

## Chair's Report to the Small Working Group on the Future of IWC

### PART 1

#### Introduction

At its 61<sup>st</sup> Annual Meeting in Madeira in June 2009 the Commission reviewed progress on discussions on the future of IWC. Recognising that the work was not complete, the Commission agreed by consensus (see Document IWC/61/10rev) to extend the time allocated to the Small Working Group (SWG) on the Future of IWC until the 2010 Annual Meeting. The SWG, now open to observers, was tasked with intensifying its efforts to conclude a package or packages by 2010 that should allow the Commission to reach a consensus solution to the major problems it faces, building upon the concept of a two-phase process and the progress reported by the SWG in its report to IWC/61 (IWC/61/6). The Commission also agreed that the Chair, in consultation with the Advisory Committee, should establish a Support Group containing equitable geographic and socio-economic representation and range of views to assist him in providing direction to the process and in the preparation of material for submission to the SWG. The Support Group comprised Antigua and Barbuda, Australia, Brazil, Cameroon, Germany, Iceland, Japan, Mexico, New Zealand, St. Kitts and Nevis, Sweden and the USA.

This document contains, in Part 2, the result of the discussions of my Support Group, i.e. a ***draft*** document, titled "Consensus Decision to Improve the Conservation of Whales". I must stress that this document has been developed on the firm understanding that '*nothing is agreed until everything is agreed*'. It therefore does *not* represent, at this time, an agreed approach, but my intention is to use this as the basis for the SWG's discussions at its meeting in Florida from 2-4 March 2010.

The Support Group has worked hard towards building consensus and I very much appreciate their dedication and contributions to the work over the previous months. While full consensus has not been reached, very significant progress has been made and all members agreed that further work to build consensus is necessary. In the light of this recent progress, we should take the opportunity to move forward. Retaining the *status quo* should not be regarded as an option.

#### Work of the Support Group

The Support Group met on three occasions: Santiago (October, 2009); Seattle (December, 2009) and Honolulu (January, 2010). Norway was invited by the Chair to participate and attended the meeting in Honolulu as an observer. The meetings were cordial and friendly at all times and the confidentiality of the discussions allowed for frank exchanges of views on all matters.

Taking into account the previous work of the SWG and the 33 issues identified as being of importance for one or more Contracting Governments (see IWC/S08/SWG3), discussions of the Support Group focused on the following set of ‘themes’: a shared vision for IWC; addressing the problems within the Convention; conservation and sustainability; healthy whale populations; exploitation and protection; whaling under special permit (‘scientific whaling’); small type coastal whaling; benefits for developing countries; monitoring and accountability; sanctuaries; the commercial whaling moratorium; an interim period; governance mechanisms of the IWC; animal welfare; aboriginal subsistence whaling; international trade; reservations and objections; whale watching; bycatch and human impacts; small cetaceans; an acceptable “Package”.

Discussions of these issues over the meetings of the Support Group led to the formulation of the draft ‘Consensus Decision’ contained in Part 2 of this document. While not agreed, it is the result of a serious effort by countries with significant interests in the conservation and management of whales and has been put forward as a set of ideas as to how the IWC could function in the future.

The draft ‘Consensus Decision’ consists of two parts. The first part is a short Vision Statement for the organisation whereby IWC members commit to working co-operatively to improve the conservation and management of whale populations and to striving to ensure that that whale populations are healthy and resilient components of the marine environment. The second part describes how differences among IWC’s 88 member governments as to how whales are managed as a resource might be reconciled while strengthening the goal of maintaining healthy whale populations and the recovery of depleted stocks. It therefore identifies objectives and priorities for the conservation of whale stocks, for the management of whale stocks, for the science underpinning the functioning of the Commission and for improvements in the governance of the organisation. A number of Annexes provide detail on how this work may be achieved<sup>1</sup>.

Fundamental components of the draft Consensus Decision are that the Commission will:

- focus on the recovery of depleted whale stocks and take actions on key issues, including bycatch, climate change and other environmental threats;
- bring whaling by all members under the control of the IWC (IWC has no control over whaling under objection/reservation or whaling under special permit – ‘research whaling’);
- reduce catches significantly from current levels;
- limit whaling operations to those members who currently take whales;
- establish caps of takes that are within sustainable levels for a ten year period;

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<sup>1</sup> Those Annexes dealing with monitoring, control and surveillance regimes that would be put in place draw heavily on the substantial work done in the past by the Revised Management Scheme Working Group.

- enhance monitoring and control measures and animal welfare aspects of whaling operations;
- recognize the non-lethal use of whales, such as whalewatching, as a management option for coastal states and address related scientific, conservation and management issues of such uses;
- create a South Atlantic sanctuary;
- provide a mechanism for enterprise and capacity building for developing countries; and
- strengthen and re-organise the Commission's subsidiary bodies.

Subsistence whaling by indigenous people that was previously approved by the Commission would continue under existing management measures (but be referred to in future as indigenous subsistence whaling rather than aboriginal subsistence whaling).

The intention is that the new measures referred to above would be implemented for a 10-year period with a review after five years. This would provide a period of stability during which the Commission will be able to undertake a review of other matters and further work on the reform of the organisation. These matters would include, *inter alia*, research under special permit, the commercial whaling moratorium and objections and reservations.

In reviewing the draft Consensus Decision, you will note that whaling catch limits are largely still to be determined. While there has been extensive discussion within the Support Group on this matter, firm proposals have not yet been forthcoming. There will be further discussions on catch limits just prior to the SWG meeting in Florida and it is my hope that these will yield numbers for consideration at the 2-4 March meeting. This is clearly a critical part of negotiations. Since the imposition of the commercial whaling moratorium in 1985/86, over 33,000 whales have been killed by whaling under objection, reservation and special permit – whaling over which IWC has no control. And these takes have been increasing each year. In 1990, just over 300 whales were taken; in 1995 there were around 750 whales taken; in 2000 they were around 1000 whales; and over the last five years takes have been between 1700 and 1900 whales. As indicated above, the objective is to reduce catches significantly and bring them under IWC control.

At the Florida meeting, it is my intention to present the draft Consensus Decision in some detail so that the reasoning behind the proposals may be fully understood. Time will be allocated to allow for a question and answer session involving all participants. To this end I would encourage participants to focus initially on the overall concepts in the draft Consensus Document prior to engaging in detailed discussion of its Appendices.

I recognise that significant challenges remain, but I believe that with a committed desire to achieve a just outcome we can make progress and resolve the outstanding issues.

**PART 2**

**DRAFT – NOT AGREED**

**Consensus Decision to Improve the Conservation of Whales**

# DRAFT – NOT AGREED

## Consensus Decision to Improve the Conservation of Whales

**VISION STATEMENT:** The International Whaling Commission will work cooperatively to improve the conservation and management of whale populations and stocks on a scientific basis and through agreed policy measures. By improving our knowledge of whales, their environment and the multiple threats they face, the Commission will strive to ensure that whale populations are healthy and resilient components of the marine environment.

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

Very different views exist among the members regarding whales and whaling. Some seek to eliminate whaling that is not for subsistence purposes, and some support whaling provided it is sustainable. This difference has come to dominate the time and resources of the Commission at the expense of effective whale conservation and management.

This consensus decision among all 88 members of the IWC seeks to reconcile differences in views about how whales are managed as a resource while strengthening the unified goal of maintaining healthy whale populations and recovering depleted stocks. This effort represents a paradigm shift in the way the Commission will carry out its mandate. This shift will bring all whaling under the control of the IWC, create a cooperative environment for addressing issues related to whales, and reform the framework for that cooperation. The focus will be on a shared vision for the Commission's future.

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

Fundamental components of this consensus decision are to: bring whaling by all members under the control of the IWC; reduce catch levels significantly; limit operations to those members who currently take whales; establish caps that are within sustainable levels for a ten year period; enhance monitoring and control measures; create a South Atlantic sanctuary; and provide a mechanism for enterprise and capacity building for developing countries. Members agree not to authorize whaling outside IWC control and not to exceed the prescribed catch limits (Appendix A). Subsistence whaling by indigenous people that was previously approved by the Commission will continue under existing management measures. The Commission will now refer to aboriginal subsistence whaling as indigenous subsistence whaling.

The catch limits outlined in this arrangement reflect scientific and policy evaluations of proposals made by the whaling countries for the ten-year period. The scientific evaluation has ensured that the catch limits are consistent with the principle of sustainability and the precautionary approach. The policy evaluation has ensured that the catch limits result in a significant reduction below existing levels of whaling. Whaling by special permit and by objection or reservation will be suspended for the ten year period. Notwithstanding Appendix A, the moratorium will remain in place during the currency of this arrangement. Nothing in this consensus decision prejudices the legal positions of member governments with respect to the International Convention for the Regulation of Whaling.

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

[The Commission recognizes there will be increased expenses as a result of this arrangement. The preferred method of financing these measures is through the financial contributions scheme. The Commission will make a detailed assessment of how to apportion these costs amongst Contracting Governments, taking into the financial circumstances of different countries. Proposed budgets will be drafted prior to the 2010 annual meeting based on guidance received from the Small Working Group and the Chair's Support Group.]

**FOR CONSERVATION:**

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

The Commission will establish a Conservation Program Committee. Members agree to participate fully on this Committee and in its associated bodies.

**FOR MANAGEMENT:**

For this ten-year period, the Commission agrees to a cap on whaling based on the prescribed catch limits (Table 4 of Appendix A) that will be set below agreed sustainable limits. The Commission will use the best available scientific techniques, including its management procedures, to determine these sustainable limits. In some cases, provisional measures will be implemented, based on the best available information, pending completion of those procedures (see Appendix B). If the results of those procedures indicate that a catch limit should be lower than the limit in Appendix A or if there is a significant event that negatively affects the status of a stock, the Commission will lower the catch limit for that stock prior to the next whaling season based on the advice of the Scientific Committee.

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

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

**FOR SCIENCE:**

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

In developing priorities for the Scientific Committee, the Commission will take into account the conservation status of whale populations and the threats they face. The Scientific Committee will incorporate into its work ecosystem considerations and a range of tools to help mitigate threats. These tools include conservation management plans and marine protected areas. Results from cooperative research programs will help to fill in important knowledge gaps required for whale conservation.

**FOR GOVERNANCE:**

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

It is agreed that a Bureau will be established to support the Chair of the Commission. In addition to the Chair, the Bureau will be comprised of the Vice-Chair of the Commission, the four Committee Chairs and two additional Commissioners. To ensure that the Bureau will be representative of the regions and interests within the Commission, these two additional Commissioners will be nominated by the Chair for approval by the Commission.

The Commission will afford greater participation to intergovernmental and non-governmental organizations. Representatives from these organizations will be allowed to speak at relevant times during the meeting, under the agenda items that they request and in accordance with Appendix D. The Commission will continue to support the right to legitimate and peaceful forms of protest and demonstration and urge its members to have regard for the importance of protecting the environment, and in particular the fragile Antarctic environment.

With regard to safety at sea, the Commission and its members reiterate that they do not condone, and in fact condemn, any actions that are a risk to human life and property in relation to the activities of vessels at sea, and urge that persons and entities refrain from such acts. The members of the Commission will continue to cooperate and to take action, in accordance with relevant rules of international law and respective national laws and regulations, to suppress and prevent actions that risk human life and property at sea.

### **TIMELINE**

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

### **FUTURE WORK PLAN:**

While this paradigm shift represents significant progress in strengthening the conservation and management of whales, there is more work to do. This consensus decision to conserve whales and bring the management of all whaling under the control of the IWC will provide the Commission with the opportunity to undertake further work on the reform of the Commission and effectively address new and emerging environmental challenges.

The Commission will maintain momentum in addressing outstanding elements in the reform agenda. The Commission will continue to address the different views that exist amongst the members on key issues regarding whales and whaling, including research by special permit, the commercial whaling moratorium, and objections and reservations. Proposals will be developed to address these issues for consideration during the initial five years of the arrangement.

The five year review will assess the efficiency and effectiveness of the implementation and operation of the arrangement. At that point the Commission will identify work that needs to be undertaken to enable any necessary reforms to be in place prior to expiry of the arrangement.

#### *2010 (IWC/62)*

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

#### *2011 (IWC/63) & 2013 (IWC/64)*

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



*2015 (IWC/65) - “The Five-Year Review”*

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

*2017 (IWC/66)& 2019 (IWC/67)*

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

*2020 (IWC/68)*

The Schedule amendments in Appendix A will expire.

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## APPENDIX A – Amendments to the Schedule

## CHAPTER VII. REFORMED CONSERVATION AND MANAGEMENT MEASURES

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

33. In order to improve the conservation of whales, the number of whales taken for each of the years indicated above shall not exceed the catch limits shown in Table 4. No Contracting Government will unilaterally authorize any whaling in excess of the limits shown in Table 4 or outside the provisions of chapter VII. If the results of the established management procedures indicate that a catch limit should be lower than the number in Table 4, or if there is a significant event that negatively affects the status of any population, the Commission shall reduce the number of whales taken for each subsequent whaling season during the currency of this chapter, in accordance with the advice of the Scientific Committee. Catches from the stocks included in Table 4 shall not be authorized by Contracting Governments that did not authorize whaling operations in those areas in 2009.

34. In the absence of specified carryover provisions, any overages of an annual catch limit specified in Table 4 shall be deducted from that annual catch limit the following whaling season.

35. If:

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

the Commission will lower the relevant catch limit specified in Table 4 for the following whaling season. Such a deduction would apply in addition to any overages automatically deducted from the relevant catch limit under paragraph 34.

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

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

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

**39. DNA Registry and Market Sampling.** Contracting Governments under whose jurisdiction whales are harvested shall maintain a diagnostic DNA register and tissue bank, and will carry out a market sampling scheme, based on the procedures given in Annex {DNA} dated *day/month/year*. These procedures shall include the annual transmission of DNA profiles to a centralized archive maintained by the Secretariat for audit purposes. External audit conducted under the auspices of the IWC by an international expert group established pursuant to a recommendation of the Scientific Committee shall follow the procedures also documented in the Annex.

**40. Infractions and Sanctions.** Contracting Governments shall have in place licensing, infractions and sanctions arrangements as set out in Annex {LIS} dated *day/month/year*.

**41. Exception.** The provisions of paragraphs 37 through 39 and 44 shall not apply to whales taken under paragraph 13.

**42. Whale Killing Methods.** Hunting of whales shall be undertaken so that the hunted whale does not experience unnecessary suffering and so that people and property are not exposed to danger. In order to verify that the best methods are used and to provide for continuous improvement of methods, the national inspector, international observer or the captain of the vessel shall record information on whale killing methods and associated welfare issues as described in Annex {WKM} dated *day/month/year*. Information on whale killing methods and associated welfare issues shall be included in the annual report to the Commission.

**43. Scientific Information.** Contracting Governments under whose jurisdiction whales are harvested shall submit the scientific information described in Annex {SI} dated *day/month/year*. This information shall be conveyed to the Secretariat annually.

**44. Operational Information.** Contracting Governments under whose jurisdiction whales are harvested shall submit the operational information described in Annex {OI} dated *day/month/year*. This information shall be conveyed to the Secretariat annually.

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

DRAFT NOT AGREED

# DRAFT – NOT AGREED

**Table 4.** Catch limits.

| STOCKS (The numbers and types of whales to be included are still to be determined.)   | SEASONS   |                  |                  |                     |                     |                     |                     |                     |                     |                     |                     |                     |
|---|-----------|------------------|------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
|   | 2010-2011 | 2011-2012        | 2012-2013        | 2013-2014           | 2014-2015           | 2015-2016           | 2016-2017           | 2017-2018           | 2018-2019           | 2019-2020           |                     |                     |
| SOUTHERN HEMISPHERE   |           |                  |                  |                     |                     |                     |                     |                     |                     |                     |                     |                     |
| Antarctic minke - either area [A] or [B]  | TBD       | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |                     |
| Fin – area [C]  | TBD       | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |                     |
| Humpback – area [D]   | TBD       | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |                     |
|   |           |                  |                  |                     |                     |                     |                     |                     |                     |                     |                     |                     |
| NORTHERN HEMISPHERE   |           | 2011             | 2012             | 2013                | 2014                | 2015                | 2016                | 2017                | 2018                | 2019                | 2020                |                     |
| <b>North Pacific</b>  |           |                  |                  |                     |                     |                     |                     |                     |                     |                     |                     |                     |
| Bowhead – Bering-Chukchi-Beaufort Seas stock  |           | 67 <sup>1</sup>  | 67 <sup>1</sup>  | [67 <sup>1</sup> ]  | [67 <sup>1</sup> ]  | [67 <sup>1</sup> ]  | [67 <sup>1</sup> ]  | [67 <sup>1</sup> ]  | [67 <sup>1</sup> ]  | [67 <sup>1</sup> ]  | [67 <sup>1</sup> ]  | [67 <sup>1</sup> ]  |
| Gray – eastern stock  |           | 140 <sup>2</sup> | 140 <sup>2</sup> | [140 <sup>2</sup> ] | [140 <sup>2</sup> ] | [140 <sup>2</sup> ] | [140 <sup>2</sup> ] | [140 <sup>2</sup> ] | [140 <sup>2</sup> ] | [140 <sup>2</sup> ] | [140 <sup>2</sup> ] | [140 <sup>2</sup> ] |
| Bryde’s whales – western <i>Small Areas</i>   |           |                  |                  |                     |                     |                     |                     |                     |                     |                     |                     |                     |
| 1E  |           | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |
| 1W  |           | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |
| Common minke whales – the coastal waters east of Japan north of 35°N and west of 150°E (excluding the Okhotsk Sea), and shall not occur within 10 nautical miles of the Pacific coast of northern Japan. <sup>3</sup> |           | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |
| Common minke whales - offshore  |           | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |
| Sei – western (west of 170°E)   |           | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |
| Sperm   |           | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |
| <b>North Atlantic</b>   |           |                  |                  |                     |                     |                     |                     |                     |                     |                     |                     |                     |
| Bowhead – Eastern Canada/West Greenland stock   |           | 2 <sup>4</sup>   | 2 <sup>4</sup>   | [2 <sup>4</sup> ]   | [2 <sup>4</sup> ]   | [2 <sup>4</sup> ]   | [2 <sup>4</sup> ]   | [2 <sup>4</sup> ]   | [2 <sup>4</sup> ]   | [2 <sup>4</sup> ]   | [2 <sup>4</sup> ]   | [2 <sup>4</sup> ]   |
| Fin – West Greenland  |           | 19 <sup>5</sup>  | 19 <sup>5</sup>  | [19 <sup>5</sup> ]  | [19 <sup>5</sup> ]  | [19 <sup>5</sup> ]  | [19 <sup>5</sup> ]  | [19 <sup>5</sup> ]  | [19 <sup>5</sup> ]  | [19 <sup>5</sup> ]  | [19 <sup>5</sup> ]  | [19 <sup>5</sup> ]  |
| Fin – East Greenland-West Iceland-East Iceland/Faroes <i>Small</i>  |           | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |

<sup>1</sup> This is the maximum number of animals that may be struck in any one year except that any unused strikes (including 15 unused strikes from the 2007-2010 period) may be carried forward to subsequent years up to a maximum of 15 additional strikes in any one year. The total number of animals that may be landed over the 10 seasons from 2011-2020 is 580.

<sup>2</sup> This is the maximum number of animals that may be struck in any one year. The total number of animals that may be landed over the 10 seasons from 2011-2020 is 1,240.

<sup>3</sup> The whaling season shall be limited to a consecutive six month period within the period of March 1 to November 30 of each year. Whaling will be in accordance with the framework set out in IWC/60/9 that describes Japan’s Small Type Coastal Whaling proposal for the benefit of four communities in Japan.

<sup>4</sup> This is the maximum number of animals that may be struck in any one year except that any unused strikes from one year may be carried forward to subsequent years up to a maximum of 2 additional strikes in any one year.

<sup>5</sup> This represents the maximum number of animals that may be struck in any one year.

| <i>Area</i>  |  |                  |                  |                     |                     |                     |                     |                     |                     |                     |                     |
|--|--|------------------|------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| NORTHERN HEMISPHERE (continued)                      |  | 2011             | 2012             | 2013                | 2014                | 2015                | 2016                | 2017                | 2018                | 2019                | 2020                |
| Common minke – West Greenland                        |  | 178 <sup>6</sup> | 178 <sup>6</sup> | [178 <sup>6</sup> ] | [178 <sup>6</sup> ] | [178 <sup>6</sup> ] | [178 <sup>6</sup> ] | [178 <sup>6</sup> ] | [178 <sup>6</sup> ] | [178 <sup>6</sup> ] | [178 <sup>6</sup> ] |
| Common minke – Central Atlantic – <i>Small Areas</i> |  |                  |                  |                     |                     |                     |                     |                     |                     |                     |                     |
| East Greenland coastal                               |  | 12               | 12               | 12                  | 12                  | 12                  | 12                  | 12                  | 12                  | 12                  | 12                  |
| CIC  |  | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |
| CM   |  | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |
| CIP  |  | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |
| Common minke – Eastern Atlantic <i>Small Areas</i>   |  |                  |                  |                     |                     |                     |                     |                     |                     |                     |                     |
| EB   |  | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |
| EN   |  | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |
| ES   |  | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |
| EC   |  | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |
| Humpback – taken off St Vincent and The Grenadines   |  | 4 <sup>7</sup>   | 4 <sup>7</sup>   | [4 <sup>7</sup> ]   | [4 <sup>7</sup> ]   | [4 <sup>7</sup> ]   | [4 <sup>7</sup> ]   | [4 <sup>7</sup> ]   | [4 <sup>7</sup> ]   | [4 <sup>7</sup> ]   | [4 <sup>7</sup> ]   |
| Humpback – West Greenland feeding aggregation        |  | TBD              | TBD              | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 | TBD                 |

<sup>6</sup> This represents the maximum number of animals that may be struck in any one year except that any unused strikes may be carried forward to subsequent years up to a maximum of 15 additional strikes in any one year.

<sup>7</sup> This represents the average number of whales that may be landed in any one year. The total number that be landed over the 10 seasons from 2011-2020 is 40.

**Annex {LIS} dated *day/month/year***Licensing

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

The Secretariat shall provide a copy of any licence to a Contracting Government upon request.

Infractions and sanctions

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

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

**DRAFT NOT AGREED TEXT**



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

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

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

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

Observers shall be selected in accordance with the following procedure. Observers chosen for the combined role with a national inspector (1.1(b) above) must fulfil the qualifications for both positions.

- (1) The Secretariat will put out a call for candidates to apply (including via Contracting Governments, the Scientific Committee and the IWC website). It will develop a standard application form that will include information on the scientific and technical criteria that will be used in the selection process. It will also request information on *inter alia*: language(s) spoken; available dates; previous experience (including time at sea); any known problems with admission to certain countries; references. The Secretariat will draw up list of suitable candidates.
- (2) The list will be circulated to all Contracting Governments with summary of information on each candidate (individual applications may be given to any Commissioner on request).
- (3) Any Contracting Government may veto any candidate.
- (4) Following predetermined guidelines, and after consultation with relevant Contracting Governments over practical arrangements, the Secretariat will decide the placement of observers and will inform the appropriate Contracting Governments at least 30 days prior to the start of whaling operations.

In particular, (a) an individual shall not be appointed to observe in the territory or on a vessel flying the flag of the State of which he/she is a national or permanent resident,

except if this results in a serious problem with (b) the fact that an observer must be able to communicate effectively with the senior personnel of that component of the whaling operation they have been selected to observe.

## **2.2 Review of performance**

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

## **3. RESPONSIBILITIES OF OBSERVERS**

### **3.1 Duties**

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

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

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

Observers' duties shall include:

- (1) monitoring that whaling operations are carried out in accordance with the provisions of the Convention;
- (2) monitoring that information required under the Schedule is collected, sampled, maintained or processed;
- (3) checking licenses, logbooks and other relevant documents;
- (4) checking equipment used to catch and flense whales;
- (5) checking whaling operation areas on vessels and points of landing/primary processing sites;
- (6) checking relevant equipment (e.g. VMS transmitters); and
- (7) collection of information under Annex {DNA} dated *day/month/year* and Annex {WKM} dated *day/month/year*.

### **3.2 Reporting**

For operations lasting less than a week, observers on whaling vessels shall report daily to the Secretariat on any whales struck and/or killed. For operations lasting more than a week, observers on whaling vessels shall report at least weekly to the Secretariat on any whales struck and/or killed. Reports on other relevant observations shall be made at the end of each whaling voyage,

and on a monthly basis by land-based observers. However, if an observer suspects that an infraction of the provisions of the Convention has taken place, he/she shall immediately inform the captain of the vessel, the national inspector and/or the manager of the point of landing, as well as the competent national authority and the Secretariat.

Observers shall convey their report to the Secretariat in English. The Secretariat shall promptly submit the report to the Contracting Government having jurisdiction over the whaling operations observed.

If a report indicates a possible breach of provisions of the Convention, the Secretariat shall ask the Contracting Government to seek comments from the vessel captain, its national inspector and/or the manager of the point of landing as appropriate. Such comments shall be passed to the Secretariat expeditiously and be attached as an addendum to the observer's report. The Secretariat shall make the observer's report and its addendum available to the Commission for consideration by the Management and Compliance Committee.

Observers shall ensure confidentiality with respect to the conduct of their duties and their reports.

#### **4. TRAINING OF OBSERVERS**

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

#### **5. RESPONSIBILITIES OF THOSE RECEIVING OBSERVERS**

##### **5.1 Visas and immigration**

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

##### **5.2 Co-operation**

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

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

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

1. Each Contracting Government under whose jurisdiction whaling operations are being conducted shall implement no later than 1 November 2010 a Vessel Monitoring System (VMS) for its whaling vessels and:

- a) require its whaling vessels to be equipped with an autonomous system able to simultaneously and in real-time automatically transmit a message to the land-based Monitoring Center (MC) of the Contracting Government, the Secretariat, and the international observer as specified in Annex {IOS} dated *day/month/year*, allowing a continuous tracking of the position of the vessel;
- b) ensure that the satellite tracking device fitted on board the vessels shall enable the vessels to continuously collect and transmit the following data upon the taking of a whale, and at any other times:
  - i) the vessel's identification;
  - ii) the most recent geographical position of the vessel (longitude, latitude) with a margin of error lower than 500 meters, with a confidence interval of 99%;
  - iii) the date and time of the fixing of the said position of the vessel.

2. Each Contracting Government shall

- a) establish and operate monitoring centers (MCs), which shall monitor the whaling activities of vessels flying their flags;
- b) take the necessary measures to ensure that the data received from its whaling vessels to which VMS applies are recorded and maintained in computer readable form; and
- c) take the necessary measures to ensure that its MC receives the requested VMS data.

3. Each Contracting Government as a flag State shall ensure that the VMS on board its vessels are tamper proof, i.e. are of a type and configuration that prevent the input or output of false positions, and that are not capable of being over-ridden, whether manually, electronically or otherwise. To this end, the on-board satellite monitoring device must:

- (a) be located within a sealed unit; and
- (b) be protected by official seals (or mechanisms) of a type that indicate whether the unit has been accessed or tampered with.

4. In the event that a Contracting Government has information to suspect that an on-board vessel monitoring device does not meet the requirements of paragraph 3, or has been tampered with, it shall immediately notify the Secretariat.

5. Each Contracting Government shall ensure that its MC receives VMS reports and messages, and that the MC is equipped with computer hardware and software enabling automatic data

processing and electronic data transmission. Each Contracting Government shall provide for backup and recovery procedures in case of system failures.

6. Prior to the commencement of a whaling season, each Contracting Government shall submit by email or other means to the Secretariat a list of all its authorized whaling vessels, including vessel registration details and intended time at sea for whaling operations. Any change to the list should be promptly notified to the Secretariat. The Secretariat shall provide a copy of the list to Contracting Governments upon request.

7. Each Contracting Government shall require that the masters of the vessels flying its flag ensure that the satellite tracking devices are permanently operational and that the information identified in paragraph 1.b) is collected at least every 6 hours for transmission on, at least, a daily basis. The master of a whaling vessel is not authorized to commence a trip with a defective satellite tracking device. When a device stops functioning or has a technical failure during a trip and cannot be repaired at sea, the repair or the replacement has to take place as soon as the vessel enters a port.

8. Each Contracting Government shall ensure that a whaling vessel with a defective satellite tracking device shall communicate, at least daily, reports containing the information in paragraph 1.b) to the MC by other means of communication (email, radio, telefax or telex). In such cases, these messages shall be then transmitted electronically to the Secretariat as soon as practicable.

9. Each Contracting Government shall ensure that the messages transmitted to the Secretariat shall be in accordance with the data exchange format set out in **Table 1**.

10. When the Secretariat has not received for 12 hours data transmissions referred to in paragraphs 1 and 8, or has reasons to doubt the correctness of the data transmissions under paragraphs 1 and 8, it shall as soon as possible notify the Contracting Government. If this situation occurs more than two times within a period of one year in respect of a particular vessel, the Contracting Government of the vessel shall investigate the matter, including requiring an authorized official to inspect the device in question, in order to establish whether the equipment has been tampered with. The outcome of this investigation shall be forwarded to the Secretariat within 30 days of its completion.

11. Contracting Governments shall take the necessary measures to assure that all messages are treated in a confidential manner. The Secretariat and the International Observers shall ensure the confidential treatment of the messages received. The Secretariat will maintain a searchable database for audit purposes. Data three years old or more shall be available to the Scientific Committee, pursuant to the Data Availability Agreement.

12. The Secretariat shall report annually to the Commission on the implementation of and compliance with this Annex.

**Table 1. Format for the Communication of VMS Messages****A. Content of the position message**

| <b>Data element</b>                              | <b>Field code</b> | <b>Mandatory / optional</b> | <b>Remarks</b>   |
|--|-------------------|-----------------------------|--|
| Start record                                     | SR                | M                           | Message detail; indicates start of record  |
| Address  | AD                | M                           | IWC Secretariat, Contracting Government, and Land Station Observer as appropriate  |
| Type of message                                  | TM <sup>8</sup>   | M                           | Message detail; “POS” as Position message to be communicated by VMS or other means by vessels with a defective satellite tracking device |
| Radio call sign                                  | RC                | M                           | Vessel registration detail; international radio call sign of the vessel  |
| Trip No.   | TN                | O                           | Activity detail; whaling trip serial number in current year  |
| Vessel name                                      | NA                | O                           | Vessel registration detail; name of the vessel   |
| Contracting Government internal reference number | IR                | O                           | Vessel registration detail; Unique Contracting Government vessel number as ISO-3 Flag State code followed by number.                     |
| External registration No.                        | XR                | O                           | Vessel registration detail; the side number of the vessel or IMO number in the absence of a side number                                  |
| Latitude   | LA                | M                           | Activity detail; position at time of transmission  |
| Longitude  | LO                | M                           | Activity detail; position at time of transmission  |
| Date   | DA                | M                           | Message detail; date of transmission   |
| Time   | TI                | M                           | Message detail; time of transmission   |
| End of Record                                    | ER                | M                           | System detail; indicates end of the record   |

**B. Structure of the position message:**

Each data transmission is structured as follows:

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

<sup>8</sup> Type of message shall be ‘ENT’ for the first VMS message from the Convention Area as detected by the MC of the Contracting Government, or as directly submitted by the vessel.

Type of message shall be ‘EXI’ for the first VMS message from outside the Convention Area as detected by the FMC of the Contracting Government or as directly submitted by the vessel, and the values for latitude and longitude are, in this type of message, optional. Type of message shall be ‘MAN’ for reports communicated by vessels with a defective satellite tracking device.

**Annex {DNA} dated *day/month/year*****Specifications and requirements for diagnostic<sup>9</sup> DNA Registers and Market Sampling Schemes****1. SPECIFICATIONS FOR THE ESTABLISHMENT/MAINTENANCE OF A DIAGNOSTIC DNA REGISTER/TISSUE ARCHIVE****1.1 Laboratories****1.1.1 Minimum laboratory requirements**

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

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<sup>9</sup> A diagnostic DNA register is one that contains DNA profiles of any animals from which products *might* legally appear on the market (e.g. from legal direct catches, bycatches, ship strikes etc.). On this basis, any products found on the market that were from whales not included in the register will be from illegal whales.

(9) The laboratory shall participate in calibration exercises with other laboratories if requested to do so by the IWC (see Item 1.1.2).

(10) The laboratory should be available for external evaluation and participate regularly in proficiency tests such as double-blind comparisons (e.g. see Item 1.7).

### **1.1.2 Calibration of laboratories if more than one is used**

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

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

## **1.2 Sample collection**

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

### **1.2.1 Size of samples**

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

### **1.2.2 Preservation**

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

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

### **1.2.3 Labelling**

Reliable labelling of the sample is essential. The container should be labelled on both the inside and the outside with a unique identifying code that can be related directly to the biological and



other information collected for the individual (see Item 1.2.4). The label on the inside must be indelible and insoluble in alcohol to ensure that the number remains legible after storage in ethanol. The label on the outside must also be robust and remain legible if exposed to ethanol or water.

#### **1.2.4 Information to be collected**

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

### **1.3 Tissue analysis**

#### **1.3.1 Extraction of DNA**

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

### **1.4 Markers and methods of analysis**

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

Samples should be analysed for (at least):

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

#### **1.4.1 Mitochondrial DNA**

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

#### **1.4.2 Microsatellites**

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

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

#### **1.4.3 Sex identification**

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

### 1.5 Format of individual records

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

- (a) A microsatellites and sex profile, in which each whale profile is given one row, with one column for each allele (two columns for each microsatellite marker and the sex locus).
- (b) A mtDNA sequence file, in which each profile has one row, and one column for each site where the sequence deviates from the reference sequence.

In addition, the following must be archived:

*General information for each sample*

- genotyping system
- software system

*'Raw' data*

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

*Summary data on each locus*

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

### 1.6 Matching

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

### 1.7 External audit of DNA registers

An international expert group established pursuant to paragraph 38 shall:

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

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

**1.8 Submission procedure for samples for comparison with registers**

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

(1) may be made by Contracting Governments; and

(2) shall be accompanied by officially-attested documentation of chain of custody from time of collection to submission that contains the following information:

- name and address of ‘collector’;
- location obtained;
- type of vendor;
- date and time of collection;
- label, if present (or verbal description of nature and origin of product offered by vendor);
- where possible, photographs; and
- comments by the Contracting Government where the market sample was collected.

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

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

When the matching has been completed, the IWC Secretariat shall make public the results within one week.

**2. SPECIFICATIONS FOR THE ESTABLISHMENT/MAINTENANCE OF MARKET SAMPLING SCHEMES**

The purpose of market sampling is twofold: to act as a deterrent to illegal activity and to detect whether such activity is occurring. Market sampling in its initial stage is not intended to determine the precise number of animals that may be involved. Rather, if illegal products are discovered, a targeted method of detecting the origin of the products and the extent of the illegal operation specific to the case should be developed.

**2.1 Design principles**

(1) Market sampling schemes shall be case-specific. Their design shall be based on the best available information on the temporal and geographical nature of the particular market(s) and product pathways. Power to detect/deter will increase with the geographical and temporal scope of the surveys.

(2) The design of market sampling schemes will be iterative and schemes should be reviewed periodically. Experimental testing of their potential to detect illegal products should be undertaken and reported. This should include estimation of the possibility of falsely suggesting illegal activity and missing illegal activity when it occurs.

(3) Appropriate (e.g. not highly processed products from which it is difficult to obtain reliable microsatellite profiles) products should be chosen.

(4) A balance between deterrence (sampling carried out openly and with publicity) and detection (undercover sampling) shall be maintained and reported.

(5) The full range of cetacean products shall be sampled in case mislabelling occurs.

(6) An officially-attested documentation of chain of custody from time of collection to results of matching must be collected and archived, including the information given in Item 2.3.

(7) Analysis and matching must be carried out in an IWC-approved laboratory (with appropriate calibration if necessary) following the procedures given in Item 1 above.

### **2.2 Development of appropriate market sampling schemes including audit**

The international expert group (see Item 1.7) under the auspices of the IWC shall:

(1) co-operate in the design of and approve any market sampling scheme before it is implemented and review the associated results;

(2) co-operate in the design of and approve experimental work and review results referring to Item 2.1 (2) above.

(3) design and arrange for periodic site visits to ensure that the approved scheme is being implemented.

### **2.3 Data to be collected**

- Product or sample of product of sufficient size to obtain DNA sample (see Item 1.2.2);
- Location obtained;
- Date and time;
- Label (or verbal description of nature and origin of product offered by vendor);
- Source (e.g. wholesale market, shop, dockside etc.);
- photograph of product before sub-sampling; and
- name and contact information of person collecting.

This information should be archived in an appropriate electronic manner.

### **2.4 Reporting**

The authorities responsible for undertaking the market sampling schemes in accordance with Paragraph 22(b) of the Schedule shall submit an annual report of their market sampling activities to the international expert group via the IWC Secretariat at least two months before each regular Meeting of the IWC. That report shall include: details of the methods used; a summary of the number and nature of the products sampled, and the geographical and temporal spread of sampling; the results of the matching exercise.

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

**Annex {WKM} dated *day/month/year****Purpose for the collection of whale killing statistics*

Collection, sharing and analysis of selected standardised whale killing and hunting data can allow an assessment of the efficiency of the killing techniques and improvements in techniques to improve welfare aspects of the hunts. It also provides confidence that welfare considerations are being appropriately addressed.

*Data collection*

For each whale hunted in whaling operations, the international observer where present (or otherwise the national inspector or captain of the vessel) shall record, as a minimum, information on whale killing methods and associated welfare issues detailed below. This data shall be reported to the Commission annually.

*For whales taken under Paragraph 13 of the Schedule*

Where possible, the following information shall be collected and reported:

- Killing methods used;
- Criteria used to determine unconsciousness/time of death;
- Number of whales killed by each method;
- Number and proportion of total whales killed instantaneously by each method;
- Time to death for each animal not killed instantly;
- Number of whales targeted and missed by each method;
- Number of whales struck and lost by each method; and
- Calibre of rifle where used and how many bullets used.

*For whaling operations conducted under paragraphs 36 through 38 of the Schedule*

The following information shall be collected by an international observer or national inspector, in the form of the Appendix A to the WKM Annex, for each whale targeted (struck or missed).

Data collected in these forms will include information on:

- For all whales landed, struck and lost, or missed:
  - i. Date, time and location (at first sighting) of hunting activities
  - ii. Length and sex if landed, estimated length if struck-and-lost or missed (in some cases it may be possible to determine sex of struck-and-lost whales)
  - iii. Estimated group size in which target whale is sighted
  - iv. Number of calves in group
  - v. Sea state on Beaufort scale
  - vi. Chase time\*
  - vii. Primary killing method used
    1. number of times used
    2. estimated distance of each shot
  - viii. Secondary killing method used (rifle calibre and ammunition type);
    1. number of times used
    2. estimated distance of each shot
- For each whale killed:
  - i. Time to death\*\*

- ii. Approximate location(s) of strike(s) on whale's body
- iii. Information on performance of gear
- For each struck and lost whale:
  - i. Time from first strike to loss
  - ii. Approximate location(s) of strike(s) on whale's body
  - iii. Information on performance of gear
- For each whale targeted and missed:
  - i. Time from first sighting to first shot.
    - 1. Number of additional attempts if any

#### *Definitions*

\* Chase Time: Duration in minutes and seconds from the time the whale is first sighted to the time it is first struck, or for missed whales, until the time it is missed.

\*\*Time to death: Duration in minutes and seconds from the time the whale was first struck to the time it is estimated to be dead.

#### *Criteria used to assess if a whale is dead*

The criteria to determine if a whale is dead will be when it is immobile and unresponsive.

#### *Handling of data*

Within 30 days of the end of each whaling season, completed forms (see Appendix A) on whale killing methods will be submitted in electronic form to the IWC Secretariat.

**Table. 1 – Data to be included in WKM form**

For each day

(A) Sighting of target whale(s): record –

- (1) Time to nearest second\*
- (2) Position from GPS\*
- (3) Species\*
- (4) Estimated school size\*
- (5) Number of calves, if any, present

(B) Upon shooting at a whale

- (1) Basic information
  - a. Time to nearest second
  - b. Position from GPS
  - c. Estimated distance to whale
  - d. Sea state (on Beaufort scale)
- (2) Primary killing method used
- (3) Verdict – Hit (explode), Hit (failed to detonate), Miss
- (4) If hit, position on body (diagram supplied)
- (5) If no more shots using primary method, time at unconsciousness/death (to nearest second)
- (6) If second shot using primary method:
  - a. time of that shot (to nearest second)
  - b. estimated distance to whale
  - c. verdict (as above),
  - d. position on body (as above)
  - e. time at unconsciousness/death if animal dies (to nearest second)
- (7) If secondary killing method used:
  - a. method used (rifle calibre)
  - b. time of first shot to nearest second
  - c. estimated distance to whale
  - d. time of any additional shot(s) (to nearest second)
  - e. time at unconsciousness/death if animal dies (to nearest second)

(C) At the conclusion of the hunt/at land station

- (1) Length and sex of animal if landed
- (2) Estimated length if struck-and-lost
- (3) Information on performance of equipment
- (4) If animal is lost, reason for this and time to nearest second

\* denotes information already being requested as part of Appendix A of the Schedule

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

1. The following information shall be provided by Contracting Governments for all whaling operations and, where possible, for mortalities due to bycatches and ship strikes:

- (a) date of capture, striking or discovery;
- (b) species;
- (c) sex;
- (d) position of capture or striking or discovery to the nearest minute of latitude and longitude<sup>10</sup>;
- (e) number of whales struck but lost.

A set of verified records shall be submitted to the Secretariat at the end of each season.

2. In addition, 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 to the nearest 0.5 feet or nearest 0.1 m and 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(s) shall be reported to the Secretariat in a timely fashion, normally within one year of collection and included in the IWC database for use under the Scientific Committee's Data Availability Agreement.

(c) Where possible, both ovaries shall be collected from each female caught. Corpora counts shall be reported to the Secretariat normally within one year of collection and included in the IWC database for use under the Scientific Committee's Data Availability Agreement.

(d) If sufficiently trained personnel are present, the presence, length and sex of foetuses shall be recorded, assigned to the appropriate female. If it is not possible for such personnel to be present, these data should still be recorded where possible, and the lack of trained personnel noted. These data shall be forwarded to the Secretariat at the end of the season and included in the IWC database.

(e) Lactation shall be recorded, assigned to the appropriate female and reported to the Secretariat at the close of the season and included in the IWC database<sup>11</sup>.

(f) At least 5 cm<sup>3</sup> 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.

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<sup>10</sup> For whales taken pursuant to paragraph 13, position shall be given at least to the nearest settlement and, where possible, to the nearest minute of latitude and longitude.

<sup>11</sup> For whales taken under paragraph 13, this information shall be provided where possible and an indication given of the experience of the data collector.



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

1. All Contracting Governments under whose jurisdiction whales are harvested shall report to the Commission the following information:

- (a) the name and gross tonnage of each factory ship;
- (b) a list of the land stations which were in operation during the period concerned.

2. All Contracting Governments shall report to the Commission for each whale catcher attached to a factory ship or land station:

- (a) the dates on which each is commissioned and ceases whaling for the season;
- (b) the number of days on which each is at sea on the whaling grounds each season;
- (c) the gross tonnage, horsepower, length and other characteristics of each.

3. The information required under paragraphs 1(a) and (b) shall also be recorded together with the operational information specific in the log book format shown in **Table 1**, and forwarded to the Commission at the end of each season.

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**Table 1. Logbook format**

**DAILY RECORD SHEET**

|             |  |      |  |           |  |
|-------------|--|------|--|-----------|--|
| Vessel Name |  | Date |  | Sheet no. |  |
|-------------|--|------|--|-----------|--|

**TARGET SPECIES ONLY**

|                                     | Sighting 1 | Sighting 2 | Sighting 3 | Sighting 4 | Sighting 5 |
|-------------------------------------|------------|------------|------------|------------|------------|
| Beginning (resumption) of searching |            |            |            |            |            |
| Time                                |            |            |            |            |            |
| Position latitude                   |            |            |            |            |            |
| longitude                           |            |            |            |            |            |
| Beaufort                            |            |            |            |            |            |

|                    |  |
|--------------------|--|
| Noon               |  |
| Time               |  |
| Position: latitude |  |
| longitude          |  |
| Beaufort           |  |

|  |  |  |  |  |  |
|--|--|--|--|--|--|
| On sighting a whale/whales or stopping searching for other reasons |  |  |  |  |  |
| Time   |  |  |  |  |  |
| Position: latitude   |  |  |  |  |  |
| longitude  |  |  |  |  |  |
| Beaufort   |  |  |  |  |  |
| Species  |  |  |  |  |  |
| School size  |  |  |  |  |  |
| Serial no. of whale(s) caught                                      |  |  |  |  |  |
| TOTAL SEARCHING DISTANCE   |  |  |  |  |  |

| SPECIES | No. SCHOOLS | No. ANIMALS | SPECIES | No. SCHOOLS | No. ANIMALS |
|---------|-------------|-------------|---------|-------------|-------------|
|---------|-------------|-------------|---------|-------------|-------------|

BLUE  
 FIN  
 SEI  
 MINKE  
 BRYDE'S  
 RIGHT  
 HUMPBACK  
 SPERM  
 OTHER  
 (PLEASE SPECIFY)

Example form. It is intended to show the minimum information required.  
 The more detailed information is for the target species only.  
 The information on other species is normally taken from the ship's log.

**APPENDIX B – Potential Workplan for the Scientific Committee’s Assessment Work on Non-Indigenous Whaling for the Period up to 2020**

IR= *Implementation Review* (often possible to complete in one year). PIA = *pre-Implementation Assessment* (may take more than one year). RMP = completed *Implementation* (takes two years once the PIA is completed). IDA= *in-depth assessment*, usually takes two years or more and feeds into a *pre-Implementation assessment*. As explained in the text, the plan below is ambitious and it may not be possible to achieve all of the work by the years indicated. Square brackets are used to express possible but perhaps less likely dates.

| 2010   | 2011 | 2012  | 2013 | 2014 | 2015   | 2016  | 2017 | 2018 | 2019 | 2020 |
|--|------|-------|------|------|--------|-------|------|------|------|------|
| <b>Western North Pacific Bryde's whales</b>                      |      |       |      |      |        |       |      |      |      |      |
|  |      |       | IR   |      |        |       |      | IR   |      |      |
| <b>NA common minke whales - eastern and central medium areas</b> |      |       |      |      |        |       |      |      |      |      |
|  |      |       |      | IR   |        |       |      |      |      | IR   |
| <b>NA fin whales - central medium area</b>                       |      |       |      |      |        |       |      |      |      |      |
|  |      |       |      | IR   |        |       |      |      | IR   |      |
| <b>Western North Pacific common minke whales</b>                 |      |       |      |      |        |       |      |      |      |      |
| [PIA]  | PIA  | [RMP] | RMP  |      |        |       |      | IR   |      |      |
| <b>Western North Pacific sei whales</b>                          |      |       |      |      |        |       |      |      |      |      |
|  | IDA  |       | PIA  |      | RMP    |       |      |      |      | IR   |
| <b>Antarctic minke</b>   |      |       |      |      |        |       |      |      |      |      |
|  |      |       |      |      | PIA/IR | [RMP] | RMP  |      |      |      |

**APPENDIX C– Bureau and Committee Roles**

All issues will come to the Commission for ultimate decision. Each Committee will report directly to the Commission, copying their reports to all other Committees and the Bureau.

*For Governance:*

**A Bureau** will:

- Support the Chair of the Commission;
- Propose to the Commission four-year strategic plans based on contributions from the Committees and monitor implementation of the plans once approved by the Commission;
- Assist and advise the Secretariat on administrative and financial matters between meetings of the Commission;
- Help co-ordinate the business of the Commission;
- Review the progress of the work of the Committees; and
- Undertake other tasks entrusted to it by the Commission.

**A Finance, Administration and Communications Committee<sup>12</sup>** will:

- Advise the Commission on expenditure, budgets, scale of contributions, Financial Regulations, personnel matters, the role of the Secretariat and such other matters as the Commission may refer to it from time to time;
- Develop a work program to implement the Commission’s strategic plan for Finance, Administration and Communications;
- Assist and advise the Secretariat on administrative matters upon request by the Secretariat or agreement in the Commission;
- Develop a communications plan for the Commission;
- Review the provision of services, including for simultaneous interpretation and translation of documents, and for the website;
- Recommend and facilitate establishment of subsidiary bodies as necessary, including one for contributions that will review the Financial Contributions Scheme and make a recommendation to IWC63 on how the contributions scheme might be revised;
- Take forward such additional matters as may be referred to it by the Commission or by the Chair of the Commission; and
- Implement, as appropriate, decisions taken by the Commission.

*For Conservation:*

**A Conservation Program Committee<sup>13</sup>** will:

- Submit reports and recommendations to the Commission on its conservation agenda;
- Identify conservation problems and priorities;
- Cooperate with the Scientific Committee, including in prioritising and developing effective Conservation Management Plans;

<sup>12</sup> The Finance, Administration and Communications Committee replaces the Finance and Administration Committee. The Budgetary Sub-Committee will be retained.

<sup>13</sup> The Conservation Program Committee will replace the Conservation Committee.

- Develop a work program to implement the Commission’s conservation agenda described in the strategic plan, including through addressing identified conservation problems and priorities;
- Identify and request relevant data;
- Recommend and facilitate establishment of subsidiary bodies as necessary, including, for example, by developing terms of reference for a Bycatch Mitigation Working Group;
- Take forward such additional matters as may be referred to it by the Chair of the Commission; and
- Implement, as appropriate, decisions taken by the Commission

*For Management:*

**A Management and Compliance Committee<sup>14</sup>** will:

- Submit reports and recommendations to the Commission on management and compliance. This will include guidelines on whalewatching;
- Develop a work program to implement the Commission’s strategic plan for management and compliance;
- Review and report on the progress of the implementation of agreed management procedures outlined in Appendix A;
- Review and report on the compliance of all whaling operations with the provisions of the Schedule and penalties for infractions thereof;
- Report on infractions and the seriousness of those infractions to the Commission and advise the Commission what actions, if any, should be taken;
- Review information and documentation available with a view to advising the Commission on whale killing methods and associated welfare issues;
- Prepare reports and recommendations on technical and practical options for implementation of conservation measures associated with whaling, taking into account advice of the Scientific Committee;
- Recommend and facilitate establishment of subsidiary bodies as necessary, including, for example, the Whale Killing Methods Working Group;
- Take forward such additional matters as may be referred to it by the Commission or the Chair of the Commission; and
- Implement, as appropriate, decisions taken by the Commission

*For Science:*

**The Scientific Committee** and its subgroups<sup>15</sup> will:

- Develop a work program to implement the Commission’s strategic plan for the Scientific Committee;
- Consider additional matters that may be referred to it by the Commission or Chair of the Commission;

<sup>14</sup> The Management and Compliance Committee will absorb the responsibilities of the Infractions Sub-Committee. An Indigenous Subsistence Whaling Sub-Committee will replace the Aboriginal Subsistence Whaling Sub-Committee and will report to the Management and Compliance Committee.

<sup>15</sup> At present sub-groups report to the Scientific Committee on the following, sometimes overlapping topics of the RMP, AWMP, in depth assessments, small stocks of large whales, stock structure, bycatch, actual and potential environmental threats to cetaceans, ecosystem modeling, whalewatching and small cetaceans.

- Review scientific information relevant to the conservation of whales and management of whaling;
- Review relevant scientific research programmes on cetaceans;
- Provide advice to regional research partnerships on cetacean issues;
- Provide management advice on whaling using established methods and management procedures with high priority being allocated to the timetable for work provided in Appendix B;
- Provide conservation advice on cetacean populations, including coordination and cooperation with the Conservation Program Committee on the development of conservation management plans;
- Develop recommendations for research (including the holding of workshops) that will improve its ability to provide advice to the Commission including prioritised requests for funding;
- Provide advice on priorities for funding from relevant special funds within the Commission; and
- Submit reports of its work and recommendations to the Commission.

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**APPENDIX D – Amendments to the Rules of Debate and NGO Code of Conduct****Amendment to the Rules of Debate:**

A2. A Commissioner may speak if called upon by the Chair. Following prior arrangement with the Chair, Observers may speak during the debate under specific agenda items. The Chair will call a speaker to order if his/ her remarks are not relevant to the subject under discussion.

**Amendment for the NGO Code of Conduct:****Guidelines for Non-Governmental Observers**

The Commission welcomes the attendance of NGOs at its meetings. It is the duty of each NGO to behave with due and proper respect for the meeting proceedings and to all Contracting Governments and other governments attending IWC meetings and to abide by this code of conduct. Disruptive behaviour and/or failure to conform to this code of conduct may result in suspension or withdrawal of accreditation.

A copy of this code of conduct will be issued to each NGO observer at the beginning of each meeting.

Speaking procedures

The Commission welcomes the contributions of its NGOs in matters of concern to them. NGOs who are interested in addressing the Commission shall notify the Chair prior to the discussion of the agenda item that they wish to speak under. The Chair will invite NGOs to speak after Contracting Governments as time allows and taking into consideration regional representation and a wide range of views. Comments should be brief and relevant to the subject under discussion.

Mobile telephones

Mobile telephones shall be switched off or put in 'silent' mode before entry of the observer into the meeting room.

Use of recording equipment

The use of audio and/or visual recording equipment is permitted during Plenary sessions of the Commission provided that such recording is carried out unobtrusively and without disturbance to the meeting. Flash photography is only permitted during the Opening Plenary.

The use of recording equipment is not permitted in meetings of the Commission's sub-groups unless the Commission decides otherwise.

Documents

Quotations from, or use of draft IWC documents is prohibited. Rule of Procedure Q.1 regarding confidentiality of reports of meetings of IWC committees, sub-committees and working groups must be respected.

Only official meeting documents submitted by Contracting Governments or prepared by the Secretariat (including the collated Opening Statements from Observers) may be distributed through pigeon-holes. The Secretariat is solely responsible for such distribution. Observers may, however, make ‘for information’ documents available to participants using tables designated for this purpose. Such documents must indicate which organization is responsible for them. Documents that do not meet this requirement will be removed by the Secretariat.

While ‘for-information’ documents will not be reviewed by the Secretariat before being placed on the designated tables, those Observers distributing such documents remain responsible for their content. These documents shall not contain statements that defame any participating organization or person, or cause serious offence to any government.

#### Behaviour and demonstrations

Behaviour of representatives of Observers shall not be disruptive to the proceedings of the meeting. The Chair of the proceedings may ask anyone disrupting the meeting to leave the room.

Demonstrations at the meeting venue shall take place at sites designated for such purposes by the host government. In any event, demonstrations shall neither take place within the meeting rooms or their immediate vicinity within the venue of the meeting controlled by the IWC, nor impede access to the meeting venue, nor shall they threaten the physical safety of delegations attending the meeting.

#### Complaints

Differences in views and philosophy are natural and should be respected. Any participant shall refrain from measures, including verbal, written, or physical attacks designed to deter the exercise of the rights of others to hold and express different views.

Any participant who has a grievance in this regard should submit a written complaint to the Secretary, who will try to resolve the problem with the parties concerned. If this fails, the Secretary will report the matter to the Advisory Committee who shall liaise with the parties concerned to seek a resolution. If this fails, the Advisory Committee will refer to the Commission for decision-making.



**APPENDIX E – IWC Cooperation Program**

Contracting Governments will establish a cooperation program.

The program will provide resources to developing country members in capacity-to-pay groups 1 and 2. All members, including those seeking access to the program are encouraged to contribute skills and/or funding according to their capacity to contribute.

Contributions to the program can be in the form of funding, skills or experience. Contracting Governments will provide information to the Secretariat on funding and other technical services to be made available by them and the Secretariat will maintain a register of experts available for deployment. Contributions from non-Contracting Governments, intergovernmental organizations, international financial institutions, national institutions, non-governmental organizations and businesses are also welcome. Members may contribute to a general fund or they may identify funding or expertise for individual projects. The Secretariat will act as a clearinghouse to promote facilitation and cooperation under this program.

The program will emphasize and promote cooperation as follows:

- Expertise in institution strengthening, the establishment of policy and legislative frameworks and legal drafting;
- Facilitation of partnerships and the development of national enterprises at the bilateral and multilateral levels;
- Information sharing and awareness raising, including research and advice on technology developments;
- Assistance with negotiations;
- Training and workshops;
- Facilitate participation in IWC research activities; and
- Development and implementation of projects related to whale conservation and management.

Applications may be submitted to the Secretariat by any Contracting Government in capacity to pay groups 1 and 2. The application should specify how the project/expenditure relates to the purpose of the program and include a description of the desired outputs of the project/expenditure and itemization of expected costs.

Requests for assistance will be considered without delay in the order in which they are submitted. Review of applications and decisions will be conducted by the Bureau or the Bureau's designates and shall be guided by the purpose of the fund, the needs of the requesting government and availability of appropriate assistance, with priority given to small States and least developed countries.

Financial resources provided by the fund shall be applied by the applicant solely for the purpose specified in the application.

Progress reports should be provided to the Commission. The Bureau will review the operation of the program annually and recommend to the Commission any revisions it deems necessary.