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Provisions of the Joint NAMMCO Control Scheme for the hunting of marine mammals

NAMMCO



**PROVISIONS OF THE
JOINT NAMMCO CONTROL SCHEME
FOR THE
HUNTING OF MARINE MAMMALS**

Sections A and B adopted by Council in 1996
Guidelines to Section B adopted in 1997
Amended in 2006
All text revised in 2009

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PROVISIONS FOR THE JOINT NAMMCO CONTROL SCHEME FOR THE HUNTING OF MARINE MAMMALS

The Scheme contains the following sections:

Section A Common elements for national inspection schemes for coastal whaling in NAMMCO member countries; this part of the scheme concerns hunting of whales from vessels with a harpoon gun on board, and

Section B An international observation scheme with the participation of NAMMCO member countries; this part of the scheme relates, in principle, to all hunting of marine mammals.

Appendix 1 Items for inclusion in whaling logbooks

Appendix 2 Guidelines to Section B – International Observation Scheme

Section B is administered by the NAMMCO Secretariat hereafter called the Secretariat.

SECTION A

COMMON ELEMENTS FOR NATIONAL INSPECTION SCHEMES FOR COASTAL WHALING IN NAMMCO MEMBER COUNTRIES

A.1 Introduction

The national inspection schemes include national inspectors who either

- i) remain permanently on board whaling vessels or at landing/receiving places during the hunting season, or
- ii) carry out random control of hunting vessels and landing/receiving places,

or a combination of i) and ii).

The aim of these regulations is to establish a standard of common elements, which shall be a minimum requirement in the random control, included in national inspection schemes. In addition to these elements, the individual member countries may include new elements as considered appropriate in relation to national laws and regulations for their specific whaling activities.

The national authorities decide the extent of inspection within their own jurisdiction.

A.2 Near-coast whaling operations

A.2.0 In these provisions, near-coast whaling operations is defined as whaling from vessels which bring their catch fresh to land.

A.2.1 The relevant authorities in each NAMMCO member country (hereafter called "the national authorities") design and publish a whaling logbook. The captain on board vessels equipped to carry out whaling must keep the logbook continually updated during the hunting season. A minimum requirement for the whaling logbook is that it includes the information listed in Appendix 1- *Items for inclusion in whaling logbooks*.

A.2.2 In addition to the logbook the national authorities may develop and implement regulations for the electronic monitoring of information to enable the controlling authorities to ascertain the vessel's position and activities etc.

The electronic monitoring system shall as a minimum sample the following types of data:

- i) *Vessel activity* - by continuous logging of time, position and speed of vessel
- ii) *Catching activity* - by continuous logging of data on the use of the harpoon gun, hauling of whales etc

A.2.3 The national authorities implement an arrangement whereby national inspectors carry out random checks on whaling vessels and at landing/receiving places. The national authorities compile a set of provisions for this arrangement, which specify requirements for the inspectors' qualifications and competence, duties, rights, etc.

A.2.4 One of the duties of the inspectors, as required by the national authorities, (cf. item A.2.3), shall be to examine the whaling logbook in order to check whether it has been filled in correctly, and in general to control that national regulations have been followed. If an electronic monitoring system is mandatory, the inspector shall check the system certificates, that the seals of amplifiers and control boxes are not broken and that the system is activated. Sealed components shall not be broken by the inspector.

Inspectors shall

- i) draw attention to violations of regulations on board whaling vessels or at landing/receiving places, and in these instances demand changes according to the regulations in effect;
- ii) collect samples and record data in accordance with national and international requirements;
- iii) report to their national authorities, and
- iv) have access to the logbooks of the vessel, check the electronic monitoring system (see A.2.4) and have the right to communicate with the national authorities through the communication equipment of the vessel.

The national authorities develop a reporting form for use by the inspectors.

A.2.5 The national authorities develop and implement regulations for storage of the catch on board a vessel. Meat, blubber and "mattak" (hide, including a thin layer of blubber) from individual animals caught must be stored on board separately from other catches. Separation of these parts shall occur within a minimum of six hours after the catch report is made.

A.3 Off-coast whaling operations

A.3.0 In these provisions, off-coast whaling operations is defined as whaling where the whale is flensed on board vessels which are equipped to handle and store meat and blubber either frozen or chilled with ice, or preserved by other means, in connection with transport/storage.

A.3.1 The requirements referred to under A.2.1 and A.2.3 - A.2.5 also apply to off-coast whaling operations.

A.3.2 The national authorities may develop and implement regulations for the electronic transmission of information to enable the controlling authorities to ascertain the vessels position etc.

The regulations shall require the following types of reports:

- i) *Report of commencement of activity* - report on time and place when leaving port or when weighing anchor
- ii) *Report of position* - regular daily report on position.
- iii) *Report of catch* - report on the time and position of the catch, and subsequent treatment of catch (i.e. flensing).
- iv) *Report of termination of activity* - report on time and place when arriving at port or when anchoring

SECTION B

INTERNATIONAL OBSERVATION SCHEME

B.1 Introduction

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

B.2 Duties and competence

B.2.1 Observers are responsible for overseeing hunting 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, or other activities connected with the hunting.

Observations can take place on board a vessel, or on shore, in connection with flensing, storage and landing/delivering of the catch.

B.2.2 The observer shall be allowed to check licences and relevant certificates, logbooks/whaling logbooks, all rooms on board or on land, hunting equipment, and communication equipment, etc., which are relevant for his/her work. If an electronic monitoring system is mandatory, the observer shall check the system certificates, that the seals of amplifiers and control boxes are not broken and that the system is activated. Sealed components shall not be broken by 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.

B.2.4 The observer is required to prepare a report of the observations made, and send it to the Secretariat.

B.2.5 The observer shall carry out his/her duties on the basis of the guidelines adopted by the Council (see Appendix 2 - Guidelines to Section B).

B.2.6 The observers are responsible to NAMMCO, and can neither seek nor receive instructions from any other person or authority.

B.3 Appointment of observers

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.

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.

B.4 Qualifications and safety issues

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

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.

B.4.3 For safety reasons, the language competency of observers must be taken into consideration. An observer on board a hunting vessel must be able to communicate spontaneously with the crew. For communication on land, a translator may be used.

B.4.4 When out at sea, the observer must ensure that he or she acquires the necessary information and knowledge related to safety issues and how to behave in an emergency situation. As a minimum the observer must know where to find survival suits and be familiar with how the suits work, where to evacuate, emergency exits, life boats etc.

B.5 Scope of activities

B.5.1 The Council 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

B.6.1 The authorities in the country where observations take place shall take appropriate measures to ensure the safety, freedom and dignity of the observer, and shall, in addition, be of assistance in both word and deed, so that the duties of the observer can be carried out properly and efficiently.

B.6.2 Neither the owner or the captain of a vessel, nor the owner or the manager of a landing/receiving place that is to be observed, can oppose observation by a person appointed by NAMMCO according to guidelines referred to in B.3.1.

B.7 Administration and Costs

B.7.1 The International Observation Scheme is administered by the Secretariat, in accordance with guidelines set down by the Council (Appendix 2).

B.7.2 The Secretariat prepares an annual report of the observation scheme, in which the implementation of the scheme is described, for the review of the 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 report to the authorities in the country in which the observations have taken place.
- B.7.4 Costs in connection with the activities of NAMMCO observers are covered by the NAMMCO budget in cases where different arrangements have not been agreed by NAMMCO and the country which sends the observer. The Council may give guidelines for such arrangements.

ITEMS FOR INCLUSION IN WHALING LOGBOOKS

I Vessel, whaling equipment and formalities

- 1 Registration number of the vessel
- 2 Call sign.
- 3 Name of captain/licence holder
- 4 Name(s) of gunner(s)
- 5 Number of licence
- 6 Calibre of harpoon gun
- 7 Type of grenade used
- 8 Calibre of rifle
- 9 Number of grenades and propellant charges (and their serial numbers) on board at end of last whaling trip
- 10 Number of grenades and propellant charges (and their serial numbers) taken on board in connection with present whaling trip
- 11 Number of grenades and propellant charges (and their serial numbers) on board at end of present whaling trip

II Activities

- 1 Port of departure
- 2 Date and time of departure from port or weighing anchor
- 3 Port of landing or position of anchoring
- 4 Time catch landed
- 5 Location catch landed

III The hunt

- 1 Species hunted
- 2 No. of whales caught in the season
- 3 Time first harpoon fired
- 4 Number of harpoons fired
- 5 Number of hits
- 6 Time of catch
- 7 Position of catch
- 8 Sex
- 9 Caught / lost
- 10 Location of flensing (flensing site)

In addition the following items may be included:

Research data

- 1 Length
- 2 Sex
- 3 Foetus
- 4 Time search started
- 5 Time of first sighting of whale (species to be reported)
- 6 Position of sighting
- 7 Number of whales and groups of whales sighted (species to be reported)
- 8 Samples taken

IV Other

- 1 Comments
- 2 Date and signature (captain)

GUIDELINES TO SECTION B

**INTERNATIONAL OBSERVATION SCHEME -
OF THE JOINT NAMMCO CONTROL SCHEME FOR THE HUNTING
OF MARINE MAMMALS**

AD B.2.5 - 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 /

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 permit²
 - 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 4 of these guidelines.³
 - iv) Electronic monitoring system where such equipment is mandatory⁴
 - v) Hunting equipment and its use⁵

1 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.

2 The term hunting permit refers to the permit which in some countries is issued as proof of the vessels authorisation for hunting. The term also includes any licences and certificates of training required to hunt marine mammals.

3 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).

4 The observer shall check that the system is certified, correctly sealed and activated. Sealed components shall not be broken by the observer or unauthorized personnel. The control consists of checking system certificates and checking the seals of components like amplifiers and control boxes.

5 The term hunting equipment covers all equipment that is directly connected to the hunting or the flensing process.

- vi) Hunting procedures
 - vii) Killing methods
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 following⁶:
 - 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.⁷
 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.

Reports⁸

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

⁶ 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.

⁷ 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.

⁸ 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.

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 authorisation 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 6-8 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 December⁹. The Secretariat then circulates the list of candidates approved by all member countries to the Council for appointment.

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

12. The requirements for the professional, linguistic and safety at sea qualifications of the observers are set out in the Control Scheme, articles B.4.2, B.4.3 and B.4.4. 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 biological studies, with an emphasis on the killing of animals and/or management.¹⁰
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 co-operation 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 Council for the scope and range of observation activities during the following year in accordance with budgeted funds for these activities. The Council shall approve this proposal and appoint the observers by 1 January. The Secretariat, in co-operation 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 co-operation with the authorities of the relevant member countries, make changes in the plan if

⁹ 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.

¹⁰ 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.

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. When a detailed plan of observation activities for the year is finalized, those observers who will be called upon for active observation will receive an employment contract from the Secretariat. When both parties sign this, the observer will receive an identification card, as well as other relevant documentation necessary for his/her duties. The observer shall return his/her identification card to the Secretariat together with the final report of activities, and shall then receive a letter from the Secretariat confirming his/her completion of duties according to the Scheme.