

CIRCULAR COMMUNICATION TO COMMISSIONERS
AND CONTRACTING GOVERNMENTS
IWC.CCG.427

Intersessional plan of work on the RMS

This Circular Communication:

- includes a proposal regarding how the intersessional plan of work on the RMS contained in Resolution 2004-6 on Completion of the Revised Management Scheme (RMS) can be implemented; and
- requests expressions of interest from Contracting Governments regarding involvement in (a) the small drafting group and (b) the specialist technical groups that the Commission agreed to establish at IWC/57.

Intersessional plan of work

Background

Based on the discussions of the Chair's Small Group on the Revised Management Scheme (that met twice intersessionally between IWC/55 and IWC/56), the Chair developed proposals for a way forward on the RMS, including an RMS 'package'. These proposals were circulated to Commissioners in confidence in mid June and presented at a private meeting of Commissioners at IWC/56 in Sorrento. In response to a call for increased transparency of discussions on the RMS, the Commissioners decided to (1) to delay discussion on substantive issues of the Chair's proposals until the plenary and (2) make the documents prepared for the private meeting publicly available at the Commission plenary.

After considerable discussion in plenary, the Commission adopted, by consensus, Resolution 2004-6 on Completion of the Revised Management Scheme. The Resolution included 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 IWC/57, and/or to identify any outstanding policy and technical issues.

Since IWC/57 the Chair and Secretariat have reviewed the work plan in more detail and believe that a few modifications to timing of the early work would help implementation of the plan as illustrated in Tables 1 and 2:

- Table 1 describes the proposal in more detail and in relation to the further work on the Chair's RMS 'package' proposal identified in document IWC/56/36;
- Table 2 provides more detailed timing of the work proposed.

Timing of meetings of the RMS Working Group and SDG

Given that responses to the questionnaire inviting written comments/positions on key issues of the RMS are not due until 24 September (see Circular Communication IWC.CCG.426 of 20 August 2004) and taking into account the meetings of other intergovernmental organisations scheduled from October onwards (particularly those of CITES and CCAMLR) and other commitments of the Secretariat, the time-window available for the RMS Working Group meeting is in the period mid-November to mid-December. Given this timing, it would seem appropriate to schedule the first meeting of the SDG immediately after the RMS Working Group. This has several advantages: (1) it is likely (and desirable) that some, if not all, SDG members will also attend the RMS Working Group meeting and having the meetings back-to-back will reduce travel time and costs for participants; and (2) it will give the Secretariat the time needed to develop a number of the discussion documents necessary for the RMS Working Group meeting. The Secretariat is currently investigating a possible venue for these meetings and will provide further information on this as soon as possible.

Technical specialist groups required and timing

Five technical specialist groups are needed to provide input to the RMS Working Group and the SDG. They will address:

- (a) completion of the final details for the guidelines for the RMP *implementation* process;
- (b) the practical and technical details for an appropriate vessel monitoring system (VMS);
- (c) DNA registers/market sampling (including oversight);
- (d) scientific aspects of a code of conduct for whaling under special permit;
- (e) the collection of animal welfare data.

It seems appropriate that the initial work on (a) and (d) above be undertaken by Scientific Committee members (Table 1), while groups examining (b), (c) and (e) be comprised of specialists nominated by interested governments.

Although the work plan in Resolution 2004-6 suggested that these groups should meet and finish their work before December, the need for some policy guidance makes it appropriate for them to meet, as appropriate, after the first RMS Working Group meeting. Preparatory background material can be prepared prior to the first RMS Working Group meeting. Regarding the second meetings of the RMS Working Group and SDG, Resolution 2004-6 proposed that these be held in early March. The Danish Government has offered to host these meetings in Copenhagen, but can only do so at the end of March – the likely timing for the RMS Working Group being 30 March to 1 April 2005. These represent the main changes from the originally envisioned work plan, but will still enable the overall programme of work to be completed on time.

Involvement in the Small Drafting Group and technical specialist groups

Those Contracting Governments interested in participating in the SDG and/or any of the technical specialist groups should inform the Chair by completing and returning the form attached to the Secretariat by **27 September 2004**.

Recognising that all of the groups must remain small for them to be able to work efficiently, the Chair will put together balanced groups based on nominations received and taking account of the requirement in Resolution 2004-6 that they should *'include Governments with adequate regional coverage, and adequate coverage of those For/Against/Neutral on the key issues.'* At this stage the Chair is interested only in getting an appreciation of how many, and which countries wish to take part in the various groups. A call for nominations of individuals will be sent separately.

I look forward to receiving expressions of interest in the SDG and technical specialist groups by **27 September**.

Dr. Nicky Grandy
Secretary to the Commission

INTERNATIONAL WHALING COMMISSION:

Expression of interest in participating in the Small Drafting Group and/or technical specialist groups on the RMS

Government:	
Small Drafting Group (SDG)	
We are interested in participating in SDG (yes/no)	
Technical specialist groups	
We are interested in participating in the following specialist groups ¹ :	
VMS (yes/no)	
DNA/market sampling (yes/no)	
Animal Welfare (yes/no)	
Comments:	

**Please return to the Secretariat by 27 September 2004
(email: Secretariat@iwcoffice.org; fax: +44 1223 232876)**

¹ Assumes that groups for work on guidelines for RMP *Implementation* guidelines and a scientific code of conduct for special permit whaling will be comprised of members of the Scientific Committee

Table 1. Description of proposed work plan

Nature of work remaining on RMS 'package' elements (IWC/56/36)	Proposed Work Plan based on IWC/56/36 and Resolution 2004-6
(A) RMP	
<p>The RMP is complete and agreed. However, some details of the practical guidelines for <i>Implementation</i> require final specification with respect to data and analytical requirements, and realistic timescales for the various stages.</p>	<p>Possible policy issues:</p> <ul style="list-style-type: none"> • None from Chair's proposal and others not expected at this stage <p>Proposed way to proceed:</p> <ul style="list-style-type: none"> • Ask the small Scientific Committee (SC) group that worked on the guidelines at SC56 (Butterworth, Donovan, Hammond, Kawahara, Polacheck, Punt and Smith) to complete the work, probably by correspondence. They could also draft appropriate Schedule text for review by the SDG. The work required is minimal. • As no policy issues anticipated, this work could get underway before the 1st RMS Working Group meeting. Finished guidelines are probably not needed until the 2nd meetings of the RMS Working Group and of the SDG • Final review would be by the RMS Working Group at its meeting at IWC/57 in June 2005 then presentation to the Commission
(B) Phased-in approach to resumption of commercial whaling	
<p>Principle stated i.e. phasing in the areas commercial whaling is allowed with it initially (e.g. a five-year period) being restricted to waters under national jurisdiction using a sunset clause approach. Appropriate Schedule text is needed.</p>	<p>Possible policy issues:</p> <ul style="list-style-type: none"> • None from Chair's proposal • Some may be raised as part of questionnaire responses <p>Proposed way to proceed:</p> <ul style="list-style-type: none"> • 1st meeting of RMS Working Group will identify any policy issues and give guidance to the 1st meeting of the SDG • The SDG to develop draft text at its first meeting • Further refinement of text if necessary at the 2nd SDG meeting taking account of written comments on first draft and discussions at 2nd RMS Working Group meeting • Final review by RMS Working Group at IWC/57 in June 2005 then presentation to the Commission
(C) National inspection and observation scheme	
<p>Principle stated and much of text already drafted by EDG. However, practical and technical details for VMS need to be developed together with appropriate Schedule text. Text is also required regarding observers on pelagic catcher vessels.</p>	<p>Possible policy issues</p> <ul style="list-style-type: none"> • None from Chair's proposal • Some may be raised as part of questionnaire responses – indications from IWC/56 comments include: <ul style="list-style-type: none"> ○ Should there be a national inspector and/or observer on ALL boats (with implication that in effect 'small' boats should not be allowed)? ○ Should all boats be equipped with VMS regardless of whether they have inspectors and observers aboard? <p>Proposed way to proceed:</p> <ul style="list-style-type: none"> • Technical aspects of VMS – specialist technical group could be a correspondence group. Secretariat should develop a background document by making enquiries to other RFMBs and organisations involved in VMS. This could include information appropriate to (a) VMS on small vessels and (b) VMS on all vessels, including cost estimates. Secretariat should develop this document for review by: • 1st meeting of RMS Working Group – who give necessary policy guidance to: • 1st meeting of SDG, who should be able to do most of the drafting for the inspection and observation scheme at its first meeting building on text already drafted by EDG • Technical specialist group develops specifications for VMS taking account of policy guidance from RMS Working Group - meets if necessary • Further refinement of text for inspection and observation scheme at the 2nd SDG meeting taking account of written comments on first draft and discussions at 2nd RMS Working Group meeting • Final review by RMS Working Group at IWC/57 in June 2005 then presentation to the Commission

Table 1. Description of proposed work plan (cont.)

Nature of work remaining on RMS 'package' elements (IWC/56/36)	Proposed Work Plan based on IWC/56/36 and Resolution 2004-6
(D) Catch verification: DNA/market sampling	
<p>General principle stated (national DNA/MSS with outside oversight) but considerable technical detail and some policy needed (e.g. level of outside oversight and who is responsible) before <i>Schedule</i> text can be drafted. Chair's proposal and an earlier Donovan/Tillman document for the EDG already provide good background and could be developed further for input to a policy group.</p>	<p>Possible policy issues:</p> <ul style="list-style-type: none"> • From the Chair's proposal: <ul style="list-style-type: none"> ○ level of outside oversight & who does it ○ checking of samples against national registers or central archive of DNA profiles • Some may be raised as part of questionnaire responses - indications from IWC56 include: <ul style="list-style-type: none"> ○ National vs central DNA register? <p>Proposed way to proceed:</p> <ul style="list-style-type: none"> • Greg Donovan/Mike Tillman develop discussion document on oversight of DNA registers/market sampling as input to: • 1st meeting of RMS Working Group to provide policy guidance to SDG • 1st meeting of SDG, who draft what text they can • Specialist technical group meets to specify: standards for national DNA registers (including quality control); pre-specified electronic formats for 'checking' purposes; oversight details, taking account of policy guidance from RMS Working Group • Further development of text by SDG at its second meeting taking account of written comments on first draft and discussions at 2nd RMS Working Group meeting • Final review by RMS Working Group at IWC/57 in June 2005 then presentation to the Commission
(E) Catch verification: deterring IUU fishing	
<p>Principle stated (prohibiting the import of whale meat from non-IWC countries as well as from IWC countries that are non-whaling). Resolution needs to be drafted based on existing Resolutions with <i>commitment</i> for all to agree as part of package.</p>	<p>Possible policy issues:</p> <ul style="list-style-type: none"> • None from Chair's proposal • Some may be raised as part of questionnaire responses <p>Proposed way to proceed:</p> <ul style="list-style-type: none"> • Secretariat to develop draft Resolution • This could be discussed by 1st meeting of RMS Working Group, but if no policy issues, could go straight to 1st meeting of SDG to review draft and further develop as appropriate • Further refinement of draft Resolution/text at 2nd meeting of SDG, taking account of written comments on first draft and discussions at 2nd RMS Working Group meeting • Final review by RMS Working Group at IWC/57 in June 2005 then presentation to the Commission

Table 1. Description of proposed work plan (cont.)

Nature of work remaining on RMS 'package' elements (IWC/56/36)	Proposed Work Plan based on IWC/56/36 and Resolution 2004-6
(F) Catch verification: Catch Document Scheme	
Principle stated (documentation needed up to place of entry/landing). Document may need to be developed.	<p>Possible policy issues:</p> <ul style="list-style-type: none"> • None from Chair's proposal • Some may be raised as part of questionnaire responses - indications from IWC56 include: <ul style="list-style-type: none"> ○ Whether a catch document scheme is needed and if so, the nature of the scheme (CCAMLR-type vs ICCAT-type) <p>Proposed way to proceed</p> <ul style="list-style-type: none"> • Secretariat to develop discussion document for 1st meeting of RMS Working Group that examines existing document approaches and includes a possible IWC document • 1st meeting of RMS Working Group reviews Secretariat discussion document and provides policy guidance to: • 1st meeting of SDG who develop draft text/document. • Further refinement of text/document at 2nd meeting of SDG, taking account of written comments on first draft and discussions at 2nd RMS Working Group meeting • Final review by RMS Working Group at IWC/57 in June 2005 then presentation to the Commission
(G) Compliance	
Principle stated and text largely agreed by EDG and Commission	<p>Possible policy issues:</p> <ul style="list-style-type: none"> • None from Chair's proposal • Some may be raised as part of questionnaire responses - indications from IWC56 include: <ul style="list-style-type: none"> ○ Need to re-negotiate the Convention to give the Commission the right to penalise infractions <p>Proposed way to proceed:</p> <ul style="list-style-type: none"> • 1st meeting of RMS Working Group provides policy guidance to: • 1st meeting of SDG who develop text building on that already agreed • Further refinement of text at 2nd meeting of SDG, taking account of written comments on first draft and discussions at 2nd RMS Working Group meeting • Final review by RMS Working Group at IWC/57 in June 2005 then presentation to the Commission
(H) Costs	
General principles given (national activities - relevant national governments; transparency – Commission as part of contributions scheme) but area where considerable policy work is needed. Contributions Task Force needs to take in to account RMS 'transparency' costs in overall scheme (with refined estimates of actual costs based on <i>inter alia</i> work of specialist groups under C and D above).	<p>Possible policy issues:</p> <ul style="list-style-type: none"> • From Chair's proposal: <ul style="list-style-type: none"> ○ How transparency costs are factored into overall contributions scheme. • Some may be raised as part of questionnaire responses - indications from IWC56 include: <ul style="list-style-type: none"> ○ Principle on how costs should be apportioned & particularly for which elements might there be an element of cost sharing? <p>Proposed way to proceed:</p> <ul style="list-style-type: none"> • Principles need to be discussed at 1st RMS Working Group and policy guidance given before further work can be done. • Better estimates of costs need to be obtained after clearer picture is obtained of what RMS 'package' may contain • Contributions Task Force will need to take account of the above in developing revised contributions formula, but unsure yet of when this work can be done. • SDG to develop text from Task Force proposals.

Table 1. Description of proposed work plan (cont.)

Nature of work remaining on RMS 'package' elements (IWC/56/36)	Proposed Work Plan based on IWC/56/36 and Resolution 2004-6
(I) Measures for lifting 10(e)	
<p>Principle stated (modify paragraph 10(e) such that it becomes invalid on a specific day whilst ensuring that any whaling operations are undertaken under the full RMS package as adopted by the Commission.)</p>	<p>Possible policy issues:</p> <ul style="list-style-type: none"> • None from Chair's proposal • Some may be raised as part of questionnaire responses - indications from IWC56 include: <ul style="list-style-type: none"> ○ Link between completion of RMS and lifting of 10(e) vs no link <p>Proposed way to proceed:</p> <ul style="list-style-type: none"> • Secretariat to develop discussion document taking into account comments at IWC/56 and comments from questionnaire for: • 1st meeting of RMS Working Group, who provide policy guidance to: • 1st meeting of SDG who develop draft text • Further refinement of text at 2nd meeting of SDG, taking account of written comments on first draft and discussions at 2nd RMS Working Group meeting • Final review by RMS Working Group at IWC/57 in June 2005 then presentation to the Commission
(J) Special permit	
<p>Principle stated (develop Voluntary Code of Conduct with <i>commitment</i> for it to be followed as part of package), whilst recognising Article VIII. Such a code might include certain features that research programmes should have, e.g. with respect to appropriate abundance estimates, improved participation of scientists from other countries in the design (including sample size), review and conduct of research programmes, etc. Code needs to be developed.</p>	<p>Possible policy issues:</p> <ul style="list-style-type: none"> • None from Chair's proposal • Some may be raised as part of questionnaire responses - indications from IWC56 include: <ul style="list-style-type: none"> ○ Nature of the code of conduct, e.g. some may prefer code that undertakes to stop scientific permit whaling if 10(e) lifted ○ Need to re-negotiate the Convention to remove/amend rights to issue scientific permits? <p>Proposed way to proceed:</p> <ul style="list-style-type: none"> • Establish small group from Scientific Committee (e.g. SC Chair, Vice-Chair, Head of Science) to develop scientific discussion document along lines proposed in Chair's RMS 'package'. It should be possible to do this work by correspondence for submission to: • 1st or 2nd meeting of RMS Working Group. Note, even if discussion document not available for 1st RMS Working Group meeting, aspects of the policy approach can be discussed at both the the 1st RMS Working Group meeting and the 1st meeting of the SDG. The SDG could be asked to examine most appropriate way for code to be incorporated e.g. Resolution or Schedule text, whilst also recognising Article VIII. • Next steps depend on progress, but: • Final review by RMS Working Group at IWC/57 in June 2005 then presentation to the Commission

Table 1. Description of proposed work plan (cont.)

Nature of work remaining on RMS 'package' elements (IWC/56/36)	Proposed Work Plan based on IWC/56/36 and Resolution 2004-6
(K) Animal welfare issues	
<p>Explicitly recognise importance with <i>Schedule text</i> (draft exists). Principle stated (initiative to focus discussions on improving techniques to kill whales) in accordance with , based on <i>commitment</i> to (1) voluntarily report data c.f. Berlin Workshop; (2) voluntarily provide information from existing research programmes; and (3) develop co-operative research programme at regular (e.g. triennial) specialist workshops.</p> <p>A specialist group is needed to review appropriate data to collect, how to do this, determine appropriate analyses; develop possible co-operative research programme.</p>	<p>Possible policy issues:</p> <ul style="list-style-type: none"> • None from Chair's proposal (although details need to be developed) • Some may be raised as part of questionnaire responses - indications from IWC56 include: <ul style="list-style-type: none"> ○ Extent to which animal welfare issues are incorporated into the Schedule <p>Proposed way to proceed:</p> <ul style="list-style-type: none"> • 1st meeting of RMS Working Group to discuss policy level issues (e.g. how much to incorporate into the Schedule. • Specialist group will need to meet to provide a document for consideration by the 2nd RMS Working Group and SDG meetings. The work of this group is to some extent independent of a policy decision on how to incorporate results. • Final review by RMS Working Group at IWC/57 in June 2005 then presentation to the Commission

Table 2. Timing of Secretariat's proposed work plan

	2004					2005			
	Aug	Sept	Oct	Nov	Dec	Jan/Feb	March	April/May	June
Key milestones	Questionnaire inviting comments/ positions on key issues to the RMS circulated	comments on RMS due 24 Sept		<ul style="list-style-type: none"> 1st mtg of RMS WG and 1st mtg of SDG – suggest meet back-to-back in period mid-November to mid-December Draft SDG text circulated for review and comment 		Secretariat collates & circulates comments on SDG text to all delegations and to SDG	<ul style="list-style-type: none"> 2nd mtg of RMS WG followed by 2nd mtg SDG – likely to be in Copenhagen Draft text from SDG circulated to governments for review and comment 	Secretariat collates & circulates comments on 2nd SDG text to all delegations	IWC/57: RMS WG and Commission plenary
RMS 'package' elements:									
(A) RMP implementation process			Small SC group begins work	-----→		Small SC group has draft ready as input to 2nd mtg of RMS WG and SDG			
(B) Phased-in approach				SDG takes account of written comments & policy guidance from RMS WG					
(C) National inspection and international observation	<u>VMS:</u> Secretariat begins to collect information and develops discussion document for 1st RMS WG mtg		-----→	<ul style="list-style-type: none"> At RMS WG, seek expressions of interest in VMS specialist group SDG takes account of written comments & policy guidance from RMS WG 		RMS technical group develops specifications for VMS as input to 2nd mtg of RMS WG & SDG. Technical group meets if necessary.			
(D) Catch verification: DNA/market sampling		Tillman/ Donovan develop discussion doc on oversight for 1st RMS WG mtg	-----→	<ul style="list-style-type: none"> At RMS WG, seek expressions of interest in DNA specialist group SDG takes account of written comments & policy guidance from RMS WG 		Technical group meets to develop proposals taking account of policy guidance from RMS WG.			
(E) Catch verification: deterring IUU whaling	Secretariat develops draft Resolution for RMS WG mtg		-----→	SDG takes account of written comments, Secretariat draft Resolution & policy guidance from RMS WG					
(F) Catch verification: catch document scheme	Secretariat develops draft discussion document for RMS WG mtg		-----→	SDG takes account of written comments, Secretariat discussion doc & policy guidance from RMS WG					
(G) Compliance				SDG takes account of written comments, & policy guidance from RMS WG					

Table 2. Timing of Secretariat's proposed work plan (cont.)

	2004				2005				
	Aug	Sept	Oct	Nov	Dec	Jan/Feb	March	April/May	June
Key milestones	Questionnaire inviting comments/positions on key issues to the RMS circulated	comments on RMS due 24 Sept		<ul style="list-style-type: none"> 1st mtg of RMS WG and 1st mtg of SDG – suggest meet back-to-back in period mid-November to mid-December Draft SDG text circulated for review and comment 		Secretariat collates & circulates comments on SDG text to all delegations and to SDG	<ul style="list-style-type: none"> 2nd mtg of RMS WG followed by 2nd mtg SDG Draft text from SDG circulated to governments for review and comment 	Secretariat collates & circulates comments on 2 nd SDG text to all delegations	IWC/57: RMS WG and Commission plenary
RMS 'package' elements (cont.):									
(H) Costs				<ul style="list-style-type: none"> Principles need to be discussed at RMS WG mtg before further work can be done Probably little SDG can do at this stage 		Secretariat to develop better estimates of costs based on outcome of 1 st RMS WG mtg			
(I) Measures for lifting 10(e)		Secretariat develops discussion document for RMS WG mtg taking account of written comments		SDG takes account of Secretariat discussion doc, & policy guidance from RMS WG					
(J) Special permits		Small SC group begins to develop scientific discussion document for 1 st RMS WG mtg if possible		<ul style="list-style-type: none"> RMS WG reviews doc if ready, otherwise reviews in March SDG takes account of discussion doc if available, & policy guidance from RMS WG 		Small SC group continues work as appropriate			
(K) Animal welfare issues				At RMS WG mtg seek expressions of interest in specialist group		Specialist group develops proposals based on Chair's proposed RMS 'package' and taking into account policy guidance from RMS WG mtg			