

68th Meeting of the International Whaling Commission

INFRACTIONS SUB-COMMITTEE

08.30-09:00 Hrs Sunday 16 October 2022 at the Grand Hotel Bernardin, Portorož, Slovenia

PROVISIONAL AGENDA
and annotations

The Infractions Sub-Committee considers matters and documents relating to the International Observer Scheme and Infractions insofar as they involve monitoring of compliance with the Schedule and penalties for infractions thereof (Rep. int. Whal. Commn 29: 22).

1. INTRODUCTORY ITEMS

- 1.1 Appointment of Chair *[no proposed names at the moment]*
- 1.2 Appointment of Rapporteur
- 1.3 Review of Documents

Title	Agenda item
<i>Draft Agenda</i>	
<i>Secretariat: Annotated Draft Agenda</i>	1-8
<i>Summary of Reported Catches for the 2018, 2019, 2020 and 2021 Seasons.</i>	3
<i>Secretariat: Summary of infractions reports received by the commission for the period 2018-2021</i>	3
<i>Secretariat: National Legislation Details Supplied to the Commission</i>	6

- 1.4 Observer Participation *[Relevant Rules of Procedure are given at the end of this agenda]*

2. ADOPTION OF AGENDA

In previous years under this agenda item Norway, Japan and Iceland have referred to the terms of reference and stated their belief that Item 7.1, covering stockpiles of whale products and trade questions, is outside the scope of the Convention. Consequently, they have proposed that this item be deleted. The USA and New Zealand have not agreed with this view. Nevertheless, in previous years, it has been agreed that an exchange of views was nonetheless useful.

3. INFRACTIONS REPORTS FROM CONTRACTING GOVERNMENTS

In 2006 at IWC/58, the Sub-committee adopted a revised form for reporting infractions, including reporting details of any infractions committed in previous years that remain unresolved. This revised form was circulated to Contracting Governments by the Secretariat. While the use of the form is not compulsory, Contracting Governments must fulfil their reporting obligations under Article IX.4 of the Convention.

The Secretariat circulated forms for annual reporting of current and unresolved infractions on 25 April 2019 (IWC.CCG.1358), 28 February 2020 (IWC.CCG.1390), 18 March 2021 (IWC.CCG.1445), and 02 March 2022 (IWC.CCG.1497)

The Secretariat will provide a summary of the infractions' reports received.

3.1 Reports for 2018, 2019, 2020, 2021

A summary of the infractions reports from Contracting Governments for 2018 to 2021 is prepared as a document by the Secretariat.

3.2 Follow-up on earlier reports

There are no known unresolved infractions from previous years.

4. SURVEILLANCE OF WHALING OPERATIONS

This item gives Governments the opportunity to comment on their own national inspection schemes.

The percentage of catch under direct national inspection, reported for the period 2018-2021 is summarised in a document by the Secretariat.

The Infractions Report submitted by the USA and St Vincent and the Grenadines stated that 100% of their ASW catches are under direct national inspection. Catches by Denmark (Greenland) are subject to a random check (1%) for all years apart from 2021 when inspections are reported as sporadic, due to COVID19. For Iceland 11.% of the catch was under inspection in 2018. Norwegian catches were monitored at sea using the Norwegian Electronic Trip Recorder System (Blue Box); periodic checks were carried out by inspectors from the Directorate of Fisheries.

5. CHECKLIST OF INFORMATION REQUIRED OR REQUESTED UNDER SECTION VI OF THE SCHEDULE

The Secretariat circulated a checklist to facilitate reporting information required or requested under Section VI of the Schedule on 25 April 2019 (IWC.CCG.1358), 28 February 2020 (IWC.CCG.1390), 18 March 2021 (IWC.CCG.1445), and 02 March 2022 (IWC.CCG.1497).

This checklist was developed as an administrative aid to the Sub-Committee in helping it to determine whether obligations under Section VI of the Schedule were being met. It is not compulsory for Contracting Governments to complete the checklist although they do have to fulfil their obligations under this Section of the Schedule.

The available information is summarised below:

Iceland

[2018]: date, location, sex, length, foetus (sex and length).

[2019,2020]:no catches

[2021]: date, location, sex, length.

USA

[2018, 2019,2020,2021]: Information on date, time, species, position, length, sex, the length, and sex of any foetus if present, killing method and the number of struck and lost are collected for 100% of the catch.

[2018]: 78% of the adult females were checked for lactation. 47% of gonads are measured [75%inspected] and 35% of ovaries are collected [70% inspected]. The proportion of at least one earplug/tooth being collected is 6.4% [60%inspected]

[2019]: 33% of the adult females were checked for lactation. 10% of gonads are inspected. The proportion of at least one earplug/tooth being collected is 70%.

[2021]: 44% of the adult females were checked for lactation. 5% of gonads are measured. The proportion of at least one earplug/tooth being collected is 54%. (This information is collected but not shared with the Secretariat)

Norway

[2018, 2019,2020,2021]: Information on date, position, length, sex, the length and sex of any foetus if present, and the number of struck and lost are collected for 100% of the minke whale catch.

Russian Federation

[2018, 2019,2021]: Information on date, time, species, position, length, sex, presence of foetus or lactation, the killing method (including time to death) and numbers struck and lost is collected for 100% of the catch. Biological samples are taken.

St. Vincent and the Grenadines

[2018,2020]: there were no takes.

[2019,2021]: Information on the date, time, species, position, length, sex, presence of foetus or lactation, the killing method (harpoon) and numbers struck and lost is collected. Biological samples are taken.

[2022] 1 strike and lost

Denmark

[2018,2019]: Information on date, species, length, sex, length and sex of the foetus, killing method and the number of struck and lost are collected for 90-100% of the catch. GRT, length, and HP of each catcher are recorded for 100% of larger boats (the percentage is not specified for 2021).

[2018]: Position was collected for 56% of the catch (82% for larger boats). 84% of females were inspected for lactation.

[2019]: Position was collected for 61% of the catch (72% for larger boats). 65% of females were inspected for lactation.

[2020]: Position was collected for 98% of the catch. 90% of females were inspected for lactation.

[2021]: Position was collected for 97% of the catch. 83% of females were inspected for lactation. Individual information is recorded. The secretariat is working with colleagues from Greenland to streamline the reporting to the secretariat.

Japan

[2018] Information on date, location, sex, length, and foetus (sex and length).

Republic of Korea

[2018-2021] Full explanation of infractions.

6. SUBMISSION OF NATIONAL LAWS AND REGULATIONS

Contracting Governments are reminded that Schedule Paragraph 31 states that:

“A Contracting Government shall transmit to the Commission copies of all its official laws and regulations relating to whales and whaling and changes in such laws and regulations”.

7. OTHER MATTERS

The Commission has adopted a number of Resolutions inviting Contracting Governments to report on the availability, sources and trade in whale products, i.e. 1994-7, 1995-7, 1996-3, 1997-2 and

1998-8. This agenda item provides the opportunity for Contracting Governments to provide the information specified in these Resolutions.

- 7.1 Reports from Contracting Governments on availability, sources and trade in whale products
- 7.2 Other

8. ADOPTION OF THE REPORT

TERMS OF REFERENCE

The Infractions Sub-committee considers matters and documents relating to the International Observer Scheme and Infractions insofar as they involve monitoring of compliance with the Schedule and penalties for infractions thereof (*Rep. Int. Whal. Commn. 29: 22*)

ADMISSION OF OBSERVERS

Rule of Procedure C.2

2. Observers accredited in accordance with Rule [of procedure] C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of Committees and all subsidiary groups of the Commission and the Technical Committee, except the Commissioners-only meetings, meetings of the Bureau and closed meetings of the Finance and Administration Committee.

SPEAKING RIGHTS FOR OBSERVERS

Rule of Procedure C.3

3. Observers accredited in accordance with rule C.1.(a) and (b) will have speaking rights during Plenary sessions and sessions of Commission subsidiary groups and Committees to which they are admitted to under C.2, in accordance with the Rules of Debate of the Commission. Observers might also submit documents for information to the delegations and observers participating in such sessions, provided these are submitted through the Secretariat at least 48 hours before the session in which they are intended to be made available, and are duly authored or endorsed by the accredited organisation making the submission, which is to be held responsible for its contents.

Rules of Debate Paragraph A

A. Right to Speak

1. The Chair shall call upon speakers in the order in which they signify their desire to speak, with the exception of accredited Observers, which should be allowed to speak only after all Commissioners desiring to speak do so. As a general rule, Observers will only be allowed to speak once at each Agenda item under discussion, and at the discretion of the Chair.