

A note for CITES COP13 regarding the status of discussions within the International Whaling Commission on the Revised Management Scheme

Prepared and agreed by IWC's Advisory Committee

Background

In 1982, the IWC voted by a three-quarters majority to implement a pause – 'moratorium' - in commercial whaling 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 management procedure in place at that time. As part of the amendment to establish 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.

After the moratorium decision was taken, the IWC Scientific Committee embarked on a major review of the status of whale stocks (including an examination of current stock size, recent population trends and productivity). At the outset of its work on this, the Scientific Committee recognised the need to develop management objectives and procedures that learnt from its previous difficulties, and in particular recognised the limitations of both the data it had and the data it was likely to obtain. It spent over eight years developing the Revised Management Procedure - a conservative scientific method for determining safe catch limits that explicitly takes scientific uncertainty into account. The Commission adopted the RMP in 1994 by consensus, but agreed that it would not be implemented until a Revised Management Scheme (RMS) was completed. In addition to the RMP, the RMS was to include measures to ensure that regulations were obeyed, primarily via an updated and revised national inspection and international observer scheme (IOS).

Subsequently, there have been proposals, but no agreement, that the RMS should also include additional catch verification measures (i.e. above and beyond those of the IOS, such as DNA registers/market monitoring and catch documentation) and the collection of animal welfare data. Related issues such as limiting catches to waters under national jurisdiction, trade restrictions, scientific permits, sanctuaries and the relationship between completion of the RMS and the moratorium have also been introduced into the discussions. This had led in the last couple of years (and since CITES COP12) to an approach of developing an RMS 'package' of elements and related issues to which the Commission could agree.

Current status of discussions on the RMS

There is consensus within the Commission that the RMS 'package' should at least include the RMP (including the agreed abundance survey guidelines together with provisions to adjust catch limits to account for other human-induced mortalities to ensure that removals over time do not exceed limits set by the RMP), a national inspection and observation scheme, some form of compliance monitoring and a mechanism to apportion costs of any RMS among member countries. While progress has been made in recent years on the nature of all these 'agreed' elements, with the exception of exactly how to apportion costs, there is as yet no agreement on which other elements should be included as part of the overall 'package'.

At its 55th Annual Meeting in Berlin in 2003, the Commission agreed to allow Henrik Fischer (Chair of the Commission) to convene a small group of his choosing to explore ways and possibilities of taking the RMS process forward. On the basis of consultations with this small group during 2003 and 2004, the Chair developed proposals for a way forward on the RMS including an RMS 'package'. These proposals were reviewed by the Commission at its 56th Annual Meeting in Sorrento, Italy in July this year, and although there was no agreement on the proposed RMS 'package', the Commission did adopt by consensus Resolution 2004-6 on Completion of the Revised Management Scheme. The Resolution includes an ambitious 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 its 57th Annual Meeting next year, and/or to identify any outstanding policy and technical issues. The Resolution and intersessional work plan is provided in the Annex.

It should be noted that 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.

RESOLUTION 2004-6 ON COMPLETION OF THE REVISED MANAGEMENT SCHEME (RMS)

RECOGNISING the dual mandate of the IWC for the conservation of whales and the management of whaling according to the 1946 International Convention for the Regulation of Whaling;

NOTING that on this basis, considerable progress has been made in identifying major elements necessary to reach broad agreement on the RMS, as reflected in the Chairman's Proposal for a Way Forward on the RMS (Doc IWC/56/26);

TAKING NOTE of the comments of Contracting Parties on the Chairman's Proposal at the 56th Annual Meeting of the Commission;

CONCERNED that the failure to reach broad agreement on the RMS in the near future may seriously jeopardise the ability of the IWC to fulfil its responsibilities;

NOW THEREFORE THE COMMISSION:

COMMENDS the efforts of the Chairman in providing a basis for further work and discussion towards finalizing the RMS;

AGREES to re-establish the Working Group on the RMS with a view to holding an intersessional meeting prior to IWC/57, as outlined in the attached Intersessional Plan of Work.

AGREES to proceed expeditiously towards the completion of both the drafting of text and technical details of the RMS according to the attached Intersessional Plan of Work with the aim of having the results ready for consideration, including for possible adoption, at IWC57, and/or to identify any outstanding policy and technical issues.

Intersessional Plan of Work

The Chair's Proposal for a way forward (IWC/56/26), supplemented by his statement (IWC/56/28), other comments made at IWC 56 in relation to the Chair's proposal and the Secretariat's document (IWC/56/36), provides a basis for the development of draft text for the RMS, to clarify policy and technical issues and draft text for the RMS. The goal of this effort is to have clarified outstanding policy and technical issues and, as far as possible, have finalized text of an RMS package ready for consideration at IWC 57. The following iterative process would occur to develop such a text over the intersessional period:

1. Commission formally revives the RMS Working Group and agrees to establish a small drafting group under it (see respective terms of reference in Appendices 1 and 2).
2. All Contracting Governments are invited to send comments / positions on key issues to the RMS Working Group.
3. Secretariat collates and organizes available materials. Technical specialist groups meet and finish their work before December 2004.
4. RMS Working Group to provide guidance on major policy issues to small drafting group (before December)
5. Small drafting group meets (one week) in December 2004.
6. Draft text is circulated to delegations for review and comment. Secretariat circulates comments to all delegations and to members of the small drafting group.
7. RMS Working Group convenes in early March 2005 to consider the draft text and submitted comments and to develop input to the small drafting group for development of the next iteration.
8. The small drafting group meets immediately afterwards to develop the second draft, which the Secretariat circulates to delegates.
9. The RMS Working Group meets for two days during the week prior to the IWC 57 Plenary session to consider the second draft. The results of the RMS Working Group are presented to the Plenary for its consideration at IWC 57.

Appendix 1. Terms of Reference for RMS Working Group

The RMS Working Group will have the following responsibilities:

1. To complete work on the RMS package, with the goal of having a finalized RMS text ready for consideration, including for possible adoption, at IWC 57, and/or to identify any outstanding policy and technical issues.
2. To take account of delegates' comments at IWC 56, as well as written submissions from delegates.
3. To provide guidance to, and to review the work of, the Small Drafting Group.

RMS WG to be open to observers.

Appendix 2. Terms of Reference for the Small Drafting Group (SDG)

Under the auspices of the RMS Working Group the SDG will have the following responsibilities:

1. To prepare a consolidated draft text for the replacement of parts of Chapters V and VI of the current Schedule.
2. To prepare consolidated draft text on other related issues in the RMS package.
3. To utilize the Chair's proposal (IWC/56/26) and his statement (IWC/56/28), as a framework for this work.
4. To rearrange, revise and renumber paragraphs in the draft text for Chapters V and VI as appropriate but not to attempt to merge them with other parts of the Schedule.

Representation on SDG and Technical Specialist Groups (TSGs): Chair to seek expressions of interest to ensure regional and policy diversity in the groups. The SDG and TSGs should include Governments with adequate regional coverage, and adequate coverage of those For/Against/Neutral on the key issues.