



**International
Whaling
Commission**

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CIRCULAR COMMUNICATION TO COMMISSIONERS
AND CONTRACTING GOVERNMENTS
IWC.CCG.22

Irish Proposal for a Package of Measures to Control Whaling

The Commissioner for Ireland, Mr. Michael Canny, has provided the document enclosed with the postal version of this Circular Communication for the information of all Commissioners prior to the 50th Annual Meeting in Oman in May.

Dr. R. Gambell
Secretary to the Commission

Enc.



Dúchas The Heritage Service
Our Ref: K79/62/2



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Dr Ray Gambell, OBE,
Secretary,
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Re: Circular Communication for Information of Commissioners

Dear Ray,

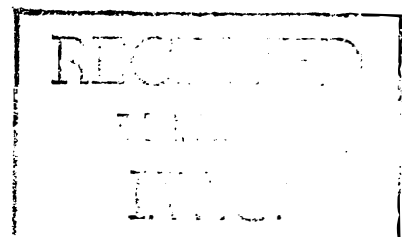
I have been asked by a number of people to explain how the proposals put forward by Ireland to establish control over all types of whaling might be put into effect. I prepared a document to illustrate how such a package might be created prior to the consultations held in Antigua in February and I would like to circulate this document for the *information* of all Commissioners prior to the 50th Meeting in Oman.

I would like to stress that this document is purely for the purpose of focussing on the issues for discussion. It does not represent final proposals for text. Suggestions for alternative proposals or alternative text will be welcomed.

I would be glad if you would arrange to distribute this document.

Yours sincerely,

Michael Canny,
Commissioner for Ireland
18th March, 1998.



DISCUSSION DOCUMENT SETTING OUT IN FURTHER DETAIL THE PACKAGE OF MEASURES FOR THE CONSERVATION AND MANAGEMENT OF WHALES PROPOSED BY IRELAND AT THE IWC MEETING IN MONACO IN SEPTEMBER 1997.

This document proposes a five-point package of conservation measures which collectively will improve and strengthen the level of protection provided for whales now and in the future, and increase the effectiveness of the Commission's conservation and management measures. It is hoped that this document will assist the process of discussion and help in the task of devising a package which will be capable of attracting a consensus in the Commission.

The elements of the package are:

- (1) Adoption of the RMS into the IWC Schedule, structured in the manner already agreed in the Commission's Resolutions on the RMS.
- (2) Restriction of quotas, where they are justified under the RMS, to coastal areas only and to nations now whaling and indefinite extension of the zero-catch provisions of paragraph 10(e) with regard to pelagic whaling (where 'pelagic' here means any commercial whaling other than coastal whaling, regardless of the technology used).
- (3) Limiting whaling to catches for local consumption.
- (4) Lethal scientific whaling to be restricted / phased out over a period. Initiation of a process for ending the situation whereby RMS catch limits can be exceeded over time through use of the 'scientific whaling' provisions of the Convention, coupled with an agreement to phase out existing scientific whaling programs and not to extend or expand scientific whaling in the future, except with the agreement of the Scientific Committee and the Commission.
- (5) Development of IWC regulations for whale watching to minimise the impacts of disturbance on whale populations.

Adoption of this package would involve both the passing of Resolutions and Schedule amendments. To focus discussion on the issues, we attach DRAFT texts.

Firm proposals for text of the Schedule amendments, and Resolutions, will be put forward for consideration at the 50th Annual Meeting, if appropriate.

The following draft texts are attached:

Draft Resolution on Whaling under Special Permit.

Draft Schedule Amendment limiting catches to whales taken in coastal areas for local consumption by nations now whaling and adoption of the RMS.

While it is hoped that the attached draft texts for Resolutions and Schedule amendments will be useful to Commissioners in facilitating and expediting deliberations on these issues, it should be emphasised that they are no more than draft texts calculated to provoke and promote discussion on these issues.

Comments and suggestions for improvements to these texts or alternative texts are invited.

DRAFT RESOLUTION ON WHALING UNDER SPECIAL PERMIT

Proposed by Ireland,

WHEREAS the International Convention for the Regulation of Whaling recognises the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

WHEREAS the Commission in Resolutions relating to the Revised Management Scheme passed at its 44th, 46th and 48th Annual Meetings has declared that the steps required for the completion of the Revised Management Scheme include arrangements to ensure that total catches over time are within the limits set under the Revised Management Scheme;

WHEREAS the Revised Management Scheme is nearing completion;

WHEREAS Article VIII of the Convention provides that any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research, and that such killing, taking and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of the Convention, and hence beyond the scope of the Revised Management Scheme;

WHEREAS the Commission has at various times made recommendations concerning the takes of whales under Special Permit issued in accordance with Article VIII, the most recent being in IWC Resolution 1995-9 adopted at the 47th Annual Meeting;

NOW THEREFORE THE COMMISSION

AGREES UNANIMOUSLY that

Notwithstanding the provisions of Article VIII of the Convention for the Regulation of Whaling

any new programmes of lethal takes of whales under Special Permit, or any extension or expansion of existing programmes of lethal take under Special Permit, will be undertaken only

(a) for species and in areas for which catch limits have been established by the Commission under the RMS and where the total of the scientific commercial and incidental take, if any, does not exceed the catch limit over time, and

(b) where the Scientific Committee and the Commission agree that catches of whales taken under Special Permit are in accordance with the Commission's

current policy on whaling under Special Permit as enunciated in IWC Resolution 1995-9.

and REQUESTS Contracting Governments, in the exercise of their sovereign rights with respect to the issuance of Special Permits pursuant to Article VIII of the ICRW, to act in accordance with this agreement.

3. Renumber paragraphs 10(d) and 10(e) as 10(G) and 10(H) respectively.

4. Restructure Tables 1-3 as follows:

(i) Move the three catch limits in the current Table 1 which are referred to in Paragraph 13 (i.e. catch limits relating to aboriginal subsistence whaling) to the corresponding sub-paragraphs of Paragraph 13. [8]

(ii) Delete the current Tables 1 and 2, and replace them with a new Table 1, which has the heading 'Baleen whale catch limits' and the following column headings: Area; Area type (Small/Medium/Large); Species; Catch limit; Year(s) of validity. The new Table 1 will start with no entries, but serves as a placeholder for RMS catch limits to be entered as and when they are adopted. [9, 10, 11]

5. [Appendices and consequential deletions:]

(I) Append to the Schedule as Appendix B the Revised Management Procedure (RMP) for Baleen Whales (without the annotations) as specified in IWC/45/4/Annex H (Rep.Int.Whal.Comm. 44:145-148, with the amendment specified in IWC/49/4/Annex D Appendix 4.

(ii) Append to the Schedule as Appendix C the Inspection and Observation Scheme set out in Resolution xx/50 and delete the existing Chapter V of the Schedule.

(iii) Append the contents of IWC/46/4 Annex O to the Schedule as Appendix A and delete the existing Schedule Chapter VI.

(iv) In Table 3, delete the word 'Classifications and' from the title and delete the column headed 'Classification'. [12]

Explanatory annotations

(not part of the draft negotiating text)

[1] The wording of this sub-paragraph follows OP (11) of Resolution 1994(5), with the addition of the reference to Table 1 for clarity. Table 1 should be included with a heading, but as yet no entries. The final sentence is to reflect the substance of Operative Paragraph (13) of Resolution 1994-5.

[2] Document IWC/45/4/Annex H (Rep. int. Whal. Commn 44:145-148), which contains the Scientific Committee's specification of the "Revised Management Procedure (RMP) for Baleen Whales" (without the annotations), should be included in the Schedule as Appendix B, to meet the requirement of Operative Paragraph (9)(iv) of Resolution 1994-5.

[3] The Observation and Inspection Scheme is currently being developed by the Working Group on completion of the Remaining Elements of the RMS (cf.

Resolution 1996(6)). When complete, the Scheme should be appended to the Schedule as Appendix C. The existing Chapter V of the Schedule (Supervision and Control) can then be deleted.

[4] The current version of these Guidelines is given in Annex K of IWC/48/4 and has already been endorsed by the Commission in Resolution 1996-6.

[5] The Scientific Committee's recommendations on data requirements are given in IWC/46/4 Annex O (Rep. int. Whal. Commn 45:215-7) and were endorsed by the Commission in Resolution 1994-5. These need to be rephrased in language suitable for appending to the Schedule: they can then replace the existing Schedule section VI (Information Required) and Appendix A.

[6] This sub-paragraph was recommended for inclusion by the Scientific Committee in 1993 (Rep. int. Whal. Commn 44:46).

[7] Although the Commission has not yet concluded its deliberations on the “arrangements to ensure that the total catches over time are within the limits set under the Revised Management Scheme”, a possible text is included here as a placeholder. An alternative text arising from the deliberations of the Working Group could be inserted here in place of this text.

[8] This is not a change of substance, but it improves clarity to separate RMS catch limits from catch limits set pursuant to paragraph 13.

[9] Under the RMP/RMS, there are no stock classifications, only catch limits for species and areas, which are valid for particular Years (these terms are all defined in the RMP specification to become Appendix B).

[10] Many RMS management areas will differ from currently defined areas: the precise co-ordinates of any new areas listed in the new Table 1 will have to be added to Paragraph 9 when the catch limits are entered in Table 1. Boundaries for some of the new areas likely to be used in the RMS are specified in IWC/45/4/Annex K (Rep. int. Whal. Commn 44:75-76).

[11] Under the RMS, all catch limits for all species, areas and seasons are zero except where otherwise set, hence it is not necessary to list zero catch limits explicitly.

[12] Since only the RMP for Baleen Whales has so far been developed, toothed whale catch limits cannot be revised until an RMP for odontocetes has been adopted. However, the references to classifications should be deleted because with the replacement of the existing sub-paragraphs 10(a-c) they are no longer defined.

DRAFT SCHEDULE AMENDMENT LIMITING WHALING TO CATCHES IN COASTAL AREAS FOR DOMESTIC CONSUMPTION AND ADOPTING THE RMS

Proposed by Ireland,

[Annotated draft negotiating text for the incorporation of the Revised Management Scheme into the Schedule of the ICRW

Note. Insertion of new sub-paragraphs will require re-numbering of existing sub-paragraphs. For clarity, lower case letters are used for existing sub-paragraphs and upper case for new sub-paragraphs, e.g. old 10(a); new 10(A). Numbers in square brackets refer to the explanatory annotations which do not form part of the draft negotiating text.]

AMENDS paragraph 10(e) of the Schedule as follows:

1. Delete the second sentence and replace with the following:

‘This provision shall not apply to catches of minke whales taken in accordance with all the provisions of paragraphs 10 (A- F) provided that such whales are taken within a [Coastal Area/Small Area] for which

(i) a catch limit is listed in Table 1 in accordance with paragraph 10(A),

and

(ii) which is within [x] nautical miles of the coastline of a State which is a Party to the ICRW,

and provided that the products of such whales are used exclusively for local consumption within that State

and further provided that there has been a tradition of whaling under the ICRW within the last five years.

2. Replace existing sub-paragraphs 10(a-c) with the following new sub-paragraphs 10(A -F):

‘10. Revised Management Scheme

Catch limits

(A) Commercial whaling is only permitted for populations in areas and seasons for which catch limits are listed in Table 1 and are in force. These catch limits shall have been calculated by the Scientific Committee in accordance with the Revised Management Procedure and forwarded to and approved by the Commission in conformity with all the provisions of the Revised Management Scheme. The Revised Management Procedure for Baleen Whales is specified in Appendix B, and forms an integral part of this Schedule. The approved catch limits, and the populations, seasons and areas to which they apply, shall be listed in Table 1. Commercial catch limits for all other populations in all areas and seasons are zero. No catch limits, other than zero, may be listed in Table 1 for areas which lie within areas designated as sanctuaries in accordance with Article V(1)(c) of the Convention.[1,2]

Observation and inspection

(B) Commercial whaling shall only be permitted for whaling operations subject to supervision and control arrangements that meet all the provisions of the Inspection and Observation Scheme specified in Appendix C, which forms an integral part of this Schedule. [3]

Guidelines for conducting surveys and analysing data

(C) Abundance data used in the Revised Management Procedure shall conform to the "Guidelines for Conducting Surveys and Analysing Data within the Revised Management Scheme" developed and maintained by the Scientific Committee and endorsed by the Commission. [4]

Data requirements from whaling operations

(D) The data specified in Appendix A to this Schedule shall be submitted to the Commission by Contracting Governments with respect to all commercial whaling operations under their jurisdiction. [5]

Other requirements for data

(E) Contracting Governments shall arrange for the collection, archiving and analysis of such biological samples, tissue samples, specimens and data from whaling operations as the Commission may from time to time decide on the advice of the Scientific Committee. The results of the analyses of these collections shall be reported to the Commission in a timely fashion. [6]

Arrangements to ensure that total catches over time are within RMS limits

(F) In the event that the total take of a species from a management area over a period of years has exceeded the total of catch limits listed in Table 1 for that species and area for that period, no further catch limits shall be entered in Table 1 for that species and area until the Commission is satisfied that the causes of the excess have been remedied. [7]. ‘