

# Chair's Report of the 68<sup>th</sup> Meeting of the International Whaling Commission

Monday 17 October - Friday 21 October 2022

The 68<sup>th</sup> Meeting of the International Whaling Commission (IWC) took place at the Grand Hotel Bernardin, Portorož, Slovenia, from 17-21 October 2022. Andrej Bibič (Slovenia) chaired the meeting, which was attended by 57 of 88 Contracting Governments. One non-member government was present. Three intergovernmental organisations and 25 non-governmental organisations attended. A list of delegates and observers is given in Annex A.

A list of documents presented to the meeting is given as Annex B. The meeting Agenda is given in Annex C.

The Scientific Committee (SC) held four meetings during the intersessional period (SC68A, SC68B, SC68C and SC68D) prior to IWC68. The first SC meeting (SC68A) took place in Kenya in 2019. The other three meetings of the Scientific Committee (SC68B, SC68C and SC68D) were held virtually due to the COVID-19 pandemic. The Commission held a Virtual Special Meeting in September 2021. The Conservation Committee (CC) also held a virtual meeting in 2020. The Bureau continued to meet virtually throughout the pandemic. The Conservation Committee, other Committees and Working Groups of the Commission met just prior to IWC68 at the Grand Hotel Bernardin, Portorož, Slovenia, from 13-16 October 2022.

## 1. WELCOME AND INTRODUCTION

### 1.1 Welcome Address

The 68<sup>th</sup> Meeting was opened at 10:00 am on Monday 17 October 2022. Opening remarks (see Annex D) were made by Mr Uroš Brežan, Minister of the Environment and Spatial Planning; Mr Samuel Žbogar, State Secretary, Ministry of Foreign Affairs; Mr Denio Zadković, Mayor of Piran.

Mr Uroš Brežan, Minister of Environmental and Spatial Planning welcomed all to the meeting, noting that it was taking place in a period when biodiversity, climate, and pollution crises affect our planet. The Minister noted recent environmental crises in Slovenia including forest fires, floods and warming rivers and sea, and that these, along with recent geopolitical developments threatening the world with energy shortages and food insecurity, presented complex challenges that need to be addressed. He stressed that since we depend on the services that nature and ecosystems provide, it is vital to protect them. He noted the steps that have been made by governments and civil society to address the issue of plastic pollution, including the UN resolution adopted in 2022, which paved the way for an international legally-binding agreement on plastics. He stated that Slovenia was committed to ending plastic pollution and has already joined the High Ambition Coalition to End Plastic Pollution (see <https://hactoendplasticpollution.org/>) and encouraged other countries to join. He noted the forthcoming UNFCCC COP27 and CBD COP15 conferences and anticipated the IWC playing an important role in these processes. He hoped this meeting would help the Commission to function more effectively in ensuring the conservation and management of cetaceans. In conclusion, he spoke of Slovenia's rich biodiversity, noting that its protected areas covered over 40% of the country, which he hoped delegates would have time to visit. Finally, he hoped delegates would take energy from the salty chocolate provided, which was made with traditionally produced salt from the neighbouring protected area.

Mr Samuel Žbogar, State Secretary, Ministry of Foreign Affairs welcomed delegates to Slovenia. He stressed the important role of oceans as part of the solution to the environmental crisis we are witnessing, and the need to prioritise global action to increase ocean resilience, as proposed by the recent UN Ocean Conference. He highlighted the importance of multilateral co-operation and that protecting and restoring oceans requires a collective global effort. He noted that Slovenia was one of the key promoters of the

resolution on the right to a healthy environment adopted by the UN General Assembly; was actively involved in the preparations for the UN 2023 Water Conference; and had revitalised the Green Group of countries committed to environmental issues. He confirmed that Slovenia was participating in the global High Ambition Coalition to End Plastic Pollution by 2040 and would strongly support the negotiations for establishing an international, legally binding instrument on this matter. He noted that Slovenia had based its candidature for a non-permanent seat on the UN Security Council for the 2024-25 term on a strong environmental commitment, linking climate, water, and food security. He stated that it was a particular honour for Slovenia to chair IWC68 in this context, and that Slovenia highly appreciated the Commission's hard work, commitment and invaluable contribution to sustainable ocean governance and the conservation and management of cetaceans.

Mr Đenio Zadković, Mayor of Piran, welcomed delegates to Portorož. He stated how proud the Municipality of Piran was to host the IWC for the third time. He noted the important marine research and advocacy work being led by the National Institute for Marine Biology in Piran and the Slovenian Marine Mammal Society - Morigenos. He highlighted the important natural and cultural heritage of the Municipality of Piran, which were strongly linked to its location on the Adriatic Sea.

Dr Rebecca Lent, the IWC's Executive Secretary, then welcomed all delegates. On behalf of the Secretariat, she wished to thank the Government of Slovenia for welcoming us once more to the beautiful city of Portoroz. She noted that some of the Secretariat are working from home base and others are here in Portoroz during the meeting. She asked delegates to please reach out to the Secretariat as needed and wished everyone well.

#### *Ministerial interventions*

Ministerial interventions on behalf of the Governments of Australia and the Republic of Guinea are given in Annex E. Note that the intervention from the Republic of Guinea was taken later in the meeting under Agenda item 15.1.

### **1.2 Opening Statements**

Opening statements from Contracting Governments, intergovernmental organisations (IGOs) and non-governmental organisations (NGOs) were received in writing and are listed in Annex B. There were no new Contracting Governments so no oral presentations of opening statements were made at this meeting.

A one-minute silence was observed to remember those lives lost during COVID-19.

### **1.3 Voting rights and Contracting Government Contributions at the International Whaling Commission**

The Chair introduced this agenda item, noting that at a Virtual Special Meeting (VSM) in 2021, the Commission instructed the Working Group on Operational Effectiveness (WGOE) to develop options for a possible change to IWC's existing Rules of Procedure. This was with regard to: (1) the link between financial status and voting rights, and (2) a consideration of alternative rules for voting rights in emergency situations, acknowledging the fiscal challenges of COVID-19 on some Contracting Governments. The WGOE document FA/68/4.1.1/01 presented three options with regard to voting rights for IWC68 and the longer term.

Following its meeting on 13 October 2022, the WGOE recommended that the F&A endorse Option 1 which stipulated that the Commission would: *For IWC68 only, temporarily reinstate the right to vote for all Contracting Governments in arrears for 3 or less years (i.e., did not meet their annual payments for 2020, 2021, 2022) due to the COVID-19 pandemic.*

The F&A met on 16 October 2022 and concluded that there was broad support for Option 1 and the intent behind it. A Private Commissioners' Meeting the same day reached a consensus on this Option.

Option 1, proposed in document FA/68/4.1.1/01, and the proposed changes to the Rules of Procedure and Financial Regulation were **adopted by consensus**. Rule F and rule E.2 are listed below, with the adopted changes in bold.

Financial Rules – F. Arrears of Contributions:

2. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission by the earliest of these dates:

- 3 months following the due date; or
- the day before the first day of the next Biennial or Special Meeting of the Commission or Meeting of the Bureau if such a meeting is held within 3 months following the due date; or,
- in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date,

the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2 of the Rules of Procedure **unless the Commission decides otherwise in the case of exceptional circumstances**.

Rule E.2 of Rules of Procedure:

2. (a) The right to vote of representatives of any Contracting Government shall be suspended automatically when the annual payment of a Contracting Government including any interest due has not been received by the Commission by the earliest of these dates:

- 3 months following the due date prescribed in Regulation E.2 of the Financial Regulations;
- or the day before the first day of the next Biennial or Special Meeting of the Commission if such a meeting is held within 3 months following the due date; or
- in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date.

This suspension of voting rights applies until payment is received by the Commission **unless the Commission decides otherwise in the case of exceptional circumstances**.

The Commission decided that governments in arrears due to 'exceptional circumstances' would have their voting rights restored for the duration of Plenary. The IWC Chair ruled that the COVID-19 years 2020, 2021 and 2022 constituted exceptional circumstances.

There was no agreement on the two longer-term options outlined in document FA/68/4.1.1/01 and it was agreed that these would be considered intersessionally and under agenda item 5 of IWC68.

#### **1.4 Secretary's Report on Credentials and Voting Rights**

The Executive Secretary reported on the status of Credentials at the beginning of the meeting as requested under Rule of Procedure D.1.(d). The Executive Secretary also reported on current suspensions of voting rights under Rule of Procedure E.2.(a) and (b), noting the change to voting rights as adopted under the previous agenda item.

The Credentials Committee (Morocco and New Zealand) had met a number of times immediately before and during the first few days of the meeting until all credentials were confirmed as being in order.

### 1.5 Meeting Provisions

The Secretariat noted the arrangements in place for the meeting, including COVID-19 restrictions. Participants were required to test daily for COVID-19 and were requested not to enter the shared meeting spaces if feeling unwell.

### 1.6 Review of Documents

All meeting documents (see Annex B) were posted on the IWC website.

In response to a request made in the F&A Committee meeting, the Executive Secretary noted that translated versions of the potential agreements and contracts for co-operation with other organisations would be made available.

## 2. ADOPTION OF THE AGENDA

The proposed agenda was available as document IWC/68/02/01 (*Provisional Annotated Agenda*). The draft agenda was prepared by the Chair with the 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.

The Agenda was **adopted** (see Annex C).

## 3. SCIENTIFIC COMMITTEE PRESENTATION

Four annual meetings of the Scientific Committee (SC68A, B, C and D) have been held since IWC67 in 2018. Their reports were presented by the current SC Chair (Zerbini) and Vice-Chair (Porter), as well as the former SC Chair (Suydam), supported by the IWC Head of Science, Conservation and Management (Staniland).

The move to virtual meetings during COVID-19 has allowed for greater levels of participation, however, it has posed substantial challenges with timing and time zones. The Committee was only able to meet for three hours each day, with some participants always working early in the morning or late at night. The need for in-person meetings to deal with technical or more challenging topics was highlighted.

The SC comprises 17 sub-groups, divided between four broad categories (see Table 1).

Table 1  
Scientific Committee Sub-Groups.

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#### Species-Based Groups

CMP	Conservation Management Plans
IA	In-Depth Assessments
NH	Other Northern Hemisphere Whale Stocks
SM	Small Cetaceans
SH	Other Southern Hemisphere Whale Stocks

#### Specialist Support Groups\*

ASI	Abundance Estimates, Stock Status and International Cruises
HIM	Non-Deliberate Human-Induced Mortality of Cetaceans
SDDNA	Stock Definition and DNA Testing

#### Whaling-Based Groups

ASW	Aboriginal Subsistence Whaling
IST	<i>Implementation Reviews and Simulation Trials</i>
SP	Special Permits**

#### Topic-Based Groups

EM	Ecosystem Modelling
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E	Environmental Concerns
GDR	Databases and Related Issues
PH	Photo-ID
SAN	Sanctuaries
WW	Whale Watching

\*Their work is focused on providing information to other groups so they can better accomplish their tasks.

\*\*This group is inactive as no Special Permit whaling is taking place at present.

#### *Abundance Estimates, Stock Status and International Cruises (ASI)*

Abundance estimates for 15 species in 23 regions of the world were reviewed by ASI. A total of 169 estimates were considered of which 112 were accepted (see [iwc.int/about-whales/estimate](http://iwc.int/about-whales/estimate)). ASI has been developing the 'Status of Stocks Initiative' to better inform the Commission and the public on the status of whale stocks and other cetaceans. This initiative will develop webpages to present the status of cetacean populations to a non-technical audience based on SC modelling and assessment work. Examples were provided for the gray whale (*Eschrichtius robustus*) and the vaquita (*Phocoena sinus*). ASI also provided advice, guidance and feedback on surveys designed to estimate abundance. These included the Pacific Ocean Whale Ecosystem Research (IWC-POWER) programme and the Southern Ocean Research Partnership (IWC-SORP) cruises, as well as those conducted by individual countries.

#### *Stock Definition and DNA Testing (SDDNA)*

SDDNA has considered the evidence used to identify a new whale species, Rice's whale (*Balaenoptera ricei*), that is considered the world's most endangered baleen whale. The group also looked at the stock structure of North Pacific common minke whale (*B. acutorostrata*), based on biopsy samples from an IWC-POWER cruise.

#### *Non-Deliberate Human-Induced Mortality of Cetaceans (HIM)*

HIM has focused on bycatch, entanglements and ship strikes. Working with the IWC Bycatch Mitigation Initiative (BMI), together with FAO and RFMOs, annual reviews of new monitoring and mitigation techniques were conducted, as well as making recommendations for populations severely impacted by bycatch. Regarding ship strikes, recommendations included mitigation measures in high-risk areas and research in other areas. One particular achievement included re-routing a major shipping lane in the Hellenic Trench to avoid sperm whales (*Physeter macrocephalus*).

#### *Implementation Reviews and Simulation Trials (IST)*

IST reviewed new information to determine if existing *Strike Limit Algorithms (SLAs)* or previous Revised Management Procedure (RMP) *Implementation Reviews (IRs)* are still valid under current conditions, or if new *Simulation Trials* are necessary to ensure the *SLA* will respond appropriately to meet the Commission's conservation and management objectives.

The key accomplishments of IST, with regard to the Aboriginal Whaling Management Procedure (AWMP), were: (1) the development of an *SLA* for the East and West Greenland common minke whale hunts; (2) the testing of the carry-over provision for unused strikes for all remaining hunts, including all Greenland *SLAs*, the *Gray Whale SLA* and the Makah Management Plan; and (3) the completion of the West Greenland bowhead whale (*Balaena mysticetus*) *IR*.

For RMP related matters, the key achievements of IST were: (1) the completion of the *IRs* for Western North Pacific Bryde's whales and North Atlantic common minke whales; (2) completion of the initial trial specifications for a future *IR* for Western North Pacific common minke whales; (3) and undertaking simulation work for the 'Status of Stocks Initiative' for AWMP and RMP stocks. Given that the IWC does

not currently manage any commercial hunts, the assessments of stocks formerly covered by the RMP are now conducted by the In-depth Assessment sub-committee.

The SC Chairs noted that, whilst the appropriate *SLAs* had been completed, the requirement to provide advice within the Aboriginal Whaling Scheme (AWS) would require an in-person meeting of the full Committee in 2024.

#### *Aboriginal Subsistence Whaling (ASW)*

The ASW received information from Contracting Governments engaged in ASW and was grateful to Canada for providing information about its bowhead whale hunts and for its involvement in the Committee. The Committee agrees that there is no need for an early or emergency *IR* for the gray whale.

#### *Conservation Management Plans (CMP)*

The Commission has endorsed five CMPs: (1) Western Pacific gray whales; (2) Southwest Atlantic right whales (*Eubalaena australis*); (3) Southeast Pacific right whales; (4) Franciscana dolphins (*Pontoporia blainvillei*); and (5) South American river dolphins (*Inia geoffrensis* and *Sotalia fluviatilis*). A number of priority species or stocks have been identified as candidates for new CMPs and work is ongoing to develop these in co-ordination with the Conservation Committee, range states and other relevant stakeholders.

Progress on CMPs included a review of long-term studies on Western Pacific gray whales, Southeast Atlantic and Southeast Pacific right whales with recommendations for future work to address priorities. An ongoing review of the status of the franciscana dolphin to update research and monitoring actions of the CMP is expected to be completed at the next SC meeting. The Committee assisted with the development of the South American river dolphin CMP proposal, which was endorsed by both the Committee and Commission in 2021. Information on priority species was reviewed, focusing on Central America and Arabian Sea humpback whales (*Megaptera novaeangliae*) and Mediterranean fin whales (*B. physalus*) and sperm whales.

#### *In-Depth Assessments (IA)*

In-depth Assessments are undertaken for whales that are not hunted by Contracting Governments. Data available for North Pacific humpback whales, North Pacific sei whales (*B. borealis*) and North Pacific common minke whales feed into IA to help understand stock structure, abundance, removals and environmental risks to populations and sub-populations. The next assessments planned are for: (1) Antarctic blue whales (*B. musculus*, 2023); (2) North Atlantic humpback whales (2023); (3) non-Antarctic Southern Hemisphere blue whales (2024); and (4) Southern right whales (2025).

#### *Other Northern Hemisphere Whale Stocks (NH)*

The work of NH feeds into other sub-groups, including IA. Species considered by NH include the North Atlantic right whale (*E. glacialis*), Rice's whale and the North Atlantic humpback whale. The Committee expressed serious concerns about the very small (340 individuals) and declining North Atlantic right whale population. Recommendations were made to improve mitigation measures and encourage Canada and the USA to reduce entanglement and ship strike mortalities to zero as quickly as possible.

There is serious concern about the status of Rice's whale due to its small population size of 50 individuals, and because its core range overlaps with various human activities. NH is planning for the upcoming In-depth Assessment of North Atlantic humpback whales, including compilation and evaluation of data and supporting projects on stock structure.

#### *Small Cetaceans (SM)*

SM has a large remit of over 70 species with a priority list endorsed by the Committee. Those facing the greatest threats are discussed annually. It is challenging for the Committee to express the gravity of the current statuses of some small cetaceans. It emphasised the issues dealing with very small populations

and restricted habitats, such as for critically endangered Māui dolphins. There is extreme frustration from watching the vaquita population dwindle to levels which are unlikely to be sustainable.

SM has reacted to the decline of other species through processes such as the Task Team Initiative for Lahille's dolphin (*Tursiops truncatus gephyreus*) and the intersessional correspondence group for the Guiana dolphin. This allows data gaps and threats to be assessed rapidly, alongside providing recommendations for range states and the research community. In some cases, concerns raised within the Task Teams have led to the formation of dedicated external groups to address issues, for example a Netherlands-based NGO looking at Atlantic humpback dolphins (*Sousa teuszii*). Positive progress was highlighted, including improvements for some species such as Asian river dolphins (*Platanista minor* and *P. gangetica*) in some parts of its range, and the Yangtze River finless porpoise (*Neophocaena asiaeorientalis asiaeorientalis*) in the People's Republic of China.

SM also contributes to species assessments through collaborations with other international organisations and conventions. It been involved in a harbour porpoise (*P. phocoena*) review and will undertake review of Pacific Island small cetaceans in collaboration with the Pacific Regional Environment Programme. In the last three years SM had consolidated and validated a dataset of over 20 years of direct take for multiple species and will conduct a gap analysis to determine any trends. Further data are required for an in-depth review.

There is increasing collaboration with other organisations and SM has provided advice to range states; including working with the Government of Spain on managing solitary dolphins and mitigating conflict between humans and killer whales (*Orcinus orca*). The ongoing review of the effectiveness of SM recommendations ensures its work is relevant and useful to both the Commission and the greater scientific community.

#### *Other Southern Hemisphere Whale Stocks (SH)*

SH is developing the pre-assessment of non-Antarctic Southern Hemisphere blue whales. An assessment, by IA, was delayed because of the pandemic and is now anticipated to begin in 2024. SH has reviewed the relevant information for blue whales, progressed on estimating the regional abundance of pygmy blue whales and is reviewing the population structure of Antarctic blue whales to assess their recovery. SH is also discussing integration of climate change into models to understand population dynamics for Southern right whales and reviewing genetic structure within the South Atlantic to support decisions on the scale at which their recovery can be assessed.

Much of SH's work is supported by IWC-SORP which facilitates co-ordination and co-operation of Southern Ocean science. The partnership has funded 31 projects under seven research themes, covering Antarctic blue, humpback, Antarctic minke, southern right, fin and killer whales. and produced 438 peer-reviewed paper publications.

#### *Sanctuaries (SAN)*

The IWC has two sanctuaries: (1) the Indian Ocean Sanctuary (IOS) established in 1979 and the Southern Ocean Sanctuary (SOS) established in 1994. The Commission Schedule states the SOS must be reviewed every 10 years and the SAN sub-group is preparing for the next review due in 2022. The IOS has no timetable for review and the SC requests guidance from the Commission on whether a new review is needed.

#### *Environmental Concerns (E)*

E has an extensive agenda which impacts all other groups. Pollution is a prominent item with modelling being undertaken to understand the impact of pollutants on cetaceans. It is also looking at diseases of concern, particularly in the context of climate change. Recent work on a One-Health approach has looked

at issues such as contaminants in conjunction with other environmental factors. E has also progressed work on strandings and associated welfare issues, climate change, marine debris and noise.

#### *Ecosystem Modelling (EM)*

At IWC67 the SC was requested to work on understanding the role of cetaceans in the ecosystem. A virtual workshop in 2022 made good progress and an in-person workshop is planned for 2023.

#### *Photo-ID (PH)*

PH considered the use of automated matching algorithms to make photo-ID of individuals more efficient. This type of project, using citizen science, will enable the Committee to learn more about *inter alia* cetacean distributions. Collaborative photo-ID catalogues and outreach materials had also been developed.

#### *Databases and Related Issues (GDR)*

The SC uses a range of databases maintained by the Secretariat. Under the guidance of GDR, work to further integrate these databases is ongoing. The importance of consistent, long-term funding to maintain these databases was stressed.

#### *Whale Watching (WW)*

WW has made considerable progress in close collaboration with the CC WW Standing Working Group. The WW Handbook has been published and the Guiding Principles for WW, last reviewed in 1996, have now been updated. There is ongoing work on tools predicting and assessing whale watching impacts (MAWI).

#### *SC budget*

Since IWC67, the Commission has funded 36 research projects and 21 workshops, some of which were co-funded through collaborations with other organisations. The research budget was relatively evenly distributed across the broad topics covered by the Committee with similar amounts of funding allocated to assessment-related work, conservation-related topics, and Invited Participants.

During SC68D, the Committee discussed the implications of the options developed by the Budgetary Sub-Committee to balance the Commission's budget. The Committee expressed concern that reductions to the research and meeting budgets proposed under some of the options would reduce its ability to address important management and conservation problems, and to provide same level of advice to the Commission. The Committee requested guidance from the Commission on how to reduce and prioritise its agenda if a change in its work structure is required. It noted that annual, in-person meetings are the best option to fully achieve the Commission's mandate in a timely manner.

Voluntary or in-kind contributions that provide important data for the work of the SC were highlighted. The IWC-POWER Programme provides information on cetacean abundance and distribution in the North Pacific Ocean. The programme is an international collaboration generously supported by the Government of Japan, which provides a vessel and crew for the annual cruises totalling almost £1 million of in-kind support biennially. Scientists from the United States the Republic of Korea, Russia, Mexico and the UK have participated on the cruises. Since IWC67, the IWC-SORP fund has received over £55,000 in Voluntary Contributions and combined with previous Voluntary Contributions, has funded 21 new projects totalling almost £625,000. The Australian Government provides in-kind support for IWC SORP through overseeing the project as a whole. The Small Cetaceans Voluntary Fund (SCVF) has received Voluntary Contributions over £96,000 since IWC67 and, has allocated £67,400 to five new projects. Voluntary Contributions to the SC Research Fund to fund IPs and support Commission endorsed projects have been gratefully received.

The Committee relies on scientific experts who donate their time and share their expertise. Given the global nature of the IWC, the Committee is keen to improve the geographic spread of its membership. To this end the SC has established an intersessional group to work with The Ministerial Conference on

Fisheries Cooperation among African States bordering the Atlantic Ocean (COMHAFAT/ATLAFCO), an IGO, to organise a series of training workshops and to encourage collaboration and to share knowledge.

### **Plenary Discussions**

The Committee has implemented measures to minimise the effects of losing senior members of the Committee and the Secretariat. These include the identification of members with the required technical skills in order to support their attendance at SC meetings and facilitate capacity building in key methods and procedures used by the Committee. In addition, all SC Convenors now have a co-Convenor to assist with the expanding workload and with a view to succession. The Secretariat has been working with the SC to move the computer code used in *Simulation Trials* to an open hosting platform to improve its management, accessibility and increase transparency of SC working methods.

In 2018 the SC hosted a joint workshop with the US Office of Naval Research and the US National Oceanic and Atmospheric Administration (NOAA) to review tagging technology and to develop best practices guidelines for cetacean tagging. The report of the workshop and new guidelines have been published in the *Journal of Cetacean Research and Management (The Journal)* and the SC recommends Contracting Governments to adopt these as part of their permitting process for research requiring tagging of cetaceans.

The Journal is managed by the Secretariat with an editorial board made up of SC members. The Journal runs on a free to publish and open access model, designed to encourage researchers from developing countries and early career scientists. The Journal has been redesigned to improve online access, with a new website, formatting and discoverability, which have already led to an increase in its performance metrics.

The Chair thanked the SC leadership for its hard work and their excellent presentation. The Chair and the SC Chair thanked Robert Suydam, who oversaw the work of the SC between 2018 and 2021, including its first virtual meeting. Suydam thanked the current SC leadership, the Secretariat and convenors for all their support.

Since IWC67, Greg Donovan (former Head of Science) and Cherry Allison (former Head of Statistics), have retired from the IWC Secretariat, both after over 40 years of service. They were heavily involved with the work of the Committee and were instrumental in establishing the tools for the AWMP and RMP, as used in ASW processes. The Chair thanked Donovan and Allison for their dedication to cetacean research and management and noted that their work is considered an important legacy for the IWC as a whole.

The USA and Australia expressed their gratitude for their decades of service. They commended Donovan's leadership in developing complex population models and that his provision of advice for conservation and management was visionary. They showed appreciation to Allison for her meticulous work in securing and analysing whale catch records, work that provides the foundation on which the SC is based. Suydam, Zerbini and Porter expressed deep thanks to them both for their contributions to the Committee, as well as their support during their terms as Chair/Vice-Chair.

Donovan reflected that it had been an honour to work with many people from different countries, cultures and backgrounds. He highlighted the shared aims of those working in the IWC to ensure the conservation of cetaceans and the management of human activities. He thanked those who had supported him and encouraged the Commission to continue its support for the SC. Allison noted that it had been an honour to be part of the Secretariat and SC and to contribute to its work. She reflected that it had been a huge part of her life, and thanked delegates for being part of it.

### **3.1 Presentation of Future Work Plan**

This item was considered under agenda item 6 on Budgetary matters.

#### 4. CONSERVATION COMMITTEE PRESENTATION

The Conservation Committee (CC) held a virtual meeting in 2020. They met in person on 15 October 2022 in Portoroz, Slovenia (see Annex G).

The CC Chair, Lorenzo Rojas-Bracho (Mexico) presented the work of the CC. He thanked the CC Vice-Chair (Catherine Bell, UK), the Chairs of CC Working Groups, the Secretariat and SC Chair for their support and hard work. The CC Chair encouraged countries to actively engage in the conservation agenda of the IWC.

Intersessional meetings of the CC Planning Group were held in 2019, 2020 and 2022, Joint CC/SC WG meetings were held in 2021 and 2022, and meetings on bycatch, Conservation Management Plans, marine debris, climate change and ecosystem functioning were also held in 2021 and 2022.

The CC Chair drew attention to the CC Strategic Plan 2016-2026 which has a vision for healthy, well-managed and recovered cetacean populations worldwide. He gave an update on the mid-term review (available as CC/68/3.1/01) of the CC Strategic Plan 2016-2026, noting that as part of this process, the Chairs of SWGs, topic leads and the Secretariat had provided input on progress, actions to address priority threats, and measures of success. The CC Strategic Plan 2016-2026 can be found from a link here: <https://iwc.int/commission/commission-sub-groups/conservation-committee>.

The mid-term review found that good progress had been made in a number of CC work areas including: strengthening finance, the Bycatch Mitigation Initiative (BMI); Whale Watching Handbook; Conservation Management, ship strikes and marine debris.

The CC Chair noted that an in-house fundraising role had been established in the Secretariat, a template for preparing costed projects had been developed, and an Acceptance of Funds policy and a Code for Ethical Fundraising had been agreed (<https://iwc.int/resources/protocols-guidelines-and-how-to-guides>). The Whale Watching Handbook had been successfully developed and made available online (<https://wwhandbook.iwc.int/>), providing specialist knowledge, in an accessible format to tourism operators, policy makers, and the public. The work plan for CMPs has been updated, with progress on the development of a CMPs Strategic Plan, and ongoing work to strengthen finance and communications for CMPs.

The CC Chair drew attention to an updated Strategic Plan for Ship Strikes, a proposal to establish an Expert Panel on ship strikes and a data manager role, as well as ongoing co-operation with the International Maritime Organization (IMO) on this issue. There have been three IWC-led workshops on marine debris to help understand and mitigate the risk of marine debris to cetaceans, and potentially to develop a Resolution on this issue. Progress has also been made with engagement with the Global Ghost Gear Initiative (GGGI).

Highlighting the threat posed by bycatch to cetaceans, the CC Chair gave an update on the IWC's work on bycatch assessment, mitigation and management, capacity building and knowledge transfer and engagement with other organizations.

The CC Chair highlighted the IWC Database of Recommendations (DoR) which had been developed to facilitate communication of IWC recommendations and to review progress towards their implementation. Concerning engagement with other organisations, the CC Chair noted agenda item 14 on Co-operation with Other Organisations.

The mid-term review found that medium progress had been made in the following CC work areas: anthropogenic underwater noise, cetaceans and ecosystem functioning and climate change.

In relation to the ongoing work on anthropogenic underwater noise, the CC Chair noted that a questionnaire to compile global information on marine seismic surveys had been presented to the SC and approved by the CC. Concerning cetaceans and ecosystem functioning, the CC Chair acknowledged the efforts made by the Chair of the Working Group on Cetaceans and Ecosystem Functioning to bring in broader expertise and noted that a pilot project proposal would be discussed under agenda item 12. For climate change, it was noted that the CC had endorsed the establishment of a new Intersessional Group on Climate Change to further develop this area.

Chemical pollution and whale sanctuaries and protected areas were two CC work areas where the mid-term review had found that limited progress had been made.

The CC Chair called upon the Contracting Governments, IGOs and NGOs for suggestions of experts who could contribute to the development of the intersessional work on chemical pollution and for suggestions to help advance the next steps of the workplan. Concerning whale sanctuaries and protected areas, the CC Chair noted the CC supported the sanctuary reviews by the SC.

The CC Chair gave an update on the review of progress on implementing CC recommendations noting that 52% of all recommendations had been completed, 32% were ongoing and 12% were in progress.

With regards to species and populations of urgent and emerging concern, the CC Chair noted that the CC had endorsed the Extinction Initiative with an amendment to the process to seek endorsement from the Commission at biennial meetings or, in urgent situations, intersessionally through the silence procedure.

The CC Chair outlined a proposed change to the CC Strategic Plan 2016-2026 to one of the near-term measures of success to replace 'Decline of the most at-risk cetacean populations has been halted' with 'Decline of the most at-risk populations is identified, and management measures have been taken to reverse the decline.'

The CC Chair concluded by calling again for Contracting Governments to support and actively participate in the work of the CC, noting that active government participation led to effective results.

## **5. WORKING GROUP ON OPERATIONAL EFFECTIVENESS**

### **5.1 Report of WGOE and draft proposals**

The Working Group on Operational Effectiveness (WGOE) met on 13 October 2022, prior to IWC68. The WGOE was tasked with making recommendations to the Commission on 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.

The WGOE Co-Chair introduced four documents:

FA/68/4.1.2/01 (*Budget Reform Strategy*)

FA/68/4.1.2/02 (*WGOE: Governance Reform*)

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 Groups on Strategic Plan*).

The Budget Reform Strategy document FA/68/4.1.2/01 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 and achieve the long-term financial sustainability of the Commission. The Budget Reform Strategy (BRS) proposes key financial management principles including balanced budgets, four-year budget planning,

zero-based budgeting, and consistently costed Commission proposals. The WGOE Co-Chair noted that the BRS was separate to but complemented the balanced budget proposal due to be discussed later in the meeting. She confirmed that the F&A Committee had endorsed the BRS for approval by the Commission.

Document FA/68/4.1.2/04 (*IWC Strategic Principles and Terms of Reference for Working Groups on Strategic Plan*) proposes the development of a work plan for the Commission; the WGOE Co-Chair noted that the WGOE had not come to a consensus view on whether to recommend the development of a strategic plan in addition to a work plan. Draft Terms of Reference for a working group that could be formed to develop a strategic plan, if mandated, are included in Annex 1.

Documents FA/68/4.1.2/02 (*WGOE: Governance Reform*) and FA/68/4.1.2/03 (*WGOE Supporting Document for FA/68/4.1.2/02 Current Rules of Procedure and Terms of Reference*) include a number of proposals:

- (1) to establish a new Committee structure consisting of the existing F&A Committee, SC and CC in addition to a new Management Committee, which would consider issues relating to the management of whales and whaling and would incorporate the existing functions of the ASW and Infractions Sub-Committees;
- (2) to adopt Terms of Reference for each Committee as outlined in document FA/68/4.1.2/02, and encourage each Committee and Working Group to review its Terms of Reference intersessionally and submit any proposed changes for consideration at IWC69;
- (3) to retain the existing WKM&WI with Terms of Reference modified slightly for operability; to stagger Bureau membership and expand it to include the four Committee Chairs, and make Bureau documents available in advance of meetings;
- (4) to change the structure of Commission meetings so that they start with Plenary and then break into Committee meetings before returning to Plenary, and to generally prohibit raising issues in the second Plenary that have not been raised earlier in the meeting with possibly some exceptions;
- (5) to hold the private Commissioners' meetings prior to the opening of the first Plenary and possibly also prior to the second Plenary;
- (6) to include a standing item at F&A Committee and Commission meetings to review the Rules of Procedure; and
- (7) to simplify Commission meeting agendas to focus on key priorities.

The WGOE Co-Chair noted that the proposals presented with regard to governance reform were to be considered a first step in an ongoing structural reform process. She confirmed that the F&A Committee had agreed to forward the governance reform proposals to Plenary for further consideration.

The WGOE Co-Chair stressed that the proposals set out in the three documents FA/68/4.1.2/01, FA/68/4.1.2/02 and FA/68/4.1.2/04 were sufficiently distinct that they could be agreed on separately if required, and that disagreement on one proposal need not stop the others being adopted.

The WGOE Co-Chair summarised the recommendations from the F&A Committee for intersessional work that could be conducted by the WGOE in advance of IWC69:

- (1) with regard to future application of the change to Rule of Procedure E.2(a) and Financial Regulation F.2, to work intersessionally to define criteria for what constitutes exceptional circumstances and a process for decision-making;
- (2) to further consider the proposal to align voting right suspension with the schedule of Commission meetings and allow Contracting Governments in arrears to participate in intersessional decision-making;
- (3) to further consider the proposal for voting rights to be restored regardless of the length of time in arrears, provided the Contracting Government enters into and adheres to a re-payment plan, including an upfront good-faith payment;

- (4) and to consider issues related to obtaining visas to facilitate the participation of Contracting Governments in IWC meetings.

The Chair thanked the WGOE for its work.

## **5.2 Discussion of draft proposals and actions arising**

India welcomed the shift to zero-based budgeting and a four-year budget cycle as proposed in the Budget Reform Strategy. It noted that some fiscal re-engineering strategies would be critical to implement these changes, and that development of an 'Output-Outcomes Framework' for the budget could be helpful, which it would be happy to support.

Antigua and Barbuda queried the membership of the Bureau and considered that this should only comprise representatives of Contracting Governments rather than including Committee representatives, to ensure greater balance in its decision-making.

## **6. FINANCE AND ADMINISTRATION**

### **6.1 Report of the Finance and Administration Committee**

The following documents were available for this item:

IWC/68/6.1/01 to 04 providing Financial Statements for each of the years 2018 to 2021

IWC/68/6.1/05 (*Commentary on the 2018, 2019 and 2020 Commission Accounts*)

IWC/68/6.1/06 (*Commentary on the 2021 Commission Accounts*)

IWC/68/REP/FA/01 (*Report of the Finance and Administration Committee; see Annex H*)

The Finance and Administration (F&A) Committee Chair provided a summary of the F&A Committee's report from its meeting on 16 October 2022 (see Annex H), noting this also included the outcomes of the BSC meeting held on 14 October 2022. He outlined the following agenda items where the F&A Committee had reached consensus and endorsed or noted issues:

*Report of Voluntary Assistance Fund for Governments of Limited Means:* This report outlined contributions received over the past intersessional period. The F&A Committee noted these contributions, thanked those who had contributed and welcomed future contributions.

*Report of the Voluntary Conservation Fund Steering Group (SG-VCF) and Report on the Voluntary Welfare Fund:* These reports outlined the eligibility, allocation and evaluation criteria for use of the funds in the following intersessional period. The F&A Committee endorsed the reports and recommended that the Commission endorse the recommendations of the reports.

*IWC Headquarters:* The Secretariat requested the Commission to grant it greater flexibility to accept offers on the sale of the Red House. The F&A Committee approved some flexibility for the Secretariat to accept a lower offer price compared to the asking price, noting that the best price should always be sought.

*Financial contributions formula and review of outturn position for 2018, 2019, 2020 and 2021 and the forecast outturn for 2022:* The F&A Committee noted the reports and agreed the BSC recommendation to the Commission to adopt the audited accounts, the forecast outturn for 2022 and the proposed observer, NGO and media fees for the next biennium.

*Scientific Committee report involving F&A matters:* The SC had given a detailed presentation to the F&A Committee on its previous years' spending, the spending in 2022 to date and the proposed 2023/24 workplan. There was strong support by the F&A Committee for the SC's proposed workplan. Some countries in particular highlighted SC support for ASW as a priority for the next biennium.

*Scientific Committee Communication Initiative:* This was a new initiative of the SC to develop new communication tools and materials tailored for the Commission. The F&A Committee welcomed the work and looked forward to a presentation at IWC69.

*Budgetary Sub-Committee Operations:* The BSC membership is through rotation of Contracting Governments. The F&A Committee supported Australia remaining as BSC Chair and thanked Martin Krebs (Switzerland) for his service as Vice-Chair. The F&A Committee noted to the Commission that a vacancy remained for Vice-Chair.

The F&A Committee Chair then outlined items (see below) where consensus could not be reached in the F&A Committee, or where further discussions were needed.

*Proposed agreements for co-operation with other organisations:* During the F&A Committee meeting there was broad support for the *MoU between IWC and ATLAFCO* and the *MoU between IWC and Center for Coastal Studies (CCS)*, but translations of the text were requested before final decisions could be taken. For the remaining three proposed agreements, *MoU between IWC and SPAW-UNEP*, *Co-operation Agreement (CA) between IWC and the UN Food and Agriculture Organization's Indian Ocean Tuna Commission (IOTC)*, and the *Letter of Agreement (LoA) as a Contract between IWC and the UN Food and Agriculture Organization (FAO)*, support was expressed for the work but some concerns were raised regarding the language in these documents, in particular regarding on dispute settlement and other binding text that might put the Secretariat at risk. Translated text for these agreements was also requested. Translations were subsequently made available to Plenary.

The Executive Secretary then provided an update on the proposed agreements since the F&A Committee meeting. She noted that the Secretariat had withdrawn the *MoU with UNEP-SPAW* and instead would continue to cooperate with UNEP-SPAW through an informal workplan. She noted that the proposed *Co-operation Agreement with FAO/IOTC* had already been approved by IOTC members, 22 of whom are IWC Contracting Governments. The Secretariat had received further clarification from FAO that the standard clause on 'dispute resolution' was a legal clause that could not be modified. The Executive Secretary noted this clause specifies that the arbitral tribunal would have no authority to award punitive damages. FAO had also mentioned that any member of FAO had already agreed in some respect to FAO using this dispute resolution for such partnership agreements.

*WGOE proposals:* With regard to voting rights, the F&A Committee Chair stated that in the F&A Committee there was broad support for Option 1, which the Commission has now already agreed (see agenda item 1.3). A number of delegations had felt the WGOE should work intersessionally to define criteria for what might constitute 'exceptional circumstances' in the future. There was no consensus on the other options presented in the paper, but broad support to continue exploring these options. Some delegations raised issues related to obtaining visas for meetings and wanted the WGOE to work on this in the intersessional period.

The F&A Committee Chair noted there was broad support for bringing the Budget Reform Strategy to the Commission, along with the IWC Strategic Principles document, while there were still some options that needed to be considered in order to move forward.

With regard to the governance reform proposals, the F&A Committee Chair noted that some delegations had felt that those specific actions for which further discussion was needed could be tasked to the WGOE for further work, while others felt that the decisions needed to be taken as a whole. Some delegations were uncertain what further intersessional work would achieve and hoped progress could be made here. The F&A Committee had agreed that discussion should continue, and the issue brought to Plenary for further debate.

*Report of the Intersessional Correspondence Group for Strengthening Finance (ICG-SF):* The ICG-SF Chair had reported that the original mandate was complete and, if the group were to continue, a new mandate and ToR would be needed. Some delegations welcomed the suggestion to focus the group's work on raising funds but were concerned that the voluntary contributions were heavily focussed on certain aspects of the Commission's work and felt that other aspects lacked funds, which in turn influenced the direction of the Commission's overall work programme. The ICG-SF Chair and the Executive Secretary confirmed to the F&A Committee that all fundraising activity was to support work that had been endorsed by the Commission. The F&A Committee had encouraged those with concerns to support work on the ToR to see whether these issues could be considered by the potential new group.

The ICG-SF Chair updated the Plenary on discussions that had subsequently taken place. She noted that there was no consensus on the draft ToR she had produced and that concerns voiced by some Contracting Governments went beyond the mandate of the proposed group and would need further discussion by the Commission. The ICG-SF Chair provided proposed ToR for the new group to the Secretariat and the Chair of F&A for consideration.

The Chair thanked the F&A Committee Chair, BSC Chair, ICG-SF Chair, WGOE Co-Chairs and the Secretariat for their work in the intersessional period.

## **6.2 Biennial budget**

The F&A Committee Chair summarised the significant financial challenges faced by the Commission, emphasising that these issues must be addressed at IWC68. He summarised the three budget options presented by the BSC to the F&A Committee, as outlined in document BSC/68/5.3/01. In summary, Option 1 is to reduce expenditure, Option 2 is to increase income and reduce expenditure and Option 3 is to increase income. The F&A Committee heard a range of views, including some support for Option 3, significant support for Option 2 and a small number of delegates who could only support Option 1 or a modified version of that option. In contrast to the BSC recommendation of Option 2, consensus could not be reached in the F&A Committee meeting, and the decision was deferred to the Commission.

## **6.3 Discussion**

The Chair concluded that there was broad support from the Commission for the adoption of the recommendations of the F&A Committee regarding the following items as outlined in the F&A report:

- Report of the Voluntary Conservation Fund Steering Group (SG-VCF)
- Report on the Voluntary Welfare Fund
- IWC Headquarters sale
- 2018, 2019, 2020 and 2021 audited accounts
- Forecast outturn for 2022 accounts and the proposed observer, NGO and media fees for the next biennium.

### *Proposed agreements for co-operation with other organisations*

Concerning the proposed agreements for co-operation with other organisations, India noted that it was already part of FAO's Indian Ocean Tuna Commission (IOTC) as well as a Contracting Government of the IWC. It therefore supported the Proposed Co-operation Agreement (CA) between IWC and IOTC as it currently stood.

The Chair concluded there was broad support for the four agreements for co-operation with other organisations as outlined in the F&A Committee report (see Annex H).

### *WGOE proposals*

The WGOE and its Co-Chairs were thanked for their work. Antigua and Barbuda, the Czech Republic, speaking on behalf of the EU countries which are members of the ICRW (hereafter 'on behalf of the EU'),

Mexico, the Netherlands, New Zealand, St Lucia, the UK and the USA applauded the extensive outreach by the WGOE Co-Chairs to seek a wide range of views from across the Commission and its Observers.

In response to a query from Antigua and Barbuda, the F&A Committee Chair confirmed that the WGOE proposals had been developed on the basis of recommendations resulting from the independent IWC Governance Review which covered wide-ranging issues, and that not all of the WGOE proposals were interlinked, so it was up to the Commission whether to make a decision on all of the proposals or only on certain proposals. Antigua and Barbuda believed that there was a need for further discussion on certain issues given their significance to the work of the Commission, noting that some of the WGOE proposals seemed to fundamentally affect the overall work programme and mission of the IWC.

### **Voting rights**

Regarding the WGOE recommendations relating to voting rights, the USA supported continuing to discuss fiscal issues intersessionally, particularly the payment of dues and support for delegations who would like assistance. It also wanted to continue discussions on exceptional circumstances and thought there may be more recommendations based on discussions in coming days.

Antigua and Barbuda, supported by Benin, stressed the challenge for developing countries to participate in meetings due to the high cost and felt that this was not democratic. Antigua and Barbuda noted that some Contracting Governments in good standing were not at the meeting for this reason. He noted that modern technologies allowed remote voting to take place and that COVID-19 had led to an acceptance of virtual meetings. He called for discussions on the development of a hybrid system with participants able to attend live meetings remotely, online. Participants should also be able to vote remotely, assuming they were Contracting Governments in good standing.

IWMC World Conservation Trust, also speaking on behalf of Global Guardian Trust noted the development of the League of Nations and the concept of one nation one vote, in an effort to create equality amongst nations. They considered that the Commission should take the lead internationally to ensure that all Contracting Governments were able to vote.

KNAPK (the Union of Coastal Fishermen and Hunters in Greenland/Kaloollit Numaani Aalisartut Piniartullu Kattuffiat) noted that Greenland is a proud whaling nation and that it works with IWC to support subsistence whaling, which it considers a human right. He considered it important for IWC to ensure traditional knowledge is integrated into its scientific work and noted Greenland would like a voice in this.

### **Governance Reform**

Regarding the WGOE recommendations relating to Governance Reform in document FA/68/4.1.2/02, there was support for the proposed Committee structure including a new Management Committee from Australia, the Czech Republic, on behalf of the EU; Iceland, India, Mexico; New Zealand; the UK and the USA. Australia considered that the proposed structure recognised the important business of the Commission related to the management of whaling. Iceland expressed their hope that the new structure would assist in streamlining the Commission's work and lead to cost savings.

The USA stated their strong preference not to adopt the proposed Terms of Reference for the new Management Committee at this meeting, but rather to use the existing Terms of Reference for the Sub-Committees whose work would become part of the Management Committee, and task all four Committees with developing new Terms of Reference during the next intersessional period for adoption at IWC69.

Argentina, supported by Chile, Costa Rica, the Dominican Republic and Mexico, expressed their view that the establishment of the Management Committee should be postponed until the Terms of Reference could be set so that it had a clear mandate. Mexico noted that it would be open to discussing the approach

proposed by the USA with regard to the Terms of Reference, and Australia, New Zealand and the UK noted that they could support either the approach proposed by Argentina or the USA. India also recognised the need for more discussion on the Terms of Reference.

Antigua and Barbuda, supported by St Lucia, stated that they could not accept the proposed Committee structure without their Terms of Reference having been confirmed. The Republic of Palau, supported by Antigua and Barbuda, noted that four Committees may be too many given the financial difficulties faced by the Commission and suggested that the CC and proposed Management Committee could be merged into a single Committee. Costa Rica also considered that the activities of the proposed Management Committee could be included within the mandate of the CC, but if it were established as a separate Committee, felt it should be called the Aboriginal Subsistence Whaling and Infractions Committee as they considered the term 'Management' to be outdated given the current moratorium.

The Instituto de Conservacion de Ballenas, speaking also on behalf of Animal Welfare Institute, Ambassade des Océans, Centro de Conservación Cetacea, Cetacean Society International, Fundación Cethus, Humane Society International, Instituto Baleia Jubarte, Ocean Care, ORCA, Pro Wildlife, Whaleman Foundation, and Whale and Dolphin Conservation, expressed concern regarding the proposed creation of a new Management Committee. They believed the purpose of this proposed Committee had transformed to focus on the management of lethal whaling activities, and felt it represented a serious step backwards in the work of the IWC and would set a bad precedent for the legitimate modernisation of the organisation. They considered it went against the conservation policies of most of the countries present, including members of the Buenos Aires Group, which maintained a permanent commitment to the global moratorium on whaling. They further noted that the proposed Terms of Reference did not explicitly mention subsistence whaling and felt this was unacceptable, especially given the global moratorium on commercial whaling in force and the adoption of the Florianopolis Declaration by the Commission in 2018. They urged the Commission to re-evaluate the WGOE proposals relating to governance reform during the intersessional period.

The F&A Committee Chair noted that there was no consensus on the WGOE proposals relating to governance reform and proposed working with the delegations who had raised questions and concerns to address these before discussions continued later in Plenary.

Following further consultation, the F&A Committee Chair presented document IWC/68/6.1/07 (*Working Group on Operational Effectiveness: Revised Proposals*). He indicated that this included only those elements of the original WGOE recommendations relating to governance reform for which there was broad consensus, with some amendments to take into account the comments received. He noted an additional task for the WGOE to address during the next intersessional period, would be to clarify the Rules of Procedure with regard to quorum (see Agenda item 7.1).

The F&A Committee Chair presented the recommendations in document IWC/68/6.1/07, which related to Bureau operations; Commission meeting operations; Rules of Procedure changes that would be required to take into account the recommended operational changes (detailed in the Appendix to the document); and intersessional tasks for the WGOE. He noted that the proposed change to the Committee structure to include four Committees had not been included in the revised document given the lack of consensus on this issue.

With regard to the recommendation to make Bureau documents available in advance of meetings with the exception of documents that were sensitive or needed to remain confidential, the F&A Committee Chair noted that these cases were expected to be rare, for example in order to remain compliant with U.K. data protection laws. He clarified that where documents were made available, these would be available to the full Commission and not only Bureau members.

With regard to the recommended changes to the structure of Commission meetings, the F&A Committee Chair highlighted that some flexibility had been introduced with regard to meeting length, but that some sub-groups may need to meet virtually in advance to complete their work. He clarified that the changes to Commission meeting structure were only recommendations and would not be specified in the Rules of Procedure. He noted that the recommendation to prohibit raising issues in the second Plenary which had not already been discussed in the Committee meetings or first Plenary session, with certain exceptions, was necessary to ensure meetings were kept concise.

### **IWC Strategic Principles**

Regarding the WGOE recommendations relating to the IWC Strategic Principles in document FA/68/4.1.2/04, the Czech Republic, on behalf of the EU, expressed its support for developing a work plan and strategic plan as this would help the Commission to prioritise its work, and noted that it would be open to developing a work plan with or without a strategic plan. Mexico also supported the development of a work plan and strategic plan particularly given the budgetary challenges that were faced. Australia, supported by the UK, considered that it would be sensible to develop a workplan as a first step before proceeding with the development of a strategic plan. The USA noted that a separate working group would need to be established to take forward the recommendation on this issue since this would be outside the scope of the WGOE Terms of Reference.

Following further consultation on the proposed IWC Strategic Principles and Terms of Reference for Working Group on Strategic Plan outlined in document FA/68/4.1.2/04, the WGOE Co-Chair noted that consensus had not been reached. However, there appeared to be a preference for the following option (6b in FA/68/4.1.2/04): ‘only developing a work plan for the Commission to clearly identify work priorities and ways of working.’ The Co-Chair asked whether this option could be adopted by consensus.

Following a query from Palau, the Chair confirmed that the various workplans would be based on the Commission structure as it is now.

Antigua and Barbuda expressed concern about the way in which work priorities would be agreed, and the possibility that bias for certain areas could be introduced. The WGOE Co-Chair clarified that existing working groups would develop their work plans and identify their priorities and, through their reporting process to the Commission, would seek the necessary approvals. Antigua and Barbuda preferred to have more consideration on this aspect of work priorities.

As consensus was not reached, the Commission **agreed** that the WGOE continue its work intersessionally on the issues in document FA/68/4.1.2/04 and report back to IWC69.

### **Budget Reform Strategy**

Regarding the WGOE recommendations relating to the Budget Reform Strategy in document FA/68/4.1.2/01, there was support for the Budget Reform Strategy from Australia, Belgium, Mexico, New Zealand, the UK and the USA. Australia, supported by Belgium and the Netherlands, considered that the Budget Reform Strategy was the most important element of the WGOE recommendations to agree at this meeting. Belgium, New Zealand and the USA stressed that this proposal represented best practice for accounting, while the UK and the USA considered that the proposal was important to help address the budget issues faced by the Commission in the longer term.

Antigua and Barbuda, supported by St Lucia, stated that they could not accept the Budget Reform Strategy without having finalised the Committee structure. The Republic of Palau noted that it had some concerns relating to the Budget Reform Strategy.

In response to a comment from Iceland that the financial implications of any new element of the Commission’s work should be assessed before it was advanced, the F&A Committee Chair confirmed that

as part of the proposed Budget Reform Strategy, the Annexes to document FA/68/4.1.2/01 included detailed proposals setting out how the cost implications of different work elements could be assessed. He noted that the financial implications of proposed Schedule amendments and Resolutions would be discussed later in Plenary.

The F&A Committee Chair noted that there was no consensus on the Budget Reform Strategy and proposed working with the delegations who had raised questions and concerns to address these before discussions continued later in Plenary.

#### *Biennial budget*

Norway, supported by Benin and Guinea, recognised the difficult financial situation facing the IWC, but did not consider that this could be solved by increasing financial contributions from Contracting Governments, but rather by reducing expenses. Norway preferred that the SC be protected from severe budget cuts and that it continued to meet annually but suggested that hybrid meetings to allow Invited Participants to attend virtually could reduce costs. If the SC were to meet biennially, Norway stressed that those Sub-Committees related to management should meet in person annually, including the ASW and IST Sub-Committees. Norway believed it was important that the Secretariat and SC retain capacity to maintain their core duties, in particular relating to the critical work on the Implementation Reviews and Simulation Trials. Norway stated that Implementation Reviews of the North Atlantic common minke whale were the main reason for Norway's financial contribution to the IWC.

Morocco expressed support for Option 1, noting the importance of reforms for the operations and management of the IWC. India restated its suggestion to establish an Output Outcomes Framework for budgeting, raised under item 5.2, and confirmed that it supported Option 1, as well as development of an outreach programme to encourage inclusion of new members, cutting across continents.

The Republic of Guinea noted that the SC and CC are important Committees for the survival of the Commission and that Voluntary Contributions from Contracting Governments would be a good solution to support the Commission.

Belgium, Kingdom of Denmark, Dominican Republic, France, Germany, the Netherlands, New Zealand and the USA supported Option 2 as a balanced way to help address the financial challenges faced by the Commission. Belgium, Germany, and France noted that they had a national policy of zero nominal growth but in the light of the IWC's financial position, could support Option 2. Germany noted that it could not accept Option 3. The Netherlands expressed concern that Option 1 would have long-term consequences for the IWC. New Zealand remarked that international organisations globally were facing similar financial challenges following the pandemic and highlighted the need for scientific advice to support the work of the Commission.

The USA could support the SC moving to biennial meetings on the basis that the SC meets in the same year as the next Commission meeting, starting in 2024 in order to align with the process on ASW that was agreed in 2018. Consistent with the intervention from Norway, the USA stated that the work of the SC needed to be prioritised and noted that its suggestions for prioritisation in the next biennium are outlined in the F&A report (see Annex H). Kingdom of Denmark also stressed that priority should be given to the SC work related to ASW quotas.

The UK, supported by Brazil and Switzerland, supported Option 3 but said they could also support Option 2 in order to find a way forward. The UK noted that financial contributions had been frozen for many years and had not kept pace with inflation. Brazil drew attention to the cuts already made to the SC budget, and highlighted the reliance of the CC on voluntary funds.

Antigua and Barbuda reported that it had examined the three options and had some sympathy for the Commission but was very aware of the situation on the ground. It would be willing to join a consensus on one of the three options, after the Committee reviewed its work, taking into account best practice approaches in other UN bodies on proportionality.

The Chair noted that previous IWC budgets had been adopted by consensus, and this was the aim for IWC68. Given that agreement had not yet been reached, the Chair proposed that further work be done in the margins of the meeting, in a small group led by Australia as BSC Chair and with the support of the Secretariat.

Following further consultation, the BSC Chair outlined the options presented in revised document BSC/68/5.3/01/REV2, noting that as the Commission had not agreed to a new Committee structure under the WGOE proposals, these options were based on the current Commission structure. He noted that feedback from discussions in the margins indicated that most consensus was building around a hybrid Option 1.5, which was to increase fees for Capacity to Pay countries 3 and 4 only, by 5% in 2023 and 1% in 2024, and to reduce expenditure by 6%, with expenditure, income and fee distribution to be revisited at IWC69.

This Option 1.5 would include:

- Moderate change to the terms of Secretariat staff contracts to lower compensation
- Moderate change to the research budget and moving to biennial SC meetings from 2025 onwards
- Bureau meetings virtual except at Commission meetings
- Virtual pre-meets for Commission meetings
- Reduction of Commission meetings by one day
- Bad debt provision reduction.

The BSC Chair noted that if Option 1.5 was adopted, then the Commission would also need to agree to change the Rule of Procedure rule B3 text from 'The Scientific Committee shall meet annually' to 'The Scientific Committee shall meet **at least biennially**'.

Following a query, the Chair clarified that under Option 1.5 there would not be any fee increases for Capacity to Pay Countries 1 and 2 in 2023 or 2024.

The USA supported SC meetings moving to biennial in-person meetings from 2025 but reiterated the need to ensure that in-person meetings coincided with Commission years when decisions would be made on renewal of ASW quotas.

Brazil believed that the length of the Commission meeting could be reduced further.

#### **6.4 Adoption**

The report of the F&A Committee was **adopted by consensus**, and its recommendations were endorsed.

The recommendations relating to governance reform and further intersessional work of the WGOE, as given in document IWC/68/6.1/07 were **adopted by consensus**.

The Budget Reform Strategy, as outlined in document FA/68/4.1.2/01 was **adopted by consensus**.

The proposal to adopt Option 1.5 for the biennial budget, as presented in document BSC/68/5.3/01/Rev2, was put to a vote. By a show of hands, all except one of the Contracting Governments present voted in favour, with no abstentions. The proposed budget option and the change to the Rule of Procedure rule

B3 text was therefore **adopted**, acknowledging the need for the biennial SC meetings to coincide with Commission meeting years.

Commissioners noted the value of the work of the BSC and thanked the BSC Chair and his team.

The Approved Commission Budget for 2023 and 2024 is given in Annex M and the Approved Research Budget for 2023 and 2024 is given in Annex N.

## **7. PROPOSALS TO AMEND THE SCHEDULE**

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

Document IWC/68/7.1/01 (*Proposal of a Schedule Amendment to Create a South Atlantic Whale Sanctuary*) submitted by Argentina, Brazil and Uruguay, was introduced by Brazil, noting that it had been previously discussed and endorsed by the SC and CC. Brazil emphasised that the proposal applied to whaling only and that it would have no impact on fishing activities. It also highlighted that there would be virtually no costs associated with its immediate implementation.

Argentina noted the support from many coastal nations of the South Atlantic in particular from developing nations looking to strengthen non-extractive and non-lethal use of cetaceans. Uruguay recalled the Florianopolis Declaration adopted at IWC67 and emphasised the role that cetaceans play in ecosystem functioning.

The F&A Chair noted that the F&A Committee had considered the financial implications of all the changes to the Schedule proposed at IWC68. For this proposal, the Secretariat had noted that any initial direct costs would be low and that no additional costs would be required for implementation over the next two years. This was confirmed by the proponents.

The proposal was supported by Australia, Chile, Costa Rica, the Czech Republic on behalf of the EU, Dominican Republic, Ecuador, India, Mexico, New Zealand, Panama, Republic of Korea, the UK, the USA, Brazilian Humpback Whale Institute and Whale Conservation Institute (on behalf of 14 other NGOs: Animal Welfare Institute, Centro de Conservación Cetacea, Cetacean Society International, Environmental Investigation Agency, Fundación Cethus, Fundación Promar, Humane Society International, Instituto Baleia Jubarte, International Fund for Animal Welfare, Marine Mammal Project of Earth Island Institute, Natural Resources Defense Council, Whales Alive, WeWhale, and Whale and Dolphin Conservation).

Antigua and Barbuda, Benin, Guinea, Iceland, Liberia, Norway, and St Lucia were not in favour of the proposal.

Antigua and Barbuda, supported by Iceland, were concerned about the impact of the proposal on the rights of countries to utilise their marine resources. Antigua and Barbuda felt that the sanctuary would result in an imbalance with respect to who had the opportunity to utilise resources and were concerned that there may be issues in regard to fair trade and the rules of the World Trade Organization (WTO). It was also concerned about cost implications of the proposal. Norway and St Lucia felt the proposal was redundant as there is no commercial whaling in the South Atlantic, and Norway noted that the sanctuary would not address other threats to cetaceans such as ship strikes and bycatch. The Republic of Guinea, supported by St Lucia, expressed concerns that the proposal would impact food security in developing countries. St Lucia, supported by Benin and Liberia, felt that a decision should be deferred since relevant countries that would be impacted by the decision were not represented in the discussions due to visa issues. Iceland considered that the proposal did not fulfil the requirements to amend the Schedule of the Convention.

The Czech Republic on behalf of the EU, supported by Mexico, New Zealand, and the UK, considered the proposal to be comprehensive.

The Czech Republic on behalf of the EU, supported by Australia, Chile, India, Mexico, Panama, Republic of Korea, the UK, and the USA felt the sanctuary would bring a range of important benefits, including facilitating international collaboration for scientific research, contributing to international commitments relating to biodiversity and climate change, and supporting sustainable development.

Costa Rica, supported by New Zealand, felt that the Commission's actions would be judged by the international community in the context of the increasing focus on marine conservation. Australia believed that the Indian Ocean Sanctuary (IOS) and Southern Ocean Sanctuary (SOS) demonstrated how sanctuaries could co-exist with fisheries management.

The proponents thanked all Contracting Governments for their contributions to the debate. In response to a query, Argentina clarified that it did not believe the proposal had any implications for the competencies covered by the WTO and that the expected cost for the next biennium was £200. It noted that existing sanctuaries had been established while there was a moratorium on whaling and that this proposal was consistent with those. It confirmed that there would be no impact on fisheries.

Brazil urged all countries to co-ordinate and integrate international research efforts to protect marine life regardless of the outcome of the proposal. Uruguay noted that the essence of the IWC was to work internationally to protect whales and reiterated the broader benefits to ecosystems that whales can provide.

The Brazilian Humpback Whale Institute noted that no coastal communities in the region hunted whales or dolphins legally, but that whale watching was important to many communities comprising thousands of people, and that this proposal would support jobs and income in the region. It also noted there was ample scientific evidence that the presence of whales increases fisheries productivity, and that whales are also important in addressing climate change.

The Instituto de Conservación de Ballenas, speaking also on behalf of 14 other NGOs (Animal Welfare Institute, Centro de Conservación Cetacea, Cetacean Society International, Environmental Investigation Agency, Fundación Cethus, Fundación Promar, Humane Society International, Instituto Baleia Jubarte, International Fund For Animal Welfare, Marine Mammal Project of Earth Island Institute, Natural Resources Defense Council, Whales Alive, WeWhale, Whale and Dolphin Conservation) noted that the proposal had the support of millions of citizens from across the Latin American region and was aligned with the Florianópolis Declaration adopted by the IWC in 2018. They highlighted the importance of this proposal due to the critical role that whales play in the marine ecosystem, and the opportunities it would provide for scientific research through international co-operation, which would support conservation efforts to ensure the long-term sustainability of non-lethal and non-extractive use of cetaceans.

Opes Oceani Foundation, supported by IWMC, queried the need for the sanctuary, noting that whale stocks had increased substantially in the last 26 years, and that there was nothing currently preventing conservation and research efforts in this region. IWMC noted there was no evidence that sanctuaries could aid the recovery of whale species.

The Chair noted that there was support but also objections to the proposal. The item was then adjourned to enable further consultations.

When the Chair re-opened the Plenary, it was brought to his attention that the delegations of 15 Contracting Governments were not present, and the Chair explained there was a lack of quorum in the room. An informal discussion started, as Argentina challenged this decision. The F&A Chair, invited by the Chair, then briefly explained the Rule B.1 in the Rules of Procedure which states: 'Attendance by a majority of the members of the Commission shall constitute a quorum' and informed the Commission that this had

historically been taken to mean attendance when any decision-making is occurring. He noted that past practise in the IWC had been that the majority of members of the Commission needed to be present for decision making to be valid. Argentina noted that it was considering registering a dispute on this interpretation of the Rules of Procedure for the record of the meeting.

Following a meeting of the Bureau, the Chair re-opened the session and discussions on the proposed Schedule amendment to create a South Atlantic Whale Sanctuary (SAWS), informing the Commission that a quorum of 45 members of the Commission in the room had not been reached and therefore a decision on this proposal could not be made at this time. A request was made that those Contracting Governments registered at the meeting but not present in the room be listed in the meeting record. They were: Antigua and Barbuda, Benin, Cambodia, Cameroon, Cote d'Ivoire, Ghana, Republic of Guinea<sup>1</sup>, Iceland, Kiribati, Laos, Liberia, Mauritania, Morocco, Republic of Palau, St Lucia and Solomon Islands.

The Chair concluded there was no quorum in the room. Brazil challenged this decision.

Argentina, Australia, Brazil, Chile, Colombia, Costa Rica, the Czech Republic, on behalf of the EU, Mexico, New Zealand, Panama, the UK, Uruguay and the USA expressed deep frustration, disappointment and concern with the situation and the decision of the 16 Contracting Governments not to be present in the room. Argentina believed that the SAWS proposal would have been approved by the Commission had a vote been able to take place. Australia, the Czech Republic, on behalf of the EU, New Zealand, the UK and the USA reiterated their support for the proposal.

Costa Rica expressed concern that the impact of the situation on the Commission's decision-making abilities would discourage potential donors from giving money to the Commission.

In response to a query from Brazil on the interpretation of the Rules of Procedure with regards to what constitutes a quorum, the Chair recalled that similar discussions had taken place in previous years and that Contracting Governments had not been able to reach agreement on this point in the past. The Chair therefore concluded that it would not be productive to reopen discussions on this at the present meeting.

Argentina and Brazil disagreed with the interpretation by the Chair that quorum was based on the number of accredited Contracting Governments present in the room at the time, and felt the matter was still open for discussion. Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, India and Uruguay similarly opposed the manner in which the session was proceeding and considered that the issue of the interpretation of quorum needed to be resolved. In relation to the last paragraph of Rule B of the Rules of Procedure, which states, 'Attendance by a majority of the members of the Commission shall constitute a quorum', Argentina noted, for the record, that the concepts of 'Attendance' and 'Presence in the room' were not synonymous. It believed all Contracting Governments registered and present at the meeting should be considered for quorum, even if they are not in the room at specific points in the agenda. Brazil felt that if accredited delegations participating in the meeting were not present in the room those Contracting Governments should be counted as abstentions. Norway remarked that interpretation of the Rules of Procedure cannot be changed at random and voiced support for following the interpretation of the Chair. In relation to what should constitute a quorum, the USA believed that decisions should not be taken by a minority group.

Argentina requested that the Working Group on Operation Effectiveness (WGOE) work intersessionally on the interpretation of the Rules of Procedure regarding quorum and present a proposal to IWC69 in 2024 to be considered as the first order of business. Australia, Colombia, the Czech Republic, on behalf of the EU, Mexico, New Zealand, Panama, the UK and the USA expressed support for this way forward. Costa

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<sup>1</sup> Present at the beginning of the session, then asked by the Chair to get in contact with the members of the Commission not in the room to invite them to rejoin the meeting.

Rica queried that if there was a mandate to bring this issue back to IWC69, whether the same issue would arise again.

Argentina requested that the following statement be included in the meeting report:

*'Since you are making a decision not to proceed to a vote on agenda item 7.1, we understand that your interpretation of Rule of Procedure B regarding the necessary quorum implies interpreting the concept of "Attendance" as "Presence in the room", an interpretation that my Delegation does not share and considers incorrect. For this reason, we request that it be recorded in the Report of the meeting that the Delegation of Argentina considers that the concepts of "Attendance" and "Participation" are not synonymous and that, therefore, for purposes of calculating the quorum, all States registered and present at the meeting should be considered meeting, even if they deliberately decide to leave the room at specific points on the agenda.*

*The concept of "Attendance" is used in several provisions of the Rules of Procedure, among them in Rule D.1.(a) in which it specifically refers to "participation and/or attendance at each meeting", which makes clear that these are different concepts. Therefore, we request that the Working Group on Operational Effectiveness work intersessionally on the interpretation of this particular point of Rule B, last paragraph, on quorum, in order to present a proposal for the Plenary Meeting No. 69 of the Commission to be held in 2024 that it be treated as the first order of business, before any other decision is adopted, because this situation has been dragging on for more than a decade.*

*We wish to express that the proposal for the South Atlantic Whale Sanctuary would probably have been approved in this session after 20 years of efforts, if the Delegations of 16 States whose names we request are indicated in the report of this Meeting, had not withdrawn. There are sixteen States that in other fora declaim in horror the consequences of other environmental problems facing the international community. We regret the lack of coherence and commitment that this type of behaviour reflects.'*

The Brazilian Humpback Whale Institute, supported by Brazil, remarked that it had been participating in IWC discussions for 38 years, in various capacities and was embarrassed by the situation that had unfolded at the IWC. He felt that for some issues, like ASW, there was a favourable interpretation of the Rules of Procedure but for other issues like the SAWS proposal, there was not. It disagreed with the Chair's approach, and suggested that by opening the session, it implied it was quorate.

While the Opes Oceani Foundation is not favourable to the proposed SAWS, it concurred that the current situation did not reflect good governance. Decisions are best when by consensus, and it supported the suggestion to resolve the matter as a first order of business at IWC69.

Instituto de Conservación de Ballenas expressed concern that many countries outside the region are blocking the SAWS proposal, which has a scientific basis, clear objectives and a management plan. Millions of people in South America are hoping for the establishment of a SAWS that supports non-lethal, non-extractive use of cetaceans.

WDC International expressed deep regret about the situation, and that countries had chosen to leave the room rather than discussing the issues and coming to consensus.

The Commission then proposed that the WGOE consider the interpretation of Rule of Procedure B.1, regarding quorum necessary for a decision to be made, as part of their intersessional work, and for this to be discussed as the first order of business at IWC69 in 2024, before any other decisions are taken. This proposal was **adopted** (see also agenda item 6.3).

Additional statements related to this agenda item were taken at the end of the meeting, see agenda item 18.

## **8. PROPOSED RESOLUTIONS**

### **8.1 Resolution on Marine Plastic Pollution**

A *Draft Resolution on Marine Plastic Pollution* document IWC/68/8.1/01 was submitted by the Czech Republic on behalf of the EU. An NGO document IWC/68/8.1/OBS/01 (*The IWC's critical role in tackling the impacts of plastic on the world's whales, dolphins and porpoises*) was also available for this item.

The Draft Resolution stated that marine plastic pollution was now recognised as a major global threat to ocean and ecosystem health, biodiversity, livelihoods, and wild animal conservation and welfare, and that plastics contributed to climate change at each stage in their lifecycle. It referenced the adoption of UNEA Resolution 5/14 (*End plastic pollution: Towards an international legally binding instrument*) in 2022 as a significant step towards addressing this major threat. It considered that there was an opportunity for the IWC to contribute to these efforts by taking a lead in addressing the negative impacts of marine plastic pollution on cetaceans through actions that would be supportive of, but distinct from, the UNEA Resolution.

The Czech Republic, on behalf of the EU, summarised the main actions proposed in the draft resolution which comprised a work programme for the Secretariat, Scientific Committee and Conservation Committee. It confirmed that the intention of the resolution was to link with ongoing processes as much as possible, and that any additional requests of the SC or Secretariat should to be considered in light of the current savings and in the context of other priorities as directed by the Commission. They thanked the F&A Chair and Secretariat for their assistance in assessing the cost implications of the proposed resolution, which they believed now reflected the intention of the activities proposed. The F&A Chair summarised the cost estimates which had been produced by the Secretariat and discussed by the BSC and F&A (see document IWC/68/REP/FA/01 for a summary of discussions).

The Czech Republic confirmed that the intent of the resolution was not to add an additional cost burden to the Scientific Committee or the Secretariat, and that it was therefore hoped that collaboration and co-operation could be undertaken as part of their existing work. A revised proposal (IWC/68/8.1/01/Rev1) was submitted to address the questions regarding Scientific Committee costs and suggested that any remaining costs could be covered by voluntary funds. The UK and the USA stated that they were pleased to co-sponsor the proposed revised resolution, noting growing concerns about the threat from marine plastic pollution.

Argentina, Australia, Benin, Brazil, Chile, Guinea, India, Liberia, Mauritania, Mexico, New Zealand, Panama and Republic of Korea expressed their support for the proposed resolution. Australia and Mexico noted that the IWC had a particular role to play in addressing the impact of plastic pollution on cetaceans specifically. Panama recognised the work that had already been done by the CC and SC on this issue. Benin, Guinea, India, Mauritania, Mexico, Republic of Korea and the UK cited actions that they were taking at the national level to address the issue of marine plastic pollution.

Morocco also supported the proposed resolution, provided that it did not incur additional cost to the Commission and did not duplicate the efforts of other instruments.

Norway stated its strong support for international collaboration to prevent marine plastic pollution but considered that the IWC had no legal authority to regulate pollution. It believed that this resolution should not detract from the IWC's primary objective of supporting the conservation of whale stocks to make possible the orderly resumption of the whaling industry, and given the Commission's limited budget, did not support funds being used for the implementation of the proposed resolution.

Environmental Investigation Agency, also on behalf of 17 other NGOs (Ambassade des Océans, Animal Welfare Institute, Cetacean Society International, Centro de Conservación Cetacea, Fundación Cethus, Humane Society International, Iruka & Kujira Action Network, International Fund for Animal Welfare, Instituto de Conservación de Ballenas, Natural Resources Defense Council, OceanCare, Pro Wildlife, The Brazilian Humpback Whale Institute, Whaleman Foundation, WeWhale, Whale and Dolphin Conservation, World Wide Fund for Nature (WWF)) voiced its strong support for the draft resolution. It noted that around 68% of cetacean species were known to be affected by plastic pollution via both lethal and sub-lethal impacts and believed that the IWC had a critical role to play in tackling the impacts of plastic on cetaceans and contributing to global efforts to reduce plastic pollution.

Opes Oceani Foundation welcomed the proposed resolution in helping to determine the threat posed to cetaceans from marine plastics but noted that the proposed work would place a considerable burden on the already stretched resources of the IWC and urged Contracting Governments to finance the work generously.

The Chair noted that although there was broad support for the proposed revised resolution, some concerns regarding costs still remained and therefore it was proposed that further work with those who had expressed concerns needed to be done. Subsequently a new revision (IWC/68/8.1/01/Rev2) was submitted. The Republic of Korea, the Republic of Panama and the Republic of India joined the co-sponsors on this second revised Resolution text.

Robert Suydam, as SC Chair (2018-2021) speaking on behalf of the SC, reiterated the significant threat posed by plastics to marine life and particularly cetaceans. He welcomed the revisions to the proposed resolution and said that it would allow the SC to continue discussions on this topic as part of its existing work programme, though noting that a change to the frequency of SC meetings may slow its ability to respond.

The *Resolution on Marine Plastic Pollution* (IWC/68/8.1/01/Rev2) was then **adopted** by consensus (see Annex F).

## **8.2 Resolution on Food Security**

Ghana, speaking on behalf of the co-proponents, Cambodia, The Gambia, the Republic of Guinea and Antigua and Barbuda, introduced document IWC/68/8.2/01 (*Resolution on Food Security*), with support of COMHAFAT/ATLAFCO. It drew attention to the serious issue of global hunger and outlined a number of international initiatives that address hunger and food security. He explained that the draft Resolution urges Contracting Governments to take into consideration the need to ensure food security, preservation of cultural identity and security of livelihoods in any decision making. It also calls for the IWC to set up an *ad hoc* committee to recommend how the IWC can, in the future, take into consideration the need to achieve food security for many of the world's populations when making changes to the Schedule; and that the IWC increase exchange of information with the FAO. Ghana requested that the Resolution be adopted by consensus.

As co-proponent, the Republic of Guinea highlighted global concern on the challenging issue of food security, drawing attention to FAO's mandate to eradicate hunger and malnutrition. Two main causes of hunger were underscored: either it was not possible to obtain food for financial reasons or it could not be produced due to natural disasters. The Republic of Guinea requested consensus on the Resolution.

The F&A Chair clarified that the Secretariat had not identified any costs associated with the Resolution, so this had not been discussed in the F&A Committee.

Benin, Cameroon, Côte d'Ivoire, Kiribati, Liberia, St. Lucia, Morocco, Norway and Solomon Islands highlighted the importance of addressing global food security and supported the proposed Resolution. Cameroon and Morocco noted that developing countries were more vulnerable to food insecurity.

Norway emphasised that all harvests of cetaceans should be sustainable, and the SC or other competent bodies should set sustainable quotas prior to any harvest as a requirement for long-term sustainable development of communities dependent on marine mammal harvest. Kiribati, Liberia, and the Solomon Islands underlined the importance of sustainable use of oceans.

Côte d'Ivoire, supported by Kiribati, explained that the Resolution would establish a link between the FAO and IWC, to enable the IWC to play a role in addressing the problem of food security.

Australia, Brazil, Chile, the Czech Republic on behalf of the EU, Dominican Republic, Republic of Korea, Mexico, New Zealand, the UK, and the USA affirmed their commitment to addressing global hunger but did not support the proposed Resolution. Chile, Brazil, India, Republic of Korea, Mexico, New Zealand, and the UK would not support commercial whaling to meet food security needs. The UK noted that whales are long lived species that are slow to reproduce, subject to other threats, and therefore not suitable for commercial harvest. Dominican Republic, India, New Zealand, and the UK believed that non-consumptive use of cetaceans could contribute to livelihoods. Brazil, Mexico, and the UK reflected that overfishing and fisheries management were more relevant to tackling food security.

The Czech Republic on behalf of the EU, and the USA underlined the importance of food security in the context of ASW, regulated by the IWC. However, they believed that the proposed Resolution goes beyond that. The Czech Republic on behalf of the EU added that ASW has a specific purpose for specific communities and is managed by the IWC accordingly.

Chile, the Czech Republic on behalf of the EU, New Zealand and the UK noted that IWC had already committed to food security goals through various international commitments including through the Sustainable Development Goals (SDGs), FAO and other organisations, which it believed were the most appropriate fora to address the issue of food security. Australia suggested that the IWC could provide information from the SC to the FAO on the status of whales and the role of cetaceans in ecosystem functioning, and anything beyond this would be outside the remit of the IWC. Australia could support such a redrafted resolution. The UK and the USA offered to participate in a redraft.

As co-proponent, Antigua and Barbuda expressed concern about interventions on the draft Resolution, noting that while Governments referred to their commitment to address global hunger, they were also telling other countries what they can and cannot eat. He believed that food requirements should be decided at a local level, and it was not for other countries to dictate this. He observed that some Governments did not consider the IWC was the appropriate forum for this discussion, but that this same argument could be applied to other issues, such as marine plastics, whereby the IWC engaged with other organisations. He questioned on what basis the IWC's remit should be limited to ASW, reflecting that the IWC has a responsibility to ensure that the consumptive use of whales benefits everyone.

WWF International, speaking also on behalf of Ambassade des Océans, Animal Welfare Institute, Centro de Conservación Cetacea, Environmental Investigation Agency, Fundación Cethus, Humane Society International, International Fund for Animal Welfare, Instituto de Conservación de Ballenas, Natural Resources Defense Council, OceanCare, ORCA, Pro Wildlife, Robin des Bois, WeWhale, Whale and Dolphin Conservation, recognised the threat that hunger and poor nutrition represent for vulnerable human populations around the world and the important role of fish in achieving food security. They urged the IWC members to approach the issue in the appropriate fora and emphasised that it was not possible to isolate food security as a stand-alone goal or to suggest that the lethal exploitation of whales should be considered as part of a solution to food security. They stated that as long-lived, slow maturing and slow

breeding mammals, whales are not a sustainable food resource, and exploitation of whales would be incompatible with SDG14 to conserve and sustainably use the oceans.

IWMC, also speaking on behalf of Global Guardian Trust indicated that the proposal was not about hunting whales for commercial benefit to decimate their numbers, but instead was highlighting the right to sustainable and secure access to food as a human right. They stated that, in times of food shortages, to prevent whales being used as food was a human rights issue. They urged Contracting Governments to support the proposed resolution.

Ghana, speaking on behalf of the proponents, noted that it was ready to engage with other countries, and emphasised that the draft Resolution was not about commercial or unsustainable whaling, but rather it asked the IWC to take account of food security in discussions and to collaborate with FAO on food security.

The Chair reflected that while there was support for the proposed Resolution, concerns had also been raised. He asked the proponents to work with interested parties to further revise the Resolution with the aim of adopting it by consensus later in the meeting.

Following these consultations, a decision was not sought at IWC68 on the draft Resolution on Food Security (IWC/68/8.2/01). Work will continue intersessionally and the proposal will be brought back to IWC69.

### **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**

Antigua and Barbuda presented document IWC/68/8.3/01 (*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*) and summarised the history of Commission discussions on this topic. It noted that this proposed resolution stemmed from concerns that there was too much focus on the conservation of whales and that the Commission was not fulfilling its responsibilities to manage whaling. Antigua and Barbuda highlighted that the Commission is only managing ASW, and that all other whaling takes place outside of the Commission. It noted that those countries which had withdrawn from the Commission over whaling issues were major financial contributors, which in turn contributed to the challenging financial situation of the Commission. The aim of the resolution was for the Commission to welcome an exchange of views on the topic and to establish a Special Working Group to reinstate the review of the work undertaken on the Revised Management Procedure and the Revised Management Strategy.

St Lucia, a co-proponent, observed that the IWC had been established to address overharvesting by many developed countries and emphasised that a key mandate of the Commission was to manage the whaling industry. It highlighted that some stock numbers had increased and believed that developing coastal states were being deprived of opportunities to utilise this resource sustainably to address food security concerns.

The F&A Chair explained that there would be nominal direct costs to the Secretariat from the proposal, associated with the formation of a working group. Other potential costs included the costs for the Secretariat to support a working group, which would depend on the amount of work and the number of meetings required.

Norway, supported by Japan (Non-member Government) spoke in favour of the Resolution. Norway believed that the sustainable harvest of marine mammals could help address food security issues. Japan emphasised that the Resolution was not seeking an immediate return to commercial whaling but was an attempt to find a basis for the Commission to fulfil its role and to ensure co-existence of a variety of views and positions on the conservation of whales and whaling.

Argentina, Australia, the Czech Republic on behalf of the EU, India and the UK did not support the proposed Resolution. Australia noted that its lack of support did not reflect its opposition to commercial whaling but was of a practical nature.

The UK reiterated its commitment to upholding the moratorium on commercial whaling.

Australia and the UK acknowledged the variety of views held and respected the rights of Contracting Governments to table resolutions on this issue. The Czech Republic, on behalf of the EU, felt it was important to engage in open and constructive dialogue on all matters covered by the Convention.

Australia and the UK felt that there had been many previous discussions in the IWC on this matter which had failed to reach an agreement and did not think that this situation had changed; they requested that Antigua and Barbuda withdraw the draft Resolution. Argentina believed the Commission's mandate had evolved since it was formed and that its future role was the conservation of cetaceans. India reiterated that it did not support whaling, with the exception of ASW.

Australia, the Czech Republic, on behalf of the EU, and the UK were concerned about the costs associated with this work, considering the Commission's financial position. Australia and the Czech Republic, on behalf of the EU, did not believe there was evidence of interest among Contracting Governments to invest in the infrastructure and relevant compliance frameworks required to underpin a financially and environmentally sustainable whaling industry.

The Czech Republic, on behalf of the EU, agreed that careful conservation had led to the increase of some stocks, but noted that this had been due to the moratorium. It noted that cetaceans face multiple anthropogenic threats, so it was essential for the moratorium to be maintained to allow for full recovery of whale stocks and of the ecosystem services they provide.

OceanCare, speaking also on behalf of 20 NGOs (Ambassade des Océans, Animal Welfare Institute, Centro de Conservación Cetacea, Cetacean Society International, Environmental Investigation Agency, Fundación Cethus, Humane Society International, Instituto Baleia Jubarte, International Marine Mammal Project of Earth Island Institute, International Fund for Animal Welfare, Natural Resources Defense Council, OceanCare, Oceanic Preservation Society, ORCA, Pro Wildlife, Robin des Bois, Whaleman Foundation, Whale and Dolphin Conservation, Whales Alive and WWF), strongly urged the Commission to reject the proposed Resolution, stating that whales and the marine environment already faced grave non-hunting threats. They emphasised that preparing for the resumption of commercial whaling would contradict the Florianopolis Declaration adopted at IWC67 in 2018. They also highlighted the likely costs associated with implementing the Resolution, noting that these costs were not considered in the Resolution or anticipated in the IWC budget, and that to their knowledge no whaling nation had committed to pay them.

The Global Guardian Trust (GGT) and IWMC observed that since it was established more than 70 years ago, the text of the ICRW incorporated the concept of the SDGs, with the following stated in the preamble: 'having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry'. They considered this objective had been partially met by the provision of sustainable catch quotas for indigenous communities, but that the IWC had failed to set catch limits other than zero for commercial operations for more than 35 years, despite the stipulation in Schedule paragraph 10(e) to consider modification of this provision and establishment of other catch limits. They supported the draft Resolution.

Opes Oceani Foundation felt the Resolution should be welcomed by both sides of the debate and called upon all stakeholders to explore ways of reconciling their differences, to show good faith and good governance, and to assess whether the moratorium was fit for purpose or if it could be lifted in a cautious

stepwise manner. It echoed comments made by previous speakers that the Commission was founded to regulate whaling to conserve stocks, not prohibit their sustainable use.

KNAPK considered that the historical overharvesting of whales was on the conscience of many Contracting Governments. It noted that Greenlanders had conducted sustainable whaling for centuries and considered it unreasonable that Greenland was prevented from commercial whaling, since nearly all the food in Greenland was from marine sources. It considered that the goal of the IWC had become conservation rather than whaling, which violated Greenlanders' human right to whale commercially, and emphasised that this violation needed to be addressed by the Commission.

Following consultations, a decision was not sought at IWC68 on the draft 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 (IWC/68/8.2/01). Work will continue intersessionally and the proposal will be brought back to IWC69.

## **9. ABORIGINAL SUBSISTENCE WHALING**

### **9.1 Report of the Aboriginal Subsistence Whaling Sub-Committee (ASW Sub-Committee)**

The ASW Sub-Committee met on Friday 14 October and its report is available as Annex I.

The ASW Sub-Committee Chair presented the report in document IWC/68/REP/ASW/01, noting that the Sub-Committee had received a summary of all relevant work of the SC, both through the ASW Sub-Committee and the IST Sub-Committee. He stated that the SC had developed an Aboriginal Whaling Management Procedure (AWMP) approach to ensure that the levels of proposed catches were safely within the Commission's objectives.

They noted that a 7-year block of ASW quotas had been agreed by the Commission in 2018 and that SC advice would be needed in 2024 for the next quota block for the years 2026-2031 and emphasised the need to consider the ability of the SC to provide timely advice given the potential changes to the SC meeting schedule.

It was confirmed that the SC had reviewed and endorsed two population estimates for ASW stocks since 2018: the Alaska/Chukotka bowhead whales for 2019 (~17,000) and eastern Pacific gray whales for 2019-20 (~20,500). The Sub-Committee had noted that Implementation Reviews (IR) relevant to ASW stocks were typically conducted within the recommended 6-year timeframe, but that a move to biennial meetings would likely affect the ability of the SC to maintain its IR timetable.

The effects of unusual mortality events on the use of Strike Limit Algorithms (SLAs) had also been discussed; all SLAs developed and agreed by the SC had been tested under a large range of possible scenarios including episodic mortality events. He noted that if the SC determines that current conditions such as changes in the environment, mortality or abundance estimates fell outside of the tested parameter space then an emergency IR would be undertaken.

The Ad Hoc Aboriginal Subsistence Whaling Working Group (ASWWG) had recommended a survey of international indigenous and human rights instruments, in order to inform the Commission's role in addressing indigenous rights. The IWC Secretariat, interested members of the ASWWG and experts from the Maniitsoq Workshop held in 2015 developed Terms of Reference (available in document ASW/68/5.1/01) and a call for tender (document ASW/68/5.1/02) in the intersessional period. The ASW Sub-Committee Chair confirmed that the Sub-Committee had endorsed both of these documents and looked forward to reviewing the report at an appropriate time.

Finally, the Sub-Committee had noted that discussions were underway to plan a stakeholder workshop to investigate the issue of bowhead whale entanglement in Alaska.

The Sub-Committee Chair thanked all those involved in its work and the Secretariat for its support. He noted that the Alaska Eskimo Whaling Commission had thanked Robert Suydam for his work in the leadership of the SC.

## **9.2 Discussion of the ASW Sub-Committee report**

The ASW Sub-Committee were thanked for their work.

The Czech Republic on behalf of the EU highlighted the hard work being done by the Commission to find a balance between the cultural and nutritional needs of Aboriginal people and the conservation of cetaceans. It affirmed its commitment to the 2007 UN Declaration on the Rights of Indigenous Peoples and expressed its support for the work of the ASW Sub-Committee in protecting the social, economic, nutritional, and cultural needs of ASW communities while ensuring proper regulation and sustainable catches.

The Czech Republic on behalf of the EU, supported by the USA, voiced their support for the SC to meet in person in the same years as the Commission, in even years, should the SC move to biennial meetings. The Czech Republic on behalf of the EU was also supportive of the proposed transition period since holding in-person meetings in both 2023 and 2024 would allow preparation for the next ASW quota discussion at IWC69.

The Czech Republic on behalf of the EU and supported by the USA welcomed the intersessional work planned to investigate the issue of bowhead whale entanglement in Alaska. The Czech Republic on behalf of the EU also welcomed the SC's planned review of information concerning the population decrease of the eastern Pacific gray whale and its consideration of appropriate actions to address this decline. It expressed its appreciation for the presentation that had been given on the work of the SC.

Greenland (Denmark) affirmed its support for the sustainable use of all living resources based on science and the precautionary principle while respecting heritage and food security. The Commissioner from Greenland (Denmark) referenced her many years of involvement in the IWC and her hope that the proposed governance reforms would strengthen rather than weaken the organisation and ensure it could continue to fulfil its objectives. She was thanked by the Commission, the Alaska Eskimo Whaling Commission and the Fishermen and Hunters Association in Greenland (KNAPK) for all her work in support of the IWC.

The Alaska Eskimo Whaling Commission also thanked the SC for the work it did for Aboriginal whalers, stressing that its work was key to the success and survival of the IWC.

KNAPK expressed its hope that indigenous people and their rights with regard to whaling would continue to be accommodated within the IWC given its potential restructuring. KNAPK and IWMC, speaking also on behalf of GGT, encouraged the SC to incorporate in its work the significant traditional knowledge and experience of those people who make use of the SC advice.

Robert Suydam, speaking on behalf of the SC, confirmed that traditional and indigenous knowledge was indeed being incorporated into the work of the SC and further detail would be provided under agenda item 13 later in the meeting.

## **9.3 Adoption of the ASW Sub-Committee report**

The Report of the Aboriginal Subsistence Whaling Sub-Committee was **adopted**. The report emphasised the importance of SC advice in years when quotas are discussed, and the importance of taking note of traditional knowledge in making these decisions.

The ASW sub-committee endorsed the Terms of Reference and the Call for Tender for the *IWC Aboriginal Subsistence Whaling Survey of Indigenous and Human Rights Instruments*.

Contributions of £219,000 were received to the voluntary fund for Aboriginal Subsistence Whaling during the intersessional period. The Commission thanked the donors.

#### **9.4 Any other matters**

None.

### **10. WHALE KILLING METHODS AND WELFARE ISSUES**

The Whale Killing Methods and Welfare Issues Working Group (WKM&WI WG) met on 14 October 2022.

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

New Zealand, as Chair of the WKM&WI WG presented the report of the Working Group, see Annex K.

The Chair outlined the six main themes: data on whales killed; information on improving the humaneness of whaling operations; whale welfare; welfare issues associated with entanglements; strandings; and funding.

The Chair noted that the Kingdom of Denmark on behalf of Greenland, as well as the Netherlands, New Zealand, Norway, Russian Federation, St. Vincent and the Grenadines, the UK and the USA had submitted data on whales killed either through whaling operations or euthanasia from, for example, strandings. In addition, data on the humaneness of whaling operations were received from the Kingdom of Denmark on behalf of Greenland, Norway, the Russian Federation, St. Vincent and the Grenadines and the USA. The Chair of the WKM&WI WG thanked all countries that had submitted these data which help to understand and discuss these issues.

The Chair highlighted a presentation from NAMMCO about their approach to training for hunter safety, animal welfare and efficiency.

On whale welfare, the Working Group strongly recommended that the Commission endorse a further workshop on euthanasia and mass strandings, to be funded from the Voluntary Welfare Fund. In addition, the Working Group recommended that the Commission endorse the Whale Welfare Assessment tool, a new framework for decision-making, based on the widely used ‘five domains animal welfare model’.

In terms of the entanglement of large whales, the Working Group expressed its strong support for the Entanglement Response Initiative and recommended that work continues to build global capacity to respond to entangled whales. On strandings, the Working Group noted the intersessional progress on strandings, supported the work of the Strandings Initiative and strongly recommended that the Commission endorse the work and recommendations presented in document WKMWI/68/7.1/01.

The Chair noted that the Working Group had recommended that the F&A Committee endorse the evaluation criteria and the proposed allocation processes for the Voluntary Welfare Fund, as outlined in document WKMWI/68/9.2/01 and the proposal to add an appendix in the Rules of Procedure and Financial Regulations. This recommendation was then endorsed by the F&A Committee.

The Chair of the WKM&WI WG thanked all involved in the Working Group, in particular Anik Boileau (Invited Expert, Sept Iles Education and Research Centre, Canada) for her presentation on the welfare assessment tool.

## 10.2 Discussion of the WKM&WI WG report

The Czech Republic on behalf of the EU highlighted the importance of the provision of data to the IWC and thanked the countries that had done so. They appreciated that data had been submitted by Greenland (Denmark), the Netherlands, New Zealand, Norway, the Russian Federation, St Vincent and the Grenadines, the UK and the USA. The Czech Republic on behalf of the EU encouraged Iceland and Japan to submit data to the IWC, noting that the IWC is the appropriate forum for this. It welcomed the Welfare Assessment Tool and expressed strong support for entanglement and strandings work, highlighting the link between this work and the proposed resolution on plastic pollution. They welcomed the intersessional progress of the Strandings Initiative.

Argentina and Costa Rica expressed support for this work. Argentina noted that since 2021, it had implemented a national response network for strandings of marine fauna, with training workshops ongoing in all provinces to improve responses to stranding. In response to a query from Costa Rica, New Zealand confirmed that a lot of feedback on euthanasia was received by the Group, and that the main opportunities to submit data are to the Working Group and to the Strandings Co-ordinator.

The USA welcomed the update that Iceland had provided regarding their new regulation on data collection. The USA clarified that it had submitted data both on whales killed and the humaneness of whaling operations which it requested be reflected in the WKM&WI WG report.

Whale and Dolphin Conservation, also speaking on behalf of 18 NGOs (Pro Wildlife, Environmental Investigation Agency, Animal Welfare Institute, OceanCare, Ambassade des Océans, Natural Resources Defense Council, NOAH - for animal rights, International Fund for Animal Welfare, ORCA, Centro de Conservación Cetacea, Cetacean Society International, ICB, Humane Society International, Fundación Cethus, Whaleman Foundation, WeWhale Association and Instituto Baleia Jubarte) expressed concern about ongoing whaling activities by two Contracting Governments, Iceland and Norway, under objection and reservation to the IWC moratorium. They were concerned that these countries have quotas that are not calculated using the version of the Revised Management Procedure accepted by the Commission and that neither country provides the detailed welfare data that IWC resolutions establish should be reported to the IWC, which instead are reported to NAMMCO. They urged Norway and Iceland to stop authorising all commercial whaling hunts and trade in whale products, and to collect and report recent time to death, struck and lost whales and instantaneous death rate data to the IWC.

KNAPK drew attention to the strict regulations in Greenland on how whaling is conducted, including regarding who can do the whaling, which equipment can be used, the specification for what vessels can be used, which killing methods are allowed and a mandatory requirement to conduct biological surveys of whales.

## 10.3 Adoption of the WKM&WI WG report

The report and recommendations of the WG-WKM&WI were **adopted**, with the amendment requested by the USA to indicate it had provided data both on the whales killed and the humaneness of whaling operations.

Key recommendations of the WKM&WI Working Group included that:

- The Commission endorse the Whale Welfare Assessment Tool
- The Commission endorse a further workshop on euthanasia and mass strandings
- The Commission endorse the recommendations outlined in the Strandings Initiative, including its new Strategic Objectives and a Workplan (2021-24), Expert Panel workshop in 2023, and continuation of the Strandings Co-ordinator post to IWC69
- The Working Group strongly support the work to build capacity under the Entanglement Initiative
- The F&A Committee endorse evaluation criteria and allocation processes for the Voluntary Welfare Fund, for Commission endorsement.

#### **10.4 Any other matters**

There were none.

#### **11. MANAGEMENT ISSUES AND THE INFRACTIONS SUB-COMMITTEE (INF Sub-Committee)**

The INF Sub-Committee 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-Committee's mandate.

##### **11.1 Report of the Infractions Sub-Committee**

The Republic of Guinea, as Vice-Chair of the Commission, presented the report of the Infractions Sub-Committee (see Annex J). The Sub-Committee had received summary reports of catches, including infractions, for the period 2018-2021. Catches by member nations are given in Annex L. There were no reports of previously unresolved infractions from earlier seasons. Surveillance and monitoring arrangements for the different whaling operations were reviewed, as were national laws and regulations.

The Vice-Chair noted that no reports were made on the availability, sources, and trade in whale products and remarked that the UK advocated for reporting on the availability, sources, and trade in whale products, given that over 2,000 tonnes of whale meat have been traded internationally since IWC67.

##### **11.2 Discussion of the Infractions Sub-Committee report**

Australia and the Czech Republic, on behalf of the EU, thanked the Republic of Guinea, the Secretariat, and the Sub-Committee for their work on this issue.

The Czech Republic, on behalf of the EU, thanked the countries that provided relevant data to the IWC and drew attention to the trade of at least 2,000 tonnes of whale meat since IWC67. They regretted the lack of information on this issue in the report despite five previous IWC resolutions and strongly encouraged Contracting Governments to report on international trade.

Australia observed that there were generally low numbers of infractions in the past four years and expressed particular thanks to the Republic of Korea for their detailed report, and their actions to detect and investigate the incidents.

##### **11.3 Adoption of the Infractions Sub-Committee report**

The Report of the Infractions Sub-Committee was **adopted**.

The Commission appreciated the receipt of infraction reports from: Kingdom of Denmark, Russian Federation, St Vincent & the Grenadines, Norway, Iceland, Republic of Korea, Japan (2018), Croatia, Peru, and the USA. The Commission also thanked non-member governments for submitting data: Japan (2019 onwards) and Canada.

##### **11.4 Catches by non-member nations**

Antigua and Barbuda, supported by the Republic of Palau and St Lucia, noted that non-member nations had the right to harvest marine resources under UNCLOS. Antigua and Barbuda believed that the inability to undertake whaling under the IWC was causing financial hardship to Contracting Governments, particularly developing countries, leading to issues regarding payment of financial contributions and voting rights. Antigua and Barbuda stressed that countries wishing to harvest abundant whale species should be able to do so under the auspices of the IWC and that the moratorium encouraged countries to withdraw from the Convention and weakened the IWC. It recommended a special meeting of Contracting Governments to assess the issue of whaling under the IWC and outside the Commission. If this recommendation was agreed upon, Antigua and Barbuda were willing to postpone consideration of the draft resolution it had submitted under agenda item 8.3.

After consultation, Australia thanked Antigua and Barbuda for this proposal but requested more time to consider it and further information on the objectives of the proposed meeting. It pointed out that such a meeting would have budgetary implications that needed consideration, given the Commission's budgetary challenges.

Following discussions in the margins of the meeting, Antigua and Barbuda and Australia agreed to work together during the next intersessional period on the proposal made by Antigua and Barbuda, seek civil society input and consider whether to bring it to IWC69. St Lucia, the UK, and the USA offered to work with Antigua and Barbuda, and Australia.

The International Fund for Animal Welfare, also speaking on behalf of Animal Welfare Institute, noted that under UNCLOS it was a fundamental principle that States cooperate with the 'appropriate international organisation' for the conservation, management, and study of whales. The IWC is the appropriate body; thus, States that are not IWC members are obliged to participate meaningfully in meetings of the IWC and SC. It noted that non-Contracting Governments had a duty to coordinate with other States in the management and conservation of shared stocks, to cover the whole range of the species.

In response, Japan stated that it has been providing data to the IWC and the SC since its withdrawal from the IWC and has been actively participating in the SC and engaging co-operatively in IWC research activities e.g., supporting POWER cruises. It noted that it was cooperating with NAMMCO, was following Article 65 of UNCLOS, and would continue to respect international law.

### **11.5 Any other matters**

India called for Contracting Governments to share best practices in the management and conservation of cetaceans, in a cohesive way, to facilitate replication and subsequently the enrichment of marine biodiversity.

## **12. CONSERVATION COMMITTEE (CC)**

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

The CC met on 15 October 2022. The CC Vice-Chair (Cat Bell) provided a summary of the CC 2020 and 2022 reports (IWC/68/REP/CC/01A & B; see Annex G) and outlined the key recommendations as follows:

#### *Mid-term review, Conservation Committee Strategic Plan 2016-2026 and Workplan for the 2022-2024 Biennium and beyond*

In 2020 the CC agreed to undertake a mid-term review of its Strategic Plan 2016-2026 and report to IWC68. It also agreed to develop a new costed four-year CC Work Plan intersessionally, for discussion at IWC68.

The mid-term review was conducted during the intersessional period and concluded that overall, there was no need to revise the Strategic Plan and that the CC recommendations, Workplan and Strategic Plan are being suitably progressed. A small edit to the wording had been proposed and was presented in Annex 2 of document CC/68/3.1/01 (*Mid-term Review of the Conservation Committee Strategic Plan 2016-2026*).

The CC, at its meeting in 2022, endorsed the report for the mid-term review along with suggested edits and accepted the draft Workplan for 2022-2024 and Working Methods, which would be uploaded to the IWC website and maintained as a living document.

#### *Voluntary Conservation Reports (VCR) on cetacean conservation and prototype Conservation Database*

Voluntary Conservation Reports had been received from Argentina, New Zealand, Peru, Republic of Korea, the UK and the USA, and the CC Vice-Chair encouraged other Contracting Governments to submit reports.

At its meeting in 2018 the CC endorsed a proposal from New Zealand to revise the existing template for VCRs and develop an integrated database. The Secretariat is progressing a technical specification for the database, which was further refined after discussion at the CC meeting in 2020 when an update on the developments of the Conservation Database was presented. The CC in 2022 agreed that the CC Planning Group (CCPG) will work with Australia to adapt the SC process for the National Progress Reports for the CC; that annual reminders would be issued for Voluntary Conservation Reports; and that New Zealand, the UK and ASCOBANS will test the Conservation Database.

#### *Bycatch*

At its meeting in 2020, the CC endorsed the four-year Bycatch Mitigation Initiative (BMI) Workplan for 2021-2024; endorsed the bycatch proposal for the allocation of existing funds to support BMI Workplan activities; and endorsed the *Report of the IWC Workshop on Bycatch Mitigation Opportunities in the Western Indian Ocean and Arabian Sea* and all its recommendations.

The Chair of the Bycatch Standing Working Group (SWG) provided an update to the CC at its meeting in 2022 on progress on the first four strategic objectives in the Workplan: programme co-ordination, knowledge gathering, developing and testing bycatch mitigation and monitoring and bringing about a change in attitudes within the fishing community. In terms of knowledge gathering, the BMI is designing a series of pilot projects, which are to be locally led in seven locations and focused on small-scale fisheries in both marine and/or freshwater environments. The pilot projects will allow the BMI to apply multi-disciplinary, experimental approaches to bycatch mitigation, monitoring and management. The BMI is also developing its Capacity Building Programme through technical workshops on the Bycatch Risk Assessment (ByRA) tool in several countries and further sessions are planned. The SWG and CC had voiced strong support for the FAO-Common Oceans project to work with various partners in the Indian and Western Pacific Oceans. The Expert Panel, established in 2018, has been very active on various activities. Its membership would be reviewed after IWC68 to fill expertise and geographical gaps.

At its meeting in 2022, the CC noted the progress on the Workplan; approved the updated Terms of Reference for the Bycatch Expert Panel; and supported the engagement of the BMI in the FAO-Common Oceans Project with the various partners.

The Chair of the Bycatch SWG welcomed further cooperation and input from Contracting Governments and researchers, especially for the development and implementation of the pilot projects. She also thanked the previous Bycatch Co-ordinator (Marguerite Tarzia) and welcomed the new Bycatch Co-ordinator and the new Bycatch SWG Chair.

#### *Whale watching*

The IWC Principles and Guidelines for Whale Watching were introduced in 1996 to help guide the development of whale watching regulations. At its meeting in 2019 the SC endorsed revisions to the Principles and Guidelines to address emerging issues and technologies, such as drones. In 2020 the CC encouraged further development of the Whale Watching Handbook; welcomed and endorsed plans for promotion of the Handbook; endorsed the Editorial Protocol for the Whale Watching Handbook; and agreed that changes to the IWC General Principles for Whale Watching would need to be reviewed and adopted by the Commission.

The CC, at its meeting in 2022, endorsed the Whale Watching Workplan and Editorial Protocol for the Whale Watching Handbook and endorsed the IWC Principles and Guidelines for Whale Watching.

#### *Conservation Management Plans (CMPs)*

The IWC adopted CMPs in 2008 as an adaptive, flexible and tailored management tool to improve the conservation outcomes for the most at-risk cetacean populations. The two main bodies responsible for

progressing the Commission's work on CMPs are the CC's Standing Working Group on Conservation Management Plans (SWG-CMP) and the Scientific Committee's Sub-Committee on Cetacean Stocks That Are or Might Be the Subject of Conservation Management Plans (SC-CMP).

At its meeting in 2020 the CC endorsed the report of the SWG-CMP; endorsed the nomination for a CMP for South American river dolphins (the genus *Inia* and *tucuxi*, *Sotalia fluviatilis*) to proceed to a draft; and welcomed progress on the development of a CMP Handbook and Strategic Plan for CMPs.

The CC received updates on the progress of each of the existing CMPs at its meeting in 2022 and discussed recommendations for next steps. The CC had:

- Agreed a Vice-Chair role for the SWG-CMPs should be created, which would require amendments to the Working Methods
- Endorsed the 2022-2024 CMP Workplan and the 2022-2032 Strategic Plan
- Agreed that the Western North Pacific Gray Whale CMP be updated using the outcomes of the SC five-year review and that the 'Memorandum of Co-operation' concerning 'Conservation Measures for the Western Gray Whale' be revitalized
- Endorsed the 2023-2024 Implementation Strategy for the South-east Pacific Southern Right Whale CMP
- Endorsed the franciscana campaign.

The SWG-CMP Chair noted that since 2009, CMPs for at risk populations had been developed, informed by advice of the SC, including the South American river dolphins, the first CMP for river dolphin species. CMP actions ranged from development of an MoU signed by Chile and Peru for protection of the South-east Pacific southern right whales, research efforts to understand population dynamics, training on entanglement responses, expert workshops, and development of the franciscana campaign. The SWG-CMP Chair thanked the CC Chair and Vice-Chair, CMP co-ordinators and all range States for their efforts.

#### *Ship strikes*

At IWC57 in 2005 the CC agreed to address whales being killed or seriously injured by ship strikes, recognising that the issue is also considered by the SC through its Non-deliberate Human Induced Mortality of Cetaceans Sub-committee (HIM). The CC established the Working Group on Ship Strikes (WG-SS) which has reported progress regularly since 2006. At the 2022 meeting of the CC an update was provided by the working group. The CC:

- Noted the intersessional progress made by the WG-SS and the Scientific Committee
- Endorsed the new Ship Strikes Strategic Plan 2022-2032 and the proposed Workplan of the WG-SS for 2022-2024
- Supported the establishment of an Expert Panel
- Supported the funding application for the continuation of the Data Manager position.

The CC Vice-Chair thanked the outgoing WG-SS Chair for his leadership and work on ship strikes and welcomed the new Chair of the WG-SS.

#### *Marine debris*

The CC Vice-Chair noted that issue of marine debris was relevant to various items under discussion at IWC68 and referred specifically to the proposed *Draft Resolution on Marine Plastic Pollution*.

A Workplan for the intersessional 2022-2024 period had been introduced to the CC at its meeting in 2022 by the Intersessional Correspondence Group on Marine Debris (ICG-MD) and was endorsed by the Committee. A statement of support for the Global Ghost Gear Initiative (GGGI) was also discussed and signing of the statement of support was endorsed by the CC.

### *Anthropogenic Underwater Noise*

The Chair of the Anthropogenic Underwater Noise ICG (AUN-ICG) provided an update to the CC at its meeting in 2022, outlining six topics of interest that had been identified: seismic exploration, vessel noise, military sonar, underwater construction, operational activities, and destruction of ammunition. A Workplan for the 2022-2024 intersessional period was endorsed by the CC, as was the use of a questionnaire on marine seismic surveys for hydrocarbon exploration which had been developed, approved by the SC, and endorsed by the CC with amendments from the USA.

### *Climate change*

Climate change is identified as a priority area in the CC Strategic Plan. A combined CC/SC virtual Workshop on Climate Change was held at the end of 2021, which recommended various areas of further research. At its meeting in 2022, the CC endorsed the establishment of a new Intersessional Group on Climate Change to further develop this area, with the following Terms of Reference: (1) Take into account the latest information on cetacean populations; (2) Provide clear advice on tools to mitigate the negative impact of climate change and build resilience; and (3) Seek to develop an IWC climate change response programme.

The Chair of the Joint CC/SC Intersessional Group on Climate Change welcomed the way forward on this vital issue and reiterated it was a fast-moving and multi-facilitated area. He encouraged Contracting Governments to join the group to share expertise and emphasised the importance of collaboration with other expert bodies, noting that recent correspondence with the climate change leads at CMS represented an important opportunity for collaboration.

CMS noted the role of cetaceans in maintaining the balance of marine ecosystems and was happy to continue working with the Commission on this topic. It highlighted plans for a workshop on climate change and migratory species planned for 2023 and invited the Commission to participate in the workshop.

### *Ecosystem Functioning*

At its 2018 meeting the CC Planning Group (CCPG) considered how the CC could address Resolution 2016-3 related to Cetaceans and their Contribution to Ecosystem Functioning, and at its meeting in 2020 the CC agreed to a proposal to hold a workshop on the socio-economic value of cetaceans to ecosystem functioning. The workshop proposed in the short-term the development of a pilot project to assess the socio-economic values of a single species to simplify the number of services to be valued.

At its 2022 meeting, the CC endorsed the report of the Workshop on Socio-economic Values of Cetaceans to Ecosystem Functioning in principle but agreed that the proposed pilot project requires further discussion and development before the CC could recommend it be taken forward and that this proposal be brought to the next SC for input and endorsement and discussed further at the CCPG meeting intersessionally.

### *Species or populations of urgent or emerging concern*

The Extinction Initiative had been developed to explain clearly, factually and publicly why the SC is concerned about the extinction of a particular species or population. A section of the IWC website has been developed to explain extinction in general terms, and to provide an overview of the actions that the Commission had endorsed in response to each major threat. At its meeting in 2022, the CC endorsed the initiative with an amendment to the process to seek endorsement from the Commission at biennial meetings or, in urgent intersessional situations, perhaps through a silence procedure.

A paper was presented to the CC meeting in 2022 that outlined responses to a world-wide survey of experts on the biggest challenges to conservation (Robinson, E. and Simmonds, M.P. Unpublished. *Analysis of the Challenges Inherent in Cetacean Conservation and Recovery Through Expert Opinion*. Available from the Lead author at: [zu19084@alumni.bristol.ac.uk](mailto:zu19084@alumni.bristol.ac.uk)). The CC endorsed an intersessional

group to develop recommendations for how challenges to conservation efforts may be overcome and be made more effective.

The CC Vice-Chair thanked the CC Chair for his many years of hard work in helping the CC deliver tangible and meaningful benefits to cetacean conservation.

## **12.2 Discussion of the CC reports**

The Czech Republic, speaking on behalf of the EU, and supported by Australia, Argentina, Brazil, Chile, Costa Rica, India, New Zealand and the USA commended the work undertaken by the CC on many important issues, and thanked the current and past CC Chairs and Vice-Chairs as well as the Secretariat for the considerable effort this had involved.

The Czech Republic further noted that IWC had taken a lead in global issues and was pleased it had continued its intersessional work implementing the strategic plan and engaging with other organisations on the workplan activities reported in the CC reports for 2020 and 2022. It was clear that CC work and recommendations can lead to government action in favour of cetacean conservation.

India noted actions it had undertaken relevant to the CC, including the launch of 'Project Dolphin' to conserve freshwater and marine systems and to secure livelihoods. Under this, the CMP for the Ganges and Indus River Dolphin had been prepared. India had made significant progress in bycatch mitigation, training first responders to rescue entrapped river dolphins and expressed interest in collaborating with the GGGI. He considered there was a need for more active, transparent and open participation from the Committees in engaging with Contracting Governments, and recommended a more inclusive approach to discussions, with increased representation from regional representatives.

New Zealand emphasised the importance of the work of the CC. The stranding and bycatch work demonstrate the extensive expertise available. It encouraged further work on the Whale Watching Handbook and would be happy to support this.

Australia noted that it was clear from the report that the work has had a real-world effect.

Argentina, supported by Chile supported all the recommendations from the CC. Argentina urged all to join the work of the CC which is of great interest with regards cetaceans and ocean health.

Chile noted the broad CC programme of work particularly in relation to cetaceans and ecosystem functioning and that as a result of this, other organisations had taken interest, including the UN Oceans Conference.

Costa Rica was pleased to note the high-profile roles of two people from Latin America, the Outgoing CC Chair and the in-coming CC Vice-Chair.

The SC Chair commented that the SC and CC had worked closely together and it has been a pleasure to work with them and looked forward to working with the new CC Chair and Vice-Chair.

There was widespread appreciation of the work of the outgoing and new CC Chairs and Vice-Chairs. The outgoing CC Chair, Lorenzo Rojas-Bracho, was presented with a gift and warmly thanked by the meeting for all he had done to take forward the work of the CC over many years.

## **12.3 Adoption of the CC reports and Work Plan**

The CC Reports of the (2020, 2022) were **adopted** including the Workplan (2022-2024).

## 12.4 Any other matters

None

## 13. SCIENTIFIC COMMITTEE (SC)

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

Documents available for this item are as follows:

IWC/68/REP/SC/01 (*Report of the Scientific Committee SC68A 2019*)

IWC/68/REP/SC/02 (*Report of the Scientific Committee SC68B 2020*)

IWC/68/REP/SC/03 (*Report of the Scientific Committee SC68C 2021*)

IWC/68/REP/SC/04 (*Report of the Scientific Committee SC68D 2022*)

Following the presentation of the SC reports (agenda Item 3), the SC Chair (Zerbini), outgoing Chair (Suydam) and Vice-Chair (Porter) provided responses to questions raised by the Commission as summarised below. Additional information on the work of the SC is detailed in the Committee's reports listed above.

The SC Chairs confirmed that currently all ASW related tasks are up to date. All countries involved in ASW have provided information on catches over the last four years, and have also submitted descriptions of the hunt, which are published on the IWC website.

The SC Chairs explained that there are numerous acknowledgements of indigenous knowledge in the SC reports and encourages hunters to submit comments and observations. The AWS notes the value of traditional knowledge and how this information can provide valuable input to *Implementation Reviews*. An example is population surveys of bowhead whales in Alaska, for which acoustic monitoring was added when the local community observed that some whales don't track the ice edge and were being missed by traditional visual surveys.

A concern was raised about changes in distribution, and possibly abundance, of the Western North Pacific common minke whale which may affect SC advice. The Chairs noted that the SC does not provide management advice for this stock as it is not subject to whaling by any Contracting Governments. However, there is an In-depth Assessment for this species in progress that will report its results and any concerns to the Commission.

The SC Chairs provided details of the ongoing Comprehensive Assessment of North Pacific sei whales. There are currently two stock-structure hypotheses: (1) there are five stocks that mix in the northern Gulf of Alaska and (2) there is only one stock. Both hypotheses are being considered in the assessment with a population model also being developed.

Work on the identification of high-risk ship strike areas was detailed noting that the Ship Strikes Strategic Plan (see <https://iwc.int/management-and-conservation/ship-strikes>) contains more detailed information on high-risk areas for ship strikes, species of concern and information on mitigation measures. Planned work on the ship strikes database includes developing a data access platform that will support user queries of the data, generate high-level summaries, and generate data visualisation outputs. The goal is to encourage increased use of the database and more data contributions.

Information on four humpback whales entangled in the krill fishery during the 2020/21 and 2021/22 season were provided by CCAMLR representatives at SC68D. CCAMLR sought advice to better understand the reasons for these events and to mitigate them in the future. The SC noted that the whales almost certainly were alive when entangled and likely entered the trawls looking for food. The size of the animals suggests they were dependent or newly independent calves of the year. An SC intersessional correspondence group has been formed to provide further advice to CCAMLR on likely cetacean bycatch causes, contributing factors and data collection. The group presented a report at the meeting of the

CCAMLR Working Group on Incidental Mortality Associated with Fishing Held in Hobart between 10 and 14 October 2022.

Differences between the Task Team (TT) Initiative and CMPs were discussed. The IWC TT aim to provide rapid and targeted responses to situations where significant and swift population decline is happening, and a real threat of extinction exists. Two TTs are currently active: the Lahille's Bottlenose Dolphin and the Indian Ocean humpback dolphin (*S. plumbea*).

CMPs are government-level frameworks with a process that includes nomination, development, implementation, monitoring and review of each CMP, with involvement from the SC and CC. The CMP for franciscana dolphins was adopted after the establishment of a TT for this species, but the development of TTs and CMPs can happen independently. An Asian River Dolphins TT was asked to review and prioritise recommendations, and this work evolved into a Concerted Action Plan under CMS. In an IWC context, Asian River dolphins are currently in the pre-nomination stage for the CMP, as consideration is given to how to best approach multiple species across multiple countries.

The SC is considering whether existing ecosystem models can be modified to address the role of cetaceans in their ecosystems. To develop this work, further research is needed on the ways that whale faeces fertilise the oceans and how whales can transport nutrients when they die and sink to the ocean floor. Feeding rates, abundance and spatial and temporal differences (for example, pre- vs. post whaling differences) must be taken into account, as well as consideration of how things are changing, for example due to climate change. A virtual workshop has been held already and an in-person meeting will be held in 2023, when initial areas of focus might include the North Atlantic and Southern Oceans.

The new leadership of the Strandings Initiative includes Fabia Luna as Chair of the Strandings Steering Group, Andrew Brownlow as Chair of the Strandings Expert Panel, and Emma Neave-Webb as Strandings Co-ordinator in the IWC Secretariat. The Expert Panel has appointed new members, to broaden expertise and spatial coverage, with continued efforts to increase membership so there is someone in every time zone, providing real-time support as strandings events happen. The Initiative has successfully supported responses in New Zealand, Australia, the USA, the Indian Ocean, Ghana and Taiwan, and also undertook an online necropsy and in person training.

The SC Chairs confirmed the Committee reviewed the South Atlantic Whale Sanctuary proposal (SAWS) and the SAWS management plan in 2016 and concluded that the management plan was comprehensive and included performance measures. If the SAWS is adopted, the SC recommends implementation of the management plan in conjunction with the Committee. The SC also agrees that the SAWS has potential to foster international collaboration for research and monitoring.

The review process for the two voluntary funds managed by the SC, the Small Cetacean Voluntary Fund (SMVF) and the Southern Ocean Research Partnership Research (IWC-SORP) Fund, was detailed. A rigorous procedure is in place that involves a call for applications, an evaluation process, the announcement of approved projects, and project commencement. Both funds have panels that assess the applications and there is a set of criteria to score and grade all proposals. It was noted that funds can only be assigned to programmes that have already received the Commission's full consideration and endorsement.

Discussing the vaquita it was noted that the SC has made recommendations for many years, but there has been an inability to take these recommendations forward. There are now c.6- 10 vaquita left in the wild leaving the species perilously close to extinction. The SC has expressed grave concern about gillnet use in the Upper Gulf of California and the lack of any monitoring or management of mortality.

Regarding the Māui dolphin, in 2022 the SC received an update that the population is likely to number 48-66 animals, aged one year or older (2020-21). The species is Critically Endangered, with ongoing threats. The SC has welcomed the comprehensive suite of fishing and non-fishing measures that New Zealand has implemented and their broader efforts to address the threats. This year the SC re-iterated its concern for the species, emphasising the inherent and irresolvable uncertainty surrounding information on most small populations. The SC has agreed to include the Māui dolphin as one of the ten species to be assessed by the SC's Recommendation Review group.

At its two most recent meetings the SC agreed that, given the management measures already implemented by New Zealand, the task for the Committee is now to review the framework that was used to inform those measures in order to assist New Zealand with future decisions regarding anthropogenic threats to Hector's and Māui dolphins. The review is to be in two parts, with a small intersessional group formed to nominate independent experts to review aspects of the science, followed by a short pre-meeting to SC69A to assess the reviews and make recommendations to improve the utility of the model to inform management decisions. The Government of New Zealand has offered to support this review financially and through providing access to the data, computer code and relevant people.

The Commission was informed of SC work on 'aquatic wildmeat', which refers to small cetacean catches for food, bait, trade and traditional uses. Three regional workshops on aquatic wildmeat have been held, one in each of Africa, Southeast Asia and South America to explore the use of small cetaceans as subsistence food, bait, objects of worship, traditional medicine and talisman contributing to better management and conservation action. In partnership with the CMS, a paper was published in 2022 on this work (*Widespread Use of Migratory Megafauna for Aquatic Wild Meat in the Tropics and Subtropics* <https://www.frontiersin.org/articles/10.3389/fmars.2022.837447/full>). The next steps will be to consolidate the findings from the three workshops and develop a workplan to bring to the SC, in collaboration with the CMS.

The SC has a long-standing recommendation that no small cetacean removals, live capture or directed harvest, should be authorised until a full assessment of status has been made. There are two species of particular concern identified by the SC. The narwhal (*Monodon monoceros*) population present in south-east Greenland is under imminent risk of extirpation due to overhunting and the SC recommends a reduction of the south-east Greenland hunt quota to zero. Additionally, the Atlantic White-sided dolphin (*Lagenorhynchus acutus*) was subject to the largest drive hunt in the Faroe Islands in 2021. The SC drew attention to serious concerns regards to the high number of these dolphins reported as direct takes in recent years. The SC is working with ASCOBANS to: (1) review the available information on population structures and trends, distributions, abundances, mortalities, reproductive outputs, health, diet, behaviour and data gaps; and (2) review issues that pose a conservation threat.

The requirement for IWC members to submit annual National Reports under ICRW Article VIII: 'scientific information' about 'whales and whaling' was raised. National Report submission rates by Contracting Governments has been low, with just 13 reported in 2022 and 14 in 2021. The importance of these reports to the SC and the IWC generally was stressed, to ensure that advice is based on the full range of information. Contracting Governments were encouraged to contact the Secretariat with any concerns or ideas regarding the submission of reports.

The SC is implementing a new Communication Initiative (CI), to improve the presentation of the Committee's work to the Commission through the development of new communication tools (see FA/68/7.2.2/01). These new tools (digital fact sheets, a science hub and non-technical summary documents) provide more accessible material to complement the more detailed SC reports. One of the objectives of the CI is to communicate the work of the SC in French and Spanish as well as English.

The SC discussions regarding proposed budget cuts and changes to its meeting structure were summarised (Annex J of the 2021 SC report, document IWC/68/REP/SC/03). While the SC would prefer to meet annually, if funding cuts are needed and the SC moves to biennial meetings, the SC suggested that in-person workshops could be held in intervening years that focus on highly technical sub-groups (IST, IA, ASI, SDDNA) and to prioritise ASW-related topics. Other SC groups could hold virtual meetings. The need to reduce the SC agenda was stressed and guidance from the Commission on priority areas was requested.

The SC leadership thanked the Commission for its engagement during the meeting. They welcomed further questions and discussion, and can be contacted by Commissioners using the email address [scquestions@iwc.int](mailto:scquestions@iwc.int).

The Chair thanked the SC Chair (Zerbini), Vice-Chair (Porter), former SC Chair (Suydam) and Head of Science, Conservation and Management (Staniland) for the excellent presentation and huge progress already made in improving SC communication to the Commission.

### **13.2 Discussion of the SC Reports**

The current and former SC Chairs, the SC vice-Chair, and the Committee as a whole, were widely thanked for their work. The Communication Initiative in particular was welcomed, and the SC Chairs were congratulated for their presentation of the SC's work at this meeting, which was considered to be very useful and clear, particularly for non-specialists.

The USA agreed with the recommendations proposed by the SC, including the proposed priorities for its work if there was a shift to biennial meetings.

On behalf of the EU, the Czech Republic welcomed many aspects of the SC's work including on strandings, plastic pollution, small cetaceans and climate change, and in particular the results of outreach to other international organisations, recognising the moving of a shipping lane to protect sperm whales as a prominent achievement. It noted the importance of the work of the ASW, HIM and E sub-groups and expressed interest in further SC work on photo-ID through citizen science and other efficient monitoring techniques such as acoustic sensors and satellite remote sensing. It also welcomed the SC's work on underwater noise and confirmed the EU's commitment to contributing to this work and sharing experience in relation to offshore energy. It expressed concern that SC work might be negatively impacted by the proposed budget cuts and noted support for the BSC recommendations to achieve longer-term sustainability of SC finances, given the importance of IWC decisions being science-based. It acknowledged that prioritisation would be necessary and stressed the importance of allocating sufficient funds to ASW related work.

Brazil, Mexico, Panama and Switzerland noted that the work of the SC is integral to the IWC and further, Mexico noted its importance to the future of the IWC. Argentina, Brazil and Panama stressed the importance of ensuring that the SC has sufficient financial resources to allow it to undertake its work.

Brazil welcomed the work on small cetaceans by both the CC and SC. New Zealand also expressed support for the SC's work on small cetaceans. With regard to the Critically Endangered Māui dolphin, New Zealand stated that it was committed to ensuring the long-term viability of this species. It noted that it had developed a Hector's and Māui Dolphin Threat Management Plan which was last reviewed in 2020, leading to extensive set net and trawl fishery closures and that it had committed funds for the IWC to undertake an independent review of the science informing this Management Plan.

Austria expressed its concern that the vaquita is facing extinction despite the fact that preventing extinctions was arguably the main task of the IWC. It stressed that immediate common-sense measures are needed rather than further research on the species. While the SC report outlines some of the measures required, not all are within the remit of the SC. Switzerland considered that the SC has given

good advice and it is now up to politicians to act on it. It hopes that more attention will be paid to the SC advice going forward in order to avoid more species facing this situation.

Norway noted that the small numbers of remaining vaquita lived in a very restricted area, the only threat being entanglement in illegal gillnets. It is disappointed that despite decades of SC advice, the illegal gillnets have still not been removed and this has to be done immediately to avoid extinction. Argentina also expressed concern regarding the catches of small cetaceans and requests that all resources available be used to avoid extinction of the vaquita, noting that the Buenos Aires Group supports all efforts to address the bycatch of this species.

Mexico appreciates the concern expressed regarding the status of the vaquita, and notes that the lesson to learn was not to delay conservation action since unexpected events were always possible, such as the sudden rise in demand for totoaba swim bladders. He welcomes recent scientific information indicating that the population had the potential to recover.

The UK highlighted its concern that Greenland's narwhal catch quota for 2022 appears to still be in place despite the SC's recommendation to reduce the quota to zero. The UK also noted its concern that small cetacean hunts are taking place in the Faroe Islands, noting the SC's advice that no hunt should be authorised, while welcoming the formal review being conducted by the Faroese Government. The UK was also concerned that in addition to commercial whaling, large numbers of small cetaceans were taken in Japanese coastal waters. It requests that Japan undertake a status review of the species targeted in these hunts and notes its appreciation for any actions that Japan may be taking to improve the welfare of these species.

The Kingdom of Denmark noted that the IWC does not have competence for the hunting and capture of small cetaceans. Denmark (Faroe Islands) emphasised that the catch of 1,423 white-sided dolphins in 2021 was an exceptional incident, and that the annual catch averages 260. The Faroese Government has implemented an annual catch limit of 500 for the species, noting that the population in the seas around the Faroe Islands was estimated at 80,000 and that an annual catch of 825 would be reasonable. NAMMCO is expected to provide advice on the catch limit by 2024, after which the Faroese Government will reassess the current limit of 500. It stated that small whales were one of the few sources of meat in the Faroe Islands that did not need to be imported.

Denmark (Greenland) noted that the Government of Greenland took advice from NAMMCO and the Joint Commission on Narwhal and Beluga, as well as advice from local hunters, when setting quota levels for narwhal in south-east Greenland. It emphasised the need to secure local fresh meat since imported food was expensive and not always healthy, and that whales are also very important culturally.

India stated that it had completed a survey of riverine dolphins and had recently released strandings guidelines to aid its response to strandings. It reiterated its commitment to inclusivity and equal representation of all stakeholders in discussions relating to species management.

The Republic of Guinea noted that the COMHAFAT/ATLAFCO programme was informed by results from SC work as well as technical assistance from Japan, which had led to an at-sea survey on small cetaceans. It noted that data from this initiative could be shared with the SC under the agreement due to be signed between IWC and COMHAFAT/ATLAFCO. It proposes that its Institute for Marine Science could be used as a focal point for exchange of information with IWC and the training of African experts.

The SC Chair expressed his appreciation for the thanks received, welcomed further feedback on the SC's work, and thanked the SC and its former Chair, Suydam for their support.

Environmental Investigation Agency, spoke on behalf of 17 NGOs<sup>2</sup>. It thanked both the SC and CC for their important and dedicated work. Welcoming the SC's efforts to prevent bycatch, it noted that critically endangered species such as the vaquita and Māui dolphin were declining and close to extinction and urged Contracting Governments to act upon the SC's recommendations to remove all gillnets from the habitats of these and other critically endangered populations.

Pro Wildlife, spoke on behalf of 21 other NGOs<sup>3</sup>. It welcomed the substantial work of the SC on small cetaceans. It noted their support for the SC concerns regarding the narwhal hunt in south-east Greenland and white-sided dolphin hunts in the Faroe Islands. It expressed serious concern regarding the annual intentional take of approximately 100,000 small cetaceans worldwide, noting that several species were listed as threatened as a direct result of hunting pressure. It urged Contracting Governments to develop and enforce national legislation prohibiting hunting of small cetaceans.

Whale and Dolphin Conservation, spoke on behalf of 19 NGOs<sup>4</sup>. It thanked the SC and CC for its work, in particular on ecosystem functioning. It highlighted the critical functions performed by cetaceans, and that allowing their populations to flourish would help meet climate objectives and increase the resilience of nature. It called for the moratorium to be upheld and for urgent and radical action to address the growing threats to cetaceans.

KNAPK expressed its strong objection to the SC recommendation regarding narwhal in south-east Greenland, noting that this was within the remit of NAMMCO rather than the IWC. It urges the SC to incorporate traditional knowledge and to consult KNAPK prior to conducting surveys in the region.

### **13.3 Adoption of the SC Reports and Work Plan**

The Commission **adopted** the four SC Meeting Reports for 2019, 2020, 2021, 2022 and the proposed work plan.

### **13.4 Any other matters**

Iceland requested clarification of the SC funded projects that overlapped with the work of the CC shown in fig. 3 in annex K of the 2021 Scientific Report. The SC Chairs noted that 'topics that overlap with CC' refers to funds allocated to the CMP, E, HIM, SM and WW sub-groups. They noted that the SC, particularly within these sub-groups, considers the science related to conservation issues making recommendations where action is needed. The CC then acts upon these recommendations, where relevant, focusing on finding policy solutions.

## **14. CO-OPERATION WITH OTHER ORGANISATIONS**

The Executive Secretary introduced document IWC/68/14/01/REV1 (*Co-operation with Other Organisations*) and highlighted co-operative work with IMO on ship strikes and underwater noise, with FAO and its Regional Secretariats Network, several RFMOs and CCAMLR on bycatch, and with CBD, CMS and daughter agreements, and CITES on overall ecosystem issues. She noted a growing collaboration with COMHAFAT/ATLAFCO including a pilot internship programme and planning for capacity building for at-sea surveys and data analysis.

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<sup>2</sup> Animal Welfare Institute, Centro de Conservación Cetacea, Cetacean Society International, Environmental Investigation Agency, Fundación Cethus, Fundación Promar, Humane Society International, Instituto Baleia Jubarte, Instituto de Conservación de Ballenas, International Fund for Animal Welfare, Natural Resources Defense Council, OceanCare, Pro Wildlife, Whaleman Foundation, WeWhale, Whale and Dolphin Conservation and WWF International.

<sup>3</sup> Animal Welfare Institute, Ambassade des Océans, Cetacean Society International, Centro de Conservación Cetacea, Environmental Investigation Agency, Fundación Cethus, Humane Society International, Instituto Baleia Jubarte, Instituto de Conservación de Ballenas, International Fund for Animal Welfare, Iruka & Kujira Action Network, NOAH, Natural Resources Defense Council, OceanCare, Oceanic Preservation Society, ORCA, Pro Wildlife, Robin des Bois, Whaleman Foundation, Whale and Dolphin Conservation and WeWhale.

<sup>4</sup> Humane Society International, International Fund for Animal Welfare, Fundación Cethus, National Resources Defense Council, WeWhale Association, Whale and Dolphin Conservation, Centro do Conservacion Cetacea, Instituto de Conservacion de Ballenas, Environmental Investigation Agency, Whales Alive, Cetacean Society International, Whaleman Foundation, WWF International, Animal Welfare Institute, NOAH, ORCA, Pro Wildlife, Robin de Bois and Fundacion Promar.

The UK, supported by the Czech Republic, on behalf the EU, Republic of Guinea, Morocco, the USA and Animal Welfare Institute, on behalf of Ambassade des Océans, Centro Conservación Cetacea, Cetacean Society International, Environmental Investigation Agency, Fundación Cethus, Humane Society International, IKAN-Dolphin and Whale Action Network, Instituto Baleia Jubarte, Instituto de Conservación de Ballenas, International Fund for Animal Welfare, Natural Resources Defense Council, NOAH-for animal rights, OceanCare, ORCA, Pro Wildlife, Robin des Bois, Whale and Dolphin Conservation, WeWhale, Whaleman Foundation, and WWF thanked the Secretariat for its hard work to develop and maintain co-operation with other international organisations.

The UK, supported by the Czech Republic, on behalf of the EU, and Morocco considered this work was important as it raised the profile of the Commission as an expert on global cetacean conservation and allowed it to share its knowledge in this area. The Czech Republic, on behalf of the EU, also welcomed the opportunity to learn from other organisations, which contributed to more efficient working.

The USA thanked David Matilla for his work in spear-heading the entanglement work programme, carried out under the MoU with the Center of Coastal Studies and welcomed its renewal. This work had included training over 1300 people in 30 countries to safely respond to entanglements

The Republic of Guinea thanked the Executive Secretary for increasing the accessibility of the Commission and for the smooth running of Commission meetings and processes.

Morocco congratulated the Secretariat and the Commission on the signing of the MoU with COMHAFAT/ATLAFCO and thanked the Secretariat for accepting a Moroccan citizen for the pilot internship programme.

Animal Welfare Institute, on behalf of the 20 NGOs above, highlighted that according to the CITES Trade Database, Norway and Iceland together have exported more than 14 million kilograms of whale meat and blubber within the period 2011 to 2020 with almost all of this shipped to Japan. They considered that Norway and Iceland were undermining the effectiveness of both the IWC and CITES and called for them to stop issuing export permits and remove their reservations to the CITES Appendix I whale listings. They noted that while Japan is not an IWC Contracting Government, it is still a Party to CITES and called on Japan to stop issuing CITES import permits for this trade.

## **15. ELECTION OF OFFICERS**

The current Chair and Vice-Chair had 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 were asked to consider nominations for the Chair and Vice-Chair and other officer positions.

### **15.1 Election of Chair**

Mr. Amadou Télivel Diallo (Republic of Guinea) was elected as IWC Chair 2022-2024.

The Minister for Fisheries and Maritime Economy for the Republic of Guinea, Madame Charlotte Daffe, thanked the Slovenian authorities for the invitation to participate at IWC68. She noted that the Republic of Guinea was happy to take part since it valued the sustainable management of living marine resources. She stated that since joining IWC in 2000, the Republic of Guinea has actively participated in all meetings for the last 22 years. Through COMHAFAT/ATLAFCO, it had promoted cetacean science in the African Atlantic region, through visual at-sea surveys from Mauritania to Gabon. This work has generated interest from marine managers in the countries concerned, leading to greater coverage of the work. On behalf of the Government of the Republic of Guinea, and in particular the Head of State, Excellency Colonel Mamadi

Doumbouya, President of the Transition, she thanked delegates for their confidence in electing Mr. Amadou Télivel Diallo as the new IWC Chair for 2022-2024 and was confident that his long experience of IWC would help him undertake his mandate. Finally, she gave reassurance of the determination of the Republic of Guinea and the President of the Transition, to preserve and responsibly manage its fisheries and natural resources.

The Chair congratulated the newly elected Chair, noting that he was the first Chair from Africa.

The outgoing Chair was widely thanked for his support to the Commission, for his unprecedented four year term and also for hosting six meetings of the IWC and SC.

### **15.2 Election of Vice-Chair**

The UK congratulated the Republic of Guinea as new Chair and nominated Dr Nick Gales (Australia) as the new Vice-Chair, noting that he had been at the heart of IWC work for many years.

Dr Nick Gales was duly elected as Vice-Chair and was widely congratulated for his new role. He thanked the Commission for putting its trust in him and congratulated the new Chair. He noted there were many challenges in continuing the essential work of IWC and assured all that he will do all he can do support it.

### **16. BUREAU MEMBERSHIP**

The Bureau comprises the Chair of the Commission, the Vice-Chair of the Commission, the F&A Chair, and four Commissioners representing a range of views and interests. Commissioners were previously appointed to the Bureau for a period of two years at biennial Commission Meetings.

The Chair noted that four additional Bureau members were due for election and reminded the meeting that new terms for Bureau members had been adopted under Agenda item 6, in order to stagger membership. New members would serve for two, four, or six years and would need to inform the Commission on the mandate they wished to serve, when elected.

Antigua and Barbuda congratulated the present Bureau for their excellent work, commended the Commissioner of St Lucia for his work representing the Caribbean, and nominated St Lucia for a second term.

The UK Commissioner announced he intended to step down and nominated the Commissioner of Belgium, which was supported by the Czech Republic on behalf of the EU.

Brazil, supported by the Czech Republic on behalf of the EU and the Dominican Republic, nominated the Commissioner of Argentina to serve for a further two-year period representing the Buenos Aires Group, thanking him for his hard work.

Côte d'Ivoire nominated the Commissioner of Ghana.

The membership of the Bureau was **agreed** as follows: Chair (Republic of Guinea); Vice-Chair (Australia); F&A Chair (USA); Argentina, to serve for two years; Belgium, to serve for six years; Ghana, to serve for four years; and St Lucia, to serve for four years.

The Chair noted that with the membership terms adopted, the Bureau would achieve a staggered membership from a wide regional distribution.

## **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 two years in advance.

### **17.1 Confirmed Events**

Peru confirmed the offer of the Peruvian Government through the Ministry of Foreign Affairs to host IWC69 in Lima, Peru. Peru looked forward to extending a warm welcome to the Commission.

The Secretariat confirmed that the SC meeting in 2023 would take place in Bled, Slovenia, from 24 April to 7 May 2023.

Antigua and Barbuda confirmed its offer to host the SC meeting in 2024 in Antigua and Barbuda. The SC Chair thanked Antigua and Barbuda for its offer and looked forward to the meeting.

The Chair thanked Peru and Antigua and Barbuda, and confirmed that there were no other proposals.

The proposals to host IWC69 in Lima, Peru, to host the 2023 SC meeting in Bled, Slovenia and to host the 2024 SC meeting in Antigua and Barbuda were **adopted by consensus**.

## **18. OTHER MATTERS**

### **18.1 Closing remarks**

Brazil, also speaking on behalf of Argentina and Uruguay, reiterated their firm commitment to strengthening co-operation in the South Atlantic on the conservation of cetaceans, and further activities deriving from conservation initiatives. They remained committed to creating a South Atlantic Whale Sanctuary, aiming to offer other South Atlantic nations a reference point to enhance regional awareness, capabilities, and research on cetaceans, including through the development of income generating activities such as whale watching.

Brazil, supported by Mexico, expressed disappointment that Contracting Governments present for Plenary were not in the room when Agenda item 7.1 was open for debate. It noted that developing countries, which are often biodiversity-rich, were aware of the challenges faced due to climate change and species extinctions and had expected a firm commitment from developing countries to conserve the environment, underlining its importance for food security. Brazil expressed the hope that in the future, proposals such as this one that are so important for the environment, and for the world, could be debated respectfully.

Argentina considered that the absence of some Contracting Governments from the room when Agenda item 7.1 was discussed was a dispute that should be recorded in the Chair's Report of the meeting and that this must be settled by mechanisms in accordance with international law. It noted that the behaviour of these Contracting Governments was not consistent with the very responsible positions taken by the same delegations in other international fora for environmental protection. It considered that these countries had a responsibility to uphold democratic traditions, and that leaving the room during debate did not reflect this culture. It urged everyone to consider how best to assert their rights during negotiations while still respecting the rights of others.

Colombia, supported by Mexico, reiterated its commitment to the conservation of biodiversity and natural resources, and cetaceans in particular, and to the work of the SC and CC. It confirmed its continued support for the SAWS proposal. It stated its support for the Buenos Aires Group in denouncing the actions that had been taken to interfere with debate at the meeting. It looked forward to discussions that would clarify the Rules of Procedure regarding quorum as the first item on the agenda at IWC69.

India stressed that when delegates spoke, they were stating the views of their governments, and that the views of different governments should be respected in future proceedings, in the interests of fairness. India suggested that, in the future, a more balanced time share should be allocated for scientific outputs relating to conservation and best practices for cetacean management so that other countries could benefit from these findings.

Benin, supported by St Lucia, considered that the views of developing countries were not taken into account during the meeting and emphasised that some developing countries had been prevented from attending the meeting, thereby excluding them from the debate. It felt that the withdrawal of 16 Contracting Governments from the debate of Agenda item 7.1 was therefore not the fault of these countries. Benin, supported by Antigua and Barbuda and St Lucia, was offended by suggestions that this behaviour was irresponsible.

Antigua and Barbuda, supported by St Lucia, aligned itself with comments made by India, stating it was here representing its government's interests and that in pursuing these it had made every effort in negotiations within the rules established. It emphasised that the Contracting Governments that did not participate in Agenda item 7.1 had acted within the Rules of Procedure of the Commission and had made efforts to understand the SAWS proposal further but had not received satisfactory answers. Antigua and Barbuda made reference to its leadership in the international community with regards to climate change response and environmental protection.

Antigua and Barbuda, supported by St Lucia, suggested that in the spirit of compromise, all statements made under Agenda item 18 (Other matters) be withdrawn.

Argentina, supported by Colombia, rejected Antigua and Barbuda's suggestion and reiterated their view that statements made under Agenda item 18 should remain in the Chair's report.

Costa Rica acknowledged the difficulties of the situation that had arisen. It was thankful that other UN bodies were meeting soon to discuss biodiversity and environmental protection and was hopeful that progress would be made towards strengthening environmental protections at these meetings.

Animal Welfare Institute, on behalf of 18 other NGOs (Australian Marine Conservation Society, Cetacean Society International, Environmental Investigation Agency, Fundación Cethus, Humane Society International, International Fund for Animal Welfare, Iruka & Kurija Action Network, Morigenos-Slovenian Marine Mammal Society, Natural Resources Defense Council, NOAH - for dyrs rettigheter, OceanCare, ORCA, Pro Wildlife, Robin de Bois, WeWhale, Whale and Dolphin Conservation, Whaleman Foundation, Whales Alive), shared the disappointment that had been expressed over the breakdown in decision-making but remained confident for the future and committed to the ongoing work of the Commission, including the work of the SC and CC.

Environmental Investigation Agency on behalf of 24 other NGOs (Animal Welfare Institute, Australian Marine Conservation Society, Brazilian Humpback Whale Institute, Centro de Conservacion Cetacea, Cetacean Society International, Environmental Investigation Agency, Fundación Cethus, Humane Society International, Instituto do Conservacion de Ballenas, International Fund for Animal Welfare, Iruka & Kurija Action Network, Morigenos-Slovenian Marine Mammal Society, Natural Resources Defense Council, NOAH - for dyrs rettigheter, OceanCare, Only One, ORCA, Pro Wildlife, Robin de Bois, WeWhale, Whale and Dolphin Conservation, Whaleman Foundation, Whales Alive, WWF), expressed their disappointment over the disruption experienced in relation to Agenda item 7.1 and believed that, in line with the practice of the Commission, issues should be addressed through dialogue and not desertion.

#### *18.1.1 Other issues raised not related to item 7.1*

The Animal Welfare Institute, on behalf of the 18 NGOs listed above, thanked the Contracting Governments for reaching a compromise on the budget crisis and were hopeful that this and other reforms would create a good foundation on which to build the Commission's resources. They expressed regret that the compromise had included changes to the terms of compensation of Secretariat staff, noting their hard work. They announced a contribution of £40,460 to the voluntary funds, including £15,150 for Small Cetacean Voluntary Fund, £12,610 for Bycatch Mitigation Fund, £9,700 for Conservation Fund and £3,000 for Ship Strikes Fund.

Global Guardian Trust, also on behalf of IWMC, noted that much progress had been made on the conservation of whales. It also expressed concern that this progress had been to the detriment of the human rights of coastal communities and the sovereign rights of Small Island Nations and developing countries. It hoped that over the interim period and in future meetings of the Commission, the initiatives for the conservation of whales would be based on increased protection of both sovereign and human rights of those affected by the Commission's decisions.

The Alaskan Eskimo Whaling Commission (AEWC) reiterated that the regulation of ASW is a core responsibility of the Commission and urged Contracting Governments to ensure that the SC is funded to the level needed so that the AEWC could abide by the rules and regulations set by the Commission, which it has done and will continue to do. It encouraged all present to consider contributions to the ASW Voluntary Fund.

Environmental Investigation Agency, on behalf of the 24 other NGOs listed above, celebrated the adoption of the Resolution on Plastic Pollution by consensus, that the moratorium remained in place and that steps had been taken towards the conservation agenda of the Commission. The Chair congratulated Jennifer Lonsdale OBE for having been recently awarded the Albert Schweitzer Medal from the EIA for outstanding contributions to animal welfare.

Antigua & Barbuda, Argentina, Australia, Benin, Colombia, Costa Rica, Mexico, St Lucia, the SC, AEWC, Environmental Investigation Agency also on behalf of the 24 other NGOs, and IWMC and GGT thanked the Chair for his leadership and guidance, steering the IWC through the pandemic and through a challenging meeting. They expressed thanks for the warm hospitality shown by the Slovenian people.

Antigua & Barbuda, Australia, Brazil, Costa Rica, Mexico, St Lucia, the SC, Animal Welfare Institute and a growing list of NGOs, Environmental Investigation Agency also on behalf of the 24 other NGOs, and IWMC and GGT thanked the Executive Secretary for her leadership, professionalism and hard work, and the Secretariat for their exceptional work, friendliness and dedication, and the interpreters for their work. The SC Chair noted that work of the Secretariat is essential to the Commission and to the Scientific Committee, and the excellent leadership of the Executive Secretary in a time when we had to shift from in-person to virtual meetings is particularly appreciated.

The Chair, Brazil, St Lucia, the SC, AEWC, Environmental Investigation Agency, also on behalf of the 24 other NGOs, and IWMC and GGT congratulated and welcomed the incoming Chair from the Republic of Guinea and Vice-Chair from Australia.

### **19. ADOPTION OF SUMMARY OF MAIN OUTCOMES, DECISIONS AND REQUIRED ACTIONS ARISING FROM THE 68<sup>th</sup> MEETING**

Following discussion in the meeting, the summary of main outcomes, decisions, and required actions from the meeting was **adopted**.

## **20. CLOSE OF MEETING**

The Chair of the Committee thanked the Contracting Governments, non-member Governments, IGOs, NGOs and other participants for their input into discussions over the course of the meeting. He thanked the interpreters and the IT technicians for enabling the meeting to take place and the staff of the Hotel Grand Bernardin. He also thanked the Secretariat for its work in preparing and running the meeting.

He also thanked the Bureau and the Chairs and Vice-Chairs of the Commission's sub-groups and subsidiary bodies for their support and advice during his tenure as Chair of the Commission. He especially expressed his gratitude to his colleagues in the Slovenian Government, and to the Executive Secretary for their support.

The meeting closed at 16:30hrs on Friday 21 October 2022.