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Cooperation with other organizations

COOPERATION BETWEEN CITES AND THE INTERNATIONAL WHALING COMMISSION

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A Note for CITES on Progress towards the Finalisation of a Revised Management Scheme for Commercial Whaling (RMS) within the International Whaling Commission¹

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BACKGROUND

Some twenty years ago, the IWC voted by a three-quarters majority to implement a pause in commercial whaling (Schedule Paragraph 10 (e)) from the 1985/86 pelagic and 1986 coastal seasons. At that time, the rationale put forward by those in favour was that there was insufficient knowledge about whale population abundance and dynamics to establish safe catch limits in accordance with the 'New Management Procedure' included in the Schedule (Paragraph 10 a-c). As part of the amendment to establish the zero catch limits, it was also agreed to undertake a 'comprehensive assessment' of whale stocks by '1990 at the latest', after which catch limits other than zero might be set.

At the time of the adoption of Paragraph 10(e), the Commission had not decided what was meant by a 'comprehensive assessment'. Thus, although there was theoretically a 78 year period for this to be undertaken, the IWC, and more specifically its Scientific Committee, could not start until it was agreed what a 'comprehensive assessment' comprised. In the end, the Scientific Committee itself proposed the definition. This was adopted by the Commission in 1986. By this time, there was relatively little time for the Committee to fulfil a '1990' deadline for what was clearly a major undertaking.

REVISED MANAGEMENT PROCEDURE (RMP)

The Scientific Committee began what turned out to be a major advance in the development of a scientific approach to the management of a natural resource, based on an explicit recognition of scientific uncertainty and an appreciation of what data were available and were likely to become available. By virtue of computer simulation, by 1992 it had developed the most rigorously tested management procedure for a natural resource available, i.e. the Revised Management Procedure (RMP). Before use in the 'real world', a number of *Implementation Simulation Trials* (specific to a particular species in a particular area subject to a particular harvesting regime) needed to be carried out, based on results of the 'Comprehensive Assessments' of those species undertaken. A major feature of *Implementation Simulation Trials* is how to address uncertainty in stock structure (in terms of abundance estimates, past catch history and estimated future catches).

The Scientific Committee recommended the RMP to the Commission in 1992 and informed it in 1993 that it was in a position to recommend catch limits for North Atlantic and Southern Hemisphere minke whales, should the Commission so decide. The Commission did not request the Scientific Committee to do so.

REVISED MANAGEMENT SCHEME (RMS)

The Commission adopted the scientific aspects of the Revised Management Procedure by Resolution in 1994 and at the same time decided that before it was to be implemented, work on the Revised Management *Scheme* (RMS) must be completed. In addition to the RMP, the Scheme was to include measures to ensure that any regulations were obeyed, primarily via an updated and revised national inspection and international observer scheme.

Subsequently, discussion of what the Scheme shall contain has included issues such as animal welfare data, labelling and use of DNA techniques to identify products down to the level of individual animals. The timeline of discussions leading to the present position on the RMS is summarised in Table 1.

Despite a number of meetings between 1994 and 2001, progress on a number of issues where there were fundamental differences was slow. A breakthrough occurred with the establishment of a small expert drafting group (EDG) which met twice in 2001/2002 to develop a consolidated draft of two chapters of the Schedule, those relating to Supervision and Control, and those relating to Information Required. This group worked co-operatively and developed a framework to address these issues in an objective manner. Considerable progress was made, particularly with respect to the national inspection and international observer scheme.

¹ This note represents the author's view of the current situation. He recognises that this is a personal view that may not reflect the views of each individual member country of the IWC.

At the 2002 Annual Meeting the Commission recognised the progress made but noted the need to begin to address the remaining areas of disagreement, notably with respect to: whether there is a need for some form of catch verification (e.g. a catch documentation scheme and/or DNA registers); whether there is a need for the collection of animal welfare data and if so what; how any agreed RMS should be paid for; whether whaling should be limited to EEZs. Other issues had also been raised over the years that might require consideration.

To this end the Commission agreed that an intersessional meeting of Commissioners should be held. It met from 15-17 October 2002 in Cambridge, UK. Building on the framework established by the EDG, there was a valuable exchange of views and ideas on a number of difficult issues surrounding the completion of an RMS, including catch verification schemes, compliance reviews, costs, area restrictions, animal welfare data and other related issues. Progress was made in several areas where fundamental differences have been expressed in the past. A mechanism to build on this progress was established, including the establishment of three special working groups (on costs, catch verification and compliance). These groups will report to a special Commissioners' meeting on the RMS that will take place prior to the next Annual Meeting of the Commission in Berlin in June 2003.

CONCLUSION

Whilst it is not possible to provide a date when an RMS might be finalised, I believe that the real progress shown in the last two years is extremely promising. Of course, adoption of an RMS and any possible associated establishment of catch limits will be subject to the usual Commission requirements for a three-quarters majority of votes cast.

Table 1

A brief timeline of IWC discussions leading to the present position with respect to the RMS

Year	Item
1979	<ul style="list-style-type: none"> Ban on pelagic whaling adopted (excl. minke whales). Indian Ocean Sanctuary adopted.
1980	<ul style="list-style-type: none"> Joint Scientific Committee (SC)/Technical Committee (TC) Working Group on management issues established.
1981	<ul style="list-style-type: none"> Four alternative management proposals (Japan, USA, Iceland, Seychelles) put forward to the Commission. Resolution on future work passed.
1982	<ul style="list-style-type: none"> No agreement on management proposals. Para 10(e) [the 'moratorium'] adopted. First use of the term 'comprehensive assessment' (CA)
1983	<ul style="list-style-type: none"> Japanese/SC initiative on CA. Commission establishes joint SC/TC working group (JWG)
1984-85	<ul style="list-style-type: none"> SC asks for guidance on CA but no agreement in Commission
1986	<ul style="list-style-type: none"> SC develops CA definition and plan. Commission agrees but disagreement over timetable and 'urgency'
1987-89	<ul style="list-style-type: none"> SC works on management procedures (with JWG) based on objectives agreed by Commission
1990	<ul style="list-style-type: none"> Discussion as to whether new procedure would be ready in time (i.e. for '1990 at the latest') or whether NMP to be used if not. Finland raises question of international monitoring of whaling operations
1991	<ul style="list-style-type: none"> SC recommends one core <i>Catch Limit Algorithm (CLA)</i> procedure with three tuning options (0.6, 0.66, 0.72). Much Commission discussion results in majority Resolution: tuning 0.72 adopted (Norway, Japan wanted a tuning level of 0.66) and further SC work asked for. Mention of monitoring, inspection and enforcement.
1992	<ul style="list-style-type: none"> SC recommends formal method for calculating catch limits plus associated guidelines (i.e. the RMP). Eventually, majority Resolution accepts SC recommendation and adds more SC work and introduces RMS concept (including inspections and observation). UK make reference to inclusion of humane killing.

[continued]

[Table 1 continued]

1993	<ul style="list-style-type: none"> • SC works to complete instructions from 1992 Resolution, unanimous recommendation. Much disagreement in Commission. Resolution on RMS lost. SC Chair resigns after meeting. • Norway initiates discussions on inspection and observation scheme.
1994	<ul style="list-style-type: none"> • Working Group (WG) on supervision and control established (proposal submitted by Norway) and agreement for meeting in Norway. • New RMS Resolution adopted <i>inter alia</i> accepting SC work. • UK complains no mention of humane killing.
1995	<ul style="list-style-type: none"> • WG meeting in Reine, Norway highlights areas of disagreement incl. vessel registers, DNA, catch certification, humane killing, cost etc. Agree not in a position to draft text. • Resolution on surveys for use in the RMP adopted by majority.
1996	<ul style="list-style-type: none"> • Little progress made on supervision and control (S&C). New resolution passed on completing RMS.
1997	<ul style="list-style-type: none"> • Japan submits draft on S&C. Further work needed and Chair of WG agrees to prepare draft. • 'Irish proposal' introduced.
1998	<ul style="list-style-type: none"> • Chair submits revised S&C draft but disagreements remain. Japan offers to provide revised draft.
1999	<ul style="list-style-type: none"> • Japan draft submitted late and not fully discussed. General disagreement over causes for delay in RMS.
2000	<ul style="list-style-type: none"> • RMS WG - differences remain on most issues but some progress. Agreement on 'catches over time'. • Proposed Schedule amendment by Japan fails. • Resolution adopted with some reservations outlining procedure for completing RMS (incl. Intersessional meeting in Monaco).
2001	<ul style="list-style-type: none"> • Monaco meeting followed by two-day WG meeting. Some progress made and small Expert Drafting Group (EDG) established to progress revision of Chapters on Information Required and Supervision and Control.
2002	<ul style="list-style-type: none"> • EDG has two meetings and makes considerable progress on several issues although some note that 'nothing agreed until all agreed'. • Proposed Schedule amendments by Japan and by Sweden <i>et al</i> fail. • Impasse on some subjects results in agreement to hold a special meeting of Commissioners in Cambridge in October 2002 • Progress made at Cambridge and three working groups established who will report to a further meeting of Commissioners on the RMS prior to the next Annual Meeting in Berlin in June 2003.