

PROVISIONAL ANNOTATED AGENDA
68th Meeting of the International Whaling Commission

Monday 17 October - Friday 21 October 2022
Grand Hotel Bernardin, Portorož, Slovenia

1. WELCOME AND INTRODUCTION

- 1.1. Welcome Address
- 1.2. Opening Statements
- 1.3. Meeting Arrangements
 - 1.3.1 Commission discussion on Voting Rights raised at VSM 2021 and action arising
- 1.4. Secretary's Report on Credentials and Voting Rights
- 1.5. Meeting Provisions
- 1.6. Review of Documents

2. ADOPTION OF THE AGENDA

3. SCIENTIFIC COMMITTEE (SC) PRESENTATION

- 3.1. Presentation of Main Recommendations
- 3.2. Presentation of Future Work Plan

4. CONSERVATION COMMITTEE (CC) PRESENTATION

- 4.1. Presentation of Main Recommendations
- 4.2. Presentation of Future Work Plan

5. WORKING GROUP ON OPERATIONAL EFFECTIVENESS (WG-OE)

- 5.1. Report of WG-OE and draft proposals
- 5.2. Discussion of draft proposals and actions arising
- 5.3. Any other matters

6. FINANCE AND ADMINISTRATION (F&A)

- 6.1. Report of the Finance and Administration Committee
- 6.2. Biennial budget
- 6.3. Discussion
- 6.4. Adoption
- 6.5. Any other matters

7. PROPOSALS TO AMEND THE SCHEDULE

- 7.1 Proposal of a Schedule Amendment to Create a South Atlantic Whale Sanctuary

8. PROPOSED RESOLUTIONS

- 8.1. Resolution on Marine Plastic Pollution
- 8.2. Resolution on Food Security
- 8.3. Resolution on the Implementation of a Conservation and Management Program for Whale Stocks aimed towards the lifting of the moratorium and the orderly development of the whaling industry

9. ABORIGINAL SUBSISTENCE WHALING (ASW SUB-CTTEE)

- 9.1. Report of the Aboriginal Subsistence Whaling Sub-Committee (ASW Sub-Cttee)
- 9.2. Discussion of the ASW Sub-Cttee report
- 9.3. Adoption of the ASW Sub-Cttee report
- 9.4. Any other matters

10. WHALE KILLING METHODS AND WELFARE ISSUES (WKM&WI)

- 10.1. Report of the Working Group on Whale Killing Methods and Welfare Issues (WKM&WI WG)
- 10.2. Discussion of the WKM&WI WG report
- 10.3. Adoption of the WKM&WI WG report
- 10.4. Any other matters

11. MANAGEMENT ISSUES AND INFRACTIONS SUB COMMITTEE (INF SUB-CTTEE)

- 11.1. Report of the Infractions Sub-committee
- 11.2. Discussion of the INF Sub-Cttee report
- 11.3. Adoption of the INF Sub-Cttee report
- 11.4. Catches by non-member nations
- 11.5. Any other matters

12. CONSERVATION COMMITTEE (CC)

- 12.1. Reports of the Conservation Committee in 2020 and 2022 (CC68A, CC68B)
- 12.2. Discussion of the CC reports
- 12.3. Adoption of the CC reports and Work Plan
- 12.4. Any other matters

13. SCIENTIFIC COMMITTEE (SC)

- 13.1. Reports of the Scientific Committee 2019, 2020, 2021, 2022 (SC68A, SC68B, SC68C, SC68D)
- 13.2. Discussion of the SC reports
- 13.3. Adoption of the SC reports and Work Plan
- 13.4. Any other matters

14. CO-OPERATION WITH OTHER ORGANISATIONS

15. ELECTION OF OFFICERS

- 15.1. Election of Chair
- 15.2. Election of Vice-Chair

16. BUREAU MEMBERSHIP

17. FUTURE IWC MEETINGS

- 17.1. Confirmed Events
- 17.2. Call for hosts

18. OTHER MATTERS

19. ADOPTION OF SUMMARY OF MAIN OUTCOMES, DECISIONS AND REQUIRED ACTIONS ARISING FROM THE 68th MEETING

ANNOTATIONS TO THE AGENDA

1.1 Welcome Address

The 68th Meeting will open formally at 10:00 am on Monday 17 October 2022. Opening remarks will be provided by Slovenian hosts, Ministers and the IWC's Executive Secretary.

1.2 Opening Statements

The Commission's practice is to accept opening statements from Commissioners and Observers in writing only. However, as usual, the Chair will invite any new Contracting Governments to make a short opening statement during this part of the Plenary session. In line with the last IWC meeting, short statements will be allowed for Ministers present. Written opening statements from Contracting Governments and observer organisations should be submitted to the Secretariat by 6 pm on the first day of Plenary. The documents will be available for download via the document link from the IWC68 webpage [<https://iwc.int/iwc68>].

1.3 Meeting arrangements

At the Virtual Special Meeting (VSM) of the Commission in September 2021, the Commissioners discussed at length the issue of suspension of voting rights of countries who are in arrears. The following text was agreed:

The Commission acknowledges the fiscal challenges of the pandemic on Contracting Governments, especially developing countries. The Commission instructs the co-Chairs of the WG-OE to develop options for a possible change to our existing Rules of Procedure on the link between financial status and voting rights. We request that a document is developed that considers alternative rules for voting rights in emergency situations, one being the COVID-19 pandemic, in relation to payment of contributions used by other multilateral agreements. The document will be considered as a first order of business at IWC68 to ensure it has been considered before any other issues arise that may require a vote. The Commission agrees not to hold any votes until this matter is brought for resolution before the Commission, at or before IWC68.

Therefore, this agenda item will follow up on the commitment to address voting rights prior to any decision at IWC68.

The Working Group on Operational Effectiveness (WG-OE) paper presents three options with regards to voting rights for this meeting and for the longer term. The options presented in this paper will be discussed under this agenda item and the Commission is asked to reach a decision.

1.4 Secretary's Report on Credentials and Voting Rights

The Executive Secretary will report on the status of Credentials as requested under Rule of Procedure D.1.(d). The Secretary will also report on any current suspensions of voting rights under Rule of Procedure E.2.(a) and (b).

Note that the suspension of voting rights may be modified depending upon the decisions under Item 1.3.

1.5 Meeting Provisions

Delegates will be informed by the Chair, the Secretariat, and the local hosts of any practicalities or other meeting arrangements for the week of the Plenary meeting.

1.6 Review of Documents

The list of documents will be available via the document link from the IWC68 webpage [<https://iwc.int/iwc68>].

2. ADOPTION OF THE AGENDA

The draft agenda was prepared by the Chair with support of the Secretariat and under guidance from the Bureau. It was circulated to Commissioners and Contracting Governments on 8 July 2022 (100 days prior to the opening of the meeting) with a request for comments and additions. The agenda was modified to reflect three proposed Resolutions and one proposed Schedule Amendment that were submitted prior to the 60-day deadline.

This agenda item will also provide an opportunity for the Chair to advise on the time schedule for the meeting.

3. SCIENTIFIC COMMITTEE PRESENTATION

This agenda item will allow the Chairs of the Scientific Committee (SC) to provide a summary of the Committee's progress and main recommendations arising from its intersessional work and from its meetings in 2019, 2020, 2021 and 2022. The discussion of the SC's future work plan will be addressed under this agenda item and as part of the budget discussion at Agenda item 6.2 (Biennial budget). The Chairs and other members of the SC also provide input on specific agenda items throughout the Plenary meeting, which will be raised as appropriate under agenda item 13.

3.1. Presentation of Main Recommendations

The SC presentation will cover four years of Scientific Committee meetings and highlight the main recommendations.

3.2. Presentation of Future Work Plan

The presentation of the Scientific Committee's future work plan will be addressed under this agenda item and as part of the budget discussion at Agenda item 6.2 (Biennial budget).

4. CONSERVATION COMMITTEE PRESENTATION

This agenda item will allow the Chairs of the Conservation Committee to provide a summary of the Committee's intersessional progress. The Chairs and other members of the Conservation Committee will also provide input on specific agenda items throughout the Plenary meeting.

4.1. Presentation of Main Recommendations

The Conservation Committee presentation will review topics of particular concern to the Commission and highlight the main recommendations from its meetings in 2020 (virtual) and 2022. It will also provide a report from the meetings of the Joint Conservation Committee and Scientific Committee Working Group in 2021 and 2022.

4.2. Presentation of Future Work Plan

The presentation of the Conservation Committee's future work plan will be addressed under this agenda item.

5. WORKING GROUP ON OPERATIONAL EFFECTIVENESS

This agenda item addresses the work of the Working Group on Operational Effectiveness (WG-OE) on follow-up to the recommendations of the Report of the Independent Review Panel that launched the IWC Governance Review.

5.1 Report of WG-OE and draft proposals

The Working Group on Operational Effectiveness (WG-OE) will meet on Thursday 13 October in preparation for the discussions at IWC68. The WG-OE was tasked with making recommendations to the Commission to implement reforms that would improve the institutional and governance arrangements of the Commission and its subsidiary bodies. These recommendations follow the Report of the Panel of Independent Reviewers (2018), a workshop held on 17-18 July 2019 in London, and extensive consultation since 2019 with Contracting Governments and observers. The scope of this work is pursuant to Resolutions 2016-1 and 2018-1 and excludes a review of the IWC's objectives and mandate.

This agenda item allows the WG-OE Co-chairs to summarise the recommendations for decision at IWC68. There are four papers presented to IWC68 under this agenda item and for consideration at F&A.

FA/68/4.1.2/01 - Budget Reform Strategy

FA/68/4.1.2/02 - Working Group on Operational Effectiveness: Governance reform proposals

FA/68/4.1.2/03 - WGOE Supporting Document for FA/68/4.1.2/02 Current Rules of Procedure and Terms of Reference

FA/68/4.1.2/04 - IWC Strategic Principles and Terms of Reference for Working Group on Strategic Plan

One paper is the Budget Reform Strategy (BRS), which aims to improve the way the Commission develops its budgets and manages its finances, to be more in line with best practice budget management principles. The BRS is underpinned by a set of key principles including a balanced budget, zero-based budgeting, and centralised financial rules and guidance for greater transparency and ease of reference. The application of these principles will achieve the long-term financial sustainability of the Commission.

Two of the papers [Working Group on Operational Effectiveness: Governance reform proposals and WGOE Supporting Document for FA/68/4.1.2/02 Current Rules of Procedure and Terms of Reference] address the Commission structure and possible modifications to the Terms of Reference and Rules

of Procedure. There is also discussion of the role of the Bureau and the appropriate structure of Commission meetings to enhance their efficiency.

A fourth paper addresses strategic principles for the IWC, with discussion of whether the development of a work plan or strategic plan, or both, would be appropriate for the Commission.

5.2 Discussion of draft proposals and actions arising

The Commission will provide comment and feedback on the proposals in the papers and recommendations for decisions by the Commission.

5.3 Any other matters

6. FINANCE AND ADMINISTRATION

This agenda item allows the Finance and Administration (F&A) Committee Chair to provide an update on the current financial situation of the IWC and associated budgetary challenges. It will provide the context to the proposed budget options for the biennial period 2023/24 and a fulsome discussion and decision on the Commission's preferred option.

6.1 Report of the Finance and Administration Committee

The Finance and Administration Committee (F&A) will meet on Sunday 16 October and the report will be available prior to the discussion of the F&A agenda item in Plenary. Note that the F&A Report will reflect the outcomes of the BSC pre-meeting which will be held on Friday 14 October.

Final position for the 2018, 2019, 2020, and 2021 financial years and the forecast position for the 2022 financial year will also be reported. Following their presentation at the Budgetary Sub-Committee (BSC) and F&A Committee meetings, the Chair of F&A will make a report to the Commission including a recommendation regarding the acceptance of the audited financial statements.

In addition to the Biennial budget, other F&A issues discussed at the Committee meeting are summarised in the F&A Report to the Commission including recommendations for the Commission. These include matters such as Reports by the Secretariat of Confidential Communications (RoP 3), updates on Voluntary Funds, sale of the Red House, and MoUs and other agreements with external organisations.

6.2 Biennial budget

As outlined in the BSC and F&A documents, the Commission no longer receives sufficient income to fund its agreed work programme. Under status quo budgeting, the Commission's expenditure in the 2023/24 biennium will exceed its income by around £364k. The BSC has prepared three options for consideration at IWC68 that would balance the budget, as advised by the Bureau in 2019.

The F&A Committee will present a two-year budget for 2023/24, developed through the Budgetary Sub-Committee, for Commission approval. This item will also include an opportunity to review the Scientific Committee's proposed work plan for 2023/24.

6.3 Discussion

Any comments in regard to the F&A report can be raised under this agenda item.

6.4 Adoption

The Commission will consider adoption of the F&A report.

6.5 Any other matter

Other issues relevant to the F&A Committee can be raised under this Item.

7. PROPOSALS TO AMEND THE SCHEDULE

7.1 Proposal of a Schedule Amendment to create a South Atlantic whale sanctuary.

This item will address a proposal submitted by Argentina, Brazil and Uruguay of a Schedule Amendment to create a South Atlantic whale sanctuary.

8. PROPOSED RESOLUTIONS

8.1 Resolution on Marine Plastic Pollution

This item will address a proposal submitted by the EU and its Member States on addressing marine plastic pollution, as a follow-up to the adoption by the UN Environment Assembly of a Resolution to develop an international legally binding instrument on plastic pollution, including in the marine environment. The recommendation includes a number of actions and directives for the Scientific and Conservation Committees, IWC member states and stakeholders, and in particular for the IWC Secretariat.

8.2 Resolution on Food Security

This item will address a proposal submitted by the Governments of Gambia, Cambodia, Guinea and Antigua and Barbuda. This proposed Resolution addresses food security including the establishment of an *ad hoc* committee to recommend how the IWC can take into account considerations on food and nutritional security when making changes to the Schedule.

8.3 Resolution on the Implementation of a Conservation and Management Program for Whale Stocks aimed towards the lifting of the moratorium and the orderly development of the whaling industry

This Resolution proposes that a Working Group, to be chaired by the IWC Chair, be formed to explore a negotiating framework for addressing the Revised Management Scheme and the Revised Management Procedure.

9. ABORIGINAL SUBSISTENCE WHALING

The Sub-Committee's Terms of Reference are to 'consider relevant information and documentation from the Scientific Committee, and to consider nutritional, subsistence and cultural needs relating to aboriginal subsistence whaling and the use of whales taken for such purposes, and to provide advice on the dependence of aboriginal communities on specific whale stocks to the Commission for its consideration and determination of appropriate management measures'.

9.1. Report of the Aboriginal Subsistence Whaling Sub-Committee (ASW Sub-Cttee)

The Sub-Committee on Aboriginal Subsistence Whaling (ASW Sub-Cttee) will meet on Friday 14 October and its report will be available prior to the Plenary meeting. The ASW Sub-Cttee Chair will provide a report to the Plenary.

9.2. Discussion of the ASW SC report

Any comments in regard to the ASW SC report can be raised under this agenda item.

9.3. Adoption of the ASW SC report

The Commission will consider adoption of the ASW SC report.

9.4. Any other matters

Other issues relevant to the ASW SC can be raised under this agenda item.

10. WHALE KILLING METHODS AND WELFARE ISSUES (WKM&WI)

The Whale Killing Methods and Welfare Issues Working Group (WKM&WI WG) will meet on Friday 14 October and the report will be available prior to addressing this agenda item in plenary.

10.1. Report of the Working group on Whale Killing Methods and Welfare Issues (WKM&WI WG)

The Chair of the WG will report to Plenary under this agenda item. Issues addressed in the WKM&WI WG include review of data on whales killed and time to death, improving the humaneness of whale killing, strandings and whale entanglement response.

10.2. Discussion of the WKM&WI WG report

Any comments in regard to the WKM&WI WG report can be raised under this agenda item.

10.3. Adoption of the WKM&WI WG report

The Commission will consider adoption of the WKM&WI WG report.

10.4. Any other matters

Other issues relevant to the WKM&WI WG can be raised under this agenda item.

11. MANAGEMENT ISSUES AND THE INFRACTIONS SUB-COMMITTEE (INF Sub-Cttee)

The Infractions Sub Committee (INF Sub-Cttee) will meet on Saturday/Sunday morning 15/16 October 2022 and the Chair will report to the Plenary. The INF Sub-Cttee considers data received from Contracting Governments to fulfil reporting obligations under Article IX.4 of the Convention. A review of national laws and regulations is also part of this Sub-Cttee's mandate.

11.1 Report of the Infractions Sub-Committee

The INF Sub-Cttee Chair will report on data received from Contracting Governments to fulfil reporting obligations under the Convention. A review of national laws and regulations is also part of this Sub Committee's mandate.

11.2 Discussion of the INF report

Contracting parties will be invited to raise any questions or issues with respect to the INF report and supporting documents.

11.3 Adoption of the INF Sub-Cttee report

The Commission will consider adoption of the INF Sub-Cttee report

11.4 Catches by non-member nations

This agenda item allows discussion of catches by non-member nations as reported to IWC68.

11.5 Any other matters

Other issues relevant to the INF Sub-Cttee can be raised under this Item.

12. CONSERVATION COMMITTEE (CC)

This agenda item allows the Commission to consider the reports of the Conservation Committee and raise any remaining questions or concerns, focusing only on specific CC issues that arose during the meeting.

12.1 Reports of the Conservation Committee in 2020 and 2022 (CC68A, CC68B)

The CC Chair will note specific CC topics arising during discussions during the meeting and provide additional detail on the work of the Committee on those topics.

12.2 Discussion of the CC reports

The Commission will be asked to raise any questions or concerns regarding the CC meeting reports from 2020 and 2022 (CC68A, CC68B).

12.3 Adoption of the CC reports and Work Plan

The Commission will consider adoption of the two CC reports.

12.4 Any other matters

Other issues relevant to the CC can be raised under this Item.

13. SCIENTIFIC COMMITTEE (SC)

This agenda item allows the Commission to consider the SC meeting reports from 2019, 2020, 2021, 2022 (SC68A, SC68B, SC68C, SC68D) focusing only on specific SC issues that arose during the meeting.

13.1 Reports of the SC 2019, 2020, 2021, 2022 (SC68A, SC68B, SC68C, SC68D)

The SC Chair will note specific SC topics arising during discussions during the meeting and provide additional detail on the work of the Committee on those topics.

13.2 Discussion of the SC Reports

The Commissioners will be asked to raise any remaining questions or issues about the four SC meetings.

13.3 Adoption of the SC Reports and Work plan

Following discussion, the Commission will consider adoption of these SC reports.

13.4 Any other matters

Other issues relevant to the SC can be raised under this Item.

14. CO-OPERATION WITH OTHER ORGANISATIONS

This agenda item allows the Secretariat to report on collaborative work with other organisations. While the pandemic has hampered some of this work, there has been considerable progress in collaboration with the Liaison Group of Biodiversity-related conventions (BLG) and its members, such as CBD and CMS and its daughter agreements (ASCOBANS, ACCOBAMS). The Secretariat has also been working closely with the FAO and its Regional Secretariats' Network, in particular with the Regional Fishery Management Organisations to address improved monitoring and mitigation of bycatch. Other collaboration is underway with ATLAFCO, ICES, PICES, NAMMCO, SPREP and others.

15. ELECTION OF OFFICERS

The current Chair and Vice-Chair have served for four years. Rule of Procedure F.1 notes that the Chair is not eligible for re-election until two years have passed.

The Commission will be asked to consider nominations for the Chair and Vice-Chair and other officer positions.

15.1 Election of Chair

The Commission will elect a new Chair.

15.2 Election of Vice-Chair

The Commission will elect a new Vice-Chair.

16. BUREAU MEMBERSHIP

The Bureau is comprised of the Chair of the Commission, the Vice Chair of the Commission, the Chair of the Finance and Administration Committee, and four Commissioners representing a range of views and interests. Commissioners shall be appointed to the Bureau for a period of two years at Biennial Commission Meetings. Changes in the membership are expected this year because of the election of new Chair and Vice Chair, as well as expiration of two-year terms for some Commissioners.

The WG-OE addressed the Bureau composition, rotation of membership, and functions, and made a number of recommendations. Depending up on the Commission deliberations and decisions under Agenda item 6 (Working Group on Operational Effectiveness) and other factors, the Chair of IWC will propose changes to the Bureau composition.

17. FUTURE IWC MEETINGS

The Biennial schedule of the Commission means that its next meeting is due in September/October 2024. Rule of Procedure B.1. encourages any Contracting Government desiring to extend an invitation to provide notice 2 years in advance.

17.1 Confirmed Events

Following discussion of the proposals made under the WG-OE and the biennial budget, should the Commission decide to hold a Scientific Committee in 2023, it would **next** meet in May 2023, in Bled, Slovenia. Invitations to host the subsequent Scientific Committee Meeting are welcomed.

17.2 Call for hosts

The Secretariat is able to provide detailed information to any Contracting Government considering an offer to host either a Commission or Scientific Committee Meeting.

18. OTHER MATTERS

19. ADOPTION OF SUMMARY OF MAIN OUTCOMES, DECISIONS AND REQUIRED ACTIONS ARISING FROM THE 68th MEETING