

ANNOTATED PROVISIONAL AGENDA

62nd Annual Meeting of the International Whaling Commission
21-25 June 2010

NOTE:

Provisions adopted under agenda items 3, 6, 7, 8 and 9 may require amendment of the Schedule.

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ANNOTATIONS TO THE PROVISIONAL AGENDA

1. INTRODUCTORY ITEMS

1.1 Welcome Address

The 62nd Annual Meeting will open formally at 10.00 on Monday 21 June 2010. Opening remarks will be given by Mr Aziz Akhennouch, Minister of Agriculture and Fisheries for the Government of Morocco.

1.2 Opening Statements

The Commission's practice is to accept opening statements from Commissioners and Observers in writing only, although the Chair will invite any new Contracting Governments to make a short opening statement during the opening plenary session. Written statements will be collated by the Secretariat and distributed as Commission documents at the meeting.

1.3 Secretary's Report on Credentials and Voting Rights

The Secretary will report on the received notifications of credentials (Rule of Procedure D.1.(d)) and on the situation with respect to voting rights (Rule of Procedure E.2.(a) and (b)).

1.4 Meeting Arrangements

Delegates will be informed of the practical organisation and arrangements for the meeting at registration and by the Secretary at the start of the meeting.

1.5 Review of Documents

A draft list of documents will be available as Document IWC/62/1.

2. ADOPTION OF THE AGENDA

The Secretary dispatched the Draft Agenda to all Contracting Governments and Commissioners on 12 March 2010 with a request for comments and additions together with annotations they might wish to propose. The Annotated Provisional Agenda was made available on 22 April. The Draft and Provisional Agendas were circulated in accordance with Rules of Procedure H.2 (d)(i) and H.2 (d)(ii) respectively.

When providing feedback on the draft agenda, Japan noted that its comments were based on its respect for the Chair's efforts concerning the future of the IWC and in the spirit of co-operation that emerged from the meetings of the Support Group and the Small Working Group. Japan noted that it supports and has actively participated in the Future of the IWC process in good faith in order to rebuild the IWC as an effective international organisation for the conservation and management of whales. It believes it has offered substantial compromises during this process and notes that it will continue to make diplomatic efforts to rescue the IWC. Japan believes that the Commission should devote as much time as possible to agenda item 3, 'The IWC in the Future', at IWC62. Japan further noted that as was the case for the 60th and 61st Annual Meetings, its comments reflect Japan's efforts to try to reduce conflicts and to try to build trust and consensus in part by minimising the number of decisions taken by voting at the plenary session. Japan strongly urged other members to contribute in a similar manner by refraining from making controversial Schedule amendment proposals that it believes are likely to damage the atmosphere of calm and solid dialogue which have been built through the 'Future of the IWC' process. Japan requested that these comments be included in the annotations to the Provisional Agenda.

Japan further remarked that in the past it has expressed the view that it would like to see the Commission focus on its core responsibilities consistent with the Convention and has proposed the deletion of a number of agenda items including: whale killing methods and associated welfare issues; proposals for new sanctuaries; health issues; whalewatching; small cetaceans and the Conservation Committee. While noting that its position on these matters is well known, Japan indicated that in keeping with its attempt to reduce conflict within the IWC and as part of its efforts to normalise the organisation, it will not propose the deletion of these or any other agenda item at the 62nd Annual Meeting. It asks that its position be duly recorded.

3. THE IWC IN THE FUTURE

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

On the basis of discussions of three meetings of the Support Group (in Santiago, Chile in September 2009; in Seattle, USA in December 2009 and in Honolulu, USA in January 2010), the Chair of the Commission submitted a report to the March 2010 meeting of the SWG in Florida that contained a set of ideas (a draft Consensus Decision to Improve the Conservation of Whales) as to how the IWC could function in the future (see IWC/M10/SWG 4). The Support Group met again in Washington, USA in April to consider comments on the draft Consensus Decision made at the SWG meeting (see IWC/62/6rev) and subsequently in writing (see IWC/A10SG 1). On the basis of these further discussions, the Chair and Vice Chair of the Commission have developed a Proposed Consensus Decision to Improve the Conservation of Whales (see document IWC/62/7).

The proposed Consensus Decision in document IWC/62/7 does not represent an agreed approach of the Support Group or the SWG. Neither does it necessarily represent the Chair and Vice Chair's views regarding the content of a finally-agreed. Rather it is put forward as a practical way to meet formal deadlines (60 days notice are required for proposed Schedule amendments) and to facilitate the necessary further discussions leading up to IWC/62. In addition to the plenary, time has also been set aside for these discussions on 16 and 17 June and during the private meeting of Commissioners on Sunday 20 June 2010. Discussions in plenary will therefore depend on discussions at the earlier meetings. Some of the proposals, should they be accepted, will require amendments to the Schedule and proposed text is included in Appendix A of document IWC/62/7. Others will require amendments to the Commission's Rules of Procedure and Financial Regulations. Proposals for such amendments are provided in document IWC/62/8.

At IWC/61, the Commission also agreed to establish a small joint working group of the Scientific and F&A Committees to further consider issues raised during discussions of the report of the Intersessional Correspondence Group (ICG) on Issues Related to the Scientific Committee (IWC/M09/5) and to develop recommendations for consideration at IWC/62. A document from this small joint working group should also be available for consideration.

4. WHALE STOCKS

The Scientific Committee will report (Document IWC/62/Rep 1) on the progress of its work on assessments of priority whale stocks identified in its report last year, i.e., Antarctic minke whales, Southern Hemisphere humpback and blue whales, Western North Pacific gray whales, Southern Hemisphere right whales and other stocks of right whales and small stocks of bowhead whales. Separate sub-items for Western North Pacific gray whales and Southern Hemisphere right whales have been included this year, rather than dealing with these under 'other small stocks' as the Scientific Committee expects to have more information on these this year. A report from the Conservation Committee on southern right whales of Chile-Peru is added.

Work on Western North Pacific common minke whales will be reported under item 7.1.1. given the work on RMP *Implementation*.

A specific sub-item on research cruises has been included.

5. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES

The Whale Killing Methods and Associated Welfare Issues Working Group will not meet this year. Consequently the issues it normally addresses will be dealt with directly in plenary under item 5.1.

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

This item gives the opportunity for Contracting Governments to provide information specified in Resolutions 1997-1, 1999-1 and 2001-2. Resolution 1997-1 concerns steps being taken to improve the humaneness of aboriginal whaling operations. Resolution 1999-1 *inter alia* encouraged reporting of data on whales killed (e.g. numbers killed by each method, number killed instantaneously, times to death) and the development of more accurate indicators for determining times to death other than cessation of movement. Resolution 2001-2 encouraged governments to: (1) submit information on variance data on times to death (to the extent possible) and comparative data from the killing of other large mammals; and (2) provide appropriate technical assistance to reduce time to unconsciousness and death in all whaling operations.

5.2 Welfare issues associated with the entanglement of large whales

An IWC workshop on welfare issues associated with the entanglement of large whales was held from 13-15 April 2010 in Maui, Hawaii. The workshop brought together a group of experts to develop guidelines for dealing with entangled whales, including appropriate methods for euthanasia in circumstances when this is the most appropriate course of action. A report will be available for review and discussion.

6. ABORIGINAL SUBSISTENCE WHALING

The Aboriginal Subsistence Whaling Sub-committee will meet in Madeira in the week prior to the Commission plenary. The report will be distributed as Document IWC/62/Rep 3.

The Sub-committee's Terms of Reference are to consider relevant information and documentation from the Scientific Committee, and to consider nutritional, subsistence and cultural needs relating to aboriginal subsistence whaling and the use of whales taken for such purposes, and to provide advice on the dependence of aboriginal communities on specific whale stocks to the Commission for its consideration and determination of appropriate management measures (*Rep. int. Whal. Commn* 48: 31).

The Scientific Committee will report in detail to the Aboriginal Subsistence Whaling Sub-committee, and the latter's report will include a summary and conclusions from the Scientific Committee Report (Document IWC/62/Rep 1) to present to the plenary.

6.1 Aboriginal Subsistence Whaling Management Procedure

The Sub-committee will address two issues under this item:

- Progress with the Greenlandic Research Programme; and
- The *Implementation Review* for Eastern North Pacific gray whales.

6.2 Aboriginal Whaling Scheme

This item covers those items of management outside the direct calculation of catch limits, e.g. carry-over, survey guidelines, data collection.

6.3 Aboriginal subsistence whaling catch limits

Catch limits for the stocks listed below were agreed at the 2007 Annual Meeting. The catch limits for these stocks are set until 2012. In some cases the catch limits are to be reviewed annually and in other cases they are dependent on additional Scientific Committee advice.

- Bering-Chukchi-Beaufort stock of bowhead whales (annual review).
- North Pacific Eastern stock of gray whales (annual review).
- Central and West Greenland common minke whale stocks (annual review for minke whales off West Greenland).

- West Greenland stock of fin whales (no Schedule provision for annual review but will be considered in case there are any relevant Scientific Committee comments or recommendations).
- West Greenland stock of bowhead whales (the quota for each year only becomes operative when the Commission has received advice from the Scientific Committee that the strikes are unlikely to endanger the stock).
- North Atlantic humpback whales off St. Vincent and The Grenadines (no Schedule provision for annual review but will be considered in case there are any relevant Scientific Committee comments or recommendations).

At the 2009 Annual Meeting in Madeira last year, the Commission agreed to leave open the decision on Greenland's request for a take of humpback whales (Document IWC/61/11rev) until an intersessional meeting, by which time the report from a small scientific group established to investigate the issue of conversion factors would be available to facilitate discussions. An intersessional meeting of the Commission was convened in Florida, USA from 4-5 April 2010. At that meeting, the report from the scientific group was presented and discussed (Documents IWC/M10/2 and IWC/M10/2 Add) and Greenland again presented its request for a take of humpback whales. Because there was no quorum at the meeting, no decision on Greenland's request could be taken. Denmark has indicated that it wishes a decision to be taken at IWC62. This issue may also be addressed under item 3, The IWC in the Future.

7. REVISED MANAGEMENT SCHEME (RMS)

7.1 Revised Management Procedure (RMP)

The Scientific Committee will report on progress with its work in this area (see Document IWC/62/Rep 1), including progress with: (1) the *Implementation* process for western North Pacific Bryde's whales, North Atlantic fin whales, and Western North Pacific common minke whales; and (2) work on bycatch.

7.2 Other

For the last three years, the Commission has not identified specific activities on the Revised Management Scheme (RMS). Rather reference to the RMS has been made in the context of discussions on the future of IWC.

8. SANCTUARIES

In commenting on the Draft Agenda, Japan noted that in the past it has proposed amendments to paragraph 7(b) of the Schedule to the effect that it becomes consistent with Article V(2) of the Convention. As in recent years and in keeping with its attempts to contribute to the Future of IWC process, Japan notes that it does not intend to propose a Schedule amendment under this agenda item.

8.1 Issues raised in the Scientific and Conservation Committees

The outcome of discussions on any issues will be reported in Documents IWC/62/Rep 1 and 4 respectively.

8.2 South Atlantic Whale Sanctuary

The proposal for a South Atlantic Whale Sanctuary (SAWS) has been included in the recent negotiations on the future of the Commission. In commenting on the Draft Agenda, Brazil and other co-proponents of the SAWS indicated that they wish to retain this item on the agenda for IWC/61 in order to allow for progress on the issue to be discussed

9. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING

When commenting on the Draft Agenda, Japan noted that it reserves its right to propose an amendment to paragraph 10 of the Schedule which would provide for a quota for its small-type whaling in case the process on the Future of the IWC fails. If Japan does decide to make a proposal under this agenda item, its proposal would be similar to that presented to the 59th and 60th Annual Meetings, i.e. to add the following sub-paragraph (f) to existing paragraph 10 of the Schedule, i.e. (f) Notwithstanding the other provisions of paragraph 10, the taking of up to () minke whales from the Okhotsk Sea-West Pacific stock of the North Pacific in the coastal waters east of Japan north of 35°N and east of 150°E (excluding Okhotsk Sea) shall be permitted for each of the years 2009, 2010, 2011, 2012 and 2013 and the meat and products are to be used exclusively for local consumption.

10. SCIENTIFIC PERMITS

Since IWC/61, Japan has issued permits for taking minke, fin and humpback whales in the Antarctic (JARPA II) and for taking minke, Bryde's, Sei and sperm whales in the North Pacific (JARPEN II). Note, however, that Japan agreed to continue to suspend the take of humpback whales in its Antarctic research programme in the 2009/10 season as long as progress is being made in the discussions on the future of IWC.

10.1 Report of the Scientific Committee

The Scientific Committee will report on its review of results from existing permits and of new or continuing proposals and on work to improve procedures for reviewing scientific permit proposals. These matters will be reported in Document IWC/62/Rep 1.

10.2 Commission discussions and action arising

In commenting on the Draft Agenda, Japan noted its view that science must be the basis for the conservation and management of all resources and that because of this it had made brief PowerPoint presentations on the results of its JARPA II and JARPEN II programmes to plenary in the past. It noted that this year it is planning PowerPoint presentations on these programmes as a side event outside the normal plenary sessions.

11. SAFETY ISSUES AT SEA

In commenting on the Draft Agenda, Japan noted that it believes it important for the IWC to share information about the violent attacks (acts of harassment and interference) on its research vessels in the Antarctic in order to take co-ordinated international actions against the Sea Shepherd Conservation Society. It indicated that it wished to make a presentation and have follow-up discussions to those at the March 2010 meeting of the Small Working Group on the Future of IWC. It requested that a new agenda item be added for this purpose.

12. ENVIRONMENTAL AND HEALTH ISSUES

By Resolution 1998-5 at the 50th Annual Meeting, the Commission agreed to establish a regular Commission agenda item under which the Scientific Committee would report annually on its progress in non-lethal research on environmental concerns, and Contracting Governments could report annually on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals. These issues will be covered under agenda items:

- 12.1 Climate Change
- 12.2 POLLUTION 2000+: Phase II Planning Workshop
- 12.3 State of the Cetacean Environment (SOCER)
- 12.4 Anthropogenic sound
- 12.5 Other environment-related issues
- 12.6 Ecosystem modelling
- 12.7 Reports from Contracting Governments

The Scientific Committee will report on its work on environmental issues in Document IWC/62/Rep 1.

Resolution 1998-11 on concern about human health effects from the consumption of cetaceans invites member and non-member governments directly affected to:

- submit, when possible, reliable information to the IWC relating to possible human health effects resulting from the consumption of cetacean products;
- encourage the World Health Organisation (WHO) and other appropriate agencies to put this issue on their own agenda; and
- requested further collaboration between the WHO and the IWC on this matter.

Contracting Governments are invited to raise any health issues under item 12.8.

13. CONSERVATION MANAGEMENT PLANS

This year, Conservation Management Plans are the subject of discussion of both the Scientific and Conservation Committees. Their reports will be available as IWC/62/Rep 1 and 4 respectively.

At last year's meeting, the Conservation Committee endorsed the formation of a small, specialist group to construct a list of candidate management plans. This group will report on progress to the Conservation Committee in Agadir.

14. WHALEWATCHING

The Scientific Committee will report on progress with its work plan on whalewatching which this year includes: (1) discussion of a proposal for a large-scale whalewatching experiment; (2) reviewing whalewatching off North Africa; and (3) assessing the impact of whalewatching on cetaceans (see Document IWC/62/Rep 1).

The Conservation Committee will report on its discussions with respect to whalewatching (see Document IWC/62/Rep 5).

15. CO-OPERATION WITH OTHER ORGANISATIONS

Organisations with whom IWC is currently working include CITES, CMS (ASCOBANS & ACCOBAMS), CCAMLR, FAO, Southern Ocean GLOBEC, ICES, IATTC, ICCAT, IMO, IUCN, PICES, ECCO, NAMMCO and UNEP (SPAW).

IWC observers' reports of meetings of these and any other intergovernmental organisations will be distributed as Document IWC/62/4. The Scientific Committee will include its discussions and comments on co-operation with the other organisations in its report (Document IWC/62/Rep 1).

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

The Scientific Committee will hold its annual meeting in Madeira from 30 May to 11 June under its Chair, Dr Debi Palka (USA). On 29 and 30 May there will be pre-meetings of the RMP and IA sub-committees.

The Report of the Scientific Committee will be available shortly before the start of the Commission's Annual Meeting as Document IWC/62/Rep 1.

16.1 Small cetaceans

In 1991 the Commission adopted a Resolution on Small Cetaceans [*Rep. int. Whal. Commn 42:49*] which recalled its request of the previous year to the Scientific Committee to commence a process of drawing together information on the stocks subjected to significant directed and incidental takes, and requested the Scientific Committee to continue this work, including those stocks which were not reviewed. Its priority topic this year is a review of the taxonomy, population structure and status of small cetaceans in the eastern tropical Atlantic.

16.2 Regional non-lethal research partnerships

The Government of Australia hosted a workshop in March 2009 to discuss plans for a five-year non-lethal research effort in the Southern Ocean. A workshop report was submitted to the Scientific Committee last year. The Committee endorsed the general approach developed for this programme. At this year's Annual Meeting the Committee expects to receive further reports on progress, in particular with respect to further defined objectives and proposed actions. The Committee will review progress on this topic and decide on further steps. The Scientific Committee will report on its discussions on this matter will be provided in Document IWC/62/Rep 1.

16.4 Scientific Committee Future Work Plan

The Scientific Committee will put forward its proposals for the priority work that it believes it should carry out in the next year for comment and endorsement by the Commission.

17. CONSERVATION COMMITTEE

The Conservation Committee will meet in Agadir during the week prior to the Commission plenary. Its report will be available as Document IWC/62/Rep 4.

This year it will be addressing: (1) progress on investigations into the causes of inedible 'stinky' gray whales; (2) ship strikes; (3) Southern right whale population of Chile-Peru; (4) whalewatching (particularly management aspects); (5) whale sanctuaries; (6) conservation management plans; (7) national reports on cetacean conservation. Discussions on some of these issues will be reported on under other items where appropriate.

18. CATCHES BY NON-MEMBER NATIONS

This item provides the opportunity for Contracting Governments to raise issues related to catches by non-member nations.

19. INFRACTIONS, 2009 SEASON

Since the Infractions Sub-committee will not meet this year so as to maximise the time for discussions on the future of the IWC, material usually dealt with by the Sub-committee will be handled directly by the plenary.

The plenary will therefore consider the following issues:

- Infractions reports from Contracting Governments;
- Surveillance of whaling operations - this gives Governments the opportunity to comment on their own national inspection schemes;
- Checklist of information required or requested under Section VI of the Schedule - this checklist was developed as an administrative aid to the Sub-committee in helping it determine whether obligations under Section VI of the Schedule were being met;
- Submission of national laws and regulations concerning whaling.

20. ADMINISTRATIVE MATTERS

Most administrative matters will first have been discussed by the Finance and Administration Committee. The F&A Committee will meet in Agadir during the week prior to the Commission plenary. The Committee's report will be distributed as Document IWC/62/Rep 2.

The F&A Committee will have considered issues in relation to:

- Implications of discussions on the future of IWC; and
- Amendments to the Rules of Procedure, Financial Regulations and Rules of Debate.

21. FORMULA FOR CALCULATING CONTRIBUTIONS AND RELATED MATTERS

This matter will have first been discussed by the F&A Committee and reported in Document IWC/62/Rep 2. Issues that will have been addressed include:

- The due date for financial contributions.
- The Interim Measure and assessment for St. Vincent and The Grenadines.

22. FINANCIAL STATEMENTS AND BUDGETS AND OTHER MATTERS CONSIDERED BY THE BUDGETARY SUB-COMMITTEE

These matters will first have been discussed by the Budgetary Sub-committee who will make recommendations to the F&A Committee. The discussions and recommendations of the F&A Committee will be reported in Document IWC/62/Rep 2.

Financial matters arising under agenda items 22.1 (Review of the provisional financial statement, 2009/2010) and 22.3 (Consideration of estimated budgets, 2010/2011 and 2011/2012) are dealt with in Document IWC/62/5 (Financial Statements).

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

24. DATE AND PLACE OF ANNUAL AND INTERSESSIONAL MEETINGS

For a number of years, the Commission has been discussing the possibility of the Commission moving to biennial meetings while continuing with annual meetings of the Scientific Committee. At IWC/61 last year, the Commission did not take a decision on whether it should meet in 2011 so this will need to be decided this year. The outcome of discussions under item 3 on The Future of the IWC will also be relevant to this item.

Anticipating that there may need to be a meeting in 2011 given the discussions on the future of IWC, the Secretariat wrote to Commissioners and Contracting Governments in March (Circular Communication IWC.CCG.854) suggesting that individual Contracting Governments may wish to consider, prior to coming to IWC/62, whether they would be prepared to offer to host part (e.g. Scientific Committee or Commission plenary) or all of a meeting in 2011. As of 22 April, the Secretariat had not received any expressions of interest from any Contracting Government to host either the Scientific Committee or the Commission and its other sub-groups. In the absence of an offer, the Secretariat will have to make appropriate arrangements.

25. ADVISORY COMMITTEE

At IWC/62, the Commissioner for Côte d'Ivoire will have come to the end of his two-year term on the Advisory Committee and a replacement will need to be elected. Discussions under Agenda item 3, The Future of the IWC, may have implications to discussions under this agenda item.

26. SUMMARY OF DECISIONS AND REQUIRED ACTIONS

The Chair will refer to the daily reports written by the Secretariat and posted on the IWC's website (www.iwcoffice.org). He will not allow discussions under this item, except for clarification.

27. OTHER MATTERS

This item may be used to raise any other matters not previously identified in the agenda, and which do not require immediate substantive action by the Commission.