

Annex I

Report of the Aboriginal Subsistence Whaling Sub-Committee

16:00-18:00Hrs Friday 14 October 2022 at the Grand Hotel Bernardin, Portorož, Slovenia

SUMMARY OF MAIN OUTCOME

<i>Issue and Agenda item</i>	<i>Main Outcome</i>
Ongoing Implementation of Ad-Hoc Aboriginal Subsistence Whaling Working Group Recommendations, Item 5	<i>The ASW Sub-committee endorsed both the Terms of Reference (ASW/68/5.1/01) and the Call for Tender (ASW/68/5.1/02).</i>

1. INTRODUCTORY ITEMS

1.1 Appointment of Chair

Bruno Mainini (Switzerland) was appointed Chair.

1.2 Appointment of Rapporteurs

Harriet Gillett and Rebecca Price were appointed to Rapporteur the meeting.

1.3 Review of Documents

A list of documents is given in Appendix 1.

1.4 Observer Participation

Relevant Rules of Procedure for Observers are given in Appendix 2. A list of all participants, including Observers, is given in Appendix 3.

2. ADOPTION OF AGENDA

The adopted Agenda is given as Appendix 2. Terms of Reference for the Aboriginal Subsistence Whaling Sub-Committee are given at the end of the agenda.

3. SUMMARY OF SCIENTIFIC COMMITTEE PROGRESS AND RECOMMENDATIONS

The Scientific Committee (SC) considers stocks subject to aboriginal subsistence whaling and related issues within the SC's Sub-Committee on Aboriginal Subsistence Whaling (ASW) and its Sub-committee on Implementation Reviews and Simulation Trials (IST), with input from other SC sub-groups. The SC has developed an Aboriginal Whaling Management Procedure (AWMP) approach to ensure that the levels of proposed catches are safely within the Commission's objectives.

The preceding SC Chair gave a presentation on the role of the SC in setting quotas, as a reminder of this aspect of the work of the SC and as a review for new people attending. This was important given the potential changes to the SC meeting structure.

They noted that ASW is carried out in Denmark (Greenland), Russian Federation, St Vincent and the Grenadines and the USA and gave an overview of the Strike Limit Algorithms (SLAs) that the SC have developed as a basis for advice to the Commission. The SLAs were tested under simulated varied conditions and are evaluated as to whether they meet the Commission's dual objectives of allowing whale populations to increase and the satisfaction of cultural and nutritional needs of ASW communities in perpetuity.

Regarding the Aboriginal Whaling Scheme, they noted that interim allowances are in place so that hunters were not penalised with reduced quotas if new population estimates are not available in a timely manner. Carryover provisions are also in place to allow flexibility in hunts by allowing unused strikes from past years to be used in subsequent years. A timetable is in place for regular implementation reviews (IR), to determine if new information, such as on stock structure, reproduction, predation, environment or abundance, would require further testing of the SLAs. If there are large changes in the intervening years, such as mortality events or environmental impacts, then an emergency IR can be implemented.

They noted that quotas were updated by the Commission in 2018 and that SC advice will next be needed in 2024 for the years 2026-2031. If SC meetings become biennial then they will need to be held in the year when SC advice is required by the Commission for quota renewal.

The SC has reviewed and endorsed two population estimates for ASW stocks since 2018: the Alaska/Chukotka bowhead whales (*Balaena mysticetus*) for 2019 (~17,000) and eastern Pacific gray whales (*Eschrichtius robustus*) for 2019-20 (~20,500).

The Animal Welfare Institute mentioned that two reports from the USA had been recently released documenting a lower recent population estimate and record low calf production that was likely related to an unusual mortality event. They asked, given that the next IR is not due until 2027, if it was likely that the SC would implement an emergency review.

The preceding SC Chair responded that the reports had not yet been reviewed by the SC but expects they will be in 2023. They noted that, in his personal opinion, even though there has been a suggested population decrease of eastern Pacific gray whales from ~27,000 to ~16,000, the recent estimate was still high compared to historical levels. The relevant SLA had been tested with a broad range of scenarios that included episodic unusual mortality events. While an emergency implementation review is not expected, the SC will review this new information in 2023 and at that time provide its advice.

4. ABORIGINAL SUBSISTENCE WHALING MANAGEMENT PROCEDURE

In Resolution 2014-4 the Commission emphasised the need to regulate ASW in the future through a more consistent and long-term approach. This Resolution inter alia requested the SC to give high priority to all AWMP-related activities.

The Commission has set objectives for the management of aboriginal subsistence whaling to: (a) ensure that the risks of extinction to individual stocks are not seriously increased by subsistence whaling (highest priority); (b) enable aboriginal people to harvest whales in perpetuity at levels appropriate to their cultural and nutritional requirements, subject to the other objectives; and (c) maintain the status of stocks at or above the level giving the highest net recruitment and to ensure that stocks below that level are moved towards it, so far as the environment permits.

The Commission endorsed a process (Appendix 5 of IWC/67/REP/02) for the automatic renewal of strike/catch limits. The Commission is invited to consider the implications of potential changes to the SC meeting programme in relation to the requirements of the agreed timeline.

The Chair introduced document ASW/68/04/01 (*Revised Timeline to Assist in the Process to Agree Any Requested Changes to ASW Strike/Catch Limits*). It was noted that the timeline provides details of where the Commission currently is in the 6-year process for automatic renewal of strike/catch limits. The Chair highlighted that the quotas are due be renewed at the 2024 meeting if there is no request

for a change in catch limits or change in scientific advice; therefore, it is important to know how the SC will work in the future.

5. ONGOING IMPLEMENTATION OF AD-HOC ABORIGINAL SUBSISTENCE WHALING WORKING GROUP RECOMMENDATIONS

At IWC63 in 2011 the Commission endorsed a recommendation to form an *Ad Hoc* Aboriginal Subsistence Whaling Working Group (ASWWG). The group's Terms of Reference (ToR) were to identify and consider unresolved ASW issues. In 2015, an Expert Workshop was held in Maniitsoq Greenland and the report from this workshop was considered by the Commission at IWC66. The Commission agreed that progress with respect to the recommendations from the Maniitsoq workshop should be considered by the ASWWG. A meeting of the ASWWG was held in Utgiakvik (Barrow), Alaska in April 2018 (IWC/67/ASW/REP/01), at which it completed its work. The report and recommendations of that meeting were endorsed at IWC67.

A recommendation of the ASWWG called for a survey of international indigenous and human rights instruments, in order to inform the Commission's role in addressing indigenous rights. It recommended that the IWC Secretariat, in consultation with interested members of the ASWWG and experts who attended the Maniitsoq Workshop, develop ToR for such a review during the intersessional period.

5.1 Review of Draft Terms of Reference and Call for Tender

The documents ASW/68/5.1/01 (*International Whaling Commission Aboriginal Subsistence Whaling Survey of Indigenous and Human Rights Instruments: Proposed Terms of Reference and Background*) and ASW/68/5.1/02 (*Invitation to Tender: Contracted Team to conduct the IWC Aboriginal Subsistence Whaling Survey of Indigenous and Human Rights Instruments*) were presented by the Secretariat. It was noted that the first draft of the ToR had been circulated to experts who had attended the Maniitsoq Workshop and other experts identified by those attendees, followed by several rounds of comments and revisions to refine the details. The same process was followed for the Call for Tender document.

5.2 Discussion and recommendations

The USA thanked the Secretariat for their work to produce these documents and acknowledged the extensive work to consult with participants from the ASW working group and experts from the Maniitsoq Workshop. They encouraged the Secretariat to continue to utilise these experts and representatives when it comes to the interview and selection process. The USA thought that the ToR would lead to a comprehensive and informed report that would help the Commission consider their role in addressing indigenous rights and looked forward to reviewing the report at an appropriate time.

The Sub-Committee recommended the two documents be endorsed by the Commission.

6. OTHER MATTERS

The Alaska Eskimo Whaling Commission thanked Robert Suydam for his work as part of the SC.

The Secretariat's Technical Advisor gave a presentation on a meeting with the Alaskan Eskimo Whaling Commission on the issue of bowhead whale entanglement in Alaska. Following subsequent discussion at the 2019 marine debris workshop and the Scientific Committee's endorsement, they noted work is underway on a proposal to form a steering group and hold a stakeholder workshop on this issue.

7. ADOPTION OF THE REPORT

The report was adopted by correspondence on 16 October at 09:00.

Appendix 1

LIST OF DOCUMENTS

ASW/68/04/01	Revised Timeline to Assist in the Process to Agree Any Requested Changes to ASW Strike/Catch Limits
ASW/68/5.1/01	International Whaling Commission Aboriginal Subsistence Whaling Survey of Indigenous and Human Rights Instruments: Proposed Terms of Reference and Background
ASW/68/5.1/02	Invitation to Tender: Contracted Team to conduct the IWC Aboriginal Subsistence Whaling Survey of Indigenous and Human Rights Instruments

Appendix 2

AGENDA

1. INTRODUCTORY ITEMS

- 1.1 Appointment of Chair
- 1.2 Appointment of Rapporteurs
- 1.3 Review of Documents
- 1.4 Observer Participation

2. ADOPTION OF AGENDA

3. SUMMARY OF SCIENTIFIC COMMITTEE PROGRESS AND RECOMMENDATIONS

4. ABORIGINAL SUBSISTENCE WHALING MANAGEMENT PROCEDURE

5. ONGOING IMPLEMENTATION OF AD-HOC ABORIGINAL SUBSISTENCE WHALING WORKING GROUP RECOMMENDATIONS

- 5.1 Review of Draft Terms of Reference and Call for Tender
- 5.2 Discussion and recommendations

6. OTHER MATTERS

7. ADOPTION OF THE REPORT

Appendix 3

LIST OF PARTICIPANTS

ARGENTINA

Lucia Scheinkman
Miguel Iñíguez Bessega

AUSTRALIA

Nick Gales
Michael Double
Belinda Jago
Alexia Wellbelove

AUSTRIA

Andrea Nouak
Michael Stachowitsch

BELGIUM

Jens Warrie

BRAZIL

Pedro Martins Simões

BULGARIA

Yana Velina

CHILE

Barbara Galletti Vernazzani

CZECH REPUBLIC

Tereza Prasilova
Jan Plesník

DENMARK

Lars Thostrup
Mikala Klint
Amalie Jessen

DOMINICAN REPUBLIC

Jose Ramon Reyes Lopez
Nina Lysenko
Marisol Castillo

GERMANY

Annegret Finke
Nicole Hielscher

FRANCE

Nabil Medaghri Alaoui
Vincent Ridoux

ICELAND

Gudjon Sigurdsson
Stefan Asmundsson
Jón Stefánsson

ITALY

Caterina Fortuna

LUXEMBOURG

Pierre Gallego

MEXICO

Lorenzo Rojas-Bracho

NETHERLANDS

Anne-Marie Svoboda

NEW ZEALAND

Jan Henderson

NORWAY

Petter Meier
Hermann Pettersen
Kathrine A. Ryeng
Nils Øien
Arne Bjørge
Erik Martin Biuw

PANAMA

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SAINT LUCIA

Horace Walters

SLOVENIA

Andrej Bibic
Branka Tavzes

SWITZERLAND

Bruno Mainini

UK

James Smith
Catherine Bell
Murray Fyfe
Emma Day
Donna Mackay
Lara Turtle
Lucy Babey

USA

Ryan Wulff
Alisha Falberg
Madison Harris
Mi Ae Kim
Madison Harris
Mahvish Madad
Timothy J Greene
David Weller
Robert Suydam
Taryn Kiekow Heimer
Harry Brower, Jr.

NON-MEMBER GOVERNMENT

Japan

Takaaki Sakamoto
Takeru Iida
Joji Morishita

NON-GOVERNMENTAL ORGANISATIONS

Alaska Eskimo Whaling Commission (AWEC)

Earl Comstock
John Citta
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Kayla Scheimreif
Nicole Wojciechow
Geof Givens
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Animal Welfare Institute (AWI)

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Seren Irwin

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Heather Rockwell

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Jennifer Lonsdale

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Carolina Cassani

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Teruaki Aizawa

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Rebecca Price
Iain Staniland
Imogen Webster
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