

Annual Report of the International Whaling Commission 2002



Covering the
2001-2002
financial year
and the 54th
Annual Meeting
held in
Shimonoseki
in 2002



Annual Report of the International Whaling Commission 2002

Covering the fifty-fourth financial year 2001-2002

**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 & Barbuda	21.07.82	Mr D.C. Joseph	03.06.96
Argentina	18.05.60	Ambassador E.H. Iglesias	08.02.02
Australia	10.11.48	Mr C. O'Connell	29.08.01
Austria	20.05.94	Dr A. Nouak	09.08.96
Benin	26.04.02	Mr Bantole Yaba	06.05.02
Brazil	04.01.74	Mr H. R. Vianna	02.02.00
Chile	06.07.79	Ambassador M. Fernández	26.09.02
People's Republic of China	24.09.80	Mr Li Jianhua	06.06.00
Costa Rica	24.07.81	Not notified	
Denmark	23.05.50	Mr H. Fischer (Vice-Chairman)	24.04.86
Dominica	18.06.92	Mr L. Pascal	10.07.01
Finland	23.02.83	Mr E. Jaakkola	15.04.99
France	03.12.48	Mr F. Pujolas	13.08.99
Gabon	08.05.02	Mr L.G. Pambo	13.05.02
Germany	02.07.82	Mr P. Bradhering	22.06.01
Grenada	07.04.93	The Hon C. Charles	29.12.99
Guinea	21.06.00	Mr M. Moustapha Ly	23.03.01
Iceland	10.10.02	Mr S. Asmundsson	14.10.02
India	09.03.81	Mr S.C. Sharma	22.04.98
Ireland	02.01.85	Mr M. Canny	20.12.90
Italy	06.02.98	Mr G. Ambrosio	01.01.02
Japan	21.04.51	Mr M. Morimoto	12.11.99
Kenya	02.12.81	Mr S. Weru	08.05.02
Republic of Korea	29.12.78	Mr D.B. Park	20.03.01
Mexico	30.06.49	Ambassador A. Rozental	23.01.01
Monaco	15.03.82	Prof F. Doumenge	15.11.93
Mongolia	16.05.02	Not notified	
Morocco	12.02.01	Mr D. Meski	23.03.01
Netherlands	14.06.77	Mr G.B. Raaphorst	11.07.02
New Zealand	15.06.76	Rt Hon Sir G. Palmer	02.12.02
Norway	23.09.60	Ambassador O.G. Skagestad	05.11.99
Oman	15.07.80	Mr H.S. Ambusaidi	24.05.96
Republic of Palau	08.05.02	Hon K. Nakamura	17.05.02
Panama	12.06.01	Not notified	
Peru	18.06.79	Mr A. Hart	05.04.02
Portugal	14.05.02	Not notified	
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	Mr C. Liburd	12.04.01
St Lucia	29.06.81	The Hon. C. George	01.01.02
St Vincent & The Grenadines	22.07.81	Senator E. Snagg	05.03.03
Senegal	15.07.82	Dr N. Gueye	05.03.02
Solomon Islands	10.05.93	Mr A. Wata	22.01.98
South Africa	10.11.48	Mr G. de Villiers	21.09.95
Spain	06.07.79	Mr C. Dominguez Diaz	01.08.02
Sweden	15.06.79	Prof B. Fernholm (Chairman)	15.02.96
Switzerland	29.05.80	Dr T. Althaus	24.02.97
UK	10.11.48	Mr R. Cowan	21.05.01
USA	10.11.48	Mr R. Schmitten	23.06.00

Preface

Welcome to the fifth 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 web site (www.iwcoffice.org), by e-mailing subscriptions@iwcoffice.org or by the more traditional means of writing, telephoning or faxing the Office of the Commission (details are given on the title page and on the back cover of this volume).

This report contains the Chair's Report of the Fifty-Fourth meeting of the IWC, held in Shimonoseki, Japan in May 2002. 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 Commissions technical and working groups as annexes.

The cover photograph shows the statue 'Kujira kansyahi', situated outside the Kaiyokan Aquarium in Shimonoseki. The statue was commissioned to commemorate the 54th IWC meeting, and is a blue whale cast in bronze at one tenth of the animal's actual size. Permission to use this image was kindly provided by Kiyoshi Ejima, the mayor of Shimonoseki.

G.P. DONOVAN

Editor

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Chair's Report

**SUMMARY OF MAIN OUTCOMES, DECISIONS AND REQUIRED ACTIONS
FROM THE 54TH ANNUAL MEETING**

The main outcomes, decisions and required actions arising from the 54th Annual Meeting of the IWC are summarised in the table below.

Issue	Outcomes, decisions and required actions
Scientific Committee Report	<ul style="list-style-type: none"> • The Commission adopted the report from the Scientific Committee, including its proposed work plan. The work plan includes activities in the following areas: <ul style="list-style-type: none"> ➤ Revised Management Procedure (RMP), particularly with respect to (1) completion of <i>Implementation Trials</i> for the western North Pacific common minke whales, and (2) the <i>Implementation Review</i> for North Atlantic common minke whales; ➤ Estimation of bycatch based on genetic data and data from fisheries and observer programmes; ➤ Aboriginal Whaling Management Procedure development, and particularly the selection of a <i>Strike Limit Algorithm</i> for Eastern North Pacific gray whales; ➤ Review of progress on the Comprehensive Assessments of Southern Hemisphere humpback and blue whales; ➤ Review of status of bowhead, right and gray whales, with emphasis on those stocks subject to aboriginal subsistence whaling; ➤ In-depth assessments, with particular emphasis on revising the abundance estimate for Southern Hemisphere minke whales; ➤ Review of the stock identity concept in a management context; ➤ Environmental concerns, particularly reviews of results from the 2002 workshop on marine mammal-fisheries interactions and issues related to high latitude climate change; ➤ Small cetaceans, with a focus on reviewing (1) the status of small cetaceans in the Black Sea and (2) the existence of directed and incidental takes of small cetacean in member countries; ➤ Whalewatching; ➤ Criteria for reviewing existing sanctuaries and new proposals for sanctuaries and preparation for the review of the Southern Ocean Sanctuary in 2004.
Comprehensive Assessment of whale stocks	<p>Antarctic minke whales</p> <ul style="list-style-type: none"> • Completion of the revised abundance estimate for this species remains a high priority given that there is no agreed current estimate. <p>North Atlantic humpback whales</p> <ul style="list-style-type: none"> • Completion of the Comprehensive Assessment by the Scientific Committee and endorsement by the Commission. The population size of the West Indies breeding stock was around 10,750 (between 9,400 to 12, 300) in 1992 and it was increasing at around 3% from 1979 to 1992.
Aboriginal subsistence whaling	<p>Aboriginal Management Procedure</p> <ul style="list-style-type: none"> • The Commission endorsed and adopted the <i>Strike Limit Algorithm (SLA)</i> for Bering-Chukchi-Beaufort-Seas bowhead whales proposed by the Scientific Committee. Priority will now turn to completion of work to develop <i>SLAs</i> for other whale stocks subject to aboriginal subsistence whaling, beginning with the Eastern North Pacific gray whales. <p>Catch limits</p> <ul style="list-style-type: none"> • The Commission agreed 5-year catch limits for (1) the Eastern stock of gray whales in the North Pacific, (2) minke whale stocks off Greenland and West Greenland stocks of fin whales, and (3) North Atlantic humpback whales off St.Vincent and The Grenadines. The catch limit for the Bering-Chukchi-Beaufort Seas stock of bowhead whales was not renewed.*

*This catch limit was subsequently renewed at the 5th Special Meeting of the Commission, Cambridge, 14 October 2002.

Issue	Outcomes, decisions and required actions
Whale killing methods and associated welfare issues	<ul style="list-style-type: none"> The Commission agreed that a 3-day workshop should be held in association with IWC/55 to <i>inter alia</i> (1) review and assess methods in use and under development; (2) review times to death and evaluation criteria for death; and (3) hunter safety and associated problems. It was agreed that a steering group comprising Norway, Denmark, Germany and New Zealand, assisted by the Secretariat would be responsible for organising the workshop.
Revised Management Scheme (RMS)	<ul style="list-style-type: none"> Two proposed Schedule amendments incorporating the RMS into the Schedule both failed to be adopted. The Commission agreed to hold an intersessional meeting of Commissioners/Alternate Commissioners in October 2002 to try to make further progress on the RMS.
Sanctuaries	<p>Indian Ocean Sanctuary review and review procedures</p> <ul style="list-style-type: none"> The Schedule required that the Indian Ocean Sanctuary be reviewed in 2002. The Scientific Committee reviewed the sanctuary using the instructions it received last year from the Commission but made no consensus recommendations. A proposed Schedule amendment to abolish the Indian Ocean Sanctuary was withdrawn in view of the lack of consensus among the Commission. The Sanctuary remains in place. Resolution 2002-1 on Guidance to the Scientific Committee on the Sanctuary Review Process was adopted. The Resolution instructs the Scientific Committee to include two further principles in addition to those included in the Commission's instructions agreed last year, i.e.: (1) that the temporary overlap of management measures (e.g. the moratorium and a sanctuary) cannot be used to invalidate any long-term scientific and conservation value of a given sanctuary; and (2) that the application of the Precautionary Approach be determined in accordance with Principle 15 of the 1992 Rio Declaration. <p>Southern Ocean Sanctuary</p> <ul style="list-style-type: none"> A proposed Schedule amendment that the proponents believed would make the sanctuary consistent with Article V.2 of the Convention was not adopted. <p>Proposals for new sanctuaries in the South Pacific and South Atlantic</p> <ul style="list-style-type: none"> As last year, two Schedule amendments were proposed to create sanctuaries in (1) the South Pacific and (2) the South Atlantic. Neither was adopted.
Socio-economic implications and small-type whaling	<ul style="list-style-type: none"> A proposed amendment to the Schedule that would allow an interim relief allocation of 50 minke whales for the Japanese coastal communities of Abashiri, Ayukawa, Wadoura and Taiji was not adopted.
Scientific permits	<ul style="list-style-type: none"> Discussions of the Scientific Committee focused on reviewing the results of the two-year JARPN II feasibility study and the proposal for a further permit involving the taking of 150 common minke whales, 50 Bryde's whales, 50 sei whales and 10 sperm whales each year for an unspecified period.[†] No consensus recommendations were made. The Committee also considered briefly Japan's continuing programme on Antarctic minke whales (JARPA). The Scientific Committee established a Standing Working Group on Scientific Permit Proposals as a means of improving permit review procedures.
Environmental issues	<p>Interactions between cetaceans and fisheries</p> <ul style="list-style-type: none"> The Commission agreed that the workshop to begin to consider the quantification of interactions between cetaceans and fisheries, initially foreseen to take place before IWC/54, should be held in La Jolla, USA in June 2002. The Scientific Committee reported on progress made in two major research programmes: POLLUTION 2000+ and SOWER 2000.
Specific conservation concerns	<p>North Atlantic right whales</p> <ul style="list-style-type: none"> The Scientific Committee reiterated its earlier recommendation that it is a matter of absolute urgency that every effort be made to reduce anthropogenic mortality in the population to zero. Right whales continue to die or become seriously injured by entanglements in fishing gear or ship strikes.

[†] All proposed scientific permits have to be submitted for review by the Scientific Committee following guidelines issued by the Commission. However, in accordance with the Convention, the ultimate responsibility for issuing permits lies with the member country.

Issue	Outcomes, decisions and required actions
<p>Specific conservation concerns (cont.)</p>	<p>Western North Pacific gray whale</p> <ul style="list-style-type: none"> • The Scientific Committee reiterated its earlier recommendation that it is a matter of absolute urgency that every effort be made to reduce anthropogenic mortality (including direct catches) and disturbance to zero to save the Western North Pacific gray whales from extinction. • The Commission endorsed a workshop proposed by the Scientific Committee that would: (1) assess the current status of the population; (2) develop the foundation for range-wide research; and (3) update the 10-year research and monitoring programme presented to the Committee in 1999. The Republic of Korea offered to host the workshop in October 2002. <p>Incidental capture of cetaceans</p> <ul style="list-style-type: none"> • The Scientific Committee provided a report on methods to mitigate the incidental capture of large cetaceans in fishing gear and ways to disentangle them with minimal risk to rescuers. <p>Small cetaceans</p> <ul style="list-style-type: none"> • The Scientific Committee examined the status of humpback dolphins (genus <i>Sousa</i>) throughout its range. In view of confusion over the taxonomy of the genus and the paucity of information on abundance and trends, the Committee concluded that there is insufficient information to assess the status of populations of this genus but recognised that the genus is adversely impacted by anthropogenic changes to its habitat. A number of research recommendations were made. • The Scientific Committee reiterated requests for updated information on the status of the endangered baiji and the vaquita and management efforts intended to conserve them. • The Scientific Committee reviewed a draft recovery plan for Baltic harbour porpoises submitted by ASCOBANS. It endorsed the plan and proposed some modifications
<p>Secret ballots</p>	<ul style="list-style-type: none"> • A proposed amendment to the Commission's Rules of Procedure that would increase the opportunities for using secret ballots was not adopted.
<p>Administration</p>	<p>Annual Meeting arrangements</p> <ul style="list-style-type: none"> • The Commission agreed: <ul style="list-style-type: none"> ➤ that the Verbatim Record should continue to be produced as an indexed CD and be provided to Contracting Governments on request; ➤ further guidance on the content and format of Opening Statements (i.e. that they could no longer be submitted in the form of glossy-type brochures or booklets and that they should be no more than three pages, contain no graphics or photographs and be suitable for photocopying in black and white); ➤ that Contracting Governments be encouraged to submit meeting documents no less than 6 weeks prior to Annual Meetings, and agreed guidelines for the submission of extensive documents (when these are necessary); ➤ an amendment to Rule of Procedure D.1 to provide clearer guidance on credentials; ➤ that before the end of each Annual Meeting, it would decide upon the length of the meeting the following year. <p>Membership of the Budgetary Sub-committee</p> <ul style="list-style-type: none"> • The Commission adopted a Membership Rota. For 2002-2003 the members are Antigua and Barbuda, Dominica, Oman, Argentina, Norway, Austria, Japan, USA and France. <p>Scientific Committee Rules of Procedure</p> <ul style="list-style-type: none"> • The Commission adopted new Rule of Procedure A.6.(i) concerning participation of developing country scientists in meetings of the Scientific Committee. It agreed that a proposed revision to Rule of Procedure A.1 requiring Contracting Governments to identify the head of delegation and any alternates when making nominations to the Scientific Committee should be put forward for endorsement and formal approval at IWC/55.

Issue	Outcomes, decisions and required actions
Financial Contributions	<p data-bbox="414 185 671 215">Contributions scheme</p> <ul data-bbox="414 232 1468 454" style="list-style-type: none"> <li data-bbox="414 232 1468 383">• During the year, the Contributions Task Force worked intersessionally to develop a more equitable scheme for financial contributions. At the Meeting, the Task Force reported that it had made good progress but had not yet been able to produce a fully-developed scheme. The Commission directed the Task Force to try to complete its work by the next Annual Meeting in 2003. <li data-bbox="414 394 1468 454">• In the meantime, the Commission adopted an interim measure reducing substantially the financial contributions of less developed countries. <p data-bbox="414 472 807 501">Arrears of financial contributions</p> <ul data-bbox="414 519 1468 891" style="list-style-type: none"> <li data-bbox="414 519 1468 734">• The Commission adopted a series of amendments to its Financial Regulations and Rules of Procedure to: (1) minimise the likelihood of Contracting Governments falling seriously into arrears with their financial contributions; (2) limit the extent of the financial burden if they do fall into arrears; (3) provide a repayment mechanism for Contracting Governments with arrears that also facilitates a resumption of their full participation in the Commission at the earliest possible stage; and (4) tighten-up the link between payment of contributions and voting rights for existing and new Contracting Governments; <li data-bbox="414 741 1468 891">• Recognising that a number of Contracting Governments had already incurred substantial arrears, the Commission further agreed to apply the new regulations retrospectively for those Governments. Their financial contributions due and the interest accruing have been recalculated from the point at which they first fell into arrears. The debts have thereby been substantially reduced.
Finance and Budget	<p data-bbox="414 909 903 938">Financial statements and budget estimates</p> <ul data-bbox="414 956 1468 1178" style="list-style-type: none"> <li data-bbox="414 956 1468 1048">• The Commission approved the Provisional Financial Statement subject to audit. It also approved the budget for 2002-2003, including the research budget, and increases in the NGO observer fee from £525 to £550 for 2003. <li data-bbox="414 1055 1468 1178">• The Commission agreed that for the 2003-2004 budget individual contributions should increase no more than necessary to maintain approved budget levels and that overall reduction in expenditures for the 2002-2003 and 2003-2004 budgets should be at least 5% annually.
Date and place of Annual Meetings	<ul data-bbox="414 1193 1468 1328" style="list-style-type: none"> <li data-bbox="414 1193 1468 1254">• The 55th Annual and associated meetings in 2003 will be held in Berlin, Germany during the period 24 May to 19 June. <li data-bbox="414 1261 1468 1328">• The 56th Annual Meeting in 2004 will be held in Italy (exact location and dates to be determined).
Advisory Committee	<ul data-bbox="414 1350 1468 1496" style="list-style-type: none"> <li data-bbox="414 1350 1468 1496">• Although St. Lucia had completed its two-year term on the Advisory Committee, in the absence of other proposals, the Commission agreed that St. Lucia continue to serve for another year. The Advisory Committee comprises the Chair (Sweden), the Vice Chair (Denmark), the Chair of Finance and Administration (New Zealand), St. Lucia and the USA.
Secretary's Report	<ul data-bbox="414 1518 1468 1637" style="list-style-type: none"> <li data-bbox="414 1518 1468 1637">• The Commission agreed that the Secretary's Report (replacing the Annual Report as agreed at IWC/53) should be continued but that a longer review period be granted to Contracting Governments prior to publication. It was further agreed to produce the Secretary's Report as a standalone document rather than publishing it along with the Chair's Report.

Chair's Report of the 54th Annual Meeting

1. INTRODUCTORY ITEMS

1.1 Date and place

The 54th Annual Meeting of the International Whaling Commission (IWC) took place from 20-24 May 2002 at the Kaikyo Messe Conference Centre in Shimonoseki, Japan under the Chairmanship of Prof. Bo Fernholm (Sweden). A list of delegates and observers attending the meeting is provided in Annex A.

The associated meetings of the Scientific Committee and Commission sub-groups were held at the same venue in the period 24 April to 19 May 2002.

1.2 Welcome addresses

Mr Tsutomu Takebe, Minister of Agriculture, Forestry and Fisheries welcomed all delegations and participants to the 54th Annual Meeting of IWC on behalf of the Government of Japan. Referring to Japan's 5,000-year tradition of utilising whales, he noted the significance of holding the 54th Annual Meeting in Shimonoseki, where Japan's modern whaling originated. Recognising the polarised views among IWC member countries regarding the utilisation of whale stocks, he explained that Japan's policy on whaling and whale resources was to make sustainable use of robust and healthy whale stocks without adversely affecting them, while protecting depleted and endangered stocks. Referring to the view of some that whales should not be taken under any circumstances, even from abundant stocks, Mr Takebe stated his belief that protection measures alone would not maintain the balance of nature. In this respect, he noted the rapid recovery of many whales stocks since implementation of the moratorium and referred to estimates on the amount of living marine resources consumed by cetaceans, the agreement by FAO that studies should be conducted on the competition between whales and fisheries and the objectives of Japan's whale research programme. He hoped that at this meeting, Contracting Governments would not make exceptions of cetaceans but would regard them in the same light as other living marine resources so that progress could be made toward the basic principle of the sustainable use of whales based on science and in compliance with the International Convention for the Regulation of Whaling. He looked forward to a fruitful and constructive meeting.

Mr Uetake, Vice Minister of Foreign Affairs also welcomed participants. He recalled that since becoming a signatory to the Convention in 1951, Japan, as a responsible user of the resources, has supported the main object and purpose of the Convention, i.e. the preservation and sustainable use of the world's large whales. He noted that it is Japan's belief that, like other living marine creatures, the whale is a precious resource for human beings. He considered, however, that some countries have not understood this belief, leading to intense arguments at Annual IWC Meetings. He again expected heated arguments on many issues (e.g. on the RMS, the necessity to conduct research under scientific permit, the renewal of aboriginal subsistence whaling catch limits, the need to establish sanctuaries and the socio-economic importance of small-type whaling for Japan) but hoped that rational and constructive discussions based on the recommendations of

the Scientific Committee and the Commission's other sub-groups could be heard. He noted that resolution of the whaling issue is not easy, but believed that a sensible solution could be found if all participants could express their views in a rational manner based on objective and scientific data.

Finally, Mr Kiyoshi Ejima, Mayor of Shimonoseki thanked participants for coming to Shimonoseki, recognised the hard work and lively discussions that would be taking place during the meeting, but encouraged everyone to take time to enjoy Shimonoseki's beautiful surroundings. He wished the meeting success.

1.3 Opening statements, credentials and discussions on the status of Iceland's adherence

1.3.1 Status of Iceland's adherence and credentials

The Chair welcomed new members to the IWC, i.e., San Marino (adhered on 16 April 2002), Benin (adhered on 26 April 2002), Gabon and the Republic of Palau (adhered on 8 May 2002), Portugal (adhered on 14 May 2002) and Mongolia (adhered on 16 May 2002). He invited them to give brief opening statements. However, before proceeding with these, Antigua & Barbuda questioned why Iceland had not been included in the list of new members. In response, the Chair informed the Commission that Iceland had deposited an instrument of adherence together with a reservation and accompanying declaration on 14 May 2002 and that the depository government was informing Contracting Governments accordingly. He recalled the decisions taken by the Commission at its 53rd Annual Meeting in London last year regarding Iceland's instrument of adherence deposited on 8 June 2001 that included a reservation to Schedule paragraph 10(e) concerning the moratorium on commercial whaling.¹ He reminded the Commission that it had discussed this matter in detail in London and that the Commission had decided, with some difficulty, that: (1) IWC has the competence to determine the legal status of Iceland's reservation; (2) the Commission does not accept Iceland's reservation; and (3) Iceland was invited to assist as an observer. The Chair explained that since Iceland's new instrument of adherence contained the same reservation, but with an additional declaration, he believed that the position remains governed by last year's decisions. As Chair he felt bound by last year's decisions unless and until the Commission decides otherwise.

Iceland stated that if it is considered that its reservation and thereby adherence was rejected in London and therefore not in effect, then the new instrument of adherence deposited on 14 May 2002 must be regarded as a fully valid new instrument of adherence. Iceland noted that the Convention is very clear on what happens when a government deposits an instrument of adherence with the depository, i.e. (1) the USA as depository informs all other Contracting Governments; and (2) according to Article X.4, the Convention 'enters 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'. Further noting that

¹ See *Ann. Rep. Whaling Comm 2001*: 6-8.

the Chair had stated that a new instrument had been received from Iceland, Iceland considered that according to the Convention, it is a new Contracting Government until it is challenged. Iceland believed that the IWC does not have the competence to vote down any country's membership.

Antigua & Barbuda noted that there is a new instrument of adherence and that it had accepted Iceland's membership with or without the reservation. It considered that the Commission has no authority to deny Antigua & Barbuda from accepting Iceland as a new member or to interfere with treaty relations between States.

The Chair regarded this as a challenge to his ruling but indicated that he would hear a few more views before proceeding with any action.

Norway indicated that it shared the views and the understanding of Iceland and supported its position. St. Lucia, Japan and the Russian Federation expressed similar views and indicated that they recognised Iceland as an IWC member.

New Zealand noted that the Chair in making his ruling was relying on clear decisions made previously by the Commission and that it would, in any vote on the issue, vote in favour of upholding his ruling.

Speaking to a point of order, Iceland stated that the issue at hand was the competence of either the Chair, the depositary government or the Commission to disregard or reject Iceland's instrument of adherence deposited on 14 May. Iceland again stated that it believed none of these has the competence and that if the Chair wanted to rule otherwise Iceland would challenge it.

Denmark commented that last year it had not been in a position to take a decision on Iceland's adherence. It reported that legal considerations were now concluded and that Denmark's view is that the IWC is not competent to decide on this issue. It should be a bilateral matter between Iceland and those individual Contracting Governments having problems with Iceland's reservation.

The Republic of Guinea, China, Grenada, Dominica, the Republic of Palau, and St. Kitts and Nevis spoke in support of Iceland and recognised it as an IWC member. Several noted their opinion that the IWC is not competent to make decisions on membership. Grenada requested clarification on five issues: (1) whether any States other than Iceland had expressed such reservations before; (2) and if so, which States; (3) what decision was taken in each case; (4) what is the difference between these cases and Iceland; and (5) what rules of IWC has Iceland broken?

Responding to the clarifications sought by Grenada, the USA speaking as the depositary government indicated that no other State had lodged reservations with respect to the commercial whaling moratorium and that there are no rules that have been broken. The USA noted that the instruments of adherence of this year's new members, San Marino, Benin, Gabon, the Republic of Palau, Portugal and Mongolia, contained no reservations or declarations and were effective as of the date of deposit. As depositary, it considers each of these countries as new members.

In its capacity as a member government, the USA agreed with the comments of New Zealand. It noted that the reservation in Iceland's most recent instrument of adherence is exactly the same as that submitted last year with the exception that it now contains a policy statement. The USA considered that the policy statement is not legally relevant and that it simply shows what is already known, i.e. that Iceland wants to be the sole judge of whether to

exercise its reservation in the future. It was the view of the USA that if Iceland does not like the commercial whaling moratorium, then it should join IWC without reservation and work towards having the moratorium lifted. In the meantime however, the USA considered the moratorium remains an integral part of the Schedule and believed that no country should be allowed to exempt itself from the Schedule at will – if this is allowed, the entire structure of the IWC would be undermined. The USA agreed with the views of the Chair that Iceland should continue its status as an observer, this being consistent with the Commission's decisions last year.

The UK supported the views of New Zealand and the USA. While the UK welcomed Iceland's decision to rejoin IWC, it did not welcome Iceland's decision to join with a reservation on key policies that the Commission has taken. The UK considered that the outcome of last year's rulings was correct and indicated that it intended to support the ruling the Chair had made earlier. Italy objected to Iceland's reservation and its contents and supported the Chair's position. Mexico believed that the issue at hand is the Chair's ruling, not the competency of the organisation to determine the legal status of Iceland's reservation since that was decided last year. Australia associated itself with the comments of New Zealand, the USA, the UK, Italy and Mexico. It considered Iceland's reservation to be the same as last year's and, like Mexico, considered that the debate is not on competency but on the Chair's ruling. Ireland, Spain and Germany made similar remarks.

Antigua & Barbuda however considered that the key issue is one of competency, not the Chair's ruling. It noted that the treaty relations that exist among IWC members are not between the individual Contracting Governments and the Commission but between the individual Contracting Governments themselves. In its view, the issue of Iceland's reservation is not a matter that can be decided by the depositary government or by IWC. The Commission does not have the right to decide the treaty relations that will subsist between member States under the IWC. It noted that each Contracting Government has the right either to object to Iceland's reservation (and as a consequence the reservation will have no effect between those two members) or to accept the reservation, as Antigua & Barbuda has done. It further considered that adequate precedent could be found regarding reservations and recalled that in the past they have been addressed by individual Contracting Governments and not by the Commission. Antigua & Barbuda considered this the correct procedure from which there should be no departure. It considered that the report from the depositary government regarding the deposit of Iceland's instrument of adherence is sufficient, informing members that Iceland has satisfied a requirement for becoming party to the Convention. Antigua & Barbuda stated that the proper course of action is for each Contracting Government to notify the depositary of its position on Iceland's instrument of adherence.

Responding to these comments, the USA noted that each year in its role as depositary, it provides a treaty status list to the Secretariat prior to the Annual Meeting that includes the names of the Contracting Governments to the Convention. It explained that after review by the Treaty Office of the US Department of State, the USA as depositary chose not to include Iceland in the list because it did not believe that it was its role to reconcile the fact that

the IWC had rejected Iceland's reservation last year and the fact that Iceland had resubmitted the same reservation this year with an attached Diplomatic Note. Since IWC members decided last year that the acceptability of Iceland's reservation is for the Commission to determine, the depository did not feel it would be appropriate to list Iceland as a Contracting Government given the circumstances. The USA noted that its Treaty Office is trying to steer a neutral course and that consequently in this year's treaty status list, the developments at IWC/53 with respect to Iceland are included in a footnote.

Regarding the existence of previous reservations, Japan drew attention to those made at the time of adherence by Argentina and Ecuador relating to territorial waters. It noted that IWC as a body did not intervene with respect to these reservations and questioned why it was doing so now with respect to Iceland's reservation.

Noting the need to decide on this issue, the Chair repeated his earlier ruling that the Commission should adhere to its decisions at IWC/53 and that Iceland is invited to assist as an observer.

Japan and Norway challenged the ruling. Norway also challenged the competence and authority of the Chair, acting on behalf of the Commission, to make such a ruling and believed that this challenge should be dealt with first. Australia commented that since the Chair had not made a ruling on competence, he could not be challenged on this. The Chair disagreed with Norway, stating that the first challenge was to his ruling and that it should therefore be this challenge that is voted on first and that in any case, the matter of competence would be dealt with at the same time. Iceland considered that voting on the challenge to the Chair's ruling was contrary to the Rules of Procedure F.2.(b) and that voting should be on the ruling itself. The Chair indicated that he was following Rule of Debate C.1 that requires the appeal (challenge) to a ruling to be put to a vote.

Eventually, following confirmation by a show of hands that Peru's financial repayment schedule had been agreed by the Commission and therefore its right to vote had been restored (23 in support and 5 against), and a report from the Secretary on credentials (a credentials committee had been formed comprising Australia, Japan and the Secretary and the credentials of all Contracting governments were found to be in order), the challenge to the Chair's ruling was put to a vote. There were 20 votes in support of the challenge and 25 against. The Chair's ruling was therefore upheld.

Following the vote, Norway indicated that its challenge of the competence of the Commission to deal with the issue of Iceland's membership had not been addressed. The Chair repeated his earlier statement that he considered the vote on his ruling covered the competency issue and therefore ruled that this agenda item be closed. Norway challenged this ruling. On being put to a vote, there were 17 votes in support of the challenge, 24 against and 3 abstentions. The Chair's ruling was therefore upheld and the agenda item was closed on the first day of the meeting.

On the second day, Iceland made a formal declaration and subsequently withdrew from the meeting. In its declaration, Iceland stated that in dealing with the issue of its adherence to the Convention, there had been breaches of general principles of international law, the IWC Convention and the IWC's Rules of Procedure. It considered that the USA as depository had not treated Iceland's instrument of adherence in the same manner as

other new instruments. By not notifying Iceland as a member of the IWC Convention, the USA had misused its position as the depository government. It considered that the Chair had acted contrary to the IWC Convention by not recognising Iceland's membership in accordance with its instrument of adherence and that he had acted contrary to IWC's Rules of Procedure (as explained earlier). Finally, by refusing to accept Iceland as a member of the IWC Convention, it considered that a majority of IWC members had violated general principles of international law and the IWC Convention (Iceland also noted that almost half of the Contracting Governments recognised it as a member). Iceland considered all attempts not to recognise it as a member of the IWC Convention to be illegal, therefore not affecting its status as a member. Viewing the proceedings as unacceptable Iceland decided to take no further part in the meeting.

1.3.2 Opening statements

GABON

Gabon explained that it had decided to adhere to the Convention since IWC has an important role to play managing cetaceans and in view of the interest among its tourists created by the presence of cetaceans in Gabonese waters. It noted that its adherence demonstrates the will of Gabon's government to join the efforts of the international community in preserving biodiversity and the environment, especially the marine environment, and in fighting against illegal fishing activities. Gabon hoped that progress could be made at this meeting while taking into account responsibilities and a mutual understanding in combining economic and dietary objectives and the necessity to protect all endangered species, including cetaceans, within a context of respecting the biological balance and the sustainable management of resources.

MONGOLIA

Mongolia identified two positions/principles behind its adherence to the Convention: (1) to assure the right of landlocked countries to access and use international water resources, as established by the United Nations Convention on Law of the Sea (UNCLOS); and (2) to support the principle of sustainable use of renewable water resources. With respect to the former, it noted that in some regional conventions and agreements, the right of landlocked countries to access and use international water resources is not yet acknowledged. It therefore very much welcomed the ability to express its position on these matters afforded by its adherence to the Convention. With respect to the latter, it referred to the fact that its many thousand-year tradition of using natural resources sustainably had left it with an untouched and beautiful environment that is widely admired. Based on its tradition of conservation and sustainable use of natural resources and the principle of sustainable development proposed by the UN Conference on Environment and Development, Mongolia therefore considers it right to use renewable resources in a sustainable way.

REPUBLIC OF PALAU

The Republic of Palau noted the dependence of its people on marine resources for daily sustenance and livelihood and therefore its commitment to the principle of sustainable management and the rational utilisation of the world's marine resources. It also noted the polarisation within the Commission on whaling issues, but considered that when

implementing the Convention, it is important that members take account of the best scientific information available and keep in mind the ultimate objective of the Convention. It recognised that it needed to build additional capacity so that it could participate effectively in the Commission's work, and indicated that it would be grateful to receive any technical support, assistance and guidance from the organisation or from any of its members.

PORTUGAL

Portugal referred to its long maritime tradition. It had adhered to the Convention from the position of contributing strongly to the preservation of the oceans - a common heritage of mankind that it believed should be preserved for future generations.

SAN MARINO

Notwithstanding its situation as a landlocked country, San Marino recalled its long-standing interest in questions concerning the preservation of natural resources worldwide. It considered in a positive light all activities of IWC, particularly the creation of sanctuaries that it considers an effective way of protecting some whale species from extinction. San Marino expressed the wish that all countries worldwide would adhere to the same ideal and co-operate in preserving the prosperity of the Earth and its living creatures.

1.4 Meeting arrangements and treatment of Resolutions

A provisional order of business was agreed. The Chair asked Contracting Governments to: (1) keep Resolutions to a minimum and to consult widely in their preparation; and (2) be brief and to the point in their interventions, and to associate themselves, where possible, with earlier speakers who had similar views. The Secretary drew attention to arrangements for the submission of Resolutions and other documents².

2. ADOPTION OF THE AGENDA

Japan expressed concern that IWC had moved away from what it considered to be the Convention's main objective, i.e. the sustainable use of large whales. It considered that the Commission should focus on priority issues and suggested that certain agenda items including whalewatching, whale killing methods and associated welfare issues, environmental and health issues (with the exception of cetacean/fisheries interactions) and small cetaceans should either be deleted or be placed at the very end of the agenda to reflect their low priority. While this proposal received support from Norway and Antigua & Barbuda, a number of countries (Brazil, the USA, Argentina and New Zealand) disagreed strongly. The agenda was subsequently adopted without amendment (Annex B).

² With respect to Resolutions, although many draft Resolutions were submitted to the meeting, only one was addressed (and adopted, see Section 10.1.1). Lengthy discussions over the renewal of aboriginal subsistence whaling catch limits (agenda item 6.3) reduced the time available for other issues. The Chair gave priority to the presentation and discussion of the reports from the Commission's sub-groups leaving no time for other draft Resolutions to be addressed.

3. SECRET BALLOTS

3.1 Proposal for amendment to Rule of Procedure E.3(d)

Japan re-introduced its proposed amendment (that was unsuccessful last year³) to broaden the application of secret ballots, i.e.

'Votes can be taken by show of hands, or by roll call, as in the opinion of the Chairman appears to be most suitable, or by secret ballot if requested by a Commissioner and seconded by at least five other Commissioners except that on any matter related to aboriginal subsistence whaling, voting by secret ballot shall only be used when all the Commissioners representing the Contracting Parties where the aboriginal subsistence take or takes will occur requests the use of a secret ballot and where such requests are seconded by at least five other Commissioners.'

Japan considered that in addition to being available for electing the Chair and Vice-Chair of the Commission, appointing the Secretary of the Commission and selecting Annual Meeting venues, voting by secret ballot should be possible for setting catch limits and deciding other regulatory measures. It noted that the secret ballot is a system commonly used in other international organisations, including fisheries management bodies, and that its broader application within IWC would help implement Resolution 2001-1⁴ adopted by consensus at last year's meeting. That Resolution, *inter alia* 'endorses and affirms the complete independence of sovereign countries to decide their own policies and freely participate in the IWC (and other international forums) without undue interference or coercion from other sovereign countries'. Japan urged Contracting Governments to act consistently with other international organisations.

3.2 Commission discussions and action arising

As the Commission had addressed Japan's proposal last year, the Chair proposed to limit debate by ruling that interventions be limited to two countries speaking in support of the proposal and two countries speaking against. The ruling was challenged, but was upheld when put to a vote.

Mexico and New Zealand spoke against Japan's proposal. Mexico opposed the proposal since it considered that IWC should function in an open and transparent manner. New Zealand considered that Japan's proposal was inconsistent with the sentiments of transparency expressed in Resolution 2001-1. It further noted that although 12 out of 16 Conventions allow secret ballots, in most cases they are never used. New Zealand commented that the Commission is accountable for its decisions to the different governments and the people they represent, and that accountability can be ensured through maintenance of a high level of transparency particularly through the disclosure of each country's vote. It did not agree that the disclosure of votes put small countries, like those of the Caribbean, at risk since these countries argue their positions publicly and make no secret of their views and how they intend to vote.

St. Lucia considered that opposing the proposal for widening the use of secret ballots would condone the activities of those threatening vulnerable economies with

³ See *Ann. Rep. Whaling Comm 2001: 8*.

⁴ *Ann. Rep. Whaling Comm 2001: 54*.

boycotts and economic sabotage that suppress a nation's sovereignty. It noted that these countries have nothing to hide and appealed for support for Japan's initiative. Norway agreed with Mexico and New Zealand on the merits of transparency that should be employed wherever feasible, but believed that the real threats of victimisation, intimidation and coercion surrounding the whaling debate should be taken into account. It therefore supported Japan's proposal.

The proposal was put to a vote but failed to attract a majority. There were 19 votes in favour, 25 against and 1 abstention. Chile explained that it voted against the proposal since in its view, public votes are needed to ensure transparency and that the right to secret ballots lie in their exceptional nature and restricted use. Antigua & Barbuda indicated that it voted in favour of the proposal in view of the continued boycotts and threats against Caribbean countries. It believed that sovereign rights of countries should be protected by all and expressed disappointment in the lack of support, particularly from those countries that had supported the use of secret ballots to select officers for IWC's Scientific Committee (see Item 17.5.2).

4. WHALEWATCHING

4.1 Report of the Scientific Committee⁵

In 2000, the Committee had identified a number of areas for further research on potential long-term effects of whalewatching on whales and a number of possible data types that could be collected from whalewatching operations to assist in assessing their impact. The Committee developed this further this year and will continue to work on data collection issues in the intersessional period.

The Committee also reviewed: information on noise from whalewatching vessels and aircraft, and any potential effects this might have on cetaceans; whalewatching guidelines and regulations; new information on dolphin feeding and 'swim-with' programmes.

It also discussed a workshop on whalewatching management to be held in South Africa. It noted that this did not require Commission funds but recommended that the Commission endorse the workshop and encourage participation by members of the Scientific Committee and IWC member states.

4.2 Commission discussions and action arising

Brazil commended the work of the Scientific Committee on whalewatching. It believes that whalewatching is a legitimate use of whale resources that should be managed to ensure sustainability over time and welcomed continued efforts to offer the best scientific advice to properly assess and mitigate whalewatching's potential impacts. Brazil also commended and supported South Africa's proposal for an intersessional workshop on the development of scientifically-based management of whale- and dolphin-watching.

Japan, Norway and the Russian Federation noted that they consider whalewatching to be outside the mandate of the

Convention and therefore not a priority matter for the Commission. Japan noted the strict criteria applied by the Scientific Committee on stock studies and could not understand why the same rigour is not applied in other areas. Norway recognised that whalewatching may have some negative effects that should be dealt with nationally - as should any regulation of this industry. The Russian Federation considered that whalewatching should not be dealt with as a separate item, but included as part of 'other activities'. Antigua & Barbuda recognised whalewatching to be an important part of its tourism but considered that it should be dealt with elsewhere in view of the scarce financial resources of the Commission and its need to prioritise work. It was concerned that: (1) giving prominence to whalewatching decreased the prominence of the main object and purpose of the Convention, i.e. management of whales for the orderly development of the whaling industry; and (2) that development of whalewatching within the framework of the use of marine resources may be detrimental to those countries wanting to use these resources for food.

The USA, Australia, Argentina, the UK, New Zealand and Germany spoke in support of the Scientific Committee's work on whalewatching, with several expressing the view that the Commission did have competency in this area and several supporting the workshop proposal. Australia noted that IWC should not ignore such a large industry that, if poorly managed, could have damaging effects on whale stocks and therefore be of direct concern to the Commission. Recognising that 2002 was the UN International Year of Ecotourism, New Zealand thought it appropriate to acknowledge the contribution of whalewatching to this industry. Argentina reported that whalewatching activities off Patagonia's Atlantic coast provide significant income for local people and is consequently a priority in Argentina's whale programme. It further considered whalewatching to be strongly linked to coastal states' sovereign rights in territorial waters and EEZs and that within this context it would welcome counsel, recommendations and/or guidelines from IWC applicable to strengthening the sustainable, educational and tourism aspects of this activity and that it would incorporate such advice into its own local legislation.

Spain reported that it is working on enacting legislation to regulate whalewatching at a national level.

In response to a request from Austria concerning the mass stranding last year of beaked whales in the Bahamas and the use of low frequency active sonar (LFA), the USA reported that its National Marine Fisheries Service has proposed a regulation under domestic statute that would authorise the incidental take of a small number of marine mammals worldwide by the navy's LFA - a military sonar used to detect enemy nuclear submarines. It also reported that (1) from a research programme conducted by its navy, only minor behavioural effects on whales and dolphins occurred at 155db and lower, and (2) it is currently reviewing public comments and will rule on the navy's proposed regulation soon. The Commission noted the report of the Scientific Committee and accepted its recommendations.

⁵ For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage.* 5 (Suppl.).

5. WHALE STOCKS⁶

5.1 Southern Hemisphere minke whales

5.1.1 Report of the Scientific Committee

The Committee has carried out annual surveys in the Antarctic (south of 60°S) since the late 1970s. The last agreed estimates for each of the six management Areas for Antarctic minke whales were for the period 1982/83 to 1989/90. At the 2000 meeting, the Committee agreed that whilst these represented the best estimates for the years surveyed, they were no longer appropriate as estimates of current abundance. An initial crude analysis of available recent data had suggested that current estimates might be appreciably lower than the previous estimates⁷.

At the 2001 meeting⁸, considerable time was spent considering Antarctic minke whales with a view to obtaining final estimates of abundance and considering any trend in these. This included a review of data sources and analytical methodology. After considering many of the factors affecting abundance estimates, there is still evidence of a decline in the abundance estimates, although it is not clear how this reflects any actual change in minke abundance. Three hypotheses that might explain these results were identified:

- (1) a real change in minke abundance;
- (2) changes in the proportion of the population present in the survey region at the time of the survey;
- (3) changes in the survey process over time that compromise the comparability of estimates across years.

A considerable amount of work to investigate this further was undertaken at the 2002 meeting and a number of high priority tasks have been identified and recommended for completion before the 2003 meeting.

Last year, it had been hoped that the full third circumpolar series of IWC/SOWER⁹ cruises would have been completed by the 2002/2003 season. Unfortunately poor weather on the 2001/2002 cruise means that this will no longer be possible. The Committee does not anticipate being able to provide a full report on the status of Antarctic minke whales (including an agreed estimate of current abundance) until the third circumpolar has been completed – at the earliest at the 2005 meeting. It thanked Japan for once more providing the two vessels used on the SOWER cruises.

5.1.2 Commission discussions and action arising

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

5.2 Southern Hemisphere blue whales

5.2.1 Report of the Scientific Committee

The Committee is beginning the process of reviewing the status of Southern Hemisphere blue whales. An important part of this work is to try to develop methods to identify pygmy blue whales from 'true' blue whales at sea and progress is being made on this. Work on genetic and acoustic differentiation techniques is continuing and there is considerable progress with morphological methods. The

Committee received information that point estimates of blue whale abundance appear to show an increase between the third circumpolar series of cruises (CPIII) and the previous two, although this was not statistically significant. The Committee has agreed on a number of issues that need to be resolved before it is in a position to carry out an assessment, which it believes should commence in 2005. In addition to research recommendations, the Committee recommended that the Commission requests the Japanese and Chilean governments to make available any data from blue whale catches in the 1960s in order to help determine whether the two sub-species were taken from Chilean landstations.

5.2.2 Commission discussions and action arising

Japan commended the Scientific Committee's work and the contribution made by the IWC's research cruises. It was pleased to learn of the recent signs of recovery of this species. However, it noted that the increase in numbers was not statistically significant, linking this to competition with minke whales for prey species. Japan suggested that consideration be given to resumption of commercial whaling of minke whales as a means of enhancing protection of blue whale populations.

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

5.3 Southern Hemisphere humpback whales

5.3.1 Report of the Scientific Committee

Considerable progress has been made in recent years in working towards an assessment of humpback whales. Attention has focussed both on data from historic whaling operations and on newly acquired photo-identification, biopsy and sightings data. A number of new abundance estimates were reviewed from both mark-recapture and sightings programmes as well as some preliminary model runs for Areas IV and V which suggested increasing populations to the east and west of Australia. The Committee made a number of research recommendations to enhance progress towards an assessment. An intersessional group has been established to review progress and determine whether it is feasible to set a deadline for the assessment to be completed.

5.3.2 Commission discussions and action arising

Japan noted that the population increase reported by the Scientific Committee was also found in results from the JARPA programme where highest numbers of humpback whales were recorded during the latest survey. It hoped that JARPA data would make a valuable contribution to the Comprehensive Assessment for this stock.

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

5.4 North Atlantic humpback whales

5.4.1 Report of the Scientific Committee

At the 2001 meeting, priority was given to the Comprehensive Assessment of North Atlantic humpback whales¹⁰. The Committee recognised the important contribution the international YoNAH (Years of the North Atlantic Humpback) project made to the assessment. This project combined photo-identification and molecular genetic techniques to collect as many photographs and skin

⁶ For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage.* 5 (Suppl.).

⁷ *J. Cetacean Res. Manage.* 3 (Suppl.): 29-32.

⁸ See *J. Cetacean Res. Manage.* 4 (Suppl.): 30-6.

⁹ SOWER: Southern Ocean Whale and Ecosystem Research.

¹⁰ See *J. Cetacean Res. Manage.* 4 (Suppl.): 39-44.

biopsies as possible in four sampling periods over a wide geographical range during a period of two years (1992-1993). The principal objectives of the study were to increase understanding of: (a) abundance - both regionally and in total; (b) population genetic structure; (c) population spatial structure including rates of exchange among feeding grounds; and (d) reproductive behaviour and vital rates.

In reviewing population structure, the Committee concluded that North Atlantic humpback whales are characterised by relatively discrete feeding substocks, with strong site fidelity by individuals. This latter factor also influences movement patterns within feeding grounds.

There is clear evidence for at least two breeding stocks in the North Atlantic. Whales from the western North Atlantic breed primarily in the West Indies, as do some whales that feed in the central North Atlantic. However, it is not known where other central North Atlantic animals and those from the Barents Sea breed.

The only breeding ground, other than the West Indies, known from historical and contemporary data is the Cape Verde Islands, but to date there is no direct evidence to support the idea that this is a breeding ground used by central and eastern North Atlantic animals. There may be a separate breeding population in the Norwegian Sea (as suggested in the late 1920s) and the possibility that there are three separate breeding stocks in the North Atlantic cannot be ruled out.

The Committee reviewed a number of population estimates for the feeding and breeding grounds.

This year, the Committee hoped to complete its assessment. It reviewed historical removals and agreed that the catch series was essentially complete for the 20th century although catches prior to then might be substantially underestimated. It also received new estimates of abundance from recent surveys in various parts of the North Atlantic. The Committee agreed that the population size of the West Indies breeding stock was around 10,750 (between 9,400 to 12,300) in 1992 and it was increasing at around 3% from 1979 to 1992, the period for which suitable data are available. Attempts to model the population were unsuccessful (i.e. there was unacceptable model fit to the data) and a number of possible reasons for this were identified.

The Committee identified a number of research items that need to be completed before any further assessment is attempted.

5.4.2 Commission discussions and action arising

Japan appreciated that the Comprehensive Assessment was now complete, noted that the West Indies stock is above the optimum level and commented that it understood there was agreement in the Scientific Committee that the stock is increasing at an annual rate of 3%. Japan estimated that this would give an annual sustainable catch of 300 animals. It therefore considered that the aboriginal take by St. Vincent and The Grenadines should be allowed and noted the Scientific Committee's view that there would be no effect on the stock if the catch limit is increased to 4 whales per year. In response, the UK noted that the Scientific Committee had not resolved the question of population identity in the eastern Caribbean and that this has a bearing on the quota for St. Vincent and The Grenadines. (The issue of the aboriginal subsistence catch limits is discussed under Item 6.)

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

5.5 Other stocks - bowhead, right and gray whales

5.5.1 Report of the Scientific Committee

SMALL STOCKS OF BOWHEAD WHALES

Fisheries and Oceans Canada reported on studies in the eastern Arctic and the Committee welcomed the offer from Canada to provide more information next year. No information on direct or incidental catches was received for this area. Danish scientists reported that killer whales killed about 10 bowhead whales from a group of 30 in Disko Bay in April 2002. The Committee was grateful for this information and requested that the Greenlandic authorities provide more details next year, if possible. Some information on the sightings of bowhead whales in the Sea of Okhotsk was received from Russian scientists.

NORTH ATLANTIC RIGHT WHALES

The Committee has paid particular attention to the status of the North Atlantic right whale in the western North Atlantic in recent years¹¹. The Committee is extremely concerned about this population, which, whilst probably the only potentially viable population of this species, is in serious danger (*ca* 300 animals). By any management criteria applied by the IWC in terms of either commercial whaling or aboriginal subsistence whaling, there should be no direct anthropogenic removals from this stock.

This year, the Committee reviewed progress on a number of research and management recommendations concerning this stock. It once again noted that individuals are continuing to die or become seriously injured as a result of becoming entangled in fishing gear or being struck by ships. It repeated that it is a matter of absolute urgency that every effort be made to reduce anthropogenic mortality in this population to zero. This is perhaps the only way in which its chances of survival can be directly improved. There is no need to wait for further research before implementing any currently available management actions that can reduce anthropogenic mortalities.

WESTERN NORTH PACIFIC GRAY WHALES

This is one of the most endangered populations of great whales in the world. It numbers less than 100 animals and there are a number of proposed oil and gas-related projects in and near its only known feeding ground. The Committee made a number of research and management recommendations for this population and will hold a Workshop in October 2002 to review this further. In conclusion, the Committee strongly reiterated that it is a matter of absolute urgency that every effort is made to reduce anthropogenic mortality (including direct catches) and disturbance to zero to save western North Pacific gray whales from extinction.

5.5.2 Commission discussions and action arising

BOWHEAD WHALES

In response to a request from Austria for more information on the killing of 10 bowhead whales by killer whales, Denmark indicated that local hunters had reported the incident to the Greenland Institute of Natural Resources and that it had not been possible to take issue samples since the dead whales had sunk. It undertook to ask the hunters to provide a clearer description of what had happened.

¹¹ See *J. Cetacean Res. Manage. (Special Issue 2) - Right whales: worldwide status.*

RIGHT WHALES

No comments were made on the Scientific Committee's report in relation to North Atlantic and Southern Hemisphere right whales.

WESTERN NORTH PACIFIC GRAY WHALES

The USA expressed its concern about the status of this stock, and noted that after the concern reported by the Scientific Committee last year, it had provided funding to IWC to support research. It strongly supported the latest Committee recommendations and endorsed the workshop proposal for which it was considering making funding available.

The Russian Federation confirmed that seismic surveys had been stopped last year. It reported that such surveys are subject to compulsory public environmental impact assessments, in which, as recommended previously by the Scientific Committee, independent scientists are invited to participate. It added that preliminary results do not definitely indicate that seismic surveys have a negative impact on the stock. However, the Russian Federation undertook to report the Scientific Committee's recommendations to its scientists so they could take note of the views expressed. It supported the workshop proposal.

As other range states for this stock, Japan and the Republic of Korea also expressed their concern regarding the status of the stock and support for the proposed workshop. Japan indicated that it hoped that protection measures could be implemented through international co-operation. The Republic of Korea offered to host the workshop in October 2002.

Austria indicated that it was grateful for the concern for this stock shown by the USA and the Russian Federation and that it was pleased that Resolution 2001-3¹² had helped in the initial protection steps taken.

The Commission noted the Scientific Committee report in relation to Item 5.5 and accepted its recommendations.

5.6 Other

Alarmed at various press and other reports suggesting that the worldwide sperm whale abundance could be lower than assessed previously, Germany asked for clarification on when the Scientific Committee could provide information on this matter. The Scientific Committee Chair indicated that the Committee would start work on an in-depth assessment of sperm whales at its meeting next year but that she did not know when it would be complete. The Committee does not have agreed estimates of sperm whale abundance. She added that given the many priorities of the Committee, work on sperm whales could not be given extremely high priority until completion of the abundance assessment of Southern Hemisphere minke whales.

Japan expressed its interest in the initiation of the in-depth assessment of sperm whales, particularly since this is one of the species included in JARPNII. It stressed the need to devote sufficient time to this work.

6. ABORIGINAL SUBSISTENCE WHALING¹³

The meeting of the Aboriginal Subsistence Whaling Sub-committee took place on 14 May 2002 chaired by Halvard Johansen (Norway). Delegates from 29 Contracting

Governments participated. The Sub-committee addressed three main issues, i.e. (1) the Aboriginal Subsistence Whaling Scheme; (2) inedible gray whales from the eastern stock; and (3) the renewal of aboriginal subsistence whaling catch limits. The full Sub-committee report is available as Annex C.

6.1 Aboriginal subsistence whaling scheme*6.1.1 Report of the Aboriginal Subsistence Whaling Sub-committee*

In view of the importance of this work, the Chair of the Sub-committee gave a detailed report to the Commission on both the work and recommendations from the Scientific Committee and on the subsequent discussions within the Sub-committee.

REPORT FROM THE SCIENTIFIC COMMITTEE

Since the Scientific Committee was recommending a *Strike Limit Algorithm (SLA)* for the Bering-Chukchi-Beaufort Seas stock of bowhead whales as foreseen last year, the Chair of the Scientific Committee's Standing Working Group on the Development of an Aboriginal Whaling Management Procedure (hereafter Chair of the SWG) had given a thorough presentation of the work of the Committee on this issue over the seven year development process.

The Scientific Committee began addressing this issue in the early 1990s and in 1994 the Commission formally instructed them to work on the development of an aboriginal whaling management procedure (Resolution 1994-4). The Commission reiterated the objectives of such a scheme, i.e., to (1) ensure risks of extinction are not seriously increased (highest priority); (2) enable harvests in perpetuity appropriate to cultural and nutritional requirements; and (3) maintain stocks at highest net recruitment level and if below that ensure they move towards it. The advantages (to both the management body and the users) of a management procedure over '*ad hoc*' management were stressed, as was the value of computer simulations to try out potential candidate procedures. The simulation trial structure is designed to test procedures against the inevitable uncertainty in scientific knowledge about the whales and their environment.

In 1998, the Commission agreed that the eventual aboriginal whaling scheme (ASW - which includes both the scientific and non-scientific aspects of management) would include both generic and case-specific elements. In particular, it was agreed that *Strike Limit Algorithms* (the way in which the need requests forwarded by the Commission to the Scientific Committee are evaluated to determine whether they are acceptable from the point of view of the risk-related objectives given above - it is assumed for the purposes of trials that all strikes result in death) could be case-specific and introduced to the AWS as they became available. The Scientific Committee noted that it would proceed with the data-rich fisheries first i.e. the bowhead and gray whale hunts. Throughout the process, the Scientific Committee placed great emphasis on feedback from the Commission and hunters via the Commission's Aboriginal Whaling Sub-committee, and each year the Chair of the SWG has made a detailed presentation of the development process, requested advice on various matters and been available for consultation with interested delegations and individuals.

¹² *Ann. Rep. Whaling Comm. 2001: 55.*

¹³ For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage.* 5 (Suppl.).

The candidate procedures for the bowhead case were tested for a broad range of uncertainty in a variety of factors, including: changes in MSYR (Maximum Sustainable Yield Rates) and MSYL (Maximum Sustainable Yield Level); model uncertainty; time dependent changes in carrying capacity, natural mortality and productivity; episodic events; stochasticity; survey bias and variability; survey frequency and errors in the historic catch series. In 2001, five candidate procedures were reduced to two and the Commission was informed that the Scientific Committee would present its recommended *SLA* in 2002.

At its meeting this year and after detailed discussions and examination of the results, the Scientific Committee strongly recommended to the Commission the '*Bowhead SLA*', i.e., an *SLA*, which by averaging the results from two excellent procedures with different philosophies, performed best overall in terms of the Commission's objectives. The Scientific Committee agreed that it represents the best scientific tool it has for providing management advice on this stock of bowhead whales and noted the enormous amount of work put in by many members of the SWG and Committee in recent years.

In making this recommendation, the SWG Chair reiterated that the use of the *Bowhead SLA* was intimately linked to the generic aspects of the Aboriginal Whaling Management Procedure (AWMP), i.e. operational rules (block quota, carryover, grace period), guidelines for surveys, data and Implementation Reviews. He went on to describe these other elements and explain how they might be put into practice. With respect to block limits and carryover, the Commission had agreed that five-year blocks were appropriate. Inclusion of the concept of carryover had been requested by Aboriginal Subsistence Whaling Sub-committee early in the development process and in 1999, the Scientific Committee had presented a suggestion that tried to encapsulate the variable conditions in the Arctic environment. This involved an inter-annual variation of 50% and a between-block carryover of up to half of the annual maximum strike limit. The Commission had agreed that approach as suitable for trial purposes, noting that it did not commit it to these values in any final AWMP.

The Chair of the SWG provided a number of examples of how this might work in practice, based on the present annual strike limit of 67 [giving a block limit of 335 and a maximum strike limit in any one year of 100 (= $1.5 \times 335/5$), with a maximum carryover between blocks of 50]. The *Bowhead SLA* performed satisfactorily under these rules, although ultimately it is a Commission decision as to what is an appropriate carryover provision. The SWG Chair also noted that the Commission also includes a limit to the number of landed animals. This is again clearly a Commission decision (the *SLA* assumes that all strikes result in death).

The issue of a phaseout 'rule' is familiar in terms of the RMP and was introduced to the Aboriginal Whaling sub-committee by the Scientific Committee last year. It is in essence a mechanism to deal with the absence of data essential to the *SLA*. The Scientific Committee stressed that it was not acceptable for catches to be set equal to need under such circumstances. Whilst it hoped and expected that any 'grace period' rule would never need to be utilised, it agreed that any AWMP must be prepared for such an eventuality. Given this, the Scientific Committee had developed a list of principles for such a rule that it

recommended to the Commission for consideration. In summary, these are: (1) the grace period should not exceed 5 years (after which time, the *SLA* will set strikes to zero and it is likely that an *Implementation Review* will be initiated); (2) over the 5-year period, the block limit shall be reduced by 50%; (3) carryover from the last block is permissible (the same conditions that can render a survey unusable can also preclude the hunt); (4) the use and distribution of strikes over the time period is the responsibility of the user; (5) when a survey is successfully conducted during the grace period, the *SLA* is applied and a quota generated - the quota is then applied retroactively to the current block and the used strikes subtracted from the resultant block limit. The SWG Chair provided several examples of how this might work in practice.

The *SLA* and the AWMP require data to function and a key piece of information essential to the *SLA* is the abundance. Last year the Aboriginal Subsistence Whaling Sub-committee accepted the Guidelines for surveys suggested by the Scientific Committee. The Chair of the SWG reminded the Sub-committee of these proposals with respect to: (1) survey/census methodology and design; (2) Committee oversight; data analysis and availability; and estimates to be accepted for use in the *SLA*. He also described the previously agreed guidelines for data/sample collection. Similar guidelines exist for the RMP.

The final element he introduced is again reflected in the RMP and is integral to the AWMP process - the Implementation Review. Regular Implementation Reviews would occur every five years and normally involve at least reviews of information: (1) required for the *SLA* (i.e. catch data, abundance estimates); and (2) to ascertain if the present situation is as expected and within tested parameter space. In addition, to enable swift reaction to new information that gives rise to serious concern, *Unscheduled Implementation Reviews* can be called. He provided a number of examples as to possible 'triggers' for such early reviews. There are a variety of possible outcomes of *Implementation Reviews*, including (a) the continuation of use of the *SLA*; (b) the setting of a zero strike limit; (c) the running of further simulation trials; (d) the undertaking of a new census immediately; (e) a combination of some of the above.

The Chair of the SWG then noted the Scientific Committee's conclusion that, from a purely scientific perspective, the *Bowhead SLA* represented the best tool for providing management advice to the Commission on the bowhead whale harvest. On these grounds alone it would be prepared to use the *SLA* to calculate block strike limits and present that advice to the Commission. However, it recognised that there are some procedural issues that need to be considered (i.e. that the Commission has not formally approved the approach) and that the strict conditions for the Guidelines for surveys would not have been met in terms of data provision. Given this, the Scientific Committee had requested that the Secretariat be prepared to use the *SLA* to calculate block strike limits, should the Commission request this. It had been noted that this could easily be done at the Commission meeting either with or without the 2001 census estimate, that, whilst within the tolerance of the *SLA* trials, was likely to be slightly modified next year.

With respect to incorporation into the Schedule, the Scientific Committee had agreed that this should not be seen as a necessary prerequisite for use of the *Bowhead SLA*. In or out of the Schedule, it represents the best

method for the Scientific Committee to provide advice and could be used as the basis for modification of the current Schedule provisions with respect to bowhead whales which refer to catch and strike limits. This issue was not a Scientific Committee matter and was the responsibility of the Commission.

In concluding his presentation, the SWG Chair, summarised the situation as follows. The *Bowhead SLA* and associated generic AWMP elements represented culmination of seven year's cooperative work between the Scientific Committee and the Commission. The Committee recommended the *SLA* to the Commission and noted that early in the development process, the goal was to develop an *SLA* that fully met the Commission's management objectives; once this had been met, it was agreed that it should not waste resources attempting to achieve some hypothetical level of 'perfection'. Whilst the Committee recognised that further work could be undertaken to refine and 'polish' the constituent *SLAs* of the *Bowhead SLA*, it strongly believed that these resources should be dedicated to completing the *SLA* for the management of the gray whale harvest and addressing the serious issue of the Greenland fisheries, for which the Committee has recognised that it has never been able to provide satisfactory advice.

SUB-COMMITTEE COMMENTS AND DISCUSSIONS

Several delegations had congratulated the Scientific Committee on its work and the SWG Chair for his informative presentation.

Austria complimented the Scientific Committee on an excellent piece of work. It supported adoption of the *Bowhead SLA* and the associated elements. It believed that the development of the AWMP was vital to the wise management of aboriginal subsistence whaling by the Commission.

Norway commented on the additional complexity of the unified procedure but endorsed the recommendation of the Scientific Committee in principle. It noted that the *SLA* had been proposed as part of a package and wondered whether it would be better to wait before implementing it until the other case-specific elements were completed.

Several delegations had asked whether all of the aspects would be linked together in a single document. The Russian Federation also believed that it was better to wait until the gray whale *SLA* was also completed. The UK wondered whether it was appropriate for the Scientific Committee rather than the Commission to agree the relative weightings of need satisfaction against risk to the stock.

In response to these comments, the SWG Chair noted that the Committee had considered the issue of complexity in choosing the recommended *SLA* but agreed that the advantages of the unified *SLA* far outweighed the additional complexity. He also noted that the additional elements had in fact been thoroughly discussed by the Committee in the last three years and had also been presented to, and endorsed by, the Aboriginal Subsistence Whaling Sub-committee and the Commission over last two years. With respect to the weighting question, the SWG Chair noted that the Scientific Committee had from the outset been guided by the Commission's objectives, giving highest priority to objective 1 (to ensure that the risks of extinction are not seriously increased) as the Commission had indicated. He noted that the performance statistics used to evaluate the *SLAs* had been designed with the Commission objectives clearly in mind, particularly with respect to risk

to the stock and the need for the population to increase towards an optimal level.

In response to the question concerning a single document containing all the additional elements, the SWG Chair noted that they were all included in the Scientific Committee's report. Prior to the adoption of the Aboriginal Subsistence Whaling sub-committee report, the Chair of the SWG produced such a document for information (see Appendix 4 of Annex C).

With respect to waiting for *SLAs* for the other fisheries to be completed, the SWG Chair noted that, with an intersessional workshop, the Scientific Committee hoped be able to present an *SLA* for the gray whale at next year's meeting. Although he could not say for certain, he expected that such an *SLA* would be similar to at least one of the components of the *Bowhead SLA*. He noted that although the gray whale was a similarly data-rich case to the bowhead whale, there were differences, in particular due to the fact that the gray whale may be approaching, or at, carrying capacity.

Finally, the SWG Chair reiterated the importance of the Greenland Research programme to the ability to develop an *SLA* for the Greenland Fisheries, noting that this will be a priority topic at next year's meeting.

6.1.2 Commission discussions and action arising

In the Commission, a number of Contracting Governments congratulated the Scientific Committee on its work.

Switzerland recalled that for several years, the Commission has requested that aboriginal subsistence whaling be subjected to a robust scheme and noted that it strongly supported the adoption of the *Bowhead SLA* and associated elements.

The USA was pleased with the progress made by the Scientific Committee on the *Bowhead SLA* and thanked, in particular, Greg Donovan (Secretariat) for his role as SWG Chair in achieving a successful outcome. It believed that the *Bowhead SLA* satisfies the criteria adopted in Resolution 1994-4¹⁴ and the Commission's highest priority, i.e., to ensure that the risks of extinction are not seriously increased. The USA considered that the Commission should adopt the *SLA* in principle at this stage. However, noting the concerns expressed by some countries during the Sub-committee meeting regarding the overall package and that existing provisions in Schedule paragraph 13(b) have worked well, the USA could not support adoption of the whole package until it is convinced that it represents an improvement in meeting both conservation goals and aboriginal subsistence need. It therefore encouraged the Scientific Committee to complete the AWMP package expeditiously including the gray whale *SLA*. Denmark indicated that it was in a similar position to the USA. It considered the proposal to adopt the *Bowhead SLA* but to not implement it until a complete AWMP can be adopted was constructive. With this in mind, Denmark noted two points: (1) that statements had been made in recent years by a number of Contracting Governments that the AWMP should not be implemented before the RMS; and (2) the value demonstrated by the process used for the *Bowhead SLA*, of including informal discussions with interested members of the Aboriginal Subsistence Whaling Sub-committee including hunters' representatives. Finally Denmark indicated that its acceptance of the *Bowhead SLA*

¹⁴ See *Rep. Int. Whal. Commn* 45: 42-3.

is on the understanding that the *SLA* for Greenland may have to be elaborated in a different manner.

Japan supported the adoption of the *Bowhead SLA* in principle, but like other countries felt that implementation should await the resolution of other issues, e.g. phase-out rules, survey guidelines and data requirements. Although it was prepared to adopt the *SLA*, Japan pointed out what it considered to be double standards between the RMP and the AWMP. It noted that application of the RMP would result in a catch limit of zero for the next 30 years, whereas application of the *SLA* would give a limit of 67 per year (i.e. would fulfil the current need request). Finally, Japan believed that the *SLA* for gray whales should be considered independently from that of bowheads since they are different species with different biologies.

The UK endorsed broadly the remarks of the USA, but it remained concerned that the relative balance in the *SLA* between risk and need is not quite right. In this respect, the UK referred to the fact that: (1) the *SLA*'s responses to environmental threats had been poor in some instances; and (2) that the *SLA* produces no strike limit below the need level for the first 30 years of operation. The UK was, however, prepared to adopt the *Bowhead SLA* in principle and for work to proceed to develop this and the other algorithms required as part of the AWMP. Germany associated itself with the USA and the UK.

The Chair of the Scientific Committee made a few clarifying remarks. She noted that it is not the case that the *Bowhead SLA* always satisfied need in all trials. With regard to the suggested 'double standard' between the *CLA* (*Catch Limit Algorithm* of the RMP) and *SLA*, she referred to the Committee's explanation of this in its report. In particular, the differences arise out of the fact that (1) the case-specific *Bowhead SLA* was developed to cope with a data-rich population whereas the generic RMP had to cope with a number of different situations and (2) the different objectives set by the Commission for subsistence and commercial whaling. She drew attention to Schedule paragraph 13(a) where it is clear that the Commission's goals for subsistence whaling allow whaling below the commercial whaling Protection Level. This explains why catches are allowed using the *SLA* but not the *CLA*. The AWMP process had deliberately included scenarios where the bowhead whale stock was below the maximum sustainable yield level; the catches allowed under the *Bowhead SLA* did ensure that the population increased towards it.

On behalf of the Commission, the Chair expressed appreciation for the hard work of the Scientific Committee. The Commission endorsed and adopted the *Bowhead SLA*.

6.2 Inedible gray whales from the North Pacific eastern stock

6.2.1 Report of the Aboriginal Subsistence Whaling Sub-committee

The Sub-committee had heard of two reports made to the Scientific Committee concerning two strong-smelling whales (which 'smelled of medicine') during the 2001 season, samples from which are being analysed by Russian and North American scientists. The samples shipped to Alaska will be analysed for ketones and anthropogenic contaminants after the 54th Annual Meeting. Discussions are underway for Japanese scientists to undertake additional studies on these samples. The Sub-committee looked forward to receiving a report next year.

6.2.2 Commission discussions and action arising

The Commission noted the report from the Sub-committee.

6.3 Aboriginal subsistence whaling catch limits

6.3.1 Report of the Aboriginal Subsistence Whaling Sub-committee

6.3.1.1 BERING-CHUKCHI-BEAUFORT SEAS STOCK OF BOWHEAD WHALES

REPORT OF THE SCIENTIFIC COMMITTEE

The Scientific Committee reported that the last successful census of this stock was in 1993. Census attempts in 1999 and 2000 failed due to unstable ice and closed leads, respectively. This year the Committee received a preliminary abundance estimate based on the successful 2001 census at Point Barrow, Alaska. The abundance estimate was 9,860 (95%CI 7,700–12,600) and the estimated annual rate of increase from 1978–2001 was 3.3% (95%CI 2.0–4.7%). The number of calves counted was almost twice that counted in 1993. Information on whale counts along the Chukotka Peninsula between 1999 and 2001 was also presented. Such animals are probably missed by the census at Point Barrow. In Spring 2001, 149 animals were counted, a similar number to those in 1999 and 2000.

A total of 75 whales was struck during the 2001 harvest and 49 (30 males and 19 females) were landed. Ice conditions had made hunting difficult, leading to a lower efficiency compared to some previous years. One female bowhead whale (15.2m; estimated 46.8 tons) was harvested off Chukotka in 2001.

The Scientific Committee noted that although the current catch limit ends in 2002 and an in-depth assessment of this stock of bowhead whales is not scheduled until 2004, preliminary results from the successful new census indicate that the stock is larger than it has been in the last century and is still increasing. The Committee also noted that the *Bowhead SLA* is its best tool for providing management advice for this stock. However, even on the basis of the information reviewed by the Committee in its usual way, it agreed that there is no reason to change the management advice it gave last year, namely, that it is very likely that an annual catch limit of 102 whales or less would be consistent with the requirements of the Schedule.

SUB-COMMITTEE COMMENTS AND DISCUSSION

The Sub-committee noted the advice of the Scientific Committee.

Norway commented that the Scientific Committee had also noted: (1) that there was an interest in resolving an apparent conflict between existing age data and the catch and abundance data; and (2) that further genetic data would assist with stock assessment. In this regard, it was noted that the SWG of the AWMP had carried out a thorough review of the sub-stock question and the Committee believes that the single-stock hypothesis is most consistent with existing data.

The remaining discussions focused on the aboriginal subsistence need statements. The Sub-committee Chair focused on the following points in his report to the Commission.

The USA explained that it sought renewal of their ASW quota of bowhead whales, on the same basis as their previous quota (280 landed over a five year period, with an annual strike limit of 67, and a carryover of up to 15 strikes in each year). It was noted that this quota is shared between the Alaskan Eskimos and the Chukotka Communities in

Russia. Bearing in mind the needs of the Chukotkan indigenous population, the Russian Federation made a request for 5 landed bowhead whales per year. However, despite a combined documented need for 61 landed whales, both countries were willing to retain the status quo for the next five-year block quota.

The USA stated that the Alaskan Eskimo hunt was an essential part of their culture, dating back thousands of years, and that it is purely subsistence based, with no commercial components. The efficiency for the 2001 hunt was 65.3%, which was less than the average efficiency of 1991-2000, which was 76.5%. Although the 2001 efficiency was below the average, it was far greater than the efficiency of the 1970s (around 50%) and the long term hunting efficiency is still, on average, above the 75% target suggested by the IWC.

Several countries referred to the declining efficiency of the hunt and it was suggested that allowing use of more modern weapons and boats could increase efficiency. With respect to the efficiency concerns, the USA had reiterated (1) the importance of changing environmental conditions (i.e. sea ice flows and pack ice) and (2) that the hunt was still, on average, above the 75% target.

Responding to comments regarding the need to improve the humaneness of the hunt, the USA reported that the Alaskan Eskimos have undertaken a weapons improvement programme at considerable expense to try to improve on the traditional black powder projectile.

The USA clarified that population growth was a significant factor in calculating the current need, but indicated that many more factors were identified in its needs statement, and that the Eskimo's culture and economic status continues to reflect a subsistence lifestyle. The USA were also asked how the traditional communities could afford modern hunting technologies such as penthrite grenades, snow mobiles, outboard motors, etc. The USA reported that the penthrite grenade is in a testing stage as is therefore not an appreciable cost, and that most of the hunting equipment is handed down from generation to generation. Much of it dates back to the 1800s. The USA added that additional perceived costs (such as snow mobiles or outboard motors) were misplaced since whaling is carried out using traditional boats or traditional methods in open skiffs.

Japan commended the success of the 2001 stock abundance estimate of bowhead whales under harsh environmental conditions, noting that although dozens of whales had been harvested, the stock was proved to be increasing demonstrating that whale resources can be used sustainably.

6.3.1.2 EASTERN STOCK OF GRAY WHALES REPORT OF THE SCIENTIFIC COMMITTEE

The Scientific Committee reported that an in-depth assessment of this stock had been carried out this year. It had also considered the unusual mortality of eastern North Pacific gray whales in 1999 and 2000. The number of documented strandings along the west coast of North America increased to approximately eight times the annual mean calculated between 1995 and 1998. Several factors may have contributed to the large number of strandings reported in those years. Since most of the whales were not examined thoroughly, the actual cause of death is unknown. Only 21 strandings were recorded in 2001, which is within the range of annual strandings in the period 1995-1998.

Based on two assessments of the stock that used similar methods and yielded similar results, the Committee agreed that a take of up to 463 whales per year is sustainable for at least the medium term (~ 30 years) and is likely to allow the population to remain above MSYL.

The Scientific Committee hoped to recommend a gray whale *SLA* at its next meeting.

SUB-COMMITTEE COMMENTS AND DISCUSSION

The Sub-committee noted the advice of the Scientific Committee and then focused on the submitted needs statements by the USA and the Russian Federation. The Sub-committee Chair included the following points in his report to the Commission.

In introducing the needs statement for the Makah, the USA pointed out the Treaty with the Makah Tribe is the only U.S. treaty containing a specific reservation of whaling rights and explained that these rights had not been abrogated by any subsequent act of Congress.

The USA discussed the tribe's 1500-year-old whaling tradition and pointed out that the Tribe is actively engaged in restoring its whaling tradition. The hunts are conducted using traditional methods although a high-powered rifle is used to ensure that struck whales are killed humanely. Whale meat and blubber from the first successful hunt were broadly distributed in the community with over 80% of the Tribe's 2,500 members consuming whale products. The USA reported that the results of a survey indicate that 93% of the Tribe's members support whaling and over 86% would like to eat whale meat on a regular basis. The USA noted that the eastern stock of gray whales is healthy enough to sustain this harvest in addition to the harvest by the indigenous peoples of Chukotka.

The presentation on the Makah was broadly welcomed by a number of countries, although some were concerned regarding the substance contained in the documents submitted and a number of questions were raised.

Australia and the UK viewed the resumption of the hunt after a 70-year hiatus with concern, and Mexico argued that the ASW was not designed to cover a situation whereby aboriginal communities who had not continuously engaged in subsistence whaling could access quotas on an *ad-hoc* basis.

The extent of the community support for the hunt was questioned by New Zealand and the UK. Mexico suggested that the evidence in support of these contentions (from the justifying overall numbers to the assumed social benefits) were flawed, selective and contradictory. In responding, the USA pointed out that the survey was based on a highly representative sample that included 35% of the households on the Makah Reservation. The survey sampled households, not individuals and used methodology consistent with that used in similar surveys in Indian communities throughout the USA over the past 20 years.

The USA further pointed out the strong link between restoration of whaling and other traditional cultural practices and noted that 51% of the village, as reported in the survey, reported a positive moral change in Neah Bay since the pursuit of whaling was revitalised. In addition, members of whaling crews are required to abstain from drugs and alcohol and devote themselves to a clean lifestyle. The USA also explained that gray whales are a consistent subsistence resource in contrast to fisheries where stocks and quotas fluctuate.

New Zealand and Mexico questioned the practice of joint quota proposals, believing it to be inappropriate given

the very different situations of the respective indigenous communities. The USA responded that this approach was followed since under the Convention, quotas are not set for nations or groups of whalers, but by stock or population of whales.

Japan and Norway noted the absence in the Convention or Schedule of a definition or criteria for aboriginal subsistence whaling. Norway further noted that there is a continuum between aboriginal subsistence whaling and small-type whaling and that sustainability is the major factor for wise management. Japan, indicated that it supports aboriginal subsistence whaling in principle, if the stock is robust. Nevertheless, it noted that requests for quotas from robust stocks for its own small coastal communities had been continually denied. With this in mind, Japan indicated that it would carefully examine the US request. The UK considered that it would carefully examine the Aboriginal Subsistence Working Group.

Although similar to the need assessment made in 1997, the Russian Federation submitted a new needs statement for 620 gray whales (including the 20 for the Makah) for a five-year quota. The importance of co-operation with the USA at multiple levels (from stock census to lowering times to death) was highlighted.

The active participation of the Chukotka population in the preparation of the needs statement was noted, as was their nutritional needs, which had been particularly severe since the break up of the former Soviet Union. Indeed, it was asserted that these communities do not have as much meat as they had ten years ago. The cultural importance of the hunt, dating back 2,000 years was emphasised.

The Russian Federation proposal was broadly welcomed by a number of countries.

6.3.1.3 GREENLANDIC FISHERIES REPORT OF THE SCIENTIFIC COMMITTEE

The Scientific Committee noted that it has never been able to provide satisfactory management advice for either the fin or minke whales off Greenland. This reflects the lack of data on stock structure and abundance and is the reason for the Committee to first call for the Greenland Research Programme in 1998.

The inability to provide any advice on safe catch limits is a matter of great concern for the Scientific Committee, particularly in the case of fin whales where the best available abundance estimate dates from 1987/88 and is only 1,096 (95% CI 520-2,106). The Scientific Committee noted that there is to be an abundance survey this year and further satellite tagging attempts. The Committee stressed that obtaining adequate information for management should be seen as of very high priority by both the national authorities and the Commission. It reiterated its previous recommendation that every effort be made to obtain tissue samples for genetic analysis from the catch and that effort to compare these samples with those from neighbouring countries is continued. Without this information, the Committee will not be able to provide safe management advice in accord with the Commission's management objectives, or develop a reliable *SLA* for many years, with potentially serious consequences for the status of the stocks involved.

SUB-COMMITTEE COMMENTS AND DISCUSSION

The Sub-committee noted the advice of the Scientific Committee. Denmark reported that it shared the views of

the Scientific Committee and was allocating increased funding for research into this area. It looked forward to co-operating with the Scientific Committee on the Greenland Research Programme.

The remaining discussions focused on the needs statement submitted by Denmark.

Denmark's proposal for a five-year quota involved 175 minke whales per year, 19 fin whales from the West coast and 12 minke from East Greenland. Greenland pointed out that although the total result of this catch was 540 tons of edible whale meat, a total of 670 tons would be closer to their needs. It noted that in 1990, the IWC had recognised and fully endorsed the needs of aboriginal populations in West Greenland of 670 metric tons of whale meat from minke whales and larger whales.

Greenland's overall needs statement was prefaced by a general discussion of sustainability, as a multi-dimensional process. The 4,000-year history of whaling by the indigenous communities of Greenland was highlighted, along with its importance in social cohesion. It was explained that the majority of the utilisation is on a non-commercial basis (although in some small cases it can be purchased in local stores) and on a non-export basis. The utilisation of penthrith bombs (since 1991) was noted as clear indication of Greenland's intention to improve the humaneness of its hunt, by lowering time to deaths (over traditional methods).

Denmark's/Greenland's needs statement was broadly welcomed and supported by a number of countries, although it also provoked some discussion.

This primarily centred on UK comments on the practice of whale products being exported to Denmark from Greenland. A number of countries did not approve of this practice, believing that it contradicted the philosophy that aboriginal subsistence products must be consumed locally. Denmark explained, as it had previously, that the process is in accordance with CITES and is considered a transfer within the Kingdom of Denmark, not an export. Such transfers are for Greenlanders living temporarily in Denmark, typically students or hospital patients. It is on a small scale and non-commercial. Several countries supported this practice and expressed surprise at the UK objection. The UK drew attention to the precedent this might set and to the Scientific Committee's comments on the status of these stocks.

6.3.1.4 NORTH ATLANTIC HUMPBACK WHALES OFF ST. VINCENT AND THE GRENADINES REPORT OF THE SCIENTIFIC COMMITTEE

The Scientific Committee had received a report of a catch of a 55ft non-lactating female and a 28ft male (no milk present in stomach) at Bequia on 27 March 2002. Some Committee members noted that a length of 55ft for a North Atlantic humpback whale was improbable and suggested that this reflected a measurement error.

Based on the available data, the Committee believed it is most plausible that eastern Caribbean humpbacks are part of the West Indies breeding population; records of a match between the area and the northeastern Atlantic were received this year. However, it also noted its view of last year that the question of abundance and population identity of humpback whales in the eastern Caribbean remains unresolved.

The Committee considered the likely impact on the stock of an annual take of four whales. Assuming that the humpback whales found in the eastern Caribbean are part

of the West Indies breeding population, the Committee agreed that a catch of up to four whales taken annually would be unlikely to harm this stock.

SUB-COMMITTEE COMMENTS AND DISCUSSION

The Sub-committee noted the advice of the Scientific Committee. Subsequent discussion focused on the needs statement submitted by St. Vincent and The Grenadines.

St. Vincent and The Grenadines informed the Sub-committee that it had notified the Secretariat of its intention to request an increased quota from two to four North Atlantic humpback whales at the present meeting. The needs statement provided an historical background of the development of the Bequian humpback fishery, a summary of the social and cultural aspects, and the establishment of nutritional need, and for the supply of locally produced animal protein and fat to offset in part the foreign exchange drain on the local economy, which is not self-sufficient in terms of food production. The background to the current needs statement stems from the 19th century, when a number of local inhabitants learned the whaling trade from Yankee whalers and returned to the islands with this knowledge. Up to the 1920s, humpbacks were hunted freely until the marketability began to disappear. Only one station remained open, which operated primarily to satisfy local demand via a low quota of 2 whales per year until 1981/82 when IWC recognised the activity as aboriginal subsistence whaling and the quota was increased to 3 whales.

St. Vincent and The Grenadines noted that the cultural importance of the hunt is apparent in the festivals that follow a successful hunt and the subsequent local distribution of the whale meat. It drew attention to nutritional deficiencies in the Islands, which are not self-sufficient in food, and stated that nutritional need also includes access to healthy food. It further remarked that rich countries frequently export the poorest quality of meats (fat mutton flaps, beef and poultry legs and tails) to developing countries, whereas whale meat is high in protein, and whale fat and blubber has some proven and some speculated health benefits.

St. Vincent and The Grenadines explained that need was quantified using a presumption of past need based on *per capita* consumption of whales raised to the current need by the ratio of present to past population of the island. Two whales supplied approximately 12% of the animal protein need for the island in 1982. This has declined to 6% in 2002 owing to population increase in Bequia. A quota of four whales is required to bring the level up to current need. St. Vincent and The Grenadines suggested that a take of 4 animals from this stock of humpbacks would not represent any problems in terms of overall sustainability of the stock.

The needs statement was broadly welcomed and supported by a number of countries, although other countries raised issues regarding the overall status of the stock, the absence of national regulations and the history of the whaling activity in St. Vincent and The Grenadines.

Australia, New Zealand and the UK considered that a precautionary approach should be taken given the uncertainty over the scientific status of the stock. Antigua & Barbuda considered that the status of this stock was more secure than the bowhead whale stock, but the examination of uncertainty on these was not as acute. New Zealand did not agree, noting that certainty on stock numbers and identification was much stronger in the former requests.

In response to criticism from Australia, UK, USA, Germany, Switzerland and Finland regarding the ongoing failure to develop and implement an overall regulatory approach for hunting, in accordance with the Schedule, St. Vincent and The Grenadines explained that draft regulations exist, and that information on their current status should be available before the IWC Plenary (see below). The UK suggested that an important factor in deciding to continue allocating a quota was an assurance given by St. Vincent and The Grenadines in 1990 that there would be no continuation of this industry following the retirement of the then 69 year old harpooner. It noted that contrary to these assurances it now appeared the hunt is expanding.

New Zealand and Monaco had commented that the needs statement reflected a heritage of taking large whales dating back 150 years. They noted that this whaling was undertaken by the descendants of Scottish and French settlers and was a continuation of whaling from the colonial period. Denmark responded that such objections should have been made when the quota was first given in 1982. Dominica objected to the implication that St. Vincent and The Grenadine's hunt was a colonial relic rather than an aboriginal hunt. It noted that the indigenous peoples of the Caribbean, the Caribs, had hunted whales long before the advent of slavery and colonialism.

Finally, in response to concern expressed by Austria over the lack of tissue samples coming from the hunt, St. Vincent and The Grenadines referred to the Report of the Scientific Committee and confirmed that samples have been collected and are being processed. It further reported that scientists from the Eastern Caribbean Islands have been engaged in a joint sighting survey with Japanese scientists, and that a co-operative photo-identification survey is being planned beginning next season. The UK drew attention to the further take of 2 humpbacks in 2002 and the discussion in the Scientific Committee that suggested that there was a measurement error in the length of the larger animal. It informed the Sub-committee that a photograph it had of the smaller animal tended to suggest that it was a calf.

6.3.2 Commission discussions and action arising including proposals to amend the Schedule

Prior to addressing the proposals to renew aboriginal subsistence catch limits, the order in which the proposals should be taken was discussed at some length. Rather than taking them in the order given in the agenda and as dealt with by the Aboriginal Subsistence Whaling Sub-committee, St. Vincent and The Grenadines requested that its proposed Schedule amendment be taken first. This request was supported by some countries but not others. These countries could not understand the need to break with the traditional sequence. A suggestion to take all Schedule amendments as a package was also not supported. The Chair therefore ruled that the Commission address the proposals in the order they appeared on the agenda. His ruling was challenged but upheld when put to a vote.

6.3.2.1 BERING-CHUKCHI-BEAUFORT SEAS STOCK OF BOWHEAD WHALES

The Commission noted the report of the Aboriginal Subsistence Whaling Sub-committee.

The Commission's discussions on the joint USA/Russian Federation proposal to renew the existing aboriginal subsistence whaling quota for this stock of

bowhead whales were lengthy, taking place over 3 days (Wednesday 22 to Friday 24 May 2002). To assist in comprehension, the report is divided into the discussions taking place on each day.

WEDNESDAY 22 MAY

The USA introduced the following USA/Russian Federation joint proposal (IWC/54/20) to renew the existing aboriginal subsistence whaling quota for this stock of bowhead whales for five more years i.e. by changing the dates but leaving the remainder of the paragraphs the same. The total effect of these changes is given below for clarity:

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 ~~1998, 1999, 2000, 2001, 2002~~ **2003, 2004, 2005, 2006, and 2007**, 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 ~~1995-97 1998-2002~~ 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) It is forbidden to strike, take or kill calves or any bowhead whale accompanied by a calf.
- (iii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.

The USA explained that the request was to provide for the traditional, cultural and subsistence needs of the Alaskan Eskimos of the USA and the Chukotka native people of the Russian Federation. Noting that the Scientific Committee had not changed its management advice and that the annual maximum strike limit is well below the annual limit of 102 bowhead whales that the Scientific Committee agreed would be consistent with the requirements of the Schedule, the USA urged adoption of the proposed Schedule amendment by consensus.

Japan remarked that the USA recognises the needs of its Alaskan Eskimos and asked whether the USA could understand that the Japanese small-type coastal whalers also have needs. It also questioned whether the USA had considered the possibility of sub-stocks within the bowhead stock and reiterated its earlier comment under Item 6.1.2 that application of the RMP would not provide a catch limit for several decades. Japan therefore considered the stock to be in a very dangerous situation and remarked that at this point in discussions, it was not in favour of approving a catch limit for a 5-year period.

In reacting to Japan's comments, the Russian Federation noted the close links between the Chukotkan and Alaskan Eskimo hunter communities and indicated that any objection against the USA is also an objection against the Chukotkan people. Regarding Japan's question on possible sub-stocks, the Russian Federation drew attention to the fact that the Scientific Committee had indicated that this would make no difference to its management advice on this bowhead stock. Like the USA, it urged that the proposal be adopted by consensus, noting the importance of the bowhead hunt to aboriginal people.

The USA responded to the questions and comments made by Japan in the following manner: (1) it considered the question on its views regarding Japanese small-type whaling to be out of order since this issue would be addressed under another agenda item; (2) like the Russian Federation it noted that the Scientific Committee had already addressed the single stock issue and that based on current genetic evidence the Committee had not changed its

management advice; and (3) it did not consider that the stock is in a dangerous situation noting that it has been increasing at an annual rate of 3.3% for a long time and that the recent census gave the largest ever estimate of abundance.

Norway commented that it recognises and respects the nutritional and cultural needs of all people and believed that ethnicity has no place in deciding catch limits. Rather, it believed that the deciding factor in setting catch limits is whether they are sustainable. Norway sympathised with the contents and substance of the joint USA/Russian Federation proposal, but taking into account the various uncertainties raised during the Commission's deliberations, believed it wise to adopt a slightly more precautionary approach. It therefore proposed amendments to the USA/Russian Federation to the effect that a catch limit be set for 2 rather than for 5 years (i.e. for 2003 and 2004), and that the number of bowhead whales landed over this period not exceed 112.

Neither the USA nor the Russian Federation supported Norway's proposed amendment. The USA did not agree that there are any uncertainties to be resolved, but noted that if there are any, Schedule paragraph 13(b)(1)(iii) allows for the provision to be reviewed annually. It also felt that Norway's proposal would place an unjust burden on its native people (e.g. forcing them to leave their hunts to defend their quotas earlier than anticipated) and an unwarranted burden on the Commission (e.g. taking up the issue prematurely thus increasing amount of time used in discussions). The Russian Federation noted that the needs statement and proposed 5-year quota had not been questioned during discussions of the Aboriginal Subsistence Whaling Sub-committee, and considered that raising concerns in the plenary is a dangerous precedent that invalidates the Sub-committee's work.

Oman, Denmark and the Netherlands fully supported the original proposal tabled by the USA and the Russian Federation. Like the USA, the Netherlands also drew attention to the provision in Schedule paragraph 13(b)(1)(iii) and to the planned assessment of the bowhead stock in 2004.

Antigua & Barbuda indicated that it wanted to support consensus adoption of the proposed Schedule amendment but reserved its position until it knew the fate of the amendment proposed by St. Vincent and The Grenadines. St. Lucia had a similar view. It would support Norway's amendment on the understanding that due consideration and reciprocity would be granted to St. Vincent and The Grenadines.

In response to a question from Grenada on the status of the bowhead stock, the Chair of the Scientific Committee noted: (1) the best advice is that the animals of the Bering-Chukchi-Beaufort Seas comprise a single stock; (2) assessments have shown that the stock is increasing; (3) there is some possibility that it is already above MSYL; and (4) in any event, the stock is above the 'certain' minimal level below which takes would not be allowed. She reiterated that the principles governing aboriginal subsistence whaling do not require a stock to be above MSYL but that it should be moving towards it, as is the case here.

When asked by the Russian Federation if it would withdraw its proposed amendment, Norway indicated that it would do so if this would pave the way to consensus. It suggested that one way to achieve consensus might be that

if, for example, St. Vincent and The Grenadines were granted a request for a period of three years, then they and their supporters would accommodate a request from the USA and the Russian Federation for 5 years. Norway indicated that it would also be prepared to withdraw its amendment if other acceptable proposals existed. It added, however, that if withdrawal of its proposed amendment simply resulted in other members making counter proposals, then it saw no point in doing so.

As no basis for consensus existed, Norway declined to withdraw its proposed amendment. The Chair indicated that Norway's proposal should therefore be put to a vote and asked the Secretary to explain the Commission's rules in this respect. The Secretary drew attention to the Rules of Debate, section E, paragraph 2 indicating that when an amendment is moved to a proposal, then it is the amendment that is voted on first. She noted that if one or more amendments are adopted, the amended proposal shall then be voted upon, implying that two votes are required in this process, i.e. (1) a vote on the amendment is conducted first, which requires a simple majority to be successful; (2) if the amendment is successful then a vote is taken on the whole amended proposal that, in this case, would require a three-quarters majority to be successful.

Norway, on a point of order, noted that its understanding of the Rules of Debate did not correspond with that of the Secretary. It considered its amended proposal as a Schedule amendment requiring a three-quarter majority and wanted it to be treated as such. Some countries supported Norway's understanding, while others supported that of the Secretary. The Chair ruled that the vote be conducted as described by Norway. His ruling was challenged and was not upheld when put to a vote. Norway's amended proposal was therefore put to a vote in accordance with the explanation given by the Secretary. The proposal failed to achieve a majority, there being 14 votes in favour, 27 against and 3 abstentions. Japan explained its reasons for abstaining. It indicated that while setting a catch limit for 2 rather than 5 years would be preferable, doubt remained on whether this period would be scientifically optimal. The Russian Federation expressed surprise at the number of countries supporting Norway's proposal.

Following the defeat of Norway's proposed amendment, the Chair asked whether the original USA/Russian Federation proposal could be adopted by consensus. Since Japan indicated that this would not be possible, the USA asked whether the session could be adjourned in favour of a private Commissioners' meeting to discuss this matter further. The meeting agreed to this request.

The private Commissioners' meeting lasted several hours. On recommencing the plenary session, the Chair announced that an agreement had been reached, i.e. that the Schedule amendment proposed by the USA/Russian Federation could be adopted by consensus. However, despite this apparent agreement, confirmed by Denmark and Mexico (but later contested by Japan), Japan indicated that it could not participate in a consensus and insisted that the Chair proceed to a vote. Antigua & Barbuda considered that although there was movement towards a consensus during the private Commissioners' meeting, the meeting had finished before some finer points had been resolved.

Following the suggestion of several Contracting Governments, the Chair adjourned the meeting to allow time for further negotiations.

THURSDAY 23 MAY

On resumption of discussions, it was clear that there was still no consensus and the USA/Russian Federation proposed Schedule amendment was put to a vote. There were 30 votes in favour, 14 against and one abstention. It thus did not achieve the required three-quarter majority of those voting for or against the proposal.

Many countries, regardless of whether they had voted in favour or against the proposed Schedule amendment, spoke of their regret over the outcome of the vote.

Of the countries voting against the proposal, Antigua & Barbuda explained that it supported the right of the aboriginal people involved to use whale resources. However, it objected to the discriminatory approach being taken within IWC regarding which countries are allowed to take whales and which are not. It urged those governments having aboriginal populations to accept responsibility for the outcome of the vote. Mongolia did not wish to deprive aboriginal people of their needs, was disappointed that a compromise had not been reached and explained that it had voted against the double standards employed within IWC. St. Vincent and The Grenadines had voted against the proposal because of the lack of trust it saw within IWC. It considered that for consensus to be reached, there is a need to ensure equality of treatment, e.g. if 5-year block quotas are accepted for some situations they should be accepted for all. The Solomon Islands also spoke of the existence of double standards, highlighting what it considered to be the unfair treatment of the coastal people of Japan and the request by St. Vincent and The Grenadines. It called for consensus to be reached on all requests. Like others, St. Lucia called for the equitable distribution of resources.

Several countries that had supported the proposal expressed great disappointment and distress at how the compromise consensus that had been reached during the private Commissioners' meeting on Wednesday had been broken. Denmark was concerned that the needs of two groups of aboriginal people would not be accommodated. Referring to the comments of Antigua & Barbuda, the UK indicated that it would be the record of the meeting that would indicate where blame lay for the outcome of the vote. It considered that certain delegations had manipulated the operation of the Commission in ways that would result in suffering all round and was appalled by the display of bad faith. Oman expressed deep regret and sympathy for the affected aboriginal people. Drawing attention to the fact that similar requests had been granted in the past, it wondered how the outcome of the vote could be explained. The Netherlands considered that the outcome was not only bad for the aboriginal people but also for the way business is conducted in IWC and urged that the agenda item be kept open. Other countries supported this request. New Zealand remarked that it had come to the meeting prepared to support any requests for aboriginal subsistence whaling provided that they met the Commission's requirements. It recalled that this is the first time for many years that an aboriginal subsistence whaling request had been denied and that the responsibility for this outcome lay with those countries voting 'no'. South Africa considered that the only rationale for voting against the proposal was either: (1) that a country did not understand the issue; or (2) that it was willing to sacrifice aboriginal peoples needs for political gain. Sweden also thought it regrettable that the requests of these people had been sacrificed. Spain spoke against the

mixing of other parts of the agenda with this particular item. Switzerland drew attention to the harsh climatic conditions experienced by the Alaskans and Chukotkans, their old cultural rights to hunt whales for a living and to the fact that the Scientific Committee considered the proposed take to be sustainable. It considered that if anyone needed these resources, then it is these aboriginal peoples. Morocco indicated that it could not go against providing food for innocent people who are victims of different points of view within the Commission. Peru, Australia, Finland, Germany and Monaco also spoke against the outcome of the vote. Norway, who had supported the proposal, thought it had been obvious from the outset that it would fail and expressed disappointment that its earlier suggested amendment had not been successful in paving a way for consensus.

The Russian Federation spoke of its deep regret that consensus was destroyed from the very outset and that a vote had been provoked. It believed the outcome had delivered major damage to the interests of the Russian Federation and to the aboriginal peoples involved. It also considered that those countries making accusations about the double standards of others were themselves guilty of applying double standards with respect to this issue. A representative of the Chukotkan people and member of the Duma, commented that he had hoped to be dealing with a serious international organisation that managed whale resources based on sound science. Instead he had found petty politics and intrigues. He noted that there is more information available on this bowhead stock compared with other stocks subject to aboriginal take, and considered that there was no reason to reduce the duration of the block quota from 5 years to 1-2 years. Recalling that instead of providing technical assistance to improve the humaneness of aboriginal subsistence whaling as requested by IWC Resolution 1997-1¹⁵, he noted that the attitude of some Contracting Governments would result in the native people spending thousands of dollars each year on preparation of more reports, justifications and on travel to meetings. They could not afford to do this. They needed to hunt to feed their families.

The USA were disappointed that some Contracting Governments were opposing the proposed Schedule amendment because of their dissatisfaction with the position of the USA on other issues. It noted that this move ignores the needs of native peoples who have worked hard to comply with every requirement imposed on them by the Commission. Noting that the Alaskan Eskimos have worked with IWC for over 20 years and have contributed greatly to bowhead whale research, they have also: (1) set the standard for documenting needs; (2) undertaken weapons improvements programmes in response to the Commission's concerns regarding humane killing; and (3) are now working closely with the Chukotkan people. The USA indicated that voting against the joint USA/Russian Federation proposal to show displeasure with the USA did not solve any problems, and urged the Commission to leave the agenda item open so that a solution could be found.

The meeting agreed to the USA's request for a private Commissioners' meeting. Further plenary discussions on this issue were therefore postponed.

FRIDAY 24 MAY

Discussions began with consideration of a proposed Schedule amendment from the UK, based on earlier private discussions of Commissioners, that incorporated proposals for renewals of all four aboriginal subsistence whaling operations. However, the UK withdrew its proposal once it was apparent that it could not be adopted by consensus.

Following agreements to renew catch limits for gray, fin and minke whales off Greenland, and humpback whales off St. Vincent and The Grenadines (see sections 6.3.2.2-6.3.2.4), the Commission returned to discussions on the catch limit for the bowhead whale stock.

The Chair asked whether the slightly revised proposed Schedule amendment (IWC/54/57) submitted by the USA/Russian Federation could be adopted by consensus. Japan considered the proposal to be identical to that voted down on Thursday and indicated that it could not give support. Instead it wanted to propose an amendment which involved adding a new paragraph 10(f) to allow the taking of 25 minke whales from the Okhotsk Sea-West Pacific stock for each of the 2003, 2004, 2005, 2006 and 2007 seasons to be used for local consumption by the communities of Taiji, Wada, Ayukawa and Abashiri.

Speaking to a point of order, Australia did not believe such an amendment was in order and that two separate issues (i.e. aboriginal subsistence whaling under Schedule paragraph 13 and commercial whaling under paragraph 10) could not be linked in this way. It considered that if Japan wanted to raise this issue it should do so under the appropriate agenda item. The Chair agreed that Japan's proposal mixed two agenda items and ruled that this could not be done.

The Republic of Palau acknowledged that Japan's proposal concerned a separate issue, but considered that it also concerned subsistence whaling. It considered the proposal to be procedurally appropriate, a good compromise and the only way out of a difficult dilemma.

The Chair's ruling was challenged but was upheld when put to a vote. Antigua & Barbuda considered that Japan's coastal whaling could be classified as an aboriginal take and felt that Japan had been treated unfairly. Morocco had supported the proposal since it would have helped Japanese small communities. Japan regretted that its amendment to the USA/Russian Federation proposal had been voted down on procedural grounds despite the concessions made. Both the USA and Australia noted that Japan's proposal had not been voted down and that it could be raised again under agenda item 11. However, Japan reiterated its earlier remarks that it could not support a 5-year block quota over concern for the status of the bowhead stock, but that a quota for 1-2 years would have been acceptable. It added that it would now be forced to vote against the USA/Russian Federation amendment.

Responding to Japan's comments on the status of the bowhead stock, the Chair of the Scientific Committee stressed that the Committee's advice is very clear, i.e. there is no scientific reason not to grant the quota requested. The stock is robust, is increasing under the existing quota and there are no serious issues regarding stock structure.

Noting that the needs of other aboriginal subsistence hunters had been met earlier in the day with the support of the USA, the USA requested reciprocal support for its Alaskan Eskimos.

On being put to a vote, the revised USA/Russian proposed Schedule amendment failed to achieve the

¹⁵ See *Rep. Int. Whal. Commn.* 48: 45

necessary three-quarter majority, there being 32 votes in favour, 11 against and 2 abstentions.

Representatives of the USA and Russian Federation aboriginal peoples again expressed their deep disappointment that their request had not been met. The USA thanked countries that had supported them. The Russian Federation noted that the political games that had been played had made people forget the aboriginal peoples and their needs. It stressed that the Alaskan and Chukotkan people would stay together and not be divided.

Mongolia, Dominica and Antigua & Barbuda, who had voted against the USA/Russian Federation request explained their votes. Mongolia indicated that it fully supports aboriginal subsistence whaling by these Arctic people. It noted that virtually the same request had been voted down yesterday and regretted that the Chair had chosen to put the amended version to a vote. Dominica made similar comments. Antigua & Barbuda wished to ensure the people of Alaska and Chukotka that it wanted a resolution to this problem before the end of the meeting. It believed that the fault lay with those countries not supporting consumptive use.

Several countries that had voted in support of the USA/Russian Federation request made a number of remarks. St. Vincent and The Grenadines indicated that it supported fully the aboriginal subsistence take of the USA and the Russian Federation and the request of Japan for its coastal communities. It urged the Commission to find some way to grant both requests. New Zealand suggested that Alaskan and Chukotkan people were being punished because of the Commission's unwillingness to establish a new category for small-type coastal whaling, and that Japan and others were drawing a moral equivalence between prosperous Japanese coastal towns and isolated Arctic communities, a link that, in New Zealand's view, did not exist. Denmark strongly regretted the outcome and like New Zealand, stressed the need to respect the traditional and subsistence needs of high Arctic people living in extreme conditions. The UK commented on what it considered to be the cant and hypocrisy of those voting against the USA/Russian request and wondered what honour was left in the organisation. Mexico considered that the discussions on this issue had nothing to do with the purpose and origins of aboriginal whaling and everything to do with politics. It recalled that since 1966, Mexico has opposed grouping aboriginal subsistence whaling requests by stocks or other criteria that deviate from the four stated requirements specified for this type of whaling, i.e. nutritional, subsistence, cultural and conservation requirements on a case-by-case basis, based on individual submissions by each corresponding Contracting Government justifying need.

6.3.2.2 NORTH PACIFIC EASTERN STOCK OF GRAY WHALES

The Commission noted the report of the Aboriginal Subsistence Whaling Sub-committee. It then adopted by consensus the following Schedule amendment proposed jointly by the USA and the Russian Federation:

In paragraph 13(b)(2) of the Schedule, in paragraph (i),-

- (1) After the words For the years strike "1998, 1999, 2000, 2001, and 2002" and insert "2003, 2004, 2005, 2006, and 2007"
- (2) After the words in any one of the years strike "1998, 1999, 2000, 2001 or 2002" and insert "2003, 2004, 2005, 2006 or 2007"

For the information of Commissioners, paragraph 13(b)(2) of the Schedule is reprinted below showing the effect of the proposed amendments.

- “(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 whose traditional aboriginal subsistence and cultural needs have been recognised.
 - (i) For the years 1998,1999, 2000, 2001, and 2002 2003, 2004, 2005, 2006, and 2007, the number of gray whales taken in accordance with this subparagraph shall not exceed 620, provided that the number of gray whales taken in any one of the years 1998, 1999, 2000, 2001, or 2002 2003, 2004, 2005, 2006, or 2007 shall not exceed 140.
 - (ii) It is forbidden to strike, take or kill calves or any gray whale accompanied by a calf.
 - (iii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.”

There was no discussion.

6.3.2.3 MINKE WHALE STOCKS OFF GREENLAND AND WEST GREENLAND STOCK OF FIN WHALES

The Commission noted the report of the Aboriginal Subsistence Whaling Sub-committee.

The Minister of Fisheries, Hunting and Settlements from the Greenland Home Rule Government stressed the dependence of Greenland upon the use of marine living resources. Throughout its 4,000-year history, whales, seals and other renewable marine resources have provided the basis for a system of social organisation based on bilateral kinship ties within extended families in which the sharing and exchange of wild foods and other local products are vital elements. The Minister noted that the debate about Greenland's use of whales, seabirds and other living resources is a reminder that managing for sustainability is a profoundly social and interactive process. He noted that while hunters have had to make substantial adjustments to their hunting practices in response to changing and increasing requirements for example on the humane killing of animals, these same changes and requirements have led to very effective hunting techniques that could result in an increased take of living resources. The current challenge for Greenland is therefore to reach a balanced and sustainable management regime through close co-operation with hunters, users, biologists and other stakeholders. Regarding need for research on large whales in Greenland, the Minister reported that he was working with the Government and Parliament to provide the necessary funding.

The UK reported that a few days earlier, the Environmental Investigation Agency (a UK-based NGO) had purchased a package of whale meat in Nagasaki labelled as coming from Greenland. It also referred to another product labelled as coming from Russia. Noting that: (1) whales harvested under IWC aboriginal subsistence catch limits are for local consumption only; and (2) that it was sure neither products were exported illegally with any knowledge or support from either Denmark or Russia; the UK requested confirmation from Denmark that the whale meat labelled as coming from Greenland was in fact mislabelled.

The Danish Commissioner considered that it was extremely unlikely that the product came from Greenland. A representative of the Greenland Home Rule Government confirmed this and referred to local legislation and CITES

regulations preventing such export. However, Greenland was willing to investigate the matter further by contacting the company selling the product and performing any necessary analyses in co-operation with the Japanese Government.

Referring to the comment from the UK, the Russian Federation indicated that the need of the Chukotkans is higher than the quotas requested and that consequently there is no excess meat available. It considered that the meat labelled in Japanese stores was not of Russian origin. Like Greenland, it was willing to work with the Japanese government to investigate this matter. It was sure that Japan would not allow trading of illegal whale products. Japan confirmed that in the past products coming from the Antarctic had been mislabelled as coming from Greenland. While noting that it considered this matter outside the mandate of IWC, Japan indicated that it would like to have samples of the products involved so that it could expeditiously investigate the matter.

The UK thanked Greenland and the Russian Federation for their responses and Japan for taking the matter seriously.

The Commission then adopted by consensus the amendments to Schedule paragraph 13(b)(3) and Table 1 proposed by Denmark, the only change being the seasons for which the quotas apply (i.e. the number of takes remains the same). The amended paragraph is as follows:

13.(b)(3) The taking by aborigines of minke whales from the West Greenland and Central stocks and fin whales from the West Greenland stock is permitted and then only when the meat and products are to be used exclusively for local consumption.

- (i) The number of fin whales from the West Greenland stock taken in accordance with this sub-paragraph shall not exceed the limits shown in Table 1.
- (ii) The number of minke whales from the Central stock taken in accordance with this sub-paragraph shall not exceed 12 in each of the years 2003, 2004, 2005, 2006 and 2007, 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 175 in each of the years 2003, 2004, 2005, 2006 and 2007, except that any unused portion of the strike quota for each year shall be carried forward from that year and added to the strike quota of any subsequent years, provided 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 the basis of the advice of the Scientific Committee.

6.3.2.4 NORTH ATLANTIC HUMPBACK WHALES OFF ST. VINCENT AND THE GRENADINES

The Commission noted the report of the Aboriginal Subsistence Whaling Sub-committee.

St. Vincent and The Grenadines introduced its proposed Schedule amendment (IWC/54/25 rev2) as follows:

In Paragraph 13(b)(4):

- (1) strike all of the first sentence, which begins: "For the seasons 2000 to 2002..."
- (2) insert four new sentences: "For the five seasons 2002/2003 through 2006/2007 the number of humpback whales to be taken by the Bequians of St. Vincent and The Grenadines shall not exceed 20. For each of these seasons the number of humpback whales struck shall not exceed 5. No more than 4 whales may be taken during any season. The meat and products of such

whales are to be used exclusively for local consumption in St. Vincent and The Grenadines."

Monaco asked why this latest revision from St. Vincent and The Grenadines did not reflect the agreement reached the previous day in a private Commissioners' meeting that its whaling must be conducted under formal legislation. Recalling that the Scientific Committee had only considered St. Vincent and The Grenadines request for 3 years, the duration initially proposed, Monaco indicated that the Commission was not in a position technically to approve a request for a 5-year period. It noted that in the Commissioners' meeting some countries had asked that the quota for the last two seasons become operative only after receiving advice from the Scientific Committee.

The Russian Federation also referred to the compromise agreement reached in the private Commissioners' meeting and was against changing the rules of the game during the game. It noted that St. Vincent and The Grenadines and other Caribbean countries felt bullied by some countries, but considered that they are dependent on others. It asked them to act independently.

In response, Grenada commented that just because it might support a particular country does not mean it is not independent. It considered that independence confers the right to support whomsoever it chooses. Recalling that St. Vincent and The Grenadines had promised to put appropriate regulations in place, Grenada took them at their word and therefore supported the proposed Schedule amendment. Dominica made a similar comment. Antigua & Barbuda acknowledged the agreement reached in private, but considered that the Schedule amendment proposed that morning by the UK grouping all aboriginal subsistence requests together had broken that consensus (see Item 6.3.2.1). St. Lucia fully supported St. Vincent and The Grenadines. It also referred to insinuations regarding the manipulation of small states but noted that those responsible for making phone calls to Caribbean Prime Ministers throughout the night were not from the Government of Japan. Japan also supported the St. Vincent and The Grenadines proposal. It considered the stock to be abundant and that extension of the period from 3 to 5 years would not cause any problems. It considered St. Vincent and The Grenadines existing fishery legislation to be sufficient for the purposes of monitoring whaling activities.

St. Vincent and The Grenadines pointed out errors in the text of the UK's proposal (Item 6.3.2.1) and stressed that appropriate legislation would be in place by July 2002. It requested clarification from the Scientific Committee as to whether the quota requested over a five-year period would be a problem and whether the Scientific Committee had specifically mentioned a three-year period in its management advice. The Scientific Committee Chair reminded the meeting that the Committee's advice had been that an annual take of up to four whales annually would be unlikely to harm the stock and that it had not referred to any time-period.

Like Monaco and the Russian Federation, the USA, New Zealand and the Netherlands expressed disappointment that St. Vincent and The Grenadines' revised text did not reflect agreements reached in private. New Zealand moved an amendment, seconded by Monaco, to add text that did reflect these agreements and that it had finalised later with St. Vincent and The Grenadines. The UK proposed to add a further amendment by including the joint USA/Russian Federation request for a bowhead quota.

However, the UK withdrew this amendment when the USA indicated that, while it very much appreciated the thoughtfulness of the UK, it preferred the more direct approach proposed by New Zealand.

The following Schedule amendment was subsequently adopted by consensus:

13.(b).(4) For the seasons 2003-2007 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. Such whaling must be conducted under formal legislation that accords with the submission of the Government of St. Vincent and The Grenadines (IWC/54/AS 8 rev2). The quota for the seasons 2006 and 2007 shall only become operative after the Commission has received advice from the Scientific Committee that the take of 4 humpback whales for each season is unlikely to endanger the stock.

7. CATCHES BY NON-MEMBER NATIONS

7.1 Commission discussions and action arising

The Chair of the Scientific Committee indicated that no catches by non-member nations had been reported to the Committee this year.

Japan noted that Indonesia continues to utilise sperm whales, adding that all non-member countries taking whales should join IWC as the body responsible for managing the whaling industry. Spain agreed. However, Japan considered that this would be unlikely with the moratorium in place and stressed the need to delete paragraph 10(e).

8. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES

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

Frederic Briand (Monaco) chaired the Working Group on Whale Killing Methods and Associated Welfare Issues that met on 16 May 2002 with delegates from 29 Contracting Governments. Its report is included as Annex D.

In making his report, the Working Group Chair indicated that prior to discussions on substantive issues, Japan had made a statement summarising its views on how whale killing methods and welfare issues is being dealt with by the Commission. Japan considered that the discussions have become increasingly dissociated from science such that it does not see merit in submitting its detailed data on these matters to IWC, preferring to report its results to appropriate academic fora. It would, however continue its research on killing methods and its efforts to reduce time to death.

8.1.1 Data on whales killed

The Working Group Chair reported that data on whales killed had been provided on a voluntary basis by Denmark, the Russian Federation, Norway, Japan and the USA in reference to Resolution 1999-1.

Denmark had provided detailed information regarding the 2001 Greenland hunt of minke whales, with statistics on most parameters. The Russian Federation had submitted information on the 2001 Chukotka hunt and drew attention to the improved training of the hunters and the expertise provided by other nations.

Norway had reported on the 2001 traditional minke whale hunt in which a new penthrate grenade,

Whalegrenade-99 has been used. Results from this hunt had shown that instantaneous death was achieved in over 79% of the animals, that no whales had escaped wounded and that average time to death was 145 seconds. Japan had given a brief account of the 2000/2001 and 2001/2002 JARPA programme, emphasising again that gathering data on whales killed under Special Permit fell outside the competence of the Working Group. In the 2001/2002 JARPA, 200 Norwegian Whalegrenade-99 were used for the second year to compare with Japanese grenades. A large number of countries had urged Japan to provide in the future and on a voluntary basis, more information in line with that provided by Norway and Denmark.

The USA had stated that lawsuits had prevented a whale hunt by the Makah in 2001 but that when the tribe resumes the hunt it would do so in a traditional manner with modifications to traditional techniques to improve the humaneness of the hunt. The USA had also reported on the 2001 Alaskan Eskimo bowhead hunt in which 49 bowheads were landed with 26 being struck and lost. All whales were taken using the traditional hand-thrown darting gun harpoon, the majority firing the traditional black powder projectile, but with 6 using the penthrate projectile that the Alaskan Eskimo Whaling Commission (AEWC) had been working to develop with Norway. The hunt had taken place mostly using small skin boats propelled by paddles under dangerous circumstances. The USA had reported that the difficult nature of the hunt makes it impossible to estimate the time to death with the same accuracy as in other whaling operations.

The Working Group Chair reported that the absence of data from St. Vincent and The Grenadines had been noted by several countries. He added that a statement had been provided to the Group by St. Vincent and The Grenadines to the effect that although it provides information on its hunt to the Scientific Committee via its annual Progress Report, it does not recognise the competence of IWC in whale killing methods and therefore does not attend the Working Group.

8.1.2 Information on improving the humaneness of whaling operations

The Working Group Chair informed the meeting that Denmark had reported on improvements on whale hunting methods in Greenland and in particular on the accuracy of delivery of the penthrate grenade harpoon and the effectiveness of secondary killing methods.

The Russian Federation had reported that its focus was on training the hunters, emphasising continued improvements in the efficiency of the hunt, with a 24% reduction in time to death in 2001 compared to 2000, a 15% reduction in the number of bullets and a 14% reduction in the number of darting gun projectiles used. The Russian Federation had, however, expressed concern about putting the lives of hunters at risk when attempting further reductions in times to death that should be viewed in the context of the nature of the hunt. It had indicated that further progress would likely depend on the ongoing collaboration with the AEWC and on availability of technical material and assistance. The Working Group Chair reported that a number of delegations had commended the Russian Federation on its improved hunt.

Norway had reported on the co-operative work taking place among its authorities, scientists and hunters and that Norwegian specialists have been giving lectures on

weapons, ballistics and hunter safety through seminars arranged by the AEWG and NAMMCO (North Atlantic Marine Mammal Commission).

Japan had reported briefly that its testing of the new grenade has been continuing in co-operation with Norway.

The USA had reported on the status of the AEWG Weapons Improvement Program to develop a method to improve the humaneness of the black powder projectile.

8.1.3 Plans for a workshop on whale killing methods

The Working Group Chair informed the meeting on plans for a workshop in 2003 on whale killing methods. He noted that Norway had proposed: (1) Dr. Sam Ridgway of UC Veterinary Medical Center of San Diego, USA as a candidate for workshop Chair; and (2) that issues to be addressed include (i) patho-physiological changes in the central nervous system and other vital organs of whales caused by intra body detonation of the penthrate grenade, (ii) the effect of large calibre round nosed bullets used for euthanasia (secondary weapons) in minke whales, and (iii) hunter safety. Norway had also stressed that participating experts should be able to contribute to the workshop without a restricted mandate and that comparative data from the hunt of other wild mammals and from the slaughter of domestic animals should be included. An ad hoc task force was constituted to further consolidate the workshop agenda (see Appendix 5 of Annex D) and to suggest a venue and time. It was proposed that a three-day workshop be held during IWC/55 in Berlin beginning the day after the end of the Scientific Committee meeting.

8.1.4 Other

The Working Group Chair noted that New Zealand had given a short presentation of a paper on possible adverse effects of the protracted pursuit of whales by whaling vessels and that this had been criticised in terms of the scientific quality of the document by some and received with gratitude by others. The Working Group Chair had expressed the view that in the future, papers of substantial scientific content should be presented to the Group only following proper international peer review or else be referred to a workshop.

The Chair also reported that the UK had posed several questions concerning methods used by Japan to kill small cetaceans in Japanese coastal waters. Japan had indicated that it would not answer such questions in the context of IWC but that it was prepared to do so as it deems appropriate on a bilateral basis. Denmark had responded similarly to a question regarding the Faroese pilot whale hunt.

The UK had expressed concern over the high increase in bycatch of whales in Japanese fisheries since changes in domestic legislation and had requested information on killing methods, times to death, regulations, observations and guidance to fishermen involved. Japan had responded that bycatch is outside the terms of reference for the Working Group but that it had provided the information to the Scientific Committee on a voluntary basis. Both positions had been supported by a number of countries.

8.2 Commission discussions and action arising

In the Commission, Japan re-iterated the statement it had made in the Working Group and reported by the Working Group's Chair. The Chair of the Commission expressed his appreciation of the voluntary submission of data by Japan. While the UK recognised the value of the information

provided by Japan, it expressed the hope that Japan and other countries not submitting data covering all the whales and some small cetaceans killed, would be prepared to provide information to the proposed workshop so that it could have the widest possible coverage.

The Commission noted the Working Group's report and accepted its recommendations for a workshop associated with IWC/55 next year. It agreed that a small committee comprising Norway, Denmark, Germany and New Zealand, assisted by the Secretariat, would be responsible for organising the workshop.

NAMMCO informed the Commission of the outcome of a workshop it organised in November last year on 'Marine Mammals: Weapons, Ammunition and Ballistics'. The workshop had involved hunters, scientists, administrators from the four NAMMCO member countries and participants from Sweden and Canada. The context of the workshop was the need to discuss the effect of various ammunitions, weapon types and where to aim in the killing of whales and seals, and the safety precautions needed when introducing new technologies. Taking account of the dangerous nature of marine mammal hunting using explosives and lethal weapons often under extreme weather conditions, the workshop was clear that the introduction of new methods should not compromise hunter safety. The workshop prepared a set of recommendations and conclusions, including a recommendation for more controlled and standardised studies of the effect of weapons and ammunition on species hunted. It also thought it useful to consider harmonising ammunition and weapon types for each species while giving due consideration to variations in hunting conditions in different NAMMCO member countries. The workshop agreed that it is imperative to involve and utilise the experience of hunters together with scientific studies to support any harmonisation efforts.

9. REVISED MANAGEMENT SCHEME

9.1 Revised Management Procedure (RMP)¹⁶

9.1.1 Report of the Scientific Committee

GENERAL RMP ISSUES

Two items (adjustment of the convergence criteria for the CATCHLIMIT programme; work to assist in discussion as to which population component MSYR, MSYL and density-dependence should apply) identified to be completed this year were unfinished and are deferred until next year. Work continued on the development of simulated datasets with which to evaluate various abundance estimators. The datasets developed thus far and associated documentation will be lodged with the Secretariat.

Given the difficulties in finalising the implementation for North Pacific common minke whales discussed below, the Committee spent considerable time discussing the general issue of how to develop and establish an efficient process to move from an in-depth assessment through to an final implementation and subsequent implementation reviews. Considerable progress on this was made.

¹⁶ For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage.* 5 (Suppl.)

NORTH PACIFIC COMMON MINKE WHALE IMPLEMENTATION

Implementation Simulation Trials are trials that are carried out before using the RMP to calculate a catch limit and involve investigating the full range of plausible hypotheses related to a specific species and geographic area.

The process of developing *Implementation Simulation Trials* is not the same as identifying the 'best' assessment for the species/region, but involves considering a set of alternative models to examine a broad range of uncertainties with a view to excluding variants of the RMP that show performance that is not sufficiently robust across the trials. Account needs to be taken of the plausibility of the various trial scenarios when evaluating RMP variants.

The Committee has been working on *Implementation Simulation Trials* for this area since 1994; a special workshop was held prior to the Shimonoseki meeting. It had been anticipated that the Committee would have been able to provide management advice to the Commission at the present meeting. However, it is proving to be extremely difficult to complete this work for a number of reasons. These include:

- (1) the fact that harvesting is projected to take place during migration as well as on the feeding grounds;
- (2) there is a seasonally-dependent overlap of management stocks;
- (3) there has been continual updating of information on a relatively complex population structure;
- (4) a number of issues related to the plausibility of trials, particularly with respect to population structure;
- (5) the complexity and time required to code and run trials; and
- (6) a lack of agreement on when to stop 'improving'.

An ambitious work plan has been established with the aim of reaching agreement on the appropriate variant of the RMP to apply to common minke whales in the western North Pacific at next year's meeting.

In addition, the Committee received information on plans by Japan and the Republic of Korea for sightings surveys in the western North Pacific directed primarily at common minke whales. The Committee endorsed these plans. With respect to a survey in the Sea of Okhotsk, the Committee recommended that the Commission requests the relevant authorities of the Russian Federation to grant permission in timely fashion for the Japanese vessels to undertake surveys in its EEZ.

WESTERN NORTH PACIFIC BRYDE'S WHALES IMPLEMENTATION

The Committee is in the process of developing initial *Implementation Simulation Trials* for western North Pacific Bryde's whales. In particular, it began a review of the reliability of available catch statistics. Intersessional work will continue on this issue so that any uncertainty about such statistics can be incorporated into future trial structure. A full discussion of population structure and abundance-related issues will take place at next year's meeting and the Committee will determine whether the *pre-Implementation* stage of the process has been completed.

NORTH ATLANTIC COMMON MINKE WHALES - IMPLEMENTATION REVIEW

The Committee had expected to be in a position to undertake an *Implementation Review* of common minke whales in the northeastern Atlantic at the 2002 meeting. However, due to logistical problems in making all of the

data available suitably in advance of the meeting, it was agreed to postpone the review until next year. The review will primarily consider new information on stock structure and abundance, some of which was briefly discussed at this year's meeting. Intersessional work was identified.

The Committee also noted Norway's plans to continue undertaking surveys in the North Sea, and recommended that the Commission requests the relevant UK Government authorities to grant permission in timely fashion for the Norwegian vessels to undertake surveys in its EEZ.

BYCATCH AND OTHER HUMAN-INDUCED MORTALITY

The RMP estimates a limit for the number of non-natural removals, not simply a catch limit for commercial whaling. It is therefore important to estimate the numbers of whales removed from the population by indirect means, including bycatches in fishing gear and ship strikes, for example.

The Scientific Committee began to consider this issue in some detail last year. It agreed that priority should be given to those areas where the RMP is likely to be implemented – such as the western North Pacific and the northeastern Atlantic. Four steps are required:

- (1) identification of the relevant fisheries;
- (2) description and categorisation of those fisheries to allow a sampling scheme to be devised;
- (3) identification of a suitable sampling strategy or strategies; and
- (4) design and implementation of the sampling scheme to enable estimation of the total bycatch.

The Committee has reviewed general methods for estimating bycatches. These fall under two headings: (1) those based on fisheries data and observer programmes; and (2) those based on genetic data. The former have been used successfully for several small cetacean populations. The Committee agreed that independent observer schemes are generally the most reliable means of estimating bycatch rates in a statistically rigorous manner, but that they may not always be practical and will require careful design.

The latter potentially represents a new way of estimating bycatches. The Committee has agreed that although genetic methods based on market samples may not be the primary approach to estimating bycatch, they could provide useful supplementary data that could not be obtained in another way. The use of market samples to provide absolute estimates should not be ruled out. However, it will require further developments in sampling design with input from experts with detailed knowledge of market sampling issues. The possibility of holding a workshop on that subject is being considered.

The Committee looked at the bycatches of large whales reported in National Progress Reports. Common minke whales were the most frequently reported species (>230) with most records for Japan and eastern Korea. Compulsory reporting schemes exist in both these countries (it was voluntary in Japan prior to 1 July 2001). Possible reasons for the clumping of catches in these two areas were discussed but no clear explanation emerged, although lack of reporting by some countries is probably part of the explanation.

Work to further explore improved bycatch estimation methods for the two approaches noted above is continuing.

A further major topic concerned consideration of ways in which bycatches of large whales (and mortality of entangled whales) can be minimised.

9.1.2 Commission discussions and action arising

NORTH PACIFIC COMMON MINKE WHALE IMPLEMENTATION SIMULATION TRIALS

Japan expressed regret that completion of the *Trials* had been postponed yet again. It welcomed the clear guidance provided by Committee's recommended schedule for *Implementation* and *Implementation Reviews* (and hoped it would be followed) but felt that such guidance would not have been required if the work had proceeded as originally planned. Japan believed that the reason that the North Pacific minke whale *Trials* had taken so long was not because of the availability of new data, which is normal in an ongoing research programme, but rather because new hypotheses were being suggested each time the *Trials* were nearing completion. Regarding criticism in some quarters that it had been withholding data and obstructing progress, Japan stressed that in addition to providing all data required by the *Schedule*, it provides other data it has collected to the Scientific Committee or to any scientist requesting them according to a specified protocol. It was troubled that on the one hand its research is criticised as unimportant for management, while on the other it receives more and more requests for its data in a management context.

In response to Japan's comments on the reasons behind the delay in completing the *Implementation*, the UK recalled that it was Japanese scientists that had requested that the *Trials* not be completed last year. It was the UK's understanding that had the *Trials* been completed, the emerging quota for the coastal stock would be lower than some might like, which probably explained the delay.

The Republic of Korea also noted with regret the delay in the North Pacific minke whale *Trials* with the consequential delay in the proposed in-depth assessment of all common minke whales in the western North Pacific (including 'J' stock whales found in its waters) which it considered to be a matter of urgency.

NORTH ATLANTIC MINKE WHALES - PLAN FOR IMPLEMENTATION REVIEW IN 2002

With respect to the issue of access to Norwegian vessels into UK waters, Denmark referred to last year's discussion on the denial by the UK of access by survey vessels (including a Faroese vessel) into its EEZ, and asked whether the UK had reconsidered its decision as it had stated. The UK indicated that its reasons for not granting access were given last year, that it was still reconsidering its position and that Norway's intention to again raise the tuning level used in the RMP would be taken into account when arriving at its decision.

GENERAL

The Commission adopted and endorsed the Scientific Committee report and its recommendations on the items discussed under Item 9.1.1. A number of draft Resolutions had been submitted in relation to this agenda item, but the Commission did not have time to discuss them.

9.2 Revised Management Scheme (RMS)

9.2.1 Report of the Revised Management Scheme Working Group

The report of the RMS Working Group meeting was summarised by its Chair, Henrik Fischer (Denmark). The meeting took place over the 13 and 15 May 2002 and was attended by delegates from 30 Contracting Governments. The full report is available as Annex E.

The Working Group Chair reported that he had reminded the Group that its overall objectives are to complete the work on the RMS. He had noted that: (1) the work had been ongoing for a number of years; (2) some progress had been made, particularly by the Expert Drafting Group (EDG) - established at the 53rd Annual Meeting - that had met twice (i.e. in October/November 2001 and in February/March 2002); but that (3) a number of outstanding issues remained. The Chair hoped it would be possible to reach agreement on some of these remaining issues, but recognised that this would probably not be possible for those he regarded as being essentially political in nature (e.g. catch verification, the role of NGOs in a Compliance Review Committee, costs of any supervision and control scheme and how they may be shared among Contracting Governments, and the need to collect animal welfare data).

The Working Group Chair had drawn attention to two further items (i.e. the proposal, originally from Ireland, that catches may only be taken within EEZs or other waters within 200 miles of the coast and the issue of current paragraph 10(e) - the moratorium) noting that they are clearly influential in any discussions of Schedule Chapters V and VI. Regarding limiting catches to coastal areas, the Working Group had agreed with the Chair's proposal to ask the Scientific Committee to comment on the management implications (in terms of yield and risk) of such a step.

Following a presentation by the Secretariat on the outcome of the EDG's work and a general round of impressions and comments, the Working Group had focused its discussions on the following:

Regarding Chapter V (Supervision and Control):

- (1) the inclusion of a 'statement of principle';
- (2) the proposed mechanism for developing the detail necessary for the practical implementation of the scheme (i.e. putting details not in the Schedule, but in a separate document);
- (3) the name and duties of the committee responsible for oversight of infractions;
- (4) cost estimates.

Regarding Chapter VI (Information Required):

- (1) the scientific information required.

The Chair explained his view that that an exercise discussing other areas would not have been worthwhile until progress had been made on the broader, more political issues. How this might be achieved was discussed under the agenda item 'next steps'.

REVISIONS TO CHAPTER V, SUPERVISION AND CONTROL

The Working Group agreed to the EDG proposal to include a short statement of principle in Chapter V even though not all members thought this to be necessary. There had been no agreement on the need to include a sentence to the effect that no provision of Chapter V is intended to restrict any legitimate trade in any whale product.

The Working Group agreed to the mechanism proposed by the EDG for developing the detail necessary for the practical implementation of the scheme, i.e.:

- (a) The Commission keeps all of the practical details in a single document, not the Schedule itself.
- (b) The Schedule paragraph refers to a dated version of this document. If the Commission adopts any modifications then it is only the date in the Schedule that needs to be modified. If the changes are non-

controversial then it should take only a few minutes or less to agree to change the date in the Schedule. If the changes are controversial then unless there is a three-quarters majority, the Schedule will still refer to the earlier version. Similarly, if a Contracting Government objects to a change in the date, it will still be bound by the earlier version.

It also agreed some draft text for the Schedule (see Annex E).

Regarding oversight of infractions, the Working Group Chair noted the tentative deletion of square brackets from two sub-paragraphs that: (1) indicated that the Commission shall establish a Compliance Review Committee to review and report on the compliance of all whaling operations with the provisions of the Schedule and penalties for infractions; and (2) listed the duties of the Committee. He reported that Japan is not yet convinced of the need for a Compliance Review Committee since it considers that the existing Infractions Sub-committee can provide adequate oversight, and that Norway is of a similar view but that, contingent on consensus, it could agree to deletion of the square brackets.

The Working Group Chair reported that as requested by the EDG, the Secretariat had prepared cost estimates for operating an International Observer Scheme along the lines developed by the EDG. Several countries had commented that the approach taken was sound and realistic, although the Secretariat confirmed that costs associated with 'up-front' observer selection and training were not included in its estimates.

REVISIONS TO CHAPTER VI, INFORMATION REQUIRED

The Working Group Chair reported that the Working Group had agreed: (1) proposed EDG text concerning the samples and information to be provided; and (2) that the Scientific Committee be requested to re-examine the requirement for collection of earplugs from each whale caught.

NEXT STEPS

The Working Group Chair informed the meeting that he had proposed that the best way to make progress on areas where fundamental differences remain would be to convene a meeting of Commissioners/Alternate Commissioners after IWC/54. He had further proposed that the meeting be:

- a private Commissioners' meeting involving up to two participants per Contracting Government;
- held in September/October 2002 so that, if progress were to be made, there would be sufficient time for further drafting of the RMS prior to the 55th Annual Meeting in Berlin in June 2003;
- of the duration of at least 3 days.

While a number of countries had appreciated the Chair's efforts to explore new avenues through which progress could be made, he reported that the Group had agreed that the proposal for an intersessional meeting was premature and that efforts should be concentrated on making progress during IWC/54 when most countries are present. In addition, the Chair noted that some countries had voiced their general opposition to intersessional meetings since the costs involved may prohibit participation by some. Concern had also been expressed regarding the lack of transparency if a private meeting were to be held, and a suggestion was made that if a meeting was agreed, consideration should be given to Commissioners being accompanied by Ministers in view of the political dimensions involved. Not all Group

members were convinced that the problems are purely political but they did agree that they are fundamental. Finally, the need for clear Terms of Reference for any intersessional meeting had been stressed.

9.2.2 Commission discussions and action arising

A number of countries thanked (1) Henrik Fischer for his work as both Chair of the EDG and Chair of the RMS Working Group and (2) the Secretariat for its extensive work to facilitate discussions.

As there were two Schedule amendments proposed (one by Japan, the other by Sweden and several co-sponsors), the Chair suggested that these be dealt with before discussing next steps.

PROPOSED SCHEDULE AMENDMENTS

Japan introduced its proposed Schedule amendment that involved: (1) the deletion of paragraph 7 relating to sanctuaries and the replacement of paragraph 10(e) with a paragraph regarding the implementation of the RMP; and (2) replacing the current paragraphs in Chapter V and VI with the paragraphs agreed by the RMS Working Group. Japan commented that as it had included only those paragraphs agreed by the RMS Working Group, it believed that its proposal should provide a basis for implementing an urgently needed and reasonable RMS. China, the Republics of Palau and Korea and Antigua & Barbuda spoke in support of Japan's proposal.

In introducing its proposed Schedule amendment, Sweden indicated that like most other countries, it supports the sustainable use of living resources, noting however that for whales, use can take different forms and that both consumptive and non-consumptive use should be considered. Sweden felt that IWC had taken too long in discussing what an RMS should comprise and that it was now time to make a decision on a precautionary management system that would preclude a repetition of past excesses. To reach the common goal of a restored ecosystem, including large whale stocks and the subsequent increased use of whales, Sweden believed that common ground needed to be found as the basis for future work. Together with a number of co-sponsors (Sweden, Finland, Ireland, Netherlands, Oman, South Africa, Spain, Switzerland, Portugal, Peru and Chile) it had therefore proposed a Schedule amendment that: (1) incorporates the RMP, a strong inspection and observation scheme and an effective DNA system; and (2) retains the moratorium and sanctuaries. Sweden called for broad support for its proposal, noting that a strict control system supported by a majority of members is the only way forward for sustainable use and preservation of whale stocks. In addition to the co-sponsors, France also spoke in support of this proposal.

As background to its comments on both proposed Schedule amendments, New Zealand indicated that as its policy is to seek the maximum protection of all cetaceans, it is opposed to the resumption of commercial whaling. However, it recognised the possibility that the Commission might at some time lift the commercial whaling moratorium and for that reason it has participated actively in the process to develop an RMS (although it views the future of the moratorium as an issue that must be decided separately from the RMS). During this process, New Zealand remarked that it has consistently argued for an RMS in line with current international best practice that should include:

- (1) international observers on all vessels;

- (2) tracking of whale products throughout the market chain without restricting trade;
- (3) vessel monitoring and real-time reporting of vessel positions; and
- (4) costs to be borne by those who seek to profit from commercial whaling.

In addition, it has supported calls by others for reporting of animal welfare data and for a strong compliance and enforcement structure with appropriate NGO participation. Recalling that the Commission's instruction to the EDG was to develop a consolidated draft text for an RMS with as few square brackets as possible, New Zealand considered that it was incumbent on EDG participants to be willing to offer and make compromises on both the small and the big issues. However, it noted that no real consensus was achieved, that while there were some agreements on small matters, there were few compromises and that when the EDG finished its work, square brackets remained around most of the major issues (e.g. the statement of principle, catch verification, a proposed compliance regime and collection and reporting of animal welfare data). It further noted that although tentative compromises were agreed on:

- (1) the process for appointing observers;
- (2) use of vessel monitoring systems;
- (3) the duties of any compliance body;
- (4) a limited, combined role for International Observers and National Inspectors; and
- (5) modified rules to apply in respect of small vessels engaged only in day trips for coastal whaling; the compromises were all made by the opponents of commercial whaling – there had been no reciprocity by those supporting a resumption of commercial whaling.

With these views in mind, New Zealand welcomed Sweden's proposal and complimented the sponsors on their efforts to make progress and to arrive at a broadly acceptable text. It considered Japan's proposal to be misleading and to have a number of serious and significant omissions, including no provision for:

- (1) a catch documentation scheme;
- (2) the recovery of costs from those who seek to profit from commercial whaling;
- (3) the collection and reporting of animal welfare data; and
- (4) establishing any compliance regime. New Zealand found Japan's proposal to repeal paragraphs 7 and 10(e), thus overturning the Indian and Southern Ocean whale sanctuaries and the moratorium, to be unacceptable.

Noting the failed attempts at agreement, it was now New Zealand's view that for any RMS to be effective it does not just require a three-quarters majority, but at the very least, the broad and general support of all major groupings within the Commission, otherwise it will be complied with only minimally and will be open to formal objection. Finally, New Zealand indicated that until there is a clear willingness of countries supporting a resumption of commercial whaling to negotiate on all the outstanding issues, it could not vote for either of the proposed Schedule amendments. Germany, the UK, Austria, Mexico and India expressed similar sentiments. The USA could not support Japan's proposal believing that it did not provide the fundamental aspects for a supervision and control scheme necessary to deter illegal, unregulated and unreported (IUU) whaling.

With respect to the Schedule amendment proposed by Sweden, although Germany found it to be an improvement on other proposals it considered that a number of important elements common to other fisheries management schemes were missing, including provisions for:

- (1) full information on vessels;
- (2) alternative control mechanisms for when VMS is out of order;
- (3) control measures for non-contracting Parties suspected to be undermining the rules of the Convention; and
- (4) a list of serious infractions that automatically require sanctions.

Germany also found the proposal to allow Contracting Governments to object to any observer unacceptable since it may result in no observer being present. It hoped to receive a more comprehensive document for review at next year's Annual Meeting. Antigua & Barbuda considered that Sweden's proposal undermined the work of the EDG since it includes elements on which the group has not yet completed its discussions and found it unacceptable that whaling be limited to EEZs. Norway and Japan also strongly opposed this proposal that they considered to incorporate matters outside the mandate of IWC.

Australia indicated that much of its own views regarding Japan's proposal had been covered by New Zealand and addressed its comments primarily towards those conservation-minded countries tempted to support the Swedish proposal. Noting that any RMS is inconsistent with its own policy to seek a permanent and global ban of commercial whaling, Australia expressed concern regarding how close some members appeared to be in adopting an RMS text that lacks the unequivocal support of those other members that would need to be bound by it, i.e. those that wish to continue, recommence or commence commercial whaling. It was alarmed that countries likely to engage in whaling are objecting to the inclusion in the RMS of elements now considered as best practice by other international marine resource management regimes (e.g. catch documentation, 100% observer coverage). Australia emphasised the dangers of seeking compromises and stressed that if there is to be stringent international regulation of whaling, any RMS would have to be agreed and adhered to in its totality by all countries that intend to undertake commercial whaling. Without such agreement, the objection procedure could be used to evade specific articles of an RMS. It called on the Commission not to adopt the Swedish proposal.

Denmark considered the tabling of both proposals to be premature and possibly counterproductive. It believed that compromises on both sides were needed if there is to be any hope of future success in agreeing an RMS. Denmark indicated that it would not participate in a vote on either text.

The representative of the IUCN chose to speak on this issue. He noted that IUCN supports scientifically-based solutions to conservation problems and that it has supported the work of IWC's Scientific Committee, including development of the RMP. He recalled that since the 1970s IUCN has advocated and then supported the moratorium pending the adoption of a satisfactory management regime that would prevent a repeat of past mistakes and that would secure the world's whale stocks in coming decades. It was IUCN's view that if the Commission did not adopt an effective RMS then it would in effect be accepting the

proliferation of whaling outside international control. It was aware that the supervision and control arrangements in the Swedish proposal were in many ways more stringent and intrusive than is the case in other fisheries management schemes, particularly in relation to full International Observer coverage even in EEZs, but considered that the special status of whales in both legal and biological terms and their status as a flag-species of the conservation movement, made such provisions necessary. In particular, it considered the establishment of a central DNA register to be an essential component. IUCN urged the Commission to adopt an RMS so that it could move on to other important issues in the conservation of cetaceans.

Japan's proposed Schedule amendment was put to a vote first since it was the first to be submitted. It received 16 votes in favour, 25 against and three abstentions and was therefore not adopted. In explaining its vote, Norway who abstained, indicated that although Japan's proposal covered all the necessary fundamental issues and addressed paragraph 10(e) and sanctuaries in a constructive way, there were certain areas where improvements are needed, namely: (1) the better entrenchment of the RMP into the Schedule, including a preferred range of tuning levels; and (2) a more explicit defence of the rights of coastal states under Article 56 of UNCLOS. In addition, Norway added that in view of the serious nature of the RMS, it would need time to scrutinise any proposal thoroughly prior to making a decision, which it was not yet ready to do.

Sweden's proposal also failed when put to a vote, receiving 12 votes in support, 24 against and 7 abstentions. The USA explained why it had abstained. It noted that although the proposal included some elements that would deter IUU whaling, it did not have sufficiently broad support and was therefore premature. However, the USA believed Sweden's proposal to be a step forward and that it should provide the basis for the Commission's future work on the RMS. Monaco, Argentina and Italy gave similar explanations for their votes.

NEXT STEPS – PROPOSAL FOR AN INTERSESSIONAL MEETING

The Chair of the RMS Working Group returned to his proposal for an intersessional meeting of Commissioners/Alternate Commissioners and introduced proposed terms of reference (IWC/54/61) for such a meeting. It was his view that the meeting should address the following broad issues: catch verification (through DNA registers and genetic monitoring, and catch documentation); the role of NGOs in a Compliance Review Committee; costs and how they may be shared among Contracting Governments; the need to collect animal welfare data; and the issue of current paragraph 10(e) – the moratorium. Although it would be discussed in the Scientific Committee next year, the Working Group Chair considered that the intersessional meeting could also consider the proposal, originally from Ireland, that catches may only be taken within EEZs or other waters within 200 miles of the coast. He added that if sufficient progress was made, the intersessional meeting could instruct an EDG (composition to be decided but shall include at least the Chair of the RMS working group and the Secretariat) to try to draft a final text for consideration by the Commission at the next Annual Meeting in Berlin.

There was broad support for a meeting to try to make progress on the RMS, and although there were suggestions that it be held in association with the Annual Meeting in

Berlin, the Commission finally agreed that it should be held in either Denmark or the UK during the week of 14 October 2002. It was further agreed that the meeting be held in private, with participation limited to two delegates per country plus an interpreter where necessary.

Regarding terms of reference, some delegations were not happy with all aspects proposed by the RMS Working Group Chair and it was agreed that rather than decide on specific terms of reference, the following documents would be taken forward to the intersessional meeting:

- (1) the terms of reference proposed by the RMS Working Group Chair (IWC/54/61);
- (2) a draft Resolution prepared by New Zealand containing, inter alia, a list of elements that should be included in an RMS (IWC/54/53);
- (3) the Schedule amendments proposed by Japan and Sweden (i.e. IWC/54/34 and 35); and
- (4) IWC/54/RMS 2 'The possible structure and content of a revised Schedule based on discussions to date'.

The Secretariat was requested to organise the intersessional meeting on the basis of the above agreements.

10. SANCTUARIES

10.1 Reviews of sanctuaries

10.1.1 Improvements to the review process **REPORT OF THE SCIENTIFIC COMMITTEE¹⁷**

Last year, the Commission provided the Committee with 'Instructions from the Commission to the Scientific Committee to Review Sanctuaries and Sanctuary Proposals'¹⁸. The Committee used these as the basis to develop a framework to review the Indian Ocean Sanctuary (see Item 10.2.1 below).

Based on this experience, and as requested by the Commission, the Scientific Committee provided some comments on the Instructions. The Committee recognised that the review process could be further developed and established a intersessional group to try to develop suggestions for evaluation criteria to make them more precise and operational. A proposal for a more precise set of reviewing criteria will be presented to the Commission next year. That group will also try to develop a proposal for a mechanism through which the Commission can assist member countries in developing sanctuary proposals (including identification of the objectives of a sanctuary and the establishment of a scientific monitoring programme that allows evaluation of these objectives).

It also agreed that the review process for the Southern Ocean Sanctuary (due in 2004) will benefit if the review is initiated next year by collating the information required to follow the Commission's Instructions.

COMMISSION DISCUSSIONS AND ACTION ARISING

Japan reflected that sanctuaries are another area on which two strongly held views divide the Commission but believed that if the need for sanctuaries is examined on a scientific basis as required by the Convention, there would be only one view. It noted that is clear from the Schedule language (e.g. paragraph 7.(b) concerning the Southern Ocean Sanctuary where it states '*This prohibition applies irrespective of the conservation status of baleen and*

¹⁷ For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage.* 5 (Suppl.).

¹⁸ *Ann. Rep. Int. Whaling. Comm.* 2001: 65.

toothed whale stocks in this Sanctuary...) that there is no scientific basis for the existing sanctuaries. Japan considered that for sanctuaries or Marine Protected Areas to serve a useful conservation purpose they should be defined according to ecologically appropriate boundaries, apply to species subject to utilisation and management and that their duration should reflect conservation needs. It further considered that conservation measures totally prohibiting the use of abundant resources over large areas is against the principles of sustainable utilisation and in the case of IWC whale sanctuaries, an unnecessary duplication of the current commercial whaling moratorium. Japan noted that once the moratorium is lifted, whaling would be managed under the RMS with catch limits being set only for abundant stocks. In Japan's view, this would provide adequate safety measures.

Norway supported the Scientific Committee's proposal to develop more precise criteria for reviewing sanctuaries and agreed that the review of the Southern Ocean Sanctuary would benefit if the Committee initiated its work next year. Denmark also welcomed the work and proposals from the Scientific Committee.

Referring to the Commission's Instructions agreed last year, Mexico noted that the Committee had been unable to reach consensus on advice on whether the Indian Ocean Sanctuary is consistent with the precautionary approach. For this reason, Mexico along with Australia, Austria, Ireland, Monaco, the Netherlands, New Zealand, Oman, South Africa, Sweden, Brazil and Portugal, believed that the Commission should make a decision and give further guidance on the sanctuary review process. They had therefore submitted a draft Resolution to this effect. In introducing this, Mexico explained that a series of criteria should be taken into account when reviewing a sanctuary. These should include not only scientific data from the sanctuary under review (which may be limited), but other issues consistent with the establishment of the sanctuaries themselves. Mexico noted that as sanctuaries are established as part of an overall management scheme, a temporary overlap of management measures should not automatically invalidate the longer term scientific and conservation value given to a sanctuary. It also considered that if consensus is not possible within the Scientific Committee on a sanctuary review, then the Commission should decide that the precautionary approach should prevail. Brazil, the USA, India, Monaco and Oman spoke in support of the draft Resolution.

Switzerland found it disturbing that Scientific Committee had found it almost impossible to reach consensus even though it had been given clear instructions by the Commission. Monaco made a similar remark. The Committee Chair explained that the difficulties were not due to lack of clarity in the Commission's instructions, but due to valid scientific disagreements as to whether this particular sanctuary did or did not do particular things.

Denmark and Antigua & Barbuda thought the draft Resolution was premature. Antigua & Barbuda also considered that some of the text circumvented previous Commission decisions whereby sanctuaries should be science-based. Norway considered that the draft Resolution contained valuable comments on the precautionary principle, but felt that rather than being adopted by the Commission, the text should be submitted to the appropriate Scientific Committee working group who could consider it and report back next year. The Scientific

Committee Chair also made a request to this effect. She noted that the draft Resolution included both scientific and non-scientific issues and considered that the Scientific Committee could help sort these out and bring back its recommendations to the Commission next year. She believed that this would help to clarify whether the Commission does or does not want the Committee to consider issues on which it cannot reach consensus (in which case it would probably stop the consideration of sanctuaries) or whether it wants the Committee to give the best advice it can, which will sometimes not be by consensus. However, the sponsors of the draft Resolution did not agree to simply submit it to the Scientific Committee, and after some revision to clarify the text and with the addition of France and Argentina as further co-sponsors, the draft Resolution was put to a vote and adopted (Resolution 2002-1, see Annex F). There were 24 votes in favour, 19 against and one abstention.

A number of countries commented after the vote. Japan requested that only responsible Resolutions be passed and indicated that its scientists might not take part in further work on this issue. Norway indicated that it voted against the Resolution not because it disagreed with the operative paragraphs, but because it considered the Resolution to be an expression of no confidence in the Scientific Committee and particularly the Committee Chair who had expressly requested that the draft Resolution be submitted to the Scientific Committee for further consideration. Morocco, St. Vincent and The Grenadines, Dominica and Antigua & Barbuda made similar remarks. St. Vincent and The Grenadines called on the Scientific Committee and its Chair to resign in protest at the apparent lack of respect shown by the proposers of the Resolution, a comment echoed by Antigua & Barbuda. Denmark re-iterated its earlier comment that the Resolution was premature. Mexico did not agree that the Resolution was a vote of no confidence in the Chair. Clarifying the precautionary principle (Principle 15 of the 1992 Rio Declaration), Australia noted that it is a matter of policy not of science and felt it appropriate that the Commission provide guidance to the Scientific Committee on the accepted international policy on precaution.

In responding to St. Vincent and The Grenadines and Antigua & Barbuda, the Scientific Committee Chair admitted that she was tempted to resign. While having no problem with the first operative paragraph of the Resolution, in her view she felt that the second operative paragraph read as though it was telling the Scientific Committee that it could not consider certain things. She considered this a dangerous precedent.

10.1.2 Review of the Indian Ocean Sanctuary **REPORT OF THE SCIENTIFIC COMMITTEE**

An intersessional working group had developed a proposed framework to carry out the review in the light of the instructions developed by the Commission last year. The Committee's discussions of sanctuaries in the past have been somewhat inconclusive, with attention being drawn to a number of general arguments both in favour of and against sanctuary proposals. The discussion of the Indian Ocean Sanctuary followed a similar pattern. On most issues, there were three groups of views and this is reflected in the report. The Committee noted that lack of consensus in evaluating the scientific aspects of this Sanctuary was not surprising considering that the sanctuary's original proposal did not clearly state its

scientific objectives. Given this, it is extremely difficult to evaluate whether the sanctuary had achieved its objectives. It stressed that the review process would benefit from explicitly stated objectives in Sanctuary proposals. However, while there was little consensus in the overall evaluation of the Sanctuary, a considerable amount of substantive advice and information was provided on a number of sanctuary-related scientific issues.

At the end of her report, the Scientific Committee Chair responded to comments made earlier that the Committee should have reached consensus. She noted that it is not unusual for a Committee of over 150 scientists to not reach consensus over a contentious issue; if the Commission does not wish to receive different views, then it should not ask the Scientific Committee to comment.

COMMISSION DISCUSSIONS AND ACTION ARISING INCLUDING A PROPOSAL TO AMEND THE SCHEDULE

Commenting on the way in which the Scientific Committee performed the review of the Indian Ocean Sanctuary, Monaco considered that it was strange to split into sub-groups and not the best way to air scientific views. It urged the Commission to engage in a review of the mode of functioning of the Scientific Committee, suggesting that this could be done by the Advisory Committee who could report to the Commission at next year's meeting. Sweden supported these views. New Zealand however commended the efforts of the Scientific Committee to deal with the sanctuary review using a novel approach.

Japan introduced its document IWC/54/8 - a *'Review of the Scientific Aspects of the Indian Ocean Sanctuary'*. The document gave some background to the establishment of the Indian Ocean Sanctuary and then reviewed the sanctuary following the instructions agreed by the Commission last year. From its review, Japan concluded that the sanctuary is made redundant by the moratorium on commercial whaling and unnecessary by the RMP, both of which were adopted after the sanctuary. It further considered that the sanctuary:

- (1) is an inappropriate management strategy that does not provide additional or necessary protection to whales;
- (2) does not improve protection of the whale habitat;
- (3) does not address other anthropogenic or environmental factors;
- (4) impedes the conduct of scientific research;
- (5) is inconsistent with the precautionary approach; and
- (6) does not meet the requirement of the Convention that regulations be based on scientific findings.

For these reasons, Japan proposed that Schedule paragraph 7(a) be deleted, thus abolishing the Indian Ocean Sanctuary.

Dominica and Antigua & Barbuda considered that the Indian Ocean Sanctuary had outlived its usefulness.

Brazil, Mexico, Kenya, Monaco and New Zealand viewed IWC/54/8 as more of a political position paper than a scientific review and called for the sanctuary to be retained. Oman considered that there was insufficient basis to remove the sanctuary given the lack of consensus within the Scientific Committee. Ireland also advocated retention of the sanctuary in the absence of scientific advice to the contrary.

Kenya noted that although it had been unable to attend IWC meetings for some time, it had nevertheless followed keenly the work of the Commission. Referring to its government's strong commitment to the conservation of

whales, Kenya also stressed the importance of tourism and therefore its ecosystem to its economy. It noted that it was the first country in Africa to establish a marine sanctuary and that its policy has been for the non-consumptive use of wildlife – a policy that had served it well in both its cultural and economic development. For this reason, Kenya strongly supported the Indian Ocean and other sanctuaries. Kenya provided information on the degree of support for the sanctuary from other range states not members of IWC. It reported that in December 2001, the Nairobi UNEP Convention for the Protection, Management and Development of the Marine and Coastal Environment in the East African Region reaffirmed the need to retain the sanctuary. Signatories to this Convention are France (Réunion), Madagascar, Mauritius, Mozambique, Seychelles, Somalia, South Africa, Tanzania as well as Kenya. It also reported that the Indian Ocean Commission, that includes many of the same members as the Nairobi Convention, declared its support as indicated by a letter from that Commission to the IWC Chair (Document IWC/54/18). Kenya further noted that:

- (1) the sanctuary had already been looked at twice by IWC and on each occasion there was no consensus;
- (2) no country filed an objection to Schedule paragraph 7.(a); and
- (3) no whaling has taken place in the sanctuary since it was declared.

It was therefore Kenya's sincere hope that the IWC would respect the views of the range states and reaffirm the status of the Indian Ocean Sanctuary.

A number of countries including Monaco, Australia, India, Germany, France, UK, New Zealand, Ireland and Finland noted the importance of taking the views of range states into consideration and supported continuation of the Indian Ocean Sanctuary. The USA reported that the formation of the sanctuary had prompted two significant cetacean surveys by its scientists, one in the western tropical Indian Ocean in 1990, and another at a later date in the EEZ of the Republic of the Maldives. It continued to support the sanctuary. The UK commented that the precautionary principle has become well established in fisheries management, and that some of the problems that exist in the world's fisheries exist because it was not applied much earlier.

Denmark proposed the strengthening of research in the Indian Ocean Sanctuary and suggested that the Scientific Committee be invited to assess impacts in the sanctuary from other human activities such as fishing, seismic surveys, oil and gas exploitation and whalewatching. Denmark considered it important that sanctuaries address the relationship of a sanctuary with other existing measures to protect whales and their habitat from all anthropogenic factors.

Noting the different views expressed and that there was no consensus to abolish the Indian Ocean Sanctuary, Japan withdrew its proposed Schedule amendment. However, Japan drew attention to the declining condition of the bigeye tuna stock in the Indian Ocean that is now at 40% of its sustainable level and causing concern within the Indian Ocean Tuna Commission (IOTC). It further reported that 30% of the tuna hooked by fisheries in this area is estimated to be consumed by cetaceans, a problem recognised at the IOTC by countries including Oman and Kenya, i.e. countries that at this IWC meeting had

promoted retention of the sanctuary. Japan believed that better internal communication is necessary.

10.2 South Pacific Sanctuary

10.2.1 Proposal to amend the Schedule to establish a sanctuary

For the third year¹⁹, Australia and New Zealand proposed to establish a South Pacific Sanctuary as follows:

'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 Pacific Sanctuary.

This Sanctuary comprises the waters of the Southern Hemisphere enclosed within the following line: starting from the southern coast of Australia at 130°E; thence due south to 40°S; thence due east to 120°W; thence due north to the equator; thence due west to 141°E; thence generally south along the Papua New Guinea – Indonesian maritime boundary to the northern coast of Papua New Guinea at 141°E; thence generally east, south thence west along the coast of Papua New Guinea to the southern coast of Papua New Guinea at 141°E; thence due south to the northern coast of Australia at 141°E; thence generally east, south thence west along the coast of Australia to the starting point.

This prohibition applies irrespective of the conservation status of baleen or 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.'

In its introduction, Australia referred briefly to arguments made on previous occasions concerning the scientific justification for the sanctuary and the need to establish the sanctuary to complement that in the Southern Ocean so that the relevant species of great whales would be protected in the entirety of their range. It then focused on informing the Commission of the strong regional momentum to protect whales and to establish the sanctuary. It did this in response to those IWC members who, questioning the level of support in the South Pacific region, had been reluctant to give full support to the sanctuary proposal in the past. Australia reported that extensive consultations with their South Pacific neighbours had shown that these countries had reinforced their regional consensus in favour of the proposed sanctuary. In late 2001, the Pacific Island Leaders Forum, comprising the Heads of Government of all the independent states of the region, again supported the proposed sanctuary and called for the increased protection of whales through an inter-connected mesh of national, regional and international actions. At the national level, Australia reported that there is a growing network of domestic whale sanctuaries being established by some countries (e.g. Tonga, Australia, Cook Islands, French Polynesia, Papua New Guinea and Niue) while others have comprehensive legislation protecting great whales in their EEZs. Australia reported that once all South Pacific countries have declared sanctuaries in their national waters or otherwise protected the great whales, around 50% of the area of the proposed sanctuary would be subject to an inter-connected network of domestic whale protection regimes. To complement its efforts to establish the sanctuary, Australia reported that it had nominated six species of great whales for inclusion on Appendix II of the Bonn Convention for the Conservation of Migratory Species of Wild Animals that would be considered at the Conference of the Parties later this year. Finally, Australia noted that national and regional efforts could only go so far, and

called on IWC to recognise the wishes of the peoples of the South Pacific by creating a whale sanctuary in this region.

New Zealand echoed Australia's comments. While recognising that the people of the South Pacific rely heavily on the sustainable harvesting of tuna and other fish species, New Zealand considered that blaming whales for the decline in fish stocks is a surreal argument, the real culprits being human activities such as over fishing, pollution and the general degradation of the marine environment. It thanked those nations that had supported the sanctuary proposal in the past, and urged others to lend their support on this occasion, particularly those small island states of the Caribbean whose voting had played a critical role in the lack of success in the past. New Zealand stressed that the aim for the South Pacific Whale Sanctuary is not based on a moral judgement of other nation's cultures or history (indeed it recognised its own role in contributing to the decline of whale populations in the past), but saw it as a progressive step forward in the protection of marine mammals.

10.2.2 Commission discussions and action arising

Brazil, the USA, the UK, Monaco, Peru, Italy, Kenya, the Netherlands, France, Germany, Spain Argentina, Austria and a representative from the South Pacific Regional Environment Programme (SPREP) all spoke in support of the proposed sanctuary. Norway, the Republic of Palau, Antigua & Barbuda, Japan, the Republic of Korea and China spoke against it. Norway recognised the support for the sanctuary from the countries of the South Pacific, but noted that this is not a requirement for amendment of the Schedule, which should be based on scientific findings. The Republic of Palau indicated that as a member of the Pacific Island Forum, it is on record as opposing the sanctuary proposal. Japan questioned whether all countries of the region did support the sanctuary. The Republic of Korea indicated that it could not support the sanctuary until the Scientific Committee supported the proposal on scientific grounds. Denmark, who indicated that it is not against sanctuaries in principle, saw no urgent need for the sanctuary in view of the moratorium and the fact that no aboriginal subsistence whaling is taking place in the region. A representative from OLDEPESCA (Latin American Organisation for Fisheries Development) indicated that when making their decision on this issue, countries should be aware that there might be possible conflicts with the UN Convention on Law of the Sea.

In response to OLDEPESCA, Australia referred to Article V.1 of UNCLOS that specifically provides for the designation of sanctuary areas. It did not agree with claims that sanctuaries undermine the economic capacity of peoples to care for themselves and improve their standards of living, mentioning that whalewatching generates some 1 billion dollars of income, with range states seeing this activity as a positive economic development. Australia was surprised that the commitment of the island states of the area was questioned since it was not aware of any island state within the South Pacific area that opposes the sanctuary. It noted that the Republic of Palau is not a range state. Finally, Australia commented that the Scientific Committee is not obligated to reach consensus on aspects of its work and that in these cases it is necessary for the Commission to make a decision.

On being put to a vote, the proposed Schedule amendment failed to achieve the necessary three-quarters

¹⁹ See *Ann. Rep. Whaling Comm. 1999*: 10-11; *Ibid. 2000*: 15-17; *Ibid. 2001*: 17-18.

majority and so was not adopted. There were 24 votes in favour of the proposal, 16 against and 5 abstentions. Ireland and Oman explained why they had abstained. While supportive in principle of sanctuaries, Ireland indicated that it is desirable to develop such proposals via further consultation to achieve a degree of consensus. It considered that without consensus and in particular, the agreement of whaling nations, the proposal would not achieve its potential. It also noted that a vote in support of the sanctuary would have been inconsistent with its own 1997 proposal for a holistic response to the whaling issue (the 'Irish proposal') – a proposal that remains on the table. Oman abstained believing that a new sanctuary is not necessary in view of the existence of the commercial whaling moratorium. It further clarified that it would not support abolishing existing sanctuaries without conclusive scientific evidence supporting such a move.

10.3 South Atlantic Sanctuary

10.3.1 Proposal to amend the Schedule to establish a sanctuary

Brazil introduced its proposal, co-sponsored by Argentina, to create a South Atlantic Whale Sanctuary. The idea for creating such a sanctuary had been introduced a few years ago, but was first submitted formally last year²⁰. The amendment proposed was the same as last year, i.e., the inclusion of a new sub-paragraph in Chapter III of the Schedule as follows:

'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.'

As last year, Brazil acknowledged its past involvement in whaling but that it had banned the activity in 1997. It reiterated the following three-fold primary objectives of the sanctuary:

- (1) to stimulate research in the region, particularly by developing countries aimed at *inter alia* monitoring the recovery of species, analysing environmental threats (e.g. contamination from coastal activities) and improving understanding of migratory routes and movements;
- (2) to promote the conservation of large whales in breeding, calving, and for some species, feeding areas;

- (3) to develop the sustainable and non-lethal economic use of whales for the benefit of coastal communities in the region through ecotourism, particularly whale-watching.

It noted that such a sanctuary would complement those already established. Brazil reported that since last year's Annual Meeting it had undertaken diplomatic consultations with all range states of the South Atlantic, with generally positive results. Recognising the support its proposal had received last year, Brazil urged governments to support it again.

10.3.2 Commission discussions and action arising

In view of the extensive discussions on this proposal last year and the thorough presentation made by Brazil at this meeting, the Chair asked that interventions be limited to two speakers in favour of the proposal and two against.

Argentina was pleased to again co-sponsor the proposed South Atlantic whale sanctuary, noting that it reflects the comprehensive and broad-based marine mammal protection measures in place in Argentina and that it is part of Argentina's general policy that includes support for the South Pacific sanctuary proposal and retention of the Southern Ocean sanctuary. It considered that the South Atlantic sanctuary would:

- (1) assist the recovery of whale populations and protect biodiversity by protecting whales in their natural breeding grounds as well as in their migratory routes;
- (2) promote research on depleted whale stocks and their habitats; and
- (3) promote modern educational activities and the development of environmentally-friendly tourism activities in the region.

Argentina reported that the development of whalewatching has contributed to: (1) improvements in local communities by creating new types of livelihood; and (2) an increased interest in the protection of marine mammals by the general public. Finally, noting that not too many years ago, many of the species of large whales native to the waters of the South Atlantic had been exploited to the very limits of their existence, Argentina indicated its wish that its renewed sponsorship of the proposed sanctuary would be interpreted by the Commission as a sign of its deep commitment to the protection of these mammals.

Spain recalled that last year it had specifically noted that the proposal did not report on the outcome of consultations with other range states and therefore appreciated the consultations undertaken by Brazil since then. It was therefore pleased to support establishment of the sanctuary.

Norway noted that in addition to its arguments against the proposed South Pacific sanctuary that it believed were also relevant to the proposed South Atlantic sanctuary, a further argument against this proposal was that it had never been reviewed seriously in the Scientific Committee. Norway's view was that all sanctuary proposals submitted or re-submitted should go through this review process prior to decision-making by the Commission. Japan considered that: (1) no scientific justification for establishing the sanctuary had been made by its proponents, contradicting the provisions of the Convention, and (2) the proposal goes against the principle of sustainable use established at the 1992 UN Conference on Environment and Development.

In response to Norway, Brazil recalled that the sanctuary proposal was presented to the Scientific Committee at its

²⁰ See *Ann. Rep. Whaling Comm 2001*: 18-19.

meeting in 2001 where it had been discussed in depth. The Scientific Committee Chair confirmed that the proposal had been reviewed but that the Committee had been unable to reach a single consensus view. She noted that the Committee had agreed that the major points made during its meeting in 2000 regarding the general arguments in favour and against sanctuary proposals were applicable.

Switzerland requested clarification on which countries on the West African coast had been consulted and what had been their responses.

In response, Brazil reported that it had consulted with Congo, the Democratic Republic of Congo, Gabon, Togo, Angola, Uruguay, São Tomé and Príncipe, Namibia, South Africa and Argentina. It noted that the last two countries had confirmed their continued support for the sanctuary, but that the other countries (with the exception of Togo and Angola who did not respond) made general remarks, neither indicating support nor opposition.

The proposed Schedule amendment did not receive a three-quarter majority when put to a vote and was therefore not adopted. There were 23 in favour, 18 against and 4 abstentions.

10.4 Southern Ocean Sanctuary

10.4.1 Proposal to amend paragraph 7.(b) of the Schedule
As last year²¹, Japan introduced its proposed amendment to paragraph 7 of the Schedule that would involve deleting the 3rd sentence of Paragraph 7.(b) and adding a new sub-paragraph (c) as follows:

'7. (c) The prohibition described in sub-paragraph (b) above shall be applied only on the advice of the Scientific Committee in accordance with Article V(2) of the Convention.'

Japan considered that the Southern Ocean Sanctuary was adopted in contravention of Article V.2 of the Convention requiring that Schedule amendments be based on science. While it believed that the sanctuary is not necessary, it thought it important that the Schedule be consistent with Article V – the objective of the proposed Schedule amendment. Japan urged that its proposal be adopted by consensus.

10.4.2 Commission discussions and action arising

New Zealand indicated its continued support for the sanctuary and considered Japan's proposal to be: (1) an attempt to subvert a Schedule amendment that had been properly and legally agreed by the Commission in 1994; and (2) part of a long-term strategy to discredit the sanctuary decision with claims that it had been established illegally and with no scientific basis. Against these claims, New Zealand referred to other legal opinions rebutting those submitted by Japan and stressed that scientific issues (e.g. the need to protect the feeding grounds of several severely depleted stocks of baleen whale species) had been at the forefront of discussions on the Southern Ocean Sanctuary at the Norfolk Island meeting in February 1994. It noted that the sanctuary provides the opportunity to study whale species undisturbed by hunting and that it would provide a valuable check against the RMP if commercial whaling did resume in the future. It also considered that new scientific justifications have emerged since 1994, particularly the major regime shift that may be occurring in the Southern Ocean at least with respect to Antarctic minke

whales, and in view of this believed that a precautionary approach is necessary now more than ever. New Zealand pointed out that Japan was the only country to vote against the Southern Ocean Sanctuary and that when subsequently lodging its objection to the Schedule amendment, had objected only with respect to minke whales and on no other aspect. New Zealand therefore considered that Japan is legally deemed to have accepted the Schedule amendment with that one exception.

Agreeing with New Zealand, the USA believed that Japan's proposal undermined the integrity and primary purpose of the sanctuary, i.e. to be a safe haven for whales. It further believed that it put the Scientific Committee in the unenviable and improper role of making a policy decision on behalf of the Commission. The USA therefore opposed the proposal. The UK associated itself with the remarks of New Zealand and the USA and was surprised that Japan tabled its proposal in view of the Commission's discussions on the status of Antarctic minke whales during which the Scientific Committee Chair had agreed that Japan's estimates for this stock of 750,000 are no longer appropriate. In response, Japan did not believe that its proposed wording contradicted the discussions within the Scientific Committee.

Norway disagreed with New Zealand and the USA and supported Japan's proposed Schedule amendment. Antigua & Barbuda also supported the proposal and considered that the amendment would ensure that the sanctuary be used for the management and conservation of whales with a view to the resumption of commercial whaling whenever that is possible.

On being put to a vote, there were 17 votes in support, 25 against and 2 abstentions. The proposed Schedule amendment was therefore not adopted.

11. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING

11.1 Proposal to amend the Schedule

As in previous years²², Japan proposed to amend paragraph 10 of the Schedule to provide an interim relief allocation of 50 minke whales for its four small-type whaling communities by adding a new sub-paragraph 10. (f) as follows:

'Notwithstanding the other provisions of paragraph 10 and those of paragraph 12, the taking of 50 minke whales from the Okhotsk Sea-West Pacific stock of the North Pacific is permitted from the 2001 season in order to alleviate the hardship in the four community-based whaling communities of Japan. This provision shall remain in effect until such take is permitted by some other means under the Convention.'

The Chair recalled that last year, Japan urged the Commission to support this proposed Schedule amendment for the following reasons:

- it has thoroughly documented the socio-economic, cultural, religious and dietary needs of these four communities and the distress caused to them by not allowing any takes of minke whales;
- IWC has repeatedly acknowledged this distress via a number of Resolutions including Resolution 2000-1²³ adopted at the 52nd Annual Meeting of the Commission;

²¹ See *Ann. Rep. Whaling Comm. 2001*: 17

²² E.g. see *Ann. Rep. Whaling Comm. 2001*: 28

²³ *Ann. Rep. Whaling Comm. 2000*: 55

- member countries have made an international commitment to the principle of sustainable use of natural resources, and more particularly to the mandate of the ICRW itself for not only the conservation of whale stocks but also the orderly development of the whaling industry;
- the international community has agreed in several fora to the need to respect different cultures; and
- the IWC has no conservation reason to reject Japan's request since the North Pacific minke whale stock is healthy.

He noted that views on Japan's request have remained divided, although for a number of years (including last year) Resolutions have been adopted reaffirming the Commission's commitment to work expeditiously to alleviate the distress caused by the cessation of minke whaling to four Japanese coastal communities.

In providing further background to the proposed Schedule amendment, Japan gave an overview of the 1st Summit on Japanese Traditional Whaling held in Nagato in March 2002 that resulted in the Nagato Declaration on Traditional Whaling. The Summit:

- (1) stressed the more than 5,000 year-old tradition of harvesting cetaceans for food;
- (2) provided an opportunity to review the food culture based on whales; and
- (3) vowed to renew traditional sustainable whaling.

Japan recalled that prior to the commercial whaling moratorium, an average of 348 minke whales per year were taken by its small-type coastal whaling operations, a level it believed was sustainable. Japan considered that over the 15 years it has been in place, the moratorium has disrupted the local marine ecosystem, with minke whale populations increasing to the extent that they are now depleting fishery resources causing significant declines in the catches of local small-scale fishermen and inflicting severe damage to the economy, culture and tradition of whaling communities. It reported that efforts to revitalise the economies of these communities by promoting tourism and other industries have been mostly in vain. Younger generations continue to leave the communities disrupting the Japanese tradition, particularly important in rural communities, of passing on the family occupation from generation to generation. The moratorium has deprived these communities of their life-style and pride in their occupation particularly in view of the large numbers of minke whales offshore that they are forbidden to catch, which in turn causes psychological distress. In view of the severe disruptions to the way of life of these communities, Japan considered that IWC should allow them to take a limited number of minke whales as provided for in its proposed Schedule amendment. The mayor of Taiji, one of the four whaling communities involved, echoed these views and reported that the resumption of coastal whaling is urgently needed.

11.2 Commission discussions and action arising

Monaco recalled the Annual Meeting held in Dublin in 1995 when it had expressed sympathy for the small-type coastal whaling activities in Japan and proposed that these be included within the aboriginal subsistence whaling category. It re-iterated these views and asked whether Japan could re-consider its proposal rather than creating a new small-type whaling category. The Russian Federation shared these views and supported Japan's proposal that it

hoped could be adopted by consensus. Norway indicated that it is not generally in favour of increasing the number of whaling categories. It considered that Japan's coastal whaling could be accommodated within the aboriginal subsistence category in view of the emphasis placed by Japan on the cultural importance of this activity, but stressed that the main issue is the failure of IWC to act as a responsible management organisation. Norway considered that IWC should face up to its responsibilities and to honour its commitment made in past Resolutions to work expeditiously to alleviate the distress caused by the cessation of minke whaling to Japanese coastal communities. Denmark fully understood the tradition, social and cultural needs connected to minke whaling described by Japan and supported its proposed Schedule amendment. St. Lucia, St. Vincent and The Grenadines, Antigua & Barbuda, Republic of Korea, the Republic of Palau, the Solomon Islands, China, Benin, Grenada and Dominica also spoke in support of Japan's proposal.

A number of countries indicated that they could not support the proposed Schedule amendment. Spain noted that it had voted for establishing the commercial whaling moratorium, had sacrificed its whaling industry and would oppose Japan's request until the RMS is agreed.

Mexico, supported by Austria, believed that before considering the proposed amendment, attention should first be given to understanding some of the concerns expressed in the Scientific Committee regarding the status of the Western North Pacific minke whale stock and the effect that Japan's request would have on it. Mexico asked for clarification from the Scientific Committee Chair on this matter. It also requested Japan to explain why, in the JARPNII programme for 2002 and 2003, an allocation of 50 minke whales for its coastal communities had been included thus apparently prejudging the decision of the Commission on the proposed Schedule amendment.

Italy understood the desire to pass on local cultures and traditions from generation to generation, but also considered that communities have a duty to prepare their future generations so they can adapt to adverse environmental effects caused by increasing human activities. Italy noted that its own local communities have often found themselves in similar situations. While acknowledging the need to address the distress of Japan's coastal communities in a concrete and pragmatic way, it believed that an element of a sustainable fisheries policy must also rely on assisted re-conversion – a matter on which Italy could share its experience. Finally, however, Italy considered that the interim quota requested by Japan is no longer needed in view of the 50 minke whales allocated in the JARPNII programme and the fact that the coastal communities are now allowed to market products from whales caught accidentally in nets. The Netherlands also questioned the need for the interim allocation in view of the allocation within JARPNII, but did express sympathy with the comments made earlier by Monaco. While South Africa was dissatisfied that Japan's repeated request had not been resolved due to delays in completion of the RMS, it indicated that it would continue to oppose the request since it considered the small-type coastal whaling to be a commercial activity. Sweden and Finland expressed similar views.

In response to Mexico, the Scientific Committee Chair explained that advice on the effect of Japan's request on the North Pacific minke whale stock could not be provided

until next year when the RMP *Implementation Simulation Trials* would be completed. In view of this, Mexico proposed that it would be more appropriate to defer Japan's request until next year.

Japan thanked those countries supporting its request and noted the suggestion of Monaco and the Netherlands. It considered that the minke whale stock was sufficiently abundant (at around 25,000 animals) to be able to sustain the proposed take and could not agree to Mexico's proposal to defer discussions. It further considered that questions relating to JARPNII should be dealt with under the agenda item on scientific permits. However, in response to the UK, Japan clarified that even if its request for an interim relief allocation was granted, the take of 50 minke whales from inshore waters would remain in the JARPNII special permit.

On being put to a vote, Japan's proposed Schedule amendment was not adopted. There were 20 votes in favour, 21 against and 3 abstentions. Japan subsequently submitted a draft Resolution but there was no time for the Commission to discuss or take action on it.

12. SCIENTIFIC PERMITS

12.1 Report of the Scientific Committee²⁴

12.1.1 General issues

The Committee is investigating ways to improve its procedures for the review of scientific permit results and proposals. This year, results and proposals were first discussed by a working group. This proved to be successful and the Committee has now established a Standing Working Group. The Committee will review the current Commission guidelines that have been developed over many years²⁵. It may put forward a streamlined proposal for revised guidelines to be considered by the Commission next year.

12.1.2 Review results from existing permits

JAPAN: SOUTHERN HEMISPHERE (JARPA)

The Committee received a number of reports of work undertaken as part of the recent field season of JARPA as well as documents using some or all of the JARPA data collected thus far. These were considered where relevant to the main Scientific Committee agenda.

JAPAN: NORTH PACIFIC (JARPNII)

The Committee reviewed the results of the two-year feasibility study for the JARPNII programme. Its aim had been primarily to evaluate the practicability and performance of concurrent whale and prey surveys for feeding ecology studies in Japan's richest fishing grounds (an area off the coast of Tohoku and southern Hokkaido). A total of 140 minke, 93 Bryde's and 13 sperm whales were sampled. In addition, the programme was intended to produce information on stock structure and the monitoring of pollutants in whales and their prey. A number of questions and comments were made by the Scientific Committee but most of these are reflected in the discussion of the proposal for a new permit given below.

12.1.3 Review of new or revised proposals

JAPAN: SOUTHERN HEMISPHERE

The Committee briefly discussed the JARPA proposal. This is a continuation (14th year) of a 16-year programme. Progress had been fully reviewed in 1997²⁶. It was noted that it was important to reduce any spatio-temporal overlap between the JARPA programme and the IWC SOWER cruise, both of which were scheduled to operate in Area V and the Ross Sea in 2002/2003.

JAPAN: NORTH PACIFIC

Most of the discussion centred on reviewing the results of the two-year JARPN II feasibility study and the proposal for a further permit that involves taking 150 common minke whales, 50 Bryde's whales, 50 sei whales and 10 sperm whales each year for an unspecified period. The stated goal was to obtain information to contribute to the conservation and sustainable use of marine living resources in the western North Pacific. It includes sub-projects on: feeding ecology and ecosystems; monitoring of environmental pollutants in cetaceans and the marine ecosystem; further elucidation of stock structure. There was considerable disagreement within the Committee over most aspects of this research programme, including objectives, methodology, sample sizes, likelihood of success, effect on stocks and the amount and quality of data that could be obtained using non-lethal research techniques.

12.2 Commission discussions and action arising

Before the Commission's discussion, Japan presented a summary of their proposal including results from their feasibility study. There were no comments on the report of the Scientific Committee or on Japan's presentation. The Commission noted and accepted the Scientific Committee report and its recommendations. A number of draft Resolutions had been submitted in relation to this agenda item, but the Commission did not have time to discuss them.

13. ENVIRONMENTAL AND HEALTH ISSUES

There is an increasing awareness that whales should not be considered in isolation but as part of the marine environment; detrimental changes to their habitat may pose a serious threat to whale stocks. The Scientific Committee has examined this issue in the context of the RMP and agreed that the RMP adequately addresses such concerns. However, it has also emphasised that the species most vulnerable to environmental threats might well be those reduced to levels at which the RMP, even if applied, would result in zero catches. Over a period of several years, the Scientific Committee has developed two multi-national, multi-disciplinary research proposals, one concerning co-operative research in the Antarctic (see 13.1.1 below) and the other concerning the effect of pollution on cetaceans (see 13.2.1. below).

13.1 Co-operative research in the Antarctic

13.1.1 Report of the Scientific Committee

The SOWER 2000 programme²⁷ is designed to examine the influence of temporal and spatial variability in the physical and biological Antarctic environment on the distribution, abundance and migration of whales. It is being carried out

²⁴ For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage.* 5 (Suppl.).

²⁵ *J. Cetacean Res. Manage.* 3 (Suppl.): 371-2.

²⁶ See *Rep. Int. Whal. Commn.* 48: 95-105.

²⁷ See *J. Cetacean Res. Manage.* 2 (Suppl.): 321-46.

in collaboration with CCAMLR and Southern Ocean GLOBEC (SO-GLOBEC)

In 2000, the IWC collaborated with CCAMLR in a series of cruises, whilst beginning in 2001, a multi-year series of collaborative research cruises began with SO-GLOBEC. The cruises are multidisciplinary and comprise standard mooring cruises, line transect surveys over a constant grid, and process studies at selected locations. The Committee reviewed the research undertaken so far including results for the cetacean visual, biopsy and sonobuoy studies.

The following activity was endorsed in principle by the Committee subject to Commission funding: one dedicated multidisciplinary survey per season for at least the next five years consisting of visual survey, biopsy sampling and fine scale ecological studies, including passive acoustics work. It was noted that a contribution of £25,000 per year would be a minimum amount of support to continue the partnership of the IWC with SO-GLOBEC and CCAMLR. The Committee also recognised the need for the development of a standardised data collection protocol for sea-ice observations. This will be discussed further next year.

13.1.2 Commission discussions and action arising

Japan noted the large amount of money being spent on co-operative research with CCAMLR and SO-GLOBEC in the Antarctic, the objectives of which it found unclear. It indicated that it supports studies elucidating the environmental conditions in the Antarctic, but cautioned that unfocused studies could cause delay. It expressed the hope that the future work planned would only be implemented after its objectives are clarified.

13.2 POLLUTION 2000+

13.2.1 Report of the Scientific Committee

The POLLUTION 2000+²⁸ was developed over several years and has two primary aims: to determine whether predictive and quantitative relationships exist between biomarkers (of exposure to and/or effect of PCBs) and PCB levels in certain tissues; and to validate/calibrate sampling and analytical techniques. Given the fundamental nature of this research, it was agreed to focus to begin with on those species and regions for which there was the most likely chance of success. Although initially, therefore, the work is aimed at certain populations of bottlenose dolphins and harbour porpoises, the results will be of relevance to studies of large whales and other cetaceans. Completion of POLLUTION 2000+ will lead to the development of a valuable model concept for ecotoxicological research on all cetaceans and other animal species.

Phase 1 of POLLUTION 2000+ is approximately 80% complete. Finalising the harbour porpoise post-mortem calibration sub-project and the bottlenose dolphin sub-project is considered to be of high importance and funding requirements for this are considered elsewhere.

13.2.2 Commission discussions and action arising

Japan indicated that it has an interest in chemical pollutants and their effects on humans and threats to cetaceans but expressed concern about IWC spending large amounts of time and money on an issue that it considers secondary to the main purpose of the organisation's objectives. It noted

that since it appears that the POLLUTION 2000+ work is limited to small cetaceans, the funds used should come only from the small cetaceans fund. Japan considered that the primary work of the Scientific Committee to evaluate cetacean resources is being delayed by the large amount of environmental work taken on, work that in its view should be done by other fora.

The UK considered the POLLUTION 2000+ to be vital and within the competence of the IWC. It congratulated the Scientific Committee for its activities. It believed that the work should be of interest to all member countries, particularly those where whale meat is consumed. The USA and Germany associated themselves with these remarks.

The Chair of the Scientific Committee informed the Commission that the pollution studies had been subject to severe cuts and now formed an inconsequential part of the Committee's budget. She expressed the hope that member countries would volunteer to fund some of the needed work.

The Commission noted the Scientific Committee's report and accepted its recommendations.

13.3 Habitat-related issues

13.3.1 Report of the Scientific Committee

INTERACTIONS BETWEEN CETACEANS AND FISHERIES

In accord with Resolution 2001-9²⁹, the Committee had developed plans to hold a methodological/modelling workshop to examine interactions between whales and fish stocks. Details were developed by a steering group comprising scientists from Japan, Norway, the UK, the USA and the Secretariat. It had been hoped to hold the meeting in February 2002 and the Government of St Lucia had generously agreed to host the workshop. As circulated to the Committee in November, it was not possible for a sufficient number of the experts identified by the Steering Group to attend in February and new dates in the period mid-late June were proposed. The precise new dates were agreed by the Steering Group in December. However, in late April, the Government of St Lucia informed the Secretariat that it was unable to host the meeting. A request was then sent out to Contracting Governments to find an alternative venue at this late stage. The only reply received was the offer of the USA to host the meeting in La Jolla, California. This was gratefully accepted for the precise dates agreed by the Steering Group in December. One of the advantages of St. Lucia as a venue was to encourage the participation of scientists from developing countries. The Committee drew this to the attention of the Commission so that it could consider providing additional funding to support travel of scientists from developing countries to the specialist workshop in La Jolla.

Towards the end of the Scientific Committee meeting, one of the Japanese delegates had noted that the proposed changes in venue and timing for the workshop were problematic. He expressed the view that the workshop should be held in either Japan or Norway since these countries have large amounts of relevant data. He also noted that the proposed dates conflict with other obligations for Japanese scientists.

The Chair had responded that this was a short specialist workshop to address methodological/modelling concerns;

²⁸ See *J. Cetacean Res. Manage. (Special Issue 1): Chemical Pollutants and Cetaceans*.

²⁹ See *Ann. Rep. Whaling Comm. 2001: 58*.

hosting the workshop where there are considerable data holdings was thus not important. She also noted that the precise change in dates had been approved by the workshop's Steering Group, which included a Japanese scientist, in December 2001 and no complaints had been received until late (7 May 2002) in the Committee's annual meeting. The IWC Secretariat had been forced to request an alternative venue as late as 22 April and the only response received was from La Jolla (California, USA).

STATE OF THE CETACEAN ENVIRONMENT REPORT (SOCER)

The Committee agreed that a working group would produce a preliminary draft SOCER report for its consideration at the next meeting. It will be a first attempt at producing the form and compilation process of a report that will be developed over the years into an objective product with an easily followed submission process. The ultimate objective is to provide Commissioners (in response to Resolution 2000-7³⁰) and other interested parties with a non-technical periodic summary of the positive and negative events, developments and conditions in the marine environment that are relevant to cetaceans.

WORKSHOP ON HABITAT DEGRADATION

The Committee had developed plans for a workshop on habitat degradation over some years³¹. It had been identified as an issue of priority by the ACCOBAMS (Agreement for the Conservation of Cetaceans of the Black and Mediterranean Seas) Parties. The Committee noted that this was still of interest but was not high on the priority list given the funding difficulties for its overall budget.

13.3.2 Commission discussions and action arising **INTERACTIONS BETWEEN CETACEANS AND FISHERIES**

The Commission's discussions focused mainly on the workshop on interactions between cetaceans and fisheries. While it appreciated the generous offer made at short notice by the USA to host the workshop, Norway considered it extremely important that those countries conducting serious research on this issue should be able to participate. It therefore suggested that the workshop be postponed to a more convenient time, but prior to the next Annual Meeting. Japan agreed, noting that its scientists have other duties that prevent them attending the workshop if held in La Jolla in June 2002.

Australia and the UK expressed their regret that Japan could not attend the workshop if held in June. Noting the importance Japan places on the interaction between cetaceans and fisheries and its role in developing Resolution 2001-9³² that had been adopted by consensus, the UK urged Japan to attend and provide data.

Recalling that the timing of the workshop had already been rescheduled once, the Scientific Committee Chair reported that it was too late to change the most recent plans, in which Japan had been fully involved as a member of the Steering Group, since the invited scientists had already bought their tickets. She noted that the provision of data is not an issue, since the workshop would focus on methods and not data analysis.

The Commission agreed that the workshop should go ahead as planned by the Scientific Committee.

OTHER

Austria noted that the State of the Cetacean Environment Report (SOCER) would be produced despite the funding cuts, but considered that a commitment from the Commission involving at least a minimum financial contribution would be appropriate for next year. It recalled that a request for information for the report would be sent to all Contracting Governments and hoped that abundant input would be provided.

Austria commended the Scientific Committee for its continued commitment to the issue of habitat degradation that it considered crucial to the discussion on environmental impacts on cetaceans, pulling together many of the topics such as climate change, chemical pollution, noise impact, direct and indirect impacts of fisheries. It noted that budgetary constraints would again delay the planned workshop but hoped that it could take place in the near future.

13.4 Reports from Contracting Governments

There were no reports from Contracting Governments on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals.

13.5 Health issues

COMMISSION DISCUSSIONS AND ACTION ARISING

Noting the increasing pollution of the world's oceans, except in the Antarctic, and the problems it had itself experienced in the past due to organic mercury poisoning, Japan informed the meeting that in its view, prevention of marine contamination is very important so that safe marine food products could be provided now and to future generations. It considered that FAO and WHO should be actively involved in contributing to ensuring safety of marine products and that global measures should be taken to limit emissions of harmful substances.

The UK was grateful for Japan's comment. It noted that the coastal waters of Japan are heavily polluted and expressed interest in learning of the effects of this pollution on human health and small cetaceans.

There was no time to deal with any draft Resolutions submitted.

14. CO-OPERATION WITH OTHER ORGANISATIONS

14.1 Report of the Scientific Committee³³

The Scientific Committee received reports of its co-operation with a number of other organisations: CMS (Convention on the Conservation of Migratory Species); ASCOBANS (Agreement on Small Cetaceans of the Baltic and North Seas); ACCOBAMS (Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area); ICES (International Council for the Exploration of the Sea); IATTC (Inter-American Tropical Tuna Commission); CCAMLR (Convention for the Conservation of Antarctic Marine Living Resources); Southern Ocean GLOBEC; NAMMCO

³⁰ See *Ann. Rep. Whaling Comm. 2000*: 56

³¹ See *J. Cetacean Res. Manage.* 4 (Suppl.): 73

³² See *Ann. Rep. Whaling Comm. 2001*: 58

³³ For details of the Scientific Committee's deliberation on this Item see *J. Cetacean Res. Manage.* 5 (Suppl.)

(North Atlantic Marine Mammal Commission); COFI (FAO – Committee on Fisheries); and UNEP (United Nations Environment Organisation).

14.2 Commission discussions and action arising

Australia drew attention to the observer's report from the FAO Committee of Fisheries Conference on Responsible Fisheries in the Marine Ecosystem prepared by Japan, and noted that in its view, paragraphs from the Reykjavik Declaration quoted in the report had been selectively quoted leading to distortion of the sense of the Declaration. Japan believed that it had given a correct account. The Chair noted these different views and suggested that those interested in the Declaration should go to the website mentioned in the observer's report (i.e. <http://www.refisheries2001.org>).

Norway spoke of the need for the report from IWC to the Conference of Parties of CITES in Santiago, Chile in November 2002 to give a true picture of the status of discussions on the RMS. Norway recalled that at the previous Conference of Parties, the report from the then IWC Chair had been too optimistic in suggesting that the RMS would be completed by the next CITES meeting in 2002 and that this had been important in the decision not to downlist certain minke whale stocks. The UK agreed that the Parties to CITES should be left in no doubt as to the status of negotiations on the RMS, and hoped that whoever represents IWC at that meeting would make it clear that Japan's proposed Schedule amendment (see section 9.2.2) is inadequate.

Japan noted that PICES had recognised the importance of investigating prey consumption by predators at higher trophic levels and welcomed the meeting to be held later in the year. It referred to the absence of basic data on this issue and that this was one of the reasons why JARPN is needed. The UK noted Japan's interest in this work and again expressed regret that Japan is not prepared to contribute to an IWC workshop on the issue.

There was insufficient time to address two proposed Resolutions submitted.

15. OTHER SCIENTIFIC COMMITTEE ACTIVITIES, ITS FUTURE WORK PLAN AND ADOPTION OF THE SCIENTIFIC COMMITTEE REPORT

15.1 Small cetaceans

15.1.1 Report of the Scientific Committee

Last year, the Government of Japan had indicated that it would no longer co-operate with the Committee on small cetacean related matters. This year the Committee referred to the great value of the information provided by the Government of Japan on the status of small cetaceans in previous years and respectfully requested that the Government of Japan reconsider its position on this matter and resume the valuable contribution of Japanese scientists to its work on small cetaceans.

The primary topic considered this year was the status of humpback³⁴ dolphins (genus *Sousa*). The taxonomy of the genus is somewhat confused, with up to five species being cited in various reports. Recognising the need for further

taxonomic work, the Committee agreed to continue to recognise only two species at present: *S. teuszii*, the Atlantic humpback dolphin and *S. chinensis*, the Indo-Pacific humpback dolphin. Little information exists on the life history parameters of these essentially coastal species; that which does come from South Africa and Hong Kong. Similarly, there is little information on abundance and trends. Actual and potential conservation problems are primarily due to habitat degradation and incidental capture in fishing and shark protection gear. Directed capture is relatively rare apart from Madagascar. The Committee concluded that there is insufficient information to assess the status of populations of this genus and it made a number of research recommendations.

The Committee also reviewed progress on previous recommendations it had made, particularly those concerning the critically endangered baiji and vaquita. Unfortunately, no new information was received on the baiji this year and the Committee has requested that information be provided next year. The Committee was informed of a new, integrated framework being developed to implement the recovery plan for the vaquita, and welcomed this new approach. It reiterated its endorsement of the primary conclusion of CIRVA (International Committee for the Recovery of the Vaquita) – that to ensure the future survival of the vaquita it will be necessary to eliminate all bycatches as rapidly as possible.

The Committee reviewed the draft report of the ASCOBANS recovery plan for harbour porpoises in the Baltic. It strongly endorsed the report and made some supplementary recommendations with respect to short-term pinger use.

The Committee also reviewed progress on the development of survey methodology for freshwater cetaceans and further work on the reduction of bycatches in fishing gear. No new information was received on the status of Dall's porpoises. Information on permits for takes of 1,000 white whales (for aboriginal subsistence purposes) and 10 killer whales (live-capture) by the Russian Federation were received. The Committee urged that assessment of the impact of such takes should be undertaken before their enactment.

Finally, the Committee repeated previous requests for all Governments to submit relevant information on direct and incidental catches of small cetaceans in their national progress reports.

15.1.2 Commission discussions and action arising

As in previous years, Japan reiterated its view that work on small cetaceans is outside the Commission's mandate. China, the Russian Federation, Norway, Antigua & Barbuda, Denmark and the Republic of Korea supported this position. Japan went on to note that despite this position, it had taken part in discussions until the excessive interference it experienced at the Annual Meeting in 2000 caused it to cease participation. In response to the Scientific Committee's request that Japan change its position, Japan suggested that the Commission instruct the Committee to change its attitude and to comply with the Convention.

The UK, New Zealand, Germany, Australia, Sweden, the Netherlands, the USA and Finland did not share the views of Japan and others on competence. The UK was saddened that Japan is not taking part and that it had not

³⁴ At the 2002 meeting it was agreed to change the formally accepted IWC common name from humpbacked dolphins to humpback dolphins.

responded to Resolution 2001-12³⁵ calling on Japan to provide the information necessary for the full assessment of the status of exploited Dall's porpoise stocks. It did not believe that the current take is sustainable and urged Japan to provide data so that a new abundance estimate can be made by the Scientific Committee. New Zealand also expressed disappointment in Japan's position but noted that it would take up Japan's offer to provide data outside of IWC.

The UK noted the Scientific Committee report concerning the harvest of white whales and killer whales by the Russian Federation. The UK believed there is doubt about the status of the stocks involved and urged the Russian Federation to reconsider its position on these matters. The Russian Federation responded that this is an internal matter.

Mexico congratulated the Scientific Committee on its successful assessment of the humpback dolphin. It recalled that Mexico had received strong and urgent recommendations in the past to take action against extinction of the Vaquita and noted that its Progress Report (SC/54/ProgRep Mexico) provided information on its ongoing activities in this regard. Mexico noted with concern the status of the baiji and urged China to provide the Scientific Committee with data and to ensure the survival of the remaining animals at least until the end of their natural life.

China provided information on its activities with respect to the conservation of humpback and baiji dolphins. It reported that a protection zone had been established for humpback dolphins and that a seminar on the protection of this species is planned for June this year. Regarding the baiji dolphin, China noted that a moratorium on fishing in the middle and lower reaches of the Yangtze River from the beginning of April to the end of June had been established and that some 40,000 fishermen would be affected. A fishing moratorium from February to April would be established in the upper reaches from next year, for two years. China reported that it had established a national plan of action to protect the baiji, but that this is a difficult issue in view of the environmental degradation of the river. It would be seeking international co-operation bilaterally and wondered whether Mexico could send a delegation of experts to China in view of its earlier comments.

The reports from Mexico and China were welcomed by a number of countries.

The Commission noted the Scientific Committee report. There was insufficient time to address the two draft Resolutions submitted.

15.2 Other activities

15.2.1 Report of the Scientific Committee

SOWER CIRCUMPOLAR CRUISES

Data from the 1999/2000 and 2000/2001 cruises have been validated and entered into DESS (the IWC Database Estimation Software System). The Committee agreed to a number of changes and improvements to DESS. It reviewed the report of the 2001/02 SOWER circumpolar survey and reviewed plans for the forthcoming cruise. Poor weather considerably hampered the cruise and meant that the completion of the third circumpolar set of cruises would take longer than anticipated. The forthcoming cruise will occur in the same area as the JARPA programme (see Item

12.1.3) and the planning will ensure that the results from SOWER are not compromised in any way.

Noting the importance of the SOWER surveys to its work, and of completing the third set of circumpolar surveys, the Committee expressed its gratitude to the Government of Japan for the offer to make the survey vessels available for this purpose in 2002/3 and 2003/4, for a period longer than usual.

NASS (NORTH ATLANTIC CETACEAN SIGHTING) SURVEYS

The Committee received reports of the fourth NASS survey programme carried out in 2001 under the supervision of the NAMMCO Scientific Committee. It welcomed the report of these surveys, however, due to the lack of time, it was not possible to fully explore the methods and results at this meeting. It noted the apparent Icelandic success in sharing the survey platforms with redfish and cetacean surveys. It was noted that the international redfish surveys included a large area to the south and west of the NASS survey areas, had participation from Germany, Iceland, Norway and the Russian Federation, and will be carried out on a three-year rotation schedule. The Committee recommended that the nations participating in the next redfish survey incorporate a cetacean survey, if feasible. This would extend the geographical range of the NASS surveys to cover a larger area of the North Atlantic.

STOCK IDENTITY

Of general concern to the assessment of any cetaceans is the question of stock identity and examination of this concept in the context of management plays an important role in much of the Committee's work, whether in the context of the RMP, AWMP or general conservation and management. In recognition of this, the Committee has established a Working Group to review theoretical and practical aspects of the stock concept in a management context. At the 2001 meeting, the Committee considered *inter alia*: terminology; stock structure in humpback whales; a range of analytical and statistical issues; the use of archetypes; and the combination of genetic and non-genetic information on stock identity.

This year, the Committee continued its work. In particular, it recognised the need for it to work towards an agreed definition of appropriate 'units-to-serve' in a management context. Implicit in this is recognition that there may be need for case-by-case flexibility, and that it might be appropriate for the Committee to provide options and their implications when providing advice to the Commission. It is intended to have a full discussion of this idea next year. The Committee also examined a number of statistical and genetic issues relevant to this issue. Discussion focussed on use of 'traditional' hypothesis testing methods, a Bayesian approach and a newer, as yet unpublished method (the boundary rank technique). In summary, the Committee noted that it is important, in any application of stock structure methods, to examine the sensitivity of conclusions to different *a priori* decisions about the definition of initial units, and about which population structure hypotheses to examine.

The Committee stressed the importance of simulation testing to assess the performance of methods to identify population structure and will hold a specialist workshop to examine this in the coming year.

³⁵ See *Ann. Rep. Whaling Comm. 2001*: 59.

RESOLUTION ON DNA TESTING AND RELATED ISSUES

This item is discussed in response to Commission Resolution 1999-8³⁶. Discussion centred on a report on the implementation of 'DNA Surveillance', a web-based program for molecular genetic identification of cetaceans and cetacean products derived from strandings, fisheries bycatch, regulated exploitation and illegal hunting. A number of questions and comments were made on the system, including those related to quality control, reliability of identifications and difficulties associated with the expansion of the register and identification service to assignments below species level.

WORKING METHODS OF THE COMMITTEE

The Committee noted the addition to its Rules of Procedure with respect to increasing participation of scientists from developing countries. In particular it recognised the importance of:

- (1) the Chair retaining the right of selection;
- (2) the freedom of Invited Participants proposed for conversion to national delegate status to decline;
- (3) the rule being strictly limited to scientists from developing countries.

The Chair noted that no responses to her circular communication requesting suggestions regarding research priorities in developing countries had been received before the meeting. There was not adequate time to consider this matter further during the meeting, or to follow up on additional ideas for helping scientists from developing countries gain the necessary expertise to address conservation and management issues in their own countries. The Committee agreed that it would discuss these topics further next year.

Concern was expressed at the trend in recent years for some scientists to arrive only for plenary discussions. In particular, this can result in a considerable waste of time spent revisiting sub-committee discussions in plenary. Whilst it is appropriate for the final consideration of sub-committee and working group reports to occur in plenary, this was in large part intended to reflect the fact that concurrent sessions meant that it was not possible to attend each sub-committee. It was emphasised that these comments do not apply to cases where countries do not have adequate resources to send a scientist for the whole period, but rather to countries that had other delegates already attending the full meeting.

The review (including further analysis if required) of scientific papers is critical to the work of the Scientific Committee and the transparency of its management advice to the Commission. Some concern arose at the meeting that this might be compromised by either authored working papers or documents being submitted to the Committee with the heading along the lines of "Not to be cited (or used) without the permission of the author(s)". With respect to working papers, the Committee agreed that it does not seem appropriate to include any restriction of citation in the context of the meeting at which they are submitted.

With respect to submitted papers, it does not seem unreasonable to include such a citation provision on a paper that has perhaps been written at the last minute in order to stimulate discussion or present the results of a preliminary analysis which subsequently the author feels (or is told) is

flawed. However, if a paper is to form the major basis for a recommendation by the Committee, it is not acceptable for such a strong restriction on citation to be placed. The Committee agreed that it is appropriate for the Chair of the Committee or relevant sub-committee or to ask that such a restriction either: (1) be removed; or (2) replaced by one that makes it clear that the restriction excludes citation in the context of Scientific Committee meetings and documents. This latter option gives protection to the authors of *inter alia* first publication rights.

Towards the end of the meeting, there was some discussion of the reduced participation by Japanese scientists in some aspects of the Committee's work. Various views were expressed and these are given in Annex P to the Committee's report.

PUBLICATIONS

The Committee noted that it had been a successful year for the *Journal*. In addition to the three regular issues and the supplement (total 781pp.), the second Special Issue had been published (*Right Whales: worldwide status* – edited by P.B Best, J.L. Bannister, R.L Brownell Jr and G.P Donovan). This hard-backed volume of over 300 pages contains the Reports of the Cape Town and Boston right whale workshops, and 28 peer-reviewed papers reporting the current status of right whale stocks. The Committee congratulated Donovan and his team for the quantity and quality of the publications produced since the last meeting, and recognised the important contribution the *Journal* made to the work of the Committee and to the wider issues of the management and conservation of whales. The Committee recognised the importance of Committee members urging their respective institutes and colleagues to subscribe to the *Journal* and of submitting high quality papers to it.

ELECTION OF OFFICERS

The three-year terms of Zeh as Chair and DeMaster as Vice-Chair ended at the present meeting. The heads of delegations had therefore met to agree a process for conducting the election and to propose changes to the Committee's Rules of Procedure. The Committee agreed to the modified rules (see Annex Q of the Scientific Committee report). Although the modified rules could not officially take effect until approved by the Commission, they were followed by the heads of delegations for the election. The head of the Icelandic delegation had protested the denial of his right to vote. The proposed changes to the Rules of Procedure were discussed by the F&A Committee (see section 17.5.2 and Annex H).

During the Commission meeting, Zeh expressed her regret that political issues had been introduced during the election process. She believed that if this had not been the case, the election would have been completed by consensus. Despite this, she and the Committee were delighted to welcome DeMaster (USA) as the new Chair and Bjørge (Norway) as the new Vice-Chair.

The Committee had given Zeh a standing ovation for her outstanding service as Chair of the Committee. She had carried out her duties with diligence, fairness, good humour and kindness to all members of the Committee.

15.2.2 Commission discussions and action arising

The Commission noted the report. No further comments were made.

³⁶ See *Ann. Rep. Whaling Comm. 1999: 55*.

15.3 Scientific Committee future work plan

15.3.1 Report of the Scientific Committee

The Chair of the Scientific Committee described the work plan drawn up by the Convenors, with the agreement of the Scientific Committee, after the close of the meeting. The work plan takes 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 plenary discussions on this item and in particular the need to reduce and streamline the Committee's workload; and
- (3) budget discussions in the full Committee. It was agreed to divide the work among 13 sub-committees/working groups as proposed below. The Chair noted that this structure would provide the basis for a draft agenda for the 2003 meeting and a framework for determining invited participants. She also noted that priorities may be revised in the light of the Commission's discussions.

15.3.1.1 RMP

As last year, this sub-committee would concentrate on two areas, i.e. general issues and preparations for implementation as follows:

GENERAL ISSUES

- (1) Adjustment of the convergence criteria for the CATCHLIMIT program;
- (2) Consider results from the Intersessional Working Group on Abundance Estimation;
- (3) Consider implications of choice of component of population to which MSYR, MSYL and density dependence apply in RMP trials;
- (4) Define levels of information required for Pre-Implementation Assessments and for proceeding to an Implementation;
- (5) Spatio-temporal considerations in the context of the RMP.

PREPARATIONS FOR IMPLEMENTATION

- (1) Completion of North Pacific minke whale Implementation (including review results of intersessional meeting);
- (2) North Atlantic minke whale Implementation Review. It is proposed that discussion of this begins two days prior to the Annual Meeting.

15.3.1.2 BYCATCHES AND OTHER ANTHROPOGENIC REMOVALS

The Working Group would (in the context of the RMP) concentrate on the estimation of bycatch only. The priority topics would be:

- (1) bycatch based on fisheries data and observer programmes;
- (2) bycatch based on genetic data;
 - (a) proposal for a workshop
 - (b) analytical tests for assignment to stocks and/or areas
 - (c) use of capture-recapture methods for estimation of bycatch from market data.

15.3.1.3 AWMP

The Standing Working Group would continue the development process and will have had an intersessional workshop in Seattle. Priority topics would be:

- (1) selection of an SLA for Eastern North Pacific gray whales;
- (2) review of results from Greenlandic Research Programme and revise programme;
- (3) progress on development of potential SLAs for Greenland fisheries;
- (4) annual review of catch data and management advice for minke and fin whales off Greenland;
- (5) annual review of catch data and management advice for humpback whales off St. Vincent and The Grenadines.

15.3.1.4 SOUTHERN HEMISPHERE WHALES OTHER THAN ANTARCTIC MINKE WHALES

Priority topics would be to review progress on the Comprehensive Assessments of Southern Hemisphere humpback and blue whales and determine a timetable and work plan.

15.3.1.5 BOWHEAD, RIGHT AND GRAY WHALES

Priority topics would be:

- (1) new and/or conflicting biological information on bowhead, right and gray whales;
- (2) revised new abundance estimate for BCB bowhead whales;
- (3) review progress on previous recommendations.

15.3.1.6 IN-DEPTH ASSESSMENTS

Priority topics would be:

- (1) issues relating to the abundance estimation of Southern Hemisphere minke whales;
- (2) review results of most recent SOWER circumpolar cruise and plan for the next.

15.3.1.7 STOCK DEFINITION

This Working Group will also hold an intersessional Workshop. Priority topics would be:

- (1) statistical and genetic issues (Testing of Spatial Stock Models);
- (2) options for units to conserve including management implications;
- (3) development of stock and harvesting archetypes suitable for consideration in whaling management;
- (4) review of new information on responses of cetacean sub-stocks to severe depletion.

15.3.1.8 ENVIRONMENTAL CONCERNS

Priority topics will be:

- (1) review results from workshop on marine mammal-fisheries interactions;
- (2) high latitude climate change.

The group would also devote limited time to:

- (a) Steering Group report on POLLUTION 2000+ ;
- (b) progress report on SO-GLOBEC/CCAMLR;
- (c) review of results from the workshop on habitat degradation (if held);
- (d) Arctic issues;
- (e) progress on State of the Cetacean Environment Report (SOCER).

15.3.1.9 DNA

This Working Group would provide the annual progress report to the Commission required by Resolution 1999-8. Priority topics would be:

- (1) genetic methods for species, stock and individual identification;
- (2) collection and archiving of tissue samples from catches and bycatches;
- (3) reference databases and standards for diagnostic DNA registries.

15.3.1.10 SMALL CETACEANS

Priority topics would be:

- (1) review of the status of small cetaceans in the Black Sea;
- (2) review of the existence of directed and incidental takes of small cetaceans in member countries, with a view to requesting data in the future;
- (3) review of progress on previous recommendations.

15.3.1.11 WHALEWATCHING

Priority topics would be:

- (1) review the reports of Intersessional Working Groups;
 - (a) data collection,
 - (b) whalewatching management,
 - (c) compendium of data forms used on whalewatching platforms,
 - (d) directory of relevant researchers
- (2) review of research on the effectiveness of national whalewatching guidelines and regulations;
- (3) review of new information on whale and dolphin swim-with programmes.

15.3.1.12 SANCTUARIES

Priority topics would be:

- (1) review work of intersessional Steering Group;
- (2) preparation for review of Southern Ocean Sanctuary.

15.3.1.13 SCIENTIFIC PERMITS

Priority topics would be:

- (1) proposals to facilitate the review process;
- (2) review results of existing permits;
- (3) review plans for new and continuing permit proposals.

15.3.2 Commission discussions and action arising

The Commission noted the proposed work plan.

15.4 Adoption of the Report

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

The USA noted that Judy Zeh was completing her 3-year term as Chair of the Scientific Committee and drew the Commission's attention to the accolades accorded to her by the Committee. The USA delegation sincerely echoed these sentiments, adding that by all accounts, Dr Zeh had been fair and impartial in discharging her responsibilities and had won the respect of all of her colleagues. All delegations joined the USA in thanking her for a job well and faithfully done.

16. INFRACTIONS, 2001 SEASON**16.1 Report of the Infractions Sub-committee**

The Infractions Sub-committee met on 20 May with delegates from 26 Contracting Governments. The Sub-committee's Chair, Thomas Althaus (Switzerland), summarised the group's discussions. The full report is given in Annex G.

As in previous years, despite differences of opinion as to whether the item concerning stockpiles of whale products and trade questions is within the scope of the Convention, the Sub-committee agreed that an exchange of views was useful.

16.1.1 Infractions reports from Contracting Governments

Infractions reports for 2001 were received from Denmark, St. Vincent and The Grenadines, the USA and the Republic of Korea. Although the infractions report had not been received from the Russian Federation, information was extracted from the Report of the Scientific Committee and a document submitted by the Russian Federation to the Working Group on Whale Killing Methods and Animal Welfare. Only Denmark and the Republic of Korea reported infractions.

Denmark (Greenland) reported that a group of hunters from the Nutaarmiut settlement had struck and lost a humpback whale in August 2001. Each individual in the group was fined and the quota for the municipality was reduced by one minke whale licence. The case of a second humpback whale reported as struck and lost near the Nuuk municipality is being investigated. Denmark indicated that it would provide further information on this incident in due course.

The Republic of Korea reported that a minke whale had been deliberately taken in its waters using a small hand-held harpoon – the possession of which is illegal. The meat products were confiscated and sold publicly by the local bureau of judicial affairs. The vessel owner was prohibited from fishing for 30 days and its captain sentenced to a six-month prison sentence suspended for two years.

16.1.2 Surveillance of whaling operations

Information submitted by the USA, St Vincent and The Grenadines and the Russian Federation indicated that 100% of their catches were under direct national inspection. Denmark (Greenland) reported on quota monitoring.

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

The following information was provided:

Denmark: Information on date, position, species, length, sex, whether a female is lactating and whether a foetus is present is collected for between 77-100% of the catch, depending on the item. Information on killing methods and struck and lost animals is also collected.

USA: Information from a variety of documents shows that information on date, species, position, length, sex, killing method and numbers struck and lost is collected for most of the catch depending on the item. Other biological information is recorded for about 63% of animals.

St. Vincent and The Grenadines: Information on date, time, position, species, length, sex, hunting method and whether lactating is collected. St. Vincent and Grenadines noted that they also took photographs of flukes and tissue for genetic analysis although this is not required under the Schedule.

Russian Federation: information on date, species, position, length, sex, killing method, whether lactating and hunting methods are collected.

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

16.1.4 Submission of national laws and regulations

A summary of national legislation supplied to the Commission was prepared by the Secretariat. The Sub-committee Chair had remarked that details of the national legislation supplied by Contracting Governments appeared to be dated in some cases. The Netherlands indicated that in their case this was due to the fact that its policy on whaling was unchanged. St. Vincent and Grenadines noted that they currently have new draft legislation under consideration by their Government and that comments on the draft currently being considered by the Cabinet would be welcomed.

16.1.5 Other matters

REPORTS FROM CONTRACTING GOVERNMENTS ON AVAILABILITY, SOURCES AND TRADE IN WHALE PRODUCTS

The Secretariat had received no reports from Contracting Governments, but during the meeting, the UK indicated that it had no stockpiles of whale products.

THE TAKING OF KILLER WHALES BY GREENLAND AND ST. VINCENT AND THE GRENADINES

The UK referred to reports of two killer whales taken in Greenland and St Vincent and The Grenadines. In its view, a combination of Schedule paragraph 10(d) forbidding the taking of killer whales by factory ships, and paragraph 10(e) referring to the ban on commercial whaling made these catches infractions. A number of countries had shared this interpretation. Others however, noted that the animals were not taken by factory ships and since they were small cetaceans, were in any case outside the competence of the IWC and therefore not required to be reported as infractions under the Convention.

LEVELS OF BYCATCH

Responding to a question from the UK on levels of bycatch and whether there had been any infractions in this regard, Japan noted that non-deliberate killing, such as bycatch were not considered infractions and were thus outside the terms of reference of the Sub-committee.

The UK considered that animals killed under Japan's new legislation, which under certain circumstances, authorises the deliberate killing of whales bycaught in fishing operations, should be reported as infractions. It regretted what it saw as Japan's lack of co-operation in this matter. Mexico considered that Japan's reluctance to provide information was hampering the work of the Commission in several areas.

Austria, Australia and Germany supported the view that bycatch could be of interest to the Sub-committee, particularly where it led to whale products entering the market, and considered bycatch information important for management purposes. Austria stated that information regarding domestic sanctions to reduce bycatch was also relevant. Germany noted that in the EU, as well as in other some countries, fines are imposed on fishermen who exceed bycatch limits.

A number of other countries (Denmark, St Vincent and The Grenadines, Norway, Republic of Korea, Norway) agreed that information on bycatch is of value to management, and that such information provided by a number of nations including Japan, was discussed in length

during the Scientific Committee meeting. They believed that the Scientific Committee was the appropriate forum for such discussions and that what happened to a bycaught animal after its death was the responsibility of national governments – some preferred not to waste the animal whereas others prohibited its use.

The UK repeated its assertion that at least some bycaught animals taken in the Japanese trap net fishery could be regarded as intentional takes and thus infractions, citing as evidence the fact that the reported numbers of bycaught animals had increased twofold since the new Japanese legislation was enacted.

Norway expressed some surprise at the concept of 'deliberate' bycatch and noted that other explanations for increased bycatch numbers could be formulated, including the possibility that the increased number of bycaught animals reflected an increase in the population of whales since the prohibition of coastal whaling. Japan shared the views of Norway.

16.2 Commission discussions and action arising

The Commission took note of and adopted the Sub-committee's report. There were no further comments.

17. ADMINISTRATIVE MATTERS

Agenda items 17-20 covering administrative and financial matters and amendments to the Rules of Procedure were considered first by the Finance and Administration (F&A) Committee that met on Friday 17 May under the chairmanship of Jim McLay (New Zealand). Delegates from 32 Contracting Governments attended the meeting. The F&A Committee report is attached as Annex H.

17.1 Annual Meeting arrangements and procedures

17.1.1 Verbatim record

The Chair of the F&A Committee reported that an indexed CD instead of a hard copy Verbatim Record of the 53rd Annual Meeting had been distributed to all Contracting Governments just prior to the meeting in Shimonoseki. While not all Contracting Governments had received the CD, others congratulated the Secretariat on its production. The F&A Committee had noted: (1) the substantial cost saving resulting from the move to CD since transcribing the verbatim record took 2-3 man weeks, while preparation of the CD was out-sourced at low-cost; and (2) that although some countries had questioned whether any form of verbatim record is necessary, the Secretariat reported that it is useful for its own records. The F&A Committee agreed that the CD should continue to be produced but that it would be made available in future only on request.

The Commission concurred.

17.1.2 Document preparation and distribution THROUGH THE WEBSITE

Reactions to the distribution of non-confidential documents via the website, done for the first time this year, were generally positive. The Commission agreed that the Secretariat should continue to notify Contracting Governments by email when new documents are posted on the website and to provide the download address in the body of the email rather than in an attachment.

OPENING STATEMENTS

Given that the purpose of opening statements is to provide a succinct explanation of the views and positions of Governments and organisations on matters of concern to

the IWC and that the Commission has agreed (Rule of Procedure Q.3) that their content should 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, the F&A Committee agreed to the Secretariat's recommendation that:

- (1) The possibility to submit Opening Statements in the form of glossy-type brochures or booklets be withdrawn; and
- (2) Opening statements should be no more than three pages, contain no graphics or photographs and be suitable for photocopying in black and white.

The F&A Committee noted that: (a) submission of statements in a more standardised format would save on administrative time prior to and after meetings and would facilitate easier archiving of documents; and (b) glossy brochures could still be distributed as additional material in the usual way.

The Commission agreed.

COMMISSION DOCUMENTS

To improve meeting preparation, promote more informed discussion and help reduce meeting time, the F&A Committee recommended that Contracting Governments should be strongly encouraged to submit meeting documents not less than 6 weeks prior to Annual Meetings.

The F&A Committee recommended that the submission of extensive documents including a large amount of graphic material should be avoided as far as possible. However it did recognise that, from time to time, a Contracting Government will wish to provide a thorough explanation of its position on one or more issues relevant to the work of the Commission. While such documents may be lengthy, available in a full publication format and contain photographs or other material not suitable for reproduction by the means normally available to the Secretariat, it was agreed that Governments should not be discouraged from providing such material.

Where a Contracting Government determines that it is important to submit such a document, the F&A Committee suggested that the Contracting Government:

- include the official IWC reference number obtained from the Secretariat on the cover of the document;
- provides copies of the full document to other Contracting Governments and any other meeting participants, either directly or, through the Secretariat.

Finally, the F&A Committee recommended that extensive documents should be provided no less than 6 weeks before the start of the meeting.

The Commission endorsed the Committee's recommendations.

17.1.3 Improved guidance on credentials

Last year an attempt to amend Rule of Procedure D.1.(a) to provide more accessible guidance on who could sign the credentials of member government representatives or non-member country observers was postponed pending clarification of different national requirements for the formal accreditation of representatives.

This year, the Commission agreed to adopt the following revision to Rule of Procedure D.1 as recommended by the F&A Committee (changes are in bold italics):

D.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.

(Note: current Rules D.1(b), (c), and (d) will be re-numbered accordingly).

17.1.4 Determining the duration of the Annual Commission and associated meetings

The Chair had drawn the F&A Committee's attention to the fact that although Rules of Procedure H.2 state that the Secretary 'shall make arrangements for all meetings of the Commission and its committees...' it does not provide explicit guidance on who has responsibility for determining the duration of the Annual Commission and associated meetings. The F&A Committee agreed that explicit guidance should be developed. It requested the Secretariat to draft Rules of Procedure, for consideration next year, to request that before the end of each Annual Meeting, the Commission decide upon the length of the meeting the following year.

The Commission agreed.

17.1.5 Press

Japan had proposed to the F&A Committee that the press be given access to all meetings of the Commission and its Committees and sub-committees except those of the F&A Committee, the Advisory Committee and the Budgetary Sub-committee. Japan had also mentioned the possibility of admitting the press to the plenary of the Scientific Committee. While some countries had expressed sympathy for the proposals, no explicit support was given. Attention was drawn to the fact that since the reports of all the Committees are confidential until delivered to plenary, admitting the press would undermine this confidentiality. One country believed the proposals would also undermine the effectiveness of the technical working groups, another raised security concerns and a third asked for a complete review of the policy of allowing press into the Plenary, requesting that this be placed on the agenda of next year's F&A committee meeting. The Secretariat had noted that the admission of press to Committees and Sub-committees could create a need for larger meeting halls and increased security, with associated cost implications.

Japan submitted a document to the plenary re-iterating its proposals and including proposed rules of conduct for the press. However, it subsequently withdrew the proposals indicating that it would resubmit them next year.

17.1.6 Need for a Technical Committee

Following the pattern of IWC/52 and IWC/53, no provision had been made for the Technical Committee to meet during

IWC/54. Instead it had been agreed that the need for a Technical Committee be kept under review. During the F&A Committee meeting, one country had agreed that there is no need for a Technical Committee under the present circumstances, but that this would change if IWC resumed its functions as a management organisation. It was also noted that if the present arrangements continue, some revision to the Rules of Procedure concerning the Technical Committee might be needed. For the moment however, the F&A Committee agreed to continue to keep the issue under review.

The Commission noted the report from the F&A Committee.

17.1.7 Admittance of academics as observers to Annual Commission Meetings

During the F&A Committee meeting, the Secretariat had explained that most years it receives requests from academics and students to attend the IWC as independent observers. The Secretariat introduced some ideas on how this could be achieved should the Commission so wish. However, no country had spoken in favour of admitting such observers.

The Commission noted the report from the F&A Committee.

17.2 Membership of the Budgetary Sub-committee

The F&A Committee had reviewed the membership rota proposed by the Budgetary Sub-Committee and agreed to recommend its adoption by the Commission, subject to the reservations of Norway and the UK. Norway supported the rota, but could not accept the awarding of a second 'permanent seat' to the USA under the present contributions scheme under which Norway is the second biggest contributor to the Commission after Japan (it later withdrew this reservation - see Item 19.2). Norway had further noted that if a new or interim scheme was not adopted this year, there would be no reason to give preferential treatment to the countries in Group 4, and that Groups 3 and 4 should be merged. The UK had qualified its support on the understanding that the four groupings were not used for any other purpose in the IWC.

The Commission adopted the Membership Rota, as shown in Appendix 5 of Annex H, noting the reservations.

17.3 Secretariat staff matters

During the F&A Committee meeting, the Secretariat introduced its proposals for replacing its Executive Officer when he leaves the IWC in August 2003, with two posts (i.e., a Head of F&A and an Information Officer) explaining that this could be done in a cost-neutral way. Noting the discussions within the Budgetary Sub-committee regarding the need to reduce expenditures, the Secretariat proposed to delay the appointment of the Head of F&A by one month (i.e. to 1 June 2003), and the Information Officer by four months (i.e. to 1 September 2003). After preliminary discussions, the F&A Committee agreed to forward the Secretariat's proposal to the private Commissioner's meeting on Sunday 19th May.

During the Plenary session, the F&A Committee Chair reported that during their private meeting, the Commissioners had agreed to the Secretariat's proposal subject to the strict requirement that it be done on a cost-neutral basis.

17.4 Advisory Committee

In commenting on the Draft Agenda circulated 100 days prior to the Annual Meeting, Japan had indicated that it might propose amendments to Rules of Procedure M.9 concerning the Advisory Committee. It also proposed that the Commission review all aspects of the functioning of the Advisory Committee over the past year and requested the Secretary to prepare a document listing those matters on which the Advisory Committee had been consulted since May 2001. This document was prepared and Japan subsequently submitted a document proposing deletion of Rule M.9 that would serve to abolish the Advisory Committee. However, in view of the limited time available to discuss this issue, Japan withdrew its proposal, indicating that it would return to it next year.

The Chair of the Commission reminded the meeting that St. Lucia had now completed its two-year term on the Advisory Committee and that a new member must be appointed. In the absence of other proposals, the Chair suggested that St. Lucia continue to serve for another year. St. Lucia and the Commission agreed.

17.5 Amendments to the Rules of Procedure

17.5.1 Scientific Committee Rules of Procedure – developing countries

At IWC/53 the Commission agreed that the proposed new Scientific Committee Rule of Procedure A.6.(i) concerning participation of developing country scientists be put forward for formal adoption in Shimonoseki to comply with the required 60 day notice period. The F&A Chair noted that this new rule had been formally agreed at this year's Scientific Committee meeting and could now be put forward for formal adoption to take effect for the 2003 meeting. The new Rule A.6.(i) is as follows:

'After an IP 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.'

The Commission agreed.

17.5.2 Scientific Committee Rules of Procedure – appointment of Chair and Vice-Chair

The F&A Chair reported that the Scientific Committee had proposed amendments to its Rules of Procedure regarding: (1) the appointment of the Committee Chair and Vice-Chair; and (2) the need for heads of delegation and any alternates to be indicated in countries' nominations to the Scientific Committee. During the F&A Committee meeting, a number of governments had expressed concern with the proposal that results from secret ballots would only be reported in terms of which nominee received the most votes and that the vote count would not be reported or retained. Japan, with the support from others, suggested deleting this part of the proposal. This would have the effect of disclosing the result of the ballot.

The Scientific Committee Chair had explained that a secret ballot was proposed since:

- (1) any Chair and Vice-Chair of the Scientific Committee needed to carry the confidence of their colleagues;
- (2) that election of Chair and Vice-Chair should not be a political matter; and

- (3) that participating scientists should not feel under pressure from their Government to vote in any particular way.

A secret ballot would ensure this. On the basis of this explanation, a number of governments accepted the need for a secret ballot without disclosure of the vote numbers.

Given that the F&A Committee was evenly divided on this issue, but given that another election was unlikely to arise in the next three years (the Scientific Committee had just elected a Chair and a Vice-Chair) it had agreed to refer the issue back to the Scientific Committee for further consideration.

The F&A Chair reported that the Committee had agreed to forward the Scientific Committee's other proposed amendment to its Rule of Procedure A.1. to the Commission for endorsement and formal approval at IWC/55 (given that the required 60 day notice had not been given). The proposed text with new text in bold italics is given below.

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.

The Commission noted the report from the F&A Committee and accepted its recommendations.

17.5.3 Commission Rules of Procedure F.1 and G.1 – election of the Chair and Vice-Chair of the Commission

Japan had submitted proposals to the F&A Committee to amend Rules of Procedure F.1 and G.1 with the purpose of widening the pool of people who might be considered during elections of the Chair or Vice-Chair of the Commission (e.g. to include Alternate Commissioners). The F&A Committee Chair reported that opinions within the Committee had been divided and that Denmark had indicated that Japan's proposed amendments might be contrary to the Convention itself thus rendering the amendments invalid. Japan had indicated that it would consider Denmark's comments when deciding whether it would carry forward its proposals to the Plenary. However, Japan did not subsequently submit them to the Commission.

18. FORMULA FOR CALCULATING CONTRIBUTIONS

18.1 Report of the Finance and Administration Sub-committee

The F&A Committee took note of the discussions and recommendations from the Contributions Sub-committee that met under the Chairmanship of Daven Joseph (Antigua & Barbuda) on 15 May 2002. These recommendations were based on the outcome of the two meetings of the Contributions Task Force held intersessionally since IWC/53.

The F&A Committee recommended that the Commission endorse the following proposals:

- (1) For the purpose of calculating financial contributions, the size of the delegation of a host country should be

assessed using an average of their delegation size of the previous three years;

- (2) The IWC Chair should not be included in his/her delegation for the purposes of calculating financial contributions;
- (3) That Models 7 and 8 (i.e. contributions models put forward by the Task Force) should form the basis of further consideration in finalising the new contributions scheme;
- (4) That the Task Force meet again intersessionally prior to IWC/55 as proposed in Appendix 4 of the F&A Committee's report;
- (5) That in its further work, the Task Force consider how whaling should be described and propose how whaling could be weighted in any final contributions scheme, taking into account the following points:
- The difference between ASW and other whaling is a matter of scale;
 - That there is no rational difference between ASW and other whaling;
 - For ASW the primary purpose is subsistence rather than profit;
 - All whaling is equal;
 - Whaling includes all whaling that has an economic return thus the definition includes commercial, scientific and bycatch;
 - Local use should be treated differently to commercial use;
 - Scientific whaling contributes valuable data to the IWC; and
 - Bycatch is not whaling.

It was also agreed that the Task Force include proposals both including and excluding each of whale watching and small cetaceans.

The F&A Committee Chair reported that the Task Force had proposed the introduction of an 'Interim Measure' based on the current contributions scheme, but where the contributions of less developed countries would be reduced and redistributed among the wealthier countries. Within the Contributions Sub-committee and the F&A Committee, two main views existed on the proposal. One supported an interim measure and its immediate introduction, while the other was that any consideration of an interim measure is premature as the finalisation of the new contributions scheme is in sight. Since there had been no agreement on this proposal and a roughly equal balance of support for the two views, the F&A Committee had agreed to forward the recommendation to the Commission but without any formal recommendation.

18.2 Commission discussions and action arising

The Commission endorsed the five recommendations listed above.

With respect to the contributions formula, Argentina and Antigua & Barbuda submitted a new proposal for an Interim Measure for consideration by the Commission. In introducing the joint proposal, Argentina noted that as a member of the Task Force it had participated actively in the deliberations and understands that the outcome of the Task Force's work will have substantial long-term implications for membership as well as for funding of IWC. However, Argentina believed that the imbalances of the current scheme are startlingly obvious and have been drawn to the attention of the Commission too many times for remedial

action not to be taken. Although it noted the intention of concluding a revised contributions formula by next year's Annual Meeting in Berlin, Argentina, together with Antigua & Barbuda wished to seek an interim solution to diminish without delay the financial burden on less developed countries. Argentina noted that the joint proposal is similar to that proposed by some members of the Task Force, with the following modifications: (1) the inclusion of a weighting based on whaling in the redistributed shortfall; and (2) a two-stage process of redistribution, the first stage lasting two years, the second stage for a further year. In putting forward the proposal, Argentina emphasised the urgency of the request and the fact that the proposed interim scheme does not: (1) constitute an impediment or an alternative to the deliberations of the Task Force; and (2) does not presuppose the levels of contributions that will result from the Task Force deliberations nor the criteria that will be applied by the Task Force in developing its contributions formula. Argentina hoped that the proposal would receive wide support. Antigua & Barbuda noted the additional work that the Commission had given to the Task Force. It considered that with these additions, the Task Force might not complete its work for at least one to two years if not longer, and therefore stressed the need for an interim measure to address the inequity of the current scheme.

Japan, Chile, Brazil, Kenya, Peru, Morocco, Dominica and St. Lucia spoke in support of the proposal.

Mexico indicated that without consensus it could not support the proposal, even though as a developing country it would benefit financially. Noting that the Task Force is close to finalising its work and that the F&A Committee is in any case proposing a cut in the Commission's expenses thus reducing contributions slightly, Mexico considered that adopting an interim measure at this stage would undermine the work of the Task Force. It asked that the Task Force be given more time to complete its work. Spain, Switzerland, the USA, Germany, Monaco, the UK, South Africa and India expressed similar views. Monaco considered it highly unlikely that the proposal would be supported by the majority of what would be the highest paying members under the scheme and that adoption of the proposal would result in chaos for the organisation. South Africa was concerned that adoption of the proposal may result in some of the developed countries withdrawing from the Convention because of financial constraints.

The Netherlands found it strange that such an important matter as the financial contributions scheme could be decided by simple majority voting. This added to its conviction that the Convention is in need of re-drafting. It expressed sympathy with the situation some Contracting Governments are in, but also noted procedural problems of other governments that would have to find the additional funds. It urged caution regarding adoption of the proposal but indicated that it would not vote against it. Sweden associated itself with these views. Norway understood the Netherlands' concern that a new contributions scheme could be decided by a simple majority but indicated that this could be addressed by making a decision to incorporate provisions relating to the contributions scheme into the Schedule. It was not sure whether this was what the Netherlands was proposing, but suggested that the Commission proceed on the basis of the existing rules.

On being put to a vote, the proposal received 21 votes in support, 12 against and 10 abstentions. The Interim

Measure was therefore adopted to take effect from financial year 2002/2003.

After the vote Germany indicated that it could not accept a simple majority decision and could therefore pay only the contribution as proposed by the F&A Committee. Switzerland also indicated that it could not accept a simple-majority decision and lodged a reservation to that effect. The USA also protested at this decision. Monaco noted that the proposal was opposed by three-quarters of those countries that would have to pay more under the new scheme and reserved the right not to abide by the decision. Australia noted that a consensus on such a matter would have been desirable, but accepted the decision and indicated that it would abide by it. New Zealand indicated that it did not agree with the decision, but that it would respect it, comply with it and pay as required. Norway also reported that it would abide by the decision. Argentina and Antigua & Barbuda thanked countries for their support. Argentina stressed that adoption of the interim measure did not alter its commitment to work in the Task Force towards a permanent solution that it hoped could be reached by next year. Antigua & Barbuda noted that the simple-majority decision was in keeping with the organisation's Rules of Procedure.

19. FINANCIAL STATEMENTS AND BUDGETS

The F&A Committee had received the report of the Budgetary Sub-committee that had worked interessionally and had met during IWC/54 with Jean-Pierre Plé (USA) as Chair. The Budgetary Sub-committee had reviewed the provisional statement for 2001/2002 and proposed budgets for 2002/2003 and 2003/2004.

19.1 Review of provisional financial statement, 2001/2002

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

19.2 Consideration of estimated budgets, 2002/2003 and 2003/2004, including the budget for the Scientific Programme

As recommended by the F&A Committee, the Commission:

- (1) approved the reduced research expenditures of £243,445 for 2002-2003 (Annex I). The Commission noted the concern expressed by some countries during the F&A Committee meeting regarding the extent of cuts in the budget line for Invited Participants in the Scientific Committee and the hope that this matter could be kept under review.
- (2) adopted the budget for the 2002-2003 financial year (Annex J).
- (3) agreed that for the 2003-2004 budget (Annex J) individual contributions should increase no more than necessary to maintain approved budget levels and that overall reductions in expenditures for the 2002-2003 and 2003-2004 budgets should be at least 5% annually.
- (4) agreed to take action on one or more of the short- and long-term proposals from the Budgetary Sub-committee to reduce expenditures, with particular emphasis on the duration and frequency of meetings. The Budgetary Sub-committee had identified the

following proposals to reduce expenditure, recognising that each has advantages and disadvantages:

- (a) reduce the number of intersessional meetings;
 - (b) hold special meetings back to back with annual meetings;
 - (c) reduce the length of annual and associated meetings;
 - (d) hold meetings of the Scientific Committee, working groups, and/or the Commission bi-annually; as a variation, a short annual meeting can be held between full-scale annual meetings;
 - (e) review working groups to determine if it is necessary that they meet every year;
 - (f) reduce research expenditure and workload by improved priority setting;
 - (g) when a sub-group meets intersessionally, it should report directly to the Commission when appropriate;
 - (h) advanced submission of documents, e.g. 6 weeks prior to annual meetings, to improve preparation and promote more informed discussion (thus reducing meeting time);
 - (i) reduce the funding available for invited participants to attend the Scientific Committee.
- (5) agreed that the registration fee for non-government observers be increased from £525 to £550 for the Annual Meeting in 2003.

Norway withdrew its reservation to the membership rota for the Budgetary Sub-committee given that with the adoption of the 'Interim Measure' it would no longer be the second biggest financial contributor to IWC.

20. ARREARS OF FINANCIAL CONTRIBUTIONS

At the 53rd Annual Meeting, the F&A Committee had reviewed a document prepared by the Secretariat in consultation with the Advisory Committee that identified a range of options to deal with the problem that a number of Contracting Governments were in arrears with their financial contributions to IWC and had been for some years. There had been insufficient time for a detailed examination of the issues raised in the document and the Commission agreed that Contracting Governments be asked to provide written comments that would be reviewed by the Advisory Committee with a view to reporting back to IWC/54. Last year, the Commission also agreed to address three issues: (1) how to deal with countries in arrears; (2) whether arrears should continue to accrue indefinitely; and (3) development of guidelines for future arrangements for the repayment of arrears. It recognised that these may require changes to the Rules of Procedure and Financial Regulations and requested that any such proposals be circulated at least 60 days before IWC/54.

Based on the Commission's discussions at IWC/53 and comments subsequently submitted by Contracting Governments, the Secretariat developed proposals for review by the F&A Committee at IWC/54 on how to take the matter forward. The Secretariat's proposals covered the three issues mentioned above, but also addressed issues related to financial contributions and voting rights for existing and new Contracting Governments and Governments leaving the organisation with arrears.

20.1 Report of the Finance and Administration Committee

Based on the Secretariat's proposals, the F&A Committee recommended that the Commission adopt a number of new and revised Rules of Procedure and Financial Regulations as described below.

Contracting Governments falling into arrears

With respect to Contracting Governments falling into arrears, the Chair of the F&A Committee noted that under the present arrangements, financial contributions continue to be assessed annually and compound interest charged at 10% per annum unless and until a Contracting Government chooses to withdraw from the Convention even when it is known that a government is unlikely to pay and will pay no active part in the affairs of the Commission.

To address this problem to some extent, the F&A Committee recommended to the Commission that the rate of compound interest charged on outstanding contributions be reduced after the first year by amending Financial Regulation F.1 as follows (new text in bold italics):

Financial Regulation F.1:

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

The F&A Committee also recommended that:

- Financial Regulation F.2, that has the effect of withholding documentation from Contracting Governments in arrears, be deleted. This provision was generally considered not to be constructive and to have no detectable influence on governments in arrears.
- From time to time, the Chair of the Commission should make representations to Governments in arrears, explaining the limited options that exist and urging a resolution to the problem of arrears.
- The Secretariat and the F&A Committee give more prominence to reporting and discussion of outstanding contributions. The F&A Committee had found Document IWC/54/F&A6 the 'Secretary's Report on the Collection of Financial Contributions 2001-2002' to be a useful way of reporting.

The F&A Chair reported, however, that the Committee had not supported the Secretariat's proposal that no further annual contributions be charged to Contracting Governments in arrears for more than 3 years.

The F&A Committee had noted the Secretariat's suggestions for a once-only exercise to deal with Contracting Governments that already have substantial arrears and the recommendation that they should be considered within the private meeting of the Commissioners.

Financial contributions and voting rights

The F&A Committee made several recommendations to the Commission to tighten-up the link between payment of financial contributions and voting rights for existing and new Contracting Governments.

In relation to existing members, the F&A Committee recommended the following amendments to Rule of Procedure E.2 and Financial Regulation F.3 to ensure that suspension of the right to vote for Contracting Governments in arrears occurs before Annual or Special Meetings (new text in bold italics):

Rule of Procedure E.2:

E.2. The right to vote of representatives of any Contracting Government whose annual payments, including any interest due, have not been received by the Commission within 3 months of the due date prescribed by Regulation E.2. of the Financial Regulations **or by the day before the first day of the next Annual or Special Meeting of the Commission following the due date, whichever occurs first**, shall be automatically suspended until payment is received by the Commission, unless the Commission decides otherwise.

[This would be renumbered E.2.(a) if a subsequent proposed new Rule E.2.(b) is also adopted.]

Financial Regulation F.3:

F. 3. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission within 3 months of the due date **or by the day before the first day of the next Annual or Special Meeting of the Commission following the due date, whichever occurs first**, the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2. of the Rules of Procedure.

For new Contracting Governments, the F&A Committee recommended the following new Rule of Procedure E.2.(b) and amendment to Rule of Procedure E.3 (new text in bold italics):

New Rule of Procedure E.2.(b):

E.2. (b) The Commissioner of a new Contracting Government shall not exercise the right to vote either at meetings or by postal or other means unless the Commission has received the Government's financial contribution or part contribution for the year prescribed in Financial Regulation E.3.

Rule of Procedure E.3:

E.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 shall be defined as 6 months from the date of adherence to the Convention **or before the first day of its participation in any Annual or Special meeting of the Commission whichever is the earlier.**

Subsequent annual payments shall be paid in accordance with [existing] Financial Regulation E.2.

The proposed changes are intended to ensure that newly-adhered Contracting Governments do not have the ability to vote, perhaps decisively, without having paid their first contribution (or half contribution if the adherence falls in the second half of the financial year).

Governments leaving the organisation with arrears

To ensure that a re-adhering former member that had previously left the organisation with arrears could not immediately exercise the rights and privileges of membership without first meeting the financial commitments consequent upon its new membership, the F&A Committee recommended that the Commission adopt the following new Financial Regulation F.6:

New Financial Regulation F.6:

F.6. Unless the Commission decides otherwise, a Government which adheres to the Convention without having paid to the Commission all its financial obligations incurred during a previous membership 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.

20.2 Commission discussions and action arising

The Commission endorsed all of the F&A Committee's recommendations regarding new and revised Rules of Procedure and Financial Regulations.

Ireland indicated that it wished to re-introduce the Secretariat's proposal for a new Financial Regulation F.5 regarding Contracting Governments in arrears for more than 3 years that the F&A Committee had not supported provided it could be adopted by consensus, i.e.:

New Financial Regulation F.5:

F.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.3. 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.3. 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.

Supporting Ireland, the UK proposed that if adopted, the new Financial Regulation be applied retroactively. The F&A Committee Chair supported this view believing it only logical that those countries already in arrears, including those in a repayment scheme, should have their arrears adjusted to the same formula. In response to a question from Antigua & Barbuda on how far back this Rule would be applied, the F&A Committee Chair suggested that it should be as far back as any country still paying arrears. He also noted that retroactive application of the new Rule is designed to attract back to full participation in the organisation, countries such as Senegal, Costa Rica and Kenya with large arrears and no repayment plans in place.

The Commission adopted new Financial Regulation F.5 and agreed that it should be applied retroactively.

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

Morocco asked whether the report would reflect the agreement reached during a private Commissioners' meeting concerning the use of languages other than English at Annual Meetings. The F&A Committee Chair suggested that the easiest way of recording this agreement would be to include it in the report of the plenary meeting and went on to report the Commissioners' discussions. He recalled that, while recognising that English remains the official language of the Commission, Commissioners had agreed that the use of simultaneous translation to improve communication at Annual Meetings should be explored (currently a system of consecutive translation is used). It was considered that simultaneous translation would shorten

the time taken for discussions and enable delegations sharing a common language to share interpreters more readily if they so wished. Noting the high budgetary implications if the Commission was to provide full simultaneous translation facilities, i.e. both the technical facilities (interpretation booths, ear-pieces, multi-channel listening devices etc.) and the interpreters, the Commissioners had agreed that the Secretariat should investigate the costs and other implications of the Commission providing only the technical facilities with a view to implementation at IWC/55. Engaging and paying for interpreters would continue to be the responsibility of those delegations requiring them.

The Commission adopted the report of the F&A Committee. The Committee Chair thanked the rapporteur, John Murton (UK) and the Secretariat for their assistance.

The USA noted that Jim McLay had finished his term as Chair of the F&A Committee and that this Annual Meeting was likely to be his last. It indicated that it would miss his wise counsel, guidance and gracious manner to all Parties and unflappability under trying circumstances and that he would be greatly missed at both a professional and personal level. The USA asked all delegations to join them in thanking Jim McLay for his extensive service to the Commission and in wishing him farewell.

22. DATE AND PLACE OF ANNUAL AND INTERSESSIONAL MEETINGS

22.1 55th Annual Meeting, 2003

Germany reported that the 55th Annual Meeting would take place in the Estrel Hotel and Convention Centre in Berlin. It drew attention to the provisional schedule proposed, with the Scientific Committee running from 26 May to 6 June 2003 (with a pre-meeting scheduled for 24-25 May), followed by various Commission Sub-committees and working groups and with the plenary meeting of the Commission taking place from Monday 16 to Thursday 19 June. Germany noted that the schedule took account of the Commission's earlier decision to reduce the length of the meeting by three days and that the 3-day workshop on whale killing methods and associated welfare issues also agreed by the Commission had been incorporated within this time-frame. It looked forward to welcoming everyone to Berlin.

As there were no comments on the proposed timing and scheduling of the meeting the Chair concluded that these had been agreed by the Commission.

22.2 56th Annual Meeting, 2004

The Commission gratefully accepted the invitation from the Italian Government to hold its 56th Annual Meeting in 2004, probably in May.

22.3 Intersessional meetings

It was agreed that a private meeting of Commissioners/Alternate Commissioners would be held in either Denmark or the UK during the week of 14 October 2002 to discuss the RMS and that the Contributions Task Force would meet at the Secretariat's offices from 10-13 December 2002. It was acknowledged that a second meeting of the Contributions Task Force might be necessary.

22.4 Other

Morocco questioned whether the frequency of Commission meetings (e.g. biannual rather than annual) was to be discussed. The Chair considered that since the plenary was not prepared for such discussions this would best be revisited next year.

23. SECRETARY'S REPORT

The Secretary recalled that at last year's meeting, the Commission agreed to replace the 'Annual Report' by a 'Secretary's Report' such that the new document would:

- (1) report the activities from the end of one Annual Meeting to the end of the next, thus making it possible to include a summary of decisions made at the last meeting;
- (2) contain up-to-date financial information; and
- (3) provide a more comprehensive overview of the work of the Commission and the Scientific Committee.

She reminded the meeting that the Commission had also agreed that the Secretary would finalise the report in consultation with the Advisory Committee and then circulate it to Commissioners and Contracting Governments whose comments would be taken into account prior to publication.

The draft Secretary's Report for the Year 2000-2001 had been circulated in April 2002, rather later than anticipated. Comments had been received from Japan and Norway. Japan had expressed concern regarding: (1) the limited time given for review; and (2) the degree of duplication between the Secretary's Report, the Chair's Report and the Summary of Decisions and Required Actions contained in the Chair's Report. It considered that some of the duplication was redundant and that differences between the different versions of some of the events reported might cause problems of interpretation at some later date. Norway had pointed out a minor error and proposed revised wording concerning its commercial whaling activity. Both countries identified items of national interest that they believed should have been included in the Secretary's Report.

Given the comments from Japan and Norway, the Secretary reported that the Secretary's Report for the Year 2000-2001 had not been published along with the Chair's Report of the 53rd Annual Meeting as initially planned. She also sought views on whether the Commission: (1) wished to continue with the Secretary's Report as agreed last year but provide more time for review prior to publication; (2) now believed the Secretary's Report to be redundant; or (3) whether it wished to return to the previous format for Annual Reports.

New Zealand, Norway and Denmark supported continuation of the Secretary's Report. New Zealand, supported by the others, suggested that: (1) decisions and actions required be emphasised; and (2) that a longer review period be granted to Contracting Governments prior to publication of the Report. The Commission agreed.

As different views were expressed over whether the Secretary's Report should be published along with the Chair's Report or whether it should be produced as a standalone document, the Chair ruled that it be produced as a standalone document.

24. SUMMARY OF DECISIONS AND REQUIRED ACTIONS

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

25. OTHER MATTERS

Oman, India, Palau and Germany extended their thanks to the Government of Japan and the Mayor and people of Shimonoseki for their kindness and hospitality shown to all participants throughout the course of the 54th Annual Meeting. They also thanked the Chair for his proficiency in handling the meeting and the Secretariat for its hard work.

Japan thanked the Chairs and Vice-Chairs of the Scientific Committee, the Working Groups, Sub-committees and the Commission, and the IWC Secretariat

and the Japan Secretariat for their role in supporting the meeting. It noted the very heated discussions on some important agenda items, some of which extended late into the evening, and hoped that these discussions would provide an opportunity for further constructive debate. Together with the people of Shimonoseki, Japan hoped that everyone had enjoyed their stay and wished them a safe trip home.

After thanking the Government of Japan and the people of Shimonoseki for the superb organisation of IWC/54, the Chair closed the meeting.

26. AMENDMENTS TO THE SCHEDULE

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

Annex A

Delegates and Observers Attending the 54th Annual Meeting

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

Antigua & Barbuda

Daven Joseph (C)
Colin Murdoch (AC)
Nigel Lawrence

Argentina

Fernando Ras (AC)
Miguel Iñiguez

Australia

Conall O'Connell (C)
David Kemp (AC)
Robyn Bromley (AC)
Greg French
Stephen Powell
Pamela Eiser
Nicola Beynon
Peter Poggioli (S)
Tom Menadue (S)

Austria

Andrea Nouak (C)
Enno Drogenik
Michael Stachowitsch (AC)
Nina Thuellen (S)

Benin

Bantole Yaba (C)
Joseph Ouake (AC)
Sy Richard (I)

Brazil

Hadil da Rocha Vianna (C)
Regis Pinto de Lima (AC)
José Truda Palazzo Júnior
(AC)
José Carlos Carvalho
Antonio Fernando Cruz de
Mello

Chile

Guillermo Bittelmann(C)

China

Xiaobing Liu (C)
Sun Guifeng
Yin Wenqiang

Denmark

Henrik Fischer (C)
Einar Lemche (AC)
Hans Enoksen
Leif Fontaine
Palle Uhd Jepsen
Amalie Jessen (AC)
Kim Mathiasen
Kate Sanderson
Lars Witting
Ole Heinrich (I)
Paneeraq Olsen (S)

Dominica

Lloyd Pascal (C)
Harold Guiste (AC)

Finland

Esko Jaakkola (C)
Nicola Lindertz (AC)

France

Claude Abily (C)
Vincent Ridoux

Gabon

Emile Doumba
Louis Gabriel Pambo (C)
Robert Ondoh Mve (AC)
Faustin Boukamba
Nobuko Takamura (S)

Germany

Peter Bradhering (C)
Marlies Reimann (AC)
Petra Deimer-Schütte
Joachim Schmitz
Brian Siler
Thilo Maack (S)
Volker Homes (S)

Grenada

Clariss Charles (C)
Justin Rennie (AC)

Republic of Guinea

Mansa Moussa Sidibe
Mohammed Moustapha Ly (C)
Amadou Telivel Diallo (AC)
Ginette Turpeau Parres (I)

Iceland

Stefan Ásmundsson
Ragnar Baldursson
Thomas Heidar
Hulda Lilliendahl
Kristján Loftsson
Gisli Vikingsson

India

S.C. Sharma (C)

Ireland

Chris O'Grady (C)
Peter Brazel (AC)

Italy

Mario Vattani (C)
Silvia de Bertoldi
Caterina Fortuna (AC)
Alessandra Lippiello
Domitilla Senni

Japan

Minoru Morimoto (C)
Yoshiaki Ito (AC)
Masayuki Komatsu (AC)
Kiyoshi Ejima
Yoshihiro Fujise
Dan Goodman
Mutsuo Goto
Setsuo Hamanaka
Kosuke Hayashi
Yoshihiro Hayashi
Yasuo Iino
Hajime Ishikawa
Iwao Isono
Makoto Ito
Shigeyuki Kawahara
Chikao Kimura
Yoshihiro Kogai
Konomu Kubo
Masatoshi Matsubayashi
Toshihiro Mogoe
Joji Morishita
Takanori Nagatomo
Keiichi Nakajima
Hiroshi Ogawa
Takanori Ohashi
Kayo Ohmagari
Seiji Ohsumi

Takaaki Sakamoto
 Hirohisa Shigemune
 Kazuo Shima
 Yoshihiro Takagi
 Takehiro Takayama
 Tsutomu Tamura
 Jiro Hyugaji
 Toshiharu Tarui
 Shinichi Doi (I)
 Yoko Kamatsu (I)
 Rei Kawagishi (I)
 Emiko Kodama (I)
 Midori Ota (I)
 Ryoko Soeda (I)
 Akiko Tomita (I)
 Noriyoshi Hattori (S)
 Masato Hayashi (S)
 Katsuyuki Ichinose (S)
 Yoshiya Ishibe (S)
 Tomoko Kuba (S)
 Michitoshi Nabeshima (S)
 Yoshihisa Nakamura (S)
 Yuko Ushirone (S)
 Kazuhiko Utsumi (S)
 Kazuo Yamamura (S)
 Taku Sasaki (S)
 Koichi Tahara (S)
 Miwako Takabe (S)

Kenya

Sam Weru

Republic of Korea

Deok-Bae Park (C)
 Kyung-soo Kim(AC)
 Ho-shik Lee
 Ki-Won Jung
 Zang Geun Kim
 Hyoung-Chul Shin
 Boon-Do Yoon

Mexico

Andrés Rozental (C)
 Jorge Lomonaco (AC)
 Silvia Manzanilla (AC)
 Lorenzo Rojas-Bracho (I)

Monaco

François Doumenge (C)
 Frédéric Briand (AC)

Mongolia

T S Damdin (C)
 T S Oyunbaatar
 S Bold
 P Naranbayar (I)

Morocco

Driss Meski (C)

Netherlands

Frederik Vossenaar (C)
 Annemarie van der Heijden
 (AC)
 Peter Reijnders

New Zealand

Jim McLay (C)
 Anna Broadhurst
 Lucy Duncan (AC)
 Mike Donoghue
 Wilbur Dovey (AC)
 Alexander Gillespie
 Sandra Lee
 Gina Lento
 Kevin Smith
 Barbara Maas
 Wally Stone
 Peter Kell (I)

Norway

Odd Gunnar Skagestad (C)
 Halvard Johansen (AC)
 Turid Rodrigues Eusébio
 Ove Midttun
 Egil Ole Øen
 Janet Bakke
 Jan Skjervø
 Lars Walløe
 Silje Wangen
 Hild Ynnesdal
 Rune Jensen (S)
 Ole Mindor Myklebust (S)

Oman

Hilal Ambusaidi (C)

Republic of Palau

Kuniwo Nakamura(C)
 Fritz Koshiba
 Victorio Uherbelau

Panama

Epiménides Díaz
 Rogelio Santamaría

Peru

Alberto Hart (C)

Portugal

Manuel G A Leite (C)

Russian Federation

Valentin Ilyashenko (C)
 Vladimir Etylin (AC)
 Valery Knyazev(AC)
 Olga Etylina (I)
 Andrei Khalkachan (I)
 Andrei Krivorotov (I)
 Roman Abramovich (S)

Rudolf Borodin (S)
 Gennady Inankeuyas (S)

Saint Kitts and Nevis

Raphael Archibald
 Joseph Simmonds

Saint Lucia

Ignatius Jean (AC)
 Vaughn Charles (AC)

Saint Vincent and The Grenadines

Selmon Walters (C)
 Raymond Ryan (AC)
 Frank Hester

San Marino

Roberto Pesci (AC)

Senegal

Ndiaga Gueye(C)

Solomon Islands

Nelson Kile (C)
 Sylvester Diake (AC)

South Africa

Judy Chalmers (C)
 Herman Oosthuizen (AC)

Spain

Carmen Asencio (C)
 Luis Fernando de Segovia y
 Rivacoba (AC)
 Carlos Domínguez Díaz (AC)

Sweden

Bo Fernholm(C)
 Stellan Hamrin (AC)
 Thomas Lyrholm(AC)
 Anna Roos(AC)

Switzerland

Thomas Althaus (C)
 Martin Krebs (AC)

UK

Richard Cowan (C)
 Rob Bowman (AC)
 Elliot Morley (AC)
 Jill Barrett
 Stuart Chapman
 Rob Hitchen
 Stuart Jack
 Geoff Jasinski
 Laurence Kell
 Bron Madson
 John Murton

Iain Orr
Mark Simmonds

USA

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Annex B

Agenda

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 - 1.1 Welcome address
 - 1.2 Opening Statements
 - 1.3 Secretary's Report on Credentials
 - 1.4 Meeting arrangements
 - 1.5 Review of documents
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 - 3.1 Proposal to amend Rule of Procedure E.3 (d)
 - 3.2 Commission discussions and action arising
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 - 4.1 Report of the Scientific Committee
 - 4.2 Commission discussions and action arising
5. WHALE STOCKS
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 - 5.1.1 Report of the Scientific Committee
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 - 5.2 Southern Hemisphere blue whales
 - 5.2.1 Report of the Scientific Committee
 - 5.2.2 Commission discussions and action arising
 - 5.3 Southern Hemisphere humpback whales
 - 5.3.1 Report of the Scientific Committee
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 - 5.4 North Atlantic humpback whales
 - 5.4.1 Report of the Scientific Committee
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 - 5.5 Other stocks – bowhead, right and gray whales
 - 5.5.1 Report of the Scientific Committee
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 - 6.1 Aboriginal subsistence whaling scheme
 - 6.1.1 Report of the Aboriginal Subsistence Whaling Sub-committee
 - 6.1.2 Commission discussions and action arising
 - 6.2 Inedible gray whales from the North Pacific eastern stock
 - 6.2.1 Report of the Aboriginal Subsistence Whaling Sub-committee
 - 6.2.2 Commission discussions and action arising
 - 6.3 Aboriginal subsistence whaling catch limits
 - 6.3.1 Report of the Aboriginal Subsistence Whaling Sub-committee
 - 6.3.2 Commission discussions and action arising including proposals to amend the Schedule
 - 6.4 Other
7. CATCHES BY NON-MEMBER NATIONS
(Chair's Report of the 53rd Annual Meeting, Section 8.3)
 - 7.1 Commission discussions and action arising
8. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES
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 - 8.1 Report of the Whale Killing Methods and Associated Welfare Issues Working Group
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 - improving the humaneness of whaling operations
 - workshop on whale killing methods
 - 8.2 Commission discussions and action arising
9. REVISED MANAGEMENT SCHEME (RMS)
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 - 9.1 Revised Management Procedure (RMP)
 - 9.1.1 Report of the Scientific Committee
 - general issues
 - preparation for implementation (North Pacific minke, North Atlantic minke and Western North Pacific Bryde's whales)
 - bycatch
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 - 9.2 Revised Management Scheme
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 - 10.1 Reviews of sanctuaries
 - 10.1.1 Improvements to the review process
 - Report of the Scientific Committee
 - Commission discussions and action arising
 - 10.1.2 Review of the Indian Ocean Sanctuary
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 - 10.2 South Pacific Sanctuary
 - 10.2.1 Proposal to amend the Schedule to establish a sanctuary
 - 10.2.2 Commission discussions and action arising
 - 10.3 South Atlantic Sanctuary
 - 10.3.1 Proposal to amend the schedule to establish a sanctuary
 - 10.3.2 Commission discussions and action arising
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11. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING
(Chair's Report of the 53rd Annual Meeting, Section 10 and Resolution 2001-6)
- 11.1 Commission discussions and action arising
- 11.1.1 Proposal to amend the schedule
12. SCIENTIFIC PERMITS
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- 12.1 Report of the Scientific Committee
- 12.1.1 Advice on effects of scientific permit catches
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- 12.1.4 Review of new or revised proposals
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- 13.1 Co-operative research in the Antarctic
- 13.1.1 Report of the Scientific Committee
- SOWER 2000 (co-operative research with CCAMLR)
 - Joint IWC/SO-GLOBEC research programme
- 13.1.2 Commission discussions and action arising
- 13.2 POLLUTION 2000+
- 13.2.1 Report of the Scientific Committee
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- 13.3 Habitat-related issues
- 13.1.1 Report of the Scientific Committee
- interactions between cetaceans and fisheries
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- 13.3.2 Commission discussions and action arising
- 13.4 Reports from Contracting Governments on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals
- 13.5 Health issues
- 13.5.1 Commission discussions and action arising
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14. CO-OPERATION WITH OTHER ORGANISATIONS
(Chair's Report of the 53rd Annual Meeting, Section 13)
- 14.1 Report of the Scientific Committee
- 14.2 Commission discussions and action arising
15. OTHER SCIENTIFIC COMMITTEE ACTIVITIES, ITS FUTURE WORK PLAN AND ADOPTION OF THE SCIENTIFIC COMMITTEE REPORT
(Chair's Report of the 53rd Annual Meeting, Section 14 and Resolutions 2001-12 & 13)
- 15.1 Small cetaceans
- 15.1.1 Report of the Scientific Committee
- 15.1.2 Commission discussions and action arising
- 15.2 Other activities
- 15.2.1 Report of the Scientific Committee
- 15.2.2 Commission discussions and action arising
- 15.3 Scientific Committee Future Work Plan
- 15.3.1 Report of the Scientific Committee
- 15.3.2 Commission discussions and action arising
- 15.4 Adoption of the Report
16. INFRACTIONS, 2001 SEASON
(Chair's Report of the 53rd Annual Meeting, Section 15)
- 16.1 Report of the Infractions Sub-committee
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 - Surveillance of whaling operations
 - Checklist of information required or requested under Section VI of the Schedule
 - Submission of national laws and regulations concerning whaling.
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17. ADMINISTRATIVE MATTERS
(Chair's Report of the 53rd Annual Meeting, Section 16)
- 17.1 Annual Meeting arrangements and procedures
- 17.1.1 Report of the Finance and Administration Committee
- Verbatim Record
 - Document preparation and distribution
 - Improved guidance on credentials
 - Determining the duration of Annual Commission Meeting and associated meetings
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 - Need for a Technical Committee
- 17.1.2 Commission discussions and action arising
- 17.2 Membership of the Budgetary Sub-committee
- 17.2.1 Report of the Finance and Administration Committee
- 17.2.2 Commission discussions and action arising
- 17.3 Secretariat staff matters
- 17.3.1 Report of the Finance and Administration Committee
- 17.3.2 Commission discussions and action arising
- 17.4 Advisory Committee
- 17.4.1 Commission discussions and action arising
- Review of activities
 - Composition
- 17.5 Amendments to the Rules of Procedure
- 17.5.1 Adoption of revised Rule of Procedure B.1 on Meetings
- 17.5.2 Recommendations from the Finance and Administration Committee
- Report of the Finance and Administration Committee
 - Commission discussions and action arising
- 17.5.3 Other

18. FORMULA FOR CALCULATING CONTRIBUTIONS
(Chair's Report of the 53rd Annual Meeting, Section 17)
 - 18.1 Report of the Finance and Administration Committee
 - 18.2 Commission discussions and action arising
19. FINANCIAL STATEMENTS AND BUDGETS
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 - 19.1 Review of the provisional financial statement, 2001/2002
 - 19.1.1 Report of the Finance and Administration Committee
 - 19.1.2 Commission discussions and action arising
 - 19.2 Consideration of estimated budgets, 2002/2003 and 2003/2004
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 - 20.1 Report of the Finance and Administration Committee
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Annex C

Report of the Aboriginal Subsistence Whaling Sub-Committee¹

1. INTRODUCTORY ITEMS

The meeting took place on 14 May 2002. The list of participants is given as Appendix 1. The terms of reference of the Aboriginal Subsistence Whaling Sub-committee are to consider relevant information and documentation from the Scientific Committee, and to consider nutritional, subsistence and cultural needs relating to aboriginal subsistence whaling and the use of whales taken for such purposes, and to provide advice on the dependence of aboriginal communities on specific whale stocks to the Commission for its consideration and determination of appropriate management measures (*Rep. int. Whal. Commn* 48: 31).

1.1 Appointment of Chair

Halvard P. Johansen (Norway) was appointed Chair.

1.2 Appointment of Rapporteurs

Alexander Gillespie (New Zealand) was appointed rapporteur, assisted by Greg Donovan (Secretariat and Chair of the Scientific Committee's Standing Working Group on the AWMP).

1.3 Review of Documents

The documents available to the sub-committee are listed in Appendix 2.

2. ADOPTION OF THE AGENDA

Although the agenda was adopted (see Appendix 3), it was reorganised, in order for the presentation to accompany the Scientific Committee's work on the Aboriginal Working Whaling Management Procedure (AWMP) and the associated *Strike Limit Algorithm (SLA)* to be completed. Accordingly, the Chair proposed that the morning session be spent by examining the Needs Statements, followed by consideration of the scientific issues. This approach was accepted, and needs statements from the USA (2), Greenland (2), Russia (3) and St. Vincent and the Grenadines (2) were duly presented. The emphasis on all of the following statements was related to needs considerations, and not scientific questions. Consideration of scientific questions followed in the afternoon. For ease of reading, the report has been organised in accordance with the adopted agenda. The meeting began with a prepared statement from the IWC Chair, pertaining to the status of Iceland's membership within the ICRW:

'Iceland's instrument of adherence to the International Convention for the Regulation of Whaling is expressly conditioned on a reservation with respect to paragraph 10(e) of the Schedule. This Working Group is not an appropriate forum to discuss this or issues related to this. The participation of Iceland in this meeting does not prejudice the positions of individual members of the International Whaling Commission regarding the issue of Iceland's adherence to the International Convention for the Regulation of Whaling.'

3. ABORIGINAL SUBSISTENCE WHALING SCHEME

3.1 Aboriginal Whaling Management Procedure (AWMP)

3.1.1 Report of the Scientific Committee (IWC/54/4, Item 8) PRESENTATION

The Chair of the Scientific Committee's Standing Working Group on the Development of an Aboriginal Whaling Management Procedure (hereafter Chair of the SWG) reported on the Scientific Committee's work in this regard. Last year, he had informed the sub-committee that the Scientific Committee expected to be able to recommend a *Strike Limit Algorithm (SLA)* for the Bering-Chukchi-Beaufort Seas stock of bowhead whales to the Commission at the present meeting. This will be the first *SLA* that the Scientific Committee has recommended in the development process. For this reason, the Chair of the SWG gave a thorough presentation of the work of the Committee on this issue over the seven-year development process. The full presentation is available upon request to interested delegations as an electronic file or as a printout of the slides used. He also noted that as in previous years, he is happy to discuss any issues raised with interested parties. What follows is a very short summary of the key points made in the presentation. Full details of the Committee's work can be found in IWC/54/4, Item 8 and IWC/54/4 Annex E.

The Scientific Committee began addressing this issue in the early 1990s and in 1994 the Commission formally instructed them to work on the development of an aboriginal whaling management procedure (Resolution 1994-4). The Commission reiterated the objectives of such a scheme as (1) to ensure risks of extinction are not seriously increased (highest priority); (2) to enable harvests in perpetuity appropriate to cultural and nutritional requirements; and (3) to maintain stocks at highest net recruitment level and if below that ensure they move towards it. The advantages (to both the management body and the users) of a management procedure over 'ad hoc' management were stressed, as was the value of computer simulations to try out potential candidate procedures. The simulation trial structure is designed to test procedures against the inevitable uncertainty in scientific knowledge about the whales and their environment.

The Commission agreed in 1998 that the eventual aboriginal whaling scheme (which includes both the scientific and non-scientific aspects of management) would include both generic and case-specific elements. In particular, it was agreed that *SLAs* (the way in which the need requests forwarded by the Commission to the Scientific Committee are evaluated to determine whether they are acceptable from the point of view of the risk-related objectives given above – it is assumed for the purposes of trials that all strikes result in death) could be case-specific and introduced to the Aboriginal Whaling Scheme as they became available. The Committee noted that it would proceed with the data-rich fisheries first, i.e. the bowhead and gray whale hunts. Throughout the

¹This was circulated to the meeting as IWC/54/5.

process, the Scientific Committee placed great emphasis on feedback from the Commission and hunters via the Commission's Aboriginal Whaling sub-committee, and each year the Chair of the SWG has made a detailed presentation of the development process, requested advice on various matters and been available for consultation with interested delegations and individuals. The candidate procedures for the bowhead case were tested for a broad range of uncertainty in a variety of factors, including: changes in $MSYR$ and $MSYL$; model uncertainty; time dependent changes in carrying capacity, natural mortality and productivity; episodic events; stochasticity; survey bias and variability; survey frequency and errors in the historic catch series. In 2001, five candidate procedures were reduced to two and the Commission was informed that the Scientific Committee would present its recommended *SLA* in 2002.

At the recent Scientific Committee meeting, after detailed discussions and examination of the results, the Committee strongly recommended to the Commission the 'Bowhead *SLA*'. This was in fact, an *SLA*, which by averaging the results from two excellent procedures with different philosophies, performed best overall in terms of the Commission's objectives. The Committee agreed that it represents the best scientific tool it has for providing management advice on this stock of bowhead whales. The Chair of the SWG drew attention to the enormous amount of work put in by many members of the SWG and Committee in recent years, and in particular the four teams of developers (Eva Dereksdóttir, Kjartan Magnússon, Geof Givens, Andre Punt, Sue Johnston and Doug Butterworth) and Cherry Allison who handled the computing.

In making this recommendation, the Scientific Committee re-iterated that the use of the *Bowhead SLA* was intimately linked to the generic aspects of the AWMP as summarised in Fig. 1. The Chair of the SWG then went on to describe these other elements and explain how they might be put into practice. He noted that all of the operational elements had been presented to the Commission's Aboriginal Whaling Sub-committee previously and had benefited from feedback at that time. In particular he referred to the issues of block limits, carryover, survey interval and grace period. With respect to block limits and carryover, the Commission had agreed that five-year blocks were appropriate. Inclusion of the concept of carryover had been requested by the Aboriginal Subsistence Sub-committee early in the development process. The Scientific Committee had presented a suggestion in 1999 that tried to encapsulate the variable conditions in the Arctic environment. This suggestion was reached after consultation with interested members of the Aboriginal Whaling Sub-committee. This involved an inter-annual variation of 50% and a between-block carryover of up to half of the annual maximum strike limit. The Commission had agreed that approach as suitable for trial purposes, noting that it did not commit it to these values in any final AWMP.

The Chair of the SWG provided a number of examples of how this might work in practice, based on the present annual strike limit of 67 [giving a block limit of 335 and a maximum strike limit in any one year of 100 ($= 1.5 \times 335/5$), with a maximum carryover between blocks of 50]. The *Bowhead SLA* performs satisfactorily under these rules. It is, of course, ultimately a Commission decision as to what is an appropriate carryover provision. He also noted

that the Commission also includes a limit to the number of landed animals. This is again clearly a Commission decision (the *SLA* assumes that all strikes result in death).

The issue of a phaseout 'rule' is familiar in terms of the RMP and was introduced to the Aboriginal Whaling Sub-committee by the Scientific Committee last year. It is in essence a mechanism to deal with the absence of data essential to the *SLA*. The Scientific Committee stressed that it was not acceptable for catches to be set equal to need under such circumstances. Whilst it hoped and expected that any 'grace period' rule would never need to be utilised, it agreed that any AWMP must be prepared for such an eventuality.

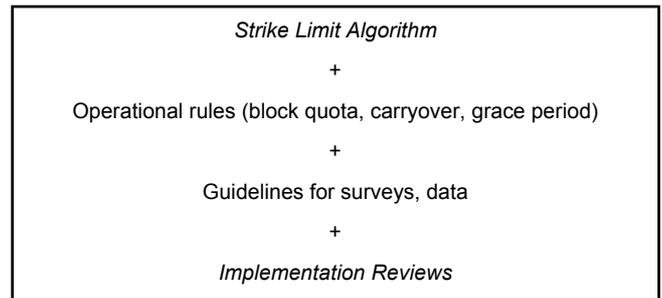


Fig 1. The elements required for management under the AWMP.

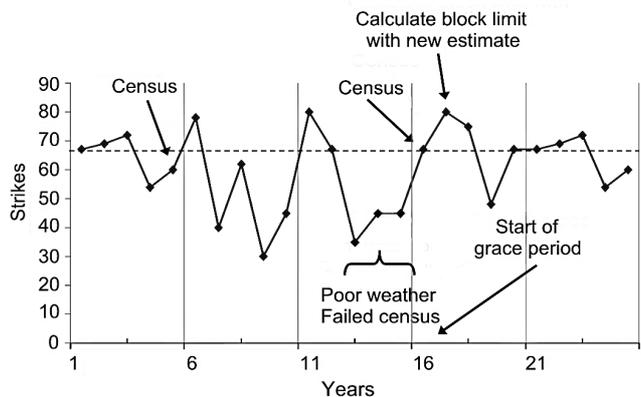


Fig. 2. One example of how the 'grace period' rule might work.

Given this, it developed a list of principles for such a rule which it recommended to the Commission for consideration. In summary, these are:

- (1) the grace period should not exceed 5 years (after which time, the *SLA* will set strikes to zero and it is likely that an Implementation review will be initiated);
- (2) over the 5-year period, the block limit shall be reduced by 50%;
- (3) carryover from the last block is permissible (the same conditions that can render a survey unusable can also preclude the hunt);
- (4) the use and distribution of strikes over the time period is the responsibility of the user;
- (5) when a survey is successfully conducted during the grace period, the *SLA* is applied and a quota generated - the quota is then applied retroactively to the current block and the used strikes subtracted from the resultant block limit.

The Chair of the SWG provided several examples of how this might work in practice, and this is summarised in Fig. 2.

The *SLA* and the AWMP require data to function and a key piece of information essential to the *SLA* is the abundance. Last year the Aboriginal Whaling Sub-committee accepted the Guidelines for Surveys suggested by the Scientific Committee. The Chair of the SWG reminded the Sub-committee of these proposals with respect to:

- (1) survey/census methodology and design;
- (2) Committee oversight; data analysis and availability; and
- (3) estimates to be accepted for use in the *SLA*.

He also described the previously agreed guidelines for data/sample collection. Similar guidelines exist for the RMP.

The final element he introduced is again reflected in the RMP and is integral to the AWMP process – the *Implementation Review*. Regular *Implementation Reviews* would occur every five years and normally involve at least reviews of information:

- (1) required for the *SLA* (i.e. catch data, abundance estimates); and
- (2) to ascertain if the present situation is as expected and within tested parameter space.

In addition, to enable swift reaction to new information that gives rise to serious concern, *Unscheduled Implementation Reviews* can be called. He provided a number of examples as to possible ‘triggers’ for such early reviews. There are a variety of possible outcomes of *Implementation Reviews*, including:

- (a) the continuation of use of the *SLA*;
- (b) the setting of a zero strike limit;
- (c) the running of further simulation trials;
- (d) the undertaking of a new census immediately;
- (e) a combination of some of the above.

The Chair of the SWG then noted the Scientific Committee’s conclusion that, from a purely scientific perspective, the *Bowhead SLA* represented the best tool for providing management advice to the Commission on the bowhead whale harvest. On these grounds alone it would be prepared to use the *SLA* to calculate block strike limits and present that advice to the Commission. However, it recognised that there are some procedural issues that need to be considered (i.e. that the Commission has not formally approved the approach) and that the strict conditions for the Guidelines for surveys would not have been met in terms of data provision (see IWC/54/4, Item 8). Given this, it requested that the Secretariat will be prepared to use the *SLA* to calculate block strike limits, should the Commission request this. This can easily be done at the Commission meeting either with or without the 2001 census estimate, that, whilst within the tolerance of the *SLA* trials, was likely to be slightly modified next year.

With respect to incorporation into the Schedule, the Scientific Committee agreed that this should not be seen as a necessary prerequisite for use of the *Bowhead SLA*. In or out of the *Schedule*, it represents the best method for the

Scientific Committee to provide advice and could be used as the basis for modification of the current *Schedule* provisions with respect to bowhead whales which refer to catch and strike limits. This issue was not a Scientific Committee matter and was the responsibility of the Commission.

In concluding his presentation, the Chair of the SWG summarised the situation as follows. The *Bowhead SLA* and associated generic AWMP elements represented culmination of seven year’s cooperative work between the Scientific Committee and the Commission. The Committee recommended the *SLA* to the Commission and noted that early in the development process, the goal was to develop an *SLA* that fully met the Commission’s management objectives; once this had been achieved, it was agreed that it should not waste resources attempting to achieve some hypothetical level of ‘perfection’. Whilst the Committee recognised that further work could be undertaken to refine and ‘polish’ the constituent *SLAs* of the *Bowhead SLA* (as noted by the developers themselves), it strongly believed that these resources should be dedicated to completing the *SLA* for the management of the gray whale harvest and addressing the serious issue of the Greenland fisheries, for which the Committee has recognised that it has never been able to provide satisfactory advice. Progress on these two issues is given in the Scientific Committee’s report (IWC/54/4, Item 8) and they are priority items in the Committee’s work plan.

Finally, the Chair of the SWG abused his privilege of being at the microphone by wishing Ireland good luck in the World Cup!

COMMENTS AND DISCUSSION

Several delegations congratulated the Scientific Committee on its work and the Chair of the SWG for his informative presentation.

A number of comments and requests for clarification were made.

Austria complimented the Scientific Committee on a thorough and excellent piece of work. It supported adoption of the *Bowhead SLA* and the associated elements. It believed that the development of the AWMP was vital to the wise management of aboriginal subsistence whaling by the Commission.

Norway indicated that the choice of the unified procedure as the *Bowhead SLA* meant that the agreed *SLA* was rather complex and would require more time to validate than a single procedure. However, it endorsed the recommendation of the Scientific Committee in principle. It noted that the *SLA* had been proposed as part of a package (including the elements regarding block limits, carryover, grace period guidelines for surveys and date requirements that might need further discussion in the Scientific Committee) and wondered whether it would be better to wait before implementing it until the other case-specific elements were completed.

The USA also referred to the total ‘package’ and asked if it was envisaged whether all of the aspects would be linked together in a single document resembling the RMP Annex (IWC/54/4 Annex E) that detailed the Scientific Committee’s report. The Russian Federation also wished to have a single document so that it could investigate the consequences and believed that it was better to wait until the gray whale *SLA* was also completed. The UK also referred to the need for a document of the whole package. It also wondered whether it was appropriate for the Scientific

Committee rather than the Commission to agree the relative weightings of need satisfaction against risk to the stock.

In response to these comments, the Chair of the SWG noted that the Committee had considered the issue of complexity in choosing the recommended *SLA* but agreed for a number of reasons, not the least performance statistics, that the advantages of the unified *SLA* far outweighed the additional complexity, as documented in the Committee's report. He also noted that the additional elements had in fact been thoroughly discussed by the Committee in the last three years and had also been presented to, and endorsed by, the Aboriginal Whaling Sub-Committee and the Commission over last two years. With respect to the weighting question, he noted that the Scientific Committee had from the outset been guided by the Commission's objectives, giving highest priority to objective 1 (to ensure that the risks of extinction are not seriously increased) as the Commission had indicated. He noted that the performance statistics used to evaluate the *SLAs* had been designed with the Commission objectives clearly in mind, particularly with respect to risk to the stock and the need for the population to increase towards an optimal level.

In response to the question concerning a single document containing all the additional elements, he noted that they were all included in the Scientific Committee's report. However, as yet this had not been converted into a document of a similar nature to the RMP document, although the intention was that this would be done. In fact, prior to the adoption of the report, the Chair of the SWG produced such a document for information. The sub-committee agreed to include this as an Appendix to its report, noting that it had not been discussed (see Appendix 4).

With respect to waiting for *SLAs* for the other fisheries to be completed, he noted that, with an intersessional workshop, the Scientific Committee hoped be able to present an *SLA* for the gray whale at next year's meeting. Although he could not say for certain, he expected that such an *SLA* would be similar to at least one of the components of the *Bowhead SLA*. He noted that although the gray whale was a similarly data-rich case to the bowhead whale, there were differences, in particular due to the fact that the gray whale may be approaching, or at, carrying capacity.

He reiterated the importance of the Greenland Research programme to the ability to develop an *SLA* for the Greenland Fisheries, noting that this will be a priority topic at next year's meeting.

4. INEDIBLE GRAY WHALES FROM THE EASTERN STOCK

4.1. Report of the Scientific Committee (IWC/54/4, Item 9.3)

The Chair of the Scientific Committee referred to reports of two strong smelling whales (which 'smelled of medicine') during the 2001 season, and samples from those animals are currently being analysed by Russian and North American scientists. The samples shipped to Alaska will be analysed for ketones and anthropogenic contaminants sometime after this meeting. Discussions are underway for Japanese scientists to undertake additional studies on these samples.

4.2 Discussion and recommendations

The Sub-committee noted the report and looked forward to receiving a report next year.

5. ABORIGINAL SUBSISTENCE WHALING CATCH LIMITS

5.1 Bering-Chukchi-Beaufort Seas stock of bowhead whales

5.1.1 Report of the Scientific Committee (IWC/54/4, Item 9.1.1)

The Chair of the Scientific Committee reported that the last successful census of this stock was in 1993. Two census attempts (1999 and 2000) failed due to unstable ice and closed leads, respectively. This year the Committee received a preliminary abundance estimate based on the successful 2001 census at Point Barrow, Alaska. The number of calves counted was almost twice that counted in 1993. The abundance estimate was 9,860 (95%CI 7,700–12,600) and the estimated annual rate of increase from 1978-2001 was 3.3% (95%CI 2.0-4.7%). Further acoustic data and analysis may alter the final estimate, but not substantially.

In addition information was presented on counts of whales along the Chukotka Peninsula between 1999 and 2001. Such animals are probably missed by the census at Point Barrow. In Spring 2001, 149 animals were counted, a similar number to those in 1999 and 2000.

A total of 75 whales were struck during the 2001 harvest and 49 (30 males and 19 females) were landed. Ice conditions made hunting difficult, leading to a lower efficiency compared to some previous years. One female bowhead whale (15.2m; estimated 46.8 tons) was harvested off of Chukotka, Russia in 2001.

The Scientific Committee noted that although the current catch limit ends in 2002, an in-depth assessment of this stock of bowhead whales is not scheduled until 2004. However, preliminary results from the successful new census conducted near Barrow indicate that the stock is larger than it has been in the last century and is still increasing. The Committee in addition noted that it has **agreed** the *Bowhead SLA* at this meeting (see discussion above) which it believes is its best tool for providing management advice for this stock. On the basis of the information discussed under this section (IWC/54/4, Item 9.1.1) of the Committee's report alone, it **agrees** that there is no reason to change the management advice it had given last year, namely, that it is very likely that a catch limit of 102 whales or less annually would be consistent with the requirements of the *Schedule*.

COMMENTS AND DISCUSSION

The Sub-committee noted the advice of the Scientific Committee.

Norway referred to the advice above and commented that the Scientific Committee had also noted that there was an interest in resolving an apparent conflict between existing age data and the catch and abundance data. The Committee had also noted that further genetic data would assist with stock assessment. In this regard it was noted that the SWG on the AWMP has carried out a thorough review of the sub-stock question and the Committee believes that the single-stock hypothesis is most consistent with existing data.

5.1.2 Discussion of need statements

The first document presented [Quantification of Subsistence and Cultural Need for Bowhead Whales by Alaska Eskimos: IWC/54/AS1] was presented by the USA. The USA explained that it sought renewal of their Aboriginal Subsistence Whaling quota of bowhead whales, on the same basis as their previous quota (280 landed over a five year period, with an annual strike limit of 67, and a carryover of up to 15 strikes in each year). It was noted that this quota is shared between the Alaskan Eskimos and the Chukotka Communities in Russia bearing in mind the needs of the Chukotkan indigenous population as summarised in IWC/54/AS5. The Russian Federation made a request for five landed bowhead whales per year. However, despite a combined documented need for 61 landed whales, the USA were willing to retain the status quo for the next five year block quota.

With regard to the importance of this catch to the Alaskan Eskimos it was stipulated that the hunt was an essential part of their culture, dating back thousands of years. It was purely subsistence based, with no commercial components. In many ways, the hunt is the essence of their culture, with traditions being handed down from generation to generation. The lack of commercial components in the hunt is reinforced by US Domestic law which restricts the commercial usage of the products of these hunts, prohibiting any use for other than traditional handy crafts.

Changing environmental conditions (i.e. sea ice flows and pack ice) were noted as being particularly important in recent years (possibly due to climate change, which was reflecting ever increasing temperatures in this area). The consequences for the Alaskan Eskimos were not only that their safety was increasingly at risk, but that the efficiency of their hunting had declined slightly. The efficiency for the 2001 hunt was 65.3%, which was less than the average efficiency of 1991-2000, which was 76.5%. Although the 2001 efficiency was below the average, it was far greater than the efficiency of the 1970s (around 50%) and the long term hunting efficiency is still, on average, above the 75% target suggested by the IWC.

With regard to the status of the stock, the high quality of the research and subsequent knowledge of the status was highlighted. The 2001 Bowhead Census revealed a continuing annual growth rate of 3.3%, with a new point estimate of 9,860 animals. This was a clear increase above earlier estimates.

In addition to IWC/54/AS1 being welcomed by a number of countries, a number of questions were also raised in response to the USA presentation.

The first theme related to the declining efficiency of the Alaskan hunt (Norway, Switzerland) and the need to try to increase this by allowing more modern weapons and boats. The USA responded to the efficiency concern by reiterating the changing environmental conditions, and the fact that they were still, on average, above the 75% target.

A second theme related to the necessity to improve the humaneness of the hunt by lowering the time to death was also raised (Norway). The USA retorted that the Alaska Eskimos have undertaken a weapons improvement program at considerable expense to try and improve on the traditional black powder projectile. Work continues on the development of a penthrite projectile that is expected to improve further the humaneness of the hunt. This issue will be discussed further in the Whale Killing Methods Working Group.

A third theme of questions were raised (St. Vincent and the Grenadines) regarding economic change within the Eskimo community. St. Vincent and the Grenadines asked the USA for confirmation that its understanding of how IWC/54/AS1 calculated need was correct. Was it done by establishing a presumptive need in the past by calculating the average per capita consumption of whales during a period of base years, and then raising this estimate by the increase in human population to establish present need? The USA agreed that population was a significant factor. Some countries recognised the linkage between population growth of the Eskimos and increased demand for cetacean products, but indicated that other considerations (such as economic and cultural change) (Switzerland) were not as prominent in the needs statement. The USA responded by indicating that many more factors than population growth were identified in the needs statement, and that the Eskimos' culture and economic status continues to reflect a subsistence lifestyle.

Economic considerations were further pursued (by St. Vincent and the Grenadines) who wished to know how such traditional communities could afford modern hunting technologies such as penthrite grenades, snowmobiles, outboard motors etc. The US pointed out that with regard to the penthrite projectile, this was only in the testing stage and as such, not yet an applicable cost. Moreover, it was noted that most of the hunting equipment is inter-generational, in that it has been repeatedly handed down from one generation to the next, and much of it dates back to the 1800s. Additional perceived costs (such as snowmobiles, or outboard motors) were misplaced as this subsistence whaling is carried out using traditional boats, or traditional methods in open skiffs.

Japan commended the success of the stock abundance estimate of bowhead whales under harsh environmental conditions in 2001. Although dozens of whales had been harvested, the stock was proved to be increasing. Bowhead whales are considered to have low reproductive rates compared with other species. Nevertheless, its net animal increase rate of about 4% per annum appears to be correct. In other words, whale resources continue to increase even if utilised by whaling. Rorquals have higher productive rates than the bowhead. Hence, whale resources can be used sustainably, as shown by bowhead whaling.

Finally, Switzerland pointed out that while pertinent aspects have been taken up in the oral presentations, to some extent, they were not fully treated in the written document.

5.2 Eastern gray whales

5.2.1 Report of the Scientific Committee (IWC/54/4, Item 9.1.2)

The Chair of the Scientific Committee reported that this year the Committee had carried out an in-depth assessment of this stock. The first issue considered was the recent harvest data. In the 2001 season off Chukotka, a total of 112 gray whales was caught, including 62 males and 50 females. After discussing the recent biological data, the Committee recommended that reproductive organs be collected and archived for detailed determination of pregnancy rates, as these are some of the few animals for which this will be possible. It was noted that the Russian Federation would welcome such a request.

The Committee considered the unusual mortality of eastern North Pacific gray whales in 1999 and 2000. The

number of documented strandings along the west coast of North America increased to approximately eight times the annual mean calculated between 1995 and 1998. Several factors may have contributed to the large number of strandings reported in those years. Since most of the whales were not examined thoroughly, the actual cause of death is unknown. There was a change in the demographics of stranded animals during this period relative to 1995-1998, with an increase in the proportion of females and adult whales. However, the total number of strandings recorded in 2001 was only 21. This number is within the range of annual strandings in the period 1995-1998. It was also noted that very few strandings have been recorded in 2002 (as of 1 May).

The Committee reviewed considerable interesting information from the wintering grounds in Mexican waters. For the winter seasons 1997-2002 estimates of annual calf production suggest a decrease in calf production from the 1997 high (910 calves estimated) to a low in 1999 (286 calves), followed by a gradual increase to 670 calves during the period 2000 to 2002. The Committee also considered information on calf counts on the northbound migration (off California). An estimate for 2001 northbound calf production (256) is the lowest estimate in the time series which started in 1980. A significant positive correlation has been shown between the duration of the feeding season (related to ice cover in the feeding grounds) and the calf estimates. Investigation of this in more detail revealed that the sea-ice effect accounted for the most inter-annual variability in calf production, but there was also a slow decline in average calf production. This may potentially reflect a compensatory decline in fecundity as the population approaches carrying capacity.

The Committee received preliminary results from the shore-based counts of southbound migrating eastern gray whales for the winters of 2000/01 (18,761 whales, 95% CI=15,429-22,812) and 2001/02 (17,414 whales, 95% CI=14,322-21,174). Both are well below the previous (1997/98) estimate of 26,635 whales (95% CI=21,878-32,427).

The Committee reviewed the results of two assessments of the stock. Descriptions of these can be found in IWC/54/4 (Item 9.1.2.3). Both assessments used similar methods and yielded similar results, i.e. that the population was above Maximum Sustainable Yield Level (MSYL), and may be close to or above its unexploited equilibrium level.

Based on data and analyses examined this year, the Committee agreed that a take of up to 463 whales per year (the lower of the 5th percentiles of Q1, the most appropriate statistic for providing management advice for a stock above MSYL) is sustainable for at least the medium term (~30 years), and is likely to allow the population to remain above MSYL.

The Committee noted that it hopes to be able to recommend a Gray whale *SLA* at its next meeting.

COMMENTS AND DISCUSSION

The Sub-committee noted the advice of the Scientific Committee.

5.2.2 Discussion of need statements

MAKAH HARVEST

The discussion of the second document introduced by the USA [Whale Hunting and the Makah Tribe: A Needs Statement: IWC/54/AS2] involved numerous issues. In

particular, the USA discussed its Treaty with the Makah Tribe. It pointed out that this was the only US treaty containing a specific reservation of whaling rights and explained that these whaling rights have not been abrogated by any subsequent Act of Congress.

The USA discussed the tribe's 1500-year-old whaling tradition and pointed out that the Tribe is actively engaged in restoring its whaling tradition. During the last quota period, whale hunting was pursued on several occasions although only one whale was struck and landed. The hunts are conducted using traditional methods although a high-powered rifle is used to ensure that struck whales are killed humanely.

According to the USA, whale meat and blubber from the first successful hunt were broadly distributed in the community with over 80% of the Tribe's 2,500 members consuming whale products. The USA reported the results of a survey which indicates that 93% of the Tribe's members support whaling and over 86% would like to eat whale meat on a regular basis. It was explained that large numbers of the Tribe live in poverty and that, when available, whale products provide a welcome and nutritious addition to the diet of the Makah.

The USA noted that the eastern stock of gray whales is healthy enough to sustain this harvest in addition to the harvest by the indigenous peoples of Chukotka. The USA also stated its belief that the Makah request meets the IWC's standards for aboriginal subsistence whaling. The presentation on the Makah was broadly welcomed by a number of countries (Denmark, Japan, Norway, Oman and Russia), and although the submission of documents was welcomed by other countries, the substance contained therein was a cause of concern for some other countries (Mexico). The document prompted questions revolving around six areas.

St. Vincent and the Grenadines commented that IWC/54/AS2 provided information on the former importance of trade in whale products to aboriginal subsistence whaling, and noted that it was unfortunate that this reality has been ignored by the Commission, some members of which consider what was a common practice now to be an anathema.

The second area related to the 70 year hiatus of the hunt. This was viewed as a concern by some (Australia, UK) countries. In addition, it was argued (Mexico) that the ASW was not designed to cover a situation whereby aboriginal communities who had not continuously engaged in subsistence whaling could access quotas on an ad-hoc basis.

Thirdly, questions (New Zealand) relating to clarification issues pertaining to the current court case relating the Makah situation in the USA were raised. The USA responded that this was currently ongoing, and was concerned with domestic considerations under their National Environmental Policy Act. Although the hunt would not proceed until the issues were dealt with, the USA emphasised that the case was focusing on narrow domestic issues, not broader issues relating to the Makah needs. The USA also indicated that the lawsuit addressed the prior quota period, and did not pertain to their present quota request.

The fourth point (New Zealand, UK) had to do with the full extent of the community support of whaling. It was suggested (Mexico) that the evidence in support of these contentions (from the justifying of overall numbers to the

assumed social benefits) were flawed, selective and contradictory. These points were addressed by Gordon Smith, the Chairman of the Makah Tribe and Dr. Ann Renker, the author of the Tribe's need statement. Smith emphasised the strong support for whaling within the Tribal community as evidenced by the results of the community survey contained in the need statement. Renker pointed out that the survey was based on a highly representative sample that included 35 percent of the households on the Makah Reservation. The survey sampled households, not individuals. The survey methodology was consistent with that used in similar surveys in Indian communities throughout the USA over the past 20 years. Renker pointed out that contrary to one country's suggestion, 100 percent of respondents considered themselves active members of the community, not 49 percent which was the figure for the number of male household respondents to the survey.

Renker further pointed out the strong link between restoration of whaling and other traditional cultural practices and the reduction of social pathologies such as teen pregnancies and chemical dependency. She also noted that 51 percent of the village, as reported in the survey, reported a positive moral change in Neah Bay since the pursuit of whaling was revitalised. She noted that members of whaling crews were required to abstain from drugs and alcohol and devote themselves to a clean lifestyle. Finally, Renker explained that gray whales were a consistent subsistence resource in contrast to fisheries where stocks and quotas fluctuate.

The fifth concerns (New Zealand, Mexico) related to having proposals coming together as joint quota proposals. This was considered inappropriate, given the very different situations of the respective indigenous communities. The USA responded that this was pursued in this manner because under the Convention quotas are not given out to nations or groups of whalers, but by stock or population of whales. Previously, a number of countries had objected to a separate request by the USA in 1996. It was added (Denmark) that a joint quota request was consistent with fisheries organisations, and Article 5.2.b of the ICRW. Finally, it was added, this approach whereby related fisheries share the same stocks, that this made good sense (St. Vincent and the Grenadines). It was recalled (Mexico) that originally the Makah allocation had been joined to the Russian Federation request because this was the only way to get sufficient support for it.

St. Vincent and the Grenadines foresaw difficulties that perhaps should be addressed by the Commission in interpreting the provisions of Article V.2.c of the International Convention for the Regulation of Whaling (ICRW), proscribes country quotas for commercial whaling. If applied to aboriginal whaling, as is the position expressed by the USA, there will be potential problems when two native groups must share the same limited resource. This is the situation in the case of the bowhead where sharing is separate in space during the same season, and in the cases of the eastern Pacific gray whale for the Makah and indigenous population of Chukotka and the North Atlantic humpback whales for St. Vincent and the Grenadines and Greenland, where two groups share a common resource in different areas and at different times in the same season.

Japan and Norway observed that there is no definition of

Aboriginal Subsistence Whaling in the Convention. Although the term is used in the Schedule, it is neither defined nor is a list of criteria supplied. Thus, it is the Commission's work to discuss the definition thoroughly. Norway noted that there is a continuum between aboriginal subsistence whaling and small-type whaling. It further noted that sustainability is a major factor for the applicability. Japan, in principle supports Aboriginal Subsistence Whaling if the stock is robust. Nevertheless, Japan's small coastal communities have been requesting quotas from robust stocks for many years, but have been continually denied. Reflecting on such conditions, Japan will carefully examine the US request this time. This Japanese position of STCW was countered (UK) on the basis that the STWC was not an appropriate issue to discuss in the Aboriginal Subsistence Working Group.

The positive health effects of eating traditional foods, including whale meat were noted by the Chair and Norway.

CHUKOTKAN HARVEST

[Cultural, Traditional and Nutritional Needs of the Aboriginal Population of Chukotka for Gray Whales and Bowhead Whales, IWC/54/AS5; Documenting the Importance of Marine Mammals Especially Whales, to Three Chukotka (Russia) Communities, IWC/54/AS6].

The Russian delegation submitted a new needs statement on gray whales, (in conjunction with the Makah request) for 620 gray whales (including the 20 for the Makah) for a five-year quota. This is similar to the need assessment made in 1997. Russia noted that although they actually needed more than this (350 per annum) they would prefer to stay with the old quota. It was noted that they had not fully utilised their old quota (with 132 un-utilised). This failure was due to ongoing technical difficulties.

The importance of the joint co-operation, at multiple levels (from stock census to lowering times to death) on this stock between the USA and Russia was highlighted.

The active participation of the Chukotka population in the preparation of the needs statement was noted, as was their nutritional needs, which had been particularly severe since the break up of the former Soviet Union. Indeed, it was asserted that these communities do not have as much meat as they had ten years ago. The cultural importance of the hunt, dating back 2,000 years was emphasised, akin with renewed cultural festivals to celebrate the hunt. The hunt is inter-generational, with the skills being passed from one generation to the next. The full utilisation of the whale was emphasised, with minimal wastage.

The Russian proposal was broadly welcomed by a number of countries (Denmark, US). The only question it prompted related to the statistically low catches of gray whales after WWII. It was explained that this was due to a preoccupation of commercial whaling on other species of whales at the time, along with restrictions on the taking from these stocks (unless as a matter of urgency), as well as with a shortage of small whaling vessels.

5.3 Greenlandic fisheries (IWC/54/4, Item 9.1.3)

5.3.1 Report of the Scientific Committee

The Chair of the Scientific Committee reported that the Greenland catch for 2001 included 137 landed minke whales from West Greenland (32 males, 91 females, and 14 unknown sex, plus 2 struck and lost), 14 landed minke

whales from East Greenland (14 females, 0 males, with 3 struck and lost) and 7 fin whales (3 males and 4 females, and 1 struck and lost).

The Scientific Committee has never been able to provide satisfactory management advice for either fin or minke whales off Greenland. This reflects the lack of data on stock structure and abundance and is the reason for the Committee to first call for the Greenland Research Programme in 1998.

This inability to provide any advice on safe catch limits is a matter of great concern, particularly in the case of fin whales where the best available abundance estimate dates from 1987/88 and is only 1,096 (95% CI 520-2,106). The Scientific Committee noted that there is to be an abundance survey this year and further satellite tagging attempts. The Committee stressed that obtaining adequate information for management should be seen as of very high priority by both the national authorities and the Commission. It reiterated its previous recommendation that every effort be made to obtain tissue samples for genetic analysis from the catch and that efforts to compare these samples with those from neighbouring countries be continued.

Without this information, the Committee will not be able to provide safe management advice in accord with the Commission's management objectives, or develop a reliable *SLA* for many years, with potentially serious consequences for the status of the stocks involved.

COMMENTS AND DISCUSSION

The Sub-committee noted the advice of the Scientific Committee. Denmark noted that it shared the views of the Scientific Committee and was allocating increased funding for research into this area and looked forward to cooperating with the Scientific Committee on the Greenland Research Programme.

5.3.2 Discussion of needs statement

Denmark presented its proposal [Whaling and Sustainability in Greenland Revisited: IWC/54/AS4] for a five-year quota, involving 175 minke whales per year (with 15 transfer rights), 19 fin whales from the West coast (with no transfer rights) and 12 minkes from East Greenland (with 3 transfer rights). The total result of this catch was 540 tons of edible whale meat. However, Greenland pointed out that a total of 670 tonnes would be closer to their needs. The IWC recognised and fully endorsed in 1990 the needs of aboriginal populations in West Greenland as 670 metric tons of whale meat from minke whales and larger whales.

Their overall needs statement was prefaced by a general discussion of sustainability, as a multi-dimensional process. Aspects of the multi-dimensional equation involve socially defined groups within geographical limits, utilising established practices to guarantee sustainability. This process, in which there are multiple levels of knowledge and where advice and actions adjust over time, was important to keep in mind bearing the recent criticisms of Greenlandic hunters. Moreover, to support this multi-dimensional approach, the Greenland Home Rule Government had undertaken a series of actions including reports to achieve sustainable approaches in the short and long term.

The 4,000-year history of whaling by the indigenous communities of Greenland was highlighted, along with its importance in social cohesion. The majority of the

utilisation was on a non-commercial basis (although in some few cases it can be purchased in local stores) and on a non-export basis. Some local foods may also be sold to a small scale processing firm that distributes such products throughout the country. However, Home Rule Regulations approved in 1998 prohibit the sale of traditionally dried, salted and smoked fish or meat, including whale meat and certain other products in these kiosks. The reason for this has to do with health and safety, because there is no systematic monitoring of the kiosks by health officials. Instead, whale products must be processed at an approved facility located in South Greenland.

The utilisation of penthrite bombs (since 1991) was noted as clear indication of their intention to improve the humaneness of their hunt, by lowering time to death (over traditional methods).

This document was broadly welcomed and supported by a number of countries (US, Japan, Russia, Norway, St. Vincent and the Grenadines, Antigua and Barbuda, Iceland, Monaco). However, although the submission of the document was welcomed by another grouping of countries, it also provoked a number of discussions.

The primary discussion (UK) related to the 'export' of whale products from Greenland to Denmark which appeared to be contrary to the underlying intentions of these quotas. Denmark confirmed in accordance with previous statements, that this practice existed, but not as export, but transfer. These transfers are in accordance with CITES. The transfers were typically to Greenlandic students or hospitalised Greenlanders living in Denmark. However, Denmark emphasised its small scale and non-commercial aspect (although costs were involved for its packaging and transport). The produce was only for Greenlandic people living on the mainland of Denmark, and to deny such peoples their rights seemed unreasonable (Japan). St. Vincent and the Grenadines stated that the discussion was interesting, and its delegation found it incredible that any member would object to children receiving food packages from home under the circumstances. St. Vincent and the Grenadines offered Denmark its full support. Antigua and Barbuda added that they were exploring the option of moving whalemeat to the Bequians residing on Antigua and Barbuda. It was pointed out (UK) that this practice could, in theory, allow whale products to be exported to Greenlanders living anywhere in the world.

This transfer of meat was viewed as a contradiction by a number of countries, as being far from the requirements that the meat be consumed locally (Germany, Australia, New Zealand, Austria). Norway pointed to the fact that such transfers were in accordance with CITES and stated that it could not be considered an export given that the exchange occurred within the overall Danish realm. It was pointed out (Switzerland) that the West Greenland minke whale stock is on Appendix II of CITES, not on Appendix I. Some (UK) questioned how it was possible to determine whether exported whale products come from stocks listed on Appendix II of CITES. Others (Netherlands) contended that the word 'local' would suggest that Greenland is Greenland, and Denmark is Denmark, while at the same time pointing to different words in the Schedule when it came to quota for Aboriginal Subsistence Whaling (such as kill, land, strike and take). One country (UK) drew attention to the concerns expressed by the Scientific

Committee in relation to these fin and minke whale stocks.

5.4 North Atlantic humpback whales off St Vincent and the Grenadines

5.4.1 Report of the Scientific Committee (IWC/54/4, Item 9.1.4)

The Scientific Committee had received a report of a catch of a 55ft non-lactating female and a 28ft male (no milk present in stomach) at Bequia on 27 March 2002. Photos and skin samples had been taken. It was noted that a straight-line measurement was used to determine length but that the 55ft whale was measured in water, which would have been logistically more difficult and may have introduced measurement error. Some members of the Committee noted that a length of 55ft for a North Atlantic humpback whale was highly improbable and suggested that this indeed reflected a measurement error.

Based on the available data, the Committee believed it is most plausible that eastern Caribbean humpbacks are part of the West Indies breeding population; records of a match between the area and the northeastern Atlantic were received this year. However, the Committee reiterated its view of last year that the question of abundance and population identity of humpback whales in the eastern Caribbean remains unresolved.

The Committee again recommended that collection and analysis of photographic, genetic and abundance data be undertaken as a matter of urgency. It was noted that such analyses would be undertaken and comparisons made with the large YONAH and College of the Atlantic databases.

The Committee considered the likely impact on the stock of an annual take of four whales. Assuming that the humpback whales found in the eastern Caribbean are part of the West Indies breeding population, the Committee agreed that a catch of up to four whales taken annually will be unlikely to harm this stock.

COMMENTS AND DISCUSSION

The Sub-committee noted the advice of the Scientific Committee.

5.4.2 Discussion of needs statement

St. Vincent and the Grenadines prefaced its introduction of its needs statement [Bequian Whaling: A Statement of Need: IWC/54/AS7] by informing the Sub-committee that its Commissioner had notified the Secretariat of the IWC of St. Vincent and the Grenadines' intention to request an increased quota from two to four North Atlantic humpback whales at the 54th Annual Meeting of the IWC. St. Vincent and the Grenadines then introduced Professor Hisashi Hamaguchi, Professor of Anthropology from Sonoda Women's College, Japan, who has been studying the social and cultural aspects of the Bequian whale fishery since 1991, and whose recent research paper on this fishery supplied much of the background for the St. Vincent and the Grenadines statement of need. Professor Hamaguchi was present both to answer any questions about his research that might arise, and to study the other side of the fishery, namely, the regulatory process of the IWC.

IWC/54/AS7 provided an historical background of the development of the Bequian humpback fishery, a summary of the social and cultural aspects, and the establishment of nutritional need, and for the supply of locally produced animal protein and fat to offset in part the foreign exchange drain on the local economy, which is not self-sufficient in terms of food production.

The background to their current needs statement stems from the 19th century, when a number of local inhabitants learned the whaling trade from some Yankee whalers, and returned to the islands with this knowledge. As such, up to the 1920s, humpbacks were freely hunted, until the marketability of this began to disappear. Only one station remained open, and operated primarily to satisfy local demand via a low quota (of 2 whales per year) until 1981/82 when this was recognised as ASW by the IWC, and the quota was taken to 3 whales. The whaler who maintained this tradition over this period died at the age of 79 and was highly regarded in the community for keeping the tradition alive.

The cultural importance of the hunt, aside from its tradition, is also apparent in the festivals which follow a successful hunt, and the subsequent local distribution of the whalemeat. Its importance is buttressed by the fact of the nutritional deficiencies in the Islands, which are not self-sufficient in food. As such, whale meat can offset the animal protein requirements via substitutes. St. Vincent and the Grenadines stated that nutritional need also includes access to healthy food, and that in developing countries the rich countries frequently export the poorest quality of meats: fat mutton flaps, beef and poultry legs and tails, whereas whale meat is high in protein and whale fat and blubber has some proven and some speculated health benefits.

Need was quantified using a presumption of past need based on per-capita consumption of whales raised to the current need by the ration of present to past population of the island. Although the base quota in 1982 was for three whales, the statement used the more conservative number of two whales, based on the catch prevalent at that time when the stock was depleted due to overfishing by the mechanised whaling operations of the developed countries. Two whales supplied approximately 12% of the animal protein need for the island in 1982. This has declined to 6% in 2002 owing to population increase in Bequia, and a quota of four whales is required to bring the level up to current need.

Finally, St. Vincent and the Grenadines suggested that a take of 4 animals from this stock of humpbacks would not represent any problems in terms of overall sustainability of the stock.

The St. Vincent and the Grenadines needs statement was broadly welcomed and supported by a number of countries (Dominica, St. Kitts & Nevis, Japan, Norway, Russia, Iceland). However, although the documentation was welcomed by a number of other countries, the substance contained therein prompted a number of debates. The specific concerns were threefold.

Firstly, the overall scientific status of this stock was suggested (Australia, New Zealand, UK) as being uncertain. Accordingly, a precautionary approach should be adopted. It was retorted (Antigua and Barbuda) that the status of this stock was more secure than the bowhead whale stock discussed earlier, but the examination of uncertainty on these was not as acute. This was denied (New Zealand), along with the assertion that certainty on stock numbers and identification was much stronger in the former requests.

Secondly, the ongoing failure (despite earlier assurances to the contrary) of an overall regulatory approach for hunting, in accordance with the Schedule, was contended (Australia, UK, US, Germany, Switzerland, Finland). St.

Vincent and the Grenadines in response to remarks about IWC/54/AS8, which was not introduced to the Sub-committee but still criticised, explained that it was a draft of regulations, and that information on its current status should be available before the IWC Plenary. The reason for the definition of calf provided in the draft legislation was for domestic control and regulation and not for the IWC. Should the IWC choose to provide a definition of a calf in the Schedule, it could propose to do so, but this question has been addressed *ad nauseum* in the Sub-committee and in Plenary, and not resolved. Further, St. Vincent and the Grenadines maintained that it is well documented that the regulations in the Schedule regarding the taking of calves, and females accompanied by calves was developed for the regulation of commercial whaling and not applicable to aboriginal whaling using small boats and hand harpoons. Despite this evolving process, it was pointed out (Australia) that the proposed new legislation invokes some practices which are inconsistent with the Schedule. In particular (New Zealand), the prohibition upon taking calves - defined in the proposed regulations as mammals with milk from lactation in their stomachs - is something which cannot be proven until after the calf is killed and opened up. As such, a more progressive approach would be to have restrictions based on size (such as under 8 meters). Debate followed which reflected the IWC difficulties on the 'when is a calf not a calf question.' along with the assertion that as this matter is not settled in the IWC, it is unfair to expect the national legislation of St. Vincent and the Grenadines to resolve it. The final point (St. Vincent and the Grenadines) raised was that it may be better to take the calves in these situations, rather than leave them alone. It was noted (Australia) that the proposed regulation for the domestic law would allow the taking of non-lactating females accompanying calves. This is not consistent with the Schedule. In addition it was noted that the proposed regulation would not confine whaling to be undertaken by nationals of St. Vincent and the Grenadines. It was also suggested (UK) that an important factor in deciding to continue allocating this quota was an assurance given by St. Vincent and the Grenadines in 1990 that there would be no continuation of this industry following the retirement of the 69 year old harpooner. Unfortunately, contrary to these assurances it now appeared the hunt was expanding.

It was also raised (New Zealand, Monaco) as to how St. Vincent and the Grenadines needs statement, reflected a heritage of taking large whales dating back 150 years. IWC/54/AS7 presented to the Commission a support of earlier quota requests, showed that this whaling was undertaken by the descendants of Scottish and French settlers and was a continuation of whaling from the colonial period. This was challenged (Denmark) as being something that should have been confronted when the quota was first given in 1982.

It was also suggested (Russia) that the IWC was not the correct forum to discuss such questions. Dominica objected to the statement made by New Zealand, which was interpreted as attempting to refer to the St. Vincent and the Grenadines hunt as a colonial hunt, rather than an aboriginal hunt because the practice was learned from whale vessels outside of St. Vincent and the Grenadines dating back 150 years. Dominica called on the Chair to caution New Zealand that they should not remind the meeting that the people of the Caribbean had a heritage of slavery and colonialism, and that slavery and colonialism was a very bitter experience for the Caribbean people. Dominica also expressed that St. Vincent and the Grenadines was one of the few islands in the Caribbean where the Caribs, the native (indigenous) people who gave the Caribbean its name, can be found, and the Caribs hunted whales long before the advent of slavery and colonialism. Dominica called upon the Chair to ask New Zealand to withdraw the statement that New Zealand made referring to the St. Vincent and the Grenadines hunt as a colonial hunt. The Chair responded that he noted the concern expressed by Dominica. Finally, St. Vincent and the Grenadines pointed out that people of Carib Indian descent live on the island, and that one cannot judge the genetic makeup of a person by the surname. As for the tradition being only 150 years old, St. Vincent and the Grenadines pointed out that some traditions go back thousands of years, others less; how old does a tradition have to be? It was in part answered (Netherlands) that perhaps the tradition was found in the length of the time of the practice (150 years).

Finally, the lack of tissue samples coming from the hunt was raised (Austria). In response to Austria regarding photos and DNA samples, St. Vincent and the Grenadines referred Austria to the Scientific Committee report which addressed the question in another section not made available to the Sub-committee (IWC/54/4, Item 9.1.4). The samples have been collected and are being processed. Further, scientists from the Eastern Caribbean Islands have been engaged in a joint sighting survey with Japanese scientists, and a cooperative photo ID survey is being planned beginning next season. Attention was drawn (UK) to the further take of 2 humpbacks in 2002 and the discussion in the Scientific Committee (IWC/54/4, Item 9.1.4) which suggested that there was a measurement error in the length of the larger animal. The UK had a photograph of the smaller animal which tended to suggest that it was a calf.

6. OTHER MATTERS

No matters were raised under this item.

7. ADOPTION OF REPORT

The Report was adopted at 3.15pm on 16 May 2002.

Appendix 1**LIST OF PARTICIPANTS**

(I = interpreter)

ANTIGUA & BARBUDADavin Joseph
Nigel Lawrence**AUSTRALIA**Nicola Beynon
Robyn Bromley
Conall O'Connell
Pamela Eiser
Stephen Powell**AUSTRIA**Andrea Nouak
Michael Stachowitsch**BENIN**

Bantole Yaba

DENMARKHenrik Fischer
Leif Fontaine
Palle Uhd Jepsen
Amalie Jessen
Einar Lemche
Kim Mathiasen**DOMINICA**

Lloyd Pascal

FINLAND

Esko Jaakkola

GERMANYPeter Bradhering
Marlies Reimann**GRENADA**

Justin Rennie

ICELANDStefan Ásmundsson
Ragnar Baldursson
Thomas Heidar
Hulda Lilliendahl
Kristján Loftsson
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Minoru Morimoto
Joji Morishita
Takanori Nagatomo
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Seiji Ohsumi
Midori Ota (I)
Takaaki Sakamoto

Akiko Tomita (I)

REPUBLIC OF KOREAKi-Won Jung
Zang Geun Kim
Hyoung-Chul Shin**MEXICO**Lorenzo Rojas-Bracho (I)
Silvia Manzanilla
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Frédéric Briand

NETHERLANDS

Frederik Vossenaar

NEW ZEALANDAnna Broadhurst
Simon Childerhouse
Mike Donoghue
Wilbur Dovey
Alexander Gillespie
Gina Lento
Barbara Maas
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Halvard Johansen (Chair)
Ole Mindor Myklebust
Egil Ole Øen
Odd Gunnar Skagestad
Jan Skjervø
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PANAMAEpiménides Díaz
Rogelio Santamaría**RUSSIAN FEDERATION**Rudolf Borodin
Vladimir Etylin
Olga Etylina
Andrey Khalkachon
Valentin Ilyashenko
Gennady Inankeuyas
Valerie Knyazev
Andrei Krivorotov (I)**ST KITTS & NEVIS**

Joseph Simmonds

ST. VINCENT & THE GRENADINES

Frank Hester

SOLOMON ISLANDSSylvester Diake
Nelson Kile**SOUTH AFRICA**

Herman Oosthuizen

SPAINCarmen Ascencio
Carlos Domínguez Díaz
Santiago Lens
Luis Fernando de Segovia y Rivacoba**SWEDEN**Bo Fernholm
Thomas Lyrholm**SWITZERLAND**Thomas Althaus
Martin Krebs**UK**Jill Barrett
Rob Bowman
Richard Cowan
Geoff Jasinski
Laurence Kell
Iain Orr
Mark Simmonds**USA**John Arum
Eugene Brower
Robert Brownell
Roger Eckert
Edward Itta
Keith Johnson
Michael Lawrence
Yoshio Nasaka
Ann Renker
Marrie Schaefer
Dave Sones
Gordon Smith
Scott Smullen
Michael Tillman
Chris Yates**SECRETARIAT**Greg Donovan
Nicky Grandy**CHAIR OF THE SCIENTIFIC COMMITTEE**

Judy Zeh

Appendix 2

LIST OF DOCUMENTS

- IWC/54/AS
- | | |
|---|---|
| <p>1 Quantification of Subsistence and Cultural Need for Bowhead Whales by Alaska Eskimos: 1997 update based on 1997 Alaska Department of Labor Data.</p> <p>2 Whale Hunting and the Makah Tribe: A Needs Statement.</p> <p>3 Greenland Home Rule Government: Documentation to IWC on Greenland Whaling, 1979-2001.</p> <p>4 Whaling and Sustainability in Greenland Revisited.</p> <p>5 Cultural, Traditional and Nutritional Needs of the Aboriginal Population of Chukotka for Gray Whales and Bowhead Whales 2003-2007.</p> <p>6 Documenting the Importance of Marine Mammals, Especially Whales, to Three Chukotka (Russia) Communities.</p> | <p>7 Bequian Whaling.</p> <p>8 The Regulation of Aboriginal Subsistence Whaling in Bequia.</p> <p>IWC/54/WKM&AWI/</p> <p>7 Brief Report about the Aboriginal Subsistence Whale Harvest of the Russian Federation in 2001</p> <p>IWC/54/</p> <p>4 [Extracts] Report of the Scientific Committee: Item 8 (AWMP), Item 9 (BRG), Annex E Item 6 (AWS)</p> |
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Appendix 3

AGENDA

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| <p>1. Introductory items</p> <p> 1.1 Appointment of Chairman</p> <p> 1.2 Appointment of Rapporteur</p> <p> 1.3 Review of Documents</p> <p>2. Adoption of the Agenda</p> <p>3. Aboriginal Subsistence Whaling Scheme</p> <p> 3.1 Aboriginal Whaling Management Procedure (AWMP)</p> <p> 3.1.1 Report of the Scientific Committee</p> <p> 3.1.2 Discussion and Recommendations</p> <p> 3.2 Aboriginal Whaling Management Scheme (AWMS)</p> <p> 3.2.1 Report of the Scientific Committee</p> <p> 3.2.2 Discussion and Recommendations</p> <p>4. Inedible gray whales from the North Pacific Eastern stock</p> <p> 4.1 Report of the Scientific Committee</p> <p> 4.2 Discussion and Recommendations</p> | <p>5. Aboriginal subsistence whaling catch limits</p> <p> 5.1 Bering-Chukchi-Beaufort Seas stock of bowhead whales</p> <p> 5.1.1 Report of the Scientific Committee</p> <p> 5.1.2 Discussion and Recommendations</p> <p> 5.2 North Pacific Eastern stock of gray whales</p> <p> 5.2.1 Report of the Scientific Committee</p> <p> 5.2.2 Discussion and Recommendations</p> <p> 5.3 Minke whale stocks off Greenland</p> <p> 5.3.1 Report of the Scientific Committee</p> <p> 5.3.2 Discussion and Recommendations</p> <p> 5.4 West Greenland stock of fin whales</p> <p> 5.4.1 Report of the Scientific Committee</p> <p> 5.4.2 Discussion and Recommendations</p> <p> 5.5 North Atlantic humpback whales off St. Vincent and the Grenadines</p> <p> 5.5.1 Report of the Scientific Committee</p> <p> 5.5.2 Discussion and Recommendations</p> <p>6. Other matters</p> <p>7. Adoption of the Report</p> |
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Appendix 4

THE ABORIGINAL WHALING MANAGEMENT PROCEDURE – POSSIBLE TEXT

(This Appendix was prepared by the Chair of the Scientific Committee's SWG on the AWMP for information only)

This document provides information on the International Whaling Commission's Aboriginal Whaling Management Procedure (AWMP). It comprises both case-specific and generic elements and applies to those whaling operations designated by the Commission as Aboriginal Subsistence Whaling (ASW) operations. New case-specific elements will be incorporated as they are finalised by the Scientific Committee and approved by the Commission.

1. GENERIC ELEMENTS

1.1 Strike limit related issues

1.1.1 Block limits

A *Strike Limit Algorithm*¹ (see section 2) is used to calculate whether a need request (expressed in strikes) forwarded to the Committee by the Commission is acceptable from a scientific perspective. The Committee shall advise (1) whether the request is acceptable or, if not (2) the nearest number below the need request that is acceptable. Strike limits calculated by the SLA are provided in five year blocks to the Commission.²

1.1.2 Carryover³

The maximum number of strikes allowed in any one year is 1.5 times the average yearly number of strikes that is allowed in the block. A between-block carryover of up to 0.5 times the maximum number allowed in any one year is also allowed. Numbers shall be rounded down to the nearest whale.⁴

1.1.3 Grace period

Abundance estimates shall normally be available within a ten-year period.⁵ If a new block strike limit is to be set but there has been no new abundance estimate within a ten-year period, then the new five-year block strike limit set by the SLA shall be 0.5 times the total strike limit for the previous block. The maximum strike limit in any one year in the grace period shall be the same as the maximum annual strike limit in the previous block. If a survey is successfully conducted during the grace period, the SLA is applied and a quota generated - the quota is then applied retroactively to the current block and the 'used' strikes subtracted from the resultant block limit.⁶

1.2 Survey related issues

1.2.1 Survey/census methodology and design

Plans for undertaking a survey/census should be submitted to the Scientific Committee at least at the Annual Meeting prior to their being carried out, although prior approval by the Committee is not a requirement. Sufficient detail shall be provided to allow the Committee to review the field and estimation methodology. Considerably more detail is expected if novel methods are planned. Survey timing

should be such that successful surveys/censuses occur at no more than 10-year intervals. Survey/census attempts should normally begin in the seventh year after the last successful survey/census, for those areas where environmental conditions sometimes preclude successful surveys/censuses.

1.2.2 Committee oversight

Should it so desire, the Scientific Committee can nominate one of its members to observe a survey/census to ensure that proposed methods are adequately followed. This will be more important if novel methods are being used.

1.2.3 Data analysis and availability

All data to be used in the estimation of abundance shall be made available to the Scientific Committee via the Secretariat, at least six months in advance of the Annual Meeting at which the estimate is to be presented. If new estimation methods are used, the Committee may require that computer programs (including documentation to allow such programs to be validated) are provided to the Secretariat for eventual validation by them.

1.3 Guidelines for data/sample collection

The following information from each hunt or harvested animal shall be collected and forwarded to the Secretariat in an agreed format:

- (1) number of animals;
- (2) season;
- (3) species;
- (4) sex;
- (5) position of catch (at least to the nearest village);
- (6) length of catch (to the nearest 0.1m).

Where possible, information/samples on reproductive status and samples for genetic studies shall be collected and analysed in accordance with practices recommended by the Scientific Committee and the results made available to the Scientific Committee via the Secretariat within a reasonable timeframe and in a format to be determined by the Secretariat.

The Committee may, from time to time, suggest additional studies⁷, analyses or data collections in the context of the *Implementation Review* process. This will be on a case specific basis.

1.4 Implementation Reviews

Implementation Reviews are fundamental to the use of any SLA within the AWMP.

1.1.1 Regular Implementation Meetings

These occur at least once every five years and shall be scheduled to occur two Annual Scientific Committee Meetings prior to the Annual Commission meeting at which a new block limit (see section 1.2.1) shall be set.¹

¹An algorithm that produces limits on strikes for a management stock in accord with the Commission's stated management objectives.

²It is for the Commission to decide if it also wishes to impose a limit on the number of landings. The *SLA* is based on the assumption that all struck animals die.

³Incorporated to allow for annual variation in hunting conditions.

⁴Thus if the five-year block strike limit is 335, the maximum allowed in any one year is 100 (= 1.5 x 335/5). Under such a scenario, the maximum allowed to be carried from one block to the next is 50 strikes. An example is given in IWC/54/4.

⁵This may vary with an *SLA* in the future.

⁶An example is given in IWC/54/4.

⁷For example, photo-identification studies to estimate biological parameters such as survivorship.

Such *Implementation Reviews* shall normally contain at least the following elements:

- (1) a review of information required for the *SLA* (e.g. catch data, abundance estimates); and
- (2) a review of information (e.g. biological and genetic data) to ascertain if the present situation is as expected and within the tested parameter space of the simulation trial structure.²

1.1.2 *Unscheduled Implementation Reviews*

These may be called if new information arrives that causes especial concern.³

1.1.3 *Outcomes*

There are many possible outcomes of an *Implementation Review*; these must be decided on a case-by-case basis.

They may include:

- a) the continuation of the use of the *SLA*;
- b) the setting of a zero strike limit;
- c) the running of further simulation trials;
- d) the immediate undertaking of a new census/survey;
- e) a combination of some of the above.

2. CASE-SPECIFIC ELEMENTS

2.1 **Bowhead whales of the Bering-Chukchi-Beaufort Seas stock**

Need requests forwarded by the Commission shall be evaluated by the *Bowhead SLA* described in Appendix 1.

¹Thus if a new block quota is to be set at the 2007 Commission meeting, the *Implementation Review* will take place at the 2006 Scientific Committee meeting

²It is not anticipated that every such review will entail a major amount of work. This will be dependent on the nature of the information available.

³It is not appropriate to try to compile a formal list of what factors might 'trigger' such an early review (by its very concept it implies unexpected/unpredictable factors). The following list is thus provided to give examples of some possible factors:

- (a) major mortality events (e.g. suggested by large numbers of stranded animals);
- (b) major changes in whale habitat (e.g. the occurrence of natural or anthropogenic disasters or changes, such as an oil spill, dramatic change in sea-ice);

- (c) major ecological changes resulting in long-term changes in habitat or biological parameters;
- (d) a dramatically lower abundance estimate (although the *SLA* has been tested, the Committee would review the potential causes of unexpected very low estimates);
- (e) information from the harvest and hunters (this might include very poor harvest results, reports of low abundance despite good conditions, reports of large numbers of unhealthy animals);
- (f) changes in biological parameters that may result in changes to management advice (e.g. reproduction, survivorship);
- (g) if there are cases when need is not being satisfied, significant positive information that might narrow the plausibility range and allow an increase in block limits.

Annex D

Report of the Working Group on Whale Killing Methods and Associated Welfare Issues¹

The meeting took place on 16 May 2002. The list of participants is given in Appendix 1. The Working Group was established to review information and documentation available with a view to advise the Commission on whale killing methods and associated welfare issues (*Ann.Rep.Int.Whaling Comm.* 2000:17)

1. INTRODUCTORY ITEMS

1.1 Appointment of Chair

Prof. Frederic Briand (Monaco) was appointed Chair of the Working Group. The Chair made a statement regarding the participation of Iceland in the Working Group, in the following terms:

'Iceland's instrument of adherence to the International Convention for the Regulation of Whaling is expressly conditioned on a reservation with respect to paragraph 10(e) of the Schedule. This Working Group is not an appropriate forum to discuss this or issues related to this. The participation of Iceland in this meeting does not prejudice the positions of individual members of the International Whaling Commission regarding the issue of Iceland's adherence to the International Convention for the Regulation of Whaling.'

1.2 Appointment of Rapporteurs

Nancy Azzam (USA) and Turid Rodrigues Eusébio (Norway) were appointed as Rapporteurs.

1.3 Review of Documents

The Chair reviewed the list of documents available to the Working Group (see Appendix 2) and drew attention to specific documents to be addressed under Agenda Items 3 and 4.

Norway drew attention to document IWC/54/WKM&AWI 8. The paper prepared by New Zealand contains an extensive list of references and combines several assumptions and statements that can be disputed. In addition, Norway pointed out that this paper had not been peer reviewed. Norway was, however, ready and willing to discuss the paper in this Working Group but recommended that the paper rather be presented and discussed in the 2003 Workshop on Whale Killing Methods. Some delegations gave their support to having the New Zealand paper presented. Others supported the Norwegian point of view. The Chair ruled that the paper could be presented in a 10-minute Power Point presentation followed by a single round of brief comments. The Chair also stated that, in the future, papers of scientific substance that had not gone through a proper international peer review should not be accepted but rather be referred to a workshop.

The USA noted that they also would be giving an oral presentation for Agenda Item 3.

2. ADOPTION OF AGENDA

The Agenda given in Appendix 3 was adopted by consensus.

Japan made the following statement:

'Over many years, Japan had done considerable research on matters related to killing methods and time to death. Significant improvements in killing methods and a reduction in time to death have been achieved. Data and analyses have been submitted to the Commission on a voluntary basis as a contribution to the Commission's work notwithstanding its position that these matters are outside the competence of the IWC.'

In recent years however, discussions in the IWC on issues related to killing methods and time to death have become increasingly dissociated from science with the result that much of the discussion on these matters has become little more than inappropriate politically motivated discourse. We view this development as regrettable since it actually discourages productive scientific exchange. Further, there has been a distinct lack of constructive suggestions and only criticism. For this reason Japan would like to encourage constructive discussions at this Working Group. Japan also does not see merit in submitting its detailed data on these matters to the IWC. It is however Japan's intention to continue its research on killing methods and its efforts to reduce time to death in whale killing. Our results in this regard will be reported to appropriate academic societies and submitted for publication, as it deems appropriate. For example, the Japanese Society of Zoo and Wildlife Medicine and the Japanese Society of Veterinary Science. Finally, Japan would like to suggest that one way to possibly improve the currently unacceptable situation would be to have a qualified expert on the subject as Chair of the Working Group.'

Sweden urged Japan to submit detailed information from the scientific research to the planned Workshop on Whale Killing Methods. This comment was supported by Germany and the UK, who commented that Japan's unwillingness to provide data was obstructing the progress of the Working Group.

3. DATA PROVIDED ON WHALES KILLED

Documents presented under this Agenda Item were provided to meet the request of IWC Resolution 1999-1.

Denmark (IWC/54/WKM&AWI 1 and IWC/54/WKM &AWI 2rev) offered detailed information regarding the 2001 Greenland hunt of minke whales with statistics on most parameters compiled in IWC/54/WKM&AWI 10. The UK asked for further information on the longest time to death and how many animals fell within the various ranges. Denmark answered the question on the longest time to death in accordance with the information already given in IWC/54/WKM&AWI 10. In reference to the question regarding how many animals fell into the various ranges, Denmark stated it would have to come back to this at a later stage.

Russia (IWC/54WKM&AWI 7) gave a detailed presentation of the Chukotka hunt in 2001 which consisted of 112 gray whales and 1 bowhead whale. The details are compiled in document IWC/54/WKM&AWI 10. Concerning the time to death, Russia stated that it was calculated from the time the first harpoon struck to when the hunting crew evaluates whether the animal is dead and safe to approach. Actual time to death (TTD) is difficult to

¹ This was circulated to the meeting as IWC/54/6.

evaluate but is certainly much shorter than the figures indicated. Russia also drew attention to the concern for the safety of the hunters. This can lead to a longer, subjective evaluation of TTD.

Sweden stated that the recent years figures showed that more improvements could be made to improve the hunt and shorten TTD. UK asked for time to death for the single bowhead whale. Russia referred to the information given to the Scientific Committee (SC/54/BRG21) where detailed information on every whale caught in the Russian hunt is recorded. The Netherlands inquired about the reason for the much-decreased TTD. Russia drew attention to the improved training of hunters and use of expertise from other nations. The Chair expressed his appreciation for the notable contribution of Russia to the meeting this year and he encouraged Russia to make use, in the future, of the questionnaires made by the Secretariat to inform the Working Group of statistical details in the hunt. The Russian Federation pointed out that it did include all the information on the form or in documents presented to the Scientific Committee. The UK noted that such information should be made available to the Working Group as well.

Norway presented IWC/54/WKM&AWI 6 reporting on the Norwegian 2001 traditional minke whale hunt and provided the required data on whales killed. The weapons used in the hunt were harpoon guns with a new penthrite grenade, Whalegrenade-99. The results showed that all signs of life had ceased instantaneously in 79.7% of the animals. The average time from the shot until all signs of life had ceased was 145 seconds. No whales were reported to have escaped wounded. Twenty six whales were re-shot with harpoon grenades, while rifles were used in 45% of the cases as many gunners use rifles as a matter of routine when the whales are brought alongside the vessel. For a question from Australia on the longest time to death for any whale, Norway answered that one whale wounded with a stray-shot was followed and re-shot in 1½ hour. Sweden asked for comparison with numbers from last year's data and was informed that the results were approximately the same. The UK requested detailed information on all 552 whales killed and Germany wanted to have all the relevant information filled in the Secretariat's questionnaire. Regarding the questionnaire, Norway answered that it has no status in the IWC. It does not find the questionnaire useful and can see no reason to use it as a direct comparison of different hunts on different species under such different conditions. It also stated that the data submitted from Norway on a voluntary basis are collected for scientific purposes and will be available also through publications and scientific periodicals. Russia agreed with Norway on the standing of the questionnaire and commented that the more information is provided the more questions arise. Norway confirmed that it had the same experience as Russia from having participated in this Working Group for 20 years. Denmark agreed with the Norway and drew attention to the fact that the information on the hunt is collected by the hunters and not by veterinarians as in Norway. UK emphasised that its intention was not to compare the hunts but that the information would be useful to show improvements in the different hunts. The Chair stressed that the questionnaire was purely meant to report on selected variables of relevance in a standard manner so as to gradually enhance the quality of the data and the understanding of the hunts in a working group largely composed of non-specialists. In

his view the value of this exercise would be appreciated in the not-distant future.

Japan presented document IWC/54/WKM&AWI 11 which gave a very brief accounting on the 2000/2001 and 2001/2002 Japanese Whale Research Program under Special Permit in the Antarctic (JARPA), emphasised further that it was providing information on a voluntary basis as it considered that gathering data on whales killed as part of the Japanese Whale Research Program under Special Permit fell outside the competence of this Working Group. Three of the gunners doing full-scale work in the 2001/2002 JARPA were new recruits. They took 137 of the 440 whales. TTD and instantaneous death rate of whales taken by new gunners were, on average, worse than that for whales taken by experienced gunners. In the 2001/2002 JARPA, 200 Norwegian new grenades (Whale grenade-99) were used for the second year test. The new grenades used this year were slightly modified from the original by equipping them with a longer trigger cord to delay the explosion time. The comparative test of the Japanese and Norwegian grenades will be continued for several years. Sweden asked why the mean time to death in the Japanese hunt was one minute longer than in the Norwegian hunt. Japan replied that this question was asked and answered last year and referred Sweden to last year's report from the Working Group. The UK asked what effect the 200 Norwegian grenades used by the Japanese had on the hunt and on the TTD. Japan stated that the new grenades were still being tested. When the information is ready it will be presented at the appropriate time and place. Australia asked for information on the struck and lost rate in JARPA. Japan referred Australia to the cruise report submitted to the Scientific Committee. UK inquired about TTD and other relevant information from the Japanese Whale Research Programme under Special Permit in the North Pacific (JARPEN) including Bryde's and sperm whales. The UK also had a number of questions concerning small cetaceans that according to the UK view fell under the competency of the IWC and killing methods in the Japanese coastal trap net fishery. The Chair asked the UK to raise questions concerning small cetaceans and by-catch under Agenda 6. Mexico urged Japan to give on a voluntary basis more information in line with the information provided by Norway and Denmark. This request was supported by Australia, Germany, Sweden, South Africa, UK, Austria, Spain, Oman and Switzerland. Japan noted the questions and stated that it would take these into consideration when providing information and results of analysis to other fora. The Chair made clear the information was provided on a voluntary basis by the whaling countries, for the purpose of generating a constructive exchange of technological and methodological knowledge and so improve the efficiency of the whale killing methods over time.

The USA stated that there was no gray whale hunt by the Makah in 2001 due to lawsuits. When the Tribe resumes the hunt it will do so in a traditional manner with modifications to traditional techniques to increase the humaneness of the hunts. Under the Tribe's management plan, the whale must first be struck with a non-explosive harpoon thrown from a traditional whaling canoe. Once struck with a harpoon from the canoe, the whale is pursued by whalers in a motorised chase boat and is dispatched with shots from a high-powered rifle aimed at the whale's brain and central nervous system. The rifle used is a .557 calibre

weapon although a .50 calibre rifle may also be used. The time to death during the 1999 hunt was 8 minutes. The USA also stated that it was available to show a video on the Makah hunt to anyone interested.

The USA presented the Alaska Eskimo bowhead hunt for 2001 (IWC/54/WKM&AWI 10).

The information showed that 49 bowhead whales were landed. All the whales were taken using the traditional hand-thrown darting gun harpoon. Of the whales that were landed, 43 were taken using darting gun harpoons firing a traditional black powder projectile, and six were taken using the penthrite projectile that the AEWK has been working to develop with Dr. Egil Oen of Norway. To maximise the probability of killing the bowhead whale immediately when the darting gun harpoon fires its projectile, a second person in the boat uses a shoulder gun to fire a traditional black powder projectile into the whale immediately after the harpooner has struck the whale. The secondary method was used on 31 of the 49 whales landed. 26 whales were struck and lost. The USA referred to its presentation in the Aboriginal Subsistence subcommittee, where weather and ice conditions played a significant role in determining the efficiency of the spring aboriginal bowhead whale hunts. The hunts were carried out in small, open boats near shore or along the ice edge, in most cases in skin boats propelled only by paddles under dangerous circumstances. The USA noted that the TTD is determined based on experience by the captain of each boat. The bowhead whales range from 20 to 60 feet and can weigh more than 60 tons, much bigger than the skin boats. It is a difficult hunt and impossible to estimate the TTD with the same accuracy as in other whaling operations.

The Chair inquired about the possibility of better data on TTD to be provided in the future. The USA responded that it is exploring ways to achieve this but cannot say if it will be possible. The UK asked for maximum time to death in the bowhead hunt and the Netherlands commented that Russia managed to provide figures for the same difficult hunt.

Sweden asked if any data could be supplied for St. Vincent and the Grenadines. The UK noted for the record that it regretted that St. Vincent and the Grenadines had not presented information on its hunt. The Chair noted that St. Vincent and the Grenadines were not present.

4. INFORMATION ON IMPROVING THE HUMANENESS OF WHALING OPERATIONS

Denmark (IWC/54/WKM&AWI 3) reported on improvements in whale hunting methods in Greenland. Denmark reported on various infractions, some of IWC rules and some only of national rules, (IWC/54/WKM&AWI 4) that occurred in Greenland during 2001. These occurred in Paamiut, Upernavik, Kangarsuatsiaq, and Nutaarmiut and in Nuuk and all were reported to the local authorities. Denmark reported on the ongoing Action Plan on Whale Hunting Methods (IWC/54/WKM&AWI 5) and summarised it as follows: continue improving accuracy of delivery of penthrite grenade harpoon, continue to review constraints on shooting distance and relative orientation of vessel, continue to review effectiveness of secondary killing methods, encourage the collection and presentation of struck and lost whales and encourage the incorporation of

data collection and reduction of struck and lost rates in the initiatives in Greenland relating to the beluga and narwhal hunts. Denmark emphasised, however, that it does not recognise IWC competence on small cetacean issues and will consequently not provide any information on the last item. The UK welcomed steps Greenland had taken to improve its hunt. The UK asked for an explanation of what happened to the meat of whales taken outside of the target species. Denmark answered that in general the meat was confiscated and handed over to the Greenland Home Rule. New Zealand regretted that Greenland could not provide information on small cetaceans but hoped for such information on a voluntary basis. New Zealand asked whether the reported strikes on humpback whales were by harpoon cannons or rifles. Denmark stated that high powered rifles from skiffs were used.

Russia presented its progress on improving the humaneness of its whale hunting. Focus is on training the hunters and improving their environment and therefore the efficiency of the hunt. It emphasised that the hunt is kept within the quota and well managed. Efficiency has improved from year to year. TTD has been improved by 24% in 2001 compared to 2000. The number of bullets diminished by 15% and the number of darting gun projectiles by 14%. Russia warned, however, that the race to improve TTD could jeopardise the lives of their hunters. It is the captain's call when the whale is dead and he must consider the safety of his crew before approaching the whale. Russia pointed out that gray whales can be aggressive and mentioned that four young hunters had been killed by such a whale. In Russia, humane methods are sacred and no one wants the animal to suffer. The TTD should be understood with this background. Russia referred to the cooperation agreement between associations of traditional marine mammal hunters of Chukotka (ATMHC) and the Alaska Eskimo Whaling Commission (AEWC) as a great opportunity to exchange information, experience and technical assistance. It reminded the Working Group that improving the humaneness of the hunt costs money. Russia informed that it had been receiving assistance from organisations from the USA, Norway and the Japanese Government and would welcome assistance from other sources. Norway commended Russia on its improved hunt especially during the last two years, although resources are limited. The UK, Netherlands, Sweden, Switzerland, Germany, Australia, USA and Denmark supported this statement.

Norway stated that in 2001 it was engaged in cooperative work with authorities, scientists, whale hunters and whale hunter organisations in Norway. Norwegian specialists have been giving lectures in workshops arranged by the AEWK and NAMMCO (North Atlantic Marine Mammal Commission) on weapons, ballistics and safety for hunters. The Chair commended Norway, and particularly Dr. Egil Oen, for its immense and tireless effort in improving hunting practices in communities of the north.

Japan stated that the test of the new grenade has been continuing in cooperation with Norway, and that relevant information under this agenda item was already provided in document IWC/54/WKM&AWI 11. The UK stated that Japan's unwillingness to provide information on this important element of the Commission's work was obstructing progress on the RMS. Japan replied that to continue to request information on issues outside of the

competency of the IWC and to delay completion of the RMS is not a constructive attitude.

The USA stated that there were no changes in the Makah hunt. It stated that IWC/54/WKM&AWI 9 provided a very detailed update on the status of the AEW's Weapons Improvement Program. This program has been undertaken by the Alaska Eskimos at considerable expense and fund raising efforts in order to attempt to develop a whale killing method that improves upon the level of humaneness of the black powder projectile. Both the traditional black powder projectile and the penthrite projectile under development are fired from a barrel that forms the darting gun portion of the traditional hand-thrown darting gun harpoon. The darting gun is fired by a trigger rod that is pushed back when the darting gun harpoon strikes the whale. The penthrite projectile is continuing to undergo field-testing and modification based on those tests, and will not be ready for widespread use by the AEW members until the process is completed. The USA introduced Mayor George Ahmaogak, Eugene Brower and Edward Itta, all whaling captains who would be glad to answer any further questions about the hunt. The USA invited the participants to see a video presentation on the bowhead hunt.

5. PLANS FOR A WORKSHOP ON WHALE KILLING METHODS

The Chair referred to IWC Resolution 2001-2 to convene a Workshop on Whale Killing Methods in 2003. He invited the Working Group to suggest topics for the workshop, venue and time. Norway proposed the following issues to be dealt with in the workshop.

- (1) Patho-physiological changes in the central nervous system and other vital organs of whales caused by intra body detonation of the penthrite grenade.
- (2) The effect of large calibre round nosed bullets used for euthanasia (secondary weapons) in minke whales.
- (3) Hunters safety.

Norway also proposed Dr. Sam Ridgway of UC Veterinary Medical Center of San Diego, USA, as a candidate for Chair of the Workshop. Dr. Ridgway has vast experience in the marine mammal sciences and was previously nominated to chair an IWC workshop on whale killing methods (*Ann. Rep. Int. Whal. Commn.* 1999:11). Sweden and the USA supported the proposal both for the agenda and the chair. Japan requested that killing methods of large mammals such as kangaroos, deer, and animals taken by bow hunting be included in the workshop in accordance with an operating paragraph of Resolution 2001-2. Australia remarked that the IWC had no competency over kangaroos. The UK stated that it was not entirely satisfied with the sensibility tests used to determine the TTD and would like this studied in the workshop. It suggested that the workshop be held in Berlin just before IWC 55.

Norway stated that comparative data from the hunt of other wild mammals and also from the slaughter of domestic animals should be provided for the workshop since it would be useful for the purpose of the workshop. It further stressed that experts and scientists who attended the workshop should be able to contribute without a restricted mandate, which not always had been the case. The Chair

suggested that this Working Group recommend to the F&A Committee (Finance and Administration) that the workshop be arranged prior to the IWC55. It suggested that a small task force get together prior to the F&A Committee meeting to recommend venue and time. The Chair appointed Norway, USA, Denmark, Germany, Russia and New Zealand to constitute this *ad hoc* task force.

6. OTHER

The Chair read the following statement transmitted to him from St. Vincent and the Grenadines during the course of the meeting:

'St. Vincent and the Grenadines does not recognise the competence of the IWC in the matters of Humane Killing or Whale Killing Methods, and therefore does not attend these Working Groups. We do, however, supply the information concerning our hunt, and that will be found in our Annual Progress Report, which was presented to the Scientific Committee. Any additional questions that members may have should be addressed to the Head of our delegation.'

New Zealand referred to document IWC/54/WKM&AWI 8 and introduced Dr. Barbara Maas who gave a PowerPoint presentation of the document. Delegates were then invited to give a round of brief comments. Norway stated its dissatisfaction with the scientific quality of the document while the UK expressed gratitude for the presentation. Several delegations associated themselves either with the comments made by Norway or the UK.

The UK stated that, in the absence of any detailed information from the Government of Japan, it had several questions concerning small cetaceans but suggested due to time constraints that these be appended to the report for discussion in the Commission. Japan responded that small cetaceans are outside the competency of the IWC and it has no intention of handling this issue in the IWC. Japan, however, stated that it will answer the questions as it deems appropriate, if approached, on a bilateral basis. This view was supported by Norway, Denmark, Russia, Iceland and Korea. The UK commented that in spite of previous assurances of such information it had found difficulty in obtaining such information from the Government of Japan. Germany asked for information on the pilot whale hunt in the Faroe Islands, especially the number of animals killed and killing methods. Denmark answered that its view on IWC competency on small cetaceans should be well known. The Faroe Islands government would however be willing on a bilateral basis to give extensive information if so required.

The UK expressed concern about the high increase in bycatch of whales in the Japanese fisheries since changes in domestic legislation. It requested information on killing methods, regulations, observations and guidance to fishermen involved and TTD. The concern was shared by Germany, USA, Finland, Netherlands, New Zealand, Australia, Oman, Austria, Switzerland, Sweden and South Africa. Japan responded that bycatch is outside the terms of reference for the working group but it did disclose the information on a voluntary basis to the Scientific Committee. Korea, Iceland, Russia, Norway, Denmark and Guinea associated themselves with this view. New Zealand, supported by Australia, stated that bycatch is part of the RMP and falls under the competency of the IWC. Norway stated that the RMP is not for discussion in this committee. Denmark recognised IWC competency of bycatch of baleen

whales in the IWC but not of small cetaceans. It stressed however that this is a subject for other working groups.

7. ADOPTION OF REPORT

The report was adopted by the Working Group on 18 May 2002, after receiving the report from the *ad hoc* task force which is attached as Appendix 5. The Chair thanked all of the participants for their constructive contributions to the debate and expressed gratitude to his efficient Rapporteurs.

By way of conclusion, Prof. Briand indicated that he would not seek reappointment as Chair of this Working Group beyond this term, his third consecutive mandate. He had very much appreciated, and learned from, this experience and was very pleased with the way in which this Working Group had been able to engage in constructive dialogue, and to develop elements of mutual trust, most notably this year. The USA, on behalf of the participants, expressed deep appreciation for the way the Chair had led the Working Group discussions forward.

Appendix 1

LIST OF PARTICIPANTS

(I = Interpreter)

ANTIGUA & BARBUDA

Nigel Lawrence

AUSTRALIA

Nicola Beynon
Robyn Bromley
Pamela Eiser
Conall O'Connell
Stephen Powell

AUSTRIA

Andrea Nouak
Michael Stachowitsch

BENIN

Bentole Yaba

BRAZIL

Jose Palazzo
Regis Pinto de Lima

CAPE VERDI

Carlos Evorza Rocha

DENMARK

Henrik Fischer
Leif Fontaine
Amalie Jessen
Palle Uhd Jepsen
Einar Lemche
Kim Mathiasen

DOMINICA

Lloyd Pascal

FINLAND

Esko Jaakola

GERMANY

Peter Bradhering
Marlies Reimann

ICELAND

Stefan Ásmundsson
Ragnar Baldursson
Thomas Heidar
Hulda Lilliendahl
Kristján Loftsson
Gisli Vikingsson

IRELAND

Peter Brazel
Chris O'Grady

JAPAN

Yoshihiro Hayashi
Hajime Ishikawa
Iwao Isono
Chikao Kimura
Masayuki Komatsu
Toshihiro Mogoe
Minoru Morimoto
Joji Morishita
Takanori Nagatomo
Kayo Ohmagari
Seiji Ohsumi
Midori Ota (I)
Hirohisa Shigemure
Akiko Tomita (I)

REPUBLIC OF KOREA

Ki-Won Jung
Zang Geun Kim
Hyoung-Chul Shin

MEXICO

Silvia Manzanilla
Lorenzo Rojas-Bracho
Andres Rozenal

MONACO

Frederic Briand
(Chair)
Francois Doumenge

NETHERLANDS

Frederik Vossenaar

NEW ZEALAND

Anna Broadhurst
Simon Childerhouse
Mike Donoghue
Wilbur Dovey
Alexander Gillespie
Gina Lento
Barbara Maas
Jim McLay
Kevin Smith

NORWAY

Turid Rodrigues
Eusébio (Rapporteur)
Halvard Johansen
Ove Midttun
Ole Mindor Myklebust
Egil Ole Øen
Odd Gunnar Skagestad
Jan Skjervø
Lars Walløe
Silje Wangen
Hild Ynnesdal

OMAN

Hilal Ambusaidi

PANAMA

Epiménides Díaz
Rogelio Santamaría

RUSSIAN FEDERATION

Rudolf Borodin

Vladimir Etylin
Olga Etylina
Valentin Illyashenko
Gennady Inankeuyas
Andrey Khalkachan
Andrei Krivorotov

SOLOMON ISLANDS

Sylvester Diake
Nelson Kile

SOUTH AFRICA

Herman Oosthuizen

SPAIN

Carmen Asencio
Carlos Domínguez Díaz

Santiago Lens
Luis Fernando de Segovia y
Rivacoba

SWEDEN

Bo Fernholm
Anna Roos

SWITZERLAND

Thomas Althaus
Martin Krebs

UK

Jill Barrett
Rob Bowman
Richard Cowan
Geoff Jasinski
Laurence Kell

Iain Orr
Mark Simmonds

USA

George Ahmaogak
John Arum
Nancy Azzam (Rapporteur)
Eugene Brower
Roger Eckert
Edward Itta
Keith Johnson
Michael Lawrence
Ann Renker
Marrie Schaefer
Gordon Smith
Dave Sones
Michael Tillman

Appendix 2

LIST OF DOCUMENTS

IWC/54/WKM&AWI

- 1 Greenland Home Rule Government. Efficiency in the Greenlandic hunt of minke whales and fin whales 1990-2001.
- 2 rev. Greenland Home Rule Government. A note regarding information encouraged in the IWC-Resolution 1999-1.
- 3 Greenland Home Rule Government. Report on improvements in ASW in Greenland.
- 4 Greenland Home Rule Government. Quota monitoring on minke whale and fin whale hunting in Greenland, 2001 (also relevant to the Infractions Sub-committee, Agenda item 4).
- 5 Greenland Home Rule Government. Status for Greenland Action Plan on Whale Hunting Methods, 2001.
- 6 Norwegian minke whaling 2001.
- 7 Brief report about the Aboriginal Subsistence Whale Harvest of the Russian Federation in 2001.
- 8 The Potential Stress Effects of Pursuit and their Implications for Whales that Evade Capture and Some Comments on Killing Times and Determination of Time to Death by B. Mass, New Zealand.
- 9 Report on the use of the penthrite projectile in the 2000 and 2001 bowhead whale subsistence hunts in Barrow, Alaska.
- 9 Add. Addendum: figure.
- 10 Compilation of Data on Whales Killed.
- 11 Report on whale killing methods in the 2001/2002 JARPA.

Appendix 3

AGENDA

1. Introductory items
 - 1.1 Appointment of Chair
 - 1.2 Appointment of Rapporteurs
 - 1.3 Review of Documents
2. Adoption of the agenda
3. Data provided on whales killed
4. Information on improving the humaneness of whaling operations
5. Plans for a second workshop on whale killing methods
6. Other matters
7. Adoption of the report

Appendix 4

QUESTIONS FROM THE UK FOR THE GOVERNMENT OF JAPAN ON METHODS USED TO KILL SMALL CETACEANS IN JAPANESE COASTAL WATERS

General

- (1) For all small cetaceans taken: what were the times to death (maximum and mean, the latter excluding those killed instantaneously); and how many were killed using primary methods; and how many were killed using secondary methods?

Dall's porpoise hunt

- (1) What legislation is in place to regulate the hunting methods used to kill Dall's porpoise; and how is this monitored or enforced by the Government of Japan?
- (2) Is the hunt regulated by a system of licences?
- (3) Are hunters required to pass tests on hunting ability and efficiency before being issued with a licence?
- (4) What training is provided?
- (5) What methods (primary and secondary), weapons and implements are used in this hunt?
- (6) If electricity is used, how frequently is this method applied and which points of the body are targeted?
- (7) What assessment has been made of the efficacy of all primary and secondary methods used?

- (8) What is the struck and lost rate and how does this compare with such rates since 1990?

Drive hunts

- (1) What legislation is in place to regulate the hunting methods used to kill small cetaceans in drive hunts; and how is this monitored or enforced by the Government of Japan?
- (2) Is the hunt regulated by a system of licences?
- (3) Are hunters required to pass tests on hunting ability and efficiency before being issued with a licence?
- (4) What training is provided?
- (5) What methods (primary and secondary), weapons and implements are used in this hunt?
- (6) For how long and over what distances are small cetaceans driven?
- (7) What assessment has been made of the efficacy of all primary and secondary methods used?
- (8) What is the struck and lost rate and how does this compare with such rates since 1990?
- (9) How long are trapped animals held in netted areas before slaughter?

Appendix 5

REPORT OF THE AD HOC TASK FORCE FOR THE PREPARATION OF THE 2003 WORKSHOP ON WHALE KILLING METHODS

Members Bradhering, Brownell, Etylin, Donoghue, Jessen and Øen.

Location Berlin, Germany, at the venue to be used by the IWC.

Timing The three days after the conclusion of the Scientific Committee meeting 6-8 June 2003.

Cost The major cost identified will be for the Chair of the Workshop, Professor Sam H. Ridgway from San Diego, California, USA. It was estimated that his travel costs will be approximately £2,700.

Proposed Draft Agenda

- (1) Appointment of Chair
- (2) Appointment of Rapporteur
- (3) Admission of Observers
- (4) Review of documents

(5) Adoption of Agenda

(6) Terms of Reference

(7) Methods in use and development

(a) Commercial whaling

(b) Aboriginal subsistence whaling

(c) Whaling under scientific permit

(d) Euthanasia of stranded and entrapped cetaceans

(8) Assessment of methods

(9) Review times to death and evaluation of criteria for death

(10) Hunter safety and associated problems

(11) Revised action plan

(12) Any other business

(13) Adoption of report

Annex E

Report of the Revised Management Scheme Working Group¹

1. INTRODUCTORY ITEMS

The meeting took place on 13 and 15 May 2002. A list of participants is given as Appendix 1.

1.1 Appointment of Chair

Henrik Fischer (Denmark) was appointed as Chair of the Revised Management Scheme (RMS) Working Group.

At the request of Bo Fernholm, Chair of the Commission, Henrik Fischer read out the following statement regarding the participation of Iceland in the RMS Working Group:

'Iceland's instrument of adherence to the International Convention for the Regulation of Whaling is expressly conditioned on a reservation with respect to paragraph 10(e) of the Schedule. This Working Group is not an appropriate forum to discuss this or issues related to this. The participation of Iceland in this meeting does not prejudice the positions of individual members of the International Whaling Commission regarding the issue of Iceland's adherence to the International Convention for the Regulation of Whaling.'

1.2 Appointment of Rapporteurs

Nicky Grandy and Greg Donovan (Secretariat) were appointed as rapporteurs.

1.3 Review of Documents

The documents presented to the Working Group are listed in Appendix 2.

2. ADOPTION OF THE AGENDA

The Agenda given in Appendix 3 was adopted.

3. MEETING OBJECTIVES

The Chair reminded the Working Group that its overall objectives are to complete the work on the Revised Management Scheme (RMS). He noted that:

- (1) the work had been ongoing for a number of years;
- (2) some progress had been made, particularly by the Expert Drafting Group (EDG) established at the 53rd Annual Meeting last year; but that
- (3) a number of outstanding issues remain.

The Chair hoped that it would be possible to reach agreement on some of these remaining issues, but recognised that this would probably not be possible for those that he regarded as being essentially political in nature such as the following:

Regarding Chapter V of the Schedule concerning the Supervision and Control Scheme:

- (1) catch verification (through DNA registers and genetic monitoring, and catch documentation);
- (2) the role of NGOs in a Compliance Review Committee;
- (3) costs of any scheme and how they may be shared among Contracting Governments.

Regarding Chapter VI, Information Required:

- (4) the need to collect animal welfare data.

There were also two further items:

- (5) the proposal, originally from Ireland, that catches may only be taken within EEZs or other waters within 200 miles of the coast;
- (6) the issue of current paragraph 10(e) – the moratorium.

The Chair considered the last two items fall outside the Terms of Reference of the RMS Working Group, particularly item (6). However, he noted that both issues are clearly influential in any discussions of Chapters V and VI and have been raised within the Group on previous occasions. Regarding item (5) above, the Chair proposed that it might be appropriate to ask the Scientific Committee to comment on the management implications (in terms of yield and risk) of restricting whaling to within 200 miles of the coast or within territorial waters. He also introduced the idea that to make progress with the political issues, it may be necessary to convene a Commissioners' meeting or similar closed group in the latter part of 2002. He noted that he would return to this suggestion under Item 6 of the Agenda.

The Chair hoped that the Working Group could reach agreement on the following proposals from the EDG (IWC/54/RMS1).

Regarding Chapter V:

- (1) the proposed 'statement of principle';
- (2) the proposed mechanism for developing the detail necessary for the practical implementation of the scheme (i.e. putting details not in the Schedule, but in a separate document);

Regarding Chapter VI:

- (1) the scientific information required.

He added that in his opinion, an exercise discussing other areas would not be worthwhile until progress had been made on the broader issues.

The Working Group agreed with the Chair's proposed approach for handling the meeting although New Zealand indicated that it does not regard item (5) above as being outside the Group's Terms of Reference.

4. PRESENTATION OF THE EXPERT DRAFTING GROUP REPORT AND ITS RECOMMENDATIONS

The Chair thanked the participants of the EDG and the Secretariat for the constructive manner in which the group's discussions were conducted. The Secretariat then gave a brief presentation of the EDG report (IWC/54/RMS1) highlighting those areas where progress was made, and those areas needing further work.

Norway and the UK commended the presentations but noted that as the Secretariat's presentations were necessarily summaries, they did not want the impression to be given that the EDG had achieved broader agreement than they believed was the case. Norway noted that

¹This was circulated to the meeting as IWC/54/7.

although there was agreement on how the supervision and control scheme might work, there had not been complete agreement within the EDG on the need to have national inspectors and international observers on *all* vessels and at *all* landing points. The UK stressed that its agreement to any aspects of the supervision and control scheme is dependent upon satisfactory resolution of the overall package (i.e. which should include catch verification and the collection of animal welfare data).

The Secretariat also introduced IWC/54/RMS2 that brought together the work of the RMS Working Group and the EDG over the past several years to illustrate the possible content and structure of a revised Schedule. It stressed that the document had not been prepared as a proposed Schedule amendment.

5. DISCUSSION OF THE EDG REPORT

5.1 General impressions and comments

Norway drew attention to the statement released on conclusion of the EDG meeting (IWC/54/RMS1, Appendix 7) reporting that:

- (1) there had been a valuable exchange of views and ideas on what should comprise an appropriate supervision and control system and on information that should be collected on the RMS;
- (2) progress was made in some areas; but
- (3) that fundamental differences remain.

Norway believed that although discussions on the RMS have been ongoing for 10 years, very little had been achieved and suggested that a different approach is needed. It saw the deletion of paragraph 10(e) as an integral part of the adoption of an RMS. Norway recognised that this is not a view shared by all, but noted there is a need to develop common ground to achieve real progress.

Japan commended the substantial progress made by the EDG on the International Observer Scheme, but like Norway noted that no agreement had been reached on fundamental outstanding issues. It recognised that certain aspects under consideration are political, but that it is important to solve these within the provisions and mandate of the Convention itself. Like Norway, Japan agreed that completion of the RMS is closely linked with deletion of paragraph 10(e), and hoped that this matter could be solved in a constructive matter.

The Chair noted the comments of Norway and Japan regarding deletion of paragraph 10(e) but that this issue should be addressed by the Commission rather than by the Working Group.

5.2 Revisions to Chapter V, Supervision and Control

The Working Group reviewed the EDG's proposals regarding:

- (a) the inclusion in Chapter V of a 'statement of principle';
- (b) the proposed mechanism for developing the detail necessary for the practical implementation of the scheme (i.e. putting details not in the Schedule, but in a separate document);
- (c) the name and duties of the committee responsible for oversight of infractions.

It also reviewed Document IWC/54/RMS3 prepared by the Secretariat at the request of the EDG concerning cost estimates for an International Observer Scheme.

5.2.1 Statement of principle

The EDG proposed to include the following introductory paragraph (based on earlier proposals from New Zealand and the UK) in Chapter V:

- (1) (a). The purpose of this [section][chapter] is to set out the basic requirements for a robust supervision and control scheme to ensure compliance with the provisions of the Convention.
- [(b). No provision of this Chapter V is intended to, nor shall it be deemed or interpreted to be, a restriction on any legitimate trade in any whale product.]

While a number of Working Group members saw no need for the text in Paragraph 1.(a), the Working Group did **agree** that it could be included in a revised Chapter V.

There was no agreement on the need for Paragraph 1.(b). Norway considered it to be redundant believing it unnecessary to state explicitly something that should not be done. Japan expressed a similar view. New Zealand, disagreed. Bearing in mind the Japanese and Norwegian position that an RMS should not control trade, New Zealand believed that it was important that there be a statement that no part of the RMS sought to control trade (i.e. the proposed Paragraph 1.(b)). The Working Group there agreed that the square brackets around Paragraph 1.(b) should remain.

5.2.2 Mechanism for developing the necessary detail

The Working Group noted that the EDG had recognised the need for a way to provide certain practical/technical details in the RMS without overburdening the Schedule with detail and that it had agreed to use the following approach:

- (a) The Commission keeps all of the practical details in a single document, not the Schedule itself.
- (b) The Schedule paragraph refers to a **dated** version of this document. If the Commission adopts any modifications then it is only the date in the Schedule that needs to be modified. If the changes are non-controversial then it should take only a few minutes or less to agree to change the date in the Schedule. If the changes are controversial then unless there is a three-quarters majority, the Schedule will still refer to the earlier version. Similarly, if a Contracting Government objects to a change in the date, it will still be bound by the earlier version.
- (c) The words in the Schedule could be something along the lines of:

'The practical details required to implement the supervision and control scheme are given in the version of the document 'Details of the Supervision and Control Scheme of the RMS' dated 17 March 200X.'

After some discussion and clarification, the Working Group **agreed** to this approach.

5.2.3 Oversight of infractions

The Chair noted that the Working Group had agreed to change the name of the oversight group to the 'Compliance Review Committee', that it had reached broad agreement on the duties of the Committee, but that owing to a reservation from Japan, both these aspects (see sub-

paragraphs (a) and (b) below) of the text remained in square brackets.

[(a) The Commission shall [establish a Compliance Review Committee to review and report on the compliance of all whaling operations with the provisions of the Schedule and penalties for infractions thereof.]]

[(b) The Compliance Review Committee shall:

[(i) review: (a) infraction reports from Contracting Governments; and (b) the annual report of the functioning of the international observer scheme, including any alleged infractions, for the most recent completed whaling season;]

[(ii) review other reports submitted by Contracting Governments on matters relevant to the Committee, including alleged infractions;]

[(iii) compare the information in (i) and (ii) above and identify any disagreement in the details of an alleged infraction;]

[(iv) report its view as to whether an alleged infraction is a violation(s) of the provisions of the Schedule;]

[(v) review action(s) taken by a Contracting Government in response to violation(s) of the provisions of the Schedule identified above;]

[(vi) review the actions taken, including progress made, by Contracting Governments in response to previous violations considered by the Commission;]

[(vii) recommend to the Commission actions to be taken to improve compliance with the provisions of the Schedule;]

[(viii) submit a report to the Commission on its deliberations and recommendations.]]

Japan indicated that it is not yet convinced of the need for a Compliance Review Committee since it considers that oversight of infractions could continue to be done by the existing Infractions Sub-committee. However, Japan noted that if or when a Compliance Review Committee is established, sub-paragraph (b) would be needed. It could therefore tentatively agree to lift the brackets from sub-paragraph (b). Like Japan, Norway also considered that the Infractions Sub-committee provides sufficient oversight, but that, contingent on there being consensus, it could agree to deletion of the square brackets around sub-paragraphs (a) and (b).

The USA expressed some disappointment at these views since the EDG report implied that broad agreement had been reached on these points.

The Chair noted the tentative deletion of square brackets from sub-paragraphs (a) and (b).

5.2.4 Cost estimates

In introducing Document IWC/54/RMS3 containing cost estimates for operating an International Observer Scheme along the lines of that developed by the EDG (IWC/54/RMS1), the Secretariat described the basis and assumptions on which the estimates had been prepared in relation to: (1) likely whaling operations and the placement

of observers; (2) observer salary, travel and subsistence costs; and (3) observer training and administration and other costs. The general approach taken had been to make assumptions that would lead to high cost estimates.

Norway commented that the Secretariat had taken a sound approach and that IWC/54/RMS3 provided a realistic picture, although it noted that the assumption regarding the length of its own whaling operations (i.e. 7 weeks) may need to be increased. It undertook to provide a revised estimate to the Secretariat, but suggested that it might be in the region of 4.5 months. Norway noted that the cost estimates had been based on the assumption that an international observer would be present on all of its vessels and reported that most Norwegian vessels are not large enough to accommodate an observer in addition to a national inspector. The Secretariat explained that for Norwegian vessels, it had assumed that the national inspector would be asked to also fulfil the role of observer as foreseen in the EDG discussions. The UK also considered the approach taken by the Secretariat to be sound, considered that the combined inspector/observer role had been handled correctly for the purpose of this exercise, but questioned whether the assumption of 15 landing stations for Norwegian operations is realistic. (Note: Norway later confirmed to the Secretariat that this is a realistic assumption).

The Netherlands asked whether the salary of observers during the training period had been included since this would increase costs. Japan asked whether the costs associated with the observer-selection process – representing an ‘up-front’ cost had been included. The Secretariat confirmed that neither had been included at this stage.

The Chair thanked the Secretariat for preparing the cost estimates and noted the comments made.

5.3 Revisions to Chapter VI, Information Required

The Working Group **agreed** to the revised text proposed by the EDG regarding the scientific information required, i.e.

‘The following samples and/or information shall be provided:

- (a) The length of all animals caught shall be obtained, measured in a straight line parallel to the whale from the tip of the upper jaw to the notch of the flukes. These data shall be reported to the Secretariat at the end of each season and included in the IWC database.
- (b) [Where possible, at least one earplug (or bulla) shall be collected from each whale caught. The resultant age estimations and the identity of the reader shall be reported to the Secretariat sufficiently in advance (normally one year) of the next Implementation Review and included in the IWC database.]
- (c) Where possible, both ovaries shall be collected from each female caught. Corpora counts shall be reported to the Secretariat within one year of the close of the season and included in the IWC database.
- (d) If sufficiently trained personnel are present, the presence, length and sex of foetuses shall be recorded. If it is not possible for such personnel to be present, these data should still be recorded where possible, and the lack of trained personnel noted. These data shall be forwarded to the Secretariat at the end of the season and included in the IWC database.
- (e) Lactation shall be recorded and reported to the Secretariat at the close of the season and included in the IWC database.
- (f) At least 5cm² of skin shall be collected from each whale caught and, where possible, a sample of tissue from the foetus should be collected. Long term archiving of all samples with appropriate identifying information is the responsibility of the harvesting nation. A list of archived samples shall be forwarded to the Secretariat at the end of each season.

Further details are provided in the most recent version of the Scientific Committee's 'Guidelines for Data Collection and Analysis under the Revised Management Scheme (RMS) Other than those Required as Direct Input for the Catch Limit Algorithm (CLA)'.

The Scientific Committee has not formally resolved the issue of whether the collection of bulla to estimate age is still appropriate in the light of recent scientific work and the Working Group **agreed** that the Scientific Committee should be requested to re-examine paragraph (b) above in the light of this work and the practicality of obtaining readable earplugs from common minke whales.

6. NEXT STEPS

Referring back to his opening remarks under Agenda Item 3, the Chair proposed that the best way to make progress on those areas where fundamental differences remain (i.e. those areas that he believed are essentially political in nature rather than technical or practical) would be to convene a meeting of Commissioners/Alternate Commissioners after IWC/54. He further proposed that the meeting be:

- a private Commissioners' meeting involving up to two participants per Contracting Government;
- held in September/October 2002 so that, if progress were to be made, there would be sufficient time for further drafting of the RMS prior to the 55th Annual Meeting in Berlin in June 2003;
- of the duration of at least three days.

He noted that if there was support for such a meeting, then consideration should be given to; (1) who would chair the meeting; (2) the venue; and (3) the budget.

While a number of countries appreciated the Chair's efforts to explore new avenues through which progress could be made, the Working Group **agreed** that his proposal for an intersessional meeting was premature and

that efforts should be concentrated on making progress during IWC/54 when most countries are present. However, it agreed that the proposal be reflected in the Working Group's report so that it could be reconsidered if necessary during the Commission meeting.

In commenting further on the substance of the proposal, some countries (Brazil, Mexico, Antigua and Barbuda, Norway and South Africa) noted their general opposition to intersessional meetings since the costs involved may prohibit participation by some. The USA expressed concern regarding the lack of transparency if a private meeting were to be held and that the time period proposed might clash with meetings of other Regional Fisheries Management Bodies. The Netherlands suggested that if the Chair's proposed meeting is held at some stage in the future, consideration should be given to Commissioners being accompanied by Ministers in view of the political dimensions involved. Norway and the USA stated that they were not convinced that the problems are purely political but did agree that they are fundamental. The need for clear Terms of Reference for an intersessional meeting was stressed.

7. OTHER MATTERS

At the 53rd Annual Meeting, the Commission agreed that document IWC/53/31Rev 'Proposal to be included in draft RMS articles' submitted by Argentina and co-sponsored by Oman should be forwarded to the RMS Working Group for its consideration. The document was not discussed by the Working Group at this meeting but it **agreed** to consider it at a later date.

8. ADOPTION OF THE REPORT

The report was adopted by the Working Group on Saturday 18 May 2002.

Appendix 1

LIST OF PARTICIPANTS

(I= interpreter)

ANTIGUA & BARBUDA

Nigel Lawrence

AUSTRALIA

Nicola Beynon

Robyn Bromley

Pamela Eiser

Conall O'Connell

Stephen Powell

AUSTRIA

Andrea Nouak

Michael Stachowitsch

BENIN

Bentole Yaba

BRAZIL

Jose Palazzo

Regis Pinto de Lima

DENMARK

Henrik Fischer (Chair)

Leif Fontaine

Amalie Jessen

Palle Uhd Jepsen

Einar Lemche

Kim Mathiasen

DOMINICA

Harold Guiste

Lloyd Pascal

FINLAND

Esko Jaakola

GERMANY

Peter Bradhering

Marlies Reimann

GRENADA

Justin Rennie

REPUBLIC OF GUINEA

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Diallo Amadou Telivel

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Stefan Ásmundsson

Ragnar Baldursson

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Peter Brazel
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Joji Morishita
Takanori Nagatomo
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Seiji Ohsumi
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Jan Skjervø
Lars Walløe
Silje Wangen
Hild Ynnesdal

OMAN

Hilal Ambusaidi

PANAMA

Epiménides Díaz
Rogelio Santamaría

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Rudolf Borodin
Vladimir Etylin
Olga Etylina
Valentin Illyashenko
Gennady Inankeuyas
Valerie Knyazev
Andrei Krivorotov

ST. KITTS AND NEVIS

Joseph Simmonds

SOLOMON ISLANDS

Sylvester Diake
Nelson Kile

SOUTH AFRICA

Herman Oosthuizen

SPAIN

Carmen Ascencio
Carlos Domínguez Díaz
Santiago Lens
Luis Fernando de Segovia y
Rivacoba

SWEDEN

Bo Fernholm
Thomas Lyrholm

SWITZERLAND

Thomas Althaus
Martin Krebs

UK

Jill Barrett
Rob Bowman
Richard Cowan
Geoff Jasinski
Laurence Kell
Iain Orr
Mark Simmonds

USA

Nancy Azzam
Robert Brownell
Roger Eckert
Jean-Pierre Ple
Rolland Schmitten
Michael Tillman

SECRETARIAT

Greg Donovan (Rapporteur)
Nicky Grandy (Rapporteur)

Appendix 2

LIST OF DOCUMENTS

<p>IWC/54/RMS</p> <ol style="list-style-type: none"> 1 Report of the Revised Management Scheme Expert Drafting Group 2 The possible structure and content of a revised Schedule based on discussions to date 3 Cost estimates for an International Observer scheme 4 Revised Management Scheme Next Steps? <p>IWC/53/</p> <ol style="list-style-type: none"> 31 Rev Proposal to be included in RMS draft articles (submitted by Argentina at last year's meeting, co-sponsored by Oman) 	<p>Background documents</p> <p>IWC/53/</p> <ol style="list-style-type: none"> 9 Report of the Revised Management Scheme Working Group (London, 18 and 19 July 2001) <p>IWC/53/RMS</p> <ol style="list-style-type: none"> 2rev Revised Text of Chapter V, Supervision and Control, from the RMS Intersessional Meeting Annotated with Comments Received 5 Report of the Intersessional Meeting of the Revised Management Scheme Working Group, Monaco, 6-8 February 2001 <p>IWC/52/</p> <ol style="list-style-type: none"> 14 Report of the Revised Management Scheme Working Group (Adelaide, 28-29 June 2000)
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Appendix 3

AGENDA

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Introductory items <ol style="list-style-type: none"> 1.1 Appointment of Chairman 1.2 Appointment of Rapporteur 1.3 Review of Documents 2. Adoption of the Agenda 3. Meeting objectives 4. Presentation of the expert drafting group report and its recommendations | <ol style="list-style-type: none"> 5. Discussion of the EDG report <ol style="list-style-type: none"> 5.1 General impressions and comments 5.2 Revisions to Chapter V, Supervision and Control 5.3 Revisions to Chapter VI, Information Required 6. Next steps 7. Other matters 8. Adoption of the Report |
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Annex F

Resolution Adopted during the 54th Annual Meeting

Resolution 2002-1

GUIDANCE TO THE SCIENTIFIC COMMITTEE ON THE SANCTUARY REVIEW PROCESS

RECALLING that amendments to the Schedule, including the establishment of Sanctuaries, require criteria for their periodic review by the Scientific Committee.

CONVINCED that the establishment of Sanctuaries for conservation purposes represents an integral part of best management practices for wildlife in general.

NOTING that sanctuaries were established and have been maintained for a number of reasons, of which scientific considerations, although important, should not be definitive in the validation process. When considering scientific arguments for sanctuary evaluation, if consensus is not possible, then a precautionary approach should prevail.

RECALLING FURTHER that since 1995, the IWC has recognised the need for a broader understanding of environmental changes and threats affecting whale stocks in the Antarctic marine ecosystem and recommended the application of precautionary principles in their discussions. On several occasions there was consistent support within the SC (2002) for the precautionary approach, specially when dealing with Arctic and Antarctic resource management. (SC/54/IA7, IA11, IA15, SC/54/E3, E11, E16, SC/54/IA7, IA11, IA18, SC/54/BRG4).

RECOGNISING that if there is no consensus on specific issues within sanctuaries, the Precautionary Approach should limit the negative impacts of environmental uncertainty (e.g. effects of climate change over sea-ice dynamics and feeding habitat accessibility and unforeseen problems in the RMP to the other regions where it was

applied). In such cases, currently established sanctuaries complement the provisions of paragraph 10(e) of the Schedule as an integral management strategy.

TAKING INTO ACCOUNT that sanctuaries of appropriate spatial and temporal scales are consistent with the practice of establishing large-scale areas closed to harvest as essential components of best management practices. These no-take regions should therefore be regarded independently of any other management actions or the provisions of paragraph 10(e) of the Schedule to the Convention. The long-term provisions and dimensions of an individual sanctuary depend on factors other than those determining the Commission's short-term management policy.

NOW, THEREFORE, THE COMMISSION:

INSTRUCTS the Scientific Committee that, in reviewing Sanctuaries, it includes the following principles in addition to those in the Instructions from the Commission to the Scientific Committee for Review of Sanctuaries approved by the 53rd Annual Meeting.

- (1) Temporary overlap of management measures, for example Para 10(e) of the Schedule and a sanctuary, cannot be used to invalidate any long-term scientific and conservation value of a given Sanctuary.
- (2) The application of the Precautionary Approach shall be determined in accordance to Principle 15 of the 1992 Rio Declaration.

Annex G

Report of the Infractions Sub-Committee¹

1. INTRODUCTORY ITEMS

The meeting took place at the Kaikyo Messe, Shimonoseki on 17 May 2002. The list of participants is given as Appendix 2. 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*).

1.1 Appointment of Chair

Thomas Althaus (Switzerland) was elected Chair.

1.2 Appointment of Rapporteur

Peter Brazel (Ireland) was appointed rapporteur, assisted by Greg Donovan (Secretariat).

1.3 Review of Documents

The following documents were available to the sub-committee.

IWC/54/INF

1. Secretariat: Expanded Annotated Agenda.
2. Secretariat: National Legislation Details Supplied to the Commission.
3. Draft Summary of Infraction Reports for 2001 Received by the Commission.

IWC/54/WKM&AWI

4. Greenland Home Rule Government: Quota monitoring on Minke whale and Fin whale hunting in Greenland, 2001
7. Brief Report about the Aboriginal Subsistence Whale Harvest of the Russian Federation in 2001.

Before proceeding any further with the agenda, the Chair read out the following statement on behalf of the Chairman of the Commission:

'Iceland's instrument of adherence to the International Convention for the Regulation of Whaling is expressly conditioned on a reservation with respect to paragraph 10(e) of the Schedule. This Sub-committee is not an appropriate forum to discuss this or issues related to this. The participation of Iceland in this meeting does not prejudice the positions of individual members of the International Whaling Commission regarding the issue of Iceland's adherence to the International Convention for the Regulation of Whaling.'

2. ADOPTION OF THE AGENDA

The Chair noted that in the past, 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. Consequently, they had proposed that this item be deleted. Other delegations, including the USA and New Zealand had not agreed with this view.

Nevertheless, as in previous years, it was agreed that an exchange of views might be useful.

3. INFRACTIONS REPORTS FROM CONTRACTING GOVERNMENTS, 2000

A number of minor amendments to the text and information set out in the document entitled 'Summary of Infraction Reports Received by the Commission for 2001' (IWC/54/Inf3) were put forward by Denmark, Russia and the Secretariat. The amended document is given as Appendix 3. New Zealand expressed appreciation to the Government of Korea in relation to information supplied regarding an infraction involving minke whales. It was clarified during the meeting that the harpoon referred to in the Korean incident was a hand held harpoon. It was also noted that the carrying of such a harpoon is illegal.

4. SURVEILLANCE OF WHALING OPERATIONS

The USA and St. Vincent and The Grenadines (Infractions Reports) and the Russian Federation (IWC/54/WKM&AWI 7) stated that 100% of their catches were under direct national inspection. Denmark (Greenland) reported on quota monitoring in IWC/54/WKM&AWI 4.

5. CHECKLIST OF INFORMATION REQUIRED OR REQUESTED UNDER SECTION VI OF THE SCHEDULE

This 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 received by the Secretariat is summarised below.

Denmark: Information on date, position, species, length, sex, whether a female is lactating and whether a foetus is present is collected for between 77-100% of the catch, depending on the item. Information on killing methods and struck and lost animals is also collected.

USA: Information from a variety of documents shows that information on date, species, position, length, sex, killing method and numbers struck and lost is collected for most of the catch depending on the item. Other biological information is recorded for about 63% of animals.

St. Vincent and The Grenadines: Information on date, time, position, species, length, sex, hunting method and whether lactating is collected.²

Russian Federation: IWC/54/WKM&AWI 7 and information provided to the Scientific Committee shows that information on date, species, position, length, sex, killing method, whether lactating and hunting methods are collected.

Norway: the required information has been submitted to the Secretariat as noted in the Scientific Committee report (IWC/54/4).

²St. Vincent and the Grenadines noted that they also took photographs of flukes and tissue for genetic analysis although this is not required under the Schedule.

¹This was circulated to the meeting as IWC/54/11

6. SUBMISSION OF NATIONAL LAWS AND REGULATIONS

A summary of national legislation supplied to the Commission is given in Table 1. The Chair remarked that details of the national legislation supplied by Contracting Governments appeared to be dated in some cases. Netherlands replied that in their case this was due to the fact that their policy on whaling was unchanged. St. Vincent and the Grenadines noted that they currently have new draft legislation under consideration by their Government (IWC/54/AS8rev) and that comments are welcomed on the draft which is currently being considered by the Cabinet.

Table 1
National legislation details supplied to the IWC.¹

Country	Date of most recent material
Antigua & Barbuda	None
Argentina	1984
Australia	2000
Austria	1998
Brazil	1987
Chile	1983
China, People's Republic of	1983
Costa Rica	None
Denmark (including Greenland)	1998
Dominica	None
Ecuador	None
Finland	1983
France	1994
Germany	1982
Grenada	None
Guinea	None
India	1981
Italy	None
Ireland	1982
Japan	1983
Kenya	None
Korea, Republic of	1985
Mexico	2001
Monaco	None
Morocco	None
Netherlands, The	1978
New Zealand	1992
Norway	2000
Oman	1981
Peru	1984
Russian Federation	1998
Saint Kitts & Nevis	None
Saint Lucia	1984
Saint Vincent & the Grenadines	1986
Senegal	None
South Africa	1998
Spain	1987
Sweden	1987
Switzerland	1983
UK	1981
USA	1995

¹Up to the beginning of April 2002. Dates in the table refer to the date of the material not the date of submission.

²Member states of the European Economic Community are subject also to relevant regulations established by the Commission of the European Community. The date of the most recent EEC legislation supplied to the International Whaling Commission is 1983.

³Information on which pieces of legislation have been provided by the member countries is available on request from the Secretariat.

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. During the meeting, the UK indicated that it had no stockpiles of whale products.

7.2 Other

Prior to the meeting, no country indicated that it had anything to raise under this item. However during the meeting three issues were raised.

7.2.1 Killer whales

The UK referred to reports of two killer whales taken in Greenland and St. Vincent and the Grenadines. In their view a combination of Schedule Para. 10d, that forbids the taking of killer whales by factory ships, and Para. 10e, that refers to the ban on commercial whaling made the Greenlandic and St. Vincent and the Grenadines catches infractions. Germany, Austria, Australia and New Zealand shared this interpretation.

A number of other countries (Denmark, Russian Federation, St. Vincent and the Grenadines, Japan, Norway, Iceland, St. Kitts and Nevis, Dominica and Grenada) noted that the animals were not taken by factory ships and in any event are small cetaceans and thus outside the competence of the IWC. Therefore takes of this species are not required to be reported as infractions under the Convention.

7.2.2 Coastal whaling

Australia noted a flier advertising a film being shown this week concerning Japanese scientific and coastal whaling. It asked if Japan had any information on this matter that it wished to share with the Sub-committee and under what provisions of the Convention coastal whaling is taking place.

Japan replied that this matter was outside the terms of reference of the Convention. A number of countries (Australia, Austria, Finland, Germany, UK and the USA) however noted that coastal whaling was within the terms of reference of the Convention.

7.2.3 Bycatches

The UK asked Japan for information on levels of bycatch and whether there had been any infractions in this regard.

Japan noted that non-deliberate killing, such as bycatches were not considered infractions and were thus outside the terms of reference of the Sub-committee.

The UK repeated its view of last year that it considered that animals killed under Japan's new legislation which authorises, under certain circumstances, the deliberate killing of whales bycaught in fishing operations should be reported as infractions. It regretted what it saw as Japan's lack of co-operation in this matter. Mexico also stated that in its view, Japan's reluctance to provide information was hampering the work of the Commission in several areas.

Austria, Australia and Germany supported the view that bycatches could be of interest to the Sub-committee, particularly where it led to whale products entering the market. Therefore, they believed that bycatch information was important for management purposes. Austria stated that information regarding domestic sanctions to reduce bycatch was also relevant. Germany noted that in the member states of the EU, as well as in some other countries, fines were imposed on fishermen who exceeded bycatch limits.

A number of other countries (Denmark, St. Vincent and the Grenadines, Norway, Republic of Korea, Norway) agreed that information on bycatches is of value to management, and indeed such information provided by a number of nations including Japan, was discussed at length during the Scientific Committee meeting (IWC/54/4). They believed that the Scientific Committee was the appropriate

forum for such discussions. What happened to a bycaught animal after its death was the responsibility of national governments – some preferred not to waste the animal whereas others prohibited its use. Korea stated that bycatch arises from many human activities and care was required in addressing bycatch issues. Norway also stated according to its national regulations, bycatches have to be landed and be consumed in order not to waste valuable resources. In the EU however, the opposite rule applies. Norway also stated that fishing is suspended when bycatch reaches unacceptable levels.

The UK repeated its assertion that at least some bycaught animals taken in the Japanese trap net fishery could be regarded as intentional takes and thus infractions, citing as evidence that the reported numbers of bycaught animals had increased twofold since the new Japanese legislation was enacted.

Norway expressed some surprise at the concept of 'deliberate' bycatches and noted that other explanations for increased bycatch numbers could be formulated, including the possibility that the increased number of bycaught animals reflected an increase in the population of whales since the prohibition of coastal whaling. Japan shared the views of Norway.

The Chair closed the meeting by noting that the discussions had been interesting, if at times straying somewhat from the usual topics of this Sub-committee.

8. ADOPTION OF REPORT

The report was adopted by 'post' at 1830hrs on 18 May 2002.

Appendix 1

AGENDA

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Introductory items <ol style="list-style-type: none"> 1.1 Appointment of Chairman 1.2 Appointment of Rapporteur 1.3 Review of Documents 2. Adoption of the Agenda 3. Infractions reports from Contracting Governments, 2001 4. Surveillance of whaling operations | <ol style="list-style-type: none"> 5. Checklist of information required or requested under Section VI of the Schedule 6. Submission of national laws and regulations 7. Other matters <ol style="list-style-type: none"> 7.1 Reports from contracting governments on availability, sources and trade in whale products 7.2 Other 8. Adoption of the Report |
|---|---|

Appendix 2**LIST OF PARTICIPANTS**

(I = interpreter)

ANTIGUA & BARBUDA

Nigel Lawrence

AUSTRALIANicola Beynon
Robyn Bromley
Pamela Eiser
Conall O'Connell
Stephen Powell**AUSTRIA**Andrea Nouak
Michael Stachowitsch**BENIN**

Bentole Yaba

BRAZIL

Regis Pinto de Lima

CAPE VERDE

Carlos Evorza Rocha

DENMARKHenrik Fischer
Leif Fontaine
Amalie Jessen
Palle Uhd Jepsen
Einar Lemche
Kim Mathiasen**FINLAND**

Esko Jaakola

GERMANYPeter Bradhering
Marlies Reimann**ICELAND**Stefan Ásmundsson
Ragnar Baldursson
Thomas Heidar
Hulda Lilliendahl
Kristján Loftsson
Gisli Vikingsson**IRELAND**Chris O'Grady
Peter Brazel (Rapporteur)**JAPAN**Mutsuo Goto
Iwao Isono
Chikao Kimura

Masayuki Komatsu

Joji Morishita
Takanori Nagatomo
Kayo Ohmagari
Seiji Ohsumi
Midori Ota (I)
Akiko Tomita (I)**REPUBLIC OF KOREA**Ki-Won Jung
Zang Geun Kim
Hyoung-Chul Shin**MEXICO**

Andres Rozenthal

MONACO

Frederic Briand

NETHERLANDS

Frederik Vossenaar

NEW ZEALANDAnna Broadhurst
Simon Childerhouse
Mike Donoghue
Wilbur Dovey
Lucy Duncan
Alexander Gillespie
Peter Kell (I)
Sandra Lee
Gina Lento
Barbara Maas
Jim McLay
Kevin Smith
Wally Stone**NORWAY**Odd Gunnar Skagestad
Turid Rodrigues Eusébio
Halvard Johansen
Ove Midttun
Ole Mindor Myklebust
Egil Ole Oen
Jan Skjervø
Silje Wangen
Lars Walløe
Hild Ynnesdal**OMAN**

Hilal Ambusaidi

RUSSIAN FEDERATIONRudolf Borodin
Vladimir Etylin
Olga EtylinaValentin Illyashenko
Gennady Inankeuyas
Andrei Krivorotov**ST. VINCENT AND THE GRENADINES**Hisashi Hamaguchi
Frank Hester
Raymond Ryan**SOLOMON ISLANDS**Sylvester Diake
Nelson Kile**SPAIN**Carmen Asencio
Carlos Domínguez Díaz
Luis Fernando de Segovia y
Rivacoba**SWEDEN**Bo Fernholm
Anna Roos**SWITZERLAND**Thomas Althaus (Chair)
Martin Krebs**UK**Jill Barrett
Rob Bowman
Richard Cowan
Geoff Jasinski
Laurence Kell
Iain Orr
Mark Simmonds**USA**Robert Brownell
Winnie Chan
Roger Eckert
Keith Johnson
Michael Lawrence
Ann Renker
Gordon Smith
Dave Sones
Stanley Speaks
Michael Tillman
Chris Yates**SECRETARIAT**

Greg Donovan (Rapporteur)

Appendix 3

SUMMARY OF INFRACTIONS REPORTS RECEIVED BY THE COMMISSION IN 2001

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.

Scientific permit catches were reported to the Scientific Committee (IWC/54/4). Catch and associated data for commercial and scientific permit catches were submitted to the IWC Secretariat (IWC/54/4). Norway reported no infractions from her commercial whaling operations. Aboriginal subsistence catches and infractions are summarised in the following table.

Country	Species	Males	Females	Total landed	Struck and lost	Total strikes	Infractions/ comments
Denmark							
West Greenland	Fin	3	4	7	1	8	None
	Minke	32	91	136*	1	137	None
	Other	-	-	-	-	-	2 ¹
East Greenland	Minke	0	14	14	3	17 ²	None
St Vincent and the Grenadines							
	Humpback	1	1	2	-	2	0
USA							
	Bowhead	32	17	49	26	75	None
Russian Federation³							
	Gray	62	50	112	0	-	None
	Bowhead	-	1	1	-	-	None
Republic of Korea							
	Minke	-	-	1	-	-	1 ⁴

* Includes 13 animals of unknown sex .

¹Information on the Greenlandic monitoring system is given in IWC/54/WKM&AWI 4. In July 2001, 3 persons reported an illegal strike of a humpback whale near Nuuk municipality to the police in Nuuk. Unfortunately, there was a misunderstanding between the persons who reported the incident and the policeman who received the report. The police report described the case as a minke not a humpback whale. The newspapers wrote in the Danish version about a fin whale and about humpback whale in the Greenlandic version. The case was not reported to Greenland Home Rule. In September 2001, the department was advised about the case from the witnesses who wanted to know what happened to the illegal take of humpback whale in Nuuk municipality in July. In order to confirm the case, the Department of Fisheries, Hunting and Settlements called for a meeting both with the witnesses and the responsible policeman. At the meeting it was confirmed from the witnesses that it was a humpback whale that was struck and lost. After the meeting, the police continued its investigation of the case, and the department is awaiting the result. When further information is received, it will be provided.

On 20 August 2001, another group of hunters from the settlement Nutaarmiut struck and lost a humpback whale. The case was reported as an infraction both from the department of fisheries, hunting and settlements and the wildlife officer in the municipality of Upernavik and seen as such by the police. Each individual in the group was sentenced to pay DKK. 8,000 (approx. US\$ 1,000) and the municipality quota was reduced by one given minke whale license.

²There is no strike limit for catches from the Central Stock (East Greenland).

³Although the infractions report has not yet been received, this information has been extracted from IWC/54/4 and IWC/54/WKM&AWI 7.

⁴The Government of the Republic of Korea reported an accident of illegal direct catch of one minke whale by its nationals in Korean waters in 2001. It identified and certified this as an infraction. The fishing vessel involved had an offshore longline fisheries permit. The investigation of this incident verified that the animal was deliberately killed using a small (3.77m) harpoon on 29 May 2001, 11 n.miles from Ulsan city. It also revealed that the meat products were confiscated and sold publicly by the local bureau of judicial affairs. The Government could not verify the length and sex of the whale in the statement but was told that it was 4m. The Government stated that it has prohibited whale takes and continuously strives to improve measures for the conservation and management of whales in its jurisdictional waters, in accordance with the Convention and the IWC's decisions. The vessel owner was prohibited from fishing for 30 days. The Captain was sentenced to a six month prison sentence suspended for two years.

Annex H

Report of the Finance and Administration Committee¹

1. INTRODUCTORY ITEMS

The meeting took place on 17 May 2002. The list of participants is given in Appendix 1. The Finance and Administration Committee advises 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 (*Rule of Procedure, Rule M.8.*)

1.1 Appointment of Chair

Mr Jim McLay (New Zealand) was appointed as Chair of the Committee.

The Chair noted that attendance at the F&A Committee was limited to delegates and that observers were not allowed. He also read the following statement:

‘Iceland’s instrument of adherence to the International Convention for the Regulation of Whaling is expressly conditioned on a reservation with respect to paragraph 10(e) of the schedule. This Committee is not an appropriate forum to discuss this or issues related to this. The participation of Iceland in this meeting does not prejudice the positions of individual members of the International Whaling Commission regarding the issue of Iceland’s adherence to the International Convention for the Regulation of Whaling.’

1.2 Appointment of Rapporteur

Dr John Murton (UK) was appointed rapporteur.

1.3 Review of Documents

The list of documents is at Appendix 2.

2. ADOPTION OF THE AGENDA

The Chair called for an indication of any other items under Agenda Item 7. Antigua and Barbuda proposed that the role and function of the Advisory Committee be discussed.

The draft agenda for the meeting was adopted and is given in Appendix 3.

3. ADMINISTRATIVE MATTERS

3.1 Annual Meeting arrangements and procedures

3.1.1 Verbatim Record

The Chair explained that last year the Secretariat had prepared an indexed CD instead of a hard copy Verbatim Record and that these had been distributed in April 2002. The Secretary noted that additional copies were available free of charge to Contracting Governments and at a cost of £20 to observers. She requested feedback on the usefulness of the CD version.

Mexico and several other countries noted that they had not yet received the CD and were not in a position to provide feedback. The UK congratulated the Secretariat for producing the CD and asked if there had been significant cost savings as a result of the change. The Secretary noted there was a ‘substantial’ saving: since transcribing the verbatim record took 2-3 man weeks and that preparation of the CD was out-sourced at low cost.

Japan, supported by Germany, questioned whether the CD or indeed any form of verbatim record was necessary. The Secretary replied that a verbatim record was useful for the Secretariat’s own records even if delegates did not find it helpful. She proposed offering CDs only on request from now on.

3.1.1 Document preparation and distribution

3.1.2a Document distribution through the IWC website

The Secretary noted that aside from proposed Schedule amendments, Contracting Governments are being encouraged to submit documents in advance of the meeting. Early submission of documents allows better preparation and subsequent discussion and is fairer to those countries for whom English is not their first language. She also explained that, this year for the first time, the Secretariat had used the IWC website for the distribution of non-confidential documents and requested feedback on these two practices.

The USA commended the Secretariat’s use of the internet and asked if it would be possible to submit documents in PDF rather than Word format. The Secretary explained it would now be possible to accept documents in PDF format in future but encouraged members to avoid using large fonts. The Netherlands requested e-mail notification when new documents were posted on the IWC website. The Chair explained this was the already the case but noted it would be helpful if the document download address was included in the body of the e-mail itself rather than in an attachment.

3.1.2b Proposals relating to Opening Statements and Commission documents

The Secretary explained the proposals set out in IWC/54/F&A1 regarding the submission of Opening Statements:

- (1) the possibility to submit Opening Statements in the form of glossy-type brochures or booklets (as currently done by some NGOs) be withdrawn; and
- (2) Opening Statements should be no more than three pages, contain no graphics or photographs and be suitable for photocopying in black and white.

She noted that submission of statements in a standardised format would save on administrative time prior to and after meetings and would facilitate easier archiving of documents. Glossy brochures could still be distributed as additional material in the usual way.

The Secretary also outlined related proposals regarding the submission of meeting documents already published in their own right:

‘The Secretariat proposes that the submission by governments of extensive, glossy publications as meeting documents also be discouraged especially where they have already been published in their own right. However where such documents are thought to be useful, it is proposed that a short summary is provided as an official document citing the proper title and publication date for reference purposes, where applicable (to avoid the risk of copyright infringement) with the full report being available from the Contracting Government on request’.

¹This was circulated to the meeting as IWC/54/12.

Brazil was in favour of the proposals in relation to Opening Statements, but observed it was important to maintain the right of countries to circulate longer 'glossy' documents at IWC meetings and have them as part of the formal record. USA and Australia supported the first proposal on Opening Statements but felt the wording of the second proposal (on meeting documents) was too subjective and, like Brazil, too restrictive. Norway, Denmark, Oman and the UK supported both proposals. The UK requested that the use of Government logos be permitted in their documents.

The Chair noted that there was clear agreement on the proposals for Opening Statements. However, in view of the comments made regarding the Secretariat's proposal concerning extensive glossy-type publications, revisions were made with the agreed text being made available as Appendix 4.

3.1.3 Improved guidance on credentials

The Chair introduced document IWC/54/F&A2, containing the Secretariat's new proposals for guidance on credentials. These took account of discussion at last year's meeting and were in line with UN practices. The Secretariat asked that the F&A Committee adopt these proposals. A long discussion ensued.

The Netherlands asked if notification could be made by fax. The Chair observed that fax was good enough for the courts and should be good enough for the IWC. The UK and USA supported this view. Antigua and Barbuda, with the support of Norway, Monaco and Japan, expressed unhappiness about the security of faxed communications for presenting credentials. They considered that faxes should be followed by a hard copy. Australia suggested it would be administratively difficult to accept a fax '*pro tem*'. The Secretary clarified that the Secretariat currently accept faxes for the purpose of issuing ID badges up to the moment the Annual Meeting Plenary sessions start, at which time hard copies are required.

On the subject of who could issue credentials, Japan and Antigua and Barbuda stressed the need for clear and precise rules. The UK and Norway debated whether reference should be made to 'a' diplomatic mission or 'the' diplomatic mission. Spain and Germany requested that members should retain the option of sending accreditation through their Embassy in London in the host nation of the IWC Secretariat, as well as the host nation of the IWC meeting. Several Contracting Governments noted the importance of allowing credentials to be presented by non-resident Ambassadors accredited to the host nation or the UK. Austria queried whether an accredited Ambassador would be able to present his/her own credentials as Commissioner under the new rules. This was confirmed by the Chair.

Further discussion centred around whether the parentheses following 'the Minister of Foreign Affairs' were appropriate or not. Views were put forward in favour of both retaining and deleting the parentheses.

After several minor amendments the following text for amended Rule of Procedure D.1 was agreed:

D.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, including that of issuing credentials for his/her delegation.

(Note: current Rules D.1(b), (c), and (d) would be re-numbered accordingly).

The Chair requested delegation's legal advisers to scrutinise the revised text before the Plenary meeting.

3.1.4 Determining the duration of the Annual Commission Meeting and associated meetings

The Chair explained that Rules of Procedure H.2 state that the Secretary 'shall make arrangements for all meetings of the Commission and its committees...'. However, it does not provide explicit guidance on who has responsibility for determining the duration of the Annual Commission Meeting and associated meetings. He invited comments on whether explicit guidance should be developed.

Norway supported the development of guidelines to allow the Plenary meeting to decide the length of the next year's meeting. This decision could, if it became necessary, be altered by a postal vote. Oman requested postponement of this debate until after the report from the Budgetary Sub-Committee. The USA proposed leaving this decision to the Commission. Japan suggested reducing the number of agenda items to be considered by the Commission in order to shorten the length of meetings. The UK voiced its concern that compressing the Commission's meeting would diminish its capacity for holding genuine debate.

The Secretary suggested it would be of administrative help if the Plenary could provide some form of preliminary guidance on the length of the subsequent Commission Meeting. This could always be adjusted later. She was supported by Antigua and Barbuda.

The meeting requested the Secretariat to draft Rules of Procedure, for consideration at next year's annual meeting, to request that the Commission decide upon the length of the next year's meeting before the end of its annual meeting. There were no objections.

3.1.5 Press

The Chair explained that Japan had indicated it would propose that the press be given access to all meetings of the Commission and its Committees and Sub-committees except those of the F&A Committee, the Advisory Committee and the Budgetary Sub-committee. Japan confirmed this intention, including the possibility of admitting the press to the plenary of the Scientific Committee. Denmark, Norway, Dominica, Antigua and Barbuda, the Netherlands, and Germany expressed sympathy for the proposals but could not agree to them. The UK and Denmark commented that the reports of all the Committees were confidential until they were delivered to plenary and drew attention to the fact that admitting the press would undermine this confidentiality. Dominica raised security concerns about the proposals. Antigua and

Barbuda asked for a complete review of the policy of allowing press into the Plenary and requested this be placed on the agenda of next year's F&A Committee meeting.

The Secretariat noted that the admission of press to Committees and Sub-committees could create a need for larger meeting halls and increased security, with associated cost implications. The USA believed the proposals would also undermine the effectiveness of the technical Working Groups.

The Chair proposed the Committee report that the matter was considered but that no agreement was reached. Japan was content with this but registered its intent to present this proposal formally to the Plenary.

3.1.6 Need for a Technical Committee

The Chair noted that, as at IWC/52 and IWC/53, no provision had been made for the Technical Committee to meet during IWC/54. At last year's meeting the Commission had agreed to keep the need for a Technical Committee under review. Norway agreed that there is no immediate need for a Technical Committee under present circumstances. This will however, change if and when the IWC is to resume its functions as a management organisation. Therefore, Norway considered the present arrangements to be satisfactory. The issue will remain on the agenda for future meetings. It was noted that if the present arrangements continue there may be a need to change the Rules of Procedure.

3.1.7 Some thoughts on Admittance of Academics as Observers to Annual Commission Meetings

The Secretary explained that most years the Secretariat receives requests from academics and students to attend the IWC as independent observers. She introduced some 'thoughts' on how students and academics could be admitted (outlined in IWC/54/F&A9) and drew the meeting's attention to the action required at the bottom of IWC/54/F&A9.

Norway considered that the academic scrutiny of the IWC's work sought by the Advisory Committee could be more easily achieved by allowing academics and students access to the IWC's archives in Cambridge. The USA voiced similar views. No country spoke in favour of admitting such of observers.

3.2 Membership of the Budgetary Sub-committee

The Chair invited Dr Plé, the Chair of the Budgetary Sub-committee, to present the Sub-committee's proposed Membership Rota for the Budgetary Sub-committee and asked the F&A Committee's support for these recommendations.

Norway supported the Budgetary Sub-committee's proposal of a Membership Rota, but could not accept the awarding of a second 'permanent seat' in the Budgetary Committee to the USA under the present contributions scheme, as Norway is at present the second biggest contributor to the Commission. Norway further noted that if a new contribution system or an interim system is not adopted at this year's Commission Meeting there is no reason to give preferential treatment to the countries in Group 4, and Groups 3 and 4 should be merged.

The UK and Denmark supported the proposal, although the UK qualified its support regarding the four country groupings being used elsewhere on the understanding that this grouping was not used for any other purpose in the

IWC. There were no further comments so the F&A Committee agreed to recommend the adoption of the rota as proposed (subject to the reservations stated). The proposed rota is provided in Appendix 5.

3.3 Secretariat staff matters

The Secretary introduced document IWC/54/F&A4 explaining the need to replace the Secretariat's Executive Officer, when he leaves the IWC in August 2003. The Secretariat proposed to replace the Executive Officer with two posts, Head of F&A and Information Officer. The change would be cost neutral. The Secretary outlined the proposed recruitment timetable and framework in IWC/54/F&A4 and requested that the Committee recommend to the Commission that it agree to the proposals put forward. The Secretary also noted that in view of discussions within the Budgetary Sub-committee regarding reducing expenditures, it now proposes to delay the appointment of the Head of F&A by one month, and the Information Officer by four months.

Germany supported by Japan queried how it would be possible to replace one person with two in a cost neutral manner over time. The Secretary referred to Addendum 1 of IWC/54/F&A4. The Chair proposed forwarding the proposals for replacing the Executive Officer to the private Commissioner's meeting on Sunday 19th May. The Committee agreed.

3.4 Amendments to the Rules of Procedure

3.4.1a Scientific Committee Rules of Procedure – Developing countries

The Chair explained that at IWC53 the Commission agreed that the proposed new Scientific Committee Rule of Procedure A.6(i) concerning participation of developing country scientists be put forward for formal adoption in Shimonoseki to comply with the required 60 day notice period. He reported that this new rule of Scientific Committee procedure was formally agreed at this year's Scientific Committee meeting. The Chair noted that the new rule, which had been endorsed by the F&A Committee last year, could now be put forward for formal adoption and take effect for the 2003 meeting. The Committee agreed.

3.4.1b Scientific Committee Rules of Procedure – Regarding appointment of Chair and Vice-Chair

The Chair noted that the Scientific Committee had proposed amendments to its Rules of Procedure regarding (1) the appointment of the Committee Chair and Vice-Chair; and (2) the need for heads of delegation and any alternates to be indicated in countries' nominations to the Scientific Committee. The F&A Committee was invited to endorse these recommendations and forward them to the Commission. The Chair drew attention to the proposals set out in an extract from IWC/54/4.

Japan was concerned with the proposal that the results from secret ballots would only be reported in terms of which nominee received the most votes and that the vote count would not be reported or retained. It suggested deleting this part of the proposal. Grenada, St. Lucia, Panama, Dominica, Norway, Guinea, Ireland, Antigua and Barbuda, Iceland and Solomon Islands agreed. The Japanese amendment would have the effect of disclosing the result of the ballot.

The Netherlands inquired why a secret ballot was necessary. Dr. Zeh, Chair of the Scientific Committee,

explained that any Chair and Vice-Chair of the Scientific Committee needed to carry the confidence of their colleagues, that election of Chair and Vice-Chair should not be a political matter and that participating scientists should not feel under pressure from their Government to vote in any particular way. A secret ballot would ensure this. The Netherlands, USA, South Africa, Brazil, Monaco, Germany, Mexico, Oman, Switzerland, Austria, Sweden, Spain and Finland all accepted the need for a secret ballot without disclosure of the vote numbers.

The Chair observed that the F&A Committee was evenly divided on this issue, but that since the need for another election was unlikely to arise in the next three years (given that the Scientific Committee had just elected a Chair and a Vice-Chair) proposed that the issue be referred back to the Scientific Committee for further consideration.

The Scientific Committee had also proposed amendments to its Rule of Procedure A.1. The F&A Committee agreed that these should be put forward to the Commission for endorsement and formal approval at IWC55 (given that the required 60 day notice had not been given). The proposed text with new text in bold italics, is given below.

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.

3.4.1c Rules of Procedure F.1 and G.1 – election of Chair and Vice-Chair of the Commission

The Chair explained that Japan had submitted proposals for amendment of the Commission Rules of Procedure F.1 and G.1. He noted the purpose of the Japanese amendment was to widen the pool of people who might be elected as Chair or Vice-Chair of the Commission.

3.4.1 F&A Committee discussions and recommendations

The Japanese amendment was supported by St Lucia, Denmark, Antigua and Barbuda and Oman. Australia, with Ireland, voiced concerns, stating that if Contracting Governments wanted somebody to be elected as Chair they should first nominate them as Commissioner. Monaco, Iceland and the Netherlands stressed the need for the Chair to be a person of international standing: an Alternate Commissioner without such standing would therefore not be elected. Monaco, Iceland and The Netherlands said that when an Alternate Commissioner was elected as Chair, this automatically meant he was a person of international standing.

Denmark observed that the effect of the Japanese amendment might be contrary to the Convention itself, which would render the amendment invalid. The Chair undertook to report to the Commission the division of opinion over this issue and the caution raised by Denmark. Japan indicated that it would consider Denmark's comments when deciding whether it would take its amendments forward to the Plenary.

4. FORMULA FOR CALCULATING CONTRIBUTIONS

4.1 Report of the Contributions Sub-committee

Mr Daven Joseph (Antigua and Barbuda), Chair of the Contributions Sub-Committee, introduced the Sub-committee's report (IWC/54/F&A5), and drew the attention of delegates to several portions of the report, including the six recommendations in bold text. The Chair proposed to consider these in turn.

4.2 F&A Committee discussions and recommendations

4.2.1 Recommendation 1

'For the purposes of calculating financial contributions, the size of the delegation of a host country should be assessed using an average of their delegation size over the previous three years.'

The F&A Committee agreed that this recommendation be put forward to the Commission for endorsement.

4.2.2 Recommendation 2

'The IWC Chair should not be included in his/her delegation for the purposes of calculating financial contributions.'

The F&A Committee agreed that this recommendation be put forward to the Commission for endorsement.

4.2.3 Recommendation 3

'That Models 7 and 8 are the two models that should form the basis of further consideration in finalising the new contributions scheme.'

The F&A Committee agreed that this recommendation be put forward to the Commission for endorsement.

4.2.4 Recommendation 4

'That the F&A Committee instruct the Task Force to consider the definition of whaling with respect to how it may be applied in any future contributions scheme, taking into account the definition of consumptive use, and propose how it could be weighted in any final contributions scheme.'

This point was discussed at length. Japan noted this recommendation should refer to 'non-consumptive' use as well as 'consumptive use'. Mexico queried whether it was suitable for the Task Force to be asked to define 'whaling'. The Chair suggested compromise language that avoided explicit reference to consumptive use. This was supported by the Chair of the Contributions Sub-committee and Japan, who also noted that if Contracting Governments recognised whalewatching as a part of the IWC's competence, then it should be reflected in the assessment of contributions. South Africa, and Solomon Islands supported Japan in asking for a more explicit reference to whalewatching. Australia noted that, should the Commission accept Australia's view that the Commission has competence in this area, then the Task Force could be asked to consider whale watching. Japan also argued that NGOs held ample records on whalewatching to be able to provide assessments of its value and worth.

The UK, supported by Brazil and the USA, argued that, given the Commission had not yet formally accepted competence for whalewatching, it was unacceptable for this activity to be included in any contributions formula. The USA also noted that since most whalewatching operations included small cetaceans and, given that the Commission

was divided over its competency in this issue as well, whale watching should not be considered in any contribution formula. Japan noted that if a Contracting Government recognised whalewatching as a part of the IWC's competence, then that Contracting Government should pay its contribution on the basis of an assessment which includes whalewatching as a factor. Brazil recommended the establishment of a wider dialogue within the Commission regarding non-consumptive use.

Norway, supported by Germany and Monaco stressed that IWC/54/F&A5 was merely a record of discussion. They considered that permitting a reference to whale watching should be unproblematic if whalewatching had, indeed, been raised in the discussion. Monaco, the Netherlands and the Solomon Islands noted that, since discussion of whalewatching already placed a financial burden on the Secretariat, it should be reflected in discussions on financial contributions – regardless of whether the IWC accepted competence. They also argued for a sharper focus on how whaling should be assessed in any final contributions scheme. Brazil strongly disagreed, noting that other matters of importance to Contracting Governments also have financial implications in the routine work of the Commission. The UK, supported by the USA, stated that consumptive use of small cetaceans should also be factored in if non-consumptive use were to be included.

The Netherlands, supported by Monaco, South Africa, Oman, Brazil and Germany, proposed requesting the Task Force to develop two formulas: one building whale watching into the contributions formula, the other leaving it aside. The USA and Australia gave this qualified support, noting Australia's earlier point regarding competence, but requested the use of contributions formulas including the use of small cetaceans.

After further discussion it was agreed to revise the proposal as follows.

'That the F&A Committee instruct the Task Force to consider how whaling should be described, taking into account the following points.

- the difference between ASW and other whaling is a matter of scale;
- that there is no rational difference between ASW and other whaling;
- for ASW the primary purpose is subsistence rather than profit;
- all whaling is equal;
- whaling includes all whaling that has an economic return thus the definition includes commercial, scientific and bycatch;
- local use should be treated differently to commercial use;
- scientific whaling contributes valuable data to the IWC; and
- bycatch is not whaling;

and propose how whaling could be weighted in any final contributions scheme.'

It was also agreed that the Task Force include proposals both including and excluding each of whale watching and small cetaceans.

4.2.5 Recommendation 5

'The F&A Committee consider the two main views that exist on the proposal for an Interim Measure: one view is support for an 'interim measure' and its immediate introduction, and the other view is that any consideration of an 'interim measure' is premature as the finalisation of the new contributions scheme is in sight.'

Antigua and Barbuda pushed for adoption of an interim measure on contributions because an interim solution was needed to provide relief for developing countries struggling

to meet their financial obligations. The Republic of Guinea, St. Kitts and Nevis, Dominica, Norway, Grenada, St. Lucia, Panama, Solomon Islands, Korea, Iceland and St. Vincent and the Grenadines associated themselves with the position of Antigua and Barbuda.

The UK, in response, noted that the adoption of an interim position would create a disincentive to completing a final contributions formula. The UK, with Australia, Switzerland, Germany, Austria, Spain, Mexico, Finland, USA, Ireland, Monaco, and New Zealand believed that, with goodwill, it would be possible to reach agreement and bring forth a proposal to the Commission next year. The Chair noted there was a roughly equal balance of opinion.

The F&A Committee agreed to forward the recommendation to the Commission, but without any formal recommendation.

4.2.6 Recommendation 6

'That the F&A Committee agree to the proposal (for an Intersessional meeting) outlined in Appendix 4 of the Contributions Sub-Committee report.'

The meeting endorsed this without comment and agreed to put it forward to the Commission. The proposal is provided in Appendix 6 of this report.

The Chair thanked Mr Joseph for his work.

5. FINANCIAL STATEMENTS AND BUDGETS

5.1 Review of the Provisional Financial Statement, 2001/2002

5.1.1 Report of the Budgetary Sub-committee

Dr Plé presented the Provisional Financial Statement for 2001/2002 which the Budgetary sub-committee had reviewed and forwarded for approval. The F&A Committee recommended that the statement be approved subject to audit (Appendix 7).

5.1.2 Secretary's report on the collection of financial contributions

The Executive Officer presented IWC/54/F&A6. He noted the aim of the document was to give more prominence (within a closed committee) to the situation regarding arrears of contributions to the IWC. He noted that two Governments had paid since the document was drafted and two others had indicated that payment is forthcoming. He also noted that it is possibly not a coincidence that the timing of the Annual Meeting this year means that the penalty of automatic suspension of voting rights for non-payment (Financial Regulation F.3.) does not take effect until after the end of the Annual Meeting.

5.1.3 F&A Committee discussions and recommendations

There was consensus that this report (IWC/54/F&A6) was a useful way of handling the issue.

In the document, the Secretariat had suggested that action could be taken by the Chair of the Commission to contact present and former members at a diplomatic level to urge payment as a matter of urgency. Similar action could also be taken by individual governments on a bi-lateral basis. Alternatively, or in addition, the Commission as a body could appeal to the governments concerned to pay their arrears. It also noted that on occasions in the past, the Commission has urged all Contracting Governments to take steps to ensure the early payment of their contributions. (*Rep. int Whal. Commn.*39:27 and *Rep. int.*

Whal. Commn 41:32). This has been effective (and some governments continue to follow this practice which is helpful for the organisation's cash flow). It may be timely to re-emphasise the value of making payments early in the financial year. No Contracting Government made any comment or recommendation regarding ways of encouraging the repayment of arrears.

5.1.3.1 INVITED PARTICIPANTS TO THE SCIENTIFIC COMMITTEE

The Chair noted document IWC/54/F&A8 listing the scientists invited to participate in the Scientific Committee. There were no comments made.

5.2 Consideration of estimated budgets, 2002/2003 and 2003/2004, including the budget for the Scientific Programme

5.2.1 Report of the Budgetary Sub-committee

Dr Plé introduced the budgets for 2002-03 and 2003-04 as proposed by the Budgetary Sub-Committee and detailed in its report (IWC/54/F&A3).

5.2.2 F&A Committee discussions and recommendations

There were four areas for action arising.

5.2.2.1 RESEARCH EXPENDITURE

Dr Plé outlined the proposals for Research Expenditure put forward by the Scientific Committee. These had been reduced from the Committee's preferred funding level and then further reduced in response to the attempt to achieve a 5% saving overall. The Chair of the Scientific Committee had expressed the hope, on behalf of the Scientific Committee, that those environmental projects affected by proposed budget reductions would be supported by individual member governments.

Brazil, with support from South Africa and a number of other countries, registered its disagreement with the extent of cuts in the budget line for Invited Participants in the Scientific Committee. Budget cuts prevented the emergence of new younger scientists with considerable expertise. They requested a solution be worked out between now and Plenary that could accommodate their concerns and restore the budget. The Chair of the Scientific Committee sympathised with the points made by Brazil and South Africa and applauded the work of the invited scientists, but said she could not see where further cuts could be made elsewhere in order to help maintain the invited participants budget.

Antigua and Barbuda, with support from Japan, Norway and Dominica, argued that the negative effect of these budgets cuts on developing countries should not be considered until the effect of the current contributions regime, which was prohibitively costly for poorer countries, had been considered. Japan observed that the most urgent need was for an interim contributions regime for Group 1 countries.

Brazil, supported by South Africa, thanked the Chair of the Scientific Committee for her efforts to reach an agreeable research expenditure proposal but wished to record its standing concern regarding the cuts for Invited Participant funding, and its hope that the matter could be kept under review. The Chair agreed to report that view on behalf of the whole Committee.

5.2.2.2 BUDGETS FOR 2002-3 AND 2003-4

The F&A Committee recommends approval of the reduced research expenditures of £243,445 for 2002-2003 (Appendix 8).

The Budgetary Sub-committee had considered the budget for 2002-03 and the forecast for 2003-04 in the light of the urgent need to eliminate deficits. It concluded that:

- (1) the Commission should adopt a process, beginning with the year commencing 1 September 2002, to bring income and expenditure into better balance; eliminate deficit budgets within 3 years by considering both increases in the level of Contracting Government Contributions, and short- and long-term reductions in the level of expenditure;
- (2) it should take action on one or more of a number of short- and long-term proposals to reduce expenditures;
- (3) for the 2002-2003 and 2003-2004 budgets, the increase in individual contributions should be 3% annually and overall reductions in expenditure should be at least 5% annually;
- (4) recommend that the registration fee for non-government observers be increased from £525 to £550 for the annual meeting in 2003;
- (5) adopt the budget for the 2002-2003 financial year, as proposed; and
- (6) note/comment upon the Forecast Budget for 2003-2004 (as presented in Appendix 9).

The Budgetary Sub-committee had considered ways and had identified various proposals aimed at reducing expenditure, recognising that each has advantages and disadvantages:

- reduce the number of intersessional meetings;
- hold special meetings back to back with annual meetings;
- reduce the length of annual and associated meetings;
- hold meetings of the Scientific Committee, Working Groups, and/or the Commission bi-annually; as a variation, a short annual meeting can be held between full-scale annual meetings;
- review Working Groups to determine if it is necessary that they meet every year;
- reduce research expenditure and workload by improved priority setting;
- when a sub-group meets intersessionally, it should report directly to the Commission when appropriate;
- advanced submission of documents, e.g. 6 weeks prior to annual meetings, to improve preparation and promote more informed discussion (thus reducing meeting time);
- reduce the funding available for Invited Participants to attend the Scientific Committee.

Much discussion followed. Many countries, Norway, Mexico, Oman, Monaco, Germany, Denmark, Guinea and New Zealand strongly endorsed the general thrust of the proposals, particularly reducing length of meetings and possibly holding Plenary meetings bi-annually. However there were nuances to these views, with different emphases in evidence. Mexico, supported by Brazil, placed a reservation on endorsing reductions in funding for developing country Invited Participants. Guinea suggested that a reduction in the contributions for developing countries would lead to more participation and greater total

income for the IWC. Antigua and Barbuda and Denmark stipulated they could not agree to bi-annual meetings until after the agreement of an RMS.

Antigua and Barbuda also argued that 'industrial' organisations like the IWC should be able to call upon the industry itself for funding, but the IWC had stopped whaling and so there was no industry left. Antigua and Barbuda also contrasted the incomes of anti-whaling NGOs with the fees they paid to observe at IWC meetings.

St. Vincent and the Grenadines later supported by Antigua and Barbuda, requested estimates of the savings that could be achieved by the measures set out above. Norway suggested this cost-benefit analysis should run in tandem with actioning the proposals and asked for immediate implementation of the measures and a 0% (absolute, not real terms) increase in the 2002/3 IWC budget. Denmark noted the severity of the cuts being proposed which, allowing for UK inflation, would amount to a 7.5% cut in real terms.

St. Vincent and the Grenadines then raised the possibility of a Contracting Government providing headquarters for the IWC Secretariat and questioned whether holding all annual meetings near Cambridge would reduce costs? The Executive Officer replied that the host government, not the IWC, bore the additional cost of holding meetings outside the UK. Only reducing the length of the meeting itself would achieve genuine cost savings.

There was a discussion about making administrative savings at the Secretariat. The Secretary reminded the floor that cutting administrative costs meant cutting staff which in turn would require reduction in functions. She also noted that IWC membership was consistently increasing with the result that the discussion about finances was a dynamic one. Mexico, with support from Germany, requested that the provisional contributions of newly adhered members be used to reduce contribution increases for current members from 3% to 0%. A rapid check of the figures confirmed this would probably be the effect of recalculating to take into account the changes in membership.

Concerning the bullet-points above, a majority of nations advocated taking out the bullet regarding reductions in the Invited Participant budget.

In relation to (1) above Norway requested the replacement of 'within 3 years' with 'as soon as possible'. Antigua and Barbuda requested the addition of 'and NGOs' following 'Contracting Governments' in action point 1. The point was amended to read:

'Adopt a process, beginning with the year commencing 1 September 2002, to bring income and expenditure into better balance, eliminate budget deficits *as soon as possible* by considering both increases in the level of Contracting Government *and* NGO contributions, and short- and long- term reductions in the level of expenditure.'

This amended wording was then agreed.

(2) was amended to read

'Take action on one or more of the short- and long-term proposals to reduce expenditures, *with particular emphasis on the duration and frequency of meetings.*'

On point (3) the Chair proposed an amended form reading:

'For the 2002-3 and 2003-4 budgets, any increase in individual contributions should *be no more than is necessary to maintain approved budget levels*'.

The USA, St. Vincent and the Grenadines and Norway registered their opposition to any note of increases in

Contracting Government contributions. Norway indicated its preference for having a 3% reduction in member countries contributions, but could accept a 0% increase in absolute terms. St. Vincent and the Grenadines proposed removing point (3). The Chair noted that, in practice, due to Mexico's suggestion regarding new adherents, no increase in contributions was likely to be required. Germany, Denmark, Austria and Norway supported the Chair. Action point (3) was approved with the Chair's amendments.

Antigua and Barbuda observed that several NGOs had considerable financial resources and proposed increasing the contribution for NGOs to £5,000 rather than the £550 recommended by the Budgetary Sub-committee. Much debate ensued about the appropriate level of increase of NGO contributions.

The Committee was unable to reach a consensus. Two distinct positions emerged. One group, led by the USA, Switzerland and the UK rejected large increases in NGO contributions, stating that such a move ran counter to principles of fairness and transparency and could deprive the Commission of substantial income. Other countries including Denmark, Germany, Ireland, New Zealand, Switzerland and Australia supported retaining the proposed £25 increase. Most countries indicated, however, that they agreed there should be a Secretariat review of future NGO fees.

Another group of nations argued for larger increases in NGO contributions, although few supported Antigua and Barbuda's original proposal. St. Vincent and the Grenadines, Monaco, Japan and the Netherlands spoke in favour of this viewpoint. In response to questions concerning the fee charged to non-member Government observers, the Secretariat stated that the fee for observer countries was £800 per attending delegate per meeting. Several countries felt this would be an appropriate fee for NGO observers.

The USA suggested that if Contracting Governments wished to raise income from NGOs then it could be increased by allowing NGOs to send more than one delegate and charging them for each one, perhaps with a 'super levy' for additional attendees to cover the administrative costs of such a move. The UK suggested that if NGO fees were to be the subject of a review to raise income, the same might also be applied to media/press fees.

The Chair asked for an indication of support for the original proposal from the Budgetary Sub-committee. Around half of Contracting Governments supported this but there was not a clear majority.

Ireland proposed agreeing to a £25 increase (as recommended by the Budgetary Sub-committee) on the condition that a review of NGO contributions was set in process. There was no majority support for this either.

Monaco proposed that the F&A Committee recommend increasing the NGO contribution to £650 and undertaking a review of NGO contributions. Around half of Contracting Governments supported this proposal but there was not a clear majority.

The Chair undertook to report to the Commission that there was no agreement on any of the proposals; and that therefore the Sub-committee's original suggested increases should be formally proposed as a basis for any further plenary discussion of the issue.

The F&A Committee recommends that the Commission:

'Adopt the budget for the 2002-2003 financial year, individual contributions should decrease 0.8%; for the 2003-2004 budget (Appendix 9) individual contributions should increase no more than necessary to maintain approved budget levels; overall reductions in expenditures for the 2002-2003 and 2003-2004 budgets should be at least 5% annually.'

The Committee formally recommends that the Commission adopt the budget.

5.2.2.3 BUDGETARY SUB-COMMITTEE

'ACTION ARISING: the Sub-committee recommends adoption of the proposed rota system to begin with the 2002-2003 budget year as shown in Appendix 5.'

Norway placed a reservation on this recommendation which, when amended, read:

'The Sub-committee recommends adoption of the proposed rota system to begin with the 2002-2003 budget year as shown in Appendix 5 with the reservation made by Norway as to the identity of the highest paying contributors that would be invited to be permanent members of the Sub-committee.'

This was agreed as amended.

5.2.2.4 OTHER BUSINESS

The Sub-committee had agreed that the idea proposed by the USA to shorten the time allowed for payment² had merit and should be considered further in the Finance and Administration Committee.'

The action relating to this idea was approved without comment.

6. ARREARS OF FINANCIAL CONTRIBUTIONS

6.1 Report and proposals from the Secretariat

The Chair introduced document IWC/54/F&A7, a report from the Secretariat regarding proposals for amendments of the Rules of Procedure and Financial Regulations relating to arrears of contributions. The Chair focused attention on the summary of action proposals found on page 30 of the document.

6.2 F&A Committee discussions and recommendations including amendments to Rules of Procedure and Financial Regulations

Mexico requested clarification that the proposed amendments to the Rules of Procedure would ensure that new Contracting Governments would not be able to vote at Commission meetings if they had not yet paid their contribution. The Secretariat confirmed that Contracting Governments could only vote if they have paid their contribution and referred Mexico to page 5 of the document and the supporting text to the proposed new rule E.2.(b). The Chair recognised there was agreement on the principle of countries having to pay before they vote. The proposals of the Secretariat in Document IWC/54/F&A7 were made up of 11 action points (next page), which were considered in turn.

Action Point	Rule/Regulation	Existing	Effect of changes proposed by the Secretariat
1	F.R. F.1	Applies compound interest at 10%.	10% penalty in 1st year followed by compound at base + 2% pa.
2	F.R. F.5.	N/a	New Regulation: No further annual contributions to be charged for CGs in arrears for more than 3 years. Interest continues to be applied annually.
3	F.R. F.5.	N/a	3 possible additional clauses: CG permitted to attend meeting (ex. vote) on payment of fee per delegate; Mechanism to facilitate return to full participation; Interest to accrue indefinitely.
4	F.R. F.5.	N/a	Chair of Commission to make high-level representation to CGs affected by F.5.
5	F.R. F.2.	Withholds documents.	Delete.
6	R.o.P E.2. and F.R. F.3.	Automatically suspends right to vote for non-payment 3 months after due date.	Automatically suspends right to vote for non-payment 3 months after due date or before 1st day of Annual or Special Meeting.
7	R.o.P E.1.	Each Commissioner shall have the right to vote	No change (but see E.2.(a)) below.
8	R.o.P E.2.	(As above – Action point 6).	Re-number as E.2(a).
	R.o.P. E.2.	N/a	New Rule E.2(b): New CG shall not vote unless the first payment has been made.
9	F.R. E.3.	New CG liable to pay full contribution if adherence is in 1st half of year but only half if adherence is in 2nd half. Due date defined as 6 months from adherence.	(Alternative 4) No change. Due date 6 months from adherence or before the first day of any Annual or Special Meeting
10	F.R. F.4.	The Secretary shall report at each Annual Meeting the position as regards the collection of annual payments.	No formal measures proposed. Secretariat & F&A Committee to give more prominence to reporting and discussion of outstanding contributions.
No action point	-	-	No formal measures proposed. Two steps identified: (a) Freeze debts at existing level (i.e. no further contributions or interest for the 4 Governments with the greatest arrears); (b) Commissioners to consider in principle, writing off part of those debts. The Secretariat considers that these issues should be discussed within a private Commissioner's meeting.
11	F.R.F.6.	N/a	New regulation: A former CG with arrears which re-adheres is immediately subject to provisions of R. o. P & F.R. i.e. to interest and suspension of the right to vote.

²The USA raised the suggestion of shortening the period before the due date that member government contributions should be paid. Under the current system, invoices are submitted by the Secretariat in September with payment due by 28 February, six months later. This extended period gives rise to the need for a substantial General Fund to cover expenses until member contributions for the current year are received. The USA noted that the Commission for the Conservation of Antarctic Marine Living Resources changed its due date for member contributions for similar reasons. The USA acknowledged that this proposal might prove difficult for some members of the Commission, but believed the idea was worthy of further consideration.

Action point 1

Japan, supported by Antigua and Barbuda, raised its objection to the 10% penalty in the first year highlighted under Action point one, arguing that if the Secretariat were bringing forward the date at which countries in arrears must pay interest, then the penalty interest rate should be reduced. The Chair ruled that this matter would arise only if it was separately decided to bring forward the date of payment. The Chair noted that the proposal was less onerous than existing practice. Action point one was agreed without further comment.

- **the F&A Committee recommends to the Commission that Financial Regulation F.1. be amended as follows:**

From	To
<p>F.1. If a Contracting Government's annual payments have not been received by the Commission by the due date referred to under Regulation E.2. compound interest shall be added to the outstanding annual payment at a rate of 10% per annum with effect from the day following the due date and thereafter on the anniversary of that 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.</p>	<p>F.1. If a Contracting Government's annual payments have not been received by the Commission by the due date referred to under Regulation E.2. a penalty charge of 10% shall be added to the outstanding annual payment on the day following the due date. <i>If the payment remains outstanding for a further 12 months</i> 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.</p>

Action point 2

The USA registered its opposition to the proposal, arguing it created two distinct groups of Contracting Governments. The USA proposed that contributions continue to be charged in full, even for countries heavily in arrears. With support from Germany, Antigua and Barbuda and Norway, they requested the Secretariat to write to Contracting Governments in arrears asking if they intended to remain members of the IWC. Debate ensued regarding who should be responsible for pursuing countries in arrears, the Depository state, the Secretariat, or the Chair of the Commission? It was agreed that the Chair of the Commission should be responsible. The Secretariat explained the purpose of Action point 2 was to avoid a repetition of the situation with Kenya, Senegal and Costa Rica, where countries had built up huge unpaid arrears.

On a show of hands, only five nations supported the Secretariat's proposals in Action point two.

Action point 3

This was withdrawn by the Secretariat following the rejection of action point two.

Action point 4

Agreed without dissent.

- **the F&A Committee recommends to the Commission that, from time to time, the Chair of the Commission should make representations to the Government(s) concerned, explaining the limited options that exist and urging a resolution to the problem of the arrears.**

Action point 5

Agreed without dissent.

- **the F&A Committee recommends to the Commission that Financial Regulation F.2 be deleted.**

Action point 6

The USA requested the reference to Special Meetings be deleted. The effect of a special meeting (at which votes can be cast) would mean countries would have to pay their assessments much earlier in the financial year than they had planned, or lose the right to vote. Ireland proposed adopting the recommendation unchanged. This was agreed without dissent.

- **the F&A Committee recommends to the Commission that Rule of Procedure E.2 and Financial Regulation F.3 be amended as follows:**

From	To
<p><u>Rule of Procedure</u> E.2. The right to vote of representatives of any Contracting Government whose annual payments, including any interest due, have not been received by the Commission within 3 months of the due date prescribed by Regulation E.2. of the Financial Regulations, shall be automatically suspended until payment is received by the Commission, unless the Commission decides otherwise.</p>	<p><u>Rule of Procedure</u> E.2. The right to vote of representatives of any Contracting Government whose annual payments, including any interest due, have not been received by the Commission within 3 months of the due date prescribed by Regulation E.2. of the Financial Regulations or by the day before the first day of the next Annual or Special Meeting of the Commission following the due date, whichever occurs first, shall be</p>

Financial Regulation

F.3. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission within 3 months of 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.

automatically suspended until payment is received by the Commission, unless the Commission decides otherwise.

Financial Regulation

F.3. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission within 3 months of the due date or **by the day before the first day of the next Annual or Special Meeting of the Commission following the due date, whichever occurs first**, the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2. of the Rules of Procedure.

Action point 7

Agreed without dissent

- **The F&A Committee proposes that no action is taken with respect to Rule of Procedure E.1. but that the Commission concentrate on a possible new E.2.(a) (as follows).**

Action point 8

Agreed without dissent

- **the F&A Committee recommends to the Commission that:**
 - **existing Rule of procedure E.2. be re-numbered E.2.(a)**
 - and**
 - **a new rule be introduced as E.2.(b) as follows:**

E.2.(b) The Commissioner of a new Contracting Government shall not exercise the right to vote either at meetings or by postal or other means unless the Commission has received the Government's financial contribution or part contribution for the year prescribed in Financial Regulation E.3.

Action point 9

Mexico sought clarification on the four proposals listed by the Secretariat on pages 6 and 7 of IWC/54/F&A7. The Secretariat noted they were recommending option number four. The USA questioned whether it was fair for nations to have to pay 6 months fees if they joined with only one month remaining of the financial year? They accepted this was not a major issue and the point was agreed without further comment.

- **the F&A Committee recommends to the Commission that Financial Regulation E.3 be amended as follows.**

From

E.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 shall be defined as 6 months from the date of adherence to the Convention. If any new Contracting Government's first payment has not been received by the due date, the provisions of Regulation F.1. shall apply immediately and regulations F.2. and F.3. on the expiration of the appropriate period thereafter.

To

E.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 shall be defined as 6 months from the date of adherence to the Convention or before the first day of its participation in any **Annual or Special meeting of the Commission whichever is the earlier.**

Subsequent annual payments shall be paid in accordance with [existing] Financial Regulation E.2.

Action point 10

Agreed without dissent. See 5.1.2 and 5.1.3 above.

Section C

Noted (no action required).

Action point 11

Agreed without dissent

- **the F&A Committee recommends to the Commission that it adopt the following new Financial Regulation F.6.:**

Financial Regulation

F.6. Unless the Commission decides otherwise, a Government which adheres to the Convention without having paid to the Commission all its financial obligations incurred during a previous membership 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.

The meeting asked for the Chair to recommend the Commission approve the action points agreed above.

7. OTHER MATTERS

7.1 Future of the Advisory Committee.

As this Item is already on the Plenary agenda (17.4), Antigua and Barbuda indicated that it would hold over its comments on this issue until that time.

Denmark offered its thanks to the Chair for his speedy and efficient Chairing of the Group.

8. ADOPTION OF THE REPORT

The Report was adopted on 18 May.

Appendix 1

LIST OF DELEGATES

ANTIGUA & BARBUDA

Daven Joseph (C)
Nigel Lawrence

AUSTRALIA

Conall O'Connell (C)
Nicola Beynon
Robyn Bromley
Pamela Eiser
Stephen Powell

AUSTRIA

Andrea Nouak (C)
Michael Stachowitsch

BENIN

Bentole Yaba (C)

BRAZIL

Regis Pinto de Lima
Jose Palazzo

DENMARK

Henrik Fischer (C)
Amalie Jessen
Palle Uhd Jepsen

DOMINICA

Harold Guiste (C)
Lloyd Pascal

FINLAND

Esko Jaakola (C)

GERMANY

Peter Bradhering (C)
Marlies Reimann

GRENADA

Justin Rennie

REPUBLIC OF GUINEA

Mohammed Moustapha Ly (C)
Amadou Telivel Diallo
Ginette Turpeau Parres

ICELAND

Stefan Ásmundsson
Ragnar Baldursson
Thomas Heidar
Hulda Lilliendahl
Kristján Loftsson
Gisli Vikingsson

IRELAND

Chris O'Grady (C)
Peter Brazel

JAPAN

Dan Goodman
Yasuo Iino
Masayuki Komatsu
Joji Morishita
Takanori Nagatomo
Kayo Ohmagari
Midori Ota (I)
Takaaki Sakamoto
Akiko Tomita (I)
Toshiharu Tarui

KOREA, REPUBLIC OF

Ki-Won Jung
Zang Geun Kim
Hyoung-Chul Shin

MEXICO

Andres Rosental (C)

NETHERLANDS

Frederik Vossenaar

NEW ZEALAND

Jim McLay (C) (Chair)
Anna Broadhurst
Mike Donoghue
Wilbur Dovey
Lucy Duncan
Alexander Gillespie
Gina Lento
Barbara Maas
Kevin Smith

NORWAY

Odd Gunnar Skagestad (C)
Ove Midttun
Turid Rodrigues Eusébio
Halvard Johansen
Ole Mindor Myklebust
Jan Skjervø
Silje Wangen
Hild Ynnesdal

OMAN

Hilal Ambusaidi (C)

PANAMA

Epimenides Diaz

RUSSIAN FEDERATION

Valentin Ilyashenko (C)
Rudolf Borodin
Vladimir Etylin
Olga Etylina
Gennady Inankeuyas
Valery Knyazev
Andrei Krivorotov

ST. KITTS AND NEVIS

Joseph Simmonds

ST. LUCIA

Vaughn Charles

**ST. VINCENT & THE
GRENADINES**

Frank Hester

Raymond Ryan

SOLOMON ISLANDS

Nelson Kile (C)

Sylvester Diake

SOUTH AFRICA

Herman Oosthuizen (C)

SPAIN

Carmen Asencio (C)

Santiago Lens

Luis Fernando de Segovia y
Rivacoba**SWEDEN**

Bo Fernholm (C)

Stellan Hamrin

SWITZERLAND

Thomas Althaus (C)

Martin Krebs

UK

Richard Cowan (C)

Jill Barrett

Rob Bowman

Geoff Jasinski

Laurence Kell

John Murton (Rapporteur)

Iain Orr

Mark Simmonds

USA

Rolland Schmitt (C)

Nancy Azzam

Roger Eckert

Jean-Pierre Plé

SECRETARIAT

Nicky Grandy

Martin Harvey

Appendix 2**LIST OF DOCUMENTS****Commission documents**

IWC/54/4 (Extract from the) Report of the Scientific Committee.

IWC/54/16 Financial Statements.

Finance and Administration Committee documents

IWC/54/F&A

1 Proposed Changes to Formats for Opening Statements and Commission Documents

2 Improved Guidance on Credentials

3 Report of the Budgetary Sub-committee

4 Secretariat Staff Matters: Proposals for Replacing the Executive Officer

4 Addendum to IWC/54/F&A4: Projected Cost Ranges

5 Report of the Contributions Sub-committee

6 Secretary's Report on Collection of Financial Contributions

7 Arrears of Contributions: Secretariat Report and Proposals for Amendments to the Rules of Procedure and Financial Regulations

8 Invited Participants to the Scientific Committee 2002

9 Some thoughts on Admittance of Academics as Observers to Annual Commission Meetings

10 Revised proposal regarding guidance on who is authorised to issue credentials

11 Revised wording regarding the submission of meeting documents

Other documents:

Relevant extracts from Scientific Committee's reports and proposed new Rules of Scientific Committee.

Appendix 3

AGENDA

1. Introductory items
 - 1.1 Appointment of Chairman
 - 1.2 Appointment of Rapporteur
 - 1.3 Review of Documents
2. Adoption of the Agenda
3. Administrative Matters
 - 3.1 Annual Meeting Arrangements and Procedures
 - 3.1.1 Verbatim Record
 - 3.1.2 Document preparation and distribution
 - 3.1.3 Improved guidance on credentials
 - 3.1.4 Determining the duration of the Annual Commission Meeting and associated meetings
 - 3.1.5 Press
 - 3.1.6 Need for a Technical Committee
 - 3.1.7 Other
 - 3.2 Membership of the Budgetary Sub-committee
 - 3.2.1 Report of the Budgetary Sub-committee
 - 3.2.2 F&A Committee discussions and recommendations
 - 3.3 Secretariat staff matters
 - 3.4 Amendments to the Rules of Procedure
 - 3.4.1 Scientific Committee Rules of Procedure - developing countries
 - 3.4.2 Rules of Procedure F.1 and G.1 - election of Chair and Vice-Chair of the Commission
 - 3.4.3 F&A Committee discussions and recommendations
4. Formula for calculating contributions
 - 4.1 Report of the Contributions Sub-committee
 - 4.2 F&A Committee discussions and recommendations
5. Financial statements and budgets
 - 5.1 Review of the provisional financial statement, 2001/2002
 - 5.1.1 Report of the Budgetary Sub-committee
 - 5.1.2 Secretary's report on the collection of financial contributions
 - 5.1.3 F&A Committee discussions and recommendations
 - 5.2 Consideration of estimated budgets, 2002/2003 and 2003/2004, including the budget for the Scientific Programme
 - 5.2.1 Report of the Budgetary Sub-committee
 - 5.2.2 F&A Committee discussions and recommendations
6. Arrears of financial contributions
 - 6.1 Report and proposals from the Secretariat
 - 6.2 F&A Committee discussions and recommendations including amendments to Rules of Procedure and Financial Regulations
7. Other matters
8. Adoption of the Report

Appendix 4

MEETING DOCUMENTS

The Secretariat should include in the guidelines it issues concerning the submission and distribution of meeting documents language along the following lines:

'The submission of extensive documents including large amounts of graphic material should be avoided as far as possible. However it is recognised that, from time to time, a Contracting Government, will wish to provide a thorough explanation of its position on one or more issues relevant to the work of the Commission. Although recognising that such documents may be lengthy, available in a full publication format and contain photographs or other material not suitable for reproduction by the

means normally available to the Secretariat, Governments should not be discouraged from providing such material.

Where a Contracting Government determines that it is important to submit such a document it is suggested that:

The Contracting Government include the official IWC reference number obtained from the Secretariat on the cover of the document and provides copies of the full document to other Contracting Governments and any other meeting participants, either directly or, through the Secretariat;

The full document should be provided no less than 6 weeks before the start of the meeting.'

Appendix 5

A PROPOSED ROTA FOR MEMBERSHIP OF THE BUDGETARY SUB-COMMITTEE

Membership to comprise: 2 members from Group 1
 2 members from Group 2
 2 members from Group 3
 Japan, USA, (Group 4)
 1 additional member from Group 4
 Secretariat

The appointment of the Chair of the Sub-committee should be handled by the Chair of the Commission and the Advisory Committee as is usual for all such appointments.

Membership to be for 2 years.

Any member which declines to serve to be replaced by the next in the alphabetical sequence in its Group.

New members to be fitted into the cycle at nearest alphabetical point after they have had a period in which to familiarise themselves with the organisation.

Provisional rota 2002-2003 to 2005-2006					
	2001-2002 Current year	2002-2003	2003-2004	2004-2005	2005-2006
Group 1	-	Antigua & Barbuda Dominica	Antigua & Barbuda } Dominica }	One of these Grenada	Guinea Grenada
Group 2	Oman	Oman Argentina	Brazil Argentina	Brazil Chile	Chile China
Group 3	Australia Norway ¹ } Denmark }	Norway Austria	Finland Austria	Finland Ireland	Netherlands Ireland
Group 4	Japan USA	Japan USA France	Japan USA France	Japan USA Germany	Japan USA Germany

¹During the course of the meeting Australia and Denmark offered to drop out and Norway agreed to remain in the Sub-committee for a further year.

Appendix 6

PROPOSAL FOR AN INTERSESSIONAL MEETING OF THE CONTRIBUTIONS TASK FORCE

GENERAL INFORMATION		
Name/description of the group that is to meet:	Contributions Task Force	
Topic for discussion:	Further development of a revised formula for calculating financial contributions	
Objectives/Terms of Reference for the meeting:	See Provisional agenda attached	
Proposed timing (give a date or time window):	10-13 December 2002	
Proposed duration (no. days):	4 days	
Indicate whether meeting to be hosted by a Contracting Government or Governments (please name), or to be arranged by the Secretariat	Arranged by Secretariat	
Proposed venue (e.g. town/city):	To be held at the IWC Secretariat Offices in Cambridge, UK	
Other (please provide any additional information you believe to be necessary – e.g. provision for the selection of a Chairman or convenor, whether invited participants will be necessary, particular background documents that should be developed):	Chair to be Daven Joseph, Antigua and Barbuda No Invited Participants	
PROVISIONAL BUDGET		
<i>Please provide information on estimated costs by completing the columns below as appropriate. Please indicate 'not applicable' for those items that are not needed for the meeting in question.</i>		
	If to be provided and paid for by the host, please tick as appropriate	Estimated (£) cost to the Commission
Meeting accommodation and security	Secretariat	0
Secretariat costs (e.g. travel, subsistence, overtime – where appropriate, provision/hiring of temporary staff, freight charges)		0
Equipment (e.g. computers, printer(s), photocopying)	Photocopier + supplies Telephone Printer, Paper, toner etc	
Audio-visual (e.g. recording, video, power point)	Not applicable	0
Preparatory visit (e.g. travel and subsistence)	Not applicable	0
Invited participants (i.e. travel and subsistence)	Not applicable	0
Other (please specify):		0
TOTAL COST TO THE COMMISSION (£)		No separate additional costs for the Commission

CONTRIBUTIONS TASK FORCE, PROPOSED INTERSESSIONAL MEETING, AUTUMN 2002 PROVISIONAL DRAFT ANNOTATED AGENDA

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Introductory Items <ol style="list-style-type: none"> 1.1 Appointment of Chairman [Daven Joseph, Antigua and Barbuda, is proposed] 1.2 Appointment of Rapporteur [The Secretariat is proposed] 1.3 Review of Documents 2. Adoption of the Agenda 3. Formula For Calculating Contributions <ol style="list-style-type: none"> 3.1 Review of Discussions and Feedback from IWC/54 <ol style="list-style-type: none"> 3.3.1 Contributions Sub-committee 3.3.2 Finance and Administration Committee 3.3.3 Plenary 3.2 Elements of a formula <ol style="list-style-type: none"> 3.2.1 Meeting attendance – Support Staff and interpreters 3.2.2 Scale for size of delegations | <p>great and would not produce anomalies within the context of the formula as a whole.</p> <p>The final band on the scale for delegation size which is currently under consideration is '23 and more'. The Task Force should consider whether this is the most appropriate arrangement and/or whether there should be an upper limit on delegation size.</p> <ol style="list-style-type: none"> 3.3 Performance criteria <p>A number of Performance Criteria have been discussed and used for working purposes within the group and others have been proposed. Some guidance and or additional ideas may be forthcoming from IWC/54. The Task Force should rationalise this material and agree a set of criteria for use in selecting a model or model(s).</p> 3.4 Selection of Model(s) and attribution of values 4. Draft Text of Proposed New Formula for Financial Contributions 5. Transitional arrangements 6. Other matters 7. Recommendations to Contributions Sub-committee 8. Adoption of the Report |
|---|--|
- At the last session in Antigua there was some discussion of the role of support staff. Some preliminary calculations suggest that the impact of removing this category – which has never been formally recognised by the Commission – would not be

LIST OF DOCUMENTS**Anticipated at 13 May 2002****TASK FORCE DOCUMENTS**

TF/DEC 2002//01 List of Documents
 TF/DEC 2002/02 Provisional Agenda
 IWC/54/TF 05 Letter concerning the intersessional meeting in Antigua, March 2002

BACKGROUND DOCUMENTS

IWC/54/F&A5 Report of the Contributions Sub-committee
 IWC/54/12 Report of Finance and Administration Committee
 IWC/54/Chair's Report of the 54th Annual Meeting (Draft/extracts) or Summary of IWC/54

Appendix 7**PROVISIONAL FINANCIAL STATEMENT 2001-2002****INCOME AND EXPENDITURE ACCOUNT**

	Approved Budget		Projected Out-turn	
	£	£	£	£
Income				
Contracting Government Contributions:				
Realisations required <i>(Assessed £ 1,101,360)</i>		1,033,590		1,061,890
Recovery of arrears		21,800		125,600
Interest on late contributions		0		14,180
Voluntary contributions		5,000		59,960
UK tax recoverable		33,200		25,000
Staff Assessments		122,400		124,000
Annual Meeting attendance fees		52,500		63,750
Sales (IWC and Sponsored Publications)		29,600		23,000
Bank Interest		50,600		39,100
Sundry income		0		300
		1,348,690		1,536,780
Expenditure				
Secretariat	-918,700		-901,800	
Annual Meeting	-293,000		-293,000	
Other Meetings	-7,000		-15,000	
IWC & Sponsored Publications costs	-72,100		-67,100	
Research:	-313,900		-357,450	
Small Cetaceans	-7,000		-20,783	
Provisions:				
Severance Pay	-40,516		-35,300	
		-1,652,216		-1,690,433
EXCESS OF EXPENDITURE OVER INCOME		-303,526		-153,653
Net Transfers from or to (-):				
Sponsored Publications Fund		19,400		14,800
Small Cetaceans Fund		6,500		4,768
Research Fund		76,917		92,622
SURPLUS/DEFICIT (-) FOR THE YEAR AFTER TRANSFERS		-200,709		-41,463

General Fund 2001-2002

	Approved Budget	Projected Out-turn
	£	£
Opening Balance	853,456	855,702
Surplus/Deficit (-) transferred from Income & Expenditure Account	-200,709	-41,463
Projected Closing Balance 31 August 2003	652,747	814,239

Appendix 8

RESEARCH EXPENDITURE 2002-2003

See Annex I of Chair's Report

Appendix 9

BUDGET FOR 2002-2003 AND FORECAST BUDGET FOR 2003-2004

See Annex J of Chair's Report

Appendix 10

PROVISIONAL FINANCIAL CONTRIBUTIONS 2002-03 AND FORECAST 2003-04

		Membership		Whaling		Meeting attendance		Total	Contributions		%	Forecast	%
		Shares	Type	Shares	Delegates	Shares	Shares	2002-2003	2001-2002		2003-2004		
1	Antigua and Barbuda	2	0	0	3	1	3	21,000	21,180	-0.8	21,600	2.9	
2	Argentina	2	0	0	2	1	3	21,000	21,180	-0.8	21,600	2.9	
3	Australia	2	0	0	7	2	4	28,000	35,300	-20.7	28,800	2.9	
4	Austria	2	0	0	3	1	3	21,000	21,180	-0.8	21,600	2.9	
5	Benin	2	FS	0	2	1	3	21,000	0	0.0	21,600	2.9	
6	Brazil	2	0	0	5	2	4	28,000	28,240	-0.8	28,800	2.9	
7	Chile	2	0	0	1	1	3	21,000	28,240	-25.6	21,600	2.9	
8	China, P.R of	2	0	0	3	1	3	21,000	21,180	-0.8	21,600	2.9	
9	Costa Rica	2	0	0	0	0	2	14,000	14,120	-0.8	14,400	2.9	
10	Denmark	2	0	2	9	3	7	49,000	42,360	15.7	50,400	2.9	
11	Dominica	2	0	0	2	1	3	21,000	21,180	-0.8	21,600	2.9	
12	Finland	2	0	0	2	1	3	21,000	21,180	-0.8	21,600	2.9	
13	France	2	0	0	2	1	3	21,000	21,180	-0.8	21,600	2.9	
14	Gabon	2	ST	0	1	1	3	21,000	0	0.0	21,600	2.9	
15	Germany	2	0	0	5	2	4	28,000	28,240	-0.8	28,800	2.9	
16	Grenada	2	0	0	2	1	3	21,000	21,180	-0.8	21,600	2.9	
17	Guinea	2	0	0	3	1	3	21,000	21,180	-0.8	21,600	2.9	
18	India	2	0	0	1	1	3	21,000	21,180	-0.8	21,600	2.9	
19	Ireland	2	0	0	2	1	3	21,000	21,180	-0.8	21,600	2.9	
20	Italy	2	AS	0	6	2	4	28,000	21,180	32.2	28,800	2.9	
21	Japan	2	0	4	23	5	11	77,000	77,660	-0.8	79,200	2.9	
22	Kenya	2	0	0	1	1	3	21,000	14,120	48.7	21,600	2.9	
23	Korea, Rep of	2	AS	0	5	2	4	28,000	28,240	-0.8	28,800	2.9	
24	Mexico	2	0	0	3	1	3	21,000	21,180	-0.8	21,600	2.9	
25	Monaco	2	0	0	2	1	3	21,000	21,180	-0.8	21,600	2.9	
26	Mongolia	2	0	0	1	1	3	21,000	0	0.0	21,600	2.9	
27	Morocco	2	0	0	1	1	3	21,000	21,180	-0.8	21,600	2.9	
28	Netherlands	2	0	0	3	1	3	21,000	21,180	-0.8	21,600	2.9	
29	New Zealand	2	0	0	10	3	5	35,000	28,240	23.9	36,000	2.9	
30	Norway	2	0	3	10	3	8	56,000	56,480	-0.8	57,600	2.9	
31	Oman	2	0	0	1	1	3	21,000	21,180	-0.8	21,600	2.9	
32	Palau	2	AS	0	3	1	3	21,000	0	0.0	21,600	2.9	
33	Panama	2	0	0	2	1	3	21,000	21,180	-0.8	21,600	2.9	
34	Peru	2	0	0	3	1	3	21,000	14,120	48.7	21,600	2.9	
35	Portugal	2	0	0	2	1	3	21,000	0	0.0	21,600	2.9	
36	Russian Federation	2	0	2	3	1	5	35,000	35,300	-0.8	36,000	2.9	
37	St Kitts and Nevis	2	0	0	3	1	3	21,000	21,180	-0.8	21,600	2.9	
38	Saint Lucia	2	0	0	2	1	3	21,000	21,180	-0.8	21,600	2.9	
39	St Vincent & The G.	2	0	2	3	1	5	35,000	35,300	-0.8	36,000	2.9	
40	San Marino	2	0	0	1	1	3	21,000	0	0.0	21,600	2.9	
41	Senegal	2	0	0	0	0	2	14,000	21,180	-33.9	14,400	2.9	
42	Solomon Islands	2	0	0	3	1	3	21,000	21,180	-0.8	21,600	2.9	
43	South Africa	2	0	0	3	1	3	21,000	21,180	-0.8	21,600	2.9	
44	Spain	2	0	0	3	1	3	21,000	21,180	-0.8	21,600	2.9	
45	Sweden	2	0	0	3	1	3	21,000	21,180	-0.8	21,600	2.9	
46	Switzerland	2	0	0	2	1	3	21,000	21,180	-0.8	21,600	2.9	
47	United Kingdom	2	0	0	13	3	5	35,000	35,300	-0.8	36,000	2.9	
48	USA	2	0	2	13	3	7	49,000	49,420	-0.8	50,400	2.9	
	48	96		15	183	65	176	1,232,000	1,101,360		1,267,200		

Whaling Type: FS = Factory Ship; ST = Small-type whaling; AS = Aboriginal Subsistence whaling.

Note: This is a provisional statement. The meeting attendance figures are based on those advised to the Secretariat for the current meeting but are subject to confirmation once actual numbers are known. Any changes to the budget proposed by the Finance and Administration Committee may require amendments to the amount required in contributions.

Annex I

Approved Research Budget for 2002-2003 and Forecast for 2003-2004

	RESEARCH EXPENDITURE 2002-2003	2002-2003	2003-2004
AWMP			
Intersessional workshop - invited participants		9,000	}
*** Greenland Research programme (2002)		18,000	}
*** Fund for Developers		8,400	}
RMP			}
Intersessional meeting - invited participants		7,000	}
IA			}
SOWER circumpolar cruise		68,000	}
Further minke abundance estimates		5,000	}
Develop/apply BBM model/spatial model		6,000	}
Evaluate standard methods model/other analyses		2,000	}
E			}
SO-GLOBEC related research planning meeting, cruise support, analysis		15,000	}
POLLUTION 2000+ complete phase 1		5,000	}
H			}
*** Contract 16 - Antarctic humpback catalogue		5,100	}
BRG			}
*** Joint American-Russian research - Western North Pacific gray whales		34,245	}
SD			}
Intersessional workshop - invited participants		7,000	}
SC			}
Invited participants		20,000	}
DESS			}
*** Contract 14 Analysis support - rolling contract		32,000	}
		241,745	}
*** Sundry (bank charges etc)		1,700	}
		243,445	}
TOTAL EXPENDITURE		243,445	231,273

*** *Committed or Designated Funds*

Annex J

Budget for 2002-2003 and Forecast Budget for 2003-2004

INCOME AND EXPENDITURE ACCOUNT				
	Proposed Budget 2002-2003		Forecast Budget 2003-2004	
	£	£	£	£
Income				
Contracting Government Contributions:				
Realisations required (Assessed £1,232, 000/ £1,267,200)		1,177,080*		1,207,500
Recovery of arrears		75,800		54,000
Interest on late contributions		0		0
Voluntary contributions		0		0
UK tax recoverable		33,900		32,900
Staff Assessments		132,900		129,100
Annual Meeting attendance fees		54,700		57,400
Sales (IWC and Sponsored Publications)		30,000		30,000
Bank Interest		41,800		39,400
Sundry income		0		0
		<u>1,546,180</u>		<u>1,550,300</u>
Expenditure				
Secretariat	-968,200		-978,700	
Annual Meeting	-307,000		-339,000	
Extraordinary item:- Commissioners Meeting	-5,000*		0	
Other Meetings	-12,000		-15,000	
IWC & Sponsored Publications costs	-69,400		-64,500	
Research:	-243,445		-217,600	
Small Cetaceans	-7,600		-7,900	
			<u>-1,622,700</u>	
			82,200	
			<i>Less expenditure savings (5%)</i>	
Provisions:				
Severance Pay	31,858		-20,958	
		<u>-1,580,787</u>		<u>-1,561,458</u>
Excess or deficit (-) of income/expenditure		<u>-34,607</u>		<u>-11,158</u>
Net Transfers from or to (-):				
Sponsored Publications Fund		10,850		-8,500
Small Cetaceans Fund		7,250		7,700
Research Fund		55,422		0
SURPLUS/DEFICIT (-) FOR THE YEAR		<u><u>38,915</u></u>		<u><u>-11,958</u></u>
General Fund				
		2002 - 2003		2003-2004
		£		£
Closing Balance 31 August 2002 (2003)		814,239		853,154
Surplus/Deficit (-) transferred from Income & Expenditure Account				
38,915				-11,958
Projected Closing Balance 31 August 2003 (2004)		<u><u>853,154</u></u>		<u><u>841,196</u></u>

*Initially, the Commission adopted the budget for 2002-03 that the Finance and Administration Committee had developed. Subsequently, however, during the final plenary session, the Commission agreed to hold an intersessional meeting of the Commissioners to address the further development of the RMS. The Chair of the Finance and Administration Committee pointed out that the budget contained no provision for such a meeting and that there were two options available, i.e. to increase contributions or to draw on the reserves. The Commission agreed to hold the intersessional meeting but made no decision as to how it should be financed. An amount of £5,000 was therefore included in the budget as an extraordinary item of expenditure to cover part of the costs and a corresponding amount was included within income from Contracting Government contributions.

Annex K

Amendments to the Schedule Adopted at the 54th Annual Meeting

(changes in *bold italics*)

Paragraphs 11 and 12, and Tables 1, 2 and 3:

Substitute the dates **2002/2003** pelagic season, **2003** coastal season, **2003** season, or **2003** as appropriate.

Paragraph 13.(b)(1):

Delete sub-paragraph (i), since no catch limits were set for bowhead whales from the Bering-Chukchi-Beaufort Seas stock, and renumber existing sub-paragraphs (ii) and (iii) as **(i)** and **(ii)** respectively.

Paragraph 13.(b)(2)(i):

Substitute the dates 1998, 1999, 2000, 2001 and 2002 by **2003, 2004, 2005, 2006 and 2007**.

Paragraph 13.(b)(3)(ii) and (iii) and footnote 2 in Table 1:

Substitute the dates 1998, 1999, 2000, 2001 and 2002 by **2003, 2004, 2005, 2006 and 2007**.

Paragraph 13.(b)(4):

Replace the existing paragraph with the following text: ***For the seasons 2003-2007 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. Such whaling must be conducted under formal legislation that accords with the submission of the Government of St. Vincent and The Grenadines (IWC/54/AS 8 rev2). The quota for the seasons 2006 and 2007 shall only become operative after the Commission has received advice from the Scientific Committee that the take of 4 humpback whales for each season is unlikely to endanger the stock.***

(Note: Document IWC/54/AS 8 rev 2 incorporates the correction to page 3 in IWC/54/AS 8 rev.)

Please also note that the following editorial footnote has been added to paragraph 7.(b) concerning the Indian Ocean Sanctuary:

At its 54th Annual Meeting in 2002, the Commission agreed to continue this prohibition but did not discuss whether or not it should set a time when it should be reviewed again.

At its next Annual Meeting, the Commission may wish to consider whether or not a time should be set when the prohibition should be reviewed.

Financial Statements
for the
Year ended 31 August 2002

Financial Statements for the year ended 31 August 2002

Independent Auditors' Report to the Commission

We have audited the financial statements of the International Whaling Commission which comprise the accounting policies, the income and expenditure account, the analysis of expenditure, the balance sheet and the related notes 1 to 9. These financial statements have been prepared under the accounting policies set out therein. This report is made solely to the Commission. Our audit work has been undertaken so that we might state to the Commission those matters we are required to state to them in an auditors' report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Commission, for our audit work, for this report, or for the opinions we have formed.

Respective responsibilities of the Secretary and auditors

As described in the statement of the Secretary's responsibilities, the Secretary is responsible for the preparation of financial statements.

Neither Statute nor the Commission has prescribed that the financial statements should give a true and fair view of the Commission's state of affairs at the end of each year within the specialised meaning of that expression in relation to financial statements. This recognised terminology signifies in accounting terms that statements are generally accepted as true and fair only if they comply in all material respects 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 furniture and equipment 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.

Deloitte & Touche, Chartered Accountants, Cambridge

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;

Accounting policies - Year ended 31 August 2002

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 financial statements are prepared under the historical cost convention (ie. assets and liabilities are stated at cost and not revalued).

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.

Basis of opinion

We conducted our audit in accordance with United Kingdom 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 2002.

- 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 proper 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.

Fixed assets

The full cost of office 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 is some £180,000 and its realisable value is not 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 stocks held are unlikely to result in many sales; consequently their net realisable value is not significant.

Severance pay provision

The Commission provides for an indemnity to members of staff in the event of their appointment being terminated on the abolition of their posts. The indemnity varies according to length of service and therefore an annual provision is made to bring the total provision up to the maximum liability. This liability is calculated after adjusting for staff assessments since they would not form part of the Commission's liability.

Interest on overdue contributions

Interest is included in the income and expenditure account on the accruals basis and provision is made where its recoverability is in doubt.

Leases

The costs of operating leases are charged to the income and expenditure account as they accrue.

Foreign exchange

Transactions denominated in foreign currencies are translated into sterling at rates ruling at the date of the transactions. Monetary assets and liabilities denominated in foreign currencies at the balance sheet date are translated at the rates 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.

Balance Sheet 31 August 2002

	Note	2002 £	2001 as restated £
CURRENT ASSETS			
Cash on short term deposit			
General fund		1,309,988	1,065,374
Research fund		72,250	106,778
Publications fund		57,166	77,637
Small cetaceans fund		13,790	17,697
		1,453,194	1,267,486
Cash at bank on current account			
General fund		1,000	1,000
Research fund		1,000	1,000
Publications fund		1,000	1,000
Small cetaceans fund		1,000	1,000
Cash in hand		31	93
		4,031	4,093
		1,457,225	1,271,579
Outstanding contributions from members including interest	(1)	711,726	722,521
Less provision for doubtful debts		(631,887)	(671,884)
		79,839	50,637
Other debtors and prepayments		129,593	115,209
		1,666,657	1,437,425
CREDITORS: amounts falling due within one year	(7)	(424,603)	(76,781)
		1,242,054	1,360,644
NET CURRENT ASSETS			
PROVISION FOR SEVERANCE PAY	(6)	(327,000)	(293,700)
		915,054	1,066,944
<i>Financed by</i>			
Publications fund	(2)	26,129	38,630
Research fund	(3)	146,516	153,044
Small cetaceans fund	(4)	15,642	19,568
General fund	(5)	726,767	855,702
	(7)	915,054	1,066,944

Approved on behalf of the Commission
Nicky Grandy, *Secretary*

Income and Expenditure Account (year ended 31 August 2002)

	Note	£	2002 £	£	2001 as restated £
Income: continuing operations					
Contributions from member governments			1,094,300		954,684
Interest on overdue financial contributions			41,578		57,730
Voluntary contributions for research, small cetaceans work and publications			60,462		58,197
Sales of publications			17,928		16,762
Sales of sponsored publications			5,748		2,026
Observers' registration fees			65,937		56,896
UK taxes recoverable			22,878		55,098
Staff assessments			124,544		120,880
Interest receivable			41,166		62,660
Sundry income			329		641
			<hr/>		<hr/>
			1,474,870		1,385,574
Expenditure					
Secretariat		907,931		871,052	
Publications		52,128		42,839	
Annual meetings		294,121		282,664	
Other meetings		15,003		4,205	
Research expenditure		275,701		258,327	
Small cetaceans	(4)	19,941		6,887	
Sundry		146		(1,398)	
			<hr/>	<hr/>	
			1,564,971	1,464,576	
Provisions made for:					
Unpaid contributions		18,194		(17,429)	
Unpaid interest on overdue contributions		10,295		39,875	
Severance pay	(6)	33,300		32,865	
			<hr/>	<hr/>	
			1,626,760		1,519,887
Excess of Expenditure over Income for the Year: continuing operations					
	(8)		(151,890)		(134,313)
Net Transfers from (to) Funds					
Publications fund	(2)	12,501		18,954	
Research fund	(3)	6,528		(29,180)	
Small cetaceans fund	(4)	3,926		3,293	
			<hr/>	<hr/>	
			22,955		(6,933)
Deficit for the year after transfers					
	(5)		(128,935)		(141,246)
			<hr/> <hr/>		<hr/> <hr/>

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.

Analysis of Expenditure (year ended 31 August 2002)

	2002	2001
	£	£
SECRETARIAT		
Salaries, national insurance and allowances	586,205	574,952
Retirement and other benefit schemes	112,290	96,325
Travelling expenses	3,945	3,043
Office rent, heating and maintenance	96,569	96,339
Insurance	4,556	5,205
Postage and telecommunications	25,381	22,176
Office equipment and consumables	60,061	55,122
Professional fees	11,526	12,295
Training	928	3,731
Photocopying	6,470	1,864
	<u>907,931</u>	<u>871,052</u>
PUBLICATIONS		
Annual Report	7,921	5,952
Journal Cetacean Research and Management	24,753	36,887
Sponsored publications	19,454	-
	<u>52,128</u>	<u>42,839</u>
RESEARCH		
Invited participants	28,048	29,980
SOWER:		
2000/2001 SOWER cruise	842	45,681
2001/2002 SOWER cruise	84,229	-
Contract 14 Analysis support including DESS maintenance/development	32,111	13,470
Contract 16 Southern Hemisphere Humpback catalogue	5,000	6,000
Contract 17 Blue Whale acoustic archive	-	1,000
Contract 18 Blue Whale acoustic analysis	-	1,000
SO-GLOBEC	45,232	35,329
Pollution 2000 +	11,070	37,537
Habitat Degredation Workshop	-	2,083
AWMP fund for developers	8,823	7,768
AWMP Intersessional Workshop	7,875	7,411
Fishery Cetacean Workshop	10,117	-
North Atlantic Humpbacks Comprehensive Assessment	6,374	28,143
Greenland Research Programme	11,573	18,793
IA Development support	12,496	-
IA Intersessional Workshop	4,132	-
IWC/CCAMLR Synoptic cruise	-	9,834
DESS SH Analyses	-	700
Pre SC/35 Minke Review	-	11,301
RMP Model development	5,285	-
Other (including exchange differences)	2,494	2,297
	<u>275,701</u>	<u>258,327</u>
SMALL CETACEANS		
Invited participants	17,917	6,807
Common Dolphins in South America	1,783	-
Other (including exchange losses)	241	80
	<u>19,941</u>	<u>6,887</u>

Notes to the Accounts

1. Financial contributions and interest

At its 54th Annual Meeting in Shimonoseki, Japan, May 2002, the Commission adopted a series of amendments to its Financial Regulations designed to (1) reduce the likelihood of Contracting Governments falling seriously into arrears with their financial contributions; (2) minimise the financial consequences for the IWC if they do and (3) provide a mechanism by which any Contracting Government with arrears can arrange to repay them over a period and thus secure the lifting of the penalties of interest and suspension of the right to vote which are automatically imposed when arrears occur.

Recognising that a number of Contracting Governments had already incurred substantial arrears the Commission further agreed to apply the new regulations retrospectively for those Governments. Their financial contributions due and the interest accruing have been recalculated from the point at which they first fell into arrears. The debts have thereby been substantially reduced. The policy which has been in place for many years of providing in full against all outstanding financial contributions and interest thereon means that there is no impact on the Commission's overall financial position. The Financial Statements for the previous year, ending August 2001, have been restated on the same basis, i.e. as if the revised Financial Regulations had been applied in that year.

2. Publications fund

	2002	2001
	£	£
Interest receivable	1,205	2,634
Receipts from sales of sponsored publications	5,748	2,026
Expenditure	(19,454)	(23,614)
Net transfers to income and expenditure account	(12,501)	(18,954)
Opening balances at 1 September 2001	38,630	57,584
Closing balances at 31 August 2002	<u>26,129</u>	<u>38,630</u>

3. Research fund

	2002	2001
	£	£
Allocation for research	215,683	210,913
UK taxes recoverable	4,712	12,279
Voluntary contributions received	44,747	55,669
Interest receivable	4,031	8,646
Expenditure	(275,701)	(258,327)
Net transfers (to) from income and expenditure account	(6,528)	29,180
Opening balances at 1 September 2001	153,044	123,864
Closing balances at 31 August 2002	<u>146,516</u>	<u>153,044</u>

4. Small Cetaceans Fund

	2002	2001
	£	£
UK taxes recoverable	-	474
Voluntary contributions received	15,715	2,528
Interest receivable	300	592
Expenditure	(19,941)	(6,887)
Net transfer to income and expenditure account	(3,926)	(3,293)
Opening balances at 1 September 2001	19,568	22,861
Closing balances at 31 August 2002	<u>15,642</u>	<u>19,568</u>

5. General Fund

	2002	2001
	£	£
Opening balances at 1 September	855,702	996,948
Deficit transferred from income and expenditure account	(128,935)	(141,246)
Closing balances at 31 August	<u>726,767</u>	<u>855,702</u>

6. Provision for Severance Pay

	2002	2001
	£	£
Opening balances at 1 September	293,700	260,835
Transfer from income and expenditure account, being:		
Allocation	23,814	19,571
Interest received	9,486	13,294
Closing balances at 31 August	<u>327,000</u>	<u>293,700</u>

7. Creditors: Amounts falling due within one year

	2002	2001
	£	£
Deferred contributions income	408,733	7,266
Other creditors and accruals	15,870	69,515
	<u>424,603</u>	<u>76,781</u>

8. Reconciliation of Movement in Funds

	2002	2001
	£	£
Excess of expenditure over income	(151,890)	(134,313)
Opening funds	1,066,944	1,201,257
Closing funds	<u>915,054</u>	<u>1,066,944</u>

9. Financial Commitments

The Commission had annual commitments at 31 August 2002 under non-cancellable operating leases as set out below and which expire:

	2002		2001	
	Land and buildings	Office equipment	Land and buildings	Office equipment
	£	£	£	£
Within 2 to 5 years	-	25,737	-	25,607
After 5 years	69,500	717	69,500	712
	<u>69,500</u>	<u>26,454</u>	<u>69,500</u>	<u>26,319</u>

**International Convention
for the
Regulation of Whaling, 1946**

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. 131 of this volume.



International Convention for the Regulation of Whaling

Washington, 2nd December, 1946

The Governments whose duly authorised representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

Considering that the history of whaling has seen over-fishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further over-fishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the number of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling, signed in London on 8th June, 1937, and the protocols to that Agreement signed in London on 24th June, 1938, and 26th November, 1945; and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:-

Article I

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.
2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

Article II

As used in this Convention:-

1. "Factory ship" means a ship in which or on which whales are treated either wholly or in part;
2. "Land station" means a factory on the land at which whales are treated either wholly or in part;

3. "Whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;
4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

Article III

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.
2. The Commission shall elect from its own members a Chairman and Vice-Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.
3. The Commission may appoint its own Secretary and staff.
4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.
5. The expenses of each member of the Commission and of his experts and advisers shall be determined 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 or ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.
3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before 1st July, 1949.

Article VI

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

Article VII

The Contracting Government shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

Article VIII

1. Notwithstanding anything contained in this Convention any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.
2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.
3. Each Contracting Government shall transmit to such body as may be designated by the Commission, in so far as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.
4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

Article IX

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.
2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.
3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offence.
4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its

inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

Article X

1. This Convention shall be ratified and the instruments of ratifications shall be deposited with the Government of the United States of America.
2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.
3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.
4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to 1st July, 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to 1st July, 1949.

Article XI

Any Contracting Government may withdraw from this Convention on 30th June, of any year by giving notice on or before 1st January, of the same year to the depository Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depository Government give notice of withdrawal, so that the Convention shall cease to be in force on 30th June, of the same year with respect to the Government giving such notice of withdrawal.

The Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

In witness whereof the undersigned, being duly authorized, have signed this Convention.

Done in Washington this second day of December, 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

Protocol

to the International Convention for the Regulation of Whaling, Signed at Washington Under Date of December 2, 1946

The Contracting Governments to the International Convention for the Regulation of Whaling signed at Washington under date of 2nd December, 1946 which Convention is hereinafter referred to as the 1946 Whaling Convention, desiring to extend the application of that Convention to helicopters and other aircraft and to include provisions on methods of inspection among those Schedule provisions which may be amended by the Commission, agree as follows:

Article I

Subparagraph 3 of the Article II of the 1946 Whaling Convention shall be amended to read as follows:

“3. ‘whale catcher’ means a helicopter, or other aircraft, or a ship, used for the purpose of hunting, taking, killing, towing, holding on to, or scouting for whales.”

Article II

Paragraph 1 of Article V of the 1946 Whaling Convention shall be amended by deleting the word “and” preceding clause (h), substituting a semicolon for the period at the end of the paragraph, and adding the following language: “and (i) methods of inspection”.

Article III

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Contracting Government to the 1946 Whaling Convention.
2. This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Contracting Governments to the 1946 Whaling Convention.
3. The Government of the United States of America shall inform all Governments signatory or adhering to the 1946 Whaling Convention of all ratifications deposited and adherences received.
4. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE in Washington this nineteenth day of November, 1956, in the English Language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all Governments signatory or adhering to the 1946 Whaling Convention.

**International Convention
for the
Regulation of Whaling, 1946**

Schedule

**(As amended by the Commission at the Special Meeting, Cambridge, UK, 14 October 2002
and revised to include an additional editorial footnote to paragraph 10(e)).**



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 Special Meeting in October 2002 and at its 54th Annual Meeting in May 2002. The amendments made at the Special Meeting are shown in **bold underlined** type and came into effect on 19 January 2003. The amendments made by the Commission at its 54th Annual Meeting are shown in *italic bold* type. *The additional editorial footnote to paragraph 10(e) is shown in italic bold underline type.*

In Tables 1, 2 and 3 unclassified stocks are indicated by a dash. Other positions in the Tables have been filled with a dot to aid legibility.

Numbered footnotes are integral parts of the Schedule formally adopted by the Commission. Other footnotes are editorial.

The Commission was informed in June 1992 by the ambassador in London that the membership of the Union of Soviet Socialist Republics in the International Convention for the Regulation of Whaling from 1948 is continued by the Russian Federation.

The Commission recorded at its 39th (1987) meeting the fact that references to names of native inhabitants in Schedule paragraph 13(b)(4) would be for geographical purposes alone, so as not to be in contravention of Article V.2(c) of the Convention (*Rep. int. Whal. Commn* 38:21).

I. INTERPRETATION

- The following expressions have the meanings respectively assigned to them, that is to say:

A. Baleen whales

"baleen whale" means any whale which has baleen or whale bone in the mouth, i.e. any whale other than a toothed whale.

"blue whale" (*Balaenoptera musculus*) means any whale known as blue whale, Sibbald's rorqual, or sulphur bottom, and including pygmy blue whale.

"bowhead whale" (*Balaena mysticetus*) means any whale known as bowhead, Arctic right whale, great polar whale, Greenland right whale, Greenland whale.

"Bryde's whale" (*Balaenoptera edeni*, *B. brydei*) means any whale known as Bryde's whale.

"fin whale" (*Balaenoptera physalus*) means any whale known as common finback, common rorqual, fin whale, herring whale, or true fin whale.

"gray whale" (*Eschrichtius robustus*) means any whale known as gray whale, California gray, devil fish, hard head, mussel digger, gray back, or rip sack.

"humpback whale" (*Megaptera novaeangliae*) means any whale known as bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

"minke whale" (*Balaenoptera acutorostrata*, *B. bonaerensis*) means any whale known as lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner.

"pygmy right whale" (*Caperea marginata*) means any whale known as southern pygmy right whale or pygmy right whale.

"right whale" (*Eubalaena glacialis*, *E. australis*) means any whale known as Atlantic right whale, Arctic right whale, Biscayan right whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, or southern right whale.

"sei whale" (*Balaenoptera borealis*) means any whale known as sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale.

B. Toothed whales

"toothed whale" means any whale which has teeth in the jaws.

"beaked whale" means any whale belonging to the genus *Mesoplodon*, or any whale known as Cuvier's beaked whale (*Ziphius cavirostris*), or Shepherd's beaked whale (*Tasmacetus shepherdi*).

"bottlenose whale" means any whale known as Baird's beaked whale (*Berardius bairdii*), Arnoux's whale (*Berardius 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 12th December to 7th April following, both days inclusive.
 - (b) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (c) and (d) of this paragraph, and paragraph 5.
 - (c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, an open season or seasons not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.
 - (d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted provided that:
 - (a) a separate open season may be declared for each factory ship and the whale catchers attached thereto;
 - (b) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (a) of this paragraph.
3. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, except minke whales, in any other area except the North Pacific Ocean and its dependent waters north of the Equator for the same purpose within a period of one year from the termination of that season; provided that catch limits in the North Pacific Ocean and dependent waters are established as provided in paragraphs 12 and 16 of this Schedule and provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

Land Station Operations

4. (a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (b), (c) and (d) of this paragraph.
- (b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen whales, except minke whales, by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government: provided that a separate open season may be declared for any land station used for the taking or treating of baleen whales, except minke whales, which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen whales, except minke whales, under the jurisdiction of the same Contracting Government.
- (c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.
- (d) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (b) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

- (e) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946.

Other Operations

5. Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this paragraph one continuous open season not to exceed nine months may be implemented so far as Greenland is concerned.

III. CAPTURE

6. The killing for commercial purposes of whales, except minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1980/81 pelagic and 1981 coastal seasons. The killing for commercial purposes of minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1982/83 pelagic and the 1983 coastal seasons.*

- 7.(a) In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Indian Ocean Sanctuary. This comprises the waters of the Northern Hemisphere from the coast of Africa to 100°E, including the Red and Arabian Seas and the Gulf of Oman; and the waters of the Southern Hemisphere in the sector from 20°E to 130°E, with the Southern boundary set at 55°S. This prohibition applies irrespective of such catch limits for baleen or toothed whales as may from time to time be determined by the Commission. This prohibition shall be reviewed by the Commission at its Annual Meeting in 2002. ⊗

- (b) In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Southern Ocean Sanctuary. This Sanctuary comprises the waters of the Southern Hemisphere southwards of the following line: starting from 40 degrees S, 50 degrees W; thence due east to 20 degrees E; thence due south to 55 degrees S; thence due east to 130 degrees E; thence due north to 40 degrees S; thence due east to 130 degrees W; thence due south to 60 degrees S; thence due east to 50 degrees W; thence due north to the point of beginning. This prohibition applies irrespective of the conservation

status of baleen and toothed whale stocks in this Sanctuary, as may from time to time be determined by the Commission. However, this prohibition shall be reviewed ten years after its initial adoption and at succeeding ten year intervals, and could be revised at such times by the Commission. Nothing in this sub-paragraph is intended to prejudice the special legal and political status of Antarctica.**+

Area Limits for Factory Ships

8. It is forbidden to use a factory ship or whale catcher attached thereto, for the purpose of taking or treating baleen whales, except minke whales, in any of the following areas:
- (a) in the waters north of 66°N, except that from 150°E eastwards as far as 140°W, the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66°N and 72°N;
 - (b) in the Atlantic Ocean and its dependent waters north of 40°S;
 - (c) in the Pacific Ocean and its dependent waters east of 150°W between 40°S and 35°N;
 - (d) in the Pacific Ocean and its dependent waters west of 150°W between 40°S and 20°N;
 - (e) in the Indian Ocean and its dependent waters north of 40°S.

Classification of Areas and Divisions

9. (a) *Classification of Areas*
Areas relating to Southern Hemisphere baleen whales except Bryde's whales are those waters between the ice-edge and the Equator and between the meridians of longitude listed in Table 1.
- (b) *Classification of Divisions*
Divisions relating to Southern Hemisphere sperm whales are those waters between the ice-edge and the Equator and between the meridians of longitude listed in Table 3.
- (c) *Geographical boundaries in the North Atlantic*
The geographical boundaries for the fin, minke and sei whale stocks in the North Atlantic are:

FIN WHALE STOCKS

NOVA SCOTIA

South and West of a line through:
47°N 54°W, 46°N 54°30'W,
46°N 42°W, 20°N 42°W.

NEWFOUNDLAND-LABRADOR

West of a line through:
75°N 73°30'W, 69°N 59°W, 61°N 59°W
52°20'N 42°W, 46°N 42°W and
North of a line through:
46°N 42°W, 46°N 54°30'W, 47°N 54°W.

*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 34th 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 proscribed 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 October 1994.

+ Paragraph 7 (b) contains a provision for review of the Southern Ocean Sanctuary 'ten years after its initial adoption'. Paragraph 7 (b) was adopted at the 46th (1994) Annual Meeting. Therefore, the first review is due in 2004.

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.

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.

BRYPDE'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.

Table 1

BALEEN WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS* (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-2002/2003 pelagic season and 2003 coastal season														
I	120°W-60°W	0	PS	0	PS	0	PS	0	PS	0	PS	0	PS	0
II	60°W-0°	0	PS	0	PS	0	PS	0	PS	0	PS	0	PS	0
III	0°-70°E	0	PS	0	PS	0	PS	0	PS	0	PS	0	PS	0
IV	70°E-130°E	0	PS	0	PS	0	PS	0	PS	0	PS	0	PS	0
V	130°E-170°W	0	PS	0	PS	0	PS	0	PS	0	PS	0	PS	0
VI	170°W-120°W	0	PS	0	PS	0	PS	0	PS	0	PS	0	PS	0
Total catch not to exceed:														
		0		0		0		0		0		0		0
NORTHERN HEMISPHERE-2003 season														
ARCTIC														
NORTH PACIFIC														
Whole region		0		0		0		0		0		0		0
Okhotsk Sea-West Pacific Stock			PS				PS			PS				
Sea of Japan-Yellow Sea-East														
China Sea Stock			PS	0										
Remainder			IMS	0										
Eastern Stock														SMS
Western Stock														PS
NORTH ATLANTIC														
Whole region														
West Greenland Stock			PS	0			PS	0		PS	0		PS	0
Newfoundland-Labrador Stock						19 ²								
Canadian East Coast Stock				0										
Nova Scotia Stock		0			PS	0								
Central Stock														
East Greenland-Iceland Stock														
Iceland-Denmark Strait Stock		0					SMS							
Spain-Portugal-British Isles														
Stock														
Northeastern Stock			PS*	0										
West Norway-Faroe Islands					PS	0								
Stock														
North Norway Stock														
Eastern Stock		0												
NORTHERN INDIAN OCEAN														
			IMS	0			PS	0		PS	0		PS	0

¹ Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 13(b)2.

² Available to be taken by aborigines pursuant to paragraph 13(b)3. Catch limit for each of the years 2003, 2004, 2005, 2006 and 2007.

+ 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.

* 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.

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.*[▲]

Table 2

Bryde's whale stock classifications and catch limits [†]

	Classification	Catch limit
SOUTHERN HEMISPHERE-2002/2003 pelagic season and 2003 coastal season		
South Atlantic Stock	-	0
Southern Indian Ocean Stock	IMS	0
South African Inshore Stock	-	0
Solomon Islands Stock	IMS	0
Western South Pacific Stock	IMS	0
Eastern South Pacific Stock	IMS	0
Peruvian Stock	-	0
NORTH PACIFIC-2003 season		
Eastern Stock	IMS	0
Western Stock	IMS	0
East China Sea Stock	PS	0
NORTH ATLANTIC-2003 season	IMS	0
NORTHERN INDIAN OCEAN-2003 season	-	0

[†] The catch limits of zero introduced in Table 2 as editorial amendments as a result of the coming into effect of paragraph 10(e) are not binding upon the governments of the countries which lodged and have not withdrawn objections to the said paragraph.

*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.'

Table 3
Toothed whale stock classifications and catch limits[†]

SOUTHERN HEMISPHERE-2002/2003 pelagic season and 2003 coastal season			
Division	Longitudes	Classification	SPERM Catch limit
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-2003 season			
NORTH PACIFIC			
Western Division		PS	0 [‡]
Eastern Division		-	0
NORTH ATLANTIC			
		-	0
NORTHERN INDIAN OCEAN			
		-	0
BOTTLENOSE			
NORTH ATLANTIC		PS	0

[†]No whales may be taken from this stock until catch limits including any limitations on size and sex are established by the Commission.

[‡]The catch limits of zero introduced in Table 3 as editorial amendments as a result of the coming into effect of paragraph 10(e) are not binding upon the governments of the countries which lodged and have not withdrawn objections to the said paragraph.

Baleen Whale Catch Limits

11. The number of baleen whales taken in the Southern Hemisphere in the 2002/2003 pelagic season and the 2003 coastal season shall not exceed the limits shown in Tables 1 and 2.
12. The number of baleen whales taken in the North Pacific Ocean and dependent waters in 2003 and in the North Atlantic Ocean in 2003 shall not exceed the limits shown in Tables 1 and 2.
13. (a) Notwithstanding the provisions of paragraph 10, catch limits for aboriginal subsistence whaling to satisfy aboriginal subsistence need for the 1984 whaling season and each whaling season thereafter shall be established in accordance with the following principles:
 - (a) 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.
 - (b) For stocks below the MSY level but above a certain minimum level, aboriginal subsistence catches shall be permitted so long as they are set at levels which will allow whale stocks to move to the MSY level.¹
 - (c) 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.

- (b) Catch limits for aboriginal subsistence whaling are as follows:

- (d) 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 2003, 2004, 2005, 2006 and 2007, 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 1998 – 2002 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.**

¹The Commission, on advice of the Scientific Committee, shall establish as far as possible (a) a minimum stock level 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 increase towards the MSY level under different catch regimes.

- (ii) It is forbidden to strike, take or kill calves or any bowhead whale accompanied by a calf.
 - (iii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.
 - (iv) The findings and recommendations of the Scientific Committee's in-depth assessment for 2004 shall be binding on the parties involved and they shall modify the hunt accordingly.
- (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 whose traditional aboriginal subsistence and cultural needs have been recognised.
- (i) For the years *2003, 2004, 2005, 2006 and 2007*, 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 *2003, 2004, 2005, 2006 and 2007* shall not exceed 140.
 - (ii) It is forbidden to strike, take or kill calves or any gray whale accompanied by a calf.
 - (iii) 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 is permitted and then only when the meat and products are to be used exclusively for local consumption.
- (i) The number of fin whales from the West Greenland stock taken in accordance with this sub-paragraph shall not exceed the limits shown in Table 1.
 - (ii) The number of minke whales from the Central stock taken in accordance with this sub-paragraph shall not exceed 12 in each of the years *2003, 2004, 2005, 2006 and 2007*, 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 175 in each of the years *2003, 2004, 2005, 2006 and 2007*, except that any unused portion of the strike quota for each year shall be carried forward from that year and added to the strike quota of any subsequent years, provided 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 the basis of the advice of the Scientific Committee.

- (4) *For the seasons 2003-2007 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. Such whaling must be conducted under formal legislation that accords with the submission of the Government of St. Vincent and The Grenadines (IWC/54/AS 8 rev2). The quota for the seasons 2006 and 2007 shall only become operative after the Commission has received advice from the Scientific Committee that the take of 4 humpback whales for each season is unlikely to endanger the stock.*

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 water 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 carcase (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

Rules of Procedure and Financial Regulations

**As amended by the Commission at the 54th Annual Meeting, May 2002
(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.

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 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.

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. Any international organisation with offices in more than three countries may be represented at meetings of the Commission by an observer, if such international 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 and the Commission issues an invitation with respect to such request. The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of such observers. 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. Once an international organisation is accredited, it remains accredited until the Commission decides otherwise.

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 Committee/es, 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. Voting

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 whose annual payments including any interest due have not been received by the Commission within 3 months of the due date prescribed in Regulation E.2 of the Financial Regulations *or by the day before the first day of the next Annual or Special Meeting of the Commission following the due date, whichever occurs first*, shall be automatically suspended 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 unless the Commission has received the Government's financial contribution or part contribution for the year prescribed in Financial Regulation E.3.*
3. (a) Where a vote is taken on any matter before the Commission, a simple majority of those casting an affirmative or negative vote shall be decisive, except that a three-fourths majority of those casting an affirmative or negative vote shall be required for action in pursuance of Article V of the Convention.
 - (b) Action in pursuance of Article V shall contain the text of the regulations proposed to amend the Schedule. A proposal that does not contain such regulatory text does not constitute an amendment to the Schedule and therefore requires only a simple majority vote. A proposal that does not contain such regulatory text to revise the Schedule but would commit the Commission to amend the Schedule in the future can neither be put to a vote nor adopted.
 - (c) At meetings of committees appointed by the Commission, a simple majority of those casting an affirmative or negative vote shall also be decisive. The committee shall report to the Commission if the decision has been arrived at as a result of the vote.
 - (d) Votes shall be taken by show of hands, or by roll call, as in the opinion of the Chair, appears to be most suitable. The election of the Chair, Vice-Chair, the appointment of the Secretary of the Commission, and the selection of IWC Annual Meeting venues shall, upon request by a Commissioner, all proceed by secret ballot.
4. Between meetings of the Commission or in the case of emergency, a vote of the Commissioners may be taken by post, or other means of communication in which case the necessary simple, or where required three-fourths majority, shall be of the total number of Contracting Governments whose right to vote has not been suspended under paragraph 2.

F. Chair

1. The Chair of the Commission shall be elected from time to time from among the Commissioners and shall take office at the conclusion of the Annual Meeting at which he/she is elected. The Chair shall serve for a period of three years and shall not be eligible for re-election as Chair until a further period of three years has elapsed. The Chair shall, however, remain in office until a successor is elected.
2. The duties of the Chair shall be:
 - (a) to preside at all meetings of the Commission;
 - (b) to decide all questions of order raised at meetings of the Commission, subject to the right of any Commissioner to request that any ruling by the Chair shall be submitted to the Commission for decision by vote;
 - (c) to call for votes and to announce the result of the vote to the Commission;
 - (d) to determine after consultation with the Commissioners and the Secretary the provisional order of business so that the Secretary may despatch it by the most expeditious means available not less than 100 days in advance of the meeting;
 - (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; and
- (g) where appropriate, provide copies or availability to a copy of reports of the Commission including reports of Observers under the International Observer Scheme, upon request after such reports have been considered by the Commission.

I. Chair of Scientific Committee

1. The Chair of the Scientific Committee may attend meetings of the Commission and Technical Committee in an *ex officio* capacity without vote, at the invitation of the Chair of the Commission or Technical Committee respectively in order to represent the views of the Scientific Committee.

J. Order of Business

1. No order of business which involves amendment of the Schedule to the Convention, or recommendations under Article VI of the Convention, shall be the subject of decisive action by the Commission unless the subject matter has been included in the provisional order of business which has been despatched by the most expeditious means available to the Commissioners at least 60 days in advance of the meeting at which the matter is to be discussed.

K. Financial

1. The financial year of the Commission shall be from 1st September to 31st August.
2. Any request to Contracting Governments for financial contributions shall be accompanied by a statement of the Commission's expenditure for the appropriate year, actual or estimated.
3. Annual payments and other financial contributions by

Contracting Governments shall be made payable to the Commission and shall be in pounds sterling.

L. Offices

1. The seat of the Commission shall be located in the United Kingdom.

M. Committees

1. The Commission shall establish a Scientific Committee, a Technical Committee and a Finance and Administration Committee. Commissioners shall notify their desire to be represented on the Scientific, Technical and Finance and Administration Committees 28 days prior to the meetings, and shall designate the approximate size of their delegations.
2. The Chair may constitute such *ad hoc* committees as may be necessary from time to time, with similar arrangements for notification of the numbers of participants as in paragraph 1 above where appropriate. Each committee shall elect its Chair. The Secretary shall furnish appropriate secretarial services to each committee.
3. Sub-committees and working groups may be designated by the Commission to consider technical issues as appropriate, and each will report to the Technical Committee or the plenary session of the Commission as the Commission may decide.
4. The Scientific Committee shall review the current scientific and statistical information with respect to whales and whaling, shall review current scientific research programmes of Governments, other international organisations or of private organisations, shall review the scientific permits and scientific programmes for which Contracting Governments plan to issue scientific permits, shall consider such additional matters as may be referred to it by the Commission or by the Chair of the Commission, and shall submit reports and recommendations to the Commission.
5. The preliminary report of the Scientific Committee should be completed and available to all Commissioners by the opening date of the Annual Commission Meeting.
6. The Secretary shall be an *ex officio* member of the Scientific Committee without vote.
7. The Technical Committee shall, as directed by the Commission or the Chair of the Commission, prepare reports and make recommendations on:
 - (a) Management principles, categories, criteria and definitions, taking into account the recommendations of the Scientific Committee, as a means of helping the Commission to deal with management issues as they arise;
 - (b) technical and practical options for implementation of conservation measures based on Scientific Committee advice;
 - (c) the implementation of decisions taken by the Commission through resolutions and through Schedule provisions;
 - (d) Commission agenda items assigned to it; and
 - (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. Language of the Commission

1. English shall be the official and working language of the Commission but 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.

O. Records of Meetings

1. The proceedings of the meetings of the Commission and those of its committees shall be recorded in summary form.

P. Reports

1. Commissioners should arrange for reports on the subject of whaling published in their own countries to be sent to the Commission for record purposes.
2. The Chair's Report of the most recent Annual Commission Meeting shall be published in the Annual Report of the year just completed.

Q. Commission Documents

1. Reports of meetings of all committees, sub-committees and working groups of the Commission are confidential (i.e. reporting of discussions, conclusions and recommendations made during a meeting is prohibited)

until the opening plenary session of the Commission meeting to which they are submitted, or in the case of intersessional meetings, until after they have been dispatched by the Secretary to Contracting Governments and Commissioners. This applies equally to member governments and observers. Such reports, with the exception of the report of the Finance and Administration Committee, shall be distributed to Commissioners, Contracting Governments and accredited observers at the same time. Procedures applying to the Scientific Committee are contained in its Rules of Procedure E.5.(a) and E.5.(b).

2. Any document submitted to the Commission for distribution to Commissioners, Contracting Governments or members of the Scientific Committee is considered to be in the public domain unless it is designated by the author or government submitting it 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.¹
4. All meeting documents shall be included in the Commission's archives in the form in which they were considered at the meeting.

R. Amendment of Rules

1. These Rules of Procedure may be amended from time to time by a simple majority of the Commissioners voting, but notice of any proposed amendment shall be despatched by the most expeditious means available to the Commissioners by the Secretary to the Commission not less than 60 days in advance of the meeting at which the matter is to be discussed.

¹ There is no intention that the Secretariat should conduct advance or *ex-ante* reviews of such statements.

Financial Regulations

A. Applicability

1. These regulations shall govern the financial administration of the International Whaling Commission.
2. They shall become effective as from the date decided by the Commission and shall be read with and in addition to the Rules of Procedure. They may be amended in the same way as provided under Rule R.1 of the Rules of Procedure in respect of those Rules.
3. In case of doubt as to the interpretation and application of any of these regulations, the Chair is authorised to give a ruling.

B. Financial Year

1. The financial year of the Commission shall be from 1st September to 31st August (Rules of Procedure, Rule K.1).

C. General Financial Arrangements

1. There shall be established a Research Fund and a General Fund, and a Voluntary Fund for Small Cetaceans.

(a) The Research Fund shall be credited with voluntary contributions and any such monies as the Commission may allocate for research and scientific investigation and charged with specific expenditure of this nature.

(b) The General Fund shall, subject to the establishment of any other funds that the Commission may determine, be credited or charged with all other income and expenditure.

(c) The details of the Voluntary Fund for Small Cetaceans are given in Appendix 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.

D. Yearly Statements

1. At each Annual Meeting, there shall be laid before the Commission two financial statements:

(a) a provisional statement dealing with the actual and estimated expenditure and income in respect of the current financial year;

(b) the budget estimate of expenditure and income for the ensuing year including the estimated amount of the individual annual payment to be requested of each Contracting Government.

Expenditure and income shall be shown under appropriate sub-heads accompanied by such explanations as the Commission may determine.

2. The two financial statements identified in Regulation D.1 shall be despatched by the most expeditious means available to each Contracting Government and each Commissioner not less than 60 days in advance of the Annual Commission Meeting. They shall require the Commission's approval after having been referred to the Finance and Administration Committee for consideration and recommendations. A copy of the final accounts shall be sent to all Contracting Governments after they have been audited.

3. Supplementary estimates may be submitted to the Commission, as and when may be deemed necessary, in a form consistent with the Annual Estimates. Any supplementary estimate shall require the approval of the Commission after being referred to the Finance and Administration Committee for consideration and recommendation.

E. Contributions

1. As soon as the Commission has approved the budget for any year, the Secretary shall send a copy thereof to each Contracting Government (in compliance with Rules of Procedure, Rule K.2), and shall request it to remit its annual payment.
2. Payment shall be in pounds sterling, drafts being made payable to the International Whaling Commission and shall be payable within 90 days of the said request from the Secretary or by the following 28 February, the "due date" whichever is the later. It shall be open to any Contracting Government to postpone the payment of any increased portion of the amount which shall be payable in full by the following 31 August, which then becomes the "due date".
3. New Contracting Governments whose adherence to the Convention becomes effective during the first six months of any financial year shall be liable to pay the full amount of the annual payment for that year, but only half that amount if their adherence falls within the second half of the financial year. The due date for the first payment by new Contracting Governments shall be defined as 6 months from the date of adherence to the Convention *or before the first day of its participation in any Annual or Special Meeting of the Commission whichever is the earlier.*
Subsequent annual payments shall be paid in accordance with Financial Regulation E.2.
4. The Secretary shall report at each Annual Meeting the position as regards the collection of annual payments.

F. Arrears of Contributions

1. If a Contracting Government's annual payments have not been received by the Commission by the due date referred to under Regulation E.2. *a penalty charge of 10% shall be added to the outstanding annual payment on the day following the due date. If the payment remains outstanding for a further 12 months compound interest shall be added on the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the base rate quoted by the Commission's bankers on the day.* The interest, calculated to the nearest pound, shall be payable in respect of complete years and continue to be payable in respect of any outstanding balance until such time as the amount in arrears, including interest, is settled in full.
2. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission within 3 months of the due date *or by the day before the first day of the next Annual or Special Meeting of the Commission following the due date, whichever occurs first,* 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.*

6. *Unless the Commission decides otherwise, a Government which adheres to the Convention without having paid to the Commission all its financial obligations incurred during a previous membership 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.*

Appendix 1**VOLUNTARY FUND FOR SMALL CETACEANS***Purpose*

The Commission decided at its 46th Annual Meeting in 1994 to establish an IWC voluntary fund to allow for the participation from developing countries in future small cetacean work and requested the Secretary to make arrangements for the creation of such a fund whereby contributions in cash and in kind can be registered and utilised by the Commission.

Contributions

The Commission has called on Contracting Governments and non-contracting Governments, intergovernmental organisations and other entities as appropriate, in particular those most interested in scientific research on small cetaceans, to contribute to the IWC voluntary fund for small cetaceans.

Acceptance of contributions from entities other than Governments will be subject to the Commission's procedures for voluntary contributions. Where funds or support in kind are to be made available through the Voluntary Fund, the donation will be registered and administered by the Secretariat in accordance with Commission procedures.

The Secretariat will notify all members of the Commission on receipt of such voluntary contributions.

Where expenditure is incurred using these voluntary funds the Secretariat will inform the donors of their utilisation.

Distribution of Funds

1. Recognising that there are differences of view on the legal competence of the Commission in relation to small cetaceans, but aware of the need to promote the development of increased participation by developing countries, the following primary forms of disbursement will be supported in accordance with the purpose of the Voluntary Fund:
 - (a) provision of support for attendance of invited participants at meetings of the Scientific Committee;
 - (b) provision of support for research in areas, species or populations or research methodology in small cetacean work identified as of direct interest or priority in the advice provided by the Scientific Committee to the Commission;
 - (c) other small cetacean work in developing countries that may be identified from time to time by the Commission and in consultation with intergovernmental agencies as requiring, or likely to benefit from support through the Fund.
2. Where expenditure is proposed in support of invited participants, the following will apply:
 - (a) invited participants will be selected through consultation between the Chair of the Scientific Committee, the Convenor of the appropriate sub-committee and the Secretary;
 - (b) the government of the country where the scientists work will be advised of the invitation and asked if it can provide financial support.
3. Where expenditure involves research activity, the following will apply:
 - (a) the normal procedures for review of proposals and recommendations by the Scientific Committee will be followed;
 - (b) appropriate procedures for reporting of progress and outcomes will be applied and the work reviewed;
 - (c) the Secretariat shall solicit the involvement, as appropriate, of governments in the regions where the research activity is undertaken.

Rules of Debate

A. Right to Speak

1. The Chair shall call upon speakers in the order in which they signify their desire to speak.
2. A Commissioner or Observer may speak only if called upon by the Chair, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
3. A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Chair, give way during his/her speech to allow any other Commissioner to request elucidation on a particular point in that speech.
4. The Chair of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by his/her committee or group.

B. Submission of Motions

1. Proposals and amendments shall normally be introduced in writing in the working language of the meeting and shall be submitted to the Secretariat which shall circulate copies to all delegations in the session. As a general rule, no proposal shall be discussed at any plenary session unless copies of it have been circulated to all delegations normally no later than 6pm, or earlier if so determined by the Chair in consultation with the Commissioners, on the day preceding the plenary session. The presiding officer may, however, permit the discussion and consideration of amendments, or motions, as to procedure, even though such amendments, or motions have not been circulated previously.

C. Procedural Motions

1. During the discussion of any matter, a Commissioner may rise to a point of order, and the point of order shall be immediately decided by the Chair in accordance with these Rules of Procedure. A Commissioner may appeal against any ruling of the Chair. The appeal shall be immediately put to the vote and the 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.

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 other international organisation sending an accredited observer to a meeting of the Commission may nominate a scientifically qualified observer to be present at meetings of the Scientific Committee. Any such nomination must reach the Secretary not less than 60 days before the start of the meeting in question and must specify the scientific qualifications and relevant experience of the nominee. The Chair of the Scientific Committee shall decide upon the acceptability of any nomination but may reject it only after consultation with the Chair and Vice-Chair of the Commission.
- Observers admitted under this rule shall not participate in discussions but the papers and documents of the Scientific Committee shall be made available to them at the same time as to members of the Committee.
6. The Chair of the Committee, acting according to such policy as the Commission or the Scientific Committee may decide, may invite qualified scientists not nominated by a Commissioner to participate by invitation or otherwise in committee meetings as non-voting contributors. They may present and discuss documents and papers for consideration by the Scientific Committee, participate on sub-committees, and they shall receive all Committee documents and papers.
 - (a) Convenors will submit suggestions for Invited Participants (including the period of time they would like them to attend) to the Chair (copied to the Secretariat) not less than four months before the meeting in question. The Convenors will base their suggestions on the priorities and initial agenda identified by the Committee and Commission at the previous meeting. The Chair may also consider offers from suitably qualified scientists to contribute to priority items on the Committee's agenda if they submit such an offer to the Secretariat not less than four months before the meeting in question, providing information on the contribution they believe that they can make. Within two weeks of this, the Chair, in consultation with the Convenors and Secretariat, will develop a list of invitees.
 - (b) The Secretary will then promptly issue a letter of invitation to those potential Invited Participants suggested by the Chair and Convenors. That letter will state that there may be financial support available, although invitees will be encouraged to

find their own support. Invitees who wish to be considered for travel and subsistence will be asked to submit an estimated airfare (incl. travel to and from the airport) to the Secretariat, within 2 weeks. Under certain circumstances (e.g. the absence of a potential participant from their institute), the Secretariat will determine the likely airfare.

At the same time as (b) a letter will be sent to the government of the country where the scientist is domiciled for the primary purpose of enquiring whether that Government would be prepared to pay for the scientist's participation. If it is, the scientist is no longer an Invited Participant but becomes a national delegate.

- (c) At least three months before the meeting, the Secretariat will supply the Chair with a list of participants and the estimated expenditure for each, based on (1) the estimated airfare, (2) the period of time the Chair has indicated the IP should be present and (3) a daily subsistence rate based on the actual cost of the hotel deemed most suitable by the Secretary and Chair¹, 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:
- (h) 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.

- (i) *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.

¹ [Invited participants who choose to stay at a cheaper hotel will receive the actual rate for their hotel plus the same daily allowance.]

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.
 - (i) 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.
 - (ii) 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 Convention².

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 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.

² [The Government of Norway notes that for domestic legislation it is only to agree that data it provides under this paragraph are made available to accredited persons.]



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