

INFRACTIONS SUB-COMMITTEE,

ANNOTATED DRAFT AGENDA

Friday 21 October 2016 (9-10am)

The Infractions Sub-committee considers matters and documents relating to the International Observer Scheme and Infractions insofar as they involve monitoring of compliance with the Schedule and penalties for infractions thereof (Rep. int. Whal. Commn 29: 22).

1. INTRODUCTORY ITEMS

1.1 Appointment of Chairman

Ms Hild Ynnesdal, Norway, is proposed

1.2 Appointment of Rapporteur

Cherry Allison (Secretariat) is proposed.

1.3 Review of Documents

To date, the following documents have been submitted to the sub-committee.

Document No.	Title	Agenda item	On website?
IWC/66/INF 01	Revised Draft Agenda		Yes
02	Secretariat: Annotated Draft Agenda	1-8	Yes
03	Secretariat: National Legislation Details Supplied to the Commission	6	Yes
04	Secretariat: Draft Summary of Infraction Reports Received by the Commission for 2014 and 2015	3	Yes

1.4 Observer Participation

ADMISSION OF OBSERVERS

Rule of Procedure C.2

2. Observers accredited in accordance with Rule [of procedure] C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of Committees and all subsidiary groups of the Commission and the Technical Committee, except the Commissioners-only meetings, meetings of the Bureau and closed meetings of the Finance and Administration Committee.

SPEAKING RIGHTS FOR OBSERVERS

Rule of Procedure C.3

3. Observers accredited in accordance with rule C.1.(a) and (b) will have speaking rights during Plenary sessions and sessions of Commission subsidiary groups and Committees to which they are admitted to under C.2, in accordance with the Rules of Debate of the Commission. Observers might also submit documents for information to the delegations and observers participating in such sessions, provided these are submitted through the Secretariat at least 48 hours before the session in which they are intended to be made available, and are duly authored or endorsed by the accredited organisation making the submission, which is to be held responsible for its contents.

Rules of Debate Paragraph A

A. Right to Speak

1. The Chair shall call upon speakers in the order in which they signify their desire to speak, with the exception of accredited Observers, which should be allowed to speak only after all Commissioners desiring to speak do so. As a general rule, Observers will only be allowed to speak once at each Agenda item under discussion, and at the discretion of the Chair.

2. ADOPTION OF THE AGENDA

In previous years under this agenda item Norway, Japan and Iceland have referred to the terms of reference and stated their belief that Item 7.1, covering stockpiles of whale products and trade questions, is outside the scope of the Convention. Consequently, they have proposed that this item be deleted. The USA and New Zealand have not agreed with this view. Nevertheless, in previous years, it has been agreed that an exchange of views was nonetheless useful.

3. INFRACTIONS REPORTS FROM CONTRACTING GOVERNMENTS

In 2006 at IWC/58, the Sub-committee adopted a revised form for reporting infractions, including reporting details of any infractions committed in previous years that remain unresolved. This revised form was circulated to Contracting Governments by the Secretariat. While use of the form is not compulsory, Contracting Governments must fulfil their reporting obligations under Article IX.4 of the Convention.

3.1 Reports for 2014 and 2015

The infractions reports from Contracting Governments for 2014 and 2015 are summarised in IWC/66/INF04, Tables 1-2.

3.2 Follow-up on earlier reports

Information on the unresolved infractions from previous seasons are reported in IWC/66/INF04, Table 3.

4. SURVEILLANCE OF WHALING OPERATIONS

The Infractions Report submitted by the USA and the Russian Federation stated that 100% of their catches are under direct national inspection. Catches by Denmark (Greenland) are subject to a random check (1%) and in 2014 1% of the catch was inspected by an observer from NAMMCO. For Iceland 33.5% of the catch was under direct national inspection in 2014 and 15.2% in 2015.

5. CHECKLIST OF INFORMATION REQUIRED OR REQUESTED UNDER SECTION VI OF THE SCHEDULE

This Checklist was developed as an administrative aid to the Sub-committee in helping it to determine whether obligations under Section VI of the Schedule were being met. It is not compulsory for Contracting Governments to fill in the Checklist although, of course, they do have to fulfil their obligations under this Section of the Schedule.

The available information is summarised below:

Denmark: Information on date, species, length, sex, whether the whale is lactating and the length and sex of any foetus if present is collected for between 68-100% of the catch, depending on the item. The position of each whale killed is collected for 58-63% of the catch and the name of the area where whales are hunted is reported for the remainder. Information on killing methods and numbers of struck and lost animals are also collected.

USA: Information on date, time, species, position, length, sex, the length and sex of any foetus if present, killing method and number of struck and lost is collected for 80-100% of the catch. 39-83% of the adult females were checked for lactation. Biological samples are collected from at least 50% of animals.

Russian Federation: Information on date, time, species, position, length, sex, the length and sex of any foetus if present, whether the whale is lactating, the killing method and numbers struck and lost is collected for 100% of the catch.

Norway, Iceland and St. Vincent and the Grenadines: the required information has been submitted to the Secretariat as noted in the Scientific Committee reports (IWC/66/Rep 1 (2015) and (2016)).

6. SUBMISSION OF NATIONAL LAWS AND REGULATIONS

A summary of national legislation supplied to the Commission is given as IWC/66/INF03. No legislation has been submitted since the IWC/65 meeting.

7. OTHER MATTERS

7.1 Reports from Contracting Governments on availability, sources and trade in whale products

The Commission has adopted a number of Resolutions inviting Contracting Governments to report on the availability, sources and trade in whale products:

- 1994-7 on international trade in whale meat and products
- 1995-7 on improving mechanisms to prevent illegal trade in whale meat
- 1996-3 on improving mechanisms to restrict trade and prevent illegal trade in whale meat.
- 1997-2 on improved monitoring of whale product stockpiles.
- 1998-8 *inter alia* reaffirmed the need for Contracting Governments to observe fully the above Resolutions addressing trade questions, in particular with regard to the problem of illegal trade in whale products, and urged all governments to provide the information specified in previous resolutions.

This agenda item provides the opportunity for Contracting Governments to provide the information specified in these Resolutions.

7.2 Other

To date, no country has indicated that it wishes to raise anything under this item.

8. ADOPTION OF REPORT