

4th Meeting of the SWG on the Future of the IWC, Florida, 2-4 March 2010



Why are we here?

The very different views re: whales and whaling have dominated the Commission's time & resources for almost a quarter of a century to the detriment of its effectiveness

We are here:

- **to assist the Commission to arrive at a consensus solution to the problems it faces so that...**
- **the IWC can be a relevant, credible, effective conservation and management body**



The Future of IWC the IWC: from Anchorage to Agadir

- A huge task given the differences of views and the difficulties in previous discussions
- A huge investment of money, time and people
- A huge amount at stake - not just for the future of the organisation but primarily for good conservation and management
- Progress **HAS** been made if not full agreement reached



Effort: Nine intersessional meetings

2007	June	IWC 59, Anchorage
2008	March	Intersessional, London
	June	IWC 60, Santiago
	September	SWG, Florida
	December	SWG, Cambridge
2009	March	SWG, Rome; IWC Intersessional
	June	IWC 61, Madeira
	October	Support Group, Santiago
	December	Support Group, Seattle
2010	January	Support Group, Honolulu
	February	SWG, Florida
	June	IWC 62, Agadir



The Future.....

..... a short history!



IWC 59: Anchorage 2007

- Formally agreed on the need to address the future
- Established a small Steering Group to plan for an intersessional meeting of the Commission
 - Chile, Japan, New Zealand, Palau, USA
- For the first time involved outside experts with expertise in addressing other difficult international issues
- To everyone's delight, the meeting was held at Heathrow Airport, London



March 2008 Intersessional

- Focussed on improving the process and the conduct of negotiations before 'substance'
- Also highlighted a number of issues including:
 - Role/purpose/future of IWC & 'ripeness' or readiness to discuss difficult issues
 - The role of science
 - Improving participation
 - Improving relationships with other IGOs
 - The role of the media



IWC60, Chile, 2008

Agreed follow-up in three areas:

- Reformed working procedures
 - Mutual respect notwithstanding different views and perspectives with increased dialogue between those of different views
 - Consensus the aim – voting the last resort – NO surprises
 - New working languages (French & Spanish)
- Issues related to the Scientific Committee
 - Established the Intersessional Correspondence Group (ICG)
 - Looked at *inter alia* separation of SC from Commission meeting, participation of scientists from developing countries, invited participants, capacity building
- A new negotiation process
 - Identified 33 issues of importance for IWC's future
 - Established the Small Working Group (SWG)



The Small Working Group

Membership:

- Not that 'small' - over 30 countries
- Representative (views, geography, economy)

Objectives: simple to say but difficult to achieve

- to assist the Commission to arrive at a consensus solution to the main issues it faces.....
- to make every effort to develop a package(s) for review by the Commission at IWC61

Mantra:



'nothing is agreed until everything is agreed

SWG 2008: Florida (Sept) & Cambridge (Dec)

Allocated the 33 issues to 2 categories:

- Category (a) – controversial issues
 - If not addressed in short-term may fail to alter the *status quo* or perhaps result in an irreparable break in the system via withdrawals
- Category (b) - non/less controversial
 - Primarily scientific and/or administrative
 - If left unresolved in short-term would not prevent a package(s) for category (a) *provided* a mechanism exists/can be established

Initiated discussions on elements that could be included in a **core package(s)**



Category (a) issues

- | | |
|------------------------------|----------------------------------|
| 1. Animal welfare | 8. Scientific permits |
| 2. Bycatch & infractions | 9. RMP |
| 3. Coastal whaling | 10. RMS |
| 4. Commercial whaling | 11. Sanctuaries |
| 5. Compliance & monitoring | 12. Small cetaceans |
| 6. Convention (purpose) | 13. Whalewatching/non-lethal use |
| 7. Objections & reservations | |

Succinct descriptions of issues arising under each were developed



Category (b) issues

- | | |
|--------------------------------------|------------------------------------|
| 1. Advisory/standing committee | 11. Ecosystem approach |
| 2. <i>Animal welfare</i> | 12. Environmental threats |
| 3. <i>Bycatch & infractions</i> | 13. Ethics |
| 4. Climate change | 14. Financial contributions scheme |
| 5. Civil society | 15. Meeting frequency |
| 6. Conservation Committee | 16. MPAs |
| 7. Conservation Management Plans | 17. Procedural issues |
| 8. Co-op non-lethal research | 18. Sanctions |
| 9. Data provision | 19. Science – role of |
| 10. Developments in ocean governance | 20. Secretariat – implications |
| | 21. Socio-economic implications |
| | 22. Trade restrictions |

Provided an indication of how issues already being addressed or could be addressed



Developing a package(s)

SWG **agreed** potential packages must:

- Provide for long-term sustainability of stocks;
- Provide for the recovery of depleted or endangered stocks;
- Be perceived as balanced by all parties;
- Provide procedures for reviewing and where necessary improving governance practices.



SWG: Rome, March 2009

- Chairs' (Hogarth and DeSoto) warning:
 - *Failure to find broad agreement on IWC's nature, purpose and future course could compromise its continued relevancy and credibility as an effective conservation and management body at a time of growing need for enhanced international co-operation*
- Driving force behind 'Chairs' suggestions
 - Their responsibility but based on SWG work
 - Focused on Category (a) issues
 - 'Snapshot' of work in progress



Chairs' Suggestions

Despite important differences, stressed that there are also important commonly-held views:

- Recognition of IWC as primary international body with responsibility for global conservation and management of whales
- Strong belief in maintaining healthy whale populations and restoration of severely-reduced populations
- Acknowledgement of Scientific Committee as world's foremost authority on cetacean biology, ecology and management science



Chairs' Suggestions (cont)

Two-stage approach:

- Short-term solutions to some key category (a) issues be agreed at IWC61 and last for a 5-year interim period (Stage 1)
- During interim period, development of long-term solutions/approaches on governance and functioning of IWC [category (a) and (b)] to be put in place at end of the interim period when (Stage 2) begins
- Details not summarised here as superseded later



Intersessional Commission Meeting, Rome, March 2009

Primary work involved

- Review of Chair's Report on SWG especially:
 - Chairs' suggestions
 - Handling of category (b) issues
- Review of ICG report on issues related to the Scientific Committee
- Provide directions to SWG for further work

In addition, the meeting:

- Held an NGO session to receive views



Rome review of SWG

- Welcomed improved atmosphere of debate
- General support for a staged/phased approach - need for long-term solutions not just 'quick fixes'
- Varied views on details of the suggestions
- Importance of category (b) issues:
 - Many scientific issues already being addressed
 - Others referred back to SWG
- Future – SWG instructed to continue its work and to draft Schedule language where possible and detail work on category (b) issues



IWC61, Madeira, June 2009

SWG report to the Commission *inter alia*

- Identified achievements although goal not reached:
 - Significant progress on both (a) and (b) issues
 - Greatly improved atmosphere and mutual respect
 - Common sense of urgency
- Recommended that work should continue for a further year



IWC61 consensus resolution - the IWC will, through its reconstituted SWG:

- intensify its efforts to conclude a package(s) by IWC62;
- ensure that any package must be seen as fair and balanced
- reaffirm that nothing is agreed until everything is agreed;
- build upon SWG progress and idea of two-phase process;
- Discuss the core issues without prejudice to the principles held by individual countries;
- *modus operandii* to include:
 - Balanced-composition Support Group to assist Chair (and thus SWG)
 - SWG open to observers
 - Report at least five weeks prior to IWC62



Here ends the history lesson...

.... as we move onto the **Support Group's work**

Membership:

- Balanced (views, geography, economy)
- Antigua & Barbuda, Australia, Brazil, Cameroon, Germany, Iceland, Japan, Mexico, New Zealand, St. Kitts & Nevis, Sweden, USA
- Norway observed at final meeting

Three Meetings:

- Santiago (October 2009); Seattle (December 2009); Honolulu (January 2010)



The Support Group

- Focused on a set of not-mutually-exclusive ‘themes’:
 - A shared vision for the IWC
 - Addressing problems *within* the Convention
 - An interim period approach, an acceptable package
 - Conservation and sustainability, healthy whale populations, exploitation and protection
 - Special permit whaling, small-type coastal whaling, aboriginal subsistence whaling, benefit sharing
 - Commercial whaling moratorium, sanctuaries, trade
 - Monitoring, compliance, animal welfare, accountability
 - Whalewatching, small cetaceans, bycatch, human impacts
 - reservations and objections
 - Governance mechanisms of the IWC



The Support Group and the draft Consensus Decision

- Contains:
 - important input from all Support Group members, and....
 - some pain for all as any fair agreement must
 - benefits for conservation and management
- But remember:
 - It is a draft and not agreed - significant progress was made on the understanding that:
 - Nothing is agreed until everything is agreed
 - Nothing prejudices the legal positions re the ICRW
 - The critical issue of numbers is not yet resolved



What is the draft Consensus Decision?

Begins with a short vision statement:

The IWC will work co-operatively to improve the conservation and management of whale populations and stocks on a scientific basis and through agreed policy measures. By improving 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.

Then discusses how this might be achieved....



Achieving the vision

- Retains a two-phase approach, but the timing and content differs from the Hogarth/de Soto 'Suggestions'
- To be implemented after IWC62 for a 10-year period with a review after 5 years
- Sets objectives/priorities for:
 - Conservation
 - Management
 - Science
 - Governance of the organisation
- Identifies a future work programme that includes other issues of importance



For Conservation

- Focus on recovery of depleted stocks
- Take actions (e.g. via Conservation Management Plans) on key issues, e.g.
 - bycatch and ship strikes
 - Environmental threats (e.g. Pollution, habitat)
 - climate change
 - Priorities based on immediate need and likelihood of success
- Establish a South Atlantic Whale Sanctuary



Conservation (contd)

- Establish a 'Conservation Programme Committee'
 - Would replace the current Conservation Committee
 - *All* members would participate
 - Further details later under 'Governance'



For Management

- Of non-lethal use of whale resources:
 - Whalewatching to be recognised as a management option for coastal states
 - Related scientific, conservation and management aspects of whalewatching to be addressed
- Of whaling.....



Strengthened whale management

- Draft Schedule text drafted (see Appendices) for interim period
- All whaling by all members brought under IWC control
- Limit operations to those currently taking whales
- Cap on whale catches based on scientific advice
- Notwithstanding the above interim period arrangement, the moratorium remains in place
- Strong measures to ensure catch limits not exceeded (monitoring and compliance)
- Aboriginal subsistence whaling renamed indigenous subsistence whaling



Catch limits

- Not yet agreed but below current levels
- Non-indigenous whaling
 - Whaling under special permit or objection/reservation will be suspended for period
 - Limits to be set **below** safe sustainable levels determined by best scientific advice (5-year review)
 - RMP primary tool but provisional measures for some species/areas until RMP Implementations completed
- Indigenous subsistence whaling
 - to continue under existing management measures (AWMP, interim advice)
- Provision to lower catch limits on scientific advice



Monitoring, control and surveillance: rules obeyed and seen to be obeyed

	Non-indigenous whaling	Indigenous subsistence whaling*
National inspectors	Yes	Yes
International observers	Yes	-
VMS	Yes	-
DNA registers & market sampling	Yes	-
Infractions and sanctions	Yes	Yes
Animal welfare considerations	Yes	Yes
Scientific information	Yes	Yes
Operational information	yes	-
* Given conditions under which ISW conducted, MCS necessarily different		



MCS key points

Licensing

- Vessels must be licensed (specifying areas, whale stocks, time periods for operations)
- Information on licences must be provided to Secretariat prior to whaling season
 - Copies provided to governments on request

Infractions & sanctions

- Examples of appropriate enforcement measures provided



MCS key points (cont.)

International observers

- Based on earlier detailed work on RMS
- Criteria for acceptable observers
- On all but smallest boats (trips < 24 hours)
- At all points of landing

VMS

- On all boats
- Autonomous & tamper proof



MCS key points (cont.)

DNA registers and market sampling (MSS)

- Follow best practice (draft developed by a specialist group for the RMS to be reviewed by Scientific Committee to ensure up-to-date)
- National registers with international oversight
- All whales potentially on market included (whaling, bycatch, stranding, ship strikes etc)
- Unlike catch documentation scheme cannot 'cheat'
- Market sampling to check no illegal whales



MCS key points (cont.)

Whale killing methods & welfare issues

- Collection and reporting of data mandated through inclusion in the Schedule
 - to verify that best methods are used and to provide for continuous improvement of methods
- Requirements more extensive for non-indigenous whaling than indigenous subsistence whaling in recognition of nature of those hunts



For Science

- Sound scientific advice essential to the Commission
- Scientific Committee's work internationally recognised as providing the best available knowledge on conservation and management of whales
 - Strong tradition to continue
- SC to
 - take account of the conservation status of and threats to stocks in priority setting
 - Incorporate ecosystem considerations and range of tools to help mitigate threats (CMPs, MPAs)



For Governance

- Commission the governing body
 - Meets every two years from 2011
 - Chair and Vice-Chair serve four-year terms
- Supported by four Committees.....
- Bureau created to support Chair.....
 - Replaces the Advisory Committee:
 - Chair, Vice-Chair, 4 Committee Chairs and 2 Commissioners nominated by Chair for approval by Commission
- Other:
 - Improved speaking rights for observers
 - Include emphasis on safety at sea



The Bureau (NEW)

- Supports the Chair;
- Proposes four-year strategic plans to the Commission based on contributions from the four Committees and monitors implementation of approved plans;
 - Each Committee develops work plan to implement these plans
- Assists and advises Secretariat on administrative and financial matters between Commission meetings;
- Helps co-ordinate the business of the Commission;
- May undertakes other tasks entrusted to it by the Commission.



Committees (overview)

- Each Committee elects a Chair and Vice-Chair
 - Serve four-year terms
- 1) Scientific Committee
- 2) Conservation Programme Committee
 - Replaces current Conservation Committee
- 3) Management and Compliance Committee
 - Absorbs responsibilities of Infractions Sub-committee
 - ISW Sub-committee (was ASW) reports to MCC
- 4) Finance, Administration and Communications Committee
 - Replaces current F&A Committee



Scientific Committee

- in addition to existing role it will:
 - Provide advice to regional research partnerships on cetacean issues;
 - Provide prioritised management advice on whaling using established methods and management procedures based on the timetable for work provided in Appendix B;
 - When providing conservation advice on cetacean populations, include coordination and cooperation with the Conservation Programme Committee on the development of conservation management plans;
 - Provide advice on priorities for funding from relevant special funds within the Commission



Conservation Programme Committee (NEW)

Will *inter alia*

- Identify conservation problems and priorities;
- Cooperate with the Scientific Committee, including in prioritising and developing effective Conservation Management Plans;
- Recommend and facilitate establishment of subsidiary bodies as necessary, including, for example, by developing terms of reference for a Bycatch Mitigation Working Group



Management & Compliance Committee (NEW)

Will *inter alia*:

- submit reports and recommendations on management and compliance, including guidelines on whalewatching
- Review and report on:
 - progress of the implementation of agreed management procedures;
 - the compliance of whaling operations with the Schedule and penalties for infractions;
- Report on infractions and their seriousness and advise what actions, if any, should be taken;
- Review information available with a view to providing advice on whale killing methods and associated welfare issues;
- submit reports and recommendations on 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.



Finance, Administration & Communication

Will inter alia:

- Advise the Commission on financial and administrative matters;
- 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



Timeline & Future Work Plan

2010 (IWC62)

- Adopt Schedule amendments (Appendix A)
- Implement new measures described for 10-year period, with 5-year review
- Begin to initiate work in other areas, e.g.
 - Category (a) issues: special permit research, moratorium, objections/reservations, small cetaceans
 - Category (b) issues: animal welfare, bycatch, oceans governance, IWC co-operation programme (Appendix E), ethics, socio-economic implications, international trade, sharing benefits from use of whales



Future Work Programme (cont.)

2011 (IWC 63) & 2010 (IWC64)

- Review progress and continue work

2015 (IWC 65) – the Five-year review

- Bureau reviews progress on key issues & implementation of the 'arrangement', identifies further work & prepares a report for the Commission

2017 (IWC 66) & 2019 (IWC 67)

- Commission begins to consider new Schedule amendments to replace Chapter VII (Appendix A)

2020 (IWC 68)

- Schedule amendments in Appendix A expire.



Summary

- The draft Consensus Document is not agreed but comprises a series of ideas for the future functioning of the IWC
- It provides for the possibility that at IWC 62 mechanisms could be put in place to allow the Commission, if it wished, to:
 - Focus on recovery of depleted stocks and take action on key issues (bycatch, climate change....)
 - Bring whaling by all members under IWC control
 - Reduce catches significantly



Summary (cont.)

- Limit whaling operations to those currently whaling;
- Establish caps of takes within sustainable levels for 10-year period
- Enhance monitoring and control measures and animal welfare aspects of whaling operations
- Recognise whalewatching as management option
- Create a South Atlantic Whale Sanctuary
- Provide mechanism for enterprise and capacity building for developing countries
- Strengthen governance



Summary (cont.)

- It proposes that new measures are implemented for a 10-year period with a 5-year review
 - Provides period of stability during which Commission can undertake review of other matters (e.g. special permit research, objections/reservations, commercial whaling moratorium) and further work on reform of IWC
 - Notwithstanding this, the moratorium remains



Closing remarks

- Ideas in draft present challenges for all;
- Inevitable if outcome is to be fair and balanced - the Chair believes the draft is an excellent basis for reaching such an outcome
- Expect full discussion of the document and its idea and concepts
- Recognises the key role of catch limit numbers to the whole process and the need to finalise these – ‘nothing is agreed until everything is agreed’



Closing remarks (cont.)

- ‘cherry picking’ only the parts we like will not lead to an equitable final outcome
- the *status quo* is not an appropriate option – indeed may not be possible
- Continued peaceful collaboration, not a return to the acrimony of the past, is the way forward
- We must remember that whatever our national interests, the future of good, international conservation and management **IS** at stake

