

**NAMMCO**



**COMMITTEE ON INSPECTION AND OBSERVATION  
REPORT**

**28 NOVEMBER 2018**

@ North Atlantic Marine Mammal Commission

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The Committee on Inspection and Observation (CIO) met 28 November 2018. Present were: Ulla Svarrer Wang, Chair (Faroe Islands), Nette Levermann (Greenland), Hild Ynnesdal (Norway) and Geneviève Desportes and Charlotte Winsnes from the Secretariat. Excuses were received from Guðni Magnús Eiríksson (Iceland).

### **Actions arising from the meeting**

#### **Secretariat**

- Update document 02: “Review of the Observation Scheme” including appendices according to discussion
- Incorporate footnotes in the text of the guidelines and update paragraph 11-15 in accordance with discussion of part B and the present appointment procedure
- B.4.3- B.4.4 regarding safety issues: check how this is dealt with in other relevant organisations
- Circulate control lists for observers to member countries for their review and input
- Circulate the information page on the Observation scheme to members
- Develop an overview of hunting activities including quota, number of hunting boats when relevant, total catch etc for the NAMMCO web CIO site. Generally the Secretariat should develop a revised National Progress Reporting template that covers all data requirements from all committees to be submitted once every year.

#### **All members**

- To continue with the internal process to review the Observation Scheme in each country
- To examine in detail the revised review document with recommendations as this will be presented to Council in response to the request
- Review and update control list for observers
- B.2.3 regarding reporting of violations: check internally with respect to reporting of violations nationally to make sure that there are no contradictions.
- B.4.3- B.4.4 regarding safety issues: check how this is dealt with in other national/international fora
- To identify participants from national control agencies and other relevant experts to a skype meeting early January to get input to the discussion on purpose and objectives and criteria

## **1. OPENING PROCEDURE**

The Chair, Ulla S Wang, welcomed the Committee members to the meeting. The draft agenda was adopted, and the list of documents reviewed – appendix 1.

## **2. REVIEW OF THE OBSERVATION SCHEME AND ITS IMPLEMENTATION**

Document [NAMMCO/CIO-2018-02/02](#) contained the working document based on the internal review of the NAMMCO Observation Scheme undertaken by the Secretariat and revised by the CIO at its last meeting in February 2018. The document had since then been revised with comments submitted by FO, IS and NO.

CIO organised the discussion around the working document and the Provisions of the Joint NAMMCO Control Scheme for the Hunting of Marine Mammals, 1997 (Annex 1 to the working document).

### **Discussions of the text of the Provisions (appendix 1)**

CIO discussed the purpose of the Scheme and noted that a significant element was to define whether the function of the Scheme was one of control versus observing. The text of the provisions as it presently stands is not stringent as it uses both words. Other observation schemes/programmes normally distinguish clearly between observing and control. It was further noted that underlining that this is observation and not control may strengthen the relationship between the observer and the hunters by increasing the element of trust between these actors.

CIO agreed that the purpose of the scheme was to observe and not control. Furthermore, CIO emphasised that the observer focus was national regulations and CIO/NAMMCO focus were adherence to NAMMCO recommendations. The latter would be assessed by reviewing how and if recommendations are followed up in national regulations.

CIO reviewed the text of the Provisions – Section B including the Guidelines to Section B based on these views. In the following the major changes are given in red and marked. All proposed changes are depicted in appendix 2.

The CIO had a long discussion on the purpose of the Scheme. It agreed that it was NAMMCO/CIO that should oversee whether recommendations provided by NAMMCO are followed by the Parties by being implemented in national legislations. The observers are not familiar with the advice provided by NAMMCO but are informed of the national legislations. Observers shall therefore oversee whether the national legislations related to hunting activities and inspection of those are followed by the hunters, and if applicable by the national control system.

#### **B.1 Objective *Introduction***

*The purpose of establishing an international observation scheme among NAMMCO member countries is to provide a mechanism for NAMMCO to **oversee** ~~monitor~~ whether **recommendations** ~~decisions~~ made by NAMMCO ~~Commission~~ **are implemented and adhered to** ~~respected~~. For this purpose, NAMMCO appoints observers who **observe** ~~oversee~~ hunting and inspection activities in NAMMCO member countries.*

CIO agreed that the objective of the observation scheme was to oversee if recommendations made by NAMMCO are implemented in national regulations and thus are being followed by member countries. The word decision is misleading and should be replaced with recommendations.

CIO also agreed to change the heading to Objectives and replace monitor with oversee and oversee with observe.

#### **B.2 *Duties and competence of observers***

**B.2.1** *Observers are responsible for **observing** ~~overseeing~~ hunting and **national inspection** activities and for observing whether or not these are carried out in accordance with ~~decisions made through NAMMCO and~~ national regulations. Observers have no*

*authority of jurisdiction, and consequently cannot intervene in the hunting and inspection, or other activities connected with the hunting.*

The role of the observer is to see if national regulations are followed. Control is a national responsibility and should not be part of the observation mission. The present text mixes both the objective of the Scheme and the role of the observer.

*B.2.3 The observer shall report any violation of the regulations in a given area, and as soon as possible, send a report of such to the Secretariat, with a copy to the authorities in the country in question, as well as to the owners of the vessel. The captain, those in possession of the licence, and, if present, the inspector, shall be given the opportunity in a special paragraph of the report, to record their comments.*

Noting that the observer cannot interfere in the operations and is not tasked with control functions like inspectors typically will have, it was argued that it would be more correct that any violation would be part of the general reporting submitted by the observer after their mission is completed. The national authorities will then react as they see fit. It was agreed that before taking a final decision parties would check internally with respect to reporting of violations nationally to make sure that there are no contradictions.

*B.3.1 The Council appoints observers for one year at a time. Appointments are made through a procedure that ensures member countries the opportunity both to nominate candidates as well as to oppose the appointment of candidates. The appointment procedure is described in Appendix 2 - Guidelines to Section B.*

*NAMMCO can invite non-member countries to nominate candidates.*

CIO noted that the procedure as described in the guidelines should be reviewed to reflect the existence of a pool of observers. Furthermore, the rationale for the opening up for non-member countries to nominate candidates was questioned.

*B.3.2 An observer shall only in exceptional circumstances be appointed to observe in the country - or on a vessel registered in the country - of which he or she is resident.*

CIO agreed that the provisions should allow for national observers, and not make this an exception as is presently the case. It was discussed without concluding whether the guidelines should qualify this by saying that national observers should not have connections to the control authorities. One clear advantage of having national observers would be to reduce the challenge the different languages represents for the implementation of the Scheme today.

*B.4.1 The Council has compiled guidelines for requirements for the competence, training, etc., of observers. These guidelines are found in Appendix 2*

Generally, it was agreed that the guidelines should focus more on the training of observer candidates to make them more well equipped to carry out their mission.

*B.4.2 ~~As a general rule~~ Observers must have at least the same level of professional competence as that required of inspectors in the country where the observations are to take place. In special circumstances, exemption from this requirement can be given.*

CIO questioned which body can give exemption from the requirement today.

B.5.1 *The Council approves identifies annually priorities for the scope of observation activities for the coming year, within the budget adopted by the Council. The Secretariat is responsible for the practical administration and co-ordination of these activities.*

**B.6 Integrity Responsibility of member countries**

CIO streamlined the text without changing the intention of the text.

B.7.2 *The Secretariat prepares an annual report of the observation activities scheme, in which the implementation of the scheme is described, for the review of the Committee on Inspection and Observation and Council. ~~The document shall include reports of any violations, as well as other relevant comments.~~*

B.7.3 *The Secretariat shall send a copy of the observer reports are presented to the Committee on Inspection and Observation. ~~to the authorities in the country in which the observations have taken place.~~*

The proposed changes are in alignment with the RoP for CIO, paragraph I.2 that states: “The Committee shall function as a standing review body to monitor the implementation of the Observation Scheme under the Joint NAMMCO Control Scheme for the hunting of marine mammals and provide recommendations for improvements.”

CIO also reviewed the guidelines paragraph 1 – 10 in accordance with the changes noted above. It was noted that paragraphs 2 and 3 should be deleted and replaced by new revised and updated control lists that the observers will be given as part of their mission.

CIO agreed that the control lists should be developed so that they can represent a major tool for the observers that clearly inform them what should be observed and at the same time providing a tool to document what has in effect been observed. Today observer reporting varies greatly, and the Scheme will be improved by focusing on how reporting is done. The Secretariat will send the control lists to members for their input.

The Secretariat was tasked with revising paragraphs 11 – 15 dealing with appointment procedure, competence and training and administration of the Scheme. Notably scope and range and appointment of observers should be approved during the previous autumn to be in force the following year. In Greenland hunting starts 1 of January. CIO also asked that footnotes not be used.

CIO discussed safety for observers. This is of paramount importance and members agreed to seek guidance internally regarding how safety issues were dealt with in other relevant fora. The Secretariat will check with other international organisations.

CIO agreed to change the title of the provisions to: Provisions of the NAMMCO inspection and observation Scheme for the hunting of marine mammals in member countries. The word joint was deleted and “control” was replaced by “inspection and observation”.

**Discussion of the working document related to the implementation of the Scheme (appendix 3)**

CIO agreed to use the working document: review of the NAMMCO Observation Scheme as the basis for its review of the implementation of the Scheme including their recommendations.

CIO discussed how to assess the success of the Scheme and what kind of criteria to use to accomplish such an exercise. The review document argues that the purpose of the Scheme is to detect infractions and that an objective could be to estimate an infraction rate for the different hunts. No conclusion was reached, some held the view that the purpose of the Scheme is not to detect infractions as such, as it is a task for national authorities to monitor and enforce compliance with the relevant provisions and legislation. Observation reports, including potential infringement reports/observations, should be addressed to national authorities in a general form. This information should then be used by national authorities to improve the national monitoring and inspection of relevant provisions and legislation for the hunts. This will also provide the opportunity to see whether NAMMCO recommendations on hunting are implemented and followed up by member countries. It was agreed that in order to have a more informed discussion it would be important to consult with national control bodies for fisheries and to look more closely on relevant schemes/programmes in other international organisations. Input on purpose, objectives and criteria, reporting and reporting templates, data requirement to allow assessment etc were elements mentioned. CIO proposed a skype meeting early in January with representatives from national control agencies and other relevant experts towards this aim.

CIO reviewed the document and its recommendations. Generally, with the aim of being more user friendly the document describes in words how the various elements like FOR-COR etc are calculated. However, members wanted the specific formulas depicted in the document and not just the percentage.

Observers have been in Greenland several times and the lack of information on Greenland was questioned. Levermann agreed to review the Greenlandic data base and supplement the data that were missing. All changes to the background information in the working document are reflected in appendix 2 to the working document. With respect to recommendations only the agreed once are reflected in the document.

Several issues remained unsolved and time did not permit a thorough review of the document. This will be the main delivery to Council in response to the request to review and give recommendations on the implementation of the Observation Scheme and CIO agreed to examine the revised version of background information and recommendations in detail before the next face to face meeting.

**Other issues discussed under this agenda item were:**

- Insurance for observers – rule is that the observer arranges this and get reimbursed
- Reinstall ID card for observers – now they have a letter and no card
- Section A and Appendix 1 – national inspection proposal to review this in future
- Review the general information sheet
- The Secretariat to develop an overview for the web related to CIO site of hunting activities including quota, number of hunting boats when relevant, total catch etc

### **3. UPDATE ON NATIONAL MONITORING DATA**

#### **Faroe Islands**

Faroe Island's Executive Order No. 9 from 26 January 2017 states that the Sheriff (Sysselmannen) is responsible for controlling, monitoring and reporting from the drives.

#### **Greenland**

The wildlife officers follow and control the hunts for large whales, beluga and narwhal, seal and walrus. Controls have been carried out randomly at sea. On land the control consists of checking hunting permits and products when coming to the harbour and later when the hunter is selling the products. TTD data was collected by the hunters for the large whales, narwhal and beluga as part of the mandatory national reporting requirements.

#### **Norway**

The Electronic Trip Recorder (Blue Box) monitors the whale hunt. Inspectors from the Directorate of Fisheries also conduct periodic and random checks of hunting activities, but no inspectors were placed on whaling vessels in 2018. No infringements reported in 2018.

Sealing activities are 100 % controlled and monitored as it is mandatory to have inspectors on all vessels. Inspectors are experienced veterinarians and they also carry out quality control of the meat on behalf of the Food Security Authorities. No infringements reported

#### **Iceland**

The Icelandic member was not present, so no information was received from Iceland under this agenda item.

CIO noted the updates.

### **4. OBSERVATION SEASONS 2018 AND 2019**

At the last Council meeting it was decided to postpone observation activities in 2018 due to the ongoing review process of the Scheme, and to resume them in 2019 or 2020 depending on the outcome of the review. In September 2018 it was decided to await the recommendations from the CIO to Council in April 2019 before making any proposal for the 2019 observation season.

### **5. ELECTION OF OFFICERS**

The member countries have agreed to a rotation plan for the various committees in NAMMCO. This is to ensure balanced representation between the members. This means that the committees cannot freely choose among its members anymore as the country filiation will be fixed by the rotation plan.

The Faroes Islands has chaired the Committee since the annual meeting in 2015. After the next Council meeting in April 2019 Iceland will take over the chairmanship.

**6. NEXT MEETING**

The next meeting will be held in Copenhagen 5 or 7 February 2019. The final date to be coordinated with the meetings of CHM and BYCELS.

**7. ANY OTHER BUSINESS**

It was noted that Parties should strive to follow up on decisions taken between meetings in order not to prolong future meetings unnecessary.

**8. REPORT OF THE MEETING**

The report was approved by correspondence on 22 January 2019.

**Agenda**

1. Opening procedure  
- Adoption of agenda and review of documents
2. Review of the Observation Scheme and its implementation
3. Update on national monitoring data
4. Observation seasons 2018 and 2019
5. Election of officers
6. Next meeting
7. Any other business

**List of Documents**

NAMMCO/CIO-2018-02-01 Annotated agenda

NAMMCO/CIO-2018-02/02 Review of the Observation Scheme with appendices in pdf

NAMMCO/CIO-2018-02/03 Overview of national inspections – excel file