



# International Whaling Commission

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## CIRCULAR COMMUNICATION TO COMMISSIONERS AND CONTRACTING GOVERNMENTS IWC.CCG.75

### **Revised Management Scheme (RMS) – Revised Draft Schedule Text**

Mr Fer von der Assen (Netherlands), the Chairman of the Working Group on the RMS, has asked that Commissioners be reminded of the arrangements agreed at the 51<sup>st</sup> Annual Meeting, held in Grenada in May 1999, on the procedure for continuing the work on the RMS.

At the meeting of the Working Group held in Grenada it was agreed that member governments should provide written comments to the Chairman of the Working Group on the draft text prepared by Japan (IWC/51/RMS 1), and that a further revised text would be circulated prior to the next Annual Meeting for discussion in an extended RMS Working Group.

In the meeting of the Technical Committee, Japan introduced a further revised draft text (IWC/51/32) to incorporate the points raised in the Working Group.

The Commission subsequently agreed that the Chairman of the Working Group would ask for detailed comments on the latest text by mid-October, from which he would prepare a revised draft to be circulated by the Secretariat. This process would finish by February 2000, in good time before discussion at IWC 52 in Australia. There will be a 2 day meeting of the Working Group held immediately before IWC 52, and the Advisory Committee will finalise the details.

Mr von der Assen now asks that detailed comments, preferably in the form of text proposals, should be sent to him by **mid-October**. He will then consult with interested parties in order to have a revised draft with alternative options circulated as agreed.

Mr Fer von der Assen's contact details are:

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A copy of IWC/51/32 is appended.

A handwritten signature in black ink that reads "Ray Gambell". The signature is written in a cursive, flowing style.

Dr. R. Gambell  
Secretary to the Commission

**Draft of the Revised Chapter V of the Schedule**

**Submitted by the Government of Japan**

The attached document is a revision of document IWC/51/RMS 1 submitted by the Government of Japan. This revision incorporates comments of delegations made during discussion which took place at the meeting of the Revised Management Scheme Working Group held on May 20, 1999. Additions to the text of document IWC/51/RMS 1 are shown in bold. Deletions are shown as struck out text. Where differences of view remain, alternative texts are square bracketed.

The Government of Japan has been urging completion and implementation of the RMS for a number of years now and we are pleased with the positive response to our proposal for amending the schedule and the constructive comments received. This revision of document IWC/51/RMS 1 is provided in order that the Commission can work toward finalising this matter during the 51<sup>st</sup> Annual Meeting.

## Draft of the Revised Chapter V of the Schedule

proposed by  
the Government of Japan

\*Changes to reflect discussion in Working Group are shown in **bold** or ~~struck-out~~

\*Alternative text is shown in **[square brackets in bold]**.

### CHAPTER 1. "INTERPRETATION"

#### C. General

**["factory ship whaling" means catching operations using a factory ship and whale catchers attached hereto.]**

**["non factory ship whaling" means catching operations using whale catchers not attached to a factory.]**

### CHAPTER V "SUPERVISION AND CONTROL"

\*Original paragraphs 21 and 22 be deleted and replaced by new ones.

#### Common Elements for National Inspection Schemes

15.-(a) The aim of these provisions of paragraphs 15, 16, 17, 18 and 19 is to establish a standard of common elements which shall be a minimum requirement in national inspection schemes to be carried out by each Contracting Government under whose jurisdiction whaling operations for commercial purpose are regulated under the Convention. Contracting Governments may include additional elements considered appropriate in relation to national laws and regulations for their specific whaling operations for commercial purpose.

(b) The national inspectors shall be appointed and paid by the Contracting Government having jurisdiction over the vessels to be inspected and shall receive their instructions from their national authorities.

16. National inspection schemes shall include the following:

**(a) In factory ship whaling:**

- (i) Each factory ship shall during the season permanently deploy at least two national inspectors for the purpose of maintaining twenty-four hour inspection.
- (ii) Each catcher equipped to flense whales taken onboard shall during the season permanently deploy at least one national inspector.
- (iii) National inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales.

**(b) In non factory ship whaling:**

- [(i) national inspectors remain permanently on board whaling vessels, or at land stations while they are in operation during the season.]**
- [(ii) national inspectors carry out random inspection of whaling vessels and land stations during the season. Such inspection shall at a minimum ensure [50%] coverage of whaling operations.]**

17. National inspectors shall be authorised to check and ensure compliance with the provisions of the Convention and national regulatory measures so that they may demand changes and/or corrections related to non-compliance. Specifically inspectors shall

- (i) collect samples and record data in accordance with the provisions of the Convention and the national regulations;
- (ii) report to their national authorities on the inspection as required, **especially with respect to alleged violations of national legislation and alleged infractions of IWC regulations**, and
- (iii) have access to the logbooks of the vessels and the right to communicate with the national authorities through the communication equipment of the vessel.

18.-(a) Whaling vessels engaged in **factory ship whaling** operations shall be equipped with an autonomous system able to transmit automatically satellite signals to a land-based receiving station permitting a continuous tracking of the position of the vessel by the Contracting Government. The national inspector shall maintain this equipment and its records.

(b) **Whaling vessels of [22 m] or greater than that in length engaged in non factory ship whaling operations shall be equipped with an autonomous system able to transmit automatically satellite signals to a land-based receiving station permitting a continuous tracking of the position of the vessel by the Contracting Government.** Whaling vessels **smaller than [22 m] in length** shall be able to communicate with their national authorities.

19. Whales and whale products shall be landed at the landing sites which are registered with **[the national authorities] [the IWC]**.

#### International Observation Scheme

20. The purpose of the international observer scheme established by paragraphs 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 is to provide a mechanism for the IWC to monitor compliance with the regulations contained in the Convention pertaining to whaling operations for commercial purpose. For this purpose, the Commission **[may] [shall]** appoint observers to whaling vessels and land stations operated under the control of Contracting Governments.

21.-(a) In **factory ship whaling** operations there **[may] [shall]** be maintained at **[maximum] [least]** two IWC observers appointed by the Secretariat on each factory ship engaged in whaling operations for commercial purpose regulated under the Convention. There **[may] [shall]** be maintained one observer on each catcher vessel equipped to flense whales taken on board.

(b) In **non factory ship** whaling operations:

- (i) one observer **[may] [shall]** be maintained onboard a vessel **[if it has a national inspector onboard and there is enough space]**, if not,
- (ii) a **maximum** of two observers **[may] [shall]** be maintained on shore at each land station.

**If there is only room for either an inspector or an observer, then [an observer] [an inspector] should be onboard rather than [an inspector] [an observer].**

22.-(a) Each IWC observer shall be well informed of the provisions of the Convention, the national regulatory measures of the country where he/she carries out his/her duties, and have the minimum of biological knowledge necessary to carry out the following duties;:

- (i) to check and take note whether the information required in chapter VI is appropriately collected, sampled, maintained or treated,
- (ii) to check and take note of the items listed in 26 (b), and,
- (iii) to report on the observations he/she carried out as required in 27.

(b) Each IWC observer shall be able to communicate [in the language spoken in the country where he/she carries out his/her duties] [in a common language] [in English]. Each IWC observer shall receive some instruction of the language spoken in the country where he/she carries out his/her duties. Such instructions must at a minimum cover language related to emergency procedures. On a factory ship or at a land station, an observer may use an interpreter. Where an interpreter is used, such person shall be included in the number of observers provided for in paragraph 21 above.

~~(c) No person included under any of the following items shall be registered as an observer by the Secretariat:~~

- ~~(i) persons who have [espoused a pro-whaling position or] been engaged in or paid by the whaling industry at any time during the previous 5 years.~~
- ~~(ii) persons who have publicly espoused an anti-whaling position or have been associated with the activities of organisations opposed to whaling at any time during the previous 5 years.~~
- ~~(iii) persons convicted of any crime related to the interruption of the conduct of business, or an attempt to do damage to individuals, organisations, property or authorities involved in whaling operations conducted in accordance with the Convention.~~

23. Contracting Governments may recommend its nationals as candidates observers and interpreters. Individuals to serve as IWC observers as well as interpreters accompanying IWC observers shall be registered with the Secretariat in the following manner for a renewable period not exceeding 1 year.

- (i) Contracting Governments may submit a list of the candidates for the following year to the Secretariat by 15 November. Such list shall include information concerning the qualifications of candidates.
- (ii) The Secretariat shall, by 30 November, circulate a combined list of recommended candidates to member countries for approval. Contracting Governments may object to the appointment of any candidate, provided that such notification of objection with reasons for objections shall be received by the Secretariat by 15 December ~~and provided that such objections shall be based on the provisions of paragraph 22 (a) and (c).~~
- (iii) The Secretariat shall circulate the list of candidates approved by all Contracting Governments to the Commission by 31 December. Only those candidates approved by all Contracting Governments may be appointed as observers.

24.-(a) The Commission shall establish [by consensus] annual priorities for whaling activities to be observed ~~the scope of observation activities~~ for the coming year, within the budget adopted by the Commission. The Secretariat shall be responsible for the practical administration and co-ordination of these activities.

(b) Contracting Governments whose nationals intend to conduct whaling operations in the next whaling season shall give notice by 30 September to the Secretariat of the respective numbers of factory ships, catchers

equipped to flense whales taken on board and land stations. The Secretariat shall appoint the number of observers in accordance with paragraph 21 and shall by 31 January transmit to each Contracting Government the list of IWC observers appointed to observe the whaling operations under the jurisdiction of that country.

- (c) An individual shall not be appointed to observe in the country or on vessel registered in the country, of which he/she is a national or resident.
- (d) Neither the owner or the captain of a ship, nor the owner or the manager of a land station that is to be observed, can oppose observation by an observer appointed in accordance with the provisions of the Schedule ~~and accepted by the country where the observation is to be carried out.~~

25.-(a) IWC observers are responsible to the Commission for the conduct of their duties described in 22 (a).

Observers can neither seek nor receive instructions from any other person, organisation or authority.

- (b) None of the provisions of the international observer scheme grants IWC observers enforcement powers.
- (c) The national authority and the inspectors shall to the extent possible take appropriate measures to ensure the safety, freedom and dignity of the observer and co-operate with the observer so that the observer can fulfil his/her duties properly and efficiently.
- (d) Observers are required to obtain all necessary visas and immigration documents.
- (e) The Secretariat shall arrange insurance or other arrangements as may be necessary and appropriate to cover or compensate the observer in the event of injury or loss caused in carrying out his/her duties. **[The Secretariat shall also arrange insurance as may be necessary and appropriate to cover or compensate for loss or damage to vessels, equipment and stations or products caused as a result of any action by observers and interpreters.]**

26.-(a) Each IWC observer shall carry out his/her duties subject to the domestic legislation of the country where he/she carries out his/her duties, including the authorised mandate of the captain of the whaling vessel and the manager of the land station and the customs and order existing on the vessel and the land station.

(b) IWC observers shall be permitted to check and take note of the following items;

- (i) the information required in chapter VI of the Schedule;
- (ii) licenses and other relevant certifications;
- (iii) logbooks;
- (iv) equipment used to catch and flense whales;
- (v) rooms and space on vessels and within land stations used for whaling operations;
- (vi) equipment and data referred to in paragraph 18.

27.-(a) IWC observer shall prepare a **[daily]** report of the observations carried out, and send it to the Secretariat, with a copy to the authorities of the country in which the observations have taken place.

(b) The Secretariat shall prepare an annual report of the observation scheme, in which the implementation of the scheme is described for review by **[the Commission] [the Commission's Review Panel]**. Observer reports shall include a record of any alleged infractions as well as other relevant comments and shall be in the form as agreed to by the Commission. **[The Review Panel shall include accredited NGOs.]**

- (c) IWC observers shall report on any alleged infractions of IWC regulations and any alleged violations of the national regulations ~~in a given area~~ [as soon as possible]. Such a report shall be sent to the Secretariat, with a copy to the authorities in the country in question, as well as to the owners of the vessel or the manager of the land station in question. The captain, those in possession of the license, the manager and the national inspector, shall be given the opportunity in a special paragraph of the report, to record their comments.
- (d) Observer's reports shall be written in [the language of the country where the observations were carried out, as well as in English] [a common language] [English]. Comments of national inspectors, vessel captains or land station operators may be written in the language of choice.
- (e) Observers shall ensure confidentiality with respect to the conduct of their duties and their reports.

28. The provisions of paragraphs 22 (c), 24 (d), 25 (a)(b)(c)(d) and 26 (a) apply also to interpreters accompanying IWC observers.

29. (a) All costs related to the activities of the IWC observers and its interpreters, including insurance, shall be paid by [the IWC] [the Contracting Governments receiving the observers] [the Contracting Government sending the observers] ~~unless other arrangements have been agreed to by the country which sends the observer and the country which receives the observer.~~

(b) A Contracting Government sending an observer and the Contracting Government receiving the observer may make a bilateral agreement related to the salary, insurance coverage and other matters.

30. Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of lactating whales.

31. Whales must be measured when at rest on deck or platform after the hauling out wire and grasping device have been released, by means of a tape-measure made of a non-stretching material. The zero end of the tape-measure shall be attached to a spike or stable device to be positioned on the deck or platform abreast of one end of the whale. Alternatively the spike may be stuck into the tail fluke abreast of the apex of the notch. The tape-measure shall be held taut in a straight line parallel to the deck and the whale's body, and other than in exceptional circumstances along the whale's back, and read abreast of the other end of the whale. The ends of the whale for measurement purposes shall be the tip of the upper jaw, or in sperm whales the most forward part of the head, and the apex of the notch between the tail flukes.

Measurements shall be logged to the nearest foot or 0.1 metre. That is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. Similarly, any whale between 10.15 metres and 10.25 metres shall be logged as 10.2 metres, and any whale between 10.25 metres and 10.35 metres shall be logged as 10.3 metres. The measurement of any whale which falls on an exact half foot or 0.05 metre shall be logged at the next half foot or 0.05 metre, e.g. 76 feet 6 inches precisely shall be logged as 77 feet and 10.25 metres precisely shall be logged as 10.3 metres.

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