

61st Annual Meeting of the International Whaling Commission

FURTHER DISCUSSIONS ON THE FUTURE OF IWC

Further discussions on the future of IWC will start on 17 June and will continue into the plenary itself (i.e. under Agenda item 18). Sessions prior to the plenary are scheduled for Wednesday 17 June (afternoon), Thursday 18 June (morning) and during the private meeting of Commissioners on Sunday 21 June. The sessions on 17 and 18 June and during plenary are open to observers, while that on 21 June will be a closed session.

This draft agenda is intended to guide the structure of the discussions throughout all these sessions.

DRAFT AGENDA

(see Annex for annotations)

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Annex

Annotations to the Draft Agenda

1. INTRODUCTORY ITEMS

1.1 Introductory remarks

The Chair of the Commission, Bill Hogarth, will make some introductory remarks and outline his objectives for the meeting.

1.2 Management and reporting

The Chair will outline how he intends to manage the discussions and note that:

- While it will be possible to address some items in the pre-plenary sessions, others will need to be addressed during the Commission plenary.
- Ambassador Alvaro de Soto, Chair of the Small Working Group on the Future of IWC, will have speaking rights during the meetings similar to those accorded to the Chair of the Scientific Committee during plenary sessions.
- Nicky Grandy and Greg Donovan (Secretariat) are proposed as rapporteurs.
- The nature of any report prior to the plenary session will depend on the nature of discussions.

1.3 Review of documents

The Chair will note briefly the documents relevant for the meeting (see IWC/61/FUTURE 2).

2. ADOPTION OF THE AGENDA

3. REPORT OF THE SMALL WORKING GROUP ON THE FUTURE OF IWC

The mandate of the SWG was to *'make every effort to develop a package or packages for review by the Commission'* in order to assist it *'to arrive at a consensus solution to the main issues it faces'* (i.e. the 33 elements/issues identified of importance). It was to report on its initial deliberations to the 2009 Intersessional Meeting of the Commission on the Future of IWC who would direct it to continue its work and to develop a final report to be distributed at least 5 weeks before IWC/61. The SWG's report, Document IWC/61/6, was made available on 18 May 2009.

The SWG met three times: once in Florida, USA in September 2008; once in Cambridge, UK in December 2008 and once in Rome in March 2009 immediately following the intersessional meeting of the Commission.

At its first meeting, the SWG divided the 33 elements/issues of importance into two categories: (a) controversial issues that need to be addressed in the short term, i.e. those that if not addressed in the short term may fail to alter the *status quo* or even result in an irreparable break in the system via the withdrawal of governments from the Convention; and (b) issues which are non controversial or less controversial and which, if left unresolved, would not prevent a package being agreed concerning category (a), provided that a mechanism exists or can be established to address them. These are primarily but not exclusively scientific and administrative issues.

Based on discussions at the first two SWG meetings, the Chair of the Commission and Chair of the SWG developed *'Chairs' Suggestions on the Future of the International Whaling Commission'* (see Appendix 1 of Document IWC/M09/4 or Annex D of IWC/61/7rev). The *'Chairs' suggestions'* (that focused on category (a) issues) contained a two-stage approach to defining the future course of IWC. In summary, the first stage consisted of short-term solutions which would last for a 5-year period, referred to as the *'interim period'*. During the interim period, the Chairs proposed that long-term solutions relating to the governance and future functioning of the organisation were to be developed to be put in place at the end of the interim period, when the second stage would begin. With respect to short-term solutions, the Chairs identified issues that they believe require immediate action and made proposals for a *'core package'* that included these items. The Chairs' suggestions were discussed at the March 2009 intersessional meeting of the Commission (see Document IWC/61/7rev) and directions were given to the SWG to continue its work

including to strive to complete a package/packages of proposals as well as guidance on category (b) issues including elaboration of how these issues would be advanced beyond IWC/61.

As indicated in its SWG report to the Commission (Document IWC/61/6), the SWG was not able to agree a package to put forward to the Commission at IWC/61. It did however agree a request to the Scientific Committee in relation to Japanese small-type coastal whaling and proposals for work in relation to activities during the interim period and the handling of category (b) issues.

3.1 Presentation of the SWG Report

Ambassador de Soto will present the report.

3.2 Discussion

3.2.1 Progress with the development of a 'core package' of issues

As indicated in its report, the SWG was not able to agree a package to put forward to the Commission at IWC/61. However, this agenda item will provide the opportunity to discuss progress with the development of a 'core package' of issues on the future of IWC and how they might be combined.

3.2.2 Request to the Scientific Committee regarding Japanese small-type coastal whaling

Annex G of the SWG report contains a request to the Scientific Committee in relation to Japanese small-type coastal whaling. This request was forwarded to the Scientific Committee for action at its meeting in Madeira. An extract from the Report from the Scientific Committee (IWC/61/Rep 1) that provides its response to this request will be available.

This agenda item will provide the opportunity to review and discuss the Scientific Committee's report.

3.2.3 Proposed work plan for consideration and action on the category (a) issues that would be before the IWC during the interim period (Annex E)

Annex E of the SWG report contains a proposed work plan for consideration and action on the issues that would be before the IWC during the interim period that involves *inter alia* the establishment of a group '*..that is as widely representative as possible while not exceeding (10) members*'.

This agenda item will provide the opportunity in particular to review and discuss the proposals in Annex E of Document IWC/61/6.

3.2.4 Handling of category (b) issues

At its first meeting, for each category (b) element, the SWG provided an indication of some of the issues that have been raised and how they are either already being addressed or how they could be addressed in the future. It was suggested that quite a number of these be assigned to the Scientific Committee. To facilitate discussions at the March 2009 intersessional meeting of the Commission, the Chair of the Commission requested the Scientific Committee Chair and IWC's Head of Science to report on progress made to date and any future plans to address the issues assigned to the Scientific Committee including, where possible, the expected time for completion of work on a given issue. This report (see Document IWC/M09/6 or Annex E of IWC/61/7rev) shows that the scientific category (b) issues are already included in the work plan of the Scientific Committee and that in some cases, have been so for many years. During the presentation of this document it was noted *inter alia* that: (1) other more recent ideas, for example the conservation plan concept, are expected to become an increasingly important mechanism to integrate the work of the sub-committees and working groups into effective conservation and management advice; and (2) the complexity of many of the topics (especially those with an ecosystem component) makes it difficult for the Committee to provide precise timelines and that the changing nature of the environment and anthropogenic activities mean that

many topics will require the Committee's continued attention. It was further reported that the Committee will, to the extent possible, assign timelines for specific individual actions (be they research or mitigation and management). There was little discussion of this paper during the intersessional meeting of the Commission although one government did stress the need to continue to focus on issues related to the Conservation Committee, conservation management plans, developments in ocean governance, ecosystem-based approach to management and Environmental threats to cetaceans (see section 3.2.2 of IWC/61/7rev).

Given the above, the focus of the SWG's discussions during its meeting in Rome was on developing guidance on furthering category (b) issues not being addressed by the Scientific Committee. Recommendations in this regard are included in Annex F of its report. The recommendations include *inter alia* establishing a Group 'that is as widely representative as possible'. This agenda item will provide the opportunity to review and discuss the proposals in Annex F. It will also provide an opportunity for discussion of category (b) items in general.

4. REPORT OF THE INTERSESSIONAL CORRESPONDENCE GROUP (ICG) ON ISSUES RELATED TO THE SCIENTIFIC COMMITTEE

The objective of the ICG, established at IWC/60, was to develop a discussion document (and if it deemed appropriate, recommendations) on the following issues, recognising the inter-relationship of a number of aspects of the issues:

- (1) consideration of the advantages and disadvantages of separating the annual meeting of the Scientific Committee from that of the Commission;
- (2) consideration of ways to increase participation in the Scientific Committee of scientists from developing countries in the work of the Scientific Committee;
- (3) consideration of ways in which the Scientific Committee can assist in improving the knowledge and technical capability of scientists from countries where cetacean research is in its infancy so that they can better contribute to the work of the Scientific Committee and to conservation and management issues within their region; and
- (4) review the process for inviting participants to the Scientific Committee.

The ICG's report was presented to and discussed at the March 2009 intersessional meeting of the Commission (see section 4 and Annex F of IWC/61/7rev). The full report is available as IWC/M09/5.

Within the ICG there was general agreement that in general, the Scientific Committee worked effectively and that its processes were sound but that ways should be investigated to: (a) further identify the advantages and disadvantages of separating the annual meeting of the Scientific Committee and make recommendations; (b) further identify ways to improve communication between the Scientific Committee and the Commission and make recommendations; (c) facilitate the participation of suitably qualified scientists from developing countries in the priority work of the Scientific Committee and to ensure that the priority work included issues relevant to a broad range of countries and make recommendations; (d) facilitate capacity building for scientists in developing countries with respect to cetacean conservation and science and make recommendations.

Recognising that the primary components of this work are scientific and financial, the ICG proposed a number of options on how to take the work forward. Following discussions at the intersessional Commission meeting, it was agreed to request the Scientific and Finance and Administration Committees to each review the issues in Madeira and to forward their recommendations to the Commission. The Commission would then establish a small group in Madeira to continue the work.

4.1 The ICG report and discussions at the intersessional Commission meeting in Rome

For the benefit of those not present at the March intersessional meeting, the Secretariat will give a brief summary of the ICG report and the discussions in Rome.

4.2 Discussion

Recommendations from the Scientific Committee will be available for the discussions on the future of the IWC scheduled for 17 (afternoon) and 18 June (morning). As the F&A Committee will not meet until the afternoon of 18 June, its recommendations will not be available until the Commission plenary. Discussions on this item will therefore need to continue in plenary.

A document submitted by Australia (i.e. Document IWC/61/8) is also relevant to discussions under this item.

5. OTHER MATTERS

6. FURTHER WORK, MODUS OPERANDI, TIMING AND BUDGET

Although the SWG recognised that it had fallen short of the stated goal of agreeing on a package or packages on the future of the IWC for the Commission's review within the time allotted to it (i.e. for IWC/61), it considered that the Commission at its meeting in Madeira should direct that the efforts underway should be continued for a further year and decisions taken at IWC/62. Recognising the greatly improved atmosphere and the spirit of respectful dialogue which has prevailed in recent discussions, it stressed that this diplomatic method of doing the Commission's business must be retained.

Based on discussions on earlier agenda items, the Commission may consider identifying further work and the *modus operandi* (e.g. use of one or more small groups, intersessional meetings, use of external consultant(s)) and timing for such work. It will also be important to establish a budget. With respect to the budget, the proposed Commission budget for 2009/10 contained in IWC/61/5rev includes £150,000 for intersessional meetings.

7. CONCLUSIONS AND PRESS RELEASE

The Chair will make some concluding remarks.

A draft press release will be developed for review by the Commission.