

# Annual Report of the International Whaling Commission 2011



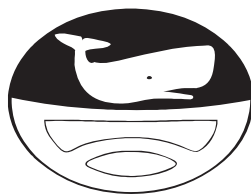
Covering the  
2010-2011  
financial year  
and the 63rd  
Annual Meeting  
held in  
St Helier, Jersey  
in 2011





# **Annual Report of the International Whaling Commission 2011**

**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	Not notified	
Belize	17/06/03	Ms. B. Wade	17/05/06
Benin	26/04/02	Mr. J-B. Degbey	03/06/11
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
Colombia	22/03/11	Ms. S. B. Lion	06/05/11
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	Mrs. V. Vilimkova	21/04/11
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	Ms. P. Blankett	03/05/11
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. W. Duebner	02/02/12
Republic of Ghana	17/07/09	Hon. M. Akyeampong	13/06/11
Greece	16/05/07	Ambassador E. Papadogiorgakis	25/11/09
Grenada	07/04/93	Mr. D. Lett	09/09/11
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	Mr. Z. Czirak	11/01/11
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	03/01/12
Japan	21/04/51	Mr K. Kagawa	03/06/11
Kenya	02/12/81	Not notified	
Kiribati	28/12/04	Mrs. R. Nikuata-Rimon	07/06/06
Republic of Korea	29/12/78	Dr. I. J. Jeong	08/06/11
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	Dr. A. M. Jiddou	16/05/11
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	Mr. J-W. van der Ham	08/07/10
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	Mr. O. D. Stenseth	01/06/11
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	Minister E. Velásquez	08/11/11
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	Ms. J. Compton	28/02/12
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. M. Wirjodirjo	01/06/11
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, 29 February 2012





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## Preface

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Welcome to the fourteenth 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](mailto: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-Third Meeting of the IWC, held in St Helier, Jersey in July 2011. 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.

This year has seen the retirement of two long-serving members of the Secretariat, Bernard Lynch, the Admin Officer for IT and Logistics, and Fiona Wright, Data Preparation Assistant for the Computing Department. Both Bernard and Fiona have served the IWC admirably for many years, and the Commission offers them its best wishes for the future.

The cover photograph shows the Corbière Lighthouse, St Brelade, Jersey (completed in 1874).

G.P. DONOVAN  
Editor





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# **Chair's Report**





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**SUMMARY OF MAIN OUTCOMES, DECISIONS AND REQUIRED ACTIONS  
FROM THE 63<sup>RD</sup> ANNUAL MEETING**

The main outcomes, decisions and required actions arising from the 63<sup>rd</sup> Annual Meeting are summarised in the table below.

Issue	Main outcomes
<b>Future of the IWC</b>	<ul style="list-style-type: none"> <li>• A pause for reflection on the ‘Future of the IWC’ process took place between IWC/62 in 2010 and IWC/63 in 2011.</li> <li>• At IWC/63 the Commission agreed to: (1) encourage continuing dialogue amongst Contracting Governments regarding the future of the IWC; (2) continue to build trust by encouraging Contracting Governments to coordinate proposals or initiatives as widely as possible prior to their submission to the Commission; and (3) encourage Contracting Governments to continue to cooperate in taking forward the work of the Commission, notwithstanding their different views regarding the conservation of whales and the management of whaling.</li> </ul>
<b>Status of stocks</b>	<p><b>Antarctic minke whales</b></p> <ul style="list-style-type: none"> <li>• Completion of the revised abundance estimate for Antarctic minke whales continued to be a high priority. The Scientific Committee had made considerable progress since 2010 and now agreed that the final estimates for the survey areas lay between the numbers generated by the two modelling methods it had been using. The Scientific Committee had also agreed a work plan to allow it to report agreed estimates to IWC/64 in 2012.</li> </ul> <p><b>Southern Hemisphere humpback whales</b></p> <ul style="list-style-type: none"> <li>• The Scientific Committee had completed its assessment of Breeding Stock B which inhabits waters around the western coast of Africa from Guinea to western South Africa. The conclusion of the work was that Breeding Stock B had probably recovered to about 50% of its pre-exploitation level although the probability interval around the estimate was quite wide.</li> <li>• In 2012 the Scientific Committee will focus on Breeding Stocks E (western South Pacific) and F (central South Pacific).</li> </ul> <p><b>Western North Pacific gray whales</b></p> <ul style="list-style-type: none"> <li>• Particular 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.</li> <li>• The Scientific Committee received the results of an international collaborative telemetry programme that had satellite tagged a 13 year old male off Sakhalin Island. The whale migrated across the Okhotsk Sea, Bering Sea and Gulf of Alaska and the tag stopped working within 20km of the central Oregon coast (i.e. on the migratory path of the eastern gray whales). In the light of this generally unexpected result a further tagging programme was planned for the 2011 season.</li> <li>• Genetic analyses have revealed significant differences between the western North Pacific Sakhalin feeding ground gray whales and eastern gray whales. The Scientific Committee will re-evaluate stock structure in the North Pacific in the light of the tagging result and new individual identification matches between animals seen off Sakhalin and in areas associated with eastern gray whales.</li> <li>• The Scientific Committee made a series of recommendations relating to the conservation status of western North Pacific gray whales which included its repeated endorsement of the draft western gray whale conservation plan.</li> </ul> <p><b>Southern Hemisphere right whales</b></p> <ul style="list-style-type: none"> <li>• A workshop to assess the status of Southern Hemisphere right whales will be held in Argentina in September 2011.</li> </ul> <p><b>Research cruises</b></p> <ul style="list-style-type: none"> <li>• The Scientific Committee received the preliminary results from the first IWC-POWER (North Pacific Ocean Whale and Ecosystem Research) cruise which took place in 2010. The next cruise was planned for 2011 with three primary objectives, these being: (1) to estimate the abundance of sei whales and other species as possible; (2) to collect biopsy samples from sei, fin and sperm whales; and (3) to collect photo-id data and biopsy samples for rare species including North Pacific right whales and blue whales.</li> </ul> <p><b>Small cetaceans</b></p> <ul style="list-style-type: none"> <li>• The Scientific Committee undertook a review of the taxonomy, population structure and status of North Atlantic and Mediterranean Ziphiidae (beaked and bottlenose whales).</li> <li>• The Scientific Committee also reviewed progress on previous recommendations relating to: (1) vaquita; (2) harbour porpoise; (3) franciscana; (4) Indo-Pacific humpback dolphin; (5) white whales and narwhals; (6) killer whales; (7) boto; and (8) small cetaceans of the Caribbean and western tropical Atlantic.</li> <li>• The Scientific Committee recommended a series of nine proposals for funding under the Commission’s voluntary fund for Small Cetacean Conservation Research.</li> <li>• The Government of Italy announced a voluntary donation of £25,000 to the fund for Small Cetacean Conservation Research.</li> <li>• The Government of France announced a voluntary donation of €15,000 to the fund for Small Cetacean Conservation Research.</li> <li>• A consortium of accredited NGO observers announced a voluntary donation of £10,300 to the fund for Small Cetacean Conservation Research.</li> </ul>

<b>Whale killing methods and associated welfare issues</b>	<p><b>United Kingdom workshop on welfare and ethics</b></p> <ul style="list-style-type: none"> <li>The Commission received the report of a non-IWC workshop convened by the United Kingdom on welfare and ethics. The workshop made several recommendations to the IWC including the establishment of an <i>ad hoc</i> Working Group to develop recommendations for how the IWC could adopt the workshop conclusions. Within the Commission there was no consensus on the establishment of the proposed group and so the UK indicated that it would take the work forward intersessionally in collaboration with the countries that had expressed support and would report back to IWC/64 in 2012.</li> </ul> <p><b>Welfare issues associated with the entanglement of large whales</b></p> <ul style="list-style-type: none"> <li>The Commission agreed a package of short and long term recommendations on welfare issues associated with the entanglement of large whales. These included: (1) a proposal to take forward the recommendations from the successful IWC Workshop held in Maui in 2010 and a second Workshop on entanglement will be held in Provincetown, USA, in October 2011; and (2) the establishment of an IWC voluntary fund to assist with the cost of these actions.</li> </ul>
<b>Aboriginal subsistence whaling</b>	<ul style="list-style-type: none"> <li>No changes were made to the existing block quotas for ASW.</li> <li>As part of preparations for the 2012 review of catch limits, the Commission agreed, by consensus, to establish a small <i>ad hoc</i> ASW Working Group to address unresolved ASW issues with a view to recommending steps to take forward for consideration by the ASW Sub-committee.</li> </ul>
<b>Catches by non-member nations</b>	<ul style="list-style-type: none"> <li>The Commission was pleased to receive catch data from Canada's bowhead hunt and requested the Secretary to contact Canada so as to continue to receive this information in future years.</li> <li>The Scientific Committee also requested the Secretary to contact the Government of Indonesia to request information on their whale catches.</li> </ul>
<b>The Revised Management Scheme (RMS)</b>	<p><b>Revised Management Procedure (RMP)</b></p> <ul style="list-style-type: none"> <li>The <i>Implementation Review</i> for western North Pacific common minke whales was initiated in 2010. Because of the complexity of the process the timescale for completion was extended by 12 months to allow for final advice to be presented in 2013.</li> <li>The Scientific Committee reported concerns over the feasibility of its future timetable of RMP work. In 2013, the Committee have scheduled the final year of the <i>Implementation</i> for the western North Pacific common minke whale in addition to the <i>Implementation Review</i> for the western North Pacific Bryde's whale. It is not possible to undertake two major <i>Implementations</i> or <i>Implementation Reviews</i> simultaneously and the Committee will review this matter further at IWC/64 in 2012.</li> </ul> <p><b>RMS</b></p> <ul style="list-style-type: none"> <li>No work was undertaken on the Revised Management Scheme.</li> </ul>
<b>Sanctuaries</b>	<ul style="list-style-type: none"> <li>A proposed Schedule amendment to create a South Atlantic Whale Sanctuary was discussed by the Commission. Consensus could not be reached on the proposal and several delegations said they were not willing to participate in a vote as they considered it would be harmful to the constructive dialogue and atmosphere that the Commission had achieved in recent years. When the vote was called these delegations left the room calling into question whether the meeting was quorate.</li> <li>After considerable discussion in a private Commissioners' meeting, the Commission resolved: (1) to continue to discuss the establishment of a South Atlantic Whale Sanctuary as the first substantive agenda item at IWC/64; and (2) that, if consensus cannot be reached on the item, a decision will be taken in accordance with the Commission's Rules of Procedure.</li> <li>The Commission agreed to establish an Intersessional Group to consider the interpretation of the Commission's Rules of Procedure regarding the quorum necessary for a decision to be taken and, if appropriate, to present for the consideration of the Commission at IWC/64 in 2012 a proposal to amend the Rules so as to clarify the matter.</li> </ul>
<b>Socio-economic implications and small-type whaling</b>	<ul style="list-style-type: none"> <li>Japan reiterated its concern over the hardship suffered by its four community-based whaling communities at Abashiri, Ayukawa, Wadoura and Taiji since the implementation of the commercial whaling moratorium. As in previous years, 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. Japan did not present such a proposal to IWC/63.</li> </ul>
<b>Scientific Permits and related issues</b>	<ul style="list-style-type: none"> <li>Special Permit whaling was considered as part of the 'Future of the IWC' process.</li> <li>The Japanese research programmes in the Antarctic (JARPA II) and North Pacific (JARPN II) are continuing on the basis of existing long-term plans.</li> <li>The Commission was unable to discuss the issue of Scientific Permits at IWC/63 because of lack of time resulting from a long consideration of issues relating to Finance and Administration affairs and to Sanctuaries.</li> </ul>

<b>Scientific Permits and related issues, cont.</b>	<p><b>Safety issues at sea</b></p> <ul style="list-style-type: none"> <li>• Japan drew attention to the violent protest activities which had escalated against its research vessels in the Southern Ocean during the 2010/11 season. The protests had led to Japan withdrawing its research vessels on 18 February 2011.</li> <li>• Contracting Governments, while supporting the right to legitimate and peaceful forms of protest, continued to express their deep concern at the situation. The responsibility of the relevant flag and port states was noted and the representative governments reported on the actions they were taking.</li> <li>• The Commission agreed Resolution 2011-2 on Safety at Sea by consensus.</li> </ul>
<b>Environmental and health issues</b>	<ul style="list-style-type: none"> <li>• The Scientific Committee had considered its full range of business on Environmental and Health issues, including future plans for a workshop on anthropogenic impacts on Arctic cetaceans as proposed at IWC/62 in 2010.</li> <li>• However, the Commission was unable to discuss environmental and health issues because of lack of time resulting from a long consideration of issues relating to Finance and Administration affairs and to Sanctuaries.</li> </ul>
<b>Conservation management plans</b>	<ul style="list-style-type: none"> <li>• The Conservation Committee had considered a set of guideline documents on CMPs as developed by its Small Advisory Group. The documents provided a framework and templates to assist member countries who wished to develop a CMP and also included a proposal to reconstitute the Small Advisory Group as a Standing Working Group of the Conservation Committee which would work closely with the Scientific Committee.</li> <li>• The Conservation Committee had also endorsed a set of funding principles for the management of IWC voluntary funds on CMPs, and it was informed that a number of Contracting Governments were making arrangements to prepare a draft CMP for South American populations of southern right whales for presentation to IWC/64 in 2012.</li> <li>• The Commission adopted the report of the Scientific Committee and Conservation Committee in regards to CMPs but extensive discussions on issues surrounding Sanctuaries and Finance and Administration affairs meant that time was not available to discuss CMPs during the Commission Plenary.</li> </ul>
<b>Whale-watching</b>	<ul style="list-style-type: none"> <li>• The Scientific Committee continued its work to assess the impacts of whalewatching on cetaceans, conducted a review of whalewatching off Norway, reviewed the report of the steering group of the large-scale whalewatching experiment (LaWE) and reviewed the scientific aspects of the report from the Commission's intersessional whalewatching Workshop held in Argentina in December 2010<sup>1</sup>.</li> <li>• The Conservation Committee also considered the report of the intersessional Workshop on Whalewatching. In addition, it received an update on the work of its Standing Working Group on Whalewatching (SWG-WW) which included: (1) an updated strategic plan for whalewatching following development work which had taken place in March 2011; (2) proposals for the future role of the SWG-WW; and (3) an expansion of the SWG-WW to include two members from the Scientific Committee.</li> <li>• The Commission adopted the Scientific Committee's and Conservation Committee's reports in regards to whalewatching. Extensive discussions on issues surrounding Sanctuaries and Finance and Administration affairs meant that time was not available to discuss whalewatching during the Commission Plenary.</li> </ul>
<b>Other Scientific Committee activities</b>	<ul style="list-style-type: none"> <li>• The Scientific Committee received a report of intersessional progress with the Southern Ocean Research Partnership which included updates on revisions to the existing projects following feedback received from the Scientific Committee in 2010.</li> <li>• The Scientific Committee continued its regular review of its own working methods.</li> </ul>
<b>Conservation Committee</b>	<ul style="list-style-type: none"> <li>• The Conservation Committee considered the following items: (1) investigation of inedible 'stinky' gray whales; (2) ship strikes, including the report of the joint IWC/ACCOBAMS Workshop held in September 2010 complete with its joint two year work plan and the report from the Ship Strikes Working Group; (3) southern right whales in Chile and Peru; (4) National Reports on cetacean conservation; and (5) other matters including collaboration between the Scientific Committee and the Conservation Committee, progress under the voluntary fund for small cetacean conservation research, consideration of a correspondence group report on strengthening IWC financing and establishment of a Conservation Committee Vice-Chair. Under 'Other Items' the Committee also briefly considered the Honolulu Commitment on Marine Debris and the forthcoming second International Conference on Marine Mammal Protected Areas.</li> <li>• The Commission adopted the report of the Conservation Committee but extensive discussions on issues surrounding Sanctuaries and Finance and Administration Committee affairs meant that time was not available to discuss the work of the Conservation Committee in the Plenary session. The Commission agreed that high priority would be given to a full discussion of Conservation Committee items at IWC/64 in 2012.</li> <li>• Alexandre de Lichtervelde (Belgium) was appointed as Vice-Chair of the Conservation Committee.</li> </ul>
<b>Future work of the Scientific Committee</b>	<ul style="list-style-type: none"> <li>• The Commission adopted the report of the Scientific Committee including its proposed work plan for 2011/12.</li> </ul>

<sup>1</sup>See *J. Cetacean Res. Manage.* 13 (Suppl.) [2012].



<b>Admin- istration</b>	<ul style="list-style-type: none"> <li>• The Commission agreed to separate, in principle, the meetings of the Scientific Committee and Commission by a period of 100 days or longer from 2013 onwards. Concerns over the confidentiality of the Scientific Committee report and the potential for other scientific analyses to be undertaken during the intersessional period were dealt with as part of a package of measures agreed under Resolution 2011-1.</li> <li>• The Commission established a drafting group to present proposals to IWC/64 in 2012 for enabling the Commission to meet every two years from 2012 onwards. The group would focus on developing options for the establishment of a Standing Committee to guide the implementation and delivery of the Commission's work during the two-year intersessional period. The group will also examine any further issues relating to moving to biennial meeting frequency.</li> <li>• The F&amp;A Committee considered a package of changes to the Commission's rules and procedures, including its financial regulations. After extensive consideration by the Commission, changes were implemented through adoption of Resolution 2011-1 ('On Improving the Effectiveness of Operations within the International Whaling Commission'). In addition to the Rule changes, this Resolution also included the following requests: (1) to the Secretary to report 100 days before the Commission's 64<sup>th</sup> Annual Meeting on potential options for providing assistance to member governments with limited means to participate actively in the Commission's work, while retaining consistency with the Convention; (2) to the Scientific Committee to continue its practice of reviewing its operations and Rules of Procedure; (3) to the Secretary to convene a working group of Contracting Governments and observers immediately prior to IWC/64 in 2012 to consider the role of observers at Commission meetings based on experience gained at IWC/63 in 2011; and (4) to include a regular item on effectiveness of IWC operations on the Commission's agenda to ensure the rules and procedures are kept up to date and in line with international best practice.</li> <li>• In relation to a study on carbon neutrality, the Secretariat proposed to present a report to IWC/64 in 2012 on the possibility for the Commission to move to a paper-free way of working.</li> <li>• The Commission agreed to a proposal from the USA to provide technical support to the IWC in the area of reducing conflicts between cetaceans and marine resource users.</li> </ul>
<b>Financial contri- butions formula</b>	<ul style="list-style-type: none"> <li>• There were no discussions on the interim measure for the calculation of financial contributions at IWC/63.</li> </ul>
<b>Financial statements and budget</b>	<ul style="list-style-type: none"> <li>• The Commission: (1) approved the Provisional Financial Statement for 2010/11 subject to audit; (2) adopted a budget for 2011/12 which would result in no increase in overall expenditure compared to the 2010/11 level; (3) agreed that for 2011/12, the NGO fee be set at £550 for the first observer and £275 for additional observers and the media fee be set at £70; and (4) noted the forecast budget for 2012/13.</li> <li>• The Commission agreed the work of the Intersessional Correspondence Group on strengthening IWC financing would continue subject to updated terms of reference. As part of this, the F&amp;A Committee noted the need for a clear set of priorities to be developed for considering projects for external funding.</li> <li>• The Commission encouraged the Secretariat to strengthen its efforts to obtain outstanding payments, including writing directly to finance ministries, and where appropriate visiting embassies.</li> <li>• The Commission requested that annual reports on the income and expenditure related to voluntary contributions be provided in the future.</li> <li>• The Commission thanked Andrea Nouak (Austria) for her hard work over the last three years as Chair of the Budgetary Sub-Committee. The current Vice-Chair of the BSC, Martin Krebs (Switzerland) agreed to take on the role of Chair. The Vice-Chair role was filled by Monica Medina (USA).</li> </ul>
<b>Date and place of Annual Meetings</b>	<ul style="list-style-type: none"> <li>• The Commission was pleased to accept an invitation from the Government of Panama to host the 64<sup>th</sup> Annual Meeting in 2012. Panama proposed that the meetings of the Scientific Committee, Sub-groups and Commission Plenary would take place in Panama City between proposed dates of 11 June-6 July 2012.</li> <li>• No time or date was proposed for a meeting in 2013, and the Commission agreed to discuss the possibility of moving to biennial meetings from 2012 onwards at IWC/64.</li> </ul>
<b>Elections and Advisory Committee</b>	<ul style="list-style-type: none"> <li>• The Commission agreed that the election of the Chair and Vice-Chair of the Commission would be conducted by postal ballot after the close of IWC/63.</li> <li>• The Commissioner for the USA was elected onto the Advisory Committee for two years to replace the Commissioner for Belgium.</li> <li>• The Advisory Committee therefore now comprises the Chair (vacant), Vice-Chair (vacant), the Chair of the F&amp;A Committee (Australia), the Commissioner for Guinea and the Commissioner for the USA.</li> </ul>
<b>Problems associated with obtaining a UK entry visa to attend IWC/63</b>	<ul style="list-style-type: none"> <li>• Several Contracting Governments reported that they were unable to attend IWC/63 because of problems obtaining visas to permit entry into the UK. Accordingly the Commission agreed that the IWC Secretariat and the host country of Annual Meetings should take a number of steps, including provision of detailed information to members well in advance of the meeting to help visa acquisition.</li> </ul>

# Chair's Report of the 63<sup>rd</sup> Annual Meeting

## 1. ELECTION OF CHAIR AND VICE-CHAIR

This item, originally scheduled to have been first on the order of business, was heard at the end of the meeting. The meeting Chair (see Item 2) indicated that following discussions in a private meeting of Commissioners, the election of Chair and Vice-Chair of the Commission would be held after the close of the 63<sup>rd</sup> Annual Meeting and be conducted by postal ballot.

## 2. INTRODUCTORY ITEMS

The 63<sup>rd</sup> Annual Meeting of the International Whaling Commission (IWC) took place at the Hotel de France, St Helier, Jersey from 11-14 July 2011. In the absence of the Acting-Chair of the IWC (Ambassador Anthony Liverpool, Antigua and Barbuda<sup>1</sup>), the meeting was chaired by Herman Oosthuizen (South Africa). The meeting was attended by 59 of the 89 Contracting Governments and observers from 5 intergovernmental organisations and 40 non-governmental organisations were also present. A list of the delegates and observers attending the meeting is given as Annex A. The associated meeting of the Scientific Committee was held at the Radisson Blu Hotel, Tromsø, Norway from 30 May-11 June 2011. The Commission's other sub-groups met from 5-7 July 2011 at the Hotel de France, St Helier, Jersey.

### 2.1 Welcome address

The welcome address was given by Senator Alan Maclean, Minister for Economic Development of the States of Jersey.

On behalf of the States of Jersey the Senator was delighted to welcome the IWC to Jersey. He explained that although Jersey was located within the British Isles it was outside of the United Kingdom and also outside of the European Union. Jersey is not a colony, but instead is a Crown Dependency which enables the Island to be self-governing in all matters, including passing its own laws within its Parliament. He commented that Jersey's link with the United Kingdom and the rest of the Commonwealth is through Her Majesty the Queen, who as Sovereign is the Island's Head of State. The Sovereign is represented on the Island by the Lieutenant Governor, through whom official communications with Her Majesty's Government in the United Kingdom are directed.

Senator Maclean commented that although Jersey is a fairly small island it has a population of 96,000 people, about half of whom are indigenous to the Island. He noted that the Island's economy was a mix of financial services, tourism, agriculture and various forms of commerce with each of these sectors having a strong dependency on export. He went on to explain that although today Jersey has a relatively small fishing industry, historically it had dominated the economic life of the Island. In the 16<sup>th</sup> Century the development of the Newfoundland cod fishery had a profound effect on the Island, with records showing that in 1581 seventeen vessels left St Helier bound for the cod rich seas of the Gaspé Peninsular. Today that part of Canada has many examples of the influence brought to that region by Jersey settlers.

<sup>1</sup>Ambassador Anthony Liverpool had previously announced his intention to step down from his role as Vice-Chair and Acting-Chair of the Commission effective from the 11 July 2011.

Fishing by Jerseymen in Newfoundland continued into the late 19<sup>th</sup> Century and at that time was the main wealth creator for the Island employing as many as 4,000 people.

Senator Maclean went on to say that agriculture now plays an important role in the Jersey economy. He noted that between 25 and 30 thousand tonnes of Jersey Royal potatoes are exported from the Island each year which command a premium price when they appear in supermarkets each spring. He also noted that the Jersey cow is perhaps the Island's most famous global export as it produces milk with a high butter fat content which makes it ideal for dairy herds. Commenting on the Island's financial services industry, he recognised that this was now the Island's major employer and revenue generator. The finance industry on Jersey was 50 years old in 2011 and Jersey's combination of stability and reliability had kept the Island at the forefront of global finance.

In closing Senator Maclean hoped that the Commission's meeting would be a successful one, and encouraged delegates to find time to enjoy the attractions and facilities provided by the Island.

### 2.2 Opening statements

The Chair welcomed the Government of Colombia who adhered to the Convention on 22 March 2011. Colombia made an opening statement and indicated it was honoured to become a full member of the IWC after a lengthy internal process to gain approval. It said that it would work to strengthen the Commission while defending conservation interests including promoting the non-lethal use of all cetaceans. Colombia went on to describe its own contribution to regional initiatives such as that of the marine corridor of the eastern Pacific where it was working in co-operation with other countries including Costa Rica, Panama and Ecuador to conserve cetaceans.

Colombia committed to take an active role in IWC decision-making so as to produce recommendations for research and study of cetacean populations which would lead to the continued development of measures for the non-lethal management of whale resources. Colombia stated its support for the moratorium on commercial whaling and also for the growth of ecological tourism including whalewatching which it recognised as providing alternative income for poorer coastal populations of Colombia. Colombia stated its support for the Buenos Aires Group of countries and welcomed the proposal to establish the South Atlantic Whale Sanctuary.

With regard to scientific research, Colombia promoted the need to study cetacean populations using non-lethal methods and considered that the number of whales hunted under scientific criteria were excessive and did not provide appropriate benefits. It stated that it was the right of coastal communities to benefit from the income which could be generated through whalewatching operations in the same way that other communities benefited from limited subsistence whaling. It also recognised the importance of involving civil society in the deliberations of the Commission. In closing, Colombia urged the need to achieve consensus in working towards measures which would guarantee the conservation and sustainable use of whales.

## 2.3 Credentials and voting rights

### 2.3.1 Credentials

The Secretary reported that the Credentials Committee (Japan, New Zealand and the Secretary) agreed that credentials were in order for most of the Contracting Governments present at the beginning of the meeting. There were a few outstanding issues to be resolved and the Credentials Committee met again on the evening of 11 July to deal with these matters.

### 2.3.2 Voting rights

The Secretary noted that the voting rights of Belize, Congo, Republic of Guinea, Laos, Mali, Mauritania, Slovak Republic, St. Lucia, St. Vincent and The Grenadines and Suriname had been suspended as from 29 May 2011 because of outstanding financial contributions. The voting rights of Cameroon, Côte d'Ivoire, Dominica, Nicaragua, Peru, Romania, Solomon Islands and Uruguay remained suspended from previous years because of continued outstanding financial contributions. In addition the voting rights of Gambia, Guatemala, Kenya and Senegal also remained suspended from previous years and additionally their financial contribution for the 2010/2011 financial year had been cancelled in accordance with Financial Regulation F5.

The Secretary noted that if and when voting commenced he would call on San Marino to vote first.

## 2.4 Meeting arrangements

The Chair recognised the improved standard of debate and respect which had developed at IWC in recent years. In order to ensure the continuation of this improvement he requested delegates keep their points of order to a minimum and to keep interventions brief and to the point. With regard to speaking rights of Inter-Governmental Organisations (IGOs), the Chair said he would allow them to make one intervention on one substantive agenda item and that any IGO wishing to speak should let him or the Secretary know in advance.

With regard to Non-Governmental Organisation (NGO) observers, the Chair proposed to develop the system of speaking rights. Instead of allowing NGOs to address the meeting during a dedicated 30 minute session as in previous years he suggested instead to allow six NGO speakers, to comprise three from each side of the debate, a total of 30 minutes interventions spread over three specific agenda items which, after informal discussions with NGOs, were to be Sanctuaries (Item 9), Environmental and Health Issues (Item 13) and Whalewatching (Item 15). The interventions would occur after all Commissioners had spoken and would remain at the discretion of the Chair.

A number of Contracting Governments indicated that several delegations had encountered problems obtaining a UK entry visa so as to attend IWC/63. The Secretary was asked to produce a report for the Commission's consideration on those countries which had not been able to attend. A summary of the Secretary's report and the associated discussions are recorded under Agenda Item 25.1.

## 2.5 Review of documents

The Chair drew attention to document IWC/63/1 which was a list of documents to be considered at the 63<sup>rd</sup> Annual Meeting. This list is provided in Annex B.

## 3. ADOPTION OF THE AGENDA

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

Japan acknowledged that its position on the draft agenda was well known and had been documented many times in the past. It noted that it had been actively involved in the 'Future of the IWC' process for several years and that it had seen substantial improvement in the ways and atmosphere of the organisation during that time. Noting that it respected these improvements and wished to strengthen them further it indicated that this year, as in recent previous years, it would refrain from making proposals to delete some agenda items.

At the invitation of the Chair, Japan referred to the Great East Earthquake and Tsunami which hit the eastern coast of Japan on 11 March 2011. It had caused a devastating loss of life and property throughout the coastal region and Japan expressed thanks for the numerous expressions of support it had received. A number of fishing communities had been wiped out, including Ayukawa which was one of the small type whaling bases. Given the extensive loss of human life and fishing facilities that had occurred, Japan recognised that it was now important to help the communities rise from their deep grief. Accordingly it noted its need to be able to use the sustainable resources of the marine environment, including cetacean resources, so as to continue the recovery which was taking place.

The Agenda was adopted by the meeting and is given in Annex C.

## 4. THE IWC IN THE FUTURE

### 4.1 Background

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 related to the Revised Management Scheme (RMS). At the intersessional meeting the Commission 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 SWG met three times between IWC/60 in 2008 and IWC/61 in 2009.

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 tasked with '*intensifying efforts to conclude a package or packages to allow the Commission to reach consensus on the major issues it faced*'. At that time the Commission also established a support group to assist the Chair in providing direction to the 'Future' process and in the preparation of material for submission to the SWG.

The support group met three times between 2009 and 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. This document was entitled 'A Draft Consensus Decision to Improve the Conservation of Whales'. The support group met a fourth time to consider comments on the draft Consensus Decision made at the SWG meeting and also subsequently in writing by a number of Contracting Governments. As a result of this process the Proposed Consensus Decision for the Conservation of Whales (hereafter the 'Proposed Consensus Decision') was developed by the Chair and Vice-Chair of the Commission and submitted to IWC/62 in 2010 for consideration.



The Proposed Consensus Decision was extensively debated at IWC/62 in 2010<sup>2</sup>. At the end of the discussions, 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. He also noted that there had been support for a period of pause and reflection on work undertaken during the 'Future of the IWC' process. This pause for reflection took place between IWC/62 in 2010 and IWC/63 in 2011.

#### 4.2 Commission discussions and action arising

New Zealand and the USA had submitted a proposed Resolution to Maintain Progress at the IWC (document IWC/63/7rev). In referring to its document, the USA recognised that there was an ongoing question as to how to handle the many differences and disagreements faced by the Commission. It suggested that given the Commission's recent good progress in agreeing Resolution 2011-1 by consensus, there was a need for a shared commitment that the Commission would continue working in this improved spirit. The USA did not believe that a Resolution was necessarily the best way to achieve that shared commitment and it did not wish to request a debate on the agreement of its proposed Resolution. Instead it hoped that other member governments would support the notion that the Commission continue to try and encourage dialogue and to build trust and consensus so that it could make progress and help the organisation to evolve. Therefore, as an alternative way of working, the USA asked the Chair if he would include language provided in the proposed Resolution in his report of the meeting. If other Contracting Governments were supportive of this idea, it would go a long way to showing that the Commission was able to work through the difficult issues that it faces.

The Chair thanked the USA for its intervention and asked if it was acceptable for the proposed Resolution to be withdrawn.

The Russian Federation indicated its support for the Resolution. Sweden supported the Resolution because it did not consider that the IWC functioned properly in fulfilling its role as the one global agreement that should engage in proper conservation of whale stocks and thus make possible the orderly development of the whaling industry. Denmark supported Sweden's comments and suggested this was a tide-over Resolution until such time as people were prepared to address the issues facing the organisation. Iceland supported Denmark and Sweden's views but also indicated that it could accept the Resolution's content being included in the report of the meeting. New Zealand endorsed the comments made by the USA, but clarified that New Zealand's objective was to facilitate a resolution to the differences within the Commission and not to facilitate the orderly development of the whaling industry.

Japan believed that for the last few years the IWC had made substantial progress in the way it discussed many issues and that the organisation should cherish that progress and strengthen it in future meetings. In that sense Japan fully supported the content and spirit of the proposal from the USA and New Zealand. Japan said it was flexible in the format of this important message, and would support it either in the form of a Resolution or as part of the Chair's Report. Portugal supported the inclusion of the material as either a Resolution or as part of the Chair's Report.

Argentina thanked the USA for its proposal, and although it had some problems seeing this material as being appropriate for a Resolution it said that the suggestion to include it as paragraphs in the Chair's Report would settle this concern and indicated it would be willing to undertake consultations on appropriate wording. Colombia, Chile and Australia supported Argentina's view. Spain also indicated support for inclusion of the material as part of the Chair's Report. Chile stated that the organisation should not be afraid of taking different positions to a vote if consensus could not be reached.

India was of the view that the IWC should develop a comprehensive plan of action to recover the depleted whale populations. This should address other threats to cetaceans including fisheries bycatch, ship strikes, ocean noise, sea pollution and impact of climate change on marine ecosystems and biodiversity. Considering the diverse role that the organisation has to play in future, India considered it would be prudent to rename the IWC as the International Whales Commission.

The Chair asked whether the Commission would agree to the paragraphs contained in the draft Resolution being included in his record of the meeting. Seeing no objection, the Chair noted that this would be done. Accordingly, as stated in document IWC/63/7rev, the Commission:

'acknowledged that very different views exist among the members regarding whales and whaling and that this difference had come to dominate the time and resources of the Commission at the expense of effective whale conservation and management.

Desiring to maintain progress achieved so far with regard to the future the Commission therefore agreed to: (1) encourage continuing dialogue amongst Contracting Governments regarding the future of the International Whaling Commission; (2) continue to build trust by encouraging Contracting Governments to coordinate proposals or initiatives as widely as possible prior to their submission to the Commission; and (3) encourage Contracting Governments to continue to cooperate in taking forward the work of the Commission, notwithstanding their different views regarding the conservation of whales and the management of whaling.'

## 5. WHALE STOCKS<sup>3</sup>

### 5.1 Antarctic minke whales

#### 5.1.1 Report of the Scientific Committee

The Chair of the Scientific Committee referred to the Committee's ongoing work to conduct an in-depth assessment of Antarctic minke whales. In-depth assessments allow the Scientific Committee to determine the present status of stocks compared to their status in the past and to look at any trends in population level and possible causes of change. Ultimately the assessments are intended to identify if there are anthropogenic threats to the population status that need to be addressed, as well as highlighting priority species, populations and/or human activities that require action.

For Antarctic minke whales, an ongoing issue has been to develop a final set of abundance estimates from the circumpolar sets of cruise data obtained during the 1978/79-2003/04 austral summer seasons. At IWC/62 in 2010, the Scientific Committee had established two sets of abundance estimates using two different analytical techniques. These

<sup>2</sup>Ann. Rep. Int. Whaling Comm. 2010: 6-10.

<sup>3</sup>For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 13 [2012].

estimates differed appreciably from each other, and following considerable extra work by the Scientific Committee in 2011, the estimates are now much closer together and a work plan had been established to produce final estimates for next year. The Chair of the Scientific Committee reported that the Committee agreed that the final estimates for each of the survey areas lay between the numbers generated by the two methods.

The Scientific Committee agreed that though both methods showed a decline in the total abundance estimates for the Antarctic as a whole, the decline did not occur in all areas. The data showed that there was no significant decline in Areas III, IV and VI. However there was a decline in the population estimates for Areas I, II and V.

The Scientific Committee agreed that the declines in Areas I, II and V did reflect genuine changes in the abundance of Antarctic minke whales in the open water areas surveyed. The changes could be related to differences in ice cover, as animals may have congregated under pack ice which would have prevented research vessels from conducting survey operations. Alternatively the estimates could reflect a true decline in abundance or some combination of both of these options. The Scientific Committee considered that no analysis would be able to exclude the hypothesis that at least some true decline in abundance occurred. An investigation of the reasons for the change in abundance would require an understanding of the relationship between whale distribution and sea-ice, and especially in relation to pack-ice regions. Areas II and V encompass the Weddell and Ross Seas and in these two areas the ice configuration is particularly complex and highly variable. This year, the Scientific Committee had considered several papers on ice related whale distribution and also welcomed work by the Governments of Australia and Germany who were conducting aerial surveys in pack ice regions.

The Scientific Committee further reported on the second part of the in-depth assessment of Antarctic minke whales which was to use statistical catch-at-age analyses to estimate population dynamics. Such analyses can be used to explore possible changes in population abundance and environmental carrying capacity. The input data for the models included: (1) the catch history; (2) animal lengths, ages and sex as obtained both from commercial harvests and the JARPA programmes; and (3) the abundance estimates from the IDCR/SOWER circumpolar series and the JARPA programmes. This year, the Scientific Committee completed the development phase of the catch-at-age model and will now commence work on the technical specification of the analytical techniques. This will include a clear explanation of the model and its assumptions as well as a graphical representation of the results for key parameters. The model has the potential to explain changes in abundance over time in the context of mortality and recruitment but will not be able to explain why any changes may have occurred. The Scientific Committee also agreed that both series of population estimates from the IDCR/SOWER data should be used in the catch-at-age analyses, as well as the most recent catch-at-age data from JARPA II.

In regard to continuation of sighting surveys for Antarctic minke whales, the Chair of the Scientific Committee recalled that the IDCR/SOWER series of cruises were completed in 2009/10. For the 2010/11 season, the Committee expressed its regret that the sightings survey which the Committee had previously approved had been cancelled because of the violent actions of an anti-whaling NGO in the Antarctic research area. For the 2011/12 season, the JARPA II sighting

survey is planned to take place from two research vessels in an area south of 60°S and between 35°E and 175°E from December 2011 to March 2012. The primary objective will be the estimation of the abundance of Antarctic minke whales using IWC-SOWER procedures. Additionally opportunistic biopsy and photo-id studies of blue, southern right and humpback whales will be undertaken and a cruise report submitted to the next Scientific Committee meeting.

#### *5.1.2 Commission discussion and action arising*

Mexico congratulated the Scientific Committee on the progress made to estimate the abundance of minke whales in the Southern Ocean but noted its concern at the low population numbers that had been recorded for Areas I, II and V. It considered that this could be construed either as a change in distribution or as a true fall in population numbers. Japan also expressed its gratitude to the Scientific Committee for the progress they had made with the minke whale assessments and indicated its continuing support for the Committee's work. In relation to the apparent decline in numbers of minke whales around Antarctica, Japan noted that no cause had been suggested for such a decline, and that a very large scale mortality would have had to have occurred to reduce the population level to the extent suggested by the survey data. It suggested it was important to properly understand the background before making any judgement on the meaning of the population assessments being generated by the Scientific Committee.

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

## **5.2 Southern Hemisphere humpback whales**

### *5.2.1 Report of the Scientific Committee*

The Scientific Committee has been undertaking in-depth assessments of Southern Hemisphere humpback whales since 1992. Seven breeding stocks (labelled BS A-G) are recognised which are connected to feeding grounds in the Southern Ocean. Assessments for four of the breeding stocks have already been completed, these being: BSA (eastern South America); BSC (eastern Africa); BSD (western Australia); and BSG (western south America).

This year continued the focus on BSB which inhabits waters around the western coast of Africa from Guinea to western South Africa. Data are primarily available from Gabon (a breeding ground) and from western South Africa (a feeding ground and migratory corridor). The data support the hypothesis that there may be two sub-stocks (labelled B1 and B2) but the boundary between the sub-stocks remains unknown. The Scientific Committee undertook extensive inter-session work and convened a dedicated two day pre-meeting to review the assessment of this breeding stock. During this work the Committee considered both a single stock and a two stock model. Consequently, the Scientific Committee have now completed the assessment of BSB to the extent possible given the available data.

In conclusion, BSB has probably recovered to about 50% of its pre-exploitation level although the probability interval around this estimate is quite wide. The two stock model considered by the Scientific Committee suggested that the B2 stock is appreciably more depleted than B1, although it was not possible to determine whether this was real or reflected incomplete sampling coverage of stock B2. Both the single and double stock models showed that the populations are increasing. In order to address the identified uncertainties additional data need to be collected on population abundance, trends and stock structure. Specific recommendations have been recorded in Annex H of the Scientific Committee Report (IWC/63/Rep1).

In 2012, the Scientific Committee will focus on breeding stocks E (western South Pacific) and F (central South Pacific). These assessments will take into consideration possible mixing of breeding stocks D and E on the feeding grounds. The Committee has established an intersessional group to undertake the preparatory work required for this assessment which it expects to complete by the end of the 2013 Scientific Committee meeting.

The Chair of the Scientific Committee also drew attention to the provision of additional information on breeding stocks A, C, D and G (Item 10.2.2 of the Scientific Committee report).

#### *5.2.2 Commission discussion and action arising*

The USA noted the contribution of one of its scientists to the Scientific Committee's field research on the assessment of humpback stocks off western South Africa and also previously off eastern Africa. Both of the stock assessments suggested a lower level of recovery than for some other stocks which had previously been assessed. The USA thanked the Scientific Committee for its hard work in completing the assessment of breeding stock B.

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

### **5.3 Southern Hemisphere blue whales**

#### *5.3.1 Report of the Scientific Committee*

The Scientific Committee completed its circumpolar in-depth assessment of Antarctic blue whales in 2008. The assessment indicated that although this population is still severely depleted it appears to be increasing at around 8% annually. The Committee is now examining whether separate assessments can be carried out by population and Management Area. This will require information on abundance, distribution and stock structure by area and the Scientific Committee received relevant information at its 2011 meeting including an update on the results of the Alfuaguara (Chilean blue whale) long-term project which was conducted from 2004-10 and additional updates on the Southern Hemisphere Blue Whale Catalogue and the Antarctic Blue Whale Photo-identification Catalogue. A comparison of the images between the two catalogues has resulted in the first 10 year re-sighting of an individual from Chilean waters. The Scientific Committee re-iterated its recommendation that the blue whale photos collected by the JARPA programmes be compared with and incorporated into the Antarctic catalogue and results reported next year.

The Scientific Committee also received two papers on blue whale abundance estimates off Isla de Chiloé. This population may number less than 1,000 individuals and appears to be smaller than populations around Antarctica and off Western Australia. Additionally the Committee received several studies on molecular genetics which will play an important role in the more detailed assessments.

#### *5.3.2 Commission discussion and action arising*

Chile noted its ongoing support for the work being undertaken by the Scientific Committee to understand the status of blue whales both in the Southern Hemisphere and more specifically around the coast of Chile. Chile noted that at one time the population of blue whales off Chile was considered to have been one of the largest in the Southern Hemisphere. Despite the high concentration of blue whales off Isla de Chiloé, the Chilean blue whale population now appears to be smaller than those around Antarctica and off western Australia. Chile indicated that it would continue to

gather information so as to understand the population more fully. It also expressed its pleasure at the work that had been undertaken at the international level, especially in regards to the Southern Hemisphere Blue Whale Catalogue.

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

### **5.4 Western North Pacific gray whales**

#### *5.4.1 Report of the Scientific Committee*

In 2010, the Commission endorsed a Scientific Committee recommendation of a conservation plan for the critically endangered population of western North Pacific gray whales. One of the components of this plan was to undertake a telemetry study to investigate the migration routes and breeding grounds of the population so as to provide a basis for mitigation measures. In 2010, an international collaborative telemetry programme was convened under the auspices of the IWC and succeeded in satellite tagging a 13 year old male known as 'Flex' off Sakhalin Island. For the first 68 days after the tag was applied Flex remained within 45km of the tag site. The whale then migrated across the Okhotsk Sea, Bering Sea and Gulf of Alaska, the last reported position before the tag stopped working being in USA waters within 20km of the central Oregon coast (i.e. along the path of the eastern gray whale migration).

The generally unexpected movement of Flex from the Sakhalin Island feeding area to the eastern Pacific resulted in a further examination of links between the western and eastern populations of North Pacific gray whales. However these links should be considered in the context of the results from genetic analyses which reveal significant differences between the western North Pacific Sakhalin feeding ground gray whales and eastern gray whales, even though there have been two genetic 'fingerprint' matches between the western and eastern populations as well as ten photo-id matches<sup>4</sup>.

The Scientific Committee considered that more information was needed to clarify the uncertainties around stock structure in North Pacific gray whales. Logistical problems and poor weather meant that only one tag was able to be applied during the 2010 season. For the 2011 season, the Scientific Committee agreed a protocol to tag and biopsy 12 individuals representing the non-calf, non-juvenile population of gray whales from Sakhalin Island. The Committee also encouraged the additional tagging of animals from the eastern population of gray whales, including those which are part of the Pacific Coast Feeding Group.

The Scientific Committee also received a number of other papers on western North Pacific gray whales, including a considerable amount of information collected off Sakhalin Island in recent years by oil and gas companies and others. To help assimilate this information, the Committee requested that a quantitative analysis of anthropogenic impacts on gray whales be presented to the 2012 Committee meeting.

In regard to conservation advice on western North Pacific gray whales the Scientific Committee made several comments and recommendations. These included a new consideration of the USA, Canada and Mexico as range states. The Committee also:

- (1) considered the problems of entanglement in fishing gear and welcomed Japan's efforts at mitigation;
- (2) re-emphasised their view of the importance of the IUCN western gray whale panel and urged its continuation;
- (3) recommended that monitoring and mitigation plans be implemented by all companies involved in the oil and gas industries of Sakhalin;

<sup>4</sup>This was considered further under Item 7.1.1.2.



- (4) encouraged sharing of information and co-ordination amongst companies to minimise noise disturbance to gray whales of Sakhalin; and
- (5) repeated its strong endorsement of the draft western gray whale conservation plan and encouraged all relevant parties to work together to refine and implement it.

#### *5.4.2 Commission discussion and action arising*

The Russian Federation thanked the different countries and organisations, including the IWC's Scientific Committee, who had collaborated in the project to tag the western North Pacific gray whale off Sakhalin Island. The Russian Federation referred to the tagging of a further 12 whales which was planned for the forthcoming season and it was grateful for the support received from the US delegation in making this extra work possible. For the genetic analysis, the Russian Federation planned to take biopsy samples from the same 12 whales that would be tagged, and also to take further biopsies from gray whales in the areas of Chukotka and Kamchatka. The resulting DNA samples would be analysed jointly by scientists from the Russian Federation, Japan and Republic of Korea. Noting that the Scientific Committee had made a recommendation to sample and photograph all gray whales landed at Chukotka through the aboriginal hunt, the Russian Federation indicated that they would request the aboriginal hunters undertake these tasks on a voluntary basis. In relation to the overall state of the western gray whale population, the Russian Federation recorded that not all scientists shared the view that this was a separate population or that it is close to becoming extinct. Instead they suggested the western population may instead be recovering in relation to the stocks of eastern gray whales. However, the Russian Federation said that it was nonetheless important to protect the western gray whale population and indicated it would do its best to lower the anthropogenic impact on the western population.

The USA referred to the results of the satellite tagging and drew attention to its funding of additional intersessional photo-id work. It announced that it would continue to fund research on western North Pacific gray whales and expected to send one of its scientific experts to participate in the forthcoming tagging work.

Mexico recorded its appreciation of the satellite tagging work and supported the additional photo-id and genetic studies on the western and eastern populations that were planned. It noted that the populations of gray whales inhabiting the lagoons of Baja California also had the potential to yield information relating to both western and eastern stocks. Japan congratulated the Scientific Committee and the associated scientists on their research and indicated that it would support the further work on tagging and photographic identification that was proposed by the Russian Federation. In this regard, it noted the IWC had established a working group on western gray whales and that Professor Kato would take part in this group.

Japan acknowledged that it is one of the range states for western North Pacific gray whales and recorded its great concern for the critically endangered status. In 2008, Japan strengthened its Fisheries Resources Protection Act to prohibit all forms of take for this species including incidental catch as well as the act of possession or sale of either whole or parts of this species in the Japanese market. It had also strengthened education programmes for fishermen and local government on the status of this species and called for cooperation from these bodies to strengthen local protection measures. Following from this Japan was pleased to report

that no incidental takes of gray whales had been reported along the Japanese coast since the beginning of 2007. Mexico commended Japan's efforts at avoiding incidental capture.

The Republic of Korea recalled that western Pacific gray whales were once abundant in Korean waters but had disappeared since the late 1960s due to over-exploitation. In order to protect these whale resources, the Republic of Korea designated this species as a living national monument in 1962. Noting the tagging of one western gray whale off Sakhalin Island, Republic of Korea thanked the Russian Federation and the USA for their collaborative work which had made the study possible. The Republic of Korea recalled that it had recently hosted a symposium on western Pacific gray whales with scientists from Japan and the USA and through the symposium had learned that the stock level could decrease further within a short period of time unless protection measures were implemented. In this regard it welcomed the additional work plan proposed by the Russian Federation and indicated it would like to co-operate with the plan.

The UK noted that new information on the presence of western gray whales along the west coast of North America raised the issue that small numbers of whales feeding off Sakhalin Island may be subject to further threats along their migratory route. Accordingly it requested the Scientific Committee to build on their current work to understand what these existing and emerging threats may be and to ensure this critically endangered population be conserved for the future.

While the USA supported further work on conservation status, it also drew attention to the cumulative impacts caused by the oil and gas related developments on the feeding grounds of this population and it supported the Scientific Committee's recommendations in this regard. Mexico and the UK also noted their concern regarding the oil and gas exploration activities taking place around Sakhalin Island, and Mexico reinforced the recommendations of the Scientific Committee to have a conservation plan comprising all range states under the IWC's sponsorship. The UK welcomed the Russian Federation's continued work to mitigate the effects of the industrial activities and urged range states and companies to engage with IUCN's western gray whale advisory panel and support the Scientific Committee's work to look at ways to best protect this population. Belgium shared these concerns, and noted that one company working in the area had announced plans for a further offshore oil and gas platform. It noted that the effects of previous oil and gas activities in 2010 had not yet been fully assessed. In September last year, Belgium, acting in the role of EU President addressed a demarche to the Minister of Natural Resource and Environment of the Russian Federation to gain clarification of the seismic survey offshore of Sakhalin Island. Like others, Belgium strongly supported the Scientific Committee's recommendations.

The Chair personally thanked the Scientific Committee and the collaborating range states for their continued efforts to secure the future of the western North Pacific gray whale. The Commission noted this part of the Scientific Committee report and endorsed its recommendations.

## **5.5 Southern Hemisphere right whales**

### *5.5.1 Report of the Scientific Committee*

The Chair of the Scientific Committee reported that the main discussions on the status of Southern Hemisphere right whales would occur during a Workshop in Argentina in September 2011.

The Scientific Committee received some encouraging information on the re-colonisation of former calving grounds around New Zealand and Namibia. There was also evidence for a continued increase in population levels off Australia at an annual rate of around 7% based on aerial surveys. The Committee recommended that images obtained by cruise ships and during the SOWER series should be included in the Southern Ocean right whale catalogue currently being developed under the auspices of the IWC.

#### *5.5.2 Commission discussion and action arising*

Argentina noted the importance of the forthcoming Right Whale Assessment Workshop given that the previous abundance estimate dates from 1988. It believed that the results of the Workshop would further support the nomination and development of Conservation Management Plans for South American right whales as discussed within the Conservation Committee. Argentina also recorded its support of the Scientific Committee's recommendations.

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

### **5.6 Other stocks of right whales and small stocks of bowhead whales**

#### *5.6.1 Report of the Scientific Committee*

##### **NORTH ATLANTIC RIGHT WHALES**

The Scientific Committee received an update from the North Atlantic Right Whale Consortium for the period November 2009-October 2010. The most recent stock assessment reported a minimum of 345 individuals alive in 2005, while examination of a photographic catalogue suggested that there may have been as many as 473 alive in 2009. Five right whale deaths were documented during the reporting period as well as four new entanglement cases.

##### **OTHER SMALL STOCKS OF RIGHT WHALES**

No new information was provided for North Pacific right whales or bowhead whales from the Sea of Okhotsk or Spitsbergen.

The Scientific Committee continued to re-iterate its grave concern in relation to these small stocks, noting that as a matter of urgency every effort must be made to reduce anthropogenic mortalities to zero.

#### *5.6.2 Report of the Conservation Committee*

The Chair of the Conservation Committee noted the National Action Plan being developed by Chile to protect the Critically Endangered Chile-Peru population of southern right whales, which are believed to number less than 50 mature individuals. The plan is expected to give details on historical catches off Chile, the legal framework, current known status, threats, advances in public awareness and a set of actions to improve co-ordination among stakeholders. It will support the forthcoming southern right whale assessment and the development of a Conservation Management Plan for this stock.

#### *5.6.3 Commission discussion and action arising*

Chile recorded its concern for all cetaceans including the southern right whale for which it wished to ensure maximum protection. It noted that the National Action Plan was being developed to ensure recovery of this stock. Argentina supported Chile in its efforts to protect this small stock and urged them to continue working so as to achieve the necessary recovery.

The Commission noted these parts of the Scientific Committee and Conservation Committee reports and endorsed their recommendations.

### **5.7 North Pacific research cruises**

#### *5.7.1 Report of the Scientific Committee*

The Chair of the Scientific Committee reported on a collaborative IWC programme being developed for the North Pacific called Pacific Ocean Whale and Ecosystem Research (IWC-POWER). The primary objective of the programme is to contribute scientific information to allow the assessment of large whales in the North Pacific and to determine trends in abundance and the causes of these.

An intersessional Workshop was held last year to develop the long term planning for this programme. The Workshop was successful in compiling the available information on stock structure and abundance for each species in the region, and went on to develop a list of priority species and topics to address perceived gaps in knowledge. A technical advisory group was also established to develop detailed short, medium and long term objectives and in particular to use existing population and environmental data to increase the statistical power of future surveys to detect species abundance trends. This is a major task which is still ongoing.

One important component of the IWC-POWER work is to use biopsy samples to assist in stock structure studies. The Scientific Committee noted that there has not yet been any resolution to the issue of obtaining appropriate CITES permits, including institutional permits, for biopsy samples collected outside of Japanese waters. The Scientific Committee strongly recommended that concerted efforts be made to resolve these difficulties and encouraged the Governments of the USA and Japan to work together on this issue.

The Scientific Committee noted its gratitude to the Government of Japan for providing a vessel for the 2010 and 2011 cruises and for its intention to provide one for the 2012 cruise which represented a major donation to the Committee's work. The Committee recognised that many of the populations being studied had not been assessed for decades and the data from the first three years will form an important component of the forthcoming in-depth assessment of sei whales. The Committee encouraged other range states to contribute to and collaborate with the IWC-POWER programme and also thanked the USA and Republic of Korea for their assistance with the cruises undertaken and planned so far.

The preliminary results from the 2010 survey as well as the plans for the 2011 and 2012 surveys were distributed in IWC/63/Rep1. The 2011 summer IWC-POWER cruise had three primary objectives: (1) to estimate the abundance of sei whales and other species as possible; (2) to collect biopsy samples from sei, fin and sperm whales; and (3) to collect photo-id data and biopsy samples for rare species including North Pacific right whales and blue whales.

The Chair of the Scientific Committee also noted that the IWC-POWER programme complements work being undertaken elsewhere through national programmes. For example, this year the Scientific Committee was pleased to receive a report of a Japanese systematic sighting survey conducted in the summer of 2010 in the North Pacific. Its goal was to examine the distribution and abundance of sei and Bryde's whales in parts of the western and central North Pacific using line-transect photo-id and biopsy methods.

#### *5.7.2 Commission discussion and action arising*

Japan was pleased to contribute a research vessel and crew for this important joint research activity in the North Pacific Ocean. Although the project only started last year, it had already provided interesting data including a preliminary estimate of sei whale abundance in the research area. Noting

that the 2011 cruise had just begun, Japan thanked the USA for its approval to undertake research activity within their 200 nautical mile zone as well the Republic of Korea and the IWC Secretariat for their ongoing support. In regard to the complication related to CITES permits Japan expressed its commitment to continuing to discuss this issue with the USA in order to find a solution. Overall, Japan expressed its gratitude to all parties concerned and its continued commitment to support of the IWC-POWER research programme.

The USA recorded its strong support for the IWC-POWER survey and noted that one of its scientists had joined the 2011 cruise. It looked forward to seeing the results of the research, and, like Japan, expressed its commitment to resolving the issue of CITES permits for biopsy samples collected outside of Japanese waters. Republic of Korea thanked Japan for the opportunity to take part in the 2010 IWC-POWER cruise and expressed its regret that it would not be able to join the 2011 cruise. However, it indicated it would like to take part in the 2012 cruise, and accordingly said it would take part in the cruise preparatory meeting scheduled to be held in September 2011 in Japan.

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

## 6. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES

### 6.1 Report of the Working Group on Whale Killing Methods and Associated Welfare Issues

The Working Group on Whale Killing Methods and Associated Welfare Issues met on Tuesday 5 July 2011. It was chaired by Herman Oosthuizen (South Africa) and was attended by delegates from 21 Contracting Governments. A summary of the Working Group's discussions is included below and the full report is available as Annex E.

#### 6.1.1 Data provided on whales killed

The Working Group received reports from five member governments relating to the killing of cetaceans. A summary of information provided by New Zealand on the euthanasia of stranded cetaceans deemed beyond hope of rescue for the period April 2010-March 2011 was reviewed, as were reports from the USA, Denmark and St Vincent and The Grenadines giving data on their aboriginal hunts. A document was also provided by Norway giving data arising from its hunt of common minke whales in 2010.

#### 6.1.2 Information on improving the humaneness of whaling operations

##### 6.1.2.1 NATIONAL REPORTS

The Working Group received a report from Norway summarising the substantial improvements that had been made to the humaneness of its whaling operations in recent decades. In 1981 the use of cold harpoons had resulted in a 17% instant death rate and a mean time to death of over 11 minutes. However by 2002, use of the new penthrite grenades had caused these statistics to rise to roughly 80% instant deaths and a mean time to death of two minutes. Norway described its efforts to teach and train hunters and transfer this knowledge and technology to other hunts, for example those taking place in Canada, Greenland, Japan, Iceland, Alaska and others. Norway also reported that it participated in NAMMCO Expert Group Meetings.

The Working Group received a short PowerPoint and video presentation on the 2010 Alaskan aboriginal hunt. Due to ice and weather conditions, the percentage of struck

whales landed was lower in 2010 than the 15 year average of 77%. Ice and weather play a critical role in the success of the hunt and equipment failure can also contribute to losses. In regards to weapon and training improvements, the USA reported that most villages now have access to the new penthrite grenade and that these often result in instant kills. However, the programme is expensive. A single projectile costs more than US\$1,000 and transportation can also be expensive. For example, it costs US\$30,000 to ship ninety grenades from St Lawrence Island to Barrow by charter. The USA hoped that cooperation with the US Coastguard may reduce charter costs in the future.

##### 6.1.2.2 UK WORKSHOP ON WELFARE AND ETHICS

At IWC/62 in 2010 the UK had informed the Commission of its intention to hold a non-IWC workshop on welfare and ethics and the Working Group received a summary of the workshop's extensive report (document IWC/63/WKM&AWI4). The report presented conclusions on a number of human-whale interactions including killing and euthanasia, use of whales in invasive research, whalewatching, ship strikes and entanglements. It made six recommendations to the IWC, with the last of these calling for the establishment of an *ad hoc* IWC Working Group to be tasked with considering the workshop report in detail and developing recommendations for how the IWC could adopt its conclusions, possibly by Schedule amendment or other decision at IWC/64 in 2012. There was extensive discussion of document IWC/63/WKM&AWI4 in the working group which is summarised below (see Annex E for a full account).

Norway noted that IWC/63/WKM&AWI4 contained many general aspects of animal welfare which were already implemented in Norwegian laws. However, it was disappointed that only fragments of the extensive information provided to the IWC on improvements in killing methods were reflected in IWC/63/WKM&AWI4, and then in a biased way. Norway stated that it found IWC discussions of this issue increasingly counterproductive and its primary discussions on this subject now occur within NAMMCO. It did not believe that a report with such serious shortcomings would contribute to a useful discussion of these very important issues. Denmark, Iceland and Japan supported these views.

Australia thanked the UK for its work. It stressed that the provision of data was an important component of improvements in animal welfare and it supported the UK's proposal for an intersessional Working Group. This was supported by Mexico, Argentina and Chile. The USA agreed that the IWC should take animal welfare issues into account and accordingly it supplied such data to the IWC but noted that hunter safety was a paramount concern. It supported the idea of an intersessional group but did not believe that the IWC would be in a position to adopt binding recommendations by 2012.

The differing views expressed meant that the Working Group did not develop a consensus on the UK's recommendation to establish an *ad hoc* Working Group, although all agreed on the importance of the general issue of animal welfare. The Chair of the Working Group requested that interested countries of all views should consult with the UK to see if a consensus approach could be developed by the Plenary.

#### 6.1.3 Welfare issues associated with the entanglement of large whales

At IWC/62, the Commission received the report of a successful IWC Workshop on welfare issues associated with



the entanglement of large whales<sup>5</sup>. Australia, Norway and the USA provided the Working Group with a way to take forward recommendations from that Workshop including both long and short-term actions. The short term initiatives included:

- (1) convening a second Workshop to be held in Provincetown, USA in October 2011;
- (2) beginning capacity building in identified countries and regions; and
- (3) establishing a standing group of experts who would be able to advise member countries upon request.

The long term initiatives included:

- (1) assisting member countries to undertake research;
- (2) promoting cooperative research; and
- (3) identifying experts and sources of further information.

They also proposed an IWC Voluntary Fund and associated review process be established to assist with the cost of these actions. The Working Group was pleased to endorse these recommendations.

## 6.2 Commission discussions and action arising

### *National Reports and provision of welfare data*

Germany thanked those Contracting Governments who provided information related to the killing of cetaceans and asked all members involved in whaling, particularly Iceland, to report in a similar way. Australia stated that the IWC is the lead international organisation on the conservation and management of whales and that data relevant to welfare is not freely provided by all Contracting Governments. While it was aware that other intergovernmental organisations have a parallel interest in such data, Australia did not view the other organisations as alternatives to the Commission. In relation to whaling, Australia stated that the limited provision of information from some Contracting Governments constrained the ability to assess welfare implications for whales and prevented the necessary dialogue from taking place that would improve welfare standards.

### *UK Workshop on Welfare and Ethics*

The UK thanked the participants and co-sponsors of the workshop which it had convened to discuss animal welfare science and management policies globally. It introduced its proposal to establish an intersessional *ad hoc* group to examine the workshop recommendations to progress animal welfare and ethics issues within the IWC (IWC/63/10). The UK stated that the aim of the proposal was not to focus on killing methods but instead to build trust within the organisation by focusing on the wide range of threats faced by whales and the possibly negative welfare impacts upon them, and it welcomed participants to the proposed group.

Germany, Mexico and Argentina welcomed the recommendations of the UK welfare workshop and looked forward to the creation of the intersessional working group to further develop the recommendations. Australia recognised the importance of addressing welfare and ethics in all interactions with whales including not only whale hunting but also the conduct of scientific research, whalewatching operations and also during efforts to limit the wide range of human threats to whales. It expressed gratitude to the UK and WSPA for hosting the welfare and ethics workshop in which officials from Australia took part. Noting that previous IWC discussions on welfare had often become polarised and controversial, Australia

suggested that it is possible for progress to be made, just as it had been on the issue of entanglements. It stated that the workshop's recommendations would lead to practical steps to improve welfare, and it expressed interest in joining the proposed intersessional group which would consider the recommendations further.

Norway suggested that the impression of whale hunting given by some observers is of an unregulated and poorly controlled activity conducted by people without feelings for the animals or consequences for their actions. This might have been the case in the early days of whaling when the methods of hunting and killing were inefficient and unsatisfactory compared to the methods used today. During the last 20-30 years continuous work had been undertaken to improve whale hunting and though Norway does not consider the IWC to be a competent body to decide on animal welfare issues Norway has, nevertheless, carried out research on welfare and killing issues, submitted data on whale killing and participated in discussions on a voluntary basis. Data and results from a hunt of more than 5,500 whales and more than 25 scientific publications had been submitted in addition to the information provided to IWC Annual Meetings. Several other whaling countries had submitted similar data and publications on whale killing methods. This research had reformed and improved the hunt in many countries and for many species. Therefore Norway considered that there is no lack of information on how whaling is carried out today.

Norway indicated that these reports and publications show that the hunting of whales today, and of certain particular hunts, are probably the best regulated hunts of large animals anywhere in the world as regards rendering the animals unconscious and dead in a fast and painless manner. The potential welfare problems that might occur during whale hunting are, in practice, considerably reduced and the hunters are probably the best trained of any large animal hunters anywhere in the world. However IWC/63/WKM&AWI4 scarcely mentioned these realities and significant contributions, or did so in a biased and misleading way. Norway remarked that today the focus of discussions had changed from earlier important issues such as reductions of time to death to consideration of ethics and the lack of morality in killing whales for food. Norway stated that IWC/63/WKM&AWI4 dealt with several main items, including the ethics related to hunting, the growing whalewatching industry, issues related to ship strikes and science and entanglement issues. In regards to entanglement issues, Norway was the proposer of the first IWC Workshop on entanglement and is a co-sponsor of the proposed continuation of this work. Norway therefore limited itself to comment on the issue of killing where it had specific scientific and practical knowledge. The definition of whales used in the Workshop report included all 76 species of cetaceans, which according to the report need protection as they are regarded to be sentient animals. Norway remarked that whale hunters are also sentient, and that after many years of training and improvement in techniques they care for the whales they are hunting and do their utmost to kill and stun the whales as fast as possible.

About 1,000 large whales are killed for food annually by hunters, fishermen and today's small scale industry. However as this hunt has reduced, another large animal hunt has developed in Europe for the hunting of large terrestrial animals. In many of these hunts, where hundreds of thousands of animals are killed, and also in some culling operations, the hunting regulations are often poor if they exist at all. The training of hunters, the type of weapon and the ammunition

<sup>5</sup>Ann. Rep. Int. Whaling Comm. 2010, p15.

is usually not regulated at all. To Norway, the focus given by several nations and animal welfare organisations in the Commission to the relatively few whales that are killed for food compared to the lack of focus on the huge terrestrial animal welfare issue in the IWC member nations where this hunt takes place is remarkable.

Norway's view was that it is the right and responsibility of the relevant national authorities to progress animal welfare issues in accordance with generally accepted norms and standards and in accordance with their own national legislation. For example, some member states of the IWC use hunting practices and methods for exsanguination of livestock without prior stunning in slaughterhouses that is at variance with Norwegian welfare legislations. However Norway stated that it did not seek to over-rule these practices so long as they occur under the domain and jurisdiction of other countries. It is also common practice in hunting and slaughter that when a given stunning and killing method has been approved on the basis of careful professional scrutiny, as has been the case for the whale hunting in Norway, it is not customary to require continuous monitoring. Instead periodic checks are the normal procedure. Some observers, including IWC/63/WKM&AWI4, compare the time to death in whale hunting with the time to death of stunning and killing livestock in slaughterhouses. Slaughterhouse methods for stunning and killing are far from free of failures, and hunting and slaughterhouse practice cannot be directly compared without the results being biased. Whales, like terrestrial wildlife, are free roaming mammals that cannot be restrained and stunned prior to killing like livestock in slaughterhouses. Whales are wild animals, and the methods used to kill them must be compared with commonly accepted methods for the hunting of large terrestrial mammals. In such comparisons, most whale killing methods compare very favourably. When compared to stunning and slaughter, the effectiveness of whale hunts are close to, and in some cases may be better than, some stunning methods used for livestock with regard to capability to quickly render the animal unconscious and dead.

Norway commented that animal welfare concerns had been the driving force for its work on improvement to the whale hunt. Unfortunately, in recent years, Norway has experienced that the discussions in the IWC have become more and more irrelevant and sometimes counterproductive to this work. Accordingly it had moved its discussions on whale killing methods to NAMMCO. In conclusion, Norway found it difficult to support a workshop report which had such serious shortcomings and did not consider that the report would contribute to a constructive discussion on whale killing issues.

Japan and Iceland supported and endorsed Norway's statement and Japan and Sweden added that the issue is not about the importance of the issue of whale killing methods, it is more of an issue of trust. Sweden also remarked that if 1,000 large whales are killed annually by the hunts, then the IWC should proportionally address the much bigger problem of the several thousand small whales that are bycaught and drowned each year. Mexico expressed its hope that the shortcomings identified by Norway could be corrected by joint work between the intersessional group and Norway and other whaling countries.

The Russian Federation supported improvements in welfare and said that for the aboriginal hunt that it is obvious that there should be improvements in the killing methods so as to reduce times to death. However, it is extremely expensive to use modern weapons, and in the Russian

Federation the whalers live in poor communities. There are complaints from some scientists and observers that modern weapons are not the traditional aboriginal method of hunting the whales; instead they consider that aboriginal hunts should use small boats and traditional harpoons. The Russian Federation hoped that the proposed working group would consider these concerns.

The UK responded to the comments made and indicated that they had listened to the concerns. The proposed terms of reference for the working group specifically tasked it to review IWC/63/WKM&AWI4 in order to: (1) identify knowledge gaps and areas that would benefit from further research; and (2) refine the conclusions and recommendations to those of common agreement. The UK indicated it had shown flexibility on how it would take the work forward. However, it also recognised no consensus existed on the proposed *ad hoc* group so it stated that it would take the work forward intersessionally in collaboration with the countries that had expressed support and would report back to the next meeting.

#### *Welfare issues associated with the entanglement of large whales*

Australia stated that entanglement of large whales in man-made materials is among the most serious threats to marine mammals and expressed delight that the Commission was taking appropriate steps to address the issue. While many countries including Australia had introduced programmes to minimise and mitigate entanglements it is only the IWC that is in a position to exercise global leadership in bringing countries together to better understand the scale and nature of the problem and co-ordinate preventative measures. Australia noted the success of the first Workshop on Large Whale Entanglement held in Maui in 2010, and supported the conclusions from that Workshop especially in relation to building capacity for mitigation, reporting on entanglement events in important regions and focusing on broader options for entanglement prevention. Australia indicated it would continue working with Norway and the USA and hoped other Contracting Governments would also see the benefits of this action to improve the welfare of whales which may be at risk of entanglement.

Argentina welcomed the continued work on entanglements and considered that the joint work of Norway, the USA and Australia was an example of how IWC Contracting Governments can work together to solve sensitive issues.

#### *Presentation on the spring arctic bowhead whale hunt and the weapons improvement programme*

Mr Eugene Brower, Chairman of the Alaska Eskimo Whaling Commission (AEWC) gave a short PowerPoint presentation on the AEWK hunt in the USA. He described the challenges involved in the hunt, most notably the problems associated with shifting fast ice which may cause pressure ridges to develop which prevent access to the open water or return to the safety of the land. He also described the traditional equipment used in the hunt including the open seal skin boats and the hand held harpoons. The harpoon is the primary weapon and has been developed with assistance from Norway so that it now incorporates a penthrite grenade which can reduce the time to death for a bowhead whale to four seconds, this being the length of time on the grenade's fuse. The secondary weapon is an eight gauge gun with a black powder propellant. The penthrite grenades have been distributed to 7 of the 11 AEWK villages and each one costs around US\$1,000, with domestic transportation costs

approaching US\$50,000. The presentation also showed the techniques used for harpooning and recovering a whale onto the fast ice, and the methods used to flense the carcass and distribute the proceeds throughout the community.

## 7. ABORIGINAL SUBSISTENCE WHALING<sup>6</sup>

The Aboriginal Subsistence Whaling Sub-committee met on 6 July 2011 under the Chairmanship of Joji Morishita (Japan). It was attended by delegates from 24 Contracting Governments although two of the four aboriginal whaling countries were absent from the meeting, these being the Russian Federation<sup>7</sup> and St Vincent and The Grenadines. The Chair of the ASW Sub-committee noted that the Committee's discussions should be understood in the context of the absence of these two countries. 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 Scientific Committee's work and discussions. The full report of the ASW Sub-committee is available in Annex F.

### 7.1 Aboriginal Subsistence Whaling Management Procedure (AWMP)

#### 7.1.1 Report of the Aboriginal Subsistence Whaling Sub-committee

##### 7.1.1.1 PROGRESS WITH THE GREENLANDIC RESEARCH PROGRAMME

For several years, the Scientific Committee focused on developing assessment methods for common minke whales off West Greenland using the observed sex ratio in the catches. Despite enormous effort, a fully tested method proved elusive. Further developmental work on this approach will be of low priority since the Scientific Committee can now provide consensus reliable interim management advice for two 5-year blocks i.e. up to 2017 (see Annex F, Item 5.3). Long-term *Strike Limit Algorithms* or *SLAs* for the Greenland hunt are required before then. Those for common minke and fin whales will be most difficult and must take into account *RMP Implementations*. The Scientific Committee has assigned this high priority.

The Scientific Committee also examined a response to last year's recommendations for data collection with respect to conversion factors from edible products to whales. It recognised the logistical difficulty of collecting the data it had recommended in remote areas, but requested that more detail be provided to enable evaluation of the proposed programme next year.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

##### 7.1.1.2 PREPARATION FOR THE IMPLEMENTATION REVIEW FOR GRAY WHALES

Last year it was agreed that an immediate new *Implementation Review* was needed to evaluate *SLAs* for proposed hunting by the Makah tribe focusing on the small Pacific Coast Feeding Group (PCFG) that numbers around 200 animals. Considerable progress was made by the Scientific Committee during the year. Work is continuing to develop the necessary trials to incorporate uncertainty and determine whether the somewhat complex *SLA* proposed by the Makah tribe is safe. The Committee should complete the *Review* next year.

Extremely interesting information was received that gray whales from the western population can visit the eastern Pacific (see Item 5.4). This new information adds uncertainty to the understanding of gray whale stock structure. However, the Scientific Committee agreed that there is no need to revise stock structure assumptions at present and further range-wide studies are needed. Existing trials evaluate *SLAs* in the context of eastern gray whales only. The Committee stressed the need to estimate the probability of a western gray whale being taken in aboriginal hunts.

In discussion, it was noted that any agreed *SLA* must show acceptable performance in line with the objectives already provided by the Commission. If it does not meet such standards then alternatives would need to be developed and tested by the Scientific Committee.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

#### 7.1.2 Commission discussions and action arising

India recognised the onerous role of IWC in the conservation of whales and other cetaceans and offered its fullest cooperation. It supported the continued moratorium on killing of whales and therefore found it disturbing that a large number of whales are being caught reportedly for scientific research. With regard to the issue of aboriginal subsistence whaling, India considered that IWC should work to systematically reduce the dependence of aboriginal communities on whales by providing them alternate food resources and livelihoods, for example through whalewatching and eco tourism. India supported building a sustainable whalewatching industry. The Russian Federation responded to India's comments under Item 7.6.

### 7.2 Aboriginal Whaling Scheme

#### 7.2.1 Report of the Aboriginal Subsistence Whaling Sub-committee

In 2002, the Scientific Committee recommended an Aboriginal Subsistence Whaling Scheme for Commission adoption that covered a number of practical issues<sup>8</sup> and it reaffirmed its recommendation this year. It was recognised that Commission discussions of some aspects of this have not been completed and the ASW Sub-committee noted the Scientific Committee report.

#### 7.2.2 Commission discussions and action arising

There were no discussions under this agenda item.

### 7.3 Aboriginal subsistence whaling catch limits

#### 7.3.1 Bering-Chukchi-Beaufort Seas stock of bowhead whales (annual review)

##### 7.3.1.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The Scientific Committee examined new information on stock structure and abundance, particularly in the context of the forthcoming *Implementation Review*. It was pleased to hear of two successful field efforts but noted that a new abundance estimate will not be available in time for the 2012 *Implementation Review*. However such an estimate is not a requirement for an *Implementation* and once available, a new estimate can be incorporated routinely into the *SLA* for the provision of management advice.

In 2010 in Alaska, 71 bowhead whales were struck of which 45 were landed; two were taken off Chukotka. The Scientific Committee reaffirmed its advice that results from the *Bowhead SLA* show that the present strike limits will not harm the stock.

<sup>6</sup>For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage.* 13 (Suppl.) [2012].

<sup>7</sup>The Russian Federation was later able to join the Plenary meeting.

<sup>8</sup>*Ann. Rep. Int. Whaling Comm.* 2002: 12-15.



The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

#### **7.3.1.2 COMMISSION DISCUSSIONS AND ACTION ARISING**

Mexico recalled that the bowhead whales of the Bering-Chukchi-Beaufort seas had been severely depleted by whaling and were protected in 1931. However the stock is now over 10,500 animals. To a great extent this success is due to the excellent work of the Alaska Eskimos through their own Commission. They had been able to save the bowhead whale and they had been able to support whaling activities that are traditional. They had also promoted research activities for better management of the stock. Mexico considered that they had become an example for transparency and quality in their studies and wished that many of these types of studies would be funded by Greenland in relation to their hunt.

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

##### **7.3.2.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE**

The Scientific Committee welcomed new information from Mexico and the west coast of the USA. It commended these valuable long-term monitoring programmes and recommended their continuation. It also encouraged a collaborative quantitative integrated analysis of data from them.

A total of 118 gray whales was landed in Chukotka in 2010; no whales were struck and lost but there was one stinky whale. The *Gray Whale SLA* remained the appropriate tool to provide management advice for the Chukotka hunt. It shows that the present catch limits will not harm the stock.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

#### **7.3.2.2 COMMISSION DISCUSSIONS AND ACTION ARISING**

There were no Commission discussions under this item.

#### *7.3.3 Common minke whale stocks off Greenland (annual review)*

##### **7.3.3.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE**

###### **EAST GREENLAND**

For East Greenland in 2010, 9 common minke whales were struck and landed. In 2007, the Commission agreed to an annual quota of 12 from the stock off East Greenland for 2008-12. The present strike limit represents a very small proportion of the Central Stock and the Scientific Committee agrees it will not harm the stock.

###### **WEST GREENLAND**

For West Greenland in 2010, 179 common minke whales were landed and 7 were struck and lost. In 2009, the Scientific Committee was for the first time able to provide satisfactory management advice for this stock. Last year, the Commission agreed to reduce limits in accord with Scientific Committee advice. The Scientific Committee repeats its advice of last year that an annual strike limit of 178 will not harm the stock.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

#### **7.3.3.2 COMMISSION DISCUSSIONS AND ACTION ARISING**

There were no Commission discussions under this item.

#### *7.3.4 West Greenland stock of fin whales*

##### **7.3.4.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE**

In 2010, four fin whales were landed and one was struck and lost. In 2007, the Commission agreed to a catch limit (for the

years 2008-12) of 19 fin whales struck off West Greenland. Last year, the Commission agreed that this should be reduced to 16 animals with a note that this will be voluntarily limited to 10 by Greenland. Using the agreed approach to provide interim advice, the Committee agreed that an annual strike limit of 16 (and therefore also 10) whales will not harm the stock.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

#### **7.3.4.2 COMMISSION DISCUSSIONS AND ACTION ARISING**

There were no Commission discussions under this item.

#### *7.3.5 West Greenland stock of bowhead whales*

##### **7.3.5.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE**

In response to a request last year, the Secretariat wrote to Canada requesting information on the Canadian hunt of bowhead whales. The information received was incorporated into the Scientific Committee discussions.

The current working hypothesis being considered by the Scientific Committee is for a single stock of bowhead whales in this region. The Committee again recommended that genetic analyses to be presented to the 2012 meeting but recognised that much of the existing data are held by a non-member nation, Canada.

In 2010, three bowhead whales were harvested and biological samples were obtained from all three. In 2007, the Commission agreed to a quota for 2008 to 2012 of two bowhead whales struck annually (plus a carryover provision) but only with annual review. Using the agreed approach to provide interim advice, the Scientific Committee again agreed that the current catch limit for Greenland will not harm the stock.

The Scientific Committee took into consideration the Canadian catches from the same stock. If these continue at a similar level as in recent years, it will not change the Committee's advice. It was again recommended that the Secretariat should continue to contact Canada requesting information about catches and catch limits for bowhead whales.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

#### **7.3.5.2 COMMISSION DISCUSSIONS AND ACTION ARISING**

There were no Commission discussions under this item.

#### *7.3.6 Humpback whales off West Greenland*

##### **7.3.6.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE**

A total of nine humpback whales were landed in 2010. Last year, the Commission established an annual strike limit of nine whales for the years 2010-12 with an annual review by the Scientific Committee. Using the agreed approach for providing interim advice, the Scientific Committee agreed that an annual strike limit of nine whales will not harm the stock.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

#### **7.3.6.2 COMMISSION DISCUSSIONS AND ACTION ARISING**

There were no Commission discussions under this item.

#### *7.3.7 North Atlantic humpback whales off St Vincent and The Grenadines*

##### **7.3.7.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE**

No information was provided to the Scientific Committee on 2010-11 catches by St Vincent and The Grenadines.

The sub-Committee strongly recommended that catch data, including the length of harvested animals, genetic samples and photographs be provided to the Scientific Committee. These animals 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 Committee agreed that this block catch limit will not harm the stock.

In discussion, the Chair of the SWG noted that the Scientific Committee, while recognising the difficulties in collecting data in remote areas, had made a general recommendation encouraging data collection for all subsistence hunts.

The Sub-committee endorsed the report of the Scientific Committee and its recommendations.

#### 7.3.7.2 COMMISSION DISCUSSIONS AND ACTION ARISING

Austria recognised the absence of St Vincent and The Grenadines but it wished to note that in 2010 the Commission agreed to waive the share portion of the annual financial contribution attracted by St Vincent and The Grenadines' annual hunt under the condition that they collect the samples and data requested by the Scientific Committee and submit those in time to the appropriate body. It is important that the Scientific Committee gets the data collection from all hunts so Austria asked the Secretariat to approach St Vincent and The Grenadines for more timely and complete submission.

### 7.4 Preparation for 2012 review of catch limits

#### 7.4.1 Report of the Aboriginal Subsistence Whaling Sub-committee

The USA had submitted four documents to the Sub-committee under this item, and discussions were not limited to preparation for the 2012 review but also included broader and longer-term issues. Before discussing the individual items, the USA noted a general desire to address several unresolved issues regarding ASW. It believed it was not feasible to fully consider all the issues at a single meeting and it recommended a two-step process: short-term issues and longer-term issues. The latter could be addressed by a small *ad hoc* working group with membership, terms of reference and method of operation determined by the Sub-committee. It proposed that the group would: (1) review relevant past actions; (2) determine further work; and (3) suggest solutions.

#### 7.4.2 Sub-committee discussions on specific proposals raised by the USA

##### 7.4.2.1 REPLACEMENT OF THE TERM 'ABORIGINAL'

The USA introduced its proposal to replace the term 'aboriginal' with the term 'indigenous'. In recent years, some Commissioners have suggested that the term 'aboriginal' can be offensive and/or a misnomer. The USA proposed a number of actions to implement the change of terminology and several comments and clarifications were made in discussion. In conclusion, the Sub-committee noted the generally positive sentiments regarding the USA's proposal. However, noting the absence of some ASW countries and the expressed need for more time to consider the proposal, the Sub-committee recommended that the USA continues bilateral and multilateral discussions to try to develop a proposal that could be adopted by consensus at Plenary.

##### 7.4.2.2 FACILITATING TECHNICAL EXCHANGE ON ASW HUNTS

The USA noted that in the past several countries had commented on the lack of exchange of information between ASW nations on common matters. In fact, they noted that delegations and hunters of the ASW countries regularly

discuss these matters including within the informal 'ASW caucus'. The USA suggested an approach to take this forward. Again, the Sub-committee noted the generally positive sentiments regarding the US proposal. It recommended that the USA continues bilateral and multilateral discussions with the two ASW countries not present prior to Plenary.

##### 7.4.2.3 GUIDELINES FOR PREPARATION OF NEEDS STATEMENTS

The USA considered that although the definition of ASW suggests what material might be contained in a needs statement, there is no formal Commission guidance on what should be included. The USA proposed potential guidelines for needs statements but suggested the issue should be considered a long-term one. Again, the Sub-committee noted the generally positive sentiments regarding the US proposal. It recommended that the USA continued bilateral and multilateral discussions to try to develop a proposal that could be adopted by consensus at Plenary. It also recommended that a background document developed by the Head of Science on related matters (document IWC/63/13) be submitted to Plenary for information.

##### 7.4.2.4 CONSIDERATION OF LONG-TERM ISSUES

The USA outlined a process to address long-term ASW issues including the idea of an *ad hoc* working group. It proposed that the group should comprise the four ASW countries and a small number of other interested parties including the Scientific Committee and the Secretariat so as to allow an in-depth study of the issues. A proposed list of issues was included to assist discussion in the Sub-committee as were terms of reference. There should be a progress report in 2012 and a final report at IWC/65 or beyond.

In discussion, it was noted that there would be minimal budgetary implications. It was also recognised that the Scientific Committee already consider longer periods than 5 years when testing *SLAs*. Denmark believed that it would be wise to work on this initiative over a 2-year period.

Again, the Sub-committee noted the generally positive sentiments regarding the US proposal. It recommended that the USA continued bilateral and multilateral discussions to try to develop a proposal that could be adopted by consensus at Plenary. Requests for additional work by the Scientific Committee should come from the Commission.

The proposal to establish the *ad hoc* group was considered by the Commission under Agenda Item 7.5 below.

### 7.5 Proposal to establish an *ad hoc* Aboriginal Subsistence Whaling Working Group

#### 7.5.1 Introduction by the USA

The USA remarked that since last year it had heard a number of concerns expressed about the ASW process, some of which were listed in IWC/63/Rep3. In that Sub-committee, the USA had recommended a two-step process of dividing the issues into those that might be addressed short-term and those that might require a longer term to resolve. The USA had further proposed three short-term issues that might be considered at this meeting which were: (1) changing the word aboriginal in ASW; (2) advancing the exchange of technical hunting information between ASW parties; and (3) developing a standardised approach to needs statements. Based upon discussions in the Sub-committee and in subsequent consultations, the USA had decided not to pursue those three proposals in Plenary since they all required further work. In the ASW Sub-committee, the USA had also recommended the creation of a small *ad hoc* working group to address unresolved ASW issues. Such a small group would facilitate the in-depth consideration that the ASW

issues deserve. The USA was encouraged by the positive support received following the Sub-committee meeting and it had developed document IWC/63/12 proposing that the Commission establish an *ad hoc* ASW Working Group. Subsequent extensive consultations had led to a revision, IWC/63/12rev, which included changes to the Terms of Reference. The revision also included a reference to the list of possible unresolved ASW issues and clarification of the meanings of short-term (i.e. before IWC/64 in 2012) and long-term (meaning IWC/65). The USA noted that a request for assistance on ASW quota advice had already been made to the Scientific Committee through the report of the small working group on meeting frequency (IWC/63/Rep7) and so this requirement would not be addressed through the *ad hoc* group. The USA indicated it had consulted extensively on the revised proposal and hoped it could be adopted by consensus.

#### 7.5.2 Commission discussions and action arising

Portugal, Spain, Colombia, St Kitts and Nevis and Poland (speaking on behalf of other EU Contracting Parties) supported the proposal.

Sweden welcomed the proposal and considered it essential for the IWC to reconsolidate its outdated rules on ASW. It noted that the Commission's ideas on ASW stemmed from the previous Whaling Convention from 1931, making the thinking and wording 81 years old. Sweden noted that one of the items that needed to be elaborated was needs statements and it recalled its surprise at seeing how such old rules were applied when the Commission considered the elaborate needs statements from the USA on the nutritional subsistence and cultural needs of the Makah tribe. With regard to commerciality, Sweden noted there were different attitudes to this even among the ASW countries, and that harmonisation and modernisation was needed. Lastly, the United Nations Declaration on the Rights of Indigenous Peoples as well as its Convention on the Law of the Sea shaped a completely different background for the Commission to operate under instead of the one that prevailed 65 or 80 years ago. Spain supported Sweden's comments.

Switzerland recognised that respect for indigenous knowledge, cultures and traditional practices contribute to sustainable and equitable development and proper management of the environment. Switzerland also recognised that indigenous people possess collective rights which are indispensable for their existence, well being and integral development as peoples. Moreover, indigenous people have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements and to have states honour and respect such treaties, agreements and other constructive arrangements. Switzerland recognised the United Nations Declaration on the Rights of Indigenous Peoples and was of the opinion that the IWC should act in the spirit of that declaration. Catch quotas were allocated to indigenous communities for their subsistence need in the past and the Commission should allocate such quotas in the future. Switzerland therefore supported the initiative by Denmark, the Russian Federation and the USA to form a Working Group, and said that it was most important to have this item well-prepared to allow the Commission to make the quota renewal decisions during next year's meeting. Switzerland also noted that there were other aspects on this item to be addressed including catch

quotas and a possible move from a five year period to a four or six year term and improvement of the hunting methods. Switzerland indicated it would like to participate within this Working Group if it should be established.

Argentina referred to the list of unresolved ASW issues and proposed inclusion of the relationship between tonnes and the number of whales, including the conversion factor. Argentina also indicated its interest in giving attention to issues related to animal welfare, efficiency of ASW operations and data collection from humpback whales including photographs of fins, sizes, samples for DNA analyses and other topics. Mexico indicated that they understood the logic behind a needs statement expressed in kilograms, but noting that whaling did not work that way, they agreed with Argentina and supported the need to standardise needs statements and enquired if Greenland would help develop the AWMP. Colombia supported Argentina and Mexico's comments.

Norway recorded its positive attitude to proposals which will make it easier for aboriginal people to improve their hunting methods and obtain their sustainable quotas. Norway said the sustainability question was determined by the Scientific Committee and it recognised that although the management procedures for aboriginal and commercial whaling are different, and probably have to be different, with stronger precautionary rules for the commercial hunt than for the aboriginal, both sets of procedures are safe and ensure sustainable catches. Apart from the differences in management procedures, Norway's opinion was that the work of the Scientific Committee as far as possible should follow similar rules for establishing abundance estimates, deciding stock identity questions, time periods between *Implementation Reviews* and phase out rules for the two types of whaling.

For this reason Norway did not think it was a good idea to take the discussion of these and other questions related only to the aboriginal hunt more or less out from the Commission to a special long term working group. Consequently Norway did not support the proposal.

However, Norway fully supported the ASW nations wish to improve the exchange of information on hunting techniques, equipment, hunter safety and animal welfare aspects of the hunts, and Norwegian scientists in the relevant fields would continue to assist aboriginal people on these issues in the future as they had done in the past. Norway also pointed out that such coordination work is ongoing in the North Atlantic Marine Mammal Commission. Iceland supported Norway's statement, and also indicated that it supported sustainable whaling in any form and this includes aboriginal subsistence whaling that is sustainable. From its perspective, what was important was sustainability, and it considered there were only two categories of whaling, sustainable whaling and non-sustainable whaling.

The Chair asked whether Norway or Iceland would block the consensus adoption of the proposal to establish the *ad hoc* group. Norway indicated that it had made a statement on a topic which it felt was important for the future normalisation of the organisation. However it recognised that there was a majority of voices in favour of the proposal and in line with the good spirit of cooperation it would not stand in the way of a consensus decision. Iceland supported this intervention from Norway.

The Chair then confirmed that the Commission had adopted by consensus the proposal outlined in IWC/63/12rev to establish an *ad hoc* Aboriginal Subsistence Whaling Working Group.



Argentina enquired how many participants the USA expected the group to comprise, and the USA responded that it envisaged a group with eight members, four of whom would be the ASW Contracting Governments and four would be non-ASW Contracting Governments to represent the different positions expressed at the IWC. Argentina indicated it would be willing to join the group, and asked if it would be possible for the Buenos Aires Group of Contracting Governments could have two members on the group. The Russian Federation noted that Switzerland had agreed to act as one of the four countries, and that after a preliminary conversation Austria and Japan had also agreed to participate. With Argentina this brought the total to four which was the total required, and in the interest of maintaining a small group the Russian Federation requested Argentina to discuss within the Buenos Aires Group so that it could represent their views and participate by itself on the *ad hoc* group. Argentina thanked the Russian Federation for its explanation and said it would discuss the matter within the Buenos Aires Group. Chile supported Argentina's comments. The USA indicated that in addition to working with the Chair and the Head of Science, it envisaged participation by at least one member of the Scientific Committee, possibly Dr Gales from Australia if he was willing to participate. The USA suggested that the final decision on membership of the Working Group be left to the Chair. The Russian Federation supported this suggestion and noted there would be a working discussion with the Buenos Aires Group.

#### **7.6 Adoption of the report of the Aboriginal Subsistence Whaling Sub-committee**

The Chair requested the adoption of the report of the ASW Sub-committee.

The Russian Federation agreed with the adoption of the report and thanked Mr Morishita for his excellent work. The Russian Federation referred to the intervention from India (Item 7.1.2), regarding the need to lower the quotas for the aboriginal hunt. The Russian Federation indicated that upon return to Moscow it would be requesting information from the Indian Government on why it had taken its position. Denmark concurred with the views of the Russian Federation. India responded that it had not said the quota of aboriginal communities should be reduced. Instead, it said there was need to systematically reduce the dependency of aboriginal communities on whales. It had not put a limit on the time that it would require for coming to a reduced quota but it did feel that there was a need for moving in that direction.

The Commission adopted the report of the Aboriginal Subsistence Whaling Sub-committee and endorsed its recommendations.

## **8. REVISED MANAGEMENT SCHEME**

### **8.1 Revised Management Procedures (RMP)<sup>9</sup>**

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.

<sup>9</sup>For full details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage. (Suppl.)* 13. [2012].

### **8.1.1 Report of the Scientific Committee**

#### **8.1.1.1 GENERAL ISSUES**

##### **MAXIMUM SUSTAINABLE YIELD RATE**

An ongoing task for the Scientific Committee has been to review the range of values used for the Maximum Sustainable Yield Rate (MSYR) which relates to the productivity of the stocks. This review is necessary before the Committee can evaluate a Norwegian proposal to amend the *CLA*. At present, the range of values used for the MSYR is 1%-7% of the mature component of the population. This year, despite considerable work and progress, the Committee was unable to complete the review. However, it had agreed a detailed work plan to complete its review and finalise the approach for evaluating amendments to the *CLA* next year.

##### **THE RELATIONSHIP BETWEEN THE PHASE-OUT RULE AND ABUNDANCE ESTIMATES BASED ON MULTI-YEAR SURVEYS**

Following the changes to the RMP specifications and annotations agreed in 2010, the Scientific Committee next considered a change to the catch limit phase-out rule which logically leads directly from last year's changes. The change considered this year is to clarify that the phase-out rule will not come into play until eight years after the last abundance estimate when the abundance estimate is derived from a series of six surveys. This change has already been tested and so is in accord with the results of testing the RMP and its conservation performance. The Scientific Committee will be putting the full RMP and associated guidelines on the IWC website and will publish them in the *Journal of Cetacean Research and Management*.

##### **MODIFICATION TO THE CATCHLIMIT COMPUTER PROGRAMME**

The 'CatchLimit' computer programme is used to implement the *CLA*. A modification is required to update the code so as to allow input of a variance-covariance matrix of abundance estimates, which is one of the required quantities that must be provided in order to implement the *CLA*.

##### **REQUIREMENTS AND GUIDELINES FOR CONDUCTING SURVEYS AND IMPLEMENTATIONS**

An important component of the RMP is the Scientific Committee's requirements and guidelines for conducting surveys and *Implementations*. These guidelines provide features of acceptable abundance estimates. The Committee did not suggest additional changes to the guidelines this year, but did agree to examine the acceptability of abundance estimates that are derived from relatively new model-based analyses. Before next year the Scientific Committee will examine improved optimisation methods for conditioning trials which are used in *Implementation Reviews*.

#### **8.1.1.2 IMPLEMENTATION PROCESS**

##### **WESTERN NORTH PACIFIC BRYDE'S WHALES**

The *Implementation* for western North Pacific Bryde's whale was completed in 2007. Following on from this, Japan has been developing a proposal for a research programme to allow it to use a 'variant with research' option to determine catch limits. This year, Japan informed the Scientific Committee that instead of presenting a new research proposal it will provide new information on stock structure to the next *Implementation Review*. This is timely since the Committee agreed to begin preparations for the 2013 *Implementation Review* during next year's meeting.

##### **CENTRAL NORTH ATLANTIC FIN WHALES**

The North Atlantic fin whale *Implementation* was completed in 2009. At that time Iceland decided that it wished to pursue a 'variant with research' option. As for the Bryde's whale

case above, the focus would be to show that a particular stock structure hypothesis that was considered during the *Implementation* was actually of low plausibility. The Scientific Committee received two papers addressing this issue. It recognised that good progress had been made with the development of the research programme and looked forward to receiving a revised version of the research proposal at next year's meeting. The Committee also received an analysis of existing data that suggested the stock hypothesis in question is of low plausibility. The Committee suggested that these analyses are carried out in the context of *Implementation Simulation Trials* before next year's meeting. If Committee resources and scheduling permit, an *Implementation Review* for this species is proposed for 2014.

To assist with stock structure discussions of North Atlantic fin whales, the Scientific Committee welcomed an analysis of data from the Icelandic DNA registry and looked forward to similar future analyses. In addition, the Scientific Committee received new abundance estimates for fin whales and other species in European Atlantic waters. These estimates were derived from a model-based approach and the methodological issues raised will be considered next year.

#### WESTERN NORTH PACIFIC COMMON MINKE WHALES

At IWC/62 in 2010, an *Implementation Review* for western North Pacific common minke whales was initiated according to the formal schedule but it was recognised that the 2-year process would be challenging because of the complexity of the stock structure involved and the fact that whaling occurs on the migration path rather than on the feeding grounds. To deal with these challenges, the Scientific Committee undertook two, rather than the usual one intersessional Workshop. An enormous amount of work was undertaken intersessionally and during the Scientific Committee Annual Meeting. Considerable progress was made, especially with respect to clarifying the stock structure hypotheses and reviewing abundance estimates. Some simplification of one of the stock structure hypotheses has been agreed to. However, despite all of the hard work, it proved impossible to complete the first stages of the schedule on time, especially the 'conditioning'. The term conditioning is used to describe the process of ensuring that the computer models designed to mimic proposed hypotheses are consistent with the available data. This step must be completed before the Scientific Committee can use simulation testing to investigate the effects of uncertainties in the data.

Given the great complexity of this *Implementation* compared to the previous ones, the Committee agreed that the objectives of next year's meeting will effectively become a repeat of this year. This represents a 1-year delay from the normal timetable. A work plan (including an intersessional Workshop) has been developed that should guarantee completion of the necessary work so that final advice can be provided at the 2013 Annual Meeting.

#### IMPLEMENTATIONS TIMETABLE

The Scientific Committee reported its concerns over the feasibility of its future timetable for RMP work. In 2013 the Committee have scheduled both the final year of the *Implementation* for the western North Pacific common minke whale and the *Implementation Review* for the western North Pacific Bryde's whale. It is not possible to undertake two major *Implementations* or *Implementation Reviews* simultaneously and the Scientific Committee will review this matter further at IWC/64 in 2012.

#### 8.1.1.3 ESTIMATION OF BYCATCH AND OTHER HUMAN-INDUCED MORTALITY

Under the RMP, recommended catch limits must take into account estimates of mortality due to human factors such as bycatch and ship strikes. These factors also have other conservation and management implications outside the RMP context. Ship strikes are discussed by the Commission's Conservation Committee and entanglement has been discussed by the Working Group on Whale Killing Methods and Animal Welfare Issues.

The Scientific Committee's work on ship strikes was presented to the Conservation Committee (IWC/63/Rep5). The Committee's work on bycatch proceeds through its collaboration with the Food and Agriculture Organisation (FAO) on a shared bycatch database. The value of such a database is conditional on good data. As in previous years, the Scientific Committee recommended that all countries submit Progress Reports that include information on large whale mortality. In that regard the Committee was pleased to note that the Secretariat is developing a system for online submission of Progress Report information. A pilot system is under evaluation and the final version should be available for the submission of next year's reports to the Scientific Committee meeting in 2012.

The Committee welcomed the report of the 2010 Workshop on the Welfare of Entangled Whales, particularly the guidelines for collection and reporting of data on entanglements and the list of health assessment data items. It also welcomed the proposal for a follow-up Workshop in October 2011.

#### 8.1.2 Commission discussions and action arising

##### 8.1.2.1 EVALUATION OF MSYR RATES

Norway recalled that its proposal to amend the *CLA* was made in 2004 both to the Commission and in the Scientific Committee. The results were presented two years later with additional points provided by Norway in 2007. Norway noted this was four years ago and expressed its disappointment that no progress had been made on this issue, even though each year progress is promised. It expressed its hope that next year the Scientific Committee would revise the MSYR rates and also discuss proposals to amend the *CLA*.

##### 8.1.2.2 CENTRAL NORTH ATLANTIC FIN WHALES

Monaco noted that Iceland caught 125 fin whales in 2009 and 148 in 2010 under objection to the moratorium on commercial whaling. Monaco stated that if whaling is to take place it should do so under scientific advice. It also suggested that the catches were in excess of a limit of 48 recommended by the Scientific Committee as part of the work of the Scientific Assessment Group convened during the 'Future of the IWC' process. Monaco commented that fin whales are considered endangered by the IUCN. It advised Iceland to be precautionary in any further increases of their catches from a stock which is considered vulnerable and fragile. The UK supported these comments.

In responding to Monaco's comments, Iceland indicated that the Scientific Committee had not recommended a catch limit of 48 fin whales. It noted that as part of the output of the Scientific Assessment Group (SAG)<sup>10</sup> a series of catch numbers were put forward and that 48 was the lowest of those numbers. Instead Iceland stated that its catch limits for North Atlantic fin whales were based on scientific assessments generated within the NAMMCO scientific committee, which were based on the RMP developed by

<sup>10</sup>Document IWC/M10/SWG6 Report of the Scientific Assessment Group.

the IWC's Scientific Committee. Iceland was certain that its catch numbers were conservative and also well below the maximum sustainable yield. In regard to the statement that fin whales are endangered, Iceland noted that this was based on the global IUCN assessment which is dominated by the depleted status of fin whales in the Southern Hemisphere. The stock of fin whales around Iceland is close to pre-exploitation levels and is completely independent of the stock in the Southern Hemisphere, and so cannot in any way be considered to be endangered.

The Chair of the Scientific Committee clarified that last year, the Scientific Committee reviewed the work of the Scientific Assessment Group. It presented several different potential catch limits between 46 and 155 which were dependent on different factors<sup>11</sup>. The catch limit of 46 was derived from a tuning value of 0.72 (this being the tuning level previously approved by the Commission) and under stock structure hypotheses that did not require further research. The catch limit of 155 was derived from a tuning value of 0.60 (this tuning value being included at the request of some Contracting Governments) and under stock structure hypotheses that did require further research.

Mexico asked whether the number of whales taken by Iceland in 2009 and 2010 (125 and 148 respectively) exceeded the catch limits generated by the Commission's agreed tuning level of 0.72. The Chair of the Scientific Committee responded that this was the case; the value of 155 was relevant if the 0.60 tuning level and the use of variant 2 (which needs research) was considered acceptable.

New Zealand commented that Iceland's fin whale catch is problematic both from a process and a conservation point of view. The fact that Iceland has chosen to apply its own methodologies, not enforced by the Commission and to take whales vastly in excess of previous practices in recent years has caused enormous concern within this Commission and in the outside world. New Zealand indicated that it did not agree with this practice which it considered to be unlawful behaviour. The USA and Australia supported the comments made by Monaco, Mexico and New Zealand.

In regards to the debate on legality of whaling, Iceland noted that it has a legal reservation to the moratorium on commercial whaling so its whaling is fully legal. It also stated that it calculated its catch limits on a scientific basis and participated in the IWC's Scientific Committee. In layman's terms, Iceland said that its annual quota is 154 out of a total stock of roughly 20,000 whales, which from a common sense point of view it considered to be fully sustainable. Iceland drew a comparison between its North Atlantic fin whale hunt and the aboriginal bowhead hunt undertaken in Alaska which in both cases had catch quotas which were the equivalent of 0.65% of the total stock each year. Thus it considered its North Atlantic hunt had a roughly equivalent sustainability to the Alaskan aboriginal hunt.

Norway supported the right for Iceland to harvest its whales in a sustainable manner and supported Iceland's arguments.

#### 8.1.2.3 WESTERN NORTH PACIFIC COMMON MINKE WHALES

The Republic of Korea recalled that North Pacific minke whales had been utilised as a traditional food for a long time. Since the introduction of the moratorium on commercial whaling in 1986 Republic of Korea has imposed a total ban on commercial whaling in its waters. However, the Republic of Korea reported that minke whales have now recovered to

a higher level than in the 1970s. Therefore they expect that someday the Commission will approve and recognise their long aspiration to resume harvesting of these animals.

The Republic of Korea also noted that the ICRW states that the conservation and use of whale resources should be based on the best scientific information available, and that this year the Scientific Committee commenced the first *Implementation Review* of the North Pacific minke whale; a process which was originally scheduled for completion in 2012. This has been deferred by one year and will now be finalised in 2013. Republic of Korea noted from the report of the Scientific Committee that more data including biological and ecological information appear to be needed to reduce uncertainties. It hoped that relevant countries and scientists would exert efforts to resolve this problem so that the RMP procedure could be completed by 2013.

Japan acknowledged the tremendous efforts of all scientists and the whole Scientific Committee who have engaged in the *Implementation Review* for this stock. Japan noted that it is regrettable that the process is delayed for one year, but recognised this is not because of lack of effort on the part of scientists. Japan noted that a variety of different hypotheses had been discussed in the Scientific Committee, and although the views of its own scientists were that some of the hypotheses are too complicated, Japan would continue to engage in the Scientific Committee discussions.

The UK noted that the last written specification of the RMP was published in 1999. There have since been a number of amendments, and last year the Scientific Committee made a recommendation in its report, which was approved by the Commission, which requested that the revised consolidated revised version of the RMP be published in full in the next Supplement to the *Journal of Cetacean Research and Management*. However the UK noted that the RMP had not been published in the latest edition of the Supplement to the *Journal*. Accordingly the UK asked the Secretariat to ensure the RMP is published in the next Supplement to the *Journal*. Mexico supported these comments, and also asked the Secretariat to post the RMP on the Commission's website at the time of publication.

The IWC Head of Science, who is also the Editor of the *Journal of Cetacean Research and Management*, responded that last year a number of changes had been agreed to the specifications of the RMP including that the maximum period of validity of catch limit calculations should be extended from five to six years to be consistent with the six year cycle of surveying which was already specified in the RMP. It was subsequently recognised that this change would require a consequential amendment to the phase-out rule which would have to be (and was) agreed by the Scientific Committee at its 2011 meeting. Therefore, it had been deemed more appropriate (and cost-effective) to publish the RMP when this consequential change had also been agreed. The Head of Science also confirmed that the updated RMP would be placed on the Commission's website at the time of publication in the *Journal*.

Chile requested clarification on why the Scientific Committee was recommending a modification of the RMP phase-out rule from eight to ten years. The Chair of the Scientific Committee responded that this was a necessary change to allow the Committee to utilise survey data obtained from the surveys which were conducted in blocks of six years, and that the Committee had already tested the inter-survey interval as being safe up to a period of ten years<sup>12</sup>.

<sup>11</sup>See *J. Cetacean Res. Manage. (Suppl.)* 12 [2011] pp.62-64.

<sup>12</sup>For a full account of the Scientific Committee's discussions see *J. Cetacean Res. Manage. (Suppl.)* 13 [2012].



#### 8.1.2.4 ESTIMATION OF BYCATCH AND OTHER HUMAN-INDUCED MORTALITY

There were no Commission discussions under this item.

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

#### 8.2 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. There have been no specific discussions on the RMS in Plenary since then although the RMS was included as part of the discussions on the 'Future of the IWC' held between 2007 and 2010 (see Item 4).

The USA made an intervention under this item to clarify its opinion on setting annual catch limits. It noted that the approaches for management of subsistence whaling and commercial whaling are different because the Commission has given different policy advice for the different types of hunt. The USA considered it inappropriate to apply the *Strike Limit Algorithm* for bowhead whales to commercial whaling catch limits. The Commission has adopted explicit management objectives for each type of whaling and this was done to provide guidance to the Scientific Committee when it was developing management procedures for each type of whaling, for example, while commercial whalers were not allowed to take whales from depleted populations (defined as 54% of the MSY stock level), aboriginal subsistence hunters were allowed this privilege. The USA stated that member countries should follow the advice from the Scientific Committee appropriate to the particular form of whaling that they have chosen to prosecute. Monaco, Mexico and Ecuador supported this statement.

### 9. SANCTUARIES

#### 9.1 Issues raised in the Scientific and Conservation Committees

##### 9.1.1 Report of the Scientific Committee

The Chair of the Scientific Committee reported 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.

##### 9.1.2 Report of the Conservation Committee

The Chair of the Conservation Committee reported that the Agoa Sanctuary for marine mammals in the French Caribbean has been officially created. A steering committee had been established and both financial and human resources provided to ensure good governance of the Sanctuary and improve scientific knowledge.

The Chair of the Conservation Committee also reported that the second International Conference on Marine Protected Areas and Marine Mammals would take place in November 2011 in Martinique.

##### 9.1.3 Commission discussions and action arising

The Commission noted the Scientific Committee and Conservation Committee's reports.

#### 9.2 South Atlantic Whale Sanctuary

##### 9.2.1 Introduction of the proposal

Brazil and Argentina introduced a joint proposal to amend the Schedule to create a South Atlantic Whale Sanctuary (SAWS). The amendment was the same as the one proposed each year between 2001 and 2008, except for the addition of a final sentence relating to the national waters of coastal states. The proposal was that the following text be inserted as a new subparagraph 7(c) in Chapter III of the Schedule:

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 South Atlantic Whale Sanctuary. 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 66°25,0'W; thence to the point Lat 55°11,0'S Long 66°04,7'W; thence to the point Lat 55°22,9'S Long 65°43,6'W; thence due South to Parallel 56°22,8'S; thence to the point Lat 56°22,8'S Long 67°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. This prohibition shall be reviewed twenty 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 shall prejudice the sovereign rights of coastal states according to, *inter alia*, the United Nations Convention on the Law of the Sea. With the exception of Brazil, 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.

Brazil noted that the supporting statement for the proposed Sanctuary had been developed by an international team of whale research and conservation experts and had been presented to, and discussed by, the Scientific Committee. Brazil was therefore confident that the proposal had scientific merit, given that it focused on a region where cetacean populations were depleted by commercial whaling and are still in need of protection. It noted that whilst some species such as right and humpback whales are recovering, they remain at levels well below estimated initial stocks. Other species such as the blue and fin whales are in much worse shape and little is known about the distribution of surviving animals. For other species like sperm whales knowledge in this area is all but fragmentary. Possible concentrations of whales in areas beyond national jurisdictions indicated the need for comprehensive, basin wide conservation measures to be taken.

Brazil explained that the proposal was not limited to the protection of whales from direct takes as it would also provide a framework for international cooperation and scientific research. The development of non lethal use of cetacean resources through whalewatching in a coordinated manner would further benefit coastal communities in the region.

Brazil recalled that previous proponents of the Sanctuary had already obtained the support of 60% of member states the last time the proposal was voted upon, although in the spirit of compromise the proponents had refrained from requesting a vote since 2008. Dialogue during this period had improved the proposal by making it optional for interested countries to include their own waters in the Sanctuary. Brazil stated that although it wished for the proposal to be adopted by consensus, they felt that it was now time to bring the proposal to a vote again should that be necessary.

Argentina as co-sponsor of the proposal firmly supported the non lethal use of cetaceans. It said it had a long tradition of whalewatching and in 1983 it was the first country in South America where such activities began in the breeding area of southern right whales. Argentina explained that the Sanctuary proposal was designed to promote and establish a non lethal management zone for cetaceans. It recalled that it had a long tradition of non lethal research that included a 40 year photo-id programme for southern right whales which had been used to provide scientific information to designate the proposed Sanctuary. Argentina explained that the Sanctuary proposal would give long term protection and recovery for cetacean populations. It would also promote regional conservation and education and contribute to development of responsible tourism and whalewatching all along the coasts of the region.

Argentina supported Brazil's comments in respect of the history and background of the proposal and it hoped that the Commission would adopt the proposal by consensus at IWC/63.

### 9.2.2 Commission discussions

Costa Rica, Colombia, the USA, Australia, Poland (on behalf of the other EU contracting parties present at IWC), Mexico, Ecuador, UK, Hungary, Chile, India, Panama, Uruguay, Germany, New Zealand, Denmark, Israel, Monaco, Switzerland, Portugal and Spain all spoke in support of the proposal. Many expressed their hope that the proposal could be adopted by consensus. Colombia considered that as well as providing a chance for the recovery of depleted whale populations, the Sanctuary would also be a tool to provide economic, cultural and social development to poor coastal areas through the development of whalewatching and tourism activities. Australia said the Sanctuary would be a complementary measure to the moratorium as it would protect feeding and breeding areas for marine cetaceans, and that it saw the contribution of marine sanctuaries to conservation as being of primary importance. The UK also believed that sanctuaries were a key element in the conservation of whales as they protect feeding and breeding grounds and it hoped the IWC would attach a high priority to creating this Sanctuary and to respecting existing ones. Monaco said that scientific research amply demonstrated that whale sanctuaries are an effective measure for allowing the recovery and conservation of whale stocks. Spain noted that when the proposal was first made in 2001 the proposers had not, at that time, been able to demonstrate support from non-member coastal states. However since that time the proposal had been much improved and the objections had been overcome.

Denmark said that on previous occasions it had announced its positive stance towards real sanctuaries fulfilling a number of defining requirements and that this was the reason why it had not previously supported the South Atlantic Sanctuary proposal. However, the Danish parliament had decided that Denmark should support the current proposal should it be put to a vote. In relation to any future proposals, Denmark said that it would maintain its traditional position on new sanctuaries, not least in that they would require a positive recommendation from the Scientific Committee. Furthermore, Denmark considered that the support of the coastal states would be of crucial importance and that new proposals would have to contain provisions regulating all human activities within the Sanctuary including fishing, sea transport and oil exploration to name but a few. Switzerland requested that the item remain open as there may be inadequate time to come to a decision.

Palau recalled that in May and September 2002, it had voted against a joint proposal by Australia and New Zealand to establish a South Pacific Whale Sanctuary. It had opposed that proposal because it was not convinced that the species of whale inhabiting the South Pacific had been scientifically proven as being threatened with extinction. Palau indicated that it would vote in the same way in regards to the South Atlantic Whale Sanctuary if a vote was called. The Russian Federation supported the creation of sanctuaries on a case by case basis, and recalled that the proposal for the South Atlantic Whale Sanctuary was a part of the 'Future of the IWC' process. It said there was an agreement to take such a decision as a package and the Russian Federation did not agree to the creation of global sanctuaries while the whaling moratorium is enforced. The Russian Federation requested Brazil and Argentina to withdraw their proposal so as not to destroy the process of the Future of the IWC. Cameroon supported the Russian Federation's comments that this proposal was part of the 'Future of the IWC' process, and like Switzerland asked that the item remain open. Iceland recalled that the proponents of this proposal were not eager to establish the Sanctuary when the Commission was working towards a package deal as this was one of the main elements in the package which they rejected. Iceland fundamentally rejected the proposal as there was no scientific basis or justification for such a Sanctuary. St Kitts and Nevis indicated it would not be able to support the proposal in its current form as it believed it was an emotional response to a very important marine resource. It preferred a more legitimate scientific approach to management and the use of sanctuaries only in extreme circumstances and as part of an ecosystem approach. It considered that the proposal was contentious because it restricted legitimate marine resource use activities.

The Instituto de Conservacion de Ballenas of Argentina spoke on behalf of the Latin American NGOs present at IWC/63. It recalled that the species and stocks of whales of the South Atlantic were heavily affected by large scale commercial whaling which had systematically wiped out the populations in the region. The adoption of a moratorium had made it possible to begin recovery of the most affected stocks; nevertheless several more decades would be needed in order for the initial populations to recover, especially considering the other threats faced by cetacean populations. It considered that the creation of this Sanctuary would immediately put a stop to these threats, including whale hunting, and would allow for protection to be extended to feeding and breeding grounds. It also said that the partial recovery of some species had made it possible to develop tourism that has benefited innumerable coastal populations and national economies and that the Sanctuary was designed to respect the rights of people who were benefitting from the presence of these whales. It noted that the creation of the Sanctuary was consistent with Article 194 of the United Nations Convention on the Law of the Sea, and emphasised that all sanctuaries needed to be respected.

The IWMC World Conservation Trust believed that sanctuaries were not a tool for conserving endangered species, but instead they offered protection for all species, including those that are abundant. Since no whale hunting actually takes place within the boundaries of the Sanctuary it would be a symbolic development which would be lauded by those opposing whaling and used as leverage to construct more sanctuaries. Ultimately the proliferation of sanctuaries and marine protected areas constricted fisheries and reduced the supply of protein food to poor people

around the world. Instead what is needed is a management system based on science under which whale harvesting could take place at sustainable levels. If this was achieved, whale sanctuaries would be completely unnecessary for conservation. It noted that the IWC has an RMP which was developed with safety against depletion as its first aim. It has been endorsed by the Commission and recommended for adoption by the Scientific Committee. It recalled that in 2004 the Scientific Committee was told by experts that the Southern Ocean Sanctuary was a failure with no clear objectives, no performance measures, little rationale behind boundary selection and was not ecologically justified. In its view there was no clear recommendation from the Scientific Committee that the South Atlantic Whale Sanctuary was required for conservation purposes. It appreciated that this proposal been on the agenda for many years, but persistence did not equate to best practice.

After hearing the discussion the Chair noted that a majority of countries had supported the establishment of a South Atlantic Whale Sanctuary. However five countries had spoken in opposition to the proposal and three said they were not in a position to join a consensus. The Russian Federation had requested the sponsors to withdraw the proposal.

The delegations of Japan, on behalf of Cambodia, Cameroon, Côte d'Ivoire, the Gambia, Iceland, Norway, Nauru, Mongolia, Mauritania, Guinea-Bissau, Grenada, Kiribati, Morocco, Republic of Korea, Ghana, Palau, Togo, the Russian Federation, Tuvalu, St Kitts and Nevis and St Lucia, said they were not willing to participate in a vote on the proposal because they considered that reverting to voting could be harmful to the constructive dialogue and atmosphere in the Commission that have been achieved in recent years.

The sponsors of the proposal made it clear that they wished the proposal to be put to the vote if consensus was not possible. Many other speakers supported the right of sponsors of a proposal to have that proposal put to a vote if consensus could not be achieved.

The Chair ruled that consensus could not be achieved and asked the Secretary to prepare for a vote.

At that point, Japan, Cambodia, Cameroon, Côte d'Ivoire, the Gambia, Iceland, Norway, Nauru, Mongolia, Mauritania, Guinea-Bissau, Grenada, Kiribati, Morocco, Republic of Korea, Ghana, Palau, Togo, Tuvalu, St Kitts and Nevis and St Lucia left the meeting room<sup>13</sup>.

There were extensive informal consultations on the procedural situation facing the Commission. There was no agreement on how the quorum rule in the Commission's Rules of Procedure applied to this situation or on how to resolve the procedural impasse facing the Commission.

The Commission decided to establish an Intersessional Group to consider the interpretation of the Commission's Rules of Procedure regarding the quorum necessary for a decision to be taken and, if appropriate, to present for the consideration of the Commission at IWC/64 in 2012 a proposal to amend the Rules so as to clarify the matter.

While recognising the diversity of views in the Commission on the issue, the Commission recognised the importance of a South Atlantic Whale Sanctuary to many member Governments. The Commission resolved:

- (a) to continue to discuss the establishment of a South Atlantic Whale Sanctuary as the first substantive agenda item at IWC/64; and

- (b) that, if consensus cannot be reached on the item, a decision will be taken in accordance with the Commission's Rules of Procedure.<sup>14</sup>

## 10. 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. Japan recalled that this issue was part of the 'Future of IWC' process and constituted an important part of the Chair and Vice-Chair's proposal for consensus. At the start of the meeting, Japan had said that it would like to reserve the right to propose an amendment to paragraph 10 of the Schedule to provide a quota for small-type whaling for adoption either by consensus or other means. Japan indicated that it was aware that this proposal would not attract consensus and given the very positive consensus movement surrounding the proposal from UK and co-sponsors on improving the effectiveness of IWC operations it had no intention of bringing a dividing issue to the floor. At the same time Japan hoped there would be willingness from other member countries for the rest of IWC/63 to be concluded in the same spirit of co-operation and good dialogue that had already prevailed.

## 11. SCIENTIFIC PERMITS

Since IWC/61 Japan has issued permits for taking minke, fin and humpback whales in the Antarctic (JARPA II) and for taking minke, Bryde's, sei and sperm whales in the North Pacific (JARPNI). However Japan agreed to continue suspending the take of humpback whales through its Antarctic research programme in the 2010/11 season as long as progress is being made in the discussions on the future of IWC.

At its 2011 meeting the Scientific Committee reviewed results of existing permits, of new or continuing proposals and also considered and modified its own procedure for reviewing scientific permit proposals. A full record of these discussions is provided in the Scientific Committee report.<sup>15</sup>

At IWC/63, extensive discussions, particularly relating to issues surrounding Sanctuaries, and Finance and Administration affairs meant that time was not available to receive the Scientific Committee's report on this issue or to discuss Scientific Permits during the Commission Plenary.

## 12. SAFETY ISSUES AT SEA

This item was included on the agenda at the request of Japan. Despite a number of consensus Resolutions and statements made at the IWC<sup>16</sup> and at the International Maritime Organisation<sup>17</sup> protest activities had again been launched against the JARPAII research vessels during the 2010/11 austral summer. Japan stated that the sabotage activities of the Sea Shepherd Conservation Society had once again escalated and included deliberate collisions between vessels

<sup>14</sup>The Commission's progress and agreements on these issues were recorded in document IWC/63/20.

<sup>15</sup>*J. Cetacean Res. Manage. (Suppl.)* 13 [2012]

<sup>16</sup>Resolution 2006-2 on the Safety of Vessels Engaged in Whaling and Whale Research-related Activities; Resolution 2007-2 on Safety at Sea and Protection of the Marine Environment; the statement issued by the Commission at its intersessional meeting in March 2008.

<sup>17</sup>Resolution MSC.303(87) of the 87<sup>th</sup> Maritime Safety Committee on Assuring Safety During Demonstrations, Protests or Confrontations on the High Seas.

<sup>13</sup>Given the implications of this with respect to whether the meeting could now be considered quorate, the Chair called for a private Commissioners' meeting.



at sea, the use of lasers and improvised weapons as well as the use of strengthened wires and ropes intended to entangle vessel's propellers. On 18 February 2011, Japan was forced to withdraw its research vessels from the Southern Ocean in order to protect the safety of its vessels and their crew.

Contracting Governments continued to support the right to legitimate and peaceful forms of protest but expressed their on-going deep concern over the further escalation of the confrontations. Several Contracting Governments noted that the IWC is not the competent body to address matters of vessel safety at sea and recognised the role of the International Maritime Organisation in this respect. The responsibility of the relevant port and flag states for the Sea Shepherd Conservation Society vessels was also noted and the Governments involved reported on the actions they were taking.

### 12.1 Resolution on Safety at Sea

Japan introduced its Resolution on Safety at Sea which it had developed in consultation with New Zealand, Australia, Netherlands and the USA. It explained that the content of the Resolution criticised actions that endanger lives and property at sea and also made reference to the previous relevant Resolutions adopted by the IWC and the IMO. Japan expressed its hope that the Resolution would be adopted by consensus.

Australia stated that it attaches great importance to safety at sea. Its firm position was that nothing less than full compliance with domestic and international laws is acceptable. Australia noted that it had fulfilled, and continues to fulfil, all of its international legal obligations arising out of events in the Southern Ocean. Australia believed that the Resolution would send an important message as it recalls Contracting Governments' respect for the right to peaceful protest, but also confirms that the Commission and its Contracting Governments condemn any actions that are a risk to human life and property at sea. The USA associated with these remarks and the Netherlands also indicated its support for the Resolution. New Zealand appreciated the consultative approach taken by Japan and the spirit of consensus and constructive dialogue. New Zealand recorded that as a maritime nation it took its obligations under both domestic and international law seriously, as was demonstrated by the investigation that was undertaken by its Maritime Agency when a New Zealand flagged vessel and a Japanese flagged vessel collided in the Southern Ocean in January 2010. New Zealand recorded its grave concerns that activities related to whaling in the Southern Ocean had escalated in recent years. While it respected the right to peaceful protest it did not condone illegal or dangerous protest activity. Safety at sea is the highest priority and in December 2010 New Zealand recalled that it had joined Australia, the USA and the Netherlands in calling upon the masters of all vessels involved in confrontations in the Southern Ocean to take responsibility for ensuring that safety of life at sea is their highest priority. Poland (on behalf of the European Union states), India, Iceland, the Russian Federation and Republic of Korea all expressed their support for the Resolution.

Resolution 2011-2 on Safety at Sea was duly adopted by consensus and its text is provided at Annex D.

## 13. 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 on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals.

At its 2011 meeting, the Scientific Committee had considered its full range of topics under this agenda item including: (1) the 2011 State of the Cetacean Environment Report (SOCER); (2) pollution, including review of the POLLUTION 2000+ Phase II programme and an update on the Deepwater Horizon oil spill; (3) cetacean emerging and resurging diseases (CERD); (4) anthropogenic sound; (5) climate change, including a review of the report from the Workshop on the Effects of Climate Change on Small Cetaceans and future plans for a Workshop on Anthropogenic Impacts on Arctic Cetaceans as proposed at IWC/62 in 2010; and (6) other habitat related issues.

This agenda item also provided for discussion on human health effects arising from the consumption of cetaceans<sup>18</sup>. At IWC/62 in 2010, several Contracting Governments had requested the Secretariat to re-establish contact with the World Health Organisation (WHO). Following this request a reply had been received from the WHO (document IWC/63/9).

At IWC/63, extensive discussions, particularly relating to issues surrounding Sanctuaries and F&A Committee affairs, meant that time was not available to receive the Scientific Committee's report on this issue or to discuss environmental and health issues during the Commission Plenary.

## 14. CONSERVATION MANAGEMENT PLANS

Conservation management plans (CMPs) are discussed by the Scientific Committee under its agenda item on whale stocks<sup>19</sup> and also by the Conservation Committee (see Annex G).

At its 2011 meeting the Scientific Committee repeated its strong endorsement of the draft western gray whale conservation plan and encouraged all relevant parties to work together to refine and implement it. It also agreed that sufficient data exists on Arabian Sea humpback whales and the possible anthropogenic threats to them to begin the process of developing a conservation management plan.

At IWC/61 in 2009 the Commission established a Small Advisory Group within the Conservation Committee to oversee development of CMPs. At IWC/62 in 2010, the Small Advisory Group was directed to develop clear policy principles for CMPs and to produce agreed guidelines which would assist countries wishing to develop their own CMPs and assist the determination of conservation priorities for the implementation of CMPs. In 2011 the Conservation Committee was pleased to receive guideline documents on CMPs as developed by the Small Advisory Group. The documents provided a framework and templates to assist member countries who wish to develop a CMP. In addition, the guiding documents also contained a proposal to reconstitute the Small Advisory Group as a Standing Working Group of the Conservation Committee which would work closely with the Scientific Committee.

The Conservation Committee had also considered and endorsed a set of funding principles for the management of IWC voluntary funds on CMPs, and it was informed that a number of Contracting Governments were making

<sup>18</sup>See Resolution 1998-11 on Concern about Human Health Effects from the Consumption of Cetaceans and Resolution 1999-4 on Health Effects from the Consumption of Cetaceans.

<sup>19</sup>*J. Cetacean. Res. Manage. (Suppl.)* 13 [2012].



arrangements to prepare a draft CMP for South American populations of southern right whales for presentation to IWC/64 in 2012.

At IWC/63, extensive discussions relating to issues surrounding Sanctuaries and to F&A Committee affairs meant that time was not available to receive the Conservation Committee's report on this issue or to discuss Conservation Management Plans during the Commission Plenary.

### 15. 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.

At its 2011 meeting the Scientific Committee continued its work to assess the impacts of whalewatching on cetaceans, conducted a review of whalewatching off Norway, reviewed the report of the steering group of the large-scale whalewatching experiment (LaWE) and reviewed the scientific aspects of the report from the Commission's intersessional whalewatching Workshop held in Argentina in December 2010<sup>20</sup>.

The Conservation Committee also considered the report of the December 2010 intersessional Workshop on whalewatching. In addition, it received an update on the work of its Standing Working Group on Whalewatching (SWG-WW) which included:

- (1) an updated strategic plan for whalewatching following development work which had taken place in March 2011;
- (2) proposals for the future role of the SWG-WW; and
- (3) an expansion of the SWG-WW to include two members from the Scientific Committee.

Extensive discussions at IWC/63 on issues surrounding Sanctuaries and F&A Committee affairs meant that time was not available to receive the Conservation Committee's report on this issue or to discuss matters relating to whalewatching during the Commission Plenary.

### 16. CO-OPERATION WITH OTHER ORGANISATIONS

Co-operative arrangements have continued and been strengthened with a number of other Intergovernmental Organisations including the Convention on Migratory Species (CMS), the International Council for the Exploration of the Seas (ICES), the Inter-American Tropical Tuna Commission (IATTC), the Agreement on the International Dolphin Conservation Programme (AIDCP), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), the North Atlantic Marine Mammal Commission (NAMMCO), the International Union for the Conservation of Nature (IUCN), the North Pacific Marine Science Organisation (PICES), the Protocol on Specially Protected Areas and Wildlife (SPAW) of the Cartagena Convention for the Wider Caribbean and the International Maritime Organisation (IMO). Details of the Scientific Committee's working with these organisations are provided in their report<sup>21</sup>.

Extensive discussions at IWC/63, particularly relating to issues surrounding Sanctuaries and F&A Committee affairs, meant that time was not available to discuss the Scientific Committee's report on this issue or to discuss matters related to co-operation with other organisations during the Commission Plenary.

### 17. OTHER SCIENTIFIC COMMITTEE ACTIVITIES AND WORK PLAN

#### 17.1 Small cetaceans

In 1991, the Commission adopted a Resolution on Small Cetaceans<sup>22</sup> 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.

As part of this work, at its 2011 meeting the Scientific Committee undertook a review of the taxonomy, population structure and status of North Atlantic and Mediterranean Ziphiidae (beaked and bottlenose whales) including direct and incidental takes and an assessment of a number of common threats including noise, plastic ingestion, gas embolism and climate change.

The Scientific Committee also reviewed progress on previous recommendations relating to:

- (1) vaquita;
- (2) harbour porpoise;
- (3) franciscana;
- (4) Indo-Pacific humpback dolphin;
- (5) white whales and narwhals;
- (6) killer whales;
- (7) boto; and
- (8) small cetaceans of the Caribbean and western tropical Atlantic.

In addition, the Scientific Committee recommended a series of nine proposals for funding under the Commission's voluntary fund for Small Cetacean Conservation Research. This is in addition to one project endorsed by the Scientific Committee at its 2010 meeting (Threatened Franciscanas: Improving Estimates of Abundance to Guide Conservation Actions) which had already been supported.

#### 17.1.1 Commission discussions and action arising

Italy announced that it was very pleased to make a voluntary donation to the fund for Small Cetacean Conservation Research of £25,000 to provide further support for the projects recommended by the Scientific Committee. France also reported that it would give a contribution to the same fund of 15,000 Euros to permit research and conservation for small cetaceans.

The Secretary then read a statement on behalf the following accredited NGO observers to the IWC: American Cetacean Society, Animal Welfare Institute, Campaign Whale, Humane Society International, International Fund for Animal Welfare, Pro-Wildlife, Oceancare, Whaleman Foundation, World Society for the Protection of Animals and Worldwide Fund for Nature. The statement indicated that following the recent and tragic loss of the baiji the above mentioned organisations were pleased to announce a combined contribution of £10,300 to the voluntary fund for Small Cetacean Conservation Research. The intention of the contributions was to support the important research proposals selected and endorsed by the Scientific Committee

<sup>20</sup>J. Cetacean. Res. Manage. (Suppl.) 13 [2012].

<sup>21</sup>J. Cetacean Res. Manage. (Suppl.) 13 [2012].

<sup>22</sup>Rep. int. Whal. Comm. 42:48 [1992].

at its 2011 meeting, as well as future research projects to help conserve threatened small cetacean species and populations and to facilitate the participation of scientists from developing countries in the Scientific Committee's sub-committee on small cetaceans. The organisations also hoped that the excellent and critical work of the sub-committee would continue and expand with the support of all IWC Member States in the future.

Extensive discussions on issues surrounding Sanctuaries and F&A Committee affairs meant that time was not available to receive the Scientific Committee's report on this issue or to permit further discussion of issues related to small cetaceans in the Plenary session.

## 17.2 Regional non-lethal research partnerships

The Southern Ocean Research Partnership (SORP) was proposed by the Australian Government to the IWC in 2008 with the aim of developing a multi-lateral, non-lethal scientific research programme that will improve the coordinated and cooperative delivery of relevant scientific information to the IWC. A framework and set of objectives for SORP, as well as a process for evaluating requests for funding under the IWC/SORP research fund were presented, discussed and endorsed by the Commission and Scientific Committee in 2010.

At its 2011 meeting the Scientific Committee received a report of intersessional progress with the SORP which included updates on revisions to the existing projects following feedback from the Scientific Committee in 2010.

At IWC/63, extensive discussions on issues surrounding Sanctuaries and F&A Committee affairs meant that time was not available to receive the Scientific Committee's report on this issue or to permit further discussion of issues related to SORP in the Plenary session.

## 17.3 Other activities

### 17.3.1 Stock definition

Examination of the issues of population structure and stock definition play an important role in much of the Scientific Committee's work, whether for the RMP, AWMP or general conservation or 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.

At IWC/63, extensive discussions on issues surrounding Sanctuaries and F&A Committee affairs meant that time was not available to receive the Scientific Committee's report on this issue or to permit further discussion of issues related to stock definition in the Plenary session.

### 17.3.2 DNA testing

This item is included in the Scientific Committee's agenda in response to Commission Resolution 1999-8<sup>23</sup>. At its 2011 meeting the Scientific Committee discussed the continued collection and archiving of tissue samples from catches and bycatches and also reviewed genetic methods for species, stock and individual identification. In addition the Committee reviewed results of amendments to sequences already deposited in *GenBank* and discussed matters relating to reference databases and standards for diagnostic registries.

Extensive discussions on issues surrounding Sanctuaries and F&A Committee affairs meant that time was not available to receive the Scientific Committee's report on this issue or to permit further discussion of issues related to DNA testing in the Plenary session.

### 17.3.3 Working methods

#### 17.3.3.1 SCIENTIFIC COMMITTEE PROGRESS

At its 2011 meeting the Scientific Committee discussed ways to improve its working methods which included: (1) examination of the consistency of abundance estimates; (2) improved collaboration between the Scientific Committee and the Conservation Committee; (3) procedures relating to Scientific Committee pre-meetings; and (4) issues relating to the role of Convenors.

#### 17.3.3.2 COMMISSION DISCUSSIONS AND ACTION ARISING

In relation to the Scientific Committee's proposal to improve consistency of abundance estimates, Chile asked if the list would include all abundance estimates which has been considered by the Committee. The Chair of the Scientific Committee responded that the purpose of the list was to clarify all the estimates that have been considered in previous papers and to determine the ones which have been accepted by the Commission.

Extensive discussions on issues surrounding Sanctuaries and F&A Committee affairs meant that time was not available to receive the Scientific Committee's report on this issue or to permit discussion of issues related to Scientific Committee working methods in the Plenary session.

## 17.4 Scientific Committee future work plan

The following work plan was produced by the Scientific 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.

### 17.4.1 Revised Management Procedure (RMP)

The following issues are high priority topics:

#### GENERAL ISSUES

- (1) Refine the data and assumptions on which the meta-analyses of environmental impacts on growth rate and of increase rates at low population size are based;
- (2) complete the MSYR review;
- (3) specify and run additional trials for testing amendments to the *CLA*;
- (4) finalise the approach for evaluating proposed amendments to the *CLA*;
- (5) evaluate the Norwegian proposal for amending the RMP;
- (6) modify the Norwegian 'CatchLimit' program to allow variance-covariance matrices to be specified for the abundance estimates. Compare the results from the modified program with those from the 'accurate' version of the Cooke program for some cases; and
- (7) run the full set of revised results for the North Atlantic fin whales, the Western North Pacific Bryde's whales, and the North Atlantic minke whales using the Norwegian 'CatchLimit' program and place the results on the IWC website (carryover from the 2010 work plan).

<sup>23</sup>Ann. Rep. Int. Whaling Comm. 1999: 55.

**PREPARATIONS FOR IMPLEMENTATIONS**

The Committee is concerned over the feasibility of its future timetable of work, particularly given the delay in the western North Pacific common minke whale *Implementation Review*. It has previously noted that it was not possible to undertake two major *Implementations* or *Implementation Reviews* simultaneously. This will be taken into account when discussing Items 1, 3, 4 and 5 below next year.

- (1) Prepare for the 2013 *Implementation Review* for the western North Pacific Bryde's whales;
- (2) examine whether and when the optimisation method used when conditioning trials fails to find the actual minimum of the objective function and any implications of this for previous results of *Implementation Simulation Trials*;
- (3) review a revised research proposal for North Atlantic fin whales for the 'variant with research' to be submitted to the 2012 meeting;
- (4) prepare for the 2014 *Implementation Review* for North Atlantic minke whales;
- (5) prepare for the 2014 *Implementation Review* for North Atlantic fin whales; and
- (6) review a proposal for a *pre-Implementation assessment* of North Atlantic sei whales.

**IMPLEMENTATION FOR THE WESTERN NORTH PACIFIC MINKE WHALES**

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

**17.4.2 Aboriginal Whaling Management Procedure (AWMP)**

The following issues are high priority topics:

- (1) continue work on the development of *SLAs* for the Greenlandic hunts with a focus on common minke whales and fin whales;
- (2) complete the *Implementation Review* for eastern gray whales with a focus on the PCFG;
- (3) complete an *Implementation Review* for B-C-B bowhead whales;
- (4) develop guidelines for *Implementations* and *Implementation Reviews*;
- (5) provide management advice for the appropriate subsistence hunts; and
- (6) review the Greenlandic programme to provide information on conversion factors.

**17.4.3 Bowhead, right and gray whales (BRG)**

The following issues are high priority topics:

- (1) review any new information on North Pacific gray whale stock structure and movements, and if necessary, provide information to the SWG on the AWMP relevant to the *Implementation Review*;
- (2) review stock structure and abundance in a more comprehensive manner for Eastern Canada and West Greenland bowhead whales, if appropriate data and analyses are provided;
- (3) review the report of the southern right whale Workshop to be held in Argentina during September 2011; and
- (4) review new information on all stocks of right whales, western North Pacific gray whales, and small stocks of bowhead whales.

**17.4.4 In-depth assessment (IA)**

The following issues are high priority topics:

- (1) to further resolve the reasons for the differences between estimates of abundance of Antarctic minke whales between the OK and (hazard-probability and trackline conditional independence) SPLINTR models, and thus provide agreed estimates of abundance at next year's meeting;
- (2) to apply the statistical catch-at-age models using the full suite of available data so that the results may be considered at next year's meeting; and
- (3) to continue the examination of the differences between minke whale abundance in CPII and CPIII, by further investigation of the relationship between sea ice and minke whale abundance.

**17.4.5 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) progress in including information in National Progress Reports;
- (3) estimating risk and rates of bycatch and entanglement;
- (4) development of methods to estimate mortality from ship strikes;
- (5) continuing development and use of the international database of ship strikes; and
- (6) review of information on other sources of mortality.

**17.4.6 Stock definition (SD)**

The following issues are high priority topics:

- (1) review draft guidelines for genetic analyses and DNA data quality;
- (2) statistical and genetic issues concerning stock definition;
- (3) TOSSM; and
- (4) terminology review and unit-to-convert.

**17.4.7 DNA (DNA)**

The following issues are high priority topics:

- (1) review genetic methods for species, stocks and individual identifications;
- (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 standard for diagnostic DNA registries.

**17.4.8 Environmental concerns (E)**

The following issues are high priority topics:

- (1) SOCER;
- (2) review progress on POLLUTION 2000+ Phase II;
- (3) review progress of CERD working group;
- (4) review new information on effects of anthropogenic sound on cetaceans and approaches to mitigate these effects;
- (5) review progress on recommendations from Climate Change Workshops;
- (6) update plans for an Arctic Anthropogenic Impacts on Cetaceans Workshop; and
- (7) review marine renewable energy development pre-meeting.

**17.4.9 Ecosystem modelling (EM)**

The following issues are high priority topics:

- (1) explore how ecosystem models might contribute to developing scenarios for simulation testing of the RMP;



- (2) review other issues relevant to ecosystem modelling within the Scientific Committee;
- (3) review ecosystem modelling efforts undertaken outside the IWC; and
- (4) review any new information on ecosystem model skill assessment.

#### 17.4.10 Southern Hemisphere whales other than Antarctic minke whales (SH)

The following issues are high priority topics:

- (1) Southern Hemisphere humpback whales:
  - (a) begin assessment of breeding stocks E and F;
  - (b) review new information from the Arabian Sea;
  - (c) review new information from other breeding stocks; and
- (2) review new information on Southern Hemisphere blue whales in preparation for assessment.

#### 17.4.11 Small cetaceans (SM)

The following issues are high priority topics:

- (1) status of Ziphiids in the North Pacific;
- (2) voluntary funds for small cetacean conservation research;
- (3) review progress on previous recommendations; and
- (4) review takes of small cetaceans.

#### 17.4.12 Whalewatching (WW)

The following issues are high priority topics:

- (1) assess the impacts of whalewatching on cetaceans.

Additional items:

- (2) review reports from Intersessional Working Groups:
  - (a) Large-Scale Whalewatching Experiment (LaWE) steering group;
  - (b) LaWE budget development group;
  - (c) online database for world-wide tracking of commercial whalewatching and associated data collection;
  - (d) swim-with-whale operations; and
  - (e) in-water interactions;
- (3) review the scientific aspects of the report from the Conservation Commission;
- (4) review whalewatching in the region of the next meeting;
- (5) consider information from platforms of opportunity of potential value to the Scientific Committee;
- (6) review of whalewatching guidelines and regulations; and
- (7) review of collision risks to cetaceans from whale-watching vessels.

#### 17.4.13 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) review results of specialist meeting to review the modified JARPEN II special permit, if submitted; and
- (4) plan for final review of results from Iceland's scientific take of North Atlantic common minke whales.

### 17.5 Adoption of the Scientific Committee Report

Despite the time constraints which meant that not all aspects of the Scientific Committee Report could be presented and discussed in the Commission Plenary, the Commission adopted the Scientific Committee Report and its recommendations, including the future work plan.

## 18. CONSERVATION COMMITTEE

The Conservation Committee met on 6 July and was chaired by Lorenzo Rojas-Bracho (Mexico). Delegates from 24 Contracting Governments participated and its report is given at Annex G. The Conservation Committee's discussions on whalewatching, whale sanctuaries and conservation management plans are included under Items 15, 9 and 14 respectively of this report. The Commission's discussions and actions arising from the other items considered by the Conservation Committee are summarised below.

The Conservation Committee considered the following items:

- (1) investigation of inedible 'stinky' gray whales;
- (2) ship strikes, including the report of the joint IWC/ACCOBAMS workshop held in September 2010 and the report from the Ship Strikes Working Group;
- (3) southern right whales in Chile and Peru;
- (4) National Reports on Cetacean Conservation; and
- (5) other matters including collaboration between the Scientific Committee and the Conservation Committee, progress under the voluntary fund for small cetacean conservation research, consideration of a correspondence group report on strengthening IWC financing and establishment of a Conservation Committee Vice-Chair.

Under 'Other Items' the Committee also briefly considered the Honolulu Commitment on Marine Debris and the forthcoming second International Conference on Marine Mammal Protected Areas.

Time constraints meant that not all aspects of the Conservation Committee's report could be presented and discussed in the Commission Plenary. However, following discussion at a private meeting of Commissioners the Chair confirmed that Alexandre de Lichtervelde (Belgium) had been appointed as Vice-Chair of the Conservation Committee. Following this the Chair, on behalf of Commissioners, apologised that a full discussion of the other Conservation Committee issues could not take place and asked for the adoption of the Conservation Committee report.

Australia agreed that it was appropriate to adopt the Conservation Committee's report, but requested that given the extensive work which had been achieved intersessionally on Conservation Management Plans and Whalewatching that time be made available to discuss these items as a priority at IWC/64 in 2012. Mexico, as Chair of the Conservation Committee, agreed with Australia and noted that this was the longest report the Conservation Committee had produced to date which reflected both the amount of work achieved and the necessity to prioritise discussion on these topics at the Commission's next meeting.

The Commission then adopted the report of the Conservation Committee and agreed that high priority would be given to the discussion of Conservation Committee items at IWC/64 in 2012.

## 19. CATCHES BY NON-MEMBER NATIONS

At IWC/62 in 2010 the ASW Sub-committee had asked the Secretary to contact the Government of Canada to request information on catches and catch limits for the Canadian hunt. A response had been received from the Government of Canada and the information circulated to the Scientific Committee and ASW Committee. In 2011 these Sub-committees requested the Secretary to contact the Government of Canada again to request catch information for the current year. Additionally the Scientific Committee had requested the Secretary to contact the Government of Indonesia to request information on whale catches which take place there.

Extensive discussions on issues surrounding Sanctuaries and F&A Committee affairs meant that time was not available to discuss catches by non-member nations in the Plenary session.

## 20. INFRACTIONS, 2010 SEASON

The Infractions Sub-committee, chaired by Lars Walløe (Norway) met on 11 July 2011 and was attended by delegates from 19 Contracting Governments. The Committee's full report is provided as Annex H and a summary of catches by IWC member nations in the 2010 and 2010/11 seasons is provided at Annex I.

At IWC/63, extensive discussions on issues surrounding Sanctuaries and F&A Committee affairs meant that time was not available to discuss the Infractions Sub-committee's report which was adopted without comment.

## 21. FINANCIAL AND ADMINISTRATIVE MATTERS

The F&A Committee met on 7 July 2011. Donna Petrachenko (Australia) was appointed as Chair of the Committee and the Secretariat as rapporteurs. The report of the meeting is provided at Annex J.

St Kitts and Nevis, Morocco, Antigua and Barbuda and the Russian Federation asked the Secretary to report on the difficulties which had been encountered by several countries in obtaining a visa to attend IWC/63. That report and the discussions which followed are recorded under Item 25.1.

### 21.1 Annual Meeting arrangements and procedures

#### 21.1.1 Report of the Finance and Administration Committee

##### 21.1.1.1 NEED FOR A TECHNICAL COMMITTEE

The F&A Committee suggested that this item be retained on the Agenda since, although the Technical Committee had not been required since IWC/51 in 1999, it may be needed in the future.

##### 21.1.1.2 THE WORK OF THE INTERSESSIONAL CORRESPONDENCE GROUP ON MATTERS RELEVANT TO THE SCIENTIFIC COMMITTEE

The F&A Committee considered options for separating the meetings of the Scientific Committee and the Commission as a part of the work of the Intersessional Correspondence Group on matters relevant to the Scientific Committee. The perceived benefits of separating the meetings were: (1) to allow time to develop an Executive Summary to the Scientific Committee report; and (2) to allow more time for Contracting Governments to consider the report of the Scientific Committee before the Commission meeting commenced.

The Chair of the Scientific Committee did not foresee any problems in separating the meetings but noted that it may be necessary to establish a rule of procedure to ensure all scientific analysis presented to the Commission was first reviewed by the Scientific Committee.

The unplanned trial run that occurred this year (with the Scientific Committee meeting in Norway and the Commission in Jersey) had been successful but the F&A Committee noted that there had not been enough time between the meetings. It suggested that: (1) the best time for the Scientific Committee was in late May/early June; (2) the separation period should be 100 days or longer; (3) the rule of confidentiality applied to the Scientific Committee's report should be removed; and (4) the change to the Commission's financial year would be possible. The Committee recommended, in principle, separation of the meetings.

##### 21.1.1.3 FREQUENCY OF COMMISSION MEETINGS

The F&A Committee reported on the advantages in reducing the frequency of Commission meetings which were: (1) cost savings to the Commission; (2) cost savings to individual Contracting Governments in attending Commission meetings; and (3) the opportunity for a greater focus on specialist intersessional work.

There was general support for a move to biennial meetings after IWC/64 in 2012 and for the setting of ASW quotas for a period of 6 years rather than the current 5 years. It was suggested that the Conservation Committee should continue to meet on an annual basis, perhaps co-located with the Scientific Committee meeting. A number of other concerns were raised, including the need to set a two year budget, the possible need to establish a Standing Committee, the requirement to update any rules of procedure which relate to the frequency of meetings and a need for a mechanism to share the cost savings between the Commission and host country. A small group consisting of Brazil, Denmark, Germany, Japan and the USA was established to prepare a short document for Plenary on actions to permit a move to biennial meetings from 2012 onwards. The small group met on 7 July and their report is provided at Annex K. In summary, the group endorsed the universal support for continuing with Annual Meetings of the Scientific Committee and made recommendations which *inter alia* related to:

- (1) the meeting frequency of the Commission's other subsidiary bodies;
- (2) the establishment of a Standing Committee to guide the Commission's work during the two year intersessional period;
- (3) a request to the Secretary to review the changes that would be necessary to the Commission's rules and procedures for the Commission to change to a two yearly meeting cycle;
- (4) the requirement to set aboriginal subsistence whaling quotas for an even number of years;
- (5) the requirement to set budgets and scientific research programmes for two years;
- (6) a mechanism for sharing the financial savings equally between the Commission and host governments; and
- (7) for the small group to make recommendations on any further unforeseen issues.

The group also recommended that a drafting group be set up so as to present proposals to IWC/64 in 2012 on the terms of reference and membership of the Standing Committee, with the members of the small group offering to form the basis of the drafting group. The Chair of the F&A Committee clarified that the Committee was seeking the Commission's approval for the work of the group to continue so that it could make a report to IWC/64 in 2012.

#### 21.1.2 Commission discussions and action arising

The USA requested confirmation that by adopting the report of the small group on frequency of Commission meetings (Annex K) that the Commission was requesting the Scientific Committee to provide advice on options for generating Aboriginal Subsistence catch limits for an even number of years to IWC/64 in 2012. The Chair of the Scientific Committee confirmed that the Committee would indeed provide that advice to the Commission next year. Japan also requested that the small group present a checklist to IWC/64 in 2012 of the changes that would be required to allow the Commission to move to biennial meetings. This checklist should include any necessary changes to the Schedule (related to annual review of aboriginal whaling catch limits) and to the Commission's rules and procedures.

Switzerland, Iceland, New Zealand, Colombia, France, USA and Japan requested to take part in the intersessional work of the small group.

The Commission adopted the parts of the F&A Committee report relevant to these subjects and also adopted the report of the small working group and endorsed any recommendations.

## 21.2 Website

### 21.2.1 Report of the Finance and Administration Committee

#### TRANSLATION

The French translations of the 15 most popular pages of the IWC website have been updated; to date five of these priority pages have been translated into Spanish and the remainder are being translated during IWC/63. The Secretariat noted that a move to a fully trilingual site would require much work, costing £50,000 to £60,000.

#### WEBSITE REBUILD

The new IWC website is under construction and should be complete by IWC/64. The new design was chosen to improve clarity and ease of access to information and documents. Improving the hosting of the site should avoid any outages during busy periods. The new site will contain two extranets for both Member Governments and the Scientific Committee which will not be accessible to members of the public. In the future, part of the site will be dedicated to helping school children access issues and information and ultimately all historical IWC-related documents will be made available. The Secretariat would welcome feedback and suggestions from delegates.

The Secretariat agreed to provide a Beta version of the website to Contracting Governments prior to IWC/64 in 2012 together with a document outlining the proposed changes.

### 21.2.2 Commission discussions and action arising

Monaco saluted the work of the Secretariat in providing web pages in various languages and was also pleased to see the continuous development of the website and the proposed introduction of special pages for children. With regard to the future design of the web pages Monaco signalled that the website should properly and fully reflect the identity and mandate of the organisation and commented that the current whale portrait images used on the opening page did not do so. It asked the Secretariat to also include pictures of whale hunting from sustainable aboriginal sources all the way up to large scale industrial whaling so as to provide a more balanced impression of the Commission's remit.

The Commission adopted this section of the F&A Committee report and endorsed any recommendations.

## 21.3 Review of IWC's Rules of Procedure<sup>24</sup>

### 21.3.1 Report of the Finance and Administration Committee

At IWC/62 in 2010 the Commission endorsed a recommendation from the F&A Committee that the Secretary should 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 F&A Committee at IWC/63 in 2011. The F&A Committee indicated it had now received the Secretary's report which identified four areas for review, these being:

- (1) NGO participation;
- (2) support for developing countries attending IWC meetings;

- (3) facilitating decision making at IWC; and
- (4) changes to the way the Secretariat receives cash payments.

In addition, the UK had submitted a package of proposals for improving the effectiveness of operations within the IWC. These proposals included consideration of the following areas:

- (1) the relationships between Contracting Governments and between Contracting Governments and the Secretariat;
- (2) financial matters including the payment of membership dues;
- (3) procedures for adopting, recording and announcing IWC decisions;
- (4) procedures relating to the use of scientific advice by the Commission; and
- (5) participation by observers.

The measures were intended to provide an overall package which would help improve effectiveness and would avoid piecemeal changes to the Rules of Procedure.

#### NON-GOVERNMENTAL ORGANISATION PARTICIPATION

IWC/63/F&A3rev reviewed areas of IWC practice relevant to NGO observers, and in particular the IWC's use of a dedicated NGO session to allow speaking rights at Plenary meetings. Concerns identified include:

- (1) when observers speak as part of the 'NGO session' they do not have a pre-determined agenda item and so interventions can lack structure;
- (2) Contracting Governments are not easily able to respond to claims or comments made; and
- (3) it is difficult to achieve an appropriate balance of observers.

The review showed that the use of a dedicated NGO session was unique to IWC. All other IGOs contacted allowed NGOs to speak during Plenary at the discretion of the Chair resulting in them only being called to speak after all Contracting Governments and if there was time available.

Under current IWC practice NGO observers are precluded from contributing to specific discussions. IWC/63/F&A4 proposed that the Rules of Debate be clarified so as to allow for the participation of observers at the invitation of the Chair in the same sessions as substantive agenda items are discussed.

While some countries supported NGOs being able to speak during the debate on substantive agenda items, others had concerns. The UK was asked to reconsider their proposal in the light of the debate and make alternative suggestions to the Commission meeting. Some countries also supported opening the F&A and Budgetary Sub-committee to observers (on the premise that the committees could go into closed session when necessary). The F&A Committee did not reach any consensus recommendation on NGO participation.

#### FINANCIAL SUPPORT FOR THE PARTICIPATION OF DEVELOPING COUNTRIES

The F&A Committee noted that the IWC's approach to funding developing country attendance is governed by Article 3(5) of the ICRW. However during the 'Future of the IWC' process the IWC recognised the importance of providing financial assistance to developing countries taking part in the extra meetings which were held and an interim procedure was developed to distribute voluntary funds.

Many of the other intergovernmental organisations contacted as part of the IWC Secretary's review of the organisation's rules and procedures were in the process of

<sup>24</sup>This item was opened for discussion on the second day of the Plenary session so as to allow adequate time for Commission discussions aimed at reaching agreement by consensus.



either considering or introducing mechanisms to support developing country participation including:

- (1) the use of voluntary contributions;
- (2) the use of central budget funding; and
- (3) providing travel and *per diem* expenses for attending certain special events.

Given the diversity of approaches and the limitations of Article 3(5) it was suggested that a working group be established to report to IWC/64 in 2012 on potential ways forward. Accordingly the F&A Committee endorsed a request for the Secretary to undertake further work on funding for developing countries ahead of IWC/64 in 2012.

#### **FACILITATING DECISION MAKING**

The report of the F&A Committee noted that the Commission has clear procedures in place for decision making by voting. However the Commission has recently committed to making every effort to reach its decisions by consensus. Some Commissioners had said that it would be helpful if, before finally reaching consensus (or, if not possible, voting), that the final proposal as modified during the debate be made available in writing. As the distribution of papers may cause delay, the F&A Committee considered that minor text changes to proposed consensus decisions could be made available via projection screens in the meeting room. Accordingly the F&A Committee discussed the following series of reforms:

- (1) initial drafts of all decisions be circulated at least one day before a decision is reached;
- (2) Commission decisions would only be considered adopted when the final text had been circulated and approved by Plenary; and
- (3) the final report of each Commission meeting to be completed within two months of the end of each meeting.

There was general support within the F&A Committee for having the text of proposed decisions circulated in advance, but this should be a flexible requirement. There was also support for on screen tracking of minor changes, the requirement for text copies of principle decisions and the use of English as the official language with translations to be provided where possible. The Secretariat was requested to draft further wording for any necessary rule changes with support from the Commissioner for New Zealand.

#### **PROPOSED CHANGES TO FINANCIAL PRACTICES**

IWC/63/F&A3rev introduced a proposal to modify the Financial Regulations so that the Secretariat would no longer accept Financial Contribution payments in cash. Additionally IWC/63/F&A4rev proposed a number of financial reforms as follows:

- (1) the rule that payments should be received the day before the start of the meeting be applied to new members;
- (2) payments would be by bank transfer from an account belonging to the state or a state institution (cash payments would no longer be accepted);
- (3) audited accounts to be placed on the Commission's website;
- (4) meetings of the F&A Committee should be open to observers unless decided otherwise so as to deal with private matters; and
- (5) meetings of the Budgetary Sub-committee should be open to observers who express a willingness to make voluntary financial contributions.

After extensive discussion in the F&A Committee there was a general view that payments by bank transfer were acceptable and that cash should only be used in exceptional circumstances or by prior agreement with the Chair of the Commission. The small group of countries that had expressed an interest were asked to discuss the use of cash payments in order to make a proposal to Plenary. There was general approval that the audited Financial Statements should be placed on the Commission's website.

#### **RELATIONS BETWEEN CONTRACTING GOVERNMENTS AND THE IWC**

The F&A Committee considered four possible improvements proposed by the UK to the relationships between Contracting Governments and between Contracting Governments and the IWC Secretariat:

- (1) the opportunity for member governments to designate an additional point of contact (e.g. an Alternate Commissioner) as this would help maintain contact during a change of Commissioner;
- (2) all circular communications to be sent to both Commissioner and Alternate Commissioner;
- (3) circular communications to be sent to observers and posted on the Commission's website (excluding confidential material); and
- (4) all IWC meeting papers to be archived on the IWC website.

There was general support for the proposals as amended by the UK (i.e. that designation of a second governmental contact point be optional), and it was suggested that the two categories of circular communication which would remain confidential would be:

- (1) those relating to staff issues; and
- (2) those relating to infractions which had not yet been submitted to the Infractions Sub-committee.

With these changes there was general consensus within the F&A Committee on the improvements.

#### **TRANSPARENCY OF SCIENTIFIC ADVICE**

The F&A Committee recognised the important role of science in IWC decisions and considered a UK proposal that all scientific analyses to be used for decisions of the Commission would first be reviewed by the Scientific Committee before they could be considered by the Commission Plenary<sup>25</sup>. Additionally, a proposed Resolution requested the Scientific Committee to review its operations and rules of procedure with respect to enhancing transparency and verifiability of its advice.

The Chair of the Scientific Committee referred to their standing agenda item on Working Methods of the Committee which already provided an annual opportunity to Scientific Committee members to review the Committee's practices. The UK noted that because the Scientific Committee represented an important component of the IWC decision making process it was necessary for the Committee to be included in the overall review process. It was suggested that it may be more appropriate to ask the Scientific Committee if there were any aspects the Commission could help with in the light of its own review, and the Chair of the Scientific Committee indicated that she would be happy to present the results of the Scientific Committee's ongoing annual reviews to the Commission.

<sup>25</sup>This issue was also considered as point (3) under Item 21.1.1.2.

### 21.3.2 Commission discussions and action arising

#### NON-GOVERNMENTAL ORGANISATION PARTICIPATION

The USA, Argentina, Israel, Switzerland, Mexico, Colombia, Monaco and Chile thanked the Chair of the F&A Committee for her report. The USA actively supported the productive participation of observers covering all viewpoints at IWC as it believed it would make the organisation stronger and better able to work through its differences. It was pleased the Chair had decided to invite observers to comment on specific agenda items during Plenary this year (Item 2.4). It hoped that this experience would eventually result in the Commission allowing observers to comment on all agenda items, time permitting. The USA also supported the inclusion of observers in the F&A Committee meetings provided the Chair of that Committee retains the ability to go into closed session should it be necessary as for personnel or other sensitive matters. Switzerland associated with the views of the USA, considering that NGOs can bring fruitful thoughts to IWC debates and would be able to play an important role in the future.

Argentina on behalf of the other countries of the Buenos Aires Group expressed its support for the active and constructive participation of NGOs in every activity of the Commission including written and verbal presentations. It believed this would make a major contribution to effectiveness and transparency of the IWC. Mexico stated that members of civil society organisations had a right to be heard and that limiting their participation encouraged frustrated behaviour. It considered that the best way to deal with environmental and conservation issues were by encouraging the participation of all interested parties, including effective access to all documents. Colombia supported Argentina and Mexico's comments and supported the improved participation of all actors as essential to the Commission's future. It commented that focusing interventions on agenda items would be helpful in maintaining the constructive spirit and respect which is critical for Commission recommendations to be implemented. It saw NGO participation as an exercise in transparency. Chile commented that NGO participation was a Chilean national policy and it wished to see members of civil society participating in debates at IWC.

Israel spoke in favour of improved transparency, less restrictions and greater participation for NGOs in all items on the IWC's agenda. It considered that there are accepted international principles in other organisations which the IWC could learn from which involve approval of the NGO on the merits of its activities. Israel noted that questions of balance or viewpoint are not usually considered. Monaco considered that the issue of NGO participation is one of the main priorities for the current meeting. It stated that the involvement of civil society was an essential tool in modern governance and that giving the floor to NGOs should not be seen as a privilege but is instead a moral and intellectual obligation. It viewed allowing NGOs to intervene on substantive items as progress but it was still far from what is needed as 30 minutes NGO interventions out of a total of roughly 35 hours represented less than 2% of speaking time.

The UK stated that the development of NGO speaking rights was one part of a package intended to improve the overall governance of the IWC which it considered must be a priority at this meeting. With regard to NGO participation the UK indicated it had modified its original proposals in order to achieve a consensus amongst EU countries present at IWC but noted it would continue to look at the process to see if the IWC could gain further improvements to NGO participation in the future. It stressed its overall package

was about governance, not whales, and it hoped that its package could gain support from all governments regardless of their position on whaling. The UK considered that the governance reforms it was proposing were seen as standard under comparable multi-lateral environmental agreements, and as such the measures should be without controversy and appropriate for adoption by consensus. The UK referred to the compromises it had made and expressed its delight that the EU group of nations had now agreed to support the reformed package of measures.

Iceland noted that the IWC is an organisation of states and that the delegates represent governments which in turn represent civil society in the respective countries. It was not convinced that increased NGO participation would improve the IWC, and like Norway it was not in favour of improving NGO participation. Denmark was also not in favour of improving NGO participation and noted that there was a reason for the different practices in use at IWC. It considered that a more lax treatment of NGOs would not bring benefits, and that it would need to be convinced of the appropriateness of any changes over time. It indicated it could accept a modernisation of the present system such as the one instituted by the Chair where NGOs spoke after Contracting Governments for a total of not more than 30 minutes and limited to three points on the agenda, with both sides of the debate represented.

The Chair noted that there had been an extensive debate in the F&A Committee on this subject and recognised that no agreement was made. The F&A Committee had asked the UK to revise its proposal in the light of the debate, and with these revisions having been made by the UK the Chair asked for the Commission to adopt this part of the F&A Committee report. Receiving agreement, the Chair stated that the Commission adopted this part of the F&A Committee report and endorsed any recommendations.

#### FINANCIAL SUPPORT FOR THE PARTICIPATION OF DEVELOPING COUNTRIES

Palau, St Kitts and Nevis and the Russian Federation thanked the Chair of the F&A Committee for their work on financial support. Palau requested to become a member of the small working group that would report on this topic to IWC/64 in 2012, but noted it would require funding if the group was to organise a meeting (as opposed to working by correspondence). Japan recorded its strong interest in this issue and its previous support for the participation of developing countries through the interim fund developed during the Future the IWC process. It noted that if the working group was to report at IWC/64 in 2012 (as opposed to before it) then actual action may be delayed to 2014 if the Commission was to move to a biennial cycle. It therefore asked the working group to report at least 60 days ahead of the Annual Meeting to allow any possible action to be agreed at IWC/64 in 2012, rather than having to wait until 2014.

The Russian Federation recalled that the work undertaken so far had reviewed the practices of 15 other intergovernmental organisations with regard to their support for developing countries. However the review had not looked at how these organisations supported countries with economies in transition. It therefore requested that the small working group also consider not just how to apply financial support to developing countries, but also to countries with transitional economies. Nauru noted that as a small developing country in the middle of the Pacific it was important for them to be able to attend any meetings associated with the management of the sea or sea bed as the ocean constituted its only natural resource and it thanked those countries who had been able to support its participation in the past.

St Kitts and Nevis agreed with the approach being used by the F&A Committee to research other international organisations and their practices in supporting developing countries attendance. It noted the limitations with regard to 3(5) of the ICRW but recalled that in the past the IWC had been able to use innovative ways to assist developing country participation in Commission meetings. It believed that the work of the F&A Committee in seeking cross references with other intergovernmental organisations should continue and it requested that all aspects of the recommendations of the F&A Committee report, including the issue of contributions, would be cross referenced with the norms and practices of other organisations as the issue of contributions would have most effect on developing countries. It urged the greatest possible amount of consultation on the proposals for governance reform, and requested that consultations take place not just with EU countries but with all IWC Contracting Governments so as to allow the opportunity for changes to be agreed by consensus.

The Commission adopted this section of the F&A report and endorsed any recommendations.

#### **FACILITATING DECISION MAKING**

Monaco supported the general trend of the F&A Committee work but observed that the push for avoiding a vote is having a perverse effect on the financing of the Commission. In order to vote you need to have paid the contribution. However if no voting is taking place there may not be an incentive to pay the contribution. Monaco considered the F&A Committee should examine this more closely, and suggested that the Commission should reflect on the difficulty of reaching consensus at all costs. It stated that there are different perspectives and interests, and that there is a case to be made for having a clear vote on important issues.

The Commission adopted this section of the F&A report and endorsed any recommendations.

#### **PROPOSAL FOR CHANGING THE WAY THE SECRETARIAT RECEIVES PAYMENTS**

Ghana indicated that although it had attempted to pay its financial contributions for IWC/63 by bank transfer this had not been possible and instead a cash payment had been necessary. It requested that if the intention was to stop the use of cash payments then they should be phased out progressively. It also noted that there are certain countries who only receive the necessary funds at the time Commissioners have to leave and that it would be difficult for those countries to comply with the proposed change.

St Kitts and Nevis supported Ghana in registering its concern with the proposal from the F&A Committee. It recognised the need to ease the Secretariat's difficulties in handling cash in overseas countries and the need for proper accounting processes to be in place. It asked why a bankers draft drawn from a government account is not acceptable in the same way as a wire transfer. It noted that countries may not have access to funds until immediately before a meeting and that the process of bank transfer may take several days. However a draft can be obtained immediately and did not present concerns with regard to lack of transparency. At the request of the Chairman the Secretary indicated that the Commission currently had a procedure in place<sup>26</sup> to allow Contracting Governments to pay arrears of contributions by banker's draft, however the procedure indicated that the draft must clear before payment is considered to have been received by the Commission. Antigua and Barbuda

spoke in support of the need to see greater transparency and associated itself with the comments of Ghana and St Kitts and Nevis. It stated that as for many developing countries it found that funds may only become available at very short notice and it requested there be further discussion before a final decision is taken on the F&A Committee proposal. Republic of Korea and Iceland supported the need to make special provisions in order to allow cash payments under special circumstances. Togo noted that this year its Ministry of Finance had not paid the full amount of its financial contribution, which resulted in the Commissioner having to pay the remaining balance in cash from his own account upon arrival at IWC/63. It suggested this was one example of where the measure proposed by the F&A Committee would hinder the ability of countries to pay their financial contributions and enjoy the right to vote.

New Zealand recorded its disappointment that this issue had become a test of the divisions within the IWC as it considered this should be an area where it would be possible for all Contracting Governments to work together. It observed that a lot of the discussion was covering examples of singular situations, which in themselves were not a reason to prevent the establishment of a general rule. Its view was that this issue should be addressed and resolved at the current meeting in a way that was clear and brought all Contracting Governments together.

The Chair noted that there was no consensus on this part of the report and proposed to leave the item open<sup>27</sup>.

#### **RELATIONS BETWEEN CONTRACTING GOVERNMENTS AND THE IWC**

Japan indicated it could support the proposal to make IWC circular communications available via the Commission's website, but asked that a system be developed for defining what material would be confidential. As part of this, it requested that should a Contracting Government wish to circulate material which it requested be kept confidential then this would be respected.

In response to a query from Antigua and Barbuda the Chair of the F&A Committee clarified that the proposal to identify an additional point of contact would be optional. With this clarification the Commission adopted this part of the F&A Committee report and endorsed any recommendations.

#### **TRANSPARENCY OF SCIENTIFIC ADVICE**

There was no discussion under this item and the Commission adopted this part of the F&A Committee report and endorsed any recommendations.

#### *21.3.3 Draft Resolution on Improving the Effectiveness of Operations within the International Whaling Commission*

The United Kingdom originally proposed a draft Resolution on Improving the Effectiveness of Operations within the International Whaling Commission within the 60 day framework required by the IWC's Rules of Procedure. The draft Resolution included an Annex which contained a series of amendments to the Commission's rules and procedures. Following discussion of the draft Resolution during the F&A Committee it was re-submitted to the Commission Plenary by Poland (acting in its role of President of the European Union) on behalf of the European Union member states who were members of the IWC. St Kitts and Nevis and The Russian Federation made separate points of order in relation to the tabling of the amended draft resolution by

<sup>26</sup>See footnote to Financial Regulation F.

<sup>27</sup>This item was subsequently closed without further discussion following the consensus agreement of Resolution 2011-1 on Improving the Effectiveness of Operations within the International Whaling Commission.



Poland on behalf of the European Union member states. As part of its point of order the Russian Federation noted that the European Union was not a party to the IWC and drew a parallel with the Gaborone amendment to CITES which would permit accession to CITES by regional economic integration organisations such as the European Union. The Russian Federation observed that although being drafted in 1983 the Gaborone amendment had not yet entered force because it had not been ratified by the required number of countries because of concerns over separatism. Following discussion and agreement in a private Commissioner's meeting the draft Resolution was re-submitted by the UK and Poland, Belgium, Czech Republic, Denmark, Germany, Estonia, Spain, France, Italy, Luxembourg, Hungary, the Netherlands, Austria, Portugal, Finland and Sweden.

The UK introduced the revised document and commented that the vast majority of the document now contained either proposals presented by the Secretariat during its review or reflected conclusions reached at the F&A Committee. It commented that the package of proposals was modest and did not differ from the issues and practices that were acceptable to all states at other international fora. The changes which had been made to the draft Resolution were:

- (1) the inclusion of a new pre-ambular paragraph to recognise the Scientific Committee's regular review of its own procedures;
- (2) the inclusion of an operative paragraph to request the Secretary to report back to IWC/64 in 2012 on the issue of providing assistance for the participation of developing countries;
- (3) a request in an operative paragraph to the Scientific Committee to continue its practice of reviewing its operations and Rules of Procedure; and
- (4) the inclusion of an operative paragraph to request the Secretary to convene a working group to consider the role of observers at meetings of the Commission following experience gained at IWC/63 in 2011.

With regard to the Annex to the Resolution the UK described the amendments to the Rules of Procedure which were proposed or had been modified in the light of suggestions during discussion at F&A Committee and other consultations. They were as follows:

- (1) the inclusion of a new paragraph A.2 to invite Contracting Governments to designate an additional point of contact which would remain constant in the event of a change of Commissioner;
- (2) with regard to changes to Section C on observer participation the UK said that following discussions and consultations it had withdrawn its original proposals and this rule now stood as it did previously;
- (3) the inclusion of a new paragraph in Section E to ensure all Contracting Governments are aware of the exact text of a decision before adoption;
- (4) for Section E.2 (a) the deletion of the words 'unless the Commission decides otherwise' so as to ensure complete clarity that voting rights were only available to those who had paid their dues;
- (5) for Section H.2 (h) a new duty for the Secretary to maintain the Commission's public website;
- (6) for Section M.4 (b) to ensure that scientific data or advice received from sources other than the IWC's Scientific Committee be reviewed by the Scientific Committee before it comes to the Commission;
- (7) an amendment to paragraph M./5 to post the report of the Scientific Committee on the Commission's website;

- (8) a new paragraph O.2 requiring that the text of decisions adopted at Annual Meetings be placed on the Commission's website within a 14 day period of the end of the meeting;
- (9) an amendment to paragraph P.2 requiring the Chair's Report of the annual Commission meeting to be posted on the Commission's website within 2 months of the end of the meeting;
- (10) a new paragraph P.3 requiring that all circular communications from the Chair or Secretary to Contracting Governments be placed on the Commission's website (excepting those deemed confidential); and
- (11) a change to paragraph Q.4 requiring documents held in the Commission's archive from 2011 onwards, and earlier if feasible, to be archived on the Commission's public website.

The changes to the Financial Regulations described in the Annex to the Resolution were as follows:

- (1) an addition to paragraph C.5 requiring that the Commission's audited Financial Statements be placed on the Commission's website;
- (2) a change to paragraph E.2 indicating that payment of dues must be by bank transfer from an account belonging to a state institution and that cash, cheques, money orders and credit cards would not be accepted; and
- (3) a new paragraph E.5 indicating that membership dues shall not count as having been received by the Commission until funds had cleared to the Commission's account.

In regards to the issue of receiving cash payments, the UK explained that while the procedural rules of other conventions do not expressly state that payment must be by bank transfer it noted that the implication is that payment should be by this method, and it cited the rules of CCAMLR, ICCAT and CMS in support of its argument. The UK also explained that cheques could not be considered an appropriate form of payment as it would be hypothetically possible to purchase a shell company and then use it to establish a bank account (and cheque book) in a name which could impersonate an agency or other institution of a Contracting Government. In this way, the UK argued that it would be possible for actors other than Contracting Governments to pay membership dues by cheque. In closing its introduction the UK stated that having heard the Commission's recent debate it would consider removing the proposed final sentence to rule E.2 which stated that cash, cheques, money orders and credit cards would not be accepted if this change would make the proposals more acceptable to Contracting Governments.

#### *21.3.4 Commission discussions on the proposed Resolution* **DISCUSSION ON THE RESOLUTION TEXT**

Many Contracting Governments thanked the UK and the other sponsors of the draft Resolution, acknowledged their flexibility in accepting different viewpoints so as to build consensus and indicated support for the draft Resolution. Costa Rica, Mexico, Argentina, Germany, USA, France, Colombia, Brazil, New Zealand, Monaco, Chile and Ecuador indicated that they would have preferred the first version of the draft Resolution which included expanded speaking rights for NGO observers. Many of these countries stated that they understood the reasons why this part of the proposal had been removed, and the USA, France, Chile and New Zealand reflected on the need for ongoing discussions

regarding NGOs and the opportunity afforded by the Chair's initiative at IWC/63 to introduce NGO participation by a more gradual route.

In relation to the request to the Secretary to report to the 64<sup>th</sup> Annual Meeting on options for providing assistance to developing countries, Japan asked that this report be made at least 60 days prior to IWC/64 so as to allow decisions to be made at that meeting. The UK thanked Japan for its sensible suggestion and amended the text to request the Secretariat to report 100 days ahead of IWC/64.

Mexico and Colombia supported the proposal for posting Circular Communications arising from the Secretary or the Chair of the Commission on the website, and also the proposal to make the report of the Scientific Committee available ahead of the Commission meeting.

Mexico, Argentina, Colombia, Brazil and the USA supported the proposed changes to the way the Secretariat receives payments. They suggested that the use of bank transfers would remove any negative perception associated with the use of cash and would result in greater transparency for the Commission in handling contributions as well as improved security for the Secretariat staff. Costa Rica noted that although it had an economy that was in transition, and also had associated problems with its budgeting process, it had nevertheless been able to make its payment to the Commission a year in advance. Argentina and Brazil observed that the Commission's financial year did not coincide with the January to December financial year as used by several Contracting Governments. This had caused difficulties in ensuring timely payment and they suggested it may be necessary to consider the possibility of amending timings so as to allow countries who had paid dues in the previous year to vote the following year.

In response to a question from St Kitts and Nevis, the UK clarified that payment would be regarded as having been received by the Commission once it had cleared into the Commission's account. St Kitts and Nevis stated that any changes to the payment system must reflect the capability and reality in each member country, and that the overall Resolution must not appear punitive or discriminatory to any member of the organisation. The UK considered that all Contracting Governments were in a position to use the universally available system of bank transfers as they were a normal part of commercial business operations. Iceland referred to the need to make arrangements for dealing with any special circumstances such as economic crises which may arise for Contracting Governments making payments by bank transfer.

St Kitts and Nevis asked whether there should be an assessment of the effect of the proposed changes and deadlines on the Secretariat's ability to meet the new obligations. The UK indicated that the Secretariat had had adequate time to consider the proposed changes and had not raised any concerns about the additional burdens which would be placed upon them.

Antigua and Barbuda proposed four changes to the Resolution, these being:

- (1) to change the phrase 'international environmental law' to 'law for marine resource conservation and management';
- (2) to change the words 'financial governance' to 'fiscal administration';
- (3) to remove the preambular paragraph stating that effectiveness can be enhanced without placing undue administrative burdens as this constituted an unknown leap of faith; and

- (4) to remove references in the Resolution to Article 3(5) of the Convention because compliance with the Convention was already implied.

St Kitts and Nevis supported the removal of references to Article 3(5) as it represented a pointed accusation to developing countries that their votes were being bought. Iceland supported points (1) and (4) as made by Antigua and Barbuda. The UK responded that (1) it would remove the word 'environmental' and use the phrase 'international law'; (2) it wished to retain the use of the word financial and (3) that it did not accept the other amendments as it believed the Resolution was clear as it was currently drafted. With regard to Article 3(5) the UK considered that inclusion of this reference was helpful for outside observers.

New Zealand stated that the draft Resolution must be considered against the background of the last three years work by the Commission which had generated a greatly improved level of trust across the IWC divide. While the Commission had not been able to complete the 'Future of the IWC' process New Zealand hoped that there was still a common commitment to maintain trust and respect as the Commission continued with its period of reflection. New Zealand warned that the trust could not be maintained if there was no attempt to resolve the fundamental differences that beset the Commission. It therefore considered it foolish to abandon efforts to build trust through the presentation of intractable positions. It urged both the sponsors of the Resolution and those who had concerns to proceed in this light.

#### DISCUSSION ON THE RESOLUTION ANNEX AND CHANGES TO RULES OF PROCEDURE

The Chair then invited discussion on each proposed change to the Rules of Procedure.

#### CHANGE TO RULE OF PROCEDURE PARAGRAPH A2

The proposed change was to add a new paragraph A.2 as follows (changes in ***bold italics***):

2. *In addition to the Commissioner, each Government party to the Convention should either designate another person to be its Alternate Commissioner or create a focal or contact point (which could be an e-mail address) to act as an additional means of communication between the Chair and Secretary of the Commission and that Government. The details shall be communicated to the Secretary through recognised diplomatic channels. Contact details of the Alternate Commissioner or the focal or contact point shall also be posted on the Commission's website.*

Cameroon suggested this paragraph was unnecessary given that the Secretary already had all the contact details for Commissioners. Japan commented that currently the names of the Commissioners are posted on the IWC website but not their contact information. In view of this, it noted that the proposal would create a situation where the contact details of the Alternate Commissioner or the contact point would be placed on the website, but not the contact details of the Commissioner and asked whether this was intentional. The UK explained that it wanted to enable there to be one contact point within any Contracting Government to receive communications and it was seeking to avoid the situation where the Commissioner receives excess correspondence as he or she would probably have many other duties. Japan also noted that its delegation had more than one Alternate Commissioner but that the proposal, as currently worded, suggested the existence of only one. It suggested it would be appropriate to make the reference to the Alternate Commissioner in paragraph A.2 plural. The UK explained that the proposal would allow one of the Alternates to be

the point of contact and that the drafting of the proposal would not preclude the appointment of other alternates. New Zealand considered the absence of contact information on the website for Commissioners may cause inconsistencies because of the way different Contracting Governments organise themselves. The UK replied that its intention was to establish at least one point of contact between Contracting Governments and the outside world, and it would be happy to include the word Commissioner in the proposed change to the last sentence of paragraph A.2.

Japan asked if the last sentence regarding the posting of details, particularly e-mail addresses, of the Alternate Commissioner on the website could be deleted because of the number of cyber attacks it had been experiencing. It said that currently only Commissioner's names were placed on the website, and their contact details were given out by the Secretariat upon request from Contracting Governments or independent researchers. It considered that the placing of e-mail addresses on the website would remove one layer of protection from cyber attacks. Antigua and Barbuda supported this point. The UK responded that the contact details need not include an email address as a conventional postal address would also be appropriate.

Antigua and Barbuda, Japan and Iceland requested that the word 'should' in the first line of the proposed paragraph A.2 be changed to 'may' because the decision to designate an Alternate Commissioner should be the decision of individual Contracting Governments. The UK responded that from an international legal point of view, 'should' is a word of encouragement, rather than an obligation which would require the use of the word 'shall'. The UK considered that the use of the word 'should' would provide sufficient flexibility to Contracting Governments

#### **CHANGE TO RULE OF PROCEDURE E. ON DECISION MAKING**

The proposed change was to add a new paragraph to the Rules of Procedure under the heading E as follows:

*A decision of the Commission taken at a meeting is not deemed adopted until the text has either been distributed to delegates or presented to them by electronic means and then approved by the Commission, whether by consensus or by vote. The text shall normally be distributed or presented in one working language and conveyed in the other working languages by oral interpretation. This rule applies both to decisions of the kinds specified in Rule J, and to other decisions of the Commission, except those relating only to the conduct of the current meeting. If the text of a proposed decision is amended, the revised text shall be distributed or presented in accordance with this rule. The authentic text of any such decision shall be the English version.*

Palau noted that the Commission seeks to make its decisions by consensus, and in this regard proposed the addition of the words 'preferably the former' to the end of the first sentence to ensure consensus decision making supremacy. The UK responded that the need for consensus was well expressed elsewhere in the Rules of Procedure and it did not believe there was a need to provide commentary within Paragraph E on this point.

Japan noted that as currently drafted the proposal allowed the written submission and adoption of a decision in a language other than English, but that the authentic text would nonetheless be in English. It suggested this was not a logical approach. The UK explained that although the original text may be in a different language, a provision elsewhere in the Rules of Procedure required that decisions would be published in other working languages within 14 days and that the interpreted versions would allow all Contracting Governments to understand what was being

proposed. Japan indicated this would leave many delegations in an uncomfortable situation of only hearing a proposal via interpretation and not being able to see a written English version. In light of this UK proposed to amend the phrase 'one working language' to 'English'. Japan and Iceland supported this change. Cameroon, supported by France, expressed its disappointment and indicated it had struggled to allow French to become a working language within the Commission.

St Kitts and Nevis asked why the text of a decision would be distributed to delegates as indicated in the first sentence of the proposal instead of being distributed to Commissioners or Alternate Commissioners as the designated persons. The UK explained that the reference to delegates rather than Commissioners was necessary because under the current circumstances the text of all proposed decisions was distributed into all pigeonholes, not just those of Commissioners. St Kitts and Nevis responded that the term 'delegate' includes everyone who attends the meeting from Commissioners to NGO observers, and that the proposal as currently drafted meant that Commissioners cannot make a decision unless the paper is circulated to delegates. In this regard St Kitts and Nevis proposed the replacement of the word 'delegates' with 'duly authorised Government representatives' as this would not prevent distribution to all members but would avoid the situation where a delegate did not happen to receive a pre-circulated document and subsequently caused a decision taken by Contracting Governments to be illegal. New Zealand suggested that the phrase 'members of the Commission' would be a better alternative to 'duly authorised Government representatives' as this was the language used earlier in the Rules of Procedure. St Kitts and Nevis and Iceland agreed with New Zealand's proposal. The UK indicated it could accept this proposal but noted that it is only right that decisions before this Commission should be made available to observers as well as Contracting Governments.

However, in accepting this change, the UK highlighted that if the text is presented to members of the Commission electronically then observers would automatically see it and so a distinction would be required between the presentation of material electronically or by written text. Iceland remarked that the purpose of the proposed paragraph was to condition the entry into force of a decision to a distribution or presentation to members of the Commission. It did not prevent the distribution or presentation of text by electronic means to other delegates. The UK responded that it felt that Commission meetings should be open and transparent and that observers must have an ability to see the proceedings, and so even if written texts are not circulated to them they still see texts that are presented to everyone by electronic means. The UK indicated that the current drafting of the rule could allow for the exclusion of observers. New Zealand stated that this was a rule on decision making which had no intention to exclude observers. Antigua and Barbuda and Japan supported New Zealand's comment. Japan also highlighted that the first sentence addressed two issues simultaneously, these being the method for distribution and a condition of decision making. It suggested it may be better to place these issues in separate sentences. Monaco suggested moving the words 'whether by consensus or vote' from the end of the first sentence to immediately after the words 'taken at a meeting' as a way of addressing Japan's point. The UK responded that it wished to highlight the visibility of any decision before it is adopted, not add confusion to who had actually taken the decision, and that



it believed the text was clear in its present form with the amendments previously discussed.

**CHANGE TO RULE OF PROCEDURE E.2.(A) ON SUSPENSION OF VOTING RIGHTS UNTIL PAYMENT IS RECEIVED**

The proposed change was to the final sentence of paragraph E.2.(a) was as follows:

This suspension of voting rights applies until payment is received by the Commission ~~unless the Commission decides otherwise~~.

St Kitts and Nevis remarked that this change removes the flexibility of Commissioners to decide the application of voting rights and would lead to an absolute situation where the Commission would be unable to, for example, consider situations beyond normal working such as those of national disaster. Iceland urged the need to look at the relationship between suspension of voting rights and lack of payment in a broad context, as it noted that other conventions such as CITES and CBD did not link voting rights to payments. In view of this it supported St Kitts and Nevis and indicated it would like to keep the wording unchanged. Japan drew attention to Provision F.5.(e) of the Financial Regulations which allows any Contracting Government to pay part of its arrears of contributions in order to re-establish voting rights and questioned whether the proposed change may require Contracting Governments to pay their entire arrears and therefore create an inconsistency within the Rules of Procedure. The Russian Federation agreed with the points made by St Kitts and Nevis and Japan. Poland intervened on behalf of the EU member states to indicate that it was not able to accept the suggestion to leave the wording unchanged as it would be against the good governance that it stood for.

The UK responded that it wished the relationship between payment of dues and voting rights to be very clear and referred to provisions of the UN Charter and General Assembly Rules which clearly indicate that voting rights are suspended if payment of dues is not made after two years. With regard to the possible inconsistency raised by Japan the UK suggested that the two procedural rules must be read together and do not cause an inconsistency and that the proposed removal of wording did not have an impact on the provision in Section F.5.(e).

**CHANGE TO RULE OF PROCEDURE E.2.(B) ON VOTING RIGHTS FOR NEW CONTRACTING GOVERNMENTS**

The proposed change to Rule of Procedure E.2.(b) was as follows:

- (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. *the day before the first day of the Annual or Special Meeting concerned.*

Japan questioned whether this proposed change would preclude any country which had initiated the process of bank transfer two days before the meeting but for whom the transfer did not complete until after the meeting started. The UK responded that the proposed change applied only to new Contracting Governments as the scenario outlined by Japan already applies to existing Contracting Governments.

**ESTABLISHMENT OF RULE OF PROCEDURE H.(H) ON THE COMMISSION'S WEBSITE**

The proposed change was to include a new Rule of Procedure H.(h) as follows:

- (h) *maintain the Commission's public website, which shall be continuously accessible to the extent possible subject to maintenance requirements and technical constraints.*

Japan noted that the proposal referred to the Commission's *public* website, whereas in other places the document referred to the Commission's website and asked whether this was intentional. The UK referred to discussions in the F&A Committee which indicated that the new website would have both a public and a private section and said its view was that the least possible material should go in the private section so as to secure transparency. Japan considered that the use of the two formulations would cause a problem, especially given the discussions about the public and private sections of the website. Japan drew attention to the proposed requirement later in the document to place the Scientific Committee report on the Commission website, and suggested this may be confusing when the original intention was to place it on the public website. The UK thanked Japan for raising this point, confirmed its intention was for the report to be placed on the public part of the website and suggested the inclusion of the word *public* would be helpful both in this context and when dealing with the placement of Circular Communications on the website.

**ESTABLISHMENT OF RULE OF PROCEDURE M.4.(B) ON SCIENTIFIC ADVICE**

The proposed change was to include a new Rule of Procedure 4.(b) as follows:

- (b) *Any ad hoc committee, sub-committee or working group established to provide scientific advice shall report to the Scientific Committee, which shall review the report of such committee, sub-committee or working group, and, as appropriate, make its own recommendations on the subject matter.*

New Zealand thanked the UK for its drafting of this proposal which it considered to be an improvement on the earlier version considered by the Finance and Administration Committee.

Palau made a general comment on Section M on Committees. It drew attention to the absence of meetings of the Technical Committee since 1999, and contrasted it with the method of establishment of the Conservation Committee at IWC/55 in 2003. Given the meetings of the Conservation Committee that had taken place since 2003 it suggested that perhaps the Conservation Committee should be included under paragraph M.1 as a Standing Committee and perhaps a more elaborate sub-section of terms reflecting the existence of the Conservation Committee should be included in these comprehensive changes to the Rules of Procedure. New Zealand responded that it considered Palau's suggestion to be a good idea, but one to be taken forward at another time because it was a rather different concept to the material currently under consideration. Palau thanked New Zealand for its support and requested its assistance in drafting such a proposal amendment in time to meet the 60-day deadline ahead of IWC/64 in 2012.

**MODIFICATION TO RULE OF PROCEDURE M.5 ON THE SCIENTIFIC COMMITTEE REPORT**

The proposed change was to modify Rule of Procedure M.5 as follows:

5. The preliminary report of the Scientific Committee should be completed and made available to all Commissioners *and posted on the Commission's website* by the opening date of the Annual Commission Meeting *or within 14 days of the conclusion of the Scientific Committee meeting, whichever is the sooner.*

St Kitts and Nevis questioned why a preliminary report would be placed in the public domain. The Head of Science clarified that the word 'preliminary' dated from the need to produce a report in the short time interval between the end of the Scientific Committee and start of the Commission meeting when only typewriters and cutting and pasting of paper were available as production methods. With computer technology it was now possible to produce a final report within the necessary timeframe. He also noted that the report of the Scientific Committee is a Report of the Committee as agreed by its participants and presented to the Commission. The Commission's job is not to change the Scientific Committee Report because that has been adopted by its participants but, of course, to comment upon it and endorse it should it so wish. Japan noted that under the present situation the Scientific Committee's report already has a large circulation despite being confidential until the opening of the Commission meeting, at which point it becomes a public document. In view of this Japan and Grenada suggested removing the word 'preliminary'. St Kitts and Nevis agreed to this, but suggested use of the phrase '*The official report of the Scientific Committee..*'.

Japan recalled earlier discussion in the F&A Committee that the proposed change was acceptable to Contracting Governments only upon the understanding that scientific analyses which had not been reviewed by the Scientific Committee would not form the basis for discussion or decision at the Commission meeting – in other words there would be no new input between the Scientific Committee and Commission meeting that would form the basis for decision.

Republic of Korea questioned the objective of the proposed change and suggested that placing the words '*...within fourteen days of the conclusion of the Scientific Committee Meeting and in any case by the opening date of the Annual Commission Meeting at the latest*' after 'all Commissioners' would be appropriate.

The UK agreed to remove the word 'preliminary', and in relation to Republic of Korea's enquiry confirmed that the intention was for the Scientific Committee Report to be published within fourteen days of the end of its meeting or by the start of the Annual Meeting whichever is earlier. The UK also clarified that it would add the word 'public' before 'website' in the proposed change.

#### **ESTABLISHMENT OF A RULE OF PROCEDURE O.2 ON RECORDS OF COMMISSION DECISIONS**

The proposed change was to create a Rule of Procedure O.2 as follows:

2. *The text of each Commission decision adopted at a meeting in accordance with Rule E, or by post, shall be placed on the Commission's website in all working languages within 14 days of the conclusion of the meeting or adoption of the decision by post.*

St Kitts and Nevis suggested the inclusion of the phrase '*...of the Commission...*' between the words 'languages' and 'within'. The UK noted that it would make reference to the Commission's *public* website in this proposed rule change.

#### **CHANGE TO RULE OF PROCEDURE P.2 ON POSTING OF THE CHAIR'S REPORT OF ANNUAL COMMISSION MEETINGS**

The proposed change to Rule of Procedure P.2 was as follows:

2. The Chair's Report of the most recent Annual Commission Meeting shall be *posted on the Commission's website within two months of the end of the meeting in the original language of the report and in other languages within three months. It shall be published in the Annual Report of the year just completed.*

St Kitts and Nevis suggested the inclusion of the word 'the' before the phrase '*...other languages within three months*' because of the absence of a clear definition for languages. Monaco enquired if the Chair's Report can be written in any language other than English, and Iceland indicated that it had a preference for the report to be in English and would like the phrase 'original language' replaced by 'English'. In response to a question from the UK, the Secretary clarified that it was normal practice to draft the report in English and indicated that the report was translated after the English version had been distributed. New Zealand noted that the official language of the Commission is English and therefore the Report has to be made in English regardless of the nationality of the Secretary at the time. It also noted that the translation of a large document will take a lot of time so the time limit should be applied only to the English version and flexibility given with the other working languages. This was supported by Iceland. Monaco supported New Zealand's intervention and remarked that as the official language of the Commission was English the Chair's Report should be provided in this language in the first instance. Monaco, supported by France, hoped that the translations into the other working languages would be provided quickly and not pending too many months.

The UK indicated it was helpful for Contracting Governments to have the English version of the report as soon as possible, and that the norm elsewhere was to have production around two months after the end of the meeting. It suggested there may be a possibility to reduce the overall length of the Chair's Report so as to allow the report to be produced within this deadline. Responding to New Zealand's intervention, the UK suggested that the Report should be provided in the other languages as soon as possible so as to give the Secretary flexibility in terms of the translation exercise.

Given that the proposed rule change would require the Chair's Report to be produced within two months, the Secretary asked if there was still a need to produce the Chair's Summary Report since if this was no longer required more resources could be given to production of the main report which would aid compliance with the new deadline. The UK responded that as part of its overall package the text of all decisions adopted would be published within 14 days of the close of the meeting, and that given this it recognised that the production of a summary report may become a casualty of the need to produce a full report within two months if the Commission agreed. Iceland agreed that the summary report was not necessary if a full report was available within two months.

#### **CREATION OF RULE OF PROCEDURE P.3 RELATING TO CIRCULAR COMMUNICATIONS**

A new Rule of Procedure P.3 was proposed as follows:

3. *All individual and circular communications from the Chair or Secretary to Contracting Governments shall be sent to both the Commissioner appointed under Rule A.1. and to his/her Alternate designated or to the focal or contact point created under Rule A.2. They should also be sent to all accredited intergovernmental observers. All circular communications from the Chair or Secretary to Contracting Governments shall be posted on the Commission's website on despatch, unless the Chair, after consulting with the Advisory Committee, deems that a confidential communication is warranted (applicable only for staff issues and infraction cases), in which case the communication should be sent to the Contracting Governments alone. A list of dates and subject titles of such confidential communications shall be presented to the next Annual Meeting.*

Japan noted that the Commission has three types of Circulars, these being:

- (1) to Contracting Governments and Commissioners;
- (2) to Members of the Scientific Committee; and
- (3) to all, i.e. to Contracting Governments, Commissioners and Members of the Scientific Committee.

It asked whether the Chair of the Scientific Committee had any views on whether communications to the Scientific Committee might have a different level of confidentiality to the other circulars. The Chair of the Scientific Committee responded that most of its Circulars were general information which could go on the public website, although on occasion Contracting Governments had requested that material not be released publically. Overall Japan indicated that it could go along with the general nature of the proposed changes, but noted that the Chair, in consultation with the Advisory Committee, will decide which Circulars would be considered confidential. It asked that in addition to this, a Contracting Government could also request that material it submitted for circulation be considered confidential, and that this request be recognised. Responding to this, the UK suggested the words ‘and information provided by Contracting Governments with a request that they remain confidential’ be placed at the end of the phrase given in parenthesis in the proposed text for paragraph P.3. Japan thanked the UK for their flexibility and agreed to the change.

Japan also noted the need to insert the word ‘public’ in relation to the Commission’s website to which the UK agreed for both Paragraphs P.2 and P.3.

#### **MODIFICATION TO RULE OF PROCEDURE Q.4 ON ARCHIVING OF COMMISSION DOCUMENTS**

A modification to Rule of Procedure Q.4 was proposed as follows:

4. All meeting documents shall be included in the Commission’s archives in the form in which they were considered at the meeting. *All such documents dating from 2011 onwards, and also earlier years where feasible, shall be archived on the Commission’s website in an accessible fashion by year and category of document.*

Japan noted the need to include reference to the Commission’s public website.

#### **MODIFICATION TO FINANCIAL REGULATION C.5 ON POSTING OF AUDITED ACCOUNTS TO THE WEBSITE**

A modification to Financial Regulation C.5 was proposed as follows:

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. *The most recent audited Financial Statements and the audit report shall be submitted to the Annual Meeting and posted on the Commission’s public website.*

St Kitts and Nevis asked if there were any rules regarding posting of the audited report to the website before it is seen by the Commission. The Secretary responded that current practice is for the Commission’s auditors to send their report directly to Contracting Governments after the completion of the audit. The Secretary also noted that the audited accounts are provided to the Budgetary Sub-committee, and also if necessary to the F&A Committee for their consideration. Japan noted the possibility that the audited statements may include information related to personnel or individuals and that the Commission would have to accept that this

type of information would also become public if this rule change was agreed. St Kitts and Nevis requested that the F&A Committee have opportunity to consider the audited accounts before they are made public. The UK responded that it considered it was important that the audited accounts were made public, and that they did not require the approval of the F&A Committee. It suggested that in terms of sequencing the accounts could be placed on the public website at the time of the Annual Meeting, which would mean that they would become available after the F&A Committee had met. St Kitts and Nevis agreed to this proposal.

#### **MODIFICATION TO FINANCIAL REGULATION E.2 ON METHOD OF PAYMENT OF ANNUAL FINANCIAL CONTRIBUTIONS**

A modification to Financial Regulation E.2 was proposed as follows:

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”. *Payment shall be by bank transfer from an account belonging to the Contracting Government or to a state institution of that Government. Cash, cheques, money orders and credit cards shall not be accepted.*

Republic of Korea proposed that the words ‘Other means of payment may be allowed under special circumstances after prior consultations between the Contracting Government and the Secretariat’ be substituted for the final sentence of the proposed modification to paragraph E.2. It explained that that would allow for the Commission to respond to special circumstances such as bankruptcy or to guard against the possibility of cyber attacks. Iceland supported this, and proposed an alternate form of words for the final sentence: ‘Other means of payment may only be used in exceptional circumstances or by prior agreement with the Chair of the Commission’ so as to provide consistency with the language of the F&A Committee report. In recognition of previous discussions Antigua and Barbuda wished to add the words ‘or bank draft’ after the phrase ‘Payment shall be by bank transfer...’

In response the UK re-stated its position that contributions by parties should only be made through bank transfer, and that if helpful it would be prepared to remove the last sentence of the proposed change that referred to cash and cheques. However it would not accept any other amendments to this paragraph.

In relation to Iceland’s suggestion the UK considered that it would place a huge burden on the Chair for he or she to determine when exceptional circumstances should be applied. In relation to the request from Antigua and Barbuda on bankers drafts the UK referred to earlier discussions and said that after consultations with the UK Treasury and the EU Director-General for Budgetary Affairs it considered that bankers drafts were similar to cheques and consequently had issues relating to clarity and security and that it was not prepared to accept this change.

New Zealand recognised the strong statement made by the UK and the co-sponsors of the proposal, but expressed concern on providing a rigid rule on payments in view of the unknown nature of all circumstances which may arise. In view of Iceland’s point New Zealand recognised the need for financial transparency but also wondered that if such exceptional circumstances were openly reported to the Commission that it might be possible for them to be addressed.



St Kitts and Nevis referred to its earlier intervention where it explained that the use of bank drafts was critical for developing countries. It noted that a draft for over \$US 10,000 must have a source of funds associated with it, and the draft also contains a section indicating which account it has been drawn from. It asked the UK what specific problems they would have in terms of transparency for a draft as against a transfer. It suggested that it was possible to go to a bank and make a transfer under the name of the Government of the UK without it necessarily coming from the UK if the appropriate checks and balances are not made, which have to be made regardless of whether or not a transfer or a draft is arranged. It repeated that it had serious problems with transfers because funds are not normally made available in developing countries until immediately prior to a meeting and the quickest way to get funds to the Secretariat is by certified bank draft that would include the name of the Government on whose account that money is drawn from.

Antigua and Barbuda, supported by Grenada, responded to the UK's statement and stated that banker's drafts and cheques are different in that the account from which the draft is to be prepared must have sufficient funds to cover the amount requested and in fact a debit is made from the account at the same time the transaction is processed. Thus there was no likelihood that a draft would not clear. Antigua and Barbuda supported the comments made by St Kitts and Nevis on the realities faced by developing countries in that funds do not become available until immediately prior to a meeting and requested others to be open minded in this respect. Antigua and Barbuda referred to the UK's earlier example of a fictitious shell company and noted that whilst the scenario described by the UK may have been possible 20 years ago, in today's financial environment the opening of an account for a company requires production of articles of incorporation and a decision of the board of directors to open an account at the specified financial institution. It also requires the identification documentation of the signatories and a certification of good standing from the Companies Register and these things are subject to legal enquiry. It said that these procedures ensured the account was legal. Antigua and Barbuda recalled the caution not to enact laws in government that one cannot live with in opposition and it remarked that for many Contracting Governments from developed states the changes being contemplated would be straightforward. However given the vagaries of financial systems it suggested that tomorrow may be a different story for such states and that there should be a willingness to be open minded and to examine the realities faced some Contracting Governments.

Poland spoke on behalf of the European Union countries to underline that the proposed provision was crucial to the EU and its member states in terms of maximising transparency. Ecuador noted that the GNI and growth of Antigua and Barbuda and St Kitts and Nevis was larger than its own, and expressed its amazement that, given those Governments also had a central bank, it could not do a wire transfer from the Government. As a developing nation Ecuador faced the same problems of liquidity and that in order to have proof of where funds originated and were to be transferred to it believed that payment of dues should be from a public account. Mexico noted there must be a difference between cheques and transfers and drafts and recalled the Secretary's earlier explanation that it had received drafts that had not been paid as can happen with personal cheques. In light of this it considered that the situation was clear and that drafts

might cause problems to the Secretariat. St Kitts and Nevis challenged the earlier submission from the Secretary on drafts which had not been honoured because when a bank issues a certified draft it indicates that funds are available. It re-iterated that a draft is issued by a bank where an account is debited and this guarantees payment but a cheque is issued by an individual.

Iceland noted that although this issue was most relevant to developing countries it was not limited to them. It recalled the examples of where a country can be subjected to terrorism or other unforeseeable circumstances which would preclude them from making payments in the stipulated way. Accordingly it urged the need to make a provision for exceptional and unforeseen circumstances.

The UK again stated that its position on the issue of further amendments was not negotiable either for itself or the co-sponsors of the proposal. It recognised the different opinions in the room, but indicated it could not make further changes.

#### **AMENDMENT OF FINANCIAL REGULATION E.3 ON PARTICIPATION OF NEW CONTRACTING GOVERNMENTS**

Amendment of Financial Regulation E.3 was proposed as follows:

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 **in which it participates**, whichever is the earlier.

There were no discussions on this proposal.

#### **CREATION OF FINANCIAL REGULATION E.5 ON METHOD OF RECEIPT OF MEMBERSHIP DUES**

A new Financial Regulation E.5 was proposed as follows:

5. *For the purpose of application of Rule of Procedure E.2, payments of membership dues shall not count as having been received by the Commission until the funds have been credited to the Commission's account.*

St Kitts and Nevis said that this proposal was unacceptable and insisted that a certified bank draft should be acceptable as a form of payment rather than having to wait until the funds had deposited in the Commission's account. It also noted that if the proposed change on extraordinary circumstances proposed under E.2 was accepted it could cause a conflict with paragraph E.5 because the Secretariat could receive a draft under such circumstances but not be in a position because of the location of the meeting to deposit the draft at a bank. In this way it did not agree to payment being deemed paid only when credited to the Commission's account. It suggested that contrary to the views of the UK there was still room to arrive at a consensus agreement and urged the continuation of dialogue. Antigua and Barbuda, Iceland, Grenada and Kiribati supported these views.

#### **FORMATION OF A DRAFTING GROUP**

Having heard the above debate the Chair noted that there had been agreement on some points but not on others. The UK agreed to produce a revised document and indicated that although some aspects of its proposal were non-negotiable it was happy to meet with others as part of a drafting group to see if consensus could be achieved. The Chair thanked the UK for this response and proposed a drafting group comprising New Zealand, Japan, Iceland, one of either St

Kitts and Nevis or Antigua and Barbuda, one of the Latin-American countries and then also Poland and the UK. St Kitts and Nevis declined to take part in the group because of the non-negotiable views of the UK. Iceland recalled the desire to find a compromise consensus and agreed to take part. Japan noted that some issues were straightforward whereas others would be more difficult to resolve and it may not be efficient to place all the issues into one group. The UK agreed with this, indicated it would produce the document with changes that had already been agreed and suggested that the drafting group should concentrate on the financial issues.

#### REPORT OF THE DRAFTING GROUP

New Zealand acted as co-ordinator of the drafting group and reported on the group's progress. The changes to the Resolution agreed by the group were as follows:

- (1) the deletion of the word 'environmental' in the second and fifth preambular paragraphs;
- (2) in the last preambular paragraph, starting with the words 'Mindful of the need..', the group agreed to delete the specific reference to developing countries because Article III.(5) of the Convention refers to all members and does not identify categories of membership, and also to delete the reference to limitations of Article III.5 so as to read 'Providing assistance for the participation in international conferences or meetings of delegates given Article III.5 of the Convention...'; and
- (3) in the third operative paragraph the group provided a time frame of 100 days before the meeting for the presentation of the Report that is requested of the Secretary and also deleted the specific reference to Article III.(5).

With regard to the Annex the changes reported were as follows.

- (1) Paragraph 2 was reworked to add clarity that there is discretion and now as part of this it contains an invitation to establish an additional means of communication between the Commission and the Contracting Governments.
- (2) On Rule E. the agreement was to separate the provision of the text to members as a pre-condition for the adoption of the decision but at the same time to make it clear the text is to be made simultaneously available to all other accredited participants. So whether the text is circulated as a document or put up on the screen by electronic means, it will be available to all but it is the conditionality of provision to Commission members that relates to the effectiveness of the decision.
- (3) For the last line of Rule E.2(b) the final words 'unless the Commission decides otherwise' have been deleted. This change was part of a series of changes that relate to alterations later in the document.
- (4) The insertion of the word 'public' in relation to all references to the Commission's website.
- (5) For Rules M.4.(b), M.5 and O.2 the changes discussed by Plenary were incorporated.
- (6) For Rule P.2 the group modified the rule to make it clear that the Chair's Report shall be posted on the Commission's public website in English within two months of the end of the meeting and in the other working languages as soon as possible thereafter to give an element of flexibility to the Secretariat.

- (7) The insertion into Rule P.3 of the language requested by Japan in respect of a situation where a Contracting Government requests that information provided to the Secretariat is to remain confidential.
- (8) For Rule Q.4 the changes discussed by Plenary were incorporated.
- (9) For Financial Regulation C.5 the group agreed a change which made it clear there that the requirement to make the audited Financial Statements available should be by the opening of the Annual Meeting which will give the Secretariat the opportunity to put them on the website after the F&A Committee has considered them.
- (10) In regard to Financial Regulations E.2 and E.5 the group retained the proposal made by the UK and the other co-sponsors for bank transfers to be the rule for payments. However to take account of the concerns that there maybe delays between payments of bank transfers and receipt by the Commission the group adjusted Financial Regulation E.5 on application of the procedure to provide flexibility on what is meant by received by the Commission. This meant that payment shall only count as being received when funds have been credited to the Commission's account, and to add flexibility this would be unless the payment has been made and the Commission is satisfied that the delay in receipt is due to the circumstances beyond the control of the Contracting Government. This procedure would deal with the unpredictable situation where the payment has been made but not received by the Commission.

The group was pleased to report these changes and New Zealand thanked the participants for their constructive discussions on the difficult areas.

The USA thanked the drafting group for its work and the UK, Iceland and St Kitts and Nevis as members of the group thanked New Zealand for its efforts in bring the group to agreement. The UK indicated the document as proposed was modest but addressed its principle concerns and hoped it could be adopted by consensus. The UK also referred to the compromise it had made on observer and civil society participation but said this had been a part of the negotiation. Japan urged the document be adopted by consensus, and that it not be treated as a win for any particular side, but instead as an achievement for the organisation as a whole. Ghana was pleased to receive the document and commended the commitment that had been shown and Morocco reflected that the new proposal, if accepted by consensus, would improve the effectiveness of the IWC and open room for further reforms through consultation and consensus between members.

The Chair asked if the proposals as revised by the drafting group could be adopted by consensus. Seeing no objections, the Chair confirmed the revised proposal was adopted as Resolution 2011-1 on Improving the Effectiveness of Operations within the International Whaling Commission. The final text of the Resolution is reproduced at Annex D. Poland, on behalf of the co-sponsors of the proposal indicated its gratitude for the cooperation on this proposal received from all members of the Commission. It was convinced that the proposal would make the IWC an improved organisation in terms of transparency and effectiveness.

#### 21.4 Carbon neutral study

##### 21.4.1 Report of the Finance and Administration Committee and Commission discussions

Because of time constraints caused by the extended discussion on Agenda Item 21.3 the Chair of the F&A

Committee referred Commissioners to the F&A Committee report on the carbon neutral study. There was no further Commission discussion on this item.

### **21.5 Formula for calculating contributions and related matters**

#### *21.5.1 Report of the Finance and Administration Committee and Commission discussions*

Because of time constraints caused by the extended discussion on Agenda Item 21.3 the Chair of the F&A Committee referred Commissioners to the F&A Committee report on the formula for calculating contributions and related matters. There was no further Commission discussion on this item.

### **21.6 Report of the Intersessional Correspondence Group on strengthening IWC financing**

#### *21.6.1 Report of the Finance and Administration Committee*

The Committee agreed that the work of the Intersessional Correspondence Group should continue under updated terms of reference as outlined in the report of the F&A Committee. Other Contracting Governments were invited to join the group and there was also a proposal to add a standing item on Fundraising to the agenda of the F&A Committee.

#### *21.6.2 Commission discussions and action arising*

There were no Commission discussions under this item.

### **21.7 Financial Statement, budgets and other matters considered by the Budgetary Sub-committee**

#### *21.7.1 Review of Provisional Financial Statement 2010/11*

##### **21.7.1.1 REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE**

The Committee recommended the Provisional Financial Statement to the Commission subject to audit. It also recommended that annual reports on income and expenditure related to voluntary contributions be provided as this information will be useful in the future.

##### **21.7.1.2 COMMISSION DISCUSSIONS AND ACTION ARISING**

There were no Commission discussions under this item.

#### *21.7.2 Consideration of estimated budgets, 2011/12 and 2012/13*

##### **21.7.2.1 REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE**

The Committee proposed 'budget scenario 2' for the Commission's approval. This represented a budget based on no increase in total expenditure.

##### **21.7.2.2 COMMISSION DISCUSSIONS AND ACTION ARISING**

There were no Commission discussions under this item.

#### *21.7.3 Other*

The F&A Committee recommended that all Contracting Governments make every effort to pay their dues promptly and also encouraged the Secretariat to strengthen its effort to obtain outstanding payments because these amount to over £400,000.

The F&A Committee also recommended the Commission endorse a proposal outlined in IWC/63/F&A10 for an expert to provide temporary technical assistance to the Secretariat at no cost. This person would assist in reducing conflicts between cetaceans and marine resource users.

Finally the F&A Committee thanked Andrea Nouak (Austria) for completing her three year term as Chair of the Budgetary Sub-committee. Martin Krebs (Switzerland) has agreed to take on the role. In addition, the USA agreed to take up the role of Vice-Chair for the Budgetary Sub-committee and the UK agreed to fill the vacant open seat.

### **21.8 Adoption of the Report of the Finance and Administration Committee**

The Commission adopted the Report of the F&A Committee, including the recommendation to adopt 'budget scenario 2', and thanked Ms Petrachenko for her Chairmanship.

## **22. DATE AND PLACE OF ANNUAL AND INTERSESSIONAL MEETINGS**

### **22.1 64<sup>th</sup> Annual Meeting in 2012**

The Commission was pleased to accept an invitation from the Government of Panama to host the 64<sup>th</sup> Annual Meeting in 2012. Panama said that the meetings of the Scientific Committee, Sub-groups and Commission Plenary would take place in Panama City and proposed dates of 11 June-6 July 2012. It indicated it had supplied the Secretariat with a list of countries that would require visas as well as a directory of consulates and the special procedures it applied in the case of international conferences.

### **22.2 Future Commission meetings**

No time or date was proposed for a meeting in 2013. The Commission agreed to discuss the possibility of moving to biennial meetings from 2012 onwards at its 64<sup>th</sup> Annual Meeting.

## **23. ADVISORY COMMITTEE**

The Commissioner for the USA was elected onto the Advisory Committee for two years to replace the Commissioner for Belgium. The Advisory Committee therefore now comprises the Chair (vacant), Vice-Chair (vacant), the Chair of the F&A Committee (Australia), the Commissioner for Guinea and the Commissioner for the USA.

## **24. 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.

## **25. OTHER MATTERS**

### **25.1 Problems encountered in obtaining a UK visa to attend IWC/63**

At the private Commissioner's meeting on Sunday 10 July a number of Contracting Governments stated that several delegations had encountered problems obtaining a UK entry visa so as to be able to attend IWC/63. These concerns were repeated under Agenda Items 2.4 and 21. In light of this the Commissioners had requested the Secretary to prepare a report on these concerns for presentation to Plenary.

#### *25.1.1 Secretary's report on delegations who had reported difficulties obtaining a visa to attend IWC/63*

The Secretary introduced IWC/63/14 on information received by the Secretariat from delegations who had reported difficulties obtaining a visa to attend IWC/63. The document:

- (1) reviewed the dates when the location and timing of IWC/63 were announced and the associated publication of instructions to assist participants in obtaining visas;
- (2) provided a list of the delegations and observers who had contacted the Secretariat in the approaches to IWC/63 to indicate that they were encountering difficulties in obtaining visas;



- (3) outlined the steps the Secretariat had taken to resolve these concerns, including a response received from the UK Border Agency;
- (4) provided a list of delegations who had pre-registered to attend IWC/63 but who had not arrived;
- (5) summarised feedback from delegations on the nature of the problems encountered; and
- (6) suggested steps to ensure that the situation did not arise again in the future.

The Secretary stressed the importance he attached to this issue and invited comments from delegates as to how the Secretariat could best support all delegations seeking to attend IWC meetings.

#### *25.1.2 Commission discussions and action arising*

The UK provided an update on the steps it had taken to assist delegates in gaining visas. It indicated that on the second day of IWC/63 it had received a list of representatives from eight states who had not arrived in Jersey. It had immediately passed this information to the UK authorities. It was aware that one delegation had subsequently arrived, and another who had previously arrived in Paris had now received a visa. The UK had not been able to track the other delegations as details of the visa applications that had been made were not available but indicated that it would do so if that information could be made available. The UK stated that it wished to learn from this experience and would work with the Secretariat to ensure the situation did not occur again.

Israel said that before a country is approved to act as host an undertaking should be received to grant visas to all countries in advance of a meeting. It also suggested that while it may be beneficial to consider ways to attend meetings remotely, e.g. by web link as suggested in IWC/63/14, this should not be considered a solution to difficulties in obtaining visas. Monaco supported Israel's comments. Ghana suggested that letters of invitation sent to Contracting Governments are also sent to Commissioners to avoid the situation where correspondence may be mislaid. Mexico and Antigua and Barbuda thanked the UK for its willingness to work with the Secretariat to resolve the issue, and Antigua and Barbuda noted that it was critical that the Secretariat meet with the delegation from Panama as hosts of IWC/64 in 2012 so that specific entry requirements and advice on obtaining visas can be published as early as possible and any delays identified well in advance of the scheduled meeting. Monaco agreed with this and asked the Secretariat to post full information on the IWC web pages regarding the visa requirements for all participants including both Contracting Governments and observers. The Russian

Federation associated with Monaco's comments and noted the need to maintain a close relationship with the Ministry of Foreign Affairs in the host country. It commented that many consulates require an invitation in the language of the host country and indicated that it was important that the host appoint a person to be responsible for such matters. The Russian Federation was unsatisfied with the response given by the UK as a visa had not been issued to half of its delegation despite all consular requirements having been fulfilled. Ecuador noted that the UK hosts the headquarters of around 30 multilateral organisations and almost half of these have members drawn from outside the EU or Commonwealth. It therefore recommended that these organisations should consult with the UK authorities to ensure a facility is developed to assist delegates wishing to attend meetings convened by these organisations.

Japan noted that the situation with transit visas should also be considered, especially given the location of the next meeting in Panama and suggested that many delegations may be required to obtain a transit visa to pass through the USA. Japan also remarked that often a host country may not have an embassy based in the country of all Contracting Governments to the IWC with the result that delegates can be referred to an embassy in another country. However, upon arrival it can often be the case that the embassy to which delegates have been referred is also unable to issue a visa, resulting in a re-direct to a third country. Japan noted that host governments should provide a list of all embassies and consulates that were, and were not, able to issue entry visas as part of the information it provided.

Iceland noted that the issue had both long term and short term consequences. In the long term it was important to learn from the experience and prevent re-occurrence. In the short term Iceland suggested that IWC/63 should proceed on the basis of consensus and to refrain from other types of decision making in the absence of some delegates.

In response the Secretary thanked all speakers for their comments and stated that he would undertake the actions suggested, especially with regard to working with host countries to publish detailed information on the IWC website to assist delegates in obtaining visas for Annual Meetings.

#### **25.2 Closure of the Meeting**

The meeting was closed at 20.40 on Thursday 14 July 2011.

#### **26. AMENDMENTS TO SCHEDULE**

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

## Annex A

### Delegates and Observers Attending the 63<sup>rd</sup> Annual Meeting

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

#### Antigua and Barbuda

Joanne Massiah (AC)

#### Argentina

Susana Ruiz Cerutti (C)

Miguel Iñiguez (AC)

#### Australia

Donna Petrachenko (C)

Tony Burke (AC)

Paul Grimes (AC)

Chris Schweizer (AC)

Nick Gales (AC)

Peter Komidar (AC)

Stephanie Ierino

Andrew Brooke

Pam Eiser

Isabel McCrea

Anne-Marie Wilcock (S)

#### Austria

Andrea Nouak (C)

Michael Stachowitsch (AC)

#### Belgium

Alexandre de Lichtervelde (C)

Fabian Ritter (AC)

Els Vermeulen

#### Brazil

Marcus Henrique Paranaguá (AC)

#### Cambodia

Ing Try (AC)

#### Cameroon

Baba Malloum Ousman (C)

Joseph Ngwafor

#### Chile

Jose Fernandez (AC)

Barbara Galletti

#### Colombia

Sandra Bessudo Lion (C)

Giannina Santiago Cabarcas (AC)

Fernando Trujillo

#### Costa Rica

Eugenia Arguedas (AC)

Ricardo Meneses

#### Côte d'Ivoire

Djobo Anvra Jeanson (C)

#### Czech Republic

Veronika Vilímková (C)

#### Denmark

Ole Samsing (C)

Amalie Jessen (AC)

Maj Friis Munk (AC)

Nette Levermann

Peter Linde

#### Dominican Republic

Francisco Comprés H. (AC)

#### Ecuador

Ana Alban (C)

Gustavo Iturralde (AC)

#### Estonia

Kadri Alasi (AC)

#### Finland

Penina Blankett (C)

#### France

Jean-Philippe Gavois (C)

Martine Bigan (AC)

Vincent Ridoux

Christiane Laurent-Monpetit (S)

#### Gambia

Matarr Bah (C)

#### Germany

Walter Duebner (C)

Dieter Seweizer

Gerhard Adams

Peter Sauer

#### Ghana

Mike Akyeampong (C)

#### Grenada

Justin Rennie (AC)

#### Guinea-Bissau

Mário Dias Sami (C)

Augusto Mamajam Jaló (AC)

Gualdino Afonso Té (AC)

#### Hungary

Zoltán Czirák (C)

Levente Körösi (AC)

#### Iceland

Tomas H. Heidar (C)

Asta Einarsdottir (AC)

Johann Gudmundsson

Gisli Víkingsson

Kristjan Loftsson

#### India

Jagdish Kishwan (C)

A.K. Srivastava (AC)

#### Ireland

John Fitzgerald (C)

#### Israel

Esther Efrat-Smilg (C)

#### Italy

Plinio Conte (AC)

Caterina Fortuna (AC)

Francesca Granata

#### Japan

Kenji Kagawa (C)

Joji Morishita (AC)

Tetsuya Yamamoto (AC)

Yutaka Aoki (AC)

Tadamasa Kodaira

Hideyuki Takahashi

Yoshitaka Ito

Shigeki Takaya

Satoshi Kuwahara

Tomoaki Nakao

Noburu Suenaga

Kazutaka Sangen

Katsutoshi Mihara

Toshinori Uoya

Shinji Hiruma

Akiko Muramoto

Kayo Ohmagari

Gabriel Gomez Diaz

Dan Goodman

Hiroshi Oka

Hitoshi Takahashi

Eri Ugajin

Nobuyuki Yagi

Keiko Murata (I)

Saemi Baba (I)

Yoko Yamakage (I)

**Kiribati**

Reteta Rimon Nikuata (C)

**Republic of Korea**

Il-Jeong Jeong (C)  
 Dae-Yeon Moon (AC)  
 Jong Hwa Bang (AC)  
 Jeongseok Park (AC)  
 Min Seo Park (AC)  
 Hyun-Jin Park (AC)  
 Kab-Yong Jeong (AC)

**Luxembourg**

Claude Origer (C)  
 Pierre Gallego (AC)

**Mauritania**

Azza Ahmed Cheikh Ould Jedou (C)

**Mexico**

Lorenzo Rojas-Bracho (C)  
 Yolanda Alaniz

**Monaco**

Frederic Briand (C)

**Mongolia**

P. Naranbayar (AC)

**Morocco**

Abdelouahed Benabbou (C)  
 Yassine Elaroussi (AC)

**Nauru**

Jarden Kephass (AC)

**Netherlands**

Jan-Willem van der Ham (C)  
 Peter Bos (AC)  
 Patrick Brandt (AC)

**New Zealand**

Gerard van Bohemen (C)  
 Caroline McDonald (AC)  
 Andrew Bignell (AC)  
 Louise Chilvers  
 Karena Lyons

**Norway**

Ole-David Stenseth (C)  
 Einar Tallaksen (AC)  
 Hild Ynnesdal  
 Lars Walløe  
 Egil Øen  
 Jan Skjærvø

**Republic of Palau**

Victorio Uherbelau (C)

**Panama**

Tomás Guardia (C)  
 Gabriel Despaigne

**Poland**

Monika Lesz (C)  
 Marta Babicz (AC)  
 Bożena Kornatowska  
 Tomasz Pyszko (S)

**Portugal**

Jorge Palmeirim (C)  
 Marine Sequeira (AC)

**Russian Federation**

Valentin Ilyashenko (C)  
 Igor Mikhno (AC)  
 Ludmila Kasatkina  
 Ludmila Golembievskaya (S)  
 Masha Vorontsova (I)

**Saint Kitts and Nevis**

Daven Joseph (C)

**Saint Lucia**

Ezechiel Joseph (AC)

**South Africa**

Herman Oosthuizen (C)  
 Ed Couzens (AC)

**Spain**

Carmen Asencio (C)

**Sweden**

Bo Fernholm (C)  
 Claes Pile (AC)

**Switzerland**

Bruno Mainini (C)  
 Martin Krebs (AC)

**Togo**

Kossi Maxoè Sedzro (C)

**Tuvalu**

Nelesone Panapasi (C)  
 Iete Avantele

**UK**

Richard Pullen (C)  
 Richard Benyon (AC)  
 James Gray (AC)  
 Luke Warwick (AC)  
 Beatriz Roel (AC)  
 Jolyon Thomson (AC)  
 Anju Sharda  
 Louise Savill  
 Vassili Papastavrou  
 Jennifer Lonsdale  
 Rob Deaville  
 Simon Stannard (S)

**USA**

Monica Medina (C)  
 Douglas DeMaster (AC)  
 Ryan Wulff (AC)  
 Roger Eckert (AC)  
 Lisa Phelps (AC)  
 Allison Reed  
 Keith Benes  
 Eugene Brower  
 Ira New Breast  
 Mike Tillman  
 Harry Brower  
 Ryland Bowechop  
 Taryn Kiekow  
 Michael Gosliner (S)

Rollie Schmitt (S)  
 Amanda Hallberg (S)  
 Justin Kenney (S)  
 Brian Gruber (S)  
 Greig Arnold (S)  
 Edward Itta (S)  
 Robert Brownell (S)  
 Bob King (S)  
 Katie Cramer (S)  
 Jennifer Salerno (S)

**Uruguay**

Julio Moreira (C)

**INTERPRETERS**

Mohammed Bennis  
 Cristian Bianchi  
 Elizabeth Lewis  
 Letiticia Saenz  
 Schéhérazade Matallah-Salah  
 Leila Safi

**SCIENTIFIC COMMITTEE**

Debbie Palka (Chair)

**IWC SECRETARIAT**

Simon Brockington  
 Cherry Allison  
 Greg Donovan  
 Sean Moran  
 Bernard Lynch  
 Mark Tandy  
 Julie Creek  
 Stella Duff  
 Sandra Holdsworth  
 Fiona Wright  
 Andrea Cooke

**INTERGOVERNMENTAL ORGANISATION OBSERVERS****ASCOBANS**

Luke Warwick

**CCAMLR**

Alexandre de Lichtervelde

**COMHAFAT/ATLAFCO**

Hachim El Ayoubi  
 Masaki Oikawa  
 Abdellah Regragui (I)

**European Union**

Francois Wakenhut  
 Jill Hanna  
 Irene Plank  
 Maria Marotta  
 Aikaterini-Zoi Varfi

**NAMMCO**

Hild Ynnesdal



**NON-GOVERNMENTAL  
ORGANISATION OBSERVERS****Alaska Eskimo Whaling  
Commission**

George Noongwook  
Edward Itta  
Elsie Itta  
Johnny Aiken  
Karla Kolash  
David Harding  
Craig George  
Jessica Lefevre  
Earl Comstock  
Lyman Hoffman  
Lillian Hoffman  
Al Adams  
Diane Adams

**All Japan Seamen's Union**

Kenji Takahashi  
Hideo Kon (I)

**American Cetacean Society**

Cheryl McCormick

**Animal Welfare Institute**

Susan Millward  
DJ Schubert  
Javier Rodriquez  
Mariko Terasaki (I)

**Antarctic and Southern Ocean  
Coalition**

Sidney Holt

**Biodiversity Action Network East  
Asia (BANEA)**

Ayako Okubo  
Yasuhiro Sanada

**Blue Voice.Org**

Hardy Jones  
Deborah Cutting  
Jeff Friedman

**Campaign Whale**

Andy Ottaway  
Samantha Dawes  
Geert Drieman

**Centro de Conservacion Cetacea**

Elsa Cabrera  
Jose Truda Palazzo Jr.

**Cetacean Society International**

Heather Rockwell  
Jessica Dickens

**Dolphin Connection**

Paul Spong

**Dolphin and Whale Action Network**

Nanami Kurasawa

**Earth Island Institute**

Mark Palmer

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

Lesley Suttty  
Mona George Dill  
Marlon Mills

**Environmental Investigation  
Agency**

Clare Perry

**European Bureau for Conservation  
and Development**

Despina Symons

**Fluke Foundation**

Mary Whitney

**Fundacion Cethus**

Vanessa Tossenburger

**Global Guardian Trust**

Toshikazu Miyamoto  
Jun Akamine (I)

**Greenpeace International**

John Frizell  
Willie Mackenzie  
Phil Kline  
Milko Schwartzman

**Humane Society International**

Kitty Block  
Bernard Unti  
Rebecca Regnery

**Instituto de Conservacion de  
Ballenas**

Roxana Aida Schteinbarg  
Mariana Almeida

**International Fund for Animal  
Welfare**

Patrick Ramage  
Naoko Funahashi  
Ralph Sonntag  
Robbie Marsland  
Clare Sterling  
Leslie Busby

**International Transport Workers'  
Federation**

Chikamasa Okoshi

**IWMC World Conservation Trust**

Eugene Lapointe  
Gavin Carter

**Japan Whaling Association**

Makoto Ito  
Ichiro Wada  
Konomu Kubo  
Yoshihiro Takagi  
Seiji Ohsumi  
Shinichi Ryono

Hayato Sakurai  
Shinichiro Yamamoto  
Junichi Miki  
Tetsuya Omotani  
Komei Wani  
Naoya Tanikawa  
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**Living Earth Foundation**

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**NOAH**

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**Norwegian Society for Protection  
of Animals**

Linda Rognli  
Tanya Schumacher (I)

**OceanCare**

Sigrid Lueber

**Pro Wildlife**

Sandra Altherr

**Robin des Bois**

Charlotte Nithart

**Society for the Conservation of  
Marine Mammals, Danish Section**

Birgith Sloth

**Whale and Dolphin Conservation  
Society**

Sue Fisher  
Mark Simmonds  
Kate O'Connell  
Niki Entrup  
Danny Groves  
Laura Doebring

**Whaleman International Ltd**

Jeff Pantukhoff

**Whales Alive**

Mick McIntyre

**Windstar**

Nancy Azzam

**Women's Forum for Fish**

Akiko Sato

**World Society for the Protection of  
Animals**

Joanna Toole  
Claire Bass  
Marcela Vargas

**WWF International**

Wendy Elliott  
Alona Rivord  
Leigh Henry  
Heather Sohl

## Annex B

### List of Documents

IWC/63		Agenda item
1	List of documents	
2	Annotated Provisional Agenda	
3	Delegates and Observers attending the 63 <sup>rd</sup> Annual Meeting	
4rev	Cooperation with other organisations	16
5rev	Financial Statements	21.7
6rev2	The South Atlantic: A Sanctuary for Whales (submitted by Brazil and Argentina)	9.2
7rev	Resolution to Maintain Progress at the IWC (submitted by New Zealand and the USA)	3
8rev2	Draft Resolution 2011 - On Improving the effectiveness of operations within the International Whaling Commission (submitted by the UK)	21.3
9	Contact with the World Health Organisation (Secretariat)	13.10.1
10	Draft Terms of Reference for a proposed intersessional <i>ad hoc</i> group to progress animal welfare and ethics issues within the IWC (submitted by the UK)	6.2
11rev	Withdrawn – see document IWC/63/8rev2	21.3
12rev	Proposal to Establish an Ad Hoc Aboriginal Subsistence Working Group (submitted by Denmark, Russian Federation and the USA)	7
13	Some thoughts on facilitating the process to agree catch limits for aboriginal subsistence whaling (ASW) (Secretariat)	7.4
14rev	Delegations who have reported difficulties in obtaining a visa to attend the 63 <sup>rd</sup> Annual Meeting of the International Whaling Commission (Secretariat)	21
15	Information note on RMP tuning and catch limits calculated by the Scientific Committee (submitted by Argentina, Belgium, Chile, Colombia, Mexico, Monaco, New Zealand and the USA)	16
16	Ship Strikes: Follow-up on recommendations made and measures identified at the Beaulieu Workshop (submitted by Belgium)	18
17	Resolution on Safety at Sea (submitted by Japan)	12.2
18	Information from St Vincent and The Grenadines received since the meeting of the Infractions Sub-Committee (Secretariat)	20
19	Information note on sustainability of Icelandic catch limits for the East Greenland-Iceland stock of fin whales (submitted by Iceland)	16
20	Paragraphs for inclusion in Chair's Report	9.2

<b>IWC/62/Rep - Reports from Commission sub-groups</b>		
1	Report of the Scientific Committee**	
2	Report of the Finance and Administration Committee*	21
3	Report of the Aboriginal Subsistence Whaling Sub-Committee*	7
4rev	Report of the Infractions Sub-committee*	20
5	Report of the Conservation Committee*	9, 14, 15, 18
6	Report of the Working Group on Whale Killing Methods and Associated Welfare Issues*	6
7	Report of the Small Working Group on Meeting Frequency*	21.1

\*Published in this volume.

\*\*Published in *J. Cetacean Res. Manage. (Suppl.)* 13 [2012].

<b>Summary documents available in French and Spanish</b>			
<b>IWC/63</b>			
Rep 1	-FR or SP	Unofficial summary of IWC/63/Rep1 (Report of the Scientific Committee)	
Rep 2	-FR or SP	Unofficial Chair's summary of IWC/63/Rep2 (Report of the Finance and Administration Committee)	21
Rep 3	-FR or SP	Unofficial Chair's summary of IWC/63/Rep3 (Report of the Aboriginal Subsistence Whaling Sub-Committee)	7
Rep 4	-FR or SP	Unofficial Chair's summary of IWC/63/Rep4 (Report of the Infractions Sub-Committee)	20
Rep 5	-FR or SP	Unofficial Chair's summary of IWC/63/Rep5 (Report of the Conservation Committee)	9, 14, 15, 18
Rep 6	-FR or SP	Unofficial Chair's summary of IWC/63/Rep6 (Report of the Working Group on Whale Killing Methods and Associated Welfare Issues)	6

<b>Opening Statements (Member Governments)</b>	
<b>IWC/63/OS GO</b>	
Argentina/Brazil/etc.	Argentina/Brazil/Chile/Colombia/Costa Rica/Dominican Republic/Ecuador/Mexico/Panama
Australia	Australia
Austria	Austria
Denmark	Denmark
India	India
Japan	Japan
Korea	Korea
New Zealand	New Zealand
Poland	Poland
USA	USA
<b>Opening Statements (Inter-Governmental Observers)</b>	
<b>IWC/63/OS IGO</b>	
CMS/ASCOBANS/ACCOBAMS	CMS/ASCOBANS/ACCOBAMS
NAMMCO	NAMMCO
<b>Opening Statements (Non-Governmental Organisations)</b>	
<b>IWC/63/OS NGO</b>	
ASOC	Antarctic and Southern Ocean Coalition
AWI	Animal Welfare Institute
CW	Campaign Whale
ECCEA	Eastern Caribbean Coalition for Environmental Awareness
HSI	Humane Society International
ICB	Instituto de Conservación de Ballenas - Argentina
ISS	Irish Seal Sanctuary
ITF	International Transport Workers Federation
IWMC	IWMC - World Conservation Trust
JSU	Japan Seamen's Union
NRDC	National Resources Defense Council
OC&PW	OceanCare and Pro Wildlife
Robin des Bois	Robin des Bois
WWF	Worldwide Fund for Nature



## Annex C

### Agenda

1. ELECTION OF CHAIR AND VICE-CHAIR
  - 1.1 Election of Chair
  - 1.2 Election of Vice-Chair
2. INTRODUCTORY ITEMS
  - 2.1 Welcome address
  - 2.2 Opening Statements
  - 2.3 Secretary's report on credentials and voting rights
  - 2.4 Meeting arrangements
  - 2.5 Review of documents
3. ADOPTION OF THE AGENDA
4. THE IWC IN THE FUTURE  
(Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 3)
5. WHALE STOCKS  
(Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 4)
  - 5.1 Antarctic minke whales
    - 5.1.1 Report of the Scientific Committee
    - 5.1.2 Commission discussions and action arising
  - 5.2 Southern Hemisphere humpback whales
    - 5.2.1 Report of the Scientific Committee
    - 5.2.2 Commission discussions and action arising
  - 5.3 Southern Hemisphere blue whales
    - 5.3.1 Report of the Scientific Committee
    - 5.3.2 Commission discussions and action arising
  - 5.4 Western North Pacific gray whales
    - 5.4.1 Report of the Scientific Committee
    - 5.4.2 Commission discussions and action arising
  - 5.5 Southern Hemisphere right whales
    - 5.5.1 Report of the Scientific Committee
    - 5.5.2 Commission discussions and action arising
  - 5.6 Other stocks of right whales and small stocks of bowhead whales
    - 5.6.1 Report of the Scientific Committee
    - 5.6.2 Report of the Conservation Committee (southern right whales off Chile-Peru)
    - 5.6.3 Commission discussions and action arising
  - 5.7 North Pacific Research Cruises
    - 5.7.1 Report of the Scientific Committee
    - 5.7.2 Commission discussions and action arising
  - 5.8 Other
6. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES  
(Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 5)
  - 6.1 Report of the Working Group on Whale Killing Methods and Associated Welfare Issues
  - 6.2 Commission discussions and action arising
7. ABORIGINAL SUBSISTENCE WHALING  
(Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 6)
  - 7.1 Aboriginal Subsistence Whaling Management Procedure
    - 7.1.1 Report of the Aboriginal Subsistence Whaling Sub-committee
    - 7.1.2 Commission discussions and action arising
  - 7.2 Aboriginal Whaling Scheme
    - 7.2.1 Report of the Aboriginal Subsistence Whaling Sub-committee
    - 7.2.2 Commission discussions and action arising
  - 7.3 Aboriginal subsistence whaling catch limits
    - 7.3.1 Report of the Aboriginal Subsistence Whaling Sub-committee
    - 7.3.2 Commission discussions and action arising
  - 7.4 Preparation for the 2012 review of catch limits
    - 7.4.1 Report of the Aboriginal Subsistence Whaling Sub-committee
    - 7.4.2 Commission discussions and action arising
8. REVISED MANAGEMENT SCHEME (RMS)  
(Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 7)
  - 8.1 Revised Management Procedure (RMP)
    - 8.1.1 Report of the Scientific Committee
    - 8.1.2 Commission discussions and action arising
  - 8.2 Other
9. SANCTUARIES  
(Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 8)
  - 9.1 Issues raised in the Scientific and Conservation Committees
    - 9.1.1 Report of the Scientific Committee
    - 9.1.2 Report of the Conservation Committee
    - 9.1.3 Commission discussions and action arising
  - 9.2 South Atlantic Sanctuary
10. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING  
(Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 9)
  - 10.1 Commission discussions and action arising
11. SCIENTIFIC PERMITS  
(Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 10)
  - 11.1 Report of the Scientific Committee
    - 11.1.1 Review of results from existing permits
    - 11.1.2 Review of new or continuing proposals
    - 11.1.3 Procedures for reviewing permit proposals
    - 11.1.4 Other
  - 11.2 Commission discussions and action arising
12. SAFETY ISSUES AT SEA  
(Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 11)
  - 12.1 Introduction by Japan
  - 12.2 Commission discussions and action arising
13. ENVIRONMENTAL AND HEALTH ISSUES  
(Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 12)
  - 13.1 State of the Cetacen Environment Report (SOCER)
    - 13.1.1 Report of the Scientific Committee
    - 13.1.2 Commission discussions and action arising
  - 13.2 POLLUTION 2000+
    - 13.2.1 Report of the Scientific Committee
    - 13.2.2 Commission discussions and action arising
  - 13.3 Cetacean diseases

- 13.3.1 Report of the Scientific Committee's working group on Cetacean Emerging and Resurging Diseases (CERD)
  - 13.3.2 Commission discussions and action arising
  - 13.4 The impact of oil and dispersants on cetaceans
    - 13.4.1 Report of the Scientific Committee
    - 13.4.2 Commission discussions and action arising
  - 13.5 Anthropogenic sound
    - 13.5.1 Report of the Scientific Committee
    - 13.5.2 Commission discussions and action arising
  - 13.6 Proposal for a Workshop on Anthropogenic Impacts to Cetaceans in the Arctic
    - 13.6.1 Report of the Scientific Committee
    - 13.6.2 Commission discussions and action arising
  - 13.7 Climate change
    - 13.7.1 Report of the Scientific Committee
    - 13.7.2 Commission discussions and action arising
  - 13.8 Ecosystem modelling
    - 13.8.1 Report of the Scientific Committee
    - 13.8.2 Commission discussions and action arising
  - 13.9 Reports from Contracting Governments on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals
    - 13.9.1 Commission discussions and action arising
  - 13.10 Health issues
    - 13.10.1 Commission discussions and action arising
  - 13.11 Other
- 14. CONSERVATION MANAGEMENT PLANS  
(*Chair's Report of the 62<sup>nd</sup> 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. WHALEWATCHING  
(*Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 14*)
    - 15.1 Report of the Scientific Committee
    - 15.2 Report of the Conservation Committee
    - 15.3 Commission discussions and action arising
  - 16. CO-OPERATION WITH OTHER ORGANISATIONS  
(*Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 15*)
    - 16.1 Report of the Scientific Committee
    - 16.2 Other reports
    - 16.3 Commission discussions and action arising
  - 17. OTHER SCIENTIFIC COMMITTEE ACTIVITIES, ITS FUTURE WORK PLAN AND ADOPTION OF THE SCIENTIFIC COMMITTEE REPORT  
(*Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 16*)
    - 17.1 Small cetaceans
      - 17.1.1 Report of the Scientific Committee
      - 17.1.2 Commission discussions and action arising
    - 17.2 Regional non-lethal research partnerships
      - 17.2.1 Report of the Scientific Committee
      - 17.2.2 Commission discussions and action arising
    - 17.3 Other activities
      - 17.3.1 Report of the Scientific Committee
      - 17.3.2 Commission discussions and action arising
    - 17.4 Scientific Committee future work plan
      - 17.4.1 Report of the Scientific Committee
      - 17.4.2 Commission discussions and action arising
    - 17.5 Adoption of the Scientific Committee Report
  - 18. CONSERVATION COMMITTEE  
(*Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 17*)
    - 18.1 Report of the Conservation Committee
    - 18.2 Commission discussions and action arising
  - 19. CATCHES BY NON-MEMBER NATIONS  
(*Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 18*)
    - 19.1 Commission discussions and action arising
  - 20. INFRACTIONS, 2010 SEASON  
(*Chair's Report of the 62<sup>nd</sup> Annual Meeting, Section 19*)
    - 20.1 Report of the Infractions Sub-committee
    - 20.2 Commission discussions and action arising
  - 21. FINANCIAL AND ADMINISTRATIVE MATTERS  
(*Chair's Report of the 62<sup>nd</sup> Annual Meeting, Sections 21, 22 and 23*)
    - 21.1 Annual Meeting arrangements and procedures
      - 21.1.1 Report of the Finance and Administration Committee
      - 21.1.2 Commission discussions and action arising
    - 21.2 Website
      - 21.2.1 Report of the Finance and Administration Committee
      - 21.2.2 Commission discussions and action arising
    - 21.3 Review of IWC's Rules of Procedure
      - 21.3.1 Report of the Finance and Administration Committee
      - 21.3.2 Commission discussions and action arising
    - 21.4 Carbon neutral study
      - 21.4.1 Report of the Finance and Administration Committee
      - 21.4.2 Commission discussions and action arising
    - 21.5 Formula for calculating contributions and related matters
      - 21.5.1 Report of the Finance and Administration Committee
      - 21.5.2 Commission discussions and action arising
    - 21.6 Report of the Intersessional Correspondence Group on Strengthening IWC Financing
      - 21.6.1 Report of the Finance and Administration Committee
      - 21.6.2 Commission discussions and action arising
    - 21.7 Financial statements, budgets and other matters considered by the Budgetary Sub-committee
      - 21.7.1 Review of Provisional Financial Statements 2010/2011
      - 21.7.2 Consideration of estimated budgets, 2011/2012 and 2012/2013
      - 21.7.3 Other
    - 21.8 Adoption of the Report of the Finance and Administration Committee
  - 22. DATE AND PLACE OF ANNUAL AND INTER-SESSIONAL MEETINGS
    - 22.1 64<sup>th</sup> Annual Meeting in 2012
    - 22.2 Future Commission meetings
  - 23. ADVISORY COMMITTEE
  - 24. SUMMARY OF DECISIONS AND REQUIRED ACTIONS
  - 25. OTHER MATTERS

## Annex D

### Resolutions Adopted at the 63<sup>rd</sup> Annual Meeting

#### Resolution 2011-1

##### CONSENSUS RESOLUTION ON IMPROVING THE EFFECTIVENESS OF OPERATIONS WITHIN THE INTERNATIONAL WHALING COMMISSION

RECALLING Principle 10 of the Rio Declaration that calls upon States *inter alia* to facilitate and encourage public awareness and participation by making information widely available;

AWARE of the importance of transparency in international law;

FURTHER RECALLING the adoption at its 53<sup>rd</sup> Annual Meeting of Resolution 2001-1 on transparency within the International Whaling Commission (IWC);

AWARE that since then, international law and practice relating to transparency and participation in international decision-making have continued to develop, with the coming into force of relevant conventions at the global and regional level;

RECOGNISING the good practice that has developed under the rules of procedure, financial rules and working methods and in the effective operation of the Conferences or Meetings of Parties under multilateral agreements on matters of *inter alia* reporting of proceedings, participation of observers and good financial governance;

CONSIDERING effectiveness in the operations of the Commission continues to be of vital importance in maintaining the authority and legitimacy which the Commission needs to fulfil its mandate;

FURTHER CONSIDERING that there are a number of areas where the operations of the Commission could benefit from enhanced transparency, including relations between the Commission and its members, procedures for reaching, recording and announcing decisions, and procurement of scientific advice;

BELIEVING that effectiveness can be enhanced in these areas without placing undue administrative burdens on member governments, the Secretariat, or committees of the Commission;

RECOGNISING that the Commission's Scientific Committee regularly reviews its own procedures with a view to improving its effectiveness; and

MINDFUL of the need for the Commission to consider the procedures applying under other international agreements for providing assistance for the participation in international conferences or meetings of delegates, given Article III.5 of the International Convention on the Regulation of Whaling ('the Convention');

NOW THEREFORE THE COMMISSION:

RESOLVES that Commission procedures should be brought into line with current international good practice so as to improve the effectiveness of the operations of the organisation;

ADOPTS the amendments to the Rules of Procedure and the Financial Regulations contained in the Annex to this Resolution;

REQUESTS the Secretary to report 100 days before the 64<sup>th</sup> Annual Meeting of the Commission on potential options for providing assistance to member governments with limited means to participate actively in the Commission's work, while retaining consistency with the Convention;

REQUESTS the Scientific Committee to continue its practice of reviewing its operations and Rules of Procedure with a view to enhancing the effectiveness of its operations;

REQUESTS the Secretary to convene a working group of Contracting Governments and observers immediately prior to IWC/64 to consider the role of observers at meetings of the Commission based on experience gained in that regard at IWC/63;

RESOLVES to include the effectiveness of the operations of the IWC as a regular item or sub-item on the Commission's agenda, to ensure that the Commission's rules and procedures are kept up to date in line with international good practice, and to address any specific problems or issues arising in the operation of the Commission.

[See Annex to Resolution 2011-1 on following pages]



## Annex to Resolution 2011-1

### Amendments to the Commission's Rules of Procedure and Financial Regulations

These amendments are shown as changes to the Rules of Procedure and Financial Regulations as adopted at the 62<sup>nd</sup> Annual Meeting<sup>1</sup>.

New text for inclusion is in ***bold italics***; old text for deletion is ~~***struck-out***~~.

#### 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.
2. ***In addition to the Commissioner, each Contracting Government is invited to establish an additional means of communication between the Chair and Secretary of the Commission and that Government by designating an Alternate Commissioner or by creating a focal or contact point (which could be an e-mail address). The details shall be communicated to the Secretary through recognised diplomatic channels. Contact details of the Commissioner, Alternate Commissioner or the focal or contact point shall also be posted on the Commission's public web site.***

##### 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.

<sup>1</sup>[www.iwcoffice.org/\\_documents/commission/rules2010.pdf](http://www.iwcoffice.org/_documents/commission/rules2010.pdf).

#### 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

*A decision of the Commission taken at a meeting, whether by consensus or by vote, is not deemed adopted until the text has either been provided to all Members of the Commission, or presented to them by electronic means, and then approved by the Commission. The text will also be made simultaneously available to all other accredited participants. The text shall normally be distributed or presented in English and conveyed in the other working languages by oral interpretation. This rule applies both to decisions of the kinds specified in Rule J, and to other decisions of the Commission, except those relating only to the conduct of the current meeting. If the text of a proposed decision is amended, the revised text shall be distributed or presented in accordance with this rule. The authentic text of any such decision shall be the English version.*

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. *the day before the first day of the Annual or Special Meeting concerned.*
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;
- (h) ***maintain the Commission's public web site, which shall be continuously accessible to the extent possible subject to maintenance requirements and technical constraints.***

#### **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 1<sup>st</sup> September to 31<sup>st</sup> 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. (a) 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.
  - (b) ***Any ad hoc committee, sub-committee or working group established to provide scientific advice shall report to the Scientific Committee, which shall review the report of such committee, sub-committee or working group, and, as appropriate, make its own recommendations on the subject matter.***
5. The Report of the Scientific Committee should be completed and made available to all Commissioners ***and posted on the Commission's public web site*** by the opening date of the Annual Commission Meeting ***or within 14 days of the conclusion of the Scientific Committee meeting, whichever is the sooner.***
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 Spanish.

#### O. Records of Meetings

1. The proceedings of the meetings of the Commission and those of its committees shall be recorded in summary form.
2. *The text of each Commission decision adopted at a meeting in accordance with Rule E, or by post, shall be placed on the Commission's public web site in all working languages within 14 days of the conclusion of the meeting or adoption of the decision by post.*

#### P. Reports and communications

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 *posted on the Commission's public web site in English within two months of the end of the meeting and in the other working languages as soon as possible thereafter*. It shall be published in the Annual Report of the year just completed.
3. *All individual and circular communications from the Chair or Secretary to Contracting Governments shall be sent to both the Commissioner appointed under Rule A.1. and to his/her Alternate designated or to the focal or contact point created under Rule A.2. They should also be sent to all accredited intergovernmental observers. All circular communications from the Chair or Secretary to Contracting Governments shall be posted on the Commission's public web site on despatch, unless the Chair, after consulting with the Advisory Committee, deems that a confidential*

*communication is warranted (applicable only for staff issues, infraction cases and information provided by contracting Governments with a request that it remain confidential), in which case the communication should be sent to the Contracting Governments alone. A list of dates and subject titles of such confidential communications shall be presented to the next Annual Meeting.*

#### 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 the observers of the meeting 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 to be restricted. 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 Governments.
4. All meeting documents shall be included in the Commission's archives in the form in which they were considered at the meeting. *All such documents dating from 2011 onwards, and also earlier years where feasible, shall be archived on the Commission's public web site in an accessible fashion by year and category of document.*

#### 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.

## 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 1<sup>st</sup> September to 31<sup>st</sup> 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 1.  
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. ***The most recent audited financial statements and the audit report shall be submitted to the Annual Meeting and posted on the Commission's public website by the opening of the Annual Meeting.***

### 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'. ***Payment shall be by bank transfer from an account belonging to the Contracting Government or to a state institution of that Government.***
  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 in which it participates***, 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.
  5. ***For the purpose of application of Rule of Procedure E.2, payments of membership dues shall only count as having been received by the Commission when the funds have been credited to the Commission's account unless the payment has been made and the Commission is satisfied that the delay in receipt is due to circumstances beyond the control of the Contracting Government.***
- 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.
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 Contributions

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 due, have not been received by the Commission by the earliest of these dates:
    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.
-

**Resolution 2011-2****CONSENSUS RESOLUTION ON SAFETY AT SEA**

WHEREAS the safety of vessels and crew, the order of maritime navigation, and environmental protection, are, and have long been, the common interests of nations worldwide;

WHEREAS the Commission and Contracting Governments support the right to legitimate and peaceful forms of protest and demonstration;

RECALLING that the 58<sup>th</sup> Annual Meeting of the Commission adopted Resolution 2006-2 in which the Commission agreed and declared that the Commission and its Contracting Governments did not condone any actions that are a risk to human life and property in relation to the activities of vessels at sea, and urged persons and entities to refrain from such acts;

ALSO RECALLING that the 59<sup>th</sup> Annual Meeting of the Commission adopted Resolution 2007-2 in which the Commission urged its Contracting Governments to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders, and to cooperate in accordance with UNCLOS and other relevant instruments in the investigation of incidents at sea including those which might pose a risk to life or the environment;

REAFFIRMING the statement on safety at sea made at the Commission's Intersessional Meeting held in Heathrow, UK, 6-8 March, 2008, which noted reports of dangerous actions by the Sea Shepherd Conservation Society (SSCS) in the Southern Ocean directed against Japanese vessels, called upon the SSCS to refrain from dangerous actions that jeopardise safety at sea, and on vessels and crews concerned to exercise restraint, condemned any actions that are a risk to human life and property in relation to the activities of vessels at sea, and again urged Contracting Governments to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders;

NOTING the expectation of Contracting Governments that all concerned parties will comply with relevant rules of international law and respective national laws and regulations regarding safety at sea irrespective of the positions of Contracting Governments on whaling;

NOTING statements from the Government of Japan that it decided to withdraw its vessels from the Southern Ocean much earlier than originally scheduled in the 2010/11 season in order to secure the safety of the vessels and lives of their crew members in response to dangerous actions by the SSCS;

NOW THEREFORE THE COMMISSION:

AGREES AND DECLARES again that the Commission and its Contracting Governments 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;

RECOGNISES the primacy of the International Maritime Organization (IMO) on safety at sea, and that its Maritime Safety Committee (MSC) adopted on 17 May 2010 at its 87<sup>th</sup> session the Resolution MSC. 303 (87) titled 'Assuring Safety during Demonstrations, Protest or Confrontations on the High Seas' which condemned any actions that intentionally imperil human life, the marine environment, or property during demonstrations, protests or confrontations on the high seas and called upon Governments to urge, among others:

1. persons and entities under their jurisdiction to refrain from actions that intentionally imperil human life, the marine environment, or property during demonstrations, protests or confrontations on the high seas;
2. all vessels entitled to fly their flag to comply with the applicable instruments adopted by the IMO directed at safety of navigation, security and safety of life at sea; and
3. all vessels, during demonstrations, protests or confrontations on the high seas, to comply with COLREG and SOLAS by taking all steps to avoid collisions and safeguard navigation, security and safety of life at sea;

AGREES that the resolution of differences on issues regarding whales and whaling should not be pursued through violent actions that risk human life and property at sea;

URGES all Contracting Governments concerned to call on the masters of all vessels to take responsibility for ensuring that safety at sea is their highest priority and to strictly observe international collision avoidance regulations.

URGES all Contracting Governments concerned to continue to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders;

CONTINUES TO URGE Contracting Governments to cooperate in accordance with UNCLOS and other relevant instruments in the investigation of incidents at sea including those which might pose a risk to life or the environment;

FURTHER URGES all Contracting Governments concerned to take appropriate measures, consistent with relevant IMO instruments, in order to ensure that the substance and spirit of this Resolution are observed both domestically and internationally.

## Annex E

# Report of the Working Group on Whale Killing Methods and Associated Welfare Issues

Tuesday 5 July 2011, St Helier, Jersey

### 1. INTRODUCTORY ITEMS

The list of participants is given as Appendix 1.

#### 1.1 Appointment of Chair

Herman Oosthuizen (South Africa) was appointed Chair.

#### 1.2 Appointment of rapporteur

Greg Donovan (Secretariat) was appointed as rapporteur.

#### 1.3 Review of documents

The list of documents is given as Appendix 2.

### 2. ADOPTION OF AGENDA

The adopted agenda is given as Appendix 3.

### 3. DATA PROVIDED ON WHALES KILLED

#### 3.1 Background

Resolution 1999-1 encouraged reporting of data on whales killed including the number killed by each method, the number killed instantaneously, times to death, number of whales targeted and missed, number of whales struck and lost, calibre of rifle where used, number of bullets used and methods to determine unconsciousness/time to death. A voluntary template for providing information is available from the IWC Secretariat. Resolution 2001-2 encouraged governments to submit information on variance data on times to death (to the extent possible) and comparative data from the killing of other large mammals.

#### 3.2 Reports

Five member governments provided information under this Item, all related to the killing of cetaceans. No information on the killing of other large mammals was submitted to the Working Group.

IWC/63/WKM&AWI3 from New Zealand, presented information (using the template) on the euthanasia of stranded cetaceans deemed beyond hope of rescue during the period April 2010-March 2011. Three species (long-finned pilot whale, dwarf minke whale and pygmy sperm whale) were involved and all individuals died instantaneously. Rifles (30-06 and .303) were used.

IWC/63/WKM&AWI5rev from the USA, presented information (using the template) on its 2010 bowhead whale hunt. Black powder and penthrite was used and further information is provided under Item 4.

IWC/63/WKM&AWI9 from Denmark presented information (using the template) on the Greenlandic hunts for the 2010 season. Four species were involved. The 45 gram penthrite grenade was used in the hunts for bowhead and humpback whales while the fin whale hunt used the 30 gram penthrite grenade as the primary and secondary killing

method. Large calibre rifles (calibre larger than 7.62mm (30.06) were used as the primary method for the collective hunts for common minke whales and as a secondary method for the harpoon (30 gram penthrite grenade) hunt for common minke whales. Denmark on behalf on Greenland commented on the improvement in TTD on minke whale.

IWC/63/WKM&AWI10 from St Vincent and The Grenadines presented information on the catch of three humpback whales between 18 March and 14 April 2010. The whales were killed using the traditional harpoon and lance.

Finally, IWC/63/WKM&AWI6 reported on Norwegian common minke whaling in 2010. Harpoon guns (50mm and 60mm) equipped with penthrite grenades were used as the primary killing method. Large calibre rifles (at least 9.3mm) are used as back-up weapons.

#### 3.3 Conclusion

The Working Group was pleased to receive the information summarised above and thanked the relevant governments.

### 4. INFORMATION ON IMPROVING THE HUMANENESS OF WHALING OPERATIONS

#### 4.1 Reports from Contracting Governments

Resolution 1997-1 concerns steps being taken to improve the humaneness of aboriginal whaling operations. Resolution 2001-2 encourages all Contracting Governments to provide appropriate technical assistance to reduce time to unconsciousness and death in all whaling operations.

##### 4.1.1 Norway

IWC/63/WKM&AWI6 from Norway summarised the extensive Norwegian research undertaken since 1981. Substantial improvements have been made since the first research when cold harpoons were used (17% instant deaths and mean time to death over 11 minutes) compared to the 2000-02 results using the new penthrite grenade (instant deaths at least 80% and mean time to death about 2 minutes).

It also reported on the important co-operative work undertaken by Norway as part of the IWC's 'Action Plan'. This involves teaching and training of hunters and the transfer of knowledge, developments and technology with a number of hunts including those of Canada, Greenland, Iceland, Japan, Chukotka and Alaska. Norwegian scientists have also contributed to expert group meetings in NAMMCO on whale killing data assessment.

##### 4.1.2 USA

The Working Group also received a presentation of IWC/63/WKM&AWI7 by Harry Brower (USA) focusing on the Alaskan 2010 hunt as well as a short video presentation on the use of the penthrite projectile from Eugene Brower (USA), one of the hunters.



In 2010, 71 bowhead whales were struck and 45 animals were landed. While the number landed was higher than the recent 10-year average (39), the efficiency (% of struck whales landed) was 63%, which is lower than the 15-year average of 77%.

In 1979, the Alaska Eskimo Whaling Commission (AEWC) committed to the IWC to work to achieve an average efficiency of 75%. In practice, despite great efforts, efficiency in this subsistence hunt will be highly variable (and less than 100%) as this reflects the variability in two of the most important factors affecting the hunters' ability to retrieve whales once they are struck, i.e. ice and weather conditions. Ocean currents and the whale's momentum also can carry whales under the shore-fast ice, making it impossible for them to be retrieved. In 2010 a number of struck whales sank but did not resurface; the cause is unknown.

Equipment failure can also contribute to losses. This year, the AEWC identified a problem with some newer harpoons in Barrow and steps are being taken to correct this. The USA is committed to improving the hunt, including the introduction of the penthrite grenade that results in quicker kills. This involves not only distribution of the grenades but importantly training and certification of hunters. At this time, penthrite grenades are available in Barrow, Wainwright, Nuiqsut, Gambell, Savoonga, Point Lay and Kaktovik and almost all of the hunters have completed training and certification. Results from 2010 and the 2011 spring hunt are being collated and are very promising with a high percentage of instant kills.

However, the penthrite programme is expensive. Not only is the cost of the projectile expensive (more than \$1,000) but transportation can also be extremely expensive (e.g. \$30,000 to ship 90 grenades to St Lawrence Island from Barrow by charter). The AEWC is working with the US Coast Guard to try to avoid some of the charter costs.

#### 4.1.3 Conclusion

The Working Group was pleased to receive the information summarised above and with the progress being made. It thanked the relevant governments and hunters.

## 4.2 Report of Whale Welfare and Ethics Workshop

### 4.2.1 Presentation of IWC/63/WKM&AWI4

At IWC/62 in 2010, the UK informed the Commission that it would be holding a 'Welfare and Ethics workshop' to collate knowledge on the current status of animal welfare science and management policies globally and allow expert discussion and analysis of such information.

The report of the UK's workshop held on 22-23 March 2010 in Cornwall, UK is given as IWC/63/WKM&AWI4. A summary PowerPoint presentation was given to the Working Group by the workshop's chair, David Pritchard.

In describing the background to the workshop, the UK recalled that in the 'Future of the IWC' process, animal welfare had been identified as a 'Category A' issue requiring priority resolution, and that the suggestion had been made that further work on animal welfare and ethics be undertaken at IWC/63 and IWC/64.

The workshop's aims were to collate knowledge on the current status of animal welfare science and management policies globally and allow expert discussion and analysis of such information. The workshop brought together international experts in animal welfare and marine mammal science; policy and legislation; animal ethics; animal research; and wild animal welfare. Participants

received and discussed presentations under the headings of: whales and the way humans interact with them; global approaches and developments in animal welfare and ethics; and wild animal welfare. The UK thanked the World Society for the Protection of Animals for its sponsorship of the workshop.

The UK explained that the workshop had benefited from the diversity of expertise in workshop attendees. Many presentations (included in annex C to IWC/63/WKM&AWI4) and discussions provided insights into the development of and best-practice in animal welfare science and related management policies globally, which it was hoped would be of interest to the Commission.

The UK's presentation of the workshop recalled progress on animal welfare issues relating to whale hunting by the Commission and several of its member nations. The workshop did not, however, limit its consideration to whaling. Given the expansion of the IWC's agenda in recent decades there are now many issues which have the potential to impact the welfare of whales, therefore the workshop's deliberations covered a broad spectrum of human-whale interactions.

The workshop produced a series of general conclusions for the promotion of good animal welfare which it encouraged the IWC to consider in its management decisions. These included agreement that: whales are sentient animals with intrinsic value; humans have responsibility to prevent suffering caused by unnecessary human activities and to mitigate those which cannot be prevented; ongoing monitoring of human-whale interactions, with data collection and analysis, are essential to ensure good animal welfare; human activities resulting in poor welfare, including fishing gear entanglements, prolonged kills and ship strikes are major animal welfare concerns; activities which may result in poor welfare should be subject to independent scrutiny and ethical review, incorporating cost-benefit analysis; and ethics and animal welfare science should be taken into account in the management of all human-whale interactions.

The workshop also produced conclusions on specific human-whale interactions (killing and euthanasia; use of whales in invasive research; whalewatching; and ship-strikes and entanglements) which can be found on pages 5-8 of IWC/63/WKM&AWI4.

The UK then presented and explained the recommendations of the workshop to the IWC that it should:

- (1) take account of welfare issues in the development and implementation of its management and conservation actions and procedures;
- (2) consider adoption of a Schedule amendment regarding provision and open access to practical and relevant welfare data for all forms of whaling;
- (3) promote 'Responsible Whalewatching' and facilitate the development of a five year strategic plan in this regard;
- (4) introduce a mechanism by which independent ethical review can occur, particularly with reference to whaling conducted for scientific purposes;
- (5) continue to strengthen its conservation agenda in the light of the welfare and conservation challenges faced by whales in the 21<sup>st</sup> century; and
- (6) convene an intersessional *ad hoc* working group of interested member countries to consider in detail the recommendations and conclusions of IWC/63/WKM&AWI4 and to develop recommendations as to how these might be adopted by the Commission by Schedule amendment and/or resolution/decision, as deemed appropriate, at IWC/64.

Regarding recommendation (2), the UK noted its hope, under the IWC's new constructive dialogue, that such data would be used fairly. In commenting on recommendation (4), the UK noted that this area had been given consideration in 1999 but without agreement at that time. It hoped that a way forward could now be agreed.

Finally, in relation to recommendation (6), the UK expressed hope that an intersessional *ad hoc* working group would be able to review and expand upon the workshop's findings and so assist the IWC in ensuring a scientific and objective approach to the management of animal welfare and ethics. It further hoped that such a group could consider the ways in which animal welfare and ethics might be better integrated across the spectrum of the IWC's work.

#### 4.2.2 Discussion

In discussion, Norway thanked the chair of the workshop for his presentation. It noted that the workshop report contained discussion of many general aspects on animal welfare related to treatment of whales and wildlife in general with which Norway agreed and which were already implemented in Norwegian laws and regulations. In Norway all hunters, including whalers, have to be trained and certified and the whaling is conducted by licensed fishermen from small fishing vessels as a part time occupation. The products are sold and are a part of their general income.

IWC/63/WKM&AWI4 noted that the views expressed therein were those of the participants and not necessarily those of the Governments and organisations they represent. In Norway's view it therefore expresses the private opinions of the participants to the workshop on matters that have been heavily discussed in IWC for 25-30 years. These issues have divided the Commission into at least two groups with different views on how such matters should be dealt with and solved. Initiatives to discuss these very complex matters were appreciated. However, it is important that the discussion reflects all views before recommendations and conclusions are made as they affect the lives of many people in local and often remote and vulnerable societies. Norway does not doubt the goodwill of several of the participants of the workshop to bring sound and useful information on some of the welfare problems for whales that might occur during hunting, entanglements and the growing whalewatching industry. However, as Norway has specific scientific knowledge and expertise in the killing of whales, it limited itself to comments on that element in the report.

The definition of whales used in the report includes all cetaceans; 75-80 species varying from the small river dolphin to the great blue whale. No one disagrees that they should be treated humanely by man. However, some of these species are used for food for people and are consequently hunted by man using different gears, techniques and methods under different environmental conditions. During the last 30 years, continuous work has been undertaken to improve the hunt. This has improved the animal welfare aspects of the hunt considerably for many of the species hunted. In some types of whaling the killing methods are today even superior to methods used in other large mammal hunts with regard to their capability to render the animal quickly unconscious and dead. In this respect Norway referred to its report IWC/63/WKM&AWI6.

Norway stated that in spite of all the information on results of the work to improve the whale killing methods submitted voluntarily through the years to IWC by whale hunting member nations, only fragments of this factual information were reflected in the workshop report. Where they were referred to, some of this information was biased.

In this respect Norway referred to papers submitted to the workshop and mentioned particularly three papers which contained factual errors and disinformation as to the Norwegian research and results. Norway believed that the information given by the presenters had not been discussed or professionally assessed during the workshop, i.e. phrases like 'we heard' are used to express how the participants received the presentations.

Animal welfare has been the driving force in Norway's work on its improvements in the whale hunt. In recent years, Norway has found that the discussions of these issues within the IWC has become more and more irrelevant and sometimes even counterproductive. Therefore Norway stated that it has moved its primary discussions of whale killing methods to NAMMCO, and intends to continue this practice. The most recent NAMMCO workshop was held last year<sup>1</sup> and another is planned for this autumn.

Norway concluded by referring to the possible value of the workshop report. It stated that it found it difficult to support the idea that a report with such serious shortcomings could be useful as a background document for any future IWC work; the report will not contribute to a constructive discussion of these very important issues.

Denmark, Iceland and Japan expressed support for Norway's views. All noted that they believed that the issue was of great importance but that they were unhappy about the way it was being handled within the IWC. They were particularly concerned about the misuse of data that they had supplied in good faith and noted that these discussions reflected a general lack of trust within the organisation.

Australia thanked the UK for its work in organising the workshop and presenting the report which contained much new and valuable information on a broad range of issues, not simply whaling. Without wishing to enter into a detailed debate about the contents of the report, it stressed that the provision of data was an important component of improvements in animal welfare as had been shown by the positive improvements initiated by Norway and others. It supported the UK's proposal for an intersessional working group. These views were supported by Mexico, Argentina and Chile.

The USA also agreed that the IWC should take into account animal welfare issues in the development and implementation of its management and conservation actions and procedures. The collection of welfare data is important to the IWC and the USA complies with applicable resolutions on the collection of welfare data, to the extent that the collection of this data does not compromise hunter safety; hunter safety is of paramount concern. The USA also supported the idea that an intersessional group should be created that would report back to the Working Group in 2012. In doing so, it noted that many of these issues are difficult and sensitive, and will take some time to address in order to make meaningful progress. It did not believe that the Commission would be in a position to establish new committees or adopt binding recommendations by 2012.

#### 4.2.3 Conclusion

The Chair noted that despite agreement on the importance of the general issue of animal welfare, it was clear that there was no consensus on the recommendations put forward by the UK. He suggested that interested countries of all views should consult with the UK with a view to seeing if a consensus way forward could be developed for consideration at the Plenary.

<sup>1</sup><http://www.nammco.no/webcronize/images/Nammco/948.pdf>

In response to the points raised and the Chair's proposal, the UK thanked participants for the generally constructive discussion. It recognised that whale welfare issues are sensitive and complex, particularly with respect to killing methods. That was why it was keen to look at wider aspects of welfare not just killing. There is also a common interest in improving understanding of the scale and impact of other human interactions with whales including, for example, entanglement, ship strikes and whalewatching. It wanted the discussion of IWC/63/WKM&AWI4 to be seen as the start of a genuine dialogue between all those with interests in whale welfare. It recognised that there are gaps in the report and welcomes further discussion outside this forum in order to develop ideas further. It also recognised concerns about the scope and nature of the recommendation to form an *ad hoc* group and the comments about timing. That being said it would be a missed opportunity if the IWC did not take this work forward in some way and the UK wants this to be done by consensus so far as possible. It will follow the Chair's suggestion for dialogue with all sides to try to develop an appropriate way forward.

## 5. WELFARE ISSUES ASSOCIATED WITH THE ENTANGLEMENT OF LARGE WHALES

### 5.1 Proposals to advance the recommendations of the Maui Workshop

The Chair noted that a successful IWC Workshop on Welfare Issues Associated with the Entanglement of Large Whales had been held in April 2010 in Maui, Hawaii. The report of the Workshop (IWC/62/15) was discussed at IWC/62 and the Commission had welcomed the Workshop report, endorsed its recommendations and given particular emphasis to the recommendation for a follow up Workshop to address entanglement prevention. He was pleased to see that a paper to take forward the recommendations of that Workshop co-authored by Australia, Norway and the USA was available to the Working Group (IWC/63/WKM&AWI8).

On behalf of the authors, the USA introduced IWC/63/WKM&AWI8. Short and long-term actions were proposed to advance the more general recommendations, help build capacity for dealing with entanglements around the world and also provide the necessary foundations for a future

Workshop on entanglement prevention, which has been previously noted as a priority by the Commission.

The short term initiatives include:

- (1) convene a 2<sup>nd</sup> Workshop for which the terms of reference and draft agenda are given in Appendix 4;
- (2) begin capacity building in identified countries and regions; and
- (3) establish a standing group of experts who are willing to advise member countries upon request.

The long term initiatives include:

- (1) assist member countries to undertake research;
- (2) promote cooperative research between member countries; and
- (3) identify experts and sources of further information.

The authors also suggest that in order to accomplish these short and long-term actions, the IWC establish a voluntary fund to assist with the cost of these actions. They also recommend that proposals to the Fund be reviewed by a panel of experts based on Commission priorities, the financial need of the applicant and their preparedness to facilitate the action.

In addition to the fund, the authors stress that the implementation of these actions will need to involve the appropriate IWC Sub-committees and Working Groups.

### 5.2 Discussion and conclusions

Many countries spoke in favour of the importance of this issue and thanked Australia, Norway and the USA for this important initiative. The Working Group **endorses** the recommendations found in IWC/63/WKM&AWI8 and repeated as Appendix 4 and **commends** them to the Commission.

## 6. OTHER

There were no items raised under this Agenda Item.

## 7. ADOPTION OF THE REPORT

The Chair thanked the participants for the constructive atmosphere in which discussions were held and the participants thanked the Chair for his efficient and fair handling of the meeting.

The report was adopted 'by post' at 19:00hrs on Saturday 9 July.



**Appendix 1****LIST OF PARTICIPANTS****ARGENTINA**

Miguel Iníguez

**AUSTRALIA**Nick Gales  
Peter Komidar  
Stephanie Ierino  
Pam Eiser**AUSTRIA**Andrea Nouak  
Michael Stachowitsch**BELGIUM**Alexandre de Lichtervelde  
Fábian Ritter  
Els Vermeulen**CHILE**

Barbara Galletti

**DENMARK**Øle Samsing  
Amalie Jessen  
Nette Levermann**FINLAND**

Penina Blankett

**FRANCE**

Vincent Ridoux

**GERMANY**Walter Duebner  
Karl-Hermann Kock**ICELAND**Ásta Einarsdottir  
Kristjan Loftsson  
Gisli Víkingsson**JAPAN**Joji Morishita  
Shinji Hiruma  
Toshinori Uoya**KOREA**Dae-Yeon Moon  
Kab-Yong Jeong**LUXEMBOURG**

Pierre Gallego

**MEXICO**

Lorenzo Rojas-Bracho

**NETHERLANDS**

Peter Bos

**NEW ZEALAND**Andrew Bignell  
Louise Chilvers  
Caroline McDonald  
Karen Lyons**NORWAY**Øle-David Stenseth  
Egil Øen  
Hild Ynnesdal  
Einar Tallaksen  
Lars Walløe**SOUTH AFRICA**Herman Oosthuizen  
Ed Couzens**SPAIN**

Santiago Lens

**SWEDEN**

Bo Fernholm

**UK**Richard Pullen  
James Gray  
Jennifer Lonsdale  
Vassili Papastravrou  
Trevor Perfect  
David Pritchard  
Beatriz Roel  
Anju Sharda  
Mark Simmons  
Jolyon Thomson**USA**Doug DeMaster  
Roger Eckert  
Mike Gosliner  
Brian Gruber  
Lisa Phelps  
Allison Reed  
Rollie Schmitt  
Michael Tillman  
Ryan Wulff  
Eugene Brower  
Harry Brower**SECRETARIAT**Simon Brockington  
Greg Donovan**Appendix 2****LIST OF DOCUMENTS****IWC/63/WKM&AWI**

- 1 rev Draft Agenda
- 2 List of documents
- 3 Summary of Activities Related to the Action Plan on Whale Killing Methods (based on Resolution 1999-1): Euthanasia of stranded whales beyond all hope of rescue (submitted by New Zealand)
- 4 Report of the Whale Welfare and Ethics Workshop (submitted by UK)
- 5 rev Summary of Activities Related to the Action Plan on Whale Killing Methods (based on Resolution 1991-1) (submitted by USA)
- 6 Norwegian Minke Whaling 2010 (submitted by Norway)
- 7 Report on weapons, techniques and observations in the Alaskan bowhead whale subsistence hunt (submitted by USA)
- 8 Advancing the Recommendations of the Workshop on Welfare Issues Associated with the Entanglement of Large Whales (Maui, 2010) (submitted by Australia, Norway and USA)
- 9 Summary of Activities Related to the Action Plan on Whale Killing Methods (based on Resolution 1991-1) (submitted by Greenland (Denmark))
- 10 St Vincent and The Grenadines 2010 hunt (submitted by St Vincent and The Grenadines)

### Appendix 3

#### AGENDA

1. Introductory items
  - 1.1 Appointment of Chair
  - 1.2 Appointment of Rapporteur
  - 1.3 Review of documents
2. Adoption of Agenda
3. Data provided on whales killed
4. Information on improving the humaneness of whaling operations
  - 4.1 Reports from Contracting Governments
  - 4.2 Report of Whale Welfare and Ethics Workshop
5. Welfare issues associated with the entanglement of large whales
6. Other
7. Adoption of the Report

#### TERMS OF REFERENCE

The Working Group is established to review information and documentation available with a view to advising the Commission on whale killing methods and associated welfare issues (*Chairman's Report of the 52<sup>nd</sup> Annual Meeting* held in 2000).

#### 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 Technical Committee, and to any meetings of subsidiary groups of the Commission and Technical Committee, except the Commissioners-only meetings and the meetings of the Finance and Administration Committee.

### Appendix 4

#### RECOMMENDATIONS ON WELFARE ISSUES ASSOCIATED WITH THE ENTANGLEMENT OF LARGE WHALES

##### A. SHORT- AND LONG TERM- INITIATIVES

###### 1. Short-term initiatives: within the next year

1.1 Convene a workshop (see draft terms of reference and draft agenda below) of large whale entanglement response directors, from those countries where programs exist (including Australia, Canada, Mexico, South Africa, USA), along with other technical experts, in order to:

- (1) advance the progress of the 2010 Maui Workshop (e.g. new tools, techniques and protocols, and update the decision tree);
- (2) develop 'recommended practices' for entanglement response; and
- (3) develop capacity building curricula and strategy.

1.2 Begin capacity building in identified countries and regions, including that already requested from the following:

- (1) overview seminars, for managers and scientists, followed by response training for regional stranding networks, in Argentina, Brazil and Uruguay; and
- (2) capacity building seminar and training for Central American countries. If practical and appropriate, to be conducted as a pre-meeting to IWC/64 (if in Panama).

1.3 Establish a standing group of experts who are willing to advise member countries on specific cases, as well as approaches to entanglement response, including 'recommended practice' protocols. In addition members of this group would:

- (1) supply expert advice on this issue to the IWC for the development and implementation of conservation management plans;
- (2) identify and/or establish appropriate apprenticeship and exchange programmes that build the pool of experts who have 'hands on' experience in all aspects of this issue; and
- (3) use the IWC website and list serve communication tools to establish and broaden the current nascent international consultation process for entanglement related events.

###### 2. Long-term initiatives

2.1 Assist member countries to undertake research to assess the scope and impact of this issue in their waters, especially for those regions and countries which are prioritised. This can include the following:

- (1) assist the appropriate studies of living whales (e.g. scar studies); and
- (2) promote the examination of all dead whales for evidence of current or prior entanglement, including capacity building for scientists in those countries where needed.

2.2 Promote co-operative research between member countries which helps to give a broader (e.g. regional or global) understanding of:

- (1) species and populations involved;
- (2) rates and impacts of entanglement for the populations and individuals involved;
- (3) comparison of specific characteristics of entanglements (e.g. gear type and use, environmental conditions, configuration on whale, impact), between countries and regions where such data exist; and
- (4) potential mitigation strategies and actions.

2.3 Identify experts and sources of information which can be gathered for an IWC Workshop on the prevention and/or mitigation of large whale entanglement.

##### B. GOVERNANCE OF THE VOLUNTARY FUND

- (1) Proposals to the fund will be reviewed by a panel initially comprised of experts from Norway, the USA and Australia, along with identified technical experts on specific topics.
- (2) Funds to support proposed actions will be awarded based on the following priority.
  - (a) The known level of entanglement and risk to endangered populations.
  - (b) The suspected high levels of undocumented entanglement (e.g. large coasts with significant whale populations and high levels of coastal fishing using implicated gear).

- (c) Financial need of the applicant and their preparedness to facilitate the action.

The above actions need not be limited to support from the established fund. Member countries, IWC Sub-committees and Working Groups can also request guidance from the review panel e.g. for prioritised actions to encourage.

### C. TERMS OF REFERENCE FOR THE SECOND WORKSHOP ON LARGE WHALE ENTANGLEMENT ISSUES

- (1) Update new relevant information since Maui Workshop:
  - review relevant reports from any relevant intervening workshops;
  - new tools, techniques and procedures; and
  - overview of new networks (e.g. New Zealand, Western Canada).
- (2) Update 'decision tree'.
- (3) Develop 'best practices' for response and welfare issues.
- (4) Develop general components of seminars and training for capacity building:
  - components for seminars to managers and academia (e.g. global overview of scope, impacts and actions, research tools for understanding scope and impact, and response options); and
  - components for specific training of response personnel.
- (5) Bring information relevant to prevention workshop:
  - each country participating bring review of prevention actions in their region; and
  - bring individual(s) contact info for potential IPs to prevention workshop.

### D. DRAFT AGENDA FOR SECOND WORKSHOP ON ENTANGLEMENT RESPONSE

1. Introduction
2. Nominate Chair and Rapporteur(s)
3. Review and adopt Agenda
4. New information since 2010 Workshop
  - 4.1 Overview of any new participating national networks (e.g. New Zealand)
  - 4.2 Aspects of reports from relevant workshops in 2010-2011 (i.e. NOAA, NEAq, IWC...)
  - 4.3 New or unusual relevant cases since Maui (e.g. right whale #2611...)
  - 4.4 New tools or techniques
  - 4.5 New safety or risk assessment
5. Examples of current 'best practices'
6. Examples of current training components and curricula for international capacity building

### Breakout session for disentanglers and operational coordinators (practical considerations)

7. Difficult cases or scenarios (practical aspects)
8. Improvements in documentation of events (gear type and configuration, whale species and health)
9. Improvements in assessment (operational difficulty and risk...etc)
10. Training:
  - 10.1 Overview of components and curricula
  - 10.2 Apprenticeships and personnel exchanges
11. Develop best practices document (safety, procedures, decisions, facilitating prevention)
  - 11.1 Update and improve operational aspects of decision tree

12. Documentation of procedure/event (e.g. for review, media, education and training)
  - 12.1 Communicating with the public (e.g. media, outreach...etc)

### Breakout session for veterinarians and biologists (e.g. assessing individual and population impact)

13. Difficult cases (health and welfare issues)
14. Improvements in medical and sampling techniques
15. Improvements in assessing risk to whale and likelihood of survival
16. New tools or protocols for euthanasia (esp. at sea)
17. Training
  - 17.1 Overview of components and curricula
  - 17.2 Apprenticeships, exchanges and academic opportunities
  - 17.3 Develop best practices (safety, procedures, decisions, toward prevention)
  - 17.4 Update and improve veterinary and scientific aspects of decision tree
18. Considerations and improvements for scientific documentation

### Final combined session

19. Review and edit Maui decision tree based on new information and discussions from both groups
20. Interfacing with the public
  - 20.1 Keeping the ocean community informed and involved
  - 20.2 Working with media
  - 20.3 General public (e.g. key messages, avenues to communicate)
21. Gathering and analysing information toward prevention
  - 21.1 What is currently happening in various regions?
  - 21.2 What information is most needed?
  - 21.3 What are useful regional and global analyses (e.g. comparative studies vs. pooling data)
  - 21.4 Consider recommendations/agenda/ideas for an international prevention workshop.
22. New directions
  - 22.1 Agreement on components of training for capacity building
    - 22.1.1 List of qualified trainers (by regions and seasons)
  - 22.2 Consider formation of an international disentanglement association
  - 22.3 Apprenticeship and exchange programs
  - 22.4 New directions for tools, techniques and protocols

### Draft list of documents and materials for review

- Report of the NOAA workshop on the documentation of gear removed from entangled whales (2010)
- Report of the NEAq-NOAA workshop on the configuration of documented whale entanglements (2011)
- Report of the NEAq-NOAA workshop on the behaviour of whales in relationship to gear (2011)
- NOAA Handbook for field examination of stranded whales for evidence of potential human impacts
- Examples of training curricula currently in use (esp. those used for capacity building in other countries)
- PCCS draft manual on disentanglement techniques
- Necropsy report of entangled, sedated, tagged right whale
- NOAA outreach to mariners DVD.



## Annex F

# Report of the Aboriginal Subsistence Whaling Sub-Committee

Wednesday 6 July 2011, St Helier, Jersey

### 1. INTRODUCTORY ITEMS

A list of participants is given in Appendix 1.

#### 1.1 Appointment of Chair

Joji Morishita (Japan) was appointed as Chair.

#### 1.2 Appointment of rapporteur

Greg Donovan (Secretariat) was appointed as rapporteur with assistance from Allison Reed (USA).

#### 1.3 Review of documents

The list of documents is given as Appendix 2.

### 2. ADOPTION OF AGENDA

The adopted agenda is given as Appendix 3.

### 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. He explained that three items of the Committee's agenda were relevant to this item; those relating to the development of the sex ratio method in the assessment of common minke whales (IWC/63/Rep1, Item 8.1), work on the development of *SLAs*<sup>1</sup> (IWC/63/Rep1, Item 8.3) and consideration of conversion factors for edible products (IWC/63/Rep1, Item 8.5).

The Chair of the SWG noted that for a number of years, the Committee had focused on developing assessment methods for common minke whales off West Greenland that rely on the observed sex ratio in the catches. The original motivation for this work had been an inability to provide management advice for this hunt. Several developers from Greenland, South Africa and Norway have devoted considerable research effort to this scientifically challenging task. However, despite this enormous effort and a number of scientific advances, a fully tested method proved elusive and last year it was agreed that unless a comprehensive final analysis was presented this year, the SWG would no longer prioritise work on this approach. No such analysis was presented and thus the Committee has agreed that further developmental work will be of low priority for the future.

In this context, the Chair of the SWG highlighted the fact that the situation has also changed recently with respect to the Scientific Committee being able to provide advice. The Committee now has an agreed 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 developed in 2008, means that the Committee is able to provide reliable management advice for the West Greenland hunt (see Item 5.3 below).

He then turned to the issue of the development of long-term *SLAs* for the Greenland hunt. In Greenland, a multispecies hunt occurs and the expressed need is for 670 tonnes of edible products from large whales for West Greenland; this involves catches of common minke, fin, humpback and bowhead whales. Development of *SLAs* for Greenland hunts (especially for common minke and fin whales where *inter alia* stock structure questions are more difficult) will be more complex than any previous *Implementation*.

At this year's meeting, the Scientific Committee considered the available information on each species and developed a work plan with an initial focus on common minke and fin whales. Development of *SLAs* and the testing framework will need to take into account RMP *Implementations* for these two species. Development of *SLAs* for the bowhead and humpback whale hunts should be considerably easier.

Given the agreed safe method to provide advice on catch limits for up to two 5-year blocks for the Greenland hunts, the Committee's target is for agreed and validated *SLAs*, at least by species, prior to the 2017 Annual Meeting (assuming that the Commission sets 5-year block quotas in 2012 as scheduled and depending on the outcome of discussions on biennial meetings). The Committee proposes that this work is allocated high priority and it notes that intersessional Workshops will be needed to expedite progress.

With respect to conversion factors, the Chair of the SWG recalled that last year, the Scientific Committee had requested Greenland to provide information on its sampling scheme and data validation protocols based on the recommendations in the report of the Commission's Small Working Group on Conversion Factors for use in Greenland Hunts (IWC/62/9). The focus was on fin, humpback and bowhead whales for which provisional conversion factors had been proposed; a robust conversion factor for the common minke whale had been developed.

This year, recognising the logistical difficulty of collecting these kinds of data in remote areas, the Scientific Committee welcomed the provision of a response by Greenland to its request. However, it noted that more detail is needed for it to evaluate the proposed programme and the Committee suggested that Greenland take up the offer of the authors of IWC/62/9 to assist in the development of the programme. The Committee requested that a detailed report be presented for consideration at the next meeting that includes: (1) a description of the field protocols and sampling strategy, including effort and likely sample sizes; (2) a description of analysis methods and models; and (3) a presentation of results thus far, including preliminary analyses with the available data.

<sup>1</sup>*Strike Limit Algorithms*. Methods of determining catch limits that have been fully tested and whose performance meets Commission set objectives for conservation and management.

### 3.1.2 Discussion and recommendations

The Sub-committee **endorses** the report of the Scientific Committee and its recommendations.

## 3.2 Implementation Review for gray whales

### 3.2.1 Report of the Scientific Committee

The Chair of the SWG noted that the Committee's discussions on this issue can be found under Item 8.2 of SC/63/Rep1. He recalled that the 2010 *Implementation Review* had shown that the eastern North Pacific population as a whole was in a healthy state (the population size in 2006/7 was around 20,000 animals), but that a new immediate *Implementation Review* was needed to evaluate the performance of *SLAs* for proposed hunting by the Makah tribe in the Pacific Northwest, with a primary focus on the small (around 200 animals) PCFG (the Pacific Coast Feeding Group).

He reported that considerable progress was made during the year on this issue, including at an intersessional Workshop. It is a complex exercise given the geographical and temporal components of both whale behaviour and the hunt. Work is continuing on developing the necessary trials to incorporate uncertainty in knowledge of stock structure and movements, and to ensure that the somewhat complex management approach and *SLA* proposed by the Makah tribe is safe. The Committee has developed a work plan (including an intersessional Workshop) to ensure that the review is completed at the 2012 Annual Meeting.

The Chair of the SWG noted that this year, new information (from telemetry, photo-id and genetic studies) was received which showed that gray whales from the western population can cross to the eastern Pacific (including the PCFG area as well as off California and in the Mexican lagoons). The present situation can be summarised as: (1) there is now more uncertainty regarding Pacific gray whale stock structure than previously thought although there is no need to revise stock structure assumptions for Pacific gray whales at present; and (2) range-wide studies need to be undertaken to better understand the situation.

He noted that the existing trials are designed to evaluate the *SLAs* for the northern and PCFG areas in the context of *eastern* gray whales. However, they do *not* incorporate conservation implications for western gray whales. Therefore, the Committee stressed the following items.

- (1) The new information emphasises the need to estimate the probability of a western gray whale being taken in aboriginal hunts for Pacific gray whales, initially based upon the existing information.
- (2) It is very important that work commences on the research programme given under Item 10.4 of SC/63/Rep1 that focuses on photo-id, genetics and telemetry.
- (3) The Scientific Committee will continue to examine this situation and is willing to respond to any guidance or requests for further information from the Commission.

### 3.2.2 Discussion and recommendations

In discussion, it was noted that in this case, the Scientific Committee was testing a single *SLA* provided by the Makah rather than one or more developed within the Scientific Committee. The Chair of the SWG explained that in this case the only proposal for testing was that provided by the Makah. The conditions for testing and ultimately accepting or rejecting an approach remain unchanged whether there are one or more candidate *SLAs*. Any agreed *SLA* must show acceptable conservation and need satisfaction performance in line with the objectives already provided by

the Commission. If the *SLA* proposed by the Makah does not meet such standards then alternatives would need to be developed and explored by the Committee.

The Sub-committee **endorses** the report of the Scientific Committee and its recommendations.

## 4. ABORIGINAL WHALING SCHEME (AWS)

### 4.1 Report of the Scientific Committee

The Chair of the SWG noted its discussions of this item can be found under Item 8.4 of IWC/63/Rep1. In 2002, the Committee strongly recommended that the Commission adopt the Aboriginal Subsistence Whaling Scheme<sup>2</sup>. This covers a number of practical issues such as survey intervals, carryover, and guidelines for surveys. The Committee has stated in the past that the AWS provisions constitute an important and necessary component of safe management under AWMP *SLAs* and it reaffirmed this view. The Committee 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 **notes** the report of the Scientific Committee.

## 5. ABORIGINAL SUBSISTENCE WHALING (ASW) CATCH LIMITS

### 5.1 Bering-Chukchi-Beaufort Seas stock of bowhead whales (annual review)

#### 5.1.1 Report of the Scientific Committee

The Chair of the SWG noted that this item had been discussed under Item 9.3 of IWC/63/Rep1. The Scientific Committee had received two papers on genetic studies for this stock. The new analyses provided no reason to change the present single stock hypothesis (that had been extensively tested during the previous *Review*) for the forthcoming *Implementation Review*.

The Scientific Committee was also pleased to receive two papers dealing with abundance estimation. Two successful field efforts took place in 2011: (1) an on-ice census with visual and acoustic monitoring; and (2) an aerial survey to obtain individual identification photographs to estimate population size. The Committee thanked the field crews who endured considerable hardship and personal risk to complete the surveys successfully.

Following the Committee's Data Availability Agreement requirements, these data will be made available as soon as possible, but it is very unlikely that compilation and validation can be completed in time for their provision for the scheduled 2012 *Implementation Review*. The most recent agreed estimate for this stock was from 2004; under the draft Aboriginal Whaling Scheme<sup>3</sup>, a new estimate is not therefore needed until 2014.

The Chair of the SWG noted that the detailed discussion of the 2012 *Implementation Review* is found under Item 8.6 of SC/63/Rep1. The purpose of an *Implementation Review* is to examine whether any new information has become available which would indicate that the set of trials used to test the *Bowhead SLA* did not adequately address uncertainty.

<sup>2</sup>IWC. 2003. Report of the Scientific Committee. *J. Cetacean Res. Manage. (Suppl.)* 5: 22-23.

<sup>3</sup>IWC. 2003. Chair's Report of the 54<sup>th</sup> Annual Meeting. Annex C. Appendix 4. The Aboriginal Whaling Management Procedure – possible text. *Ann. Rep. Int. Whaling Comm.* 2002: 74-75.

No new information was presented at the present meeting to suggest that this was the case. The Scientific Committee agreed that an *Implementation Review* should occur in 2012 and information on data availability guideline deadlines is given in the Committee's report. A new abundance estimate is not a requirement for such a review. Once an agreed estimate is determined it can be incorporated routinely into the *SLA* for the provision of management advice.

The Chair of the SWG then referred to the management advice given under Item 9.3.2 of IWC/63/Rep1.

For the 2010 Alaskan hunt, 71 bowhead whales were struck resulting in 45 animals landed (20 were males, 23 were females and 2 of unknown sex). Two males were taken in Chukotkan waters in 2010.

The 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 and catch limits are acceptable.

#### 5.1.2 Discussion and recommendations

The Sub-committee **endorses** the report of the Scientific Committee and its recommendations.

### 5.2 North Pacific Eastern stock of gray whales (annual review)

#### 5.2.1 Report of the Scientific Committee

The Chair of the SWG noted that its discussions of this item can be found under Item 9.2 of IWC/63/Rep1. With respect to abundance estimates, the Committee is looking forward to receiving a detailed overview paper for the counts of southbound whales migrating past Granite Canyon, California, next year. It also received interesting new information from the breeding grounds in Mexico and northbound counts off the west coast of the USA (including links between calf production and ice cover). It commended these valuable long-term monitoring programmes and recommended continuation of this work. It encouraged a quantitative integrated analysis of the long time series of data now available from both in Mexico and the USA. It suggested that correlations between calf production in western and eastern gray whales could also be examined.

The Russian Federation reported that a total of 118 gray whales (57 males, 61 females) was landed in Chukotka, Russia, in 2010; no whales were struck and lost. One whale was considered unfit for consumption (i.e. was a 'stinky' whale).

The Chair of the SWG then turned to the Committee's management advice. The Committee agreed that the *Gray Whale SLA* remained the appropriate tool to provide management advice for eastern North Pacific gray whales, apart from the PCFG animals that are part of the ongoing work of the SWG on the AWMP for an *Implementation Review*. It agreed that the *Implementation Review* undertaken last year had identified no reason to change the Committee's advice for the Chukotkan hunt, at least until the *Implementation Review* with an emphasis on the PCFG is completed.

#### 5.2.2 Discussion and recommendations

The Sub-committee **endorses** the report of the Scientific Committee and its recommendations.

### 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 Committee that there are two hunts to consider under this Agenda Item, that off West

Greenland and that off East Greenland. The Committee's advice on this item can be found under Items 9.4 and 9.5 of IWC/63/Rep1.

#### WEST GREENLAND

In the 2010 season, 179 minke whales were landed in West Greenland and 7 were struck and lost. Of the landed whales, there were 122 females, 53 males, and four whales of unreported sex.

In 2007, the Commission had agreed that the number of common minke whales struck from this stock should not exceed 200 in each of the years 2008-12, except that up to 15 strikes could be carried forward. In 2009, the Scientific Committee was for the first time able provide management advice for this stock based on a negatively biased estimate of abundance of 17,307 (95%CI 7,628-39,270) and the agreed method for providing interim management advice. Such advice can be used for up to two five-year blocks whilst *SLAs* are being developed. Last year, the Commission agreed to replace the number 200 to 178 as recommended by the Committee. Based on the application of the agreed approach, and the lower 5<sup>th</sup> percentile for the 2007 estimate of abundance, the Committee repeats its advice of last year that an annual strike limit of 178 will not harm the stock.

#### EAST GREENLAND

Nine common minke whales were struck (and landed) off East Greenland in 2010 (no animals were struck and lost). Of the landed whales, there were two females, four males, and three whales of unreported sex. Catches of minke whales off East Greenland come from the large Central Stock of minke whales.

In 2007, the Commission agreed to an annual quota of 12 minke whales from the stock off East Greenland for 2008-12, which the Committee stated was acceptable in 2007. The present strike limit represents a very small proportion of the Central Stock. The Committee agreed that the present strike limit will not harm the stock.

#### 5.3.2 Discussion and recommendations

The Sub-committee **endorses** 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

A total of four fin whales (all females) were landed, and one additional animal was struck and lost, in West Greenland during 2010. An acoustic study on fin whales in Davis Strait between Greenland and Canada found that call frequencies peaked in November-December, and continued until the area was covered by ice in January.

In 2007, the Commission agreed to a catch limit (for the years 2008-12) of 19 fin whales struck off West Greenland. At last year's Commission meeting, it was agreed that this should be reduced to 16 animals with a note that this will be voluntarily limited to 10 by Greenland. The Committee agreed on 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. The most recent agreed abundance estimate is 4,359 (95%CI 1,897-10,114). Based on the application of the agreed approach, the Committee agreed that an annual strike limit of 16 (and therefore also 10) whales will not harm the stock.

#### 5.4.2 Discussion and recommendations

The Sub-committee **endorses** the report of the Scientific Committee and its recommendations.



## 5.5 West Greenland stock of bowhead whales

### 5.5.1 Information from the Government of Canada

In response to a request made by the Sub-committee last year, the Secretariat wrote to Canada requesting information about catches and catch limits for the Canadian hunt. The response was circulated to the Commission and in summary, Canada briefly described its approach to management and indicated that in 2010 two whales were landed and two were struck and lost. The quota for 2011 is for four whales. This information was incorporated into the Scientific Committee discussions.

### 5.5.2 Report of the Scientific Committee

The Chair of the SWG noted that the Scientific Committee's discussions under this item can be found under Item 9.1 of IWC/63/Rep1. The current working hypothesis of the Committee is for a single stock of bowhead whales in this region. However, in the past additional genetic work has been recommended to finalise its conclusions. The Committee again recommended genetic analyses to be presented to the 2012 meeting but recognises the complications arising out of the fact that much of the existing data are held by a non-member nation, Canada.

In 2010, three bowhead whales were harvested in Disko Bay, West Greenland, and biological samples were obtained from all three animals.

In 2007, the Commission agreed to a quota for 2008 to 2012 of two bowhead whales struck annually (plus a carryover provision of two unused strikes from the previous year) off West Greenland, but the quota for each year shall only become operative when the Commission has received advice from the Scientific Committee that the strikes are unlikely to endanger the stock. Following the agreed approach for determining interim management advice, the Committee again agreed that the current catch limit for Greenland will not harm the stock. It was also aware that catches from the same stock have been taken by a non-member nation, Canada. It noted that should Canadian catches continue at a similar level as in recent years, this will not change the Committee's advice with respect to the strike limits agreed for West Greenland. Given the importance of this issue, the Committee recommended that the Secretariat should continue to contact Canada requesting information about catches and catch limits for bowhead whales.

### 5.5.3 Discussion and recommendations

The Sub-committee **endorses** the report of the Scientific Committee and its recommendations.

## 5.6 Humpback whales off West Greenland

### 5.6.1 Report of the Scientific Committee

The Chair of the SWG noted that the Scientific Committee's discussions under this item can be found under Item 9.7 of IWC/63/Rep1. A total of nine (three males; five females; one unreported sex) humpback whales was landed (none were struck and lost) in West Greenland during 2010. Genetic samples were obtained from five of these whales.

Last year, the Commission established an annual strike limit of 9 whales for the years 2010-12 with an annual review by the Scientific Committee. The most recent agreed abundance estimate is 3,039 (CV=0.45; annual rate of increase 0.0917, SE 0.0124). Using the agreed approach for providing interim management advice, the Committee agreed that an annual strike limit of 9 whales will not harm the stock.

### 5.6.2 Discussion and recommendations

The Sub-committee **endorses** the report of the Scientific Committee and its recommendations.

## 5.7 North Atlantic humpback whales off St Vincent and The Grenadines

### 5.7.1 Report of the Scientific Committee

The Chair of the SWG noted that the Committee's discussions under this item can be found under Item 9.8 of IWC/63/Rep1. No information was provided on 2010-11 catches by St Vincent and The Grenadines. The Committee strongly recommended that catch data, including the length of harvested animals, be provided to the Scientific Committee. It also strongly recommended that genetic samples be obtained for any harvested animals as well as fluke photographs, and that this information be submitted to appropriate catalogues and collections.

In recent years, the 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 Committee agreed that this block catch limit will not harm the stock.

### 5.7.2 Discussion and recommendations

In discussion, the Chair of the SWG noted that the Scientific Committee, while recognising the difficulties in collecting data in remote areas, had also made a general recommendation encouraging data collection for all subsistence hunts. The Sub-committee **endorses** the report of the Scientific Committee and its recommendations.

## 6. PREPARATION FOR 2012 REVIEW OF CATCH LIMITS

The Sub-committee agreed that discussion under this agenda item would not be limited to only preparation for the 2012 review of catch limits, as some of the four available documents (IWC/63/ASW3-6 submitted by the USA) related to broader and longer-term issues.

Before presenting the documents in detail, the USA provided a brief introduction to the overall process being suggested. In discussions with other countries (both with and without ASW hunts), the USA noted they had heard a desire to address several unresolved issues including the need to: obtain adequate information for consideration of quota requests; develop an agreed need statement template; improve accuracy of data; ensure local consumption vs. commercialism; define key terms; improve operational efficiency; improve the welfare of the hunt; consider longer term quotas; and remove ASW quotas from political discussions.

The USA noted that despite a general willingness for the IWC to address these, it is not feasible to fully consider all at a single meeting. It therefore recommended a two-step process. The first phase would be to address short-term issues that may be agreed upon at this meeting or by 2012 (e.g. changing the word 'aboriginal' to 'indigenous', defining a process to advance the exchange of technical hunting information between ASW parties, and the development of a standardised approach for preparing needs statements). However, it noted that from preliminary conversations with other affected countries, the last issue should probably be moved to the longer term list.

For the remaining longer-term issues (*inter alia*: standardised needs statements; welfare issues, ensuring local consumption and long-term quotas), the USA suggested the

creation of a small *ad hoc* working group. Its membership, terms of reference and method of operation could be worked out by the Sub-committee and its tasks could include: reviewing (with assistance from the Secretariat) all previous relevant IWC actions; determining where further work is necessary; and suggesting solutions to the issues and drafting potential recommendations.

### 6.1 Replacement of the term ‘aboriginal’

The USA introduced IWC/63/ASW5 that proposed the replacement of the term ‘aboriginal’ with the term ‘indigenous’. Although historically the term ‘aboriginal’ has been used in the management of whaling, in recent years (e.g. during IWC/59 and during discussions of the Future of the IWC) some Commissioners have suggested that the term can be offensive and/or a misnomer and thus should be changed; it noted that there were no objections made at the time. The USA therefore proposed to:

- (1) discontinue using the term ‘aboriginal’ and replace it with the term ‘indigenous’;
- (2) continue, in principle, managing indigenous subsistence whaling under the terms of all currently existing management measures that apply to ASW including relevant Commission agreements; and
- (3) request the Secretariat to modify existing language used in applicable management measures and relevant agreements as necessary, including, as appropriate, preparing a Schedule amendment for the Commission’s consideration.

In discussion of the proposal, a number of issues arose:

- (1) the importance of the issue;
- (2) the need for time to consider the proposed solution more fully, including complications with terms such as ‘aborigine’ and consideration of also removing the term ‘native’;
- (3) the absence of a definition of ‘indigenous people(s)’ within the UN system; and
- (4) clarification that the use of the words ‘in principle’ in (2) above related to the timing of presenting a Schedule amendment and the fact that the Commission would have to use the old term and comply with existing management measures until such time as a Schedule amendment could be adopted.

#### Conclusion

The Sub-committee noted the generally positive sentiments regarding the USA’s proposal. However, noting the absence of some ASW countries and the expressed need for more time to consider the proposal, it **recommends** that the USA continues bilateral and multilateral discussions to try to develop a proposal that could be adopted by consensus at Plenary.

### 6.2 Facilitating technical exchange on ASW hunts

In introducing IWC/63/ASW6 on this matter, the USA noted that during previous meetings of this Sub-committee, the Infractions Sub-committee and the Whale Killing Methods and Associated Welfare Issues Working Group, a number of countries had commented that there appeared to be relatively little exchange of information between ASW nations on *inter alia* hunting techniques, equipment, hunter safety, time to death and animal welfare aspects of the hunts. The USA noted that delegations and hunters of the four ASW countries regularly discuss these matters bilaterally, as well as within the informal ‘ASW caucus’ that has met on

the margins of Annual Meetings since 2006. It believes that a broader exchange of technical information could lead to more efficient, safe, and improved hunts. To further facilitate this, the USA suggested that the Sub-committee considers forwarding a recommendation to the Commission that:

- (1) requests member governments with ASW hunts cooperate to the fullest extent possible in the exchange of technical information; and
- (2) acknowledges and welcomes the activities of the informal ASW caucus in facilitating the exchange of technical information and requests it to add an item on exchange of technical information to the agenda of its future meetings.

In discussion, Denmark welcomed the initiative. It noted that exchange of technical information was already taking place, for example with Alaskan hunters with respect to its bowhead hunt. It also referred Greenland’s active participation in NAMMCO workshops and meetings related to technical aspects of the hunt. It viewed the USA’s initiative as attempting to obtain Commission endorsement of the co-operative efforts to improve hunting techniques.

#### Conclusion

As under Item 6.1, the Sub-committee noted the generally positive sentiments regarding the US proposal. However, noting the absence of some ASW countries and the need for more time to consider the proposal, it **recommends** that the USA continues bilateral and multilateral discussions with the two ASW countries not present prior to Plenary.

### 6.3 Guidelines for the preparation of need statements

The USA introduced IWC/63/ASW4 which dealt with conformance in preparing ASW needs statements. Under the ASW process, governments submit a ‘needs statement’ to request an ASW catch limit. The USA noted that, while the definition of ASW adopted by the Commission in 1982 defines the building blocks to follow in preparing such a statement, the Commission has not provided any guidance on a format for the statement. IWC/63/ASW4 includes suggested guidelines for needs statements and suggested that the Sub-committee consider recommending its adoption by the Commission.

In concluding its presentation, the USA reiterated that after consultation since drafting the document, it now believed that this issue should be considered a longer-term issue. The USA also commented that it knew of an existing background document on related issues that had been authored by Greg Donovan of the Secretariat. It believed that this could be of value to the Commission and suggested that the Sub-committee request that this paper be made available as a Commission document.

#### Conclusion

As under the previous items, the Sub-committee noted the generally positive sentiments regarding the USA’s proposal. However, noting the absence of some ASW countries and the need for more time to consider the proposal, it **recommends** that the USA continues bilateral and multilateral discussions to try to develop a proposal that could be adopted by consensus at Plenary. The Sub-committee also **recommends** that the background document developed by Donovan be submitted to Plenary for information<sup>4</sup>.

<sup>4</sup>Editor’s note: see IWC/63/13.

#### 6.4 Consideration of long-term issues

The USA introduced IWC/63/ASW3 that outlined a process to address long-term ASW issues including elaboration of the idea of an *ad hoc* working group noted above. It proposed that the Sub-committee establish a small *ad hoc* working group comprising the four ASW countries and a small number of other interested parties and registered observers. The USA also highlighted the importance of the assistance of the Scientific Committee and of the Secretariat. It believed that a working group is needed because of the time required to conduct an in-depth examination of these issues. It stressed the importance of considering the issue of catch limits of various time lengths due to both the desire by ASW countries for longer periods and the issues surrounding the use of 5-year quota blocks if the Commission moves to biannual meetings. In presenting IWC/63/ASW3, the USA noted that the proposed list of issues was to assist discussion in the Sub-committee and could of course be modified. It also suggested terms of reference for the working group. The USA suggested that the working group should report on their progress to the Sub-committee in 2012 and provide a final report at IWC/65 or beyond.

In discussion, it was noted that there would be minimal budgetary implications associated with the proposal, except perhaps any associated with staff time. It was also noted that the Scientific Committee already consider longer periods than 5 years when testing the performance of proposed *Strike Limit Algorithms* in the light of IWC management and conservation objectives.

Denmark thanked the USA for this initiative, which it broadly supported. It suggested that the four ASW countries could meet together to develop proposals for the remaining partners in the group. It believed that there has been different treatment of ASW countries recently in the IWC and it hoped

that this initiative would result in better understanding and more equitable treatment. It expected that the Russian Federation and St Vincent and The Grenadines would probably also support this initiative. However, it noted there was some further work needed with the proposed language and it believed that it would be wise to work on this initiative over a 2-year period.

#### Conclusion

As under the previous items, the Sub-committee noted the generally positive sentiments regarding the US proposal. However, noting the absence of some ASW countries and the need for more time to consider the proposal, it **recommends** that the USA continues bilateral and multilateral discussions to try to develop a proposal that could be adopted by consensus at Plenary. It recognised that requests for additional work by the Scientific Committee would need to come from the Commission.

In concluding the overall discussion of Item 6, the Chair of the Sub-committee encouraged members to submit comments to the USA on the four documents submitted and to work with the USA and others before the Plenary to try and reach consensus on proposals.

## 7. OTHER MATTERS

No matters were raised under this item.

## 8. ADOPTION OF THE REPORT

The Chair thanked the participants for the constructive discussions held and the participants thanked the Chair for his efficient and fair handling of the meeting.

The report was adopted 'by post' at 11:00hrs on Saturday 9 July.

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## Appendix 1

### LIST OF PARTICIPANTS

#### ARGENTINA

Miguel Iñíguez

#### AUSTRALIA

Donna Petrachenko  
Stephanie Ierino  
Nick Gales  
Pam Eiser

#### AUSTRIA

Andrea Nouak  
Michel Stachowitsch

#### BELGIUM

Alexandre de Lichtervelde  
Fábian Ritter  
Els Vermeulen

#### BRAZIL

Marcus Paranagua

#### CHILE

Barbara Galletti

#### DENMARK

Amalie Jessen  
Nette Levermann  
Øle Samsing

#### FINLAND

Penina Blankett

#### GERMANY

Walter Duebner  
Karl-Hermann Kock

#### ICELAND

Gisli Víkingsson  
Ásta Einarsdóttir  
Kristján Loftsson

#### ITALY

Caterina Fortuna

#### JAPAN

Joji Morishita  
Toshinori Uoya  
Shinji Hiruma  
Dan Goodman

#### KOREA

Dae-Yeon Moon

#### LUXEMBOURG

Pierre Gallego

#### MEXICO

Lorenzo Rojas-Bracho

#### NETHERLANDS

Peter Bos



**NEW ZEALAND**

Andrew Bignell  
Louise Chilvers  
Caroline McDonald

**NORWAY**

Øle-David Stenseth  
Einar Tallaksen  
Lars Walløe  
Egil Øen  
Hild Ynnesdal

**SOUTH AFRICA**

Herman Oosthuizen  
Ed Couzens

**SPAIN**

Santiago Lens

**SWEDEN**

Bo Fernholm

**SWITZERLAND**

Martin Krebs

**UK**

Richard Pullen  
James Gray  
Beatriz Roel  
Vassili Papastravrou  
Trevor Perfect  
Anju Sharda  
Mark Simmonds

**USA**

Rollie Schmitt  
Doug DeMaster

Michael Tillman  
Robert Brownell  
Roger Eckert  
Michael Gosliner  
Lisa Phelps  
Allison Reed  
Ryan Wulff  
Greig Arnold  
Harry Brower  
Eugene Brower  
Brian Gruber  
Ryland Bowe chop

**SC CHAIR**

Debbie Palka

**SECRETARIAT**

Simon Brockington  
Greg Donovan

**Appendix 2****LIST OF DOCUMENTS****IWC/63/ASW**

- 1 Draft Agenda
- 2 List of documents
- 3 Draft Proposal for Dealing with Long-term ASW Issues (USA)
- 4 Conformance in preparing Aboriginal Subsistence Whaling Needs Statements (USA)
- 5 Replacement of the term 'Aboriginal' (USA)
- 6 Facilitating the exchange of technical information on ASW hunts (USA)

**COMMISSION DOCUMENTS****IWC/63/Rep**

- 1 Report of the Scientific Committee

**Appendix 3****AGENDA**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <ol style="list-style-type: none"> <li>1. Introductory items           <ol style="list-style-type: none"> <li>1.1 Appointment of Chair</li> <li>1.2 Appointment of rapporteur</li> <li>1.3 Review of documents</li> </ol> </li> <li>2. Adoption of agenda</li> <li>3. Aboriginal subsistence whaling management procedure           <ol style="list-style-type: none"> <li>3.1 Progress with Greenlandic Research Programme               <ol style="list-style-type: none"> <li>3.1.1 Report of the Scientific Committee</li> <li>3.1.2 Discussion and recommendations</li> </ol> </li> <li>3.2 <i>Implementation Review</i> for gray whales               <ol style="list-style-type: none"> <li>3.2.1 Report of the Scientific Committee</li> <li>3.2.2 Discussion and recommendations</li> </ol> </li> </ol> </li> <li>4. Aboriginal Whaling Scheme (AWS)           <ol style="list-style-type: none"> <li>4.1 Report of the Scientific Committee</li> <li>4.2 Discussion and recommendations</li> </ol> </li> <li>5. Aboriginal subsistence whaling catch limits</li> </ol> | <ol style="list-style-type: none"> <li>5.1 Bering-Chukchi-Beaufort Seas stock of bowhead whales (annual review)           <ol style="list-style-type: none"> <li>5.1.1 Report of the Scientific Committee</li> <li>5.1.2 Discussion and recommendations</li> </ol> </li> <li>5.2 North Pacific Eastern stock of gray whales (annual review)           <ol style="list-style-type: none"> <li>5.2.1 Report of the Scientific Committee</li> <li>5.2.2 Discussion and recommendations</li> </ol> </li> <li>5.3 Common minke whale stocks off Greenland (annual review)           <ol style="list-style-type: none"> <li>5.3.1 Report of the Scientific Committee</li> <li>5.3.2 Discussion and recommendations</li> </ol> </li> <li>5.4 West Greenland stock of fin whales           <ol style="list-style-type: none"> <li>5.4.1 Report of the Scientific Committee</li> <li>5.4.2 Discussion and recommendations</li> </ol> </li> <li>5.5 West Greenland stock of bowhead whales</li> </ol> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- 5.5.1 Information from the Government of Canada
- 5.5.2 Report of the Scientific Committee
- 5.5.3 Discussion and recommendations
- 5.6 Humpback whales off West Greenland
  - 5.6.1 Report of the Scientific Committee
  - 5.6.2 Discussion and recommendations
- 5.7 North Atlantic humpback whales off St Vincent and The Grenadines
  - 5.7.1 Report of the Scientific Committee
  - 5.7.2 Discussion and recommendations
- 6. Preparation for 2012 review of catch limits
- 7. Other matters
- 8. Adoption of the Report

#### **TERMS OF REFERENCE**

The terms of reference of the Aboriginal Subsistence Whaling Subcommittee 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).

#### **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 Technical Committee, and to any meetings of subsidiary groups of the Commission and Technical Committee, except the Commissioners-only meetings and the meetings of the Finance and Administration Committee.

## Annex G

# Report of the Conservation Committee

Wednesday 6 July 2011, St Helier, Jersey

### 1. INTRODUCTORY ITEMS

A list of participants is given in Appendix 1.

The Committee paused in silence to remember Dr. Robbins Barstow who died recently. Robbins was one of the most significant voices for whale conservation during the 1980s and 1990s. As a long-serving member of the US Delegation, Robbins shall forever be remembered for his idea that whales were more valuable as subjects of whale-watching and other non-lethal uses. Foreseeing the future economic potential of these then newly emerging non-lethal uses, he coined the phrase 'Whales Alive' to express a complex concept in a simple, straightforward manner. To develop his idea, Robbins championed the proposal that the IWC should co-sponsor a Whales Alive Conference. Held in 1983, the Conference's findings and recommendations ultimately established the intellectual and scientific basis for considering that whales are more valuable alive than dead, an idea that has held currency with many ever since.

#### 1.1 Appointment of Chair

Lorenzo Rojas-Bracho (Mexico) was elected Chair.

#### 1.2 Appointment of rapporteur

Allison Reed (USA) and Cherry Allison (Secretariat) were appointed rapporteurs.

#### 1.3 Review of documents

A list of documents is given as Appendix 2.

### 2. ADOPTION OF THE AGENDA

The adopted agenda is given as 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.

The USA noted that no work had been done this year as no new samples had been received, but they looked forward to working on the issue should new samples be obtained in the future.

In view of the lack of discussion on this item over the past two years, Austria questioned whether the matter was now less urgent than was considered in 2005. The matter was deferred until Russia was available to comment.

### 4. SHIP STRIKES

In 2005, the Conservation Committee agreed to address the issue of whales being killed or seriously injured by ship strikes, recognising that this is also a matter addressed by the

Scientific Committee. Ship strikes appear on the Scientific Committee agenda because the Revised Management Procedure (RMP) requires that recommended catch limits take into account estimates of mortality from all factors including, for example, ship strikes and bycatch. In practice these issues are also examined in a broader conservation and management context than simply the RMP. The role of the Ship Strikes Working Group (SSWG) is to develop more detailed proposals and co-ordinate any work initiated.

#### 4.1 Report of the joint IWC/ACCOBAMS Workshop

A co-Chair of the Workshop, Alexandre de Lichtervelde (Belgium), introduced the report of the joint IWC/ACCOBAMS Workshop on Ship Strike Mitigation (IWC/63/CC8) held in Beaulieu-sur-Mer, France in September 2010. The 45 participants represented a wide range of stakeholders, including the maritime industry. The focus of the Workshop was on reducing ship strikes in the Mediterranean Sea and the Canary Islands.

Fábian Ritter, scientific advisor to the Belgian delegation, presented the technical parts of the report, particularly the scientific recommendations.

The data requirements for studies of ship strikes include absolute abundance and stock structure, as well as data on trends and the identification of 'high risk areas'. For both the Mediterranean Sea and the Canary Islands regions, the available data on abundance and stock structure are insufficient at present to allow a proper quantitative assessment of the level of threats posed by ship strikes.

Much of the information on numbers of cetaceans struck comes from carcasses (e.g. 150 records in the IWC ship strikes summary database originate from stranded animals). With respect to strandings and necropsies, the Workshop discussed a new histochemical method for examination of evidence of ante-mortem or post-mortem trauma (as developed by the University of Las Palmas de Gran Canaria under the European LIFE+ INDEMARES Project) and recommended that collaborative studies should be undertaken. It also recommended that stranding networks standardise examination, documentation and reporting protocols. The Workshop further recommended additional studies on carcass drift modelling, as the drift characteristics of carcasses may be of value in evaluating whether the proportion of reported whales that are stranded due to ship strikes is representative of the actual proportion of mortality due to collisions (see IWC/63/CC8, item 5.2.1.1).

With reference to direct observations, the Workshop recommended that every effort is made to improve reporting of collisions and that countries examine the potential use of dedicated observers. It is important that data should be submitted using the IWC web-based interface and the Workshop strongly recommended continued work to facilitate further development of the centralised database and to encourage reporting of all collision events. Where



national or regional reporting systems exist, the Workshop agreed that these should be the first point of contact, at the same time ensuring that all reports be made available from a single source (see IWC/63/CC8, item 5.2.1.2).

Data on shipping density and movements are of value in identifying potential 'hotspots' of vessel-whale strikes. Recent developments in electronic navigation and reporting systems (including AIS, LRIT and VOS) have greatly increased the available data on shipping movements and density. The Workshop therefore recommended that collaborative efforts between cetacean and shipping experts be undertaken (see IWC/63/CC8, item 5.3).

Some priority recommendations on data requirements were made and these can be seen in the report (IWC/63/CC8, item 5.4).

Concerning risk assessment, shipping and whale data overlays can be a first step in identifying areas of higher probability of encounters between whales and vessels. Modelling may be used to predict relative or absolute cetacean densities in areas, or for seasons, with low survey effort. The Workshop recommended that overlays of whale and shipping densities should be created for areas where they have not been fully developed (e.g. the Canary Islands). It also recommended that methods be developed to clarify uncertainties in models for policy advisors and decision makers (see IWC/63/CC8, item 6).

The report considered five possible mitigation measures for reducing collision risk: routing measures, speed restrictions, mandatory ship reporting systems, dedicated observers and technological approaches. Up to now, the two most obvious measures are the separation of whales from vessels and speed restrictions. Other measures or combinations of measures should be studied on a case by case basis. Further, raising awareness of mariners is important and existing training modules should be adapted. It is essential that the expected risk reduction for any mitigation measure is quantified as far as possible, and data subsequently must be collected that allow monitoring of the effectiveness of measures (see IWC/63/CC8, item 7).

Within the Mediterranean Sea and the Canary Islands, the Workshop recommended six priority areas for data collection to allow improved risk assessment of ship strikes: (1) the Strait of Gibraltar; (2) the Pelagos Sanctuary; (3) the area southwest of the island of Crete; (4) the area around the Balearic Islands; (5) the area between Almeria and Nador at the eastern side of the Alborán Sea; and (6) the Canary Islands. Item 8.1.2 of IWC/63/CC8 proposes conservation actions for some of the priority areas, taking into consideration the type of vessels and the objective of maritime security.

In order to improve reporting of ship strikes, two interlinked courses of action were suggested: (1) to strengthen the stranding networks; and (2) to encourage reporting to the IWC database. Stranding networks are potentially an important source of ship strikes data if (but only if) full necropsies are conducted. Since the Workshop was held, the IWC stranding networks list has been updated and constitutes a useful tool to foster collaboration between networks and get more and detailed data. Reporting is also considered in the joint IWC/ACCOBAMS 2-year work plan (see IWC/63/CC8, item 8.1.3).

The Proposal for a joint IWC/ACCOBAMS 2-year work plan contains four main items: (1) the development of a protocol for investigating and documenting ship strikes; (2) the undertaking of the long-planned Mediterranean basin wide survey (the ACCOBAMS Survey Initiative);

(3) improved reporting to the IWC database; and (4) development of modelling techniques. Another important component of the plan is the establishment of a joint stranding investigation working group (Mediterranean Sea) to develop protocols for necropsies that assist in determining cause of death (see IWC/63/CC8, item 9).

In conclusion, it was noted that Contracting Governments will be responsible for the implementation of many of the Workshop recommendations, either acting domestically or at international level through other IGOs like the IMO. In some other cases, the Secretariat is requested to act. The involvement of SSWG members with interests in the geographic area covered by the Workshop in implementing its recommendations will be valuable. Funding might be needed to help some key countries gather data.

De Lichtervelde thanked the Steering Committee, Vincent Ridoux (the co-Chair of the Workshop) and the IWC Secretariat for their great help during the year-long preparation for the Workshop. He hoped that the Workshop would act as a template for other regional workshops in the future.

### *Conclusion*

The Conservation Committee thanked the Chairs of the Workshop and the Steering Committee, which included the Executive Secretary of ACCOBAMS, for their hard work and congratulated them on the success of the Workshop. It **endorses** the report of the Workshop and its recommendations, including the joint IWC/ACCOBAMS 2-year work plan (see Appendix 4) and **commends** them to the Commission.

### **4.2 Report from the Scientific Committee**

General comments on co-operation between the Scientific Committee and the Conservation Committee are considered under Item 10.3 of this report.

The Chair of the Scientific Committee summarised the relevant parts of the Scientific Committee report. Comments on the joint IWC/ACCOBAMS Workshop (IWC/63/Rep1, Item 7.7.1) focused on those parts of the report dealing with estimating mortality. The Scientific Committee endorsed the Workshop recommendations on that topic and highlighted the formation of the joint Stranding Investigation Working Group. It also endorsed the holding of a further workshop of cetacean and shipping experts to examine the difficult questions of analysis and modelling of shipping and cetacean data. An intersessional group was established to develop a proposal for such a workshop. With respect to shipping data, the Scientific Committee welcomed the increased scope and availability of satellite AIS data (data transmitted from ships giving information on, for example, position, course and speed).

The IWC has been developing a centralised ship strikes database since 2007 and the database has now been running for two years. Unfortunately, submissions of new data have been sparse, even from member countries that provide summary information in their Progress Reports. The Scientific Committee recommended continued development of the database and that all collision data be reported to the database, especially by IWC member countries holding such data. In order to be more proactive, the Scientific Committee further recommended the appointment of a part-time dedicated ship strike data coordinator whose tasks will include data gathering, communication with potential data providers and data management. The Scientific Committee

hoped that Conservation Committee members may be able to assist with outreach activities, including co-operation with IMO.

The Scientific Committee was pleased to receive information on ship strikes in specific areas, namely Hawaii and the Pelagos Sanctuary in the Mediterranean (see IWC/63/Rep1, Items 7.7.4 and 5).

The important topic of the estimation of mortality was also discussed by the Scientific Committee. Efforts will be made in future to investigate how information from the well-studied North Atlantic right whale might be used to assist examination of ship strike mortality of other species. It was agreed that the North Atlantic fin whale might be an appropriate case study to further explore the development of quantitative risk models and a working group has been established to report back next year on progress.

Much of the available information on ship strikes comes from stranded animals, but extrapolating from these to total numbers of ship strikes within a population or area is difficult. It is clear that strandings will provide an underestimate of total ship strike mortality; however, it could potentially be a serious underestimate – in one study it was estimated to be only 2% of total. Putting tags, e.g. telemetry tags, on floating carcasses could provide valuable additional information to estimate proportions of carcasses that are eventually discovered onshore.

The Scientific Committee were also pleased to hear of work being undertaken by the USA on criteria to help determine cause of death of stranded animals, as well as work by NAMMCO and ICES on good practice in monitoring bycatches.

#### *Conclusion*

The Conservation Committee thanked the Scientific Committee for its report on ship strikes. In particular, the Committee **recommends** the appointment of a part-time dedicated ship strike coordinator.

#### **4.3 Report from the Ship Strikes Working Group (SSWG)**

The Chair of the Ship Strikes Working Group, Alexandre de Lichtervelde (Belgium), presented a progress report of activities conducted over the past year (IWC/63/CC13). He regretted that, as reported by the Scientific Committee, although ship strikes data are submitted by some members through other reports, no data were submitted this year directly to the centralised database. Co-operation and data exchange with national or regional databases on ship strikes is very important, on the basis of common criteria to define a ship strike. A paid part-time data coordinator is crucially needed, as requested by the Scientific Committee. The proposed ship strikes data co-ordinator would also play a key role in raising awareness.

Obtaining access to good shipping data is important both to estimate risk and develop mitigation measures. ASCOBANS has been mapping high risk shipping areas using data available through the Internet, and, as proposed by the SSWG Chair, the Secretariat has contacted the European Maritime Safety Agency (EMSA) to request details of the procedure to access shipping data. Their response is still awaited.

With respect to strandings, he noted that the updated IWC list of stranding networks now contains e-mail addresses to facilitate access and collaboration; the list is available in the ship strikes section of the IWC website.

Although more attention is paid to large vessels, the Working Group had also drawn attention to ship strikes

within the sailing sector. An important recent development is a declaration adopted at the first International Congress on Oceanic Sailing and the Environment held in Barcelona on the occasion of the world race and referring to collaboration with the SSWG. The sailing sector offers a great opportunity to raise awareness on ship strikes given the important media coverage of ocean races and the keen interest of the sector to become involved in environmental issues.

The SSWG welcomed reports of national developments in some countries and it is particularly interested to learn more about the management plans under development by Spain for the Canary Islands. It was also pleased to hear of related work by IGOs and NGOs. This included information from: ACCOBAMS (e.g. an event to promote REPCET<sup>1</sup> among maritime operators); and WWF (on collaboration with a major shipping company in the Atlantic area).

In summary, the Chair of the SSWG noted that the last 12 months have been rich in preparatory actions and new developments; he believed that is now time for action, taking account of the need for additional research and coordination and for more data.

#### *Conclusion*

The Conservation Committee thanked the Chair of the SSWG for his report and noted the importance and relevance of the work of the SSWG to the Conservation Committee.

#### **4.4 Committee discussions and recommendations**

A number of countries reported on their activities related to ship strikes.

Australia (IWC/63/CC12) reported on its national ship strike database and associated web-based questionnaire. These are closely based on the IWC data collection questionnaire so as to ensure that the data collected in Australia is compatible with the IWC ship strike database. Attempts to submit data from Australian waters directly to the IWC will be redirected back to the national-based portal to ensure all reporting will have national verification. Australia offered to share the web-based software with other members to assist with efficient and standardised delivery of ship strike data to the IWC database.

Argentina introduced IWC/63/CC10 which reported on a collision of a southern right whale with a 161m container ship in Puerto Madryn, Argentina on 3 August 2010. The Prefectura Naval Argentina investigated the event and developed and implemented Disposición Madr, RIA N°069/09 (later modified by Disposición Madr, RIA N°80/10) to reduce ship strikes with southern right whales in the Península Valdés nursery ground (see also IWC/61/CC12rev).

IWC/63/CC14 details various efforts by the USA to reduce the threat of ship strikes, including operational measures for vessels, education and outreach programmes, technological research, and research and monitoring activities (see also IWC/63/CC13). In January 2010, it convened a workshop in Long Beach, California to identify research needs and management options to reduce ship strikes of large whales (primarily blue, fin, and humpback whales) in its west coast waters. In addition, the United States Coast Guard is currently conducting a Port Access Route Study of key ports in both southern and northern California to assess the feasibility of modifying shipping routes, which will, among other things, assess possible adverse effects on large whale species of moving routes.

<sup>1</sup>See IWC/63/CC8.

Germany drew attention to ASCOBANS activities on ship strikes, which included mapping ship traffic over the year in areas of the North Sea around the British Isles and the development of stranding schemes which has been established in a number of ASCOBANS countries over the past 15-20 years. Expertise developed in the latter scheme could potentially be used in other areas.

Several countries commended Alexandre de Lichtervelde for his hard and productive work on ship strikes over many years.

## 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.

### 5.1 Update on progress

The Chair of the Scientific Committee reported that last year it was agreed that only important or urgent papers on southern right whales would be considered at this year's meeting in the light of the forthcoming Southern Right Whale Assessment Workshop that will be held in Puerto Madryn, Argentina, in September 2011. The Committee looks forward to the report of this Workshop at next year's meeting. The Scientific Committee also recommended expansion of the Southern Ocean Right Whale Catalogue, as approved last year by the Commission.

Chile referred to the measures taken at national level to protect the Critically Endangered Chile-Peru population of southern right whales (which probably numbers less than 50 mature individuals). It introduced a draft proposal for a national action plan for its recovery (IWC/63/CC21rev) aimed at strengthening the conservation policy of Chile. The proposal gives details on historical catches off Chile, legal framework, current known status, actual and potential threats, advances in public awareness, and a set of suggested actions to improve coordination among different stakeholders. The draft plan promotes the effective implementation of conservation measures at a national level, such as the development of contingency plans and strategies to increase scientific knowledge and capacity building, among others. This proposed national action plan is expected to make an important contribution to discussions of the future southern right whale assessment and to the development of a Conservation Management Plan for South American southern right whale populations proposed at this year's meeting by Argentina, Brazil, Chile and Peru.

Brazil congratulated Chile on its efforts to develop an action plan and the Conservation Committee agreed this item be retained on the Committee's agenda.

## 6. WHALEWATCHING

At IWC/59 in 2007, it was noted that while the Scientific Committee's Whalewatching Sub-committee 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. Accordingly, in 2008 the Conservation Committee established an intersessional correspondence group to look at all aspects of whalewatching. This group made a series of recommendations to IWC/61 in 2009 which included setting up a Standing Working Group on Whalewatching (SWG-WW).

The SWG-WW presented its preliminary strategic plan for the five-year period 2010-15 at IWC/62 in 2010. Following IWC/62 a Workshop was held in Argentina in November 2010 to commence discussion and initiate work on the key themes identified in the strategic plan.

### 6.1 Report of the November 2010 Workshop on Whalewatching

Argentina presented IWC/63/CC6, the Report of the Whalewatching Workshop held in Puerto Madryn, from 3 to 5 November 2010. The Workshop was supported by the Governments of Australia, USA, the Province of Chubut and the NGO World Society for the Protection of Animals (WSPA) and was chaired by Lorenzo Rojas-Bracho; participants from 13 countries attended. The Workshop conclusions are relevant as a basis for the development of the IWC five-year Strategic Plan (see Item 6.2). Three key elements were identified: (1) research and assessment; (2) management; and (3) capacity building and development. These elements will aid countries in building sustainable whalewatching industries.

The Workshop recommended the development of a 'living' web-based Handbook on Whalewatching as one of the primary methods for achieving the objectives of the strategic plan. The following points were made:

- (1) the IWC should play an important advisory role while management responsibility lies with national governments;
- (2) local issues require local solutions;
- (3) co-operation with other relevant international, national and regional bodies and organisations should be improved/established;
- (4) the handbook should be frequently updated and monitored; and
- (5) consideration should be given by the Commission to developing formal 'conservation' and 'user' objectives for whalewatching.

The Workshop recognised the following areas to be considered by the Handbook: operational types; socio-economic implications; regulations, voluntary frameworks and compliance mechanisms (management); science and monitoring; education, communication and training; and capacity building. It was stressed that there are many different kinds of whalewatching operations and scenarios and the Handbook must try to provide information and advice relevant to all of these. However, while the Handbook can draw attention to various relevant factors and issues and provide examples from various case studies, the responsibility for economic, business and social development lies with industry and national governments (and their subsidiaries), not the IWC. Co-operation with other organisations with expertise on socioeconomic aspects will be explored.

The IWC has been working on science and monitoring since mid-1990s through the Scientific Committee. At present there is insufficient information available to provide unequivocal advice on the scientific aspects required for the development of formal guidelines for whalewatching. The



Workshop suggests that the SWG-WW consider requesting the Commission to ask for guidance from the Scientific Committee on how this might be achieved. Considerably greater care should be given to deciding whether, and under what conditions, whalewatching operations should be allowed on endangered populations, in accordance with a precautionary approach.

The Workshop recognised that the Handbook itself represents a valuable educational tool. It noted that there are several potential target audiences for education (and training) and the Handbook web-design should take this into account. The need for a mechanism to facilitate communication amongst whalewatching operators and between operators and regulators was also recognised.

Finally the Workshop recognised the importance and complexity of capacity building and suggested this should be considered further by the SWG-WW prior to the 2011 Annual Meeting.

#### *Conclusion*

The Conservation Committee thanked the Workshop Chair and participants for the excellent Workshop report.

### **6.2 Report from the Conservation Committee's Standing Working Group on Whalewatching**

Argentina presented IWC/63/CC3, the Report of the Standing Working Group on Whalewatching. The Working Group was established to progress the recommendations of the report of the Intersessional Correspondence Group (IWC/61/CC9) which identified the following three key elements that the Commission could seek to promote as part of an integrated body of work to assist countries in building sustainable whalewatching industries: research and assessment; management; and capacity building and development. In undertaking its work, the Working Group was charged with preparing a Five-year Strategic Plan for Whalewatching (hereafter the Strategic Plan).

The proposed Strategic Plan set out objectives and actions designed to facilitate responsible development of the sector by Contracting Parties. The SWG-WW report included a set of recommendations seeking endorsement of the Strategic Plan and establishing an on-going role for the Working Group over the life of the Strategic Plan.

#### *Summary of the proposed Strategic Plan*

Last year at IWC/62, the SWG-WW had submitted a draft strategic plan (IWC/62/CC8) and recommended that a Workshop be held. The conclusions of that Workshop (IWC/63/CC6 and see Item 6.1 above) provided the basis for the further development of the Strategic Plan.

The SWG-WW, together with officials from France and New Zealand, met in Paris in March 2011 to finalise the proposed Strategic Plan (appendix A of IWC/62/CC3) for the consideration of the Conservation Committee and the Commission.

Five objectives (research, assessment (monitoring), capacity building, development and management) formed its key components. Within the framework of these objectives, the proposed Strategic Plan identified a suite of short term actions (which can be delivered within two years of the adoption of the Strategic Plan) and medium term actions (delivered over five years). Only one long-term action (an integrated research plan) was identified.

The SWG-WW also identified elements of the Strategic Plan that would benefit from review by the Scientific Committee prior to final approval.

#### *Future role of the Standing Working Group on Whalewatching*

The finalisation of the proposed Strategic Plan completes the work of the SWG-WW under the terms of reference set out in IWC/61/CC9. However, the SWG-WW envisages an important on-going role relating to oversight of the delivery of actions and products under the Strategic Plan, including population of the Handbook. Therefore it developed the draft revised terms of reference for the future (appendix B of IWC/62/CC3).

It was proposed that its membership should be expanded to include two members of the Scientific Committee. While the Working Group would continue to report annually to the Commission via the Conservation Committee, the SWG-WW thought that the broadened membership would better ensure that management actions proposed are based on the best available science.

#### *Proposed recommendations from the SWG-WW*

The SWG-WW proposed three recommendations for consideration by the Conservation Committee:

- (1) the Strategic Plan for Whalewatching 2011-16, as amended following consideration of scientific elements of the Plan by the Scientific Committee (see Item 6.3);
- (2) the revised terms of reference for the SWG-WW; and
- (3) expansion of the SWG-WW's membership to include two members from the Scientific Committee.

#### *Conclusion*

The Conservation Committee thanked Miguel Iñíguez (Argentina) for his presentation. Discussion of the plan itself and the recommendations can be found under Item 6.4.

### **6.3 Report of the Scientific Committee**

The Chair of the Scientific Committee summarised the relevant parts of the Scientific Committee report (IWC/63/Rep1, Item 15). Whalewatching is another matter relevant to general discussions of co-operation between the Conservation and Scientific Committees (see Item 10.1).

#### *Possible effects of whalewatching on cetaceans*

A number of papers on possible effects of whalewatching on cetaceans were considered. Concerns raised included possible foraging disruption of common minke whales off Iceland; energetic concerns for killer whales off British Columbia; and unregulated whalewatching in the Dutch Caribbean.

The Norwegian whalewatching industry is one of the largest in Europe and has been growing over the past 10 years. To investigate the impacts of whalewatching off Andenes, Norway, a before/after land-based exposure experiment is being designed. The Scientific Committee welcomed this experiment as a potentially important contribution to the LaWE project (see below) and also recommended similar research be undertaken in other areas of Norway where increased development of whalewatching is anticipated.

#### *LaWE ('large-scale whalewatching experiment')*

The objective of the LaWE project is to understand the mechanisms and possible effects of whalewatching on cetacean populations, in order to define a framework for integrated and adaptive management. This should account for uncertainties and include monitoring and feedback mechanisms. It is large-scale because multiple control sites and whalewatching sites will be used to account for environmental and biological variability under a well-designed collaborative experiment. The data will be used

to develop models relating whalewatching exposure to reproduction and/or survival. Such models can then be used to determine the effectiveness of mitigation measures employed to reduce the effects of whalewatching.

In response to a call by the intersessional steering group for researchers to join the LaWE project, to date 35 research groups holding relevant data have said they are willing to participate and share their data. The necessary analyses can now be undertaken to define the number of sites needed for the LaWE project. However, these data need to be put into a common database and quality checks carried out. In the long term, this database should be held within the IWC Secretariat, but for now there is an available research assistant who can initiate the work.

In contrast, it was noted that very few government-affiliated data holders had indicated a willingness to participate in the LaWE project. The Committee recommends that Commissioners encourage their relevant government agencies to participate.

*Commercial whalewatching and associated data collected, and platforms of opportunity*

Good progress is being made with the online database for world-wide tracking of commercial whalewatching and associated data collected (see IWC/63/Rep1, Item 15.3.3). A beta version of the database is now available for testing. The ACCOBAMS inventory of currently existing whalewatching activities can contribute to the IWC worldwide database.

Information from platforms of opportunity is discussed under Item 15.4.2 of IWC/63/Rep1. The development of the Pacific Whale Foundation's 'Whale and Dolphin Tracker' software was welcomed. This web-based data management system can provide real-time relative abundance and distribution data. Results were also received from a study using platforms of opportunity in the waters of La Gomera (Canary Islands).

*Swim-with-whale operations*

The Scientific Committee has been looking at swim-with-whale operations for some time. A swim-with-whale questionnaire has been developed but has not yet been fully tested. Thanks to travel funds made available by the Pacific Whale Foundation, testing should occur during the 2011/12 season in the Dominican Republic, where there are several swim-with-whale operators.

*Worldwide compendium of whalewatching guidelines and regulations*

The Scientific Committee received an updated compendium of whalewatching guidelines and regulations from around the world and reaffirmed the value of this document which is published on the IWC website (see Item 15.4.3 of IWC/63/Rep1). Information on the effectiveness of whalewatching guidelines was received including a report of an extensive awareness campaign that had resulted in an increase in the number and accuracy of collision reports between whalewatching vessels and whales.

A number of issues are suggested for next year's work including: (1) an in-depth review of models of cetacean behaviour that can simulate and test population consequences of disturbances, such as whalewatching; (2) a review of, and where appropriate, revision of the general IWC whalewatching guidelines that were developed in 1996; (3) the development of the LaWE project; and (4) if requested, a review of the scientific aspects of the Conservation Committee and Commission work on whalewatching.

*Scientific Committee discussions of the proposed Strategic Plan*

Item 15.4.1 of IWC/63/Rep1 summarises discussions on scientific aspects of the reports from the Commission's Intersessional Whalewatching Workshop and the Conservation Committee's Working Group on Whalewatching, noting that neither of these had yet been discussed by the Conservation Committee or the Commission. The Scientific Committee therefore offered only general, overarching comments, recognising that a more formal, comprehensive review can be conducted next year if requested. This issue is another matter relevant to general discussions of co-operation between the Conservation and Scientific Committees (see Item 10.1).

The Scientific Committee's work on whalewatching is a recognition of the importance of rigorous science in the management of responsible whalewatching. The approach of establishing a Joint Working Group was welcomed as it is important that the Scientific Committee is adequately represented in discussions of a strategic plan to ensure that scientific components are achievable. Therefore the Chair and co-Chair (who is also a member of the LaWE steering group) of the Sub-committee on Whalewatching have been nominated to serve on this joint Working Group, along with at least one of the Chair of the Scientific Committee, the Vice-Chair or the Head of Science.

At this stage, no attempt was made to review the extremely ambitious scale of the science-related work programme in the proposed draft Strategic Plan for Whalewatching 2011-16. After the Conservation Committee and the Commission have reviewed the proposed Strategic Plan, the Scientific Committee looks forward to providing scientific advice on the nature and scale of the Plan through the joint Working Group and during any future review processes. The Scientific Committee are also happy to assist in reviewing the terms of reference for the joint Working Group once the Conservation Committee has conducted its review.

*Conclusion*

In response to a question from Sweden, the Chair of the Scientific Committee noted that the Pacific Whale Foundation's 'Whale and Dolphin Tracker' software is free and that a link to it will be added to the IWC website.

In conclusion, the Committee thanked the Scientific Committee for its work on whalewatching. Discussion of the proposed Strategic Plan occurs under Item 6.4 below.

**6.4 Strategic Plan for Whalewatching 2011-16 and the Terms of Reference for the Standing Working Group on Whalewatching and 6.5 Committee discussions and recommendations**

The proposed Strategic Plan and the Terms of Reference for the SWG-WW were discussed in light of the reports under Items 6.1, 6.2 and 6.3. The Conservation Committee thanked the Workshop participants and the SWG-WW (especially Argentina and Australia) for their work.

Australia noted that whalewatching is highly relevant and important to most IWC members, and that the strategic plan and the work of the Standing Working Group should receive broad support. Australia further noted that it is difficult to discuss the detailed scientific aspects of the proposed Strategic Plan until it is the subject of a more formal review by the Scientific Committee next year. It is important to establish a process this year by which these aspects can be accommodated within the work plan of the Scientific Committee.

Belgium noted that cetaceans contribute more to the economy of coastal communities every year but at the same time whalewatching can have a severe impact on local cetacean populations. They welcomed the development of the Handbook which will be a key tool for integrating scientific knowledge and a resource for whalewatching tourism. In this way the Conservation Committee can contribute to whale management in an effective manner.

In conclusion, the Conservation Committee **endorses** and **commends** to the Commission:

- (1) the proposed Strategic Plan, noting that aspects of it will need to be formally reviewed by the Scientific Committee before final adoption;
- (2) the new terms of reference for the SWG-WW; and
- (3) the Scientific Committee's views on expanded membership of the SWG-WW.

Finally, the Committee thanked Australia for its work in chairing the SWG-WW and welcomed Ryan Wulff (USA) as its new Chair.

## 7. WHALE SANCTUARIES

### 7.1 Report from the Scientific Committee

The Scientific Committee did not receive any documents relevant to proposals for IWC Sanctuaries this year. The item will remain on the Scientific Committee Agenda for future meetings.

### 7.2 Committee discussions and recommendations

#### 7.2.1 IWC Sanctuaries

Brazil noted that together with Argentina it has submitted a proposal for the creation of a South Atlantic Sanctuary for whales (IWC/63/6rev). Both countries strongly believe that the sanctuary issue should be kept on the agenda and the matter raised to see if there was the political will for a further discussion in the Plenary. Argentina considered that this is a very important conservation measure that would be added to other protection measures in existing sanctuaries. As in previous years Chile expressed support for the proposal.

Norway commented that it sees no scientific reason or conservation advantage in establishing sanctuaries of this kind.

#### 7.2.2 Other

France reported that the Agoa Sanctuary for Marine Mammals in the French Caribbean has been officially created as announced at the last meeting of the parties to the Protocol Concerning Specially Protected Areas and Wildlife (SPA) of the United Nations Environment Programme in the Wider Caribbean. The sanctuary covers 138,000km<sup>2</sup>. An inventory of species is being undertaken along with aerial surveys to estimate abundance and to identify the presence of fishing boats, sailing ships, etc. A steering committee has been established and both human and financial resources have been provided to ensure good governance of the sanctuary and improve scientific knowledge.

On a more general level and via the regional activity centre of the SPAW protocol, France hopes to generate interest among the region's other nations in setting up cooperative approaches such as advocated by the Action Plan for Marine Mammals in the Wider Caribbean Region. The Dominican Republic, the Netherlands and the USA have responded to the call for regional cooperation which could take the form of twinning operations being set up between sanctuaries and/or marine protected areas in the coming months and

especially at the second International Conference on Marine Protected Areas and Marine Mammals in November 2011 in Martinique (see also Item 10.5).

The Conservation Committee thanked France for this information.

## 8. CONSERVATION MANAGEMENT PLANS

At IWC/61 in 2009 the Conservation Committee endorsed the formation of a small, specialist group (SSG) to construct a list of candidate conservation management plans (CMPs). This group reported to IWC/62 in 2010 and provided a draft framework for producing CMPs. A number of comments were received and the SSG is working towards the presentation of a final proposal to the Conservation Committee at IWC/63.

At IWC/62 there was also discussion on future CMPs. A number of candidates were suggested including the Chile-Peru population of southern right whales, and also the possibility of including all South American right whales given the recent and unexplained die-off of right whale calves in Argentinean waters. At IWC/62 members of the Conservation Committee proposed that a workshop to consider the first CMP proposal be arranged to immediately follow the Scientific Committee Right Whale Assessment Workshop which will be held in Argentina in September 2011.

The Scientific Committee also addresses CMPs as part of its work on Whale Stocks. It had previously agreed an approach for developing CMPs, and at IWC/62 in 2010 it commended to the Commission a CMP for the western North Pacific gray whale which had been developed through collaborative work with IUCN.

### 8.1 Report from the Scientific Committee

#### *Western North Pacific gray whales*

The Chair of the Scientific Committee reported that the Scientific Committee has been discussing conservation plans since its 2008 meeting. Last year, it had strongly endorsed the draft conservation plan for western gray whales and agreed that it should form a model for the development of other conservation management plans. The urgent need for a coordinator was noted. This year, the strong endorsement of the draft Western North Pacific Gray Whale plan was repeated (see Item 10.4.2 of IWC/63/Rep1). The Committee had also welcomed the undertaking in 2010 of an international collaborative telemetry study (see Item 10.4.1 of IWC/63/Rep1) and made recommendations for additional work this summer. Such a research action is part of the plan.

#### *Arabian Sea humpback whales*

Another potential candidate for such a plan is the Arabian Sea population of humpback whales. This is a small isolated population that is vulnerable to human activities. It numbers perhaps less than 100 animals although not all areas in the region have been covered. Concern has been expressed previously about this population and recommendations made for continued and new research.

This year (Item 10.2.2.2 of IWC/63/Rep1) the Scientific Committee agreed that sufficient data exist on Arabian Sea humpback whales and possible anthropogenic threats to them, to begin the process of developing a Conservation Management Plan. Following the model for western gray whales, it is believed that progress will best be achieved through a dedicated intersessional expert workshop to be held prior to next year's meeting. The workshop should engage relevant range state government departments responsible for marine conservation in the Arabian Sea. Their willingness



to be involved in the process should be determined and they should be familiarised with and provide feedback on their capacity for CMP implementation. An intersessional email group has been established to evaluate the desire of the range states to support a CMP as well as the possibilities of convening such a workshop.

The Scientific Committee recommends that any draft CMP should include the priority research actions recommended last year including expanded photo-identification studies. It also agreed the following:

- (1) although humpback whales are the priority, other less-well studied large whale species should also be considered;
- (2) collaborative research should be undertaken in cooperation with range state partners, with a view to increasing awareness and capacity and to reducing dependence on external expertise;
- (3) research priorities would ultimately be best determined via the CMP process; and
- (4) stranding networks should be established in this region to provide better information on anthropogenic effects.

#### *Southern right whales*

In addition the question of regional CMPs for southern right whales will be considered as part of the work of the same intersessional Workshop.

## **8.2 Report from the small specialist group**

### *8.2.1 Proposed framework for Conservation Management Plans*

#### **PRESENTATION OF THE REPORT**

Australia presented the report of the small specialist group (IWC/63/CC5). Since 2008, many IWC member countries have been involved in the initiative to develop Conservation Management Plans (CMPs) as a flexible, tailored management tool that can be applied to improve conservation outcomes for whales through the targeted management of human activities. At IWC/61, the Commission established a Small Advisory Group within the Conservation Committee to oversee development of this initiative. At IWC/62, the Small Advisory Group was directed to develop clear policy principles for CMPs and to produce agreed guidelines which would assist countries wishing to develop their own CMPs and assist the determination of conservation priorities for the implementation of CMPs.

After extensive work, the Small Advisory group developed guideline documents on CMPs for the consideration of the Commission. The objective of these documents is to provide the Commission with an integrated approach to improve conservation outcomes for cetaceans and to address the most urgent cetacean conservation issues. They propose a framework and process to assist those member countries wishing to produce a CMP, based on the best available science and management advice as well as providing advice to the IWC on how to engage on this issue into the future. The CMP guidelines include three annexes: a nomination template which can be submitted either by IWC member countries or by the Commission itself (see Appendix 5); a template for a conservation management plan (see Appendix 6); and funding principles and processes to guide IWC support for CMPs (see Appendix 7).

The templates are intended to assist proponents in the preparation of a nomination and the subsequent development of a CMP. The proposed funding principles and processes seek to guide the provision of IWC funding support for CMPs, should the Commission elect to assist

the development or delivery of key components. This is addressed in more detail under Item 8.2.2.

Nominations would be submitted to the IWC Secretariat with formal advice being sought from the Scientific Committee and the Conservation Committee. Each Committee would assess the nomination using its respective expertise as a baseline.

The guiding documents also include recommendations aimed at strengthening the IWC's future engagement on this important issue, including reconstituting the Small Advisory Group as a Standing Working Group of the Conservation Committee (hereafter the SWG-CMP). Recognising the close linkages with the work of the Scientific Committee, the Small Advisory Group has proposed that membership of the SWG-CMP be drawn from both the Scientific and the Conservation Committees.

If established, the first task of the SWG-CMP will be to develop a work programme. The Small Advisory Group believes that an important component will be to establish a list of priority candidate cetacean species and populations. It should focus on the most urgent conservation issues where management of human-cetacean interactions is likely to have the most positive outcome. This could most effectively be achieved with leadership from the Scientific Committee.

In concluding its presentation, Australia thanked the members of the Small Advisory Group and all other individuals and IWC member countries that have been instrumental in advancing the CMP initiative and developing these documents.

#### **DISCUSSION AND CONCLUSIONS**

Many countries thanked Australia and the Small Advisory Group for the proposed framework, believing it to be a good basis for the development of CMPs. Several countries including Belgium, USA, Spain and the UK offered assistance to the SWG-CMP.

Spain believed the initiative would be very useful in improving the conservation of endangered populations. Its Government is currently developing CMPs for threatened species, including bottlenose dolphins, fin whales and sperm whales and these will be based on the templates.

The Conservation Committee **endorses** the establishment of the SWG-CMP with membership to be drawn from both the Scientific Committee and the Conservation Committee. It further **endorses** the terms of reference (see Appendix 8). Australia agreed to continue as Chair of the new group.

### *8.2.2 Management of voluntary funds for Conservation Management Plans*

#### **PRESENTATION OF REPORT**

Australia presented the section of the report of the Small Advisory Group (annex 1 of IWC/63/CC5) on the management of voluntary funds for CMPs. A key component of the package of guiding documents described under Item 8.2.1 are the CMP Funding Principles and Processes.

It is expected that funding for CMPs will be drawn from a range of sources. It is assumed that proponents of a CMP, including signatory range states to the nomination and subsequent plan, will be the primary source of funding for the development and implementation of the plan. However, parties to a CMP nomination may not always have sufficient resources or expertise to nominate, develop and implement a CMP. In such circumstances, funding support, particularly for coordination purposes, may be available from the IWC. There are currently two streams of IWC funding that may be available for this purpose: voluntary contributions from member states for conservation purposes - including through

voluntary contributions to the IWC to support the undertaking of CMPs; and the Scientific Committee Research Fund. The proposed principles in Appendix 7 were developed for use by relevant Working Groups and Committees in developing their advice on funding requests to the Commission.

The report suggests the following funding principles.

- (1) Eligibility is limited to CMPs generated within the Commission.
- (2) Eligibility for support is informed by the capacity to pay, with priority generally given where participating range states include a majority of Group 1 and Group 2 member states.
- (3) Funding recommendations will be made on the basis of conservation priority and cost effectiveness.
- (4) Funding to employ a coordinator may be sought for a maximum of two years.
- (5) Funding for the implementation phase is primarily for coordination and governance activities. It requires demonstration by participating range states of formal governance arrangements and funding commitments for key actions.
- (6) Any funding requests for research-related actions will be referred to the Scientific Committee.

The report also proposes funding processes.

For research-related funding it is proposed that consideration be in accordance with the existing Rules of Procedure of the Scientific Committee.

For submissions to access voluntary contributions, the following is proposed.

- (1) Submissions should be received by the Conservation Committee in sufficient time for them to be considered prior to the next Annual Meeting.
- (2) Submissions will be reviewed by the proposed Standing Working Group on CMPs.
- (3) The Working Group will make recommendations to the Conservation Committee.
- (4) The Conservation Committee will recommend to the Commission those funding requests it judges best meet the funding principles, in priority order.

Together with the CMP nomination template and the CMP template, these funding guidelines and processes are intended to form a framework for the rigorous and timely delivery of CMPs, based on the best available science and management advice. In that context, the funding principles and processes seek to guide appropriate provision of IWC funding support for CMPs, should the Commission elect to support the development or delivery of key components of a plan.

#### DISCUSSION AND CONCLUSION

In response to a question from the USA, Australia noted that the funding principle should not preclude funding of CMPs that involve collaboration with an IGO (for example IUCN). The important aspect is that the range states would support the funding for the initiative.

The Committee **endorsed** the proposed funding principles with the important clarification that principle (1) be amended to read 'within the Commission or by the Commission in co-operation with appropriate IGOs' or similar; this is in accord with, for example, the draft western North Pacific gray whale plan that was developed in co-operation with IUCN. It was noted that given the range of anthropogenic threats facing cetaceans, co-operation with relevant IGOs as well as national authorities could be beneficial.

#### 8.3 Committee discussions and recommendations

Argentina presented IWC/63/CC4 on behalf of Brazil, Chile, Peru and Argentina on the nomination of a CMP for the South American populations of southern right whales. The Peninsula Valdés population was increasing at a rate of approximately 6.8% from the early 1970s to 2000 and may now number around 6,100 whales. By contrast, the southern right whales from Chile and Peru, are estimated to number less than 50 mature whales.

Small numbers of strandings have been recorded in the Peninsula Valdés region since 1971. However, since 2003, when the Southern Right Whale Health Monitoring program (SRWHMP) was established, a total of 366 right whale deaths have been recorded, with peaks in 2003 (31), 2005 (47), 2007 (83), 2008 (95) and 2009 (79). A continuation in this high mortality rate would be likely to result in a population decline. In 2010, a Workshop met in Puerto Madryn, Argentina to investigate the causes of this high mortality of southern right whales. Over 90% of the deaths have been of first-year calves. After thorough investigation of a range of possible causes, the Workshop agreed three leading hypotheses: (1) reduced food availability for adult females; (2) biotoxins; and (3) infectious disease.

Southern right whales were classified as 'Least Concern' but the Peru-Chile subpopulation was classified as 'Critically Endangered' by IUCN.

Considering the critical situation of southern right whales from Peru and Chile and the high, unusual and unsustainable mortality rate of the Argentinean population, the IWC recognised the merits of developing a Conservation Management Plan (CMP) for the South American populations of southern right whales at IWC/62. The discussions at IWC/62 effectively replicate the approval process for the development of a CMP.

The Conservation Committee was informed that Argentina, Brazil, Chile, Peru and Uruguay will submit a draft CMP nomination at IWC/63. The development of the CMP will link directly to the September 2011 assessment Workshop for Southern Right Whales referred to earlier. In order to incorporate significant existing and/or emerging threats in the preparation of the CMP of South American Southern Right Whales, a drafting group will be established to prepare the draft of the CMP in late September for submission to IWC/64. Each range state will designate one expert to be part of the drafting group. Funding will be sought from the IWC CMP fund to support a coordinator to develop and implement the Plan.

Belgium and Australia commended the work described by Argentina and strongly supported the initiative, including a request to fund a coordinator.

Belgium also welcomed the information from the Scientific Committee regarding Arabian Sea humpbacks whales and in particular the recommendation on stranding networks to be established in the region. A Belgian scientist is willing to build capacity on necropsies. Belgium suggested that a steering committee be formed to engage range states in the development of a regional CMP, in addition to a regional workshop to develop priority research, and volunteered to be part of such a steering committee. Reference was made to the interessional group established by the Scientific Committee to establish the willingness of regional authorities and institutes, and thus the feasibility of a workshop.

The USA agreed with the recommendations of the Scientific Committee on Arabian Sea humpbacks and, in accord with the report of the Scientific Committee, stressed the need to engage the Sultanate of Oman and other relevant

range States prior to moving forward to determine their willingness to be involved in the process. They are pursuing multiple avenues of diplomatic outreach to Oman and other States to assist in familiarising them with Conservation Management Plans.

## 9. NATIONAL REPORTS ON CETACEAN CONSERVATION

Several countries had submitted voluntary national cetacean conservation reports: UK (IWC/63/CC9), Argentina (IWC/63/CC10), Australia (IWC/63/CC11), USA (IWC/63/CC14), France (IWC/63/CC16), Brazil (IWC/63/CC18), Mexico (IWC/63/CC19) and Chile (IWC/63/CC20). The Committee welcomed these reports but did not have time to review them in detail.

## 10. OTHER MATTERS

### 10.1 Collaboration between the Scientific Committee and the Conservation Committee

The Chair of the Scientific Committee noted that the Committee had referred to the issue of collaboration with the Conservation Committee in a number of places within its report. The effective conservation of cetaceans requires both scientific and management input and there are now a range of issues of direct relevance to both the Scientific Committee and Conservation Committee.

The Scientific Committee believes that an important consideration for the Commission is the development of mechanisms that allow effective communication between, and joint roles for, these two Committees. One possible mechanism to achieve this, at least in some circumstances, is joint steering groups with appropriate representation from both committees, for example the proposed joint groups for whalewatching and conservation management plans.

These joint steering groups are likely to be an important mechanism for interaction between the Scientific Committee and the Conservation Committee. The Scientific Committee representation on these joint groups is expected to vary with the issue and the required expertise. In addition to relevant Sub-committee convenors and members with special expertise, the Scientific Committee recommends that (at least initially) joint groups should also include at least one of the Chair of the Scientific Committee, the Vice-Chair and the Head of Science.

The Scientific Committee is happy to assist the Commission to develop practical guidance on how best to facilitate interactions between the two Committees including the formation and functioning of issue-specific joint groups.

The Conservation Committee **endorses** the Scientific Committee recommendation to develop a mechanism to allow effective communication and joint roles for the two committees and **recommends** that it be done on a case by case basis. It was noted that it is important that the sequence in which the committees meet should be borne in mind so as to avoid delays of a whole year because of meeting timings.

### 10.2 Progress under the Voluntary Fund for Small Cetacean Conservation Research

The Chair of the Scientific Committee's Sub-committee on Small Cetaceans updated the Conservation Committee on the current status of the Voluntary Fund for Small Cetacean Conservation and Research. After providing brief background information on the recent contributions to this Fund, she summarised the process that led to the

strong recommendation for funding nine high-standard research and conservation projects. Full details of the evaluation process can be found in IWC/63/Rep1 (see Item 14.3 and Annex L). All of the research projects are aimed at improving conservation outcomes for small cetacean species and populations threatened or especially vulnerable to human activities. In the PowerPoint presentation<sup>2</sup> particular emphasis was given to the conservation and capacity building aspects of each project. It was also stressed that all projects had full support (and in some cases direct participation) from local or national authorities. This aspect was considered necessary to increase their potential conservation aspects. The existing funding is sufficient to cover six projects fully and a further three only for their first year. An additional £45,000 is still required. Moreover, in order to keep this Voluntary Fund alive for future calls (e.g. in 2013), the IWC Member Governments, IGOs and NGOs are kindly invited to consider additional funding.

The Conservation Committee **congratulates** the Scientific Committee on its work and looks forward to receiving reports on progress and the final outcomes. The importance of voluntary contributions to continue this work was highlighted and the process described was seen as an excellent way of determining which projects should be funded. Several countries noted the importance of continued contributions to the small cetacean fund in order to continue the very practical, strategic and direct support of small cetacean conservation initiatives.

### 10.3 Consideration of the report of the Intersessional Correspondence Group (ICG) on Strengthening IWC Financing

At IWC/62 in 2010 the Commission endorsed a recommendation from the Finance and Administration Committee that it convene a small group to work by correspondence to examine ways to integrate conservation funding into the overall budget of the IWC. The terms of reference stated the group would 'develop proposals for strengthening the financing of conservation with a view to striking a balance between funding for conservation and funding for management'.

The Convenor of the ICG, Alexandre de Lichtervelde (Belgium), introduced the Group's work in the context of the Conservation Committee. Ways to integrate conservation funding into the overall budget were examined including both core budget and voluntary funding; this is necessary to respond to increased threats to cetaceans. He noted that the presentation on the use of the Small Cetaceans Voluntary Fund in Item 10.2 highlighted the funding gaps in existing projects.

The Group had identified four main sources of external funding: international financing mechanisms, philanthropic organisations, private sector and collaboration with other IGOs. This is stage one of the initiative; stage two will take place after Commission endorsement; consequently, no external funds are being sought at this time. However, if money is sought, its use must be made clear. Again, the presentation on the use of the Small Cetaceans Voluntary Fund was very informative on possible projects. It would be useful to construct a list of the type and size of projects that could benefit from external funding as a guide when developing a further a course of action and identifying the possible target funders. To this end an illustrative list of projects is given in appendix 2 of the ICG report (IWC/63/F&A8).

<sup>2</sup>[http://iwcoffice.co.uk/\\_documents/commission/IWC63docs/SMFund\\_CC.pdf](http://iwcoffice.co.uk/_documents/commission/IWC63docs/SMFund_CC.pdf).



De Lichtervelde was thanked for his work on this topic which will be discussed further by the F&A Committee.

#### 10.4 Establishment of Conservation Committee Vice-Chair

Belgium proposed that the Conservation Committee consider the establishment of a Vice-Chair (IWC/63/CC15). They considered this is justified by both the increasing number of issues being dealt with by the Committee and the increasing need for intersessional work. The position would provide support for the Conservation Committee Chair.

The proposal was supported by several countries and is **recommended** to the Commission. As no candidates were put forward, unless a candidate is proposed at the Plenary, the Committee **agrees** to defer the election until discussion during IWC/64.

#### 10.5 Other

##### 10.5.1 The Honolulu Commitment

The USA introduced IWC/63/CC7, the Honolulu Commitment, to draw attention to the results of the Fifth International Marine Debris Conference that relate to the health of the marine ecosystem and the conservation of cetaceans. Co-organised by the USA's National Oceanic and Atmospheric Administration and UNEP, the Conference took place 20-25 March 2011, in Honolulu, Hawai'i. It brought together 440 participants from 38 countries and included representatives from government and major industries, as well as leading marine researchers.

The Conference refined and endorsed the Honolulu Commitment, which outlines 12 actions to reduce marine debris. These include:

- (1) improving global knowledge of the scale, nature, source and impact of marine debris;
- (2) collaborating with global, regional and sub-regional organisations to enhance the effectiveness of multilateral initiatives aimed at preventing, reducing and managing marine debris; and
- (3) encouraging relevant intergovernmental fora to express support for the Honolulu Commitment.

The USA also welcomed the Scientific Committee review of marine debris at this year's Annual Meeting and the establishment of a small group to gather more data on plastics and their potential effects on cetaceans.

Several nations strongly supported the initiative and thanked the USA for its work on this issue. Brazil noted the discussions taking place in IMO on pollution from

ships and debris. Belgium commented on the amount of work involved but noted that the involvement of stranding networks will allow work on many issues at the same time including cetacean diseases, ship strikes and marine debris.

The Conservation Committee **agreed** to forward the following recommendations to the Commission for its consideration:

- (1) to endorse the Honolulu Commitment;
- (2) to establish a standing agenda item on Marine Debris in the Conservation Committee; and
- (3) to request the Scientific Committee continue reviewing the potential threats of marine debris to cetaceans.

Australia drew attention to the related discussion at the Whale Killing Methods and Associated Welfare Issues Working Group meeting concerning entanglement and the proposed entanglement Workshop and suggested that the marine debris agenda item include entanglements as a key topic. The USA also considered that the implementation of the short- and long-term actions recommended by that Working Group are relevant to the Conservation Committee. They will work with countries to find the most appropriate way to efficiently address this topic.

##### 10.5.2 ICoMMPA

France introduced IWC/63/CC17, giving information on the second International Conference on Marine Mammal Protected Areas (ICoMMPA) in Fort-de-France, Martinique from 7-11 November 2011. The purpose of the Conference is to continue the initial work initiated in Hawai'i in 2009, by developing the theme of the degradation of habitats and the decline of species. The conference is being co-organised by France (Agency for Marine Protected Areas) and the USA (National Oceanographic Atmospheric Administration), with the generous cooperation of Australia, Spain, UNEP and Martinique.

As a co-sponsor the USA supported this proposal, congratulated France for its work and looked forward to the report of the conference.

## 11. ADOPTION OF REPORT

At the close of the meeting, Iceland reiterated its position from previous years; namely that it does not agree with the establishment of the Conservation Committee and for this reason has not participated in the discussions. Therefore Iceland's silence should not be taken as acceptance of any comment made or decision reached.

The report was adopted 'by post' on 11 July 2011.

**Appendix 1****LIST OF PARTICIPANTS****ARGENTINA**

Miguel Iñiguez

**AUSTRALIA**Donna Petrachenko  
Nick Gales  
Stephanie Ierino  
Peter Komidar  
Pam Eiser**AUSTRIA**Andrea Nouak  
Michael Stachowitsch**BELGIUM**Alexandre de Lichtervelde  
Fábian Ritter  
Els Vermenulen**BRAZIL**

Marcus Henrique Paranaguá

**CHILE**

Barbara Galletti

**DENMARK**Nette Levermann  
Øle Samsing**FINLAND**

Penina Blankett

**FRANCE**Martine Bigan  
Vincent Ridoux**GERMANY**Walter Duebner  
Karl-Hermann Kock**ICELAND**

Ásta Einarsdottir

**ITALY**

Caterina Fortuna

**KOREA**Dae-Yeon Moon  
Kab-Yong Jeong**LUXEMBOURG**

Pierre Gallego

**MEXICO**

Lorenzo Rojas-Bracho

**NETHERLANDS**

Peter Bos

**NEW ZEALAND**Andrew Bignell  
Caroline McDonald  
Louise Chilvers  
Karena Lyons**NORWAY**

Lars Walløe

**SOUTH AFRICA**Herman Oosthuizen  
Ed Couzens**SPAIN**Santiago Lens  
Anna Tejedor**SWEDEN**

Bo Fernholm

**SWITZERLAND**

Martin Krebs

**UK**Richard Pullen  
Beatriz Roel  
James Gray  
Trevor Perfect  
Anju Sharda  
Jolyon Thompson  
Jennifer Lonsdale  
Mark Simmonds  
Vassili Papastavrou**USA**Doug DeMaster  
Robert Brownell  
Roger Eckert  
Mike Gosliner  
Brian Gruber  
Ira New Breast  
Lisa Phelps  
Allison Reed  
Rollie Schmitt  
Michael Tillman  
Ryan Wulff  
Eugene Brower  
Harry Brower**SCIENTIFIC COMMITTEE  
CHAIR**

Debra Palka

**IWC SECRETARIAT**Cherry Allison  
Simon Brockington  
Greg Donovan

## Appendix 2

### LIST OF DOCUMENTS

#### IWC/63/CC

- 1 Draft Agenda
- 2 List of documents
- 3 Report of the Working Group on Whalewatching (submitted by Argentina)
- 4 Nomination of a Conservation Management Plan for South American population of Southern Right Whales (*Eubalaena australis*) (submitted by Argentina, Brazil, Chile and Peru)
- 5 Report of the Small Advisory Group on Conservation Management Plans (submitted by Australia on behalf of the Small Advisory Group on Conservation Management Plans)
- 6 Report of the Workshop on Whalewatching
- 7 The Honolulu Commitment (submitted by USA)
- 8 Report of the Joint IWC/ACCOBAMS Ship Strike Workshop
- 9 United Kingdom Voluntary National Cetacean Conservation Report, 2011
- 10 Argentina: Voluntary National Cetacean Conservation Report
- 11 Australia: Voluntary National Cetacean Conservation Report
- 12 Australia: Country Report on Ship Strikes
- 13 Ship Strikes Working Group. Sixth Progress Report to the Conservation Committee
- 14 United States Voluntary National Cetacean Conservation Report, 2011
- 15 Proposal for a Conservation Committee Vice-Chair (submitted by Belgium)
- 16 France Voluntary National Cetacean Conservation Report 2010
- 17 Information on the second International Conference on Marine Mammal Protected Areas, Martinique, November 2011 (submitted by France)
- 18 Brazil: Voluntary National Cetacean Conservation Report, 2011
- 19 Mexico: Voluntary National Cetacean Conservation Report, 2011
- 20 Chile: Voluntary National Cetacean Conservation Report, 2011
- 21rev Draft proposal for an Action Plan for the recovery of eastern South Pacific southern right whales in Chile (submitted by Chile)

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## Appendix 3

### AGENDA

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| <ol style="list-style-type: none"> <li>1. Introductory items           <ol style="list-style-type: none"> <li>1.1 Appointment of Chair</li> <li>1.2 Appointment of Rapporteurs</li> <li>1.3 Review of documents</li> </ol> </li> <li>2. Adoption of Agenda</li> <li>3. Investigation of inedible 'stinky' gray whales           <ol style="list-style-type: none"> <li>3.1 Report on progress</li> <li>3.2 Committee discussions and recommendations</li> </ol> </li> <li>4. Ship strikes           <ol style="list-style-type: none"> <li>4.1 Report of the joint IWC/ACCOBAMS Workshop</li> <li>4.2 Report from the Scientific Committee</li> <li>4.3 Report from the Ship Strikes Working Group</li> <li>4.4 Committee discussions and recommendations</li> </ol> </li> <li>5. Southern right whale population of Chile-Peru           <ol style="list-style-type: none"> <li>5.1 Update on progress</li> </ol> </li> <li>6. Whalewatching           <ol style="list-style-type: none"> <li>6.1 Report of the November 2010 Workshop on Whalewatching</li> <li>6.2 Report from the Conservation Committee's Standing Working Group on Whalewatching</li> <li>6.3 Report of the Scientific Committee</li> <li>6.4 Strategic Plan for Whalewatching 2011-16 and the Terms of Reference for the Working Group on Whalewatching</li> <li>6.5 Committee discussions and recommendations</li> </ol> </li> <li>7. Whale sanctuaries</li> </ol> | <ol style="list-style-type: none"> <li>7.1 Report from the Scientific Committee</li> <li>7.2 Committee discussions and recommendations</li> <li>8. Conservation Management Plans           <ol style="list-style-type: none"> <li>8.1 Report from the Scientific Committee</li> <li>8.2 Report from the Conservation Committee's Small Specialist Group               <ol style="list-style-type: none"> <li>8.2.1 Proposed framework for Conservation Management Plans</li> <li>8.2.2 Management of voluntary funds for Conservation Management Plans</li> </ol> </li> <li>8.3 Committee discussions and recommendations</li> </ol> </li> <li>9. National Reports on Cetacean Conservation           <ol style="list-style-type: none"> <li>9.1 Introduction of national reports</li> <li>9.2 Committee discussion and recommendations</li> </ol> </li> <li>10. Other matters           <ol style="list-style-type: none"> <li>10.1 Collaboration between the Scientific Committee and the Conservation Committee</li> <li>10.2 Progress under the Voluntary Fund for Small Cetacean Conservation Research</li> <li>10.3 Consideration of report of Intersessional Correspondence Group on Strengthening IWC Financing</li> <li>10.4 Establishment of Conservation Committee Vice-Chair</li> <li>10.5 Other</li> </ol> </li> <li>11. Adoption of Report</li> </ol> |
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## Appendix 4

### WORKSHOP RECOMMENDATIONS: PROPOSAL FOR A JOINT TWO-YEAR WORK PLAN TO ADDRESS SHIP STRIKE ISSUES

As decided by the IWC and ACCOBAMS, a two-year work plan has been developed to reduce collision risks in the ACCOBAMS area. Both organisations have been working for several years on the issue of ship strikes. The following four actions are proposed, subject to endorsement by ACCOBAMS and IWC Parties at their forthcoming meetings of Contracting Parties.

#### **(1) Development of a protocol for investigating and documenting ship strike injuries and mortalities in cetaceans**

Recognising the benefits of collaboration across national boundaries and the need for consistent documentation of human interactions with cetaceans, the Workshop **recommended** that the IWC and ACCOBAMS Scientific Committees establish a Joint Stranding Investigation Working Group to carry out the actions listed below.

- (1) Review existing protocols (such as those used in the USA or UK) and tools for determining the presence or role of human interactions in the stranding of cetaceans, with particular emphasis on ship strikes, developing consistent terminology, diagnoses, reporting, and evidence collection.
- (2) Identify, develop, review, and validate tools, techniques and/or methods to address key issues relative to stranding investigations such as: (i) time from death; (ii) role of injury in the death; and (iii) time of injury related to death and to promote the use of such validated tools to give a systematic diagnostic approach to the problem of mortalities due to human interaction, with particular emphasis on ship strikes.
- (3) Develop a tiered approach that addresses the various experience levels of network participants and the multidisciplinary approach required for a definitive diagnosis. The developed methodology will be addressed to participants at different levels in the stranding networks (volunteers, biologists, veterinarians, pathologists).
- (4) Develop and implement training using these agreed approaches and/or protocols (initial emphasis should be given to specific priority ACCOBAMS areas).
- (5) Build capacity in range states with no strandings programmes to include human interaction detection, documentation and reporting.
- (6) Plan and hold a range-wide stranding coordination meeting for ACCOBAMS members. This type of regional cooperation should become a model for other agreements between IWC and regional conservation bodies that require evaluation of human impacts on cetaceans.

#### **(2) Mediterranean basin wide survey in the summer of 2012**

Given the essential need for baseline data to assess potential effects of ship strikes and other anthropogenic threats to cetaceans, a consolidated and concerted effort must be made, especially by Parties to ACCOBAMS, to obtain the necessary resources to ensure that the previously endorsed basin wide survey in ACCOBAMS waters is undertaken by the summer of 2012. The IWC Scientific Committee will continue to supply scientific support.

#### **(3) Improved reporting to the IWC Global Ship Strike Database**

Given the identified need for ship strike data worldwide to be able to assess potential conservation problems, a strong commitment should be given by IWC and ACCOBAMS Parties to actively encourage reporting of ship strikes to the IWC global database. In this regard, the Workshop also **recommended** that efforts be made to encourage IMO member states to make it mandatory to report ship strikes of cetaceans by vessels in their waters or under their flags. In addition, the Workshop **recommended** that governments should facilitate and develop mechanisms to ensure reporting of ship strikes by non-merchant vessels to the IWC database. It was noted that the IMO has sections on its website related to databases on environmental issues. A link to the IWC database on the IMO site would facilitate reporting. The Workshop **recommended** that IWC Secretary approach the IMO to discuss links between the websites for both reporting and information dissemination.

#### **(4) Development of appropriate modelling techniques to identify high priority areas**

The IWC and ACCOBAMS should obtain funding and organise a workshop of experts in cetacean and shipping distribution to agree on appropriate analytical and modelling techniques to facilitate the identification of potential 'hotspots' for more detailed future consideration.

## Appendix 5

### CMP NOMINATION TEMPLATE

Nomination of a Conservation Management Plan for

*<insert name of nominated cetacean population(s), threat or critical habitat>*

This Nomination was prepared by

*<insert proposing member government(s) or Committee(s) as appropriate>*

*<Date>*

Notes on using this template:

- Text in *<blue>* is for guidance only and can be kept in the template for reference.

#### CMP Nomination - key issues

*<The following issues should be addressed in the CMP Nomination>*

#### Scientific Rationale for a CMP

(a) Information on the cetacean population(s)

*<Insert a summary of the underlying scientific rationale for developing a CMP. This should include relevant information in the following areas: taxonomy and biological data of the species/population, its distribution and population estimates, trends and structure (if available), specific habitat use and characteristics and migration.>*

(b) Information on known and suspected threats to the population

*<Insert a summary of the threats affecting the target species/population and, to the extent possible, an assessment of their relative importance at the population level<sup>3</sup>. Where possible, summarise information on known or potential mitigation measures to identified threats. This can be provided in a summary table.>*

Actual/potential threat	Cause or related activity	Evidence	Possible impact on population (may be an educated guess)	Priority for action	Actual/possible mitigation measures
e.g. bycatch	Set net fishing Bottom trawls	Strong	Possible high mortality +/-or serious injury	High, RES and MIT	Pingers; change in gear
e.g. other direct mortality	Ship strikes from commercial vessels	Moderate	Low	Low	
e.g. chemical pollution	Industrial development, sewer discharges	Moderate	Moderate	medium	Strict implementation of existing measures

#### CMP objectives and outcomes

*<Outline the overall objectives of the CMP and anticipated short, medium and long-term outcomes in terms of anticipated recovery or conservation benefits, where short, medium and long-term will normally be of the order of 5, 10 and 15 years. Include a description on the relationship between the CMP objectives and outcomes and the IWC's objectives.>*

#### Agreed and anticipated delivery partners

*<Provide information on the agreed (and any anticipated) stakeholders who will be involved in developing and implementing the plan. These should include relevant range states, either within or outside of the IWC, and stakeholders who are involved in the threats.>*

#### Process to be adopted when developing a CMP

*<Provide an outline of the procedural steps that will be undertaken by relevant range states (and others) when developing and implementing the plan.>*

#### Timeframe for CMP development and implementation

*<Provide a timeframe for the development and implementation of the CMP (as far as is possible) incorporating the IWC's procedural rules for the submission of documents.>*

#### Resource requirements for development of a CMP

*<In the event that resources will be sought from or through the IWC for the development of the CMP itself, the nomination will need to include both a budget and an outline of the proposed governance arrangements for managing any funds.>*

<sup>3</sup>The principles of the Precautionary Approach should be used when considering conservation management actions in the CMP nomination. Insufficient information relating to a particular characteristic of the nomination need not preclude the development of a CMP. Obtaining scientific data or developing effective mitigation measures can form key actions as part of an initial plan – as noted, a CMP is a living document.

**CMP Nomination – supporting information***Recommendations*

<Outline any recommendations that might require the attention of the IWC before finalisation of the CMP. This may include urgent actions that can be undertaken immediately during development of the CMP, such as appointment of a CMP Steering Group or Co-ordinator, urgent mitigation measures, or areas where support and resources may be required during the development of the CMP.>

*Nomination Submission Information*

This nomination for a Conservation Management Plan for <insert name of nominated cetacean population, threat or critical habitat> has been submitted to the IWC Secretariat at least 60 days prior to <insert number of forthcoming IWC Annual Meeting> in accordance with the Commission's document submission procedures.

**Submit Nomination to:**

The International Whaling Commission Secretariat  
The Red House  
135 Station Road  
Impington  
Cambridge  
Cambridgeshire  
CB24 9NP  
United Kingdom

**References**

<Insert a list of references used to compile the information contained within the CMP Nomination.>

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**Appendix 6**
**CMP TEMPLATE**

A Conservation Management Plan for

<insert name of nominated cetacean population(s), threat or critical habitat>

This Conservation Management Plan was prepared by

<insert proposing member government(s) or Committee(s) as appropriate>

<Date>

Notes on using this template:

- Text in <blue> is for guidance only and can be kept in the template for reference.

**Table of contents**

List of figures (as necessary)

List of tables (as necessary)

**Executive summary**

<Provide a general overview of the plan. This section should include:

- Why a CMP is needed: Scene setting for a CMP – including a brief description of the target population, its habitat, and threats that impact the population.
- An overall goal of the CMP which would act as the mission statement for the plan.
- An overview of how the CMP is structured and what is detailed in each section.
- A Summary Table of High Priority Actions could also be included. High priority actions usually fall into the following categories:
  - co-ordination (COORD);
  - public awareness and capacity building (PACB);
  - research essential for providing adequate management advice or filling in knowledge gaps (RES);
  - monitoring (MON); and
  - mitigation measures (MIT).>

**1. INTRODUCTION**

<This section should briefly address the following questions:

- Why is active management needed for the identified cetacean population, threat or critical habitat?
- Why is a CMP the most appropriate management tool to achieve the stated conservation objectives?

This section should include:



- *The scope, context and policy setting of the CMP.*
- *A detailed map of the known distribution of the population/critical habitat*
  - *If a CMP is being designed for a particular threat the map should include an outline of the area where the threat is encountered by the target cetacean population.*
  - *If the CMP is being designed for a particular critical habitat, the map should include the extent of the critical habitat.*
- *This section should also reference any current or previous conservation management actions relating to the draft CMP including conservation plans, legislation as well as any relevant peer reviewed papers or related documentation.>*

### **1.2 Overall objectives of the CMP**

*<To maximise the success of a plan and ensure that required changes are identified promptly, the measurable short, medium and long-term objectives should be identified. Thus, the monitoring of the target population, human activities affecting it, mitigation measures, and the effectiveness of those measures is essential.*

*Objectives of a CMP will not only relate to the conservation of the population but also to the interests of relevant stakeholders.*

*Insert the overall short, medium and long term objectives of the CMP.>*

## **2. LEGAL FRAMEWORK**

Insert a list of relevant international conventions, agreements and legislation and management arrangements that the plan may relate to. Supporting information can be contained on Appendices.

*[Please note that the below are examples only]*

*2.1 International Conventions and Agreements*

*2.2 National Legislation and Management Arrangements*

*2.2.1 Participating Range State A*

*National legislation with respect to the population of X whales*

*2.2.2 Participating Range State B*

*National legislation with respect to the population of X whales*

*2.2.3 Participating Range State C*

*National legislation with respect to the population of X whales*

*2.2.4 Participating Range State A*

*Area X Fisheries Management Plan*

*2.2.5 Participating Range State B*

*Marine Protected Area X Operational Management Plan*

## **3. GOVERNANCE**

### **3.1 Coordination of a CMP**

*<As a CMP may cover a large geographical area and involve several jurisdictions, it is important to establish an appropriate management structure for the CMP that identifies key stakeholders, their roles and responsibilities and the interaction between them during the development, implementation and review stages of the plan.*

*Insert an outline of the governance framework under which the CMP would be conducted, from the development stage through to the implementation and review stages.>*

### **3.2 Timeline for a CMP**

*<Identify the various stages of a CMP with tasks and indicative timings for each stage as well as outlining which parties may be involved with the tasks identified.>*

## **4. SCIENCE**

### **4.1 Biology, status and environmental parameters**

*<Insert concise background information on the nominated population(s), including:*

- *population structure;*
- *abundance and population trends;*
- *distribution, migration and movements; and*
- *basic biology (feeding, reproduction and survivorship).*

*Identify any knowledge gaps that exist in current data.>*

### **4.2 Critical habitats associated with the X whale**

*<If habitats are identified that are deemed as critical for the recovery and/or protection of a target cetacean population, the extent of these habitats and the purposes that they are used for should be outlined here.>*

### **4.3 Attributes of the population to be monitored**

*<The ultimate success or failure of any CMP depends on improvements in the conservation status of the target population(s) – this can only be achieved by monitoring. Depending on the objectives of the CMP and the nature of the threats a*

population faces, a variety of candidate 'attributes' of the population can be considered for monitoring over time, to determine the success of the overall plan and/or individual actions and to amend the CMP where necessary.

This section should include a description of the attributes of the population that will be monitored (e.g.: abundance (relative and/or absolute), reproductive rates, survivorship, health, prey status, range) and an evaluation of the feasibility of detecting trends with current methods given that changes occur (e.g. using power analyses).>

## 5. THREATS, MITIGATION MEASURES AND MONITORING

### 5.1 Identification of threats

<This section should provide a summary of the known or suspected threats (both direct and incidental) to the nominated cetacean population/critical habitat. This should be summarised in tabular form (such as that seen below) but should also include a discussion of each explaining the rationale behind the summary. Where appropriate, reference should be made to actions within the CMP. Note: the first five columns in the table will form part of the nomination process.>

Table: Summary of actual and potential threats to the nominated population.

Actual/potential threat	Cause or related activity	Evidence	Possible impact	Priority for action	Relevant actions	Party responsible
<b>Directly lethal threats</b> e.g. entrapment in set nets	Set net fishing	Strong	Mortality +/- or serious injury	High	RES-01	Participating range states
e.g. entanglements in other types of fishing gear						
<b>Sub-lethal threats</b> e.g. noise, pollution, etc.						

### 5.2 Mitigation measures and monitoring

<This section should include identified mitigation measures to address key threats and how the mitigation measures will be monitored. For example:

#### 5.1 Entrapment in set nets

Undertake the following mitigation measures (MIT-01, 02, 03) and the following monitoring measures (MON-01, 02) to facilitate the conservation of species A in the area designated XYZ.

Undertake the following public awareness raising measures PACB-01, 02 to promote the conservation of species A in the area designated XYZ.

#### 5.2 Entanglements in other types of fishing gear.>

## 6. ACTIONS

These form the key component of any CMP. While there may be overlap, these can generally be incorporated under the following categories:

- co-ordination (COORD);
- public awareness and capacity building (PACB);
- research essential for providing adequate management advice or filling in knowledge gaps (RES);
- monitoring (MON); and
- mitigation measures (MIT).

It is important that actions be realistic and effective. They should be well specified (usually 1-2 pages for each action) and generally include the following information, where relevant:

- (1) description (including concise objective, threats to which relevant and how, rationale, target data or activity, method, implementation timeline);
- (2) actors (responsible for implementation and relevant stakeholders);
- (3) evaluation (actors responsible);
- (4) priority (importance to the plan and feasibility); and
- (5) costs (where appropriate).>

### 6.1 Summary and implementation of actions

<Insert a tabular summary of all actions here, referring to the 1-2 page detailed summaries (see above). In addition, include here an implementation strategy or designate responsibility for developing and implementing an implementation strategy along with a Management Framework.

Outline how the actions will meet the short, medium or long-term objectives of the plan.>

### 6.2 Stakeholder engagement, public awareness and education

<Insert here a strategy and information on stakeholder engagement, public awareness and any education activities that will be undertaken during the CMP implementation stage (e.g. via websites, meetings etc.).>

### 6.3 Reporting process

*<A CMP should be considered a living document and once the implementation stage begins, a process of reporting and review is essential to determine how well the CMP is meeting its overall objectives and implementation timelines and milestones.*

*Insert process for reporting on CMP progress to the IWC (including a timeframe).>*

### Bibliography

*<As a CMP should be based upon best scientific knowledge and guided by the principles and practices of adaptive management, it is important for a CMP to identify any published works relevant to effective implementation of the plan.*

*Insert bibliography here.>*

### Appendices

*<Insert additional background and contextual information in appendices. For example, the original CMP nomination could be supplied here.>*

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## Appendix 7

### CMP FUNDING: PRINCIPLES AND PROCESSES

The assumption is that the proponents of a CMP and any range states that are signatories to the nomination and subsequent plan will be the primary source of funding to support its development and implementation.

Consideration by the Commission on whether to support a CMP, and to what degree, is informed by: the capacity of participating range states to pay; conservation priority; the cost effectiveness of agreed actions; and funding availability.

The following guiding principles have been developed for use by relevant Working Groups and Committees in developing their advice on funding request to the Commission.

#### Funding principles

- (1) Eligibility is limited to CMPs generated within the Commission - that is by its committees or member states.
- (2) Eligibility for support is informed by capacity to pay, with priority generally given to CMP processes where participating range states include a majority of Group 1 or 2 member states<sup>4</sup>.
- (3) Funding recommendations will be made on the basis of conservation priority and cost effectiveness.
- (4) For the nomination and plan development phase, funding to employ a coordinator may be sought for a maximum of two years.
- (5) For plan implementation, funding support is primarily for coordination and governance activities. It will be considered on a case by case basis, and requires demonstration by participating range states of formal governance arrangements and funding commitments for key actions.
- (6) Funding requests for research-related actions under CMPs will be referred to the Scientific Committee.

<sup>4</sup>Capacity to pay is determined by a country's Gross National Income (GNI) and Gross National Income Per Capita (GNIPC), as estimated by the World Bank. For the 2008/09 financial year, Group 1 member states had a GNI <US\$11,850,000,000 and GNIPC <US\$11,850. Group 2 member states had a GNI >US\$11,850,000,000 and GNIPC <US\$11,850. Capacity to pay group listings are provided by the IWC Finance and Administration Committee in their annual report.

#### Funding processes

##### *Accessing voluntary CMP contributions*

At IWC/61 (2009) a voluntary contribution in the order of GBP £300,000 was made to support the undertaking of CMPs in the IWC (IWC/61/CC23). Additional voluntary contributions can reasonably be anticipated in the future.

The following process provides for the disbursement of these funds.

- (1) Submissions to access voluntary contributions to support any stage of the CMP process must be received by the Conservation Committee in sufficient time for them to be considered at or before the Annual Meeting of the IWC.
- (2) Submissions will be reviewed by the Standing Working Group on Conservation Management Plans (CMP Working Group), using agreed funding principles.
- (3) The CMP Working Group will make funding recommendations to the Conservation Committee in priority order, and may recommend supporting requests in full or in part.
- (4) The Conservation Committee will recommend in priority order to the Commission those funding requests it judges best meet the funding principles.

##### *Accessing the Research Fund*

The following process applies to parties seeking funds from the Scientific Committee's Research Fund: The **Rules of Procedure** of the Scientific Committee state:

#### **'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.'

A *pro forma* for applying for money under the Research Fund can be found on the IWC website at: [http://iwcoffice.org/\\_documents/sci\\_com/handbook/ResearchProposal.pdf](http://iwcoffice.org/_documents/sci_com/handbook/ResearchProposal.pdf).

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## Appendix 8

### DRAFT TERMS OF REFERENCE FOR THE STANDING WORKING GROUP ON CONSERVATION MANAGEMENT PLANS

The Standing Working Group on Conservation Management Plans (the CMP Working Group) is responsible for the provision of advice on the nomination, development and implementation of CMPs endorsed by the International Whaling Commission (IWC).

The CMP Working Group will be comprised primarily of members of the Conservation Committee, but will also include members from the Scientific Committee and members from other IWC bodies as appropriate. The Chair will be elected from Group members and may hold the position for a period of up to four years.

The CMP Working Group will report annually to the IWC through the Conservation Committee.

Conservation Management Plans are intended to be a practical and flexible management tool for the IWC to manage human and cetacean interactions for those populations, threats or habitats of greatest conservation concern and where there is a reasonable expectation that the plan will deliver real conservation gains. The CMP Working Group will support development of comprehensive plans tailored to address the species, habitat or threats of the most pressing need and with the greatest likelihood of success.

Duties of the CMP Working Group may include, but are not limited to the following.

- Recommending priority cetacean populations, threats or habitats suitable for the preparation of a CMP.
  - Providing up-to-date guidelines and templates to support the nomination, development, implementation and monitoring of CMPs.
  - Establishing appropriate criteria to assess the merits of proposed CMPs.
  - Providing appropriate guidance to proponents of CMPs to support best practice nomination, development and implementation.
  - Facilitating provision of data and expert advice from relevant IWC Committees and sub-committees, as appropriate.
  - Reporting to the Conservation Committee on the status of existing CMPs.
  - Advising the Commission, through the Conservation Committee, on funds or other resources requested to support the nomination, development, or implementation of a CMP.
  - Undertaking other activities as directed by the Commission or Conservation Committee.
-

## Annex H

### Report of the Infractions Sub-Committee

Tuesday 5 July 2011, St Helier, Jersey

#### 1. INTRODUCTORY ITEMS

A list of participants is given in Appendix 1.

##### 1.1 Appointment of Chair

Lars Walløe (Norway) was elected Chair.

##### 1.2 Appointment of rapporteur

Cherry Allison (Secretariat) was appointed rapporteur.

##### 1.3 Review of documents

The following documents were available to the Sub-committee:

##### IWC/63/Inf

1. Revised draft Agenda
2. Annotated draft Agenda
3. National Legislation details supplied to the IWC
4. Draft summary of infraction reports for 2010 received by the Commission.

#### 2. ADOPTION OF THE AGENDA

The Chair noted that in the past some delegations, including Norway and Japan, had referred to the terms of reference of this Sub-committee and had stated their belief that Item 7.1, covering stockpiles of whale products and trade questions, was outside the scope of the Convention. Iceland concurred with this view. In a spirit of co-operation there was no request for the item to be deleted. The draft Agenda was adopted unchanged (Appendix 2).

#### 3. INFRACTIONS REPORTS FROM CONTRACTING GOVERNMENTS, 2010

##### 3.1 Reports for 2010

The Sub-committee reviewed IWC/63/Inf4, the draft summary of infraction reports received by the Commission for 2010, which is given as Appendix 3 to this report.

The UK stressed that the allocation of quotas for humpback whales given to Greenland was an extremely sensitive issue that took a significant period of deliberation by the Commission; the UK is therefore extremely disappointed that Greenland's hunt took place before the award of the quota came into force. Both the UK and Australia noted that all requirements of the Convention should be respected.

##### 3.2 Follow-up on earlier reports

Information on the unresolved infractions from previous seasons are given in Appendix 3, Table 3; these include three infractions by Denmark (Greenland), two by Iceland and eight by Korea.

Denmark (Greenland) observed that investigation of all three of its previous infractions was now complete and penalties had been imposed, despite the difficulties

in obtaining evidence, and that this is an indication of Greenland's wish that the hunt be carried out in accordance with IWC regulations.

#### 4. SURVEILLANCE OF WHALING OPERATIONS

The Infractions Report submitted by the USA and the Russian Federation stated that 100% of their catches are under direct national inspection. Catches by Denmark (Greenland) are subject to a random check (2%).

Denmark (Greenland) noted that the low percentage of its catch being checked is due to the opportunistic nature of the hunt taking place in an enormous territory. Wildlife officers are responsible for ensuring compliance with regulations. In addition, this summer, a NAMMCO observer will be inspecting the hunt where ever possible.

#### 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 and the length and sex of any foetus if present is collected for between 74-100% 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 the remainder. Information on killing methods and struck and lost animals are 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 is collected for 96-100% of the catch. Biological samples are collected from at least 76% 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 samples are collected from 43% of animals.

**St Vincent and The Grenadines:** Information on date, time, species, length, sex, whether the whale is pregnant and/or lactating and numbers struck and lost is collected for 100% of the catch and has been submitted to the Secretariat.

**Norway and Iceland:** the required information has been submitted to the Secretariat as noted in the Scientific Committee report (IWC/63/Rep1).

Table 1  
National Legislation details supplied to the IWC<sup>1,2</sup>

Country	Date of most recent material	Country	Date of most recent material
Antigua and Barbuda	None	Kiribati	None
Argentina	2003	Korea, Republic of	2011
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)	2010	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: <sup>1</sup>Up to 6 July 2011. Dates in the table refer to the date of the material not the date of submission.

<sup>2</sup>Member 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.

The Chairman of the Alaska Eskimo Whaling Commission (AEWC), Mr. Harry Brower gave a brief description of the 2010 hunt. In 2010, 45 bowhead whales were landed, 40 of which were taken using the traditional hand-thrown darting gun harpoon with the traditional shoulder gun used as the secondary killing method. Five whales were taken using the penthrite projectile. Twenty-six whales were struck and lost, giving an efficiency rate of 63%.

## 6. SUBMISSION OF NATIONAL LAWS AND REGULATIONS

A summary of National Legislation supplied to the Commission is given in Table 1.

The Republic of Korea reported on their new 'Directive on Conservation and Management of Cetacean Resources', the objectives of which are to promote the rational conservation and management of cetacean resources in an

efficient and effective manner by establishing compulsory DNA extraction and registration, taking bycatch mitigation measures and issuing a 'Distribution Certificate for Cetacean Products' as well as strengthening monitoring, control and surveillance. The Directive is expected to reduce illegal whaling and hence enable the legitimate distribution of cetacean meat. Korea confirmed that although catching of cetaceans for scientific research may be authorised by the Minister, this currently applies only to small cetaceans.

Denmark (Greenland) stated its intention to submit its most recent regulations<sup>1</sup> updated after last year's meeting concerning the protection and hunting of large whales and on reporting the hunting and strike of large whales, noting that the regulations are available in Greenlandic and Danish only.

<sup>1</sup>The regulations were received by the Secretariat on 5 July 2011, after the meeting of the Infractions Sub-committee.



## 7. OTHER MATTERS

### 7.1 Reports from Contracting Governments on availability, sources and trade in whale products

The Commission has adopted a number of Resolutions inviting Contracting Governments to report on the availability, sources and trade in whale products:

- 1994-7 on international trade in whale meat and products.
- 1995-7 on improving mechanisms to prevent illegal trade in whale meat.
- 1996-3 on improving mechanisms to restrict trade and prevent illegal trade in whale meat.
- 1997-2 on improved monitoring of whale product stockpiles.

- 1998-8 *inter alia* reaffirmed the need for Contracting Governments to observe fully the above Resolutions addressing trade questions, in particular with regard to the problem of illegal trade in whale products, and urged all governments to provide the information specified in previous resolutions.

No reports were received by the Secretariat on these resolutions and no comments were made during the meeting.

### 7.2 Other

No other matters were raised.

## 8. ADOPTION OF REPORT

The report was adopted by correspondence on 8 July 2011.

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## Appendix 1

### LIST OF PARTICIPANTS

#### ARGENTINA

Miguel Iñiguez

#### AUSTRALIA

Peter Komidar  
Pam Eiser  
Nick Gales  
Stephanie Ierino

#### AUSTRIA

Andrea Nouak  
Michael Stachowitsch

#### BELGIUM

Els Vermeulen

#### CHILE

Barbara Galletti

#### DENMARK

Øle Samsing  
Amalie Jessen  
Nette Levermann

#### ICELAND

Ásta Einarsdóttir  
Kristian Loftsson

#### JAPAN

Joji Morishita  
Shinji Himura  
Kayo Ohmagari

#### KOREA

Dae-Yeon Moon  
Kab-Yong Jeong

#### GERMANY

Karl-Hermann Kock

#### LUXEMBOURG

Pierre Gallego

#### NEW ZEALAND

Andrew Bignell  
Louise Chilvers  
Karena Lyons  
Caroline McDonald

#### MEXICO

Lorenzo Rojas-Bracho

#### NETHERLANDS

Peter Bos

#### NORWAY

Øle-David Stenseth  
Egil Øen  
Lars Walløe  
Hild Ynnesdal

#### SOUTH AFRICA

Herman Oosthuizen  
Ed Couzens

#### SWEDEN

Bo Fernholm

#### UK

James Gray  
Jennifer Lonsdale  
Vassili Papastavrou  
Trevor Perfect  
David Pritchard  
Richard Pullen  
Anju Sharda  
Mark Simmonds

#### USA

Harry Brower  
Robert Brownell  
Ira New Breast  
Doug DeMaster  
Roger Eckert  
Mike Gosliner  
Allison Reed  
Mike Tillman  
Ryan Wulff  
Rollie Schmitten

#### SECRETARIAT

Cherry Allison  
Simon Brockington

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## Appendix 2

### AGENDA

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Introductory items             <ol style="list-style-type: none"> <li>1.1 Appointment of Chair</li> <li>1.2 Appointment of rapporteur</li> <li>1.3 Review of documents</li> </ol> </li> <li>2. Adoption of the Agenda</li> <li>3. Infractions reports from Contracting Governments             <ol style="list-style-type: none"> <li>3.1 Reports for 2010</li> <li>3.2 Follow-up on earlier reports</li> </ol> </li> <li>4. Surveillance of whaling operations</li> <li>5. Checklist of information required or requested under Section VI of the Schedule</li> <li>6. Submission of national laws and regulations</li> </ol> | <ol style="list-style-type: none"> <li>7. Other matters             <ol style="list-style-type: none"> <li>7.1 Reports from Contracting Governments on availability, sources and trade in whale products</li> <li>7.2 Other</li> </ol> </li> <li>8. Adoption of the Report</li> </ol> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Terms of reference:** The Infractions Sub-committee considers matters and documents relating to the International Observer Scheme and Infractions insofar as they involve monitoring of compliance with the Schedule and penalties for infractions thereof (*Rep. int. Whal. Commn* 29: 22).

## Appendix 3

### SUMMARY OF INFRACTIONS REPORTS RECEIVED BY THE COMMISSION FOR 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/63/Rep1). Aboriginal subsistence catches and infractions are summarised in Tables 1a and 1b. Table 2 gives details of the infractions reported in the 2010 season and Table 3 gives information on the unresolved infractions from previous years.

Table 1a  
Summary of Aboriginal subsistence catches and infractions reported for the 2010 season.

Nation	Species	Males	Females	Total landed	Struck and lost	Total strikes	Infractions/comments
<b>Denmark</b>							
West Greenland	Fin whale	0	4	4	1	5	None
	Minke whale	53	122	179 <sup>1</sup>	7	186	2 <sup>2</sup>
	Bowhead whale	0	3	3	0	3	None
	Humpback whale	3	5	9 <sup>3</sup>	0	9	None
East Greenland	Minke whale	4	2	9 <sup>4</sup>	0	9	None
<b>St. Vincent and The Grenadines</b>							
	Humpback whale	0	3	3	0	3	None
<b>USA</b>							
	Bowhead whale	20	23	45 <sup>5</sup>	26	71	None
<b>Russian Federation</b>							
	Bowhead whale	2	0	2	0	2	None
	Gray whale	57	61	118	0	118	None

Table 1b  
Summary of Commercial catches and other infractions reported for the 2010 season.

Nation	Species	Males	Females	Total landed	Lost	Total	Infractions/comments
<b>Iceland</b>							
	Fin whale	74	68	142	6	148	2 <sup>6</sup>
	Minke whale	47	12	59	1	60	None
<b>Norway</b>	Minke whale	101	363	466 <sup>5</sup>	2	468	None
<b>Republic of Korea</b>							
	Minke whale						11 <sup>7</sup>
	Bryde's whale						1 <sup>8</sup>

<sup>1</sup>Includes 4 animals of unknown sex; <sup>2</sup>see Table 2, infractions 2010.1 and 2010.2; <sup>3</sup>includes 1 animal of unknown sex; <sup>4</sup>includes 3 animals of unknown sex; <sup>5</sup>includes 2 animals of unknown sex; <sup>6</sup>see Table 2, infractions 2010.3 and 2010.4; <sup>7</sup>see Table 2, infractions 2010.5-2010.15; <sup>8</sup>see Table 2, infraction 2010.16.

Table 2

List of infractions from the 2010 season.

Ref.	Nation	Species	Sex	Length	Date	Infraction (specify)	Explanation	Penalty/action	Investigation complete?
2010.1	Greenland/Denmark	Minke	M	5m	5 Aug. 10	Use of cold harpoon	Paamiut (West Greenland). A cold harpoon was used as secondary killing method.	Reported to the police. Investigation ongoing.	Expected in 2011
2010.2	Greenland/Denmark	Minke	Unk.	Unk.	Sep. 10	Waste of meat	Kullorsuaq (West Greenland). Only part of the meat was removed for consumption.	Case given up by the police, since further investigation was not expected to result in prosecution.	Case suspended
2010.3	Iceland	Fin	F	66 feet English	30 Jun. 10	Lactating	64°18'N and 26°48'W. No calf was seen.	-	In progress
2010.4	Iceland	Fin	F	65 feet English	12 Sep. 10	Lactating	63°59'N and 27°16'W. No calf was seen.	-	In progress
2010.5	Korea	Minke	Unk.	Unk.	16 Jan. 10	Illegal catch	An illegally caught and dismembered minke whale was found on board a floating boat in coastal waters around 1 mile from Odo village in northern Gyeongsang province.	<ul style="list-style-type: none"> <li>1 violator: 6 months imprisonment and 2 years probation.</li> <li>The meat was confiscated.</li> </ul>	Yes
2010.6	Korea	Minke	Unk.	Unk.	17 Jan. 10	Transporting an illegally caught whale	86 bags of dismembered minke whale were found on board a boat attached to an SUV in the northern district of Pohang city in northern Gyeongsang province.	<ul style="list-style-type: none"> <li>1 violator: 6 months imprisonment, 2 years probation and 160 hours community service.</li> <li>The meat was confiscated.</li> </ul>	Yes
2010.7 and 8	Korea	Minke (2)	Unk.	Unk.	25 Apr. 10	Illegal catch	A vessel was found with 81 bags of illegally caught/dismembered minke whales shipped from an unknown vessel at sea 15 miles east of Wolpo in northern Gyeongsang province. The crew was arrested.	<ul style="list-style-type: none"> <li>1 violator: 8 months imprisonment.</li> <li>1 violator: fined KRW 5m (~USD \$5,000).</li> <li>The meat was confiscated.</li> </ul>	Yes
2010.9	Korea	Minke whale	Unk.	Unk.	4 May 10	Transporting an illegally caught whale	An SUV was stopped at a checkpoint in Uljin county in northern Gyeongsang province and found to be carrying 77 bags of illegally caught and dismembered minke whale. The driver was arrested.	<ul style="list-style-type: none"> <li>2 violators: fined KRW 5m (~USD \$5,000).</li> <li>The meat was confiscated.</li> </ul>	Yes
2010.10	Korea	Minke	Unk.	Unk.	5 Jun. 10	Illegal catch	A leisure boat left a port in Pohang, northern Gyeongsang province and received 60 bags of illegally caught and dismembered minke whale from an unknown vessel. The violator was arrested.	<ul style="list-style-type: none"> <li>1 violator: 6 months imprisonment and 2 years probation.</li> <li>The meat was confiscated.</li> </ul>	Yes
2010.11	Korea	Minke	Unk.	Unk.	6 Jun. 10	Taking of dead, entangled whale without authorisation	A vessel found a drifting whale in coastal waters near Dokdo island in the East Sea of Korea whilst fishing for squid and tied it to the stern. Later, investigators found 6 harpoon wounds on the whale's body, indicating that the catch might have been intentional.	<ul style="list-style-type: none"> <li>The investigation was closed.</li> <li>The meat was confiscated.</li> </ul>	Yes
2010.12	Korea	Minke	Unk.	Unk.	18 Jun. 10	As above	Crew members found a whale in their fish pot with its tail entangled with a harpoon handle during the hauling operation in coastal waters 5 miles east of Daebo Port, Pohang in northern Gyeongsang province.	<ul style="list-style-type: none"> <li>The investigation was closed.</li> <li>The meat was confiscated.</li> </ul>	Yes
2010.13	Korea	Minke	Unk.	Unk.	18 Aug. 10	Illegal catch	Three vessels were chased and arrested by the maritime police for illegally catching a minke whale in coastal waters 12 miles east from Gangu, Youngdeok in northern Gyeongsang province.	<ul style="list-style-type: none"> <li>8 violators: 10 months imprisonment/2 years probation.</li> <li>4 violators: 6 months imprisonment/2 years probation.</li> <li>1 violator: fined KRW 3m (~USD \$3,000).</li> <li>The meat was confiscated.</li> </ul>	Yes
2010.14	Korea	Minke	Unk.	Unk.	23 Aug. 10	Illegal catch	Crew members were caught discarding some bags when a patrol vessel approached a vessel in coastal waters 5 miles southeast of Jukbyun, northern Gyeongsang province. A detailed inspection was conducted and bags of illegally caught and dismembered minke whale were found in the well of the vessel. The crew members were arrested.	<ul style="list-style-type: none"> <li>The investigation is still ongoing.</li> <li>The meat was confiscated.</li> </ul>	Not yet
2010.15	Korea	Minke	Unk.	Unk.	5 Jun. 10	Illegal catch, transport and possession	The crew of a vessel illegally caught a minke whale in coastal waters 16 miles southeast of the eastern District of Ulsan in northern Gyeongsang province, dismembered it on board putting the pieces in 93 bags (1kg each) and shipped them to an unregistered boat at sea to sell to an unknown buyer.	<ul style="list-style-type: none"> <li>2 violators: 6 months imprisonment and 2 years probation.</li> <li>The meat was confiscated</li> </ul>	Yes
2010.16	Korea	Bryde's	Unk.	approx. 10m	26 Jul. 10	Illegal catch, transport and storage	The crew of a vessel illegally caught a Bryde's whale in coastal waters 10 miles from the southern district of Ulsan in northern Gyeongsang province, and dismembered it on board. The pieces were put into 220 pre-prepared bags (60cm x50cm), hidden in two wells on the vessel and transported to Jangsangpo port of Ulsan in order to sell the meat (1,720 kg in total, worth KRW 70m (~USD \$70,000)).	<ul style="list-style-type: none"> <li>1 violator: 10 months imprisonment/2 years probation.</li> <li>1 violator: year imprisonment/2 years probation.</li> </ul>	Yes



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?
2006.4	Greenland/Denmark	Sei	Unk.	Unk.	21 Aug. 06	Prohibited species	A sei whale was taken at Uummannaq (northwest Greenland) by hunters licensed to catch a minke whale.	Reported to the police. Investigation resulted in monetary penalties.	Yes
2008.1	Greenland/Denmark	Minke	Unk.	4m	Nov. 2008	Illegal rifle hunt	Reported catch after the allocated quota had been taken in Qasigiannuit (W 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 resulted in monetary penalties.	Yes
2009.1	Greenland/Denmark	Fin	F	24.5m	15 Jul. 09	Waste of meat	Ilulissat (W Greenland). Only part of the meat was removed for consumption.	Reported to the police. Investigation resulted in monetary penalties.	Yes
2009.7	Iceland	Minke	M	7.98m.	10 Aug. 09	Grenade	Hvalgranad 99" not used. 64°19'N; 22°41'W	Case given up by the police, as further investigation was not expected to result in prosecution.	Case suspended
2009.13	Korea	Minke	Unk.	Unk.	28 Aug. 09	No quota	A minke whale was caught with a harpoon in coastal waters near Yeongdeok-gun GyeongBuk.	5 violators (inc. 2 reported in 2010): 6 months imprisonment/2 years probation	Yes
2009.15	Korea	Minke	Unk.	Unk.	12 Sep. 09	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.	2 violators (inc. 2 reported in 2010): 8 months imprisonment/2 years probation.	Yes
2009.16	Korea	Minke	Unk.	Unk.	25 Sep. 09	No quota	94 bags of meat from an unidentified person were delivered on the street of Pohang GyeongBuk.	1 violator: 8 months imprisonment/2 years probation. 2 violators: 6 months imprisonment/2 years probation. The meat was confiscated.	Yes
2009.17	Korea	Minke	Unk.	Unk.	20 Nov. 09	No quota	An unidentified vessel with 34 bags of meat approached Pohang Port GyeongBuk where the bags were loaded onto a truck.	1 violator: fined KRW 3m (~USD \$3,000). The meat was confiscated.	Yes
2009.18	Korea	Minke	Unk.	4.5m	22 Nov. 09	No quota	A minke whale was caught with a harpoon in the coastal waters of Uljin GyeongBuk.	2 violators: fined KRW 5m (~USD \$5,000). 1 violator: fined KRW 3m (~USD \$3,000). 1 violator: 8 months imprisonment.	Yes
2009.19	Korea	Minke	Unk.	Unk.	23 Nov. 09	No quota	A minke whale was caught with a harpoon in coastal waters near Yeongdeok-gun GyeongBuk, cut up and the meat taken on board a boat.	As of 2011, the case is still being tried in court.	In progress
2009.20	Korea	Minke	Unk.	Unk.	02 Dec. 09	No quota	58 bags of meat which had been cut up on an identified vessel 20 miles from Pohang GyeongBuk, were loaded onto another boat for delivery to the nearby shore.	2 violators: 6 months imprisonment and 2 years probation. The meat was confiscated.	Yes
2009.21	Korea	Minke	Unk.	Unk.	02 Dec. 09	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.	The charges were dropped (non-indictment).	Yes

## Annex I

### Catches by IWC Member Nations in the 2010 and 2010/2011 Seasons

Prepared by the Secretariat

	Fin	Humpback	Sei	Bryde's	Minke	Sperm	Bowhead	Gray	Operation
<b>North Atlantic</b>									
Denmark									
(West Greenland)	5 <sup>1</sup>	9	-	-	186 <sup>2</sup>	-	3	-	Aboriginal subsistence
(East Greenland)	-	-	-	-	9	-	-	-	Aboriginal subsistence
Iceland	148 <sup>3</sup>	-	-	-	60 <sup>1</sup>	-	-	-	Whaling under reservation
Norway	-	-	-	-	468 <sup>4</sup>	-	-	-	Whaling under objection
St. Vincent and The Grenadines	-	3	-	-	-	-	-	-	Aboriginal subsistence
<b>North Pacific</b>									
Japan	-	-	100	50	119	3	-	-	Special Permit
Korea	-	-	-	1 <sup>5</sup>	11 <sup>6</sup>	-	-	-	
Russian Federation	-	-	-	-	-	-	2	118	Aboriginal subsistence
USA	-	-	-	-	-	-	71 <sup>7</sup>	-	Aboriginal subsistence
<b>Antarctic</b>									
Japan	2	-	-	-	171 <sup>1</sup>	-	-	-	Special Permit

Note: bycatches are not included.

<sup>1</sup>Including 1 struck and lost; <sup>2</sup>including 7 struck and lost and 2 reported as infractions; <sup>3</sup>including 6 struck and lost and 2 reported as infractions; <sup>4</sup>including 2 struck and lost; <sup>5</sup>the Republic of Korea reported the taking of 1 Bryde's whale as infractions; <sup>6</sup>the Republic of Korea reported the taking of 11 minke whales as infractions; <sup>7</sup>including 26 struck and lost.

## Annex J

# Report of the Finance and Administration Committee

Thursday 7 July 2011, St Helier, Jersey

### 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 rapporteurs

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 AGENDA

The USA requested that document IWC/63/F&A10 (A proposal to provide support to the IWC for technical assistance in reducing conflicts between cetaceans and marine resource users) be admitted under Agenda Item 7 (Other Matters). This was agreed and the agenda was adopted without further amendment (see Appendix 3).

### 3. ADMINISTRATIVE MATTERS

#### 3.1 Annual Meeting Arrangements and Procedures

##### 3.1.1 *Need for a Technical Committee*

The Chair reminded the Committee that no provision had been made for a Technical Committee to meet at Annual Meetings since IWC/51 in 1999. However, the Commission has agreed to keep the need for a Technical Committee under review. As last year, the F&A Committee Chair suggested it would be appropriate to maintain the current arrangement, i.e. to keep this item on the Agenda since the Technical Committee may have a role to play in the future.

##### 3.1.2 *The work of the ICG on matters relevant to the Scientific Committee*

At IWC/62 in 2010 the Commission briefly reviewed the work of the Intersessional Correspondence Group (ICG) on matters relevant to the Scientific Committee. The ICG had looked at several issues, including the possible separation of the Scientific Committee meeting from that of the Commission. Given the lack of clarity that existed at that time on the dates and location for IWC/63 the Chair proposed that a fuller discussion of the work of the ICG, and especially on separation of meetings, be scheduled to take place at IWC/63 instead.

The Chair introduced IWC/63/F&A7 which described options for separating the meetings of the Scientific Committee and the Commission. The paper summarised the perceived benefits of separating the meetings of the Scientific Committee and Commission which were: (1) to allow time to develop an Executive Summary to the Scientific Committee report; and (2) to allow more time

for Contracting Governments to consider the report of the Scientific Committee before the Commission meeting commenced. The Chair noted that the offer from the Government of Panama to host the 2012 meeting was for one continuous meeting period to include the Scientific Committee, Commission Sub-groups and the Commission Plenary. Thus any potential separation may best take place from 2013 onwards. The Chair also noted that a change to the timing of the Commission's financial year may be appropriate. The current financial year closes on 31 August, and a separation of the meetings may require the Commission to meet after this date and therefore to approve a budget for the financial year that had already commenced. A change of financial year dates to become simultaneous with the calendar year may be appropriate.

Denmark recognised that it was a normal practice in resource management organisations to have a period of separation between the scientific advisory committee and the commission meetings. They therefore supported a separation of the meetings of the IWC Scientific Committee and the Commission. The UK also recognised the advantages in separating the meetings and suggested the period be at least 100 days so as to allow Contracting Governments to submit material to Commission ahead of the 60 day deadline. In regards to timing, Japan noted that holding the Scientific Committee meeting in late May/early June allows scientists to avoid other teaching and fieldwork commitments. Mexico, South Africa, Palau, Germany, Sweden, New Zealand, Korea, Argentina, USA, Netherlands, Brazil, Switzerland, France were all supportive of separating the meetings of the Scientific Committee from the Commission.

Japan noted that under the Scientific Committee's current Rules of Procedure its report is confidential until the opening session of the Commission Plenary. It suggested that if this rule is to remain in place it may require strengthening otherwise there is a risk that with the separation the rule may become superficial and ineffective. Sweden, Argentina, USA, Netherlands, Brazil, Mexico, Switzerland and France all considered that the rule was archaic and no longer necessary.

The Chair of the Scientific Committee did not foresee any problems in separating the meetings but noted the potential for other scientific analyses to be performed in the break which would not be reviewed by the Committee. She noted that it may be necessary to establish a Rule of Procedure to ensure all scientific analysis presented to the Commission was first reviewed by the Scientific Committee.

Referring to the wider work of the ICG, Australia recorded its support for the work of the group and in particular mechanisms to improve the knowledge and technical ability of scientists from countries where cetacean research is in its infancy. In this regard, Australia welcomed the proposal by the ICG to conduct a review of the system for inviting participants to the Scientific Committee. Australia also suggested the development of a process for periodic review of the activities of the Scientific Committee to ensure it remains aligned with the Commission's priorities.



### *Conclusion*

The Chair concluded that the unplanned trial run of separation of the meetings that had occurred this year (with the Scientific Committee meeting in Norway and the Commission in Jersey) had been successful but that there had not been enough time between the meetings. Noting that the best time for the Scientific Committee meeting was in late May/early June, the Chair commented that the separation period should be 100 days or longer. She also noted the strong arguments that the rule of confidentiality applied to the Scientific Committee's report should be removed. Finally the Chair noted that the change to the Commission's financial year would be possible, and that the Committee **recommends**, in principle, separation of the meetings. Item 3.3 includes further consideration of the changes to the Commission's Rules of Procedure concerning confidentiality.

#### *3.1.3 Frequency of Commission meetings*

The Secretary introduced IWC/63/F&A6 so as to support discussion on the frequency of Commission meetings. This paper noted that in previous discussions three reasons had been proposed for reducing the frequency with which the Commission meets, these being: (1) cost savings to the Commission; (2) cost savings to individual Contracting Governments in attending Commission meetings; and (3) the opportunity for a greater focus on specialist intersessional work.

The UK was open to the idea to change to biennial meetings so long as it was not to the detriment of the work of the IWC. It suggested that the Scientific Committee and the Conservation Committee may still need to meet annually. It noted that IWC/63/F&A6 identified only moderate cost savings, but also recognised the savings to Contracting Governments in both money and time. Denmark also favoured biennial meetings, provided that Aboriginal Subsistence Whaling (ASW) catch quotas were set on a six year cycle rather than the current five year cycle. Switzerland, Australia, Sweden, USA, New Zealand, Korea, Japan, Brazil, France, Iceland, Mexico, Belgium and Austria all supported a move to biennial meetings, with some nations also suggesting that the Conservation Committee should continue to meet on an annual basis, perhaps co-located with the Scientific Committee meeting. A number of other concerns were raised, including the need to set a two year budget, the possible need to establish a standing committee, and the requirement to update any Rules of Procedure which related to the frequency of meetings. On the issue of cost savings, Japan suggested a method be worked out whereby the savings which were made were shared equally between the host government and the IWC. Austria noted the opportunity for other savings at Annual Meetings, especially relating to the costs of refreshments, in freight charges and in paper usage.

### *Conclusion*

The Chair noted the general support for a move to biennial meetings after IWC/64 in 2012 and the setting of ASW quotas for a period of 6 years. She also noted the need for a mechanism to share the cost savings between the Commission and host country, and the general level of support for a standing committee with limited powers. Accordingly the Chair suggested that a small group (to consist of the Chair of F&A, the USA, Germany, Japan, Denmark and Brazil) be established to prepare a short document for Plenary on actions to be taken ahead of IWC/64 to permit a move to biennial meetings from 2012 onwards.

## **3.2 Website**

### *3.2.1 Secretariat report*

#### **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 construction of the new website.

#### **TRANSLATION**

At IWC/62 the Secretariat reported that the 15 most popular pages of the IWC website had been translated into French and two pages had been translated into Spanish. The ship strikes page and the Future of the Commission page were also added to the list of pages that require translation and these were due to be completed by the end of IWC/63. In addition the French translations of the original 15 pages have been updated. To date five of the priority 15 pages have been translated into Spanish and the remainder are being translated during IWC/63.

The Secretariat noted that a move to a fully trilingual site as requested at IWC/61 will require a significant amount of translation work comprising at least 200 pages of varying length in each of the two languages, which at the current rate would cost between £50,000 and £60,000. With the current resources and funding at the Secretariat's disposal the site would remain as it is with the 17 priority pages translated and the rest of the site machine translated. However, if funding was made available, the Secretariat envisaged that the site could be fully trilingual by 2013.

#### **WEBSITE REBUILD**

The new IWC website is currently under construction. The design and functionality have been finalised and the migration of information is underway. The migration will be complete by IWC/64 at which time the old site will be removed although the web address URLs will remain the same. The Secretariat will notify all parties as soon as the site goes live and would welcome feedback at that time. At the meeting in 2012 there will be an opportunity to demonstrate the new site in its entirety to interested parties or the F&A Committee.

The Secretariat briefly demonstrated a few pages from the new website and commented that the new design was chosen to improve clarity and ease of access to information and documents. The site was built using a Content Management System platform, further details of which are available upon request.

The Secretariat has also improved the hosting of the site in order to avoid any outages during busy periods and to cope with the increasing popularity of the site as reported at IWC/62 last year.

Further to the existing content, the new site will contain two extranets for both Member Governments and the Scientific Committee. These private areas are designed to focus on areas pertinent to both parties and will not be accessible to members of the public as they will require a login.

The new site has scope for collaborative tools and further plug-ins to improve usability. This would include items such as on-the-fly document collation, E-Commerce solutions for IWC publications and integration with online database portals such as those for ship strikes, national Progress Reports, online submission and review for the *Journal of Cetacean Research and Management* and others currently under discussion by the Scientific Committee.

In the future, part of the site will be dedicated to helping school children access issues and information from the

Commission in a concise and interactive way. It is expected that this will assist the education of future generations from around the world.

Ultimately all historical IWC-related documents will be made available on the website as a matter of course, so the site will become a living archive.

The Secretariat noted that it would welcome feedback and suggestions from delegates as to the content of the IWC website to help make it as useful and usable as possible to all parties.

### 3.2.2 *F&A Committee discussions and recommendations*

Mexico, USA, South Africa, Belgium and UK congratulated the Secretariat on its work in relation to the new website. Mexico particularly welcomed the addition of a dedicated part for children.

South Africa asked if the verbatim transcripts of the Plenary sessions and Contracting Government opening statements from 1949 onwards would be added to the website and the Secretariat agreed that a considerable amount of text archives would be added together with the last six years of audio records in MP3 format. Belgium enquired as to the proposals for the password protected pages and requested that circular communications from the Secretariat together with Commissioner contact details are placed in this section. The Secretariat responded that it had not been agreed if the Government portal would be protected with a single password or individual passwords for each Government. The UK noted that they would prefer that the minimum amount of material to be placed on the Contracting Government section as all information should generally be publicly accessible.

The USA requested that a Beta version of the website be made available to Contracting Governments prior to IWC/64 in 2012 and Belgium also requested a document outlining the proposed changes. The Secretariat agreed to provide these.

## 3.3 Review of Rules of Procedure

### 3.3.1 *Secretariat's review of IWC Rules and Procedures*

The Secretary introduced IWC/63/F&A3rev. This was prepared following the Commission's endorsement at IWC/62 in 2010 of an F&A Committee recommendation that the Secretary review the Commission's rules and procedures, including its financial rules and procedures, in comparison with other intergovernmental organisations. The paper identified four areas for review, these being: (1) NGO participation; (2) support for developing countries attending IWC meetings; (3) facilitating decision making at IWC; and (4) changes to the way the Secretariat receives cash payments. The paper compared the practices of 14 other intergovernmental organisations with those of the IWC in regards to NGO participation and support for developing countries.

### 3.3.2 *UK proposals for improving the effectiveness of operations within the International Whaling Commission*

The UK introduced IWC/63/F&A4 which described a package of measures intended to help the IWC operate in an effective way which was comparable with practice in other international conventions. Specifically, the review examined five areas, these being: (1) the relationships between Contracting Governments and the relationship between Contracting Governments and the Secretariat; (2) financial matters including the payment of membership dues; (3) procedures for adopting, recording and announcing IWC

decisions; (4) procedures relating to the use of scientific advice by the Commission; and (5) participation by observers. The measures introduced in IWC/63/F&A4 were intended to provide an overall package which would help improve effectiveness. The paper also included a proposal for a draft Commission Resolution. The UK explained that such a resolution would send a political message to the outside world about the Commission's desire to improve its operating procedures and would avoid piecemeal changes to the Rules of Procedure.

The individual issues raised under Items 3.3.1 and 3.3.2 were then examined in greater detail.

### NON-GOVERNMENTAL ORGANISATION PARTICIPATION

IWC/63/F&A3rev reviewed several areas of IWC practice relevant to NGO observers but focused particularly on the IWC's use of a dedicated NGO session to allow speaking rights at Plenary meetings. The review identified several concerns with this practice including: (1) that when observers speak as part of the 'NGO session' they do not speak to a pre-determined agenda item and so interventions can lack structure; (2) Contracting Governments are not easily able to respond to claims or comments made during the NGO session; and (3) it is often difficult to achieve an appropriate balance of observers. In comparing IWC practice with those of other intergovernmental organisations the review showed that the use of a dedicated NGO session was unique to IWC. Instead all other IGOs contacted allowed NGOs to speak during Plenary at the discretion of the Chair. In reality this meant that NGOs were only called to speak after all Contracting Governments and providing there was time available.

Further to this, document IWC/63/F&A4 also recorded that under current IWC practice NGO observers were precluded from contributing to specific discussions. It noted that the majority of intergovernmental organisations allow observers to speak, at the invitation of the Chair, but within the same session as the debate is conducted. Accordingly it proposed that the Rules of Debate be clarified so as to allow for the participation of observers at the invitation of the Chair in the same sessions as substantive agenda items are discussed.

The USA described its support for the active and productive participation of NGOs and noted its support for inviting observers to speak to specific agenda items. Mexico reflected the view of the Buenos Aires Group of countries and supported greater participation for observers both in writing and verbally. Argentina, France, Germany, New Zealand, Brazil, Netherlands, Switzerland, Chile and Sweden all supported this view. New Zealand also noted the importance of trying to achieve consensus at this session, including on this issue. South Africa asked whether further trials may be possible based around introducing a structure into the NGO session (i.e. asking observers to speak to agenda items as an integral part of the session). Of these countries a smaller number including UK, New Zealand and USA also supported opening the F&A Committee and Budgetary Sub-committee to observers (on the premise that the Chair could go to closed session when necessary).

Japan recognised the difficulties in integrating NGO observers into the IWC and noted that the NGO session was developed as a trial a few years ago. Accordingly Japan suggested it was now appropriate to review that trial, especially given the problems which had been described. It proposed listing the issues encountered during the trial period, understanding the lessons learned and identifying positive areas for improvement.

Denmark, supported by Iceland, Norway and Palau reflected that there were clear reasons why practice with regard to NGOs at IWC differed from practice at other organisations. It indicated that it could not accept observers having a similar level of speaking rights to Contracting Governments, and suggested instead a re-examination of the current system to see if it could be extended, or possibly broadened so as to allow greater opportunity for NGOs to be heard within the 'NGO session'. In its view, this would allow the IWC to learn by trial in a gradual and progressive way.

In relation to opening the F&A Committee and Budgetary Sub-committee to observers Norway, Iceland and Japan referred to their previous comments on observers and considered it would be better to keep the meetings closed.

The Chair recognised that while some countries supported NGOs being able to speak during the debate on substantive agenda items and that others had concerns with this proposal. Recognising the difficulties of the current situation the Chair urged the UK to reconsider their proposal in the light of the debate and make alternative suggestions to the Commission meeting.

#### FINANCIAL SUPPORT FOR THE PARTICIPATION OF DEVELOPING COUNTRIES

IWC/63/F&A3rev recorded that the IWCs approach to funding developing country attendance is governed by Article 3(5) of the ICRW. However, during the 'Future of the IWC' process the IWC recognised the importance of providing financial assistance to developing countries taking part in the extra meetings undertaken by the Small Working Group, and an interim procedure was developed to distribute voluntary funds.

In reviewing the practices of 15 other intergovernmental organisations the review noted that many of the organisations contacted were in the process of either considering or introducing mechanisms to support developing country participation. The review showed that amongst the different organisations a variety of approaches were being developed which included: (1) the use of voluntary contributions to support developing country participation (often such schemes were administered by the Secretariat); (2) use of central budget funding to support developing country participation; and (3) the absence of funding provision for regular meetings (this can be considered as an integral cost of adhering to a Convention), but instead providing travel and *per diem* expenses for attending certain special events. Given the diversity of approaches and also the limitations of Article 3(5), IWC/63/F&A3rev suggested it may be appropriate to establish a working group to report to IWC/64 in 2012 on potential ways forward.

The UK agreed with the proposal outlined in IWC/63/F&A3rev and suggested the Secretariat report to IWC/64 with appropriate options for developing country funding provision. Australia supported the provision of funding for developing countries but recognised that Article 3(5) required careful consideration. New Zealand noted there may be ways consistent with Article 3(5) that would enable financial assistance for developing country participants. Palau commented that it would prefer to see funding supplied to developing countries for attendance during the Commission's extra activities, including for example work on small cetaceans. It noted that funding for such events would not be restricted under Article 3(5).

The Chair requested the Secretary to undertake further work on funding for developing countries ahead of IWC/64 in 2012. This was **endorsed** by the Committee.

#### FACILITATING DECISION MAKING

IWC/63/F&A3rev noted that the Commission has clear procedures in place for decision making by voting. However the Commission has recently committed itself to making every effort to reach its decisions by consensus. Following one recent consensus decision some Commissioners commented that they would find it helpful if, before finally reaching consensus (or, if this is not possible, voting), that the final proposal as modified during the debate could be placed before them in writing.

Recognising that the distribution of papers takes time and has the potential to delay the decision making process IWC/63/F&A3rev suggested that minor text changes to proposed consensus decisions be made available via projection screens in the meeting room.

IWC/63/F&A4 also addressed IWC procedures for recording and announcing decisions. It proposed a series of reforms to enhance transparency as follows: (1) the initial drafts of all decisions to be taken at a Commission meeting be circulated at least one day before a decision is reached; (2) Commission decisions would only be considered adopted when the final text had been circulated and approved by Plenary (this procedure also applying to endorsement of subsidiary body recommendations which required action or other commitment from the Commission); and (3) the final report of each Commission meeting to be completed within two months of the end of each meeting.

Sweden recognised the necessity of clear decision making and suggested that the Commission should use English as the official language for the text of decisions. Mexico and France suggested that while English should indeed be the official language, that it was important for translations of the key parts of the text to be provided in the other working languages (French and Spanish) so as to ensure the maximum level of understanding. The UK recognised that the objective should be to have all three languages, but that English should be considered the Commission's official language.

In principle, New Zealand supported draft decisions being circulated 24 hours in advance but stressed the need for flexibility and that rules should not be overly prescriptive.

Japan noted that on screen projection of proposed text changes would be helpful, but that it would still prefer to have a written version for decisions relating to Rules of Procedure changes, Resolutions or Schedule amendments.

The Chair noted the general support for having the text of proposed decisions circulated in advance, but that this should be a flexible requirement. She also noted the support for on screen tracking of minor changes, the requirement for text copies of principle decisions and the use of English as the official language with translations to be provided where possible. The Secretariat was requested to draft further wording with support from New Zealand.

#### PROPOSAL FOR CHANGING THE WAY THE SECRETARIAT RECEIVES PAYMENTS

IWC/63/F&A3rev introduced a proposal to modify the Financial Regulations so that the Secretariat would no longer be required to accept Contracting Government Financial Contribution payments in cash. Additionally IWC/63/F&A4 proposed a number of financial reforms as follows: (1) the rule that payments should be received the day before the start of the meeting be applied to new members; (2) payments would be by bank transfer from an account belonging to the state or a state institution (cash payments would no longer be accepted); (3) financial regulations should require the audited accounts to be placed on the Commission's website;



(4) meetings of the F&A Committee should be open to observers unless decided otherwise so as to deal with private matters; and (5) meetings of the Budgetary Sub-committee should be open to observers who express a willingness to make voluntary financial contributions.

In commenting on the use of cash payments, Japan suggested there may sometimes be cases where countries may need to use cash due to delays in bank transfers. In view of this it may be beneficial to consider the possibility of ending cash payments except by prior arrangement with the Secretary. New Zealand referred to the importance of resolving the issue of the use of cash. It noted the IWC has been criticised in the past for this practice, and that it would like to minimise the potential for further criticism. Mexico agreed with New Zealand and was concerned about the establishment of a method for cash payment by prior arrangement as it may result in the same amount of cash being received by the Secretariat. Australia and Norway supported the need for transparency in payments. The USA suggested that a middle ground may be to end cash payments but to still accept cheques, and the Chair concluded there was a general emerging view that payments by bank transfer were acceptable and that cash should only be used in exceptional circumstances or by prior agreement with the Chair of the Commission.

The Chair requested that a small group of countries that had expressed an interest discuss the use of cash payments ahead of Plenary so that a proposal could be made to Plenary on this important issue.

There was general approval that the audited Financial Statements should be placed on the Commission's website.

#### **RELATIONS BETWEEN CONTRACTING GOVERNMENTS AND THE IWC**

The UK referred to Section 1 of IWC/63/F&A4 which described four possible improvements to the relationships between Contracting Governments and between Contracting Governments and the IWC Secretariat. These were as follows: (1) the opportunity for member governments to designate an additional point of contact (e.g. an Alternate Commissioner); (2) all circular communications from the IWC Chair or Secretary to be sent to both Commissioner and Alternate Commissioner; (3) Circular Communications should also be sent to observers and posted on the Commission's website (excluding confidential material); and (4) all IWC meeting papers to be archived on the IWC website.

In relation to the first of the proposed improvements (the opportunity to designate an additional point of contact) the UK indicated that it had heard the views of other Contracting Governments in the run up to the meeting. Accordingly it now suggested there should be flexibility and therefore an option either for the designation of an Alternate Commissioner as an additional point of contact or for the creation of a focal or contact point.

Australia, Belgium, Mexico and Palau all supported the proposals as amended by the UK. In relation to the posting of circulars on the Commission's website Japan suggested it would be useful to develop criteria on which material would remain confidential under the UK's proposal. Switzerland suggested that the confidential material should include any allegations of infractions which had not yet been submitted to the Infractions Sub-committee.

The Chair noted the general support for the proposals as amended by the UK (i.e. that designation of a second governmental contact point be optional), and suggested that the two categories of Circular Communication which would

remain confidential would be: (1) those relating to staff issues; and (2) those relating to infractions which had not yet been submitted to the Infractions Sub-committee.

#### **TRANSPARENCY OF SCIENTIFIC ADVICE**

The UK referred to Section 4 of IWC/63/F&A4 which recognised the important role of science in IWC decisions and accordingly proposed that all scientific analyses to be used for decisions of the Commission would first be reviewed by the Scientific Committee before they could be considered by the Commission Plenary. Additionally, a part of the proposed Resolution contained within IWC/63/F&A4 requested the Scientific Committee to review its operations and Rules of Procedure with respect to enhancing transparency and verifiability of its advice.

The Chair recalled that the Committee's earlier discussions on separating the meetings of the Scientific Committee from the Commission had noted the requirement to develop a procedure to ensure that additional scientific analyses performed in the intersessional period would be first referred to the Scientific Committee for review before being considered by the Commission.

Japan asked for examples on which aspects of the Scientific Committee procedures required review. The Chair of the Scientific Committee referred to their standing agenda item on Working Methods of the Committee which already provided an annual opportunity for Scientific Committee members to review the Committee's practices. The UK clarified that the request to the Scientific Committee to review its practices was a part of the overall package it was promoting for the IWC to improve the effectiveness of its operations. Because the Scientific Committee represented an important component of the IWC decision making process it was necessary for the Committee to be included in the overall review process.

Italy confirmed that the Scientific Committee's current review process was both comprehensive and effective, and New Zealand expressed caution in making this request to the Scientific Committee as it implied discontent with their current practices. Instead it wondered if it may be appropriate to ask the Chair of the Scientific Committee to report back on their on-going reviews to see if there were any aspects the Commission could help with in the light of its own review. The Chair of the Scientific Committee confirmed she would make a full report of the Committee's ongoing review process to the Commission.

#### **PROPOSED RESOLUTION ON EFFECTIVENESS OF OPERATIONS WITHIN THE IWC**

The Chair reviewed the outcome of the discussions on the above items and encouraged the UK to develop a form of wording to incorporate the different views which had been expressed. She urged the UK to take account of these discussions in placing the Resolution before Plenary.

#### **3.4 Carbon-neutral study**

The Secretary introduced IWC/63/F&A5 on carbon neutrality. This paper used the generally accepted definition of carbon neutrality as living or operating in a way that produces no net carbon emissions. Moving to a carbon neutral way of working requires the organisation to measure the amount of carbon it is emitting, to reduce these as far as possible and then to subscribe to a carbon offsetting scheme to neutralise the remaining emissions.

The paper noted that the Secretariat had, for several years, been implementing a number of operational improvements intended to result in lower financial cost and/



or lower carbon emissions without causing an adverse effect on the services provided. One of these improvements was to promote a reduction in paper usage which had resulted in a considerable paper (and also financial and carbon) saving. In turn, this has the potential to result in greater reductions in freight, copier and staff charges.

The paper also reviewed the work of the Convention on Biological Diversity and a wider range of United Nations agencies to measure and report on their carbon emissions. This was achieved using the freely available Greenhouse Gas Protocol and Tools, and showed that most direct emissions resulted from the use of air transport, vehicles and building heating and lighting. Accordingly the paper concluded that the IWC would also be able to report on its carbon emissions using the same tools. However, discussion would be required on the type and cost of any offsetting scheme to be used.

The paper recommended two next steps, these being: (1) to commence reporting of carbon emissions and discussion of the steps required to offset them; and (2) to continue, or strengthen the current informal policy of continuous improvement aimed at delivering both financial and carbon savings.

Switzerland noted its support for this study and said that the organisation should strive to become carbon neutral. Switzerland also recognised that the costs incurred with a carbon neutral Secretariat must be factored-in with the budget proposal. This would mean that the relevant sub-items would have to be reviewed to incorporate the additional cost for the carbon neutrality (office supplies, staff travel, procurement of electricity, heating-gas etc.) and adjusted for cases where 'green procurement' leads to additional costs. This exercise could result in a small increase of the budget.

New Zealand said there was a need to be careful about imposing carbon offset charges based on distance travelled as this could impact unfairly on Southern Hemisphere countries. Instead it urged delegations to take their own steps to reduce carbon footprints. Belgium concurred with the content of the paper but asked if the Secretariat has considered using recycled paper. In response the Secretary agreed that the Secretariat would start to source recycled paper, and the Chair commented that other savings should be possible relating to the costs of shipping freight. Recognising this, the Secretary proposed to present a report to IWC/64 on options for the Commission and Scientific Committee to move to a paper-free way of working.

#### **4. FORMULA FOR CALCULATING CONTRIBUTIONS AND RELATED MATTERS**

The Chair of F&A noted that the formula for calculating Financial Contributions (otherwise known as the Interim Measure) had been in place for several years now. This Agenda Item gives an opportunity for any comments to be received regarding the operation of the procedure.

No comments were received.

#### **5. REPORT OF THE INTERSESSIONAL CORRESPONDENCE GROUP ON STRENGTHENING IWC FINANCING**

##### **5.1 Report of the ICG on strengthening IWC Financing**

At IWC/62 in 2010, the Commission had endorsed Belgium's proposal for a small group to be set up to develop proposals for strengthening the funding of conservation with a view to striking a balance between funding for conservation and funding for management of whaling. The Chair of the Intersessional Correspondence Group (ICG) reported on progress made since IWC/62.

He noted that its Terms of Reference included an examination of ways to integrate conservation funding into the overall budget and a consideration of both core budget and voluntary funding.

He further noted that there was no intention to increase Financial Contributions of Contracting Governments.

There had been consultations with countries holding a spectrum of views along with the Secretariat. The conclusion of the members of the ICG was that there was insufficient funding available for conservation projects.

##### *ICG general comment on IWC funding*

Currently, annual Financial Contributions from Contracting Governments and voluntary contributions are used to finance research and conservation projects and actions. The ICG does not consider these sufficient to face the increasing threats to whale populations and assist an organisation in a process of change. It suggested that new funding that could benefit the Scientific Committee, the Conservation Committee or other (sub)-committees could become available from international financing mechanisms and partnerships with relevant international organisations, and from philanthropic organisations and agencies; the industry sector is also to be further considered as a source of funding.

##### *ICG comments on voluntary funding of conservation and conservation-related research*

Voluntary contributions from Contracting Governments or NGOs become either part of the General Fund or the Research Fund, or are earmarked in special funds (e.g. Small Cetaceans Fund). Contributions can be either in-money or in-kind. The ICG estimated that contributions received from Contracting Governments since 1999 were in excess of £1m. In addition to this, over £300k had been contributed to the Small Cetaceans Fund and £21k by NGOs. The money came from no more than 15 members and Australia's two recent major contributions made up nearly 40% of the total.

##### *ICG comments on external funding*

The ICG Chair noted that the Commission has limited resources to fund scientific and conservation work, and certain priority areas for some members continue to receive little or no funding. Consideration should therefore also be given to contributions from sources external to the IWC, subject to conditions established in the Financial Regulations.

At IWC/56, Mexico introduced Resolution 2004-5 on 'Possible Synergies with the Global Environment Facility (GEF)', which 'directed the Secretariat to establish high level contact with the Secretariat of the Global Environment Facility and to explore possible synergies and their possible utility of the GEF to the IWC, and investigate, *inter alia*, possible avenues for the utilisation of GEF funding for IWC-related projects'. In April 2005, the Secretariat sent a letter to the GEF CEO; the then GEF Coordination Unit subsequently participated to an information exchange. The outcome of these contacts is that while projects are country driven, the GEF also promotes global and regional projects. The GEF invited the submission of concept notes highlighting activities that the IWC wishes to submit to the GEF through UNEP. No concept notes were submitted.

Apart from the GEF, there are other international financial institutions and bilateral agencies which could be explored by the IWC for project (co)-financing. In this regard, the IWC, due to its relative isolation in the international arena, has not established links with contemporary models for financing conservation.

Regarding the sector of philanthropic organisations, the IWC could not only collaborate to get funding, but could also partner with international environmental foundation grantees to conduct joint projects.

Finally, the ICG noted that the industry sector had recently become involved in funding IWC-related projects. For example, Exxon Neftegas Ltd. and, through IUCN, Sakhalin Energy provided funding via the IWC for a telemetry project that was an action recommended under the western grey whale conservation management plan developed by IUCN and IWC. Those companies also fund monitoring work on western gray whales independently of IWC.

The ICG Chair noted that funds from external sources will not necessarily go into the IWC budget; instead, the IWC would play a role of guidance and facilitation by providing its endorsement to projects.

#### *ICG comments on budgeting in other international organisations*

The ICG reported that the practice in other international organisations reveals that it is increasingly common to divide budgets into sections. It therefore suggested the division of the Commission budget into two sections: an administrative section and a whale conservation and whaling management activities section.

The ICG noted that in the IWC Financial Statements (see Table 1A in document IWC/63/5) the Secretariat's costs are not broken down to reflect the Secretariat's contribution to the different areas of activity. At some stage the ICG considers that it may become necessary to allocate the Secretariat budget (at least approximately) to the various activity areas. Conventions sponsored by the United Nations and UNEP break down their costs in this way and some, including the Basel, Rotterdam and Stockholm Conventions, have activity-based budgets.

The ICG view was that changes to the budget structure and operations would not require amendments to the Financial Regulations.

#### **5.2 Committee discussion and recommendations**

The ICG was congratulated for its valuable work. Australia reported that it was working with the Chair of the ICG to see if it could provide assistance towards the employment of a fundraising expert to assist the Commission's efforts in locating funding for conservation work. There was general support by many countries for the pursuit of external funding as long as the areas needing finance were clearly identified beforehand. Several countries expressed their concerns that: (1) control and use of any external funds received should be clearly held by the IWC and that priorities should be clearly stated; (2) balance should be applied to the use of any new funds to reflect the spectrum of interests within the organisation, noting particularly that the Technical Committee had not met since 1998 and would not be in a position to guide the allocation of funds to work on matters related to management of whaling; and (3) how projects that might be relevant to the Scientific Committee and the Conservation Committee might be managed and funded. The ICG Chair acknowledged that the split of work might not be clear in some cases and that this issue requires further work by the ICG. He also referred to the possible establishment of joint steering groups as discussed at the Scientific Committee meeting, to assist on the matter.

The ICG Chair proposed the following Terms of Reference for the group to continue its work during the forthcoming year.

- Continue work on Terms of Reference 1 and 2 of the previous ICG which were: (1) to examine ways to integrate conservation funding into the overall budget; and (2) to consider both core and voluntary funding.
- Consider the establishment of a Trust Fund for conservation and management to receive any external money secured.
- Develop a reporting mechanism for new funding.
- Propose eligibility criteria to allocate funding to projects.
- Further define the relationships between the Scientific Committee and the Conservation Committee in relation with funding.
- Draft a profile or profiles, as appropriate, for a fund-raising specialist.
- Report to the F&A Committee at IWC/64 in 2012.

#### *Conclusion*

The Chair recognised the general support for the work of the ICG. The Committee **agrees** that the work of the ICG should continue subject to the updated Terms of Reference shown above. The Chair noted the need for *inter alia* a clear set of priorities for projects to be considered for external funding and a formal review process. She encouraged other Contracting Governments to join the ICG work.

#### **5.3 Proposal for the addition of a standing item on fund-raising to the F&A Committee Agenda**

The Chair noted the general level of support for seeking external funding during the discussions on Item 5.1 and recognised that this work would be taken forward by the ICG. New Zealand said it was under financial constraints and its willingness to contribute additional funds was circumscribed particularly as the IWC appeared to be unable to resolve its difficulties in relation to whaling management and conservation. With this in mind it was necessary to prioritise work in order to remain within budget.

### **6. FINANCIAL STATEMENTS, BUDGETS AND OTHER MATTERS ADDRESSED BY THE BUDGETARY SUB-COMMITTEE**

#### **6.1 Review of provisional Financial Statements 2010/11**

##### *6.1.1 Report of the Budgetary Sub-committee*

The Budgetary Sub-committee (BSC) Chair reported that for 2010/11: (1) income matches budget; (2) expenditure is expected to be below budget by £22,000; and (3) provisions are projected to be under budget by £6,000 leading to an overall projected surplus (before transfers between reserves) of £5,000. However if a provision for doubtful debts and cancelled Financial Contributions (as driven by Financial Regulations for non-payments exceeding 3 years) are included in the accounts, the result is a projected deficit in the order of £78,000, with reserves reduced to about 90% of the target level (6 months operating expenditure).

The BSC Chair noted the inclusion of provision for doubtful debts in the forecast out-turn. This provision is usually only included at the financial year end with reference to the auditors. The Secretariat had suggested the inclusion of this provision in the out-turn and budget figures to provide a more sound basis for financial planning.

After discussion, the Committee **recommends**:

- (1) the provisional Financial Statements to the Commission subject to audit; and
- (2) that annual reports on the income and expenditure related to voluntary contributions and associated expenditure might be useful if provided in future years.

Considerable concern was expressed over the levels of outstanding contributions. This is dealt with further under Item 6.1.2 and 6.2.3.

### 6.1.2 Secretary's report on the collection of Financial Contributions

The Secretariat reported that total debts of £477,000 were still outstanding from 25 Contracting Governments. This figure was considerably higher than in previous years and has a severe impact on Commission finances.

It was noted that contact with debtor Contracting Governments was made three to four times each year and that given the number of debtors, the inclusion of the provision for doubtful debt earlier in the year for planning purposes would be appropriate, as discussed above. The Secretariat also noted that it would welcome advice and assistance from Contracting Governments on how to improve the situation.

## 6.2 Consideration of the proposed budget for 2011/12, including the budget for the scientific programme and the forecast budget for 2012/13

### 6.2.1 Report of the Budgetary Sub-committee

The BSC Chair noted that the proposed budget for 2011/12 required a 5.5% increase in Financial Contributions and the provisional 2012/13 budget required a 6.6% rise. A number of Contracting Governments had expressed the view that no increase in Financial Contributions was preferable and the Secretary was asked to find savings and to present alternative scenarios to be considered by the F&A Committee.

The BSC Chair noted that the Sub-committee recommended a rise in NGO fees for 2011/12 to £550 for the first observer and £275 for each additional observer as well as a rise in Press fees to £70.

All other matters were referred by the Sub-committee to the F&A Committee for further consideration.

### 6.2.2 Example budget scenarios

Having heard the report of the BSC, the Chair of the F&A Committee invited the Secretariat to present the alternative budget scenarios requested by the BSC. Three scenarios were presented, along with example budgets as to how they might be met, as follows.

- Scenario 1 - Budgets for 2011/12 and 2012/13 (as shown in IWC/63/5rev), i.e. adjusted for inflation.
- Scenario 2 - Expenditure held constant at 2010/11 levels.
- Scenario 3 - Financial Contributions held constant at 2010/11 levels.

#### SCENARIO 1: BUDGET INCREASED TO ALLOW FOR INFLATION

This was the original scenario as presented in IWC/63/5rev. Expenditure was based on the budget for 2010/11 increased by UK inflation and where appropriate by other indices. Financial Contributions were shown to rise by 5.5% (or £92,000) in 2011/12 and 6.5% in 2012/13<sup>1</sup>. Under this scenario, the average increase in contribution by economic group for the forthcoming year, 2011/12 would be:

- Group 1: £350;
- Group 2: £650;
- Group 3: £1,300;
- Group 4: £3,400.

<sup>1</sup>Note that under this scenario, no account was taken of doubtful debts (financial contributions and associated interest remaining unpaid for up to 3 years) or financial contributions cancelled as per the regulations if a fourth year invoice was issued. The achievement of target reserve figures may therefore be optimistic.

#### SCENARIO 2: NO INCREASE IN TOTAL EXPENDITURE FROM THE 2010/11 LEVEL

Under this scenario the total expenditure for each of the years 2011/12 and 2012/13 is kept at the 2010/11 level. Provision has been made for both doubtful debts and cancellations. In practice, this would result in a total increase in contributions in 2011/12 of 2.6% or £42,000. It may be around 3.9% or £65,900 in the following year. This should be seen against the UK inflation rate of just over 5%, i.e. it is an effective reduction in budget. The average increase in contribution by economic group for the forthcoming year, 2011/12 would be:

- Group 1: £150;
- Group 2: £300;
- Group 3: £600;
- Group 4: £1,500.

In order to achieve this scenario, in the example budget provided to illustrate the scenario the following were incorporated:

- (1) Secretariat
  - Staff pay frozen for the 2-year period.
  - One retiring staff member not replaced over the period.
  - Expenditure for building maintenance reduced.
  - Expenditure for consultancy, training and legal fees reduced.
- (2) Meeting provisions only marginally increased from 2010/11 (£383,000 in 2011/12 and reducing to £373,000 the following year).
- (3) Research expenditure only marginally increased from 2010/11 (£325,000 in 2011/12 and reducing to £317,000 the following year) – the reduced budget request by the Scientific Committee was for £328,000 for 2011/12 (see IWC/63/Rep1).
- (4) The reserves are estimated to be at 91% of target in 2011/12 and 87% the following year.

The implications of this scenario are severe and for the example provided include a reduction in the full-time equivalent of 14 staff to 13. This, along with the reduction in fees for consultancy work and training will result in some tasks allocated to the Secretariat not being completed and/or some being completed later than expected.

In addition, unless member governments are prepared to host meetings, then the allocations within the example provided will be insufficient. The cost of a four week meeting in the UK would be at least £450,000. At the projected budget level, the scale and duration of Annual Meetings would therefore have to fall by 20% or more (e.g. by reducing the total meeting length by 5 or more days) if hosted by the Secretariat alone.

#### SCENARIO 3: NO INCREASE IN INDIVIDUAL FINANCIAL CONTRIBUTIONS

Under this scenario individual country contributions for each of the years 2011/12 and 2012/13 are kept at the 2010/11 level<sup>2</sup> and the total budget is cut.

In order to achieve the target expenditure for this scenario, in the example budget provided to illustrate the scenario the following were incorporated:

<sup>2</sup>In fact, the 2011/12 and 2012/13 figures are slightly higher than 2010/11 as they contain the full year Financial Contribution of the new member joining in 2010/11. For 2010/11, only 50% of the annual fee was charged to the new member joining in the second half of the financial year. This time, provision has been made for both doubtful debts and cancellations.



- (1) Secretariat – cut as for scenario 2.
- (2) Meeting provisions fall to £366,000 in 2011/12 and £277,000 the following year.
- (3) Research expenditure reduced to £310,000 in 2011/12 and £277,000 the following year.
- (4) The reserves are estimated to be at 92% of target in 2011/12 and 91% the following year.

The implications of this scenario for the example provided are even more severe than for scenario 2. The cuts to the Secretariat budget are as for scenario 2 and would result in some tasks allocated to the Secretariat not being completed and/or some being completed later than expected.

In terms of Annual Meetings, then without hosting the scale and duration of Annual Meetings would have to fall by over 25% (e.g. by reducing the total meeting length by 7 or more days) if hosted by the Secretariat alone.

Finally, the reductions in the research budget mean that the value would be well below the Scientific Committee's reduced budget for 2011/12 and even further reduced in 2012/13. This could severely impact the Committee's ability to achieve its priority tasks on time.

#### 6.2.3 F&A Committee discussions and recommendations

There was considerable discussion of this issue within the Committee, which occurred in the context of the severe world economic situation. A number of points were raised including:

- concern over the implications for the Secretariat staff and the Secretariat's ability to fulfil all tasks under the examples provided to meet scenarios 2 and 3;
- recognition of cuts in staff and pay in many member countries;
- concern over the severe impacts of the research budget in the example provided under scenario 3 including the Scientific Committee's ability to provide requested advice in a timely fashion;
- recognition of the potentially severe meeting budget implications if governments do not offer to host meetings, especially under scenario 3;
- concern over the issue of non-payments which had a major impact on the budget, including a worry that provision for bad debts may encourage payment deferrals; and
- recognition that given the UK rate of inflation, both scenarios 2 and 3 represented an effective cut in the IWC budget.

In the initial discussions, each of the scenarios 1-3 received some support. However, given the very severe implications of the example given for scenario 3 for the Commission's work, especially with respect to the research budget, and noting that scenario 2 also involved an effective cut in the IWC budget, the Committee **recommends** to the Commission budget scenario 2, i.e. no increase in total expenditure.

The Committee also stressed the importance of continued examination of savings that could be brought about by changes in the Commission's working practices. It also emphasised that an important component of the current financial circumstances of the Commission was due to non-payment or late-payment. It **recommends** that all Contracting Governments make every effort to pay their dues and pay them promptly. It **encourages** the Secretariat

to strengthen its efforts to obtain outstanding payments, including writing directly to finance ministries and, where appropriate, visiting embassies.

## 6.3 Other

### 6.3.1 Budgetary Sub-committee operations

Andrea Nouak announced the end of her 3-year term as Chair of the BSC. The current Vice-Chair, Martin Krebs agreed to take on the post of Chair. The Committee thanked the outgoing Chair for her hard work over the last three years and congratulated the new Chair.

There is now a vacancy for both Vice-Chair and for an Open Seat. It was agreed that the Secretariat should make inquiries amongst Contracting Governments for representatives on this important Sub-committee.

## 7. OTHER MATTERS

### **Proposal to provide support to the International Whaling Commission (IWC) for technical assistance in reducing conflicts between cetaceans and marine resource users**

The USA introduced document IWC/63/F&A10 on providing support and technical assistance to the IWC. The document recognised that some of the activities previously endorsed by the Commission, and those raised elsewhere aimed at improving the work of the Commission, may have implications for the work and expertise within the Secretariat and that such implications should be assessed. In particular, proposed intersessional work is likely to require an increase in burden on the Secretariat.

In order to facilitate follow-up work from certain initiatives endorsed by the Commission, the USA proposed that an expert in providing technical assistance in reducing conflicts between cetaceans and marine resource users will temporarily assist the Secretariat. In addition, by formally putting a technical expert on detail to the IWC it would allow for desired IWC representation and increased coordination with other organisations at no extra cost to the Commission. In one year of work, this individual will work with the Secretariat to produce specific deliverables that will help move the Commission forward in a number of areas where the Commission has identified the need for coordination between Committees, successful implementation of IWC endorsed initiatives, or assistance on projects to be housed within the Secretariat. This will benefit the work of the Secretariat, and therefore the Commission by: advancing work associated with the entanglement of large whales; furthering desired work on the IWC ship strike database; and assisting in IWC representation at other international organisations or IWC endorsed events.

The USA recommended that an appropriate technical expert would be David Matilla.

Many countries expressed their strong support for this initiative and commended the USA. The Committee **recommends** that the Commission endorse the proposal outlined in IWC/63/F&A10.

## 8. ADOPTION OF REPORT

The report was adopted 'by post' on 11 July 2011.

**Appendix 1****LIST OF PARTICIPANTS****ARGENTINA**

Miguel Iñiguez

**AUSTRIA**Andrea Nouak  
Michael Stachowitsch**AUSTRALIA**Donna Petrachenko  
Peter Komidar  
Pam Eiser  
Stephanie Ierino**BELGIUM**Alexandre de Lichtervelde  
Fábian Ritter  
Els Vermeulen**BRAZIL**

Marcos Pinta Gama

**CHILE**

Barbara Galletti

**DENMARK**Øle Samsing  
Nette Levermann**FINLAND**

Penina Blankett

**FRANCE**Jean-Philippe Gavois  
Martine Bigan**GERMANY**

Walter Duebner

**ICELAND**

Ásta Einarsdottir

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**JAPAN**Kenji Kagawa  
Joji Morishita  
Shinji Hiruma  
Dan Goodman  
Toshinori Uoya  
Akiko Muramoto  
Satoshi Kuwahara**KOREA**Dae-Yeon Moon  
Kab-Yong Jeong**LUXEMBOURG**

Pierre Gallego

**MEXICO**

Lorenzo Rojas-Bracho

**NETHERLANDS**

Peter Bos

**NEW ZEALAND**Andrew Bignell  
Caroline McDonald  
Karena Lyons  
Louise Chilvers**NORWAY**Øle-David Stenseth  
Einar Tallaksen  
Hild Ynessdal**PALAU**

Victorio Uherbelau

**SOUTH AFRICA**Herman Oosthuizen  
Ed Couzens**SPAIN**

Santiago Lens

**SWEDEN**

Bo Fernholm

**SWITZERLAND**

Martin Krebs

**UK**Richard Pullen  
James Gray  
Trevor Perfect  
Jolyon Thomson  
Anju Sharda  
Jenny Lonsdale  
Mark Simmonds  
Vassili Papastravrou**USA**Roger Eckert  
Lisa Phelps  
Ryan Wulff  
Mike Gosliner  
Taryn Kiekov**SCIENTIFIC COMMITTEE  
CHAIR**

Debbie Palka

**SECRETARIAT**Simon Brockington  
Sean Moran  
Greg Donovan  
Sandra Holdsworth  
Mark Tandy

## Appendix 2

### LIST OF DOCUMENTS

#### IWC/63/F&A

- 1rev Revised draft Agenda
- 2 List of documents
- 3rev Review of IWC Rules of Procedure (submitted by Secretariat)
- 4 Proposals for improving the effectiveness of operations within the International Whaling Commission (IWC) (submitted by the United Kingdom)
- 5 The feasibility and associated costs of off-setting the carbon emissions arising from the operation of the Secretariat and IWC meetings (submitted by Secretariat)
- 6 Discussion paper on IWC meeting frequency (submitted by Secretariat)
- 7 Options for separating the meetings of the Scientific Committee and the Commission (submitted by the Secretariat)
- 8 ICG report on strengthening IWC funding (submitted by Belgium)
- 9 Scientific Committee Invited Participants 2011
- 10 Proposal to provide support to the International Whaling Commission (IWC) for technical assistance in reducing conflicts between cetaceans and marine resource users (submitted by the USA)
- 11 Secretary's report on the collection of Financial Contributions for 2010-11
- 12 Report of the Budgetary Sub-committee

#### COMMISSION DOCUMENTS

##### SC/63/Rep

- 1 Report of the Scientific Committee (Extract)

##### IWC/63/

- 5rev Financial Statements

## Appendix 3

### AGENDA

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| <ul style="list-style-type: none"> <li>1. Introductory items           <ul style="list-style-type: none"> <li>1.1 Appointment of Chair</li> <li>1.2 Appointment of Rapporteurs</li> <li>1.3 Review of documents</li> </ul> </li> <li>2. Adoption of Agenda</li> <li>3. Administrative matters           <ul style="list-style-type: none"> <li>3.1 Annual Meeting Arrangements and Procedures               <ul style="list-style-type: none"> <li>3.1.1 Need for a Technical Committee</li> <li>3.1.2 The work of the ICG on matters relevant to the Scientific Committee</li> <li>3.1.3 Frequency of Commission meetings</li> </ul> </li> <li>3.2 Website</li> <li>3.3 Review of Rules of Procedure               <ul style="list-style-type: none"> <li>3.3.1 Secretariat's Review of IWC Rules and Procedures</li> <li>3.3.2 Draft resolution</li> </ul> </li> <li>3.4 Carbon-neutral study</li> </ul> </li> <li>4. Formula for calculating contributions and related matters</li> <li>5. Report of the intersessional correspondence group on strengthening IWC financing           <ul style="list-style-type: none"> <li>5.1 Report of ICG on strengthening IWC financing</li> <li>5.2 Committee discussions and recommendations</li> <li>5.2 Proposal for the addition of a standing item on fundraising to the F&amp;A Committee Agenda</li> </ul> </li> <li>6. Financial Statements, budgets and other matters addressed by the Budgetary Sub-committee</li> </ul> | <ul style="list-style-type: none"> <li>6.1 Review of the provisional Financial Statement 2010/11           <ul style="list-style-type: none"> <li>6.1.1 Report of the Budgetary Sub-committee</li> <li>6.1.2 Secretary's report on the collection of financial contributions</li> </ul> </li> <li>6.2 Consideration of the proposed budget for 2011/12, including the budget for the Scientific Programme, and the forecast budget for 2012/13           <ul style="list-style-type: none"> <li>6.2.1 Report of the Budgetary Sub-committee</li> <li>6.2.2 F&amp;A Committee discussions and recommendations</li> </ul> </li> <li>6.3 Other           <ul style="list-style-type: none"> <li>6.3.1 Budgetary Sub-committee operations</li> </ul> </li> <li>7. Other matters</li> <li>8. Adoption of report</li> </ul> |
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#### TERMS OF REFERENCE

The Finance and Administration Committee shall advise the Commission on expenditure, budgets, scale of contributions, Financial Regulations, staff questions, and other such 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 Technical Committee, and to any meetings of subsidiary groups of the Commission and Technical Committee, **except the Commissioners-only meetings and the meetings of the Finance and Administration Committee.**



### Appendix 4

#### PROVISIONAL FINANCIAL STATEMENT 2010-2011

##### Income and Expenditure Account

Income	Approved Budget		Projected Out-turn	
	£	£	£	£
Contracting Government contributions		1,633,100		1,637,000
Recovery of Arrears		0		0
Interest on overdue financial contributions		0		8,100
Voluntary contributions		2,000		5,000
Sales of publications		15,000		15,000
Sales of sponsored publications		500		500
Observers' registration fees		45,300		49,000
UK taxes recoverable		22,000		22,300
Staff assessments		182,300		174,000
Interest receivable		13,600		3,000
Sundry income		0		0
		<u>1,913,800</u>		<u>1,913,900</u>
<b>Expenditure</b>				
Secretariat	1,137,600		1,104,800	
Publications	39,500		30,000	
Annual Meetings	374,500		374,500	
Other meetings	42,000		40,000	
Research expenditure	315,800		315,800	
Small cetaceans	1,000		23,300	
Sundry	0		0	
	<u>1,910,400</u>		<u>1,888,400</u>	
<b>Provisions</b>				
Unpaid interest and overdue contributions	0		0	
Severance Pay Provision	26,900		20,700	
Provision for other doubtful debts	0		0	
	<u>0</u>		<u>0</u>	
		1,937,300		1,909,100
<b>Surplus/Deficit (-) for the year <i>before</i> transfers</b>		<u>-23,500</u>		<u>4,800</u>
Net Transfers from or to (-):				
Sponsored Publications Fund		-600		-500
Research Fund		-4,000		-700
Small Cetaceans Fund		-500		18,200
<b>Surplus/Deficit (-) for the year <i>after</i> transfers</b>		<u>-28,600</u>		<u>21,800</u>

### Appendix 5

#### APPROVED BUDGET FOR 2011/2012 AND FORECAST BUDGET FOR 2012/2013

See Annex L of the Chair's Report.

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### Appendix 6

#### SCIENTIFIC COMMITTEE FUNDING REQUIREMENTS FOR 2011/12

See Annex M of the Chair's Report.

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## Appendix 7

## BUDGET SCENARIOS FROM IWC/63/5REV

## Scenario 1 - Forecast Outturn for 2010/11 and budgets for 2011/12 and 2012/13 (as shown in IWC/63/5rev)

	Forecast Out-turn 2010-2011	Proposed Budget 2011-2012	Forecast Budget 2012-2013
<b>INCOME: continuing operations</b>			
Contributions from member governments	1,637,000	1,728,650	1,842,750
Interest on overdue financial contributions	8,100	0	0
Voluntary contributions for research, small cetaceans work and publications	5,000	2,000	2,000
Sales of publications	15,000	15,000	15,000
Sales of sponsored publications	500	500	500
Observers' registration fees	49,000	51,500	56,950
UK taxes recoverable	22,300	26,300	27,600
Staff assessments	174,000	178,950	188,700
<b>Interest receivable</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>
Sundry income	0	0	0
<b>Total income</b>	<b>1,913,900</b>	<b>2,005,900</b>	<b>2,136,500</b>
<b>EXPENDITURE</b>			
Secretariat	1,104,800	1,179,500	1,204,900
Publications	30,000	31,750	33,350
Annual meetings	374,500	385,700	405,400
Other meetings	40,000	42,150	44,400
Research expenditure	315,800	325,200	341,800
Small cetaceans	23,300	1,050	1,050
	1,888,400	1,965,350	2,030,900
<b>Provision made for:</b>			
Cancelled Financial Contributions	0	0	0
Severance Pay Provision	20,700	-27,000	43,250
Provision for doubtful debts	0	0	0
	20,700	-27,000	43,250
Surplus / (-) deficit for the year before transfers	4,800	67,550	62,350
<b>NET TRANSFERS FROM (TO) FUNDS</b>			
Publications fund	-500	-550	-550
Research Fund	-700	-1,650	-1,650
Small cetaceans fund	18,200	-50	-50
Surplus (-) Deficit for the year after transfers	21,800	65,300	60,100

## Scenario 2 - Expenditure held constant at 2010/11 levels

	Forecast Out-turn 2010-2011	Proposed Budget 2011-2012	Forecast Budget 2012-2013
<b>INCOME: continuing operations</b>			
Contributions from member governments	1,637,000	1,679,000	1,744,900
Interest on overdue financial contributions	8,100	0	0
Voluntary contributions for research, small cetaceans work and publications	5,000	2,000	2,000
Sales of publications	15,000	15,000	15,000
Sales of sponsored publications	500	500	500
Observers' registration fees	49,000	51,500	56,900
UK taxes recoverable	22,300	26,300	27,600
Staff assessments	174,000	166,750	166,750
Interest receivable	3,000	3,000	3,000
Sundry income	0	0	0
<b>Total income</b>	<b>1,913,900</b>	<b>1,944,050</b>	<b>2,016,650</b>
<b>EXPENDITURE</b>			
Secretariat	1,104,800	1,105,500	1,119,400
Publications	30,000	31,750	33,350
Annual meetings	374,500	383,000	372,900
Other meetings	40,000	42,150	44,400
Research expenditure	315,800	324,950	317,300
Small cetaceans	23,300	1,050	1,050
	1,888,400	1,888,400	1,888,400
<b>Provision made for:</b>			
Cancelled Financial Contributions (1*)	28,350	22,950	54,550
Severance Pay Provision	20,700	-27,000	43,250
Provision for doubtful debts (2*)	60,300	59,700	31,400
	109,350	55,650	129,200
<i>(1*) Debt &gt; 3years, (2*) Debt &lt; 3 years</i>			
Surplus / (-) deficit for the year before transfers	-83,850	0	-950
<b>NET TRANSFERS FROM (TO) FUNDS</b>			
Publications fund	-500	-550	-550
Research Fund	-700	-1,650	-1,650
Small cetaceans fund	18,200	-50	-50
Surplus (-) Deficit for the year after transfers	-66,850	-2,250	-3,200



**Scenario 3 - Financial Contributions held constant at 2010/11 levels**

	Forecast Out-turn 2010-2011	Proposed Budget 2011-2012	Forecast Budget 2012-2013
<b>INCOME: continuing operations</b>			
Contributions from member governments	1,637,000	1,645,400	1,645,400
Interest on overdue financial contributions	8,100	0	0
Voluntary contributions for research, small cetaceans work and publications	5,000	2,000	2,000
Sales of publications	15,000	15,000	15,000
Sales of sponsored publications	500	500	500
Observers' registration fees	49,000	51,500	56,900
UK taxes recoverable	22,300	26,300	27,600
Staff assessments	174,000	166,750	166,750
Interest receivable	3,000	3,000	3,000
Sundry income	0	0	0
<b>Total income</b>	<b>1,913,900</b>	<b>1,910,450</b>	<b>1,917,150</b>
<b>EXPENDITURE</b>			
Secretariat	1,104,800	1,105,500	1,119,400
Publications	30,000	31,750	33,350
Annual meetings	374,500	365,700	325,400
Other meetings	40,000	42,150	44,400
Research expenditure	315,800	310,200	276,800
Small cetaceans	23,300	1,050	1,050
	1,888,400	1,856,350	1,800,400
<b>Provision made for:</b>			
Cancelled Financial Contributions (1*)	28,350	22,500	51,400
Severance Pay Provision	20,700	-27,000	43,250
Provision for doubtful debts (2*)	60,300	58,500	29,600
	109,350	54,000	124,250
<i>(1*) Debt &gt; 3years, (2*) Debt &lt; 3 years</i>			
Surplus / (-) deficit for the year before transfers	-83,850	100	-7,500
<b>NET TRANSFERS FROM (TO) FUNDS</b>			
Publications fund	-500	-550	-550
Research Fund	-700	-1,650	-1,650
Small cetaceans fund	18,200	-50	-50
Surplus (-) Deficit for the year after transfers	-66,850	-2,150	-9,750

Appendix 8

CURRENT AND FUTURE MEMBERSHIP OF BUDGETARY SUB-COMMITTEE AS AT JULY 2011 COMPARED TO JUNE 2010 AND JUNE 2009

Current and future membership of Budgetary Sub-committee based on Contracting Governments as at July 2011

	Term of membership (years)	Current membership (as per rota) 2010-2011	Current membership* 2010-2011	Future membership assuming no country declines to serve		
				2011-2012	2012-2013	2013-2014
<b>Group 1</b>	3	Gambia the (!) Grenada (!)	Gambia the (3) Grenada (3)	Guinea (1) Guinea Bissau (1)	Guinea (2) Guinea Bissau (2)	Guinea (3) Guinea Bissau (3)
<b>Group 2</b>	3	Poland (*2) Romania (*2)		San Marino (1) Russian F (1)	San Marino (2) Russian F (2)	San Marino (3) Russian F (3)
<b>Group 3</b>	3	Iceland (1) Netherlands (*2)	Iceland (1)	Iceland (2) New Zealand (1)	Iceland (3) New Zealand (2)	Norway (1) New Zealand (3)
<b>Group 4</b>	3	Italy (!) Japan USA	Italy (2) Japan USA	UK (1) Japan USA	UK (2) Japan USA	UK (3) Japan USA
<b>Open seats</b>	2		Switzerland, St Kitts & Nevis	Switzerland, St Kitts & Nevis	vacant	vacant
<b>Chair</b>		Andrea Nouak (Austria)	Andrea Nouak (Austria)	To be elected	To be elected	To be elected
<b>Vice-Chair</b>			Martin Krebs (Switzerland)	To be elected	To be elected	To be elected

Group 3 nations entitled to participate by rotation: Iceland, Ireland (#1), Israel (#1), Korea (Rep of) (#2), Luxembourg (#1), Netherlands (#1), Netherlands (#1).

But note: (#1) said no due to excess work for single representative, (#2) Recent BSC member as G2 nation

Membership of Budgetary Sub-committee based on Contracting Governments as at June 2010

	Term of membership (years)	Current membership* 2009-2010	Participants at IWC/62
Group 1	3	Gambia the (2)!! Grenada (2)!!	No No
Group 2	3	Panama (*1) Peru (*1)	No No
Group 3	3	Cyprus (*1) Greece (*1)	No No
Group 4	3	Italy (2)!! Japan USA	Yes Yes Yes
Open seats	2	Vacant (\$\$)	No
Chair		Andrea Nouak (Austria)	Yes
Vice-Chair		Thomas Schmidt (Germany) - In place of W. Duebner	Yes

(\$\$) BSC Chair called for expressions of interest to fill Open Seat.  
(\*1) Invitations to participate sent in June 2009 plus reminders in May 2010 - no responses.  
(\*2) Invitations to participate sent in June 2010 - no responses.

Membership of Budgetary Sub-committee based on Contracting Governments as at June 2009

	Term of membership (years)	Current membership* 2008-2009	Participants at IWC/61
Group 1	3	Gambia the (1)!! Grenada (1)!!	No No
Group 2	3	Morocco (2)# Oman (#)	No No
Group 3	3	Belgium(3) Denmark (3)#	Yes No
Group 4	3	Italy (1)!! Japan USA	Yes Yes Yes
Open seats	2	Vacant (\$\$)	No
Chair		Andrea Nouak (Austria)	Yes
Vice-Chair		Thomas Schmidt (Germany) - In place of W. Duebner	Yes

(#) Declined to participate when asked during IWC/60.  
(!) Willing to participate when asked during IWC/60.  
\*Number in brackets indicates how many years a country has already been a member.

## Annex K

### Report of the Small Working Group on Meeting Frequency

Saturday 9 July 2011, St Helier, Jersey

At the Finance and Administration Committee held on 7 July 2011 there was widespread support for moving to biennial Commission meetings (i.e. meetings held every two years). The Chair of the F&A Committee requested the formation of a small group comprising Brazil, Denmark, Germany, Japan and USA so as to prepare a series of actions to enable the Commission to meet every two years from 2012 onwards. This group met on 9 July 2011 and made the following suggestions and recommendations.

- (1) The group recognised and **endorsed** the universal support for continuing with Annual Meetings of the Scientific Committee.
- (2) In discussing which other subsidiary bodies should continue to meet annually the group **recommended** that WKM&AWI, INF, ASW, F&A, BSC and CC should be considered as equals, and should be afforded equal priorities. Recognising that only some countries favoured the CC continuing to meet on an annual basis, the group suggested the following options for preserving the equality between subsidiary bodies:
  - (a) either all of the current subsidiary bodies (INF, ASW, WKM&AWI, CC, BSC, F&A) should continue to meet annually; or
  - (b) none of these subsidiary bodies should meet annually.

Recognising that these options may not be preferable, the group also made two further proposals.

- (a) The time allotted to the CC could be doubled by planning to meet for twice the current length of time every second year. This would have the effect of allowing the Committee to take on more business, but still preserve the equality between subsidiary bodies.
  - (b) Alternatively the group suggested that the CC (and any other group as desired) could meet on an annual basis so long as the costs of the extra annual CC meeting were entirely borne by a host government.
- (3) The group **recommended** that a Standing Committee be established to guide the implementation and delivery of the Commission's work during the two year intersessional period. They proposed that a drafting group be set up at IWC/63 to present proposals on its terms of reference, membership, etc. to IWC/64 on how to constitute the Standing Committee. As an initial proposal the members present offered to form the basis of the drafting group and invited further Contracting Governments to join if they wish. The group agreed that the Standing Committee, if established, would take the place of the current Advisory Committee.

The group agreed to work by e-mail and would base their suggestions for an IWC Standing Committee on the operations and memberships of other Standing Committees which support comparable organisations

(e.g. ICES). They considered that the membership of the Standing Committee should include representative(s) from each of the major groups present at IWC (e.g. Buenos Aires Group, European Union, developing countries, indigenous whaling nations, whaling nations etc). The group expected that the membership of the Standing Committee would number around ten countries.

- (4) The group **recommended** that the Commission should ask the Secretary to review and suggest all the changes to the Commission's Rules and Procedures that would be required for the Commission to change to a two yearly meeting cycle. This should be presented to IWC/64 as a clear statement of how the rules would be changed, and should include as a minimum changes to the Chair's, Vice-Chair's and Secretary's length of service. This would include options based around either two or four years, with the group favouring a four year term so as to allow incumbents to preside over two Annual Meetings.
- (5) The group recognised that Aboriginal Subsistence Whaling quotas would have to be set for an even number of years rather than the current five. Accordingly the group **recommended** that the Commission approach the Scientific Committee for advice on the safety of setting strike limits for a range of even numbers of years (i.e. for four, six, eight or ten year blocks). This request should be passed to the Chair of the Scientific Committee at IWC/63 so as to allow the Scientific Committee to report on the safety of strike limits set for these terms at IWC/64 in 2012.
- (6) The group **recommended** that the BSC should set budgets for two years, and also **recommended** that invoices should continue to be prepared annually.
- (7) The group **recommended** that the Scientific Committee be asked to prepare a research programme and budget for two years in advance, which may be modified on an annual basis in accordance with the latest research needs/priorities identified by the Committee. It further **recommended** that one of the duties of the Standing Committee in the years in which the Commission meeting is not held should be to endorse the Committee's research programme and budget, and have the power to modify the Commission's research budget by up to, for example, 5% of the total cost. This may result in a small rise or fall in Contracting Governments financial contributions. In relation to these points, the group noted that another issue to be considered would be how the report of the Standing Committee, including its recommendations, should be handled (probably) by the Standing Committee in such years.
- (8) In regard to the financial saving which would be realised by reducing the meeting frequency the group **recommended** that these should be divided equally between the host government and the Commission. This would be achieved by estimating the cost of holding a two week Commission meeting (using figures supplied in IWC/63/F&A6) and dividing this saving into two.

This action would mean that in years where no country offered to host either the Scientific Committee or the Commission meetings that the length of the meetings would have to be reduced so as to fit the reduced Commission budget.

- (9) The group also **recommended** that the working group should explore and make recommendations on any further currently unforeseen issues which may arise in moving to biennial meetings.

*Abbreviations:*

WKM&AWI:	Whale Killing Methods and Associated Welfare Issues Working Group
INF:	Infractions Sub-Committee
ASW:	Aboriginal Subsistence Whaling Sub-Committee
F&A:	Finance and Administration Committee
BSC:	Budgetary Sub-Committee
CC:	Conservation Committee

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## Annex L

### Approved Budget for 2011/2012 and Forecast Budget for 2012/2013

#### Income and Expenditure Account

	Proposed Budget 2011-2012		Forecast Budget 2012-2013	
	£	£	£	£
<b>INCOME</b>				
Contributions from member governments		1,679,000		1,744,900
Interest on overdue financial contributions		0		0
Voluntary contributions for research, small cetaceans work and publications		2,000		2,000
Sales of publications		15,000		15,000
Sales of sponsored publications		500		500
Observers' registration fees		51,500		56,900
UK taxes recoverable		26,300		27,600
Staff assessments		166,750		166,750
Interest receivable		3,000		3,000
Sundry income		0		0
<b>Total income</b>		<u>1,944,050</u>		<u>2,016,650</u>
<b>EXPENDITURE</b>				
Secretariat	1,105,500		1,119,400	
Publications	31,750		33,350	
Annual meetings	383,000		372,900	
Other meetings	42,150		44,400	
Research expenditure	324,950		317,300	
Small cetaceans	1,050		1,050	
		<u>1,888,400</u>		<u>1,888,400</u>
<b>Provision made for:</b>				
Cancelled Financial Contributions (1*)	22,950		54,550	
Severance Pay Provision	-27,000		43,250	
Provision for doubtful debts (2*)	59,700		31,400	
		<u>55,650</u>		<u>129,200</u>
Surplus / (-) deficit for the year before transfers		0		-950
<b>NET TRANSFERS FROM (TO) FUNDS</b>				
Publications fund		-550		-550
Research Fund		-1,650		-1,650
Small cetaceans fund		-50		-50
Surplus (-) Deficit for the year after transfers		<u>-2,250</u>		<u>-3,200</u>

## Annex M

### Approved Research Budget for 2011/2012

Title	Approved budget (£)
(1) AWMP Workshop	12,000
(2) Developer funds for AWMP	6,000
(3) Ship strike data co-ordination	0
(4) Continuation of funding for Southern ocean right whale catalogue	3,000
(5) Southern Right Whale Assessment Workshop	24,000
(6) Pacific wide study on population structure and movements patterns	6,200
(7) Production of the state of the cetacean environment report (SOCER)	0
(8) POLLUTION2000- Phase II - Risk Assessment Modelling	45,000
(9) Website and Listserve and Communication Tool for the Coordination of the Cetacean Emerging and Resurging Diseases	3,500
(10) Pre-meeting: Marine Renewable Energy Developments and Cetaceans	3,000
(11) Intersessional process for resolving differences in minke whale abundance (including a workshop proposal)	9,000
(12) Preparatory work for considering survey coverage issues relative to changes in minke whale abundance estimates between CPII and CPIII	4,000
(13) Proposal to explore aspects of statistical catch-at-age estimators for Antarctic minke whales	4,000
(14) 2011 IWC NP sighting cruise and medium to long-term planning	57,000
(15) Workshop for <i>Implementation Review</i> for western North Pacific common minke whales	15,000
(16) Possible evolutionary pathway for the generation of stock structure as proposed in defined hypotheses	0
(17) Funds to enable essential computing work to continue in RMP and NPM	26,000
(18) Intersessional Workshop proposal: Finalisation of 'Guidelines for the analysis of population genetic data' and 'Guidelines for genetic data quality control'	5,000
(19) Modelling of Southern Hemisphere Humpback whale populations: Ei, Eii, Eiii and F	4,000
(20) Modelling of Southern Hemisphere Humpback whale populations	2,000
(21) Antarctic Humpback Whale Catalogue	11,000
(22) Expansion of sampling effort for humpback whales in Namibia	0
(23) Southern Hemisphere Blue Whale Catalogue 2011/2012	10,000
(24) Review Panel: modified JARPN II proposal	15,000
(25) Participation in the second international conference on marine mammal protected areas	0
(26) <u>IP's</u> - All	64,000
<b>Total</b>	<b>328,700</b>

## Annex N

### Amendments to the Schedule Adopted at the 63<sup>rd</sup> Annual Meeting

At the 63<sup>rd</sup> Annual Meeting of the International Whaling Commission held in St Helier, Jersey from 11-14 July 2011, 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 2010/2011 pelagic season and 2011 coastal season for ***2011/12*** pelagic season and ***2012*** coastal season as appropriate.

On 16 June 2011 the Czech Republic withdrew its objection to the Schedule amendments agreed at the Commission's 60<sup>th</sup>, 61<sup>st</sup> and 62<sup>nd</sup> Annual Meetings (see Circular Communication IWC.CCG.951). Accordingly the editorial footnote to Table 1 which recorded this objection has been removed.

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**Financial Statements**  
**for the**  
**Year ended 31 August 2011**



# Financial Statement for the year ended 31 August 2011

## 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 Auditors' Report to the Commission

We have audited the financial statements of the International Whaling Commission for the year ended 31 August 2011 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 14. 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  
27 January 2012

### Accounting Policies - Year Ended 31 August 2011

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 £144,609 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.

### 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 2011.

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 2011)**

	[Note]	2011 £	£	2010 £	£
<b>INCOME: continuing operations</b>					
Contributions from member governments		1,608,610		1,525,869	
Interest on overdue financial contributions		8,082		35,542	
Voluntary contributions for all Funds		330,620		521,019	
Sales of publications		10,772		6,953	
Sales of sponsored publications		307		250	
Observers' registration fees		40,739		49,260	
UK taxes recoverable		24,361		23,234	
Staff assessments		173,854		187,502	
Interest receivable		4,760		3,048	
Sundry income		385		-	
		<u>2,202,490</u>		<u>2,352,677</u>	
<b>Expenditure</b>					
Secretariat		1,074,350		1,194,309	
Publications		18,661		15,466	
Annual meetings		531,129		365,700	
Other meetings		35,934		156,678	
Research expenditure	[2]	250,581		280,181	
Small cetaceans	[3]	34,267		10,254	
Southern Ocean Research Partnership (voluntary fund)	[5]	23,562		15,186	
Conservation Management Plan fund		-		-	
Operations (voluntary fund)	[7]	-		85,395	
IWC - other work fund	[8]	37,109		54,073	
Gray whale tagging (voluntary fund)	[9]	282,704		-	
		<u>2,288,297</u>		<u>2,177,242</u>	
<b>Provisions made for:</b>					
Unpaid contributions		80,045		15,400	
Unpaid interest on overdue contributions		3,427		61,178	
Severance pay	[11]	(32,000)		(65,300)	
Other doubtful debts		(1,578)		314	
		<u>2,338,191</u>		<u>2,188,834</u>	
<b>(Deficit)/surplus for the year before transfers</b>		<u>(135,701)</u>		<u>163,843</u>	
<b>Net transfers to/(from) Income and Expenditure Account</b>					
Publications fund	[1]	(322)		(265)	
Research fund	[2]	(72,629)		(34,986)	
Small cetaceans fund	[3]	19,885		(7,414)	
Annual Meeting fund	[4]	(4,094)		-	
Southern Ocean Research Partnership fund	[5]	23,412		15,187	
Conservation Management Plan fund	[6]	(153)		-	
Operations fund	[7]	-		(670)	
IWC - other work fund	[8]	3,518		(54,990)	
Gray whale tagging fund	[9]	167,903		(301,936)	
		<u>137,520</u>		<u>(385,074)</u>	
<b>Surplus/(deficit) for the year after transfers</b>		<u>1,819</u>		<u>(221,231)</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 the year the comparative figures have been restated. Previously, voluntary contributions to and related expenditure from the general fund were not shown in the income and expenditure account. These were shown only as bank deposits and creditors. At the 63<sup>rd</sup> Annual Meeting the Commission requested that annual reports on income and expenditure related to voluntary contributions be provided. This has resulted in the creation of the 'Annual Meeting fund', the 'Southern Ocean Research Partnership fund', the 'Conservation Management Plan fund', the 'Operations fund'<sup>(#1)</sup>, the 'Other work fund'<sup>(#2)</sup>, and the 'Gray whale tagging fund'. Funds brought forward at 1 September 2009 have increased by £922,500 and creditors brought forward at 1 September 2009 have decreased by £922,500.

<sup>(#1)</sup>Operations fund created to show the receipt of voluntary contributions to improve or facilitate change in the workings of the Commission.

<sup>(#2)</sup>IWC - other work fund created to show the receipt of smaller voluntary contributions towards the cost of research programs or work to be specified at a later date.



## Analysis of Expenditure (Year Ended 31 August 2011)

	2011 £	2010 £
<b>SECRETARIAT</b>		
Salaries, national insurance and allowances	721,165	778,060
Retirement and other benefit schemes	153,686	159,860
Travelling expenses	7,130	6,131
Office rent, heating and maintenance	97,501	95,925
Insurance	5,316	5,342
Postage and telecommunications	17,680	18,071
Office equipment and consumables	51,778	49,835
Professional fees	13,041	33,694
Training and recruitment	1,570	38,338
Photocopying	2,702	3,691
Sundry	2,781	5,362
	<u>1,074,350</u>	<u>1,194,309</u>
<b>PUBLICATIONS</b>		
Annual Report	5,700	4,391
Journal Cetacean Research and Management	12,961	11,075
	<u>18,661</u>	<u>15,466</u>
<b>RESEARCH</b>		
Invited Participants	48,096	63,559
Contract 14 analysis support (DESS)	9,720	-
IDCR/SOWER biopsy and photo-id database	-	195
IA abundance estimation Antarctic minke whales using SOWER data	10,875	-
WNP minke whales: Workshop	25,188	4,861
Simulations of dispersal WNP minke whales	-	9,335
IA - integrated model analysis	2,000	-
Antarctic minke whales: ageing calibration experiment	-	8,188
IA - investigate sea ice and Antarctic minke whale abundance	5,000	-
IA - statistical catch-at-age estimates for Antarctic minke whales	2,500	-
SH humpback whales - Antarctic humpback whale catalogue	10,013	15,006
SH humpback whales - abundance in Oceania	2,902	5,298
SOWER blue whale photo-id archive/analysis	-	3,500
SH - blue whale photo-id catalogue	18,800	1,988
SH humpback whales - assessment of breeding stocks C and D	-	22,019
Pollution 2000: Phase II	-	9,860
Pollution 2000: Phase II Workshop	-	945
IWC global ship strike database	9,664	2,000
SOCER State of the Cetacean Environment Report	3,000	3,034
BC - develop online database for Progress Reports	1,143	-
E - risk assess impact of pollutants on cetacean populations	38,350	-
AWMP fund for developers	4,244	5,712
Workshop on Greenland hunts	9,555	10,974
JARPNII review Workshop	-	2,997
SH humpback whales - assessment model development	2,851	3,017
SH humpback whales - mixing analyses	7,000	3,046
IA development support	3,000	-
SOWER abundance Workshop	-	1,466
2009/10 SOWER cruise and 2011 NP planning	2,055	74,636
Past cruise analysis and future cruise expenses	17,993	5,909
SH blue whales CA	-	26
MMPA conference	-	11,903
RMP - analysis of calving rates for use in MSYR review	7,000	-
RMP computing support	4,637	10,169
BRG - Southern Ocean right whale photo-id catalogue	3,800	-
Other (including exchange differences)	1,195	538
	<u>250,581</u>	<u>280,181</u>
<b>SMALL CETACEANS</b>		
SMA Invited Participants	6,669	10,573
Franciscana abundance estimate	17,129	-
Climate Change Workshop, Vienna 2010	10,419	-
Other (including exchange differences)	50	(319)
	<u>34,267</u>	<u>10,254</u>
<b>SOUTHERN OCEAN RESEARCH PARTNERSHIP</b>		
Interactions between baleen whales and krill in the Antarctic (Nicols)	11,269	-
Killer whale distribution, abundance and migration in the Antarctic area (Pitman)	5,344	-
Killer whale distribution, abundance and migration in the Antarctic area (Guinet)	2,715	-
Killer whale distribution, abundance and migration in the Antarctic area (Dalla Rosa)	2,734	-
SORP Invited Participants	1,500	-
SORP Planning Meeting, Seattle, USA	-	15,186
	<u>23,562</u>	<u>15,186</u>
<b>OPERATIONS (VOLUNTARY FUND)</b>		
AGM operations – support for developing countries (DC)	-	13,308
Future of the IWC – Intersessional meetings – support for DC attendance	-	5,627
Future of the IWC – Small Working Group – support for DC attendance	-	66,460
	<u>-</u>	<u>85,395</u>
<b>IWC - OTHER WORK FUND</b>		
Whalewatching Workshop - Argentina	17,621	-
Ship strikes - IWC-ACCOBANS - Joint Workshop and database	18,158	7,324
Entanglement Workshop, Hawaii	1,330	34,352
Right whale die-off Workshop	-	12,397
	<u>37,109</u>	<u>54,073</u>
<b>GRAY WHALE TAGGING</b>		
GWT expenditure (VC funded)	282,704	-
	<u>282,704</u>	<u>-</u>

**Balance Sheet as at 31 August 2011**

	[Note]	2011	2010
		£	£
<b>Cash on short term deposit</b>			
General fund		1,630,279	1,790,482
Southern Ocean Research Partnership (Voluntary fund)		232,342	244,505
Conservation Management Plan (Voluntary fund)		244,636	244,505
IWC - other work fund		18,806	-
Research fund		214,338	243,722
Publications fund		29,497	29,482
Small cetaceans fund		263,125	273,082
		2,633,023	2,825,778
<b>Cash at bank on current account</b>			
Annual Meeting fund		2,049	-
IWC - other work fund		1,000	-
Research fund		1,000	1,000
Publications fund		1,000	1,000
Small cetaceans fund		1,500	1,000
Cash in hand		133	119
		6,682	3,119
		2,639,705	2,828,897
<b>Outstanding contributions from members including interest</b>			
		489,101	379,264
Less provision for doubtful debts		(462,736)	(379,264)
		26,365	-
<b>Other debtors and prepayments</b>			
		86,676	106,841
Less provision for other doubtful debts		(5,879)	(7,458)
		80,797	99,383
		2,746,867	2,928,280
<b>CREDITORS:</b>			
Amounts falling due within one year	[12]	(137,818)	(151,530)
<b>NET CURRENT ASSETS</b>		2,609,049	2,776,750
<b>PROVISION FOR SEVERANCE PAY</b>	[11]	(353,100)	(385,100)
		2,255,949	2,391,650
<b>FINANCED BY</b>			
Publications fund	[1]	39,295	38,973
Research fund	[2]	290,219	217,590
Small cetaceans fund	[3]	240,638	260,523
Annual Meeting fund	[4]	4,094	-
Southern Ocean Research Partnership fund	[5]	205,852	229,264
Conservation Management Plan fund	[6]	244,658	244,505
Operations fund	[7]	48,175	48,175
IWC - other work fund	[8]	95,102	98,620
Gray whale tagging fund	[9]	134,033	301,936
General fund	[10]	953,883	952,064
	[13]	2,255,949	2,391,650

Approved on behalf of the Commission

**Simon Brockington** (Secretary)  
27 January 2012

## Notes to the Accounts (Year Ended 31 August 2011)

	2011 £	2010 £		2011 £	2010 £
<b>1. Publications fund</b>					
Interest receivable	15	15			
Receipts from sales of sponsored publications	307	250			
Net transfers (to)/from income and expenditure account	322	265			
Opening balance as at 01 September 2010	38,973	38,708			
Closing balance as at 31 August 2011	<u>39,295</u>	<u>38,973</u>			
<b>2. Research fund</b>					
Allocation for research	315,800	308,500			
UK taxes recoverable	-	20			
Voluntary contributions received	7,257	6,421			
Interest receivable	153	226			
Expenditure	(250,581)	(280,181)			
Net transfers (to)/from income and expenditure account	72,629	34,986			
Opening balance as at 01 September 2010	217,590	182,604			
Closing balance as at 31 August 2011	<u>290,219</u>	<u>217,590</u>			
<b>3. Small cetaceans fund</b>					
Voluntary contributions received	14,251	17,535			
Interest receivable	131	133			
Expenditure	(34,267)	(10,254)			
Net transfers (to)/from income and expenditure account	(19,885)	7,414			
Opening balance as at 01 September 2010	260,523	253,109			
Closing balance as at 31 August 2011	<u>240,638</u>	<u>260,523</u>			
<b>4. Annual Meeting fund</b>					
Allocation for meetings	374,500	365,700			
Voluntary contributions received	160,723	-			
Interest receivable	-	-			
Expenditure	(531,129)	(365,700)			
Net transfers (to)/from income and expenditure account	4,094	-			
Opening balance as at 01 September 2010	-	-			
Closing balance as at 31 August 2011	<u>4,094</u>	<u>-</u>			
<b>5. Southern Ocean Research Partnership fund</b>					
Interest receivable	150	-			
Expenditure	(23,562)	(15,187)			
Net transfers (to)/from income and expenditure account	(23,412)	(15,187)			
Opening balance as at 01 September 2010	229,264	244,451			
Closing balance as at 31 August 2011	<u>205,852</u>	<u>229,264</u>			
<b>6. Conservation Management Plan fund</b>					
Voluntary contributions received	-	-			
Interest receivable	153	-			
Expenditure	-	-			
Net transfers (to)/from income and expenditure account	153	-			
Opening balance as at 01 September 2010	244,505	244,505			
Closing balance as at 31 August 2011	<u>244,658</u>	<u>244,505</u>			
<b>7. Operations fund</b>					
Voluntary contributions received	-	86,065			
Interest receivable	-	-			
Expenditure	-	(85,395)			
Net transfers (to)/from income and expenditure account	-	670			
Opening balance as at 01 September 2010	48,175	47,505			
Closing balance as at 31 August 2011	<u>48,175</u>	<u>48,175</u>			
<b>8. IWC - other work fund</b>					
Voluntary contributions received	33,589	109,063			
Interest receivable	2	-			
Expenditure	(37,109)	(54,073)			
Net transfers (to)/from income and expenditure account	(3,518)	54,990			
Opening balance as at 01 September 2010	98,620	43,630			
Closing balance as at 31 August 2011	<u>95,102</u>	<u>98,620</u>			
<b>9. Gray whale tagging fund</b>					
Voluntary contributions received	114,801	301,936			
Interest receivable	-	-			
Expenditure	(282,704)	-			
Net transfers (to)/from income and expenditure account	(167,903)	301,936			
Opening balance as at 01 September 2010	301,936	-			
Closing balance as at 31 August 2011	<u>134,033</u>	<u>301,936</u>			
<b>10. General fund</b>					
Opening balance as at 01 September 2010	952,064	1,173,295			
Net transfers (to)/from income and expenditure account	1,819	(221,231)			
Closing balance as at 31 August 2011	<u>953,883</u>	<u>952,064</u>			
<b>11. Provision for severance pay</b>					
Opening balance as at 01 September 2010	(385,100)	(450,400)			
Net transfers (to)/from income and expenditure account	32,000	65,300			
Closing balance as at 31 August 2011	<u>(353,100)</u>	<u>(385,100)</u>			
<b>12. Creditors: amounts falling due within one year</b>					
Deferred contributions income	92,867	112,550			
Other creditors and accruals	44,951	38,980			
Closing balance as at 31 August 2011	<u>137,818</u>	<u>151,530</u>			
<b>13. Reconciliation of movement in funds</b>					
Excess (surplus) of expenditure over income	(135,701)	163,843			
Opening funds	2,391,650	1,647,716			
Prior Year Adjustments (VC Creditors reclassified as IWC Voluntary funds)	-	580,091			
Closing funds	<u>2,255,949</u>	<u>2,391,650</u>			

**14. Financial commitments**

The Commission had annual commitments at 31 August 2011 under non-cancellable operating leases as set out below and which expire:

	2011		2010	
	Land and buildings £	Office equipment £	Land and buildings £	Office equipment £
Within 2 to 5 years	<u>60,000</u>	<u>23,015</u>	<u>60,000</u>	<u>26,400</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 2011

Line No.	Country	Financial Contribution
1	Antigua and Barbuda	7,736
2	Argentina	11,604
3	Australia	34,333
4	Austria	22,873
5	Belgium	22,873
6	Belize	4,298
7	Benin	6,446
8	Brazil	11,604
9	Bulgaria	7,736
10	Cambodia	6,446
11	Cameroon	11,604
12	Chile	11,604
13	China, P.R of	7,736
14	Congo, Rep	6,446
15	Costa Rica	11,604
16	Cote d'Ivoire	11,604
17	Croatia	17,143
18	Cyprus	22,873
19	Czech Republic	22,873
20	Denmark	47,324
21	Dominica	4,298
22	Dominican Republic	7,736
23	Ecuador	11,604
24	Eritrea	4,298
25	Estonia	22,873
26	Finland	22,873
27	France	54,531
28	Gabon	6,446
29	Gambia, The	6,446
30	Germany	60,261
31	Ghana	11,604
32	Greece	22,873
33	Grenada	6,446
34	Guatemala	7,736
35	Guinea	6,446
36	Guinea-Bissau	6,446
37	Hungary	11,604
38	Iceland	53,054
39	India	11,604
40	Ireland	22,873
41	Israel	22,873
42	Italy	54,531
43	Japan	124,823
44	Kenya	7,736

Line No.	Country	Financial Contribution
45	Kiribati	6,446
46	Korea, Rep of	34,333
47	Lao PDR	6,446
48	Lithuania	7,736
49	Luxembourg	22,873
50	Mali	6,446
51	Marshall Islands	6,446
52	Mauritania	6,446
53	Mexico	11,604
54	Monaco	11,604
55	Mongolia	6,446
56	Morocco	11,604
57	Nauru	6,446
58	Netherlands	28,603
59	New Zealand	28,603
60	Nicaragua	4,298
61	Norway	58,784
62	Oman	11,604
63	Palau	6,446
64	Panama	11,604
65	Peru	11,604
66	Poland	7,736
67	Portugal	22,873
68	Romania	7,736
69	Russian Federation	26,600
70	San Marino	7,736
71	Senegal	6,446
72	Slovak Republic	17,143
73	Slovenia	22,873
74	Solomon Islands	4,298
75	South Africa	11,604
76	Spain	54,531
77	St Kitts and Nevis	6,446
78	St Vincent and The Grenadines	6,446
79	St. Lucia	6,446
80	Suriname	6,446
81	Sweden	22,873
82	Switzerland	22,873
83	Tanzania	11,604
84	Togo	6,446
85	Tuvalu	6,446
86	United Kingdom	65,991
87	Uruguay	11,604
88	USA	84,712

Total originally requested from Contracting Governments

Total

**1,633,106**

Less Financial Contributions for 2010/11 cancelled as per Financial Regulation F5(a)

Gambia, The	(6,446)
Guatemala	(7,736)
Kenya	(7,736)
Senegal	(6,446)

Add Financial Contribution from a new Contracting Government joining in 2010/11

Colombia 3,868

Total net Financial Contributions receivable for the Financial Year 2010/11

**1,608,610**

## Appendix 2

## Analysis of Voluntary Contributions received in 2010/11

Donor	Amount (£)	Purpose
Exxon Nefgas	114,802	North Pacific Gray Whale Tagging Programme
Government of Norway	160,723	Grant towards the cost of holding SC/63 in Tromsø in June 2011
Government of USA	33,588	Applied to the IWC - other work fund
World Wildlife Fund	7,257	Workshop to assess anthropogenic impacts on cetaceans in the Arctic
Government of Italy	4,986	Contribution towards the cost of Invited Participants from developing countries attending the annual meeting of the IWC Scientific Committee.
IFAW	1,000	Contributions towards the IWC's work on Small Cetaceans
Campaign Whale	500	
WSPA	4,000	
Humane Society	1,000	
Pro Wild Life	513	
OceanCare	998	
American Cetacean Society	168	
Animal Welfare Institute	622	
The Whaleman Foundation	463	
	<b>330,620</b>	



**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. 139 of this volume.**





# International Convention

for the

## Regulation of Whaling

Washington, 2<sup>nd</sup> 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 8<sup>th</sup> June, 1937, and the protocols to that Agreement signed in London on 24<sup>th</sup> June, 1938, and 26<sup>th</sup> 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 1<sup>st</sup> 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 2<sup>nd</sup> 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 63rd Annual Meeting  
Jersey, Channel Islands, July 2011**







# 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 63<sup>rd</sup> Annual Meeting in July 2011. The amendments, which are shown in *italic bold* type, came into effect on 23 January 2012.

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 39<sup>th</sup> (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. Commn* 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 shepherdii*).

“bottlenose whale” means any whale known as Baird’s beaked whale (*Berardius bairdii*), Arnoux’s whale (*Berardius arnuxii*), 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 12<sup>th</sup> December to 7<sup>th</sup> 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:
- 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;
  - in the Atlantic Ocean and its dependent waters north of 40°S;
  - in the Pacific Ocean and its dependent waters east of 150°W between 40°S and 35°N;
  - in the Pacific Ocean and its dependent waters west of 150°W between 40°S and 20°N;
  - 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 54<sup>th</sup> 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 46<sup>th</sup> (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<sup>†</sup> (excluding Bryde's whales).

Area	SEI		MINKE		FIN		BLUE		RIGHT, BOWHEAD, HUMPBACK		PYGMY RIGHT		GRAY	
	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit
SOUTHERN HEMISPHERE-2011/2012 pelagic season and 2012 coastal season <sup>▲</sup>														
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-2012 season <sup>▲</sup>														
ARCTIC														
NORTH PACIFIC														
Whole region	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	-	-
Okhotsk Sea-West Pacific Stock	-	-	-	0	-	-	-	-	-	-	-	-	-	-
Sea of Japan-Yellow Sea-East	-	-	-	0	-	-	-	-	-	-	-	-	-	-
China Sea Stock	-	-	PS	0	-	-	-	-	-	-	-	-	-	-
Remainder	-	-	IMS	0	-	-	-	-	-	-	-	-	SMS	0
Eastern Stock	-	-	-	-	-	-	-	-	-	-	-	-	PS	0
Western Stock	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NORTH ATLANTIC														
Whole region	-	-	-	0	-	-	PS	0	-	PS	0	PS	0	-
West Greenland Stock	-	-	PS	0	-	-	-	-	-	-	-	-	-	-
Newfoundland-Labrador Stock	-	-	-	0	-	-	16 <sup>2,8</sup>	-	-	-	-	-	-	-
Canadian East Coast Stock	-	-	-	0	-	-	0	-	-	-	-	-	-	-
Nova Scotia Stock	PS	0	-	-	PS	0	-	-	-	-	-	-	-	-
Central Stock	-	-	-	-	-	-	-	-	-	-	-	-	-	-
East Greenland-Iceland Stock	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Iceland-Denmark Strait Stock	-	-	-	-	SMS	0	-	-	-	-	-	-	-	-
Spain-Portugal-British Isles	-	0	-	-	-	-	-	-	-	-	-	-	-	-
Stock	-	-	-	-	-	-	0	-	-	-	-	-	-	-
Northeastern Stock	-	-	PS*	0	-	-	-	-	-	-	-	-	-	-
West Norway-Faroe Islands Stock	-	-	-	-	PS	0	-	-	-	-	-	-	-	-
North Norway Stock	-	-	-	-	-	0	-	-	-	-	-	-	-	-
Eastern Stock	-	0	-	-	-	-	-	-	-	-	-	-	-	-
NORTHERN INDIAN OCEAN														
	-	-	IMS	0	-	-	PS	0	PS	0	PS	0	-	-

<sup>1</sup>Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 13(b)2.

<sup>2</sup>Available to be struck by aborigines pursuant to paragraph 13(b)3. Catch limit for each of the years 2010, 2011 and 2012.

<sup>3</sup>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.

<sup>4</sup>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.

<sup>5</sup>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.

<sup>▲</sup>The Government of the Czech Republic lodged an objection within the prescribed period to the amendments to the Schedule arising from the 63<sup>rd</sup> 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. For all other Contracting Governments, these provisions came into force on 23 January 2012. The Czech Republic lodged similar objections to the Schedule amendments arising from the 60<sup>th</sup>, 61<sup>st</sup> and 62<sup>nd</sup> Annual Meetings of the Commission. These objections were withdrawn by the Government of the Czech Republic on 8 June 2011.

Table 2  
Bryde's whale stock classifications and catch limits.<sup>+</sup>

	Classification	Catch limit
SOUTHERN HEMISPHERE-2011/2012 pelagic season and 2012 coastal season <sup>▲</sup>		
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-2012 season <sup>▲</sup>		
Eastern Stock	IMS	0
Western Stock	IMS	0
East China Sea Stock	PS	0
NORTH ATLANTIC-2012 season <sup>▲</sup>		
	IMS	0
NORTHERN INDIAN OCEAN-2012 season <sup>▲</sup>		
	-	0

<sup>+</sup>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.

<sup>▲</sup>See footnote to Table 1.

Table 3  
Toothed whale stock classifications and catch limits.<sup>+</sup>

SOUTHERN HEMISPHERE-2011/2012 pelagic season and 2012 coastal season <sup>▲</sup>			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-2012 season <sup>▲</sup>				
NORTH PACIFIC				
Western Division		PS		0 <sup>1</sup>
Eastern Division		-		0
NORTH ATLANTIC	-		0	
NORTHERN INDIAN OCEAN	-		0	
BOTTLENOSE				
NORTH ATLANTIC		PS		0

<sup>1</sup>No whales may be taken from this stock until catch limits including any limitations on size and sex are established by the Commission.

<sup>+</sup>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.

<sup>▲</sup>See footnote to Table 1.

**Baleen Whale Catch Limits**

11. The number of baleen whales taken in the Southern Hemisphere in the **2011/2012** pelagic season and the **2012** coastal season shall not exceed the limits shown in Tables 1 and 2.<sup>▲</sup>
12. The number of baleen whales taken in the North Pacific Ocean and dependent waters in **2012** and in the North Atlantic Ocean in **2012** shall not exceed the limits shown in Tables 1 and 2.<sup>▲</sup>
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.<sup>1</sup>
  - (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.<sup>§</sup>
    - (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

<sup>▲</sup>See footnote to Table 1.

<sup>1</sup>The 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.

<sup>§</sup> 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.

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 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) .....		
Sei.....	.....		
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 63rd Annual Meeting, July 2011  
(amendments are shown in *bold italics*)

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## 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.
2. *In addition to the Commissioner, each Contracting Government is invited to establish an additional means of communication between the Chair and Secretary of the Commission and that Government by designating an Alternate Commissioner or by creating a focal or contact point (which could be an e-mail address). The details shall be communicated to the Secretary through recognised diplomatic channels. Contact details of the Commissioner, Alternate Commissioner or the focal or contact point shall also be posted on the Commission's public web site.*

### 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 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

*A decision of the Commission taken at a meeting, whether by consensus or by vote, is not deemed adopted until the text has either been provided to all Members of the Commission, or presented to them by electronic means, and then approved by the Commission. The text will also be made simultaneously available to all other accredited participants. The text shall normally be distributed or presented in English and conveyed in the other working languages by oral interpretation. This rule applies both to decisions of the kinds specified in Rule J, and to other decisions of the Commission, except those relating only to the conduct of the current meeting. If the text of a proposed decision is amended, the revised text shall be distributed or presented in accordance with this rule. The authentic text of any such decision shall be the English version.*

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 *the day before the first day of the Annual or Special Meeting concerned.*
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.
- (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;
  - (h) ***maintain the Commission's public web site, which shall be continuously accessible to the extent possible subject to maintenance requirements and technical constraints.***

### 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;

### 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 1<sup>st</sup> September to 31<sup>st</sup> 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. (a) 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.  
(b) *Any ad hoc committee, sub-committee or working group established to provide scientific advice shall report to the Scientific Committee, which shall review the report of such committee, sub-committee or working group, and, as appropriate, make its own recommendations on the subject matter.*
5. The report of the Scientific Committee should be completed and made available to all Commissioners *and posted on the Commission's public web site* by the opening date of the Annual Commission Meeting *or within 14 days of the conclusion of the Scientific Committee meeting, whichever is the sooner.*
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 Spanish<sup>1</sup>.

**O. Records of Meetings**

1. The proceedings of the meetings of the Commission and those of its committees shall be recorded in summary form.
2. *The text of each Commission decision adopted at a meeting in accordance with Rule E, or by post, shall be placed on the Commission's public web site in all working languages within 14 days of the conclusion of the meeting or adoption of the decision by post.*

**P. Reports and communications**

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.

<sup>1</sup>As 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.



2. The Chair's Report of the most recent Annual Commission Meeting shall be *posted on the Commission's public web site in English within two months of the end of the meeting and in the other working languages as soon as possible thereafter. It shall be published in the Annual Report of the year just completed.*
3. *All individual and circular communications from the Chair or Secretary to Contracting Governments shall be sent to both the Commissioner appointed under Rule A.1. and to his/her Alternate designated or to the focal or contact point created under Rule A.2. They should also be sent to all accredited intergovernmental observers. All circular communications from the Chair or Secretary to Contracting Governments shall be posted on the Commission's public web site on despatch, unless the Chair, after consulting with the Advisory Committee, deems that a confidential communication is warranted (applicable only for staff issues, infraction cases and information provided by contracting Governments with a request that it remain confidential), in which case the communication should be sent to the Contracting Governments alone. A list of dates and subject titles of such confidential communications shall be presented to the next Annual Meeting.*

#### **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 to be restricted<sup>2</sup>. 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 Governments.<sup>3</sup>
4. All meeting documents shall be included in the Commission's archives in the form in which they were considered at the meeting. *All such documents dating from 2011 onwards, and also earlier years where feasible, shall be archived on the Commission's public web site in an accessible fashion by year and category of document.*

#### **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.

<sup>2</sup>This 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.

<sup>3</sup>[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 1<sup>st</sup> September to 31<sup>st</sup> 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 1.  
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. ***The most recent audited financial statements and the audit report shall be submitted to the Annual Meeting and posted on the Commission's public web site by the opening of the Annual Meeting.***

### 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". ***Payment shall be by bank transfer from an account belonging to the Contracting Government or to a state institution of that Government.***
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 ***in which it participates***, 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.
5. ***For the purpose of the application of Rule of Procedure E.2, payments of membership dues shall only count as having been received by the Commission when the funds have been credited to the Commission's account unless the payment has been made and the Commission is satisfied that the delay in receipt is due to circumstances beyond the control of the Contracting Government.***

## F. Arrears of Contributions

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 due<sup>4</sup>, 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.
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.
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.

<sup>4</sup>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 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 46<sup>th</sup> 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 scientists 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 Chair<sup>5</sup>, 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 candidates<sup>6</sup>. The Vice-Chair will 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

<sup>5</sup>[Invited participants who choose to stay at a cheaper hotel will receive the actual rate for their hotel plus the same daily allowance.]

<sup>6</sup>The Commission's Rule of Procedure on voting rights (rule E.2) also applies to the Scientific Committee.



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.
  - (b) 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 Convention<sup>7</sup>.

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.

<sup>7</sup>[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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