

## Annex S

### Terms of Reference and Guidance for Discussions under Item 20

#### ANNEX S1. TERMS OF REFERENCE AND GUIDANCE FOR THE SCIENTIFIC COMMITTEE'S WORK WITH RESPECT TO THE FUTURE OF THE IWC DISCUSSIONS<sup>1</sup>TAKEN FROM DOCUMENT IWC/62/6

##### (1) Review of the scientific aspects of the draft in the Chair's Report to the SWG (IWC/M10/SWG4)

The Scientific Committee shall review, for clarity and completeness:

- (1) Annex {DNA} – DNA registry and market sampling scheme (this is based on the work of an earlier specialist group (IWC/55/COMMS3) and the objective is to ensure that it remains up-to-date and complete, representing a cost-effective, robust, independent and transparent system in conjunction with the other monitoring and control measures).

In particular the review of the proposed mechanism (for national schemes with international audit) will ensure that the technical specifications:

- under Section 1 (specifications for the establishment/maintenance of a diagnostic DNA register/tissue archive) remain adequate, suggesting improvements if necessary, including the clarification of details, including appropriate auditing mechanisms, such that appropriate auditing can begin during the first season of an interim arrangement; and
  - under Section 2 (specifications for the establishment/maintenance of market sampling schemes) remain adequate, and in particular that a process to allow effective market sampling to occur at the start of the interim period is established, recognising, as stated under Item 2.1 that this will be an iterative process.
- (2) Annexes {SI} and {OI} – Scientific information and operational information (this is again based on earlier work of the Scientific Committee and the objective is to ensure that it remains up-to-date and complete).
  - (3) Appendix B – the potential work plan for the Scientific Committee's assessment work on non-indigenous whaling for the period up to 2020 (the work plan comes from the Report of the Scientific Assessment Group [SAG], see below).
  - (4) The SAG report will be reviewed when there are numbers in Table 4 (see below).

<sup>1</sup>At the meeting of the Support Group held on 5 March 2010 and when commenting on the draft SWG report, Australia noted its concern regarding the decision at the SWG meeting to table the report of the Scientific Assessment Group (IWC/M10/SWG6) without the prior agreement of all of the Support Group (see p.3 of the SAG Report). It has written to the Chair of the Commission outlining its concerns. Given this, Australia has indicated that it is not in a position to agree to the Terms of Reference and guidance in Annex G of IWC/62/6 believing the matter needed careful consideration within the Support Group at its April meeting.

##### (2) Review of the SAG Report (IWC/M10/SWG6)<sup>2</sup>

As part of the process on discussions on the Future of the IWC, a Scientific Assessment Group (SAG) was established comprising scientists from Australia, Brazil, Germany, Iceland, Japan, Mexico, Norway and the USA and one invited participant. The consensus report of that Group is given as IWC/M10/SWG6. Its Terms of Reference are given in detail in Annex B of that report and can be summarised as:

'to provide a concise scientific review on whether it believes that any proposed catches are such that the **long-term** status of the populations concerned will not be negatively affected. This evaluation will recognise that there will be an RMP *Implementation or Implementation Review* during the interim period, as outlined in a draft schedule of relevant work of the Scientific Committee. The SAG may undertake its own analyses in addition to those presented in proposals.'

The SAG noted that it was not appropriate for its report to provide a fully documented scientific analysis for each stock as would be the case for a full Scientific Committee Report; the primary objective was to provide the Support Group with concise advice on either proposed short-term catches for the period before the full RMP would be implemented or the results of RMP runs where practical.

For cases where there is no RMP *Implementation*, the SAG **agreed** that it would examine all the available information and provide an integrated, common-sense view on whether the proposed short-term catches are likely to negatively affect the long-term status of the stock, given that such short-term catch limits will only be used until an RMP *Implementation* has been completed and implemented and that the full RMP *Implementation* will take into account any catches between now and the RMP *Implementation* in determining new catch limits.

The SAG had recognised that there are a number of different approaches to evaluating short-term catches; it did not try to develop a single method - indeed there is a wide range of catch levels that may meet the general criterion of not negatively affecting the long-term status of the stock, given that they will only be used until an RMP *Implementation* has been completed and the RMP implemented. In such cases, the SAG's conclusions are general and based on its cumulative overview of the available information.

In providing the general advice given in its report, the SAG **had stressed** that the future efforts of the full Scientific Committee should focus on completing RMP-related work as soon as possible rather than re-examining any advice on short-term catches.

<sup>2</sup>See footnote 1.

*Terms of Reference for the Scientific Committee*

The SWG **requests** that the Scientific Committee reviews the report of the SAG at its meeting in Agadir. In undertaking this review, the Scientific Committee shall follow the Terms of Reference of the SAG [*Given as Annex S2 below*], recognising: (a) the need to be concise; (b) the fact that there are a number of different approaches to evaluating short-term catches and no single method will be appropriate in all circumstances; and (c) that the report should provide an integrated, pragmatic view on whether or not the proposed short-term catches (i.e. before the RMP can be used) are likely to negatively affect the long-term (i.e. RMP simulation framework timeline of 100 years) status of the stock *given* the timetable for RMP work. The SWG **agrees** that the Chair of the Scientific Committee shall ensure that the time spent on this review should be such that it does not interfere with the Committee's focus on completing RMP-related work as soon as possible.

**ANNEX S2. TERMS OF REFERENCE FOR THE  
SCIENTIFIC ASSESSMENT GROUP (SAG) -  
GUIDANCE FROM THE SUPPORT GROUP (SEE  
IWC/M10/6)**

A group of scientists nominated by the Support Group<sup>3</sup> will participate in a closed meeting on 24-26<sup>th</sup> January 2010 in Hawaii in order to provide scientific advice to the Support Group on any proposed interim whale catch levels for discussion by the Support Group. Note that the scientific group will not be asked to comment upon proposed catches for indigenous whaling; these will be based upon existing and approved AWMP processes.

The following principles will guide the scientific review.

The IWC has been agreed that long-term management will be based on the IWC's management procedures/ algorithms such as the RMP or AWMP. As long-term management advice will not be available for all whale populations for which catches are proposed at the time of the assessment, it will be necessary to assess short-term catch levels with other mechanisms until such time as the long-term advice is available. It has been agreed that any such short-term assessment will reflect policy decisions such that the numbers will be less than catch limits based on the best available science. Taking into account the likely limitations of available data for some populations, the assessment will be precautionary and will determine if the interim catches are set at levels that will not negatively affect the long-term status of the stock, given that such short term catch limits will only be used until an RMP *Implementation* or *Implementation Review* has been completed and implemented. As part of the arrangement, there will be an overall strategy that allows for completion of an RMP *Implementation* or *Implementation Review* as soon as possible, and in any case before the

completion of the interim period. Any RMP *Implementation* or *Implementation Review* will take into account the actual catches taken during the interim period. If catch levels determined by the RMP processes are lower than the agreed catch levels, then the catch limits will be adjusted accordingly.

Member Governments proposing interim catch levels must provide appropriate (see below) documentation to the Secretariat for circulation to the Scientific Assessment Group by Monday 18<sup>th</sup> January 2010. The proposal documents will remain entirely confidential until and if the Support Group determines otherwise.

It is thus the task of the Scientific Assessment Group to review any proposals by Members States and provide a *concise* scientific review on whether it believes that any proposed catches are such that the **long-term** status of the populations concerned will not be negatively affected. This evaluation will recognise that there will be an RMP *Implementation* or *Implementation Review* during the interim period, as outlined in the schedule of relevant work of the Scientific Committee. The group may undertake its own analyses in addition to those presented in proposals.

*Guidelines for the contents of the proposal to be submitted to the scientific review*

- (1) The species and number of whales to be taken in each year of the arrangement by stock(s) and geographical area(s) and the time period (e.g. months) that the whaling will occur.
- (2) Any other limitations that may be imposed on the whaling operation(s).
- (3) Scientific justification that the proposed catches fall within the principles for 'interim measures' outlined above. This will include:
  - reference to any work on the affected stock or stocks undertaken by the Scientific Committee in the context of the RMP or an In-depth Assessment;
  - a summary of knowledge of the population size and stock structure of the whale population from which the whales are proposed to be taken, including consideration of uncertainty;
  - scientific justification for the conclusion that the catches will not negatively affect the long-term status of the stock, including consideration of all anthropogenic mortality (e.g. bycatch, ship strikes), not only that from the whaling proposed in the interim arrangement; and
  - specification of any research work that will be undertaken to facilitate the conduct of an *Implementation* or *Implementation Review*, including the timeframe for such work.

<sup>3</sup>The Scientific Assessment Group will be kept as small as possible. Proposed representation is from: Australia, Germany, Iceland, Japan, Mexico, Norway, the USA and the Secretariat plus one other scientist external to the Support Group. The group may select an independent scientist and get him/her to sign an agreement of confidentiality.