

Folketingets Miljø og Planlægningsudvalg
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Hoslagt fremsendes i fem eksemplarer besvarelse af Folketingets miljø og planlægningsudvalgs spørgsmål 176 vedr. retningslinjer for kommerciel hvalfangst (RMS) og spørgsmål 186 modtaget pr. mail i Udenrigsministeriet den 13. september 2005 vedr. bl.a. en oversendelse af referatet af mødet i den internationale hvalfangstkommission (IWC) den 20.-24. juni 2005 i Korea.

J. H. Olsen

UDENRIGSMINISTERIET

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Kontoret for Norden, Færøerne og Grønland

Den. 14. september 2005

Spørgsmål i Folketingets Miljø og
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Spørgsmål

Ministeren bedes oversende et referat af mødet i den internationale hvalfangstkommission (IWC) den 20.-24. juni 2005 i Korea, herunder en redegørelse for hvilke lande, der støttede det danske kompromisforslag vedrørende kommerciel hvalfangst.

Svar.

"Der vedlægges et beslutningsreferat af IWC's årsmøde i juni 2005 udarbejdet af IWC's formand og IWC's sekretær umiddelbart efter mødet.

Hvad angår afstemningen om det danske kompromisforslag fik dette 2 ja-stemmer. 26 lande tilkendegav, at forslaget efter deres opfattelse var "for fangstvenligt". 27 lande tilkendegav, at forslaget efter deres mening ikke var "fangstvenligt nok". "

Chair's Summary Report for the 57th Annual Meeting (Revised¹), Ulsan, Republic of Korea, June 2005

The 57th Annual Meeting of the International Whaling Commission (IWC) took place at the Lotte Hotel, Ulsan, Republic of Korea from 20 to 24 June. It was Chaired by Henrik Fischer (Denmark). The associated meetings of the Scientific Committee and Commission sub-groups were held at the same venue in the period 30 May to 17 June.

A brief report of the outcomes of the main agenda items is provided below.

1. STATUS OF STOCKS

Antarctic minke whales

Completion of the revised circumpolar abundance estimate for Antarctic minke whales continues to be a high priority given that there is no agreed current estimate. The Scientific Committee expects to agree estimates next year.

Western North Pacific common minke whales

The Scientific Committee began preparations for an in-depth assessment of western North Pacific common minke whales. Resolution 2005-2 on 'facilitating closer co-operation among the range states to expedite sighting surveys for common minke whales off the Korean Peninsula' was adopted by consensus (see Annex 1).

Southern Hemisphere humpback whales

The Scientific Committee reviewed information on abundance, rates of increase and stock structure of humpback whales in Antarctica, South America, Africa and Oceania as part of its ongoing Comprehensive Assessment. Information was presented demonstrating the continuation of a strong post-exploitation recovery of humpbacks off the eastern coast of Australia.

The Scientific Committee hopes to complete its Comprehensive Assessment of Southern Hemisphere humpback whales in 2006.

North Atlantic right whales

North Atlantic right whales are among the most endangered of all the large whales, with a remaining western North Atlantic population of around 300 animals. The Scientific Committee again reiterated its recommendation that it is a matter of absolute urgency that every effort be made to reduce anthropogenic mortality in the North Atlantic right whale stock to zero. Right whales continue to die or become seriously injured by entanglements in fishing gear or ship strikes.

Western North Pacific gray whales

The Scientific Committee has expressed great concern over the critically endangered western gray whale. Resolution 2004-1 passed last year *inter alia*: (1) called on range states to actively pursue all practicable actions to eliminate anthropogenic mortality in this stock and to minimise anthropogenic disturbances in the migration corridor and on breeding and feeding grounds; and (2) requested the Secretariat to offer its services and scientific expertise to organisations concerned with oil and gas development projects and exploration projects in the Sakhalin area. The population is small (only about 100 whales) and the only known feeding grounds lie along the northeastern coast of Sakhalin Island, where existing and planned oil and gas developments pose potentially catastrophic threats to the population, through habitat damage, ship strikes, noise and oil spills. Five members of the Scientific Committee, including the Secretariat's Head of Science, participated in an Independent Scientific Review Panel (ISRP) under the auspices of IUCN and with the co-operation of the Sakhalin Energy Investment Company Limited. The Commission welcomed this report and adopted by consensus a further Resolution (2005-3) supporting further efforts to conserve this population (see Annex 2).

Southern Hemisphere blue whales

The Scientific Committee agreed to initiate the Comprehensive Assessment of Southern Hemisphere blue whales next year.

¹ Earlier versions had an error in the dates for (1) the period of meetings of the Scientific Committee and Commission sub-groups at IWC/57 and (2) the 58th Annual Meeting.

Southern Hemisphere right whales

The Scientific Committee welcomed reports that Southern right whales off South Africa and Australia were continuing to increase at rates of around 7% per year. It stressed the need to continue the existing long term monitoring programmes.

2. OTHER SCIENTIFIC COMMITTEE ISSUES

Small Cetaceans

The Scientific Committee reviewed the status of the finless porpoise and reviewed progress on previous recommendations with respect to the Baiji, Vaquita, harbour porpoise, humpback dolphin, Irrawaddy dolphin and Dall's porpoise.

In reviewing information on small cetacean catches, the Scientific Committee noted that the data are incomplete and urged Contracting Governments to ensure that complete figures are reported to the Commission in a timely manner. The Committee recommended that the bycatch reporting tables for small cetaceans in the National Progress Reports include the responsible fishing gear type, as is the case for large whales.

Election of Officers

The three-year terms of the Chair, Doug DeMaster (USA) and the Vice-Chair, Arne Bjørge (Norway) were completed this year. The Commission expressed its great appreciation to DeMaster for his excellent work and welcomed the election of the new Chair, Arne Bjørge and the new Vice-Chair, Debbie Palka (USA).

3. ABORIGINAL SUBSISTENCE WHALING

The Aboriginal Subsistence Whaling Sub-committee met on 14 June to review the Scientific Committee's work on development of an Aboriginal Subsistence Whaling Scheme and to review and provide advice to the Commission on catch limits for: (1) Bering-Chukchi-Beaufort Seas stock of bowhead whales; (2) eastern stock of North Pacific gray whales; (3) common minke whales and fin whales off Greenland; and (4) North Atlantic humpback whales off St Vincent and The Grenadines.

The Commission endorsed the Sub-committee's report and agreed that no changes to the block quotas renewed in 2002 were needed. However, there was considerable discussion over the fisheries off West Greenland (minke and fin whales). This year, the Scientific Committee repeated that it is extremely concerned that it has never been able to provide satisfactory management advice on these stocks due to problems concerning stock identity and abundance. It made some strong recommendations for scientific work and urged the Commission to exert considerable caution in setting catch limits for these stocks. After considerable discussion, the Home Rule Government of Greenland, through the Danish Delegation, voluntarily agreed to reduce its quota of fin whales from 19 to 10 animals for each of the years 2006 and 2007. It also informed the meeting that it had requested additional funding from parliament for research and that it would initiate a survey in 2006 in co-operation with scientists from the IWC and from NAMMCO.

4. THE REVISED MANAGEMENT SCHEME (RMS)

Revised Management Procedure (RMP)

The Scientific Committee continued work on general RMP issues including work towards finalising the guidelines and requirements for implementing the RMP.

With respect to preparations for *Implementation*, the Committee reviewed progress since last year on the *pre-implementation assessment* for western North Pacific Bryde's whales. It agreed that this is complete and recommended that *Implementation* can commence, noting that this will normally be completed in two years. The first intersessional workshop is scheduled for late October 2005 in Tokyo. The Committee also reviewed progress with the *pre-implementation assessment* for North Atlantic fin whales initiated last year, particularly with respect to stock structure hypotheses. It identified a number of issues (e.g. abundance estimates, catch series to be used in the trials, dispersal and mixing rates, values for biological and technical parameters) that need to be addressed to complete the *pre-Implementation assessment*. It hopes to be in a position to do this at next year's meeting.

Revised Management Scheme

Before discussions on the RMS, IWC's Head of Science gave an overview presentation on the RMP as requested last year. He stressed that the RMP was probably the most rigorously tested management procedure in the world. It still represented the unanimous recommendation of the Scientific Committee and the processes for its practical application had been constantly reviewed and improved.

At last year's meeting, the Commission adopted by consensus Resolution 2004-6 on Completion of the Revised Management Scheme. The Resolution included a 10-point plan of intersessional work to complete both the drafting of text and technical details of the RMS with the aim of having the results ready for consideration, including for possible adoption, at IWC/57, and/or to identify any outstanding policy and technical issues. Through the work plan, the RMS Working Group was revived formally (it last met at IWC/54 in Shimonoseki in 2002) and a Small Drafting Group (SDG) established under it. Resolution 2004-6 anticipated two meetings of the RMS Working Group and SDG intersessionally between IWC/56 and IWC/57.

The RMS Working Group also met on 15 June, during IWC/57, to review and comment on the reports from the intersessional meetings, to review progress with further technical work, and to assess overall progress in relation to Resolution 2004-6. With respect to the latter, the Chair concluded that the Working Group was not in a position to put forward a 'finalised RMS text ready for consideration, including for possible adoption' at the plenary session. The Working Group therefore agreed to refer to the plenary its discussions of outstanding policy and technical issues.

In the Commission, different views remained regarding the elements that should be included in an RMS 'package' and on whether adoption of an RMS should be linked in any way to the lifting of the commercial whaling moratorium. Japan put forward a proposed Schedule amendment for an RMS that *inter alia* would have lifted the moratorium. The proposal did not attract the required three-quarter majority to be adopted (23 votes in favour, 29 against and 5 abstentions).

Discussions subsequently focused on how to continue work to develop an RMS. Two possible ways forward were presented in draft resolutions. The first proposal by Denmark and the Republic of Korea received 2 votes in favour, 26 against and 27 abstentions and was therefore not adopted. The second proposal from Germany, Ireland and South Africa received 25 votes in favour, 3 against and 28 abstentions and was therefore adopted (see Resolution 2005-4 in Annex 3) and involves an intersessional meeting of the RMS Working Group which the Commission agreed to schedule in early 2006 (probably sometime in February). The Commission also agreed terms of reference for a compliance working group, i.e. (1) to explore ways to strengthen compliance by analysing the range of possible legal, technical, and administrative measures available to the Commission which are consistent within the ICRW; and (2) to explore possible mechanisms to monitor and possibly address non-compliance of Contracting Governments consistent with the ICRW and international law. It was agreed that the Secretariat should call for expressions of interest in joining this working group after the Annual Meeting.

5. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES

The Commission endorsed the report of the Working Group on Whale Killing Methods and Associated Welfare Issues that had met on 13 June. The Working Group had reviewed data submitted in response to various Resolutions (1997-1, 1999-1, 2001-2) on whales killed and on improving the humanness of whaling operations, and information submitted in response to Resolution 2004-3 in relation to criteria for determining insensibility and death in stranded cetaceans.

The Commission agreed, by consensus, terms of reference for a technical workshop to be held immediately prior to the 2006 Annual Meeting in St Kitts and Nevis (see Annex 4). The workshop will give particular consideration to: (1) practical criteria for determining the onset of irreversible insensibility and death; (2) means of improving the efficiency of whale killing methods; (3) reducing times to death and other associated welfare issues; (4) means for reducing struck and lost rates in whaling operations; (5) the welfare implications of methods used to kill whales caught in nets, where they are not released alive; and (6) practical methods of reviewing and collecting data from aboriginal hunts. It was recognised that cost and safety issues for aboriginal subsistence hunters should be taken into account in any proposals arising from the workshop regarding improvements to existing and new methods.

6. SANCTUARIES

Proposal for a new sanctuary in the South Atlantic

A proposed Schedule amendment to create a new whale sanctuary in the South Atlantic did not receive the required three-quarter majority support to be adopted (29 votes in favour, 26 against and 2 abstentions). Prior to discussion in plenary, the sanctuary proposal had also been reviewed by the Scientific and Conservation Committees.

Southern Ocean Sanctuary (SOS)

A proposed Schedule amendment that would abolish the Southern Ocean Sanctuary did not receive the required three-quarter majority support to be adopted (25 votes in favour, 30 against and 2 abstentions).

7. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING

Japan gave a presentation on the hardship suffered by its four community-based whaling communities (Abashiri, Ayukawa, Wadaura and Taiji) as a result of the commercial whaling moratorium and introduced the 'Shimonoseki Declaration on Traditional Whaling'. It consequently introduced a proposed Schedule amendment to allow the taking of up to 150 minke whales from the Okhotsk Sea-West Pacific stock of the North Pacific each year until 2009 or until a quota based on the RMS is decided, whichever is the earlier. The proposal did not receive the required three-quarter majority support to be adopted (26 votes in favour, 29 against and 3 abstentions). Japan withdrew a similar proposal for a take of up to 150 Bryde's whales annually from the western stock of the North Pacific.

8. SCIENTIFIC PERMITS

Review of results from existing permits

The Scientific Committee reviewed results from Japan's research programmes in the Antarctic (JARPA²) and North Pacific (JARPNI³) and Iceland's programme in the North Atlantic⁴. With respect to JARPA, the Scientific Committee reviewed results from the final year of the programme, a report from a non-IWC meeting on JARPA results that took place in Tokyo in January this year, and made preparations for a full review of the JARPA programme once the complete set of results is available. A full IWC review will be carried out first by an intersessional working group (probably in Tokyo in late 2006) whose report will be discussed at the subsequent Scientific Committee meeting. Again, as in the past, different views on the value of these research programmes were expressed in the Scientific Committee and in the Commission.

Review of new or continuing proposals

The major discussions focused on JARPA II - a new proposal from Japan as follow-up to the now-completed JARPA. The stated objectives of the new long-term research programme proposal are: (1) monitoring of the Antarctic ecosystem; (2) modelling competition among whale species and developing future management objectives; (3) elucidation of temporal and spatial changes in stock structure; and (4) improving the management procedure for the Antarctic minke whale stocks. The proposed catches for the full programme are: 850 (with 10% allowance) Antarctic minke whales, 50 humpback whales (not to begin for two years) and 50 fin whales (10 in the first two years). There was considerable disagreement over the value of this research both within the Scientific Committee and the Commission. A Resolution was passed (30 votes to 27 votes with 1 abstention) that strongly urged the Government of Japan to withdraw its JARPA II proposal or to revise it so that any information needed to meet the stated objectives of the proposal were obtained using non-lethal means (see Resolution 2005-1 in Annex 5). Japan withdrew a proposed Resolution in support of its research programme in the Antarctic.

9. ENVIRONMENTAL AND HEALTH CONCERNS

The Commission reviewed the Scientific Committee's report on environmental matters, including the relationship between sea ice and cetaceans (on which there had been a two-day symposium), habitat degradation (a report from the workshop held in Sienna, Italy in November 2004), progress on two established programmes (POLLUTION 2000+ and Southern Ocean collaborative studies), SOCER (State of the Cetacean Environment Report), Arctic issues and anthropogenic noise.

With respect to health concerns, the Secretariat was requested to seek further co-operation with WHO in relation to contamination issues, particularly in view of newer types of pollutants now appearing in the marine environment.

² JARPA - Japanese Whale Research Program under Special Permit in the Antarctic JARPA - was an 18-year programme conducted between the 1987/88 and 2004/05 austral summer seasons had the following stated objectives: (1) estimation of biological parameters (especially the natural mortality rate) to improve management; (2) elucidation of stock structure to improve management; (3) examine role of whales in the Antarctic ecosystem; and (4) examine effect of environmental changes on cetaceans. It involved a take of 400±10% minke whales each year.

³ JARPNI is a long-term research programme primarily aimed at feeding ecology in the context of contributing to the 'conservation and sustainable use of marine living resources in the western North Pacific, especially within Japan's EEZ.' The programme involves the taking of 150 minke whales, 50 Bryde's whales, 50 sei whales and 10 sperm whales annually in the western North Pacific.

⁴ A proposed permit by Iceland, primarily for feeding ecology studies for 100 common minke whales, 100 fin whales and 50 sei whales in each of two years was presented two years ago. In the event, Iceland issued a permit to take 38 common minke whales in 2003 and 25 minke whales in 2004. The Icelandic Marine Research Institute's proposed take for 2005 is 39 minke whales.

10. WHALEWATCHING

The Scientific Committee examined a number of issues related to whalewatching, including possible biological impacts of whalewatching on whales and the development of the scientific foundation of whalewatching guidelines. In the Commission, New Zealand presented a report on the growth of its whalewatching industry.

11. CONSERVATION COMMITTEE

The Commission reviewed the report of the Conservation Committee that met on 13 June. At its meeting, the Committee had given further consideration to terms of reference, working methods and to the development of a Conservation Agenda. With respect to the latter, a range of items were identified, although the Committee agreed to focus its work on a limited number of high priority issues, at least in the first instance. The Committee also reviewed: (1) two proposals for new whale sanctuaries, one in the South Atlantic, the other in the South Pacific, although only the former was put forward this year as a proposed Schedule amendment; and (2) a number of voluntary national reports on cetacean conservation activities. Although there continues to be disagreement within the Commission over the establishment and terms of reference for this Committee, the Commission agreed to two of its recommendations: one to develop a research programme to address the issue of inedible 'stinky' gray whales caught by Chukotkan aboriginal subsistence hunters (see Annex 6); and the other to make progress on the issue of whales being killed or seriously injured by ship strikes. For the latter, an initial plan of work was developed to be undertaken by an email discussion group prior to IWC/58 next year. This principally involves building contacts with appropriate national and international organisations.

12. CO-OPERATION WITH OTHER ORGANISATIONS

The Scientific Committee has continuing co-operative arrangements with a number of other organisations including CMS (Convention on the Conservation of Migratory Species), ASCOBANS (Agreement on Small Cetaceans of the Baltic and North Seas), ACCOBAMS (Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area), ICES (International Council for the Exploration of the Sea), IATTC (Inter-American Tropical Tuna Commission); ICCAT (International Commission for the Conservation of Atlantic Tuna), CCAMLR (Convention for the Conservation of Antarctic Marine Living Resources), Southern Ocean GLOBEC, NAMMCO (North Atlantic Marine Mammal Commission), FAO (Committee on Fisheries); PICES (North Pacific Marine Science Organisation); IUCN (International Union for the Conservation of Nature) and ECCO (Eastern Caribbean Cetacean Commission). Reports from IWC observers attending meetings of the above organisations were reviewed. A Statement of the Sustainable Use Parliamentarians Union was made available, as was a report from the Fourth Meeting of Regional Fishery Bodies (The RFB Secretariat's Network).

The Secretariat reported on progress with exploring possible co-operation between IWC and the Global Environment Facility (GEF) as requested in Resolution 2004-5 adopted last year. The Commission requested that this contact be continued.

13. FUTURE WORK OF THE SCIENTIFIC COMMITTEE

The Commission adopted the report from the Scientific Committee, including its proposed work plan for 2005/2006 that includes activities in the following areas:

- continued work on the Revised Management Procedure (RMP), particularly with respect to (1) proceeding with the *Implementation* for western North Pacific Bryde's whales; and (2) finalising issues related to the completion of the *pre-implementation assessment* for North Atlantic fin whales;
- continued work on the estimation of bycatch and other human induced mortality for use in the Revised Management Procedure;
- continued work on Aboriginal Subsistence Whaling Management Procedure development particularly in relation to Greenlandic whaling and preparation for an *Implementation Review* of bowhead whales in 2007;
- annual reviews of catch data and management advice for eastern North Pacific gray whales, BCB bowhead whales, minke and fin whales off Greenland and humpback whales off St. Vincent and The Grenadines;
- continued work on in-depth assessments, with particular emphasis on obtaining abundance estimates for Antarctic minke whales, continued preparation for an assessment of western North Pacific common minke whales and the completion of the assessment of Southern Hemisphere humpback whales;

- further review of the stock identity concept in a management context and the workshop on the TOSSM (Testing of Spatial Structure Models) project;
- continued work on environmental concerns, with a focus on (1) assessing the potential for seismic surveys to impact cetaceans and (2) ecosystem modelling;
- continued work on issues related to whalewatching (WW), with a focus on assessing possible population level impacts of WW on whales and on identifying data that may be obtained from whalewatching vessels that are of potential value to the Scientific Committee;
- review of existing scientific permits and planning for the major review of the JARPA programme;
- continued work on small cetaceans, including a review of those found in the Caribbean and western tropical Atlantic.

14. SECRET BALLOTS

A proposed amendment to the Commission's Rules of Procedure that would increase the opportunities for using secret ballots was not adopted. There were 27 votes in support, and 30 against.

15. ADMINISTRATION

Items covering administrative and financial matters (i.e. items 15 to 19 of this report) were first considered by the Finance and Administration Committee that met on Friday 17 June under the chairmanship of Halvard Johansen (Norway).

Simultaneous interpretation and document translation

There was considerable discussion within the F&A Committee and the Commission on both simultaneous interpretation and document translation. With respect to simultaneous interpretation, some Contracting Governments expressed the view that contrary to the decision last year⁵, the Secretariat should be responsible for arranging for interpreters and that the Commission should cover the costs. Other governments disagreed and continued to support the earlier decision. There was no resolution of this issue. Different views were also expressed with respect to document translation, on which the Secretariat had made a preliminary exploration regarding costs and implications. However, the Commission agreed to ask the Secretariat to explore the matter further, taking account of discussions within the F&A Committee and Commission, and to circulate a paper for review by all Contracting Governments with a view to some decisions being taken at IWC/58 next year.

Frequency of meetings

Resolution 2004-7 adopted last year called for an exploration of and recommendations for less frequent meetings of the IWC. While the Secretariat had developed a background paper for review at IWC/57, the Working Group established after IWC/56 to address the Resolution's requests had not yet had a chance to do so. The Commission therefore agreed that the Working Group should now address these matters intersessionally (by email) with a view to making recommendations for the Commission to consider at IWC/58. It was also agreed to augment the initial Working Group (comprising Argentina, Germany, Ireland, Peru, Kenya, Spain, Tuvalu, Chile, Norway and the Republic of Korea) with interested countries that have aboriginal subsistence hunts, given the potential implications to these hunts of lengthening the period between Commission meetings.

Amendments to the Rules of Procedure and Financial Regulations

The Commission adopted by consensus a revision to the footnote to Financial Regulations F 'Arrears of Contributions' defining what is meant as 'received by the Commission' in the context of annual financial contributions.

16. NON-GOVERNMENTAL ORGANISATIONS (NGOS)

NGO Code of Conduct

The Commission agreed that the Working Group established at IWC/56 last year and convened by Iceland, should continue to prepare a draft Code of Conduct relating to the participation of NGOs at IWC meetings. Once this is

⁵ Last year, the Commission decided to provide equipment and facilities for simultaneous interpretation for two languages (French and Spanish) from IWC/57 onwards for meetings of the Commission's sub-groups (but not the Scientific Committee), the plenary and private meetings of Commissioners. Arranging for, and covering the costs of the interpreters themselves was to continue to be the responsibility of those Contracting Governments wishing to use such facilities.

developed, the Commission will decide on whether it wishes to pursue other related matters such as criteria for the granting of observer status, decisions on what obligations an NGO would undertake by accepting observer status and procedures for suspending and/or withdrawing observer status.

NGO participation in Annual Meetings

At IWC/56 last year, the Commission asked the Secretariat to work with the Advisory Committee to explore the possibilities for: (1) removing the current requirement that NGOs maintain offices in more than three countries; (2) allowing accredited NGO's to send up to a certain number (e.g. five) of representatives to IWC meetings as observers with the possibility of all observers being in the meeting room at any one time (currently only one observer per organisation can be present); and (3) revising the NGO fee structure such that the effect of any changes as a result of (1) or (2) above is fee/cost-neutral in the year of its introduction and that thereafter, fees should not in general increase by more than such an amount as is necessary to keep pace with inflation in the UK (as host country to the IWC). As other commitments had delayed this work, the Commission agreed to carry it forward to the next intersessional period. It was also agreed to take into account the differences in scale of different NGOs when looking at fee structures.

17. DEALING WITH LEGAL ISSUES

Last year the Netherlands had introduced a document to plenary outlining a number of options on how legal issues that may arise within IWC could be addressed. The Commission requested that the F&A Committee discuss this document at IWC/57. In Ulsan, different views were expressed within the Committee regarding the various options and indeed the need for the Commission to address this issue at all. In the Commission, the Netherlands, having taken account of the F&A Committee discussions, suggested that the focus for a process for providing legal advice should be on legal matters that might arise from institutional issues such as adherence, the Convention and the Schedule, recognising that such issues are likely to arise infrequently. It further suggested that should such issues arise, consideration be given to establishing an *ad hoc* open-ended working group comprising legal experts from Contracting Governments. The working group would decide if it wished to call for further external advice. The intention would be for the working group to facilitate discussions in the F&A Committee. While there was some support for this approach, others expressed a number of concerns. It was agreed that the Netherlands would consult with countries expressing concerns to explore how these might be addressed and to report back on the outcome of these consultations next year.

18. FINANCIAL CONTRIBUTIONS

Revision of the Contributions Formula

Recognising the potential implications for any revised contributions formula of recent work on the RMS, the work of the Contributions Task Force had been put on hold until these implications could be assessed. The Task Force last met in March 2003. Given that reaching agreement on an RMS did not appear to be imminent, a number of Contracting Governments at IWC/57 believed that revision of the formula should not be linked with completion of an RMS and that the work of the Task Force should be resumed. The Commission agreed that the Task Force should meet at IWC/58 next year, with work also being done intersessionally by email.

Criteria to define 'very small countries'

While the criteria to define the four capacity-to-pay groups used in the Interim Measure allot countries in a sensible way in most cases, it would appear that the criteria for Group 3 catch some countries that, because of their very small 'size' (relatively lower GNI usually linked with a small population), have a more limited capacity to pay than others in Group 3. Based on a paper prepared by the Secretariat, the Commission adopted the following criteria to define a "very small country" for the purpose of calculating Financial Contributions.

'Out of consideration of their very small size, and therefore limited capacity to pay, a "very small country" will have:

- (a) a population of less than 100,000, AND
- (b) a GNI of less than USD 5 billion, AND
- (c) a GNIPC of more than USD 10,000.

and as a "very small country" will be placed in capacity-to-pay Group 2.'

It was agreed that these criteria would be applied in the calculation of Financial Contributions for the financial year 2005-2006 onwards.

19. FINANCE AND BUDGET

These matters had first been considered by the Budgetary Sub-committee that met on Tuesday 14 June under the chairmanship of Joji Morishita (Japan).

Financial statements and budget estimates

The Commission approved the Provisional Financial Statement for 2004-2005 subject to audit. It also approved the budget for 2005-2006, including the research budget, and increases in (1) the NGO observer fee from £590 to £610 per organisation and (2) the media fee from £35 to £40 per organisation for 2006. The fee for non-member governments and intergovernmental organisations remains unchanged at £800 per individual.

Secretariat office accommodation

For several years, the Secretariat has, at the request of the Commission, been exploring alternatives to its current office accommodation (The Red House), including the possibility of relocation to another country. At IWC/56 last year, the Commission acknowledged that rent of the Red House represented approximately 4% of the total budget and was therefore not an excessive cost. It also recognised the need to retain expertise within the Secretariat that would be lost if the Secretariat were moved away from the Cambridge area. The Secretariat was therefore requested at IWC/56 to explore alternatives in the Cambridge area. Based on this paper, considerable interest was expressed in the possibilities of the Commission purchasing its own offices. The Commission agreed that the Secretariat should develop a more comprehensive picture, for discussion next year, of the steps required, the identification of all relevant costs, the timing of events and cash-flows, a sufficiently long projection of cash-flows to show where the break-even point is when comparing purchasing and rental, and the process to be followed regarding distribution of the proceeds from the sale of any property if the IWC were to be discontinued. Germany mentioned the possibility of providing Secretariat offices in Bonn and agreed to provide further information to the Secretariat.

Budgetary Sub-committee

The Commission agreed a number of procedures in relation to the operation of the Budgetary Sub-committee, i.e.: (1) the term of the Chair and Vice-Chair and timing of elections; (2) duration of the term of open seats and how to call for expressions of interest when such seats become available; and (3) how to handle Contracting Governments as observers to the Sub-committee. It was also agreed that the Secretariat should prepare a paper for review next year regarding how the appointment as Chair or Vice Chair of a Sub-committee member who was coming to the end of their term might block participation of other interested countries in "open seats" and how this might be handled.

Joji Morishita (Japan) and Andrea Nouak (Austria) were elected as Chair and Vice-Chair respectively.

20. DATE AND PLACE OF ANNUAL MEETINGS

The 58th Annual and associated meetings in 2006 will be held in St Kitts and Nevis during the period 23 May to 20 June.

The 59th Annual Meeting in 2007 will be held in Anchorage, Alaska, USA. The dates are to be determined.

The Government of Chile proposed to host the 60th Annual Meeting in 2008, adding that as stated in the Rules of Procedure, it will give formal notice of its intention during the Annual Meeting in St Kitts and Nevis next year.

The Government of Portugal informed the Commission that it would like to host the 61st Annual Meeting in Madeira in 2009.

21. ADVISORY COMMITTEE

The Commissioner from the UK was re-elected onto the Advisory Committee for a further two years to join the Chair (Denmark), the Vice-Chair (South Africa), the Head of Finance and Administration (Norway) and the Commissioner for Dominica.

Annex 1

Resolution 2005-2

RESOLUTION ON FACILITATING CLOSER COOPERATION AMONG THE RANGE STATES TO EXPEDITE SIGHTING SURVEYS FOR THE COMMON MINKE WHALES OFF THE KOREAN PENINSULA

RECOGNISING THAT the common minke whale stock migrating off Korea, Russia, China and Japan should be conserved and managed appropriately, and that the Scientific Committee is now preparing the in-depth assessment for this stock;

NOTING THAT the spatio-temporal coverage of the past research on this stock for a population assessment was restricted and that data and samples for stock identification are still insufficient;

NOTING THAT the Commission has classified this stock as a "Protected Stock" and a comprehensive assessment has not been conducted during the past twenty years;

NOW THEREFORE THE COMMISSION:

WELCOMES a workshop for non-lethal research collaboration on this stock to be held in Ulsan early in 2006 to be hosted by the Republic of Korea and encourages all range states and other interested parties to participate in the workshop;

REQUESTS the relevant countries that have unsurveyed waters under their jurisdictions to conduct cooperative non-lethal scientific research for the 2006 surveys;

RECOMMENDS THAT scientists from range states and other countries, in association with the IWC Scientific Committee, collaborate and harmonise efforts to develop a research programme and conduct analyses of data, and that funds to be provided.

Annex 2

Resolution 2005-3

RESOLUTION ON THE WESTERN NORTH PACIFIC GRAY WHALE

RECALLING Resolution 2001-3, which inter alia called on range states and others to actively pursue all practicable actions to eliminate anthropogenic mortality and minimize anthropogenic disturbance to the western gray whale population; and Resolution 2004-1, which inter alia called upon range states to develop or expand national monitoring and research programmes on western gray whales;

WELCOMING the report of the Independent Scientific Review Panel (ISRP) set up by IUCN, to which the IWC Secretariat contributed, the work carried out under the Russian national program, and the work carried out under the Russia-US program;

WELCOMING the cooperation between Sakhalin Energy Investment Corporation Ltd (SEIC) and IUCN to address the potential impacts of their oil and gas activities on western gray whales;

WELCOMING the desire to re-route the planned platform-to-shore oil and gas pipelines around instead of through the gray whale feeding ground off Piltun Lagoon;

REMAINING CONCERNED that noise generated during the pipeline, platform emplacement and onshore construction in the coming season will impinge upon the Piltun feeding ground;

ENCOURAGED by the finding of the Review Panel that the population of Western Gray Whales appears to have increased over the period 1994-2003, even using low abundance estimates; but

CONCERNED that the Review Panel found that the population includes less than 30 reproductive females, and that one population model using the lowest abundance level of all presented found that a hypothesised additional death of just one female whale per year could drive the population to extinction before 2050;

NOTING WITH CONCERN that, despite the efforts by the Japanese authorities and peoples concerned not to disturb the animal and release it from entanglement, a female gray whale was drowned in a set net in Tokyo Bay on May 10, 2005;

NOW THEREFORE THE COMMISSION:

CALLS upon range states to take all practical measures to avoid all anthropogenic mortality, and in particular to develop and implement strategies to prevent accidental deaths;

CALLS UPON all organisations concerned with oil and gas projects to take all practicable measures to ensure that received noise levels in the Piltun feeding ground are reduced to a minimum and are in accordance with any future recommendations of the IWC Scientific Committee;

SUPPORTS the ISRP proposal for a comprehensive strategy to save western gray whales and their habitat;

FURTHER CALLS UPON all organisations, range states, authorities, scientists and other stakeholders concerned with developments in the waters around Sakhalin Island to support the efforts to develop a framework for collaborative research, monitoring and mitigation efforts between oil companies, independent experts, national programmes and authorities and the IWC and other intergovernmental organisations, and that they share all relevant data collected;

REQUESTS the Secretariat continue to offer its services and scientific expertise to appropriate collaborative efforts to develop a comprehensive strategy and ensure continued effective monitoring of the population.

Annex 3

Resolution 2005-4

RESOLUTION TO ADVANCE THE RMS PROCESS

THE COMMISSION:

AGREES to hold an intersessional meeting to advance the work of the Working Group on the Revised Management Scheme (RMS) and that of the Small Drafting Group, as established by Resolution 2004-6, with particular emphasis on any outstanding issues and taking as a starting point the Group's report to this Commission (IWC/57/RMS 3).

AGREES to hold a meeting of the RMS Working Group in connection with IWC 58 to discuss the remaining issues that must be resolved before adoption of the RMS can be considered.

AGREES to consider, if appropriate, ministerial, diplomatic, or other high-level possibilities to resolve these issues among the Contracting Governments to the Convention.

Annex 4

PROPOSAL FOR A WORKSHOP ON WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES AT IWC58

RECALLING that the scientific Workshop on Whale Killing Methods and Associated Welfare Issues held prior to IWC55 in 2003, adopted a Revised Action Plan that encourages the IWC to hold a further scientific and technical workshop in 3-5 years;

NOTING that the Revised Action Plan on Whale Killing Methods, as noted in the Chair's report of the 2003 Workshop, recommends continued improvements in data collection and reporting; technical development of killing methods, and criteria and methods to determine death;

RECOGNISING that the Chair's report of the 2003 Whale Killing Methods and Associated Welfare Issues scientific workshop surmises that penthrite grenade technology represents the current state of 'best practice' for a primary killing method;

RECOGNISING the inherent importance of safety for whaling vessel crews in all proposals to improve whale killing methods;

NOTING that the Working Group on Whale Killing Methods and Associated Welfare Issues agreed to convene a workshop meeting at IWC 58;

NOW THEREFORE THE COMMISSION:

AGREES the following Terms of Reference for the Workshop on Whale Killing Methods and Associated Welfare Issues at IWC 58;

The Workshop shall build on advances from previous years to consider the following issues and make recommendations as appropriate:

1. Practical criteria for determining the onset of irreversible insensibility and death;
2. Means of improving the efficiency of whale killing methods;
3. Reducing times to death and other associated welfare issues;
4. Means for reducing struck and lost rates in whaling operations;
5. The welfare implications of methods used to kill whales caught in nets where they are not released alive; and
6. Practicable methods of reviewing and collecting data from aboriginal hunts

Safety issues for the crew members of whaling vessels shall be taken into account in all proposals regarding improvements to existing and new methods, and gear, e.g. killing methods for whales caught in nets. Cost issues for aboriginal subsistence hunters shall also be taken into account.

In considering these issues the Workshop shall have regard, inter alia, to data furnished to the Working Group on Whale Killing Methods and Associated Welfare Issues and also to relevant comparative data from the killing of other large mammals.

Annex 5

Resolution 2005-1

RESOLUTION ON JARPA II

AWARE that Article VIII of the International Convention for the Regulation of Whaling allows Contracting Governments to grant Special Permits for the purpose of scientific research on whales;

RECALLING that since the moratorium on commercial whaling came into force in 1985/86, the IWC has adopted over 30 resolutions on Special Permit whaling in which it has generally expressed its opinion that Special Permit whaling should: be terminated and scientific research limited to non-lethal methods only (2003-2); refrain from involving the killing of cetaceans in sanctuaries (1998-4); ensure that the recovery of populations is not impeded (1987); and take account of the comments of the Scientific Committee (1987).

ALSO RECALLING Resolution 2003-3 that no additional Japanese Whale Research Program under Special Permit in the Antarctic (JARPA) programs be considered until the Scientific Committee has completed an in-depth review of the results of JARPA;

FURTHER RECALLING that earlier this year the Government of Japan concluded JARPA - an 18-year program of whaling under Special Permit in Antarctic waters;

NOTING that the results of the JARPA program have not been reviewed by the Scientific Committee this year;

CONCERNED that more than 6,800 Antarctic minke whales (*Balaenoptera bonaerensis*) have been killed in Antarctic waters under the 18 year of JARPA, compared with a total of 840 whales killed globally by Japan for scientific research in the 31 year period prior to the moratorium;

NOTING that it is the Government of Japan's stated intention to more than double the annual catch of Antarctic minke whales and also take 50 fin whales (*B. physalus*) and 50 humpback whales (*Megaptera novaeangliae*) under the proposed JARPA II program;

NOTING that the Third Circumpolar Survey indicates that the abundance of Antarctic minke whales is substantially lower than the earlier estimate of 760 000, and that the Scientific Committee is working to identify factors contributing to the differences between the two surveys;

CONCERNED that there are no agreed data to indicate that endangered fin whale populations have increased since the cessation of whaling;

ALSO NOTING that some humpback whales which will be targeted by JARPA II belong to small, vulnerable breeding populations around small island States in the South Pacific and that even small takes could have a detrimental effect on the recovery and survival of such populations;

ALSO CONCERNED that JARPA II may have an adverse impact on established long-term whale research projects involving humpback whales;

NOW THEREFORE THE COMMISSION:

REQUESTS the Scientific Committee to review the outcomes of JARPA as soon as possible; and

STRONGLY URGES the Government of Japan to withdraw its JARPA II proposal or to revise it so that any information needed to meet the stated objectives of the proposal is obtained using non-lethal means.

Annex 6

INVESTIGATION OF "STINKY" GRAY WHALES

Background

In the Scientific Committee, and again at the meetings of the Aboriginal Subsistence Whaling Sub-Committee and the Conservation Committee, information was presented about the occurrence in the Russian aboriginal subsistence hunt on North Pacific Eastern gray whales of animals that have a strong chemical smell and are inedible (animals known as "stinky whales"). In 1999 ten such whales were harvested by Russian subsistence hunters; in 2004 another six whales were taken. The cause of this condition is unknown; it could be contamination, disease, or other factors. The migratory route of the Eastern gray whale includes waters of Mexico, the United States, Canada, and the Russian Federation. Preliminary chemical and toxicological research has begun on these animals.

Proposal

A more comprehensive investigation should be undertaken for a number of reasons:

- There is a compelling need to determine the cause of this phenomenon, as it could threaten both cetacean and human health, and could be an indicator of habitat degradation.
- The project fits within the scope and interest of the Aboriginal Subsistence Whaling Sub-Committee and the Conservation Committee.
- The investigation is consistent with the objectives of the Scientific Committee, and would be done with its cooperation.
- The project could be completed within one or two years, and with a small amount of additional funding.

Description

The Russian Federation, Mexico, and the United States have consulted with other Contracting Governments on the means of carrying out the investigation. At the Commission's request, the Scientific Committee would develop protocols for the collection of samples and for pathological, chemical, and toxicological analyses. Russia (through the Government of Chukotka) would lead the effort, in collaboration with other range States. Tissue samples and data results would be shared with collaborating scientists. The Scientific Committee will give us an estimate of the total cost, which would be funded by interested IWC members and non-governmental organizations. The work would begin this year, with analyses conducted in 2006. An interim report would be submitted to the Scientific Committee at IWC58.