

## Report of the Fifth Meeting of the Working Group on Inspection and Observation

Copenhagen, 5 - 7 November 1996

The Working Group met in the offices of the Greenland Home Rule Government, Copenhagen, 5 - 7 November 1996. The meeting was attended by Jústines Olsen and Karsten Hansen (Faroe Islands), Amalie Jessen and Henrik Nielsen (Greenland), Arnór Halldórsson and Kristján Loftsson (Iceland), and Egil Ole Øen (Chairman) and Rannveig Bøthun (both Norway). The Assistant Secretary was rapporteur.

### 1. Adoption of agenda

The Agenda as contained in Appendix 1 was adopted.

### 2. List of hunting regulations in member countries

It was decided that members should send any changes to the list of regulations on hunting of marine mammals in NAMMCO member countries to the Secretariat as soon as possible in order to update the list. The revised list as per 8 January 1997 is attached as Appendix 2.

### 3. Guidelines to the International Observation Scheme of the Joint NAMMCO Control Scheme for the Hunting of Marine Mammals

The Working Group approached the item by discussing hunting conditions in member countries in general and with a special view to sealing. The discussions showed that all member countries carry out opportunistic catch in some degree. In fact, the only hunting of marine mammals that is not carried out opportunistically, is the catch of fin and minke whales in and the Norwegian sealing in the West and the East Ice. In addition, a near coast opportunistic hunt of seals is carried out in all member countries.

The Group also discussed conditions, laid down by the national authorities, for the hunting of seals and it turned out, that authorities require the following by the hunters of seals, regarding permits for hunting and reporting:

	<i>Permit Required</i>	<i>Report Required</i>
<i>The Faroes</i>	No	No
<i>Greenland</i>	A general hunter's licence is required	Yes
<i>Iceland</i>	No	Yes
<i>Norway (coastal hunt)</i>	Yes	No

Regarding implementation of the *National Inspection Schemes for Coastal Whaling in NAMMCO Member Countries*, no member country had yet finalized the preparation of guidelines for the national inspectors. It was noted that it is a precondition for the final implementation of the Control Scheme as a whole that each member country prepares and implements the inspection part of the Scheme parallel to the implementation of the Observation Scheme. Work towards this goal has begun in member countries.

The Working Group noted that the following species of whales are, or have recently been, subject to hunting in the respective countries:

The Faroes: Pilot whales, bottlenose dolphin, Atlantic white-sided dolphin, white-beaked dolphin and harbour porpoise  
Greenland: Minke and fin whales, beluga, narwhal and harbour porpoise  
Iceland: Minke and fin whale  
Norway: Minke whale

Following this general discussion the Working Group discussed in depth the draft guidelines that had been presented by the Chairman, and a Danish version of the Guidelines was adopted. It was decided that those comments from the Group which refer specifically to the contents of the Guidelines should be incorporated to the Guideline notes, while comments referring to the background for the development of the Guidelines should be reflected in the forwarding letter to the Management Committee. The English version of the adopted Guidelines is attached as Appendix 3. As regards the employment contract for observers the Working Group stated that it should be made clear that any breach of confidentiality will result in immediate discharge.

It was noted that the costs of implementing the Observation Scheme should be taken into consideration by the Council in connection with the development of a NAMMCO budget for 1997 and onwards.

#### **4. Future of the Working Group**

The Working Group agreed that by forwarding the proposed Guidelines to the Management Committee, and finalizing the documentation associated with the implementation of the Observation Scheme, its work was then complete, and that, and that the Group should subsequently be abolished.

#### **5. Closing remarks**

In closing the meeting the Working Group thanked the Greenland Home Rule Government for its excellent hospitality.

*Fifth Meeting of  
The Working Group on Inspection and Observation  
Copenhagen, 5 - 7 November 1996*

**Agenda**

1. Adoption of agenda
2. List of hunting regulations in member countries (WG-IO/5/2)
3. Guidelines connected to the International Observation Scheme of the Joint NAMMCO Control Scheme for the Hunting of Marine Mammals (WG-IO/5/3)
  1. Questions of fundamental interest
  2. Information from the member countries on the work on implementation of the Inspection Scheme
  3. Review of the draft Guidelines
  4. Adoption of draft Guidelines for the Management Committee
4. Future of the Working Group
5. Closing remarks

## Liste over gældende regelsæt for fangst på havpattedyr i NAMMCO's medlemslande

### *Færøerne*

- Lagtingslov nr 57 af 5. juni 1984 om hvalfangst
- nr 54 af 20. maj 1996 om ændring i lagtingslov om hvalfangst
- Bekendtgørelse nr 55 frá 16. mai 1995 om grind
- nr 19 af 1. marts 1996 om undtagelser for fredning af hvaler

### *Grønland*

- Landstingslov nr 17 af 31. oktober 1996 om fangst og jagt
- Bekendtgørelse nr 42 af 18. december 1992 om rapportering ved fangst og anskudning af hvaler
- nr 18 af 22. juli 1993 om tilladelse til erhvervsmæssig fangst og jagt
- nr 19 af 22. juli 1993 om ikke-erhvervsmæssig fangst og jagt
- nr 19 af 11. maj 1994 om fangst af hvalros ved Grønland
- nr 20 af 11. maj 1994 om fangst af isbjørne i Grønland
- nr 9 af 6. april 1995 om fangst af store hvaler
- nr 30 af 11. oktober 1995 om fangst af hvid- og narhvaler
- nr 6 af 29. februar 1996 om ændring af bekendtgørelse nr 30 af 11. oktober 1995 om fangst af hvid- og narhvaler
- Fangstregistreringsskema (1993)

### *Island*

- Whaling Act No 26, May 3, 1949
- Regulation no. 163, May 30, 1973 on whaling
- Regulation no. 304, May 9, 1983 on amendments to Regulation No. 163 of May 30, 1973 on whaling
- Regulation no. 239, May 10, 1984 on amendments to Regulation no. 163 of May 30, 1973 on whaling, cf. Regulation no. 304/1983
- Agreement nr 9 af 26. juni 1991 (om spanske observatører)

### *Norge*

#### Melding fra Fiskeridirektøren

- J-39-93: Forskrift av 20. februar 1991 om utøvelse av selfangst i Vesterisen og Østisen med endring av 11. mars 1993
- J-47-96: Forskrift av 28. februar 1996 om regulering av fangst av sel i Vesterisen og Østisen i 1996 med endring av 1. april 1996
- J-48-96: Forskrift av 19. april 1996 om utøvelse av fangst av vågehval i 1996
- J-53-96: Forskrift av 22. mars 1996 om adgang til å delta i fangst av vågehval i 1996 med endring av 27. april 1996
- J-55-96: Forskrift av 4. mai 1996 om regulering av fangst av vågehval i 1996
- J-80-96: Forskrift av 8. mai 1996 om fartøykvote og siste utseilingsdato i fangst av vågehval i 1996 med endring av 7. juni 1996
- J-119-96: Forskrift av 29. juli 1996 om endring av forskrift om forlengelse av fastsatt fangstperiode i fangst av vågehval i 1996
- Instruks for inspektører under vågehvalfangsten (25. maj 1993)

**GUIDELINES TO SECTION B - INTERNATIONAL OBSERVATION SCHEME -  
OF THE JOINT NAMMCO CONTROL SCHEME  
FOR THE HUNTING OF MARINE MAMMALS (NAMMCO/6/MC/5)**

**AD B.2.6 - DUTIES AND TASKS OF THE OBSERVER**

1. According to article B.2.1 of the Joint NAMMCO Control Scheme, the observer is responsible for the observation of marine mammal hunting activities in NAMMCO member countries. The observer shall control whether these activities are carried out in accordance with decisions made by NAMMCO and relevant national regulations.

*Control objects*<sup>1</sup>

2. In connection with observation of whale hunting with harpoon guns in which the catch is taken to land and flensed/processed at a permanent installation, the observation shall, if it has not been carried out on board, take place at the flensing site. To the extent that such are required by regulation, the following shall, where possible, also be observed:
  - i) Hunting permit <sup>2</sup>
  - ii) Vessels' logbook
  - iii) Whaling logbook/report of catch (cf. Control Scheme, art. A.2.1 & art. A.3.1).  
The observer checks whether it has been kept correctly. In connection with controlling the number of whales on board in relation to the records of the logbook in off-coast whaling operations, where the products are stowed on ice or frozen on board, the observer shall only be concerned with those products which are kept separately according to the provisions set out in the Control Scheme, art. A.3.1, cf. art. A.2.5. The entire catch is controlled according to point 1.3 of these guidelines. <sup>3</sup>
  - iv) Hunting equipment and its use <sup>4</sup>
  - v) Hunting procedures
  - vi) Killing methods

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<sup>1</sup> Observation activities can be carried out in four areas: 1) observation of whaling carried out with the use of a harpoon gun or of flensing of whales taken with a harpoon gun; 2) observation of sealing or forms of whaling other than with harpoon guns, or the flensing of animals from such hunting; 3) observation of the landing/delivery of marine mammal catches; and 4) observation of national marine mammal inspection activities.

<sup>2</sup> The term "hunting permit" refers to the permit which in some countries is issued as proof of the vessel's authorization for hunting. The term also includes any licences and certificates of training required to hunt marine mammals.

<sup>3</sup> According to article A.2.5 of the Control Scheme, meat from individual whales shall be kept separate for at least six hours after the catch has been reported. When individual animals are no longer stored separately, observation is not relevant, as the number of whales caught can no longer be accurately determined. Control of catches chilled and stowed on board, will occur upon landing (as described in point 4 of these guidelines).

<sup>4</sup> The term "hunting equipment" covers all equipment that is directly connected to the hunting or the flensing process.

3. In connection with observation of hunting or flensing of whales and seals not covered by point 2 of these guidelines, the observer shall, to the extent that such are required by regulation, control the following<sup>5</sup> :
  - i) Hunting permit
  - ii) Whaling logbook/report of catch
  - iii) Hunting equipment and its use
  - iv) Hunting procedures
  - v) Killing methods
4. If the observation cannot be carried out during hunting or flensing, it may be done in connection with the delivery of catch, which is understood to be the physical and legal transfer to a third party. In this connection the items mentioned under 2 and 3 above, as well as documents necessary for the sale and production of the catch, can be controlled.<sup>6</sup>
5. In cases where a national inspector is also present during hunting activities, the observer shall report whether the national inspection is carried out in accordance with existing regulations.

#### *Reports*<sup>7</sup>

6. No later than one month after the end of the employment period the observer must submit a report on activities (cf. the Control Scheme art B.2.4). The report shall be sent to the NAMMCO Secretariat (hereafter called “the Secretariat”) on a NAMMCO observer report form (Appendix 1). The language of the report shall be either English or a Scandinavian language.
7. In case of infringements of regulations, the observer shall send a written report on the specified form (Appendix 2) as soon as possible to the Secretariat, with a copy to relevant authorities in the flag state and to the owner of the vessel (cf. the Control Scheme art. B.2.3). The report shall contain all relevant information regarding the nature of the infringement, including date, position at the time of violation, which regulations have been violated, and how the infringement occurred. The captain, the licence holder and the national inspector shall have the opportunity of making their own remarks to the report.
8. In cases where a national inspector is not present, and where an infringement involves the catch of a protected species/stock, the exceeding of a quota, hunting in restricted areas, hunting without a license where such is a requirement for hunting, or the use of unauthorized

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<sup>5</sup> This point refers to all other forms of marine mammal hunting besides whaling with harpoon guns, such as the hunting of pilot whales and other small whale species, and all forms of sealing, whether opportunistic near-coast hunting or Norwegian sealing in the West and East Ice.

<sup>6</sup> Observation should take place at one or more of the following stages: 1) On board the hunting vessel; 2) in connection with flensing, whether this takes place at a permanent flensing place or elsewhere; 3) in connection with delivery of the catch (both in physical and legal terms). Once the catch is delivered, the observer will be precluded from further control. By both physical and legal delivery of the catch is meant that observation can take place as long as it is practically possible, and even if, for example, the catch has been sold while still on a vessel. Once the catch is sold and delivered to the buyer, observation shall no longer take place.

<sup>7</sup> It is at all times the responsibility of the authorities in the observed country to assess and act on any reports of infringements. In cases where regulations are broken by accident and where the infringement is reported correctly and at once, there will in general be no basis for the observer to prepare a specific report on the occurrence, although reference should be made to it in the general observation report.

equipment, the observer shall at once inform the control authorities of the flag state through the Secretariat.

#### *General conduct of observers*

9. During the exercise of their duties, observers shall conduct themselves with appropriate tact and respect. Upon arrival at a vessel, a landing/receiving station or other place where observation duties are carried out, the observer shall always display his/her authorization and identification card to the person in charge.

#### *Confidentiality*

10. Observers shall ensure the confidentiality of their duties and shall not report on observations carried out under the NAMMCO Control Scheme to any other parties than the Secretariat or those institutions determined by the Secretariat (see also point 2 of these guidelines).

### **AD B.3.1 - APPOINTMENT OF OBSERVERS**

11. Member countries develop a list of candidates for the following year and send it to the Secretariat by 15 November. The list shall include information on the qualifications of the candidates. The Secretariat circulates a combined list of suggested candidates to member countries for approval. In the event that a member country wishes to make a reservation to any candidate, this must be done before 15 December.<sup>8</sup> The Secretariat then circulates the list of candidates approved by all member countries to the Management Committee for appointment.

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<sup>8</sup> It is understood that a reservation to the appointment of a particular candidate is a reservation to his/her appointment as a NAMMCO observer in any area of activity.

## **AD B.4.1 - COMPETENCE, TRAINING ETC. OF OBSERVERS**

12. The requirements for the professional and linguistic qualifications of the observers are set out in the Control Scheme, articles B.4.2 & B.4.3. If, due to special circumstances, a member country wishes to make use of the exemption clause under article B.4.2, priority shall nevertheless be given to the following qualifications: experience with similar inspection activities, hunting experience, with administration of hunting and to biological studies, with an emphasis on the killing of animals and/or management.<sup>9</sup>
13. In order to ensure that the persons appointed as observers are sufficiently informed about the relevant hunting regulations and the duties of national inspectors, observers shall participate in whatever annual training courses are compulsory for inspectors in the flag state. If such courses are not held, or if the observer is unable for other reasons to participate in such courses, the observer must receive other relevant training, developed in cooperation between the authorities of the flag state and the Secretariat.

## **AD B.5.2 - ADMINISTRATION OF INTERNATIONAL OBSERVATION SCHEME**

### *Plans for observation and activities*

14. By October each year the Secretariat develops a proposal for the Management Committee for the scope and range of observation activities during the following year in accordance with budgeted funds for these activities. The Management Committee shall approve this proposal and appoint the observers by 1 January. The Secretariat, in cooperation with control authorities in respective member countries, then develops a specific plan for observation activities. The plan shall, among other things, define the time frame for observation activities and shall specify the observation areas for each observer. The Secretariat may for practical reasons, and in cooperation with the authorities of the relevant member countries, make changes in the plan if necessary. The detailed plan of observation activities shall only be known to the control authorities in the relevant member countries and the Secretariat.

### *Appointment of observers*

15. Appointed observers will receive an employment contract from the Secretariat. When this is signed by both parties, the observer will receive a letter of appointment, and an authorization/identification card, as well as other relevant documentation necessary for his/her duties as observer, such as copies of the Provisions and Guidelines to the Control Scheme and the relevant reporting forms.

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<sup>9</sup> As the duties of national inspectors vary from member country to member country due to the differences in the activities which they control, it is expected that the exemption clause in Control Scheme art. B.4.2 will be applied to some extent. The notes to the Control Scheme outline which areas of competence are considered most important in relation to the application of art. B.4.2. To this has also been added biological studies, with an emphasis on the killing of animals and/or management.