on the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the base rate quoted by the Commission's bankers on the day. The interest, calculated to the nearest pound, shall be payable in respect of complete years and continue to be payable in respect of any outstanding balance until such time as the amount in arrears, including interest, is settled in full.
2. If a Contracting Government's annual payments, including any interest due², have not been received by the Commission by the earliest of these dates:
 - 3 months following the due date; or
 - the day before the first day of the next Annual or Special Meeting of the Commission if such a meeting is held within 3 months following the due date; or,
 - in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date, the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2 of the Rules of Procedure.

Footnote 3:

A short-term concession of up to 500 pounds sterling will be given to any Contracting Government to take account of remittances sent to cover annual payments, including any interest due, that fall short of the balance owing by up to that amount. This concession is to allow for variations in bank charges and exchange rate that might otherwise reduce the value of the remittance to a lower value than intended in pounds sterling and so leave a Contracting Government with a balance of annual payments, including any interest due outstanding. This short term concession will enable a Contracting Government to maintain its right to vote. Any Contracting Government with a balance outstanding above 500 pounds sterling will not be entitled to the short-term concession and their right to vote shall be suspended. The shortfall of up to 500 pounds sterling allowed by the concession shall then be carried forward to the next financial year as part of the balance of annual payments, including any interest due to the Commission.

22.1.3 Commission discussions and action arising

The Commission noted the parts of the F&A Committee report relevant to the above items and endorsed its recommendations.

22.2 The Interim Measure and assessment for St Vincent and The Grenadines

At last year's meeting St Vincent and The Grenadines noted that it falls into capacity to pay Group 1 as described in the Interim Measure. However its financial contributions, as assessed under the Interim Measure are higher than those in Group 2, and almost as high as those in Group 3 because of its aboriginal subsistence hunt.

St Kitts and Nevis, speaking on behalf of St Vincent and The Grenadines suggested that this situation was inequitable because of the small nature of St Vincent and The Grenadines aboriginal hunt (it has a quota for only four whales per year).

After discussion the F&A Committee agreed to recommend the following amendments to the calculation of financial contributions so as to allow the share portion attracted by St Vincent and The Grenadines for its aboriginal hunt to be waived, and the procedure for calculating financial contributions be revised as shown below.

The amendments are as follows (changes shown in *bold italics*):

Amendment to Note 1. of the 'old' (pre-September 2002) procedure for calculating financial contributions

1. Whaling shares for land station/small-type whaling and for aboriginal subsistence whaling are allocated for any number of those operations conducted by a Contracting Government *except that shares for aboriginal subsistence whaling shall not be allocated in cases where catches in any five year period do not exceed 20 animals.* For factory ship operations the shares are allocated per vessel. This was not specifically recorded in 1992 when the current procedure was introduced as a modification of the previous procedure which did explicitly allocate shares in this manner. (See *Rep. int. Whal. Comm.* 32: 37; 41:43 and 42:42).

Amendment to the Interim Measure for calculating financial contributions

Point 3 of the description of the Interim Measure says: 'This procedure results in a shortfall which is distributed among whaling countries and countries in Groups 3 and 4 as follows: whaling countries 10%, Group 3 countries 30% and Group 4 countries 60%'. St Vincent and The Grenadines proposed that the words 'whaling countries' be changed to 'countries that receive shares for whaling', i.e.

'This procedure results in a shortfall which is distributed among whaling countries and countries in Groups 3 and 4 as follows: *whaling countries that receive shares for whaling* 10%, Group 3 countries 30% and Group 4 countries 60%.'

St Vincent and The Grenadines confirmed that it collects the data and samples requested by the Scientific Committee in relation to its hunt wherever possible.

22.3 Commission discussions and action arising

The Commission noted the parts of the F&A report relevant to the above items and endorsed its recommendations.

23. FINANCIAL STATEMENTS AND BUDGETS

The F&A Committee received the report of the Budgetary Sub-Committee that met on 15 June 2010 with Andrea Nouak (Austria) as Chair. The Budgetary Sub-Committee reviewed the Provisional Financial Statement for 2009/2010 and the proposed budgets for 2010/2011 and 2011/2012.

23.1 Review of the Provisional Financial Statement, 2009/10

At the recommendation of the F&A Committee, the Commission approved the Provisional Financial Statements subject to audit.

23.2 Secretariat offices

The Chair of the F&A Committee reported that the lease on the Secretariat's current offices (The Red House) expired on 17 March 2009. The year before last the Commission agreed that the lease should be re-negotiated. The new lease was finally agreed in December 2009. The terms of the new 10 year lease result in an annual rent of £60,000 per annum (a 20% reduction on the previous rent of £75,000 per annum), fixed for 5 years, after which the rent will be subject to a rent review, which may give rise to an increase, if market conditions at that time so dictate. The terms of the lease also include a 'tenant's break clause' after 5 years, which gives the Commission the chance not to take up the option to rent for a further 5 years.

23.3 Consideration of estimated budgets, 2010/2011 and 2011/2012

23.3.1 Report of the Finance and Administration Committee

In considering the budget for 2010/11 and 2011/12 financial years the F&A Committee recognised that the outcome of the 'Future of the IWC' process may require a number of changes to the work of the IWC and its Secretariat. Specifically the Committee examined: (1) whether there was a requirement for an additional member of staff within the Secretariat; (2) whether there was a requirement for an intersessional meeting in 2010/11; and (3) the budgetary effects of a move from annual to biennial meetings. In order to accommodate these different scenarios the F&A Committee worked with the Secretariat to produce six different budgetary scenarios as follows:

Number	Scenario description
Sc1	No new staff (all years), no intersessional meetings in 2010/11, Annual Meetings (all years).
Sc2	No new staff (all years), no intersessional meetings in 2010/11, Annual Meetings (2010/11), SC meeting only (2011/12).
Sc3	New staff (all years), intersessional meetings in 2010/11, Annual Meetings (all years).
Sc4	New staff (all years), intersessional meetings in 2010/11, Annual Meetings (10/11), SC meeting only (11/12).
Sc5	New staff (all years), no intersessional meetings in 2010/11, Annual Meetings (all years).
Sc6	New staff (all years), no intersessional meetings in 2010/11, Annual Meetings (2010/11), SC meeting only (2011/12).

A summary statement of income and expenditure under each budgetary scenario is provided in the Finance and Administration Committee's supplementary report given at Annex M.

The Chair of the F&A Committee explained that the Committee had not considered the merits of these different measures, only their effects in terms of the Commission's budget. She also noted that for each scenario the proposed budget for years 1 and 2 (i.e. 2010/2011 and 2011/2012) were linked by way of smoothing income to enable reserves to reach their target level of 50% of operating costs after two years and to provide Contracting Governments with a degree of stability in the level of payments.

In discussion, the F&A Committee considered that the recruitment of an additional member of staff to the Secretariat was inappropriate during a period of fiscal constraint and so scenarios 3-6 (which all considered the financial implications of an extra staff member) were eliminated.

The Chair of the F&A Committee went on to explain that scenarios one and two were considered more appropriate. Scenario one allowed for full Annual Meetings of both the Commission and Scientific Committee in both 2011 and 2012, whereas scenario two allowed for a full Annual Meeting (Commission and Scientific Committee) in 2011 but for only a meeting of the Scientific Committee in 2012 (i.e. no Commission meeting in 2012).

The Chair of the F&A noted that scenario one did not prohibit a future decision to move to biennial meetings at the 2011 meeting. However, because of the smoothing effect between the years, scenario 2 would lock the Commission into just the Scientific Committee meeting in 2012. Accordingly the F&A Committee recommended these two budgetary scenarios for discussion and decision making by the Commission.

23.3.2 Commission discussions and action arising

The USA noted that the Commission had been able to reach consensus on Greenland's request for a modification to its aboriginal subsistence whaling quota, and referred to the USA's own current proposal for modification to its and other countries aboriginal quota. It remarked that the outcome of the forthcoming discussions on aboriginal quotas would affect the USA's decision as to the requirement for Annual Meetings, and stated that at the present its strong preference was to continue with Annual Meetings.

Argentina supported the USA's intervention that annual Commission meetings were required until there was greater certainty on the outcome of discussions on the Future of the IWC. Brazil also wished to retain Annual Meetings, but suggested it was open to considering the prospect of biennial meetings. If a move to biennial meetings should take place then it desired that the both the Scientific Committee and the Conservation Committee should continue to meet annually.

Germany, supported by Spain, the Czech Republic and France indicated that it would like to move to biennial meetings as soon as possible, but recognised that this must be integrated with the details of the Commission's agenda. It suggested that a meeting be held in 2011 and a move to biennial meetings be established after this date. Australia supported Germany and Argentina's viewpoints in recognising that there was still a lot of work to complete on the 'Future of the IWC' process, but also desired a longer term move to biennial meetings. Australia also wished to consider the merits of separating the meeting of the Scientific Committee from that of the Commission. Iceland agreed with the countries that supported a move to biennial meetings, and suggested it would be possible to deal with

the requirement for renewal of aboriginal quotas at the 2011 meeting and then not have a meeting in 2012. Russia advocated a move to biennial meetings, and proposed the aboriginal quotas be set for a ten-year, rather than a five-year period.

Norway also stated its preference to move to biennial meetings as soon as possible. However it noted that the Scientific Committee would be expecting to present its findings in relation to indigenous people's quotas in 2012, and so it would still be necessary to have a meeting in 2012. St Lucia supported this viewpoint. The Chair of the Scientific Committee confirmed that the Scientific Committee was expecting to present findings relevant to the renewal of the aboriginal quotas in 2012, and in response to a question from the Chair of the Commission confirmed that it would be difficult to bring the submission of this data forward to the 2011 meeting.

Australia then suggested that a sensible middle ground may be to meet for the next two years and then roll into biennial meetings from that time onwards. France clarified that it was in favour of the Scientific Committee meeting annually (with biennial Commission meetings). It also reflected on the relationship between Annual Meetings and decisions on aboriginal quota which cover five year periods, and noted that a mis-match will arise in the future unless aboriginal quotas are set for an even number of years.

In response to these discussions the Chair of the Commission proposed that the Commission hold Annual Meetings in both 2011 and 2012, and further investigate the timing of a possible move to biennial meetings at its 2011 meeting. There were no objections to this suggestion which required the adoption of budgetary scenario one as outlined above.

The Chair noted that the absence of a host government for IWC/63 in 2011 had potential financial implications. If the Secretariat has to host, then either money would have to be taken from reserves (since the provision is known not be adequate to host a meeting) or the duration of the meeting will probably have to be curtailed to fit with the budget available.

Following the outcome of the discussion above and the recommendations of the F&A Committee, the Commission:

- (1) adopted the proposed budget for 2010/2011 (Annex N) and the provision for research expenditure (Annex O);
- (2) agreed that for 2010-11, the NGO fee be set at £520 for the first observer from an organisation and at £260 for each additional observer and the media fee be set at £65; and
- (3) noted the Forecast Budget for 2011/12.

23.4 Other

23.4.1 Funding of work on conservation

23.4.1.1 REPORT OF THE F&A COMMITTEE

The Commission adopted an F&A Committee recommendation that a small group be formed to work by correspondence to examine ways on how to integrate conservation funding into the overall budget of the IWC. The draft terms of reference for the group were as follows:

As proposed by Belgium and recommended by the F&A Committee, a small group will work to develop proposals for strengthening the financing of conservation with a view to striking a balance between funding for conservation and funding for management.

The group will:

- (1) *examine ways on how to integrate conservation funding into the overall budget;*

- (2) *consider both core budget and voluntary budget; and*
- (3) *report back to the F&A Committee at IWC/63 in 2011.*

The group will work by correspondence with Belgium as proposed convener.

23.4.1.2 COMMISSION DISCUSSIONS AND ACTION ARISING

Belgium noted that seven countries were part of the correspondence working group: Australia, Costa Rica, Belgium, France, Germany, UK and USA and other countries were welcome to join the group. Ecuador expressed its interest in participating.

The Commission noted the report and endorsed the recommendation.

23.4.2 Budgetary Sub-Committee Operations

MEMBERSHIP

The Chair of the F&A Committee reported on activities to advertise the option to take up open seats on the budgetary sub-committee for Group 2 and 3 countries, and noted that no expressions of interest had been received by the time of the meeting. The Secretariat reported that it would continue to approach countries in these groups ahead of IWC/63.

OPEN SEATS

The Chair of the F&A Committee also reported that expressions of interest had been received from St Kitts and Nevis and Switzerland to fill the open seats which are currently vacant on the budgetary sub-committee. The allocation of open seats to these countries was confirmed by the F&A Committee.

ELECTION OF A VICE-CHAIR

Noting that Thomas Schmidt would be unable to continue as the BSC Vice-Chair after IWC/62, the Chair of the F&A Committee reported that the Committee had gratefully accepted Switzerland's offer to fill the post.

24. ADOPTION OF THE REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

The Commission adopted the report and the supplementary report of the F&A Committee, and thanked Ms Petrachenko for her Chairmanship.

25. DATE AND PLACE OF ANNUAL AND INTERSESSIONAL MEETINGS

No offers to host the next meeting of the Commission (IWC/63 in 2011) were received, although a number of countries were known to be considering making such an offer. Accordingly the Chair set a deadline of 1 September 2010 to receive any final offers from Contracting Governments to host the next meeting, after which time the Secretariat would make suitable arrangements for a full meeting of the Scientific Committee, and the Commission and its other sub-groups (to include Aboriginal Subsistence Whaling Sub-Committee, Conservation Committee, Finance and Administration Committee, Budgetary Sub-Committee and Working Group on Whale Killing Methods) in 2011. The Chair also stated that the date, duration and schedule of the next meeting would be announced when the Secretariat had located a suitable venue.

26. ADVISORY COMMITTEE

The Commissioner for Guinea was elected onto the Advisory Committee for two years to replace the Commissioner for Côte d'Ivoire. The Commissioner for Portugal was unable to continue serving on the Advisory Committee and was

replaced by the Commissioner for Belgium for the remainder of the term (one year).

The Advisory Committee therefore now comprises the Chair (Chile), the Vice-Chair (Antigua and Barbuda), the Chair of the F&A Committee (Australia), the Commissioner for Guinea and the Commissioner for Belgium.

27. SUMMARY OF DECISIONS AND REQUIRED ACTIONS

The Chair noted that the Secretariat had posted reports on the IWC website at the end of each day of the Plenary.

A summary of decisions and actions required is provided at the beginning of this report.

28. OTHER MATTERS

The Chair noted the extensive support given by the Secretariat and in particular by the Secretary Dr Nicky Grandy in organising and administering IWC meetings. The Chair remarked that this would be the last meeting for Dr Grandy

after ten years of dedicated and committed service, and said that he was honoured to preside over her farewell. The Commissioners of New Zealand, St Lucia, USA, Cameroon, Republic of Korea, Japan, Spain, Mexico and St Kitts and Nevis all spoke of their deep appreciation for Dr Grandy's work over the last ten years, and in reply she thanked Commissioners and described some of her experiences as Secretary. The longest serving Commissioner, Mr Valentin Ilyashenko (Russian Federation) hoped that Nicky would not forget the IWC, and to ensure this did not happen serenaded her with a specially adapted rendition of Elvis Presley's 'Love me Tender' and then presented her with a fine Moroccan inlaid chest on behalf of all Commissioners.

As a special tribute to Dr Grandy full texts of the speeches are provided in Annex Q.

29. AMENDMENTS TO SCHEDULE

The amendments to the Schedule adopted at the meeting are provided in Annex P.

Annex A

Delegates and Observers Attending the 62nd Annual Meeting

(C) Commissioner; (AC) Alternate Commissioner; (I) Interpreter; (S) Support Staff

Antigua and Barbuda

Anthony Liverpool (C)

Argentina

Susana Ruiz Cerutti (C)

Mario Oyarzabal (AC)

Miguel Iñiguez (AC)

Australia

Donna Petrachenko (C)

Peter Garrett (AC)

Peter Komidar (AC)

Paula Watt (AC)

Nick Gales (AC)

Stephen Bouwhuis (AC)

Sandy Hollway

Gavin Hinten

Pam Eiser

Darren Kindleysides

Ben Pratt (S)

Tom Menadue (S)

Thomas Fink (S)

Austria

Andrea Nouak (C)

Michael Stachowitsch (AC)

Belgium

Alexandre de Lichtervelde (C)

Fábian Ritter (AC)

Benin

Joseph Ouake (C)

Brazil

Fábio Pitaluga (C)

Rômulo Mello (AC)

Fábia de Oliveira Luna (AC)

Cambodia

Ing Try (AC)

Cameroon

Baba Malloum Ousman (C)

Chile

José Fernández (AC)

Marcela Zamorano

Congo, Republic of

Juste Kolelas Ntoumi (C)

Costa Rica

Ana Lorena Guevara (C)

Eugenia Arguedas (AC)

Ricardo Meneses

Javier Rodríguez Fonseca

Côte d'Ivoire

Djobo Anvra Jeanson (C)

Cyprus

Savvas Michaelides (C)

Czech Republic

Pavla Hýčová (C)

Denmark

Øle Samsing (C)

Amalie Jessen (AC)

Maj Friis Munk (AC)

Leif Fontaine

Ane Hansen

Hanna i Horni

Nette Levermann

Kelly Bertelsen (I)

Ecuador

Daniel Ortega (C)

Gustavo Iturralde (AC)

Cristina Castro-Ayala

Estonia

Kadri Alasi (AC)

Finland

Esko Jaakkola (C)

Penina Blankett (AC)

France

Stéphane Louhaur (C)

Martine Bigan (AC)

Vincent Ridoux

Gabon

Guy Anicet Rerambyath (C)

Clauvice Nyama Mouketou (AC)

Gambia

Matarr Bah (C)

Germany

Gert Lindemann (C)

Thomas Schmidt (AC)

Petra Deimer-Schütte

Monika Luxem-Fritsch

Monika Roemerscheidt

Andreas Von Gadow

Ghana

Pierre Coussey (C)

Mike Akyeampong (AC)

Greece

Emmanuel Gounaris (AC)

Grenada

Justin Rennie (AC)

Guinea, Republic of

Amadou Telivel Diallo (AC)

Mamadou Korka Diallo

Ousmane Sylla

Guinea-Bissau

Mário Dias Sami (C)

Augusto Mamajam Jaló (AC)

Virginia Pires Correia (AC)

Hungary

Zoltan Czirak (AC)

Iceland

Tomas H. Heidar (C)

Ásta Einarsdóttir (AC)

Kristjan Loftsson

Gisli Víkingsson

India

A.K. Srivastava

Raghuram S.

Ireland

John Fitzgerald (C)

Israel

Esther Efrat-Smilg (C)

Italy

Plinio Conte (AC)

Caterina Fortuna (AC)

Rosa Caggiano

Japan

Yasue Funayama

Akira Nakamae (C)

Katsuhiko Machida (AC)
 Yoichiro Eguchi (AC)
 Kenji Kagawa (AC)
 Joji Morishita (AC)
 Masato Takaoka (AC)
 Yutaka Aoki (AC)
 Mari Aoki
 Kumiko Enomoto
 Yoshihiro Fujise
 Gabriel Gomez-Diaz
 Dan Goodman
 Shinji Hiruma
 Jiro Hyugaji
 Hideo Jinpu
 Izumi Kasuya
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Yoshiichi Shimomichi
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Japan Whaling Association

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 Suzanne Miller Taei
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Sue Fisher
 Niki Entrup
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 Laura Doehring
 Tommy Schweiger (I)

Whaleman International Ltd

Jeff Pantukhoff
 Roger Payne

Whales Alive

Mick McIntyre

Windstar

Nancy Azzam

World Society for the Protection of Animals

Joanna Toole
 Emily Reeves
 Marcela Vargas
 Damian Martinez

WWF International

Wendy Elliott
 Mamadou Diallo
 Heather Sohl
 Leigh Henry
 Birima Fall (I)

Annex B

Agenda

1. INTRODUCTORY ITEMS
 - 1.1 Welcome address
 - 1.2 Opening Statements
 - 1.3 Secretary's report on credentials and voting rights
 - 1.4 Meeting arrangements
 - 1.5 Review of documents
2. ADOPTION OF THE AGENDA
3. THE IWC IN THE FUTURE
(*Chair's Report of the 61st Annual Meeting, Section 3*)
 - 3.1 Introduction by the Chair of the Commission
 - 3.2 Commission discussions, including a proposal to amend the Schedule
4. WHALE STOCKS
(*Chair's Report of the 61st Annual Meeting, Section 4*)
 - 4.1 Antarctic minke whales
 - 4.1.1 Report of the Scientific Committee
 - 4.1.2 Commission discussions and action arising
 - 4.2 Southern Hemisphere humpback whales
 - 4.2.1 Report of the Scientific Committee
 - 4.2.2 Commission discussions and action arising
 - 4.3 Southern Hemisphere blue whales
 - 4.3.1 Report of the Scientific Committee
 - 4.3.2 Commission discussions and action arising
 - 4.4 Western North Pacific gray whales
 - 4.4.1 Report of the Scientific Committee
 - 4.4.2 Commission discussions and action arising
 - 4.5 Southern Hemisphere right whales
 - 4.5.1 Report of the Scientific Committee
 - 4.5.2 Commission discussions and action arising
 - 4.6 Other stocks of right whales and small stocks of bowhead whales
 - 4.6.1 Report of the Scientific Committee
 - 4.6.2 Report of the Conservation Committee (southern right whales of Chile-Peru)
 - 4.6.3 Commission discussions and action arising
 - 4.7 Research cruises (SOWER and North Pacific)
 - 4.7.1 Report of the Scientific Committee
 - 4.7.2 Commission discussions and action arising
 - 4.8 Other
5. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES
(*Chair's Report of the 61st Annual Meeting, Section 5*)
 - 5.1 Data on whales killed and on improving the humaneness of whaling operations
 - 5.1.1 Reports from Contracting Governments with whaling operations
 - 5.1.2 Commission discussions and action arising
 - 5.2 Welfare issues associated with the entanglement of large whales
 - 5.2.1 Report of the Workshop on Welfare Issues associated with the Entanglement of Large Whales
 - 5.2.2 Commission discussions and action arising
 - 5.3 Other
6. ABORIGINAL SUBSISTENCE WHALING
(*Chair's Report of the 61st Annual Meeting, Section 6*)
 - 6.1 Aboriginal Subsistence Whaling Management Procedure
 - 6.1.1 Report of the Aboriginal Subsistence Whaling Sub-committee
 - 6.1.2 Commission discussions and action arising
 - 6.2 Aboriginal Whaling Scheme
 - 6.2.1 Report of the Aboriginal Subsistence Whaling Sub-committee
 - 6.2.2 Commission discussions and action arising
 - 6.3 Aboriginal subsistence whaling catch limits
 - 6.3.1 Report of the Aboriginal Subsistence Whaling Sub-committee
 - 6.3.2 Commission discussions and action arising, including a proposal to amend the Schedule
 - 6.4 Other
7. REVISED MANAGEMENT SCHEME (RMS)
(*Chair's Report of the 61st Annual Meeting, Section 7*)
 - 7.1 Revised Management Procedure (RMP)
 - 7.1.1 Report of the Scientific Committee
 - General issues
 - Implementation process
 - WNP Bryde's whales
 - North Atlantic fin whales
 - WNP common minke whales
 - Bycatch
 - 7.1.2 Commission discussions and action arising
 - 7.2 Other
8. SANCTUARIES
(*Chair's Report of the 61st Annual Meeting, Section 8*)
 - 8.1 Issues raised in the Scientific and Conservation Committees
 - 8.1.1 Report of the Scientific Committee
 - 8.1.2 Report of the Conservation Committee
 - 8.1.3 Commission discussions and action arising
 - 8.2 South Atlantic Whale Sanctuary
9. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING
(*Chair's Report of the 61st Annual Meeting, Section 9*)
 - 9.1 Commission discussions and action arising
10. SCIENTIFIC PERMITS
(*Chair's Report of the 61st Annual Meeting, Section 10*)
 - 10.1 Report of the Scientific Committee
 - 10.1.1 Review of results from existing permits
 - 10.1.2 Review of new or continuing proposals
 - 10.1.3 Procedures for reviewing permit proposals
 - 10.1.4 Other
 - 10.2 Commission discussions and action arising
11. SAFETY ISSUES AT SEA
(*Chair's Report of the 61st Annual Meeting, Section 11*)
 - 11.1 Introduction by Japan
 - 11.2 Commission discussions and action arising

12. ENVIRONMENTAL AND HEALTH ISSUES
(*Chair's Report of the 61st Annual Meeting, Section 12*)
- 12.1 Climate change
12.1.1 Report of the Scientific Committee
12.1.2 Commission discussions and action arising
- 12.2 POLLUTION 2000+ - Phase II Planning Workshop
12.2.1 Report of the Scientific Committee
12.2.2 Commission discussions and action arising
- 12.3 State of the Cetacean Environment Report (SOCER)
12.3.1 Report of the Scientific Committee
12.3.2 Commission discussions and action arising
- 12.4 Anthropogenic sound
12.4.1 Report of the Scientific Committee
12.4.2 Commission discussions and action arising
- 12.5 Other environment-related issues
12.5.1 Report of the Scientific Committee
12.5.2 Commission discussions and action arising
- 12.6 Ecosystem modelling
12.6.1 Report of the Scientific Committee
12.6.2 Commission discussions and action arising
- 12.7 Reports from Contracting Governments on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals
- 12.8 Health issues: Commission discussions and action arising
- 12.9 Other
13. CONSERVATION MANAGEMENT PLANS
13.1 Report of the Scientific Committee
13.2 Report of the Conservation Committee
13.3 Commission discussions and action arising
14. WHALEWATCHING
(*Chair's Report of the 61st Annual Meeting, Section 13*)
14.1 Report of the Scientific Committee
14.2 Report of the Conservation Committee
14.3 Commission discussions and action arising
15. CO-OPERATION WITH OTHER ORGANISATIONS
(*Chair's Report of the 61st Annual Meeting, Section 14*)
15.1 Report of the Scientific Committee
15.2 Other reports
15.3 Commission discussions and action arising
16. OTHER SCIENTIFIC COMMITTEE ACTIVITIES, ITS FUTURE WORK PLAN AND ADOPTION OF THE SCIENTIFIC COMMITTEE REPORT
(*Chair's Report of the 61st Annual Meeting, Section 15*)
- 16.1 Small cetaceans
16.1.1 Report of the Scientific Committee
16.1.2 Commission discussions and action arising
- 16.2 Regional non-lethal research partnerships
16.2.1 Report of the Scientific Committee
16.2.2 Commission discussions and action arising
- 16.3 Other activities
16.3.1 Report of the Scientific Committee
16.3.2 Commission discussions and action arising
- 16.4 Scientific Committee Future Work Plan
16.4.1 Report of the Scientific Committee
16.4.2 Commission discussions and action arising
- 16.5 Adoption of the Report
17. CONSERVATION COMMITTEE
(*Chair's Report of the 61st Annual Meeting, Section 16*)
17.1 Report of the Conservation Committee
17.2 Commission discussions and action arising
18. CATCHES BY NON-MEMBER NATIONS
(*Chair's Report of the 61st Annual Meeting, Section 17*)
18.1 Commission discussions and action arising
19. INFRACTIONS, 2009 SEASON
(*Chair's Report of the 61st Annual Meeting, Section 18*)
19.1 Reports of Infractions
19.2 Commission discussions and action arising
20. ADMINISTRATIVE MATTERS
(*Chair's Report of the 61st Annual Meeting, Section 20*)
- 20.1 Implications of discussions on the future of IWC
20.1.1 Report of the Finance and Administration Committee
20.1.2 Commission discussions and action arising
- 20.2 Amendments to the Rules of Procedure, Financial Regulations and Rules of Debate
20.2.1 Report of the Finance and Administration Committee
20.2.2 Commission discussions and action arising
- 20.3 Other
20.3.1 Report of the Finance and Administration Committee
20.3.2 Commission discussions and action arising
21. FORMULA FOR CALCULATING CONTRIBUTIONS AND RELATED MATTERS
(*Chair's Report of the 61st Annual Meeting, Section 22*)
21.1 Report of the Finance and Administration Committee
21.2 Commission discussions and action arising
22. FINANCIAL STATEMENTS, BUDGETS AND OTHER MATTERS CONSIDERED BY THE BUDGETARY SUB-COMMITTEE
(*Chair's Report of the 61st Annual Meeting, Section 23*)
- 22.1 Review of the provisional financial statement, 2009/2010
22.1.1 Report of the Finance and Administration Committee
22.1.2 Commission discussions and action arising
- 22.2 Secretariat offices
22.2.1 Report of the Finance and Administration Committee
22.2.2 Commission discussions and action arising
- 22.3 Consideration of estimated budgets, 2010/2011 and 2011/2012
22.3.1 Report of the Finance and Administration Committee
22.3.2 Commission discussions and action arising
- 22.4 Other
23. ADOPTION OF THE REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE
24. DATE AND PLACE OF ANNUAL AND INTERSESSIONAL MEETINGS
25. ADVISORY COMMITTEE
26. SUMMARY OF DECISIONS AND REQUIRED ACTIONS
27. OTHER MATTERS

Annex C

List of Documents

IWC/62		Agenda item
1	List of documents	
2	Annotated Provisional Agenda	
3	Delegates and Observers attending the 62 nd Annual Meeting	
4	Cooperation with other organisations	15
5rev	Financial Statements	22
6rev	Report of the fourth meeting of the Small Working Group (SWG) on the Future of the IWC	3
7rev	Proposed Consensus Decision to Improve the Conservation of Whales from the Chair and Vice-Chair of the Commission*	3
8	Amendments to the Rules of Procedure, Financial Regulations and Rules of Debate that would be required to give effect to certain aspects of the Proposed Consensus Decision to Improve the Conservation of Whales (IWC/62/7rev)	3
9	Report of the Small Working Group on Conservation Factors (from Whales to Edible Products) for the Greenlandic Large Whale Hunt	6
10	Cost estimates for a monitoring, control and surveillance scheme of possible whaling operations and how costs might be apportioned	3
11	Summary of activities related to the Action Plan on Whale Killing Methods (based on Resolution 1999-1) submitted by New Zealand	5.1
12	Summary of activities related to the Action Plan on Whale Killing Methods (based on Resolution 1999-1) submitted by USA	5.1
13	Report on Weapons, Techniques, and Observations in the Alaskan Bowhead Whale Subsistence Hunt	5.1
14	Summary of activities related to the Action Plan on Whale Killing Methods (based on Resolution 1999-1) submitted by the Russian Federation	5.1
15	Report of the Workshop on Welfare Issues Associated with the Entanglement of Large Whales submitted by Australia, Norway and USA	5.2.1
16	Discussion document regarding Scientific Committee matters: a follow-up to the Intersessional Correspondence Group on Issues Related to the Scientific Committee	3
17	Norwegian Minke Whaling 2009	5.1
18rev (2)	Korea's proposal and position on the Chair's consensus decision	3
19	Catches by IWC member nations in the 2009 and 2009/10 seasons (prepared by the Secretariat)*	
20	Scientific Contributions of JARPA/JARPAII and JARPN/JARPNII (submitted by Japan)	10.2
21	The future of the International Whaling Commission: an Australian Proposal (formerly circulated as IWC/M10/SWG5)	
22	Summary of activities related to the Action Plan on Whale Killing Methods (Submitted by Greenland (Denmark))	5.1.1
23	The Russian Federation proposal on the Chair's consensus decision (submitted by the Russian Federation)	3
24	Taking forward discussions on animal welfare and ethics within the International Whaling Commission (submitted by the UK)	5.3
25	Proposed Schedule Amendment: Greenland catch limits (submitted by Denmark) (revision of IWC/61/11rev)	6.3.2
26	IWS Quotas (submitted by Denmark and the USA)	3
27	Declaration: Tourism operators of cetacean watching of Latin America and the Caribbean supporting the non-lethal whale and dolphin conservation (submitted by Uruguay)	14.3
28	Statement by H.E. Yasue Funayama, Vice-Minister of Agriculture, Forestry and Fisheries, Japan, under Agenda item 3 (submitted by Japan)	3
29	Statement by the United States, introducing document IWC/62/29	3
30	Palau Commissioner Uherbelau's remarks (submitted by Palau)	3
31	A proposal from the Chair on a way forward*	3
32	Statement by the Republic of Korea	3.2
33	Statement by the Netherlands on Safety at Sea	11

IWC/62/Rep		Agenda item
1	Report of the Scientific Committee**	
2	Report of the Finance and Administration Committee (plus supplementary report)*	20-23
3	Report of the Aboriginal Subsistence Whaling Sub-Committee*	6
4	Report of the Conservation Committee*	13,14,17
5	Summary of Infractions Reports Received in 2010*	19

Documents from IWC/61		
IWC/61		
11rev	Proposed Schedule Amendment [Greenland Catch Limits] (Denmark)	

Summary documents available in French and Spanish			
IWC/62/			Agenda item
Rep 1	-FR or SP	Unofficial summary of IWC/62/Rep 1 (Report of the Scientific Committee)	
Rep 2	-FR or SP	Unofficial Chair's summary of IWC/62/Rep 2 (Report of the Finance and Administration Committee)	20-23
Rep 3	-FR or SP	Unofficial Chair's summary of IWC/62/Rep 3 (Report of the Aboriginal Subsistence Whaling Sub-Committee)	6
Rep 4	-FR or SP	Unofficial Chair's summary of IWC/62/Rep 4 (Report of the Conservation Committee)	17.1

*Published in this volume.

**Published in *J. Cetacean Res. Manage. (Suppl.)* 12 [2011].

Annex D

Chair's Report of the Intersessional Meeting of the Commission

4 March 2010, St. Pete Beach, Florida

1. INTRODUCTORY ITEMS

The meeting was held in St. Pete Beach, Florida, USA on 4 March 2010. It was attended by 35 of the Commission's 88 Contracting Governments. A list of participants is given as Annex A. The meeting was to have been chaired by Cristian Maquieira, Chair of the Commission. Unfortunately, Ambassador Maquieira was unable to attend the meeting because of important duties he had following the earthquake that hit Chile on 27 February. He sent his apologies to the meeting and asked Anthony Liverpool, Vice-Chair of the Commission to chair the meeting in his place.

The meeting extended its sympathies and condolences to Ambassador Maquieira and the people of Chile at this difficult time.

1.1 Introductory remarks

The Chair welcomed participants and observers to the meeting and on behalf of the Commission thanked the USA for its generous help in holding the meeting.

The Chair recalled that at the 2009 Annual Meeting in Madeira, the Commission agreed to leave open the decision on Greenland's request for a take of humpback whales (IWC/61/11rev) until an intersessional meeting, by which time the report from a small scientific group established to investigate the issue of conversion factors would be available to facilitate discussions; the extensive 52 page report is available as IWC/M10/2 'Report of the small working group on conversion factors (from whales to edible products) for the Greenlandic large whale hunt'.

The Chair explained that the purpose of the intersessional meeting was to take a decision on Greenland's request. However, he reported with regret that as there was not a quorum of the membership present (i.e. a majority), it would not be possible to take a decision. Nevertheless he intended to proceed with the presentation of and discussion on the report on conversion factors and to invite Denmark/Greenland to presents its proposed Schedule amendment if it so wished.

1.2 Reporting

The Chair noted that he would prepare a Chair's Report to be circulated after the meeting.

1.3 List of documents

The list of documents available to the meeting is given as Annex B.

2. ADOPTION OF AGENDA

The adopted agenda is given as Annex C. The Chair noted that because there was no quorum, there would be no action arising under Item 4.2.

3. REPORT OF THE SMALL WORKING GROUP ON CONVERSION FACTORS FOR THE GREENLANDIC LARGE WHALE HUNT

3.1 Presentation of the Report

Greg Donovan, the Secretariat's Head of Science and convenor of the small working group presented, in some depth, the report of the small working group on conversion factors for the Greenlandic large whale hunt. A summary is provided below.

At the request of the Commission, a small scientific group (Table 1) was established to examine the issue of the quantities of edible products that might be expected from catches of common minke, fin, bowhead and humpback whales in the Greenlandic fisheries. It is important to note that the group was not asked to examine the 'need statement' itself.

An extremely important component of the group's work was a field visit to Greenland to obtain as much information possible on those factors that might affect yield. The group visited the three largest settlements in Greenland (Sisimiut, Ilulissat and Nuuk), interviewed hunters and wildlife officers, and visited a variety of flensing site types. In addition the group was granted access to the raw data on edible products provided by hunters.

During the field trip, considerable general information on the nature of the hunt was collected. There are two types of hunting of large whales off Greenland: the harpoon hunt (all species) and the rifle hunt (common minke whales only); about three-quarters of the common minke whales are taken by harpoon and one-quarter by rifle. In both types

Table 1
The members of the small scientific working group.

Greg Donovan

Head of Science IWC, Chair of Standing Working Group on the Aboriginal Subsistence Whaling Management Procedure (AWMP) and field experience in Greenland.

Debi Palka

Chair of the Scientific Committee.

Craig George

Member of Scientific Committee with experience in fieldwork on Bering-Chukchi-Beaufort Seas stock of bowhead whales.

Philip Hammond

Ex-chair Scientific Committee, University of St Andrews, fieldwork in Greenland.

Lars Witting

Scientist from Greenland Institute of Natural Resources and member of the Scientific Committee.

Nette Levermann

Representative of the Government of Greenland.

of hunting, whaling is only a seasonal part of the activities of the hunters, along with, for example, fishing and the hunting of land animals. While the expenses of the harpoon hunt are greater than those of the rifle hunt (for example, a single explosive grenade can cost US\$1,000), the number of hunters requiring a share is considerably less - up to 7 versus up to 40). Only persons with a full-time occupational hunting license are allowed to hunt large whales. There are a number of important conditions and limitations imposed on the hunt, including those related to catch limits, methods of hunting, training and reporting.

In terms of edible products, as is the case elsewhere in the world, differences were found in what products are considered edible by region. In all places, blubber, muscle, throat, peduncle and flukes are consumed but the importance attached to internal organs and intestines varied.

In Greenland there are a wide variety of flensing sites and a number of techniques used to manoeuvre the whale into a position on land to allow flensing to occur. The time it takes to flense an animal depends on a number of factors including size of the flensing team, weather conditions, nature of the site (e.g. if an animal could not be completely flensed in one tide cycle) and the size of the animal. Flensing times vary with conditions but range from about 1-4 hours for common minke whales to 12-48 hours for fin and bowhead whales. There were no financial or other incentives for hunters not to obtain as much edible products from each whale as possible given the conditions. The group's visit to the remains of one flensing operation of a common minke whale suggested an efficient process for this species. This was confirmed by the fact that the edible product yield for common minke whales obtained from the Greenlandic data is similar to that obtained under 'ideal' conditions elsewhere in the world. Larger whales (including large minke whales) are more difficult to fully flense (as well as capture) than smaller whales given *inter alia* the time required (more than one tidal cycle) and difficulties in manoeuvring the animal during flensing.

To examine the most appropriate dataset for developing conversion factors, the group undertook a thorough review of all relevant published and unpublished data. The details and conclusions of that review are provided in the report (Item 3). Particular focus was placed on strengths and weaknesses of the hunter-provided data on lengths and amounts of edible products for Greenland that has been submitted to the Ministry of Fisheries, Hunting and Agriculture since 1987. During the interviews with the hunters, an important discovery was made that is critical to understanding and interpreting the Greenlandic data the length measurements are taken over the body rather than parallel to the body - this results in an overestimate of length data compared to the 'standard' measurements used in traditional length-weight relationship studies reported. The extent to which this is an overestimate is unknown and the group recommended that a formal study to examine this be carried out.

After an extensive review of the available data from Greenland and elsewhere, the group agreed that for common minke and fin whales, the most appropriate data to use for the present study (i.e. obtaining realistic conversion factors for the circumstances of the Greenlandic hunts) are the Greenlandic data themselves, appropriately truncated on the basis of the scientific data available from other studies to allow for known and suspected issues with hunter-derived data. These issues include: (a) that the data were not collected as part of a scientific experiment; (b) some hunters do not fill in forms completely and may not include products taken

Table 2

The recommended conversion factors per strike (RCFPA). In addition the equivalent conversion factors per animal (RCFPA), as well as the original conversion factors (per animal and calculated per strike on the basis of the struck-and-lost rates given in the report - OCFPA and OCFPS) are provided. NG=not previously given.

	OCFPA	RCFPA	OCFPS	RCFPS
Common minke whale	2	1.88	1.96	1.82
Fin whale (interim)	10	10.91	6.6	6.8
Bowhead whale (interim)	NG	11.00	NG	11
Humpback whale (interim)	NG	11.59	NG	9.5

Note: if the allowance for not reaching the strike limits is not incorporated into the correction factor per strike then the factors would be 1.84 for common minke whales, 9.2 for fin whales and 10.4 for humpback whales.

directly by captain and/or crew; and (c) there are differences in yield related to local circumstances including what is considered edible, flensing site conditions, reporting rigour and what is considered necessary to report. There were little or no useful local data for humpback and bowhead whales and so external data were used for these.

After reviewing possible approaches for estimating the average yield of products per whale and correcting this for struck-and-lost animals to obtain the average yield per strike (i.e. the amount that one could expect to contribute to meeting need, taking into account that strike limits are not always met), the group adopted a method for each species as described in item 4.2.3 of the report. The results of this, including a consideration of uncertainty, are given in detail under Item 5 of the report and summarised in Table 2 above. Information is also provided for conversion factors that do not take into account the fact that strike limits are always met. Conversion factors for the fin, bowhead and humpback whale are considered to be interim factors pending the collection of additional data recommended above.

The group stressed that the conversion factors recommended are average values based wherever possible on the available Greenlandic data, truncated to remove implausibly low or high values for products based on the best scientific evidence. This reduces the likelihood of either over- or underestimating the product yield when assessing whether particular combinations of catch limits do or do not meet need. The use of average values is important in that it takes into account the variation in yield that is to be expected in a hunt in which animals of varying lengths are taken throughout a season in which animals are feeding, not to mention natural variation among individuals. While in theory, a weighted conversion factor (or factors) could be obtained that tried to take into account the many factors that may affect yield per animal (Item 4 of the report) the group did not believe that the data that exist now, or that might be expected to be obtained in the future would justify this level of analysis. The implications for determining *Strike Limit Algorithms* and for setting catch limits under such a regime would also be extremely complex.

Where data permit, the recommended conversion factors are provided to more accurate values rather than an integer since the ultimate use for these factors is to provide information on whether and how the Greenlandic multispecies hunt can obtain an agreed level of need expressed in terms of edible products. This is particularly important for common minke whales where the annual strike limit recommended by the Scientific Committee is 178 animals and thus rounding to an integer can have a major effect on estimated products obtained.

Table 3 provides information on estimated edible products using these conversion factors for (A) the present strike limits and (B) for those limits that were in accord with Scientific Committee advice in its report based upon the request by Denmark. It only includes catches for West Greenland (Denmark requested 670 tonnes of products for West Greenland – its need statement for East Greenland is expressed in terms of numbers of animals - 12).

Given a number of uncertainties described in its report and the different levels of available information by species, the group made a number of recommendations for further work. These are summarised below.

Given the large sample size and consistency with scientific studies for common minke whales, the group agreed that while data on the yield of edible products should and will continue to be collected under the existing Greenland regulations, and the importance of that emphasised, the focussed effort should concentrate on the other species, where the sample sizes are small. The group therefore recommended that a focussed attempt to collect new data on edible products taken from species other than common minke whales be undertaken, at least until the end of the next block quota when the interim conversion factors should be reviewed (i.e. 2012). These data should be collected as a collaborative effort between scientists, wildlife officers and hunters. The small working group expressed its willingness to assist in terms of design and analyses.

The group also recommended that data on both ‘curved’ and ‘standard’ measurements are obtained during the coming season for all species taken. These data should be collected as a collaborative effort between scientists, wildlife officers and hunters. Again, the group expressed its willingness to assist in terms of design and analyses.

Finally, the group recommended that the conversion factors are re-evaluated at the end of each five-year block to take into account the new information on struck-and-lost animals, quota fulfilment and yield.

3.2 Discussion

All those countries that spoke congratulated the small working group for its work and thorough report. The co-operation shown by the Greenland Home Rule Government and the hunters was also acknowledged.

Denmark considered that the findings of the report responds to a number of questions posed in the past. It believed that the results showed that Greenland had not been using conversion factors that have been inflating its quota requests, but rather the opposite, i.e. if the new conversion

factors were applied, then the quotas would have to be increased to reach the 670 tonnes estimated need of whale meat.

The USA, who had experts on the small working group, accepted the report which it believed resolved previous concerns regarding the conversion factors used. It also considered that the processing efficiency of the Greenland hunt is reasonable and could accept the conversion factor proposed for humpback whales. The USA supported the working group’s recommendations for further data collection. With respect to processing efficiency, while recognising the difficult flensing conditions in Greenland, Mexico asked whether there is any way this could be improved, particularly for large whales. Argentina made a similar remark and expressed concern regarding the potential waste if humpbacks were to be included in the hunt.

The UK supported the working group’s request for more data and hoped that this would be forthcoming. It requested clarification with respect to how the group’s recommendation that conversion factors be re-evaluated at the end of each five-year block related to the draft Consensus Decision to Improve the Conservation of Whales discussed during the Small Working Group meeting on 2-4 March (Document IWC/M10/SWG 4) which it understood to have no five-year quota blocks. The UK also questioned why the small working group had chosen to correct the average yield of products per whale for struck-and-lost animals to obtain the average yield per strike. In view of these questions and recognising that a decision on Greenland’s request could not be taken in Florida, the UK suggested that the small working group’s report be forwarded to the Scientific Committee for review if an appropriate procedural mechanism could be agreed. Germany also expressed some unease regarding the correction of data to take account of struck-and-lost animals.

A number of countries supported the UK’s suggestion that the working group’s report be submitted to the Scientific Committee, including the USA, Australia, Argentina, Mexico, Portugal and Costa Rica. Australia considered that the reasons the report should go to the Committee related to the sparseness of the data that was available, over-confidence in some of the results and the use of correction factors. Portugal believed that there was also a need to review the subsistence needs of Greenland.

Noting the calls by some for further work on conversion factors, St. Lucia suggested that additional unnecessary demands were being made of Greenland. It urged Commissioners to consider carefully their requests for further work, including the review of the working group’s report by the Scientific Committee, since in its view the report adequately addresses the issues raised at IWC/61. Cambodia associated itself with these remarks. Norway, Iceland, Sweden and Denmark also did not believe that it was necessary for the Scientific Committee to review the working group’s report. Norway suggested that the Scientific Committee: (1) would not be able to perform a complete review without an enormous amount of work if it decided that it would need access to the primary data; and (2) already has many high priority tasks for IWC/62 in Agadir. Iceland agreed and believed that the Commission was spending a disproportionate amount of time on a modest request from Greenland that is scientifically based and obviously sustainable. Furthermore, Iceland considered this issue to be an integral part of the discussions on the future of the IWC and that a solution should appear as part of the ‘collage’ of measures under discussion. Sweden questioned what exactly was being requested of the Scientific Committee if it received

Table 3

Information on tonnes (t) of products to be expected on average for certain catch limits (see text) using the conversion factors per strike (RCFPS) recommended in this report and for: (A) the present strike limits; and (B) for those limits that were in accord with Scientific Committee advice in its report based upon the request by Denmark.

	RCFPS	(A)	(B)	Products for (A)	Products for (B)
Common minke whale	1.82	200	178	364	324
Fin whale	6.8	19	19	129	129
Bowhead whale	11	2	2	22	22
Humpback whale	9.5	0	10	0	95
Total				515	570

Note: if the allowance for not reaching the strike limits is not incorporated into the correction factor per strike then the total values for (A) and (B) would be 565t and 628t.

the working group's report. While Denmark did not see the necessity for the Scientific Committee to review the report, it would not object to such a review if the Committee had the time. However, it noted that the work initiated last year was to assess whether the conversion factors that Greenland had been using were wrong – a question it believed had been answered satisfactorily.

Responding to a number of comments made, the Head of Science noted that the issue of how the re-calculation of conversion factors at the end of each quota block for aboriginal subsistence whaling and are dealt with in any Consensus Decision would be a matter for the Commission, not the Scientific Committee. Regarding correcting for struck-and-lost animals, he noted that the group had presented what it considered to be the most appropriate method to determine the amount of edible products reaching Greenlanders (if the hunters are not able to reach the strike limit, they cannot achieve the desired yield); however, it had also presented results with and without the use of the correction factor. He also stressed that whether or not to correct for struck-and-lost animals is also a matter for the Commission, as is any decision about the acceptable level of 'waste', the need to improve flensing efficiency and a review of subsistence need; all of these are outside the terms of reference of the small group. Regarding the question of the sparseness of data and overconfidence in the results, he noted that a major part of the small group's report had focussed on the undertaking of a thorough review of the available data. It had identified the strengths and weaknesses in the datasets and indicated that for three of the four species considered, the conversion factors should be considered interim until further data can be collected. Finally, with respect to workload, the Head of Science confirmed the heavy workload of the SWG on the Aboriginal Subsistence Whaling Management Procedure (which in addition to its usual work was scheduled to carry out an *Implementation Review* of eastern gray whales) and the sub-committee on the Revised Management Procedure (that was undertaking a *pre-Implementation assessment* of western North Pacific common minke whales). However, he noted that the Committee would of course review the report if asked.

In conclusion, the meeting agreed that it was not necessary for the report to be reviewed by the full Scientific Committee in Agadir. However, the Head of Science indicated that the authors would be pleased to receive comments on their report directly and, if necessary, produce a revised version for consideration by the Commission in Agadir. The meeting therefore agreed that should any Scientific Committee members (or others) have comments on the report, these should be sent directly to the authors via the Secretariat's Head of Science.

4. PROPOSED SCHEDULE AMENDMENT

4.1 Presentation of the proposed Schedule amendment

Statement by Ane Hansen, Minister of Fisheries, Hunting and Agriculture, Greenland

Before the introduction of the proposed Schedule amendment itself, Ane Hansen, Minister of Fisheries, Hunting and Agriculture for Greenland addressed the meeting. She underlined Greenland's commitment to working within relevant international and regional organisations on the management of living natural resources, including whales, but also stressed the importance of mutual understanding and respect for cultural differences in such fora.

In implementing self-governance, the Minister referred to the need for Greenland to make full use of its own natural resources (on a sustainable basis and based on sound science) so as to limit the importation of western food, which in turn will contribute to a reduction in CO₂ emissions and modern life-style diseases. She stressed the importance of taking an ecosystem-based approach to the management of living resources and noted that the increasing number of whales and seals around Greenland are the biggest competitors to its fishermen and hunters.

With respect to Greenlandic whaling, the Minister noted that for many years it has been fulfilling requirements for its quotas to be based on sound science and for its hunts to be properly regulated and conducted in an effective manner in relation to killing methods. Despite this, Greenland felt that some IWC members were trying to find new excuses as to why its request for a take of humpback whales should be denied, including for example through questioning the commerciality of its hunt. In this respect she noted that in the present day, all activities involve money, that there are expenses associated with the hunt (see section 3.1 above) and that any surplus income generated is used to maintain hunting gear.

The Minister referred to the 2007 UN Declaration on the Rights of Indigenous Peoples and in particular to those Articles concerning the rights of such peoples to determine their own identity and membership as well as their self determination and their own means of subsistence and economic and social development. She believed that the UN Declaration would be violated if a satisfactory solution to Greenland's request could not be found. She also believed that the domestic policies of some IWC member countries were obstructing the ability of the organisation to fulfil its objectives and purpose as set out in the 1946 International Convention for the Regulation of Whaling and strongly believed that the IWC should be able to support reasonable subsistence quota requests provided that they are sustainable within the scope of subsistence needs for local use and that the whaling operations are properly regulated.

The Minister warned that if the IWC could not differentiate between domestic politics and the objectives and purpose of the Convention, Greenland would question the relevancy of its continued membership of the organisation. Furthermore she noted her concern for the other subsistence hunters whose quotas are set by the IWC.

Statement by Leif Fontaine, Chairman of the Organisation of Fishermen and Hunters in Greenland

The Minister's statement was followed by one from Leif Fontaine, Chairman of the Organisation of Fishermen and Hunters in Greenland who spoke about Greenland's traditional hunting culture, which has a history of over 1,000 years, and the importance of subsistence whaling that supplies meat for many Greenlanders all through the year. He noted that renewable resources, including whales, form the basis of Greenlanders' existence. Thus it is necessary for them to protect their environment and use the resources sustainably. He noted the improvements over the years in hunting methods that have led to improvements in times to death of hunted whales. Also referring to the UN Declaration the Rights of Indigenous Peoples the Indigenous peoples, he stressed that whaling and the right to use humpback whales has been an important part of Greenland's marine traditional food source from time immemorial and is part of its cultural heritage. Like the Minister, his organisation also considered that it would be a breach of the UN Declaration if a quota for humpback whales was not awarded to Greenland.

Presentation of the proposed Schedule amendment

The proposed Schedule amendment was for an annual quota of 10 humpback whales for the period 2010-2012 inclusive and a reduction in the proposed take for minke whales in West Greenland from an annual quota of 200 to 178 animals. Although it was not possible for the meeting to make a decision on Greenland's proposed Schedule amendment on humpback and minke whales, Amalie Jessen from Greenland's Home Rule Government presented the proposal in some depth and in a similar manner as at IWC/61.

She noted the opportunistic nature of hunting in Greenland, with resources being shared throughout the country and stressed that whale products are not exported. She gave a brief overview of the regulation and monitoring of the whale hunt and described the efforts made to keep up with technology and to train hunters to ensure that large whales are killed as humanely as possible while taking into consideration the safety of the crew. Before introducing Greenland's request, she addressed a number of issues raised at the IWC regarding the nature of Greenland's aboriginal hunt, i.e. the distribution of whale meat, claims regarding commercialisation of the hunt, flensing conditions, conversion factors and need.

As noted in section 3.1 above, the Greenland whale hunt relevant to the IWC consists of two forms – the rifle hunt conducted from small boats and the harpoon hunt conducted from fishing vessels mounted with harpoon cannon. The rifle hunt is aimed only at minke whales and can take place from the smallest of the communities stretching along the coast. The hunt is a local affair as transport opportunities away from the area are normally not available. The proceeds are distributed to the hunters involved who are also allowed to barter or sell parts of the proceeds in the local open air markets of nearby communities, thereby securing that the wider local community has a supply of meat. The harpoon hunt is directed at minke, fin and now also bowhead whales. The proceeds from this hunt are partly distributed to the crew of the vessel and partly sold at the open air market of the community in question to cover the costs of the hunt (grenades – which cost around 1,400 US dollars - with some hunts requiring 2 grenades, vessel costs and crew remuneration). A smaller part of the hunt is processed in one locality in Greenland, to meet the needs of those local communities not having access to their own whaling or those communities having a meat deficit.

Greenland has some 18 towns and 60 settlements spread along a coastline measuring 44,000 kilometres, many of which are accessible only by boat or air, and many accessible for only part of the year. Fourteen out of 18 whale hunting villages are able to take a combination of minke, fin, and until 1985, humpback whales, and from the 2009 season, also bowhead whales in the Disko Bay area. In these villages, a substantial portion of the whale meat is consumed locally through direct sharing. In addition, some of the whale is shared more broadly through local markets, and some is transported to other towns and settlements. One supermarket chain is a co-operative and two distribution companies are partially owned by the Greenland Home Rule Government, with operations subsidised by the government in one of them.

Greenland believed that the distinction, by some, between subsistence and commercial harvests is artificial. It recalled that in previous discussions, some have maintained that a hunt cannot be considered to be for subsistence if any money enters the distribution system. It did not agree and stressed that its strategy for marine mammal hunting is not that of

a commercial enterprise aimed at profit maximisation. In commercial hunting proper, investments not only call for more efficient hunting methods, they also necessitate new investments and create a need for still more income. This is not the case in aboriginal subsistence hunting, even if distribution of the prey secured requires money. There is no profit maximising mechanism, thus ensuring no growth in the pressure on the resource in question. When the hunters share their catch through the local markets or the larger distribution network, they receive cash for the meat they provide. With this cash, they are able to buy meat and other products from the other towns, and they are able to replenish their hunting equipment so that they can continue to take and provide whale meat and product. This has been the way in Greenland for many generations.

With regard to concerns expressed in relation to the conversion factors it has used to derive tonnage of meat and other products that will be obtained from individual whales of different species and the efficiency of its flensing operations, Greenland explained that the opportunistic nature of the hunt in combination with the practical difficulties of flensing operations in subsistence hunts explains why the yield is not and could never be as efficient as from commercial hunts. However, Greenland reported that it is already working to improve efficiency where possible and in collaboration with the IWC's Scientific Committee and the Greenland Institute of Natural Resources and will implement the recommendations from the small working group on conversion factors. It expressed its appreciation to the working group for its report.

With respect to need, Greenland noted that in 1991 the Commission accepted and endorsed that the annual need of meat from large whales in West Greenland is 670 tonnes. The need was estimated on the basis of the average annual catches of 232 minke whales, 9 fin whales and 14 humpbacks through the years from 1965 to 1985. Greenland noted that the need has never been met by the quotas allocated by the IWC.

Greenland reported that in 2009 the Scientific Committee was for the first time able to give interim advice (valid for two 5-year quota blocks) on all four whale species relevant to Greenland. Greenland noted that with respect to minke whales off West Greenland, the advice was that an annual strike limit of 178 minke whales will not harm the stock and that it wished to follow this advice. The strike limit would therefore be reduced to 178 from the current 200. With respect to humpback whales off West Greenland, the Scientific Committee's advice was that an annual strike limit of 10 whales will not harm the stock. Noting this advice, Greenland indicated that by seeking a quota for humpback whales, it seeks to return to the multi-species harvest and balance of resources available prior to 1987, when concerns over the status of the humpback whale stock led to the need to abandon that hunt. Greenland further noted that by returning humpback whales to its mix of resources, it would be able to reduce the overall number of whales taken by its hunters because of the greater yield provided by the humpback whales.

Finally, referring to the recommendations in the Scientific Committee report from IWC/61, Greenland recognised that it needed to provide verifiable measurement equipment to its hunters and standardised protocols for measurement together with the already reported data on sex, length, date and position of capture. It reported that it planned to develop a programme for updating and standardising the measurement techniques used by its hunters and would report back to

the Commission, probably in 2010 on the structure of that programme and on progress in working toward the goal of improved measurement.

4.2 Discussion

Given that it was not possible for a decision on Greenland's request to be made at the meeting, there was little discussion of the request. Iceland and the USA thanked Greenland for the extensive information it provided. The USA noted its strong support of subsistence whaling. Portugal recognised

the rights of the indigenous people of Greenland but believed that requests for additional quotas should be properly scrutinised. The Chair expressed the hope that this matter could be completed at IWC/62.

5. OTHER MATTERS

The meeting noted that this was the last meeting for Richard Cowan, the UK Commissioner to IWC who was to retire shortly and recognised his contribution to the work of the IWC over the years.

Annex A

LIST OF DELEGATES AND OBSERVERS

Antigua and Barbuda

Anthony Liverpool (C)

Argentina

Mario Oyarzabel (AC)

Miguel Iñiguez (AC)

Australia

Donna Petrachenko (C)

Paula Watt (AC)

Sandy Hollway

Pam Eiser

Austria

Gerda Hansen (AC)

Belgium

Alexandre de Lichtervelde (C)

Brazil

Fabio Pitaluga (C)

Fabia Luna

Cambodia

Nao Thuok (C)

Cameroon

Baba Malloum Ousman (C)

Costa Rica

Eugenia Arguedas (AC)

Ricardo Meneses-Orellana

Denmark

Øle Samsing (C)

Ane Hansen

Amalie Jessen

Helga S. Jakobsen

Nette Levermann

Leif Fontaine

Klara Hawes (I)

Finland

Esko Jaakkola (C)

France

Stéphane Louhaur (C)

Martine Bigan (AC)

Germany

Thomas Schmidt (AC)

Monika Roemerscheidt (AC)

Iceland

Tomas H. Heidar (C)

Kristjan Loftsson

India

Anmol Kumar

Ireland

John Fitzgerald (C)

Israel

Esther Efrat-Smilg (C)

Italy

Plinio Conte (C)

Caterina Fortuna (AC)

Marco Abbate

Angelo Ciasca

Japan

Jun Yamashita (AC)

Joji Morishita (AC)

Toshinori Uoya

Hideaki Okada

Daisuke Kiryu

Dan Goodman

Yasuo Iino

Yoko Yamakage (I)

Kiyomi Ito (I)

Republic of Korea

Choi-Woo Lee (C)

Dae-Yeon Moon (AC)

Zang-Keun Kim (AC)

Luxembourg

Pierre Gallego (AC)

Mexico

Lorenzo Rojas-Bracho (C)

The Netherlands

Marie Josée Jenniskens (C)

Peter Bos (AC)

New Zealand

Geoffrey Palmer (C)

Jan Henderson (AC)

Gerard van Bohemen (AC)

Michael Donoghue

Karena Lyons

Norway

Øle-David Stenseth (AC)

Lars Walloe

Hild Ynnesdal

Petter Meier

Republic of Palau

Vic Uherbelau (C)

Peru

Doris Sotomayor (C)

Poland

Monika Lesz (C)

Iwona Pawliczka Vel Pawlik

Portugal

Jorge Palmeirim (C)

Saint Kitts and Nevis

Timothy Harris (C)
Daven Joseph (AC)

Saint Lucia

Jeannine Compton (C)

Spain

Carmen Asencio (AC)
Ana Tejedor
Vanessa Dowd

Sweden

Bo Fernholm (C)
Stellan Hamrin (AC)

UK

Richard Cowan (C)
James Gray (AC)
Sarah Archer (AC)

USA

Monica Medina (C)
Douglas Demaster (AC)
Ryan Wulff
Roger Eckert
Lisa Phelps
Mike Tillman
Rollie Schmitt
Earl Comstock
DJ Schubert
Allison Reed
Doug Tedrick
Mike Smith
Jessica Lefevre
Mike Gosliner
Robert Brownell
Kitty Block

**INTERGOVERNMENTAL
ORGANISATION OBSERVERS****European Union**

Irene Plank

**NON-GOVERNMENTAL
OBSERVERS****American Cetacean Society**

Cheryl McCormick

Animal Welfare Institute

Susan Millward

**Antarctic and Southern Ocean
Coalition**

Sidney Holt

BlueVoice.org

Hardy Jones
Deborah Cutting

Campaign Whale

Andy Ottaway

Centro de Conservacion Cetacea

Elsa Cabrera
Jose Palazzo Jr.

Cetacean Society International

Jessica Dickens

Comité Ballena Azul Nicaragua

Yanina Luna

Cousteau Society

Clark Lee Merriam

Dolphin Connection

Deborah Adams

**Eastern Caribbean Coalition
for Environmental Awareness
(ECCEA)**

Gerardo Palacios

**Environmental Investigation
Agency**

Jennifer Lonsdale
Sam LaBudde
Alan Thornton

Exxon Mobil Corporation

Bruce Tackett

Greenpeace International

Phil Kline
John Frizell

**Guatemalan Association of Marine
Biology (ABIMA)**

Lucia Gutiérrez

Humane Society International

Paricia Forkan

**Instituto de Conservacion de
Ballenas**

Roxana Aida Schteinbarg

**International Fund for Animal
Welfare**

Patrick Ramage
Vassili Papastavrou

IWMC World Conservation Trust

Eugene Lapointe
Gavin Carter

Ocean Sentry

Sidney Holt

**Society for the Conservation of
Marine Mammals (GSM)**

Birgith Sloth

Pew Environmental Group

Susan Lieberman
Duncan Currie

Werkgroep Zeehond

Geert Drieman

**Whale and Dolphin Conservation
Society**

Sue Fisher
Niki Entrup
Kate O'Connell

Windstar Foundation

Nancy Azzam

**World Society for the Protection of
Animals**

Claire Bass
Joanna Toole
Marcela Vargas

WWF International

Leigh Henry

SECRETARIAT

Nicky Grandy
Greg Donovan

Annex B**LIST OF DOCUMENTS****IWC/M10/**

- 1 Draft agenda and list of documents
- 2 Report of the small working group on conversion factors (from whales to edible products) for the Greenlandic large whale hunt
- 3 List of participants

Documents from IWC/61**IWC/61/**

- 11rev Proposed Schedule Amendment (Greenland catch limits) submitted by Denmark

Annex C**AGENDA**

- | | |
|---|---|
| 1. Introductory items | 3.1 Presentation of the Report |
| 1.1 Introductory remarks | 3.2 Discussion |
| 1.2 Reporting | 4. Proposed Schedule amendment |
| 1.3 Review of documents | 4.1 Presentation of the proposed Schedule amendment |
| 2. Adoption of the Agenda | 4.2 Discussion and action arising |
| 3. Report of the Small Working Group on Conversion Factors for the Greenlandic large whale hunt | 5. Other matters |

Annex E

Proposed Consensus Decision¹ to Improve the Conservation of Whales from the Chair and Vice-Chair of the Commission

INTRODUCTION

Background

At last year's meeting, the Commission reviewed progress with discussions on the future of IWC. Recognising that the work was not complete, the Commission agreed by consensus to extend the time allocated to the Small Working Group (SWG) on the Future of the IWC until IWC/62 in 2010. The SWG, that was opened up to observers, was tasked with intensifying its efforts to conclude a package or packages by 2010 that should allow the Commission to reach a consensus solution to the major problems it faces, building upon the concept of a two-phase process and the progress reported by the SWG in its report to IWC/61. The Commission also agreed that the Chair, in consultation with the Advisory Committee, should establish a Support Group containing equitable geographic and socio-economic representation and range of views to assist him in providing direction to the process and in the preparation of material for submission to the SWG. The Support Group comprised Antigua and Barbuda, Australia, Brazil, Cameroon, Germany, Iceland, Japan, Mexico, New Zealand, St. Kitts and Nevis, Sweden and the USA. Norway was invited by the Chair to participate and attended the last two meetings of the Support Group as an observer.

On the basis of discussions in three meetings of the Support Group (in Santiago, Chile in September 2009; in Seattle, USA in December 2009 and in Honolulu, USA in January 2010), the Chair of the Commission submitted a report to the March 2010 meeting of the SWG in Florida that contained a set of ideas (a draft Consensus Decision to Improve the Conservation of Whales) as to how the IWC could function in the future². It was discussed thoroughly. The Support Group met again in Washington, USA in April to consider comments on the draft Consensus Decision made at the SWG meeting³ and subsequently in writing⁴.

The proposed Consensus Decision to Improve the Conservation of Whales

We have developed this proposed Consensus Decision to Improve the Conservation of Whales on the basis of discussions of the Support Group and SWG described above.

The Support Group worked extremely hard towards building consensus, while working on the firm understanding that *'nothing is agreed until everything is agreed'*. We are very appreciative of its dedication and hard work over the

last 7-8 months; participation in the group has required a huge commitment. However, while significant progress has been made, given the very challenging issues being dealt with and the strongly-held and differing views among member governments on a number of issues, it was not possible, at least in the time available, to reach full consensus among the Support Group members. Therefore the Chair and Vice-Chair were requested by the Support Group to produce a compromise text to serve as a basis for further negotiations. This 'proposed Consensus Decision' is that compromise text.

We emphasise that the proposed Consensus Decision contained in the following pages does **not** represent an agreed approach of the Support Group or the SWG. In fact, neither does it necessarily represent our own views regarding the content of a finally agreed document. Rather it is being put forward to facilitate the necessary further discussions leading up to IWC/62 in Agadir and as a practical way to meet formal deadlines (60 days notice is required for proposed Schedule amendments).

In addition to the Commission's plenary session, time has also been set aside at IWC/62 for these discussions on 16 and 17 June and during the private meeting of Commissioners on Sunday 20 June 2010. This allocation of time indicates how important we believe that this process is for the future of the IWC – we strongly believe that all governments should strive towards reaching consensus. A vitally important component of the philosophy behind the effort of recent years has been respect for all views and the need to step away from the divisive voting of the past. We are firmly of the view that this is the way forward for the good of conservation and management.

Like the earlier version (IWC/M10/SWG4), the proposed Consensus Decision contained here includes a Vision Statement for the IWC and an approach to how the very different views among member governments regarding whales and whaling might be reconciled. It would establish a 10-year interim period of stability within which intensive dialogue will occur on the major long-term issues at the IWC with the objective of resolving those issues during that period. The document includes a number of Appendices, including proposed Schedule amendments, which would give effect to the approach put forward. Some of the proposals, should they be accepted, would also require amendments to the Commission's Rules of Procedure and Financial Regulations. We have requested the Secretariat to develop proposed revisions and these are provided in a separate document, i.e. IWC/62/8.

During the discussions of the Support Group and the SWG, two issues have proven to be particularly difficult to find a consensus way forward: those related to Table 4, Appendix A (catch limits) and those related to international trade.

¹Including proposed amendments to the Schedule to the Convention.

²See IWC/M10/SWG4: Chair's Report to the Small Working Group on the Future of the IWC.

³See IWC/62/6rev: Report of the fourth meeting of the Small Working Group on the Future of the IWC.

⁴See IWC/A10/SG1: Comments received on the Draft Consensus Decision to Improve the Conservation of Whales.

With respect to Table 4, some of the important issues included: whether to incorporate both a reduction and a downward trend in catches in the Southern Hemisphere; how to deal with stocks for which scientific advice from established management procedures was not available at the start of the interim period; whether to include catch limits for West Greenland humpback whales given that there was not a quorum at the recent intersessional meeting in Florida. For the purposes of allowing for continued discussion, we have put in some example numbers in Table 4. You will see that *at this stage* we have included a two-step decline in Antarctic minke whale catches over the period – this is neither a continuous decline nor a stable limit and (like any numbers in Table 4) is without prejudice to what might be agreed for the post-2020 period. We have included a catch limit for humpback whales off West Greenland *at this stage*. And we have increased the annual strike limit for the indigenous subsistence take of gray whales from the eastern stock in the North Pacific by five whales in recognition of the issue of the ‘stinky’ whale issue (five whales being the average number of ‘stinky’ whales reported per year over the last five years)⁵. The only inevitable result of the example numbers we have included in Table 4 is that as a package they will be disliked by all for one reason or another, including ourselves. They are merely there to stimulate the necessary intense discussions and negotiations prior to Agadir.

With respect to the question of international trade, this has long been a point of contention within the IWC, particularly with respect to competence; this was also the case within the Support Group. We have taken the decision *at this stage* to bracket the paragraph limiting the use of meat or products from whales to domestic use since no compromise proposal could be made on this issue – once again intense discussions and negotiations are needed on this matter before Agadir to determine what, if any, text is included.

Clearly a great deal more work is required. We wish to stress that this process has been long and difficult and it will continue to be so. There has been much discussion within and outside the Support Group concerning the balance of the Consensus Decision – the document itself talks of a ‘delicate’ balance and the need to preserve this. The text in the present document on these and other matters represent a starting point for further discussions and negotiations rather than a firm proposal. Almost inevitably, there is a tendency for Governments of all persuasions to take the position that ‘we’ have given up more than ‘them’. This is inevitable and natural. Evaluation also depends on whether one, for example, examines the Consensus Decision against one’s own strongly-held long-term principles or against the *status quo*. It is our view that the proposed Consensus Decision, provided that it can be adopted by consensus, represents a major step forward for whale conservation and management, and thus for the International Whaling Commission.

We therefore look forward to engaging further with Commissioners and Contracting Governments in the coming period and at the Annual Meeting in June. We strongly urge all concerned to work with us to find a consensus solution to our problems.

CONSENSUS DECISION TO IMPROVE THE CONSERVATION OF WHALES

VISION STATEMENT: The International Whaling Commission will work cooperatively to improve the

conservation and management of whale populations and stocks on a scientific basis and through agreed policy measures. By improving our knowledge of whales, their environment, and the multiple threats that can affect their welfare, the Commission will strive to ensure that whale populations are healthy and resilient components of the marine environment.

The long history of overexploitation by industrial whaling in the past left whale populations in many areas in a severely depleted state. This led to the implementation of various management measures by the Commission over the years, including the commercial whaling moratorium. As a result, we have seen a recovery in some stocks although others remain severely depleted. Furthermore, previously unforeseen threats to whale populations have emerged. There has also been an increase in whaling outside the control of the International Whaling Commission (IWC).

Very different views exist among the members regarding whales and whaling. For example, some seek to eliminate all whaling other than indigenous subsistence whaling, and some support whaling provided it is sustainable. This difference has come to dominate the time and resources of the Commission at the expense of effective whale conservation and management. The prevalent atmosphere of confrontation and mistrust among member governments has led to little progress being made on key practical matters of conservation and management since the early 1990s despite advances at a scientific level. This has created concerns among some members over the possible collapse of the IWC.

The *status quo* is not an option for an effective multilateral organisation. To overcome the present impasse, the IWC has in recent years recognised the need to create a non-confrontational environment within which issues of fundamental difference amongst members can be discussed with a view to their resolution. Reconciliation of differences in views about whales and whaling will strengthen actions related to the common goal of maintaining healthy whale populations and maximising the likelihood of the recovery of depleted populations.

This consensus decision and its appendices represent a delicate balance of concessions by all IWC members. It establishes a ten-year interim period of stability within which intensive dialogue will occur on the major long-term issues facing the IWC, with the objective of resolving those issues during that period.

Under this consensus decision, no governments are changing their fundamental positions on matters of principle or prejudicing their future rights with respect to, among other things, research by special permit, the commercial whaling moratorium, and whaling under objection and reservation. The moratorium remains in place. All whaling will be under full IWC control. Overall catch limits will be both significantly below current limits and scientifically determined to be sustainable over the period. During this interim period many new, positive conservation and management benefits will be introduced. No one can be said to have won or lost, but all member governments have made accommodations for the period of the interim arrangement. This arrangement will expire after ten years. The intent is to resolve our key differences during this interim period, resulting in a new way forward by that time. Member governments agree that the result of the arrangement will be a good starting point for further negotiations.

This effort represents a paradigm shift in the way the Commission operates, creating a cooperative environment

⁵The Scientific Committee will be asked to check this increase against the gray whale *SLA* at IWC/62.

and revised framework for addressing issues related to whales. The focus is on a shared vision for the Commission's future.

This way forward will improve the conservation of whales worldwide. The Commission will address conservation issues as a priority since whales face new threats to their existence in comparison to when the Commission was established in 1946. Environmental and human-induced threats are increasing and demand a new approach and therefore new efforts by the Commission. In this regard, every member government is committed to the conservation of whales.

Fundamental components of this consensus decision are to:

- retain the moratorium on commercial whaling;
- suspend immediately for the 10-year period unilaterally-determined whaling under special permit, objections, and reservations;
- bring all whaling authorised by member governments under the control of the IWC;
- limit whaling to those members who currently take whales;
- ensure that no new non-indigenous whaling takes place on whale species or populations not currently hunted;
- establish caps for the next ten years that are significantly less than current catches and within sustainable levels, determined using the best available scientific advice;
- introduce modern, effective IWC monitoring, control and surveillance measures for non-indigenous whaling operations;
- create a South Atlantic Sanctuary;
- recognise the non-lethal value and uses of whales, such as whalewatching, as a management option for coastal states and address related scientific, conservation and management issues of such uses;
- provide a mechanism for enterprise and capacity building for developing countries;
- focus on the recovery of depleted whale stocks and take actions on key conservation issues, including bycatch, climate change and other environmental threats;
- set a decisive direction to the future work of the IWC including measures to reform the governance of the Commission; and
- establish a timetable and mechanism for addressing the fundamental differences of view amongst member governments in order to provide for the effective functioning of the Commission over the longer term.

Members agree not to authorise whaling outside IWC control and not to exceed the prescribed catch limits (Appendix A). The Commission will now refer to aboriginal subsistence whaling as indigenous subsistence whaling. Indigenous subsistence whaling operations that were previously approved by the Commission will continue under existing management measures.

The catch limits outlined in this arrangement reflect scientific and policy evaluations of proposals made by the whaling countries for the ten-year period. The scientific evaluation has ensured that the catch limits are consistent with the principle of sustainability and the precautionary approach. The policy evaluation has ensured that the catch limits, except for indigenous subsistence whaling, result in a significant reduction below existing catch levels. Whaling by special permit and by objection or reservation will be suspended for the ten-year period and notwithstanding Appendix A, the moratorium (paragraph

10(e) of the Schedule) will remain in place during the arrangement. Nothing in this consensus decision prejudices the fundamental legal positions of member governments.

The IWC will strengthen its capacity as an effective multilateral organisation with a strategic focus that reflects the interests of its membership. The Commission will re-prioritise its work on science and conservation and reorganise its Committees. It recognises that ensuring healthy whale populations requires responsible collective action. Members will work together to enable the Commission to effectively address the full range of contemporary and emerging threats facing whale populations and to improve their conservation and maximise the likelihood of the recovery of depleted populations and stocks. The Commission will base conservation and management measures on the best available scientific advice, incorporating precautionary and ecosystem approaches.

The Commission recognises that there will be increased expenses and increased work for the Secretariat as a result of this arrangement. The preferred method of financing these measures is through the financial contributions scheme. The Commission will make a detailed assessment of how to apportion these costs amongst Contracting Governments. Proposed budgets will be drafted prior to the 2010 Annual Meeting.

Chapter VII as a whole represents a delicate balance of elements that the member governments are able to accept as a compromise. Thus, members pledge to refrain from exercising their rights under Article V of the Convention to file objections to the Schedule amendments arising from this consensus decision or in any other way to exempt themselves from these provisions. As a result, member governments consider that a rejection of any particular provision, while accepting the benefits of other aspects of this Chapter, would be inconsistent with the object and purpose of the new amendments and the philosophy of the consensus decision.

For conservation

The Commission will immediately focus on the recovery of depleted populations and stocks and take practical actions on key issues, including bycatch, climate change and other environmental threats to whales through tools such as conservation management plans. The determination of which conservation management plans to develop will be based upon immediate conservation needs and likelihood of success. In addition, a South Atlantic sanctuary will be established.

To facilitate this, the Commission will establish a Conservation Programme Committee. Member governments agree to participate fully on this Committee and in its associated bodies. The Conservation Programme Committee will, among other things, address new and emerging threats to cetaceans, including climate change, marine pollution, bycatch and entanglement by fishing activities, ship strikes and habitat degradation including noise pollution; as well as recommend an agreed framework to broaden the management tools available to the Commission to address non-consumptive uses of whales.

For management

For this ten-year period, the Commission agrees to a cap on whaling based on the prescribed catch limits (Table 4 of Appendix A) that will be precautionary and set below long-term maximum sustainable limits. For indigenous subsistence whaling, catch limits will continue to be established under existing arrangements. For all other

whaling operations, the reduced catch limits will be less than or equal to advice provided during the period under the Scientific Committee's Revised Management Procedure (RMP). In those cases for which an RMP *Implementation* has not yet been completed, or is not current at the start of the period, interim limits have been set on the advice of the IWC Scientific Committee, such that these limits do not risk causing long-term depletion of the populations or stocks concerned. The Scientific Committee shall give high priority to completing RMP *Implementations* and *Implementation Reviews* (see Appendix B). If the results of this work indicate that a catch limit should be lower than the limit in Table 4 of Appendix A, or if there is a significant event that negatively affects the status of a population or stock, the Commission will lower the catch limit prior to the next whaling season based on the advice of the Scientific Committee.

The Commission will establish a Management and Compliance Committee. Amendments to the Schedule to the Convention for monitoring, control and surveillance mechanisms will include provisions for national inspectors, international observers, a Vessel Monitoring System, a DNA registry and market sampling scheme, infractions and sanctions, and whale killing methods and associated welfare issues. These measures are intended to provide strong assurance that member governments abide by the rules of the Commission, including catch limits. In particular, the DNA registry and market sampling scheme provides substantial advantages over a catch documentation scheme due to its ability to link any whale meat sample in the market with a harvested whale and therefore detect and deter any illegal, unreported and unregulated whaling. Further, the Management and Compliance Committee will review the effectiveness of these measures and recommend improvements as needed. In the case of indigenous subsistence whaling that is done, often in remote parts of the world, monitoring and control must necessarily be different and appropriate to those particular circumstances. Complete and accurate data concerning whaling activities will be reported to the Commission in a timely manner.

The Commission recognises the non-lethal use of whales, such as whalewatching, as a management option for coastal States and will address all related scientific, conservation, and management aspects of such uses.

For science

The provision of sound scientific advice is essential to the functioning of the Commission. The work of the Scientific Committee is internationally recognised as providing the best available knowledge on the conservation and management of whales. This strong tradition will continue.

In developing priorities for the Scientific Committee, the Commission will take into account the conservation status of whale populations and the threats they face and focus on work that will lead to effective conservation and management measures. The Commission is committed to comprehensive and frequently reviewed research programmes that follow rigorous scientific principles and that are in accord with or establish best practice. The Commission will continue to publish the results of research and make publicly available the data collected under its auspices to encourage transparency and to promote additional research and analyses. The Scientific Committee will also continue to incorporate into its work ecosystem and precautionary considerations and will maintain and expand its range of tools to help identify, quantify and mitigate threats to whale stocks and populations. These tools may include

conservation management plans and marine protected areas. Results from cooperative research programmes amongst member governments will help to fill important knowledge gaps required for whale conservation.

For governance

The Commission will remain the governing body of the organisation and will meet every two years from 2011. Four Committees will support the Commission: a Scientific Committee; a Conservation Programme Committee; a Management and Compliance Committee; and a Finance, Administration and Communications Committee (see Appendix C). Each Committee Chair and Vice-Chair, along with Chair and Vice-Chair of the Commission, will serve four-year terms. The Committees will elect their own Chairs and Vice-Chairs.

A Bureau will be established to support the Chair of the Commission. In addition to the Chair, the Bureau will comprise the Vice-Chair of the Commission, the four Committee Chairs and two additional Commissioners. These two additional Commissioners will be nominated by the Chair for approval by the Commission, in order to ensure that the Bureau as a whole is representative of the regions and interests within the Commission.

The Commission will afford greater participation to intergovernmental and non-governmental organisations. Representatives from these organisations will be allowed to speak during the meeting following the guidelines and Rules given in Appendix D. In accord with guidelines to be developed by the Commission before 2011, the Secretariat shall make available contributions from intergovernmental and non-governmental organisations relevant to the agenda of the meetings of the Commission and its subsidiary bodies via the Commission's website. The Commission will continue to support the right to legitimate and peaceful forms of protest and demonstration and urge its members to have regard for the importance of protecting the environment, and in particular the fragile Antarctic environment.

With regard to safety at sea, the Commission and its members reiterate that they do not condone, and in fact condemn, any actions that are a risk to human life and property in relation to the activities of vessels at sea, and urge that persons and entities refrain from such acts. Member Governments, including flag States and port States for vessels engaged in such acts, will continue to cooperate and to take concrete and effective action, in accordance with relevant rules of international law and respective national laws and regulations and through competent international organisations, to deter, suppress and prevent actions that risk human life and property at sea.

The IWC remains the pre-eminent organisation with responsibility for the conservation and management of whales worldwide. It recognises that there are other agreements and organisations that are relevant to whale conservation. These include, amongst others, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Biological Diversity, the Convention on Migratory Species (CMS) and the United Nations Convention on the Law of the Sea (UNCLOS). The IWC agrees to strengthen further co-operation with relevant agreements and organisations and the IWC member governments agree not to take actions that may undermine the efficacy and purpose of this decision in other agreements and organisations. For example, no amendment of the Schedule arising from this consensus decision supersedes or invalidates prior IWC Resolutions relating to CITES and

international trade, including Resolution 2007/4 on CITES. The Commission shall notify the CITES Secretariat of this decision.

Timeline

Starting after the Annual Meeting in 2010, these new measures described above will be implemented for a ten-year period with a review in five years.

Future work plan to address differences of views on key issues

While this paradigm shift represents significant progress in strengthening whale conservation and management, the members of the IWC recognise that more work is needed to resolve the fundamental differences of views amongst them if the Commission is to function effectively over the longer term. As stated earlier, this consensus decision to improve whale conservation and bring the management of all whaling, at significantly reduced levels, under the control of the IWC, is intended to provide the Commission with the opportunity to address those fundamental differences of view in order to complete the reform of the Commission and effectively address new and emerging environmental challenges.

The Commission will maintain momentum in addressing outstanding elements in the reform agenda. From 2011, the Commission will meet biennially while the Bureau and the four Committees will meet as frequently as required, possibly annually. The Commission will continue to address the different views that exist amongst the members on key issues regarding whales and whaling and proposals will be developed to address these for consideration during the initial five years of the arrangement.

To facilitate this, the Commission will establish a Working Group at IWC/62, representing a broad cross section of the membership, to continue to examine reform of the Commission, including governance issues, the role of science in decision making, sanctuaries, research conducted by special permit, whaling under objections and reservations, the commercial whaling moratorium, international trade, bycatch and small cetaceans.

The Working Group shall report on its progress to the Commission by 2013, including any recommendations it may have. The Commission shall at its next meeting and each meeting thereafter until these issues are resolved, discuss the recommendations of the Working Group.

The Commission will conduct a comprehensive five-year review in 2015, to assess the efficiency and effectiveness of the implementation and operation of the arrangement. At

that point the Commission will identify work that needs to be undertaken to enable any necessary reforms to be in place prior to expiry of this Consensus Decision.

Timetable for Commission meetings

2010 (IWC/62)

The Schedule amendments in Appendix A will go into effect from 1 January 2011 through 31 December 2020, except that for the Southern Hemisphere the effective dates shall be 1 November 2010 through 31 March 2020.

2011 (IWC/63) and 2013 (IWC/64)

The Commission will continue its work on the critical issues related to its reform. Further work will also be undertaken regarding, among other things, animal welfare, bycatch, developments in oceans governance, an IWC Cooperation Programme (Appendix E), ethics and socio-economic implications. Further discussions will also take place concerning small cetaceans, international trade, and the sharing of benefits derived from the utilisation of whales.

2015 (IWC/65) - 'The Five-Year Review'

The Bureau will review progress in addressing work on key issues and the implementation of this Consensus Decision, identify further work that needs to be undertaken to put in place reforms prior to its expiration, and prepare a report for consideration by the full Commission at IWC/65 in 2015.

2017 (IWC/66) and 2019 (IWC/67)

The Commission will begin to consider new amendments to the Schedule to replace Chapter VII.

2020 (IWC/68) - Extraordinary Meeting of the Commission

The Schedule amendments in Appendix A will expire.

LIST OF APPENDICES

Appendix A	Amendments to the Schedule
Annex {LIS}	Licensing, infractions and sanctions
Annex {IOS}	International observer scheme
Annex {VMS}	Vessel monitoring scheme
Annex {DNA}	DNA registry and market sampling scheme
Annex {WKM}	Whale killing methods and associated welfare issues
Annex {SI}	Scientific information
Annex {OI}	Operational information
Appendix B	Work plan for the Scientific Committee's assessment work on non-indigenous whaling for the period up to 2020
Appendix C	Bureau and Committee roles
Appendix D	Amendments to the Rules of Debate and NGO Code of Conduct
Appendix E	IWC Co-operation Programme

Appendix A

AMENDMENTS TO THE SCHEDULE

CHAPTER VII. REFORMED CONSERVATION AND MANAGEMENT MEASURES

32. This Chapter shall be in effect from 1 January 2011 through 31 December 2020, except that for whaling in the Southern Hemisphere and for the establishment of the South Atlantic Sanctuary described in paragraph 48, the effective dates shall be 1 November 2010 through 31 March 2020. In the event of an inconsistency between this Chapter and Chapters I-VI, the provisions of this Chapter shall prevail. Further, the strengthened conservation and management measures in this Chapter supersede paragraphs 2-5, 9, 10(a) through 10(c), 11, 12, 21(c), 24-30 and Appendix A of the Schedule. The catch limits and carryover provisions of Table 4 also supersede catch limits for operations identified in paragraph 13; all other provisions in paragraph 13 shall continue to apply. The provisions of this Chapter shall be reviewed in 2015 and at such times as determined by the Commission. These provisions shall also be reviewed when new and important information is presented by the Scientific Committee.

33. In order to improve the conservation of whales, the number of whales taken for each of the years indicated above shall not exceed the catch limits shown in Table 4. All catch limits in this table shall be set at or below sustainable levels as determined by the most recent versions of the Scientific Committee's Revised Management Procedure, *Strike Limit Algorithms* for indigenous whaling or, where results from these are not available, best available science. If the results of the established management procedures indicate that a catch limit should be lower than the number in Table 4, or if there is a significant event that negatively affects the status of any population, Contracting Governments agree that, where the Scientific Committee advises that the catch limits for any stock or population should be reduced, the Commission shall reduce those limits for the remaining years of the operation of this Chapter. Notwithstanding any such reductions, if the results from further application of established management procedures indicate that a catch limit could be increased, the Commission will increase the catch limit accordingly but in no case shall a limit for a stock exceed the catch limit for that stock included in Table 4 as adopted at the 2010 Annual Meeting. Other than the catch limits in Table 4, catch limits for all species, areas and seasons shall remain zero.

34. Each Contracting Government agrees that it will not authorise, whether pursuant to Article VIII or otherwise, any whaling in excess of the limits set forth in Table 4 or outside the provisions of this Chapter.

35. Each Contracting Government agrees that it will not authorise whaling pursuant to Table 4 unless it authorised whaling operations in 2009.

36. Any overages of an annual catch limit specified in Table 4 shall be deducted, by the authorising Contracting Government, from that annual catch limit, as modified by applicable carryover provisions, for the following whaling season.

37. If:

- (a) a vessel or vessels under the jurisdiction of a Contracting Government strike or take whales in excess of the catch limit authorised by that Government pursuant to a licence issued in accordance with Annex {LIS} dated *day/month/year*; and
- (b) the Management and Compliance Committee advises the Commission that the relevant Contracting Government has failed to implement and apply sufficiently severe sanctions or to take appropriate enforcement action, in accordance with its obligations under Annex {LIS} dated *day/month/year*;

the Commission will, having regard to the recommendations of the Management and Compliance Committee, lower the relevant catch limit specified in Table 4 for the following whaling season. Such a reduction will apply in addition to any overages deducted from the relevant catch limit under paragraph 36.

[38. Domestic Use. Use of any meat or products derived from any whale taken in accordance with Table 4, or taken under any other circumstances, shall be limited to domestic use in the country or territory that authorised such take, and/or under whose jurisdiction such take occurred.]

39. National Inspectors. Each Contracting Government under whose jurisdiction whaling operations are carried out shall have in place a national inspection scheme to ensure compliance with the provisions of the Convention and national regulatory measures.

40. International Observers. Whaling operations shall be subject to the International Observer Scheme detailed in Annex {IOS} dated *day/month/year*.

41. Vessel Monitoring. Vessels conducting whaling operations shall be equipped with a satellite vessel monitoring system for reporting on vessel movements and activities. The system shall be designed to ensure real-time and simultaneous transmission to the Flag State and the Secretariat as specified in Annex {VMS} dated *day/month/year*. It shall also be transmitted in real-time to those international observers specified in Annex {IOS} dated *day/month/year* and Annex {VMS} dated *day/month/year*. Given the specific context of activities under this Chapter, including with respect to scale of operations and safety of life at sea, in circumstances where a vessel captain considers that the transmission of vessel monitoring information may endanger the safety and life of crews, such captain may at his sole discretion, suspend these transmissions. Such suspensions, as well as daily positioning data, shall be recorded by the observer and included in the report referred to paragraph 3.2 of Annex {IOS} dated *day/month/year*. Where there is no observer present, this information must be recorded by the captain and submitted to the international observer present at the land station.

42. DNA Registry and Market Sampling. Contracting Governments under whose jurisdiction whales and whale products may be legally marketed shall maintain a diagnostic DNA register and tissue bank, and will carry out a market sampling scheme, based on the procedures given in Annex {DNA} dated *day/month/year*. Before any products from a whale enter the market, samples for the DNA registry shall be collected from that whale, and submitted for inclusion in the registry. Reporting shall include the annual transmission of DNA profiles to a centralised archive maintained by the Secretariat for audit purposes. External audit shall be conducted under the auspices of the IWC by the international expert group referred to in that Annex following the procedures documented therein.

43. Infractions and Sanctions. Contracting Governments shall have in place licensing, infractions and sanctions arrangements as set out in Annex {LIS} dated *day/month/year* and shall provide information to the Secretariat as given in that Annex.

44. Indigenous Subsistence Whaling. The term 'indigenous subsistence whaling' shall henceforth replace the term 'aboriginal subsistence whaling' and the two terms shall have the same meaning. Whaling by indigenous whalers identified in paragraph 13(b) shall be conducted pursuant to paragraph 13 and other relevant Commission agreements with respect to that paragraph. The number of whales struck or landed by such whalers, as appropriate, for each of the years shall not exceed the numbers shown in Table 4. These numbers and carryover provisions supersede those given in paragraph 13; all other provisions in paragraph 13 shall continue to apply, including provisions for annual review. Except where explicitly provided otherwise, the other provisions of this Chapter shall not apply to indigenous subsistence whaling.

45. Whale Killing Methods. Whaling, including indigenous subsistence whaling, shall be undertaken such that the hunted whale does not experience unnecessary suffering and that people and property are not exposed to danger. In order to verify that the best methods are used and to provide for continuous improvement of methods, the international observer where present (or otherwise the national inspector or the captain of the vessel) shall record and report information on whale killing methods and associated welfare issues as described in Annex {WKM} dated *day/month/year*.

46. Scientific Information. Contracting Governments under whose jurisdiction whales are harvested, including those taken pursuant to paragraph 13, shall submit the scientific information described in Annex {SI} dated *day/month/year* in accord with the reporting requirements given in that Annex.

47. Operational Information. Contracting Governments under whose jurisdiction whales are harvested shall submit the operational information described in Annex {OI} dated

day/month/year in accord with the reporting requirements given in that Annex.

48. South Atlantic Sanctuary. In accordance with Article V(1)(c) of the Convention, whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the South Atlantic Sanctuary from 1 November 2010 through 31 March 2020. This Sanctuary comprises the waters of the South Atlantic Ocean enclosed by the following line: starting from the Equator, then generally south following the eastern coastline of South America to the coast of Tierra del Fuego and, starting from a point situated at Lat 55°07,3'S Long 066°25,0'W; thence to the point Lat 55°11,0'S Long 066°04,7'W; thence to the point Lat 55°22,9'S Long 065°43,6'W; thence due south to Parallel 56°22,8'S; thence to the point Lat 56°22,8'S Long 067°16,0'W; thence due south, along the Cape Horn Meridian, to 60°S, where it reaches the boundary of the Southern Ocean Sanctuary; thence due east following the boundaries of this Sanctuary to the point where it reaches the boundary of the Indian Ocean Sanctuary at 40°S; thence due north following the boundary of this Sanctuary until it reaches the coast of South Africa; thence it follows the coastline of Africa to the west and north until it reaches the Equator; thence due west to the coast of Brazil, closing the perimeter at the starting point. With the exception of Argentina, Brazil and South Africa, this provision does not apply to waters under the national jurisdiction of coastal States within the area described above, unless those States notify the Secretariat to the contrary and this information is transmitted to the Contracting Governments. [*Note that this information will be included in an editorial footnote*].

49. Co-operation Programme. The Commission shall establish a Co-operation Programme in recognition of the rights of developing coastal States, taking into account the interests of such States in the living marine resources of the marine environment covered by the Convention.

50. Conservation. The Commission shall establish a Conservation Programme Committee. Further, the Commission shall address conservation issues as a priority, and will immediately focus on the recovery of depleted stocks and take actions on key issues, including bycatch, climate change and other environmental threats to whales through tools such as conservation management plans. The determination of which conservation management plans to develop will be based upon immediate conservation needs and likelihood of success.

51. IUU Whaling. Contracting Governments shall, to the extent consistent with their obligations under international law, take all necessary measures, including such amendments to their national laws and regulations as are required, to deter illegal, unreported and unregulated (IUU) whaling. Should information on vessels conducting IUU whaling operations be provided to the Commission, it shall be included in the Annual Report of the Commission.

Table 4
Catch limits.

Stocks	Seasons									
	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
SOUTHERN HEMISPHERE										
Antarctic minke - 130°E to 145°W	400 ⁷	0	400 ⁷	0	400 ⁷	0	200 ⁷	0	200 ⁷	0
Antarctic minke - 35°E to 170°E	0	400 ⁷	0	400 ⁷	0	200 ⁷	0	200 ⁷	0	200 ⁷
Fin - 130°E to 145°W	10	0	10	0	5	0	5	0	5	0
Fin - 35°E to 170°E	0	10	0	5	0	5	0	5	0	5
Humpback	0	0	0	0	0	0	0	0	0	0
NORTHERN HEMISPHERE										
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
North Pacific										
Bowhead - Bering-Chukchi-Beaufort Seas stock	67 ⁸	67 ⁸	67 ⁸	67 ⁸	67 ⁸	67 ⁸	67 ⁸	67 ⁸	67 ⁸	67 ⁸
Gray - eastern stock	145 ⁹	145 ⁹	145 ⁹	145 ⁹	145 ⁹	145 ⁹	145 ⁹	145 ⁹	145 ⁹	145 ⁹
Bryde's - western (west of 170°E)	12	12	12	12	12	12	12	12	12	12
Common minke - coastal waters east of Japan north of 35°N and west of 150°E (excluding the Okhotsk Sea), excluding waters within 10n.miles of the Pacific coast of northern Japan. ¹⁰	120	120	120	120	120	120	120	120	120	120
Common minke - offshore	40	40	40	40	40	40	40	40	40	40
Sei - western (west of 170°E)	50	50	50	50	50	50	50	50	50	50
Sperm - western (west of 170°E)	0	0	0	0	0	0	0	0	0	0
North Atlantic										
Bowhead - Eastern Canada/West Greenland stock	2 ¹¹	2 ¹¹	2 ¹¹	2 ¹¹	2 ¹¹	2 ¹¹	2 ¹¹	2 ¹¹	2 ¹¹	2 ¹¹
Fin - West Greenland	19	19	19	19	19	19	19	19	19	19
Fin - West Iceland <i>Small Area</i> ¹²	80	80	80	80	80	80	80	80	80	80
Common minke - West Greenland	178 ¹³	178 ¹³	178 ¹³	178 ¹³	178 ¹³	178 ¹³	178 ¹³	178 ¹³	178 ¹³	178 ¹³
Common minke - Central Atlantic - <i>Small Areas</i>										
East Greenland coastal	12	12	12	12	12	12	12	12	12	12
CIC ¹⁴	80	80	80	80	80	80	80	80	80	80
Common minke - Eastern Atlantic <i>Small Areas</i> ¹⁵										
EB	93	93	93	93	93	93	93	93	93	93
EN	150	150	150	150	150	150	150	150	150	150
ES	108	108	108	108	108	108	108	108	108	108
EC	249	249	249	249	249	249	249	249	249	249
Humpback - taken off St. Vincent and The Grenadines	4 ¹⁶	4 ¹⁶	4 ¹⁶	4 ¹⁶	4 ¹⁶	4 ¹⁶	4 ¹⁶	4 ¹⁶	4 ¹⁶	4 ¹⁶
Humpback - West Greenland feeding aggregation	10	10	10	10	10	10	10	10	10	10

⁷This is the maximum number of animals that may be struck in any one year except that any unused strikes in one year may be carried forward to the next limit in the same area (i.e. 2 seasons later) up to a total of [number to be decided].

⁸This is the maximum number of animals that may be struck in any one year except that any unused strikes (including 15 unused strikes from the 2007-2010 period) may be carried forward to subsequent years up to a maximum of 15 additional strikes in any one year. The total number of animals that may be landed over the 10 seasons from 2011-2020 is 580.

⁹This is the maximum number of animals that may be struck in any one year. The total number of animals that may be landed over the 10 seasons from 2011-2020 is 1,290.

¹⁰The whaling season shall be limited to a consecutive six month period within the period of 1 March 1 to 30 November of each year. Whaling will be in accordance with the framework set out in IWC/60/9 that describes Japan's Small Type Coastal Whaling proposal for the benefit of four communities in Japan.

¹¹This is the maximum number of animals that may be struck in any one year except that any unused strikes from one year may be carried forward to subsequent years up to a maximum of 2 additional strikes in any one year.

¹²WI=the area to the West of the 18°W meridian and between the 50°N and 75°N parallels and East of a line from 50°N 30°W, 60°N 30°W, 60°N 31°W, 65°N 31°W, 66°50'N 27°W and 69°N 27°W.

¹³This represents the maximum number of animals that may be struck in any one year except that any unused strikes may be carried forward to subsequent years up to a maximum of 15 additional strikes in any one year.

¹⁴CIC=the area between 63°N and 67.5°N and between 12°W and 25°W.

¹⁵EB=the area to the East of (and including) the 28°E meridian; ES=the area to the West of the 28°E meridian and North of a line through 73°N 28°E, 73°N 3°E, 74°N 3°E and 74°N 21°W; EW=the Area to the North of the 62°N parallel and to the West of the 28°E meridian and to the South and East of a line through 73°N 28°E, 73°N 3°E, 68°N 3°E, 65°N 5°W, 63°N 12°W and 60°N 18°W; EN=the area to the South of the 62°N parallel and East of a line through 63°N 12°W, 60°N 18°W and 20°N 18°W.

¹⁶This represents the average number of whales that may be landed in any one year. The total number that be landed over the 10 seasons from 2011-2020 shall not exceed 40.

Annex {LIS} dated *day/month/year***Licensing, Infractions and Sanctions****LICENSING**

1. Each Contracting Government under whose jurisdiction whales are struck or taken shall authorise vessels to conduct whaling operations under this Chapter pursuant to a licence issued by that Contracting Government which specifies the areas, whale stocks (species and numbers) and time periods for which whaling operations are authorised and all other specific conditions to which the whaling operations are subject to give effect to this Chapter and all other requirements of the Convention.
2. Each Contracting Government shall provide to the Secretariat prior to the commencement of a whaling season the following information, where applicable, about licences issued to its authorised whaling vessels:
 - (a) name and registration details of the vessel;
 - (b) time periods authorised for whaling (start and end dates);
 - (c) proposed areas of whaling; and
 - (d) species targeted.

The Secretariat shall provide a copy of any licence to a Commissioner or Alternate Commissioner upon request.

INFRACTIONS AND SANCTIONS

1. Contracting Governments under whose jurisdiction whales are struck or taken shall apply sufficiently severe sanctions so as to effectively ensure compliance with the provisions of this Chapter and all other requirements of the Convention.

2. If a Contracting Government becomes aware of an infraction of its licensing conditions that are pursuant to the Schedule or any other requirement under the Convention, the Government shall notify the Secretariat of the details of this infraction without delay. The Secretariat shall make the details of the infraction available to the Commission for the consideration of the Management and Compliance Committee.
3. In the event of an infraction by a vessel under the jurisdiction of a Contracting Government, the Government shall take appropriate enforcement measures in accordance with its domestic law, which may include:
 - (a) suspension or withdrawal of the whaling vessel's licence;
 - (b) seizure of any whale, or any part derived from a whale, taken in contravention of the whaling vessel's licence;
 - (c) depriving offenders of any economic benefit accruing from their illegal activities;
 - (d) imposing an appropriate fine on the offenders, in light of the seriousness of the infraction; and
 - (e) ensuring that the relevant whaling vessel carries out no further whaling operations unless and until the sanctions imposed have been complied with.

The Contracting Government shall notify the Secretariat, without delay, of the appropriate enforcement measures taken in accordance with this paragraph. The Secretariat shall make the details of the enforcement measures taken available to the Commission for consideration by the Management and Compliance Committee.

Annex {IOS} dated *day/month/year***The International Observer Scheme****1. PLACEMENT OF OBSERVERS**

One observer appointed by the Commission shall be present on all vessels undertaking whaling operations and at each point of landing except that the following applies:

- (a) for vessels that only operate trips of less than 24 hours, carry out no flensing onboard (apart from slitting of the belly at sea) and for which the legal limit of persons onboard does not exceed the number of crew, VMS data shall be transmitted in real time to the observer at the identified point of landing, using IWC approved equipment as given in Annex {VMS} dated *day/month/year*;
- (b) for which vessels that are <24m, operate only within waters under the jurisdiction of the Flag State and that can only accommodate one additional person in addition to the crew, the Commission shall appoint an observer who may also be appointed as a National Inspector by a Contracting Government;
- (c) the Commission shall appoint two observers to each factory ship that is supplied by whale catchers.

The Commission shall ensure that provisions are made for a limited number of backup observers such that in the unlikely event an observer may become unavailable with short notice, every effort can be made to avoid delay to

whaling operations. The Commission may, through its Bureau, allow a vessel to sail without an International Observer in special circumstances, when this is beyond the control of the whaling operations.

2. SELECTION OF OBSERVERS**2.1 Selection process**

Observers shall be selected in accordance with the following procedure. Observers chosen for the combined role with a national inspector (1. (b) above) must fulfil the qualifications for both positions.

- (1) The Secretariat will put out a call for candidates to apply (including via Contracting Governments, the Scientific Committee and the IWC website). It will develop a standard application form that will include information on the scientific and technical criteria that will be used in the selection process. It will also request information on *inter alia*: language(s) spoken; available dates; previous experience (including time at sea); any known problems with admission to certain countries; references. The Secretariat will draw up a list of suitable candidates.

- (2) The list will be circulated to all Contracting Governments with summary of information on each candidate (individual applications may be given to any Commissioner or Alternate Commissioner on request).
- (3) Any Contracting Government may veto any candidate.
- (4) Following predetermined guidelines, and after consultation with relevant Contracting Governments over practical arrangements, the Secretariat will decide the placement of observers and will inform the appropriate Contracting Governments, normally at least 30 days prior to the start of whaling operations.

In particular, (a) an individual shall not be appointed to observe in the territory or on a vessel flying the flag of the State of which he/she is a national or permanent resident, except if this results in a serious problem with (b) the fact that an observer must be able to communicate effectively with the senior personnel of that component of the whaling operation they have been selected to observe.

2.2 Review of performance

After a review process determined by the Commission, the Commission may direct the Secretariat to remove someone from the approved List of Observers if they are found to have failed to perform their duties adequately or for other reasons.

3. RESPONSIBILITIES OF OBSERVERS

3.1 Duties

Observers shall carry out the duties conferred on them by the Commission. Nothing in the duties confers on the observers the authority to enforce the provisions of the Convention. Observers cannot intervene in whaling operations or activities connected with these operations.

Observers are responsible to the Commission for the conduct of their duties and may neither seek nor receive instructions from any other person, organisation or authority regarding the duties stated below.

Observers shall carry out their duties subject to domestic legislation and other applicable rules and customs, including the authorised mandate of the captain of the whaling vessel and the manager of the point of landing, of the State under whose jurisdiction the observation activities are carried out.

Observers' duties shall, amongst other things, include:

- (1) monitoring that whaling operations are carried out in accordance with the provisions of the Convention;
- (2) monitoring that information required under the Schedule is collected, sampled, maintained or processed;
- (3) checking licenses, logbooks and other relevant documents;
- (4) checking equipment used to catch and flense whales;
- (5) checking whaling operation areas on vessels and points of landing/primary processing sites;
- (6) checking relevant equipment (e.g. VMS transmitters);
- (7) collection of information under Annex {DNA} dated *day/month/year* and Annex {WKM} dated *day/month/year*.
- (8) Given the specific context of activities under Chapter VII of the Schedule, including with respect to scale of operations and safety of life at sea, in circumstances where a vessel captain considers that the transmission of vessel monitoring information may endanger the safety and life of crews, such captain may at his sole discretion, suspend these transmissions (see {Annex

VMS}). In these cases, the international observer should record the position of the vessel during this period and include this information in his/her report.

3.2 Reporting

Observers on whaling vessels and at land stations shall report a summary of whales struck and/or killed (species, position) to the Secretariat on a weekly basis. However, if an observer suspects that an infraction of the provisions of the Convention has taken place, he/she shall immediately inform the captain of the vessel, the national inspector and/or the manager of the point of landing, as well as the competent national authority and the Secretariat. The relevant Contracting Government shall seek comments from the vessel captain, its national inspector and/or the manager of the point of landing as appropriate as soon as practical. Such comments shall be passed to the Secretariat expeditiously and made available to the Commission for consideration by the Management and Compliance Committee.

In addition, observers shall develop a consolidated final report to the Secretariat in English following a *pro forma* designed by the Secretariat. The Secretariat shall submit the report to the Commissioner of the Contracting Government having jurisdiction over the whaling operations observed within a week of its receipt. Any comments by the Contracting Government on possible infractions received by the Secretariat in accordance with the previous paragraph shall be attached as an addendum to the final observer's report. The Secretariat shall make the observer's final report and its addendum available to the Commission for consideration by the Management and Compliance Committee.

Observers shall ensure confidentiality with respect to the conduct of their duties and their reports. They shall not discuss the contents of the reports or their work until after the final report has been discussed by the Management and Compliance Committee and the Commission.

4. TRAINING OF OBSERVERS

The Commission shall ensure that each observer shall be adequately informed of the provisions of the Convention and have the biological and other relevant knowledge necessary to carry out his/her duties. The Secretariat will develop a suitable training programme.

5. RESPONSIBILITIES OF THOSE RECEIVING OBSERVERS

5.1 Visas and immigration

The Contracting Government under whose jurisdiction the observer is to carry out his/her activities shall take all necessary measures to assist the observer in obtaining the required visas and immigration documents.

5.2 Co-operation

Contracting Governments, national inspectors and all those involved in activities subject to the international observation scheme shall take appropriate measures to ensure the safety, freedom and dignity of the observer at all times and shall cooperate fully with the observer so that he/she can fulfil his/her duties properly and efficiently.

Contracting Governments shall ensure that observers appointed by the Commission must receive sufficient notification of whaling operations to enable them to carry out their duties.

Annex {VMS} dated *day/month/year*

Vessel Monitoring System

1. Each Contracting Government under whose jurisdiction whaling operations are being conducted shall, no later than 1 November 2010, implement a Vessel Monitoring System (VMS) for its whaling vessels and:
 - (a) require its whaling vessels to be equipped with an autonomous system able to simultaneously and in real-time automatically transmit a message to the land-based Monitoring Centre (MC) of the Contracting Government, the Secretariat, and the international observer as specified in Annex {IOS} dated *day/month/year*, allowing a continuous tracking of the position of the vessel;
 - (b) ensure that the satellite tracking device fitted on board the vessels shall enable the vessels to continuously collect and transmit the following data upon the taking of a whale, and at any other times:
 - i. the vessel's identification;
 - ii. the most recent geographical position of the vessel (longitude, latitude) with a margin of error lower than 500 meters, with a confidence interval of 99%; and
 - iii. the date and time of the fixing of the said position of the vessel.
2. Each Contracting Government shall
 - (a) establish and operate Monitoring Centre(s) (MCs), which shall monitor the whaling activities of vessels flying their flags;
 - (b) take the necessary measures to ensure that the data received from its whaling vessels to which VMS applies are recorded and maintained in computer readable form; and
 - (c) take the necessary measures to ensure that its MC receives the requested VMS data.
3. Each Contracting Government as a flag State shall ensure that the VMS on board its vessels are tamper proof, i.e. are of a type and configuration that prevent the input or output of false positions, and that are not capable of being over-ridden, whether manually, electronically or otherwise. To this end, the on-board satellite monitoring device must:
 - (a) be located within a sealed unit; and
 - (b) be protected by official seals (or mechanisms) of a type that indicate whether the unit has been accessed or tampered with.
4. In the event that a Contracting Government has information to suspect that an on-board vessel monitoring device does not meet the requirements of paragraph 3, or has been tampered with, it shall immediately notify the Secretariat. The Secretariat shall circulate this information to the Commission for consideration by the Management and Compliance Committee. See also paragraph 8 for additional Contracting Government reporting requirements.

Table 1

Format for the communication of VMS messages.

A. Content of the position message			
Data element	Field code	Mandatory/optional	Remarks
Start record	SR	M	Message detail; indicates start of record.
Address	AD	M	IWC Secretariat, Contracting Government, and Land Station Observer as appropriate.
Type of message	TM*	M	Message detail; 'POS' as Position message to be communicated by VMS or other means by vessels with a defective satellite tracking device.
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel.
Trip no.	TN	O	Activity detail; whaling trip serial number in current year.
Vessel name	NA	O	Vessel registration detail; name of the vessel.
Contracting Government internal reference number	IR	O	Vessel registration detail; Unique Contracting Government vessel number as ISO-3 Flag State code followed by number.
External registration no.	XR	O	Vessel registration detail; the side number of the vessel or IMO number in the absence of a side number.
Latitude	LA	M	Activity detail; position at time of transmission.
Longitude	LO	M	Activity detail; position at time of transmission.
Date	DA	M	Message detail; date of transmission.
Time	TI	M	Message detail; time of transmission.
End of record	ER	M	System detail; indicates end of the record.

B. Structure of the position message

Each data transmission is structured as follows:

- Double slash (//) and the characters 'SR' indicate the start of a message.
- A double slash (//) and field code indicate the start of a data element.
- A single slash (/) separates the field code and the data.
- Pairs of data are separated by space.
- The characters 'ER' and a double slash (//) indicate the end of a record.

*Type of message shall be 'ENT' for the first VMS message as detected by the MC of the Contracting Government, or as directly submitted by the vessel. Type of message shall be 'EXI' for the first VMS message as detected by the MC of the Contracting Government or as directly submitted by the vessel, and the values for latitude and longitude are, in this type of message, optional. Type of message shall be 'MAN' for reports communicated by vessels with a defective satellite tracking device.

5. Each Contracting Government shall ensure that its MC receives VMS reports and messages, and that the MC is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Each Contracting Government shall provide for backup and recovery procedures in case of system failures.
 6. Prior to the commencement of a whaling season, each Contracting Government shall submit to the Secretariat a list of all its authorised whaling vessels, including vessel registration details and intended time at sea for whaling operations. Any change to the list should be promptly notified to the Secretariat. The Secretariat shall provide a copy of the list to a Commissioner or Alternate Commissioner upon request.
 7. Each Contracting Government shall require that the masters of the vessels flying its flag ensure that the satellite tracking devices are permanently operational and that the information identified in paragraph 1.(b) is collected at least every 6 hours for transmission on, at least, a daily basis. The master of a whaling vessel is not authorised to commence a trip with a defective satellite tracking device. When a device stops functioning or has a technical failure during a trip and cannot be repaired at sea, the repair or the replacement has to take place as soon as the vessel enters a port.
 8. Each Contracting Government shall ensure that a whaling vessel with a defective satellite tracking device shall communicate, at least daily, reports containing the information in paragraph 1.(b) to the MC by another method of rapid communication. In such cases, these messages shall be then transmitted electronically to the Secretariat as soon as practicable. The Secretariat shall enter the information into the existing VMS database.
 9. Each Contracting Government shall ensure that the messages transmitted to the Secretariat shall be in accordance with the data exchange format set out in Table 1.
 10. When the Secretariat has not received for 12 hours data transmissions referred to in paragraph 1, or has reasons to doubt the correctness of the data transmissions under paragraph 1, it shall as soon as possible notify the Contracting Government via its Commissioner or Alternate Commissioner. If this situation occurs more than two times within a period of one season in respect of a particular vessel, the Contracting Government of the vessel shall investigate the matter as soon as practicable, including requiring an authorised official to inspect the device in question, in order to establish whether the equipment has been tampered with. The outcome of this investigation shall be forwarded to the Secretariat within 30 days of its completion. The Secretariat shall circulate this information to the Commission for consideration by the Management and Compliance Committee.
 11. Given the specific context of activities under Chapter VII of the Schedule, including with respect to scale of operations and safety of life at sea, in circumstances where a vessel captain considers that the transmission of vessel monitoring information may endanger the safety and life of crews, such captain may at his sole discretion, suspend these transmissions [Need to incorporate into Annex {IOS}]. Notification of this suspension shall be immediately transmitted to the Contracting Government, the International Observer and the Secretariat and included in the annual report of the Secretariat to the Commission.
 12. Contracting Governments shall take the necessary measures to assure that all messages are treated in a confidential manner. The Secretariat and the International Observers shall ensure the confidential treatment of the messages received. The Secretariat will maintain a searchable database for audit purposes. Data three years old or more shall be available to the Scientific Committee, pursuant to the Data Availability Agreement.
 13. The Secretariat shall report annually to the Commission on the implementation of and compliance with this Annex.
-

Annex {DNA} dated *day/month/year*

(To be reviewed by the Scientific Committee)

Specifications and requirements for diagnostic¹⁷ DNA Registers and Market Sampling Schemes**1. SPECIFICATIONS FOR THE ESTABLISHMENT/ MAINTENANCE OF A DIAGNOSTIC DNA REGISTER/TISSUE ARCHIVE****1.1 Laboratories****1.1.1 Minimum laboratory requirements**

- (1) Laboratories performing DNA analysis shall be recognised by the Contracting Government under whose jurisdiction whales are harvested.
- (2) Quality control and quality assurance features shall ensure that:
 - (a) analysts have acceptable education, training and experience for the task;
 - (b) reagents and equipment are properly maintained and monitored;
 - (c) procedures used are generally accepted in the field and have been approved by the IWC Scientific Committee (see Items 1.2 - 1.5); and
 - (d) appropriate controls are used.
- (3) Thorough laboratory records (protocols, notes, worksheets, etc.) shall be maintained and archived for possible inspection (see Item 1.7).
- (4) Changes in equipment and approved methods shall be recorded and reported annually to the IWC to allow ongoing standardisation among registers (see Item 1.7).
- (5) A suitable inventory management system shall be in place so that the whereabouts and use of each sample/ aliquot over time during storage and analysis can be traced.
- (6) Portions of the tissue samples and DNA extracts should be retained and stored in an appropriate manner (see Item 1.2.3).
- (7) The probability of errors occurring should be estimated and minimised, using standard procedures. DNA data quality/acceptability should be decided in accordance with generally accepted rules and reported annually where possible (e.g. PHRED scores for sequences, SDs of fragment length measurements for microsatellite alleles, means and SDs of peak heights for microsatellites, some evaluation of stutter for each microsatellite locus). This information should be reported annually to the IWC (see Items 1.5 and 1.7).
- (8) A reference set of samples should be designated for allelic standards and an equimolar allelic ladder should be constructed by cloning and sequencing a range of alleles for each microsatellite locus.
- (9) The laboratory shall participate in calibration exercises with other laboratories if requested to do so by the IWC (see Item 1.1.2).
- (10) The laboratory should be available for external evaluation and participate regularly in proficiency tests such as double-blind comparisons (e.g. see Item 1.7).

¹⁶A diagnostic DNA register is one that contains DNA profiles of any animals from which products *might* legally appear on the market (e.g. from legal direct catches, bycatches, ship strikes etc.). On this basis, any products found on the market that were from whales not included in the register will be from illegal whales

1.1.2 Calibration of laboratories if more than one is used

Where more than one laboratory is used to generate a single register or a group of registers, or for the comparison of samples (e.g. under Item 1.8 or Item 2), appropriate calibration of microsatellite genotype scoring (e.g. absolute size or binning) must be undertaken and the results reported to the IWC. The details of the calibration exercise shall be determined by the international expert group (see Item 1.7). The calibration exercise will primarily comprise a double blind experiment with known individuals. Cloned alleles should be used to construct an allelic ladder for calibration purposes. The results of calibration exercises must be reported to the IWC. In designing calibration exercises and reviewing the results, it must be remembered that the primary function of diagnostic DNA registers is to determine whether illegal activity is taking place and that the default position is no match=illegal activity. In this regard it is important to estimate the likelihood of:

- erroneously failing to match products to an animal in the register when it is actually there – i.e. falsely implying an infraction; and
- erroneously matching products to an individual in the register when it is not actually there – i.e. missing an infraction when one has occurred.

1.2 Sample collection

Samples for DNA registry should be collected by trained personnel before products from them can enter the market.

1.2.1 Size of samples

At least two samples of skin/muscle of at least 5x5x5mm must be collected from each animal for each register/archive. In addition, where possible, at least four muscle samples of 20x20x20mm should be taken and frozen as quickly as possible for each register/archive. Samples must also be obtained from any foetuses present.

1.2.2 Preservation

Samples should initially be preserved in 95% ethanol (in at least five times the volume of the sample, due to potential problems of dilution and evaporation) and if practical refrigerated or frozen immediately. If not able to be frozen immediately, the samples should be shipped as soon as possible (preferably within 7 days) to the analysing laboratory. This temporary storage and shipping should be in temperatures <25°C to minimise the possibility of degradation of the sample.

Long-term storage of skin/muscle samples should be in 95% ethanol at or below -20°C. The additional muscle samples should be frozen in liquid nitrogen; transport should be with dry ice. Long-term storage of frozen tissue samples should be at or below -80°C.

1.2.3 Labelling

Reliable labelling of the sample is essential. The container should be labelled on both the inside and the outside with a unique identifying code that can be related directly to the biological and other information collected for the individual (see Item 1.2.4). The label on the inside must be indelible and insoluble in alcohol to ensure that the number remains

legible after storage in ethanol. The label on the outside must also be robust and remain legible if exposed to ethanol or water.

1.2.4 Information to be collected

In addition to the information noted in Annex {SI} dated *day/month/year* to be collected for each whale (including date, locality, species, sex, and body length), the unique identifier (see Item 1.2.3) and the name (plus address if non-nominated person, e.g. in the case of bycatch) of sampling person must be recorded.

1.3 Tissue analysis

1.3.1 Extraction of DNA

Extraction of DNA should be carried out using standard methods which have been reviewed and approved by the IWC Scientific Committee. Extracted DNA aliquots should be stored in freezers at or below -80°C.

1.4 Markers and methods of analysis

Analysis of samples should be undertaken without knowledge of the biological and other information available for the whale from which the sample was taken.

Samples should be analysed for (at least):

- (1) mitochondrial DNA - primarily for identification to species and population but also contributes to profiling;
- (2) microsatellites (or Short Tandem Repeats, STRs) – for DNA profiling; and
- (3) Y chromosomes - sex identification which also contributes to profiling.

1.4.1 Mitochondrial DNA

Analytical methods must be approved by the international expert group (see Item 1.7). Species identification should be accomplished with an approximately 500bp fragment of the 5'-end of the control region and sequencing should occur in both directions.

1.4.2 Microsatellites

Analytical methods must be approved and reviewed annually by the international expert group (see Item 1.7). Fluorescent techniques that allow electronic records to be kept should be used.

This group will ensure that the number and degree of variability of loci used in DNA registers will be sufficient to allow for an acceptable level of average probability of correctly identifying an individual.

1.4.3 Sex identification

Analytical methods must be approved by the international expert group (see Item 1.7). Sex is an additional genotype that may prove useful to identify market samples and may also serve as a check on field data. Error rates (obtained by comparison with reliable field identification of sex) should be estimated and reported to the international expert group (see Item 1.7).

1.5 Format of individual records

Each whale is given a unique identifier that can be cross-referenced back to the biological and associated data for that animal. Records must contain:

- (a) A microsatellites and sex profile, in which each whale profile is given one row, with one column for each allele (two columns for each microsatellite marker and the sex locus).

- (b) A mtDNA sequence file, in which each profile has one row, and one column for each site where the sequence deviates from the reference sequence.

In addition, the following must be archived:

General information for each sample

- genotyping system; and
- software system.

'Raw' data

- electropherograms;
- quality scores;
- raw allele sizes;
- peak heights;
- gel image (depending on platform used); and
- number of times the genotype replicated.

Summary data on each locus

- error rate and how determined;
- allele frequencies in a given population;
- deviations from Hardy-Weinberg equilibrium; and
- evidence of null-alleles, short-allele dominance (or short-allele bias due to preferential amplification) or other artefacts.

1.6 Matching

The international expert group (see Item 1.7) will agree on software packages to be used for matching purposes.

1.7 External audit of DNA registers

An international expert group established pursuant to paragraph 42 shall:

- review and approve the initial technical specifications for the register(s) and any changes to those protocols;
- where necessary, decide on appropriate laboratories;
- where necessary, design calibration exercises for laboratories and review the results of those exercises;
- review annually specific information and statistics formally reported by the register(s) under Items 1.4-1.6;
- design and undertake periodic technical audits including the provision for trials using 'blind' control samples; and
- design and arrange for periodic site visits to examine whether the agreed protocols (under Items 1.2-1.5) are being followed.

The international expert group shall submit an annual report to the IWC and its Contracting Governments for consideration two months before each Annual Meeting of the IWC.

1.8 Submission procedure for samples for comparison with registers

Submission of tissue samples to the IWC for comparison with registers:

- (1) may be made by Contracting Governments; and
- (2) shall be accompanied by officially-attested documentation of chain of custody from time of collection to submission that contains the following information:
 - name and address of 'collector';
 - location obtained;
 - type of vendor;
 - date and time of collection;
 - label, if present (or verbal description of nature and origin of product offered by vendor);
 - where possible, photographs; and
 - comments by the Contracting Government where the market sample was collected.

Analysis of the samples shall be carried out following the procedures documented in Items 1.3-1.4 by an IWC-approved laboratory, in accordance with any necessary calibration procedures. Officially-attested documentation of chain of custody must be established for the period between submission to a Contracting Government (or appropriate intergovernmental body) and provision of analytical results.

The comparison of the resultant profile shall be made using agreed software (see Item 1.6) against the appropriate register(s).

When the matching has been completed, the IWC Secretariat shall make public the results within one week.

2. SPECIFICATIONS FOR THE ESTABLISHMENT/ MAINTENANCE OF MARKET SAMPLING SCHEMES

The purpose of market sampling is twofold: to act as a deterrent to illegal activity and to detect whether such activity is occurring. Market sampling in its initial stage is not intended to determine the precise number of animals that may be involved. Rather, if illegal products are discovered, a targeted method of detecting the origin of the products and the extent of the illegal operation specific to the case should be developed.

2.1 Design principles

- (1) Market sampling schemes shall be case-specific. Their design shall be based on the best available information on the temporal and geographical nature of the particular market(s) and product pathways. Power to detect/deter will increase with the geographical and temporal scope of the surveys.
- (2) The design of market sampling schemes will be iterative and schemes should be reviewed periodically. Experimental testing of their potential to detect illegal products should be undertaken and reported. This should include estimation of the possibility of falsely suggesting illegal activity and missing illegal activity when it occurs.
- (3) Appropriate (e.g. not highly processed products from which it is difficult to obtain reliable microsatellite profiles) products should be chosen.
- (4) A balance between deterrence (sampling carried out openly and with publicity) and detection (undercover sampling) shall be maintained and reported.
- (5) The full range of cetacean products shall be sampled in case mislabelling occurs.

- (6) An officially-attested documentation of chain of custody from time of collection to results of matching must be collected and archived, including the information given in Item 2.3.
- (7) Analysis and matching must be carried out in an IWC-approved laboratory (with appropriate calibration if necessary) following the procedures given in Item 1 above.

2.2 Development of appropriate market sampling schemes including audit

The international expert group (see Item 1.7) under the auspices of the IWC shall:

- (1) co-operate in the design of and approve any market sampling scheme before it is implemented and review the associated results;
- (2) co-operate in the design of and approve experimental work and review results referring to Item 2.1 (2) above;
- (3) design and arrange for periodic site visits to ensure that the approved scheme is being implemented.

2.3 Data to be collected

- Product or sample of product of sufficient size to obtain DNA sample (see Item 1.2.1);
 - location obtained;
 - date and time;
 - label (or verbal description of nature and origin of product offered by vendor);
 - source (e.g. wholesale market, shop, dockside etc.);
 - photograph of product before sub-sampling; and
 - name and contact information of person collecting.
- This information should be archived in an appropriate electronic manner.

2.4 Reporting

The authorities responsible for undertaking the market sampling schemes in accordance with Paragraph 42 of the Schedule shall submit an annual report of their market sampling activities to the international expert group via the IWC Secretariat at the end of February of each year. That report shall include: details of the methods used; a summary of the number and nature of the products sampled, and the geographical and temporal spread of sampling; the results of the matching exercise.

The international expert group shall submit an annual report to the IWC and its Contracting Governments for consideration two months before each regular Meeting of the IWC.

Annex {WKM} dated day/month/year**Whale Killing Methods****PURPOSE FOR THE COLLECTION OF WHALE KILLING STATISTICS**

Collection, sharing and analysis of selected standardised whale killing and hunting data can allow an assessment of the efficiency of the killing techniques and improvements in techniques to improve welfare aspects of the hunts. It also provides confidence that welfare considerations are being appropriately addressed.

DATA COLLECTION

For each whale hunted in whaling operations, the international observer where present (or otherwise the national inspector or captain of the vessel) shall record, as a minimum, information on whale killing methods and associated welfare issues detailed below.

For whales taken under Paragraph 13 of the Schedule (i.e. indigenous subsistence whaling)

Where possible, the following information shall be collected and reported.

- (1) Killing methods used.
- (2) Criteria used to determine unconsciousness/time of death.
- (3) Number of whales killed by each method.
- (4) Number and proportion of total whales killed instantaneously by each method.
- (5) Time to death for each animal not killed instantly.
- (6) Number of whales targeted and missed by each method.
- (7) Number of whales struck and lost by each method.
- (8) Calibre of rifle where used and how many bullets used.

For non-indigenous subsistence whaling operations (conducted under paragraphs 40-42 of the Schedule)

The following information shall be collected by the international observer where present (or otherwise the national inspector or the captain of the vessel) in a format similar to that in Table 1, for each whale targeted (struck or missed). The final format will be determined by the Secretariat. Data collected in these forms will include information on the following.

- (1) For all whales landed, struck and lost, or missed:
 - (a) date, time and location (at first sighting) of hunting activities;
 - (b) length and sex if landed, estimated length if struck-and-lost or missed (in some cases it may be possible to determine sex of struck-and-lost whales);
 - (c) estimated group size in which target whale is sighted;

- (d) number of calves in group;
- (e) sea state on Beaufort scale;
- (f) chase time*;
- (g) primary killing method used:
 - (i) number of times used; and
 - (ii) estimated distance of each shot;
- (h) secondary killing method used (rifle calibre and ammunition type):
 - (i) number of times used; and
 - (ii) estimated distance of each shot.
- (2) For each whale killed:
 - (a) time to death**;
 - (b) approximate location(s) of strike(s) on whale's body; and
 - (c) information on performance of gear.
- (3) For each struck and lost whale:
 - (a) time from first strike to loss;
 - (b) approximate location(s) of strike(s) on whale's body; and
 - (c) information on performance of gear.
- (4) For each whale targeted and missed:
 - (a) time from first sighting to first shot; and
 - (b) number of additional attempts if any.

Definitions

*Chase time: Duration in minutes and seconds from the time the whale is first sighted to the time it is first struck, or for missed whales, until the time it is missed.

**Time to death: Duration in minutes and seconds from the time the whale was first struck to the time it is estimated to be dead.

Criteria used to assess if a whale is dead

The criteria to determine if a whale is dead will be when it is immobile and unresponsive.

REPORTING AND HANDLING OF DATA

Within 30 days of the end of each whaling season, the data collectors (see Data Collection) will submit to the IWC Secretariat the required information/data (including the completed forms given in Table 1 of this Annex). The data will be submitted in an electronic format to be developed by the Secretariat. These data will be stored in an electronic database. The Secretariat will provide periodic summaries/analyses of the data to the Commission in a manner to be determined by the Commission upon the advice of the Management and Compliance Committee. The database can be made available to Commissioners upon request, for the development of reports and papers for submission to the Management and Compliance Committee. Data will be made publicly available after that time.

Table 1
Data to be included in WKM form.

For each day

- (A) **Sighting of target whale(s):** record –
- (1) Time to nearest second*
 - (2) Position from GPS*
 - (3) Species*
 - (4) Estimated school size*
 - (5) Number of calves, if any, present
- (B) **Upon shooting at a whale:**
- (1) Basic information
 - (a) Time to nearest second
 - (b) Position from GPS
 - (c) Estimated distance to whale
 - (d) Sea state (on Beaufort scale)
 - (2) Primary killing method used
 - (3) Verdict – Hit (explode), Hit (failed to detonate), Miss
 - (4) If hit, position on body (diagram supplied)
 - (5) If no more shots using primary method, time at unconsciousness/death (to nearest second)
 - (6) If second shot using primary method:
 - (a) time of that shot (to nearest second)
 - (b) estimated distance to whale
 - (c) verdict (as above),
 - (d) position on body (as above)
 - (e) time at unconsciousness/death if animal dies (to nearest second)
 - (7) If secondary killing method used:
 - (a) method used (rifle calibre)
 - (b) time of first shot to nearest second
 - (c) estimated distance to whale
 - (d) time of any additional shot(s) (to nearest second)
 - (e) time at unconsciousness/death if animal dies (to nearest second)
- (C) **At the conclusion of the hunt/at land station**
- (1) Length and sex of animal if landed
 - (2) Estimated length if struck-and-lost
 - (3) Information on performance of equipment
 - (4) If animal is lost, reason for this and time to nearest second

*Denotes information already being requested as part of Schedule Appendix A.

Annex {SI} dated *day/month/year*

Scientific Information

1. The following information shall be provided by Contracting Governments for all whaling operations and, where possible, for mortalities due to bycatches and ship strikes:
 - (a) date of capture, striking or discovery;
 - (b) species;
 - (c) sex;
 - (d) position of capture or striking or discovery to the nearest minute of latitude and longitude¹⁷; and
 - (e) number of whales struck but lost.

A set of verified records shall be submitted to the Secretariat within 30 days of the end of each season, in an electronic format to be provided by the Secretariat. These records shall be publicly available.
2. In addition, the following samples and/or information shall be collected/reported in formats to be provided by the Secretariat.
 - (a) The length of all whales caught shall be obtained, measured in a straight line parallel to the whale from the tip of the upper jaw to the notch of the flukes to the nearest 0.5feet or nearest 0.1m. These data shall be reported to the Secretariat within 30 days of the end of each season and included in the IWC database. These data shall be publicly available.
 - (b) Where possible, at least one earplug (or bulla) shall be collected from each whale caught. The resultant age estimations and the identity of the reader(s) shall be reported to the Secretariat in a timely fashion, normally within one year of collection and included in the IWC database for use under the Scientific Committee's Data Availability Agreement.
 - (c) Where possible, both ovaries shall be collected from each female caught. Corpora counts shall be reported to the Secretariat normally within one year of collection and included in the IWC database for use under the Scientific Committee's Data Availability Agreement.
 - (d) If sufficiently trained personnel are present, the presence, length and sex of foetuses shall be recorded, assigned to the appropriate female. If it is not possible for such personnel to be present, these data should still be recorded where possible, and the lack of trained personnel noted. These data shall be forwarded to the Secretariat within 30 days of the end of the season and included in the IWC database. These data shall be publicly available.
 - (e) Lactation shall be recorded, assigned to the appropriate female and reported to the Secretariat within 30 days after the close of the season and included in the IWC database¹⁸. This information shall be publicly available.
 - (f) At least 5cm³ of skin shall be collected from each whale caught and, where possible, a sample of tissue from the foetus should be collected. Long term archiving of all samples with appropriate identifying information is the responsibility of the harvesting nation. A list of archived samples shall be forwarded to the Secretariat within 30 days of the end of each season. This information shall be publicly available.

¹⁷For whales taken under Paragraph 13, position shall be given at least to the nearest settlement and, where possible, to the nearest minute of latitude and longitude.

¹⁸For whales taken under Paragraph 13, this information shall be provided where possible and an indication given of the experience of the data collector.

Annex {OI} dated day/month/year

Operational Information

1. All Contracting Governments under whose jurisdiction whales are harvested shall report to the Commission the following information:
 - (a) the name and gross tonnage of each factory ship;
 - (b) a list of the land stations which were in operation during the period concerned.
2. All Contracting Governments shall report to the Commission for each whale catcher attached to a factory ship or land station:
 - (a) the dates on which each is commissioned and ceases whaling for the season;
 - (b) the number of days on which each is at sea on the whaling grounds each season;
 - (c) the gross tonnage, horsepower, length and other characteristics of each.
3. The information required under paragraphs 1(a) and (b) shall also be recorded together with the operational information specific in a log book format similar to that shown in Table 1. A set of verified records shall be submitted to the Secretariat within 30 days of the end of each season, in an electronic format to be provided by the Secretariat. These records shall be publicly available.

Table 1. Logbook format

DAILY RECORD SHEET

Vessel Name		Date		Sheet no.	
-------------	--	------	--	-----------	--

TARGET SPECIES ONLY

		Sighting 1	Sighting 2	Sighting 3	Sighting 4	Sighting 5
Beginning (resumption) of searching						
Time						
Position	latitude					
	longitude					
Beaufort						

Noon		
Time		
Position:	latitude	
	longitude	
Beaufort		

On sighting a whale/whales or stopping searching for other reasons						
Time						
Position:	latitude					
	longitude					
Beaufort						
Species						
School size						
Serial no. of whale(s) caught						
TOTAL SEARCHING DISTANCE						

SPECIES	No. SCHOOLS	No. ANIMALS	SPECIES	No. SCHOOLS	No. ANIMALS
BLUE					
FIN					
SEI					
MINKE					
BRYDE'S					
RIGHT					
HUMPBAC					
SPERM					
OTHER					
(PLEASE SPECIFY)					

This is an example form. It is intended to show the minimum information required.
 The more detailed information is for the target species only.
 The information on other species is normally taken from the ship's log.
 The final format will be determined by the Secretariat

Appendix B

WORK PLAN FOR THE SCIENTIFIC COMMITTEE'S ASSESSMENT WORK ON NON-INDIGENOUS WHALING FOR THE PERIOD UP TO 2020

IR = *Implementation Review* (often possible to complete in one year). PIA = *pre-Implementation assessment* (may take more than one year). RMP = completed *Implementation* (takes two years once the PIA is completed). IDA = in-depth assessment, usually takes two years or more and feeds into a *pre-Implementation assessment*. As explained in the text, the plan below is ambitious and it may not be possible to achieve all of the work by the years indicated. Square brackets are used to express possible but perhaps less likely dates.

Western North Pacific Bryde's whales										
			IR					IR		
NA common minke whales - eastern and central medium areas										
				IR						IR
NA fin whales - central medium area										
				IR					IR	
Western North Pacific common minke whales										
[PIA]	PIA	[RMP]	RMP					IR		
Western North Pacific sei whales										
	IDA		PIA		RMP					IR
Antarctic minke whales										
					PIA/IR	[RMP]	RMP			
2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020

Appendix C

BUREAU AND COMMITTEE RULES

All issues will come to the Commission for ultimate decision. Each Committee will report directly to the Commission, copying their reports to all other Committees and the Bureau.

For governance:

A Bureau will:

- support the Chair of the Commission;
- propose to the Commission four-year strategic plans based on contributions from the Committees and monitor implementation of the plans once approved by the Commission;
- assist and advise the Secretariat on administrative and financial matters between meetings of the Commission;
- help co-ordinate the business of the Commission;
- review the progress of the work of the Committees;
- assist the implementation of the IWC Cooperation Programme; and
- undertake other tasks entrusted to it by the Commission.

A Finance, Administration and Communications Committee²⁰ will:

- advise the Commission on expenditure, budgets, scale of contributions, Financial Regulations, personnel matters, the role of the Secretariat and such other matters as the Commission may refer to it from time to time;

- develop a work Programme to implement the Commission's strategic plan for Finance, Administration and Communications;
- assist and advise the Secretariat on administrative matters upon request by the Secretariat or agreement in the Commission;
- develop a communications plan for the Commission;
- review the provision of services, including for simultaneous interpretation and translation of documents, and for the website;
- recommend and facilitate establishment of subsidiary bodies as necessary, including one for contributions that will review the Financial Contributions Scheme and make a recommendation to IWC/63 on how the contributions scheme might be revised;
- take forward such additional matters as may be referred to it by the Commission or by the Chair of the Commission; and
- implement, as appropriate, decisions taken by the Commission.

For conservation:

A Conservation Programme Committee²¹ will:

- submit reports and recommendations to the Commission on its conservation agenda;
- identify conservation problems and priorities;

²⁰ The Finance, Administration and Communications Committee replaces the Finance and Administration Committee. The Budgetary Sub-Committee will be retained.

²¹ The Conservation Programme Committee will replace the Conservation Committee.

- cooperate with the Scientific Committee, including in prioritising and developing effective Conservation Management Plans;
- develop a work Programme to implement the Commission's conservation agenda described in the strategic plan, including through addressing identified conservation problems and priorities;
- identify and request relevant data;
- recommend and facilitate establishment of subsidiary bodies as necessary, including, for example, by developing terms of reference for a Bycatch Mitigation Working Group;
- take forward such additional matters as may be referred to it by the Chair of the Commission; and
- implement, as appropriate, decisions taken by the Commission.

For management:

A Management and Compliance Committee²² will:

- submit reports and recommendations to the Commission on management and compliance. This will include guidelines on whalewatching;
- develop a work Programme to implement the Commission's strategic plan for management and compliance;
- review and report on the progress of the implementation of agreed management procedures outlined in Appendix A;
- review and report on the compliance of all whaling operations with the provisions of the Schedule and penalties for infractions thereof;
- report on infractions and the seriousness of those infractions to the Commission and advise the Commission what actions, if any, should be taken;
- review information and documentation available with a view to advising the Commission on whale killing methods and associated welfare issues;

- prepare reports and recommendations on technical and practical options for implementation of conservation measures associated with whaling, taking into account advice of the Scientific Committee;
- recommend and facilitate establishment of subsidiary bodies as necessary, including, for example, the Whale Killing Methods Working Group;
- take forward such additional matters as may be referred to it by the Commission or the Chair of the Commission; and
- implement, as appropriate, decisions taken by the Commission.

For science:

The Scientific Committee and its subgroups²³ will:

- develop a work Programme to implement the Commission's strategic plan for the Scientific Committee;
- consider additional matters that may be referred to it by the Commission or Chair of the Commission;
- review scientific information relevant to the conservation of whales and management of whaling;
- review relevant scientific research programmes on cetaceans;
- provide advice to regional research partnerships on cetacean issues;
- provide management advice on whaling using established methods and management procedures with high priority being allocated to the timetable for work provided in Appendix B;
- provide conservation advice on cetacean populations, including coordination and cooperation with the Conservation Programme Committee on the development of conservation management plans;
- develop recommendations for research (including the holding of workshops) that will improve its ability to provide advice to the Commission including prioritised requests for funding;
- provide advice on priorities for funding from relevant special funds within the Commission; and
- submit reports of its work and recommendations to the Commission.

²² The Management and Compliance Committee will absorb the responsibilities of the Infractions Sub-Committee. An Indigenous Subsistence Whaling Sub-Committee will replace the Aboriginal Subsistence Whaling Sub-Committee and will report to the Management and Compliance Committee.

²³ At present sub-groups report to the Scientific Committee on the following, sometimes overlapping topics of the RMP, AWMP, in-depth assessments, small stocks of large whales, stock structure, bycatch, actual and potential environmental threats to cetaceans, ecosystem modeling, whalewatching and small cetaceans.

Appendix D

AMENDMENTS TO THE RULES OF DEBATE AND NGO CODE OF CONDUCT

AMENDMENT TO THE RULES OF DEBATE

A2. A Commissioner or Observer may speak only if called upon by the Chair, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion. The Chair will invite NGOs to speak as time allows and taking into consideration regional representation and a wide range of views.

AMENDMENTS TO THE NGO CODE OF CONDUCT

Guidelines for Non-Governmental Observers

The Commission welcomes the attendance of NGOs at its meetings. It is the duty of each NGO to behave with due and proper respect for the meeting proceedings and to all Contracting Governments and other governments attending IWC meetings and to abide by this code of conduct. Disruptive behaviour and/or failure to conform to this code of conduct may result in suspension or withdrawal of accreditation.

A copy of this code of conduct will be issued to each NGO observer at the beginning of each meeting.

Speaking procedures

The Commission welcomes the contributions of its NGOs in matters of concern to them. NGOs who are interested in addressing the Commission shall notify the Chair prior to the discussion of the agenda item that they wish to speak under. The Chair will invite NGOs to speak after Contracting Governments as time allows and taking into consideration regional representation and a wide range of views. Comments should be brief and relevant to the subject under discussion.

Mobile telephones

Mobile telephones shall be switched off or put in 'silent' mode before entry of the observer into the meeting room.

Use of recording equipment

The use of audio and/or visual recording equipment is permitted during plenary sessions of the Commission provided that such recording is carried out unobtrusively and without disturbance to the meeting. Flash photography is only permitted during the Opening Plenary.

The use of recording equipment is not permitted in meetings of the Commission's sub-groups unless the Commission decides otherwise.

Documents

Quotations from, or use of draft IWC documents is prohibited. Rule of Procedure Q.1 regarding confidentiality of reports of meetings of IWC committees, sub-committees and working groups must be respected.

Only official meeting documents submitted by Contracting Governments or prepared by the Secretariat (including the collated Opening Statements from Observers) may be distributed through pigeon-holes. The Secretariat is solely responsible for such distribution. Observers may, however, make 'for information' documents available to participants using tables designated for this purpose. Such documents must indicate which organisation is responsible for them. Documents that do not meet this requirement will be removed by the Secretariat.

While 'for-information' documents will not be reviewed by the Secretariat before being placed on the designated tables, those Observers distributing such documents remain responsible for their content. These documents shall not contain statements that defame any participating organisation or person, or cause serious offence to any government.

Behaviour and demonstrations

Behaviour of representatives of Observers shall not be disruptive to the proceedings of the meeting. The Chair of the proceedings may ask anyone disrupting the meeting to leave the room.

Demonstrations at the meeting venue shall take place at sites designated for such purposes by the host government. In any event, demonstrations shall neither take place within the meeting rooms or their immediate vicinity within the venue of the meeting controlled by the IWC, nor impede access to the meeting venue, nor shall they threaten the physical safety of delegations attending the meeting.

Complaints

Differences in views and philosophy are natural and should be respected. Any participant shall refrain from measures, including verbal, written, or physical attacks designed to deter the exercising of the rights of others to hold and express different views.

Any participant who has a grievance in this regard should submit a written complaint to the Secretary, who will try to resolve the problem with the parties concerned. If this fails, the Secretary will report the matter to the Advisory Committee who shall liaise with the parties concerned to seek a resolution. If this fails, the Advisory Committee will refer to the Commission for decision-making.

Appendix E

IWC CO-OPERATION PROGRAMME

The Commission will establish a Co-operation Programme.

The Programme will provide resources to developing country members in capacity-to-pay groups 1 and 2. All members, including those seeking access to the Programme are encouraged to contribute skills and/or funding according to their capacity to contribute.

Contributions to the Programme should be in the form of funding, skills or experience. Contracting Governments will provide information to the Secretariat on funding and other technical services to be made available by them and the Secretariat will maintain a register of experts available for deployment.

Contributions from non-Contracting Governments, intergovernmental organisations, international financial institutions, national institutions, non-governmental organisations and businesses are also welcome. Members may contribute to a general fund or they may identify funding or expertise for individual projects. The Secretariat will act as a clearing-house to promote facilitation and cooperation under this Programme.

The Programme will emphasise and promote cooperation as follows.

- Expertise in institution strengthening, the establishment of policy and legislative frameworks and legal drafting.
- Facilitation of partnerships and the development of national enterprises at the bilateral and multilateral levels.

- Information sharing and awareness raising, including research and advice on technology developments.
- Assistance with negotiations.
- Training and workshops.
- Facilitate participation in IWC research activities.
- Development and implementation of projects related to whale conservation and management.

Applications may be submitted to the Secretariat by any Contracting Government in capacity-to-pay groups 1 and 2. The application should specify how the project/expenditure relates to the purpose of the Programme and include a description of the desired outputs of the project/expenditure and itemisation of expected costs.

Requests for assistance will be considered without delay in the order in which they are submitted. Review of applications and decisions will be conducted by the Bureau or the Bureau's designates and shall be guided by the purpose of the fund, the needs of the requesting government and availability of appropriate assistance, with priority given to small States and least developed countries.

Financial resources provided by the fund shall be applied by the applicant solely for the purpose specified in the application.

Progress reports should be provided to the Commission. The Bureau will review the operation of the Programme annually and recommend to the Commission any revisions it deems necessary.

Annex F

A Proposal from the Chair on a Way Forward after Discussions at IWC/62

Despite the enormous amount of effort and resources used in recent years, the Commission was unable to accept the compromise proposed consensus decision at this meeting. Deep differences remain on important issues and the Commission has agreed that a period of reflection is warranted until the 2011 Annual Meeting.

However, the Commission recognises the positives that have come from this process. The increased trust amongst members and the improved understanding of the different viewpoints suggest that continued dialogue is warranted on how to improve the governance of the organisation and improve the conservation of whales and management of whaling.

The Commission wishes to build upon this increased trust and dialogue during this period of reflection.

The Chair suggests a twofold approach:

- (1) member countries work together to take initiatives on particular matters of importance but which have not received general support; and
- (2) an agreement to minimise Plenary discussions on certain contentious matters for which it is clear that no progress will be made.

Under (1), suggested topics are:

- follow up the recommendation from the successful Maui workshop (IWC/61/15) to develop plans for a workshop on efforts to prevent entanglement;
- examine the possibility of broadening international regional co-operation in scientific research (*cf* SORP and the forthcoming North Pacific programme);

- take forward discussions on capacity building in developing countries in terms of expanding upon the types of assistance that might be required and possible ways to achieve it; and
- promote sharing of information on whale killing methods and, where appropriate, assisting with or developing approaches for improvements.

Under (2), the Chair suggests that for next year only, the Commission:

- receives the report from the Scientific Committee on special permit whaling but refrains from making general comments on the programmes or Article VIII;
- receives the reports from the Scientific Committee on all whale stocks but refrains from making general comments on whaling under objection or reservation;
- receives reports from the relevant Committees on whalewatching and small cetaceans without making general verbal comments on competence; and
- receives national reports concerning animal welfare information but focuses discussions of the issue on the report of the working group established to develop plans for a workshop.

In addition, the Commission will continue consultations in the intersessional period, taking into account work done thus far, and may hold an informal meeting just prior to the plenary session to develop an approach to take the issue of the Future of the IWC further, should the Chair believe that is worthwhile.

Annex G

Report of the Aboriginal Subsistence Whaling Sub-Committee

Tuesday 17 June 2010, Agadir, Morocco

1. INTRODUCTORY ITEMS

A list of participants is given in Appendix 1.

1.1 Appointment of Chair

Jorge Palmeirim (Portugal) was appointed as Chair.

1.2 Appointment of rapporteurs

Mike Gosliner (USA) was appointed as rapporteur, with assistance from Greg Donovan (Secretariat and Chair of the Scientific Committee's Standing Working Group (SWG) on the Development of an Aboriginal Whaling Management Procedure (AWMP)).

1.3 Review of documents

The following documents were available to the Sub-Committee:

IWC/61/ASW

1. Draft annotated Agenda
2. List of documents
3. Aboriginal harvest of gray and bowhead whales by Russian indigenous peoples in 2009 (submitted by the Russian Federation)

IWC/62/Rep

1. Report of the Scientific Committee

2. ADOPTION OF AGENDA

The adopted agenda is given as Appendix 2.

3. ABORIGINAL SUBSISTENCE WHALING MANAGEMENT PROCEDURE

3.1 Progress with the Greenlandic Research Programme

3.1.1 Report of the Scientific Committee

The Chair of the Scientific Committee's SWG on the Development of an Aboriginal Whaling Management Procedure, Greg Donovan (hereafter Chair of the SWG), reported on the Scientific Committee's work in this regard.

For a number of years, the Scientific Committee has focused on developing assessment methods that rely on the observed sex ratio in the catches. In short, the broad lack of change in the catch sex ratio, despite the consistently high catch of females, implies that catches off West Greenland have not markedly affected population size. However, this inference is based on a number of assumptions; for example, there is no confounding of the trend over time in sex ratio and other factors. Developing a robust and tested way to use the sex ratio data to arrive at a lower confidence bound for abundance that can be used for management purposes is not a trivial task. It has resulted in some extremely interesting

and innovative science. Considerable technical work was undertaken by the SWG during the intersessional period thanks to an intersessional workshop held in Roskilde, Denmark. However, implementation of the new method is proving extremely difficult. The details of this are complex and the SWG investigated a number of approaches to try to overcome these with a focus on one 'high risk-high reward' approach this year. However, it also believed that it was time to take stock of its work on this matter.

The original motivation for this work had been an inability to provide management advice for this hunt. Work on a sex ratio estimation of abundance for West Greenland common minke whales therefore provided a dominant focus for our efforts at Annual Meetings and intersessional Workshops. Several developers from Greenland, South Africa and Norway have devoted considerable research effort to this task. The work has been scientifically challenging and methodologically innovative and the potential gain in terms of providing management advice (including the development of long-term *SLAs*) extremely high. However, despite this enormous effort, no satisfactory conclusion has been reached to date.

The situation has also changed with respect to being able to provide advice. Last year, the Scientific Committee had agreed an abundance estimate for common minke whales off West Greenland that, in conjunction with the agreed approach to provide safe interim advice for up to two five-year blocks, meant that the Scientific Committee was able to provide satisfactory management advice for the first time.

Therefore, the Scientific Committee concluded that it will no longer prioritise development of the sex ratio approach unless a comprehensive final analysis can be endorsed at the 2011 Scientific Committee meeting. Although it would be regrettable to abandon the sex ratio effort, there are many other urgent issues which require attention.

In 2009, the Scientific Committee agreed an approach for providing safe interim advice on catch limits that is valid for up to two five-year blocks. The idea of this is to provide time to develop long-term *SLAs* for the Greenlandic hunts. While some work on this has been undertaken, given the complexity of the multispecies hunt in Greenland, the Scientific Committee has agreed that this must be given high priority for its future work, so that suitable *SLAs* can be developed and tested before the interim advice expires.

The Scientific Committee has started to identify the types of scenarios that will need to be considered. The Scientific Committee is further along with respect to fin whales than common minke whales but there was insufficient time during the present meeting to give this full consideration.

In conclusion, the Scientific Committee re-emphasised the importance of developing *SLAs* for Greenlandic fisheries as soon as possible. It agreed that this should form the primary item for discussion at the intersessional Workshop.

3.1.2 Discussion and recommendations

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

3.2 Implementation Review for gray whales

3.2.1 Report of the Scientific Committee

This was the first review since the Commission adopted the *Gray Whale Strike Limit Algorithm (SLA)* in 2004 and this was endorsed by the Commission.

The purpose of an *Implementation Review* is to update information on catch history and abundance and to determine whether any other new information that has become available in the intervening (normally) 5-year period indicates that the present situation is outside the region of parameter space tested during *SLA* development. If this is the case, additional trials will need to be developed to test the performance of the *SLA* in this new region. If performance is found to be unacceptable under these new trials, revisions to the *SLA* will be required. In practical terms, the most important issues relevant to the present *Implementation Review* relate to the issues of stock structure and updated information on abundance/trends.

The Chair of the SWG first focused on the issue of the Scientific Committee's Data Availability Agreement (DAA) and the conduct of this *Implementation Review*. *Implementation Reviews* are subject to the DAA incorporating a timetable of events. Although many datasets and analyses were completed within the appropriate timelines, unfortunately, just before adoption of its report, the SWG had realised that the photo-id and genetics data central to its discussions of stock structure and movements had not formally been submitted to the IWC under the DAA (although the papers themselves had met the appropriate deadlines). The same is also true for the telemetry data that, while not central to the conclusions reached, were also discussed under that Agenda Item; in this case the paper also did not meet the appropriate deadline.

The Scientific Committee recognised that discussions of these data cannot be considered as part of the *Implementation Review*. Thus although the present *Implementation Review* is considered complete with respect to the discussions involving the data properly made available under the DAA, it recommended that a new *Implementation Review* begins at the next Annual Meeting. This is discussed further below. The Chair of the SWG then turned to the substance of the *Review*, beginning with the issue of stock structure.

In the development process for the *Gray Whale SLA*, the possibility of a summer feeding aggregation along the Pacific coast between California and southeast Alaska was noted but the Scientific Committee had agreed that a single stock scenario was the most appropriate.

Considerable new information has been collected since that time on the animals feeding along the Pacific coast and the SWG received three papers of relevance to stock structure at this meeting (unfortunately, as noted above, these did not meet all of the DAA requirements). Although different names have been used in the past by different authors (e.g. the southern feeding group, the Pacific coast feeding aggregation), the Scientific Committee agreed to refer to the animals that spend the spring, summer and autumn feeding in coastal waters of the Pacific coast of North America from California to southeast Alaska as the Pacific Coast Feeding Group or the PCFG.

A number of comprehensive papers that made use of genetic, photo-id and satellite telemetry data were discussed. In summary, there was considerable discussion of their

implications for stock structure. Despite some differences in interpretation and recognising that further analyses could be carried out, it was agreed that the hypothesis of a distinct PCFG was plausible and warranted further investigation. The Scientific Committee noted the value of satellite telemetry for its work in identifying and parameterising stock structure issues and requests that it continues.

The Chair of the SWG noted that knowledge of catch data forms an important component of the review and the updated catch series can be found in Annex E, Table 1 of SC/62/Rep1.

No *Implementation Review* can be undertaken without an examination of abundance and trends. Two papers relating to calf counts were reviewed, one from migration and one from the breeding grounds. The Scientific Committee noted the value of the long-term counts to its work on a number of matters and recommended that these data continue to be collected and reviewed during future *Implementation Reviews*. In conclusion, the Scientific Committee agreed that the new information presented did not indicate a need to modify the trials structure.

There were also two new papers relating to total abundance estimates. The first paper reported a promising new approach that has recently been adopted for the counts of southbound migrating whales at Granite Canyon, California, which form the basis of abundance estimation for the eastern gray whales. The Scientific Committee welcomed further investigation of this approach, noting the importance of ensuring comparability among years in any long-term monitoring effort.

The second paper, re-evaluated the data from all 23 seasons of shore-based counts for the eastern North Pacific stock of gray whales conducted throughout all or most of the southbound migration near Carmel, California. The Scientific Committee thanked the authors for this comprehensive and careful review of this extremely valuable time-series of absolute abundance estimates. Agreed numbers are given in Table 2 of SC/62/Rep1.

Photo-id data were used to examine the abundance of the PCFG and the authors concluded the abundance of animals that regularly return to the Pacific northwest to be at most a few hundred individuals. These data will be extremely useful during the proposed 2011 *Implementation Review*.

Although undertaking a formal assessment is not a necessary part of the *Implementation Review*, the Scientific Committee was pleased to receive a Bayesian assessment of eastern gray whales that used the new information on abundance and catches. The model based 2009 population size of 21,911 was some 85% of estimated carrying capacity.

These results of the assessment were within the bounds considered during the *Implementation*. Although the base operating model used to estimate the *Gray Whale SLA* did not explicitly include the 1999-2000 mortality event, robustness tests involving catastrophic mortality events were conducted and the *Gray Whale SLA* performed adequately for these tests.

The Scientific Committee received a summary of all gray whale strandings in California, Oregon and Washington between 1 January 2010 and 31 May 2010. This showed that stranding levels were now similar to 'normal' years. The Scientific Committee recommends that these data continue to be collected and presented to the Scientific Committee.

The Chair of the SWG noted that the crux of an *Implementation Review* is to decide whether further trials are needed to test the *SLA*. Notwithstanding DAA issues, the Scientific Committee agreed that the information provided on

the PCFG was such that its existence represents a plausible hypothesis not considered in the original *Implementation*. In accord with Scientific Committee guidelines for this process, this is sufficient to trigger a new *Implementation Review* in 2011.

Proper consideration of this hypothesis is important from an AWMP perspective since it relates to the potential harvesting in this region by the Makah Tribe and thus the need for the SWG to provide advice/develop an *SLA* to fulfil both the 'conservation' and 'user' objectives given by the Commission.

The Scientific Committee therefore agreed that the information on stock structure and hunting warranted the development of trials to evaluate the performance of *SLAs* for hunting in the Pacific northwest at the 2011 *Implementation Review*. The assessment showed that the population as a whole is in a healthy state. The Scientific Committee agreed that for the purposes of the 2011 *Implementation Review*, the primary focus should be the PCFG.

That being said, it also agreed that over the next few years (i.e. in time for the next but one *Implementation Review* in about 2016), further work should be undertaken to investigate the possibility of structure on the northern feeding grounds, especially in the region of the Chukotkan hunts. The Scientific Committee made a number of recommendations on the type of information to be collected and provided.

General guidance for the 2011 *Implementation Review* is also provided, noting the importance of a feedback mechanism to be incorporated in any proposed *SLAs*, the need for discussions with hunters and others over 'need envelopes' and work that would assist (although it is not required for beginning), the trial development process.

In conclusion, in the light of the DAA difficulties discussed earlier, the Chair of the SWG reported that the Scientific Committee agreed that it had completed the *Implementation Review* on the basis of the data that had been made available to it in accord with the DAA. However, given the new information available that did not meet the DAA conditions, it also agreed that a new *Implementation Review* should occur in 2011 to take into account this new information.

While in practice, this does not alter the Scientific Committee's timetable of work in that it was not in a position to develop and run trials at this meeting there is a clear need to ensure that the DAA difficulties do not occur again. The Chair of the SWG agreed to ensure that all likely contributors to the review are made aware of the DAA requirements as well as the guidelines for genetic analyses and data. The draft guidelines for *Implementation Reviews* will also assist this process. Preparatory discussions for the 2011 *Implementation Review* will take place at a proposed intersessional Workshop.

3.2.2 Discussion and recommendations

Mexico noted the low calf counts for 2007-09 (less than 3 percent), but at the same time, the population remains above its MSY level. The population, in 2009, was estimated at 22,000 individuals, which is 85 percent of carrying capacity. Mexico asked how this might affect population trends in the future and whether this is being considered in the *Implementation Review*.

The Chair of the SWG indicated that calf counts fluctuate considerably among years and explained that both the assessment (that determines status with respect to MSYL) and the *Implementation Review* took this into account. In addition, new information on calf counts and

total abundance are part of the regular, normally 5-year, *Implementation Review* process. He also noted the Scientific Committee's recommendation that the calf count and total abundance censuses continue.

Mexico also noted the Scientific Committee's determination that the existence of a distinct Pacific Coast Feeding Group (PCFG) was plausible and asked what additional research to consider that hypothesis is warranted. The Chair of the SWG noted that the primary work needed for the 2011 *Implementation Review* was the establishment of *Implementation Simulation Trials* that take into account plausible stock structure hypotheses and the nature of the proposed hunt. He also drew attention to the list of five items of work that would assist with the planned 2011 *Implementation Review* given under Item 8.2.7 of IWC/62/Rep1, noting that whilst they would assist, they were not required for beginning the trial development process.

4. ABORIGINAL WHALING SCHEME (AWS)

4.1 Report of the Scientific Committee

Two main issues arising from the last bowhead whale *Implementation Review* related to: (1) stock structure and in particular genetic samples; and (2) data availability. With respect to the first, there are now guidelines for DNA data quality while with respect to the second, the Scientific Committee had agreed that the Chair of the SWG should develop explicit guidelines for conducting *Implementations* and *Implementation Reviews* for the AWMP process. With respect to the AWS itself, the Chair of the SWG noted that the Scientific Committee again strongly recommended that the Commission adopt the Aboriginal Subsistence Whaling Scheme. It noted that discussions within the Commission of some aspects such as the 'grace period' are not yet complete.

4.2 Discussion and recommendations

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

5. ABORIGINAL SUBSISTENCE WHALING CATCH LIMITS

5.1 Bering-Chukchi-Beaufort (B-C-B) Seas stock of bowhead whales (annual review)

5.1.1 Report of the Scientific Committee

The Chair of the SWG noted that the Scientific Committee was pleased to receive a number of papers providing new biological information on this stock of bowhead whales. Two papers dealt with broad-scale aerial surveys from the northeastern Chukchi and Alaskan Beaufort Seas; a paper on the use of new acoustic monitoring equipment in the census effort, a paper on the identification of yearlings from aerial photographs and information on ongoing census work. The Scientific Committee welcomed this work and encourage its continuation.

The Chair of the SWG reported that a total of 38 bowhead whales were struck resulting in 31 animals landed in the Alaskan hunt in 2008. Of the landed whales, 12 were males, 18 were females, while sex was not determined for one animal. Other details are given in Annex F of the Scientific Committee report. There were no catches of bowhead whales by Russia this year.

The Scientific Committee reaffirmed its advice from last year that the *Bowhead SLA* remains the most appropriate tool for providing management advice for this harvest. The

results from the *SLA* show that the present strike limits are acceptable. The next (second) *Implementation Review* for B-C-B bowhead whales is scheduled in 2012. The Scientific Committee encouraged researchers to present relevant papers and new information for consideration during next year's meeting, so that preparations for the next *Implementation Review* can proceed efficiently.

The Scientific Committee reviewed the catch limits in Table 4 of 'Proposed consensus decision to improve the conservation of whales from the Chair and Vice-Chair of the Commission' (IWC/62/7rev). For B-C-B bowhead whales, the maximum strike limit is 67 per year (plus a carryover provision of 15 unused strikes from the previous year) for total landed of 560 (580 written in footnote 8 seems to be a typo). The Scientific Committee agrees that the strike limits for B-C-B bowhead whales listed in Table 4 are in accord with the management advice provided by the *Bowhead SLA*, noting that the normal regular review is also intended.

5.1.2 Discussion and recommendations

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

The USA reported on its subsistence hunting of bowhead whales from this stock. Harry Brower, Chairman of the Alaska Eskimo Whaling Commission (AEWC), presented the report. The USA noted that the stock remains healthy and growing, with a current abundance estimate accepted by the Scientific Committee of about 12,600 whales.

In 2009, subsistence hunters in Alaska struck 38 bowhead whales, of which 31 were landed, for an efficiency rate of 82%. Springtime hunts are generally more difficult than hunts in the autumn because of ice and weather conditions, a situation that is worsening due to climate change, which is making shore-fast ice very unstable. As a result, the efficiency of spring hunts usually is lower than autumn hunts. In 2009, however, the efficiency of the spring hunt (85%) exceeded that of the autumn hunt (80%). The higher efficiency in the spring hunt was due to very poor ice conditions, which limited hunting opportunities to three villages and a small number of strikes. The few strikes that were used were mostly successful.

Two whales landed in the autumn hunt were determined to be calves, based on the small size of their baleen plates. Biologists examined one of the calves and determined that it did not have milk in its stomach. The other calf was not examined by a biologist. Calves are born in the spring and grow quickly. By the autumn, a calf can be as large as a yearling, making it difficult for hunters to recognise that it is a calf unless accompanied by a cow. While calves are always accompanied by cows in the spring, this is not always the case in the autumn. The AEWC Commissioners convened a hearing to review the circumstances surrounding the taking of the calves. The whaling crews involved reported that both whales did not appear to be accompanied by cows and were swimming independently. In light of this, the Commissioners concluded that there was no basis on which the crews could have determined that the whales were calves until they were landed and did not impose any penalties or sanctions.

The AEWC also recognised the value of the Cooperative Agreement it has with the government of the USA, which allows it to manage the subsistence hunt for bowhead whales, and expressed appreciation for the financial support that it receives for research on bowhead whale biology from the USA and the North Slope Borough.

The USA also noted the submission of two documents on this topic for consideration at the plenary session, IWC/62/12 and IWC/62/13, summarising the activities of the AEWC.

5.2 North Pacific eastern stock of gray whales (annual review)

5.2.1 Report of the Scientific Committee

The Chair of the SWG reported on the 2009 catches in Chukotkan waters. A total of 115 gray whales (58 males, 57 females) were taken and 1 was lost. A total of 6 of the 115 individuals were considered as unfit for consumption in 2009 (samples were taken from all 6). Biological sampling was conducted on 61 gray whales.

With respect to management advice, the Chair of the SWG recalled his earlier presentation noting that the Scientific Committee had agreed that it had completed the *Implementation Review* but that a new *Implementation Review* should take place next year. In this context, the Scientific Committee agreed that its position with respect to the provision of management advice was unchanged from last year, i.e. the *Gray Whale SLA* remains the appropriate tool to provide management advice for eastern North Pacific gray whales. This remains the case, at least until the 2011 *Implementation Review* is completed.

In line with the values in Table 4 of the proposed consensus decision (IWC/62/7rev), the Secretariat ran the *SLA* using the updated information on catches and abundance agreed at this meeting. This confirmed that an annual strike limit of 145 animals will not harm the stock (note that 145 is the maximum catch that can be taken in any one year; the annual average catch is 129 whales). The additional five whales added to the annual maximum in any one year from that previously considered (140) was intended to account for 'stinky' whales (IWC/62/7rev).

In providing its advice, the Scientific Committee drew attention to the need for a new *Implementation Review* next year with a focus on PCFG whales. It was noted that although Table 4 included strike limits for 10 years, the proposed consensus decision envisages the usual periodic reviews of strike limits for indigenous whaling.

5.2.2 Discussion and recommendations

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

The Russian Federation noted that the most important issue for its subsistence hunters in Chukotka concerns 'stinky' whales. Because these whales are not edible, the Russian Federation does not believe that they should be included in the tally of landed whales. The Russian Federation indicated its intention to discuss this issue further in the agenda item regarding the future of the IWC.

The UK sought clarification from the Chair of the Sub-Committee as to whether it should raise concerns about certain subsistence whaling strike limits contained in Table 4 of the Chair's revised proposal on the future of the IWC during this session or defer a discussion until the meeting to consider the Chair's proposal. Specifically, the UK noted the increases in the proposed strike limits for west Greenland humpback whales and North Pacific eastern gray whales and wished to voice concern that these strike limits, if adopted, would remain in place for ten years without consideration or the usual review of such limits by the Sub-Committee.

The Chair of the Sub-Committee advised that the issue would be more appropriately addressed in the discussion of the future of the IWC. That suggestion was acceptable to the UK.

5.3 Common minke whale stocks off Greenland (annual review)

5.3.1 Report of the Scientific Committee

The Chair of the SWG reminded the Sub-Committee that there are two hunts to consider under this Agenda Item, that off west Greenland and that off east Greenland.

WEST GREENLAND

The Chair of the SWG reported that in the 2009 season, 153 minke whales were landed in West Greenland and 11 were struck and lost. Of the landed whales, there were 105 females, 47 males, and one whale of unreported sex. Genetic samples were collected for 97 of the 153 minke whales landed in 2009.

With respect to management advice, in 2007, the Commission agreed that the number of common minke whales struck from this stock shall not exceed 200 in each of the years 2008-12, except that up to 15 strikes can be carried forward. Prior to last year, the Scientific Committee has never been able to provide satisfactory management advice for this stock. Last year, the Scientific Committee was for the first time able to provide management advice for this stock. It had adopted a new abundance estimate and agreed method for providing interim management advice. Such advice can be used for up to two five-year blocks whilst *SLAs* are being developed. Based on the application of the agreed approach, and the lower 5th percentile for the 2007 estimate of abundance (i.e. 8,918), the Scientific Committee repeated its advice of last year that an annual strike limit of 178 will not harm the stock.

EAST GREENLAND

The Chair of the SWG reported that three males and one female common minke whale were struck (and landed) off east Greenland in 2009 (no animals were struck and lost). Genetic samples were obtained from two of these whales. Catches of minke whales off east Greenland are believed to come from the much larger Central stock of minke whales.

With respect to management advice, in 2007, the Commission agreed to an annual strike limit of 12 minke whales from the stock off east Greenland for 2008-12, which the Scientific Committee stated was acceptable in 2007. The present strike limit represents a very small proportion of the Central stock. The Scientific Committee agreed that the present strike limit will not harm the stock.

5.3.2 Discussion and recommendations

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

5.4 West Greenland stock of fin whales

5.4.1 Report of the Scientific Committee

The Chair of the SWG reported that a total of 8 (1 male; 7 females) fin whales were landed, and 2 struck and lost, in west Greenland during 2009. Genetic samples were collected for 5 of the 8 fin whales harvested during 2009.

MANAGEMENT ADVICE

With respect to management advice, in 2007, the Commission agreed to a strike limit (for the years 2008-12) of 19 fin whales struck off west Greenland. The Scientific Committee agreed an approach for providing interim management advice in 2008 and this was confirmed by the Commission. It had agreed that such advice could be used for up to two five-year blocks whilst *SLAs* were being developed. Based on the application of the agreed approach in 2008, the Scientific Committee **agrees** that an annual strike limit of 19 whales will not harm the stock.

5.4.2 Discussion and recommendations

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

5.5 West Greenland stock of bowhead whales

5.5.1 Report of the Scientific Committee

The Chair of the SWG noted that the Scientific Committee has agreed at the previous three Annual Meetings to consider a single stock of bowhead whales in this region as the 'working hypothesis'; use of the term 'working' hypothesis implies that alternative hypotheses can still be considered and thus there should be consideration of both one stock and two stock hypotheses.

The Scientific Committee was therefore pleased to receive this year a number of stock structure papers. There was considerable discussion of these papers and their strengths and weaknesses in their ability to distinguish among stock structure hypotheses. No final conclusion was reached. The Scientific Committee encouraged the continuation of work on structure in order to allow it to conduct a more in-depth analysis next year.

It also received a preliminary evaluation of the potential to use photographs and capture-recapture analyses to estimate the size of the Eastern Canada-West Greenland stock(s) of bowhead whales.

The Chair of the SWG then reported on the review of recent catch information. A total of five female and one male bowhead whales were taken for subsistence purposes in Disko Bay, west Greenland, in April-May 2009 and 2010 (no whales were struck in 2008 and no whales were struck and lost in 2009 and 2010). The Scientific Committee requested the Secretariat to contact Canada to try to obtain data on Canadian catches.

With respect to management advice, the Chair of the SWG noted that in 2007, the Commission agreed to a quota for 2008 to 2012 of two bowhead whales struck annually off west Greenland. In 2008, the Scientific Committee was pleased to have developed an agreed approach for determining interim management advice that is valid for two five-year blocks. The Scientific Committee again agreed this year that the current catch limit for Greenland will not harm the stock (noting that this applies whichever stock structure hypothesis prevails). It was also aware that catches from the same stock have been taken by a non-member nation, Canada. It agreed, as in previous years, that should Canadian catches continue at a similar level as in recent years, this would not change the Scientific Committee's advice with respect to the strike limits agreed for west Greenland.

The Scientific Committee reviewed the catch limits in Table 4 of the 'Proposed consensus decision to improve the conservation of whales' (IWC/62/7rev). For Eastern Canada/West Greenland bowheads, the Greenland strike limit is 2 per year (plus a carryover provision of two unused strikes from the previous year). The Scientific Committee agreed that the strike limits for Eastern Canada/West Greenland bowheads that are listed in Table 4 are in accord with its advice, recognising that the normal regular review is also intended as part of IWC/62/7rev.

However, the Scientific Committee noted that Canada may allow for regular catches from this stock. If the size of Canadian catches increases then the Scientific Committee's advice may change in that the total number of removals may exceed the safe limit determined by the agreed approach. If the Canadian catch increases, then the Scientific Committee wished to draw attention to the fact that the total number taken from the stock may be greater than what is safe.

Given the importance of this issue, the Scientific Committee recommended that the Secretariat should contact Canada requesting information about catch limits for bowhead whales.

5.5.2 Discussion and recommendations

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

5.6 North Atlantic humpback whales off St. Vincent and The Grenadines

5.6.1 Report of the Scientific Committee

The Chair of the SWG reported that three females were taken during 2010. Neither genetic samples nor photographs were available for these animals. The Scientific Committee has encouraged St. Vincent and The Grenadines to submit as much information as possible about any catches to the Scientific Committee via an Annual Progress Report. The Scientific Committee **strongly recommends** collection of genetic samples for any harvested animals as well as fluke photographs, and submission of these to appropriate catalogues and collections.

With respect to management advice, in recent years, the Scientific Committee has agreed that the animals found off St. Vincent and The Grenadines are part of the large West Indies breeding population. The Commission adopted a total block catch limit of 20 for the period 2008-12. The Scientific Committee **agrees** that this block catch limit will not harm the stock.

5.6.2 Discussion and recommendations

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

The USA regretted that representatives of St. Vincent and The Grenadines could not be present to provide information about its hunt. The USA noted that it would be useful if the Sub-Committee report suggested that such information be provided at the plenary session under Agenda Item 6.3 (aboriginal subsistence whaling catch limits), providing an opportunity for questions and discussion, if needed. The Chair of the Sub-Committee endorsed that suggestion.

The Chair of the SWG indicated that a scientist from St. Vincent and The Grenadines attended the meeting of the Scientific Committee and provided information on the lengths of whales taken. These data are included in the SWG report. The SWG also held informal discussions on ways to improve information submission.

5.7 Humpback whales off West Greenland

5.7.1 Report of the Scientific Committee

The Chair of the SWG noted that the Scientific Committee was first asked to provide management advice for humpback whales off West Greenland in 2007 (IWC, 2008b).

Humpback whales found off West Greenland belong to a separate feeding aggregation whose members mix on the breeding grounds in the West Indies with individuals from other similar feeding aggregations and the Scientific Committee has agreed that the west Greenland feeding aggregation was the appropriate management unit to consider when formulating management advice. Last year it had agreed a fully corrected estimate for 2007 (3,039, CV=0.45) for use in assessments and a rate of increase for humpback whales off west Greenland of 0.0917yr^{-1} (SE 0.0124).

No new information was available for this stock this year. The Scientific Committee has agreed an approach for providing interim management advice that has been

confirmed by the Commission. It had agreed that such advice could be used for up to two five-year blocks whilst *SLAs* were being developed. Using this approach, as in previous years, the Scientific Committee agreed that an annual strike limit of 10 humpback whales will not harm the stock.

The Chair then introduced the Scientific Committee's discussions on IWC/62/9 which is the report of a Small Working Group (Donovan, Palka, George, Hammond, Levermann and Witting) established by the Chair of the Commission to provide advice on conversion factors for the Greenlandic hunt. At the intersessional Commission meeting held in Florida in March 2010 it was agreed that there was no need for the report to be reviewed in detail by the Scientific Committee but that individual scientists should send comments to the authors so that the report could be revised, if necessary, by the Commission meeting in Agadir (see the Chair's Report of the Intersessional Meeting, Annex D). However, the Chair of the SWG agreed that this issue would be added to the SWG agenda.

A short summary of the report, which has been available on the IWC website since February 2010, is given in Annex E, item 9.1 of the Scientific Committee report¹. A longer summary, based on the executive summary of the full report, is given in the Chair's Report of the Intersessional Meeting, Annex E of this volume.

One member of the Scientific Committee raised some issues during discussion within the SWG and the response of the authors can also be seen.

In conclusion, the Scientific Committee endorsed the **recommendations** of the report.

In particular, the Scientific Committee supported the recommendation for further work that data on both 'curved' and 'standard' measurements are obtained during the coming season for common minke whales, fin whales and bowhead whales and that new data on edible products be collected using properly-designed protocols, analysed appropriately and reviewed. It also supported the recommendation that the work be undertaken by scientists, hunters and wildlife officers since this would improve the ability of hunters, particularly those in remote areas, to obtain more accurate length and weight measurements.

The Sub-Committee was informed that Greenland has already begun to implement some of the recommendations of the Small Working Group and they will be implementing all of them in the next season. There is now increased collaboration between hunters, scientists and managers and improved estimates of the three types of edible product should be possible by having each product stored in separate bins and weighed.

It was also noted that collaboration between hunters from Alaska and Greenland was underway with the respect to flensing techniques for bowhead whales. Finally, the Sub-Committee **requests** Greenland to provide information on its sampling scheme and data validation protocols to next year's meeting.

5.6.2 Discussion and recommendations

Denmark noted its hope that the issue concerning the taking of humpback whales by Greenland would have been resolved at the intersessional IWC meeting in St. Petersburg, Florida, but it was not due to the lack of a quorum. Thus, the issue needed to be considered at IWC/62. If the matter is not resolved at this meeting, Denmark will need to put forward the proposal again, on an individual basis. Denmark

¹The full 52 page report is paper IWC/62/9.

also noted that there was a mistake in the earlier proposal that would be corrected in a revised proposal. A footnote had been omitted that would allow the carryover of two unused strikes of humpback whales to the subsequent year. Further, Denmark indicated its intention to put forward certain amendments to the Chair's proposal on the future of the IWC to rectify technical issues related to its humpback whale proposal and minke whales from the Central stock off East Greenland.

The UK was pleased to learn that the Scientific Committee had reviewed the technical report on conversion factors for Greenland's hunt. The UK thought that this was a useful piece of work, although it had concerns about some of the conclusions of the report. The UK noted that, for a significant number of whales taken by Greenland, the amount of meat extracted is very low, raising concerns about the efficiency of the hunt. In addition, the UK noted that gaps remain in Greenland's data collection and protocol development and welcomed the Scientific Committee's request for more work in this area. The UK invited Greenland to provide information about its efforts to address the Scientific Committee's recommendations concerning data collection and data protocols, both in terms of steps already being taken and those planned in the future. Both Germany and Australia associated themselves with the remarks of the UK.

Greenland explained that it had drafted an executive order to revise the regulation of the reporting system in response to the report presented at the March meeting of the Small Working Group established to provide advice on conversion factors for Greenland's hunt. This will yield some of the requested information. Once the results of IWC/62 are known with respect to the humpback whale proposal, Greenland will hold public hearings on the executive order

and make any necessary revisions prior to implementation. The UK referred to a recent article indicating that a major portion of the meat and blubber from two bowhead whales taken in this year's hunt in Greenland was not processed quickly and decomposed. The article suggested that Greenland had admitted that this constituted an example of inadequate exploitation. The UK believed that such incidents highlighted the magnitude of the work that Greenland needs to do to improve the efficiency of its hunt, particularly hunting that targets large whales. The UK also noted reports that one hunt required the use of five harpoons. The UK asked for confirmation of these reports from Greenland and sought an explanation if these reports were accurate. In particular, the UK wondered if multiple harpoons were needed because some failed to explode or because the harpoons were not powerful enough. The UK welcomed information on how Greenland intends to improve the efficiency of its hunts.

Greenland responded that, in accordance with the rules of procedure set forth in the IWC Schedule, it would report on its 2010 whaling operations next year. Greenland confirmed that there had been a problem with two bowhead whales taken in its hunts, but noted that its last bowhead hunt had been conducted successfully. Greenland indicated that it would provide the requested information next year, at which time it will also report on the efficiency of its whale hunts.

6. OTHER MATTERS

No other matters were raised.

7. ADOPTION OF REPORT

The report was adopted 'by post' on 20th June 2010.

Appendix 1

LIST OF PARTICIPANTS

Argentina

Mario Oyarzabal
Miguel Iñiguez

Australia

Donna Petrachenko
Peter Komidar
Gavin Hinten
Tom Fink
Stephen Bouwhuis
Pam Eiser

Austria

Andrea Nouak
Michael Stachowitsch

Belgium

Alexandre de Lichtervelde
Fábian Ritter

Denmark

Øle Samsing
Nette Levermann
Leif Fontaine
Amalie Jessen
Lars Witting

France

Vincent Ridoux

Germany

Thomas Schmidt

Iceland

Tomas H. Heidar
Asta Einarsdottir
Gisli Vikingsson

Italy

Caterina Fortuna

Japan

Joji Morishita
Hideaki Okada
Saemi Baba
Toshinori Uoya

Luxembourg

Pierre Gallego

Mexico

Lorenzo Rojas-Bracho

New Zealand

Geoffrey Palmer
Mike Donoghue

Norway

Hild Ynnesdal
Øle-David Stenseth
Egil Ole Øen

Portugal

Jorge Palmeirim (Chair)
Marina Sequeira

Russian Federation

Valentin Ilyashenko
Igor Mikhno
Alexey Ottoy
Olga Etylina (I)
Vladimir Etylin (I)

South Africa

Herman Oosthuizen

Spain

Santiago Lens

UK

Nigel Gooding
Trevor Perfect
Panayiota Apostolaki
Beatriz Roel
Mark Simmonds
Jennifer Lonsdale
Sarah Archer
James Gray

USA

Ryan Wulff
Michael Tillman
Roger Eckert
Craig George
Allison Reed

DJ Schubert
Ryland Bowe chop
Mike Gosliner
Harry Brower

Scientific Committee Chair

Debra Palka

IWC Secretariat

Greg Donovan
Simon Brockington

Appendix 2
AGENDA

1. Introductory items
 - 1.1 Appointment of Chair and Rapporteur
 - 1.2 Review of documents
2. Adoption of the Agenda
3. Aboriginal Subsistence Whaling Management Procedure
 - 3.1 Progress with the Greenlandic Research Programme
 - 3.1.1 Report of the Scientific Committee
 - 3.1.2 Discussion and recommendations
 - 3.2 *Implementation Review* for gray whales
 - 3.2.1 Report of the Scientific Committee
 - 3.2.2 Discussion and recommendations
4. Aboriginal Whaling Scheme (AWS)
 - 4.1 Report of the Scientific Committee
 - 4.2 Discussion and recommendations
5. Aboriginal subsistence whaling catch limits
 - 5.1 Bering-Chukchi-Beaufort Seas stock of bowhead whales (annual review)
 - 5.1.1 Report of the Scientific Committee
 - 5.1.2 Discussion and recommendations
 - 5.2 North Pacific Eastern stock of gray whales (annual review)
 - 5.2.1 Report of the Scientific Committee
 - 5.2.2 Discussion and recommendations
 - 5.3 Common minke whale stocks off Greenland (annual review)
 - 5.3.1 Report of the Scientific Committee
 - 5.3.2 Discussion and recommendations
 - 5.4 West Greenland stock of fin whales
 - 5.4.1 Report of the Scientific Committee
 - 5.4.2 Discussion and recommendations
 - 5.5 West Greenland stock of bowhead whales
 - 5.5.1 Report of the Scientific Committee
 - 5.5.2 Discussion and recommendations
 - 5.6 North Atlantic humpback whales off St. Vincent and The Grenadines
 - 5.6.1 Report of the Scientific Committee
 - 5.6.2 Discussion and recommendations
 - 5.7 Humpback whales off West Greenland
6. Other matters
7. Adoption of the Report

TERMS OF REFERENCE

The terms of reference of the Aboriginal Subsistence Whaling Sub-committee are to consider relevant information and documentation from the Scientific Committee, and to consider nutritional, subsistence and cultural needs relating to aboriginal subsistence whaling and the use of whales taken for such purposes, and to provide advice on the dependence of aboriginal communities on specific whale stocks to the Commission for its consideration and determination of appropriate management measures (*Rep. int. Whal. Commn* 48: 31).

Annex H

Minority Statement Regarding Plausibility of Stock Structure Hypotheses

H. Hatanaka, L.A. Pastene, N. Kanda, T. Gunnlaugsson, J.Y. Park, S.G. Choi and Y.R. Rock

After the deliberations on plausible stock structure hypotheses during the *pre-Implementation assessment* for western North Pacific minke whales, Baker and Wade proposed some hypotheses for the Pacific side of Japan which we believe are not consistent with the current available data. We do not support the hypotheses of 'Je' and 'Ow' stocks in the Pacific side of Japan because they are not supported by the existing data. However, we did not want to block the consensus which would have stopped the process from moving to the next step. Therefore we reluctantly accepted that the Baker and Wade hypotheses be included on the basis of assurances from both the Chair of the working group on North Pacific minke whales and the IWC Head of Science that: (a) the *pre-Implementation assessment* requires only an agreement on stock structure hypotheses that meet some minimum standard of plausibility and does not prejudice actual plausibility of hypotheses; (b) there would be opportunities at a later stage of the process to delete hypotheses and; that (c) not all hypotheses included at this point would need to be tested. Again, this does not mean we agree with these hypotheses.

Baker and Wade proposed a coastal 'J' stock in sub-area 2 (Je) and a coastal 'O' stock in sub-area 7 (Ow).

Japanese scientists have demonstrated through the analysis of biological and genetic data that both 'J' and 'O' stocks mix with each other along the Pacific side of Japan. Baker and Wade made use of mixed samples of both stocks in their mtDNA haplogroup analysis to reach their conclusions that there are stocks with intermediate haplotype frequencies. Their analytical approach is contrary to previous recommendations from the Committee to exclude 'J' stock animals from analysis on stock structure of the 'O' stock. Furthermore an updated Boundary Rank analyses did not support the occurrence of an 'Ow' stock. Previous results from this method had been the only evidence for supporting an 'Ow' stock in the past. Given the results of the updated Boundary Rank analyses their hypothesis should not have been listed as plausible hypotheses at this stage in the process.

The hypothesis they proposed is especially hard to address with additional data. Therefore we consider reasonable that they provide reasonable logic to support their claim of plausibility for this stock structure scenario by the next year Scientific Committee meeting. Without the provision of a reasonable logic their hypotheses should be dropped from the list of plausible hypotheses.

Annex I

Report of the Conservation Committee

Tuesday 15 June, Agadir, Morocco

The meeting was opened by Thomas Schmidt (Germany) who welcomed the participants. A list of participants is given in Appendix 1.

1. INTRODUCTORY ITEMS

1.1 Appointment of Chair

Thomas Schmidt (Germany) was confirmed as the Chair. He thanked the Government of Morocco for hosting the meeting.

1.2 Appointment of rapporteur

Mike Donoghue (New Zealand) was appointed as the rapporteur.

1.3 Review of documents

A list of documents is given as Appendix 2.

2. ADOPTION OF THE AGENDA

The agenda was adopted as proposed (Appendix 3).

3. INVESTIGATION OF INEDIBLE 'STINKY' GRAY WHALES

During the meeting of the Conservation Committee at IWC/57 in Ulsan in 2005, it was agreed that a research programme be established to address the issue of inedible 'stinky' gray whales caught by Chukotkan aboriginal subsistence hunters.

No report was provided under this Agenda Item this year and there was no discussion.

4. SHIP STRIKES

In 2005 the Conservation Committee agreed to initiate work on the issue of whales being killed or seriously injured by ship strikes, recognising that this is also a matter addressed by the Scientific Committee.

The Ship Strikes Working Group (SSWG) was established to develop more detailed proposals and to coordinate any work initiated. It has since submitted progress reports to the 2006, 2007, 2008 and 2009 meetings of the Conservation Committee.

4.1 Report from the Scientific Committee

The Chair of the Scientific Committee referred to a number of papers it had reviewed regarding ship strikes.

Seven southern right whales observed in Uruguayan waters during 2003 to 2007 had large wounds, presumably due to ship collisions. Of these seven whales, five had stranded dead during the time period when right whales are commonly seen.

A near-miss in the Antarctic had been reported between a humpback whale and a cruise ship. The Scientific Committee

agreed that a study of near-misses may yield insight into the dynamics of ship strikes and thus could provide input into modelling the risk of ship strikes.

In addition the Scientific Committee received a report of a study taking place in the Pelagos Sanctuary, in the Mediterranean Sea near the Italian coast. This study is conducting fin whale seasonal distribution and abundance surveys and collecting vessel data using an Automatic Identification System (AIS). One of the goals of the study is to evaluate the conservation implications of human-induced mortalities, including ship strikes. The Scientific Committee encouraged this type of work because it can help to model the risk of strikes to fin whales in the Mediterranean Sea, and to understand the impacts of ship strikes on this fin whale population.

Since 2007 the IWC has been developing a global database of incidents involving collisions between vessels and whales, which is recognised by both the International Maritime Organization (IMO) and ACCOBAMS as a valuable tool. The Chair of the Scientific Committee reported that good progress has been made with improving the data entry system. However, the Scientific Committee recommends that consideration be given to the appointment of a dedicated coordinator to handle the increasing workload and proposed intersessional tasks. These tasks include data validation, creation of a handbook and data entry of incidents reported in the National Progress Reports. A budget request to undertake these tasks has been made. The Scientific Committee agreed that, at this stage, publicly available data should be limited to confirmed definite incidents, although this should be re-evaluated in the future. The Scientific Committee also agreed that requests for full access to the data should be dealt with on a case-by-case basis.

The Chair of the Scientific Committee reported that it is collaborating with ACCOBAMS to hold a joint Workshop near Monaco from 21-24 September 2010. This Workshop will be aimed at reducing the risk of collisions between vessels and cetaceans. The focus is to be on the Mediterranean Sea and the Canary Islands, although many agenda items are globally relevant (such as data gathering methods and methods to estimate the number of collisions). This Workshop is also addressed in the next section.

In addition, the IWC is collaborating with IMO on efforts to minimise the risk of ship strikes and to reduce underwater noise from commercial shipping.

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

4.2 Report of the Ship Strikes Working Group (SSWG)

Alexandre de Lichtervelde (Belgium), the Chair of the Ship Strikes Working Group presented a progress report of activities conducted over the past year. There are seven main points of progress.

- Collaboration with IMO on ship strikes, habitat degradation and noise. The IMO Marine Environment

Protection Committee adopted a guidance document for minimising the risk of ship strikes with cetaceans.

- National legislation or initiatives were developed by Argentina, Chile, New Zealand, Spain and the USA (who introduced two routing changes for shipping in June 2009).
- The agenda for the ACCOBAMS/IWC Workshop, to be held 21-24 September 2010, includes possible mitigation measures and development of a work plan for the IWC. Fifteen papers are in preparation, including regional case studies and possible measures that might be taken through the IMO.
- Good progress has been made in awareness-raising, with more scientists becoming involved. The SSWG Chair has made presentations in Auckland and Marseilles, and Belgium has produced a pamphlet that has been distributed as a pdf file to MARMAM and the IMO. The relevance of the IWC stranding database to this initiative is also noted.
- CMS and ASCOBANS (ACCOBAMS) – at the second Meeting of Signatories to the CMS Memorandum of Understanding for the Conservation of Cetaceans and Their Habitats in the Pacific Islands Region (28-29 July 2009, Auckland, New Zealand), the Signatory States have adopted a Whale and Dolphin Action Plan for the MoU. The final stage of the review and the draft CMS Programme of Work for Cetaceans will be completed in the second half of 2010, including an analysis of listed impacts and threat abatement that will be sent to IMO, IWC Scientific Committee and CC, OSPAR, UNICPOLOS and UNEP for their individual input and comment.
- An ASCOBANS study on ship strikes is underway. It uses ships' Automatic Identification System (AIS) data to match distribution of shipping with distribution of cetacean taxa which may be vulnerable to ship strikes.
- The ship strike database now has almost 1,000 entries, with 30 more contained in this year's National Progress Reports. Most of these entries, however, have been supplied by scientists, not mariners and the entries may be historical as well as contemporary. The importance of these data was stressed for the estimation of other sources of human-induced mortality in the RMP.
- Both France (7,500 Euros) and Belgium (20,000 Euros as a contribution to the IWC/ACCOBAMS Workshop) have made significant voluntary donations to the work of the Ship Strike Working Group.

Several Governments including New Zealand, Argentina, Mexico, the USA, the UK, Spain, Brazil and Australia congratulated Mr de Lichtervelde for his exemplary leadership of the Ship Strike Working Group. Belgium was commended for its hard work and for the guidance it had provided to IMO.

Both Argentina and the UK expressed support for the IWC/ACCOBAMS Workshop.

New Zealand thanked Mr de Lichtervelde for his attendance at the Auckland stakeholders workshop in November 2009, which discussed the problems of ship strike on Bryde's whales in the Hauraki Gulf, adjacent to Auckland. As a direct consequence of that workshop, the Auckland Regional Council had produced a pamphlet 'Look Out! Whales About!', copies of which were made available to the meeting.

The workshop agreed on the following mitigation measures to minimise the likelihood of vessel collisions with whales in the Hauraki Gulf:

- keep a lookout;
- reduce speed when in whale habitat; and
- if necessary, make changes to existing shipping lanes.

Argentina was pleased with the considerable progress made on the issue of ship strikes since 2005, when the SSWG was initiated. Progress is slow but encouraging, and all IWC countries should work together to reduce ship strikes. In its Voluntary Report on Cetacean Conservation (IWC/62/CC14), Argentina reported that the Wild Fauna and Flora Directive together with the Ministry of the Environment and the Control of Sustainable Development of the province of Chubut have developed a series of recommendations to diminish the risks of collisions. These recommendations are in addition to the regulation reported last year restricting navigation to a single corridor and a mandatory reduction of speed below 10 knots for all vessels during the southern right whale season between May and December. The Fauna and Flora Directive has established an agreement with a local scientist for the development of an applied research programme to reduce the risk of collision by sport and commercial vessels operating from local ports.

Mexico commended the work of the SSWG as a good example of what can be achieved by the Conservation Committee and reported that Mexico is developing Conservation Action Plans for large whales that will, *inter alia*, address ship strikes.

The USA outlined the steps it is continuing to take to reduce ship strikes, including ship speed regulations, vessel routing activities, federal vessel protective measures, and education and outreach programs. It drew attention to the use of auto detection buoys in the Boston traffic separation scheme as described in IWC/62/CC5. In the spring of 2007, a programme was implemented to reduce the threat to endangered large whales of ship strikes resulting from the transport of Liquefied Natural Gas in New England waters. The programme established three passive acoustic arrays for the detection of calling whales. The buoys automatically detect northern right whale contact calls and transmit alerts in real time. In addition, a new project will send right whale detections from the acoustic network directly to a ship's bridge.

An extremely successful pilot project was completed in 2009 and all Liquefied Natural Gas ships will be receiving messages in 2010. Attempts will be made to expand the programme in 2010.

Spain is currently developing a European LIFE+ Project focusing on the 'Inventory and designation of marine Natura 2000 areas in the Spanish sea'. This project contains a specific action to identify, assess and mitigate the impacts of maritime traffic activities on marine biodiversity, with a special emphasis on cetacean populations and marine protected areas.

The project's activities will be carried out between May 2009 and December 2013. Among the expected results, the following are highlighted:

- the estimation of maritime traffic volumes in the study areas, in relation to the presence of protected species and their habitats;
- assessment of the role of the Spanish Merchant Marine Agency in the management of MPAs;
- the mitigation of marine acoustic pollution;
- the identification of emerging issues requiring coordination between policies related to marine conservation and the management of maritime traffic;
- the promotion of the awareness of the values of marine biodiversity within the maritime sector; and

- the production of communication materials (websites, articles, newsletter, posters, etc.).

Brazil has been working on an Action Plan for Aquatic Mammal Conservation, including the mitigation of ship strikes. It also established two MPAs this year.

Australia commended the progress made by the Sub-Committee and considered the development of the Belgian pamphlet to be an excellent initiative. Nine ship strikes were reported in Australia last year as detailed in IWC/62/CC4. A national ship strike strategy is under development involving State Governments which should help to identify areas of special concern, reduce under-reporting, and facilitate a cross-jurisdictional approach. Australia stressed the importance of reporting of ship strikes, and called on all Contracting Governments to make use of the available tools and provide reports to the IWC.

5. SOUTHERN RIGHT WHALES IN CHILE AND PERU

At its meeting in 2008, the Conservation Committee had received reports from a workshop on the status of southern right whales from Chile-Peru and from the Scientific Committee. At that meeting the Conservation Committee: (1) stated the importance of continuing work on the status of right whales and recommended that this issue remain a high priority in the future work of the Scientific Committee; and (2) agreed the item be retained on the Conservation Committee's agenda.

The Scientific Committee did not receive any new information on this population this year.

Chile highlighted the critical status of the Chilean population of southern right whales and estimated that it probably consisted of less than 50 mature whales. One animal was found dead last year, bearing signs of human interaction, and there were only two reports of sightings. The conservation status of these whales is of great concern, and the development of a conservation management plan is crucial. Chile recommended this item be retained on the Conservation Committee's agenda.

Australia reinforced Chile's concern over the status of this population, which is discussed further under Agenda Item 8.

6. WHALEWATCHING

At IWC/59 in 2007, it was noted that while the Scientific Committee's Sub-committee on Whalewatching deals exclusively with scientific aspects of whalewatching, the Conservation Committee could usefully address aspects related to management, including the implementation of the Scientific Committee's recommendations in this area, socio-economic aspects and international co-operation.

6.1 Report from the Scientific Committee

The Chair of Scientific Committee summarised the relevant parts of the Scientific Committee report (IWC/62/Rep1). In recent years the Scientific Committee has noted increasing disturbance of cetaceans through whalewatching activities. To address this issue, a large-scale whalewatching experiment (LaWE) has been proposed to assist in describing effects of whalewatching, to improve understanding of mechanisms and to develop mitigation measures. The Scientific Committee received a proposal from the LaWE intersessional steering group elaborating on the objectives, aims, methodology, design, management and funding considerations for this initiative.

The Scientific Committee agreed a procedural mechanism to manage the different components of the LaWE project, with a top down approach (hierarchical structure) at the initial stage of the project progressing into a mechanism where the IWC would play more of a coordinating role (network structure) (see IWC/62/Rep1, Annex M, Item 5.1). IWC member nations will be able to use the results of the project as the basis for appropriate scientific management of whalewatching. The information collected during LaWE will also provide data on general biology and life history parameters of cetaceans that are relevant to other aspects of the Scientific Committee's work. A variety of potential funding sources for the LaWE effort were identified and a budget request has been made to assist the LaWE intersessional work.

The Chair of the Scientific Committee then reported on the Population Consequence of Acoustic Disturbance (PCAD) project. Three statistical models are to be developed to provide the linkages from disturbance to population dynamics. Work has focused on the first models (disturbance to physiological conditions) and first implementations with simple systems (southern elephant seals at-sea movement) proved extremely successful. A similar, albeit more complex, model was developed for coastal dolphin population case studies and will be implemented over the next year.

A report of whalewatching off North Africa was received by the Scientific Committee describing cetacean sightings, local human activities and conservation off São Tomé, Gulf of Guinea, west Africa. The Scientific Committee noted the lack of information on whalewatching activities in western and northern Africa, expressed concern at the potential for expansion of whalewatching activities in the region without sufficient scientific information and called for an assessment of the scope of activities to be made by relevant authorities as soon as possible.

In addition, the Scientific Committee was informed that an overview of whalewatching activities in the Mediterranean will be prepared under ACCOBAMS and will be available on their website.

This year the Scientific Committee received several papers accessing the impact of whalewatching on cetaceans, some of which are highly relevant to the LaWE objectives. One reported on the critically endangered Irrawaddy dolphin population inhabiting the Mekong River. The Scientific Committee reiterated its concern over this population and strongly recommended that the Cambodian government and relevant agencies make every effort to reduce the exposure of dolphins to vessel-based tourism in deep-water pools in the Mekong River.

Other papers investigated behavioural responses of southern right whales to human approaches in Argentina, summarised recent advances in whalewatching research, and reported on the US's efforts to develop management plans to reduce the exposure of resting spinner dolphins to human activities in Hawaiian waters. The Scientific Committee also discussed the possibility of confounding variables when interpreting correlations between whalewatching exposure and reproductive parameters of female humpback whales.

A simulation of movements of individual whales and vessel traffic in the St. Lawrence Estuary was presented. This platform can be used to inform decision-making by simulating different vessel and whale-watching traffic scenarios.

The Scientific Committee also reviewed the reports from two intersessional working groups.

- An online database for world-wide tracking of commercial whalewatching and associated data collection intended to facilitate studies of whalewatching impact as well as to allow better assessments of the scientific value of data collection programs. Database development has made considerable progress intersessionally and should be available to go online prior to next year's Annual Meeting;
- Swim with-whale operations. A draft questionnaire is ready to be distributed and plans are in place to do so in the Dominican Republic and possibly Australia before next year's Annual Meeting.

Information from platforms of opportunity was reviewed including efforts to stimulate submission of opportunistic data from ecotourism cruise ships in the Southern Ocean to the Antarctic Humpback Whale Catalogue and long-term research from whalewatching vessels off the coast of the Canary Islands. The Scientific Committee reiterated the value of collaboration between researchers and whalewatching operations and other platforms of opportunity.

The compendium 'Whalewatching Guidelines and Regulations around the World' is in the process of being updated and will be available on the IWC's website in August.

The Sub-Committee noted the report of the Scientific Committee and its recommendations and thanked them for their work on whalewatching. South Africa stressed the importance of collaboration between the Scientific Committee and the Conservation Committee on research studies and management workshops.

6.2 Report from the Standing Working Group on Whalewatching

Last year an intersessional correspondence group was established to look at all aspects of whalewatching and make recommendations for any potential future workshop. The group identified three key areas of activity/themes of interest to the IWC and its members, i.e. research and assessment, management and capacity building and development. The group suggested that these areas of activity could be described as objectives that the Commission could seek to promote as part of an integrated body of work over time. The focus of the objectives would be to: (1) develop tools to assess and understand the opportunities for whalewatching while also evaluating any risks; (2) support and promote effective management of sustainable whalewatching activities, based on science; and (3) realise the social and economic potential of whalewatching for the global community.

The group made a number of recommendations that were endorsed by the Conservation Committee. These included *inter alia*: that a Standing Working Group on Whalewatching be established to prepare, in consultation with the Scientific Committee, a five-year strategic plan for consideration at IWC/62; that support be given to an intersessional Workshop to be held in late 2010 to initiate the strategic plan; and that a small Steering Committee be established to oversee Workshop preparations.

Argentina presented IWC/62/CC8 on behalf of the Working Group (WG) on whalewatching, co-sponsored by Australia, Brazil, Mexico, South Africa, UK, USA and Argentina. The group met on 5 March 2010, following the intersessional meeting of the IWC in St Petersburg, Florida.

IWC/62/CC8 documents the preliminary strategic plan, identifying the main priorities for the Working Group over the five-year period, 2010 to 2015. There are three key elements: research and assessment; management; and

capacity building and development. The Working Group will provide practical guidelines for member states seeking to identify the real potential of whalewatching to contribute to the socio-economic growth of their communities and to exploit that potential sustainably, consistent with a precautionary approach. Over the next five years the Working Group will develop the tools necessary to assist and empower countries to implement the three core elements in building sustainable whalewatching industries. To move forward with this process, a workshop will be hosted by Argentina in Buenos Aires, from 4-6 November 2010. The workshop will bring together experts from research, management and industry and interested communities to begin a discussion on the three key themes for responsible whalewatching activities and identify the goals and products to be achieved as part of the five-year strategic plan. It will have a practical focus and seek to identify simple and effective ways to respond to key questions from countries seeking support in the development of sustainable whalewatching. A Steering Committee composed of Australia, UK, USA and Argentina has been established to oversee preparations for the workshop. A report of the workshop will be submitted to the Conservation Committee at next year's meeting.

6.3 Committee discussions and recommendations

The Chair of Scientific Committee reported that the Scientific Committee had taken note of IWC/62/CC8 and the possible interface between the Conservation Committee's work and the Scientific Committee's own work on whalewatching. Clarification was requested on the mechanism by which the provision of expert assistance through the Scientific Committee's sub-committee on whalewatching will inform the work of the Standing Working Group on Whalewatching. One possible mechanism, for example, would be to designate a representative from the Committee to work directly with the Conservation Committee on this issue, thereby providing a formal interface.

The Scientific Committee is also seeking clarification on the envisioned management objectives for whalewatching, since IWC/62/CC8 states both 'growth' and 'sustainability' objectives. Clarification will guide the scientific work of the Committee for Objective 7 of the LaWE project ('Develop an integrated and adaptive management framework for whalewatching that accounts for uncertainties, and includes monitoring and feedback mechanisms').

Finally, the Chair of the Scientific Committee drew attention to the definitions of whale ecotourism developed at previous meetings, and stressed the importance of a good scientific basis for the work the Scientific Committee is recommending. She also noted that it would be valuable to explore possibilities to collaborate with the UN World Tourism Organization, as its remit complements the work of the Scientific Committee in a number of respects.

Mexico welcomed the recommendations of the Scientific Committee noting that some of the questions it had raised reflected Mexico's own concerns, for example, the lack of global oversight or standards for whalewatching worldwide. It questioned whether the goal of assessing ecologically sustainable whalewatching by 2015 was realistic. However it is clear that the health of odontocetes repeatedly exposed to whalewatching traffic can be compromised (e.g. Irrawaddy dolphins in the Mekong River). Thus ecologically sustainable whalewatching must be developed based on scientific advice from the LaWE initiative.

Several countries supported the close collaboration of the Conservation Committee and the Scientific Committee,

with Mexico and South Africa believing that this would be facilitated by the appointment of a liaison officer. South Africa emphasised that whalewatching can offer many benefits, and a balance is required between science and management.

Belgium noted that 13 million people go whalewatching each year and that poorly regulated whalewatching can be harmful. A strategic plan for a global overview of sustainable whalewatching is highly desirable. To achieve this, it is necessary to integrate the work of the Scientific Committee and the Conservation Committee as closely as possible. The LaWE can be a test bed for the development of whalewatching, especially for areas that are currently underdeveloped. This can be achieved by comparing areas in which whalewatching is carried out with pristine areas and by collecting and archiving long-term data series in whalewatching areas.

New Zealand and the USA welcomed the work of the Working Group, asserting that whalewatching deserved greater attention by the Commission. Economic development is the key benefit and the Conservation Committee is well placed to provide guidance for appropriate economic development. Whalewatching provides a major economic benefit to New Zealand, providing over US\$80 million annually, approximately half of which is generated in the town of Kaikoura, which has consequently been transformed, and now attracts 100,000 visitors annually. This has been of particular benefit to the local Maori people, who operate the whalewatch tours. It was also stated that NZAID had recently supported a workshop in Vava'u, Tonga, to assist the Government of Tonga in the development of legally-binding regulations for the management of whalewatching. New Zealand appreciates the input of Scientific Committee, which had been informative in the management of dolphin watching in Fiordland, conducted under the provisions of the Marine Mammals Protection Regulations, because effective management requires good scientific input.

The USA firmly believes that valuable benefits can be derived from the non-lethal use of cetaceans. The whalewatching industry can serve the two objectives of the Convention by contributing to the conservation of whale stocks while developing a sustainable industry to utilise whale stocks.

The UK referred to the small villages in western Scotland that have been rejuvenated by whalewatching, which now generates 12% of the local income. Assessing the opportunities for coastal communities to develop economic benefits through whalewatching under best international practice would be a very worthwhile exercise. It welcomed the opportunity to promote a closer collaboration between the Scientific Committee and the Conservation Committee on the effectiveness of management (such as Regulations). To improve communication between the Scientific Committee and the Conservation Committee over issues related to whalewatching and to facilitate the work of the Standing Working Group on Whalewatching, the UK proposed that an additional, regular meeting be held between the Scientific Committee and Conservation Committee meetings comprising members of the Standing Working Group and relevant members of the Scientific Committee's Whalewatching Sub-committee.

A number of countries, including Mexico, Brazil, Spain, Australia and the USA expressed support for the proposed workshop and gratitude to Argentina for hosting it. Financial support for the workshop, the budget for which is US\$ 70,000, was offered by Australia (Au\$25,000) and by the

USA. Australia noted that this work reaches beyond the Conservation Committee to communities around the world. Although the IWC cannot itself regulate whalewatching, it can develop best practice guidelines, and all members should be encouraged to attend and contribute to the workshop.

7. WHALE SANCTUARIES

7.1 Report from the Scientific Committee

The Head of Science reported that the last substantive discussions on this topic had been held in the Scientific Committee in 2004, and that no new proposals for whale sanctuaries had been received this year. The item will remain on the Agenda for future meetings.

7.2 Committee discussions and recommendations

The USA reported that it had hosted the First International Conference on Marine Mammal Protected Areas (ICMMPA) in Maui, Hawai'i, in April 2009. This was a highly successful meeting, with over 200 managers and scientists from 40 countries attending, and several valuable initiatives had been developed. An Executive Summary of the conference had been presented at last year's meeting, but the full proceedings are now online at <http://www.icmmpa.org>. Printed copies of the Proceedings were also made available.

France announced that the French Agency for Marine Protected Areas (MPAs) has offered to host the second ICMMPA in Martinique, French Caribbean, from 7-11 November 2011. The site was chosen because of its proximity to the Marine Mammal Sanctuary, *Agoa*. The Agency for MPAs is already working in close association with the ICMMPA Steering Committee to develop the programme and organise the logistics of the conference. Two planning meetings have already been held. The general theme 'Endangered Spaces, Endangered Species' will be elaborated in plenary sessions, workshops, training and poster sessions. The target audience includes scientists, MPA managers and administrative and political officers in charge of marine conservation policies. Countries and organisations that would like to contribute to the success of the meeting are very welcome. New information will shortly be released on the ICMMPA website. France looked forward to welcoming participants to Martinique next year.

Australia and Mexico expressed thanks to the USA for hosting the first ICMMPA, and to France for its offer to host ICMMPA 2. Australia particularly appreciated the attention that had been given to the involvement of managers and the consideration of practical aspects of management.

Germany noted that last year CCAMLR had adopted a Marine Protected Area within its Convention Area (in the South Sandwich Islands), and has more MPAs under consideration. While MPAs in the CCAMLR Area are not specifically for whales, collaboration between CCAMLR and the IWC would be valuable.

France introduced SC/62/E14 describing the ambitious project by the French agency, REMMOA, to map the diversity and relative density of cetaceans and other pelagic megafauna in the EEZs and adjacent waters of French territories in tropical latitudes in the Caribbean, Indian Ocean and South Pacific Ocean. The intention of the presentation to the Conservation Committee was to facilitate regional collaborations where necessary. In order to establish a baseline map of cetaceans and other pelagic megafauna (such as sirenians, seabirds, sea turtles, large fish, sharks and rays) a series of aerial surveys will be conducted. The general

design is based on dedicated aerial survey methodology initially designed for developing abundance estimates for small cetaceans, but data for other marine mammals, seabirds, sea turtles and large fish are also collected. Human activities (fishing vessels, boating and merchant ships, marine debris >0.5m in size) are also recorded. The general aim of the analyses is to map regional diversity and relative abundance of cetaceans and other megafauna across oceanic regions and identify zones where hotspots of biodiversity and abundance overlap with hotspots of human activities in order to help locate priority areas for conservation.

The study areas will ultimately include all sectors of the French EEZ in the tropical Atlantic, Indian and South Pacific Oceans. The first surveys were conducted from February-March 2008 across the EEZs of Martinique and Guadeloupe and in October 2008 off Guiana. A further survey was conducted from December 2009 to April 2010, in the southwest Indian Ocean. It was designed and implemented regionally under the framework provided by the Indian Ocean Commission's (IOC) regional agreement including Comoros, Réunion Island for France, Madagascar, Mauritius and the Seychelles. The study area was approximately 5 million km², and about 90 thousand km of aerial survey, or 500 hours of effort, was deployed. The South Pacific regions will be surveyed during the years 2010-11 (French Polynesia) and 2011-12 (southwest Pacific Ocean around New Caledonia and Wallis and Futuna). Given the surface areas to be covered, a regional approach is essential. To enable such collaborations, contacts must be established with countries to act as partners and regional agreements be identified to provide the frameworks for collaboration.

New Zealand welcomed this bold initiative and said that it would hold further discussions with France about the planning and implementation of the surveys in the South Pacific.

8. CONSERVATION MANAGEMENT PLANS

8.1 Report from the Scientific Committee

Western gray whales

In 2009, the Scientific Committee received the report of the IUCN range-wide workshop and endorsed its recommendation to develop a conservation plan for western gray whales. This year, the Scientific Committee received the first draft of this important plan and commended the authors, who include scientists from range states as well as elsewhere. The plan follows the guidelines developed for such plans by Donovan *et al.* that were endorsed by the Scientific Committee. Much of it is based on the report and recommendations of the IUCN range-wide workshop, which have also been endorsed by this Committee. The Scientific Committee emphasised that the plan should be supported and endorsed by many stakeholders, including national and local governments, industry, and non-governmental organisations, as well as international organisations such as the IWC and IUCN.

The overarching goal of the plan is to reduce mortality related to anthropogenic activities to zero as quickly as possible. The plan includes 11 focused actions (related to co-ordination, public awareness, conservation research, monitoring and mitigation) of high importance for the conservation of this critically endangered population. The most immediate is the appointment of a Steering Committee and of finding funds for, and appointing, a

full-time Co-ordinator. This is also critical to the need, identified by the authors, to engage broad stakeholder participation in the plan as soon as possible.

The Scientific Committee strongly endorsed the draft Plan and commended it to the Commission and range states. It also recommends that it is broadly distributed, including being posted on the IWC and IUCN websites. The Scientific Committee recommends the plan as a model for the development of other conservation plans for cetacean populations.

Australia warmly welcomed the draft Plan for this critically-endangered small population, and acknowledged the work that had gone into its production. It strongly supports the appointment of a coordinator, the provision of adequate funding and the engagement of all range states. Australia noted that the draft Plan is a good example of a practical form for a Conservation Management Plan, similar to a template that they had provided at last year's meeting.

Arabian Sea population of humpback whales

The Head of Science then reported on another critically-endangered small population – humpback whales in the Arabian Sea. The population is believed to be resident solely in the Arabian Sea, is currently estimated at 82 individuals and was recently listed by the IUCN as endangered. The Committee strongly recommended the continuation of research on humpback whales in the Arabian Sea in light of the small population size and escalating threat. It noted that given that this is a small population with known anthropogenic threats, it may well benefit from the development of a conservation management plan and recommended its consideration by the Conservation Committee.

Australia noted that this population has been reviewed by the Scientific Committee as part of the Comprehensive Assessment of humpback whales, and agreed this is a very important issue. Agreement of the range states to their engagement is a prerequisite for the production of a Conservation Management Plan. If endorsed by the range states, Australia would strongly support the development of a Conservation Management Plan. South Africa agreed with Australia and recommended that a budget should be drawn up for the production of a Conservation Management Plan.

The Sub-Committee noted the report of the Scientific Committee and its recommendations.

8.2 Report from the Small Specialist Group

At last year's meeting, the Conservation Committee endorsed the formation of a Small Specialist Group to construct a list of candidate management plans.

Australia introduced IWC/62/CC7, the report of the Small Specialist Group, involving representatives from Argentina, Australia, Belgium, Brazil, Mexico, South Africa, UK and USA. The group met in March 2010 to discuss and develop the key issues around the development of Conservation Management Plans. Attachment A of IWC/62/CC7 sets out a draft framework, and Attachment B is an electronic template which is recommended for use by countries when developing a draft Conservation Management Plan. The paper concluded that the development of a Plan was most urgently needed for the Chile-Peru population of southern right whales, and also, in light of the recent die-off, for southern right whales in Argentina. The group recommended the use of the voluntary funds to support an intersessional workshop to finalise the framework and assess the best Conservation Management Plan proposal.

8.3 Committee discussions and recommendations

There was widespread support for the concept of Conservation Management Plans and many countries thanked Australia for taking the initiative in the group and for submitting the report.

Mexico and Argentina consider Conservation Management Plans to be the most important approach in the development of conservation strategies. They should be living documents subject to regular review, and the Conservation Committee should collaborate closely with the Scientific Committee in their production.

Argentina further stated that it will work with other South American range states on the regional populations of southern right whales. Chile and Brazil welcomed South American southern right whales as candidates for future Conservation Management Plans.

The USA believes Conservation Management Plans can be important tools for the recovery of whale stocks, providing conservation objectives and a road map of actions to be taken. In this way, they help co-ordinate and focus conservation efforts for the maximum effect and will help the Commission focus on the most immediate conservation issues it faces. The USA also expressed support for the work and recommendations of the Scientific Committee on this issue.

Belgium observed that small cetaceans also need Conservation Action Plans and noted the priority given by the Scientific Committee this year to addressing threats to the following critically endangered species of small cetaceans: the vaquita, the Baltic Sea harbour porpoise, the franciscana dolphin, and local populations of the Irrawaddy dolphin, among others. For these and other small cetacean species, by-catch is a major source of mortality, and the Sub-committee on bycatch can make a significant contribution to addressing this. Conservation Action Plans should complement rather than replace existing legislation and measures by the Scientific Committee Sub-committee on bycatch to address this problem.

The UK noted that Conservation Management Plans can be a valuable tool, but they need to be flexible and functional, without impeding national jurisdiction. It stated its support for the prioritisation of threatened small cetaceans; for the intersessional workshop; and for South American southern right whales as candidates for future Conservation Management Plans.

In response to a question from the Chair, Australia confirmed that it supported the use of funds it had voluntarily contributed to support the intersessional workshop, and that the workshop could be held in Argentina in September 2011 (concurrently with the Comprehensive Assessment workshop). The Working Group would meet later in the week to proceed with planning the workshop.

Belgium introduced IWC/62/CC11rev1: 'Small cetaceans and the IWC: A contribution to the discussions on the Future of the IWC'. It thanked the four co-sponsors (Australia, Brazil, Switzerland and the UK) and the other contributors. The paper was intended as a contribution to the discussions on the Future of the IWC, taking into account that small cetaceans, as a category (a) issue, constitute one of the priorities of this process. References to small cetaceans can be found in both the SWG report and the Chair's consensus decision.

However, after careful consideration, Belgium thought preferable to put it on the agenda of the Conservation Committee. This would postpone any thorough discussion of it until after Agadir, depending upon the outcome of the

discussions on the Chair's Consensus Decision. At this stage, therefore, the co-sponsors were willing to receive additional comments in order to further enhance the document.

Belgium has long considered it important to address issues related to small cetaceans. However, the main reason for submitting IWC/62/CC11rev1 is that small cetaceans have not formed part of the core business of the Commission since 1993. Scientific work has progressed since 1975, but in a scattered way. The document first identifies direct and indirect threats to small cetaceans and then describes ways in which these threats are addressed (or not addressed). A third chapter is devoted to the debate around IWC competence. Chapter IV gives recommendations for further work on small cetaceans, the most important being: broadening the Scientific Committee mandate and increasing its effectiveness; clarifying the terms of reference for the use of money from the Small Cetaceans Fund (currently £256,000); establishing a Commission Sub-committee on Small Cetaceans; including small cetaceans in the development of Conservation Management Plans; and, last but not least, enhancing collaboration between the IWC and other MEAs.

In this respect, the Secretariat of the Convention on Migratory Species has been consulted and sees an opportunity for the IWC to provide financial and technical support for existing (or emerging) initiatives such as the CMS Agreements and MoUs. Following discussions at its Scientific Committee meeting this year, it appears that NAMMCO might also be favourably disposed to increased cooperation with the IWC on small cetaceans.

The recommendations are further elaborated in Chapter V, where they are grouped according to the body concerned, i.e. the Commission, the Scientific Committee or the Conservation Committee. The document also contains a number of tables which, *inter alia*, summarise directed takes of small cetaceans worldwide and list the priorities of Scientific Committee work on small cetaceans during the past decades. Annex I lists the membership of regional and international agreements related to small cetaceans, to illustrate the global nature of concern for these species; Annex IV shows the geographical range of small cetaceans, to give context to the discussion about global threats. From discussions at this year's Scientific Committee, attention is also drawn to the issue of so-called 'marine bush meat'. Due to the decline of fisheries, small cetaceans in Africa have been more and more subjected to directed takes in recent years. In conclusion the co-sponsors:

- hope this initiative will raise the profile of small cetaceans in the IWC and provide a meaningful contribution to the discussions on the reform of the organisation;
- believe there is great potential in developing a strategy for working on small cetaceans, through limited changes to the current framework, especially given the substantial amount of money available in the Small Cetaceans Fund;
- await with interest to see whether a way forward will come out of the Chair's Consensus Decision, which foresees the establishment of a Working Group to examine reform of the Commission, including small cetaceans; and
- welcome members' views on IWC/62/CC11rev1, in particular the recommendations on pages 17 and 18. Since this is a living document, a revised version will contain any additional comments and will be circulated after the Commission meeting with a view to being used intersessionally or at the next Annual Meeting.

Many countries thanked Belgium for its leadership in developing IWC/62/CC11rev1, including its assessment of threats. Austria, Luxembourg, and the USA all supported the

establishment of a Small Cetaceans Working Group by the Conservation Committee. France observed that the document provides a detailed review of direct and indirect threats to small cetaceans and of existing management and protection measures. It contains an in-depth analysis of the role that the IWC could play and makes many detailed recommendations on these issues. The authors fully recognise the disagreements among member states regarding the competence of the IWC on small cetacean issues. The paper is a very constructive contribution to the ongoing debate.

New Zealand supported the proposals in IWC/62/CC11rev1. However, it noted that the document highlights a problem, namely that although many resolutions on small cetaceans have been passed in recent years, they have had little practical effect, because of differences over the IWC's competence to manage small cetaceans. These could only be solved by amending the Convention, but it would still be difficult to develop a compliance mechanism for small cetaceans, since they are widely distributed around the world, many of them in the waters of non-IWC nations. All members need to reflect on this.

The UK supports more work on small cetaceans and suggested that the IWC work with other MEAs, Conventions and RFMOs through cooperative efforts guided by Conservation Management Plans. Effective and enforceable management strategies would also need to be developed.

Mexico reminded the Committee that 300,000 small cetaceans die annually as by-catch in gillnets, and that this serious problem must be addressed. Finland, Brazil and Italy agreed on the need for international cooperation to improve the status of small cetaceans. Italy drew attention to the potential use of the Small Cetaceans Voluntary Fund to address this. Denmark stated that while it does not object to countries discussing small cetaceans, substantive debate on this issue can only be held if the Chair's Proposal is adopted, and that Denmark's views on this issue are well known.

9. NATIONAL REPORTS ON CETACEAN CONSERVATION

Several countries had submitted voluntary national citation reports: Australia (IWC/62/CC3), USA (IWC/62/CC6), New Zealand (IWC/62/CC9), UK (IWC/62/CC12), Brazil (IWC/62/CC13), Argentina (IWC/62/CC14), Chile (IWC/62/CC15) and France (IWC/62/CC16).

Australia introduced IWC/62/CC3, reporting that the Australian Marine Mammal Centre is providing scientific advice to guide the management of humpback, blue, southern right and sperm whales. It is leading the Southern Ocean Research Partnership (SORP), and in collaboration with New Zealand planned and implemented the Antarctic Whale Expedition to the Ross Sea and the Balleny Islands in February/March 2010. Australia is also supporting the Indo-Pacific Cetacean Research Fund, an important initiative for regional conservation; has provided support for the Hawai'i workshop on entanglement; and is engaged in research into the impacts of seismic surveys on cetaceans and the management of strandings.

In IWC/62/CC13 Brazil announced that it was developing a National Plan of Action for Aquatic Mammals, with a specific focus on the franciscana dolphin, and that it is reviewing the methodology for classifying endangered species, to bring their system more into line with that of IUCN. During the past year, it has also conducted a necropsy workshop with a particular focus on *post-mortem* examination to determine whether death had been caused by seismic activities. Two MPAs had also been created.

IWC/62/CC14 reported the activities developed by the Government of Argentina on cetacean conservation, summarising four activities that were carried out during the past year:

- (a) investigation of the interactions between seagulls and southern right whales in the Peninsula Valdes area;
- (b) ship strike mitigation;
- (c) development of a coastal fauna network in Chubut Province, one of the main aims of which is to respond to stranding events of southern right whales; and
- (d) cooperation programmes with other Latin American countries on whalewatching and strandings.

Chile advised that its National Regulation on Whalewatching will be made official this year. The Regulation refers to the observation of marine mammals, sea birds and marine reptiles, and establishes procedures and requirements for the recording of whale sightings.

France highlighted the section in IWC/62/CC16 concerning the REPCET system which is aimed at lowering ship strike risk in the northwest Mediterranean by warning commercial ship crews of the presence of fin whales through a satellite relay system. The system allows real-time plotting and broadcasting of the positions of large whales. At present the software is being tested in field conditions by a limited number of merchant and passenger ships in order to verify its functionality and reliability. It is hoped that France will be in a situation to report on this feasibility study next year.

10. OTHER MATTERS

The USA noted that only approximately 20 of the 88 IWC member nations had attended the meeting the Conservation Committee. Regardless of the result of discussions on the Future of the Commission, the USA hopes that the Conservation Committee can in the future more effectively collaborate on conservation initiatives. It believes that all member countries should agree that the conservation of whale populations and stocks is a priority of the Commission, especially since whales face new threats to their existence from those faced when the Commission was established.

France drew the Committee's attention to the Maldives Declaration (Lankanfinolhu Declaration). To mark the 30th anniversary of the Indian Ocean Sanctuary, the Indian Ocean Cetacean Symposium was convened in Maldives, in July 2009. Sixty delegates, from 15 government agencies, 13 NGOs, 6 IGOs and 11 academic institutions, travelled from 22 countries to participate in the symposium where results of cetacean research carried out in 18 coastal countries and on the high seas were presented. The participants agreed on a final declaration on cetacean conservation in the Indian Ocean that is largely directed to the IWC.

France drew the attention of the Committee to key extracts from the Declaration, adopted on 20th July 2009 which are of particular relevance to the IWC. These are reproduced in Appendix 4. France considers that, given the convergence on many issues, it was sufficiently important for the Lankanfinolhu Declaration to be brought to the attention of the Conservation Committee and also to the Commission. The full declaration is available at <http://www.mrc.gov.mv>.

11. ADOPTION OF REPORT

The report was adopted 'by post' on 20 June 2010.

Appendix 1**LIST OF PARTICIPANTS****Argentina**

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Mario Oyarzabal

Australia

Donna Petrachenko
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Keith Benes
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David Matilla
Elizabeth Phelps
Allison Reed
Michael Tillman
Ryan Wulff

Chair of Scientific Committee

Debra Palka

IWC Secretariat

Nicky Grandy
Simon Brockington
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Appendix 2

LIST OF DOCUMENTS

IWC/62/CC

- | | |
|--|---|
| <ul style="list-style-type: none"> 1 Revised draft Agenda 2 List of documents 3 Voluntary National Cetacean Conservation Report (Australia) 4 Country Report on Ship Strikes (Australia) 5 Update on the United States' Actions to Reduce the Threat of Ship Collisions with Large Whales (USA) 6 Voluntary National Cetacean Conservation Report (USA) 7 Report on Conservation Management Plans (Australia on behalf of the Small Advisory Group on Conservation Management Plans) 8 Report of the Working Group on Whalewatching (Argentina, Australia, Brazil, Mexico, South Africa, UK and USA) 9 Voluntary National Cetacean Conservation Report (New Zealand) 10 Ship Strikes Working Group fifth Progress Report to the Conservation Committee 11rev Small cetaceans and the IWC: A contribution to the discussions on the 'Future of the IWC' (Australia, Belgium, Brazil, Switzerland and UK) | <ul style="list-style-type: none"> 12 Voluntary Cetacean Conservation Report, 2010 (UK) 13 Voluntary National Cetacean Conservation Report, 2010 (Brazil) 14 Voluntary National Cetaceans Conservation Report (Argentina) 15 Voluntary National Cetaceans Conservation Report (Chile) 16 France Voluntary Report to the Conservation Committee for the Year 2009 |
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Commission documents

IWC/62

- Rep 1 Report of the Scientific Committee

Other documents

SC/62

- E14 Mapping diversity and relative density of cetaceans and other pelagic megafauna across the tropics: general design and progress of the REMMOA aerial surveys conducted in the French EEZ and adjacent waters

Appendix 3

AGENDA

- | | |
|---|---|
| <ul style="list-style-type: none"> 1. Introductory items <ul style="list-style-type: none"> 1.1 Appointment of Chair 1.2 Appointment of rapporteur(s) 1.3 Review of documents 2. Adoption of the Agenda 3. Investigation of inedible 'stinky' gray whales <ul style="list-style-type: none"> 3.1 Report on progress 3.2 Committee discussions and recommendations 4. Ship strikes <ul style="list-style-type: none"> 4.1 Report from the Scientific Committee 4.2 Report from the Ship Strikes Working Group 4.3 Committee discussions and recommendations 5. Southern right whale population of Chile-Peru 6. Whalewatching <ul style="list-style-type: none"> 6.1 Report from the Scientific Committee | <ul style="list-style-type: none"> 6.2 Report from the Standing Working Group on Whalewatching 6.3 Committee discussions and recommendations 7. Whale sanctuaries <ul style="list-style-type: none"> 7.1 Report from the Scientific Committee 7.2 Committee discussions and recommendations 8. Conservation Management Plans <ul style="list-style-type: none"> 8.1 Report from the Scientific Committee 8.2 Report from the Small Specialist Group 8.3 Committee discussions and recommendations 9. National reports on cetacean conservation <ul style="list-style-type: none"> 9.1 Introduction of national reports 9.2 Committee discussion and recommendations 10. Other matters 11. Adoption of the Report |
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Appendix 4**EXTRACTS FROM THE MALDIVES DECLARATION (LANKANFINOLHU DECLARATION)**

Participants in the Indian Ocean Cetacean Symposium, (South Africa, Mozambique, Tanzania, Mauritius, Madagascar, Comoros, France (Mayotte), Seychelles, Oman, Pakistan, India, Maldives, Sri Lanka, Bangladesh, Myanmar, Thailand, Indonesia and Australia:

Congratulate the International Whaling Commission on the formation and the continuation of the Indian Ocean Sanctuary;

Call upon the IWC to ensure the continuation of the Indian Ocean Sanctuary in perpetuity;

Encourage all fishing nations that have cetacean by-catches and directed catches to determine the scale of these catches and reduce them to the minimum level possible;

Urge all Indian Ocean coastal states to strengthen national legislation and compliance to protect all cetaceans and their habitats within their EEZ;

And

Reiterate the commitments made under various international bodies to conserve highly migratory species and to manage fisheries for prey species in such a manner as not to impede the biological productivity of dependent species;

Urge organisations using seismic surveys to adopt international best practice to minimise impacts on cetaceans;

Support the wider adoption of responsible whale and dolphin watching guidelines and regulations, for the long-term benefit of both cetaceans and humans;

And finally;

Encourage Indian Ocean states, in collaboration with the IWC to develop a collectively agreed action plan to improve conservation outcomes for cetaceans in the IOS.

Annex J

Summary of Infractions Reports Received in 2010

Prepared by the Secretariat

1. INFRACTIONS REPORTS FROM CONTRACTING GOVERNMENTS

1.1 Reports for 2009

A summary of the commercial and aboriginal catches and of the infraction reports received by the Commission for the 2009 season is given as Appendix 1.

No infractions were reported by Japan, Norway, St. Vincent and The Grenadines or the Russian Federation this year.

3.2 Follow-up on earlier reports

Information on the four unresolved infractions from previous seasons (numbers 2005.1, 2006.3, 2006.4 and 2008.2), are given in Appendix 1, Table 3.

4. SURVEILLANCE OF WHALING OPERATIONS

The infractions reports submitted by the USA, the Russian Federation and St. Vincent and The Grenadines stated that 100% of their catches are under direct national inspection. In their infractions report Denmark (Greenland) reported that their catches were subjected to a random check.

5. CHECKLIST OF INFORMATION REQUIRED OR REQUESTED UNDER SECTION VI OF THE SCHEDULE

The Checklist was developed as an administrative aid to the Sub-committee in helping it to determine whether obligations under Section VI of the Schedule were being met. It is not compulsory for Contracting Governments to fill in the Checklist although, of course, they do have to fulfil their obligations under this Section of the Schedule.

The available information is summarised below:

Denmark

Information on date, species, length, sex, whether the whale is pregnant and/or lactating and the length and sex of any foetus if present is collected for between 73-100% of the

catch, depending on the item. The position of each whale killed is collected for 62% of the catch and the name of the area where whales are hunted is reported for all of the remainder. Information on killing methods and struck and lost animals is also collected.

USA

Information on date, time, species, position, length, sex, the length and sex of any foetus if present, killing method and number of struck and lost whales is collected for 97-100% of the catch. Biological samples are collected from at least 71% of animals.

Russian Federation

Information on date, time, species, position, length, sex, the length and sex of any foetus if present, killing method and numbers struck and lost is collected for 100% of the catch. Biological sampling was conducted on 61 gray whales.

St Vincent and The Grenadines

Information on date, time, species, length, sex and numbers struck and lost is collected for 100% of the catch.

Norway and Iceland

The required information has been submitted to the Secretariat as noted in the Scientific Committee report (IWC/62/Rep1).

6. SUBMISSION OF NATIONAL LAWS AND REGULATIONS

A summary of national legislation supplied to the Commission is given in Table 1.

7. OTHER MATTERS

7.1 Reports from Contracting Governments on availability, sources and trade in whale products

No reports were received by the Secretariat.

Table 1
National Legislation details supplied to the IWC.¹

Country	Date of most recent material	Country	Date of most recent material
Antigua and Barbuda	None	Kiribati	None
Argentina	2003	Korea, Republic of	1996
Australia	2000	Laos	None
Austria	1998	Lithuania	None
Belgium	2002	Luxembourg	None
Belize	None	Mali	None
Benin	None	Marshall Islands, Republic of	None
Brazil	2008	Mauritania	None
Bulgaria	None	Mexico	2006
Cambodia	None	Monaco	None
Cameroon	None	Mongolia	None
Chile	1983	Morocco	None
China, People's Republic of	1983	Nauru	None
Congo, Republic of	None	Netherlands, The	2002
Costa Rica	None	New Zealand	1992
Cote D'Ivoire	None	Nicaragua	None
Croatia, Republic of	None	Norway	2000
Cyprus	None	Oman	1981
Czech Republic	None	Palau, Republic of	None
Denmark (including Greenland)	2009	Panama	None
Dominica	None	Peru	1984
Dominican Republic	None	Poland	None
Ecuador	None	Portugal	2004
Eritrea	None	Romania	None
Estonia	2008	Russian Federation	1998
Finland	1983	San Marino	None
France	1994	Saint Kitts and Nevis	None
Gabon	None	Saint Lucia	1984
Gambia	None	Saint Vincent and The Grenadines	2003
Germany	1982	Senegal	None
Ghana, Republic of	None	Slovak Republic	None
Greece	None	Slovenia	None
Grenada	None	Solomon Islands	None
Guatemala	None	South Africa	1998
Guinea-Bissau	None	Spain	2008
Guinea, Republic of	None	Suriname	None
Hungary	None	Sweden	2004
Iceland	1985	Switzerland	1986
India	1981	Tanzania	None
Ireland	2000	Togo	None
Israel	None	Tuvalu	None
Italy	None	UK	1996
Japan	2008	Uruguay	2002
Kenya	None	USA	2004

Notes: ¹Up to the middle of April 2010. Dates in the table refer to the date of the material not the date of submission.

²Member states of the European Union (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and UK) are subject also to relevant regulations established by the Commission of the European Union. The date of the most recent EU legislation supplied to the International Whaling Commission is 2005.

Appendix 1

SUMMARY OF INFRACTIONS REPORTS RECEIVED BY THE COMMISSION IN 2010

Under the terms of the Convention, each Contracting Government is required to transmit to the Commission full details of each infraction of the provisions of the Convention committed by persons and vessels under the jurisdiction of the Government. Note that although lost whales are traditionally reported, they are not intrinsically infractions. Catch and associated data for commercial and scientific

permit catches were submitted to the IWC Secretariat (IWC/62/Rep1). Aboriginal subsistence and commercial catches and infractions are summarised in Tables 1a and 1b.

Table 2 gives details of the infractions reported in the 2009 season and Table 3 gives information on the four unresolved infractions from previous seasons (numbers 2005.1, 2006.3, 2006.4 and 2008.2).

Table 1a
Summary of Aboriginal subsistence catches and infractions reported for the 2009 season.

Nation	Species	Males	Females	Total landed	Struck and lost	Total strikes	Infractions/comments
Denmark							
West Greenland	Fin whale	1	7	8	2	10	1 ¹
	Minke whale	47	105 ²	153 ^{2,3}	11	164	1 ⁴
	Bowhead whale	1	2	3	0	3	None
East Greenland	Minke whale	3	1	4	0	0	None
St. Vincent And The Grenadines							
	Humpback whale	1	0	1	0	1	None
USA							
	Bowhead whale	12	18	31 ⁵	7	38	2 ⁶
Russian Federation							
	Gray whale	58	57	115	1	116	None

Table 1b
Summary of Commercial catches and other infractions reported for the 2009 season.

Nation	Species	Males	Females	Total landed	Lost	Total	Infractions/comments
Iceland							
	Fin whale	67	58	125	0	125	2 ⁷
	Minke whale	64	14	78	3	81	1
Norway							
	Minke whale	125	355	484 ⁸	0	484 ⁸	None
Republic of Korea							
	Minke whale						16 ⁹

¹See Table 2, infraction 2009.1; ²not including 1 female minke whale reported as a bycatch; ³includes 1 animal of unknown sex; ⁴see Table 2, infraction 2009.2; ⁵includes 1 animal whose sex was not determined; results of genetic testing to determine gender are pending; ⁶see Table 2, infractions 2009.3 and 2009.4; ⁷see Table 2, infractions 2009.5, 2009.6 and 2009.7; ⁸including 4 animals of unknown sex but not including 1 minke whale of unknown sex which was trapped and died in a salmon cage at a fish farm; ⁹see Table 2, infractions 2009.8-2009.21.

Table 2
List of infractions from the 2009 season.

Ref.	Nation	Species	Sex	Length	Date	Infraction (specify)	Explanation	Penalty/action	Investigation complete?
2009.1	Greenland /Denmark	Fin	F	24.5m	15/07/2009	Waste of meat	Ilulissat (W Greenland). Only part of the meat was removed for consumption.	Reported to the police. Investigation is ongoing.	No. Expected in 2010
2009.2	Greenland /Denmark	Minke	?	?	Sep. 2009	Hunting method	Uummannaq (NW Greenland). A hunter in a skiff mistook a small minke whale for a dolphin. The whale was lost.	Case given up by the police, since further investigation was expected not to result in any prosecution.	Case suspended
2009.3	USA	Bow-head	F	6.6m	29 Sep. 2009	Calf	This whale was seen swimming in the Beaufort Sea near the village of Kaktovik. The crew identified it as an independent sub-adult whale. After landing the baleen was found to be 38cm in length. There was no milk in the stomach; however, based on the length of the animal and its baleen, it was classified as a calf. ¹	The AEWK Commissioners held a hearing by teleconference during their quarterly meeting in December 2009. Crews reported a number of small whales in the area, but had no reason to believe that the whales were calves rather than independent sub-adults. Therefore, due to the circumstances of the take, the Commissioners determined that no action would be taken against the captain and crew.	Yes
2009.4	USA	Bow-head	F	6.2m	13 Sep. 2009	Calf	This whale was seen swimming in the Beaufort Sea near the Village of Nuiqsut. The crew identified it as an independent sub-adult whale. After landing it was found that the whale measured 6.2m in length. The baleen was not measured. There was no milk present in the stomach; however, based on length of the animal, it was classified as a calf.	The AEWK Commissioners held a hearing by teleconference during their quarterly meeting in December 2009. Crews reported a number of small whales in the area, but had no reason to believe that the whales were calves rather than independent sub-adults. Therefore, due to the circumstances of the take, the Commissioners determined that no action would be taken against the captain and crew.	Yes
2009.5	Iceland	Fin	M	49'	9 Jul. 2009	Short whale	Whale under the 50' size limit taken. Report from Hvalur hf.	Yes	Yes
2009.6	Iceland	Fin	F	67'	19 Jul. 2009	Lactating	Lactating whale taken. Report from Hvalur hf.	Yes	Yes
2009.7	Iceland	Minke	M	7.98m	10 Aug. 2009	Grenade	Hvalgranad 99" not used.	Under police investigation.	In progress
2009.8	Korea	Minke	Unk.	Unk.	20 Jan. 2009	No quota	A minke whale was caught by unidentified persons in coastal waters about 3 miles from Yeongdeok-gun GyeongBuk Korea, and cut up to give 89 bags of meat. These bags were attached to a buoy in order to transport them by boat to the nearby shore.	<ul style="list-style-type: none"> • Three violators: 6 months imprisonment and 1 year probation. • One violator: 10 months imprisonment and 2 years probation. • All meat was confiscated. 	Yes
2009.9	Korea	2 minke	Unk.	Unk.	29 Jan. 2009	No quota	2 minke whales were caught in coastal waters about 8 miles from Yeongdeok-gun Gyeong-Buk, Korea.	<ul style="list-style-type: none"> • Two violators: 8 months imprisonment and 2 years probation. • One violator: 8 months imprisonment. 	Yes
2009.10	Korea	Minke	Unk.	Unk.	22 May 2009	No quota	A minke whale entangled with a buoy was caught in coastal waters about 15 miles from Pohang Port in GyeongBuk, Korea, and carried to the nearby shore.	<ul style="list-style-type: none"> • One violator: 8 months imprisonment and 2 years probation with community service command. • One violator fine US\$4,000. • All meat was confiscated. 	Yes
2009.11	Korea	Minke	Unk.	Unk.	25 Jul. 2009	No quota	A minke whale was caught with a harpoon in coastal waters near Pohang Gyeong-Buk, Korea, and cut into pieces on board.	<ul style="list-style-type: none"> • One violator: 12 months imprisonment and 2 years probation with community service. • All meat was confiscated. 	Yes
2009.12	Korea	Minke	Unk.	5.4m	14 Aug. 2009	No quota	A minke whale was caught with a harpoon in coastal waters near Pohang Gyeong-Buk, Korea, and cut into pieces on board.	<ul style="list-style-type: none"> • One violator: 12 months imprisonment and 2 years probation with community service. 	Yes

Ref.	Nation	Species	Sex	Length	Date	Infraction (specify)	Explanation	Penalty/action	Investigation complete?
2009.13	Korea	Minke	Unk.	Unk.	28 Aug. 2009	No quota	A minke whale was caught with a harpoon in coastal waters near Yeongdeok-gun GyeongBuk, Korea.	<ul style="list-style-type: none"> Two violators: 6 months imprisonment and 2 years probation. Three violators are pending prosecution. 	Yes
2009.14	Korea	Minke	Unk.	Unk.	7 Sep. 2009	No quota	In coastal waters near Pohang GyeongBuk, Korea a vessel, which received 125 bags of meat from an unidentified vessel, capsized.	<ul style="list-style-type: none"> One violator: 8 months imprisonment and 2 years probation with community service. One violator: 4 months imprisonment and 1 year probation. All meat was confiscated. 	Yes
2009.15	Korea	Minke	Unk.	Unk.	12 Sep. 2009	No quota	A truck with 80 bags of meat from a minke whale caught by an unidentified person was delivered on the street of Pohang GyeongBuk, Korea.	<ul style="list-style-type: none"> One violator: 8 months imprisonment and 2 years probation with community service. One violator: pending prosecution. 	Yes
2009.16	Korea	Minke	Unk.	Unk.	25 Sep. 2009	No quota	94 bags of meat from an unidentified person were delivered on the street of Pohang GyeongBuk, Korea.	<ul style="list-style-type: none"> Three violators are pending prosecution. 	Yes
2009.17	Korea	Minke	Unk.	Unk.	20 Nov. 2009	No quota	An unidentified vessel with 34 bags of meat approached Pohang Port GyeongBuk, Korea where the bags were loaded onto a truck.	<ul style="list-style-type: none"> All violators are pending prosecution. 	Yes
2009.18	Korea	Minke	Unk.	4.5m	22 Nov. 2009	No quota	A minke whale was caught with a harpoon in the coastal waters of Uljin GyeongBuk, Korea.	<ul style="list-style-type: none"> The suspects are being investigated. 	No (to be completed in 2010)
2009.19	Korea	Minke	Unk.	Unk.	23 Nov. 2009	No quota	A minke whale was caught with a harpoon in the coastal waters near Yeongdeok-gun GyeongBuk, Korea, and cut up. The meat was then taken on board a boat.	<ul style="list-style-type: none"> One violator: fine US\$5,000. Three violators: pending prosecution. 	Yes
2009.20	Korea	Minke	Unk.	Unk.	2 Dec. 2009	No quota	58 bags of meat which had been cut up on an identified vessel 20 miles from Pohang GyeongBuk, Korea, were loaded onto another boat in order to deliver them to the nearby shore.	<ul style="list-style-type: none"> All violators are pending prosecution. 	Yes
2009.21	Korea	2 minke	Unk.	Unk.	2 Dec. 2009	No quota	167 bags of meat from 2 minke whales caught by an unidentified vessel in the coastal waters of the East Sea, were taken by truck to a port in Uljin GyeongBuk, Korea.	<ul style="list-style-type: none"> All violators are pending prosecution. 	Yes

¹A bowhead <7.5m in length and with baleen <60 cm is typical of a calf (George and Suydam, 2006). Determining the exact length of a whale is very difficult while it is swimming and determining the baleen length is impossible. The length and age at weaning (i.e. independence) is not known for bowheads but is likely to occur within the first year.

Table 3

List of unresolved infractions from previous seasons and follow-up actions.

Ref.	Nation	Species	Sex	Length	Date	Infraction (specify)	Explanation	Penalty/action	Investigation complete?
2005.1	Greenland /Denmark	Fin	Unk	Unk	Sep. 2005	Unreported struck and lost whale	A dead whale with a harpoon embedded on its flank was seen near Maniitsoq (West Greenland).	Case given up by the police, since further investigation was expected not to result in any prosecution.	Case suspended
2006.3	Greenland /Denmark	Hump-back	Unk	Unk	14 Sep. 2006	Prohibited species	A humpback whale with bullet wounds was observed at Niaqornaarsuk (West Greenland). Fate unknown.	Case given up by the police, since further investigation was expected not to result in any prosecution.	Case suspended
2006.4	Greenland /Denmark	Sei	Unk	Unk	21 Aug. 2006	Prohibited species	A sei whale was taken at Uummannaq (NW Greenland) by hunters licensed to catch a minke whale.	Reported to the police. Investigation ongoing.	No. Expected in 2010
2008.2	Greenland /Denmark	Minke	Unk	4m	Nov. 2008	Illegal rifle hunt	Reported catch after the allocated quota had been taken in Qasigiannuit (West Greenland). The catch was left on a beach after it was reported as an illegal catch. Participating hunters are known.	Reported to the police. Investigation ongoing.	No. Expected in 2010

Annex K

Catches by IWC Member Nations in the 2009 and 2009/2010 Seasons

Prepared by the Secretariat

	Fin	Humpback	Sei	Bryde's	Minke	Sperm	Bowhead	Gray	Operation
North Atlantic									
Denmark									
(West Greenland)	10 ¹	-	-	-	164 ²	-	3	-	Aboriginal subsistence
(East Greenland)	-	-	-	-	4	-	-	-	Aboriginal subsistence
Iceland	125	-	-	-	81 ³	-	-	-	Whaling under Objection
Norway	-	-	-	-	484	-	-	-	Whaling under Objection
St. Vincent and The Grenadines	-	1	-	-	-	-	-	-	Aboriginal subsistence
North Pacific									
Japan	-	-	101 ⁴	50	165 ³	1	-	-	Special Permit
Korea	-	-	-	-	16 ⁵	-	-	-	Illegal catch
Russian Federation	-	-	-	-	-	-	-	116 ⁶	Aboriginal subsistence
USA	-	-	-	-	-	-	38 ⁷	-	Aboriginal subsistence
Antarctic									
Japan	1	-	-	-	507 ⁴	-	-	-	Special Permit

Note: bycatches are not included.

¹Including 2 struck and lost; ²including 11 struck and lost; ³including 3 lost; ⁴including 1 lost; ⁵see IWC/62/Rep5 for details; ⁶including 1 struck and lost and 6 'stinky' whales; ⁷including 7 struck and lost.

Annex L

Summary of Presentations by Non-Governmental Organisations

WWF noted that two years ago the IWC provided an opportunity for NGOs to speak at its Annual Meetings for the first time in 30 years and described this as a victory in the functioning of the IWC. However WWF also stated that the IWC was currently in the limelight with allegations of corruption and purchase of votes and considered that the organisation was going backwards in its development. It noted that for the IWC to continue its development into a modern, efficient, effective and transparent organisation that is able to address emerging threats to cetaceans it must be able to include civil society effectively. Accordingly it recommended that IWC develop a mechanism to grant NGO speaking rights such as those provided at CITES. It also suggested that IWC consider adoption of a programme to assist developing nations in participating at IWC meetings. In closing WWF stated they were disappointed by the lack of progress on the future of the IWC, and that by limiting the interaction with NGOs the IWC will miss opportunities to hear from civil society organisations about the importance of protecting the marine environment and cetaceans.

Concepesca referred to the discussions on the future of the IWC and stated the need for commitment from all participants to work within a framework of management and conservation based on scientific data and respecting international norms and cultural diversity. It commented that those groups who desired to cancel the rights provided in the ICRW should be responsible for the failure of the discussions because they were not prepared to offer compromise, and stated that if the proposal had been supported it would have benefitted the efficiency and objectives of the Convention. Concepesca went on to state that the South American people expected to be able to use resources sustainably, and without bias for cultural preference. It highlighted inconsistencies with the use of cetacean resources in comparison to the development of open cast mining operations which had the potential to be dangerous for the environment and groundwater resources. In closing Concepesca expressed solidarity with a number of small nations and with the Japanese people for the way they had been reported in the international media.

NOAH remarked that the international image of Norway as a whaling nation has more than one side and that many thousands of Norwegians would rather see Norway as a pioneer of animal welfare issues and not clinging onto old enterprises resulting in animal suffering. It referred to a film of a Norwegian whale hunt depicting a harpoon being fired at a whale and said that it was difficult to achieve an accurate lethal shot from a moving vessel. It related this statement to the 2003 welfare statistics from the Norwegian government which indicate that 20% of whales would take several minutes or more to die and stated that more than a third of Norwegians supported the phase-out of whaling because of welfare concerns. It suggested that the Government of Norway's pro-whaling position does not recognise the growing welfare concerns of Norwegian citizens and that the delegation to the IWC represents a small and declining

industry catching a niche product. In closing it said that any proposed consensus decision on the future of the IWC could be perceived as a stamp of approval for commercial whaling, and that the deal could reinvigorate a cruel, outdated and unnecessary practice.

Species Management Specialists referred to the different uses of the term 'conservation' as applied to whales. SMS believes that whales can be considered a renewable natural resource, abundant stocks of which are able to sustain off-takes without affecting the conservation or long term survival of the population. It suggested that some Contracting States use 'conservation' to describe an alternative approach to managing whales, and that there was no reason to treat whales any differently to any other wildlife resource that is capable of sustaining off-takes. SMS observed that the ICRW remains current, and that the IWC's decisions in respect of the Convention must be based on science and consistent with norms of natural resource management. SMS was disappointed that party states opposed to resumption of commercial whaling appeared unwilling to achieve a compromise outcome. It was unrealistic to expect the present negotiations to result in a cessation of non-indigenous whaling. Rather the purpose of the negotiations was to put in place interim administrative and management regimes without giving up basic positions. To achieve a positive outcome SMS urged all Commissioners representing anti-whaling views to step back from ideological positions and negotiate reforms in good faith that were acceptable to all. It suggested the alternative situation rendered the IWC an increasingly irrelevant resource management body.

The Eastern Caribbean Coalition for Environmental Awareness (ECCEA) spoke on behalf of the NGOs of Latin America and the Caribbean present at IWC/62 supporting the conservation of whales. The Coalition remarked that the primary efforts of the IWC should be towards promotion of conservation and whalewatching, and recognised the strides made by the Dominican Republic, Costa Rica and other Latin American countries in developing whalewatching as part of their conservation efforts. The Coalition referred to its support for retaining the moratorium as the best management tool to ensure conservation measures are in place for whale stocks. It informed the Commission that, following the lead of the Dominican Republic, the French Caribbean is pioneering a Caribbean-wide marine mammal sanctuary and that thus far the territorial waters of the French West Indies have been committed towards this effort.

ECCEA called on IWC member states to respect all established sanctuaries and condemned the harvesting of whales within those sanctuaries, including for scientific purposes. It stated that the IWC should review the purpose of aboriginal subsistence whaling privileges, and suggested that those privileges be limited to conditions of need and subject to periodic review. It also recorded its strong objection to the proposed Schedule amendment by Denmark as it relates to catch limits for humpback whales within ECCEA's region and elsewhere. In closing ECCEA remarked on allegations

in the international press of vote buying and influence peddling by individuals and member states of IWC, which it considered has discredited the integrity of the IWC. It recommended that an independent investigation be carried out to examine the reports, and that appropriate actions be taken to maintain the organisation's integrity.

Global Guardian Trust (GGT) promotes the sustainable use of natural resources supported by scientific information to ensure conservation of the resource. It had participated at the IWC for nearly 20 years to promote international and regional co-operation on the conservation of whale populations and the management of the whaling industry, while at the same time listening to the diverse views of member states. It referred to the purpose of the ICRW for both conservation of whale stocks and management of whaling, and believed that countries joining IWC in recent years did so with full understanding of the principle of the ICRW. GGT noted that the Chair's proposed Consensus Decision would allow whaling activities within much lower catch limits by abolishing commercial, research and aboriginal subsistence whaling. Although it expected member states to co-operate in coming to consensus it found that most delegates expressed diverse opposition. It emphasised that compromise was required from all members, and that the outcomes must be fair and balanced. It suggested the appeal to the International Court of Justice against Japan's research whaling programme will undermine the proposed cool-off period. GGT stated that many whale stocks are abundant and that sustainable whaling could occur. It believes that such whaling makes a contribution to the sustainable development of coastal communities and provides food security and poverty reduction. It hoped that IWC member countries would be able to reach a consensus solution within a spirit of respectful dialogue.

The Cousteau Society noted that the situation for whales was far from improving and that whales faced many threats. In the spirit of cohesion it highlighted the substantial conservation work achieved by the Commission, especially the work on reducing ship strikes, the progress of the Southern Ocean Research Partnership (SORP), the research on the critical situation of humpback whales in the Arabian Sea and the Gulf of Oman, research on southern right whales and also on cetaceans along the northwestern coast of Africa. It stated that those advances confirmed the authority of the IWC, but suggested that the recent work

on the future of the organisation had monopolised time and budgets, and that the proposed consensus decision has the stated objective of improving conservation of whales, but primarily deals with management of whaling. It suggested that the administrative costs of the proposed consensus decision were estimated at nearly two million dollars and threatened to demand the majority of the Commission's financial resources and most of the work time of its Scientific Committee while equivalent resources will not be dedicated to true conservation programmes. The Cousteau Society stated that it is time to concentrate efforts on developing and funding the Commission's work on conserving whales, and called for a budget and timetable to be developed to take action against the risks that threaten whales in order to help populations recover, especially those in serious danger.

Greenpeace (Japan) stated that 2010 is the United Nations International Year of Biodiversity and in October the COP 10 of the Convention on Biological Diversity will be held in Nagoya, Japan. It considered that this meeting, along with the current meeting of the IWC, was a good chance for Japan to show international leadership. However, it also said that through Japan's involvement in the blue fin tuna resolution at CITES, and at the IWC as well, some confidence in Japan's ability to show this leadership had been lost. Greenpeace (Japan) commented that although Japan says biodiversity is important, its Fisheries Agency does not deal with environmental matters. Former major whaling companies had pledged not to partake in large-scale commercial whaling, demand for whale meat was decreasing, and Japan's subsidies for research whaling to secure the employment of former officers is not a benefit to Japanese taxpayers. Greenpeace (Japan) stated that other wrongdoings in research whaling had been pointed out, including allegations that fisheries aid had been used to gain support for votes at IWC, of improper sharing of whale meat, and of dumping of whale meat in the Antarctic. It noted that these wrongdoings had been highlighted by whistleblowers, but that their claims had not been investigated by either the IWC or the Japanese Government. In closing it expressed its belief that it was time for the Government of Japan to be influenced by public opinion and to make a policy change to be a leader in marine protection. With regard to the wrongdoings it referred to, Greenpeace (Japan) hoped that the IWC and its Contracting Governments would have the self-purification capability to investigate themselves.

Annex M

Report of the Finance and Administration Committee

Friday 18 June 2010, Agadir, Morocco

1. INTRODUCTORY ITEMS

The list of participants is given in Appendix 1.

1.1 Appointment of Chair

Donna Petrachenko (Australia) was appointed as Chair of the Committee. She noted that attendance at the Finance and Administration (F&A) Committee was limited to delegates and that observers were not permitted to attend.

1.2 Appointment of Rapporteur

The Secretariat agreed to act as rapporteurs.

1.3 Review of documents

The documents available to the Committee are listed in Appendix 2.

2 ADOPTION OF THE AGENDA

The agenda was adopted without amendment (Appendix 3).

3. ADMINISTRATIVE MATTERS

3.1 Implications of discussions on the future of the IWC

3.1.1 Introduction

The Chair noted that the discussions ongoing since last year's meeting on the future of IWC (including follow-up to the Intersessional Correspondence Group's report on issues related to the Scientific Committee) may have a number of implications to the work of the IWC, frequency of meetings and to the role of, and expertise required in the Secretariat. While recognising that these discussions were ongoing, she suggested that it would nevertheless be useful for the F&A Committee to give initial consideration to possible administrative and financial implications of these discussions on the IWC and to bring these to the attention of the Commission as appropriate. She invited the Secretariat to highlight possible implications.

The Secretariat suggested that the following three scenarios could be considered: (1) the *status quo*; (2) the case where the consensus decision is adopted, amended as appropriate; and (3) the situation where the consensus decision is not adopted but where the Commission agrees to continue work in some way for a further year.

With respect to scenario 1 – the *status quo*, the Secretariat suggested that there would be no particular administrative or financial implications. However, it drew attention to the need it had expressed during the meeting of the Budgetary Sub-committee for an additional member of staff given the increased size of the organisation and the increased range of activities over the last 10 years that have increased its workload significantly (see Item 5.3.1). Clearly the addition of a new member of staff would have financial implications.

With respect to scenario 2 – adoption of the consensus decision, amended as appropriate, the Secretariat noted that the administrative and financial implications would be significant. The implementation and running of the monitoring, control and surveillance regime of whaling operations foreseen in the consensus decision (involving *inter alia* an international observer scheme (IOS), a vessel monitoring system, and a DNA register/market sampling system) would create significant additional work for the Secretariat whether the IOS was run in house or outsourced and the associated costs, particularly in relation to the IOS are considerable. Estimates are provided in document IWC/62/10 and for the total package are in the order of £1.3 million. The Secretariat also noted that the proposed changes to the governance structure of the organisation, with a number of Committees having more significant roles than at present, would create substantive additional work for the Secretariat with regard to servicing these Committees. Adoption of the consensus decision would also require the revision of the Rules of Procedure, Financial Regulations and Rules of Debate (as identified in document IWC/62/8).

With respect to scenario 3 – the situation where the consensus decision is not adopted but where the Commission agrees to continue work in some way for a further year, the Secretariat again suggested that an additional member of staff is required and that provision would need to be made to fund intersessional work. Scenario 3 corresponds to the budget proposal made in document IWC/62/5rev (see Item 5.3.1).

In addition to the above, the Secretariat referred to the ongoing discussions regarding the possible separation of the meeting of the Scientific Committee from that of the Commission as a follow-up to the work of the Intersessional Correspondence Group on Scientific Committee Matters. It had prepared a discussion document for the Commission *inter alia* on the implications of such a separation (see IWC/62/16). The Secretariat noted that the main financial and administrative implications of separating the two meetings included: (1) the timing of the two meetings and the interval between the two; (2) the additional work load for the Secretariat in arranging two large meetings, possibly in different locations in the same year (should the Commission continue to meet annually); and (3) increased freight costs. Should the Commission decide to meet biennially, then there would be some cost savings.

3.1.2 F&A Committee discussions and recommendations

The differing administrative and financial implications of the different scenarios were well understood by the meeting, and it was noted that should the consensus decision, revised as appropriate, be adopted the implications were significant. The F&A Committee agreed it therefore needed to be prepared and a range of budget options were developed under Item 5.3.2 below.

It was noted that the cost estimates for the IOS included in document IWC/62/10 were based largely on information on whaling operations collected in 2002 and the whaling countries were requested to confirm whether the assumptions were still valid. Japan confirmed this to be the case for its own operations.

3.2 Amendments to the Rules of Procedure, Financial Regulations and Rules of Debate

At IWC/61 last year, the Commission adopted changes to the Rules of Procedure 'J. Schedule amendments and recommendations under Article VI' as follows (changes shown in *bold italics*):

J. Schedule amendments, recommendations under Article VI *and Resolutions*

1. No item of business which involves amendment of the Schedule to the Convention, *or* recommendations under Article VI of the Convention, *or Resolutions of the Commission*, shall be the subject of decisive action by the Commission unless the *full draft text* has been *or* circulated to the Commissioners at least 60 days in advance of the meeting at which the matter is to be discussed.

2. *Notwithstanding the advance notice requirements for draft Resolutions in Rule J.1, at the recommendation of the Chair in consultation with the Advisory Committee, the Commission may decide to consider urgent draft Resolutions which arise after the 60 day deadline where there have been important developments that warrant action in the Commission. The full draft text of any such Resolution must be circulated to all Commissioners prior to the opening of the meeting at which the draft Resolution is to be considered.*

As currently drafted, the new rule J.2 would not allow the adoption of consensus Resolutions that may arise during a Commission meeting. Examples of such consensus Resolutions are those adopted at IWC/61 concerning the extension of the Small Working Group (SWG) on the Future of IWC (i.e. Resolution 2009-2) and Resolution 2009-1 on Climate and Other Environmental Changes and Cetaceans. Believing that this was not the intention of the Commission the Secretariat had proposed that a new paragraph be added to provide the necessary clarification. After a short discussion the F&A Committee agree to **recommend** to the Commission that a new paragraph J.3 be added as follows:

3. *Notwithstanding Rules J.1 and J.2, the Commission may adopt Resolutions on any matter that may arise during a meeting only when consensus is achieved.*

3.3 IWC's website

3.3.1 Introduction by the Secretariat

The Secretariat reported on two issues: (1) progress with the partial translation of the Commission's website; and (2) progress with the rebuilding of the website.

TRANSLATION

At IWC/60 the Commission agreed to start partial translation of its website by: (1) making part of the website available in French and Spanish in a similar way to some other IGOs who have more than one working language, by focusing on the most popular pages viewed by the website's audience; and (2) improving machine translation for those parts of the website not translated. As an initial step, it was agreed that the translated pages would be made available on the website as PDF documents.

At IWC/61 the Secretariat reported that the translations of the 15 most popular pages on the IWC website kindly donated by France had been incorporated into the site along

Table 1
Top 17 most-viewed pages on the IWC website.

Title	URL (<i>http://www.iwcoffice.org/</i>)	Rank	Hits in 2010
The Commission	<i>commission/iwcmmain.htm</i>	1	40,736
Population estimates	<i>conservation/estimate.htm</i>	2	27,600
The Convention	<i>commission/convention.htm</i>	3	15,553
Catches/catch limits	<i>conservation/catches.htm</i>	4	10,941
Lives of whales	<i>conservation/lives.htm</i>	5	8,277
Scientific Permits	<i>conservation/permits.htm</i>	6	8,255
The Schedule	<i>commission/schedule.htm</i>	7	7,912
Whale sanctuaries	<i>conservation/sanctuaries.htm</i>	8	6,777
Environmental effects	<i>conservation/environment.htm</i>	9	6,603
Future of the IWC	<i>commission/future.htm</i>	10	5,211
Taxonomy of whales	<i>conservation/cetacea.htm</i>	11	4,812
RMS	<i>conservation/rms.htm</i>	12	4,371
Welfare issues	<i>conservation/welfare.htm</i>	13	4,167
Ship strikes	<i>sci_com/shipstrikes.htm</i>	14	4,028
RMP	<i>conservation/rmp.htm</i>	15	3,927
Aboriginal subsistence whaling	<i>conservation/aboriginal.htm</i>	16	3,881
Whalewatching	<i>conservation/whalewatching.htm</i>	17	3,492

with two from Spain. France noted that the donation was a one-off contribution and that further translation updates of these pages should be maintained by the Secretariat.

The Secretariat reported that 11 of those original 15 French translations are correct as of 18 June 2010 and noted that it would be endeavouring to have the four remaining French updates completed during IWC/62. Since IWC/61 two further pages have moved into the top 15 most viewed pages, namely the Future of the Commission page and the ship strikes page (see Table 1). The Secretariat hopes to be in a position to arrange for translations into Spanish in due course and their updating as necessary.

Noting that last year France observed that the translations were currently available only in PDF format rather than HTML, which would be preferable, the Secretariat reported that the format of these translations will change from PDF to HTML pages upon completion of the website rebuild (see below).

WEBSITE REBUILD

The Secretariat reported that the redesign and rebuild of the IWC website is currently underway and it is estimated that the site will go live by the end of 2010. The new site will be database-driven using a multilingual Content Management System (CMS) that will speed up delivery of information to users and allow for the website's continued expansion and increased popularity (1,153,956¹ total page views from 01/01/2010 to 14/06/2010 as compared to 654,502 in the same time period in 2009).

The CMS will allow review and editing of website content from non-web design trained authors, which will speed up the updating process and provide for further direct input from other departments within the Secretariat. It will also include a facility for keeping track of document and webpage revisions in order to keep the site as up to date as possible while maintaining traceability throughout.

The new site will be hosted on a dedicated server which will be fully administered by the Secretariat. This represents a significant change from the current shared hosting package and will result in increased security, thus helping to protect the site from unwanted malicious intrusions, as was encountered in March 2009. The new hosting package

¹'Hits' by 'robot' visits have been deducted from these numbers.

will also provide greater speed and bandwidth to cope with the aforementioned increased demand and will prevent an outage such as that experienced during SC/62 where the website became inaccessible for half an hour due to a large number of scientists downloading documents from the site simultaneously.

This increased demand for electronic versions of documents is due to a doubling of the number of scientists who have opted out of receiving the Scientific Committee documents on paper (26.7% of the Scientific Committee opted out this year compared to 13.5% in 2009). This has led to a significant reduction in printing volume and costs (35% reduction of copies during the Scientific Committee meetings from 2009 to 2010), and hence a positive impact on the environment.

The Secretariat noted that it would welcome any suggestions or comments from Commission members as to new additions to the site or amendments to existing sections that would improve its accessibility and the presentation of information.

Technical Committee

The Chair reminded the Committee that no provision had been made for the Technical Committee to meet at Annual Meetings since IWC/51. However, the Commission had agreed to keep the need for a Technical Committee under review pending the outcome of work to resolve the Commission's difficulties (i.e. the 'future' process).

3.3.2 F&A Committee discussions and recommendations

France, Monaco and Cameroon thanked the Secretariat for its work related to translation of the website. They supported the further translation of the website into French and Spanish, noting that it provides the first point of entry for interested members of the public worldwide.

With respect to the Technical Committee, as last year, the F&A Committee Chair suggested that it would be appropriate to maintain the *status quo*, i.e. keep this item on the agenda since the Technical Committee may have a role to play if and when catch limits other than zero are set.

3.4 Carbon-neutral study

At IWC/60 in 2008, the Commission agreed that the Secretariat should undertake a study to be presented at the 2009 Annual Meeting on the feasibility and associated costs of off-setting the carbon emissions of the operation of the Secretariat and the meetings of the IWC and thus to become carbon-neutral.

At IWC/61 last year, the Secretariat reported that while it had done some preliminary work towards a feasibility study it had not done the study itself due to other commitments. It stressed that it took the matter seriously and that it would undertake the study and report to the F&A Committee next year.

Regrettably the Secretariat reported once more that due to the pressure of other work it had again not been able to complete the feasibility study. It did, however, note that on a routine basis it attempts to take steps to reduce its carbon footprint. In this respect it drew attention to the saving of paper described in Item 3.3.1 above.

The F&A Committee noted the report from the Secretariat and looked forward to receiving the outcome of a feasibility study at its next meeting.

4. FORMULA FOR CALCULATING CONTRIBUTIONS AND RELATED MATTERS

4.1 Due date for financial contributions

4.1.1 Background

The due date for financial contributions is 28 February (Financial Regulation E.2). If dues are not received by the Commission by this date, a 10% penalty charge is added (Financial Regulation F.1). At IWC/61 in Madeira, a number of Contracting Governments, particularly of developing countries, again noted that because of conflicts between the due date for financial contributions to the IWC and their own national budgetary cycles, they find it difficult to meet the due date. They therefore often incur penalty charges and have requested that the due date be revised to give them a longer time period in which to pay before a financial penalty is incurred.

At the Commission's request, the Secretariat explored the implications of changing the due date and circulated a document on this issue to Contracting Governments in October 2009. The intention had been to address this matter at the intersessional Commission meeting to address Greenlandic aboriginal subsistence whaling quotas first scheduled for December 2009 such that any changes agreed by the Commission could take effect for the 2009/2010 financial contributions. Because of the postponement of the intersessional meeting to March 2010 (i.e. after the due date for 2009/2010 contributions), the matter of due dates was postponed until IWC/62.

The document prepared by the Secretariat (IWC/62/F&A3) reviewed: (1) the financial year of the IWC and recent levels of individual financial contributions of Contracting Governments; (2) the fiscal years of Contracting Governments; (3) the pattern of payment of financial contributions; and (4) the penalty interest incurred.

It noted that the due date of 28 February, while being midway into the IWC's financial year, is close to the beginning of the fiscal year (i.e. 1 January) for most Contracting Governments. While most Contracting Governments pay their financial contributions by the due date, a number – mostly developing countries – fail to do so and incur penalty interest, with a number of them incurring penalty interest routinely.

The proximity of the current due date to the beginning of the fiscal year of most Contracting Governments appears to create difficulties for some Contracting Governments in arranging the timely payment of their financial contributions, although there may be other contributory factors. Furthermore, even if a Contracting Government has made its remittance by the due date, fluctuations in currency exchange rates can result in the amount remitted falling short of the amount required. Penalty interest may be imposed if a Government is not able to transfer additional funds to meet any shortfall in time.

The imposition of penalty interest has caused some Contracting Governments who have been able to pay the financial contribution but not the penalty interest (because this was not included in their budgets) to have their voting rights suspended under Financial Regulation F.2 and Rule of Procedure E.2(a).

The Secretariat noted while revising the current due date to give governments a longer time period in which to pay their financial contributions before a financial penalty is incurred is a possibility, an alternative could be to keep the due date as described in Financial Regulation E.2 but to impose penalty interest from a later date.

EXTENDING THE DUE DATE

With respect to extending the due date, the Secretariat noted that given that the due date of 28 February is mid-way into the Commission's financial year, it would not be financially prudent to extend the date very far as this could lead to cash-flow problems if many Contracting Governments delayed payment until this time (which may be a natural response). However, extending the due date by one month should not unduly affect cash-flow and would provide a little more time for finance departments to process payments.

If the due date were to be extended by one month (to 31 March), consideration would need to be given to the timing of the trigger for suspension of voting rights for non-payment of financial contributions, including any interest due as described in Financial Regulation E.2 and Rule of Procedure E.2(a), i.e. should the current '3 months following the due date' be revised to '2 months following the due date' to keep the timing the same as at present?

Attention was drawn to the fact that if the due date were to be extended by one month, this would also extend the period when Contracting Governments will have the right to vote without having paid their financial contributions.

DELAYING THE DATE FOR IMPOSITION OF PENALTY INTEREST

Keeping the current due date as 28 February but imposing penalty interest from a later date (e.g. one month after the due date) would help countries avoid incurring penalty interest and should have less impact on the Commission's cash-flow than changing the due date, assuming that Contracting Governments will continue to strive to pay their financial contributions on time. Furthermore, there would be no impact on Rule of Procedure E.2 and no impact on the period when Contracting Governments will have the right to vote without having paid their financial contributions.

SECRETARIAT'S PROPOSAL INCLUDING AMENDMENTS TO THE FINANCIAL REGULATIONS

Of the two approaches described above, the Secretariat suggested that the Commission consider delaying the date of the imposition of penalty interest to 31 days after the due date. Because the due date for the payment of financial contributions would remain the same, the only amendment to the Commission's rules required would be an amendment to Financial Regulation F.1 as shown below.

CURRENT FINANCIAL REGULATION

F. Arrears of Contribution

1. If a Contracting Government's annual payments have not been received by the Commission by the due date referred to under Regulation E.2, a penalty charge of 10% shall be added to the outstanding annual payment on the day following the due date. If the payment remains outstanding for a further 12 months compound interest shall be added on the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the base rate quoted by the Commission's bankers on the day. The interest, calculated to the nearest pound, shall be payable in respect of complete years and continue to be payable in respect of any outstanding balance until such time as the amount in arrears, including interest, is settled in full.

PROPOSED AMENDMENTS (*IN BOLD ITALICS*)

F. Arrears of Contribution²

1. If a Contracting Government's annual payments have not been received by the Commission by **31 days after** the due date referred

to under Regulation E.2, a penalty charge of 10% shall be added to the outstanding annual payment **on this date**. If the payment remains outstanding for a further 12 months **after the due date** compound interest shall be added on the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the base rate quoted by the Commission's bankers on the day. The interest, calculated to the nearest pound, shall be payable in respect of complete years and continue to be payable in respect of any outstanding balance until such time as the amount in arrears, including interest, is settled in full.

No revisions to the due date for new Contracting Governments as described in Financial Regulation E.3 were proposed.

4.1.2 F&A Committee discussions and recommendations

Cameroon informed the Committee that at a meeting of African members of the IWC in Rabat, Morocco in May, there had been agreement that the IWC's current procedures with respect to non- or late payment of financial contributions impose double sanctions in the form of both penalty interest and loss of voting rights. These countries considered this to be unfair and believed that the Commission should only apply a single sanction as is usually the case in other intergovernmental organisations. Cameroon explained the difficulty it faces paying its financial contribution by the due date caused largely by the difficulty of mobilising funds given that this date falls within 2 months of the beginning of its financial year. Unexplained delays in the actual transfer of funds through the banking process are also a contributory factor. For these reasons, Cameroon noted that it has incurred both penalty interest and loss of voting rights for several years and requested that the due date be put back from 28 February to 30 April. Côte d'Ivoire, Palau and St Kitts and Nevis associated themselves with these remarks.

A number of countries expressed sympathy with the situation faced by some developing countries and agreed that the application of double sanctions could be seen as unfair. One country however continued to support the retention of both penalties but supported the revisions proposed by the Secretariat.

Japan suggested that consideration could be given to retaining the current due date and rules on loss of voting rights but removing the imposition of penalty interest, noting that the IWC's budget is not dependent on the receipt of penalty interest (which the Secretariat confirmed is up to £20,000 per year). With respect to problems incurred by exchange rate fluctuations, it questioned whether underpayments of financial contributions because of such fluctuations might be absorbed by the General Fund. St Kitts and Nevis suggested that problems created by exchange rate fluctuations could be avoided by making transfers in pounds sterling rather than local currencies.

While there was some support for Japan's proposals, Cameroon remained interested in changing the due date for financial contributions. The F&A Committee **agreed** that Cameroon, Japan and any other interested country should work together to explore these different options with a view to presenting a single proposal to the Commission in plenary.

4.2 The Interim Measure and assessment for St Vincent and The Grenadines

At last year's meeting St Vincent and The Grenadines noted that although it falls into capacity to pay Group 1 described in the interim measure because it has an aboriginal subsistence hunt its financial contributions assessed under the Interim Measure are higher than those in Group 2 and almost as high as some of those in Group 3. It considered this situation to

²For the purposes of the Financial Regulations the expression 'received by the Commission' means (1) that confirmation has been received from the Commission's bankers that the correct amount has been credited to the Commission's account via bank transfer, (2) that a cheque, banker's draft or international money order of the correct value has been paid into the Commission's bank and cleared, or (3) that the Secretariat has in its possession cash of the correct value.

be inequitable and reported that it will submit a proposal on how its contributions might be reduced for consideration by the Commission at IWC/62.

While no written submission had been made to the Committee by St Vincent and The Grenadines, it had planned to attend the F&A Committee to present a proposal. Unfortunately its arrival in Agadir had been delayed due to an airport strike and a representative from St Kitts and Nevis spoke instead on this matter. St Kitts and Nevis recalled that the main reason that the Commission had adopted the Interim Measure was to put in place a financial contribution scheme that recognised the capacity-to-pay of member governments. While this measure had led to significant reductions in the financial contributions of most developing countries, the contributions of St Vincent and The Grenadines remain high because it is a whaling country. Given that St Vincent and The Grenadines falls into the lowest capacity-to-pay group and that its aboriginal subsistence hunt is very small compared to other such hunts (it has a quota for only 4 whales per year), St Kitts and Nevis suggested that this situation is not equitable and suggested that the Commission waive the share portion attracted by St Vincent the The Grenadines because of its aboriginal subsistence whaling. The F&A Committee **agreed** that the Secretariat should explore the financial implications to other countries of such a move and report to the Commission in plenary.

5. FINANCIAL STATEMENTS, BUDGETS AND OTHER MATTERS ADDRESSED BY THE BUDGETARY SUB-COMMITTEE

5.1 Review of the Provisional Financial Statement, 2009-2010

5.1.1 Report of the Budgetary Sub-committee

The report of the Budgetary Sub-committee was introduced by its Chair Andrea Nouak. The Provisional Financial Statement presented in IWC/62/5rev had been circulated to the Sub-committee in April 2009. It had been accompanied by fairly extensive notes and explanations. No comments had received prior to the meeting. It drew attention to the key points made in that statement as shown below:

Income and Expenditure Account

Income – exceeds budget by £53k the chief factors being: (1) interest on late contributions; and (2) increase in voluntary contributions.

Expenditure – Expenditure is projected to exceed budget by £25k due to increases in Secretariat costs of £57k and Small Cetacean costs of £6k which were offset by a lower than budgeted Other Meetings costs (i.e. by £38k)

Provisions – are projected to be under budget by £97k due to significant changes to Secretariat staff and a resulting decrease in the amount to be provided for severance pay.

Result for the year – a projected excess of expenditure over income of £-165k which, after transfers between funds, translates into a deficit of £-176k.

The balance on the General Fund is projected at about £997k at the end of the current financial year (31 August 2010). This represents about 98% of the target level (6 months expenditure: £2,034k-x 50%).

The Secretariat reported that the following increases in income are anticipated:

Voluntary Contributions

EUR 6k is expected from Italy to cover the cost of Small Cetacean Invited Participants from African nations. EUR

22k is expected from France³ to the Small Cetaceans Fund (EUR 10k) and the work of the Conservation Committee (EUR 12k).

The BSC noted that the projected out-turn for 2009-2010 is a generally satisfactory situation as currently presented with no problems foreseen. It accordingly recommended to the F&A Committee that the Provisional Financial Statement (Appendix 4) is forwarded to the Commission with a recommendation that it be approved subject to audit.

5.1.2 Secretary's report on the collection of financial contributions

The Secretariat referred to document IWC/62/F&A5 and reported that 18 countries had financial contributions and/or accrued interest outstanding amounting to £367k.

In response to a question from the floor the Secretariat noted that there were more countries listed in the report for 2010 than 2009, but that the increase was not significant.

The F&A Committee noted the Secretary's report.

5.1.3 Summary of recommendations to the Commission

The F&A Committee **recommends** that the Provisional Financial Statement (Appendix 4) is approved by the Commission subject to audit and further **recommends** that the Commission takes note of the 'Secretary's report on the collection of financial contributions'.

5.2 Secretariat offices

The BSC Chair reported that the lease on the Secretariat's current offices (The Red House) expired on 17 March 2009. The year before last the Commission agreed that the lease should be re-negotiated. The new lease was finally agreed in December 2009. The terms of the new 10 year lease result in an annual rent of £60k per annum (a 20% reduction on the previous rent of £75k per annum), fixed for 5 years, after which the rent will be subject to a rent review, which may give rise to an increase, if market conditions at that time so dictate. The terms of the lease also include a 'tenant's break clause' after 5 years, which gives the Commission the chance not to take up the option to rent for a further 5 years.

The F&A Committee noted this part of the report.

5.3 Consideration of estimated budgets, 2009/2010 and 2010/2011, including the budget for the Scientific Programme

5.3.1 Report of the Budgetary Sub-committee

REVIEW OF THE PROPOSED BUDGET FOR 2009-2010 AND THE FORECAST BUDGET 2010-2011 (APPENDIX 5).

The BSC Chair highlighted the main factors affecting their formulation as follows:

PROPOSED BUDGET 2010-2011

Income and Expenditure Account

Income: is projected to increase overall by about 15% (from £1,869k in the 2009-2010 Forecast Out-turn to £2,159k in the proposed budget for 2010-2011). This is largely made up of increases in Financial Contributions, staff assessments and in bank interest receivable, offset by a reduction in other sources of income.

Contracting Government Contributions: the total contributions required from Contracting Governments is increased for 2010-2011 to £1,869k (from £1,533k in the 09/10 Forecast Out-turn). This represents a total increase of around 21%.

The forecast budget is decreased for 2011-2012 by 5%.

³This has now been received.

Expenditure: 2.4% has generally been used to allow for cost increases for 2010-2011 (and for 2011-2012) except where there are positive indications that different levels are required. This reflects current levels of inflation in the UK. Expenses are generally expected to be much the same as last year, with the exception of a proposed allocation of £100k for intersessional meetings and activities relating to discussions on the future of the IWC plus the proposed recruitment of a new member of staff to provide support to the Head of Science (in view of the growing workload of the Scientific Committee) and the new Secretary (with costs in the order of £65k including salary and benefits).

With respect to expenditure, in justifying the proposed new member of staff, the Secretary noted that since 2000 the organisation's membership has more than doubled with no increase in the number of Secretariat staff. She noted that in addition to the increased workload created as a result of the increased membership, workload had also increased due to the increased activity of the Scientific Committee and the Commission. While the Secretariat had been able to initially absorb the increased workload, this had become increasingly difficult in recent years. While in general deadlines and commitments are being met, this is being achieved at a cost with senior members of staff not being able to take their full allocation of annual leave and time in lieu. The Secretary also reported that the change in the type of work being done by the Commission necessitates more professional-level staff. She noted that the cost of a new professional-level post might be offset in the near future through staff retirements coupled with re-organisation of duties.

The forecast budget is intended to show the general trend in reserve levels where a budget surplus is shown for 2010-2011 and a deficit is shown for 2011-2012.

Projected result for the year(s)	2010-2011	2011-2012
Balance of income and expenditure (deficit)	57,620	-8,140
Surplus/(Deficit) after transfers between Funds	52,570	-13,200
General Fund Reserves	2010-2011	2011-2012
Projected balance on General Fund at year-end	1,049,740	1,036,600
Target level – approximately 6 months costs	1,051,175	1,038,000
% of Target level	99.8	99.8

Reserves

Concern was expressed at IWC/57 in 2005 that the level of reserves should be brought more in line with the 'target level' of 50% of operating expenditure in any year (at that time the reserves were well above the target level). This has resulted in the adoption by the Commission of deficit budgets since then. The proposed budget for 2010/11 as currently drafted produces a small operating surplus.

In recent years the reserves have been in excess of the target level due mainly to new governments adhering to the Convention each year after budgets have been agreed, interest received from late-paying governments, favourable levels of bank interest received and re-payments of old debts by existing members. Despite the Commission adopting deficit budgets with the intention of reducing the reserves to the target level, the actual results for the past few years have continued to produce surpluses because of the factors mentioned above.

The Forecast Out-Turn for the current financial year 2009/10 predicts a lower deficit than planned with the approved budget. This has been due to increased income (mainly interest on late contributions) plus a large write back

of provisions (mainly due to long serving staff leaving the Commission – principally the current Secretary) significantly exceeding cost increases (mainly due to changing staff e.g. recruitment). These changes result in a projected General Fund closing balance of 49% of operating expenses for 2009/10 (i.e. 98% of the target level).

The effect of the reserves in 2009/10 being reduced to near the target level of 50% of operating costs is that, expenditure for 2010/11 and 2011/12 will have to be mainly funded by Financial Contributions, i.e. if reserves are to be maintained, they will not be available to use to fund expenditures.

If the IWC is to hold further intersessional meetings or undertake other activities in 2010/11 in relation to the future of the organisation and other expenditure is expected to rise broadly with inflation, then Financial Contributions would have to rise significantly in 2010/11 (around 21%) followed by a reduction in 2011/12 (around -5%) to keep reserves at or near the target level of 50% of operating costs in each financial year.

The wide variety of scenarios that are under consideration in discussions relating to the future of the organisation create difficulties in proposing budgets. The proposed budget and forecast budget as presented seek to raise funds when they are needed (as favoured by some Contracting Governments) rather than allowing reserves to grow and act as a buffer so that future cost increases can be absorbed more easily.

To try to strike a balance between affordability for member governments and viability for the IWC (i.e. maintaining adequate reserves), alternative increases in total financial contributions of 9.5% per annum over a three year period were suggested by the Secretariat as an option for consideration. This phasing of increases in financial contributions, when applied to expenditure in the proposed budget, the forecast budget and an alternative budget for the third year (based on the forecast budget), would bring the General Fund back to the target level of 50% of operating expenses at the end of the third year.

This three-year scenario would depart from the Commission's policy of setting the reserves at 50% of operating costs per financial year and significantly defers achieving this level. However, any decline in the level of reserves even of a temporary nature should be considered in the context of the effective running of the IWC and its ability to meet unplanned/unexpected expenditure.

During discussions in the Sub-committee on the proposed budget the following points were highlighted.

- (1) That the expenditure of £100k on intersessional meetings (or related activity) could only be justified if an agreement about the future of the organisation was achieved at IWC/62 and any such intersessional meetings were to support implementation of such an agreement.
- (2) That the approval of a new post (costing £65k per annum including salary and benefits) to support the Head of Science and the Secretary could only be justified in the opinion of several delegations if an agreement about the future of the organisation was achieved at IWC/62 and the new person had a significant part to play in the implementation of such an agreement.
- (3) That income in a given year must be just sufficient to cover expenditure.
- (4) That a 21% increase in financial contributions used as an example in the proposed budget is too large.
- (5) That in general the IWC should strive not to increase financial contributions.

- (6) That reserve levels were too high and should be reduced to a UN norm of one twelfth of operating expenditure with current reserves being used to meet increased costs or to reduce financial contributions.
- (7) That around £200k could be removed from financial contributions as shown in the proposed budget by deleting the £100k proposed expenditure for intersessional meetings, by eliminating £65k for the proposed new employee and by eliminating the £57k surplus that was shown in the proposed budget.
- (8) That additional funds might be available from the £374k of outstanding financial contributions shown on document IWC/62/F&A5 (draft) that was circulated to BSC members.
- (9) That in times of economic uncertainty, the difficulty of collecting financial contributions was likely to increase and so keeping reserve levels at 50% or operating costs is appropriate.
- (10) That the £374k of outstanding financial contributions shown on document IWC/62/F&A5 (draft) included a debt of £195k from a single Contracting Government, the recovery of which was very unlikely.
- (11) That UN backed organisations may be significantly different in their ability to access funds and that low reserve levels might suggest the ability to source emergency funding when needed. The IWC only has its General Fund to fall back on.
- (12) That punitive increases in financial contributions to allow income to match expenditure in a given year can be moderated by setting financial contributions at a level to allow target reserve levels to be achieved over say 3 years.
- (13) That if the reserve target is to be achieved, then surpluses in some years will be necessary to recover losses in previous years.
- (14) Precision in IWC budgeting has been difficult to achieve in recent years. While actual expenditure has been mainly in line with budget, income and provisions have fluctuated according to circumstances from year to year. Again the holding of reasonable reserves may be regarded as prudent to deal with peaks and troughs arising from variations in income and provisions which cannot be realistically anticipated.

The BSC noted the comments expressed by some members, and given the status of discussions regarding the future of the organisation, no agreement could be reached on an appropriate level of expenditure for the year ahead. The BSC therefore recommended that the F&A Committee note the comments made by them with respect to the proposed budget.

With respect to the **Research Budget for 2010-2011** (Appendix 6), the Chair of the BSC introduced the Scientific Committee's proposals for research funding for 2010-2011. She noted that the Scientific Committee had identified projects totalling £316,700 which it considered necessary to properly carry out the Commission's requirements. She further noted that the budget request was slightly higher than the initial figure of £315,750 included in the Financial Statements document IWC/62/5rev.

She further reported that the Small Cetacean and Climate Change Workshop which did not take place because of funding problems was now possible to run as funding from outside of the IWC had been found. There were no questions from the BSC.

Regarding **fees for observers**, the Secretariat noted that in 1992 the Commission decided that fees for observers

from non-member Governments and intergovernmental organisations should be held constant at **£800** while the fee for NGO observers should increase annually. A new procedure for setting NGO registration fees was agreed at IWC/59 (i.e. per individual observer rather than per organisation). In previous years NGO fees were increased in line with UK inflation. For 2010/11 it is proposed that NGO fees again increase in line with UK inflation set at 2.4%. Thus the NGO registration fee for 2010/11 would be set at:

- £520 for the first observer, and
- £260 for each additional observer.

There will be no charge for interpreters (each NGO will normally be restricted to one interpreter per organisation).

The Budgetary Sub-committee accepted these proposals. Regarding **press fees**, the Sub-committee also accepted the increase proposed by the Secretariat from £60 to **£65**.

Apart from agreeing new fee levels for NGOs and the press, because of the uncertainty regarding the outcome of discussions on the future of the organisation, the BSC did not feel able to propose a budget for 2010/11 or a forecast budget for 2011/13. It agreed to report its discussions to the F&A Committee.

5.3.2 F&A Committee discussions and recommendations

The Chair of the F&A Committee noted the difficulty of proposing a budget to the Commission before the outcome of the discussions on the future of the organisation is known, but stressed the importance of developing some alternative budget scenarios that could be considered once further clarity is achieved. She suggested that these budget scenarios would be along the lines of those described in Item 3.1 above.

The Secretariat introduced two additional scenarios, i.e. in addition to that described in Item 5.3.1 above. These are included as Appendices 7 and 8.

SCENARIO 1

Scenario 1 is intended to avoid increases in Financial Contributions for individual Contracting Governments above the 2009-2010 level but at the same time to cut costs to moderate the effects on reserves. It takes the proposed budget as per the Financial Statements document IWC/62/5rev amended as follows:

- Financial contributions per Contracting Government are kept at or near 2009-2010 levels;
- the proposed recruitment of a scientist to the Secretariat is removed (£65k saved);
- the Annual Meeting Budget was cut by 10% (£37.5k saved);
- the budget for intersessional work associated with work on the future of the organisation is removed (£100k saved); and
- the Research Budget is cut by 10% (£31.5k saved).

The reduction of £302k in Financial Contributions combined with cost reductions of £234k produces a deficit of £20k (before transfers between funds).

SCENARIO 2

This scenario is intended to show the possibility of spreading increases in Financial Contributions over 3 years to bring reserves back to the target of 50% of operating costs by the end of 2012-2013. In this scenario, there is the addition of an 'alternative budget' for 2012-2013 and amendments to the proposed and forecast budgets as per the Financial Statements document IWC/62/5rev as follows:

- Financial Contributions for 2010-2011 (proposed budget), 2011-2012 (forecast budget) and 2012-2013 (alternative budget) are increased by 9.5% per annum (year on year);
- the proposed recruitment of a scientist to the Secretariat is retained (approx. £65k per year, all years); and
- the budget for intersessional work associated with work on the future of the IWC of £100k for 2010-2011 only, is retained.

The proposed budget for 2010-2011 and the forecast budget for 2011-2012, as per the Financial Statements document IWC/62/5rev, set Financial Contributions at a level sufficient to bring reserves to the target level in each year. This resulted in an increase in Financial Contributions for 2010-2011 of around 21%, followed by a reduction of around 5% in 2011-2012.

The Secretariat noted that the close matching of income to expenditure each year is an approach favoured by some governments, even though this can result in large fluctuations from year to year as shown in the Financial Statements document IWC/62/5rev. Other governments favoured more gradual changes to Financial Contributions so that any fluctuations in expenditure can be smoothed by the use of reserves.

The question was raised as to whether income might be increased through increased sales of publications. The Secretariat noted that this might be possible, though the effect would be modest.

Discussion focused initially on the savings that might be made if the Commission moved to meeting biennially, which was the strong preference of some members regardless of outcome of the discussions on the future of the organisation. Others however noted that given that the discussions on IWC's future are ongoing, it is not possible to discuss whether or not certain budgetary provisions should be included (e.g. additional staff, provision for intersessional activity), focused on the need for good budgetary management. In this respect it was suggested that in general, governments prefer to have some stability in payments they are required to make and that the approach taken in scenario 2 addressed this preference. Noting these remarks the Chair proposed that the Secretariat develop two further scenarios to include the option for biennial meetings of the Commission but continued annual meetings of the Scientific Committee. These would be available for review by the Commission in plenary. The F&A Committee agreed. Several countries considered that annual meetings of the Conservation Committee should also be considered although others believed that annual meetings of other Committees would not result in the savings being sought by moving to biennial meetings.

In summary, the F&A Committee **recommends**:

- that further consideration on the proposed budget for 2009-2010 (Appendix 5) be undertaken following further discussion about the future of the organisation; and
- that for 2010-2011, the NGO fee be set at **£520** for the first observer from an organisation and at **£260** for each additional observer and the press fee be set at **£65**.

5.4 Other

5.4.1 Budgetary Sub-committee operations

MEMBERSHIP AND OPEN SEATS

The BSC Chair reported that the situation regarding membership of the BSC and allocation of open seats was reviewed. A table prepared by the Secretariat shows the provisional membership of the BSC up to 2012-2013 (see Appendix 9).

Of the countries shown in Appendix 9, Panama, Peru, Cyprus and Greece were approached by the Secretariat in late May 2009 and reminders were sent in May 2010 to enquire as to whether they were interested in taking up membership of the BSC. No responses had been received at the time of the meeting. Assuming that Panama, Peru, Cyprus and Greece do not wish to participate in the work of the BSC, the Secretariat will contact the other candidate countries to ascertain their interest in their participation in the BSC's work.

With respect to the open seats which are currently vacant, expressions of interest in taking up seats for a term of two years (i.e. 2010/11 and 2011/12) were received from St Kitts and Nevis and Switzerland in response to a May 2010 Circular Communication. The allocation of the open seats to these two countries was confirmed by the F&A Committee.

ELECTION OF A VICE-CHAIR

Noting that Thomas Schmidt would be unable to continue as the BSC Vice-Chair after IWC/62, the F&A Committee Chair invited eligible volunteers. The Committee gratefully accepted Switzerland's offer to fill the post.

5.4.2 Funding of work on conservation

Belgium noted that there are 'two pillars' to the IWC (i.e. management and conservation) and made reference to a document it had submitted to the Commission at IWC/60 in 2008 (IWC/60/14rev) that explored different ways that the IWC might change its approach to budgeting to better reflect the 'two pillars'. It further noted that currently, conservation work relies mainly on voluntary contributions which it believed gave ownership to the donors rather than to the organisation as a whole and gave additional work to the Secretariat in the administration of such funds. Belgium therefore proposed that a small group of members, to work by correspondence, be established to examine ways on how to integrate conservation funding into the overall budget. France, Australia, UK, Germany, Costa Rica, USA and Monaco supported this proposal and indicated their interest in joining the group. The USA noted that discussions would be influenced greatly by the outcome of the discussions on the future of the organisation and should take account of this in its work. The F&A Committee **recommends** the formation of this small group to the Commission. The Chair of the Committee requested that interested parties develop Terms of Reference for the group for review by the Commission in plenary.

6. OTHER MATTERS

There were no other matters.

7. ADOPTION OF REPORT

The report was adopted 'by post' on 20th June 2010.

Appendix 1**LIST OF PARTICIPANTS****Australia**

Stephen Bouwhuis
Peter Komidar
Pam Eiser

Austria

Andrea Nouak

Belgium

Alexandre de Lichtervelde

Cambodia

Ing Try

Cameroon

Baba Malloum Ousman

Chile

Marcela Zamorano

Czech Republic

Pavla Hýčová

Denmark

Øle Samsing

Finland

Esko Jaakkola
Penina Blankett

France

Stephane Louhaur
Martine Bigan

Germany

Thomas Schmidt
Monika Roemerscheidt

Iceland

Asta Einarsdottir

Italy

Rosa Caggiano

Japan

Hideaki Okada
Toshinori Uoya
Yutaka Aoki
Daisuke Kiryu
Joji Morishita

Korea

Hyun-Jin Park
Zang-Geun Kim
Chul-Woo Lee
Sang-Joon Hong

New Zealand

Geoffrey Palmer
Jan Henderson
Gerard van Bohemen
Mike Donoghue

Monaco

Frederic Briand

Mexico

Lorenzo Rojas-Bracho

Norway

Einar Tallaksen
Øle David Stenseth

Palau

Victorio Uherbelau

Portugal

Jorge Palmeirim
Marina Sequeira

South Africa

Herman Oosthuizen

Spain

Carmen Asencio

Sweden

Stellan Hamrin
Bo Fernholm

Switzerland

Martin Krebs

UK

Nigel Gooding
Sarah Archer
Jolyon Thomson
Jennifer Lonsdale
Mark Simmonds

USA

Ryan Wulff
Elizabeth Phelps
Roger Eckert
DJ Schubert
Michael Tillman
Bob Brownell

IWC Secretariat

Nicky Grandy
Simon Brockington
Sean Moran

Appendix 2**LIST OF DOCUMENTS****IWC/62/F&A**

- 1 Draft Agenda
- 2 List of documents
- 3 Exploration of the due date for the payment of financial contributions, imposition of penalty interest and proposed amendments to the Commission's Financial Regulations
- 4 Proposed amendment to Rule of Procedure J. Schedule amendments, recommendations under Article VI and Resolutions
- 5 Secretary's report on the collection of Financial Contributions for 2009-2010
- 6 Report of the Budgetary Sub-committee
- 7 Scientific Committee Invited Participants

Commission documents**IWC/62/**

- Rep1 Report of the Scientific Committee [Extracts: Item 24]
10 Cost estimates for a monitoring, control and surveillance scheme of possible whaling operations and how costs might be apportioned (Secretariat)

IWC/60/

- 14rev Future IWC work on cetacean conservation issues including budgetary implications (Belgium)

Appendix 3

AGENDA

1. Introductory items
 - 1.1 Appointment of Chair
 - 1.2 Appointment of Rapporteurs
 - 1.3 Review of documents
2. Adoption of the Agenda
3. Administrative matters
 - 3.1 Implications of discussions on the future of IWC
 - 3.2 Amendments to the Rules of Procedure, Financial Regulations and Rules of Debate
 - 3.3 Other
4. Formula for calculating contributions and related matters
 - 4.1 Due date for financial contributions
 - 4.2 The Interim Measure and assessment for St Vincent and The Grenadines
 - 4.3 Other
5. Financial statements, budgets and other matters addressed by the Budgetary Sub-committee
 - 5.1 Review of the provisional financial statement, 2009/2010
 - 5.1.1 Report of the Budgetary Sub-committee
 - 5.1.2 Secretary's report on the collection of financial contributions
 - 5.2 Secretariat offices
- 5.3 Consideration of the proposed budget for 2010/2011, including the budget for the Scientific Programme, and the forecast budget for 2011/2012
 - 5.3.1 Report of the Budgetary Sub-committee
 - 5.3.2 F&A Committee discussions and recommendations
- 5.4 Other
6. Other matters
7. Adoption of the Report

TERMS OF REFERENCE

The Finance and Administration Committee shall advise the Commission on expenditure, budgets, scale of contributions, Financial Regulations, staff questions, and such other matters as the Commission may refer to it from time to time (*Rules of Procedure, Rule M.8*).

ADMISSION OF OBSERVERS

Rule of Procedure C.2

Observers accredited in accordance with Rule [of Procedure] C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of subsidiary groups of the Commission and the Technical Committee, **except the Commissioners-only meetings and the meetings of the Finance and Administration Committee.**

Appendix 4

PROVISIONAL FINANCIAL STATEMENT 2009-2010

Income and Expenditure Account

Income	Approved Budget		Projected Out-turn	
	£	£	£	£
Contracting Government contributions		1,533,000		1,533,000
Recovery of Arrears		0		0
Interest on overdue financial contributions		0		33,800
Voluntary contributions		2,000		15,750
Sales of publications		18,900		18,900
Sales of sponsored publications		1,000		1,000
Observers' registration fees		50,300		50,300
UK taxes recoverable		22,000		22,020
Staff assessments		172,500		186,800
Interest receivable		16,200		7,520
Sundry income		500		0
		1,816,400		1,869,090
Expenditure				
Secretariat	1,153,300		1,210,200	
Publications	38,500		38,600	
Annual meetings	365,700		365,700	
Other meetings	198,000		159,800	
Research expenditure	308,500		308,340	
Small cetaceans	1,000		7,000	
Sundry	0		0	
	2,065,000		2,089,640	
Provisions				
Unpaid interest and overdue contributions	0		11,730	
Severance Pay Provision	41,500		-67,500	
Provision for other doubtful debts	0		0	
	0		0	
		2,106,500		2,033,870
Excess of expenditure over income		-290,100		-164,780
Net Transfers from or to (-):				
Sponsored Publications Fund		-1,700		1,160
Research Fund		-4,600		7,220
Small Cetaceans Fund		-150		2,960
Surplus/Deficit (-) for the year after transfers		-296,550		-176,120

Appendix 5**PROPOSED BUDGET 2010-2011; FORECAST 2011-2012**

See Annex N of the Chair's Report.

Appendix 6**SCIENTIFIC COMMITTEE FUNDING REQUIREMENTS FOR 2010-2011**

See Annex O of the Chair's Report

Appendix 7**ALTERNATIVE BUDGET SCENARIOS - SCENARIO 1**

Notes: Changes to the proposed budget include:
 Keep Financial Contributions per CG at 09/10 levels
 No additional staff member - cost reduction £65k
 No intersessional work for 10/11 - cost reduction £100k
 Reduce Annual Meeting budget by 10% - cost reduction £37.5k
 Reduce Research expenditure - £31.5k

Income and Expenditure Account - Proposed Budget 2010 (revised)

<i>Keep Financial Contributions per CG at 09/10 levels</i>	Proposed Bu	Prop Bu	Prop Bu	Description of changes
<i>Reduce costs to moderate effects on reserves</i>	2010-2011	Var 'n 1 2010-2011	Orig-Var1	
	£	£		
Income				
Contracting Government contributions	1,869,250	1,567,000	302,250	<i>FC's at 09/10 levels</i>
Recovery of Arrears	0	0	0	
Interest on late financial contributions	0	0	0	
Voluntary contributions	2,000	2,000	0	
Sales of publications	15,000	15,000	0	
Sales of sponsored publications	500	500	0	
Observers' registration fees	45,300	45,300	0	
UK taxes recoverable	22,000	22,000	0	
Staff assessments	192,320	182,320	10,000	<i>Red'n £ 10k as new empl n/a</i>
Interest receivable	13,600	13,600	0	
Sundry income	0	0	0	
	2,159,970	1,847,720	312,250	
Expenditure				
Secretariat	1,202,600	1,137,600	65,000	<i>£65k for add person removed</i>
Publications	39,550	39,550	0	
Annual meetings	374,500	337,050	37,450	<i>AM @ 90% of PropBu 10/11</i>
Other meetings	142,000	42,000	100,000	<i>£100k for i/s removed</i>
Research expenditure	315,750	284,175	31,575	<i>RES @ 90% of PropBu 10/11</i>
Small cetaceans	1,050	1,050	0	
Sundry	0	0	0	
	2,075,450	1,841,425	234,025	
Provisions				
Unpaid interest on overdue contributions	0	0	0	
Severance Pay Provision	26,900	26,900	0	
Provision for other doubtful debts	0	0	0	
	2,102,350	1,868,325	234,025	
Surplus/(- deficit)	57,620	-20,605	78,225	
Net Transfers from or to (-):				
Sponsored Publications Fund				
Research Fund				
Small Cetaceans Fund				
Surplus/Deficit (-) for the year after transfers				

Appendix 8

ALTERNATIVE BUDGET SCENARIOS - SCENARIO 2

Notes: In the Proposed Budget and Forecast Budget as show in the Financial Statements document IWC/62/5rev, Financial Contributions were calculated to produce reserves as the target level. Scenario 2 shows Financial Contributions calculated to restore the reserves to the target level over 3 years. The 'alternative budget' for 2012/13 is based on the forecast budget for 2011/12 with appropriate levels of inflation being applied to different variables.

INCOME AND EXPENDITURE ACCOUNT		FC incr 9.5%		FC incr 9.5%		FC incr 9.5%
	PropBu 2010/11	PropBuVer2 2010/11	FcstBu 2011/12	FcstBuVer2 2011/12	AltBu 2012/13	AltBuVer2 2012/13
INCOME: continuing operations						
Contributions from member governments	1,869,250	1,677,874	1,768,799	1,836,433	1,886,252	2,009,994
Recovery of Arrears	0	0	0	0	0	0
Interest on overdue financial contributions	0	0	0	0	0	0
Voluntary contributions for research, small cetaceans work and publications	2,000	2,000	2,000	2,000	2,000	2,000
Sales of publications	15,000	15,000	15,000	15,000	15,000	15,000
Sales of sponsored publications	500	500	500	500	500	500
Observers' registration fees	45,300	45,300	45,300	45,300	45,300	45,300
UK taxes recoverable	22,000	22,000	22,000	22,000	22,000	22,000
Staff assessments	192,310	192,310	200,630	200,630	208,624	208,624
Interest receivable	13,600	13,600	13,600	13,600	13,600	13,600
Sundry income	0	0	0	0	0	0
	2,159,960	1,968,584	2,067,829	2,135,463	2,193,276	2,317,018
EXPENDITURE						
Secretariat	-1,202,620	-1,202,620	-1,245,780	-1,245,780	-1,293,411	-1,293,411
Publications	-39,530	-39,530	-40,490	-40,490	-41,462	-41,462
Annual meetings	-374,480	-374,480	-383,470	-383,470	-392,673	-392,673
Other meetings	-142,000	-142,000	-43,000	-43,000	-44,032	-44,032
Research expenditure	-315,740	-315,740	-323,320	-323,320	-331,080	-331,080
Small cetaceans	-1,050	-1,050	-1,050	-1,050	-1,050	-1,050
	-2,075,420	-2,075,420	-2,037,110	-2,037,110	-2,103,707	-2,103,707
Provision made for:						
Unpaid contributions	0	0	0	0	0	0
Unpaid interest on overdue contributions	0	0	0	0	0	0
Severance Pay Provision	-26,900	-26,900	-38,860	-38,860	-46,200	-46,200
Provision for other doubtful debts	0	0	0	0	0	0
	-2,102,320	-2,102,320	-2,075,970	-2,075,970	-2,149,907	-2,149,907
Surplus / (- deficit)	57,640	-133,736	-8,141	59,493	43,369	167,111
NET TRANSFERS FROM (TO) FUNDS						
Publications fund	-600	-600	-600	-600	-600	-600
Research Fund	-4,000	-4,000	-4,000	-4,000	-4,000	-4,000
Small cetaceans fund	-450	-450	-450	-450	-450	-450
	-5,050	-5,050	-5,050	-5,050	-5,050	-5,050
(SURPLUS) / DEFICIT FOR THE YEAR AFTER TRANSFERS	52,590	-138,786	-13,191	54,443	38,318	162,060
Target level of General Fund is 50% of Operating Expenses in any year						
Operating expenses	2,102,320	2,102,320	2,075,970	2,075,970	2,149,907	2,149,907
Operating expenses * 50%	1,051,160	1,051,160	1,037,985	1,037,985	1,074,954	1,074,954
General Fund	1,049,826	858,450	1,036,635	912,893	1,074,953	1,074,953
General Fund / OpExp * 50%	100%	82%	100%	88%	100%	100%
Amount required to reach target GF level	1,334	192,710	1,350	125,092	0	0

Appendix 9

CURRENT AND FUTURE MEMBERSHIP OF THE BUDGETARY SUB-COMMITTEE AS AT JUNE 2010
COMPARED TO JUNE 2009 AND JUNE 2008

Membership of Budgetary Sub-committee based on Contracting Governments as at:

Current and future membership of Budgetary Sub-committee based on Contracting Governments as at:

June 2008				June 2009				June 2010						
	Term of membership (years)	Current membership* 2007-08	Participants at IWC/60	Term of membership (years)	Current membership* 2008-09	Participants at IWC/61	Term of membership (years)	Current membership (as per rota)	Current (effective) membership*	Future membership assuming no country declines to serve				
										2010-11	2011-12	2012-13		
Group 1	3	Benin (3) Gabon (3)	no no	Group 1	3	Gambia (1)!! Grenada (1)!!	no no	Group 1	3	Gambia (1)!! Grenada (1)!!	Gambia the (2) Grenada (2)	Gambia (3) Grenada (3)	Guinea (1) Guinea Bissau (1)	Guinea (2) Guinea Bissau (2)
Group 2	3	Morocco (1) Monaco (resigned)	no no	Group 2	3	Morocco (2)# Oman (#)	no no	Group 2	3	Panama (*1) Peru (*1)		Poland (1) Romania (1)	Poland (2) Romania (2)	Poland (3) Romania (3)
Group 3	3	Belgium (2) Denmark (2)	yes no	Group 3	3	Belgium (3) Denmark (3)#	yes no	Group 3	3	Cyprus (*1) Greece (*1)		Iceland (1) Netherlands (1)	Iceland (2) Netherlands (2)	Iceland (3) Netherlands (3)
Group 4	3	Germany (3) Japan USA	yes yes yes	Group 4	3	Italy (1)!! Japan USA	yes yes yes	Group 4	3	Italy (!) Japan USA	Italy (2) Japan USA	Italy (3) Japan USA	UK (1) Japan USA	UK (2) Japan USA
Open seats	2	vacant	no	Open seats	2	Vacant (\$\$)	no	Open seats	2	vacant	vacant	vacant	vacant	vacant
Chair		Joji Morishita (Japan)	yes	Chair		Andrea Nouak (Austria)	yes	Chair		Andrea Nouak (Austria)	Andrea Nouak (Austria)	Andrea Nouak (Austria)	To be elected	To be elected
Vice-Chair		Andrea Nouak (Austria)	yes	Vice-Chair		Thomas Schmidt (Germany) - In place of W. Duebner	yes	Vice-Chair		Thomas Schmidt (Germany)	Thomas Schmidt (Germany)	Thomas Schmidt (Germany)	To be elected	To be elected

*Number in brackets indicates how many years a country has already been a member.

#) Declined to participate when asked during IWC/60.

(!) Willing to participate when asked during IWC/60.

(*1) Invitations to participate sent in June 2009 plus reminders in May 2010 - no affirmative responses as yet.

(\$\$) BSC Chair called for expressions of interest to fill Open Seats from F & A Committee members - none received.

Group 3 nations entitled to participate by rotation: Iceland, Ireland (#1), Israel (#1), Korea (Rep of) (#2), Luxembourg (#1), Netherlands. But note: (#1) gave negative responses when asked, due to excess work for single representative; (#2) recent BSC member as G2 nation.

Supplementary Report of the Finance and Administration Committee

Thursday 24 June 2010

Introduction

The following agenda items were held over from the original meeting held Friday 18 June 2010 for further consideration:

4. Formula for calculating contributions and related matters
 - 4.1 Due date for financial contributions
 - 4.2 The Interim Measure and assessment for St Vincent and The Grenadines
5. Financial statements, budgets and other matters addressed by the Budgetary Sub-committee
 - 5.3 Consideration of the proposed budget for 2010/2011, including the budget for the Scientific Programme, and the forecast budget for 2011/2012
 - 5.4.2 Funding of work on conservation

The UK proposed that under 'other business' the F&A Committee consider a review of the Commission's rules and procedures.

4. FORMULA FOR CALCULATING CONTRIBUTIONS AND RELATED MATTERS

4.1 Due date for financial contributions

Proposal in relation to discussions on the due date for financial contributions

During the F&A Committee meeting on Friday 18 June, Cameroon, supported by a number of countries, considered that the current procedures with respect to non- or late payment of financial contributions impose a double sanction in the form of both penalty interest and suspension of voting rights for late payment. There was a suggestion that consideration could be given to retaining the current due date and rules on loss of voting rights but removing the imposition of penalty interest. While there was some support for this proposal, Cameroon remained interested in changing the due date for financial contributions. The F&A Committee agreed that Cameroon, Japan and any other interested country should work together to explore these different options so as to present a single proposal for consideration by the Commission. Following consultations, Cameroon proposed the following amendment to F.1 of the Financial Regulations which removes the imposition of the 10% penalty charge for late payment. The due date would remain unchanged.

F. Arrears of Contributions

1. If a Contracting Government's annual payments have not been received by the Commission by *within 12 months of* the due date referred to under Regulation E.2, a penalty charge of 10% shall be added to the outstanding annual payment on the day following the due date. If the payment remains outstanding for a further 12 months compound interest shall be added on the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the base rate quoted by the Commission's bankers on the day. The interest, calculated to the nearest pound, shall be

payable in respect of complete years and continue to be payable in respect of any outstanding balance until such time as the amount in arrears, including interest, is settled in full.

The F&A Committee agreed to this proposal and **recommends** to the Commission that Financial Regulation F.1 be amended as shown.

Proposal regarding taking account of exchange-rate fluctuations

Also discussed at the F&A Committee's meeting on 18 June was the fact that fluctuations in currency exchange can result in the amount remitted by a Contracting Government to pay its financial contributions falling short of the amount required which can also result in a loss of voting rights. Cameroon therefore proposed the addition of a new footnote to Financial Regulation F.2 as shown below.

F. Arrears of Contributions

1. If a Contracting Government's annual payments have not been received by the Commission by the due date referred to under Regulation E.2 a penalty charge of 10% shall be added to the outstanding annual payment on the day following the due date. If the payment remains outstanding for a further 12 months compound interest shall be added on the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the base rate quoted by the Commission's bankers on the day. The interest, calculated to the nearest pound, shall be payable in respect of complete years and continue to be payable in respect of any outstanding balance until such time as the amount in arrears, including interest, is settled in full.
2. If a Contracting Government's annual payments, including any interest due³, have not been received by the Commission by the earliest of these dates:
 - 3 months following the due date; or
 - the day before the first day of the next Annual or Special Meeting of the Commission if such a meeting is held within 3 months following the due date; or,
 - in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date, the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2 of the Rules of Procedure.

Footnote 3: A short-term concession of up to 500 pounds sterling will be given to any Contracting Government to take account of remittances sent to cover annual payments, including any interest due, that fall short of the balance owing by up to that amount. This concession is to allow for variations in bank charges and exchange rate that might otherwise reduce the value of the remittance to a lower value than intended in pounds sterling and so leave a Contracting Government with a balance of annual payments, including any interest due outstanding.

This short term concession will enable a Contracting Government to maintain its right to vote. Any Contracting Government with a balance outstanding above 500 pounds sterling will not be entitled to the short-term concession and their right to vote shall be suspended. The shortfall of up to 500 pounds sterling allowed by the concession shall then be carried forward to the next financial year as part of the balance of annual payments, including any interest due to the Commission.

After a short discussion the F&A Committee **agreed** to recommend to the Commission the addition of a new footnote to Financial Regulation F.2 as given above.

4.2 The Interim Measure and assessment for St Vincent and The Grenadines

Introduction

At last year's meeting St Vincent and The Grenadines noted that although it falls into capacity-to-pay Group 1 described in the Interim Measure because it has an aboriginal subsistence hunt its financial contributions assessed under the Interim Measure are higher than those in Group 2 and almost as high as some of those in Group 3. It considered this situation to be inequitable and reported that it will submit a proposal on how its contributions might be reduced for consideration by the Commission at IWC/62.

St Vincent and The Grenadines had not be able to be present at the F&A Committee meeting on 18 June and representative from St Kitts and Nevis spoke instead on this matter (see IWC/62/Rep2, section 4.2)¹. Given that St Vincent and The Grenadines falls into the lowest capacity-to-pay group and that its aboriginal subsistence hunt is very small compared to other such hunts (it has a quota for only 4 whales per year), St Kitts and Nevis suggested that this situation is not equitable and suggested that the Commission waive the share portion attracted by St Vincent the The Grenadines because of its aboriginal subsistence whaling. The F&A Committee agreed that the Secretariat should explore the financial implications to other countries of such a move.

Proposal

In the meeting on 24 June, St Vincent and The Grenadines proposed the following amendments to the calculation of financial contributions (changes shown in **bold italics**):

Amendment to Note 1. of the 'old' (pre-September 2002) procedure for calculating financial contributions

1. Whaling shares for land station/small-type whaling and for aboriginal subsistence whaling are allocated for any number of those operations conducted by a Contracting Government **except that shares for aboriginal subsistence whaling shall not be allocated in cases where catches in any five year period do not exceed 20 animals**. For factory ship operations the shares are allocated per vessel. This was not specifically recorded in 1992 when the current procedure was introduced as a modification of the previous procedure which did explicitly allocate shares in this manner*.

Amendment to the Interim Measure for calculating financial contributions

Point 3 of the description of the Interim Measure says: 'This procedure results in a shortfall which is distributed among whaling countries and countries in Groups 3 and 4 as follows: whaling countries 10%, Group 3 countries 30% and Group 4 countries 60%'. St Vincent and The Grenadines proposed that the words 'whaling countries' be changed to 'countries that receive shares for whaling', i.e.

'This procedure results in a shortfall which is distributed among whaling countries and countries in Groups 3 and 4 as follows: **whaling countries that receive shares for whaling** 10%, Group 3 countries 30% and Group 4 countries 60%.'

F&A Committee discussions and recommendations

Data provided by the Secretariat demonstrated that the financial implications to other countries of the proposal were minimal. After a short discussion the F&A Committee **agreed to recommend** to the Commission that the share portion attracted by St Vincent the The Grenadines of its aboriginal subsistence whaling be waived and that the procedure for calculating financial contributions be revised as proposed above.

St Vincent and The Grenadines confirmed that it collects the data and samples requested by the Scientific Committee in relation to its hunt.

5. FINANCIAL STATEMENTS, BUDGETS AND OTHER MATTERS ADDRESSED BY THE BUDGETARY SUB-COMMITTEE

5.3 Consideration of the proposed budget for 2010/2011, including the budget for the Scientific Programme, and the forecast budget for 2011/2012

Introduction

At the F&A meeting held on Friday 18 June, the Chair of the F&A Committee noted the difficulty of proposing a budget to the Commission before the outcome of the discussions on the future of the organisation is known, but stressed the importance of developing some alternative budget scenarios that could be considered once further clarity is achieved.

During the F&A meeting held on Friday 18 June, discussion focused initially on the savings that might be made if the Commission moved to meeting biennially, which was the strong preference of some members regardless of outcome of the discussions on the future of the organisation. Others however noted that given that the discussions on IWC's future are ongoing, it is not possible to discuss whether or not certain budgetary provisions should be included (e.g. additional staff, provision for intersessional activity), and instead focused on the need for good budgetary management. In this respect it was suggested that in general, governments prefer to have some stability in payments they are required to make. Noting these remarks the Chair proposed that the Secretariat develop further scenarios to include the option for biennial meetings of the Commission but continued annual meetings of the Scientific Committee.

The Secretariat identified the following six scenarios as worthy of further consideration.

Scenario no.	Scenario description
Sc1	No new staff (all years), no intersessional meetings in 2010/11, Annual Meetings (all years).
Sc2	No new staff (all years), no intersessional meetings in 2010/11, Annual Meetings (2010/11), SC meeting only (2011/12).
Sc3	New staff (all years), intersessional meetings in 2010/11, Annual Meetings (all years).
Sc4	New staff (all years), intersessional meetings in 2010/11, Annual Meetings (10/11), SC meeting only (11/12).
Sc5	New staff (all years), no intersessional meetings in 2010/11, Annual Meetings (all years).
Sc6	New staff (all years), no intersessional meetings in 2010/11, Annual Meetings (2010/11), SC meeting only (2011/12).

The effect on financial contributions of these scenarios were presented and described (see Appendix 1) The Secretariat noted the following points:

- (1) Scenarios Sc3 and Sc4 were identified as possible options, but were not evaluated in detail due to discussions in the plenary where it became apparent that

¹This volume, pp.112-113.

*See *Rep. int Whal Comm.* 32, p.37; 41, p.43 and 42, p.42.

an allocation of £100k for intersessional work on the future of the IWC would not be required.

- (2) The cost of a new member of staff was included in the Proposed Budget for 2010-2011 as per the Financial Statements document IWC/62/5rev (cost approx. £65k pa). Scenarios Sc1 and Sc2 have the £65k excluded. Scenarios Sc5 and Sc6 have the £65k included.
- (3) The cost of inter-sessional meetings was included in the Proposed Budget for 2010-2011 as per the Financial Statements document IWC/62/5rev (cost approx. £100k). All scenarios evaluated in detail (Sc1, Sc2, Sc5 and Sc6) have the intersessional meeting cost of £100k excluded.
- (4) Scenarios Sc2 and Sc6 assume that the Annual Meeting will be held as usual in 2010-2011, but only the Scientific Committee will be held in 2011-2012. For the purpose of this evaluation, the cost of the Scientific Committee Meeting in 2011-2012 is assumed to be half the cost of the Annual Meeting for that year.
- (5) An attempt has been made to moderate the increases in Financial Contributions in 2010-2011 by bringing reserves back to the target level of 50% of operating costs at the end of 2011-2012. All scenarios show a deficit in 2010-2011 and a surplus in 2011-2012 to bring the reserves back to the target level.

The Secretariat noted that in each scenario, years 1 and 2 were linked by way of smoothing income to enable reserves to reach the target of 50% of operating costs after two years.

F&A Committee discussions and recommendations

It was noted that although the increased workload on Secretariat staff was recognised, due in large part to the growth of the organisation but also to recent work related to discussions on the future of the IWC, an increase in staff at a time of fiscal restraint in many member countries is inappropriate. Scenarios 5 and 6 which included a new member of staff were therefore considered to be currently inappropriate.

Scenarios 1 and 2 (no increases in staff) were considered more appropriate at this time. Scenario 1 provides for the continuation of full Annual Meetings (i.e. Scientific Committee, working groups and Commission plenary), while Scenario 2 provides for a full Annual Meeting in 2010-2011 and only the Scientific Committee in 2011-2012. While there was considerable support for the Commission to move to biennial meetings, while continuing annual meetings of the Scientific Committee, the F&A Committee recognised that decisions on meeting frequency are a matter for the Commission. It therefore **agreed** to forward both scenarios to the Commission for decision-making.

The F&A Committee noted that selection of Scenario 1 would not preclude the Commission deciding to move to biennial meetings of the Commission next year.

5.4.2 Funding of work on conservation

During the F&A committee meeting held on Friday 18 June, Belgium noted that there are 'two pillars' to the IWC (i.e. management and conservation) and made reference to a document it had submitted to the Commission at IWC/60 in 2008 (IWC/60/14/rev) that explored different ways that the IWC might change its approach to budgeting to better reflect the 'two pillars'.

Belgium proposed that a small group of members, to work by correspondence, be established to examine ways on how to integrate conservation funding into the overall budget.

The F&A Committee recommended the formation of this small group to the Commission. The Chair of the Committee requested that interested parties develop Terms of Reference for the group for review by the Commission in plenary.

Belgium submitted draft terms of reference to the F&A Committee on Thursday 24 June as follows:

CONSERVATION FUNDING DRAFT TERMS OF REFERENCE

As proposed by Belgium and recommended by the F&A Committee, a small group will work to develop proposals for strengthening the financing of conservation with a view to striking a balance between funding for conservation and funding for management.

The group will:

- (1) examine ways on how to integrate conservation funding into the overall budget;*
- (2) consider both core budget and voluntary funding; and*
- (3) report back to the F&A Committee at IWC/63.*

The group will work by correspondence with Belgium as proposed Convener.

The F&A Committee **recommends** these Draft Terms of Reference to the Commission.

OTHER BUSINESS

Following the discussion of a proposal from the UK, the F&A Committee **agreed** to recommend to the Commission that the new Secretary be asked to review the Commission's rules and procedures, including its financial rules and procedures, in comparison with other intergovernmental organisations and submit a report to the Committee at IWC/63. The Committee further agreed that the Advisory Committee would provide advice to the new Secretary on which intergovernmental organisations should be included in the comparison.

The report of the Finance and Administration Committee, including this supplementary report, was adopted by the Commission at its 62nd Annual Meeting.

Appendix 1

EVALUATION OF BUDGET OPTIONS FOR 2010-2011 AND 2011-2012
SCENARIO DESCRIPTIONS AND NOTES

	09/10 Actual	10/11 PropBuVer1	11/12 Fcst Bu Ver1	10/11 PropBu Sc1	11/12 Fcst Bu Sc1	10/11 PropBu Sc2	11/12 Fcst Bu Sc2	10/11 PropBu Sc5	11/12 Fcst Bu Sc5	10/11 Prop Bu Sc6	11/12 Fcst Bu Sc6
Contributions from member governments	1,533,000	1,869,250	1,768,799	1,633,084	1,761,715	1,569,904	1,537,292	1,679,584	1,859,815	1,637,877	1,613,919
£ Increase over previous year		336,250	-100,451	100,084	128,631	36,904	-32,612	146,584	180,231	104,877	-23,958
% Increase over previous year		21.9%	-5.4%	6.5%	7.9%	2.4%	-2.1%	9.6%	10.7%	6.8%	-1.5%

Scenario no.	Scenario description
Sc1	No new staff (all years), no inter-sessional meetings in 10/11, annual meetings (all years).
Sc2	No new staff (all years), no inter-sessional meetings in 10/11, annual meetings (10/11), SC meeting only (11/12).
Sc3	New staff (all years), inter-sessional meetings in 10/11, annual meetings (all years).
Sc4	New staff (all years), inter-sessional meetings in 10/11, annual meetings (10/11), SC meeting only (11/12).
Sc5	New staff (all years), no inter-sessional meetings in 10/11, annual meetings (all years).
Sc6	New staff (all years), no inter-sessional meetings in 10/11, annual meetings (10/11), SC meeting only (11/12).

Notes

- (1) Scenarios Sc3 and Sc4 were discussed in principle, but not evaluated in detail due to developments during the Plenary.
- (2) The cost of a new member of staff was included in the Proposed Budget for 2010-2011 as per the Financial Statements Document IWC/62/5rev (cost approx. £65k pa). Scenarios Sc1 and Sc2 have the £65k excluded. Scenarios Sc5 and Sc6 have the £65k included.
- (3) The cost of inter-sessional meetings was included in the Proposed Budget for 2010-2011 as per the Financial Statements Document IWC/62/5rev (cost approx. £100k). All scenarios evaluated in detail (Sc1, Sc2, Sc5 and Sc6) have the intersessional meeting cost of £100k excluded.
- (4) Scenarios Sc2 and Sc6 assume that the Annual Meeting will be held as usual in 2010-2011, but only the Scientific Committee will be held in 2011-2012. For the purpose of this evaluation, the cost of the Scientific Committee Meeting in 2011-2012 is assumed to be half the cost of the Annual Meeting for that year.
- (5) An attempt has been made to moderate the increases in Financial Contributions in 2010-2011 by bringing reserves back to the target level of 50% of operating costs at the end of 2011-2012. All scenarios show a deficit in 2010-2011 and a surplus in 2011-2012 to bring the reserves back to the target level.

Appendix 2

EVALUATION OF BUDGET OPTIONS FOR 2010-2011 AND 2011-2012
SUMMARY FINANCIAL STATEMENTS BY SCENARIO

INCOME: continuing operations	10/11 PropBu		11/12 Fcst Bu		10/11 PropBu		11/12 Fcst Bu		10/11 PropBu		11/12 Fcst Bu	
	Ver1	Sc1	Sc2	Sc2	Sc5	Sc5	Sc5	Sc5	Sc6	Sc6	Sc6	Sc6
Contributions from member governments	1,869,250	1,761,715	1,569,904	1,537,292	1,679,584	1,859,815	1,637,877	1,613,919	2,000	2,000	2,000	2,000
Voluntary contributions for research, small cetaceans work and publications	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	15,000	15,000	15,000	15,000
Sales of publications	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	500	500	500	500
Sales of sponsored publications	500	500	500	500	500	500	500	500	45,300	45,300	45,300	45,300
Observers' registration fees	45,300	45,300	45,300	45,300	45,300	45,300	45,300	45,300	22,000	22,000	22,000	22,000
UK taxes recoverable	22,000	22,000	22,000	22,000	22,000	22,000	22,000	22,000	192,310	190,390	200,630	200,630
Staff assessments	192,310	190,390	182,310	190,390	182,310	190,390	192,310	200,630	13,600	13,600	13,600	13,600
Interest receivable	13,600	13,600	13,600	13,600	13,600	13,600	13,600	13,600	0	0	0	0
Sundry income	0	0	0	0	0	0	0	0	1,928,587	1,912,949	1,928,587	1,912,949
EXPENDITURE	2,159,960	2,050,505	1,850,614	1,826,082	1,970,294	2,158,845	1,975,420	1,975,420	-1,202,620	-1,245,780	-1,202,620	-1,245,780
Secretariat	-1,202,620	-1,179,220	-1,137,620	-1,179,220	-1,137,620	-1,179,220	-1,137,620	-1,179,220	-39,530	-40,490	-39,530	-40,490
Publications	-39,530	-40,490	-39,530	-40,490	-39,530	-40,490	-39,530	-40,490	-374,480	-383,470	-374,480	-383,470
Annual meetings	-374,480	-383,470	-374,480	-383,470	-374,480	-383,470	-374,480	-383,470	-42,000	-43,000	-42,000	-43,000
Other meetings	-42,000	-43,000	-42,000	-43,000	-42,000	-43,000	-42,000	-43,000	-315,740	-323,320	-315,740	-323,320
Research expenditure	-315,740	-323,320	-315,740	-323,320	-315,740	-323,320	-315,740	-323,320	-1,050	-1,050	-1,050	-1,050
Small cetaceans	-1,050	-1,050	-1,050	-1,050	-1,050	-1,050	-1,050	-1,050	-1,975,420	-2,037,110	-1,975,420	-2,037,110
Provision made for:	-2,075,420	-1,970,550	-1,910,420	-1,778,815	-1,910,420	-1,778,815	-1,910,420	-1,778,815	0	0	0	0
Unpaid contributions	0	0	0	0	0	0	0	0	0	0	0	0
Unpaid interest on overdue contributions	0	0	0	0	0	0	0	0	0	0	0	0
Severance Pay Provision	-26,900	-38,860	-26,900	-38,860	-26,900	-38,860	-26,900	-38,860	-2,002,320	-2,075,970	-2,002,320	-2,075,970
Provn for other doubtful debts	0	0	0	0	0	0	0	0	-73,733	28,714	-73,733	28,714
(SURPLUS) / EXCESS OF EXPENDITURE OVER INCOME FOR THE YEAR:	57,640	41,095	-86,706	8,407	-32,026	82,875	-73,733	28,714	-600	-600	-600	-600
NET TRANSFERS FROM (TO) FUNDS	-600	-600	-600	-600	-600	-600	-600	-600	-4,000	-4,000	-4,000	-4,000
Publications fund	-4,000	-4,000	-4,000	-4,000	-4,000	-4,000	-4,000	-4,000	-450	-450	-450	-450
Research Fund	-450	-450	-450	-450	-450	-450	-450	-450	-5,050	-5,050	-5,050	-5,050
Small cetaceans fund	-5,050	-5,050	-5,050	-5,050	-5,050	-5,050	-5,050	-5,050	-78,783	23,664	-78,783	23,664
(SURPLUS) / DEFICIT FOR THE YEAR AFTER TRANSFERS	52,590	36,045	-91,756	3,357	-37,076	77,825	-73,733	28,714	2,002,320	2,075,970	2,002,320	2,075,970
Target level of General Fund is 50% of Operating Expenses in any year	2,102,320	2,009,410	1,937,320	1,817,675	1,937,320	2,075,970	2,002,320	2,075,970	1,001,160	1,037,985	1,001,160	1,037,985
Operating expenses	1,051,160	1,004,705	968,660	908,838	968,660	1,037,985	1,001,160	1,037,985	918,453	942,117	918,453	942,117
General Fund	1,049,826	1,004,705	968,660	908,837	968,660	1,036,635	1,004,705	1,036,635	92%	100%	92%	100%
General Fund / OpExp x 50%	100%	100%	93%	100%	93%	100%	96%	100%	82,707	0	82,707	0
Amount required to reach target GF level	1,354	1,350	63,180	0	63,180	0	41,000	0				

Annex N

Approved Budget for 2010/2011 and Forecast Budget for 2011/2012

Income and Expenditure Account

	Proposed Budget 2010-2011		Forecast Budget 2011-2012	
	£	£	£	£
Income				
Contracting Government contributions		1,869,250		1,768,800
Recovery of Arrears		0		0
Interest on late financial contributions		0		0
Voluntary contributions		2,000		2,000
Sales of publications		15,000		15,000
Sales of sponsored publications		500		500
Observers' registration fees		45,300		45,300
UK taxes recoverable		22,000		22,000
Staff assessments		192,320		200,650
Interest receivable		13,600		13,600
Sundry income		<u>0</u>		<u>0</u>
		2,159,970		2,067,850
Expenditure				
Secretariat	1,202,600		1,245,800	
Publications	39,550		40,500	
Annual meetings	374,500		383,500	
Other meetings	142,000		43,000	
Research expenditure	315,750		323,300	
Small cetaceans	1,050		1,050	
Sundry	<u>0</u>		<u>0</u>	
	2,075,450		2,037,150	
Provisions				
Unpaid interest on overdue contributions	0		0	
Severance Pay Provision	26,900		38,850	
Provision for other doubtful debts	<u>0</u>		<u>0</u>	
		2,102,350		2,076,000
Excess of expenditure over income		57,620		-8,150
Net Transfers from or to (-):				
Sponsored Publications Fund		600		600
Research Fund		4,000		4,000
Small Cetaceans Fund		<u>450</u>		<u>450</u>
Surplus/Deficit (-) for the year after transfers		<u>52,570</u>		<u>-13,200</u>

Annex O

Approved Research Budget for 2010/2011

		Approved budget (£)
	RMP	
1	Analysis and use of time-series of data on calving rates and intervals for use in the MSYR review	7,000
	NPM	
2	Pre-meeting and First Intersessional Workshop towards <i>Implementation Review</i> for WNP common minke whales	25,000
	AWMP	
3	AWMP Workshop on Greenlandic fisheries and preparing for gray whale <i>Implementation Review</i>	12,000
4	AWMP developers fund	8,000
	BRG	
5	Southern Ocean right whale photo-id catalogue	3,800
	IA	
6	Investigate the relationship between sea ice characteristics and Antarctic minke whale abundance estimates	5,000
7	Resolving differences in minke whale abundance estimates	15,000
8	Import of 2009/10 SOWER data and assist abundance working group	3,000
9	North Pacific sighting cruise	58,000
10	Workshop to plan medium-long term North Pacific sighting survey programme	7,000
11	Statistical catch-at-age estimators for Antarctic minke whales	2,500
	SH	
12	Southern Hemisphere blue whale catalogue project	18,900
13	Modelling of Southern Hemisphere humpback whale populations	3,000
14	Antarctic humpback whale catalogue	15,000
	BC	
15	Further development and maintenance of the IWC ship strike database	5,000
16	Development of an online submission database for Progress Reports	5,000
	E	
17	Risk assessment modelling to determine the impact of pollutants on cetacean populations	52,500
18	State of the Cetacean Environment Report (SOCER)	3,000
	WW	
19	Data compilation and power analyses for the LaWE	4,000
	ALL	
20	Invited Participants to the 2011 Annual Meeting.	64,000
	Total	316,700

Annex P

Amendments to the Schedule Adopted at the 62nd Annual Meeting

At the 62nd Annual Meeting of the International Whaling Commission held in Agadir, Morocco from 21-25 June 2010, no modifications were made to the provision for zero catch limits for commercial whaling with effect from the 1986 coastal and the 1985/86 pelagic seasons.

The following amendments to the Schedule of the International Convention for the Regulation of Whaling are therefore necessary (changes in *bold italics* type):

Paragraphs 11 and 12, and Tables 1, 2 and 3:

- Substitute the dates *2009/2010* pelagic season and *2010* coastal season for *2010/11* pelagic season and *2011* coastal season as appropriate.

In addition at IWC/62 the Commission agreed, by consensus, a proposal which will:

- (1) reduce the number of fin whales struck by aborigines from the West Greenland stock;
- (2) reduce the number of minke whales struck by aborigines from the West Greenland stock; and
- (3) establish a new strike limit for humpback whales taken by aborigines from the West Greenland stock.

This agreement requires changes to Table 1 and to paragraph 13(b)3, including the addition of a new sub-paragraph 13(b)3(v).

Annex Q

Tributes to Dr. Nicky Grandy, Secretary to the International Whaling Commission 2000-2010

Dr. Nicky Grandy served as Secretary to the IWC during a period of extensive change and development for the organisation. She oversaw the 'future of the IWC' process and supported the Commission during a strong period of growth in its membership. Nicky always approached her duties with a tireless energy, efficiency, warmth, wisdom and above all good humour, and as a special tribute a verbatim record of the speeches made at her retirement ceremony are included below together with her response.

New Zealand

Mr. Chairman, Dr. Grandy, we salute you on the occasion of your retirement from the IWC. Shakespeare says in the play Othello, of Othello, he rendered the state some service and indeed Othello did it not far from here we are told. Nicky has rendered the international community some service, distinguished service, and she has provided help for the whales. Nicky has provided us all with advice, help and assistance for 88 members. 88 members whose purposes in this organisation are highly divergent. These divisions have made it difficult for the Secretariat but Nicky has carried out her duties with integrity, ability, judgement and cheerfulness. The last characteristic surprising in some of the circumstances in which she finds herself. Nicky we are all grateful to you. I must say from New Zealand's point of view, successive Commissioners have had some robust exchanges with you and we wish to apologise sometimes for the excessive language that we have used but we have gained respect for you. We thank you for your tolerance and for your professionalism. We wish you well in what we are confident will be a glittering career in the years ahead. Thank you.'

St Lucia

I met Nicky in what seems like only yesterday, me a young scientist just beginning to understand the Alice in Wonderland world of the IWC, Nicky having to take the reins of this organisation with two very stubborn teams of horses. I can say when Nicky was introduced to the Commission whispering on the floor was as to whether this small in stature woman, and I must stress woman because there was some level of male chauvinism at the Commission which has severely improved, as to whether this lady would be able to handle these two teams. However, I don't believe that anyone understood the steely strength that was hidden under the tiny feminine stature. Nicky had to learn quickly the best way to handle the reins so as to not upset the teams and cause the IWC carriage to flip over. I must commend Nicky for her handling of the reins, of her unwavering commitment to us in Wonderland, working steadfastly for each and everyone of our countries. Not only has Nicky worked for the benefit of this organisation, she has assisted all new countries to understand the craziness of this organisation and allow all of us to feel right at home at this mad hatter's tea party. St Lucia considers Dr. Nicky Grandy not only a friend of

the International Whaling Commission but also a friend of the international community at large. Nicky we are sad to see you go but we know that wherever you are you will be working to the benefit of humankind so as we sit on the slippery slope of Mount Difficulty at the mad hatter's tea party we wish you the very best and farewell. Thank you.'

USA

I believe Dr. Grandy's first IWC Annual Meeting was at Hammersmith in 2001 and it must have been something of a trial by fire with the polarisation the Commission that existed then making her job much more difficult than it should have been. Since then Nicky's work at subsequent meetings in Shimonoseki, Berlin, Sorrento, Ulsan, St Kitts, Anchorage, Santiago, Madeira and now Agadir and not to mention numerous intersessional meetings have helped make those meetings as successful as possible. In particular, Nicky's work on the RMS discussions and then on future discussions have greatly benefited this Commission. Dr. Grandy's tireless and expert service has greatly benefitted the Commission during these challenging times. Nicky we will miss you and we wish you well in your next endeavour. Thank you.'

Cameroon

'Nicky, the African group would like to convey its recognition for everything you have done for this organisation for the past 10 years and as you served during this period as the Secretary our countries thank you, they thank you for your support and for the attention that you have always given to our countries at a time when they were taking their first steps in the IWC. Our countries were very much in admiration of your ability to provide all the necessary explanations whenever they were needed. We can say very clearly that it is thanks to you that we are able to come to an understanding of the functions and functionings of the IWC and its thanks to you that we are members of this organisation today. Of course Nicky you will be missed within the IWC, in fact you represent this organisation in many ways. We do not believe that you will be gone now for good because I am sure you will be here even after you leave. We wish you a lot of luck in the future and please Nicky do not forget us - we would like to keep in touch with you. On behalf of the African group I hope you will accept this small souvenir on behalf of the group.'

Korea

'We would like to add our sincere appreciation to Dr. Nicky Grandy on your great contribution to this Commission. Regarding to this I would like to suggest that we would add one more agenda item in the next 63rd Annual Meeting, that additional agenda item could be discussions regarding the consensus decision on sustainable use of Dr. Nicky Grandy or discussions regarding Chair's proposal of the consensus decision on the future of Dr. Nicky Grandy's expertise.'

Actually I needed to confess that in the last [?] meeting and during the lunch break when our delegation broke for lunch we saw that Nicky came back to the meeting room with the sandwiches and beverage to continue your work during the lunchtime. At that time it actually appears some [?] sympathy but also we felt deep thanks to your contribution. During the last ten years, the Korean delegation, Korean Government, all the time have seen your hard work and the devotion to this Commission. Whenever we send an email to you with questions you reply to us with your answers conscientiously, on the dot, the next day - that was the way that you worked for this Commission. Nicky thank you very much. We wish you the very best and we will miss you. Thank you.'

Japan

'Thank you Mr Chairman. As many Commissioners have taken the floor already to express their gratitude to Dr. Nicky Grandy, we also feel the same way and Japan is particularly indebted to the great work of Dr. Nicky Grandy. IWC has had a very difficult and challenging time but she has maintained fairness and sincerity in the way that she performed her work and sincere gratitudes to the Japanese delegation and as a token of our appreciation we have brought a gift. This is a doll from the beach of Japan - a fairy came from heaven and fishermen saw the fairy and in order to stop the fairy from leaving the fishermen hid the gown that the fairy was wearing and the fairy begged the fishermen to return the gown and the fishermen said if you perform a dance I will return your gown back to you and this is the doll which is in the form of Japanese traditional performers know and in order to, ... I feel like I would like to take away your gown in order to keep you in this organisation but that cannot be done but this symbolises the oldest sentiment, of our sentiment, and the Parliamentary Secretary for Najima will present this gift to you.'

Spain

'Dear Nicky, on behalf of the name of the European Union and mine we want to tell you, as those have said, that this is the coordination that has been the least difficult in the whole history we have had with the IWC. Your professionalism and competence are widely known by everyone but your understanding and attitude and your help when we need it, timely response and an urgent explanation on a given matter are really what sets you apart. I want to wish you the best in the new stage of your life when leaving here but my advice is go and have some period of rest after this meeting. We will really miss you.'

Mexico

'Nicky, the members of the Buenos Aires group consider that you are an example of high level of ethics, professionalism, behaviour and work habits in the exercise of your responsibility. You are an example to all. It is going to be difficult for Simon to wear your shoes but I can tell you also that you have been fair and firm at the same time. You are always neutral. You never pre-judge any validity of any option and you always gave us a platform for all opinions to be heard. You also presented, submitted and incorporated all the perspectives from the different members of the IWC in meetings, fora, reports, everywhere you participated. As Secretary, you faithfully represented the opinion of all members always with elegance, good nature and even after a couple of encounters or when you had to skip lunch or sleep you always had time for us all. Nicky we will miss you dearly.'

St Kitts and Nevis

'I feel very proud to be part of the group here that find it necessary to pay tribute to Nicky. Nicky joined this organisation when we were at a situation of what you can call almost a meltdown and when Nicky was introduced to this Commission it was my thought that what would such a gentle person or why would such a gentle person want to be a part of the chaotic impression that we give. But, in looking at Nicky when she was introduced you saw a type of confidence and determination that indicated at that time that she was going to make a mark on this organisation. What Nicky has done to this organisation is remarkable because within the atmosphere of chaos she has brought this organisation within a spirit of reasoning, within a stride we are now desiring consensus and in my view to be able to achieve that amongst a number of countries within such acute differences is a remarkable accomplishment.'

'Nicky, I am shown that the ability of a great diplomat and also a great international public servant she has made us all understand the importance of consensus building in international relations, she has made all of us understand that the management of resources requires us to be able to keep going at efforts to arrive at good decision making and one of her remarkable attributes is her ability to work with her colleagues within the Secretariat to produce challenging documents that can allow us, whichever side the debate we are on, to think carefully as to how we can proceed to bring effective management and conservation measures to the whale populations and to that she must be commended.'

'Nicky we will miss that type of approach that you have let us understand is possible and your void will be one that will be very difficult to be filled. But you know something, you have left the spirit here, the spirit of belief, the spirit of desire in us to achieve certain goals and that in itself will let us move forward with the spirit and desire that you have so remarkably placed on us in this organisation. I have seen many people from different delegations come to you with gifts and that is a very good but while that was being done I was asking myself what we in the Caribbean can give you as poor as we are. If we were from Australia or New Zealand, we would bring you a lamb, if we were from Japan we would bring you a nice minke steak or if we were from Iceland or Norway you would have a delicious stew of whale meat that is so popular there, if we were from Latin America we would encourage you to start that sanctuary but from the Caribbean, what we are going to tell you Nicky, when you want to rest and think about it all please come there, the Caribbean is your home and we are your people. Thank you.'

Russian Federation

'Dear Nicky all of us were happy to work with you, listen to you and look at you for ten years. We hope that it was an interesting time for that part of your life and I need that all delegations, observers, interpreters, security help me sing one song asking Nicky to not forget IWC. That we prepare Mr. Presley. I think many of us know that song. Are you ready to help?'

*Love us tender, love us sweet, never let us go. You have made our life complete, and we love you so.
Love us tender, love us true, all our dreams fulfilled. For our Nicky we love you, and we always will.
Love us tender, love us long, take us to your heart. For it's there that we belong, and we'll never part.
Love us tender, love us true, all our dreams fulfilled. For our Nicky we love you, and we always will.
When at last our dreams come true, darling this we know.
Happiness will follow you, everywhere you go.'*

Dr. Grandy, Secretary to the IWC

'I feel quite speechless actually. I did write a few things down but thank you so much everyone for those kind words, it will stay with me forever and you can tell I am getting quite emotional. I had no idea that this was all going to happen and I feel very touched and very privileged. Thank you very much for those lovely sentiments and also thank you very much for what I believe is a blanket chest which you will see in a minute, the doll and I will open this when I am finished. I am very aware that probably everyone is wanting to leave and this is turning out to be one of the longest agenda items and I feel a bit embarrassed about that as well.'

It has been quite an experience working at IWC, quite a rollercoaster ride and I think that's what Bill Hogarth said last year when he was leaving IWC and I am leaving after ten years and an awful lot has changed in the organisation during that time. It was grown from 40 countries to 88 which is really good and more countries getting involved indicating how important conservation and management of whales is to everybody. We have introduced two additional working languages which has made it easier for some of the governments to participate thoroughly in the organisation and the Scientific Committee has grown both in membership and range of activities related to conservation and management of whales and it really does deserve the international reputation that it has and it is something that the Commission can be proud and I know all of you will agree that decisions should be based on sound science and it is down to the dedication of the science involved in the Scientific Committee that I also would like to recognise the important role played by successive chairs of the Scientific Committee and I would also like to beg your indulgence to thank in particular my colleague, Greg Donovan, in the work of the Scientific Committee. His commitment goes well beyond the call of duty and I really don't know how he manages to do all he has done and I would like to thank him very much for all the help that he has given me over the years.'

'Perhaps the biggest change has been the improved atmosphere in the Commission and there really were some tough meetings in the early years, to which a number of you have referred, and I really hope that the improved atmosphere remains and if that could be a legacy I would really like that.'

'On a more personal note I have certainly got more grey hairs, that's partly because of getting older and also partly working with you lot at sometimes. I need glasses so that I can see to the back of the room and I do feel that I could do with a bit of a rest. I don't know what I am going to do next but to coin a phrase - I'm going to take a period of rest and reflection. But I will have a bank to coin another phrase of memories of my time at IWC both good and bad and some of you will know how much I dreaded the call from the floor of 'Point of Order Mr Chairman' - it used to frighten me - I used

to be so worried coming into the first session of an Annual Meeting but one of the best things about the work has been the opportunity to work with so many different people from so many countries and it has been a real privilege to be able to do that and that's something that I will really miss. I have been very fortunate to work with some really great Chairs and Vice-Chairs both of the Commission and also for other groups and smaller groups and it has been great working with Anthony this week and I know he was put in a tough job at short notice and he has done a fantastic job but I would like to thank all of you for your support and a considerable amount of friendship over the years and I hope that I can stay in touch with at least some of you. Actually I can just get your Circular Communication list from Julie and send you emails from the beach or something.'

'Towards the end of what I am going to say I would like to say a special thanks to the staff of the Secretariat, both those who are here and those that are back minding the office in Cambridge. You couldn't wish to work with a better group of people and I think all of you know how hard they work to make these meetings go as smoothly as possible. Before ending I would also like to wish Simon well and Bon Courage and he certainly had an interesting start. Finally I would like to thank the Kingdom of Morocco and the Government of Morocco for hosting the meeting and I would like to wish you all a safe trip home and thank you very, very much for all your kind words again and for the box which I will be very excited to fill. Thank you very, very much.'

Acting-Chair of the IWC

'Thank you very much Nicky and I would like to take this opportunity once again to say thank you to each and every Commissioner for your support to ensure that we had a very successful meeting and I want to thank you for your interventions, your constructive contributions, your words of wisdoms, your recommendations and suggestions. I just want to thank you for your support and I am very appreciative of that. I also want to take this opportunity to say a very special thank you to our interpreters, they have worked extremely hard, they have been very patient, very professional and I just want to say a very special thank you for a job well done. I also just want to thank all the technicians, it has not been easy for you working along with us with the headphones and the microphones. I want to say a very special thanks to the camera crew and to all the persons who are working in the background to ensure that we have a very successful meeting. A very special thank you to the staff of the Secretariat and I also want to take this opportunity to officially welcome Mr. Simon Brockington as the Secretary Designate to IWC.'

Finally I want to say a very special thank you to the Kingdom of Morocco, the people of Agadir, for hosting us here. We are very appreciative of that and thank you very much. Fellow Commissioners we now adjourn IWC/62.'

Financial Statements
for the
Year ended 31 August 2010

Financial Statement for the year ended 31 August 2010

Statement of the Secretary's Responsibilities

The financial responsibilities of the Secretary to the Commission are set out in its Rules of Procedure and Financial Regulations. Fulfilment of those responsibilities requires the Secretary to prepare financial statements for each financial year which set out the state of affairs of the Commission as at the end of the financial year and the surplus or deficit of the Commission for that period. In preparing those financial statements, the Secretary should:

- Select suitable accounting policies and then apply them consistently;
- Make judgements and estimates that are reasonable and prudent;

- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Commission will continue in operation.

The Secretary is responsible for keeping adequate accounting records which disclose with reasonable accuracy at any time the financial position of the Commission. The Secretary is also responsible for safeguarding the assets of the Commission and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Independent Auditor's Report to the Commission

We have audited the financial statements of the International Whaling Commission for the year ended 31 August 2010 which comprise the accounting policies, the income and expenditure account, the analysis of expenditure, the balance sheet and the related notes on pages 4 to 9. These financial statements have been prepared under the accounting policies set out therein. This report is made solely to the Commission. Our audit work has been undertaken so that we might state to the Commission those matters we are required to state to them in an auditors' report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Commission for our audit work, for this report, or for the opinions we have formed.

Respective Responsibilities of the Secretary and Auditors

As described in the statement of the Secretary's responsibilities, the Secretary is responsible for the preparation of financial statements.

Neither statute nor the Commission has prescribed that the financial statements should give a true and fair view of the Commission's state of affairs at the end of each year within the specialised meaning of that expression in relation to financial statements. This recognised terminology signifies in accounting terms that statements are generally accepted as true and fair only if they comply in all material aspects with accepted accounting principles. These are embodied in accounting standards issued by the Accounting Standards Board. The Commission has adopted certain accounting policies which represent departures from accounting standards:

- fixed assets are not capitalised within the Commission's accounts. Instead fixed assets are charged to the income and expenditure account in the year of acquisition. Hence, the residual values of the furniture, fixtures and fittings and equipment are not reflected in the accounts;
- publications stocks are charged to the income and expenditure account in the year of acquisition and their year end valuation is not reflected in the accounts.
- provision is made for the severance pay which would be payable should the Commission cease to function.

This is permissible as the financial statements are not required to give a true and fair view.

It is our responsibility to form an independent opinion, based on our audit, on those statements and to report our opinion to you. We also report if the Commission has not kept proper accounting records or if we have not received all the information and explanations we require for our audit.

Edward Tully (Senior Statutory Auditor), for and on behalf of **Edwards Chartered Accountants**, 15 Station Road, St Ives, Cambridgeshire, PE27 5BH, 16 February 2011

Basis of Opinion

We conducted our audit in accordance with International Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Secretary in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Commission's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement whether caused by fraud or other irregularity or error. In forming our opinion, we also evaluated the overall adequacy of the presentation of information in the financial statements.

Added Emphasis

In forming our opinion we have taken account of the absence of a requirement for the financial statements to give a true and fair view as described above.

Opinion

In our opinion the financial statements have been properly prepared in accordance with the accounting policies and present a proper record of the transactions of the Commission for the year ended 31 August 2010.

Accounting Policies - Year Ended 31 August 2010

The accounting policies adopted by the Commission in the preparation of these financial statements are as set out below. The departures from generally accepted accounting practice are considered not to be significant for the reasons stated.

Convention

These accounts are prepared under the historical cost convention (i.e. assets and liabilities are stated at cost and not re-valued).

Fixed Assets

The full cost of furniture and equipment is written off in the income and expenditure account in the year in which it is incurred. The total cost of equipment owned by the Commission amounts to £121,300 and its realisable value is not considered to be significant. Proposed expenditure on new items is included in budgets and raised by contributions for the year.

Publications

The full cost of printing publications is written off in the year. No account is taken of stocks which remain unsold at the balance sheet date.

Most sales occur shortly after publication and so stock levels held are mainly made up of old unsold stock which is unlikely to result in many sales, consequently their net realisable value is not significant.

Severance Pay Provision

The Commission provides for an indemnity to members of staff in the event of their appointment being terminated on the abolition of their posts.

The indemnity varies according to length of service and therefore an annual provision is made to bring the total provision up to the maximum liability. This liability is calculated after adjusting for staff assessments since they would not form part of the Commission's liability.

Interest on Overdue Contributions

Interest is included in the income and expenditure account on the accruals basis and provision is made where its recoverability is in doubt.

Leases

The costs of operating leases are charged to the income and expenditure account as they fall due for payment.

Foreign Exchange

Transactions dominated in foreign currencies are translated into sterling at the rate ruling at the date of the transaction. Monetary assets and liabilities denominated in foreign currencies at the balance sheet date are translated at the rate ruling at that date. These translation differences are dealt with in the income and expenditure account.

Retirement Benefits Scheme

The Commission operates a defined contribution retirement benefits scheme. The costs represent the amount of the Commission's contributions payable to the scheme in respect of the accounting period.

Income and Expenditure Account (Year Ended 31 August 2010)

		2010		2009	
		£	£	£	£
	[Note]*				
Income: continuing operations					
Contributions from member governments			1,525,869		1,465,525
Interest on overdue financial contributions			35,542		26,776
Voluntary contributions for research, small cetaceans work and publications			23,956		278,497
Sales of publications			6,953		13,493
Sales of sponsored publications	[1]		250		278
Observers' registration fees			49,260		42,254
UK taxes recoverable			23,234		31,555
Staff assessments			187,502		165,322
Interest receivable			3,048		27,597
Sundry income			0		174
			<u>1,855,614</u>		<u>2,051,471</u>
Expenditure					
Secretariat		1,194,309		1,081,329	
Publications		15,466		33,607	
Annual meetings		365,700		362,100	
Other meetings		156,678		218,394	
Research expenditure	[2]	280,181		358,076	
Small cetaceans	[3]	10,254		11,569	
Sundry		0		(1,528)	
		<u>2,022,588</u>		<u>2,063,547</u>	
Provisions made for:					
Unpaid contributions		15,400		(9,095)	
Unpaid interest on overdue contributions		61,178		(63,513)	
Severance pay	[5]	(65,300)		38,400	
Other doubtful debts		314	2,034,180	(738)	2,028,601
			<u>2,034,180</u>	<u>(738)</u>	<u>2,028,601</u>
(Deficit)/surplus for the year	[7]		(178,566)		22,870
Net transfers from/(to) funds:					
Publications fund	[1]	(265)		(488)	
Research Fund	[2]	(34,986)		18,768	
Small cetaceans fund	[3]	(7,414)	(42,665)	(243,093)	(224,813)
(Deficit) for the year after transfers	[4]		<u>(221,231)</u>		<u>(201,943)</u>

There are no recognised gains or losses for the current financial year and the preceding financial year other than as stated in the income and expenditure account.

During 2009-10 the Commission received Voluntary Contributions to the General Fund totalling £499k (£302k in support of the North Pacific Grey Whale tagging programme, £95k in support of developing countries participating in the work of the IWC and £102k in support of wider research activities including conservation, ship-strike activity and work in the Southern Ocean).

Voluntary Contributions to the General Fund and associated expenditure are not shown in the income and expenditure account.

Voluntary Contributions are offset against matching expenditure and therefore have no effect on the surplus or deficit for the year.

Analysis of Expenditure (Year Ended 31 August 2010)

	2010	2009
	£	£
SECRETARIAT		
Salaries, national insurance and allowances	778,060	703,301
Retirement and Other Benefit Schemes	159,860	169,493
Travelling expenses	6,131	6,056
Office rent, heating and maintenance	95,925	97,321
Insurance	5,342	5,682
Postage and telecommunications	18,071	18,835
Office equipment and consumables	49,835	51,206
Professional fees	33,694	27,620
Training and recruitment	38,338	1,090
Photocopying	3,691	725
Sundry	5,362	0
	<u>1,194,309</u>	<u>1,081,329</u>
PUBLICATIONS		
Annual Report	4,391	5,654
Sponsored publications	0	13
Journal Cetacean Research and Management	11,075	27,940
	<u>15,466</u>	<u>33,607</u>
RESEARCH		
Invited participants	63,559	54,527
2009/2010 SOWER cruise and 2011 North Pacific planning	74,636	0
SOWER abundance Workshop	1,466	7,262
2008/2009 SOWER cruise	5,909	53,616
Pollution 2000+	9,860	0
Contract 14 analysis support	0	35,602
Southern Hemisphere humpback whales Antarctic humpback catalogue	15,006	8,800
IDCR/SOWER biopsy and photo-id database	195	0
Western North Pacific minke whales Workshop etc.	4,861	0
AWMP fund for developers	5,712	12,020
Workshop on Greenland hunts	10,974	13,621
JARPN II review Workshop	0	23,139
SOWER abundance analysis	0	4,500
Southern Hemisphere minke whales ageing calibration experiment	8,188	2,239
North Atlantic fin whales RMP Workshop	0	11,811
MSY rates RMP Workshop	0	3,594
RMP computing support	10,169	4,829
RMP investigate DNA/allozyme anomalies	0	13,500
Simulations of dispersal for Western North Pacific minke whales	9,335	0
Southern Hemisphere blue whales photo-id catalogue	1,988	5,850
Southern Hemisphere humpback whales modelling Workshop	0	10,663
Southern Hemisphere humpback whales assessment models	0	2,000
Southern Hemisphere humpback whales mixing analyses	3,046	0
Pollution 2000+ Workshop	945	0
TOSSM project	0	16,567
Climate change scoping Workshop	0	36,467
JARPN II review Workshop	2,997	0
Southern Hemisphere humpback whales assessment of breeding stocks C and D	22,019	0
Southern Hemisphere humpback whales abundance in Oceania	5,298	0
Southern Hemisphere humpback whales assessment model development	3,017	0
CCAMLR/IWC joint Workshop	0	932
GenBank validation project	0	2,500
SOWER blue whale photo-id archive/analysis	3,500	0
LaWE Steering Group meeting	0	2,130
Arctic sea ice	0	14,500
IWC global Ship Strike Database	2,000	3,516
SOCER (State of the Cetacean Environment Report)	3,034	2,023
MSYR RMP Workshop	11,903	0
MMPA conference	0	10,000
Other (including exchange differences)	564	1,868
	<u>280,181</u>	<u>358,076</u>
SMALL CETACEANS		
Invited participants	10,573	7,207
Bycatch reduction	0	4,244
Other (including exchange losses)	(319)	118
	<u>10,254</u>	<u>11,569</u>

Balance Sheet 31 August 2010

	[note]	2010 £	£	2009 £	£
CURRENT ASSETS					
Cash on short term deposit					
General fund		2,279,493		2,228,394	
Research fund		243,722		230,022	
Publications fund		29,482		29,467	
Small cetaceans fund		<u>273,081</u>	2,825,778	<u>244,450</u>	2,732,333
Cash at bank on current account					
Research fund		1,000		1,000	
Publications fund		1,000		1,000	
Small cetaceans fund		1,000		326	
Cash in hand		<u>119</u>	<u>3,119</u>	<u>230</u>	<u>2,556</u>
			2,828,897		2,734,889
Outstanding contributions from members including interest					
		379,264		302,687	
Less provision for doubtful debts		<u>(379,264)</u>	0	<u>(302,687)</u>	0
Other debtors and prepayments					
		106,841		106,071	
Less provision for doubtful debts		<u>(7,458)</u>	99,383	<u>0</u>	106,071
			2,928,280		2,840,960
CREDITORS:					
Amounts falling due within one year	[6]		<u>(1,074,030)</u>		<u>(742,844)</u>
NET CURRENT ASSETS					
			1,854,250		2,098,116
PROVISION FOR SEVERANCE PAY					
	[5]		<u>(385,100)</u>		<u>(450,400)</u>
			<u>1,469,150</u>		<u>1,647,716</u>
FINANCED BY					
Publications fund	[1]		38,973		38,708
Research fund	[2]		217,590		182,604
Small cetaceans fund	[3]		260,523		253,109
General fund	[4]		<u>952,064</u>		<u>1,173,295</u>
	[7]		<u>1,469,150</u>		<u>1,647,716</u>

Approved on behalf of the Commission

Simon Brockington (Secretary)
16 February 2011

Notes to the Accounts (Year Ended 31 August 2010)

	2010 £	2009 £
1. Publications fund		
Interest receivable	15	223
Receipts from sales of sponsored publications	250	278
Expenditure	(0)	(13)
Net transfers to income and expenditure account	265	488
Opening balances at 1 September 2009	38,708	38,220
Closing balances at 31 August 2010	<u>38,973</u>	<u>38,708</u>
2. Research fund		
Allocation for research	308,500	305,400
UK taxes recoverable	20	5,120
Voluntary contributions received	6,421	23,864
Interest receivable	226	4,924
Expenditure	(280,181)	(358,076)
Net transfers (to) income and expenditure account	34,986	(18,768)
Opening balances at 1 September 2009	182,604	201,372
Closing balances at 31 August 2010	<u>217,590</u>	<u>182,604</u>
3. Small cetaceans fund		
Voluntary contributions received	17,535	254,633
Interest receivable	133	29
Expenditure	(10,254)	(11,569)
Net transfer from/(to) income and expenditure account	7,414	243,093
Opening balances at 1 September 2009	253,109	10,016
Closing balances at 31 August 2010	<u>260,523</u>	<u>253,109</u>
4. General fund		
Opening balances at 1 September 2009	1,173,295	1,375,238
Surplus (deficit) transferred from income and expenditure account	(221,231)	(201,943)
Closing balances at 31 August 2010	<u>952,064</u>	<u>1,173,295</u>
5. Provision for severance pay		
Opening balances at 1 September 2009	450,400	412,000
Transfer from (to) income and expenditure account, being:		
Allocation	(65,300)	35,252
Interest received	0	3,148
Closing balances at 31 August 2010	<u>385,100</u>	<u>450,400</u>
6. Creditors:		
Amounts falling due within one year		
Deferred contributions income	112,550	83,972
Other creditors and accruals	961,480	658,872
	<u>1,074,030</u>	<u>742,844</u>
7. Reconciliation of movement in funds		
(Deficit)/surplus of income over expenditure	(178,566)	22,870
Opening Funds	1,647,716	1,624,846
	<u>1,469,150</u>	<u>1,647,716</u>
8. Financial commitments		

The Commission had annual commitments at 31 August 2010 under non-cancellable operating leases as set out below and which expire:

	2010		2009	
	Land and Buildings £	Office Equipment £	Land and Buildings £	Office Equipment £
Within one year		-		-
Within 2 to 5 years	<u>60,000</u>	<u>26,400</u>	<u>60,000</u>	<u>26,000</u>

The lease on the IWC Secretariat Offices was renewed from 18 March 2009 for 10 years, with an option to break after 5 years.

Appendix 1

Financial Contributions for the Year Ended 31 August 2010

Line No.	Country	Financial Contribution
1	Antigua and Barbuda	5,947
2	Argentina	10,705
3	Australia	32,506
4	Austria	21,934
5	Belgium	21,934
6	Belize	3,965
7	Benin	5,947
8	Brazil	10,705
9	Bulgaria	7,136
10	Cambodia	5,947
11	Cameroon	10,705
12	Chile	14,273
13	China, P.R. of	7,136
14	Congo, Rep of	5,947
15	Costa Rica	10,705
16	Cote d'Ivoire	10,705
17	Croatia	10,705
18	Cyprus	21,934
19	Czech Republic	27,220
20	Denmark	43,868
21	Dominica	3,965
22	Dominican Republic	7,136
23	Ecuador	10,705
24	Eritrea	3,965
25	Estonia	21,934
26	Finland	21,934
27	France	52,311
28	Gabon	5,947
29	Gambia, The	5,947
30	Germany	57,597
31	Ghana	7,136
32	Greece	16,648
33	Grenada	5,947
34	Guatemala	7,136
35	Guinea	7,929
36	Guinea-Bissau	5,947
37	Hungary	10,705
38	Iceland	43,868
39	India	10,705
40	Ireland	21,934
41	Israel	21,934
42	Italy	57,597
43	Japan	116,534
44	Kenya	0

Line No.	Country	Financial Contribution
45	Kiribati	5,947
46	Korea, Rep of	32,506
47	Lao PDR	5,947
48	Lithuania	7,136
49	Luxembourg	21,934
50	Mali	5,947
51	Marshall Islands	3,965
52	Mauritania	5,947
53	Mexico	10,705
54	Monaco	10,705
55	Mongolia	5,947
56	Morocco	10,705
57	Nauru	5,947
58	Netherlands	27,220
59	New Zealand	27,220
60	Nicaragua	3,965
61	Norway	49,154
62	Oman	7,136
63	Palau	5,947
64	Panama	10,705
65	Peru	10,705
66	Poland	10,705
67	Portugal	21,934
68	Romania	7,136
69	Russian Federation	23,916
70	San Marino	10,705
71	Senegal	5,947
72	Slovak Republic	7,136
73	Slovenia	21,934
74	Solomon Islands	3,965
75	South Africa	10,705
76	Spain	52,311
77	St Kitts and Nevis	5,947
78	St Vincent and The Grenadines	15,987
79	St Lucia	5,947
80	Suriname	5,947
81	Sweden	27,220
82	Switzerland	21,934
83	Tanzania	10,705
84	Togo	5,947
85	Tuvalu	5,947
86	United Kingdom	62,883
87	Uruguay	10,705
88	USA	79,531
Total		1,525,869

**International Convention
for the
Regulation of Whaling**

signed at Washington, 2 December 1946

and its

Protocol

signed at Washington, 19 November 1956

The Schedule which is attached to the Convention and under Article I forms an integral part thereof is amended regularly by the Commission. The most recent version begins on p. 147 of this volume.



International Convention

for the

Regulation of Whaling

Washington, 2nd December, 1946

The Governments whose duly authorised representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

Considering that the history of whaling has seen over-fishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further over-fishing;

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;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling, signed in London on 8th June, 1937, and the protocols to that Agreement signed in London on 24th June, 1938, and 26th November, 1945; and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:-

Article I

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.
2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

Article II

As used in this Convention:-

1. "Factory ship" means a ship in which or on which whales are treated either wholly or in part;

2. "Land station" means a factory on the land at which whales are treated either wholly or in part;
3. "Whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;
4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

Article III

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.
2. The Commission shall elect from its own members a Chairman and Vice-Chairman and shall determine its own Rules of Procedure. Decisions 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.
3. The Commission may appoint its own Secretary and staff.
4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.
5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.
6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.
7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.
8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

Article IV

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently
 - (a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;
 - (b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;
 - (c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.
2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

Article V

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing
 - (a) protected and unprotected species;
 - (b) open and closed seasons;
 - (c) open and closed waters, including the designation of sanctuary areas;
 - (d) size limits for each species;
 - (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season);
 - (f) types and specifications of gear and apparatus and appliances which may be used;
 - (g) methods of measurement; and
 - (h) catch returns and other statistical and biological records.
2. These amendments of the Schedule
 - (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources;
 - (b) shall be based on scientific findings;
 - (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and
 - (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.
3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that
 - (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days;

(b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and

(c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before 1st July, 1949.

Article VI

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

Article VII

The Contracting Government shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

Article VIII

1. Notwithstanding anything contained in this Convention any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.
2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.
3. Each Contracting Government shall transmit to such body as may be designated by the Commission, in so far as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.
4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

Article IX

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.
2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.
3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offence.
4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

Article X

1. This Convention shall be ratified and the instruments of ratifications shall be deposited with the Government of the United States of America.
2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.
3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.
4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of

the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to 1st July, 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to 1st July, 1949.

Article XI

Any Contracting Government may withdraw from this Convention on 30th June, of any year by giving notice on or before 1st January, of the same year to the depository Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depository Government give notice of withdrawal, so that the Convention shall cease to be in force on 30th June, of the same year with respect to the Government giving such notice of withdrawal.

The Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

In witness whereof the undersigned, being duly authorized, have signed this Convention.

Done in Washington this second day of December, 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

Protocol

to the International Convention for the Regulation of Whaling, Signed at Washington Under Date of December 2, 1946

The Contracting Governments to the International Convention for the Regulation of Whaling signed at Washington under date of 2nd December, 1946 which Convention is hereinafter referred to as the 1946 Whaling Convention, desiring to extend the application of that Convention to helicopters and other aircraft and to include provisions on methods of inspection among those Schedule provisions which may be amended by the Commission, agree as follows:

Article I

Subparagraph 3 of the Article II of the 1946 Whaling Convention shall be amended to read as follows:

“3. ‘whale catcher’ means a helicopter, or other aircraft, or a ship, used for the purpose of hunting, taking, killing, towing, holding on to, or scouting for whales.”

Article II

Paragraph 1 of Article V of the 1946 Whaling Convention shall be amended by deleting the word “and” preceding clause (h), substituting a semicolon for the period at the end of the paragraph, and adding the following language: “and (i) methods of inspection”.

Article III

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Contracting Government to the 1946 Whaling Convention.

2. This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Contracting Governments to the 1946 Whaling Convention.
3. The Government of the United States of America shall inform all Governments signatory or adhering to the 1946 Whaling Convention of all ratifications deposited and adherences received.
4. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE in Washington this nineteenth day of November, 1956, in the English Language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all Governments signatory or adhering to the 1946 Whaling Convention.

**International Convention
for the
Regulation of Whaling, 1946**

Schedule

**As amended by the Commission at the 62nd Annual Meeting
Agadir, Morocco, June 2010**



International Convention

for the

Regulation of Whaling, 1946

Schedule

EXPLANATORY NOTES

The Schedule printed on the following pages contains the amendments made by the Commission at its 62nd Annual Meeting in June 2010. The amendments, which are shown in *italic bold* type, came into effect on 11 January 2011.

In Tables 1, 2 and 3 unclassified stocks are indicated by a dash. Other positions in the Tables have been filled with a dot to aid legibility.

Numbered footnotes are integral parts of the Schedule formally adopted by the Commission. Other footnotes are editorial.

The Commission was informed in June 1992 by the ambassador in London that the membership of the Union of Soviet Socialist Republics in the International Convention for the Regulation of Whaling from 1948 is continued by the Russian Federation.

The Commission recorded at its 39th (1987) meeting the fact that references to names of native inhabitants in Schedule paragraph 13(b)(4) would be for geographical purposes alone, so as not to be in contravention of Article V.2(c) of the Convention (*Rep. int. Whal. Comm* 38:21).

I. INTERPRETATION

1. The following expressions have the meanings respectively assigned to them, that is to say:

A. Baleen whales

“baleen whale” means any whale which has baleen or whale bone in the mouth, i.e. any whale other than a toothed whale.

“blue whale” (*Balaenoptera musculus*) means any whale known as blue whale, Sibbald’s rorqual, or sulphur bottom, and including pygmy blue whale.

“bowhead whale” (*Balaena mysticetus*) means any whale known as bowhead, Arctic right whale, great polar whale, Greenland right whale, Greenland whale.

“Bryde’s whale” (*Balaenoptera edeni*, *B. brydei*) means any whale known as Bryde’s whale.

“fin whale” (*Balaenoptera physalus*) means any whale known as common finback, common rorqual, fin whale, herring whale, or true fin whale.

“gray whale” (*Eschrichtius robustus*) means any whale known as gray whale, California gray, devil fish, hard head, mussel digger, gray back, or rip sack.

“humpback whale” (*Megaptera novaeangliae*) means any whale known as bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

“minke whale” (*Balaenoptera acutorostrata*, *B. bonaerensis*) means any whale known as lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner.

“pygmy right whale” (*Caperea marginata*) means any whale known as southern pygmy right whale or pygmy right whale.

“right whale” (*Eubalaena glacialis*, *E. australis*) means any whale known as Atlantic right whale, Arctic right whale, Biscayan right whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, or southern right whale.

“sei whale” (*Balaenoptera borealis*) means any whale known as sei whale, Rudolphi’s rorqual, pollack whale, or coalfish whale.

B. Toothed whales

“toothed whale” means any whale which has teeth in the jaws.

“beaked whale” means any whale belonging to the genus Mesoplodon, or any whale known as Cuvier’s beaked whale (*Ziphius cavirostris*), or Shepherd’s beaked whale (*Tasmacetus shepherdi*).

“bottlenose whale” means any whale known as Baird’s beaked whale (*Berardius bairdii*), Arnoux’s whale (*Berardius armuxii*), southern bottlenose whale (*Hyperoodon planifrons*), or northern bottlenose whale (*Hyperoodon ampullatus*).

“killer whale” (*Orcinus orca*) means any whale known as killer whale or orca.

“pilot whale” means any whale known as long-finned pilot whale (*Globicephala melaena*) or short-finned pilot whale (*G. macrorhynchus*).

“sperm whale” (*Physeter macrocephalus*) means any whale known as sperm whale, spermacet whale, cachalot or pot whale.

C. General

“strike” means to penetrate with a weapon used for whaling.

“land” means to retrieve to a factory ship, land station, or other place where a whale can be treated.

“take” means to flag, buoy or make fast to a whale catcher.

“lose” means to either strike or take but not to land.

“dauhval” means any unclaimed dead whale found floating.

“lactating whale” means (a) with respect to baleen whales - a female which has any milk present in a mammary gland, (b) with respect to sperm whales - a female which has milk present in a mammary gland the maximum thickness (depth) of which is 10cm or more. This measurement shall be at the mid ventral point of the mammary gland perpendicular to the body axis, and shall be logged to the nearest centimetre; that is to say, any gland between 9.5cm and 10.5cm shall be logged as 10cm. The measurement of any gland which falls on an exact 0.5 centimetre shall be logged at the next 0.5 centimetre, e.g. 10.5cm shall be logged as 11.0cm.

However, notwithstanding these criteria, a whale shall not be considered a lactating whale if scientific (histological or other biological) evidence is presented to the appropriate national authority establishing that the whale could not at that point in its physical cycle have had a calf dependent on it for milk.

“small-type whaling” means catching operations using powered vessels with mounted harpoon guns hunting exclusively for minke, bottlenose, beaked, pilot or killer whales.

II. SEASONS

Factory Ship Operations

2. (a) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales except minke whales, in any waters south of 40° South Latitude except during the period from 12th December to 7th April following, both days inclusive.
- (b) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (c) and (d) of this paragraph, and paragraph 5.
- (c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, an open season or seasons not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.
- (d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted provided that:
 - (1) a separate open season may be declared for each factory ship and the whale catchers attached thereto;
 - (2) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (a) of this paragraph.
3. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, except minke whales, in any other area except the North Pacific Ocean and its dependent waters north of the Equator for the same purpose within a period of one year from the termination of that season; provided that catch limits in the North Pacific Ocean and dependent waters are established as provided in paragraphs 12 and 16 of this Schedule and provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

Land Station Operations

4. (a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (b), (c) and (d) of this paragraph.
- (b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen whales, except minke whales, by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen whales, except minke whales, which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen whales, except minke whales, under the jurisdiction of the same Contracting Government.
- (c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.
- (d) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (b) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

- (e) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946.

Other Operations

5. Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this paragraph one continuous open season not to exceed nine months may be implemented so far as Greenland is concerned.

III. CAPTURE

6. The killing for commercial purposes of whales, except minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1980/81 pelagic and 1981 coastal seasons. The killing for commercial purposes of minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1982/83 pelagic and the 1983 coastal seasons.*
7. (a) In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Indian Ocean Sanctuary. This comprises the waters of the Northern Hemisphere from the coast of Africa to 100°E, including the Red and Arabian Seas and the Gulf of Oman; and the waters of the Southern Hemisphere in the sector from 20°E to 130°E, with the Southern boundary set at 55°S. This prohibition applies irrespective of such catch limits for baleen or toothed whales as may from time to time be determined by the Commission. This prohibition shall be reviewed by the Commission at its Annual Meeting in 2002.*
- (b) In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Southern Ocean Sanctuary. This Sanctuary comprises the waters of the Southern Hemisphere southwards of the following line: starting from 40 degrees S, 50 degrees W; thence due east to 20 degrees E; thence due south to 55 degrees S; thence due east to 130 degrees E; thence due north to 40 degrees S; thence due east to 130 degrees W; thence due south to 60 degrees S; thence due east to 50 degrees W; thence due north to the point of beginning. This prohibition applies irrespective of the conservation status of baleen and toothed whale stocks in this Sanctuary, as may from time to time be determined by the Commission.

However, this prohibition shall be reviewed ten years after its initial adoption and at succeeding ten year intervals, and could be revised at such times by the Commission. Nothing in this sub-paragraph is intended to prejudice the special legal and political status of Antarctica.**+

Area Limits for Factory Ships

8. It is forbidden to use a factory ship or whale catcher attached thereto, for the purpose of taking or treating baleen whales, except minke whales, in any of the following areas:
- (a) in the waters north of 66°N, except that from 150°E eastwards as far as 140°W, the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66°N and 72°N;
- (b) in the Atlantic Ocean and its dependent waters north of 40°S;
- (c) in the Pacific Ocean and its dependent waters east of 150°W between 40°S and 35°N;
- (d) in the Pacific Ocean and its dependent waters west of 150°W between 40°S and 20°N;
- (e) in the Indian Ocean and its dependent waters north of 40°S.

Classification of Areas and Divisions

9. (a) *Classification of Areas*
Areas relating to Southern Hemisphere baleen whales except Bryde's whales are those waters between the ice-edge and the Equator and between the meridians of longitude listed in Table 1.
- (b) *Classification of Divisions*
Divisions relating to Southern Hemisphere sperm whales are those waters between the ice-edge and the Equator and between the meridians of longitude listed in Table 3.
- (c) *Geographical boundaries in the North Atlantic*
The geographical boundaries for the fin, minke and sei whale stocks in the North Atlantic are:

FIN WHALE STOCKS

NOVA SCOTIA

South and West of a line through:
47°N 54°W, 46°N 54°30'W,
46°N 42°W, 20°N 42°W.

NEWFOUNDLAND-LABRADOR

West of a line through:
75°N 73°30'W, 69°N 59°W, 61°N 59°W,
52°20'N 42°W, 46°N 42°W and
North of a line through:
46°N 42°W, 46°N 54°30'W, 47°N 54°W.

WEST GREENLAND

East of a line through:
75°N 73°30'W, 69°N 59°W,
61°N 59°W, 52°20'N 42°W,
and West of a line through
52°20'N 42°W, 59°N 42°W,
59°N 44°W, Kap Farvel.

*The Governments of Brazil, Iceland, Japan, Norway and the Union of Soviet Socialist Republics lodged objections to the second sentence of paragraph 6 within the prescribed period. For all other Contracting Governments this sentence came into force on 8 March 1982. Norway withdrew its objection on 9 July 1985 and Brazil on 8 January 1992. Iceland withdrew from the Convention with effect from 30 June 1992. The objections of Japan and the Russian Federation not having been withdrawn, this sentence is not binding upon these governments.

*At its 54th Annual Meeting in 2002, the Commission agreed to continue this prohibition but did not discuss whether or not it should set a time when it should be reviewed again.

**The Government of Japan lodged an objection within the prescribed period to paragraph 7(b) to the extent that it applies to the Antarctic minke whale stocks. The Government of the Russian Federation also lodged an objection to paragraph 7(b) within the prescribed period but withdrew it on 26 October 1994. For all Contracting Governments except Japan paragraph 7(b) came into force on 6 December 1994.

+Paragraph 7(b) contains a provision for review of the Southern Ocean Sanctuary "ten years after its initial adoption". Paragraph 7(b) was adopted at the 46th (1994) Annual Meeting. Therefore, the first review is due in 2004.

EAST GREENLAND-ICELAND

East of a line through:
Kap Farvel (South Greenland),
59°N 44°W, 59°N 42°W, 20°N 42°W,
and West of a line through:
20°N 18°W, 60°N 18°W, 68°N 3°E,
74°N 3°E, and South of 74°N.

NORTH NORWAY

North and East of a line through:
74°N 22°W, 74°N 3°E, 68°N 3°E,
67°N 0°, 67°N 14°E.

WEST NORWAY-FAROE ISLANDS

South of a line through:
67°N 14°E, 67°N 0°, 60°N 18°W,
and North of a line through:
61°N 16°W, 61°N 0°, Thyborøn
(Western entrance to Limfjorden, Denmark).

SPAIN-PORTUGAL-BRITISH ISLES

South of a line through:
Thyborøn (Denmark), 61°N 0°, 61°N 16°W,
and East of a line through:
63°N 11°W, 60°N 18°W, 22°N 18°W.

MINKE WHALE STOCKS**CANADIAN EAST COAST**

West of a line through:
75°N 73°30'W, 69°N 59°W, 61°N 59°W,
52°20'N 42°W, 20°N 42°W.

CENTRAL

East of a line through:
Kap Farvel (South Greenland),
59°N 44°W, 59°N 42°W, 20°N 42°W,
and West of a line through:
20°N 18°W, 60°N 18°W, 68°N 3°E,
74°N 3°E, and South of 74°N.

WEST GREENLAND

East of a line through:
75°N 73°30'W, 69°N 59°W, 61°N 59°W,
52°20'N 42°W, and
West of a line through:
52°20'N 42°W, 59°N 42°W,
59°N 44°W, Kap Farvel.

NORTHEASTERN

East of a line through:
20°N 18°W, 60°N 18°W, 68°N 3°E, 74°N 3°E,
and North of a line through:
74°N 3°E, 74°N 22°W.

SEI WHALE STOCKS**NOVA SCOTIA**

South and West of a line through:
47°N 54°W, 46°N 54°30'W, 46°N 42°W,
20°N 42°W.

ICELAND-DENMARK STRAIT

East of a line through:
Kap Farvel (South Greenland),
59°N 44°W, 59°N 42°W, 20°N 42°W,
and West of a line through:
20°N 18°W, 60°N 18°W, 68°N 3°E,
74°N 3°E, and South of 74°N.

EASTERN

East of a line through:
20°N 18°W, 60°N 18°W, 68°N 3°E, 74°N 3°E,
and North of a line through:
74°N 3°E, 74°N 22°W.

(d) Geographical boundaries in the North Pacific

The geographical boundaries for the sperm, Bryde's and minke whale stocks in the North Pacific are:

SPERM WHALE STOCKS**WESTERN DIVISION**

West of a line from the ice-edge south along the 180° meridian of longitude to 180°, 50°N, then east along the 50°N parallel of latitude to 160°W, 50°N, then south along the 160°W meridian of longitude to 160°W, 40°N, then east along the 40°N parallel of latitude to 150°W, 40°N, then south along the 150°W meridian of longitude to the Equator.

EASTERN DIVISION

East of the line described above.

BRYDE'S WHALE STOCKS**EAST CHINA SEA**

West of the Ryukyu Island chain.

EASTERN

East of 160°W (excluding the Peruvian stock area).

WESTERN

West of 160°W (excluding the East China Sea stock area).

MINKE WHALE STOCKS**SEA OF JAPAN-YELLOW SEA-EAST CHINA SEA**

West of a line through the Philippine Islands, Taiwan, Ryukyu Islands, Kyushu, Honshu, Hokkaido and Sakhalin Island, north of the Equator.

OKHOTSK SEA-WEST PACIFIC

East of the Sea of Japan-Yellow Sea- East China Sea stock and west of 180°, north of the Equator.

REMAINDER

East of the Okhotsk Sea-West Pacific stock, north of the Equator.

*(e) Geographical boundaries for Bryde's whale stocks in the Southern Hemisphere***SOUTHERN INDIAN OCEAN**

20°E to 130°E,
South of the Equator.

SOLOMON ISLANDS

150°E to 170°E,
20°S to the Equator.

PERUVIAN

110°W to the South American coast,
10°S to 10°N.

EASTERN SOUTH PACIFIC

150°W to 70°W,
South of the Equator (excluding the Peruvian stock area).

WESTERN SOUTH PACIFIC

130°E to 150°W,
South of the Equator (excluding the Solomon Islands stock area).

SOUTH ATLANTIC

70°W to 20°E,
South of the Equator (excluding the South African inshore stock area).

SOUTH AFRICAN INSHORE

South African coast west of 27°E and out to the 200 metre isobath.

Classification of Stocks

10. All stocks of whales shall be classified in one of three categories according to the advice of the Scientific Committee as follows:

- (a) A Sustained Management Stock (SMS) is a stock which is not more than 10 per cent of Maximum Sustainable Yield (hereinafter referred to as MSY) stock level below MSY stock level, and not more than 20 per cent above that level; MSY being determined on the basis of the number of whales.

When a stock has remained at a stable level for a considerable period under a regime of approximately constant catches, it shall be classified as a Sustained Management Stock in the absence of any positive evidence that it should be otherwise classified.

Commercial whaling shall be permitted on Sustained Management Stocks according to the advice of the Scientific Committee. These stocks are listed in Tables 1, 2 and 3 of this Schedule.

For stocks at or above the MSY stock level, the permitted catch shall not exceed 90 per cent of the MSY. For stocks between the MSY stock level and 10 per cent below that level, the permitted catch shall not exceed the number of whales obtained by taking 90 per cent of the MSY and reducing that number by 10 per cent for every 1 per cent by which the stock falls short of the MSY stock level.

- (b) An Initial Management Stock (IMS) is a stock more than 20 per cent of MSY stock level above MSY stock level. Commercial whaling shall be permitted on Initial Management Stocks according to the advice of the Scientific Committee as to measures necessary to bring the stocks to the MSY stock level and then optimum level in an efficient manner and without risk of reducing them below

this level. The permitted catch for such stocks will not be more than 90 per cent of MSY as far as this is known, or, where it will be more appropriate, catching effort shall be limited to that which will take 90 per cent of MSY in a stock at MSY stock level.

In the absence of any positive evidence that a continuing higher percentage will not reduce the stock below the MSY stock level no more than 5 per cent of the estimated initial exploitable stock shall be taken in any one year. Exploitation should not commence until an estimate of stock size has been obtained which is satisfactory in the view of the Scientific Committee. Stocks classified as Initial Management Stock are listed in Tables 1, 2 and 3 of this Schedule.

- (c) A Protection Stock (PS) is a stock which is below 10 per cent of MSY stock level below MSY stock level.

There shall be no commercial whaling on Protection Stocks. Stocks so classified are listed in Tables 1, 2 and 3 of this Schedule.

- (d) Notwithstanding the other provisions of paragraph 10 there shall be a moratorium on the taking, killing or treating of whales, except minke whales, by factory ships or whale catchers attached to factory ships. This moratorium applies to sperm whales, killer whales and baleen whales, except minke whales.

- (e) Notwithstanding the other provisions of paragraph 10, catch limits for the killing for commercial purposes of whales from all stocks for the 1986 coastal and the 1985/86 pelagic seasons and thereafter shall be zero. This provision will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits.*•#

*The Governments of Japan, Norway, Peru and the Union of Soviet Socialist Republics lodged objection to paragraph 10(e) within the prescribed period. For all other Contracting Governments this paragraph came into force on 3 February 1983. Peru withdrew its objection on 22 July 1983. The Government of Japan withdrew its objections with effect from 1 May 1987 with respect to commercial pelagic whaling; from 1 October 1987 with respect to commercial coastal whaling for minke and Bryde's whales; and from 1 April 1988 with respect to commercial coastal sperm whaling. The objections of Norway and the Russian Federation not having been withdrawn, the paragraph is not binding upon these Governments.

•Iceland's instrument of adherence to the International Convention for the Regulation of Whaling and the Protocol to the Convention deposited on 10 October 2002 states that Iceland 'adheres to the aforesaid Convention and Protocol with a reservation with respect to paragraph 10(e) of the Schedule attached to the Convention'. The instrument further states the following:

'Notwithstanding this, the Government of Iceland will not authorise whaling for commercial purposes by Icelandic vessels before 2006 and, thereafter, will not authorise such whaling while progress is being made in negotiations within the IWC on the RMS. This does not apply, however, in case of the so-called moratorium on whaling for commercial purposes, contained in paragraph 10(e) of the Schedule not being lifted within a reasonable time after the completion of the RMS. Under no circumstances will whaling for commercial purposes be authorised without a sound scientific basis and an effective management and enforcement scheme.'

#The Governments of Argentina, Australia, Brazil, Chile, Finland, France, Germany, Italy, Mexico, Monaco, the Netherlands, New Zealand, Peru, San Marino, Spain, Sweden, UK and the USA have lodged objections to Iceland's reservation to paragraph 10(e).

Table 1
 BALEEN WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS* (excluding Bryde's whales).

Area	SEI		MINKE		FIN		BLUE		RIGHT, BOWHEAD, HUMPBACK		PYGMY RIGHT		GRAY	
	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Catch limit
SOUTHERN HEMISPHERE-2010/2011 pelagic season and 2011 coastal season [▲]														
I	PS	0	-	0	PS	0	PS	0	PS	0	PS	0		
II	PS	0	-	0	PS	0	PS	0	PS	0	PS	0		
III	PS	0	-	0	PS	0	PS	0	PS	0	PS	0		
IV	PS	0	-	0	PS	0	PS	0	PS	0	PS	0		
V	PS	0	-	0	PS	0	PS	0	PS	0	PS	0		
VI	PS	0	-	0	PS	0	PS	0	PS	0	PS	0		
Total catch not to exceed:														
NORTHERN HEMISPHERE-2011 season [▲]														
ARCTIC														
NORTH PACIFIC														
Whole region	PS	0	-	0	PS	0	PS	0	PS	0	PS	0		
Okhotsk Sea-West Pacific Stock														
Sea of Japan-Yellow Sea-East														
China Sea Stock			PS	0										
Remainder			IMS	0									SMS	1
Eastern Stock														PS
Western Stock														0
NORTH ATLANTIC														
Whole region							PS	0		PS	0			
West Greenland Stock			PS	0										
Newfoundland-Labrador Stock														
Canadian East Coast Stock				0										
Nova Scotia Stock	PS	0												
Central Stock														
East Greenland-Iceland Stock														
Iceland-Denmark Strait Stock														
Spain-Portugal-British Isles		0												
Stock														
Northeastern Stock														
West Norway-Faroe Islands Stock			PS*	0										
North Norway Stock														
Eastern Stock		0												
NORTHERN INDIAN OCEAN														
			IMS	0			PS	0		PS	0			

¹ Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 13(b)2.

² Available to be struck by aborigines pursuant to paragraph 13(b)3. Catch limit for each of the years [] 2010, 2011 and 2012.

³ In IWC/62 in Agadir, Morocco, June 2010, Denmark and Greenland agreed to voluntarily reduce further the catch limit for the West Greenland stock of fin whales from 16 to 10 for each of the years 2010, 2011 and 2012.

⁴ The catch limits of zero introduced into Table 1 as editorial amendments as a result of the coming into effect of paragraph 10(e) are not binding upon the governments of the countries which lodged and have not withdrawn objections to the said paragraph.

⁵ The Government of Norway presented objection to the classification of the Northeastern Atlantic stock of minke whales as a Protection Stock within the prescribed period. This classification came into force on 30 January 1986 but is not binding on the Government of Norway.

⁶ The Government of the Czech Republic lodged an objection within the prescribed period to the amendments to the Schedule arising from the 62nd Annual Meeting of the Commission, i.e. changes to the dates of the pelagic and coastal whaling seasons given in paragraphs 11 and 12 and Tables 1, 2 and 3, and changes to the aboriginal subsistence whaling catch limits set out in paragraph 13 (b). For all other Contracting Governments, these provisions came into force on 11 January 2011. The Czech Republic lodged a similar objection to Schedule amendments arising from the 60th and 61st Annual Meetings of the Commission. These objections have not been withdrawn.

Table 2
Bryde's whale stock classifications and catch limits.⁺

	Classification	Catch limit
SOUTHERN HEMISPHERE-2010/2011 pelagic season and 2011 coastal season [▲]		
South Atlantic Stock	-	0
Southern Indian Ocean Stock	IMS	0
South African Inshore Stock	-	0
Solomon Islands Stock	IMS	0
Western South Pacific Stock	IMS	0
Eastern South Pacific Stock	IMS	0
Peruvian Stock	-	0
NORTH PACIFIC-2011 season [▲]		
Eastern Stock	IMS	0
Western Stock	IMS	0
East China Sea Stock	PS	0
NORTH ATLANTIC-2011 season [▲]		
	IMS	0
NORTHERN INDIAN OCEAN-2011 season [▲]		
	-	0

⁺The catch limits of zero introduced in Table 2 as editorial amendments as a result of the coming into effect of paragraph 10(e) are not binding upon the governments of the countries which lodged and have not withdrawn objections to the said paragraph.

[▲]See footnote to Table 1.

Table 3
Toothed whale stock classifications and catch limits.⁺

SOUTHERN HEMISPHERE-2010/2011 pelagic season and 2011 coastal season [▲]			SPERM	Catch limit
Division	Longitudes	Classification		
1	60°W-30°W	-		0
2	30°W-20°E	-		0
3	20°E-60°E	-		0
4	60°E-90°E	-		0
5	90°-130°E	-		0
6	130°E-160°E	-		0
7	160°E-170°W	-		0
8	170°W-100°W	-		0
9	100°W-60°W	-		0
NORTHERN HEMISPHERE-2011 season [▲]				
NORTH PACIFIC				
Western Division		PS		0 ¹
Eastern Division		-		0
NORTH ATLANTIC		-	0	
NORTHERN INDIAN OCEAN		-	0	
BOTTLENOSE				
NORTH ATLANTIC		PS		0

¹No whales may be taken from this stock until catch limits including any limitations on size and sex are established by the Commission.

⁺The catch limits of zero introduced in Table 3 as editorial amendments as a result of the coming into effect of paragraph 10(e) are not binding upon the governments of the countries which lodged and have not withdrawn objections to the said paragraph.

[▲]See footnote to Table 1.

Baleen Whale Catch Limits

11. The number of baleen whales taken in the Southern Hemisphere in the **2010/2011** pelagic season and the **2011** coastal season shall not exceed the limits shown in Tables 1 and 2.[▲]
12. The number of baleen whales taken in the North Pacific Ocean and dependent waters in **2011** and in the North Atlantic Ocean in **2011** shall not exceed the limits shown in Tables 1 and 2.[▲]
13. (a) Notwithstanding the provisions of paragraph 10, catch limits for aboriginal subsistence whaling to satisfy aboriginal subsistence need for the 1984 whaling season and each whaling season thereafter shall be established in accordance with the following principles:
 - (1) For stocks at or above MSY level, aboriginal subsistence catches shall be permitted so long as total removals do not exceed 90 per cent of MSY.
 - (2) For stocks below the MSY level but above a certain minimum level, aboriginal subsistence catches shall be permitted so long as they are set at levels which will allow whale stocks to move to the MSY level.¹
 - (3) The above provisions will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of these provisions on whale stocks and consider modification.
 - (4) For aboriginal whaling conducted under subparagraphs (b)(1), (b)(2), and (b)(3) of this paragraph, it is forbidden to strike, take or kill calves or any whale accompanied by a calf. For aboriginal whaling conducted under subparagraphs (b)(4) of this paragraph, it is forbidden to strike, take or kill suckling calves or female whales accompanied by calves.
 - (5) All aboriginal whaling shall be conducted under national legislation that accords with this paragraph.
- (b) Catch limits for aboriginal subsistence whaling are as follows:
 - (1) The taking of bowhead whales from the Bering-Chukchi-Beaufort Seas stock by aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided that:
 - (i) For the years 2008, 2009, 2010, 2011 and 2012, the number of bowhead whales landed shall not exceed 280. For each of these years the number of bowhead whales struck shall not exceed 67, except that any unused portion of a strike quota from any year (including 15 unused strikes from the 2003-2007 quota) shall be carried forward and added to the strike quotas of any subsequent years, provided that no more than 15 strikes shall be added to the strike quota for any one year.
 - (ii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.
 - (2) The taking of gray whales from the Eastern stock in the North Pacific is permitted, but only by aborigines or a Contracting Government on behalf of aborigines, and then only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.
 - (i) For the years 2008, 2009, 2010, 2011 and 2012, the number of gray whales taken in accordance with this sub-paragraph shall not exceed 620, provided that the number of gray whales taken in any one of the years 2008, 2009, 2010, 2011 and 2012 shall not exceed 140.
 - (ii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.
 - (3) The taking by aborigines of minke whales from the West Greenland and Central stocks and fin whales from the West Greenland stock and bowhead whales from the West Greenland feeding aggregation *and humpback whales from the West Greenland feeding aggregation* is permitted and then only when the meat and products are to be used exclusively for local consumption.[▲]
 - (i) The number of fin whales struck from the West Greenland stock in accordance with this sub-paragraph shall not exceed **16** in each of the years **[] 2010, 2011 and 2012.**^{§▲}
 - (ii) The number of minke whales struck from the Central stock in accordance with this sub-paragraph shall not exceed 12 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than 3 shall be added to the quota for any one year.
 - (iii) The number of minke whales struck from the West Greenland stock shall not exceed **178** in each of the years **[] 2010, 2011 and 2012**, except that any unused portion of the quota for each year shall be carried forward from that year and added to the strike quota of any of the subsequent years, provided

[▲]See footnote to Table 1.

¹The Commission, on advice of the Scientific Committee, shall establish as far as possible (a) a minimum stock level for each stock below which whales shall not be taken, and (b) a rate of increase towards the MSY level for each stock. The Scientific Committee shall advise on a minimum stock level and on a range of rates of increase towards the MSY level under different catch regimes.

[§]At IWC 62 in Agadir, Morocco, June 2010, Denmark and Greenland agreed to voluntarily reduce further the catch limit for the West Greenland stock of fin whales from 16 to 10 for each of the years 2010, 2011 and 2012.

that no more than 15 strikes shall be added to the strike quota for any one year. *This provision will be reviewed if new scientific data become available within the 5 year period and if necessary amended on basis of the advice of the Scientific Committee.*[▲]

- (iv) The number of bowhead whales struck off West Greenland in accordance with this sub-paragraph shall not exceed 2 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than 2 shall be added to the quota for any one year. *This provision will be reviewed if new scientific data become available within the 5 year period and if necessary amended on basis of the advice of the Scientific Committee.*[▲]
- (v) *The number of humpback whales struck off West Greenland in accordance with this sub-paragraph shall not exceed 9 in each of the years 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the strike quota of any of the subsequent years, provided that no more than 2 strikes shall be added to the strike quota for any one year. This provision will be reviewed if new scientific data become available within the remaining quota period and if necessary amended on the basis of the advice of the Scientific Committee.*[▲]

- (4) For the seasons 2008-2012 the number of humpback whales to be taken by the Bequians of St. Vincent and The Grenadines shall not exceed 20. The meat and products of such whales are to be used exclusively for local consumption in St. Vincent and The Grenadines.

14. It is forbidden to take or kill suckling calves or female whales accompanied by calves.

Baleen Whale Size Limits

15. (a) It is forbidden to take or kill any sei or Bryde's whales below 40 feet (12.2 metres) in length except that sei and Bryde's whales of not less than 35 feet (10.7 metres) may be taken for delivery to land stations, provided that the meat of such whales is to be used for local consumption as human or animal food.
- (b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken in the Southern Hemisphere for delivery to land

stations and fin whales of not less than 50 feet (15.2 metres) may be taken in the Northern Hemisphere for delivery to land stations, provided that, in each case the meat of such whales is to be used for local consumption as human or animal food.

Sperm Whale Catch Limits

16. Catch limits for sperm whales of both sexes shall be set at zero in the Southern Hemisphere for the 1981/82 pelagic season and 1982 coastal seasons and following seasons, and at zero in the Northern Hemisphere for the 1982 and following coastal seasons; except that the catch limits for the 1982 coastal season and following seasons in the Western Division of the North Pacific shall remain undetermined and subject to decision by the Commission following special or annual meetings of the Scientific Committee. These limits shall remain in force until such time as the Commission, on the basis of the scientific information which will be reviewed annually, decides otherwise in accordance with the procedures followed at that time by the Commission.
17. It is forbidden to take or kill suckling calves or female whales accompanied by calves.

Sperm Whale Size Limits

18. (a) It is forbidden to take or kill any sperm whales below 30 feet (9.2 metres) in length except in the North Atlantic Ocean where it is forbidden to take or kill any sperm whales below 35 feet (10.7 metres).
- (b) It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the Southern Hemisphere north of 40° South Latitude during the months of October to January inclusive.
- (c) It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the North Pacific Ocean and dependent waters south of 40° North Latitude during the months of March to June inclusive.

IV. TREATMENT

19. (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales which are classified as Protection Stocks in paragraph 10 or are taken in contravention of paragraphs 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, 16 and 17 of this Schedule, whether or not taken by whale catchers under the jurisdiction of a Contracting Government.
- (b) All other whales taken, except minke whales, shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and parts of whales intended for human food or feeding animals. A Contracting Government may in less developed regions exceptionally permit treating of whales without use of land stations, provided that such whales are fully utilised in accordance with this paragraph.
- (c) Complete treatment of the carcasses of "dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

[▲]See footnote to Table 1.

20. (a) The taking of whales for treatment by a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.
- (b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

V. SUPERVISION AND CONTROL

21. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection provided that at least one such inspector shall be maintained on each catcher functioning as a factory ship. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship; provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.
- (b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.
- (c) There shall be received such observers as the member countries may arrange to place on factory ships and land stations or groups of land stations of other member countries. The observers shall be appointed by the Commission acting through its Secretary and paid by the Government nominating them.
22. Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of lactating whales.
23. Whales must be measured when at rest on deck or platform after the hauling out wire and grasping device have been released, by means of a tape-measure made of a non-stretching material. The zero end of the tape-measure shall be attached to a spike or stable device to be positioned on the deck or platform abreast of one end of the whale. Alternatively the spike may be stuck into the tail fluke abreast of the apex of the notch. The tape-measure shall be held taut in a straight line parallel to the deck and the whale's body, and other than in exceptional circumstances along the whale's back, and read abreast of the other end of the whale. The ends of the whale for measurement purposes shall be the tip of the upper jaw, or in sperm whales the most forward part of the head, and the apex of the notch between the tail flukes.

Measurements shall be logged to the nearest foot or 0.1 metre. That is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. Similarly, any whale between 10.15 metres and 10.25 metres shall be logged as 10.2 metres, and any whale between 10.25 metres and 10.35 metres shall be logged as 10.3 metres. The measurement of any whale which falls on an exact half foot or 0.05 metre shall be logged at the next half foot or 0.05 metre, e.g. 76 feet 6 inches precisely shall be logged as 77 feet and 10.25 metres precisely shall be logged as 10.3 metres.

VI. INFORMATION REQUIRED

24. (a) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:
- (1) the time when each whale is taken
 - (2) its species, and
 - (3) its marking effected pursuant to paragraph 20(b).
- (b) The information specified in sub-paragraph (a) of this paragraph shall be entered immediately by a factory ship in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:
- (1) time of hauling up for treatment
 - (2) length, measured pursuant to paragraph 23
 - (3) sex
 - (4) if female, whether lactating
 - (5) length and sex of foetus, if present, and
 - (6) a full explanation of each infraction.
- (c) A record similar to that described in sub-paragraph (b) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.
- (d) A record similar to that described in sub-paragraph (b) of this paragraph shall be maintained by "small-type whaling" operations conducted from shore or by pelagic fleets, and all of this information mentioned in the said sub-paragraph shall be entered therein as soon as available.
25. (a) All Contracting Governments shall report to the Commission for all whale catchers operating in conjunction with factory ships and land stations the following information:
- (1) methods used to kill each whale, other than a harpoon, and in particular compressed air;
 - (2) number of whales struck but lost.
- (b) A record similar to that described in sub-paragraph (a) of this paragraph shall be maintained by vessels engaged in "small-type whaling" operations and by native peoples taking species listed in paragraph 1, and all the information mentioned in the said sub-paragraph shall be entered therein as soon as available, and forwarded by Contracting Governments to the Commission.
26. (a) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of baleen whales

by species taken in any waters south of 40° South Latitude by all factory ships or whale catchers attached thereto under the jurisdiction of each Contracting Government, provided that when the number of each of these species taken is deemed by the Secretary to the International Whaling Commission to have reached 85 per cent of whatever total catch limit is imposed by the Commission notification shall be given as aforesaid at the end of each day of data on the number of each of these species taken.

- (b) If it appears that the maximum catches of whales permitted by paragraph 11 may be reached before 7 April of any year, the Secretary to the International Whaling Commission shall determine, on the basis of the data provided, the date on which the maximum catch of each of these species shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The taking or attempting to take baleen whales, so notified, by factory ships or whale catchers attached thereto shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.
- (c) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.
27. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and catcher ships of the following statistical information:
- (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and
- (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertiliser (guano), and other products derived from them, together with
- (c) particulars with respect to each whale treated in the factory ship, land station or "small-type whaling" operations as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus.
- The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration of whales.

28. (a) Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and catcher ships of the following statistical information:
- (1) the name and gross tonnage of each factory ship,
- (2) for each catcher ship attached to a factory ship or land station:
- (i) the dates on which each is commissioned and ceases whaling for the season,
- (ii) the number of days on which each is at sea on the whaling grounds each season,

- (iii) the gross tonnage, horsepower, length and other characteristics of each; vessels used only as tow boats should be specified.
- (3) A list of the land stations which were in operation during the period concerned, and the number of miles searched per day by aircraft, if any.
- (b) The information required under paragraph (a)(2)(iii) should also be recorded together with the following information, in the log book format shown in Appendix A, and forwarded to the Commission:
- (1) where possible the time spent each day on different components of the catching operation,
- (2) any modifications of the measures in paragraphs (a)(2)(i)-(iii) or (b)(1) or data from other suitable indicators of fishing effort for "small-type whaling" operations.
29. (a) Where possible all factory ships and land stations shall collect from each whale taken and report on:
- (1) both ovaries or the combined weight of both testes,
- (2) at least one ear plug, or one tooth (preferably first mandibular).
- (b) Where possible similar collections to those described in sub-paragraph (a) of this paragraph shall be undertaken and reported by "small-type whaling" operations conducted from shore or by pelagic fleets.
- (c) All specimens collected under sub-paragraphs (a) and (b) shall be properly labelled with platform or other identification number of the whale and be appropriately preserved.
- (d) Contracting Governments shall arrange for the analysis as soon as possible of the tissue samples and specimens collected under sub-paragraphs (a) and (b) and report to the Commission on the results of such analyses.
30. A Contracting Government shall provide the Secretary to the International Whaling Commission with proposed scientific permits before they are issued and in sufficient time to allow the Scientific Committee to review and comment on them. The proposed permits should specify:
- (a) objectives of the research;
- (b) number, sex, size and stock of the animals to be taken;
- (c) opportunities for participation in the research by scientists of other nations; and
- (d) possible effect on conservation of stock.
- Proposed permits shall be reviewed and commented on by the Scientific Committee at Annual Meetings when possible. When permits would be granted prior to the next Annual Meeting, the Secretary shall send the proposed permits to members of the Scientific Committee by mail for their comment and review. Preliminary results of any research resulting from the permits should be made available at the next Annual Meeting of the Scientific Committee.
31. A Contracting Government shall transmit to the Commission copies of all its official laws and regulations relating to whales and whaling and changes in such laws and regulations.

INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946
SCHEDULE APPENDIX A

TITLE PAGE
(one logbook per catcher per season)

Catcher name..... Year built.....

Attached to expedition/land station

Season.....

Overall length..... Wooden/steel hull.....

Gross tonnage.....

Type of engine..... H.P.

Maximum speed..... Average searching speed.....

Asdic set, make and model no.....

Date of installation.....

Make and size of cannon.....

Type of first harpoon used..... Explosive/electric/non-explosive

Type of killer harpoon used.....

Length and type of forerunner.....

Type of whaleline.....

Height of barrel above sea level.....

Speedboat used, Yes/No

Name of Captain.....

Number of years experience.....

Name of gunner.....

Number of years experience.....

Number of crew.....

SCHEDULE APPENDIX A
SCHOOLING REPORT

TABLE 2

To be completed by pelagic expedition or coastal station for each sperm whale school chased. A separate form to be used each day.

Name of expedition or coastal station

Date Noon position of factory ship

Time School Found

Total Number of Whales in School

Number of Takeable Whales in School

Number of Whales Caught from School by each Catcher

Name of Catcher

Name of Catcher

Name of Catcher

Name of Catcher

Total Number Caught from School

Remarks:

Explanatory Notes

- A. Fill in one column for each school chased with number of whales caught by each catcher taking part in the chase; if catchers chase the school but do not catch from it, enter 0; for catchers in fleet which do not chase that school enter X.
- B. A school on this form means a group of whales which are sufficiently close together that a catcher having completed handling one whale can start chasing another whale almost immediately without spending time searching. A solitary whale should be entered as a school of 1 whale.
- C. A takeable whale is a whale of a size or kind which the catchers would take if possible. It does not necessarily include all whales above legal size, e.g. if catchers are concentrating on large whales only these would be counted as takeable.
- D. Information about catchers from other expeditions or companies operating on the same school should be recorded under Remarks.

INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946
DAILY RECORD SHEET

TABLE 1

Date Catcher name Sheet No.

Searching: Time started (or resumed) searching

*Time whales seen or reported to catcher

Whale species

Number seen and no. of groups

Position found

Name of catcher that found whales

Chasing: Time started chasing (or confirmed whales)

Time whale shot or chasing discontinued

Handling: Asdic used (Yes/No)

Time whale flagged or alongside for towing

Towing: Serial No. of catch

Time started picking up

Time finished picking up or started towing

Resting: Date and time delivered to factory

Time stopped (for drifting or resting)

Time finished drifting/resting

Time ceased operations

WEATHER CONDITIONS

	Wind force and direction	Sea state	Visibility
Total searching time
Total chasing time
A) with asdic
B) without asdic
Total handling time
Total towing time
Total resting time
Other time (e.g. bunkering, in port)

Whales Seen (No. and No. of schools)

Blue.....	Bryde's
Fin.....	Minke
Humpback.....	Sperm
Right.....	Others (specify)
Set.....
Signed.....

*Time whales reported to catcher means the time when the catcher is told of the position of a school and starts to move towards it to chase it.

**Rules of Procedure
and
Financial Regulations**

As amended by the Commission at the 62nd Annual Meeting, June 2010
(amendments are shown in *bold italics*)

RULES OF PROCEDURE.....	165
FINANCIAL REGULATIONS.....	170
RULES OF DEBATE.....	173
RULES OF PROCEDURE OF THE TECHNICAL COMMITTEE.....	174
RULES OF PROCEDURE OF THE SCIENTIFIC COMMITTEE.....	175

Rules of Procedure

A. Representation

1. A Government party to the International Convention for the Regulation of Whaling, 1946 (hereafter referred to as the Convention) shall have the right to appoint one Commissioner and shall furnish the Secretary of the Commission with the name of its Commissioner and his/her designation and notify the Secretary promptly of any changes in the appointment. The Secretary shall inform other Commissioners of such appointment.

B. Meetings

1. The Commission shall hold a regular Annual Meeting in such place as the Commission may determine. Any Contracting Government desiring to extend an invitation to the Commission to meet in that country shall give formal notice two years in advance. A formal offer should include:
 - (a) which meetings it covers, i.e. Scientific Committee, Commission sub-groups, Annual Commission meeting;
 - (b) a proposed time window within which the meeting will take place; and
 - (c) a timetable for finalising details of the exact timing and location of the meeting. Attendance by a majority of the members of the Commission shall constitute a quorum. Special Meetings of the Commission may be called at the direction of the Chair after consultation with the Contracting Governments and Commissioners.
2. Before the end of each Annual Meeting, the Commission shall decide on: (1) the length of the Annual Commission Meeting and associated meetings the following year; and (2) which of the Commission's sub-groups need to meet.

C. Observers

1. (a) Any Government not a party to the Convention or any intergovernmental organisation may be represented at meetings of the Commission by an observer or observers, if such non-party government or intergovernmental organisation has previously attended any meeting of the Commission, or if it submits its request in writing to the Commission 60 days prior to the start of the meeting, or if the Commission issues an invitation to attend.
 - (b) Any non-governmental organisation which expresses an interest in matters covered by the Convention, may be accredited as an observer. Requests for accreditation must be submitted in writing to the Commission 60 days prior to the start of the meeting and the Commission may issue an invitation with respect to such a request. Such submissions shall include the standard application form for non-governmental organisations which will be provided by the Secretariat. These applications shall remain available for review by Contracting Governments.

Once a non-governmental organisation has been accredited through the application process above, it will remain accredited until the Commission decides otherwise.

Observers from each non-governmental organisation will be allowed seating in the meeting. However, seating limitations may require that the number of observers from each non-governmental organisation be limited. The Secretariat will notify accredited non-governmental organisations of any seating limitations in advance of the meeting.

- (c) The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of observers accredited in accordance with Rule C.1.(a) and (b). The registration fee will be treated as an annual fee covering attendance at the Annual Meeting to which it relates and any other meeting of the Commission or its subsidiary groups as provided in Rule C.2. in the interval before the next Annual Meeting.
2. Observers accredited in accordance with Rule C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of subsidiary groups of the Commission and the Technical Committee, except the Commissioners-only meetings and the meetings of the Finance and Administration Committee.

D. Credentials

1. (a) The names of all representatives of member and non-member governments and observer organisations to any meeting of the Commission or committees, as specified in the Rules of Procedure of the Commission, Technical and Scientific Committees, shall be notified to the Secretary in writing before their participation and/or attendance at each meeting. For member governments, the notification shall indicate the Commissioner, his/her alternate(s) and advisers, and the head of the national delegation to the Scientific Committee and any alternate(s) as appropriate.

The written notification shall be made by governments or the heads of organisations as the case may be. In this context, 'governments' means the Head of State, the Head of Government, the Minister of Foreign Affairs (including: on behalf of the Minister of Foreign Affairs), the Minister responsible for whaling or whale conservation (including: on behalf of this Minister), the Head of the Diplomatic Mission accredited to the seat of the Commission or to the host country of the meeting in question, or the Commissioner appointed under Rule A.1.

- (b) Credentials for a Commissioner appointed for the duration of a meeting must be issued as in D.1(a). Thereafter, until the end of the meeting in question, that Commissioner assumes all the powers of a Commissioner appointed under A.1., including that of issuing credentials for his/her delegation.

- (c) In the case of members of delegations who will attend the Annual Commission Meeting and its associated meetings, the notification may be made *en bloc* by submitting a list of the members who will attend any of these meetings.
- (d) The Secretary, or his/her representative, shall report on the received notifications at the beginning of a meeting.
- (e) In case of any doubt as to the authenticity of notification or in case of apparent delay in their delivery, the Chair of the meeting shall convene an *ad hoc* group of no more than one representative from any Contracting Government present to decide upon the question of participation in the meeting.

E. Decision-making

The Commission shall make every effort to reach its decisions by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the following Rules of Procedure shall apply:

1. Each Commissioner shall have the right to vote at Plenary Meetings of the Commission and in his/her absence his/her deputy or alternate shall have such right. Experts and advisers may address Plenary Meetings of the Commission but shall not be entitled to vote. They may vote at the meetings of any committee to which they have been appointed, provided that when such vote is taken, representatives of any Contracting Government shall only exercise one vote.
2. (a) The right to vote of representatives of any Contracting Government shall be suspended automatically when the annual payment of a Contracting Government including any interest due has not been received by the Commission by the earliest of these dates:
 - 3 months following the due date prescribed in Regulation E.2 of the Financial Regulations; or
 - the day before the first day of the next Annual or Special Meeting of the Commission if such a meeting is held within 3 months following the due date; or
 - in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date.

This suspension of voting rights applies until payment is received by the Commission unless the Commission decides otherwise.
- (b) The Commissioner of a new Contracting Government shall not exercise the right to vote either at meetings or by postal or other means: (i) until 30 days after the date of adherence, although they may participate fully in discussions of the Commission; and (ii) unless the Commission has received the Government's financial contribution or part contribution for the year prescribed in Financial Regulation E.3.
3. (a) Where a vote is taken on any matter before the Commission, a simple majority of those casting an affirmative or negative vote shall be decisive, except that a three-fourths majority of those casting an affirmative or negative vote shall be required for action in pursuance of Article V of the Convention.

- (b) Action in pursuance of Article V shall contain the text of the regulations proposed to amend the Schedule. A proposal that does not contain such regulatory text does not constitute an amendment to the Schedule and therefore requires only a simple majority vote. A proposal that does not contain such regulatory text to revise the Schedule but would commit the Commission to amend the Schedule in the future can neither be put to a vote nor adopted.
 - (c) At meetings of committees appointed by the Commission, a simple majority of those casting an affirmative or negative vote shall also be decisive. The committee shall report to the Commission if the decision has been arrived at as a result of the vote.
 - (d) Votes shall be taken by show of hands, or by roll call, as in the opinion of the Chair, appears to be most suitable. The election of the Chair, Vice-Chair, the appointment of the Secretary of the Commission, and the selection of IWC Annual Meeting venues shall, upon request by a Commissioner, all proceed by secret ballot.
4. Between meetings of the Commission or in the case of emergency, a vote of the Commissioners may be taken by post, or other means of communication in which case the necessary simple, or where required three-fourths majority, shall be of the total number of Contracting Governments whose right to vote has not been suspended under paragraph 2.

F. Chair

1. The Chair of the Commission shall be elected from time to time from among the Commissioners and shall take office at the conclusion of the Annual Meeting at which he/she is elected. The Chair shall serve for a period of three years and shall not be eligible for re-election as Chair until a further period of three years has elapsed. The Chair shall, however, remain in office until a successor is elected.
2. The duties of the Chair shall be:
 - (a) to preside at all meetings of the Commission;
 - (b) to decide all questions of order raised at meetings of the Commission, subject to the right of any Commissioner to appeal against any ruling of the Chair.
 - (c) to call for votes and to announce the result of the vote to the Commission;
 - (d) to develop, with appropriate consultation, draft agenda for meetings of the Commission.
 - (i) for Annual Meetings:
 - in consultation with the Secretary, to develop a draft agenda based on decisions and recommendations made at the previous Annual Meeting for circulation to all Contracting Governments and Commissioners for review and comment not less than 100 days in advance of the meeting;
 - on the basis of comments and proposals received from Contracting Governments and Commissioners under (d)(i) above, to develop with the Secretary, an annotated provisional agenda for circulation to all Contracting Governments not less than 60 days in advance of the meeting;

- (ii) for Special Meetings, the two-stage procedure described in (i) above will be followed whenever practicable, recognising that Rule of Procedure J.1. still applies with respect to any item of business involving amendment of the Schedule or recommendations under Article VI of the Convention.
- (e) to sign, on behalf of the Commission, a report of the proceedings of each annual or other meeting of the Commission, for transmission to Contracting Governments and others concerned as an authoritative record of what transpired;
- (f) generally, to make such decisions and give such directions to the Secretary as will ensure, especially in the interval between the meetings of the Commission, that the business of the Commission is carried out efficiently and in accordance with its decision.

G. Vice-Chair

1. The Vice-Chair of the Commission shall be elected from time to time from among the Commissioners and shall preside at meetings of the Commission, or between them, in the absence or in the event of the Chair being unable to act. He/she shall on those occasions exercise the powers and duties prescribed for the Chair. The Vice-Chair shall be elected for a period of three years and shall not be eligible for re-election as Vice-Chair until a further period of three years has elapsed. He/she shall, however, remain in office until a successor is elected.

H. Secretary

1. The Commission shall appoint a Secretary and shall designate staff positions to be filled through appointments made by the Secretary. The Commission shall fix the terms of employment, rate of remuneration including tax assessment and superannuation and travelling expenses for the members of the Secretariat.
2. The Secretary is the executive officer of the Commission and shall:
 - (a) be responsible to the Commission for the control and supervision of the staff and management of its office and for the receipt and disbursement of all monies received by the Commission;
 - (b) make arrangements for all meetings of the Commission and its committees and provide necessary secretarial assistance;
 - (c) prepare and submit to the Chair a draft of the Commission's budget for each year and shall subsequently submit the budget to all Contracting Governments and Commissioners as early as possible before the Annual Meeting;
 - (d) despatch by the most expeditious means available:
 - (i) a draft agenda for the Annual Commission Meeting to all Contracting Governments and Commissioners 100 days in advance of the meeting for comment and any additions with annotations they wish to propose;
 - (ii) an annotated provisional agenda to all Contracting Governments and Commissioners not less than 60 days in advance of the Annual Commission Meeting. Included in the annotations should be a brief description of each item, and in so far as possible, documentation relevant to agenda items should

- be referred to in the annotation and sent to member nations at the earliest possible date;
- (e) receive, tabulate and publish notifications and other information required by the Convention in such form and manner as may be prescribed by the Commission;
- (f) perform such other functions as may be assigned to him/her by the Commission or its Chair;
- (g) where appropriate, provide copies or availability to a copy of reports of the Commission including reports of Observers under the International Observer Scheme, upon request after such reports have been considered by the Commission.

I. Chair of Scientific Committee

1. The Chair of the Scientific Committee may attend meetings of the Commission and Technical Committee in an *ex officio* capacity without vote, at the invitation of the Chair of the Commission or Technical Committee respectively in order to represent the views of the Scientific Committee.

J. Schedule amendments, recommendations under Article VI and Resolutions

1. No item of business which involves amendment of the Schedule to the Convention, recommendations under Article VI of the Convention, or Resolutions of the Commission, shall be the subject of decisive action by the Commission unless the full draft text has been circulated to the Commissioners at least 60 days in advance of the meeting at which the matter is to be discussed.
2. Notwithstanding the advance notice requirements for draft Resolutions in Rule J.1., at the recommendation of the Chair in consultation with the Advisory Committee, the Commission may decide to consider urgent draft Resolutions which arise after the 60 day deadline where there have been important developments that warrant action in the Commission. The full draft text of any such Resolution must be circulated to all Commissioners prior to the opening of the meeting at which the draft Resolution is to be considered.
3. *Notwithstanding Rules J.1. and J.2., the Commission may adopt Resolutions on any matter that may arise during a meeting only when consensus is achieved.*

K. Financial

1. The financial year of the Commission shall be from 1st September to 31st August.
2. Any request to Contracting Governments for financial contributions shall be accompanied by a statement of the Commission's expenditure for the appropriate year, actual or estimated.
3. Annual payments and other financial contributions by Contracting Governments shall be made payable to the Commission and shall be in pounds sterling.

L. Offices

1. The seat of the Commission shall be located in the United Kingdom.

M. Committees

1. The Commission shall establish a Scientific Committee, a Technical Committee and a Finance and Administration Committee. Commissioners shall notify their desire to be represented on the Scientific, Technical and Finance and Administration Committees 28 days prior to the meetings, and shall designate the approximate size of their delegations.
2. The Chair may constitute such *ad hoc* committees as may be necessary from time to time, with similar arrangements for notification of the numbers of participants as in paragraph 1 above where appropriate. Each committee shall elect its Chair. The Secretary shall furnish appropriate secretarial services to each committee.
3. Sub-committees and working groups may be designated by the Commission to consider technical issues as appropriate, and each will report to the Technical Committee or the plenary session of the Commission as the Commission may decide.
4. The Scientific Committee shall review the current scientific and statistical information with respect to whales and whaling, shall review current scientific research programmes of Governments, other international organisations or of private organisations, shall review the scientific permits and scientific programmes for which Contracting Governments plan to issue scientific permits, shall consider such additional matters as may be referred to it by the Commission or by the Chair of the Commission, and shall submit reports and recommendations to the Commission.
5. The preliminary report of the Scientific Committee should be completed and available to all Commissioners by the opening date of the Annual Commission Meeting.
6. The Secretary shall be an *ex officio* member of the Scientific Committee without vote.
7. The Technical Committee shall, as directed by the Commission or the Chair of the Commission, prepare reports and make recommendations on:
 - (a) management principles, categories, criteria and definitions, taking into account the recommendations of the Scientific Committee, as a means of helping the Commission to deal with management issues as they arise;
 - (b) technical and practical options for implementation of conservation measures based on Scientific Committee advice;
 - (c) the implementation of decisions taken by the Commission through resolutions and through Schedule provisions;
 - (d) Commission agenda items assigned to it;
 - (e) any other matters.
8. The Finance and Administration Committee shall advise the Commission on expenditure, budgets, scale of contributions, financial regulations, staff questions, and such other matters as the Commission may refer to it from time to time.
9. The Commission shall establish an Advisory Committee. This Committee shall comprise the Chair, Vice-Chair, Chair of the Finance and Administration Committee, Secretary and two Commissioners to broadly represent the interests within the IWC forum. The appointment of the Commissioners shall be for two years on alternative years.

The role of the Committee shall be to assist and advise the Secretariat on administrative matters upon request by the Secretariat or agreement in the Commission. The Committee is not a decision-making forum and shall not deal with policy matters or administrative matters that are within the scope of the Finance and Administration Committee other than making recommendations to this Committee.

N. Languages of the Commission

1. English shall be the official language of the Commission. English, French and Spanish shall be the working languages of the Commission. Commissioners may speak in any other language, if desired, it being understood that Commissioners doing so will provide their own interpreters. All official publications and communications of the Commission shall be in English. Agreed publications shall be available in English, French and Spanish¹.

O. Records of Meetings

1. The proceedings of the meetings of the Commission and those of its committees shall be recorded in summary form.

P. Reports

1. Commissioners should arrange for reports on the subject of whaling published in their own countries to be sent to the Commission for record purposes.
2. The Chair's Report of the most recent Annual Commission Meeting shall be published in the Annual Report of the year just completed.

Q. Commission Documents

1. Reports of meetings of all committees, sub-committees and working groups of the Commission are confidential (i.e. reporting of discussions, conclusions and recommendations made during a meeting is prohibited) until the opening plenary session of the Commission meeting to which they are submitted, or in the case of intersessional meetings, until after they have been dispatched by the Secretary to Contracting Governments and Commissioners. This applies equally to member governments and observers. Such reports, with the exception of the report of the Finance and Administration Committee, shall be distributed to Commissioners, Contracting Governments and accredited observers at the same time. Procedures applying to the Scientific Committee are contained in its Rules of Procedure E.5.(a) and E.5.(b).
2. Any document submitted to the Commission for distribution to Commissioners, Contracting Governments or members of the Scientific Committee is considered to be in the public domain unless it is designated by the author or government submitting it

¹As agreed at IWC/59 in Anchorage in 2007: i.e. simultaneous interpretation in French and Spanish in IWC Plenary and private meetings of Commissioners, and translation into French and Spanish of: (1) Resolutions and Schedule amendments; (2) the Chair's summary reports of annual meetings; (3) Annotated Provisional Agendas; and (4) summaries of the Scientific Committee and working group reports. *Ann. Rep. Int. Whaling Comm.* 2007: 56-57.

- to be restricted². Such restriction is automatically lifted when the report of the meeting to which it is submitted becomes publicly available under 1. above.
3. Observers admitted under Rule of Procedure C.1.(a) and (b) may submit Opening Statements which will be included in the official documentation of the Annual or other Meeting concerned. They shall be presented in the format and the quantities determined by the Secretariat for meeting documentation. The content of the Opening Statements shall be relevant to matters under consideration by the Commission, and shall be in the form of views and comments made

- to the Commission in general rather than directed to any individual or group of Contracting Governments³.
4. All meeting documents shall be included in the Commission's archives in the form in which they were considered at the meeting.

R. Amendment of Rules

1. These Rules of Procedure and the Rules of Debate may be amended from time to time by a simple majority of the Commissioners voting, but the full draft text of any proposed amendment shall be circulated to the Commissioners at least 60 days in advance of the meeting at which the matter is to be discussed.

²This does not prevent Contracting Governments from consulting as they see fit on such documents providing confidentiality is maintained as described in Rule of Procedure Q.1.

³[There is no intention that the Secretariat should conduct advance or ex-ante reviews of such statements.]

Financial Regulations

A. Applicability

1. These regulations shall govern the financial administration of the International Whaling Commission.
2. They shall become effective as from the date decided by the Commission and shall be read with and in addition to the Rules of Procedure. They may be amended in the same way as provided under Rule R.1. of the Rules of Procedure in respect of those Rules.
3. In case of doubt as to the interpretation and application of any of these regulations, the Chair is authorised to give a ruling.

B. Financial Year

1. The financial year of the Commission shall be from 1st September to 31st August (Rules of Procedure, Rule K.1.).

C. General Financial Arrangements

1. There shall be established a Research Fund and a General Fund, and a Voluntary Fund for Small Cetaceans.
 - (a) The Research Fund shall be credited with voluntary contributions and any such monies as the Commission may allocate for research and scientific investigation and charged with specific expenditure of this nature.
 - (b) The General Fund shall, subject to the establishment of any other funds that the Commission may determine, be credited or charged with all other income and expenditure.
 - (c) The details of the Voluntary Fund for Small Cetaceans are given in Appendix I.
The General Fund shall be credited or debited with the balance on the Commission's Income and Expenditure Account at the end of each financial year.
2. Subject to the restrictions and limitations of the following paragraphs, the Commission may accept funds from outside the regular contributions of Contracting Governments.
 - (a) The Commission may accept such funds to carry out programmes or activities decided upon by the Commission and/or to advance programmes and activities which are consistent with the objectives and provisions of the Convention.
 - (b) The Commission shall not accept external funds from any of the following:
 - (i) Sources that are known, through evidence available to the Commission, to have been involved in illegal activities, or activities contrary to the provisions of the Convention;
 - (ii) Individual companies directly involved in legal commercial whaling under the Convention;
 - (iii) Organisations which have deliberately brought the Commission into public disrepute.
3. Monies in any of the Funds that are not expected to be required for disbursement within a reasonable period may be invested in appropriate Government or similar loans by the Secretary in consultation with the Chair.

4. The Secretary shall:
 - (a) establish detailed financial procedures and accounting records as are necessary to ensure effective financial administration and control and the exercise of economy;
 - (b) deposit and maintain the funds of the Commission in an account in the name of the Commission in a bank to be approved by the Chair;
 - (c) cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or goods have been received, and that payment has not previously been made;
 - (d) designate the officers of the Secretariat who may receive monies, incur obligations and make payments on behalf of the Commission;
 - (e) authorise the writing off of losses of cash, stores and other assets and submit a statement of such amounts written off to the Commission and the auditors with the annual accounts.
5. The accounts of the Commission shall be audited annually by a firm of qualified accountants selected by the Commission. The auditors shall certify that the financial statements are in accord with the books and records of the Commission, that the financial transactions reflected in them have been in accordance with the rules and regulations and that the monies on deposit and in hand have been verified.

D. Yearly Statements

1. At each Annual Meeting, there shall be laid before the Commission two financial statements:
 - (a) a provisional statement dealing with the actual and estimated expenditure and income in respect of the current financial year;
 - (b) the budget estimate of expenditure and income for the ensuing year including the estimated amount of the individual annual payment to be requested of each Contracting Government.
Expenditure and income shall be shown under appropriate sub-heads accompanied by such explanations as the Commission may determine.
2. The two financial statements identified in Regulation D.1. shall be despatched by the most expeditious means available to each Contracting Government and each Commissioner not less than 60 days in advance of the Annual Commission Meeting. They shall require the Commission's approval after having been referred to the Finance and Administration Committee for consideration and recommendations. A copy of the final accounts shall be sent to all Contracting Governments after they have been audited.
3. Supplementary estimates may be submitted to the Commission, as and when may be deemed necessary, in a form consistent with the Annual Estimates. Any supplementary estimate shall require the approval of the Commission after being referred to the Finance and Administration Committee for consideration and recommendation.

E. Contributions

1. As soon as the Commission has approved the budget for any year, the Secretary shall send a copy thereof to each Contracting Government (in compliance with Rules of Procedure, Rule K.2.), and shall request it to remit its annual payment.
 2. Payment shall be in pounds sterling, drafts being made payable to the International Whaling Commission and shall be payable within 90 days of the said request from the Secretary or by the following 28 February, the "due date" whichever is the later. It shall be open to any Contracting Government to postpone the payment of any increased portion of the amount which shall be payable in full by the following 31 August, which then becomes the "due date".
 3. New Contracting Governments whose adherence to the Convention becomes effective during the first six months of any financial year shall be liable to pay the full amount of the annual payment for that year, but only half that amount if their adherence falls within the second half of the financial year. The due date for the first payment by new Contracting Governments shall be defined as 6 months from the date of adherence to the Convention or before the first day of its participation in any Annual or Special Meeting of the Commission whichever is the earlier.
Subsequent annual payments shall be paid in accordance with Financial Regulation E.2.
 4. The Secretary shall report at each Annual Meeting the position as regards the collection of annual payments.
 - in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date, the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2 of the Rules of Procedure.
3. Any interest paid by a Contracting Government to the Commission in respect of late annual payments shall be credited to the General Fund.
 4. Any payment to the Commission by a Contracting Government in arrears with annual payments shall be used to pay off debts to the Commission, including interest due, in the order in which they were incurred.
 5. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission in respect of a period of 3 financial years;
 - (a) no further annual contribution will be charged;
 - (b) interest will continue to be applied annually in accordance with Financial Regulation F.1.;
 - (c) the provisions of this Regulation apply to the Contracting Government for as long as the provisions of Financial Regulations F.1. and F.2. remain in effect for that Government;
 - (d) the Contracting Government concerned will be entitled to attend meetings on payment of a fee per delegate at the same level as Non-Member Government observers;
 - (e) the provisions of this Regulation and of Financial Regulations F.1. and F.2. will cease to have effect for a Contracting Government if it makes a payment of 2 years outstanding contributions and provides an undertaking to pay the balance of arrears and the interest within a further 2 years;
 - (f) interest applied to arrears in accordance with this Regulation will accrue indefinitely except that, if a Government withdraws from the Convention, no further charges shall accrue after the date upon which the withdrawal takes effect.

F. Arrears of Contributions⁴

1. If a Contracting Government's annual payments have not been received by the Commission [] *within 12 months of* the due date referred to under Regulation E.2 [] compound interest shall be added on the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the base rate quoted by the Commission's bankers on the day. The interest, calculated to the nearest pound, shall be payable in respect of complete years and continue to be payable in respect of any outstanding balance until such time as the amount in arrears, including interest, is settled in full.
 2. If a Contracting Government's annual payments, including any interest due⁵, have not been received by the Commission by the earliest of these dates:
 - 3 months following the due date; or
 - the day before the first day of the next Annual or Special Meeting of the Commission if such a meeting is held within 3 months following the due date; or,
6. Unless the Commission decides otherwise, a Government which adheres to the Convention without having paid to the Commission any financial obligations incurred prior to its adherence shall, with effect from the date of adherence, be subject to all the penalties prescribed by the Rules of Procedure and Financial Regulations relating to arrears of financial contributions and interest thereon. The penalties shall remain in force until the arrears, including any newly-charged interest, have been paid in full.

⁴For the purposes of the Financial Regulations the expression 'received by the Commission' means (1) that confirmation has been received from the Commission's bankers that the correct amount has been credited to the Commission's account via bank transfer, (2) that a cheque, banker's draft or international money order of the correct value has been paid into the Commission's bank and cleared, or (3) that the Secretariat has in its possession cash of the correct value.

⁵A short-term concession of up to 500 pounds sterling will be given to any Contracting Government to take account of remittances sent to cover annual payments, including any interest due, that fall short of the balance owing by up to that amount. This concession is to allow for variations in bank charges and exchange rate that might otherwise reduce the value of the remittance to a lower value than intended in pounds sterling and so leave a Contracting Government with a balance of annual payments, including any interest due outstanding. This short term concession will enable a Contracting Government to maintain its right to vote. Any Contracting Government with a balance outstanding above 500 pounds sterling will not be entitled to the short-term concession and its right to vote shall be suspended. The shortfall of up to 500 pounds sterling allowed by the concession shall then be carried forward to the next financial year as part of the balance of annual payments, including any interest due to the Commission.

Appendix 1

VOLUNTARY FUND FOR SMALL CETACEANS

Purpose

The Commission decided at its 46th Annual Meeting in 1994 to establish an IWC voluntary fund to allow for the participation from developing countries in future small cetacean work and requested the Secretary to make arrangements for the creation of such a fund whereby contributions in cash and in kind can be registered and utilised by the Commission.

Contributions

The Commission has called on Contracting Governments and non-contracting Governments, intergovernmental organisations and other entities as appropriate, in particular those most interested in scientific research on small cetaceans, to contribute to the IWC voluntary fund for small cetaceans.

Acceptance of contributions from entities other than Governments will be subject to the Commission's procedures for voluntary contributions. Where funds or support in kind are to be made available through the Voluntary Fund, the donation will be registered and administered by the Secretariat in accordance with Commission procedures.

The Secretariat will notify all members of the Commission on receipt of such voluntary contributions.

Where expenditure is incurred using these voluntary funds the Secretariat will inform the donors of their utilisation.

Distribution of Funds

1. Recognising that there are differences of view on the legal competence of the Commission in relation to small cetaceans, but aware of the need to promote the development of increased participation by developing countries, the following primary forms of disbursement will be supported in accordance with the purpose of the Voluntary Fund:
 - (a) provision of support for attendance of invited participants at meetings of the Scientific Committee;
 - (b) provision of support for research in areas, species or populations or research methodology in small cetacean work identified as of direct interest or priority in the advice provided by the Scientific Committee to the Commission;
 - (c) other small cetacean work in developing countries that may be identified from time to time by the Commission and in consultation with intergovernmental agencies as requiring, or likely to benefit from support through the Fund.
2. Where expenditure is proposed in support of invited participants, the following will apply:
 - (a) invited participants will be selected through consultation between the Chair of the Scientific Committee, the Convenor of the appropriate sub-committee and the Secretary;
 - (b) the government of the country where the scientists work will be advised of the invitation and asked if it can provide financial support.
3. Where expenditure involves research activity, the following will apply:
 - (a) the normal procedures for review of proposals and recommendations by the Scientific Committee will be followed;
 - (b) appropriate procedures for reporting of progress and outcomes will be applied and the work reviewed;
 - (c) the Secretariat shall solicit the involvement, as appropriate, of governments in the regions where the research activity is undertaken.

Rules of Debate

A. Right to Speak

1. The Chair shall call upon speakers in the order in which they signify their desire to speak.
2. A Commissioner or Observer may speak only if called upon by the Chair, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
3. A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Chair, give way during his/her speech to allow any other Commissioner to request elucidation on a particular point in that speech.
4. The Chair of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by his/her committee or group.

B. Submission of Motions

1. Proposals and amendments shall normally be introduced in writing in the working language of the meeting and shall be submitted to the Secretariat which shall circulate copies to all delegations in the session. As a general rule, no proposal shall be discussed at any plenary session unless copies of it have been circulated to all delegations normally no later than 6pm, or earlier if so determined by the Chair in consultation with the Commissioners, on the day preceding the plenary session. The presiding officer may, however, permit the discussion and consideration of amendments, or motions, as to procedure, even though such amendments, or motions have not been circulated previously.

C. Procedural Motions

1. During the discussion of any matter, a Commissioner may rise to a point of order, and the point of order shall be immediately decided by the Chair in accordance with these Rules of Procedure. A Commissioner may appeal against any ruling of the Chair. The appeal shall be immediately put to the vote and the question voted upon shall be stated as: Shall the decision of the Chair be overturned? The Chair's ruling shall stand unless a majority of the Commissioners present and voting otherwise decide. A Commissioner rising to a point of order may not speak on the substance of the matter under discussion.
2. The following motions shall have precedence in the following order over all other proposals or motions before the Commission:
 - (a) to adjourn the session;
 - (b) to adjourn the debate on the particular subject or question under discussion;
 - (c) to close the debate on the particular subject or question under discussion.
3. Notwithstanding anything in these Rules, the Chair may suspend the meeting for a brief period at any time in order to allow informal discussions aimed at reaching consensus consistent with Rule E of the Rules of Procedure.

D. Arrangements for Debate

1. The Commission may, in a proposal by the Chair or by a Commissioner, limit the time to be allowed to each

speaker and the number of times the members of a delegation may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his allotted time, the Chair shall call him/her to order without delay.

2. During the course of a debate the Chair may announce the list of speakers, and with the consent of the Commission, declare the list closed. The Chair may, however, accord the right of reply to any Commissioner if a speech delivered after he/she has declared the list closed makes this desirable.
3. During the discussion of any matter, a Commissioner may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Commissioner may speak in favour of, and two Commissioners may speak against the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.
4. A Commissioner may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other Commissioner has signified the wish to speak. Permission to speak on the motion for the closure of the debate shall be accorded only to two Commissioners wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

E. Procedure for Voting on Motions and Amendments

1. A Commissioner may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request of such division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be accorded only to two Commissioners wishing to speak in favour of, and two Commissioners wishing to speak against, the motion. If the motion for division is carried, those parts of the proposal or amendments which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.
2. When the amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Commission shall first vote on the last amendment moved and then on the next to last, and so on until all amendments have been put to the vote. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.
3. If two or more proposals relate to the same question, the Commission shall, unless it otherwise decides, vote on the proposals in the order in which they have been submitted. The Commission may, after voting on a proposal, decide whether to vote on the next proposal.

Rules of Procedure of the Technical Committee

A. Participation

1. Membership shall consist of those member nations that elect to be represented on the Technical Committee. Delegations shall consist of Commissioners, or their nominees, who may be accompanied by technical experts.
2. The Secretary of the Commission or a deputy shall be an *ex officio* non-voting member of the Committee.
3. Observers may attend Committee meetings in accordance with the Rules of the Commission.

B. Organisation

1. Normally the Vice-Chair of the Commission is the Chair of the Technical Committee. Otherwise the Chair shall be elected from among the members of the Committee.
2. A provisional agenda for the Technical Committee and each sub-committee and working group shall be prepared by the Technical Committee Chair with the assistance of the Secretary. After agreement by the Chair of the Commission they shall be distributed to Commissioners 30 days in advance of the Annual Meeting.

C. Meetings

1. The Annual Meeting shall be held between the Scientific Committee and Commission meetings with reasonable overlap of meetings as appropriate to agenda requirements. Special meetings may be held as agreed by the Commission or the Chair of the Commission.
2. Rules of conduct for observers shall conform with rules established by the Commission for meetings of all committees and plenary sessions.

D. Reports

1. Reports and recommendations shall, as far as possible, be developed on the basis of consensus. However, if a consensus is not achievable, the committee, sub-committee or working group shall report the different views expressed. The Chair or any national delegation may request a vote on any issue. Resulting recommendations shall be based on a simple majority of those nations casting an affirmative or negative vote.
2. Documents on which recommendations are based should be available on demand immediately following each committee, sub-committee or working group meeting.
3. Technical papers produced for the Commission may be reviewed by the Committee for publication by the Commission.

Rules of Procedure of the Scientific Committee

TERMS OF REFERENCE

The Scientific Committee, established in accordance with the Commission's Rule of Procedure M.1., has the general terms of reference defined in Rule of Procedure M.4.

In this regard, the DUTIES of the Scientific Committee, can be seen as a progression from the scientific investigation of whales and their environment, leading to assessment of the status of the whale stocks and the impact of catches upon them, and then to provision of management advice on the regulation of whaling. This can be defined in the following terms for the Scientific Committee to:

- Encourage, recommend, or if necessary, organise studies and investigations related to whales and whaling [Convention Article IV.1 (a)]
- Collect and analyse statistical information concerning the current condition and trend of whale stocks and the effects of whaling activities on them [Article IV.1 (b)]
- Study, appraise, and disseminate information concerning methods of maintaining and increasing the population of whale stocks [Article IV.1 (c)]
- Provide scientific findings on which amendments to the Schedule shall be based to carry out the objectives of the Convention and to provide for the conservation, development and optimum utilization of the whale resources [Article V.2 (a) and (b)]
- Publish reports of its activities and findings [Article IV.2]

In addition, specific FUNCTIONS of the Scientific Committee are to:

- Receive, review and comment on Special Permits issued for scientific research [Article VIII.3 and Schedule paragraph 30]
- Review research programmes of Contracting Governments and other bodies [Rule of Procedure M.4.]

SPECIFIC TOPICS of current concern to the Commission include:

- Comprehensive Assessment of whale stocks [Rep. int. Whal. Commn 34:30]
- Implementation of the Revised Management Procedure [Rep. int. Whal. Commn 45:43]
- Assessment of stocks subject to aboriginal subsistence whaling [Schedule paragraph 13(b)]
- Development of the Aboriginal Subsistence Whaling Management Procedure [Rep. int. Whal. Commn 45:42-3]
- Effects of environmental change on cetaceans [Rep. int. Whal. Commn 43:39-40; 44:35; 45:49]
- Scientific aspects of whale sanctuaries [Rep. int. Whal. Commn 33:21-2; 45:63]
- Scientific aspects of small cetaceans [Rep. int. Whal. Commn 41:48; 42:48; 43:51; 45:41]
- Scientific aspects of whalewatching [Rep. int. Whal. Commn 45:49-50]

A. Membership and Observers

1. The Scientific Committee shall be composed of scientists nominated by the Commissioner of each Contracting Government which indicates that it wishes to be represented on that Committee. Commissioners shall identify the head of delegation and any alternate(s) when making nominations to the Scientific Committee. The Secretary of the Commission and relevant members of the Secretariat shall be *ex-officio* non-voting members of the Scientific Committee.
2. The Scientific Committee recognises that representatives of Inter-Governmental Organisations with particular relevance to the work of the Scientific Committee may also participate as non-voting members, subject to the agreement of the Chair of the Committee acting according to such policy as the Commission may decide.
3. Further to paragraph 2 above the World Conservation Union (IUCN) shall have similar status in the Scientific Committee.
4. Non-member governments may be represented by observers at meetings of the Scientific Committee, subject to the arrangements given in Rule C.1.(a) of the Commission's Rules of Procedure.
5. Any non-governmental organisation sending an accredited observer to a meeting of the Commission may nominate a scientifically qualified observer to be present at meetings of the Scientific Committee. Any such nomination must reach the Secretary not less than 60 days before the start of the meeting in question and must specify the scientific qualifications and relevant experience of the nominee. The Chair of the Scientific Committee shall decide upon the acceptability of any nomination but may reject it only after consultation with the Chair and Vice-Chair of the Commission. Observers admitted under this rule shall not participate in discussions but the papers and documents of the Scientific Committee shall be made available to them at the same time as to members of the Committee.
6. The Chair of the Committee, acting according to such policy as the Commission or the Scientific Committee may decide, may invite qualified scientists not nominated by a Commissioner to participate by invitation or otherwise in committee meetings as non-voting contributors. They may present and discuss documents and papers for consideration by the Scientific Committee, participate on sub-committees, and they shall receive all Committee documents and papers.
 - (a) Convenors will submit suggestions for Invited Participants (including the period of time they would like them to attend) to the Chair (copied to the Secretariat) not less than four months before the meeting in question. The Convenors will base their suggestions on the priorities and initial agenda identified by the Committee and Commission at the previous meeting. The Chair may also consider offers from suitably qualified scientists to contribute to priority items on the Committee's agenda if they submit such an offer to the Secretariat not less than four months before the meeting in question, providing information on the contribution they believe that they can make. Within two weeks of this, the Chair, in consultation with the Convenors and Secretariat, will develop a list of invitees.
 - (b) The Secretary will then promptly issue a letter of invitation to those potential Invited Participants suggested by the Chair and Convenors. That letter will state that there may be financial support available, although invitees will be encouraged to find their own support. Invitees who wish to be considered for travel and subsistence will be asked

to submit an estimated airfare (incl. travel to and from the airport) to the Secretariat, within 2 weeks. Under certain circumstances (e.g. the absence of a potential participant from their institute), the Secretariat will determine the likely airfare.

At the same time as (b) a letter will be sent to the government of the country where the scientist is domiciled for the primary purpose of enquiring whether that Government would be prepared to pay for the scientist's participation. If it is, the scientist is no longer an Invited Participant but becomes a national delegate.

- (c) At least three months before the meeting, the Secretariat will supply the Chair with a list of participants and the estimated expenditure for each, based on (1) the estimated airfare, (2) the period of time the Chair has indicated the IP should be present and (3) a daily subsistence rate based on the actual cost of the hotel deemed most suitable by the Secretary and Chair⁶, plus an appropriate daily allowance.

At the same time as (c) a provisional list of the proposed Invited Participants will be circulated to Commissioners, with a final list attached to the Report of the Scientific Committee.

- (d) The Chair will review the estimated total cost for all suggested participants against the money available in the Commission's budget. Should there be insufficient funds, the Chair, in consultation with the Secretariat and Convenors where necessary, will decide on the basis of the identified priorities, which participants should be offered financial support and the period of the meeting for which that support will be provided. Invited Participants without IWC support, and those not supported for the full period, may attend the remainder of the meeting at their own expense.
- (e) At least two months before the meeting, the Secretary will send out formal confirmation of the invitations to all the selected scientists, in accordance with the Commission's Guidelines, indicating where appropriate that financial support will be given and the nature of that support.
- (f) In exceptional circumstances, the Chair, in consultation with the Convenors and Secretariat, may waive the above time restrictions.
- (g) The letter of invitation to Invited Participants will include the following ideas:

Under the Committee's Rules of Procedure, Invited Participants may present and discuss papers, and participate in meetings (including those of subgroups). They are entitled to receive all Committee documents and papers. They may participate fully in discussions pertaining to their area of expertise. However, discussions of Scientific Committee procedures and policies are in principle limited to Committee members nominated by member governments. Such issues will be identified by the Chair of the Committee during discussions. Invited Participants are also urged to use their discretion as regards their involvement in the formulation of potentially controversial recommendations

to the Commission; the Chair may at his/her discretion rule them out of order.

- (h) After an Invited Participant has his/her participation confirmed through the procedures set up above, a Contracting Government may grant this person national delegate status, thereby entitling him/her to full participation in Committee proceedings, without prejudice to funding arrangements previously agreed upon to support the attendance of the scientist in question.
7. A small number of interested local scientists may be permitted to observe at meetings of the Scientific Committee on application to, and at the discretion of, the Chair. Such scientists should be connected with the local Universities, other scientific institutions or organisations, and should provide the Chair with a note of their scientific qualifications and relevant experience at the time of their application.

B. Agenda

1. The initial agenda for the Committee meeting of the following year shall be developed by the Committee prior to adjournment each year. The agenda should identify, as far as possible, key issues to be discussed at the next meeting and specific papers on issues should be requested by the Committee as appropriate.
2. The provisional agenda for the Committee meeting shall be circulated for comment 60 days prior to the Annual Meeting of the Committee. Comments will normally be considered for incorporation into the draft agenda presented to the opening plenary only if received by the Chair 21 days prior to the beginning of the Annual Meeting.

C. Organisation

1. The Scientific Committee shall include standing sub-committees and working groups by area or species, or other subject, and a standing sub-committee on small cetaceans. The Committee shall decide at each meeting on sub-committees for the coming year.
2. The sub-committees and working groups shall prepare the basic documents on the identification, status and trends of stocks, including biological parameters, and related matters as necessary, for the early consideration of the full Committee.
3. The sub-committees, except for the sub-committee on small cetaceans, shall concentrate their efforts on stocks of large cetaceans, particularly those which are currently exploited or for which exploitation is under consideration, or for which there is concern over their status, but they may examine matters relevant to all cetaceans where appropriate.
4. The Chair may appoint other sub-committees as appropriate.
5. The Committee shall elect from among its members a Chair and Vice-Chair who will normally serve for a period of three years. They shall take office at the conclusion of the annual meeting at which they are elected. The Vice-Chair shall act for the Chair in his/her absence.

The election process shall be undertaken by the heads of national delegations who shall consult widely before nominating candidates⁷. The Vice-Chair will

⁶[Invited participants who choose to stay at a cheaper hotel will receive the actual rate for their hotel plus the same daily allowance.]

⁷The Commission's Rule of Procedure on voting rights (rule E.2.) also applies to the Scientific Committee.

become Chair at the end of his/her term (unless he/she declines), and a new Vice-Chair will then be elected. If the Vice-Chair declines to become Chair, then a new Chair must also be elected. If the election of the Chair or Vice-Chair is not by consensus, a vote shall be conducted by the Secretary and verified by the current Chair. A simple majority shall be decisive. In cases where a vote is tied, the Chair shall have the casting vote. If requested by a head of delegation, the vote shall proceed by secret ballot. In these circumstances, the results shall only be reported in terms of which nominee received the most votes, and the vote counts shall not be reported or retained.

D. Meetings

1. Meetings of the Scientific Committee as used in these rules include all meetings of subgroups of the Committee, e.g. sub-committees, working groups, workshops, etc.
2. The Scientific Committee shall meet prior to the Annual Meeting of the Commission. Special meetings of the Scientific Committee or its subgroups may be held as agreed by the Commission or the Chair of the Commission.
3. The Scientific Committee will organise its work in accordance with a schedule determined by the Chair with the advice of a group comprising sub-committee/working group chairs and relevant members of the Secretariat.

E. Scientific papers and documents

The following documents and papers will be considered by the Scientific Committee for discussion and inclusion in its report to the Commission:

1. Progress Reports. Each nation having information on the biology of cetaceans, cetacean research, the taking of cetaceans, or other matters it deems appropriate should prepare a brief progress report following in the format agreed by the Committee.
2. Special Reports. The Committee may request special reports as necessary on matters to be considered by the Committee for the following year.
3. Sub-committee Reports. Reports of the sub-committees or working groups shall be included as annexes to the Report to the Commission. Recommendations contained therein shall be subject to modification by the full Committee before inclusion in its Report.
4. Scientific and Working Papers.
 - (a) Any scientist may submit a scientific paper for consideration by the Committee. The format and submission procedure shall be in accordance with guidelines established by the Secretariat with the concurrence of the Committee. Papers published elsewhere may be distributed to Committee members for information as relevant to specific topics under consideration.
 - (a) Scientific papers will be considered for discussion and inclusion in the papers of the Committee only if the paper is received by the Secretariat on or by the first day of the annual Committee meeting, intersessional meeting or any sub-group. Exceptions to this rule can be granted by the Chair of the Committee where there are exceptional extenuating circumstances.
 - (c) Working papers will be distributed for discussion only if prior permission is given by the Chair of

the committee or relevant sub-group. They will be archived only if they are appended to the meeting report.

- (d) The Scientific Committee may receive and consider unpublished scientific documents from non-members of the Committee (including observers) and may invite them to introduce their documents at a meeting of the Committee provided that they are received under the same conditions (with regard to timing etc.) that apply to members.
5. Publication of Scientific Papers and Reports.
 - (a) Scientific papers and reports considered by the Committee that are not already published shall be included in the Commission's archives in the form in which they were considered by the Committee or its sub-committees. Papers submitted to meetings shall be available on request at the same time as the report of the meeting concerned (see (b) below).
 - (b) The report of the Annual Meeting of the Scientific Committee shall be distributed to the Commission no later than the beginning of the opening plenary of the Annual Commission Meeting and is confidential until this time.

Reports of intersessional Workshops or Special Committee Meetings are confidential until they have been dispatched by the Secretary to the full Committee, Commissioners and Contracting Governments.

Reports of intersessional Steering Groups or Sub-committees are confidential until they have been discussed by the Scientific Committee, normally at an Annual Meeting.

In this context, 'confidential' means that reporting of discussions, conclusions and recommendations is prohibited. This applies equally to Scientific Committee members, invited participants and observers. Reports shall be distributed to Commissioners, Contracting Governments and accredited observers at the same time.

The Scientific Committee should identify the category of any intersessional meetings at the time they are recommended.
 - (c) Scientific papers and reports (revised as necessary) may be considered for publication by the Commission. Papers shall be subject to peer review before publication. Papers submitted shall follow the Guidelines for Authors published by the Commission.

F. Review of Scientific Permits

1. When proposed scientific permits are sent to the Secretariat before they are issued by national governments the Scientific Committee shall review the scientific aspects of the proposed research at its annual meeting, or during a special meeting called for that purpose and comment on them to the Commission.
2. The review process shall take into account guidelines issued by the Commission.
3. The proposed permits and supporting documents should include specifics as to the objectives of the research, number, sex, size, and stock of the animals to be taken, opportunities for participation in the research by scientists of other nations, and the possible effect on conservation of the stock resulting from granting the permits.

4. Preliminary results of any research resulting from the permits should be made available for the next meeting of the Scientific Committee as part of the national progress report or as a special report, paper or series of papers.

G. Financial Support for Research Proposals

1. The Scientific Committee shall identify research needs.
2. It shall consider unsolicited research proposals seeking financial support from the Commission to address these needs. A sub-committee shall be established to review and rank research proposals received 4 months in advance of the Annual Meeting and shall make recommendations to the full Committee.
3. The Scientific Committee shall recommend in priority order those research proposals for Commission financial support as it judges best meet its objectives.

H. Availability of data

The Scientific Committee shall work with the Secretariat to ensure that catch and scientific data that the Commission holds are archived and accessible using modern computer data handling techniques. Access to such data shall be subject to the following rules.

1. Information identified in Section VI of the Schedule that shall be notified or forwarded to the IWC or other body designated under Article VII of the Convention.

This information is available on request through the Secretariat to any interested persons with a legitimate claim relative to the aims and purposes of the Convention⁸.

2. Information and reports provided where possible under Section VI of the Schedule.

When such information is forwarded to the IWC a covering letter should make it clear that the information or report is being made available, and it should identify the pertinent Schedule paragraph under which the information or report is being submitted.

Information made available to the IWC under this provision is accessible to accredited persons as defined under 4. below, and additionally to other interested persons subject to the agreement of the government submitting the information or report.

Such information already held by the Commission is not regarded as having been forwarded until such clarification of its status is received from the government concerned.

3. Information neither required nor requested under the Schedule but which has been or might be made available to the Commission on a voluntary basis.

This information is of a substantially different status from the previous two types. It can be further divided into two categories:

- (a) Information collected under International Schemes.
 - (i) Data from the IWC sponsored projects.
 - (ii) Data from the International Marking Scheme.
 - (iii) Data obtained from international collaborative activities which are offered by the sponsors and accepted as contributions to the Comprehensive Assessment, or proposed by the Scientific Committee itself.

Information collected as the result of IWC sponsored activities and/or on a collaborative basis with other organisations, governments, institutions or individuals is available within those contributing bodies either immediately, or, after mutual agreement between the IWC and the relevant body/person, after a suitable time interval to allow 'first use' rights to the primary contributors.

- (b) Information collected under national programmes, or other than in (a).

Information in this category is likely to be provided by governments under special conditions and would hence be subject to some degree of restriction of access. This information can only be held under the following conditions:

- (i) A minimum level of access should be that such data could be used by accredited persons during the Scientific Committee meetings using validated techniques or methods agreed by the Scientific Committee. After the meeting, at the request of the Scientific Committee, such data could be accessed by the Secretariat for use with previously specified techniques or validated programs. Information thus made available to accredited persons should not be passed on to third parties but governments might be asked to consider making such records more widely available or accessible.
- (ii) The restrictions should be specified at the time the information is provided and these should be the only restrictions.
- (iii) Restrictions on access should not discriminate amongst accredited persons.
- (iv) All information held should be documented (i.e. described) so that accredited persons know what is held, along with stated restrictions on the access to it and the procedures needed to obtain permission for access.

4. Accredited persons

Accredited persons are those scientists defined under sections A.1., 2., 3. and 6. of the Rules of Procedure of the Scientific Committee. Invited participants are also considered as 'accredited' during the intersessional period following the meeting which they attend.

⁸[The Government of Norway notes that for reasons of domestic legislation it is only able to agree that data it provides under this paragraph are made available to accredited persons.]



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