

# Discussions on the Future of IWC



# Pre- Small Working Group

- Several non-IWC meetings related to IWC's future
- IWC59, Anchorage, 2007
  - Agreed need to address IWC's future
  - Agreed to meet intersessionally
  - Established Steering Group to plan meeting
    - Chile, Japan, New Zealand, Palau, USA
- Intersessional meeting, March 2008



# March 2008 Intersessional

- Focused on process and ways to improve conduct of negotiations
  - As a route to improving chances of success with substantive issues
- Involved outside experts with expertise in addressing other difficult international issues



# March 2008 Intersessional

- Discussions/recommendations in 7 broad areas:
  - Role/purpose/future of IWC & ‘ripeness’ to discuss
  - Improving practices and procedures
  - Improving the negotiation process
  - The role of science
  - Improving participation
  - The role of the media
  - Improving relationships with other IGOs



# IWC60, Chile, 2008

- Reviewed outcome of intersessional meeting
- Agreed follow-up in three areas:
  - Reformed working procedures
    - Strive for consensus – voting the last resort
    - Increased dialogue
    - Environment of mutual respect notwithstanding different views and perspectives of members
  - A new negotiation process
    - Identified 33 issues of importance for IWC's future
    - Established the Small Working Group (SWG)
  - Issues related to the Scientific Committee
    - Established the Intersessional Correspondence Group (ICG)



# SWG Terms of Reference...

## Objectives:

- To assist the Commission to arrive at a consensus solution to the main issues it faces.....
- Primary task: to make every effort to develop a package(s) for review by the Commission



# SWG Terms of Reference (cont.)

## Membership

- Representative (views, geography, economy)
- Consult with others of like minds
- Take account of known general views

## Chair

- One of the outside experts

## Mode of working

- Decides own *modus operandi* at first organisational meeting
- SWG closed to observers, but reports to membership
- Consultation with non-SWG members actively encouraged

## Reporting

- To intersessional Commission meeting
- Then 5 weeks prior to IWC61



# SWG membership & meetings

- Membership
  - Up to 33 countries involved  
(total membership is 85)
- Meetings
  - Florida, USA, Sept 2008
  - Cambridge, UK, Dec 2008
  - Rome, Italy, March 2009



# SWG: Florida & Cambridge

- Discussions based on understanding that ***'nothing is agreed until everything is agreed'***
  - allocated the 33 issues into 2 categories:
    - (a) Controversial issues to be addressed in the short-term
      - i.e. those items if not addressed in short-term may fail to alter the *status quo* or perhaps result in an irreparable break in the system via the withdrawal of governments from the Convention
    - (b) Non- or less-controversial issues
      - i.e. which if left unresolved would not prevent a package(s) being agreed concerning category (a) provided a mechanism exists or can be established to address them
        - primarily scientific and administrative
  - Initiated discussions on elements that could be included in a **core package(s)**



# Category (a) issues

- |   |   |
|---|---|
| <ol style="list-style-type: none"><li>1. Animal welfare</li><li>2. Bycatch &amp; infractions</li><li>3. Coastal whaling</li><li>4. Commercial whaling</li><li>5. Compliance &amp; monitoring</li><li>6. Convention (purpose)</li><li>7. Objections &amp; reservations</li></ol> | <ol style="list-style-type: none"><li>8. Scientific permits</li><li>9. RMP</li><li>10. RMS</li><li>11. Sanctuaries</li><li>12. Small cetaceans</li><li>13. Whalewatching/non-lethal use</li></ol> |
|---|---|

Succinct descriptions of issues arising under each were developed



# Category (b) issues

- |   |   |
|---|---|
| 1. <b>Advisory/standing committee</b>       | 11. <b>Ecosystem approach</b>             |
| 2. <b><i>Animal welfare</i></b>             | 12. <b>Environmental threats</b>          |
| 3. <b><i>Bycatch &amp; infractions</i></b>  | 13. <b>Ethics</b>                         |
| 4. <b>Climate change</b>                    | 14. <b>Financial contributions scheme</b> |
| 5. <b>Civil society</b>                     | 15. <b>Meeting frequency</b>              |
| 6. <b>Conservation Committee</b>            | 16. <b>MPAs</b>                           |
| 7. <b>Conservation Management Plans</b>     | 17. <b>Procedural issues</b>              |
| 8. <b>Co-op non-lethal research</b>         | 18. <b>Sanctions</b>                      |
| 9. <b>Data provision</b>                    | 19. <b>Science – role of</b>              |
| 10. <b>Developments in ocean governance</b> | 20. <b>Secretariat – implications</b>     |
|   | 21. <b>Socio-economic implications</b>    |
|   | 22. <b>Trade restrictions</b>             |

Provided an indication of how issues already being addressed or could be addressed



# Chairs' Suggestions

## What is at stake

- IWC at crossroads, beset by seemingly fundamental disagreements as to its nature and purpose
- IWC's future course needs to be defined by broad agreement
  - Failure to do so could compromise its continued relevancy and credibility as an effective conservation and management body at a time of growing need for enhanced international co-operation



# Chairs' Suggestions

- Despite important differences, there are commonly-held views:
  - Recognition of IWC as primary international body with responsibility for global conservation and management of whales
  - Strong belief in maintaining healthy whale populations and restoration of severely-reduced populations
  - Acknowledgement of Scientific Committee as world's foremost authority on cetacean biology, ecology and management science



# Developing a package(s)

- SWG agreed that packages for consideration must:
  - Provide for long-term sustainability of stocks
  - Provide for the recovery of depleted or endangered stocks
  - Be perceived as balanced by all parties
  - Provide procedures for reviewing and where necessary improving governance practices



# Chairs' Suggestions

- Done on own responsibility
- Based on SWG discussions & consultations
- Focused on Category (a) issues
- 'Snapshot' of work in progress
  - What might be an overall solution to core issues



# Chairs' Suggestions

## Two-stage approach:

- Short-term solutions to be agreed at IWC61 and lasting for a 5-year interim period (Stage 1)
- During interim period (Stage 2), development of long-term solutions on governance and functioning of IWC to be put in place at end of the interim period when the second stage begins



# Chairs' Suggestions

## Stage 1 issues:

- Japanese small-type coastal whaling
  - Research under special permit
  - Sanctuaries
  - Whalewatching/non-lethal use
- Chairs noted that finding a way forward for the first three issues had proven difficult and that agreement on them is inter-related.

[Concern has been expressed by some that too much focus is given in short-term to addressing specific whaling activities rather than the moratorium and general rules on the management of whaling; provisions for objections and reservations; and the purpose of the Convention.]



# Chairs' Suggestions

Stage 2 issues for action during interim period:

- Animal welfare
- Bycatch
- Commercial whaling moratorium
- Compliance and monitoring
- Convention (purpose of)
- Objections and reservations
- Small cetaceans



# Intersessional Commission Meeting, Rome, March 2009

- Reviewed Chair's Report on SWG
  - Chairs' Suggestions
  - Handling of Category (b) issues
- Reviewed ICG report on issues related to the Scientific Committee
  - to be discussed under item 4
- Gave directions to SWG for further work



# Some reactions to Chairs' Suggestions

- Improved atmosphere of debate welcomed
- General support for a staged/phased approach
- Need for stable solutions not quick fixes
- Some thought suggestions a reasonable basis for discussions – for others they did not reflect their positions
- A more general outlook on whaling preferred by some
- Clarity sought, particularly re Japanese small-type coastal whaling
- Whaling under special permit a key issue
- Importance of Category (b) issues and role of science stressed by some



# Category (b) issues

## **Those of a scientific nature:**

- SWG assigned many (b) issues to the SC
- SC Chair & Head of Science requested to report to Rome intersessional on progress made & future plans to address these issues, including a timeline where possible
- In Rome, recognised that many being addressed by the SC, some for some time.

## **Other Category (b) issues**

- Referred to the SWG



# Directions for further SWG work

- SWG asked to resume its work
- SWG authorised to request advice on issues, as required, from the Scientific Committee.
  - The SC requested to make provision for urgent consideration of any such request and to report to IWC61
- SWG to strive to complete a package(s) or proposals including, as appropriate, draft Schedule changes and other decisions where required as well as on guidance on Category (b) issues including how these can be advanced beyond IWC61.
- SWG to report to the Commission by 18 May including the report of the ICG



# Report of the Small Working Group on the Future of IWC

Document IWC/61/6



# Nature and contents of the report

- Report is from the SWG not its Chair
- It *inter alia*:
  - Identifies achievements thus far
  - And suggests a way ahead



# Achievements

- Categorisation and narrowing down of issues
- Agreement on the possible value of a two-stage approach
  - But given complexity and sensitivity of the issues involved it has not been possible to agree key specifics of the Chairs' Suggestions
  - The inter-relatedness of Japanese small type coastal whaling, special permit whaling and sanctuaries cannot be overemphasised
  - Hence the important principle of ***nothing is agreed until everything is agreed***



# Achievements (cont.)

- Although specifics of the core package are still pending, considerable work was done on other aspects of the SWG's mandate
- Agreements on 3 issues:
  - Proposed work plan on category (a) issues to be addressed in an interim period – Annex E
  - Guidance on category (b) issues and how to advance them – Annex F
  - Request to the Scientific Committee regarding Japanese small-type coastal whaling – Annex G
- Whalewatching considered an important element to be included in the package in an appropriate way
- Establishment & reporting of the ICG on SC issues



# Proposed work plan on category (a) issues to address in interim period (Annex E)

- For small cetaceans, bycatch, animal welfare
  - Procedures currently exist but provision needs to be made to continue work in appropriate manner
- Focus on: ‘moratorium’, compliance & monitoring, purpose of Convention, objections & reservations, RMP & RMS (but address outstanding issues related to small cetaceans, bycatch & animal welfare)
  - Deal with in a small representative group to propose package(s) to Commission no later than 1 year before end of interim period
  - Group can set-up *ad hoc* expert groups as necessary



# Guidance on furthering category (b) issues beyond IWC61 (Annex F)

- Noting that scientific category (b) issues are being dealt with to a significant extent by the SC, proposals focused on issues of a more financial/administrative nature
  - i.e. 17 issues
- Proposed establishment of a representative Group to deal with: Conservation Committee, data provision, developments in ocean governance, environmental threats and marine protected areas
  - The Group may set-up *ad hoc* expert groups to address specific aspects



# Guidance on furthering category (b) issues....

## Other recommendations included:

- Review ToR for Advisory Committee – put on F&A agenda at IWC61
- Review ToR for Working Group on Whale Killing Methods & Animal Welfare Issues
- Climate change – better communicate IWC's work
- Civil Society – establish a mechanism to again consider level of NGO participation
- Conservation Management Plans – translate scientific advice into appropriate mitigation measures
- Continue work to address financial contributions scheme
- Secretariat: discussions may have an impact on role and expertise but too premature to address



# Request to Scientific Committee (Annex G)

...for advice in relation to Japanese small-type coastal whaling

*Will be explained and addressed under agenda item 3.2.2*



# The Way Ahead

- SWG has fallen short of stated goal of agreeing on a package(s)
- But
  - Significant concrete results have emerged
  - Sense of urgency has developed
  - Greatly improved atmosphere & spirit of respectful dialogue achieved which must be maintained



# The Way Ahead.....

- Against this background and to maintain the momentum gained, the SWG recommended that the Commission should direct that the efforts underway should be continued for a further year and decisions taken at IWC62.

