

Chair's Report of the 64th Annual Meeting

1. ELECTION OF CHAIR AND VICE-CHAIR

This item was originally scheduled to have been first on the order of business but was heard instead at the end of the meeting. The Commission elected, by consensus, Ms Jeannine Compton-Antoine (St Lucia) and Mr Frédéric Chemay (Belgium) as Commission Chair and Vice-Chair respectively.

2. INTRODUCTORY ITEMS

The 64th Annual Meeting of the International Whaling Commission (IWC) took place at the El Panama Conference Centre, Panama City, Panama from the 2-6 July 2012. Mr Bruno Mainini (Switzerland) acted as Chair for the meeting which was attended by 66 of the 89 Contracting Governments. Observers from one non-member government, six intergovernmental organisations, and 44 non-governmental organisations (NGOs) were also present. A list of the delegates and observers attending the meeting is given as Annex A. The associated meeting of the Scientific Committee was also held at the El Panama Conference Centre from 11-23 June 2012 and the Commission's other sub-groups met from 25-28 June 2012.

2.1 Welcome address

The address was given by His Excellency Roberto Henriquez, the Foreign Minister of the Republic of Panama who welcomed delegates to Panama. He said that Panama's hosting of IWC/64 was a clear indication of its commitment to the international process of negotiation, and in particular its support to the different international organisations which work to conserve ecosystems.

He noted that Panama had recently shown both local and international commitment to the protection of cetaceans. A law passed in 2005 established Panama's marine corridor for the protection of marine mammals and also provided a framework for the application of relevant policies including research, whalewatching, recreation, education, research, field therapy and also programmes for environmental awareness. Panama had declared marine mammals to be in need of conservation and preservation in order for them to re-establish and develop their populations. The law was strengthened by a number of regulations designed to ensure that it will be enforced.

The Minister reported that Panama was currently reviewing a draft order to create a national network for the rescue of stranded marine mammals. The draft national plan for stranded whales had been developed and was operated in conjunction with other institutions and tourism authorities so as to achieve the necessary international cooperation. Panama had also taken the initiative to educate their own citizens in conducting responsible and sustainable whalewatching in order to achieve the greatest possible benefit for all involved.

The minister invited the IWC to conduct this year's meeting with a positive and constructive spirit, especially given the challenging topics facing the IWC as it undergoes its process of change. He hoped that the meeting would mark a positive step forward so that the Commission could respond to the concerns of the international community. He stated that Panama would continue to work with the Commission and the other States that are involved in order to achieve agreement. In closing he encouraged everyone

to enjoy their stay in Panama and to appreciate the many advantages that the country had to offer.

The response was given by Dr Simon Brockington, the Executive Secretary of the IWC. He referred to the difficulty of the issues faced by the IWC and recognised the organisation's strengths. In particular, he noted the commitment of the Contracting Parties and the increased amount of intersessional work which had taken place both prior to arrival in Panama and during the sub-committee week. He acknowledged the on-going progress with governance reform that had started with the consensus adoption of Resolution 2011-1 at IWC/63 and the present opportunity to move to biennial meetings. Finally, he referred to the considerable support provided to the Commission by the Scientific Committee, especially in relation to the Committee's ability to assemble and communicate knowledge on the state of whale stocks and the environment. In closing he thanked the Government of Panama for their comprehensive arrangements to host IWC/64, and wished all delegates and observers a successful meeting.

2.2 Opening Statements

Opening Statements from Contracting Governments and Observers were received in writing and can be found on the IWC website¹.

2.3 Secretary's Report on Credentials, Voting Rights and Circular Communications

The Secretary reported that the Credentials Committee (comprising Japan, New Zealand and the Secretary) had met on the previous evening (1 July 2012). All credentials were in order except for those from the representative of the Government of Peru².

At the start of the meeting voting rights were suspended for Belize, Cameroon, Republic of Congo, Côte d'Ivoire, Dominica, Gambia, Greece, Guatemala, Republic of Guinea, Guinea-Bissau, Hungary, Kenya, Mali, Mauritania, Nicaragua, Romania, Senegal, Slovak Republic and Suriname. The Secretary noted that if and when voting commenced he would call on San Marino (if present) to vote first.

A new Rule of Procedure (P.3) introduced in 2011 required all individual and circular communications from the Chair or Secretary to Contracting Governments to be placed on the Commission's public website. The Secretary reported that this had been achieved, and also confirmed that no confidential communications had been withheld from the website since the Commission's previous meeting.

2.4 Meeting arrangements

The Chair referred to the importance of allowing all Contracting Governments to express their points of view, and hoped that this would be achieved without interruption. He also requested that calls for points of order be kept to a minimum.

The Chair confirmed the Commission's arrangements for speaking rights for representatives of non-member governments and other intergovernmental organisations, i.e. that they would be permitted to make one intervention on a substantive agenda item.

¹<http://www.iwcoffice.org/iwc64docs>.

²Peru subsequently submitted its credentials later in the meeting.

With regard to Non-Governmental Organisation (NGO) observers the Chair planned to allow interventions on five items, with a maximum of five minutes per item. He invited a maximum of ten representatives of the NGOs present to meet with him during the lunchtime recess on 2 July 2012 to identify the items in advance. Depending on the rate of progress during the week the Chair indicated that he would allow further interventions from NGO observers if time permitted.

2.5 Review of documents

The Chair drew attention to document IWC/64/02 which was the list of documents to be considered at the 64th Annual Meeting. This list is provided at Annex C.

3. ADOPTION OF THE AGENDA

The Chair drew attention to the Annotated Provisional Agenda and to his proposed order of business.

Denmark noted that it had a dual capacity, both as a member of the European Union (EU) and simultaneously as a representative of Greenland and the Faroe Islands which are not members of the EU. Denmark stated that it generally aligns itself with the views and statements made on behalf of the EU, but that its comments at IWC/64 would be on behalf of Greenland and the Faroe Islands when there was a divergence of interest.

The Agenda was adopted by the meeting and is given as Annex B.

4. SANCTUARIES

4.1 South Atlantic Whale Sanctuary

4.1.1 Proposal for the establishment of a South Atlantic Whale Sanctuary

Brazil introduced a proposal to establish a South Atlantic Whale Sanctuary which was co-sponsored by Argentina, Brazil, South Africa and Uruguay. The same proposal had been submitted each year between 2001 and 2008, and also in 2011, with the decision on the 2011 proposal being deferred to the present meeting. The proposal was to add a new paragraph 7(c) to Chapter III of the Schedule of the International Convention for the Regulation of Whaling (1946), and was the same as the one submitted to IWC/63 in 2011 with the exception of modification to the wording regarding coastal waters under national jurisdiction:

In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the South Atlantic Whale Sanctuary. This Sanctuary comprises the waters of the South Atlantic Ocean enclosed by the following line: starting from the Equator, then generally south following the eastern coastline of South America to the coast of Tierra del Fuego and, starting from a point situated at Lat 55°07,3'S Long 066°25,0'W; thence to the point Lat 55°11,0'S Long 066°04,7'W; thence to the point Lat 55°22,9'S Long 065°43,6'W; thence due South to Parallel 56°22,8'S; thence to the point Lat 56°22,8'S Long 067°16,0'W; thence due South, along the Cape Horn Meridian, to 60°S, where it reaches the boundary of the Southern Ocean Sanctuary; thence due east following the boundaries of this Sanctuary to the point where it reaches the boundary of the Indian Ocean Sanctuary at 40°S; thence due north following the boundary of this Sanctuary until it reaches the coast of South Africa; thence it follows the coastline of Africa to the west and north until it reaches the Equator; thence due west to the coast of Brazil, closing the perimeter at the starting point. This prohibition shall be reviewed twenty years after its initial adoption and at succeeding ten-year intervals, and could be revised at such times by the Commission. Nothing in this sub-paragraph shall prejudice the current or future sovereign rights of coastal states according to, *inter alia*, the United Nations Convention on the Law of the Sea. With the exception of Brazil, this provision does not apply to waters under the national jurisdiction, according to

its current delimitation or another that may be established in the future, of coastal states within the area described above, unless those States notify the Secretariat to the contrary and this information is transmitted to the Contracting Governments.

Brazil stated that the primary intention in creating the Sanctuary was to support the biodiversity, conservation and non-lethal use of whale resources in the South Atlantic Ocean. The Sanctuary was intended to maximise the rate of recovery of whale populations and to promote the long term conservation of whales with particular emphasis on breeding and calving areas and migratory pathways. The Sanctuary would also: (1) stimulate co-ordinated research programmes between developing countries and the IWC; (2) develop the sustainable and non-lethal utilisation of whales through ecotourism and whalewatching; (3) provide a framework for the development of measures at an ocean-basin level; and (4) integrate national and regional conservation and management strategies while taking into account the rights and responsibilities of coastal states. Brazil hoped that the proposal to amend the Schedule could be accepted by consensus.

4.1.2 Commission discussions and action arising

India, Colombia, Ecuador, Australia, Chile, Mexico, Cyprus (speaking on behalf of the European Union member states present at IWC/64) and Switzerland recorded their support for the proposal. India and Colombia re-iterated their commitment to conservation and non-lethal use of cetaceans, and Colombia noted the great economic advantages that whalewatching and ecotourism activities brought to vulnerable coastal communities. Ecuador stated that the Sanctuary would maintain the cetacean populations in the area and recalled that it had recognised its territorial waters as a whale sanctuary since 1990. Mexico said that there were six measurable objectives associated with the creation of the Sanctuary, the prime one being to allow the recovery rate of cetaceans to increase to its maximum capacity. Although there is no current commercial whaling, there had been previously and not all stocks had recovered to their historical levels.

Australia re-iterated its commitment to whale sanctuaries as an essential tool for the protection of whales and the broader marine environment. It stated that the creation of Sanctuaries was consistent with the ICRW and that their purpose was to benefit long-term whale conservation by facilitating recovery through protection of feeding and breeding grounds as well as migratory routes. They also provided economic benefits by allowing the development of ecotourism and whalewatching, promoted international collaborative research, and increased public awareness and appreciation of the value and vulnerability of marine ecosystems. Australia said that its Prime Minister had recently re-affirmed the importance of area-based conservation measures at the United Nations Conference on Sustainable Development. It stated that no commercial whaling or special permit whaling should be allowed in this proposed new Sanctuary or any other IWC Sanctuary, and it believed the Commission should adopt an integrated approach to conservation with the moratorium being complementary to, rather than an alternative to whale sanctuaries.

Japan, St Kitts and Nevis, Antigua and Barbuda, Norway and Iceland opposed the proposal. Japan said that the proposal did not contain specific or measurable objectives, and that it represented a shotgun approach to conservation whereby a large area would be protected with little rationale for boundary selection or establishment of management regimes. Japan and Antigua and Barbuda noted there was no

support from the Scientific Committee for the proposal, and as such was contrary to the intention of Article V paragraph 2(b) of the ICRW 1946 which required amendments to the Schedule to be based on scientific findings. Japan noted that a moratorium on commercial whaling was already in place and therefore there was no requirement for additional measures, especially with the recovery of cetacean resources already underway.

St Kitts and Nevis said that the IWC represented just under half the countries in the international community and that the management of high seas living resources was the business of the entire international community and not just a relatively small number of states. St Kitts and Nevis, Antigua and Barbuda and Iceland questioned why the proposing countries had not included their own national waters as part of the Sanctuary, especially given the great implications of the Sanctuary on other maritime users, particularly fisheries and transport. Antigua and Barbuda re-iterated its earlier request for consultation with peoples in coastal states whose livelihoods may be affected by the establishment of the Sanctuary. St Kitts and Nevis noted that no other competent international organisations had supported the Sanctuary and expressed its concern that the proposal would ultimately lead to the closing off of the oceans from the rights and privileges of developing coastal states.

Norway supported the use of whale sanctuaries when they were scientifically justified. However it noted there was no scientific support for this proposal and as such it could not support it. Iceland's position was that no scientific or conservation advances could be gained by the establishment of the Sanctuary. Noting that there was no current whaling in the area, and that the conservation measures under the auspices of the IWC were possibly the most conservative of any international natural resource management organisation, Iceland considered that the proposed sanctuary could not provide any additional conservation benefits. It also noted that the proponents were predominantly from the western side of the South Atlantic, and that the proposal would have consequences for states on the eastern side, many of whom opposed the proposal.

In the absence of consensus the Chair asked the sponsors how they would like to proceed. In response, Brazil referred to the lengthy discussions that had taken place on its proposal, not just at IWC/63 in 2011 but also at many meetings since 2001, and accordingly asked for the proposal to be put to a vote. The result of the vote was that the proposal failed to achieve the required three-quarter majority support, there being 38 votes in support, 21 votes against and two abstentions.

Denmark explained its vote of support by recalling that on previous occasions it had announced its support for real sanctuaries which fulfilled a number of defining requirements. However, this year, Denmark had decided to vote yes. Despite this, Denmark stated that in future it would maintain its traditional conditions to new Sanctuaries, not least that they would require a positive recommendation from the Scientific Committee and that the support of coastal states would be of crucial importance. Denmark also stated that new proposals for Sanctuaries should contain provisions to regulate all human activities including for example fishing, sea transport and oil drilling.

Brazil expressed its disappointment at the result. It thanked those Contracting Governments who had supported the proposal and the very transparent process by which the decision had been taken. Noting that all previous Sanctuaries established at IWC had been done so through a vote, it said

that it saw the result not as an end point but instead as the starting point of a new process. Norway requested that if a proposal for a South Atlantic Sanctuary was to be tabled again, that it would be dealt with as a new proposal and given a full and thorough review by the Scientific Committee.

4.2 Other Sanctuary issues raised in the Scientific and Conservation Committees

4.2.1 Report of the Scientific Committee

No new Sanctuary proposals had been received by the Scientific Committee.

4.2.2 Report of the Conservation Committee

The Chair of the Conservation Committee referred to the second International Conference on Marine Mammal Protected Areas (MMPAs) which had been held in Martinique in November 2011 and which sought solutions to shared problems related to marine mammal conservation and to MMPA network design and management. A secondary goal was to orient those working in MMPAs to set protected areas in the broader context of marine management in order to ensure that MMPAs are not marginalised as marine spatial planning work advances. The conference theme was endangered species which included river dolphins and other species of large and small cetaceans as well as special attention to the endangered vaquita.

The USA highlighted the sister sanctuary agreement between the USA and France signed in September 2011 to protect humpback whales that migrate between the US Stellwagen Bank National Marine Sanctuary and the Agoa Marine Mammal Sanctuary in the Caribbean's French Antilles.

5. THE IWC IN THE FUTURE

5.1 Introduction

The Chair referred to the agreement made at IWC/63 in 2011 to: (1) encourage continuing dialogue amongst Contracting Governments regarding the future of the IWC; (2) continue to build trust by encouraging Contracting Governments to coordinate proposals as widely as possible prior to their submission to the Commission; and (3) encourage Contracting Governments to continue to cooperate in taking forward the work of the Commission, notwithstanding their different views regarding the conservation of whales and the management of whaling.

5.2 Commission discussions

Japan described the agreement made at IWC/63 in 2011 to continue dialogue to build mutual trust and collaboration as indispensable. It referred to the growing consensus being established around the proposal to move to biennial meetings as an example of effective procedures within the IWC.

New Zealand recalled that the Commission's membership had entered into discussions under this item united in the view that action was needed to resolve the deep divisions that prevented the IWC from taking meaningful action on many of the serious issues that had been before the Commission for many years. From New Zealand's perspective these issues were:

- (1) the special permit whaling carried out by Japan in the Southern Ocean and the North Pacific;
- (2) commercial whaling under reservation by Iceland and objection by Norway in the North Atlantic;
- (3) the continued impasse on the establishment of the South Atlantic Whale Sanctuary; and

- (4) the willingness of a significant proportion of the membership to take part in and be guided by the discussions of the Conservation Committee.

New Zealand noted these issues still divided the Commission and believed that it will need to come back to them again when the membership is willing to engage in the same spirit that characterised the discussions in 2007-10.

The Russian Federation recalled the extensive progress made during the Future of the IWC process and asked whether the work would continue. It suggested the work of the Small Working Group established during 2007-10 should continue so as to provide for the adoption of a package of measures which would include solutions to issues on global sanctuaries, strike limits for small-type whaling and all the issues of the IWC's future. It requested discussion regarding this suggestion with the aim of establishing when the Small Working Group could re-assemble, and which issues it should be tasked with.

India said that it believed in conservation and that it did not support the exploitation of whales, and hence it was of the view that the moratorium should continue. It said that the IWC played an important role in the conservation of whales and that this must be carried out by all member countries. It should be achieved through the development of a comprehensive plan of action to recover depleted whale populations and address all threats to cetaceans including bycatch, ship strikes, ocean noise, pollution and the impact of climate change. Given these diverse roles, India suggested that the IWC be re-named the International Whales Commission.

The Republic of Guinea referred to the excellent work of the Scientific Committee and requested Commission members to accept the Scientific Committee's recommendations and to avoid antagonism. It stated that avoiding voting was important.

Australia considered that the Commission should engage in a ground-up approach focusing on areas where agreement can be reached. It said that over the past few years the IWC had made significant progress on a range of financial and administrative governance reforms as well as conservation and science initiatives. Together these had helped to ensure there was a greater focus by the IWC on cetacean conservation whilst also improving the transparency and accountability of the Commission. Australia considered that through these reforms, the Commission could undertake work in line with the best practice and approaches of other international organisations and it acknowledged the important work undertaken by the Commission's Committees and intersessional groups. It believed that the IWC remained the appropriate international organisation to address the conservation management of whales and it believed that when consensus could not be achieved then a proper democratic vote should occur. Australia also stated that it considered the remit of the Small Working Group set up from 2007-10 to be over, and that its work had been formally completed at previous meetings.

Mexico recalled that several previous processes to resolve the future of the Commission had all failed, and that before embarking on a new process it would be appropriate to analyse the reasons for past failure. As an alternative Mexico said that the Commission should seek a bottom-up process and to look for issues where commonality existed (e.g. marine debris) and which would help the Commission work towards healthy whale populations and to maintain the functional elements of the ecosystem.

Argentina said that significant progress had been made over the last few years especially regarding the structure of

the organisation. It considered that advances to find common ground had taken place in many areas including Sanctuaries, marine debris, climate change and other environmental matters. Argentina considered that the remit of the Small Working Group had ended at IWC/62 in 2010, but expressed its willingness to take part in all dialogue to modernise the Commission. Ecuador supported the comments by Australia and Argentina, and recognised the important efforts made by the IWC in matters related to whale conservation. Colombia noted the progress made with the conservation agenda, and said it was important to further strengthen the dialogue within the Commission so that all members were able to participate in the Commission's conservation mechanisms.

Korea referred to the existing divisions over whaling within the Commission and re-affirmed its commitment to the conservation and sustainable use of marine living resources. It considered that the stalemate within the Commission could only be broken by a commitment to the guiding principles embedded in the ICRW. It appreciated the co-operative spirit seen at IWC/63 in 2011 and expected that this same spirit would be applied to resolving the sensitive issues ahead during the present meeting.

Monaco believed that substantial teamwork was required to resolve the IWC's difficulties but there were also indicators of progress in the conservation and management of whales, as seen by the achievements made in the Conservation Committee. It remarked that the main problem facing the Commission was that its own Resolutions were ignored by some members, especially regarding the moratorium within the Southern Ocean Sanctuary. It commented that voting was a normal democratic process when consensus cannot be reached. Chile also recognised the IWC's achievements, and echoed the statements of Australia and Monaco that voting should be used when consensus could not be reached. Belgium highlighted three items that would assist the future development of the Commission, these being: (1) to strengthen the credibility and scientific capacity of the Commission with regard to both large and small cetaceans; (2) to improve the governance structure and to particularly pay attention to social issues; and (3) to further improve the IWC's collaboration with other organisations.

In closing the discussion, the Chair stated that consensus should always be the desired outcome but if that is not possible then voting should be used. He said that if voting was handled effectively, as it had been during the earlier discussion on the proposed South Atlantic Sanctuary³ then it represented progress in comparison to the way it was previously conducted by the IWC.

6. WHALE STOCKS

6.1 Antarctic minke whales

6.1.1 Report of the Scientific Committee⁴

The Chair of the Scientific Committee referred to the Committee's ongoing work to conduct an in-depth assessment of Antarctic minke whales. In-depth assessments allow the Committee to determine the present status of stocks compared to their status in the past and to look at any trends in population level and possible causes of change. Ultimately, the assessments are intended to identify if there are anthropogenic threats to the population status that need to be addressed, as well as highlighting priority species, populations and/or human activities that require action.

³See Item 4.1.

⁴For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.1 [2013].

Table 1
Estimates of abundance for Antarctic minke whales for CPII (1985/86-1990/91) and CPIII (1992/93-2003/04). See text.

CPII	Management Area						Total
	I	II	III	IV	V	VI	
Survey once	86,000	130,000	93,000	55,000	300,000	56,000	720,000
CNB	85,000	120,000	87,000	51,000	286,000	50,000	678,000
CPIII	I	II	III	IV	V	VI	Total
Survey once	39,000	57,000	94,000	60,000	184,000	81,000	515,000
CNB	34,000	58,000	69,000	56,000	180,000	72,000	470,000
CPIII:CPII	0.40	0.49	0.79	1.09	0.63	1.44	0.69

For Antarctic minke whales, an ongoing issue was to develop a final set of abundance estimates from the international cruises undertaken under the auspices of the IWC (known as the IDCR and then SOWER cruises) obtained during the 1978/79-2003/04 austral summer seasons. Three sets of circumpolar (CP) cruises were undertaken and analytical efforts have focused on CPII (1985/86-1990/91) and CPIII (1992/93-2003/04). At IWC/62 in 2010, the Committee had established two sets of abundance estimates using two different analytical techniques. These estimates differed appreciably from each other, and following considerable extra work by the Committee in 2011 and 2012, the Chair of the Scientific Committee this year reported that the Committee has agreed final estimates for each of the survey areas. These can be seen in Table 1. The best estimates for the maximum extent of the Management Areas (hereafter 'Areas') that could be surveyed (for a number of logistical and environment-related reasons the extent of the Areas that could be successfully surveyed changed with time) are labelled 'survey once'. They are rounded to the nearest thousand animals. The uncertainty (CV) around the estimates for each is around 0.2 while the uncertainty around the total Antarctic estimates is around 0.1. These values increase if the additional variance associated with the different distribution of animals between surveys is taken into account; for the circumpolar estimates the CV becomes about 0.18.

In summary, the new agreed estimates for the survey-once case are 720,000 (95% CI 512,000; 1,012,000) for CPII and 515,000 (95% CI 361,000; 733,000) for CPIII (1992/93-2003/04). The estimates are to some degree underestimates because some minke whales would have been outside the northern and southern survey boundaries.

Trends over time are of major interest in an in-depth assessment. The most appropriate estimates to examine are the consistent northern boundary (CNB in the table) estimates which have been corrected to make sure they are most comparable over time. These can also be seen in Table 1. The results also show that the biggest declines occurred in Areas I and II whereas the estimates in Areas IV showed no decline and in Area VI increased.

These corrected estimates over the entire Antarctic show a more recent total abundance estimate of around 30% lower than the earlier estimates. The confidence interval for the ratio between these two estimates includes 1.0 and thus a hypothesis of no change in the estimated overall abundance cannot be rejected. The Committee believes that the estimates probably represent a change and so is exploring possible causes for the decline in the estimates. The aim is to see if they represent a true decline in numbers rather than a result of e.g. changes in ice extent or distribution.

An in-depth assessment also needs information on stock structure to determine status and assess risks. For Antarctic minke whales, there are two genetically distinct populations in Area IV east and Area IV west. The Committee welcomed a new simple and effective method to determine the boundary between these two populations which appears to be a 'soft' boundary. This moves every year and appears to be sex-specific.

A population dynamics model containing all of this information will allow determination of the status, changes in abundance and carrying capacity. The model also requires information on catches and biological information on length, age, and sex. Initial results of these findings are expected next year.

Although the IDCR/SOWER series of cruises has finished the Japanese dedicated sightings surveys are still being conducted. With Scientific Committee approval with respect to methods, Japan was scheduled to conduct a dedicated sighting survey in Area III east, Area IV and Area V west. The Committee expressed regret that the actions of a protest group prevented the sighting survey in 2011/12. These surveys are the only dedicated cetacean sighting surveys in this region and so are very valuable to the work of the Committee.

It is planned to carry out the same survey in 2012/13. The primary objective is the estimation of abundance of Antarctic minke whales using agreed methods. In addition, opportunistic biopsy and photo-id studies of blue whales, southern right whales and humpback whales will be undertaken. A cruise report will be submitted next year. The Scientific Committee reviewed and endorsed these plans.

6.1.2 Commission discussions and action arising

Australia, Mexico, Japan and India thanked the Scientific Committee for their extensive work to resolve the population estimates of Antarctic minke whales. Australia said that the new estimates would be important complements to other Southern Ocean initiatives including the research projects being undertaken both through the Southern Ocean Research Partnership (SORP) and by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Australia noted the decline between the two minke whale population estimates was not statistically significant, and that while a decline was most likely the data included the possibility that the population remained stable or even increased. This underlined the importance of continuing to work in a non-lethal way in the Southern Ocean to investigate whales and their environments.

Japan said the estimates were based in part on sightings surveys from designated areas with the exception of those areas where pack ice prevented access, and hoped that it

would be possible to establish the reason for the different estimates between CPII and CPIII. Mexico also noted the possibility of the minke whale population decline, and asked whether the Scientific Committee had investigated ecosystem effects or climatic disruptions as underlying causes.

The Commission noted this part of the Scientific Committee's report and endorsed its recommendations.

6.2 Southern Hemisphere humpback whales

6.2.1 Report of the Scientific Committee⁵

The Scientific Committee has been undertaking in-depth assessments of Southern Hemisphere humpback whales since 1992. Seven Breeding Stocks (labelled BS A-G) were recognised which were connected to feeding grounds in the Southern Ocean. Assessments for four of the Breeding Stocks have already been completed, these being:

- BSA (eastern South America);
- BSC (eastern Africa);
- BSD (western Australia); and
- BSG (western South America).

In 2012, the Scientific Committee focused on Breeding Stocks E (western South Pacific) and F (central South Pacific). These assessments took into consideration possible mixing of Breeding Stocks D and E on the feeding grounds.

At the start of the process the available data sets were assessed for these areas and a simple assessment model was used. The Committee has now agreed on a series of recommendations for the input data, whale movement models and population dynamics model structure to allow the assessment to progress. It planned to see results of these more realistic models during the year and then to finalise the in-depth assessment in 2014.

New data was reviewed on the other Southern Hemisphere Breeding Stocks that will eventually be used in future updated assessments and some of this information is from local countries.

An update had also been provided on the IWC's Antarctic Humpback Whale Photo-Identification Catalogue that now has over 4,600 fluke photographs. New effort was focused on obtaining photographs from eco-tourism cruise ships that sail in the Antarctic, in addition to those from scientific researchers. This catalogue has been and will continue to be extremely important in population assessments.

6.2.2 Commission discussions and action arising

India welcomed the information on the Breeding Stocks of Southern Hemisphere humpback whales and looked forward to the development of a conservation plan between the range state governments for the small populations of these whales along the western coast of Africa from Guinea to South Africa.

The Commission noted this part of the Scientific Committee's report and endorsed any recommendations.

6.3 Southern Hemisphere blue whales

6.3.1 Report of the Scientific Committee⁶

The Scientific Committee completed its circumpolar in-depth assessment of Antarctic blue whales in 2008. The assessment indicated that although this population is still severely depleted it appears to be increasing at around 8% annually. The Committee is now examining whether

separate assessments can be carried out by population and Management Area. This will require information on abundance, distribution and stock structure by area and the Committee received additional relevant information this year.

Updates were received on the two Southern Hemisphere blue whale photo-identification catalogues including co-operative work. The photos of blue whales from the Japanese special permit programmes have been submitted to the Secretariat and these will be added to the Antarctic catalogue next year and compared to photos from other areas. A paper was received on pygmy blue whales of Western Australia, along with three papers on Chilean blue whales. Two papers contained abundance estimates but did not provide sufficient details for their acceptability for use in assessments to be determined. Guidelines will be clarified during the coming year with respect to the level of information that needs to be provided by scientists when they provide new abundance estimates.

The Committee also received six papers related to the Antarctic Blue Whale Project that is part of the Southern Ocean Research Partnership (SORP) project. The primary aim of the Antarctic Blue Whale Project is to estimate the circumpolar abundance of Antarctic blue whales using photographic mark-recapture methods. One paper summarised the results of two voyages already conducted. Four papers investigated various aspects of background research and the most effective way to carry out mark-recapture abundance methods. The last paper synthesised these ideas and presented a proposal for future cruises. Given the enormous area to cover and the required level of effort needed to obtain precise circumpolar abundance estimates, it may take up to 10 years to collect sufficient mark-recapture data, even when using passive acoustic techniques to help find blue whales to photograph. For this reason, the originally suggested 'Year of the Blue Whale' programme was agreed to be infeasible. The Committee welcomed this work, recognised the importance of the research and agreed that a longer-term time line is more appropriate.

In addition to this series of papers, the Committee also received a paper describing plans for the South African Blue Whale project which is to combine acoustic technology with traditional line transect sighting and mark-recapture surveys methods in waters off South Africa and in the Antarctic. Another paper was received on the genetics of Antarctic blue whales which requested use of some of the IWC genetic samples. The Committee provided some comments that might improve these plans and endorsed all of the proposed projects.

6.3.2 Commission discussions and action arising

Chile noted the importance of the blue whale as an emblematic species and noted that the population off the Chilean coast was very likely to be a different subspecies which it continued to study with the assistance of the Chilean Navy. Regarding the other populations of blue whales in the Southern Hemisphere, Chile highlighted its work to contribute to the international collaborative effort to compile the photo-identification catalogue in the expectation of being able to ascertain further information on the currently unknown breeding grounds and the migratory routes which connect them to the known feeding areas. Chile also recorded its support for and contribution to blue whale work being undertaken through the Southern Ocean Research Programme (SORP).

The Commission noted this part of the Scientific Committee's report and endorsed any recommendations.

⁵For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.2 [2013].

⁶For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.3 [2013].

6.4 Western North Pacific gray whales

6.4.1 Report of the Scientific Committee⁷

One of the components of the draft western North Pacific gray whale conservation management plan (see Item 9 below) agreed by IUCN and the IWC was a telemetry study to investigate their migration routes and breeding grounds. To accomplish this, an international and collaborative study was developed under the auspices of the IWC, beginning in 2010 and continuing in 2011. Several tags have been attached to gray whales off Sakhalin Island, Russia, a primary feeding ground as well as being the site of oil and gas activities. It was generally expected that animals feeding off Sakhalin Island migrated past Japan and Korea to breeding areas somewhere off China. In fact, the tagged animals travelled to the west coast of America. The animal with the longest lasting tag moved down the coast to Mexico and then returned to the Sakhalin Island feeding ground. The tagging results have identified the need for a major re-evaluation of the stock structure of gray whales in the North Pacific. For example, as part of the IWC programme agreed last year, photo-id matches from these areas have confirmed that such movements from Sakhalin to the west are not isolated events; 14 whales photographed off Sakhalin Island have been matched to animals from Mexico (the total number feeding off Sakhalin Island is around 140 animals).

The Committee received a paper summarising past and current records of gray whales off the coasts of Japan, China and Korea. Recent records have been rare and the last known sighting off Korea was in 1977. The authors suggested that the portion of western gray whales that used to migrate past Korea might either have abandoned that route or may be extinct.

The new information suggests that the animals that feed off Sakhalin comprise animals from both the eastern and western populations and the Committee is giving priority to obtaining more information to understand stock structure in the North Pacific and to investigating any conservation implications.

There are plans for more tagging, in particular on gray whales off Kamchatka, Russia, off Barrow and St Lawrence Island, Alaska, and on PCFG (Pacific Coast Feeding Group) gray whales off Oregon and California (see Item 7 below). Photographs and biopsies will also be collected. The tagging results will greatly assist the understanding of stock structure and also provide more local information, such as the distribution, movements and feeding areas as related to present and future oil and gas activities.

The Committee welcomed all of the information on this critically endangered population and the broader question of stock structure, commended the international collaboration thus far and recommended its continuation.

In terms of conservation advice, the Committee acknowledged the important work of the IUCN Western Gray Whale Advisory Panel and reiterated its support for the Panel. Further, the Committee recommended that appropriate monitoring and mitigation plans be implemented for all oil and gas activities that occur in the range of the western gray whales, especially around Sakhalin. The Committee again recognised that the problem of net entrapment of western gray whales is range-wide. In this context it welcomed Japan's actions to reduce mortality.

6.4.2 Commission discussions and action arising

The Russian Federation noted that there was no agreement within the Scientific Committee regarding the existence of

separate gray whale populations, and recalled the sightings of gray whales which occurred in the North Atlantic off Spain and Israel two years ago, and off Franz Josef Land last year. This may even mean that gray whales were returning to the North Atlantic after 400 years of absence. Nonetheless, the Russian Federation recorded its support for protecting the western North Pacific gray whales and their habitat. It noted the collaborative research work undertaken with the oil companies involved in the development around Sakhalin Island, and also reported that construction of the third oil and gas platform has passed the necessary Environmental Impact Assessment. The Russian Federation said it would continue to work collaboratively with NGOs as well as Oregon University and scientists from other organisations to study the gray whales and would report the results to the IWC's Scientific Committee. Monaco noted that the work on western North Pacific gray whales was an excellent illustration of international collaboration on what was considered a vulnerable population. It was concerned about the upcoming oil and gas developments off Sakhalin, and wished the the Russian Federation every success in applying the vital environmental assessments and ensuring that the developments were mitigated as much as possible.

Mexico highlighted the establishment of the first whale sanctuary in Baja California as one of the reasons for the recovery of the northeastern Pacific gray whales, and suggested that following this example of recovery it would be appropriate to carry out a survey of the whole Pacific through the IWC to contribute to the Conservation Management Plan developed through the IUCN's Western Gray Whale Advisory Panel. Mexico thanked Japan for its efforts to reduce entanglement events, and recorded its concerns with plans to establish a third oil and gas exploration platform near the feeding areas for this population.

Korea said that it had designated this species as a natural monument in order to help achieve its protection and indicated that it would continue to undertake sightings surveys for this species even though it had not been seen in Korean waters since 1977. The United Kingdom supported the Scientific Committee's recommendations that appropriate monitoring and mitigation plans should be implemented for all oil and gas activities that occur throughout the range of western gray whales, especially if another platform was to be installed off Sakhalin Island. It welcomed all efforts to protect western gray whales and encouraged range states, energy companies and their lenders to engage with the IUCN's Western Gray Whale Advisory Panel. It requested that both the Panel and the IWC Scientific Committee should continue to look at ways to best protect the population.

The Commission noted this part of the Scientific Committee's report and endorsed its recommendations.

6.5 Southern Hemisphere right whales

6.5.1 Report of the Scientific Committee⁸

The Committee's work focused on the report of a Workshop⁹ held in Buenos Aires, Argentina, in September 2011 that focused on the status of Southern Hemisphere right whales. The Committee endorsed the Workshop's detailed recommendations and four of the more general ones are highlighted below.

- (1) The annual long time-series of data collection projects should be continued. These projects provide important

⁷For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.4 [2013].

⁸For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.5 [2013].

⁹For a full account see SC/64/Rep5, published in *J. Cetacean Res. Manage. (Suppl.)* 14 [2013].

information such as calving intervals, abundance estimates, and provide photo-ids, genetic samples and tag data which can be used to define stock structure, animal movements and estimate rates of recovery.

- (2) All countries should report incidents of ship strikes and entanglements in the annual Progress Reports submitted to the IWC.
- (3) The joint Argentina/Brazil right whale assessment should be completed intersessionally, which will provide rates of increase for the time period 2000 to 2010.
- (4) Draft Conservation Management Plans should take into account the recommendations made during this workshop and the IWC Workshop on the Southern Right Whale Die-off that took place in 2010¹⁰.

Once (3) is complete then the Committee can finalise its evaluation of status.

The Committee briefly examined the scientific content of the draft Conservation Management Plans for southwest Atlantic southern right whales and for southeast Pacific southern right whales and agreed that these draft plans did account for the recommendations suggested during the two Workshops mentioned under (4) above. These plans were discussed more fully by the Conservation Committee (see Item 9 below).

6.5.2 Commission discussion and action arising

Argentina expressed its gratitude to the Scientific Committee for the work undertaken so far and looked forward to obtaining an estimate of the size of the Argentina/Brazil right whale population next year. It updated the Commission on a meeting which had taken place in May 2012 in the Province of Chubut to develop final solutions to the problem of gulls attacking right whales. Argentina also highlighted the health programme being undertaken in the waters around the Peninsula Valdéz area that was investigating stranded and dead animals, especially those less than one year old, and said that it expected to be able to submit more findings from these studies to the IWC in the future.

Chile thanked Argentina for hosting the right whale assessment Workshop, and drew attention to the right whale population off the coast of Chile and Peru that had been classified as critically endangered with fewer than 50 mature animals. It reported that it had introduced regulations which permitted whalewatching to take place only from the shore, rather than from boats, which was necessary because of the very small population size. It also highlighted the need to increase the records of sightings, photo-id and genetic studies in line with the recommendations of the assessment Workshop so as to gain more information regarding the population.

The Commission noted this part of the Scientific Committee's report and endorsed its recommendations.

6.6 North Pacific and North Atlantic right whales and small stocks of bowhead whales

6.6.1 Report of the Scientific Committee¹¹

The Committee has regularly expressed concern over these very small stocks and received a number of reports this year.

The North Atlantic Right Whale Consortium reported that according to their photo catalogue there were 490 North Atlantic right whales in 2010, five documented deaths and 11 new documented entanglements.

In the North Pacific, Japan reported that in February 2011, a right whale was found dead in a setnet off Oita prefecture. A skin sample was sent to the Institute of Cetacean Research (ICR), where DNA was extracted and it was confirmed the animal was a right whale. Unfortunately, the sample was lost during the March 2011 tsunami. The Committee also welcomed the report of a western North Pacific right whale sighting survey conducted in May 2011 where a total of 20 individuals was detected, of which 19 were photographed and 14 biopsied.

With respect to bowhead whales, there was a year-round acoustic study during September 2008 to September 2009 off Spitzbergen, which is an old right whale whaling ground. The calls of the Spitzbergen stock of bowhead whales were recorded every day during November-February, with the highest calling rate during September-May.

The Committee thanked the authors for these reports and continued to reiterate its grave concern over these small stocks and encouraged continued or expanded research on these small populations.

6.6.2 Commission discussion and action arising

The Commission noted this part of the Scientific Committee's report and endorsed any recommendations.

6.7 North Pacific research cruises

6.7.1 Report of the Scientific Committee¹²

The primary focus was the international collaborative programme developed for the North Pacific under the auspices of the IWC which has been called IWC-POWER (Pacific Ocean Whale and Ecosystem Research).

The concept of a long-term programme was introduced two years ago. It was stressed that these cruises should be part of a well-designed medium-to-long-term programme, rather than a series of *ad hoc* cruises. The primary objective is to contribute information on abundance and trends in abundance of large whales and try to identify the causes of any trends that do occur. An important component of this programme in addition to the sightings surveys involves the use of photographs and biopsy samples from a variety of species. The short-term objective is to complete an initial 5-year survey of the eastern North Pacific to facilitate choice of appropriate survey blocks and strata for a long-term monitoring plan. It is also planned to undertake more specific power analyses of the effort required to detect trends in abundance, should trends occur. The results from these surveys are important because many of these populations have not been assessed for decades.

The 2nd annual IWC-POWER survey was successfully conducted from 11 July to 8 September 2011 in the eastern North Pacific (north of 40°N, south of the Alaskan Peninsula, between 170°W and 150°W) using a Japanese research vessel. The 3rd IWC-POWER survey will leave Japan on 13 July 2012 and will take place north of 40°N to the US coast and between 140°W and 135°W. The Committee approved preliminary plans for a 4th cruise to occur in summer 2012 from 160°-135°W, and between 30°-40°N; details will be finalised at a workshop to be held in Tokyo in October 2012.

The Committee endorses the reports from all of these surveys and looked forward to receiving more detailed reports and results. It was extremely grateful to Japan for providing a vessel for these cruises, recognising that providing a dedicated vessel is a major donation to the Committee's work. Data from the first three years of the IWC-POWER

¹⁰For a full account see *J. Cetacean Res. Manage. (Suppl.)* 12: 367-98 [2011].

¹¹For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.6 [2013].

¹²For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.8 [2013].

cruises will be invaluable in the forthcoming in-depth assessment of sei whales. The Committee encouraged other range states to contribute to and collaborate with the IWC-POWER programme and thanked the USA and the Republic of Korea for their assistance with the cruises undertaken so far and the future planned surveys.

In addition to these IWC-directed surveys, the Committee was informed that three systematic dedicated cetacean sighting surveys were conducted by Japan in summer 2011 and that a similar set is planned for summer 2012. The objectives are to examine the distribution and abundance of large whales in the western North Pacific following IWC requirements and guidelines. Biopsy sampling and photo-identification data will also be collected on an opportunistic basis.

6.7.2 Commission discussion and action arising

Japan stated the importance of undertaking the research cruises and promised to co-operate in future surveys. It highlighted the tentative estimate of 6,587 sei whales for the eastern North Pacific¹³ that had been obtained from the 2011 IWC-POWER cruise and noted that a similar survey would take place in the summer of 2012. It acknowledged the support of the USA in allowing the survey vessel to enter American waters and the support provided by Korea and the IWC Secretariat.

The Commission noted this part of the Scientific Committee's report and endorsed any recommendations.

7. ABORIGINAL SUBSISTENCE WHALING

The Aboriginal Subsistence Whaling Sub-committee met on the 27 June 2012 under the Chairmanship of Herman Oosthuizen (South Africa). It was attended by delegates from 29 Contracting Governments. The Chair of the Scientific Committee's Standing Working Group (SWG) on the Development of an Aboriginal Whaling Management Procedure reported on the Scientific Committee's work and discussions. The full report of the ASW Sub-committee is available at Annex E.

7.1 Aboriginal Subsistence Whaling Management Procedure

7.1.1 Report of the Aboriginal Subsistence Whaling Sub-committee

7.1.1.1 CONTINUATION OF WORK ON DEVELOPING SLAs FOR THE GREENLANDIC HUNTS

The Scientific Committee had developed and the Commission endorsed an interim safe approach to setting catch limits for the Greenland hunts in 2008, noting that this should be considered valid for up to two quota blocks. The target is for the Committee to have developed agreed and validated Strike Limit Algorithms (SLAs) by species by the 2018 Commission Meeting. The interim safe approach uses an SLA that has been simulation tested in the normal manner but not for as full a range of scenarios as a formal long-term SLA.

For a number of reasons, primarily related to stock structure issues, development of SLAs for Greenland aboriginal hunts for common minke and fin whales will be more complex than previous *Implementations* for stocks subject to aboriginal subsistence whaling. While noting Greenland's desire for flexibility amongst species in meeting its subsistence needs, the Scientific Committee will first develop SLAs for individual species before considering whether and how to address multi-species considerations.

The Scientific Committee received a brief report from Greenland related to the recommendations in IWC/62/9 to develop conversion factors from tonnes of edible products to numbers of whales by species. The Committee made recommendations for improved reporting next year.

A paper (IWC/64/ASW10) was presented by Greenland to the Commission's Aboriginal Subsistence Whaling Sub-committee. Its current need statement and request (see Item 7.5.2) used the conversion factors per animal included in IWC/62/9. In discussion, several countries thanked Denmark/Greenland for presenting this more detailed updated progress report. Others reiterated the Scientific Committee's concerns and looked forward to the full progress report that Denmark/Greenland will be submitting next year.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

7.1.1.2 IMPLEMENTATION REVIEW OF EASTERN NORTH PACIFIC GRAY WHALES WITH EMPHASIS ON PCFG

At the 2010 Annual Meeting it was agreed that the information on stock structure and proposed hunting by the Makah Tribe warranted the development of trials as part of an immediate new *Implementation Review* with a primary focus on the Pacific Coast Feeding Group (PCFG) that was in essence to be treated as a separate management stock from the large eastern North Pacific population from which the Chukotkan hunt was taken. After work by the Committee at two Annual Meetings and two intersessional Workshops, the Committee completed this task this year.

Based on the Commission's objectives for aboriginal subsistence whaling, the Scientific Committee explored the conservation performance of 11 variants of a management plan proposed by the Makah Tribe to reduce the likelihood that a PCFG whale might be taken in the hunt. The Committee concluded that:

- (1) SLA variant 2 performed acceptably and met the Commission's conservation objectives; and
- (2) SLA variant 1 performed acceptably provided that it is accompanied by a photo-identification programme to monitor the relative probability of harvesting PCFG whales in the Makah U&A, and the results are presented to the Scientific Committee for evaluation each year.

However, the Scientific Committee noted that the SLA variants tested did not correspond exactly to the management plan proposed by the Makah Tribe to the IWC. It agreed to test such a variant intersessionally and examine the results at the next Annual Meeting.

In addition, last year¹⁴ the Scientific Committee had stressed that new information on movements of gray whales highlighted the importance of further clarification of the stock structure of North Pacific gray whales. In particular, the matches of animals from the Sakhalin feeding grounds with animals seen in the PCFG area and other areas along the west coast emphasised the need for efforts to estimate the probability of a western gray whale being taken in aboriginal hunts for Pacific gray whales (noting that this did not require incorporation of western gray whales into the *Implementation Review*). It again strongly endorsed the collaborative stock structure research programme (see Item 6.4 above), noting that the results of the research may require further trials for future SLA testing; this would be a matter for consideration at the next *Implementation Review*, if not before.

¹³J. *Cetacean Res. Manage. (Suppl.)* 14, Item 10.9 [2013].

¹⁴J. *Cetacean Res. Manage. (Suppl.)* 13: 16 [2012].

The Scientific Committee will continue to monitor the situation and was willing to respond to any guidance or requests for further information from the Commission.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

7.1.2 Commission discussions and action arising

There were no discussions under this item.

7.2 Aboriginal Whaling Scheme

7.2.1 Report of the Aboriginal Subsistence Whaling Sub-committee

An integral part of the AWMP process within the Scientific Committee is the undertaking of regular or 'special' *Implementation Reviews*. The Scientific Committee developed and adopted guidelines for these this year which cover the following issues:

- (1) objectives;
- (2) timing of regular and special *Implementation Reviews*;
- (3) outcomes;
- (4) Data Availability; and
- (5) computer programmes.

In 2002, the Scientific Committee had recommended that the Commission adopt the Aboriginal Subsistence Whaling Scheme. This covered a number of practical issues such as survey intervals, carryover and guidelines for surveys. The Committee has stated in the past that the AWS provisions constitute an important and necessary component of safe management under AWMP *SLAs* and it reaffirmed this view this year, noting that discussions within the Commission of some aspects such as the 'grace period' are not yet complete.

The Commission's Aboriginal Subsistence Whaling Sub-committee noted the report of the Scientific Committee.

7.2.2 Commission discussions and action arising

There were no discussions under this item.

7.3 Aboriginal Subsistence Whaling Working Group (ASWWG)

In 2011, the Commission endorsed a recommendation in document IWC/63/12rev to form an *Adhoc* Aboriginal Subsistence Whaling Working Group (ASWWG). The purpose of the group was to identify and consider unresolved ASW issues, including *inter alia* those identified in the 2011 report of the ASW Sub-committee.

7.3.1 Report of the Aboriginal Subsistence Whaling Sub-committee

The ASWWG reported a series of five short-term recommendations and these were subsequently endorsed by the ASW Sub-committee (while noting the reservations of one member of the ASWWG). One of the recommendations was to propose the creation of a voluntary fund at IWC/65, and this was referred to the Finance and Administration Committee. See Item 25.3.3 for the report of F&A discussions.

7.4 Aboriginal subsistence whaling catch limits

7.4.1 Report of the ASW Sub-committee

SETTING OF CATCH LIMITS FOR AN EVEN NUMBER OF YEARS
At IWC/64 the Commission considered a change from annual to biennial meetings. This raised the issue as to whether there were any scientific implications for the Commission moving to setting block quotas for an even number of years rather than the present five-year intervals. This was examined by the Scientific Committee. It agreed that there are no scientific reasons for the Commission not

to set catch limits for blocks of even numbers of years up to eight years for B-C-B bowhead and eastern gray whale stocks. Given the interim safe approach, the Committee also agreed that there are no scientific reasons why the next quota block for the Greenland hunts could not be for a six-year period, noting that the long-term *SLAs* will be available for implementation for the following block quota.

7.4.1.1 BERING-CHUKCHI-BEAUFORT (B-C-B) SEAS STOCK OF BOWHEAD WHALES (ANNUAL REVIEW)

A total of 51 bowhead whales were struck in 2011 resulting in 38 animals landed. No bowhead whales were reported struck and lost at Chukotka. The Scientific Committee agreed that the *Bowhead SLA* continued to be the most appropriate way for the Committee to provide management advice for the B-C-B population of bowhead whales and that the present strike and catch limits are acceptable.

The need statement for B-C-B bowhead whales by the USA is given as IWC/64/ASW3 (summarised in Annex E, Appendix 4) and for the Chukotkan hunt is given in IWC/64/ASW6 (summarised in Annex E, Appendix 5).

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations. It also accepted the need statements provided by the USA and the Russian Federation.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions relating to the Annual Review. Discussions regarding future catch limits are reported at Item 7.5.1.

7.4.1.2 NORTH PACIFIC EASTERN STOCK OF GRAY WHALES¹⁵

The Russian Federation reported that a total of 128 gray whales were struck in Chukotka, Russia in 2011; two were lost and 126 were landed. Of the landed whales, two were 'stinky' and not used for human consumption. In addition to the *Implementation Review* with the focus on PCFG gray whales, the Committee reviewed a wide range of excellent papers on this stock including papers from Mexico, the USA and the Russian Federation. A number of research recommendations were made but no information was presented that warranted any re-evaluation of the gray whale *SLA*.

The Scientific Committee therefore agreed that the *Gray Whale SLA* remains the appropriate tool to provide management advice for eastern North Pacific gray whales apart from the consideration of the PCFG and the Makah hunt (for which see the discussion above under Item 7.1.1.2). It reiterated that the current strike limits will not harm the stock.

The need statement for the eastern gray whale hunt off Chukotka was document IWC/64/ASW6 (summarised in Annex E, Appendix 5) while the need statement for the Makah hunt was IWC/64/ASW4 (summarised in Annex E, Appendix 6).

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations. It also accepted the need statements provided by the USA and the Russian Federation.

COMMISSION DISCUSSIONS AND ACTION ARISING

Austria asked the USA to clarify the domestic situation, and especially the pending law suits regarding the Makah hunt. The USA responded that the Makah Tribe of Washington State must satisfy domestic legal requirements as a prerequisite to conducting an ASW hunt, and that the process

¹⁵See also Item 7.1.1.2 on the *Implementation Review* for gray whales.

to satisfy these requirements was underway. The USA also reported that its National Oceanic and Atmospheric Administration had recently indicated its intention to prepare a new environmental impact statement for the proposed Makah hunt of gray whales. The USA confirmed that, as in 2007, its current proposal to update catch limits was subject to domestic legal requirements including the evaluation of the environmental impact assessment.

Discussions regarding future catch limits are reported at Item 7.5.1.

7.4.1.3 COMMON MINKE WHALE STOCKS OFF GREENLAND REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The Committee re-emphasised the importance of collecting genetic samples from these whales, particularly in the light of a proposed joint AWMP/RMP workshop. The Scientific Committee's management advice covered two hunts: that off West Greenland and that off East Greenland.

In the 2011 season 174 minke whales were landed in West Greenland and six were struck and lost. Of the landed whales, there were 133 females, 39 males, and two whales of unreported sex. Genetic samples were obtained from 90 of these whales. Based on a negatively biased estimate of abundance of 17,307 (95% CI 7,628-39,270) and application of the agreed interim approach, the Committee repeated its advice of last year that an annual strike limit of 178 will not harm the stock.

For East Greenland, in the 2011 season, nine common minke whales (all females) were landed and one was struck and lost. The Committee noted that the strike limit of 12 represented a very small proportion of the Central stock of common minke whales which numbers around 40,000 animals. The Committee repeated its advice of last year that the present strike limit will not harm the stock.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

Given the multi-species nature of the Greenland hunts, the Aboriginal Subsistence Whaling Sub-committee agreed that the question of need should be considered for all hunts simultaneously.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this item. Consideration of future catch limits can be found at Item 7.5.2.

7.4.1.4 WEST GREENLAND STOCK OF FIN WHALES REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

A total of five fin whales (all females) were landed in West Greenland during 2011 and none were struck and lost. No genetic samples were obtained in 2011 and the Committee re-emphasised the importance of collecting genetic samples from these whales in the light of the proposed work to develop a long-term *SLA* for this stock. Based on the agreed 2007 estimate of abundance for fin whales (4,539 95% CI 1,897-10,114), and using the agreed interim approach, the Scientific Committee repeated its advice that an annual strike limit of 19 whales will not harm the stock.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

Given the multi-species nature of the Greenland hunts, the Aboriginal Subsistence Whaling Sub-committee agreed that the question of need should be considered for all hunts simultaneously.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this item. Consideration of future catch limits can be found at Item 7.5.2.

7.4.1.5 WEST GREENLAND STOCK OF BOWHEAD WHALES REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

Discussion within the Scientific Committee in recent years has focused on stock structure and associated abundance estimates. The present working hypothesis is that bowhead whales in eastern Canada-West Greenland comprise a single stock. The alternative hypothesis assumes two stocks: one in Hudson Bay-Foxe Basin and another in Baffin Bay-Davis Strait. The Scientific Committee welcomed a number of papers related to this stock.

In 2011, one female bowhead whale was landed in West Greenland and none were struck and lost. Two bowhead whales were found dead in West Greenland in 2011, entangled in fishing gear for crabs. During 2011, three bowhead whales were taken in Canada. More detailed information (e.g. sex, size) was made available by Canada to the Secretariat. The Scientific Committee was pleased to receive this information including catch as well as struck and lost data. It requested that in the future Canada also provided information on any strandings, entanglements and ship strikes of bowhead whales.

The agreed abundance estimate for eastern Canada-West Greenland is 6,344 (95% CI: 3,119-12,906) for 2002. The most recent agreed estimate for the spring aggregation in the West Greenland area is 1,747 (95% CI: 966-2,528) for 2010. Using the agreed interim approach, the Scientific Committee repeated its advice that an annual strike limit of two bowhead whales will not harm the stock. Should Canadian catches continue at a similar level as in recent years, this would not change the Committee's advice with respect to the strike limits agreed for West Greenland.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

Given the multi-species nature of the Greenland hunts, the Aboriginal Subsistence Whaling Sub-committee agreed that the question of need should be considered for all hunts simultaneously.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this item. Consideration of future catch limits can be found at Item 7.5.2.

7.4.1.6 HUMPBACK WHALES OFF WEST GREENLAND REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

A total of eight humpback whales comprising three males and five females were landed in West Greenland during 2011 and none were struck and lost. Genetic samples were obtained from three of these whales. The Scientific Committee re-emphasised the importance of collecting genetic samples and photographs of the flukes from these whales, particularly with respect to the YoNAH and MoNAH initiatives.

The agreed estimate of abundance for humpback whales off West Greenland is 3,039 (CV 0.4) with an annual rate of increase of about 9%. Using the agreed interim approach, the Scientific Committee repeated its advice that an annual strike limit of 10 whales will not harm the stock.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

Given the multi-species nature of the Greenland hunts, the Aboriginal Subsistence Whaling Sub-committee agreed that the question of need should be considered for all hunts simultaneously.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this item. Consideration of future catch limits can be found at Item 7.5.2.

7.4.1.7 CONSIDERATION OF NEED AND CATCH LIMITS FOR THE GREENLANDIC HUNTS

REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The need statement for the Greenlandic hunts was given as IWC/64/ASW7 and IWC/64/ASW8 and summarised in Annex E, Appendix 7. Denmark/Greenland noted that its request was consistent with Scientific Committee management advice and thus provided no threats to any of the stocks. It stated that its proposed catch limits for bowhead whales and for common minke whales off West and East Greenland were unchanged, although modified for a six-year period. The proposed annual catch for humpback whales was for 10 animals, an increase of one from the current quota while that for fin whales is for 19, an increase of three from the current quota. They stated that their request was consistent with the multi-species need of 670 tonnes of edible products for West Greenland and 12 common minke whales for East Greenland.

There was considerable discussion regarding the need statement by Greenland and there was no consensus over this issue within the Sub-committee. Topics discussed included conversion factors, availability of whale meat in restaurants, political practicalities and human health. The Chair of the ASW Sub-committee had urged all countries to use the time between the close of the meeting and the Plenary to engage in further discussions in order to improve mutual understanding of positions and to try to reach consensus.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions relating to the report of the ASW Sub-committee. Discussions regarding future catch limits are reported at Item 7.5.2.

7.4.1.8 NORTH ATLANTIC HUMPBACK WHALES OFF ST VINCENT AND THE GRENADINES

REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The Scientific Committee made recommendations for the collection of future genetic and photo-id data. It has agreed that the animals found off St Vincent and The Grenadines are part of the large West Indies breeding stock (numbering around 11,600 animals in 2003) and it repeated its advice of last year that this block catch limit will not harm the stock.

The need statement for the Bequian hunt was given as IWC/64/ASW11 (summarised in Annex E, Appendix 8). St Vincent and The Grenadines had been unable to attend the meeting last year and provided additional information on several aspects of the hunt. The strike/catch limit requests from St Vincent and The Grenadines is at the same level as before, although scaled to a six-year block.

A number of comments were made on the provision of data and the need statement. One country stated that it believed that the proposed quota was excessive.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

COMMISSION DISCUSSIONS AND ACTION ARISING

St Vincent and The Grenadines confirmed that samples were collected from one humpback whale in 2001 and two humpback whales in 2002 and sent to Japan for genetic analysis. Samples were also sent to Dr Palsbøll who compared the genetic data of the St Vincent and The Grenadines samples with the information on North Atlantic humpback whales held in his own database. The results indicated that there was no DNA match between the St Vincent and The Grenadines samples and those already held on the database. Samples were also collected in 2003, 2004 and 2006 but were not sent for analysis because of problems

encountered with processing of CITES permits which affected the preservation of the samples, and hence those samples were discarded without analysis. St Vincent and The Grenadines confirmed that following discussions with the USA they had rectified this problem and that samples from this year's humpback whale take were now with a laboratory in the USA. Photographs were also sent to the North Atlantic Humpback Whale Catalogue in 2003, 2004 and 2006 and to the Secretariat in 2012.

Argentina requested a further clarification of the number of individuals caught or struck and lost through the St Vincent and The Grenadines hunt. Specifically, Argentina noted the report of one individual caught on 14 April 2012, and the reference in Annex E of another individual caught on 11 April 2012 and asked if these were the same whale. Argentina also noted reference to a struck and lost individual on 22 March 2012 in Annex E. St Vincent and The Grenadines responded that at Annual Meetings they reported catch and strike information for the previous season, however its absence from the 2011 meeting necessitated the transmission of information for the 2012 and 2011 seasons to the Secretariat. It also confirmed that it had reported on one whale taken in 2012 which was verified, photographed and sampled. Given the 2012 season was nearly over St Vincent and The Grenadines would be interviewing crews to verify the number of struck and lost animals and would report findings next year to the Commission.

The UK welcomed the submission of biological samples, photographs and other data from the hunts that had been requested by the Scientific Committee, as well as the information needed by the Commission and working groups. It encouraged timely provision of such information in the future, and requested a commitment to supply data to and participate fully in the Whale Killing Methods Working Group and workshops to improving the welfare of hunted whales, a transition to more humane weapons, reduced times to death and reduced struck and lost rates.

7.4.1.9 STATEMENT FROM THE ASW COUNTRIES

The Chair of the ASW Working Group reported that the working group had received a statement made on behalf of the ASW countries which agreed that ASW hunts are important for food security and reaffirmed the four major points affecting each aboriginal hunt (agreed at IWC/58) which were that: (1) subsistence hunting is for food to meet cultural and nutritional needs; (2) the safety of his crew is a whaling captain's most important responsibility; (3) with safety assured, achieving a humane death for the whale is the highest priority; and (4) efforts to modernise whaling equipment and practices can only be made within the context of each communities' economic resources and the need to preserve the continuity of hunting traditions.

7.4.1.10 COMMISSION DISCUSSION AND ACTION ARISING

Australia reiterated its previous concern over the continued use of *ad hoc* advice for populations for which adequate scientific information was not yet available for full *SLA* calculations. It noted that this year the Scientific Committee did not give advice on the possible extension of the duration of the quota for St Vincent and The Grenadines, and said that it would not ordinarily wish to see the duration of this quota extended but also recognised the extenuating circumstances arising from a possible move to biennial meetings. It emphasised that further strike limits should not be set beyond the usual period unless it was done using formal and agreed *SLAs* under the Aboriginal Whaling Management Procedure. Korea requested a justification for

the possible extension of the catch limit period from five years to six years, and suggested that a four year block quota period should also be considered, and Argentina suggested that it may not be advisable to move away from the five year block quota period. Chile also requested clarification on the proposed move to biennial meetings so as to support the decision making process on length of ASW catch limits.

Argentina referred to the discussions within the ASW Working Group on the standardisation of catch limits in terms of number of whales or tons of whale meat and expressed its view that catch reports should be expressed in terms of numbers of whales because the discarding of meat, blubber and internal organs introduced certain difficulties. Denmark responded that the West Greenland hunt was a multi-species hunt and that the human needs were 670 tons of whale meat, as it had been for many previous years, and that this figure could be satisfied by various combinations of the species.

Argentina expressed concern in relation to the Greenland catches where it considered there was a commercial component which was higher than would be allowed under the ASW definition, and in relation to the St Vincent and The Grenadines catches where it agreed with the statements of the Dominican Republic that there were no longer any indigenous Caribbean peoples and that there was a confusion between a family tradition and a cultural tradition. Mexico and Brazil supported Argentina's remarks and Brazil suggested that these two hunts be examined individually and on their own merit. Denmark responded that the Greenland hunt fulfilled all criteria for aboriginal subsistence whaling as described in document IWC/64/ASW7. St Vincent and The Grenadines responded that they had been in receipt of an aboriginal subsistence whaling quota for 25 years and that the aboriginal nature of the hunt had been accepted in the previous periods. Monaco, supported by Mexico, recognised that the hunt had been granted for 25 years, but said that the aboriginal nature of the hunt had never been convincingly demonstrated during this period. It also said that a tradition which could only be traced back to 1875 does not qualify as aboriginal, and that the St Vincent and The Grenadines hunt was an anomaly within the overall structure and regime of ASW.

India's view was that the IWC should work to reduce the aboriginal dependence upon whales in a phased manner, and that this should be achieved by identifying those aboriginal peoples dependent on whaling and by seeking to establish alternate socio-economic conditions including whalewatching and eco-tourism. India also stated its appreciation for the work of the Scientific Committee in advising on the proposed catch limits. The Russian Federation asked if India had taken account of the geography, harsh climate and high latitude where the Inuit communities were living and remarked that it is obvious there are no resources other than those provided by nature and wildlife, and also that the aboriginal people are relying in their diet upon marine mammals. The Russian Federation recalled that over the last 12 months it had joined a diplomatic conversation with the Indian Government and had received a statement that the Government of India would further research the situation. It hoped this bilateral conversation would continue. St Vincent and The Grenadines found the statement by India regrettable since the IWC had established parameters on aboriginal subsistence whaling over many years in recognition of the needs of people who required to take whales for their existence and survival. India clarified that it was not opposed to subsistence whaling where based upon an assessment of

dietary and cultural requirements, but that it was opposed to commercial subsistence whaling. It re-stated that subsistence whaling may be phased out over a period of time depending on the changing structure of economic conditions through alternate livelihood opportunities.

Guinea commended the recommendations of the Scientific Committee and noted that the controlled use would not harm the identified stocks. Belgium stated that the Scientific Committee's report and recommendations provided the starting point for the ASW discussion, rather than the end point. It noted that many socio-economic implications must be taken into account when deciding whether to agree quota extensions or not.

The Commission noted the report of the ASW Subcommittee and endorsed its recommendations.

7.5 Proposals for Aboriginal Subsistence Whaling catch limits

7.5.1 Proposed catch limits for bowhead, gray and humpback whales

The USA introduced document IWC/64/10 which was a proposed Schedule amendment submitted on behalf of the Russian Federation, St Vincent and The Grenadines and the USA to set an ASW quota for these countries for the six year period 2013-18 at the same annual level as had taken place in the preceding five year period 2008-12. The USA explained that the six year (rather than five year) period was appropriate in order to fit in with the Commission's expected move to a biennial meeting cycle, and recalled the Scientific Committee's advice that block periods of up to eight years in length meet the conservation objectives established by the IWC. Regarding the management regime for the St Vincent and The Grenadines hunt, the USA recalled the Scientific Committee's advice that the proposed catch limit using a five year block quota would not harm the stock, and the subsequent advice from the Head of Science that the performance results of a six year block would be indistinguishable from a five year block. On the question of effects of carryover, the USA highlighted the simulations undertaken by the Scientific Committee which had shown that the current carryover provisions of quota to subsequent years for gray whales and bowhead whales were well within levels consistent with the conservation objectives established by the Commission. Finally, on the question of the aboriginal nature of the St Vincent and The Grenadines hunt, the USA recalled that the Commission uses definitions of subsistence use, and at past meetings the Commission had agreed that the harvest as practiced at St Vincent and The Grenadines is consistent with these definitions.

The Chairman of the Alaskan Eskimo Whaling Commission, George Noongwook, spoke on behalf of the Alaskan villages which depended on bowhead whales. He explained that in these villages there were few sources of employment and limited supplies of food. Consequently, most of the food was taken from the ocean in the form of whales, walrus, seals and fish. He went on to explain the seriousness with which the villages took the IWC decisions as it deeply affected their way of life. He highlighted the scientific conclusions which confirmed the bowhead whale stock is healthy and able to support the hunt. He also recalled the long-term increase in the average efficiency of the hunt despite the deteriorating ice conditions.

COMMISSION DISCUSSIONS AND ACTION ARISING

Japan thanked the USA for its explanation and recalled its view that it is important to promote the sustainable

use of marine resources based upon scientific findings. Accordingly, it strongly supported the joint proposal contained in IWC/64/10. Guinea re-iterated the Scientific Committee's advice that the proposed use would not harm the stocks and indicated its support for the package proposal.

St Lucia, supported by Grenada and Tanzania, noted that there was no United Nations definition of what constitutes aboriginal but also clarified that there are full-blooded indigenous peoples living in the eastern Caribbean states. It re-iterated the Scientific Committee's advice that the proposed hunts would not harm the stocks and in relation to the issue of food security noted that the proposed hunts were to provide food for aboriginal peoples. St Lucia considered that a take of four animals from a total of 11,000 whales through the aboriginal hunt in St Vincent and The Grenadines would not affect the whalewatching industry in other parts of the Caribbean. In regards to commerciality, St Lucia recognised the costs incurred in reducing times to death and indicated that being able to sell at least a small portion of the quota would be necessary to recover the costs.

St Kitts and Nevis, supported by Grenada and Tanzania, congratulated the work undertaken through the Aboriginal Subsistence Whaling caucus and asserted the need for food security, cultural diversity and sustainable livelihoods for coastal and marginal peoples. It also wished to ensure that the rights of aboriginal people are maintained and stated that the proposal (IWC/64/10) met the Commission's and Scientific Committee's established standards. St Kitts and Nevis encouraged the economic development of whalewatching, but reiterated the right of St Vincent and The Grenadines to utilise the resources of their Exclusive Economic Zone in the way in which they see fit.

Iceland indicated its support for sustainable whaling based on science, and noted that in Iceland in the Bay of Faxaflói both whaling and whalewatching coexisted side by side and had done so for at least 10 years. Palau indicated its support for the proposals in IWC/64/10 on the basis of the Scientific Committee's advice.

The Dominican Republic felt that in the Caribbean issues relating to humpback whales were being considered from different points of view. Twenty five years ago the Dominican Republic had created a whale sanctuary which was visited by around 40,000 people and generated nine million dollars during the season. In contrast, St Vincent and The Grenadines had entered the IWC 25 years ago, alleging an aboriginal subsistence requirement. However they had broken many standards in hunting for young whales or mothers, and the Dominican Republic also highlighted that there had been no aborigines in the Caribbean for over 300 years. For these reasons, the Dominican Republic could support the needs of the native populations in the USA and Russian Federation, but could not support the joint proposal made by all three countries. Ecuador highlighted the prosperity of its own whalewatching activities and indicated it could not support the St Vincent and The Grenadines proposal as it was not aboriginal subsistence whaling and not a priority for human survival, as it amounted to only one or two whales per year. Instead, Ecuador asked St Vincent and The Grenadines to withdraw its proposal and focus on non-lethal use which would be of greater benefit to its citizens.

Mexico highlighted improvements in the state of the Bering-Chukchi-Beaufort stock of bowhead whales and congratulated the achievements of the Alaskan Eskimo Whaling Commission. It stated that the Russian Federation also complied with the requirements and the definition of aboriginal subsistence whaling as established by the

Commission. However Mexico expressed its dislike of the inclusion of the St Vincent and The Grenadines proposal within the same package since this whaling was not carried out by aboriginal peoples, and was in fact closer to commercial whaling than to aboriginal whaling. In light of this, Mexico offered assistance to St Vincent and The Grenadines to support the establishment of a whalewatching industry.

Colombia, Chile, Argentina, Peru and Brazil believed that the specific request from St Vincent and The Grenadines should be dealt with separately since there had been no timely response by St Vincent and The Grenadines to the requests arising from the Scientific Committee. These countries also expressed their concern as to whether the hunt was aboriginal in nature. Chile repeated its request to resolve the question of moving to biennial meetings prior to deciding on future ASW quotas. Costa Rica stated that it was unable to identify a real interest by St Vincent and The Grenadines to follow Scientific Committee requests and collect data and submit catch return information in a serious and systematic manner. Costa Rica also expressed reservations regarding the aboriginal nature of the St Vincent and The Grenadines hunt, and suggested that although whale hunting was practiced in many countries during the 18th and 19th centuries the world had now evolved and non-lethal uses of whales provided more effective ways of generating an economic income.

Cyprus spoke on behalf of the other European Union member states party to the IWC to express support for the proposed Schedule amendment. It stated that the EU and its member states were committed to protecting the lives of indigenous peoples including the protection of livelihoods. It noted that in considering further proposals for ASW they would be guided by the precautionary principle and by the advice of the Scientific Committee and also taking into account the work of the IWC's ASW Working Group. South Africa, supported by Switzerland and Israel, supported the proposal contained in IWC/64/10 and South Africa sympathised with people who depended upon subsistence whaling and said that while the development of alternative livelihood programmes such as whalewatching were helpful they could not solve all of the problems involved. Monaco stated it would not interfere with building consensus on IWC/64/10 but highlighted the relatively recent development of whaling practices in St Vincent and The Grenadines and questioned whether this was compatible with the concept of aboriginal whaling. Monaco requested that in the future a historical account be provided to help shed light on the development of this particular hunt.

The Eastern Caribbean Coalition for Environmental Awareness (ECCEA) said that never in the history of archaeology in St Vincent and The Grenadines had there been any findings to suggest that the aboriginal Kalinago or Garifuna peoples killed whales, interacted with whales or ate whale meat. The killing of humpback whales on Bequia was a relic of European and American origin which was begun in about 1875 by a Scottish settler, William Wallace, together with a settler of French origin, Joseph Ollivierre. ECCEA highlighted that the whaling was not an 'aboriginal' activity, it was learned from the Yankee whalers and modern day whaling in Bequia was done by persons of mixed European and African descent. ECCEA went on to say that the killing of humpback whales on Bequia could not be justified on economic or nutritional grounds as alternative sources of protein including chicken and fish could be obtained at cheaper prices on Bequia. It highlighted the negative impact

on the tourism industry caused by the killing of whales. ECCEA said that the Bequia whalers had a long tradition of hunting mothers and calves in contradiction to IWC regulations, and that the St Vincent and The Grenadines government had a history of non-compliance with respect to IWC reporting obligations. It called on the IWC to withdraw the proposal for a take of humpback whales for St Vincent and The Grenadines.

Te Ohu Kaimoana is the body established to manage and advocate Maori rights to fisheries in New Zealand and it said that one of life's great delusions is when we believe that our way of doing things, whether religion, economy, justice and in particular looking after the environment, is better than that of somebody else. It saw the Commission behaving today in the same way that the English behaved when they arrived in New Zealand in introducing a new range of ideas, systems and systematic gross exploitation of natural resources. Te Ohu Kaimoana said that indigenous peoples were not gross exploiters, and that it was ironic that countries that had previously grossly exploited whales were now imposing newly acquired values on cultures that continue to suffer the effects and symptoms of colonial exploitation. It was concerned that indigenous peoples may not be able to maintain their rights and exercise their traditions in ways that preserve their dignity, and reducing those groups to seeking permission was degrading. It noted that the Commission was already a tool for limiting indigenous tradition through its quotas, and requested that indigenous people be allowed to continue to practice their traditions and customary rights.

At the end of the debate the Chair asked if there was consensus to adopt the Schedule amendments as given in IWC/64/10. Following brief discussions, Brazil and Mexico spoke on behalf of the South American group of countries to report that there was consensus to adopt the Schedule amendments as related to the USA and Russian Federation proposed catches of bowhead whales and gray whales. But there was no consensus agreement to accept the proposed amendment in relation to the humpback catches of St Vincent and The Grenadines. In response to an invitation from the Chair, the USA clarified that the Governments of the Russian Federation, St Vincent and The Grenadines and the USA opposed efforts to divide the joint proposal in IWC/64/10. It noted that the proposals were all a *status quo* continuation of existing hunts, and all had been found to be consistent with the IWC's definition of ASW on previous occasions. Further, the Scientific Committee had reported that the hunts were sustainable, and for these reasons these Governments considered that it was appropriate for the Commission to consider a joint rather than a separate proposal.

Following this explanation, the Chair recognised there was no consensus on the joint proposal and requested the Commission decide by vote. The outcome of the vote was that the Schedule amendment contained in IWC/64/10 was adopted with 48 votes for, 10 against, two abstentions and one not participating¹⁶.

After the vote Mexico explained that it voted in favour of the quota requested by the USA and emphasised that while the indigenous people of Mexico do not utilise whales for cultural or subsistence needs, Mexican national legislation and the commitments included in international conventions to which Mexico is a party required it to safeguard the rights and promote the knowledge and the culture of indigenous people. With its vote in support of the ASW quota for the

Eskimos of Alaska, Mexico recognised the important contribution made by the Eskimo people to promote the growth of the Bering-Chukchi-Beaufort stock of bowhead whales so that it is no longer endangered. Accordingly, Mexico added its appreciation to the Alaskan Eskimo Whaling Commission, the North Slope Borough, and the Alaskan Wildlife Management Department and the Scientific Committee for providing continued and detailed data and records for the last 30 years. Mexico went on to explain that it voted in favour of the request put forward by the Russian Federation for its Eskimo communities because it is consistent with the definition of ASW adopted by consensus in the IWC in 2004. Furthermore the quota requested for gray whales was the same annual rate as that for the last five years. It supported the approval of this quota based on the Scientific Committee's recommendation, which advised that the estimated gray whale population is of approximately 20,000 individuals and with a positive growth rate, so that the requested quota does not affect the gray whale stock. Regarding the quota request on behalf of St Vincent and The Grenadines, Mexico explained that it would have opposed this quota because while there was precedent of approval of quotas for that country, there were persistent problems that have been unresolved for over three decades and those problems were related to the lack of sufficient information on the history and continuity of this whaling activity and how they respond to nutritional and socio-cultural needs. This information was necessary to evaluate the declaration of needs for humpback whales. Additionally Mexico encouraged St Vincent and The Grenadines to provide information and data in response to the requirements of the Scientific Committee, especially photo-identification of the humpback whale individuals and tissue samples for genetic analysis.

India explained that it had abstained because of its position that subsistence whaling should be phased out in the due course of time because of the changing socio-economic and cultural requirements of the communities. Panama explained that it rejects commercial whaling and supports the moratorium. It understood that aboriginal subsistence whaling was the only acceptable whaling so long as it complied with scientific advice and the creation of need statements and that it was not used as a context for commercial whaling. This was why it supported the request made by the USA and Russian Federation, but its preference would have been for the St Vincent and The Grenadines request to have been dealt with separately. Costa Rica clarified that it supported the USA and Russian Federation requests, but had voted against the proposal because there was a need to promote conservation and changing customs for St Vincent and The Grenadines. India, Monaco, Uruguay, Colombia, Dominican Republic, Peru, Argentina, Ecuador and Chile recognised the progress that had been made with ASW by the USA and Russian Federation, but would also have liked the quota request for St Vincent and The Grenadines dealt with separately.

7.5.2 Proposed catch limits for the Greenlandic hunt

Denmark introduced document IWC/64/12 which was a proposed Schedule amendment submitted by Denmark on behalf of Greenland. Denmark explained that the Schedule amendment was supported by two other documents, these being IWC/64/ASW7 which was a white paper on the management and utilisation of large whales in Greenland and IWC/64/ASW8 which was a note on the Greenland need statement.

¹⁶Voting records are listed in document IWC/64/Status, which is available at <http://www.iwcoffice.org/iwc64docs>.

Regarding the concept of needs, Denmark explained that these were established by the Government of Greenland and had been the same for the last 20 years, namely 670 tonnes of whale meat on the West Greenland side. This figure was calculated after taking into account the needs of food security and the opportunities to use other food sources including fish, birds, caribou, musk ox, polar bears, walrus, sheep and imported food. The figure equated to 12-13kg of whale meat per inhabitant per year, and Denmark stated that there was no intention to introduce a policy defining those allowed to eat whale meat and those not allowed to eat whale meat.

The Chairman of the Fishermen and Hunters Organisation stated that whaling had always been an important part of the cultural life in Greenlandic society, and that rational utilisation of resources and social and economic well-being is an integral part of the hunter's daily situation. It said that the 2007 UN declaration on the rights of indigenous peoples could be violated if a positive solution could not be reached on the proposals contained in IWC/64/12, and also noted that the Scientific Committee had once again agreed that the quota request would not harm the stocks. Regarding the concern expressed by some Contracting Parties on the question of money, it said that today all activities involve money, and without it there was no possibility to conduct a proper effective fast kill of whales.

The Greenlandic Ministry for Fishing, Hunting and Agriculture used a PowerPoint presentation to provide an introduction to the geography and industry of Greenland which emphasised the remote and inaccessible nature of the territory and the reliance on natural resources including minerals and biological resources such as fish, seals, whales, terrestrial mammals and seabirds. Referring to the whale hunt, Greenland showed that hunting methods had been continually improved and data had been submitted to IWC on killing methods. The presentation also addressed: (1) the nature of the humpback whale resource and the possible opportunity costs associated with tourist based whalewatching in some parts of the area; (2) the sampling protocols and data collection methods associated with the utilisation of large whales in the Greenlandic hunt; and (3) the local consumption and distribution of whale meat in Greenland. In addition, a full description of the regulation, control and monitoring of the Greenland hunt was provided in Chapter 5 of IWC/64/ASW7.

Denmark/Greenland concluded its introduction by confirming that the annual need of meat from large whales in the Greenland hunt was 670 tonnes and this had been estimated by the Technical Committee and the Aboriginal Subsistence Whaling Sub-committee in 1991. However this level had never been met by the catch limits allocated by the IWC. Regarding scientific advice, the Scientific Committee had, for the first time, been able to give interim advice for all four whale species relevant to Greenland in 2008, and this advice was valid for two quota blocks until 2018 and the recommendation was that a hunt of 178 minke whales, two bowhead whales, 19 fin whales and 10 humpback whales off West Greenland and 12 minke whales off East Greenland would not harm the stock.

COMMISSION DISCUSSIONS AND ACTION ARISING

Norway, St Lucia, Japan, Iceland, St Kitts and Nevis, St Vincent and The Grenadines, Switzerland, Russian Federation and Antigua and Barbuda supported Denmark/Greenland's proposal.

Norway and Iceland stated their view that they recognised only one type of whaling, and that was sustainable whaling irrespective of form or place. Given the clear advice from

the Scientific Committee that the quotas were sustainable Norway and Iceland supported the proposal in IWC/64/12. Iceland highlighted that the present quotas do not fulfil the needs of the Greenlandic people and so it supported the increased quota proposal compared to 2008-12 levels. St Lucia highlighted the issue of food security and that Greenland is unable to provide food for its people through traditional agriculture and as such is dependent upon the use of marine resources. It also stressed that denying the quota request may cause additional stress on other marine mammal resources including small cetaceans which would be targeted to satisfy nutritional needs, and that disregarding the substantial work and recommendations of the Scientific Committee was to set a bad precedence. St Vincent and The Grenadines expressed its support for the Denmark/Greenland proposal and remarked that the sustainability of the hunt was of key importance. It considered that the people of Greenland should be able to determine their own use of marine mammal resources.

Japan emphasised the Scientific Committee advice that the proposed catches would not harm the stock and that the need and circumstances for the hunt had been fully described. Switzerland referred to the declaration on the rights of indigenous peoples, and highlighted the need to maintain institutions, cultures and traditions and the ability to engage freely in all traditional and economic activities. The Russian Federation referred to the traditional use of whale meat in supporting the subsistence, economic exchange and growth of arctic aboriginal communities. It highlighted the need for Greenland to continue working within the frame of the IWC, instead of outside it as two other countries (Canada and Indonesia) already did. It suggested that the strategy of isolating the requirements of Greenland was not in the best interest of the IWC or the well-being of aboriginal nations.

The USA indicated its support for Denmark/Greenland's proposal and noted the Scientific Committee's conclusion that the catch limits would not harm the populations. The USA believed that the use of whale products by the hunters in Greenland satisfies the definition of ASW agreed by the IWC.

The Dominican Republic, supported by Ecuador, highlighted its concern that humpback whales in the Atlantic were easy to catch given their tradition of getting close to whalewatching vessels around the Dominican Republic. It also noted concern that only a limited amount of data on the weights and yields of captured whales had been recorded by Greenland and that there were only nine whaling inspectors for 18 communities despite it being a stated priority for Greenland. It contrasted this with the regulation of whalewatching in Dominican Republic where 33 employees supervised activities. It also noted other weaknesses in the Denmark/Greenland paper including levels of pollutants in whale meat and its unsuitability for consumption by pregnant women or children. Brazil and Ecuador considered that the Denmark/Greenland proposal did not meet the definition of Aboriginal Subsistence Whaling because of its strong commercial component. Brazil also highlighted the difficulties in developing a multi-species *SLA* in order to satisfy the Commission's objectives for ASW hunts, and requested the Scientific Committee be allowed the necessary time to develop its full advice before adopting the quota. Argentina referred to the concern expressed at the Scientific Committee meeting about the insufficient level of detail provided by Denmark/Greenland in regards to the conversion factors used to calculate yield of meat from each whale, and inconsistencies with the sampling efficiency and

weighing procedure. It highlighted the Scientific Committee recommendations regarding sampling protocols and methods for measuring the lengths of animals caught.

Australia noted the requests to move towards consensus but stated the proposal was about the abandonment of consensus rather than a move towards it. It recalled that at the 2010 meeting a consensus had been arrived at with difficulty, and a number of conditions were placed on that consensus and undertakings made which had not subsequently been met to the satisfaction of the Scientific Committee. Australia noted that the Chair's Report from IWC/62 in 2010 stated that by returning the humpback whale to the mix of resources that Denmark/Greenland would be able to reduce the overall number of whales taken because of the greater yield provided by humpback whales. Therefore during the agreement of the consensus decision Greenland had stated that there would be an opportunity to lower the number of whales taken, but now the Commission was being asked to accept a Schedule amendment whereby the number of whales taken would rise. Australia stated it could not support the Schedule amendment as previous undertakings must be honoured and that the Commission should not be confronted with a new level of ambit.

New Zealand re-iterated its support for ASW where it is consistent with the Scientific Committee's findings on sustainability, where it does not threaten the rebuilding of endangered populations and where it meets the criteria set by the IWC. It stated that like Australia it was not prepared to support an increase in the quota from what was agreed with such difficulty two years ago. India stated that the present proposal for increasing the quota is not supported by adequate studies on the assessment of the increased need for meat by the aboriginal communities. It also noted NGO reports that not all the meat was used by the aboriginal communities and some was used by restaurants.

Chile re-iterated its concern that the quotas were proposed for six years in the absence of agreement on a possible move to biennial meetings and it requested a commitment to discuss renewal in 2017 if the move to biennial meetings was not successful. It also highlighted its concern arising from the Scientific Committee's views on the lack of information provided and the non-rigorous nature of the way the hunt was controlled. It also noted its concern that the selling of meat to tourists in restaurants struck against the moratorium on commercial whaling and as such it could not support the proposal.

Mexico indicated its concern about commercial use being made of quotas given the language in the Schedule that ASW is permitted only when the meat and products are used exclusively for local consumption and that this was not happening. It understood that whale meat was a source of livelihood in remote settlements but there was no need to provide this resource for the whole population including the 80% residing in urban areas. It also drew attention to the absence of data on the percentage of meat being used by local communities compared with the percentage being sold on the free markets, and the absence of information on protein sources from the flourishing fishing industry.

Cyprus spoke on behalf of Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Poland, Slovenia, Spain, Sweden and the UK and re-iterated their full commitment to ASW to satisfy aboriginal needs in the wider context of protecting the rights of indigenous peoples and their livelihoods. It explained that they were ready to consider ASW proposals according to these principles and were

pleased to have supported the proposal introduced by the USA, Russian Federation and St Vincent and The Grenadines, but that they were unable to support the proposal described in IWC/64/12.

Denmark/Greenland responded to the concerns raised and stated that the commercial part of the ASW hunt had been fully explained. It had asked hunters to buy cannons and grenades to improve the humaneness of the hunt and these cost 2,000 dollars apiece and were financed from the proceeds of the hunt as sold by the citizens of Greenland. In relation to the possible move to a biennial meeting cycle, Denmark/Greenland stated it would adjust to whatever decision was taken. In relation to the possible reduction in the number of whales taken following the addition of humpback whales to the mix in 2010, Denmark/Greenland noted that the addition of the humpback whales had been matched by an equal reduction in the number of fin whales. In relation to the control of the hunt, Denmark/Greenland stated that it had new regulations on the management of large whales in Greenland and an executive order was also being revised. It had strict regulations that every hunter must apply for a license and after having caught a whale they have to stamp the licence before distributing the whale.

Recognising that there was no agreement to adopt the proposed Schedule amendment by consensus, the Chair agreed to Denmark's request to decide the proposal by vote. The outcome of the vote was 25 for, 34 against and three abstentions, and consequently the proposed amendment was rejected.

Following the vote, Iceland commented that it was sad for all sustainable whaling countries to witness the result of the decision and said that the organisation had become extremely dysfunctional. Japan also considered that this was a sad conclusion which deprived people living in harsh climates of an important source of nourishment. It considered that the proposal was backed by science, and those who had said no to the proposal did not believe in science. Palau remarked that the IWC had deprived Greenlanders of their main source of protein and protected marine mammals against human beings. It conveyed its regrets to Greenland on behalf of the likeminded sustainable group of countries. Tanzania remarked that the Denmark/Greenland proposal had been based on science, and asked if members would agree to giving Greenland a timeline to address the issues that had been raised while allowing them to continue with the aboriginal hunt. Switzerland recognised the rights of indigenous people to make use of their natural resources and make their own decisions. It was also Switzerland's wish that the Commission work in the spirit of compromise and that it worked towards solutions which took into account all the opinions expressed.

St Kitts and Nevis said that coastal communities should never be deprived of their rights to their resources. It considered that this was a regretful day for the IWC and asked for reflection on the consequences for the people of Greenland. St Lucia noted that the proposed Schedule amendment had not been for a zero quota, but instead was for a specific quota. Given that the previous quota was expired, it commented that what the Commission had actually said to Denmark/Greenland was to go forth and manage their fishery on their own. It considered that whaling would continue despite the outcome of the vote because the outcome effectively meant no quota advice was given. St Vincent and The Grenadines commented that the Commission had failed to understand the difficulties faced by coastal peoples and said that the IWC was about whales,

not people. It said that the organisation was becoming more polarised and emphasised with the people of Greenland in their struggle for their right to food.

Mexico recognised the problems related to Greenland's geography and culture, as well as the difficulties associated with the different species of whales utilised in the aboriginal hunt and the problems regarding the applicability of the declaration of needs based on conversion factors. At the same time, Mexico also shared the reservations and concerns previously expressed regarding the proposed hunt and had therefore voted against it. In this regard, Mexico invited Denmark/Greenland to continue collaborating with the IWC, especially in response to Scientific Committee recommendations regarding the provision of information and data on the amount of edible products of the fin whales, bowhead and humpback whales, as well as to provide information on its sampling programme and data validation protocols. It underlined the Scientific Committee's concern on the insufficient level of data provided by Greenland, the inconsistencies of its report, the efficiency of the sampling regime and the extrapolation procedure and invited Greenland to provide data regarding field protocols, sampling strategies, analytical methodologies and information on the sex and length of hunted animals. Mexico would maintain a careful follow up on the evolution of this case with an open and cooperative attitude, based on IWC principles, objectives and criteria.

Ecuador recognised the importance of the culture and traditions associated with ancestral peoples and noted that its own conservation traditions are reflected in its national legislation and external policies. Ecuador explained that it had opposed the proposal because it had a significant commercial component and exposed consumers to undetermined health risks. In particular, Ecuador could not support the proposal because it affected humpback whales which were a symbol for all countries that had turned whalewatching into a great industry.

New Zealand, supported by Monaco, re-iterated its support for ASW in that it satisfied the Commission's requirements regarding sustainability and need. It commented that the issue of need was especially problematic for Greenland which had access to the social and economic support structures of the Kingdom of Denmark. New Zealand stated that its position had been determined by the effort over the last five years by Greenland to progressively rank up its whaling catch and to insist that the Commission be implicit in the exercise. Five years ago there had been no agreement and a special meeting was required. A special attempt was then made at IWC/62 in 2010 to reach a conclusion which included being complicit in a scenario by which Greenland had finally been able to get what it wanted. It would have been possible for Greenland to have rolled over the same level of quota that was agreed only two years ago, and New Zealand thought it would have been sensible for Greenland to have done that and wished it had asked for it. Monaco remarked that Greenland has the advantage to be surrounded by very rich oceanographic waters, and Greenlanders are a major consumer of seals, ranked second in the world just after Canada. There is a variety of food available in their diet, including terrestrial food because Greenland is not just covered entirely by an ice cap, it has farms, sheep, reindeers and vegetables. It also consumes plenty of fish. It said the issue of whale meat being available to tourists, increasingly in a large number of restaurants did not make the case of the Greenlanders particularly strong. Finally, Monaco highlighted the health

risk linked to methyl mercury which is extremely high in the northern Greenland population being 200 times above the tolerable level advised. In conclusion, Monaco was not in a position to support an increase in quota this year.

India said that it endorsed ASW provided that it was based on assessment of the dietary and cultural requirements of the aboriginal communities and that there was no commercial use of the hunt. It explained that it did not support the increased quota proposed in IWC/64/12 because there was no information on the increased population of aboriginal communities and the requirement for the increased harvest.

Denmark thanked the countries that had supported Greenland and commented that a number of countries had not wished to take responsibility for whaling in Greenland. It regretted the lack of solutions and the lack of understanding and commented that this was a serious situation given the IWC had to work hard to survive at a time when it had not been able to fulfil its obligations under the Convention. It repeated that it fully supported the sustainable use of all marine resources, and that it would now return home to make a sensible decision as to its future course of action.

8. CONSERVATION COMMITTEE

The Conservation Committee met on 26 June 2012 and was chaired by Lorenzo Rojas-Bracho (Mexico). Delegates participated from 25 Contracting Governments and its report is given in this volume as Annex F. The Conservation Committee's discussions on Conservation Management Plans, whalewatching and whale sanctuaries and included under Agenda Items 9, 10 and 4 respectively. Discussions on the Committee's other items are summarised below.

At the start of its meeting the Committee rose in appreciation and applause for the life and achievements of Alexandre de Lichtervelde who died in 2011. Alexandre had been Commissioner for Belgium since its adherence to the IWC in 2004. As well as being a strong advocate for the Commission's conservation work he had founded the Ship Strikes Working Group and had been a strong supporter of the online database for recording ship strikes established in 2009.

8.1 Investigation of inedible 'stinky' gray whales

8.1.1 Report of the Conservation Committee

The Russian Federation presented a report (IWC/64/CC10) of a study of contamination problems in gray whales carried out from 2005-11. In 2011, two of the 126 gray whales landed were considered 'stinky'. The study did not draw conclusions on the cause but the authors commented that the 'stink' may be a result of slow metabolism of petroleum hydrocarbons. In addition they found that persistent organochlorines such as DDT were present in only low concentrations or were non-detectable. Stinky whales cannot be used for human or animal consumption as they are abhorrent and cause allergies and diarrhoea. Accordingly the Russian Federation consider them as struck and lost rather than part of the landed quota.

The USA indicated that it was willing to assist the Russian Federation with the experimental designs and analysis needed to make progress with this problem. The Committee thanked the Russian Federation for its report and supported further work on this subject.

8.1.2 Commission discussions and action arising

There were no discussions under this Item.

8.2 Ship strikes

8.2.1 Report of the Scientific Committee

The Scientific Committee highlighted particular concern where ship strikes affected small populations of whales, especially Arabian Sea humpback whales and southern right whales off South Africa. The Committee had also discussed the outcomes of several recent non-IWC workshops focusing on ship strikes which had been held in London and Cambridge.

The Committee discussed the development of the IWC global database of incidents involving collisions between whales and vessels. Since there had been only a few reports entered onto the database it agreed a more pro-active approach was required. Accordingly it had requested a data co-ordinator position be established through the research budget.

8.2.2 Report of the Conservation Committee

This year there was no report from the Ship Strikes Working Group because of the sad loss of its Chair, Alexandre de Lichtervelde.

The Committee highlighted that the issue of ship strikes is important because it is essential for healthy whale populations, for the recovery of whale populations and for the development of Conservation Management Plans.

The Committee reviewed the work of the technical expert (Dr David Mattila) who had been seconded to the Secretariat to work on entanglement response and ship strikes. Dr Mattila represented the IWC at an international technical workshop on the criteria for determining human-caused lethal impacts to marine mammals held at Woods Hole, USA in 2012. The findings of the workshop would be very helpful to the IWC in finalising criteria for ship strike impacts in the database handbook. The Committee thanked Dr Mattila for his work and efforts to publicise the Ship Strikes Database and thanked the USA for their assistance in supporting Dr Matilla's secondment. It also recommended that Dr Mattila should collaborate closely with the ship strike data co-ordinator proposed by the Scientific Committee, and that a dedicated outreach programme should be established to promote the existence of, and stimulate the use of the database. Other members of the Conservation Committee supported the need for the database co-ordinator but stressed that this should be discussed in the context of other items being considered by the Committee.

The Conservation Committee received reports from countries on ship strikes which had occurred in the last 12 months and on initiatives to record and reduce ship strike incidents. In particular the USA introduced two new proposals which were submitted to the International Maritime Organisation (IMO) in 2012 to amend two existing Traffic Separation Schemes (TSS) off the US west coast to reduce the likelihood of ship strike deaths and serious injury to blue and other large whales.

PANAMA TRAFFIC SEPARATION SCHEMES (TSS)

The Conservation Committee received a proposal from the Republic of Panama for the establishment of Traffic Separation Schemes (TSS) and prevention of vessel collisions with whales. Around 17,000 commercial vessels transit the Gulf of Panama each year, and this number has nearly doubled in the last 15 years and is expected to continue increasing as the canal is further expanded.

The Panama Maritime Authority in conjunction with the Panama Canal Authority, the Maritime Chamber, the Smithsonian Tropical Research Institute and the Marviva Foundation had been working for several months on

designing four two-way TSS, three for the Pacific and one for the Caribbean, to be presented to the IMO for their endorsement. Panama has recorded 13 whale casualties in two years, mostly of humpback whales. The TSS will be established in areas heavily used by several species of cetaceans, especially humpback whales from both the Northern and Southern Hemispheres which winter in Central America and Panama (up to ~300 individuals per season from the southern population visit the Las Perlas Archipelago). Based on a temporal and spatial analysis of whales tagged with satellite transmitters and AIS transmissions from over 800 vessels it was estimated that implementation of the scheme would reduce the potential areas of collision between ships and whales by approximately 93%. Panama welcomed any support or recommendations by the IWC and individual countries.

TENERIFE WORKSHOP IN OCTOBER 2012

Spain presented its proposal (IWC/64/CC18) to hold an intersessional workshop on maritime transport and biodiversity conservation. A specific aim of the project is to study and mitigate accidents affecting marine biodiversity, especially the impacts on cetaceans and to develop a programme of training and communication for the maritime transport industry.

WORKSHOPS ON DISENTANGLEMENT RESPONSE AND SHIP STRIKE REDUCTION IN THE WIDER CARIBBEAN

The USA summarised its joint proposal with the Dominican Republic, France, Mexico and Panama (IWC/64/WKM&AWI12) for the IWC to work with UNEP, CEP and SPAW to conduct a series of three workshops on disentanglement and ship strikes in the wider Caribbean, focusing on an interdisciplinary ship strike workshop planned for 2013. This item was discussed in more detail by the Working Group on Whale Killing Methods and Associated Welfare Issues (see Annex G). The USA hoped to expand partnership for this effort to other interested IWC parties and the IMO. The USA recognised that this proposal originated from Alexandre de Lichtervelde's work and his communication with UNEP and SPAW.

France, the Netherlands, Argentina and Mexico expressed support for the workshops and the Netherlands noted that it would be happy to participate and would look into the possibility of making a financial contribution.

An observer from UNEP and SPAW-RAC expressed strong support for the proposed workshops on entanglement and ship strikes noting that the French Agoa Sanctuary for the protection of marine mammals is also supportive and will bring technical, logistical and financial support to the proposal. In relation to vessel strikes, the marine mammal action plan approved by the SPAW parties on threats to marine mammals in the wider Caribbean region states the following key objectives.

- (1) *Improve understanding.* To identify high risk areas for vessel strikes in each country.
- (2) *Impact assessment.* To assess the magnitude of vessel strikes in the wider Caribbean region.
- (3) *Impact minimisation.* To stimulate on-going and initiate new actions at the regional, national and local level to reduce the frequency of vessel strikes.

The Conservation Committee thanked the UNEP and SPAW-RAC representative for the offer of collaborative engagement and the Secretariat looked forward to formalising the agreement in the coming months.

STRATEGIC PLAN

The Conservation Committee endorsed a suggestion from the Chair to develop a strategic plan for ship strikes which might include data gathering and mitigation. Belgium considered that a strategic plan would help to ensure the effectiveness of the IWC Ship Strikes Database.

APPOINTMENT OF CHAIR FOR THE SHIP STRIKES WORKING GROUP

The Conservation Committee was pleased to appoint Belgium as Chair of the Ship Strikes Working Group and acknowledged the work of Alexandre de Lichtervelde and of Belgium on ship strikes in the past.

8.2.3 Commission discussions and action arising

Cyprus spoke on behalf of the EU member states to note its concern regarding the increased anthropogenic threats which faced cetaceans including bycatch, habitat degradation, pollution, overfishing, climatic change and underwater noise. Additionally marine debris was now recognised as a growing threat to large whales and small cetaceans through ingestion and entanglement. Cyprus understood that the IWC had led efforts to investigate and mitigate the effects of ship strikes. It stated that ship strikes were happening regularly in all oceans and they are also connected to other threats facing cetaceans because once a whale is entangled in marine debris it may become more susceptible to a collision with a ship. Also wounds inflicted by ship strikes may be infected by a variety of pathogens. Greater effort was needed to understand and mitigate the risk to cetaceans and the IWC could play a significant role both in terms of direct action, undertaking research and reaching out to other fora to co-ordinate responses. Cyprus also recognised the considerable contribution made by the IWC's Scientific Committee to research on small cetaceans. This work referred both to capacity building and conservation for highly endangered species. EU member countries had repeatedly made contributions to the Voluntary Fund for Small Cetacean Conservation Research to underline the importance of this line of thinking. Cyprus was convinced that this work would continue to be important in the future.

France acknowledged the statement by Cyprus and drew attention to its own efforts to reduce ship strikes through work in the Pelagos Sanctuary in the Mediterranean and the Agoa Project in the Caribbean where ways were being sought with the IMO to reduce vessel strikes. In addition France supported and would continue to contribute to workshops held in conjunction with the IWC and other states on the disentanglement response to whales within the Caribbean. With regard to ship strikes, France emphasised the importance of improving data collection within the IWC and the added value of sharing information on strikes with organisations such as ACCOBAMS and ASCOBANS.

The Netherlands welcomed the initiative for a series of workshops dealing with the problems of ship strikes and entanglement response in the Caribbean. This issue was of direct relevance to the Netherlands' overseas territories and it was pleased to be a member of the group of countries supporting the workshops. The Netherlands recorded their intention to financially support the organisation of the workshops.

Panama was pleased that the Committee had been able to meet for a full day. It thanked those delegations who had shown support for the TSS proposals in Panamanian waters and remained open to further suggestions on how to continue with this project. Panama thanked the other co-sponsors of IWC/64/WKM&AWI12 and indicated it was pleased to support the efforts to hold workshops on ship

strike and entanglement reduction in the wider Caribbean region. Argentina supported the recommendations of the Conservation Committee as regards ship strikes and in particular it emphasised the work done by Panama to improve the management of navigation. It requested Panama to present its work to next year's Scientific Committee meeting. Although Argentina is not part of the Caribbean it expressed its interest in the proposals for workshops to address entanglement response and ship strikes with UNEP, as the collaborative work would strengthen both the partner organisations and the IWC. Ecuador recorded the high value it placed on work to reduce ship strikes.

Australia emphasised that the way to reduce the likelihood of ship strikes was through the use of appropriate and up to date data. However currently not all ship strikes were reported and Australia highlighted the need for all Contracting Parties to make such reports where strikes arise within national waters. Australia also stressed the need for a ship strikes data co-ordinator and indicated its full support for this position. Belgium supported Australia's comments on the essential importance of collecting data regarding ship strikes. It considered that the database co-ordinator should also take on the role of raising awareness of the database and establishing links with other industry and IGO conservation bodies so as to further the IWC's work on this topic.

The USA stated its support for the Conservation Committee as its work reaffirmed the conservation objective of the Convention and improved the governance of the Commission's conservation initiatives. It encouraged all countries to participate. The USA provided an update on the proposed TSS for the west coast of the USA and indicated that it expected the IMO's Navigation Sub-Committee to approve the proposals in the near future. Regarding the proposals for a series of workshops addressing ship strikes and entanglement response in the wider Caribbean, the USA thanked all the co-sponsors and especially the Netherlands for their offer of financial support.

Spain referred to a workshop that will take place in October 2012 in Tenerife to discuss maritime transport and biodiversity conservation, especially cetaceans, in the framework of a European project called Life Plus. Participants will include the maritime traffic industry, marine scientists, whalewatchers and other stakeholders including the International Maritime Organisation. The workshop will have an agenda to provide communication tools and systems for educating sailors about the steps to be taken to prevent risk to whales and also other marine life and habitats.

The Commission noted the Conservation Committee's report on this Item and endorsed its recommendations.

8.3 Southern right whales of Chile-Peru

8.3.1 Report of the Scientific Committee

An IWC Workshop on southern right whales was held in Buenos Aires, Argentina, 13-16 September 2011. The results of this Workshop were presented to the Scientific Committee (SC/64/Rep5) which concurred with their recommendations, in particular those to help clarify the status of this critically endangered species and also to help identify any threats and possible mitigation measures. The Workshop recommended that surveys, photo-id and genetic studies should be conducted.

8.3.2 Report of the Conservation Committee

The Conservation Committee reported that mobile technology is being used in joint work between the Chilean Navy and the NGO Centro de Conservacion Cetacea to enable sightings of southern right whales to be reported

in real time. Given the critically endangered status of this population it was requested that this item remain on the agenda of the Conservation Committee.

8.3.3 Commission discussions and action arising

Chile and Peru reiterated their commitment to the conservation of this critically endangered population. Chile drew attention to the development of the Conservation Management Plan¹⁷ and expressed its desire for international cooperation to ensure the long term protection of the species. Peru noted it had only a few records of this species from its national waters but in accordance with the reports of the Scientific and Conservation Committees, Peru was supportive of all efforts to ensure the conservation and viability of this whale species.

The Commission noted the Conservation Committee's report and endorsed any recommendations.

8.4 National Reports on Cetacean Conservation

8.4.1 Report of the Conservation Committee

Several countries had submitted voluntary national cetacean conservation reports: Argentina (IWC/64/CC15), Australia (IWC/64/CC4), Brazil (IWC/64/CC22), Chile (IWC/64/CC21), France (IWC/64/CC14), Mexico (IWC/64/CC20), New Zealand (IWC/64/CC19), UK (IWC/64/CC8) and USA (IWC/64/CC5). The Committee welcomed these reports, many parts of which had been discussed under earlier items. More countries were encouraged to submit reports in future.

8.4.2 Commission discussions and action arising

The USA noted that it would comment on two items addressed in its Conservation Report (i.e. cetacean health and disease and anthropogenic sound) under Item 18 below.

The Commission noted the report of the Conservation Committee on this item and endorsed any recommendations.

8.5 Marine debris

8.5.1 Report of the Scientific Committee

The Scientific Committee noted that marine debris is a growing concern for marine wildlife in general but its interactions with cetaceans were poorly understood. Accordingly the Scientific Committee reviewed several papers on marine debris and recommended that a workshop on marine debris and cetaceans be held in 2013¹⁸. The primary aim of the workshop would be to determine how to best quantify the ways in which marine debris was affecting cetaceans and how best to monitor and mitigate for such effects. The workshop could also consider how best to develop a centralised database to collate cases of debris interactions, including the development of standardised criteria for data to allow more certain identification of the types of debris and the interactions involved.

The Chair of the Scientific Committee also referred to the work being undertaken in the USA, Korea and Japan and through the Steering Group for the IWC-POWER cruises who are investigating how those cruises can contribute to international efforts to collect more information on marine debris¹⁹.

8.5.2 Report of the Conservation Committee

Australia suggested that the workshop should be held jointly by the Scientific and Conservation Committees so as to encompass both the scientific and management aspects of the problem of marine debris.

The UK and Australia drew attention to the recent Rio Ocean Declaration (in the outcomes document of 'The Future We Want', para. 163) which called on all nations to take action on marine pollution. They commented that the IWC should cooperate with other international organisations to address this threat.

Argentina referred to a paper²⁰ on the ingestion of plastic debris in 28% of 106 Franciscana dolphins incidentally captured in artisanal fisheries on its northern coast. The USA provided information on a new programme aimed at combating the problem of derelict fishing gear called 'Fishing for Energy' and encouraged interested delegations to join the initiative.

The Conservation Committee endorsed the proposal for a joint workshop on marine debris by the Scientific and Conservation Committees.

8.5.3 Commission discussions and action arising

Australia shared the growing concern that pollution and marine debris posed a significant threat to ecosystems and biodiversity and as such it welcomed the work of the Scientific Committee. The issue of marine debris had been highlighted in the recent Rio Ocean Declaration as being of global concern. Australia welcomed the workshop proposal which it saw as an excellent example of collaborative working between the Scientific and Conservation Committees. It wished to ensure that all threat mitigation efforts were based on good science and acknowledged that a number of other international organisations were already working on this topic and encouraged collaboration between those organisations and the IWC.

Cyprus spoke on behalf of European member states party to the IWC to indicate that it was delighted to participate in the developing work of the Conservation Committee as it considered the many issues facing cetaceans. It commended the work of the Scientific Committee on marine debris and highlighted that cetaceans can be harmed by both entanglement and ingestion of plastics. It said that a number of other intergovernmental organisations (IGOs) including UNEP, CBD and the Rio Outcome Document had recognised the need for co-ordinated action and encouraged the IWC to participate.

The USA supported the Scientific Committee's recommendations and noted that the UNEP global partnership on marine litter was launched at a side event at the recent Rio+20 Conference. This new partnership will act as a coordination forum to unite diverse organisations and encourage Governments, NGOs and scientists to collaborate. The partnership built on the Honolulu agreement which the USA highlighted to the IWC in 2011²¹. In addition, the USA drew attention to a domestic initiative called 'Fishing for Energy' which allowed fishermen to dispose of derelict fishing gear at no cost. The recovered gear was transported for free to a local energy facility and used as a source of renewable energy.

The United Kingdom noted the work being undertaken by a number of countries to reduce the effects of marine debris and highlighted the recommendations from the Scientific and Conservation Committees that the IWC should co-operate with other IGOs to address the threats. The UK also highlighted its support for the joint Scientific and Conservation Committee workshop.

¹⁷See Item 9.1 for a full report of the Conservation Management Plan.

¹⁸For further details, see *J. Cetacean Res. Manage. (Suppl.)* 14, Annex K, Appendix 3 [2013].

¹⁹Further information is provided in *J. Cetacean Res. Manage. (Suppl.)* 14, Annex G [2013].

²⁰Denuncio *et al.* 2011. Plastic ingestion in Franciscana dolphins, *Pontoporia blainvillei* (Gervais and d'Orbigny, 1844) from Argentina. *Mar. Poll. Bull.* 62(8):1,836-1,841.

²¹See *Ann. Rep. Int. Whal. Comm.* 2011: 86 [2012].

Austria supported any and all IWC endeavours in the field of marine debris. It recalled that the IWC had recognised several environmental concerns and marine debris spanned three of these: habitat degradation, chemical pollution and fishery interactions. It involved both IWC scientific and technical work, e.g. on entanglement response and the ingestion of plastic. It was one of the most visible and perhaps controllable forms of pollution, ranging from micro-plastics to giant nets and Austria therefore supported and was looking forward to the results of the proposed workshop to be held in 2013.

Argentina supported the recommendations of the Scientific and Conservation Committees and highlighted the effect of marine debris on the franciscana. In addition it noted the reports of entanglement events affecting the population of southern right whales and consequently it wished to see continued action to address the problem of marine debris.

Claire Bass of the World Society for the Protection of Animals (WSPA) congratulated the Conservation Committee on the excellent breadth and quality of its work. WSPA believed IWC should divert a greater proportion of its time and financial resources to its growing conservation agenda and also that the Commission should undertake a review of the work of its Scientific Committee with an aim of affording more time and budget to its conservation work. WSPA spoke on behalf of many NGOs in welcoming the addition of marine debris to the Scientific and Conservation Committee's agendas through a joint workshop. As noted by several member nations this issue already had the attention of several IGOs including the United Nations and it supported the suggestion that the IWC should co-operate to achieve multi-agency solutions. WSPA, the Environmental Protection Agency (EPA), OceanCare, and Pro-Wildlife showed their joint support for the initiative by collectively contributing £17,000 in funding towards this workshop. The Chair and the Chair of the Conservation Committee thanked these organisations for their donation.

The Commission noted the reports of the Scientific and Conservation Committees on this agenda item and endorsed any recommendations.

8.6 Voluntary Fund for Small Cetacean Conservation Research

The Chair acknowledged the financial support provided to the small cetacean conservation fund from both Contracting Parties and Non-Governmental Organisation observers and noted that much progress had been achieved through the use of these donations.

8.6.1 Report of the Conservation Committee

In 2011 the Conservation Committee received a strong recommendation from the Scientific Committee's sub-committee on small cetaceans for funding nine high-standard research and conservation projects under the Commission's Voluntary Fund. All of the projects were aimed at improving conservation outcomes for small cetacean species and populations threatened or especially vulnerable to human activities.

The Chair of the Scientific Committee's sub-committee on small cetaceans, Dr Caterina Fortuna, gave an update on the current status of the Voluntary Fund for Small Cetacean Conservation and Research. Contributions received during the past year had enabled all nine projects to be funded and

these were outlined through a PowerPoint presentation made to the Conservation Committee. Particular emphasis was given to the conservation and capacity building aspects of each project.

As soon as sufficient additional funding for 2-3 projects was secured a new call for proposals would be launched, possibly by the end of 2012. The UK commended the work being conducted under the Small Cetaceans fund and noted that the IWC must not overlook the conservation of small cetaceans, and applauded the work being done by Mexico to protect the vaquita. In addition it noted its concern over the continued hunting of Dall's porpoise, highlighted the Scientific Committee's concern over the hunting of Baird's beaked whales and encouraged the provision of data to assist the efforts of the Scientific Committee in its work.

The Chair of the Conservation Committee congratulated the Scientific Committee on its work and the Chair of the small cetaceans sub-committee in ensuring the successful outcome of the projects.

8.6.2 Commission discussions and action arising

Australia drew attention to the many global threats faced by cetaceans and small cetaceans in particular. The projects being taken forwards under the Voluntary Fund had a global distribution and focused on critically endangered populations. Australia hoped this work would continue to be supported by contracting parties as it is a manner in which the IWC can make a real and effective contribution towards the conservation of small cetaceans.

The Netherlands expressed its concern at the lack of protection for many small cetaceans worldwide and favoured a stronger role for the IWC on small cetacean conservation. It welcomed the work undertaken through the Small Cetacean Conservation Fund and announced a voluntary donation of 15,000 Euro to continue the Fund's projects. Italy also recalled its financial contribution to the Fund in 2011, and announced a further contribution of 15,000 Euro for 2012. The United Kingdom remarked that the level of support for the Fund showed its importance and was delighted to provide a donation of £10,000 GBP to the Fund in addition to its contributions from previous years. France recalled that it had supported the Fund financially since 2011 and would continue to do so in 2012.

Argentina thanked those countries who had contributed and continued to do so. It said that small cetaceans should be considered as an integral part of the work of the IWC and noted that the new sponsorship had given priority to the small cetacean species and areas where little information previously existed. Monaco congratulated the countries that had contributed to the Voluntary Fund and hoped that it would be able to do so soon. It recalled its concern at the declining populations of many small cetacean populations and highlighted that the word 'small' was a misnomer as some of the small cetaceans were as large as the small whales. It stated that the IWC should give equal attention to all cetaceans. India stated its support and appreciation for the work of the Scientific Committee and said that small cetacean species should be conserved at any cost. Switzerland welcomed the work of the Scientific Committee on small cetaceans and urged Contracting Governments to take all necessary measures to reduce direct and indirect takes, interaction with fisheries and to restore degraded habitats.

Germany welcomed the tremendous and effective work on the conservation of cetaceans and the financial commitments of the Contracting Parties. Germany is a

contracting party to ASCOBANS²² where a variety of conservation activities were being taken forwards, for example the reduction of noise during piling operations in the construction of offshore wind farms. Germany drew attention to a harbour porpoise survey in the Baltic Sea being conducted jointly with Denmark. This was expected to provide a basis for further conservation measures including fisheries technical measures. In addition Germany proposed a fuller study on harbour propose in the Baltic Sea so as to develop suitable mitigation measures.

Birgith Sloth of the Society for the Conservation of Marine Mammals said that the Conservation Committee had already proven its importance through work on ship strikes and many other threats. All of these affected both large and small cetaceans. Cetaceans were the ambassadors to the sea and many observers found it difficult to understand the damage caused to cetaceans, but when made aware how human activities affected not just the giants of the sea but also their small relatives it led to awareness and concern. The IWC Voluntary Fund for Small Cetaceans was an excellent example of how the expertise of the IWC could allow cooperation between Governments and NGOs to ensure better protection of endangered species. It also supported important capacity building and awareness through the communities involved in the projects. The Society for the Conservation of Marine Mammals was pleased to announce that the Danish coalition of NGOs had decided to commit itself to collect and make available funding to support the IWC's work on small cetaceans.

The Commission noted the report of the Conservation Committee and endorsed any recommendations under this Item.

8.7 Other

The Conservation Committee noted the report of the Intersessional Correspondence Group on Strengthening IWC Financing (IWC/64/F&A4) as presented to the Finance and Administration Committee. Financing for projects and research was required for the important work being done across the IWC on issues such as ship strikes, entanglement, CMPs and marine debris to contribute to the shared IWC goal of healthy whale populations.

Australia raised the issue of cooperation with other organisations noting the Scientific Committee process of agreeing formal IWC observers to attend meetings of other international organisations. Australia requested that the Scientific Committee make reports to the Conservation Committee where the work of such organisations is of relevance to it. In addition it suggested that other organisations whose work is relevant to the Scientific Committee should be identified and a complementary initiative be instituted through the Conservation Committee. Australia volunteered to do some of this work intersessionally.

The Chair of the Conservation Committee announced that Jim Gray (United Kingdom) had agreed to take up the role of Vice-Chair for the Conservation Committee.

9. CONSERVATION MANAGEMENT PLANS

At IWC/63 in 2011 the Commission endorsed a proposal from the Conservation Committee to establish a Standing Working Group on Conservation Management Plans (CMP Working Group). The role of the working group is to provide assistance to CMP proponents and facilitate

cooperation between the Conservation Committee and Scientific Committee in areas relating to CMP nomination, development, implementation, monitoring and review.

9.1 Report of the Scientific Committee

Arabian Sea humpback whales

The Arabian Sea humpback population had previously been identified by the Scientific Committee as a likely candidate for an IWC Conservation Management Plan. To facilitate this process an Intersessional Working Group was formed at IWC/63 in 2011. Good progress had been made in assembling the documentation required to submit a proposal to the IWC for a candidate CMP. A key component of CMPs was support from a broad range of stakeholders including range state governments and the Scientific Committee welcomed the work undertaken thus far and strongly recommended that discussions between scientists and relevant range state governments continue to further progress the CMP process.

Southern right whales

At IWC/63 in 2011 the Commission agreed that southern right whales off South America should be the subject of IWC Conservation Management Plans. Two draft plans were available during the Scientific Committee meeting, one for southwest Atlantic southern right whales (IWC/64/CC7 Rev1) and one for southeastern Pacific southern right whales (IWC/64/CC9). The Scientific Committee examined these draft CMPs for their scientific content and found them to be in accord with the results and recommendations from the Commission's Workshop on the Status of Southern Right Whales (SC/64/Rep3) and the southern right whale die-off.

Western North Pacific gray whales

The Scientific Committee noted that the CMP for western North Pacific gray whales was already in action and that one of the plan's recommendations was for satellite tagging. Several whales had been tagged and the CMP was being updated using data from these whales (see Item 6.4.1).

9.2 Report of the Conservation Committee

9.2.1 Report from the Conservation Committee's Standing Working Group on CMPs

The report of the SWG on CMPs (IWC/64/CC12Rev) included a number of recommendations submitted to IWC/63. The Commission had limited time to fully consider the CMP documents in 2011 so they were submitted again to IWC/64, noting that two of the recommendations have already occurred:

- that the CMP guidelines, templates and funding principles presented in IWC/63/CC5 be adopted;
- that these documents be placed on the IWC website for use by members wishing to undertake a CMP;
- that the Small Advisory Group on CMPs be reconstituted as a Standing Working Group on CMPs (has occurred);
- that the terms of reference for the CMP Working Group, contained in IWC/63/CC5, be adopted (has occurred);
- that the Scientific Committee be invited to undertake an analysis of priority candidates for future CMPs; and
- that the Conservation Committee be tasked with undertaking an inventory of cetacean conservation measures currently in place or underway in jurisdictions, on a regional basis.

In addition the SWG on CMPs recommended that the Conservation Committee endorse the following recommendations for cetacean conservation measures in the Pacific Islands region, with a focus on Oceania humpback whales, for consideration by the Commission:

²²The Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas.

- that the Commission note the Review of Measures for Marine Mammal Conservation, Protection and Management in the Pacific Islands region in 2007 by IFAW and SPREP;
- that the Commission acknowledge the significant cetacean conservation measures currently in place to protect cetaceans in the Pacific Islands region, as identified in this inventory;
- that the Commission recognise the leadership of SPREP in advancing cetacean conservation in the Pacific Islands region, including through implementation of its regional Whale and Dolphin Action Plan and its partnership with CMS on the CMS Pacific Cetaceans MoU, and the important role of organisations such as South Pacific Whale Research Consortium;
- that the Secretariat write to SPREP advising it of the work of the Standing Working Group on CMPs and inviting SPREP to participate as an observer to the Working Group;
- subject to the views of SPREP and the Pacific Island Contracting Parties, if this inventory is considered a useful model it is proposed that the Chair of the Working Group contact SPREP with a view to exploring options to further refine the inventory;
- that similar regional inventories be developed for regions around the globe as part of the work of the Conservation Committee; and
- that regional inventories of cetacean conservation measures should be updated periodically (every 5-10 years or as appropriate).

The Conservation Committee thanked the SWG for its work and endorsed all of the above the recommendations including the request for the Scientific Committee to provide a priority list and the invitation to SPREP to participate as an observer. The Secretariat confirmed that they could implement the request to SPREP.

The USA expressed continued support for CMPs as they reaffirm the conservation objective of the Convention and improve the Commission's conservation work.

9.2.2 Report of Conservation Committee discussions and recommendations

Last year the IWC agreed to nominate the South American southern right whale population for a CMP (see IWC/63/CC4). Workshops held in Buenos Aires, Argentina in September 2011 recommended that the plan be separated into two, one for the southwest Atlantic southern right whale and one for the southeast Pacific right whales.

SOUTHWEST ATLANTIC SOUTHERN RIGHT WHALES

Argentina introduced the CMP for the southwest Atlantic southern right whale (see IWC/63/CC7Rev1). A workshop was held in Buenos Aires from 19-20 September 2011 to begin the development of the CMP at which three documents were considered:

- (1) the Report of the Southern Right Whale Die-Off Workshop;
- (2) a Draft Proposal for an Action Plan for the Recovery of Eastern South Pacific Southern Right Whales in Chile (IWC/63/CC21Rev); and
- (3) the conclusions and outcomes of the IWC Southern Right Whale Assessment Workshop held in Buenos Aires from 13-16 September 2011.

The overall objective of the CMP was to protect the southern right whale habitat and minimise anthropogenic threats to

maximise the likelihood that southern right whales will recover to healthy levels and recolonise their historical range.

The following nine high priority actions were identified:

- (1) implementation of the CMP;
- (2) development of a strategy to increase public awareness and build capacity in range states;
- (3) determination of movements, migration routes and location of feeding ground(s) through satellite telemetry;
- (4) development of a GIS database on information on human activities that might have an adverse impact on whales;
- (5) ensuring long-term monitoring of abundance, trends and biological parameters through photo-identification and biopsy sampling;
- (6) enhancing the existing stranding networks including the capacity for undertaking post-mortems;
- (7) development of a regional entanglement response strategy;
- (8) development and implementation of a strategy to minimise kelp gull harassment; and
- (9) establishment of an expert advisory panel.

The most critical and urgent action was the implementation of the CMP. Funding must be found for this action as soon as possible to appoint a coordinator and set up the steering group to ensure that the CMP moves ahead in a timely fashion. The estimated cost would be about £50,000, to include funding of the first meeting of the interim steering committee and the salary of a co-ordinator.

The Conservation Committee endorsed the CMP for the southwest Atlantic southern right whale and recommended it to the Commission, noting the need for funding.

SOUTHEAST PACIFIC SOUTHERN RIGHT WHALES

The southeast population of Pacific right whales is critically endangered and is estimated to include less than 50 mature individuals. The CMP is based on Chile's national plan of action submitted last year (IWC/63/CC21Rev), so some actions of the plan were already operational. The objective is to take steps which will allow the species to withstand both environmental and anthropogenic impacts and ensure its long term survival. Lack of information is the biggest limitation to protection so the short term objectives focus on:

- (1) compiling a baseline of information to include in particular population size and area of concentration, breeding and feeding grounds, stock structure, etc.;
- (2) conducting a detailed assessment of potential impacts in identified areas of concentration; and
- (3) developing specific mitigations despite the shortage of information.

The CMP requires the establishment of a co-ordinator and Steering Committee. The Conservation Committee thanked Chile for its excellent work, endorsed the CMP for the Southeast Pacific right whale, and recommended it to the Commission noting the need for funding for the co-ordinator role.

9.3 Commission discussions and action arising

Chile commended the Conservation Committee's good work in developing CMPs for the different populations.

The Commission noted the reports of the Scientific and Conservation Committees on this agenda item and endorsed any recommendations. Discussion on the funding of the two CMPs for southern right whales was held under Item 25.3.4.

10. WHALEWATCHING

In 2011 the Commission endorsed the IWC Five Year Strategic Plan for Whalewatching pending review by the Scientific Committee of the Plan's research and assessment objectives prior to the Commission's meeting in 2012. Also in 2011 the Commission reviewed and updated the terms of reference for the Conservation Committee's Standing Working Group on Whalewatching (SWG-WW) and expanded its membership to include two members of the Scientific Committee.

10.1 Report of the Scientific Committee

The Scientific Committee discussed aspects of whalewatching in response to Commission Resolution 1994-14, and its full report on whalewatching is provided in Annex M of the Report of the Scientific Committee²³. A brief summary is provided below.

Assessment of the impacts of whalewatching on cetaceans

The Scientific Committee received reports of data collected during whalewatching trips and also received reports of the development of statistical models to help examine the potential effects of whalewatching. The Committee welcomed both of these types of study and suggested that collaboration take place between these two research groups to test the models.

The Scientific Committee reviewed whalewatching off Central America and was pleased to learn that many countries held workshops to train and certify operators in best practices. However this was not the case for all countries and the Committee recommended that those not currently doing so could establish training workshops.

Reports from Intersessional Working Groups

The Scientific Committee has developed a Large Scale Whalewatching Experiment (LaWE) to understand the mechanisms and large-scale effects of whalewatching on whale populations. To start these investigations the Committee received an initial analysis using information from 10 different whalewatching operations around the world. This showed that some whales and dolphins change their resting behaviour and swimming paths though smaller sized species were more likely to be affected by whalewatching vessels.

The Committee reported that it is developing a database to record details of worldwide whalewatching operations. In addition, it reported that it had received a questionnaire that had been developed and field tested for operators that conducted swim with whale operations. The questionnaire would be presented more widely over the coming intersessional period and the Committee expected to receive results within two years.

Other issues

The Committee discussed the scientific aspects of the Commission's Five Year Strategic Plan for Whalewatching and made detailed recommendations. It had commenced an intersessional correspondence group to help develop the guiding principles under Action 1.1 of the strategic plan. In addition the Committee reported that it would complete Action 1.2 during the intersessional period and report on this at the next meeting.

The Committee received the report of the regional marine mammal workshop held in Panama in October 2011. This brought together marine mammal tour operators and government regulators from across the Caribbean region.

The Scientific Committee recorded its concern at unregulated whalewatching on the small Arabian Sea humpback whale population which is also affected by ship strikes. The Committee recommended that operators receive training in best practices for whalewatching operations and to aid the interpretation and implementation of revised whalewatching guidelines. A funding proposal to support this had been presented to the Budgetary Sub-committee.

10.2 Report of the Conservation Committee

10.2.1 Report of the Standing Working Group on Whalewatching

The Chair of the Standing Working Group on Whalewatching (SWG-WW) reported on the group's activities over the past year which included examination of each section of the Five-Year Strategic Plan (see IWC/64/CC6, Annex B). The SWG-WW developed recommendations on how to move forward on actions that were outside the focus of the Scientific Committee review and on which actions should be implemented through the web-based living handbook. The SWG-WW also decided that it would greatly benefit from industry input and recommended the inclusion of two industry representatives on the SWG-WW as *ex officio* participants. Nominees for the first two representatives were recommended to come from Australia and Mexico with potential funding support from the IWC.

The SWG-WW Chair outlined the future work of the SWG-WW and expressed hope that the Plan will be finalised at IWC/64. To allow for a possible Commission decision to move to biennial meetings at IWC/64, the SWG-WW proposed a plan of work for the potential intersessional period of 2012-14. The following four recommendations of the SWG-WW were highlighted.

- (1) The addition and potential funding of two *ex officio* industry representatives to the SWG-WW.
- (2) The two requested documents from the Secretariat to facilitate implementation of the Plan.
- (3) The SWG-WW work plan for the proposed intersessional period of 2012-14.
- (4) Adoption, after discussion, of any accepted changes to the Five-Year Strategic Plan suggested by the Scientific Committee.

The SWG-WW Chair also presented document IWC/64/CC24, which highlighted the changes to the Action Plan 2011-16 based on the Scientific Committee recommendations.

The Conservation Committee thanked the SWG-WW for the good progress that has taken place on the co-ordination of work on whalewatching during the intersessional period and thanked Ryan Wulff for his leadership of this important group.

10.2.2 Report of the Conservation Committee discussions

Many delegates expressed support for the work of the SWG-WW and the comments of the individual delegates are recorded in the Conservation Committee's report (Annex F, Item 6.3). The Conservation Committee endorsed the recommendations of the SWG on whalewatching and endorsed the Five-Year Strategic Action Plan.

10.3 Commission discussions and action arising

The USA reported on its existing and on-going research efforts to inform the management of all whalewatching activities, including the use of regional voluntary viewing guidelines and regulations. While the majority of whalewatching in the USA was managed through voluntary guidelines, whalewatching was managed under regulations

²³See *J. Cetacean Res. Manage. (Suppl.)* 14 [2013].

for endangered humpback whales in Alaska and Hawaii, endangered North Atlantic right whales and endangered southern resident killer whales. The USA worked with whalewatching operators domestically and internationally to support the development of responsible practices and the provision of benefits to local communities. Most notably, the USA and its partners in the NGO community sponsored the Dolphin Smart and Whalesense programmes which were voluntary recognition and education programmes to encourage responsible viewing by whalewatching businesses. Businesses that participate were provided with outreach material for their customers and the opportunity to advertise their participation in marketing campaigns. The USA noted the work of the Small Working Group on Whalewatching and fully endorsed the adoption of the Five-Year Strategic Plan.

India recorded its support for whalewatching and ecotourism so long as it is undertaken safely for both whales and the whalewatchers. During whalewatching all safeguards for environmental protection should be taken and protocols followed to specifically address the impact on the time and space of the targeted species. Whalewatching could generate alternative sustainable livelihoods for aboriginal communities engaged in whaling operations and India supported efforts to build sustainable whalewatching industries.

Argentina supported the work of the SWG-WW and the recommendations of the Conservation Committee. It noted that whalewatching had taken place in Argentina since the 1970s and that recently whalewatching vessels had been fitted with satellite vessel monitoring systems so as to enable their positions and tracks to be recorded. This year the whalewatching season had been affected by volcanic activity in the Andes mountains which had reduced visitor numbers by 16% compared to the 2010 season.

Panama highlighted the importance of whalewatching as a wonderful non-lethal use of whale resources which helped the development of coastal communities. It explained that part of its reason for hosting the Commission's 64th Annual Meeting was to promote Panama as a world class destination for whalewatching. It was pleased to see the adoption of the Five-Year Strategic Plan as a tool for continuing work on best practices under the auspices of the IWC. Panama noted the recommendations made by both the Scientific and Conservation Committees regarding some of the whalewatching activities taking place, and thanked the Government of Argentina who had worked closely with authorities, academia and civil society to train operators in whalewatching practices on both the Pacific and Caribbean coasts. It also thanked participants to the marine mammal watching workshop held in Panama in October 2011 and indicated it would continue to support and promote similar activities in the future.

Cyprus, on behalf of the European member states party to the IWC thanked both the Scientific Committee and the Conservation Committee for their work. It noted that whalewatching provides incomes and benefits for many coastal communities all over the world. When managed wisely, whalewatching was a well-respected, non-lethal and sustainable use of cetacean resources and a driving force for the development of ecotourism. Cyprus commented that in addition to the wide ranging socioeconomic benefits which arise from whalewatching that it can also make an important contribution to scientific research. There are now several examples where whalewatching boats have served as platforms for the study of cetacean populations and in the past few years the increased work on whalewatching

has led to an increased dialogue between the Scientific and Conservation Committees. The expertise provided by the Scientific Committee could be further developed to produce science based management options for whalewatching.

The Dominican Republic commended the Conservation Committee for its work and emphasised that whalewatching is a significant industry within its country. It stated that it was beginning to engage in dialogue with other Caribbean countries to set up sister sanctuary arrangements and it encouraged all countries present to continue conducting studies on whalewatching in the waters of the Dominican Republic. It noted that financial resources from the USA, France and the Dominican Republic were being used to support such studies. Ecuador also commended the work of the Conservation Committee and reiterated the importance of whalewatching in supporting the livelihoods of developing coastal communities.

Colombia reiterated its commitment to the IWC's agenda for the conservation of healthy whale populations as an integral part of the marine ecosystem and supported the work of the Conservation Committee. Each year Colombia's Pacific coast shelters female humpback whales who raise calves, and responsible whalewatching based on established protocols is used to generate income.

Chile commended the work of the Conservation Committee and stated that whalewatching was an important non-lethal use of whales. It expressed gratitude for the recommendations of the Scientific Committee which it was currently implementing.

Korea introduced its whalewatching pilot project which was operational in the Ulsan area. The project had only been established for three years and it was premature to assess socio-economic benefits to date, but Korea continued to promote whalewatching tourism.

Augusto Gomez, President of the Whalewatching Boat Owner's Association of Samaná Bay in the Dominican Republic emphasised the importance of whalewatching in the Dominican Republic and wider Caribbean where 23 countries currently carried out whalewatching operations. Each year in the Dominican Republic around 40,000 tourists take part in whalewatching which provided revenue of US\$2.3million over a season of 72 days duration. This rapidly growing industry also provided US\$9million in indirect benefits. He noted that whales are a vitally important resource which supported a fleet of 43 boats owned by up to eight companies in Samaná Bay, most of whom are native Dominicans and former fishermen. He commented that the whales face various threats including climate change, pollution, ship strikes, entanglement in coastal areas and sound pollution as well as whale hunting. The whales are a shared resource of the wider Caribbean, and the Whalewatching Boat Owner's Association called on the representatives of all nations present to prevent the co-existence of contrary activities on the same Caribbean populations of whales. He reminded those nations of the value of whales when alive and the financial gain which whalewatching brought to the coastal communities of the Caribbean.

The Commission noted the reports of the Scientific and Conservation Committees on whalewatching and endorsed any recommendations.

11. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES

The Working Group on Whale Killing Methods and Associated Welfare Issues met in Panama on 25 June 2012.

Michael Stachowitsch (Austria) chaired the meeting which was attended by 24 Contracting Governments. A summary of the Working Group's discussions is included below and the full report is available at Annex G.

11.1 Data provided on whales killed

Report of the Working Group

The Working Group received reports from the USA on its bowhead whale hunt (IWC/64/WKM&AWI8 and IWC/64/WKM&AWI10), from Denmark on their Greenlandic hunts (IWC/64/WKM&AWI7), from the Russian Federation on its gray whale hunt (IWC/64/WKM&AWI6) and from Norway on its minke whale hunt (IWC/64/WKM&AWI9). A document from New Zealand (IWC/64/WKM&AWI4) on euthanasia of stranded cetaceans deemed beyond hope of rescue was also reviewed. Three countries stated that they provided whale killing data to NAMMCO as they considered it to be a more suitable venue.

COMMISSION DISCUSSIONS AND ACTION ARISING

Australia supported by Mexico noted that a major mandate of the Working Group was to provide a mechanism by which improvements and efficiencies can be achieved in hunting techniques such that the welfare of the hunted whales can be improved. Such improvements rely on open exchange of information and collaboration between members who share and promulgate improved techniques. Australia noted that the Alaskan Eskimo Whaling Commission presented data that demonstrated improvements in hunting efficiency and it welcomed these data as did many other members. However Australia highlighted its concern at the highly variable pattern of reporting of whale killing data by some other members. It noted that three of these members informed the Working Group that they provide their data to a different organisation. Australia respected the rights of countries to report their data to multiple organisations but it did not view this as an alternative to the IWC.

Australia believed that the reporting of comprehensive whale killing data is a core responsibility of any member involved in hunting whales. To not do so to the IWC was an abrogation of that responsibility. The lack of these data inhibited the Commission's ability to deal with important welfare issues that are in the interest of all members to address. Australia strongly urged all members to submit their data and facilitate the improved ability of the Working Group to achieve its mandated task. Argentina called on all countries to submit data so as to allow the Commission to work at an optimal level.

Japan recalled that in the past it had voluntarily presented reports on killing methods and related welfare considerations to the IWC for the purpose of improvement of killing methods, reduction of time to death and also the safety of the workers. These reports had allowed a reduction of time to death and an improvement in the efficiency of the hunt. However Japan stated that the data and the information that it provided was not always used for the purposes for which it was intended and instead it had been used by anti-whaling organisations. Therefore Japan would reserve the right to present data on killing methods to the IWC. Japan would present data collected in the North Pacific to NAMMCO and would continue its constructive efforts for the improvements of whale killing and for the enhanced welfare of whales.

Norway stated that it had submitted more than 25 reports on whale killing statistics to the IWC since 1983. In addition it had participated in IWC workshops from 1980 to 1992,

1995, 1999, 2003 and 2006 and in total submitted data for more than 5,500 minke whales. In this way Norway had discussed the animal welfare problems associated with whaling at length and had worked to improve both the Norwegian hunt and hunts in other countries. However it had found that the discussions in IWC were not very productive and on occasion had been counterproductive. Norway had therefore decided to move its focus over to a body where discussions could be based on animal welfare and not the politics associated with whaling. Norway said it would continue to discuss these matters in NAMMCO because of its philosophy that whale hunting is a legal activity and that it would continue to help the hunters to improve their methods and through this, improve animal welfare in the hunt.

11.2 Improving the humaneness of whaling operations

11.2.1 National Reports

REPORT OF THE WORKING GROUP

USA

The Chairman of the Alaska Eskimo Whaling Commission commented on the efficiency of the 2011 hunt which was 75%. The ongoing weapons and training improvements had continued and the use and success of the new penthrite grenade was increasing.

NORWAY

Norway reported on the long history of its research and the improvements to whale killing methods which it had instigated. It reported that 80% of the animals are rendered instantaneously and irreversibly unconscious as opposed to only 17% in the 1980s. Norway also played a major role in assisting other countries with training and improved technology.

COMMISSION DISCUSSIONS AND ACTION ARISING

St Vincent and The Grenadines noted that its whalers currently use darting guns and that there had been a general improvement in times to death from between 30-40 minutes to about 10-20 minutes except in extenuating circumstances such as bad weather. St Vincent and The Grenadines remained committed to the improvement of the humaneness of its hunt and was investigating the possibility of upgrading its darting guns to use the more effective penthrite explosive. It was holding discussions with the USA and other countries on this matter and would report its progress to the Commission and appropriate Committees in due course.

The Russian Federation highlighted that it voluntarily submitted the data to the Working Group which demonstrated that the time to death for gray whales had declined by 30% recently and the amount of shots per animal had also declined. This year the local Government of Chukotka had supported the efforts of the local population to improve the humaneness of the hunt through the purchase of 45 darting guns which were distributed to coastal villages with the help of the Union of Marine Mammal Hunters.

The Russian Federation expressed gratitude to Dr Egil Øen for his support in the training of the marine mammal hunters, to the Alaskan Eskimo Whaling Commission for their constant support, to the coastal communities of Japan who provided technical support and to the Government of the Netherlands which helped with organising the workshop for training the marine mammal hunters. The Russian Federation confirmed that it would continue to voluntarily provide information to the IWC Working Group on the welfare of its hunt.

11.3 Welfare issues associated with the entanglement of large whales

11.3.1 Presentation of the report of the second IWC Workshop on Welfare Issues Associated with the Entanglement of Large Whales

REPORT OF THE WORKING GROUP

The Working Group received the report of the second IWC Workshop on Welfare Issues Associated with the Entanglement of Large Whales (IWC/64/WKM&AWI Rep 1). This workshop built on the progress made at the first IWC Workshop in 2010 and also reviewed the findings of a workshop held in 2011 to develop recommendations for stranded whale euthanasia methods. A major outcome of the workshop was the development of a set of Principles and Guidelines for Entanglement Response which were summarised in five points:

- (1) first comes human safety;
- (2) second animal welfare;
- (3) the entanglement response can contribute to the conservation of large whale populations as well as animal welfare issues;
- (4) data collection to assist with identifying key fisheries and whale populations to better describe the problem and assist with mitigation and prevention should be an integrated part of the entanglement response; and
- (5) awareness at all levels to improve reporting and appropriate measures to address the mentioned issues.

The Workshop agreed on an outline for capacity building and training and requested that the Commission endorse the global network of entanglement response operations, the guidelines and principles for disentanglement response and the recommended approach to capacity building and training.

With regard to capacity building the Workshop requested the Commission to consider the following approach:

- (1) to establish a dynamic entanglement response section on the IWC website;
- (2) to consider establishing an international entanglement database;
- (3) to facilitate data exchange;
- (4) to promote establishment of national entanglement response networks;
- (5) to provide advice to Member Governments;
- (6) to develop a proposal for an international workshop on entanglement prevention; and
- (7) to continue to promote an IWC-managed fund for the entanglement response.

The Working Group strongly endorsed the conclusions and recommendations contained in the Workshop's report and commended them to the Commission.

COMMISSION DISCUSSIONS AND ACTION ARISING

Cyprus spoke on behalf of the EU member states party to the IWC and stated that the IWC is the global body responsible for the conservation and management of the world's whales. For over 60 years the Commission had played a role in addressing animal welfare issues. Cyprus believed that integrating animal welfare into the full spectrum of the IWC's work would contribute to moving away from a debate that centred on whaling and would allow consideration of animal welfare issues in much broader terms. Support for the recommendations of the report would allow the IWC to move towards a more scientific, integrated and objective

approach to decision-making in the field of animal welfare and ethical concerns.

The USA supported by Mexico endorsed all of the recommendations contained within the report of the second Workshop on Welfare Issues Associated with the Entanglement of Large Whales. It fully supported the principles and guidelines contained within the report as well as the capacity-building curriculum developed at the Workshop.

The Republic of Korea stated that euthanasia was not feasible where bycaught whales were found dead in nets. However, under Article 10 of its new Directive on the Conservation and Management of Cetacean Resources which was implemented on 3 January 2011 any person who had accidentally caught a cetacean must report it to the local police station and take the necessary measures to rescue the cetacean if it is found alive.

11.3.2 Report of the Technical Expert's secondment to the Secretariat

REPORT OF THE WORKING GROUP

The Working Group received a report of David Mattila's secondment to the Secretariat and his work to support the capacity building programme for entanglement response. This included conducting seminars in Argentina and Brazil on the theory and practice of entanglement response and mitigation.

COMMISSION DISCUSSIONS AND ACTION ARISING

Mexico thanked Dr Mattila for his work and the USA noted the success of the seminars held in Argentina and Brazil in 2012 and announced a further voluntary donation of \$12,000 to facilitate additional work on entanglement response and to support training of apprentices from Argentina and Brazil in advanced water entanglement response. Brazil and Argentina thanked the USA for its financial contribution and the IWC for the training workshops held in 2012. Argentina noted that entanglement response was an issue on which all parties could work together.

11.3.3 Proposal to address human impacts on cetaceans in the wider Caribbean

REPORT OF THE WORKING GROUP

The Working Group received a proposal sponsored by the Dominican Republic, France, Mexico, Panama and the USA to help address indirect human impacts on marine mammals in the wider Caribbean region including entanglements and ship strikes. The document proposed that the Secretariats of the IWC and the UNEP Caribbean Environment Programme's (CEP) Specially Protected Areas and Wildlife (SPAW) Action Plan should work together to convene workshops on:

- large whale entanglement response, with one workshop planned for 2012 and a second in 2013 for Spanish and French speakers respectively; and
- an interdisciplinary ship strike workshop to be held in 2013²⁴.

The Working Group welcomed and supported this collaborative initiative and commended it to the Commission.

COMMISSION DISCUSSIONS AND ACTION ARISING

Mexico reiterated its interest in holding the workshop on disentanglement, entanglement response and ship strike reduction.

²⁴See also Item 8.2.2 for the Conservation Committee's discussion of the proposed ship strike workshop.

11.4 Whale welfare

11.4.1 Intersessional work by the United Kingdom on welfare and ethics

REPORT OF THE WORKING GROUP

The Working Group received a report from the United Kingdom on the intersessional workshop which it convened in March 2012 in London (see IWC/64/WKM&AWI3). There was considerable discussion within the Working Group on how the IWC might take the issues forwards, following which the Working Group requested the Commission's approval that it forms an *ad hoc* intersessional working group to:

- (1) review its Terms of Reference and existing Action Plan; and
- (2) identify and agree upon important issues or themes to progress the promotion of good animal welfare and agree a timetable of regular future technical workshops on these issues.

In addition the Working Group recommended the development of plans for an expert workshop on the euthanasia of large whales (both stranded animals and those entangled whales for which euthanasia appears to be the only option in accordance with the decision tree developed at the Maui Workshop). This workshop could take advantage of the extensive previous discussions at IWC expert workshops relating to the criteria for determining unconsciousness and death in whales. The technical workshops would report back to the relevant working groups, recognising the success of previous IWC workshops on specific issues incorporating invited external experts.

Finally, the Working Group recommended that the Secretariat be asked to: (a) develop a database of external contacts with expertise in animal welfare science pertinent to work being undertaken by the Commission; and (b) recommend to the Commission opportunities for constructive co-operation with other relevant animal welfare bodies.

COMMISSION DISCUSSIONS AND ACTION ARISING

Argentina, Brazil, India and the USA thanked the UK for holding the intersessional workshop and supported its recommendations. The USA congratulated the Head of Science on his presentation to the workshop and requested it be made available to Commissioners via the website. Colombia stated that it was important to continue working on euthanasia and response to entanglements and suggested that the Secretariat could develop a database of contact information for specialists within and outside the IWC who could work jointly to help manage such cases. Colombia, Mexico and the USA insisted that animal welfare should not be limited to whale hunting and should extend to all aspects addressed by the IWC including responsible whalewatching. Colombia supported the strengthening of financial mechanisms for activities related to animal welfare. Mexico indicated that it was developing new regulations to govern whalewatching and India recognised the need to implement measures to circumvent the under-reporting of entangled whales. The USA recorded its desire to participate in the forthcoming euthanasia workshop as well as in future work related to the Working Group's recommendations.

The United Kingdom thanked the countries who had participated in the positive discussions surrounding welfare issues and indicated it would co-ordinate the intersessional work and convene the workshop on euthanasia of stranded whales next year. It invited all Contracting Parties to participate in the work and said it would report back to IWC/65 in 2014.

Claire Bass of The World Society for the Protection of Animals (WSPA) congratulated the United Kingdom on its constructive leadership on the animal welfare issue and welcomed the recognition in the workshop report that numerous human activities in the marine environment can have direct and indirect adverse impacts on whale welfare. WSPA welcomed the recognition by Cyprus, Colombia, USA and others that animal welfare is relevant and important to a wide range of issues discussed within the IWC, including but not limited to ship strikes, whalewatching, entanglements and scientific research, as well as whaling. Furthermore, it was encouraged that the United Kingdom workshop recommendations had been well-received by the Commission and that there was an opportunity for constructive and collaborative work on animal welfare to take place. Given the relevance and importance of animal welfare across the spectrum of the IWC's work WSPA believed that it would be beneficial for the Working Group to begin to draft guiding principles on animal welfare. It suggested that such principles be of a general nature, not specific to particular activities, and that they could be used by the Commission and all of its working bodies to help ensure clarity and consistency of approach to the promotion of good animal welfare across all areas of the IWC's work. Noting the likely costs in realising the recommendations – for example, the possible need for an intersessional meeting – WSPA wished to donate £3,000 towards the costs of these activities.

The Commission noted the report of the Working Group on Whale Killing Methods and Associated Welfare Issues and endorsed its recommendations.

12. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING

12.1 Commission discussions and action arising

Japan introduced IWC/64/9 which was a proposal to amend the Schedule of the ICRW so as to establish a minke whale catch limit for Japanese small-type whaling vessels. Japan noted that previous IWC Resolutions had recognised the importance of the socio-economic, cultural and traditional needs arising from coastal and small-type whaling especially given the impact of the moratorium. It highlighted the importance of allowing coastal communities to use their resources sustainably and noted that the need to alleviate the difficulties being faced by those communities had previously been agreed to some extent. However Japan's requests on this matter had always been rejected. From 1986 to 1995 Japan had submitted 37 anthropological, social and economic research papers by international experts in the field of the history, culture and tradition of coastal whaling. The coastal whaling culture shares many aspects in common with the aboriginal subsistence whaling which is approved by the IWC through its catch limits.

Japan explained that its proposal would allow the traditional regional culture of landing, processing and consumption of whales to be restored. Traditional ceremonies and rituals would also be restored. Catch limits would be allocated to the regional communities. Japan's proposal was not to request a lifting of the moratorium but instead to ask for an exemption to the moratorium, as in the case of Aboriginal Subsistence Whaling.

Japan confirmed that document IWC/64/9 did not indicate a specific catch quota because it was willing to negotiate on this issue with Contracting Governments. It stated that in order to secure an appropriate level of whaling activity

it was intending to introduce monitoring and surveillance measures which included acceptance of an international inspection and monitoring protocol. This would include a vessel monitoring system and also DNA registration of the whale meat obtained. Japan said that to ensure transparency, reliability and accountability it was willing to accept IWC Contracting Governments forming a monitoring committee.

Japan commented that it had shown through document SC/61/O15 that the catch of minke whales by this proposal would be negligible in terms of the long term sustainability of the stock. In addition document SC/62/NPM31 showed that the J-stock could not be considered as a protection stock under the terms of the New Management Procedure.

Japan proposed that the duration of the catch limits should be either five or six years in order to accommodate the proposed cycle of IWC biennial meetings. It re-emphasised that: (1) the landing, processing, allocation and consumption of whales are traditional practices and that the whaling would be permitted in order to restore those community based practices; (2) the consumption of the meat and products would be limited to domestic consumption and the landing and processing would take place within the traditional regions and communities; and (3) the catches of minke whales from the Pacific would be negligible in terms of the long term sustainability of the stock and the J-stock minke bycatch which may occur in small numbers is also negligible in terms of the long term sustainability.

Japan repeated that its proposal is not to lift the moratorium but rather to request an exemption to it under the control of the IWC. Monitoring and surveillance measures coupled with an oversight committee would ensure that excessive catching would not take place and that the whaling activity would be transparent. It hoped that all Contracting Governments would support the proposal and that it could be adopted by consensus.

The President of the Small Type Whaling Association said that 25 years have passed since the commercial whaling moratorium came into effect in the coastal waters of Japan. The whaling communities of Abashiri, Ayukawa, Wadaura and Taiji previously engaged in small-type whaling as an integral part of their history. Small-type whaling operations are limited in scale and Japanese research has shown that coastal minke whale resources are healthy and abundant. Historical evidence shows that ancestral communities had started utilising beached whales thousands of years ago in a move which created the beginning of the Japanese whaling industry. Whale meat and blubber are traditional food and whale dishes are an indispensable part of weddings, funerals and the New Year season. The meat and blubber of the first whale caught each season is distributed to the local people and such traditional practises have been passed down from generation to generation. The Small Type Whaling Association believed that its communities have survived today thanks to their whaling activities. The IWC's Convention stipulates that its purpose is to ensure the sustainable use of whales and for the orderly development of the whaling industry. Unfortunately IWC's commercial whaling moratorium had caused great distress to the Japanese coastal communities for a quarter of a century. The Small Type Whaling Association continued to hope that the IWC will return to the spirit and letter of its charter and establish a minke whale quota for its communities before it rendered itself entirely irrelevant to the issue of whaling management.

Korea expressed its support for the Japanese proposal because it would allow the maintenance of their long coastal whaling tradition and the associated cultural and nutritional

needs for whale meat as a traditional dish. Korea commented that Japan's situation was similar to its own and referred to the presentation it made of whaling history around Ulsan at IWC/61 in 2009. It commented that dietary cultures which developed based upon the historical and geographical environment were not easy to change. Korea expressed concern about the absence of a practical review of Article 10(e) of the Schedule which requires the Commission to undertake a comprehensive assessment of the effects of the moratorium and consider modifications.

Iceland said that the long history of the Japanese proposal to establish catch limits for small-type coastal whaling showed that the IWC is still having problems functioning in a regular and sensible way. Iceland associated with Japan and Korea and stated that sustainability is the main issue. As long as the hunting is sustainable, Iceland would support the proposal.

St Vincent and The Grenadines identified with the plight of the coastal communities of Japan and highlighted the need to understand the cultures of peoples who lived in differing conditions and who depended upon marine resources for their subsistence and survival. It noted the inherent desire of all independent peoples to retain their traditions and culture in a sustainable manner and supported the proposal made on behalf of the coastal peoples of Japan.

The Republic of Guinea commented that it was in favour of the protection and conservation of marine resources and that whaling was banned under its laws governing fishing. However, the IWC's Scientific Committee was able to assess stocks and could define what could be removed without harm to existing stocks and that it was necessary to consider the traditions relating to people's lives. If there is no threat to the stock it could not see why the IWC would adopt a philosophy which continuously rejected requests to take whales and jeopardised local populations. In this regard it requested that such issues be dealt with in the light of scientific advice.

Australia stated that the proposal by Japan sought permission from the IWC to carry out a commercial whaling venture. This was confirmed by the request to include this quota under Paragraph 10 of the Schedule as an exception to the moratorium on commercial whaling. Australia confirmed it was resolutely opposed to all forms of commercial whaling and that it strongly supported the global moratorium on commercial whaling that was put in place by the IWC. Australia could not support a proposal that would legitimise commercial whaling and completely undermine the moratorium in the process. Australia believed that the proposed Schedule amendment made a mockery of the scientific advice given the concerns over the viability of minke whale populations in the northwest Pacific arising from the impacts of existing whaling under JARPN II, the increased accidental catch, entanglements and other emerging threats to cetaceans including ship strikes, climate change, marine pollution and the risks the proposal represents to the J-stock for which the conservation status remains unknown. Australia stated the total mortality of whales had continued to escalate over the past decade. The Commission has recognised concerns over the conservation status of J-stock minke whales and has listed this population as a Protection Stock under Schedule Paragraph 10(c) which clearly stipulates that there shall be no commercial whaling on protection stocks. Australia emphasised that it could not support a proposal that would legitimise commercial whaling and it expressed deep concerns over the disregard of science through the proposed Schedule amendment. Australia said

that efforts must be made to recover this whale population and that the range states concerned should be putting their efforts into a conservation management plan. Monaco stated its strong opposition to commercial whaling and supported the statement by Australia.

The USA associated itself with the comments of Australia and highlighted its concern regarding the large removals of minke whales in the waters off Japan and Korea. The USA supported the Scientific Committee completing its review of these stocks as a matter of the highest priority and noted that this was expected to be achieved in 2013. The USA confirmed that it supported the moratorium on commercial whaling and could not support the Japanese proposal.

Denmark enquired if the figure for the minke whale catch limit would also cover scientific whaling or whether the requested quota would be additional to whales taken under special permit.

The Russian Federation commented that Japan started to use whales 9,000 years ago with large whale hunts dating back 2,000 years. Only Korea had a similarly long traditional history and indeed the first international agreement on whales was signed between Japan and Korea in the 19th century. The four coastal villages highlighted by Japan had the longest history of whaling and it is important to protect not only biodiversity but also cultural traditions. Resolution 2004-2 reaffirmed the Commission's commitment to work to alleviate the continued difficulties caused by the cessation of minke whaling in Japanese coastal towns and the Russian Federation suggested that the decision on the proposal contained in IWC/64/9 should be taken at the current meeting rather than waiting a further year for the outcome of the Scientific Committee's analysis of the North Pacific minke whale stocks.

New Zealand commented that this was a difficult issue and that the initial impact of the moratorium on Japanese communities should not be underestimated. However, the moratorium came into effect over 25 years ago. New Zealand expressed its sympathy to the plight of the communities following the great east Japan earthquake and tsunami and recalled that it was one of the first countries to send a search and rescue team after that event. However the proposal in IWC/64/9 asked for an exception to the moratorium on commercial whaling which could not be accepted by the IWC. Furthermore the status of the stocks being fished, including by members of these communities under Japan's so-called research programs, is highly questionable and accordingly New Zealand stated it could not support the proposal.

Mexico stated it could not support the proposal because it wished to defend the moratorium on commercial whaling and because the Scientific Committee's report indicated a complex population structure for North Pacific minke whales and an associated risk to the J-stock. It noted that the boats involved in small-type whaling already took part in scientific whaling which has authorised hundreds of whales to be hunted. Mexico recalled that researchers from universities in Japan have recommended that the communities are not suffering any difficulties when they are unable to hunt whales and so the quotas being requested were unnecessary.

Cyprus spoke on behalf of the EU member states party to the IWC to reiterate its position to proposals for new types of whaling. It believed that any new category of whaling operation would essentially be commercial whaling and accordingly would undermine the current moratorium. Cyprus also raised serious doubts about the potential impact on whale populations and the lack of defined and genuine subsistence needs of coastal communities.

Ecuador expressed its concern over the proposal described by IWC/64/9 to side step the work of the Commission and especially the moratorium. It said that proposal could not be justified based on cultural factors but instead reflected a clear interest in commercial whaling. Ecuador felt that the collective interests of the Commission should be promoted and that these included restoration of the stock of minke whales.

Argentina repeated its full support for the moratorium and highlighted that scientific researchers who were studying the stock structure of the minke whale in the North Pacific have not yet been able to determine whether this is a single stock or whether there are two or more stocks and that there were three different hypothesis under discussion. Therefore, before the IWC could permit any type of catch it should have the report of the Scientific Committee on the implications that this type of hunting could have. On a separate matter, Argentina referred to a report by the Cetacean Research Institute indicating that of the 1,200 tons of whale meat hunted in the northwest Pacific over 75% remained unsold even though it had been offered to the market. In light of this, Argentina asked why it was necessary to permit coastal whaling.

Colombia understood and respected people's rights to food security. Nevertheless it did not support the allocation of a small-type coastal whaling quota because it did not agree with practices for lethal use that would put an end to the moratorium. Colombia was concerned that through this proposal a loophole might be opened to re-establish unregulated commercial whaling as occurs in the case of scientific whaling under Article 8 of the Convention. Costa Rica also stated that the proposal would open up commercial whaling and re-iterated its support for the moratorium.

Chile stated it could not support the proposal partly because the Scientific Committee had not finished its study but also because the stock structures were uncertain, there was a high level of lethal bycatch and there were concerns over scientific whaling. Chile considered that an exception to the moratorium would mean lifting the moratorium on commercial whaling. Moreover, in the light of the Scientific Committee's recent discussions on the levels of radioactivity found in whales and small cetaceans, Chile called on the Government of Japan to avoid any consumption of this type of meat. Brazil considered that the proposal was an exception to the moratorium and represented commercial whaling, which it could not accept for the reasons given above.

The Chair then closed the speakers list because of time constraints with several Contracting Governments still waiting to speak. In doing so he apologised to those Governments and also to the speaker from the IWMC World Conservation Trust who would not be called upon to speak as not all member countries had been able to take the floor. Japan thanked the countries who had expressed support and stated that although it had expected opposition to the proposal it also considered that small-type coastal whaling had much in common with aboriginal subsistence whaling which the Commission had already supported. Japan requested that this agenda Item remain open to allow it to consult with other Contracting Governments on how to move forwards.

Upon continuing this Item later in the meeting, Japan confirmed that it had decided not to request a vote on the proposal contained in IWC/64/9 as it preferred to work through constructive dialogue leading to a consensus decision. Nonetheless, Japan stated that controversial issues need solutions and accordingly it proposed to form a small *ad hoc* working group to serve as a forum to gain

the cooperation of members to resolve the small-type coastal whaling issues. The terms of reference of this group would be in line with Resolution 2004-2 which was adopted by consensus. The working group would identify the unresolved problems and priorities through discussion with relevant parties and the progress would be reported to the next Commission meeting. The group would be supported by the Secretariat and its membership would be composed of five or six countries with interests in Japan's small-type coastal whaling. Japan asked for endorsement of this proposal.

Australia supported by Ecuador and Cyprus indicated that its understanding of the Rules of Procedure was that a new document such as IWC/64/17 could only be considered if there was consensus to do so. Given there was no consensus and the document did not meet the 100 day circulation rule for draft Resolutions, these countries considered the document should not be discussed.

St Kitts and Nevis said there were significant merits in Japan seeking redress for the issues faced by its traditional coastal whalers especially with regards to Resolutions that had previously been adopted by the Commission. It said it was unfortunate that there was reluctance to discuss Japan's proposal and highlighted that five years ago there was a strong possibility that the IWC may have met its demise and another regional organisation would have taken over its role. St Kitts and Nevis considered that the same situation was now occurring again and urged that Japan be allowed to keep the issue on the table.

Japan responded to the question of the need for prior circulation by referring to Rule J and highlighting that this rule referred to Schedule amendments, recommendations under Article VI and Resolutions. It said that IWC/64/17 was a proposal to establish a working group and was not a Resolution or Schedule amendment, and as such it was not necessary to have consensus. However Japan's basic stance of pursuing constructive dialogue remained and that was the reason for requesting consensus agreement. It recognised there was no agreement to establish the small *ad hoc* group at this meeting so it did not ask to continue discussion on this subject at IWC/64.

However, Japan observed that the purpose of the ICRW was to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry so as to realise the sustainable use of whale resources. Japan noted that the Commission had never denied the commerciality of whaling in itself. In this connection, it further noted that the commercial whaling moratorium was intended not to impose a permanent ban on commercial whaling but to provide a temporal suspension within a limited time period so that the Commission could obtain scientific data which was deemed insufficient when the moratorium was adopted.

Emphasising that Japan's small-type coastal whaling had similar characteristics to those of aboriginal subsistence whaling, Japan stated its great regret that the two issues had not been treated equally but instead were based on a double standard, as was also shown in the denial of Japan's proposal to establish an *ad hoc* small working group to seek options for resolving matters related to small-type coastal whaling.

Japan explained that there had recently been increasing domestic pressure on the Government in Japan which included the voices of Japanese citizens as well as politicians that the Government should fundamentally review its approach to the IWC and that it should seriously reconsider its range of possible options such as withdrawal from the

ICRW, establishment of a new organisation, and resumption of small-type coastal whaling.

Japan concluded by stating it hoped to resolve the matter of small-type coastal whaling at the next Commission meeting. It intended to present a new proposal concerning this issue to the next Commission meeting after consultation with the member countries who share interests with Japan.

13. REVISED MANAGEMENT PROCEDURE (RMP)

13.1 Report of the Scientific Committee

13.1.1 General issues²⁵

The main focus on this section was on the priority items presented to the Commission last year. The first item has been examined for some time. It relates to the plausible range of maximum sustainable yield rates, MSYR. This is used in the testing of the RMP. MSYR relates to the productivity of the stocks. The present range of values is from 1-7% of the mature component of the population. The issue of productivity is important to general issues of conservation and management and not just the RMP.

The objective of the MSYR review is to examine whether new information and data suggest that the existing range needs to be changed. A work plan has been agreed that should result in completion of the review at next meeting. Since two other items on the agenda depend upon the completion of this work, it has also been agreed that in the event that the expected analyses are not completed by next meeting, then the existing range will continue to be used.

A number of Committee agenda items under this topic are of a technical nature. Here, focus will be made on the remaining item that is of general relevance and this relates to abundance estimates. This topic is not only important to RMP discussions but also to the Committee's work on assessing any stocks.

The Committee has developed requirements and guidelines for conducting abundance surveys and for analysing these types of data, where the goal is to obtain acceptable abundance estimates. The guidelines have been periodically reviewed in the light of new developments and the Scientific Committee feels it is important to question whether guidelines related to the newer spatial modelling approaches should be included. Further examination has also been given to some of the requirements and guidelines for the traditional design-based approaches to make them clearer. To assist this process it has been recommended that a review should be available at next year's meeting.

13.1.2 Implementation process²⁶

The *Implementation* and *Implementation Review* process follows requirements and guidelines developed by the Committee and approved by the Commission. *Implementations* and *Implementation Reviews* provide a robust framework for determining safe levels of anthropogenic removals (e.g. whaling, ship strikes, and incidental deaths in fishing gear) in the light of the Commission's conservation objectives and user objectives for commercial whaling. In general, the purpose of an *Implementation Review* is to examine new information to ensure that the extensive simulation testing which was undertaken during the original *Implementation* still remains

²⁵For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 5 [2013].

²⁶For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 6 [2013].

adequate to make sure that the conservation objectives of the Commission are being met. The focus was again on priority items presented to the Commission last year.

13.1.2.1 WESTERN NORTH PACIFIC BRYDE'S WHALES

The first issue addressed was the timing of the *Implementation Review* for western North Pacific Bryde's whales. Normally these are scheduled to occur every six years. However, for logistical reasons the Committee has recommended that the review be delayed until 2016.

13.1.2.2 CENTRAL NORTH ATLANTIC FIN WHALES

Given the new information received by the Committee this year, it recommended that the North Atlantic fin whale *Implementation Review* be brought forward one year and take place next year.

13.1.2.3 NORTH ATLANTIC COMMON MINKE WHALES

Discussions continued on preparations for the 2014 *Implementation Review* for North Atlantic common minke whales. The Committee agreed to a work plan to ensure that the required data and analyses will be available for the review. This includes a joint Workshop with the AWMP after the next Annual Meeting.

13.1.2.4 WESTERN NORTH PACIFIC COMMON MINKE WHALES

Due to the complexity of the situation, this *Implementation Review* has taken longer than expected. The complexity of the situation is mainly due to the nature of the stock structure hypotheses and the fact that the hunts are carried out during their migration. Despite these complexities, the work this year at both the intersessional Workshop and at the Annual Meeting means that completion of the *Implementation Review* at next year's meeting is possible.

The efforts of last year focused on ensuring that the computer models that are used to test the various proposed hypotheses are able to mimic the proposed hypotheses and fit the available data. This process is known as 'conditioning' and it was agreed that this has been successfully completed.

Consideration was then given to the simulation trials that are to be used in the review stage. These trials are developed to ensure that the range of scientific uncertainty is fully tested and plausibility was then given to these trials. Plausibility plays a role in the review of the results, to make sure that the advice given is in accord with the Commission's conservation objectives. The Committee spent a considerable amount of time on this. Medium plausibility has been given to trials using all of the different stock structure hypotheses that were proposed. This is because consensus could not be reached over assigning any of them low plausibility.

To examine future conservation performance, the Committee has to model information from potential removals including potential whaling operations and bycatches, and information from potential survey plans. As reported last year, two governments presented information on potential whaling operations – Japan and Korea. These are incorporated into what are called 'management variants'. The Committee's advice is provided based on the conservation performance of these management variants. Next year, after reviewing the results of the simulation trials, the Committee will advise, which, if any, of these management variants meet the Commission's conservation objectives.

13.1.2.5 NORTH ATLANTIC SEI WHALES

The Committee reconsidered an outstanding request from Iceland for the Committee to evaluate the information available on North Atlantic sei whales to see if these data were sufficient to be considered a candidate for a future

pre-Implementation assessment. It is the Commission's responsibility to decide whether a request for an *Implementation* by a Government should go ahead. The Committee established an intersessional group to review the available information to see if it meets the *Requirements and Guidelines for Implementations and Implementation Reviews*. If the Committee agrees that the data do meet these requirements, then the Committee will ask the Commission for advice on whether or not the Scientific Committee should begin the *Implementation* process.

13.1.3 Bycatch²⁷

The Scientific Committee addresses the issues of bycatch and ship strikes for a number of conservation and management reasons. These include the fact that under the RMP, recommended catch limits must take into account estimates of mortality due to human factors. In addition, such mortality can lead to conservation problems for populations other than those for which the RMP might be considered. Ship strikes are also discussed by the Commission's Conservation Committee and entanglement issues are also discussed by the Working Group on Whale Killing Methods and Animal Welfare Issues. The Committee encouraged further activities that can help quantify mortality related to marine debris.

The Committee has been co-operating with FAO on bycatch and fisheries information. All bycatch information received by the IWC has been submitted to FAO. The Committee requests the Secretariat to contact the FIRMS collaborative partnership under FAO to see if it is still collecting fishery effort in a manner that will assist the Committee in estimating bycatch.

The Committee received papers on long-term records of bycatches off South Africa and off western Canada. Amongst other valuable information these papers confirmed the relationship between population size and density and the amount of fishing effort with respect to bycatch rates. The Committee recommended the continuation of such studies where they exist and the initiation of such studies where they do not.

With respect to estimating risks and rates of entanglement, the Committee was pleased to hear that the recent capacity building efforts in entanglement response under the auspices of the IWC that took place in Argentina had stimulated an analysis of southern right whale entanglement data.

The Committee welcomed the report of the second IWC Workshop on Welfare Issues related to Large Whale Entanglement and endorsed its recommendations, including the proposed expert group and the establishment of an entanglement database. This is discussed further under Item 11 above.

The Committee's discussions on ship strikes were initially reported to the Conservation Committee. Those discussions can be found under Item 8.2 above.

13.2 Commission discussions and action arising

The USA supported by Mexico and Australia drew the Commission's attention to document IWC/63/15 which contained information on RMP catch limits calculated by the IWC's Scientific Committee. The current fin whale quota, which had been unilaterally approved by Iceland, was as much as three times higher than the potential sustainable limit calculated by the Scientific Committee. It also considered that at this time a sei whale *Implementation Review* was not a priority. Iceland responded that the fin

²⁷For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 7 [2013].

whale *Implementation* had been on-going for some years and the quotas issued by Iceland were based on variant two which was one of the variants acceptable with research under the terms of the RMP. The catch limits had also been discussed under NAMMCO's Scientific Committee which concluded that the catch levels were sustainable and precautionary. Iceland felt that this was also supported by the work of the IWC's Scientific Committee. The United Kingdom supported the USA's comments and noted that the catch limit of 150 was still 1.7 times higher than would be allowed under the RMP even if the less conservative variant was considered acceptable.

Without compromising the moratorium on the killing of whales, India supported the Revised Management Scheme which contains strong safeguards for the conservation of whales along with a robust compliance mechanism and an assurance on the implementation of the catch limits and other rules of the Commission. In this regard India was concerned at reports that some countries were not adhering to the RMP as agreed by the IWC and it asked Norway if it was at risk of exceeding its own quota this year in some of the zones where whaling takes place. Norway responded that it was about halfway through its current catch season and that catch levels were below those of the previous few years because of weather conditions. It confirmed it would report details of the catch both next year and especially during the *Implementation Review* planned for 2014. There were no indications that numbers were being taken above the quotas calculated through use of the RMP.

During this Agenda Item the Government of the Republic of Korea announced plans to conduct special permit scientific whaling so as to improve the availability of data regarding the stock structure and abundance estimates of minke whales in Korean waters in relation to the *Implementation Review* of the western North Pacific minke whales. This announcement by the Government of the Republic of Korea and the associated Commission discussions are reported under Agenda Item 14.2 below dealing with new Scientific Permits.

The Commission noted the report of the Scientific Committee on this item and endorsed its recommendations.

14. SCIENTIFIC PERMITS

The Chair confirmed that since IWC/63 in 2011 Japan had issued permits for taking minke, fin and humpback whales in the Antarctic through its JARPA II programme and for taking minke, Bryde's, sei and sperm whales in the North Pacific through its JARPN II programme. Japan had agreed to continue suspending the take of humpback whales through its Antarctic research programme in the 2011/12 season so long as progress was being made in discussions on the future of the IWC.

14.1 Report of the Scientific Committee²⁸

14.1.1 Review of results from existing permits

The Committee had developed and the Commission approved a process for full regular review of individual special permit programmes under a process known as 'Annex P'. For long-term programmes the review occurs around every six years. As part of that process there is a specialist intersessional workshop whose report, along with

the Scientific Committee's review of it, is made available to the Commission. The first time that process was used was in 2009 for the 6-year review of results from the JARPN II programme. Following the experience gained during that review the Committee has developed improvements and clarifications to the process as discussed under Item 14.1.3 below.

In between these detailed regular reviews the Committee has agreed to receive only short annual reports on activities under the programmes at Annual Meetings with only brief discussions, leaving the major consideration to occur under the 'Annex P' process. It is important to note therefore that the lack of comments in the Committee's report does not imply its support or disagreement with these programmes.

The Committee is preparing for a full review of the results of the now completed Icelandic research permit on common minke whales. The specialist intersessional Workshop will be held during February/March of 2013 and the Scientific Committee will discuss the specialist Workshop report during its 2013 meeting.

The first 6-year review of JARPA II is also now due. However, undertaking two reviews in parallel is logistically difficult and the Committee proposes that the 'Annex P' process for JARPA II should begin after the 2013 Scientific Committee meeting. This would result in an intersessional specialist workshop during spring 2014 and the Committee's discussion of this will therefore occur at the 2014 meeting of the Scientific Committee.

14.1.2 Review of new or continuing proposals

Japan reported that there was no plan to change either of the existing JARPA II or JARPN II programmes and no new proposals were presented.

14.1.3 Procedures for reviewing scientific permit proposals

As noted under Item 14.1.1, the Committee has been reviewing how the Annex P process had worked when it was first used for the JARPN II review in 2009. Last year the Committee agreed additional guidelines to clarify the admittance of Scientific Committee observers who will now have the same admittance rights as proponents of the Permit, and further guidance to ensure that the Panel member selection process will facilitate a full, fair, independent, balanced and objective review.

This year, again by consensus, the Committee clarified the interactions between its Data Availability Agreement rules, timetables for data availability, and the Annex P process. The full text can be seen in Annex P3 of the Report of the Scientific Committee²⁹. In summary, this clarifies that descriptions of the available data must be provided to the Committee at the Annual Meeting prior to the intersessional expert Workshop, while the data themselves shall be available in electronic format one month after that meeting. Applications to use the data must be via the Committee's Data Availability Group and the timings of the submission and receipt of data are clarified, as is what is meant by collaboration and offers of co-authorship.

Given this agreement was only made at the present meeting, it was agreed that the proponents for the forthcoming final review Workshop of the Icelandic programme will not have to follow the new timeline strictly but they have indicated that the data should be available by the end of September 2012.

²⁸For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 17 [2013].

²⁹See *J. Cetacean Res. Manage. (Suppl.)* 14 [2013].

14.2 Commission discussions and action arising

14.2.1 Discussion on review of existing permits

Japan noted that many scientific articles had been issued based upon the outcomes of its special permit programmes including 380 general articles and 170 journal articles (see paper IWC/62/20). Japan had also provided the data from its programs to the IWC's Scientific Committee and this had been received, referenced and recognised in the Committee's report. Japan emphasised that lethal special permit research was essential to answer particular questions, for example data on age composition and population dynamics. It urged the Commission to base its discussions on scientific factual evidence.

Norway, supported by Grenada, said that there could be no doubt that the Japanese research programmes, JARPA, JARPA II, JARPN and JARPN II had given and continued to give valuable information on a number of scientific questions including for example data on condition, age and stomach contents of minke whales, and on general questions about changes in the ecosystem of the Southern Ocean. Norway stated that some of these questions could not be investigated by the currently available non-lethal methods.

Iceland, supported by Grenada, recalled the long conversations on the utility of scientific permit research and concurred with the views expressed by Norway and Japan about the usefulness of the results obtained in the Scientific Committee based upon the special permit programmes. Iceland noted that a relatively small special permit programme comprising about 230 fin whales and 70 sei whales conducted by Iceland from 1986-89 led to the publication of over 150 articles and scientific reports. Accordingly, Iceland strongly disagreed with views that scientific permit proposals have not produced any useful results.

Australia stated its view that there was no reason to kill whales in the name of science and that all necessary information for the proper and effective conservation and management of whales could be obtained by non-lethal means. It said that the special permit programmes conducted by the Government of Japan, namely JARPN, JARPN II, JARPA and JARPA II and the programme previously conducted by the Government of Iceland had produced no agreed or substantiated research outcomes relevant to the work of the IWC and were unnecessary for the conservation and management of whales. This was all the more serious due to the potential impact of the open ended and generally expanding programs and their impacts on the status of some populations of whales. Australia referenced the discussions in the previous Scientific Committee reports which highlighted the many substantial, general, and specific objections to the purpose and operation of special permit whaling programmes and the lack of any genuine response to the scientific review processes. Australia believed it was an appropriate time for all Contracting Governments to combine their research efforts under carefully designed non-lethal programmes such as the Southern Ocean Research Partnership (SORP).

Australia went on to state that there was a solid scientific basis for the criticism that it and many other countries had offered on the utility of the data from lethal special permit research. There was no information and no science that is required and is useful for the conservation and management of whales that cannot be delivered through non-lethal techniques. Whilst there was a debate in the Scientific Committee over some current data the Committee had not

been able to conclude any useful conclusions from that data and most of the discussion revolved around details of the analysis and flaws in the way the data were collected. Australia said that its scientific criticism of the special permit programs went well beyond any political, or ethical, or welfare issues. Norway responded to Australia and said that Article VIII did not relate only to information relevant to the management of whaling and whales; instead Article VIII included all relevant science. Noting the publication of results in the scientific literature, Norway said that valuable scientific information was being generated by both the JARPA and JARPN programmes.

New Zealand opposed Scientific Permit whaling under Article VIII as it believed that modern science techniques could increase understanding and conservation of whales without killing them. New Zealand took particular exception to whaling in the Southern Ocean Whale Sanctuary. Japan's two scientific whaling programmes in the Antarctic and in the northwest Pacific had not, in New Zealand's view contributed meaningfully to species management or conservation. New Zealand fully supported and collaborated in the Southern Ocean research project undertaking successful non-lethal whale research within the Southern Ocean.

Mexico stated that the JARPA and JARPN programmes and all of their derivatives had contributed little to science and have done very little to improve the stocks of whales. Mexico drew attention to the errors in the programmes and stated that the results had not been encouraging in relation to the many years over which whales had been killed. For example natural mortality had been estimated at 0.04 with confidence levels so broad that it was impossible to say whether any increase or change had been experienced by the population and so the matter remained unknown. Thus the central objectives of the programme had not been met.

Monaco noted the publications which had been generated by the special permit programmes and reflected on the merits of individual papers. It questioned whether the scientific papers had affected knowledge and paradigms on cetacean science, and it asked why it was necessary to kill cetaceans for research when so many other study opportunities were available through bycatch and stranding events.

The Global Guardian Trust (GGT) said that as a conservation body its purpose was to promote the sustainable use of natural resources and to use the best available scientific information as the basis for conserving all living natural resources. Article VIII of the ICRW was critical to the proper operation of the IWC and the Chair of the Scientific Committee had reported that the scientific permit whaling had provided important information. Hundreds of scientific papers had been produced and peer reviewed. Some people took the view that this type of information was not of any interest to them and therefore that scientists should not undertake the research. But just as in the context of indigenous whaling, the preferences of some should not be allowed to subvert the activities of others. Understanding the biology of whale populations was one of many areas of scientific research. Research should take place when there is an identified need, not when there is a global consensus that it should be carried out. There was a need to understand the biological status of whale populations in order to be able to establish appropriate management mechanisms in the future. GGT asked delegates to recognise that scientific permit whaling had produced useful information that had a clear application in the future management of whale stocks and the sustainable use and conservation of whales.

14.2.2 Discussion regarding new proposals

PLANS BY THE GOVERNMENT OF THE REPUBLIC OF KOREA TO CONDUCT SPECIAL PERMIT SCIENTIFIC WHALING

The Republic of Korea stated that it was considering conducting whaling for scientific research in its waters in accordance with Article VIII of the Convention³⁰. The Republic of Korea had a long history of whaling and whale meat was still part of the dietary tradition in some local areas such as Ulsan. However the long tradition of coastal whaling was suspended in 1986 in compliance with the IWC's decision and the Korean Government had to scrap all whaling vessels, promising that whaling would resume upon the recovery of resources. With this, Korean fishermen had been waiting for the IWC to lift the ban for more than 25 years. The Republic of Korea had respected the moratorium since it entered into force in 1986. Whaling was banned and subject to a strong punishment. The moratorium put significant social and economic burdens on people in some areas of Korea. Therefore, local people had constantly requested the Government to allow limited whaling. The local people said that minke whale populations had recovered to the level maintained before the moratorium and the increased numbers of whales were eating a huge amount of commercial fish stocks which should be captured by fishermen.

Since 2001 the Korean Government had been conducting non-lethal sighting surveys to assess the state of the stock and estimate the abundance of whales in the Korean waters. However these surveys could not identify different whale stocks and it was regretful that the survey results could not support discussions within the Scientific Committee on the number of whale stocks in Korean waters³¹. In addition, sightings only surveys could not identify feeding habits of marine mammals and contribute to understanding the impacts of whale populations on fisheries resources as a whole. Therefore the Korea Government had been forced to consider conducting whaling for scientific research in order to calm the complaints of Korean fishermen and to make up for the weaker aspects of the non-lethal sighting survey.

The proposed scientific research programme would be designed to analyse biological and ecological data on minke whales migrating off the Korean Peninsula. The programme would provide scientific information on stock structure using genetic analysis as well as the nature of interactions with fish stocks. The Korean Government said it was planning to submit a detailed research plan to the next meeting of the Scientific Committee and would take appropriate steps to gain validity for the scientific whaling research through relevant expert workshops. No decision had yet been made regarding the number of minke whales to be taken, the research period or the research area. However, the research would be done within the national jurisdiction of the Republic of Korea. It hoped that its research plan would be

given the highest consideration at the next meeting of the Scientific Committee so as to take into account the severe difficulties of Korean fishermen as well as the scientific justifications to conduct this research.

St Kitts and Nevis respected the right of all Contracting Governments to engage in scientific research under special permits and urged other members to do the same. It said that the IWC had benefitted from research results that had been obtained under special permits in the past and it viewed this type of research as valuable and critical. St Vincent and The Grenadines and Grenada recognised scientific permit whaling and respected the rights of states to conduct research under the Article VIII of the Convention. It believed that scientific research was fundamental to the management of marine resources and it endorsed research proposals which followed the stipulated guidelines under Article VIII.

Norway supported the right to scientific research including the right to issue special permits under Article VIII of the Convention. It highlighted the need to follow and strictly adhere to scientific protocol when whales are taken under special permits and recognised that valuable knowledge on whales and ecosystems was undoubtedly collected through this type of scientific activity.

The Russian Federation stated its general support for scientific research. It said that the scientific results from the Japanese research programmes were interesting for understanding the situation with the whales and their habitats in Antarctica.

Mexico, the USA, Colombia, Australia, Argentina, Panama, Ecuador, Germany, Monaco, the United Kingdom, New Zealand, Switzerland, Cyprus on behalf of EU member states party to the IWC, India, Chile, South Africa and Brazil all expressed their concern at the announcement by the Republic of Korea. Denmark expressed its wish not to participate in discussions on scientific whaling.

Mexico stated that the announcement by Korea was worrying and would bring greater pressure on the J-stock especially in regards to the number of entangled individuals. Mexico commented that the objectives of the JARPN programmes had not yet been met and that this second research effort would very likely reach the same result as the Japanese programme.

The USA continued to oppose lethal scientific research whaling programs and believed the scientific data needed to improve management and promote recovery of large whale populations could be collected through non-lethal means. It said that lethal scientific whale research, although allowed under Article VIII of the ICRW, was unnecessary for modern whale conservation management. It encouraged the Government of Korea to follow 'Annex P' which required submission of information six months prior to the Scientific Committee meeting at which it was to be considered. The USA also understood that takes of minke whales in this area would be composed 100% of J-stock animals which would be of considerable concern to the IWC.

Australia reiterated its view that there was no reason to kill whales in the name of science and that all necessary information for the effective conservation and management of whales could be obtained by non-lethal means. It invited the Republic of Korea's scientists to visit the Australian Marine Mammal Centre in Hobart so as to discuss the use of non-lethal techniques to help solve some of the data shortages.

Cyprus spoke on behalf of the EU member states party to the IWC to indicate its strong regret that the Republic of Korea was considering undertaking whaling for scientific

³⁰See also the Republic of Korea's Opening Statement; document IWC/64/OS Korea, available at: <http://www.iwcoffice.org/iwc64docs>.

³¹In an intervention under Agenda Item 13 the Republic of Korea referred to the report of the Scientific Committee made at Agenda Item 13.1.2.4 which announced that the *Implementation Review* of minke whale stocks in the North West Pacific was scheduled for completion in 2013. The Republic of Korea noted that there several controversial points on the stock structure and population estimates of minke whales in Korean waters and highlighted its concern that the limited information on biological parameters may make it difficult to distinguish the stocks. Therefore the Government of the Republic of Korea said it was planning to conduct scientific whaling to improve the data availability and to elaborate on the existing information on stock structure and abundance estimation. Korea hoped that the working group would finalise the RMP *Implementation Review* on the basis of sufficient scientific data and evidence.

purposes. It noted that the impact of whaling on the North Pacific minke whales was being evaluated by the Scientific Committee and that the impact on the endangered J-stock must be considered carefully so as to avoid catches on this stock. It noted that the minke whale population of the North Pacific was already subject to very high levels of bycatch. Given the unknown effects of taking any numbers in the area concerned precaution should prevail. Cyprus stated its disagreement with the conclusion set out in the opening statement of the Republic of Korea, and highlighted its disagreement with the sentence which read 'minke whales are eating away large amount of fish stocks which should be consumed by human beings'.

Germany reported that there was a broad consensus in the German parliament across all political parties to stop scientific whaling as soon as possible. Germany believed that non-lethal research was the correct approach to improve knowledge of whales. All activities in this field should be continuously enhanced and promoted in contrast to scientific whaling which did not have an added value regarding knowledge on whales. Germany was also deeply concerned that scientific whaling would open the door to commercial whaling.

Monaco asserted that scientific whaling was an obsolete legacy of a Convention drafted 60 years ago. Since that time cetacean science had moved on and given the enormous body of scientific literature and other non-lethal ways of studying cetacean ecology there was no reason to kill cetaceans on the pretext of science. Monaco noted that Asian science in particular was progressing well and that there was no doubt that scientists from Korea could take advantage of the non-lethal techniques and enormous body of scientific papers on this subject.

The United Kingdom considered Special Permit whaling programs to be unnecessary and of questionable value scientifically. There were perfectly adequate non-lethal alternatives which could secure the information required by the IWC for stock assessment and management purposes. The UK noted that the impact of whaling on the North Pacific minke whales is currently being evaluated by the Scientific Committee and the need to avoid catching whales from the endangered J-stock would need to be looked at carefully so as to avoid depletion.

Japan responded to the United Kingdom intervention by drawing attention to the Report of the Scientific Committee³² which listed the catch data obtained through the special permit catch as having been received by the IWC and thus were therefore scientific data. Japan also noted that the Scientific Committee had agreed that the available information was sufficient to warrant an *Implementation Review*.

New Zealand noted that the Scientific Committee had already undertaken a considerable amount of work through its *Implementation Review* on North Pacific minke whales around Japan and Korea. Extensive research and analysis covering issues related to stock structure and abundance estimates had already been completed on the minke whales on which Korea was proposing to undertake lethal research. The J-stock minke whales in this area are seriously depleted and New Zealand strongly believed that lethal scientific whaling on this stock was unnecessary. New Zealand was strongly opposed to the Republic of Korea's proposal.

Switzerland recognised the rights of Contracting Governments to undertake whaling through special permits.

However it urged all Contracting Governments to redesign scientific whaling programmes and abstain whenever possible from lethal research.

India's position was in favour of the moratorium and it expressed concern about the large number of whales being killed for scientific research. Research methods should be developed to reduce the killing of whales for research. While not compromising the moratorium, the countries concerned should issue scientific permits on a minimum needs basis which included a comprehensive evaluation of the objectives of such research and appraisal of the performance of such permits.

Chile stated that scientific research programs were not necessary for whale conservation and management nor were they relevant to the Commission's endeavours. Regarding the Republic of Korea's request, Chile believed that the largest bycatch of whales occurred in that country and therefore no scientific research programs should be necessary as those individuals should be used for study purposes. Chile expressed its rejection of the years of legal excuses which had allowed undercover lethal research to be carried out in the Southern Ocean.

South Africa recognised that science had made many advances since the Convention was created in 1946. With many new non-lethal methods to obtain data there was no longer any need to kill animals. South Africa did not support any lethal scientific whaling and respectfully asked the Republic of Korea to reconsider its plans to start lethal scientific whaling and rather explore other non-lethal methods to obtain the necessary scientific data.

Brazil commented that other non-lethal methods were available to research cetacean populations and therefore it had strong objections to those countries that continued to use lethal methods. Accordingly it encouraged other countries, including Korea, not to undertake or start to undertake lethal research.

The Republic of Korea acknowledged the comments regarding its proposed plan for scientific whaling and said that it was under no obligation to inform the Commission in advance of any plan. However it said that it was under obligation to submit the relevant papers six months before the Annual Meeting and confirmed that it was prepared to do this in a spirit of trust and transparency as a responsible member of the Commission. It did not accept any proposition that whales should not be killed or caught. The IWC was not a forum of moral debate and instead was a forum of legal debate. Accordingly Korea requested that discussions should focus on legal arguments.

14.2.3 Discussions on procedures for reviewing Scientific Permit proposals

Chile expressed its concern about the Scientific Committee's permit review process which was delegated to a small, closed group of experts as this led to the Committee as a whole being unable to examine in detail the results of the programmes. This in turn led to very little discussion within the Committee. Chile believed that the permits should be examined at the Committee level given it is the body responsible for the management and review of special permits. Monaco supported Chile's comments and asked for improvements in the Scientific Committee's reporting of its discussions on special permits. It noted that there was often no consensus within the Committee on matters related to special permits but asked for the opposing arguments and evidence to be presented to the Commission.

³²J. Cetacean Res. Manage. (Suppl.) 14 [2013].

COSTS OF SPECIAL PERMIT REVIEWS³³

Australia, supported by Mexico, Monaco, USA and the United Kingdom highlighted the upcoming intersessional Workshop to review Iceland's special permit whaling programme and the associated costs of £24,000 included in the proposed research budget. Noting the Commission's budgetary problems and the scaling back of the overall Scientific Committee funding Australia strongly suggested that there was no benefit in having the Workshop paid for by the Commission and instead it proposed re-allocation of those funds to areas which were not included in the Committee's budget. The USA understood that only about 200 minke whales were taken before Iceland commenced its commercial whaling and therefore the examination of the data could easily be folded into a future review. Accordingly the USA recommended that the review of the data be delayed until a future date.

Iceland opposed suggestions to postpone the review of its special permit programme. It confirmed that the programme operated from 2003-07 and that approximately 200 minke whales were taken. Iceland said the program was justified and conducted according to the ICRW. It noted that the Scientific Committee had proposed the review and that the proposal had been adopted by the Commission. Accordingly Iceland had been preparing for the independent review during the forthcoming winter in accordance with the 'Annex P' process. It recognised that if the Commission did decide to cancel the review then it would have to accept the decision. However Iceland highlighted a wide range of scientists had been involved in the programme and some of these had been engaged on a temporary basis. If the review was to be postponed or held at a location outside Iceland many of the scientists would not be available. It also recalled that when Iceland agreed to the review programme there was a clear understanding that the costs would be paid by the IWC.

Responding to Iceland's comments, Australia said that it was important that the special permit programme was reviewed given the previous controversy and criticisms which surrounded it. It clarified that it was the timing of the review and who should fund it that was being questioned.

Norway supported Iceland's wish for the review of its research programme to be carried out according to the original plans, and considered it to be a disregard of the Scientific Committee if the review did not proceed.

Discussions on the future work plan of the Scientific Committee and the review of the Icelandic special permit programme were concluded under Item 19.4.2.

The Commission noted the report of the Scientific Committee on this item and endorses its recommendations.

15. SAFETY ISSUES AT SEA

This agenda Item was included at the request of the Government of Japan who stated that since 2005 the vessels conducting the JARPA II programme had experienced ongoing violent protests and acts of sabotage arising from the actions of the Sea Shepherd Conservation Society. These protest activities had included illegal boarding of ships, collisions between vessels, use of improvised weapons and efforts to entangle vessels' propellers. Japan drew attention to its efforts to resolve this issue through international cooperation including the adoption of Resolutions and statements criticising the Sea Shepherd Conservation

Society by the International Maritime Organisation (IMO) and by the IWC³⁴. Japan stated that it had obtained arrest warrants for five Sea Shepherd activists and had approached governments who were either port or flag states for Sea Shepherd vessels. However, despite these actions no effective measures had been taken against Sea Shepherd and Japan called for the implementation of other approaches including the inspection of Sea Shepherd vessels, the prohibition of departure of Sea Shepherd vessels from port, the strengthening of monitoring of Sea Shepherd members and access to information regarding any preferential treatment including tax and subsidies.

Antigua and Barbuda emphasised the seriousness of issues surrounding safety at sea and said that countries who acted as flag or port states for Sea Shepherd vessels had an additional responsibility to conduct themselves in an acceptable manner. St Vincent and The Grenadines supported by Tanzania highlighted the responsibility for the protection of human life and said that the reality was that neither flag nor port states would take action. St Kitts and Nevis recorded its sympathies for the crew and scientists of the research vessels and said that Sea Shepherd was operating without fear of reprisals or sanctions from port or flag states or the country where it was registered. It noted that the Sea Shepherd actions had prevented the Southern Ocean sighting surveys from taking place and anticipated that the increased protest actions would ultimately lead to lives being lost.

St Lucia, supported by Norway, Kiribati and the Russian Federation stated that although the IMO was the primary organisation to deal with safety at sea the matter should also be addressed by the IWC because the data collection work being undertaken by the IWC was being affected by Sea Shepherd's actions. St Lucia highlighted the seriousness of the issue and stated that it must be dealt with to avoid the possibility of fatalities in future years. Benin noted that the question of safety was linked to the opportunity to carry out research, and accordingly the solution to the problem lay with the IWC. The Russian Federation called upon the IWC and flag and port state countries to take measures to stop Sea Shepherd operations.

Norway, supported by Iceland, expressed its support for the Japanese seamen and scientists and expressed regret that the research activities in the Southern Ocean could not be carried out as planned because of the violent actions. It called on states not to support the activists and to use the legal means at their disposal to pursue them. It said that passivity was indirect support, which was dangerous as it undermined diplomatic attempts to handle the controversy. Norway urged all parties including relevant flag and port states to be clear in their message and in their actions to prevent activities that put at risk human lives and property at sea. It noted that in mid-May 2012 Paul Watson had been arrested in Germany. At the time of this meeting he was awaiting extradition to Costa Rica on charges of endangering people's lives by interfering with legal fisheries operations.

Guinea attached great value to the research conducted under JARPA I and JARPA II and recalled that these programmes showed that some whales fed exclusively on

³³See also discussions under Item 19.4.2 on the Scientific Committee's proposed work programme.

³⁴See Resolution 2006-2 on the Safety of Vessels Engaged in Whaling and Whale Research-related Activities (*Ann. Rep. Int. Whaling Comm. 2006:69* [2007]); Resolution 2007-2 on Safety at Sea and Protection of the Marine Environment (*Ann. Rep. Int. Whaling Comm. 2007:91* [2008]); the statement issued by the Commission at its intersessional meeting in March 2008 and Resolution 2011-2 on Safety at Sea (*Ann. Rep. Int. Whaling Comm. 2011:60* [2012]).

pelagic species. Given that the peoples of some countries were also consumers of small pelagic species, Guinea attached great importance to the food security relationship between fish and whales. Accordingly it condemned all activities which jeopardised scientific research.

India endorsed the IWC's Resolutions on safety at sea and shared Japan's concerns. It was opposed to violent protests at sea by any organisation but also recognised the rights of an individual or organisation to express their protests in a peaceful manner within the ambit of the law of the land and international rules and regulations. Kiribati, the Republic of Korea and Iceland supported the right to legitimate and peaceful protest but expressed concern over further escalation in the confrontations. They urged flag and port states to take the necessary actions to discourage the violent protests.

Australia stated that on matters associated with safety at sea nothing less than full compliance with domestic and international laws was acceptable. Australia had fulfilled and would continue to fulfil all of its international legal obligations arising from events in the Southern Ocean. However its view was that the IMO was the appropriate forum to address safety at sea matters, not the IWC. The Australian Government respected the right to peaceful protest but did not condone and had repeatedly condemned dangerous, reckless or unlawful behaviour, including on the high seas. In January 2012, Australia's Prime Minister had made it clear that the actions of the three Australian protestors who boarded a Japanese vessel were unacceptable. In addition Australia referred to the joint Ministerial statement on Whaling and Safety at Sea released by the Foreign Ministers of Australia, the Netherlands, New Zealand and the USA on 14 December 2011 as a statement of its position on this issue.

The Netherlands was firmly opposed to any type of commercial or scientific whaling. It was disappointed and concerned about the repeated activities of the Japanese whaling fleet in the Southern Ocean Sanctuary as it constituted a violation of the Sanctuary's intent. There was no necessity to kill whales for scientific purposes as there were sufficient non-lethal research methods available. Japan had yet to demonstrate such a need, and NGOs were therefore all the more likely to continue to protest. It called on Japan to end this practise. The Netherlands remained of the opinion that safety at sea did not fit within the remit of the IWC as the appropriate forum for any discussion in the field of maritime safety was the IMO. The Netherlands remained committed as a flag state and called upon the masters of all vessels to strictly observe the IMO's international collision avoidance regulations. It referred to the joint statement made with the Governments of Australia, New Zealand and the USA published on the 14 December 2011 which underlined that any unlawful activities should be dealt with in accordance with the relevant international and domestic laws. The Netherlands fully respected the right to protest peacefully, including on the high seas, but deplored the incidents between ships of the Japanese whaling fleet and the Sea Shepherd Conservation Society during the 2011/12 season. The Netherlands remained particularly concerned about the apparent escalation of violence in such incidents and had, on a number of occasions, discussed these and related matters bilaterally with Japanese representatives both in the Hague and Tokyo with a view of better understanding each other's position.

New Zealand took issues of safety at sea seriously and insisted that all persons operating on the high seas comply with international standards of safe navigation,

particularly in the harsh conditions of the Southern Ocean. New Zealand acknowledged its international obligations and said that it would take and had taken appropriate action where obligations required it to conduct investigations and establish jurisdiction. This included the case where New Zealand's maritime authority carried out a full investigation into the incident in the Southern Ocean that led to the sinking of the New Zealand registered *Ady Gil* during the 2009/10 whaling season. That investigation found that the masters of both vessels involved engaged in conduct that resulted in the collision. New Zealand understood Japan's concerns about Sea Shepherd's operation in the Southern Ocean and had repeatedly called on Sea Shepherd vessels operating there to act responsibly. It was very concerned that there would be a serious incident leading to loss of life or serious injury. Since the sinking of the *Ady Gil* New Zealand was not a flag state to any Sea Shepherd vessel. It noted that the Sea Shepherd Conservation Society had stated its intention to return to the Southern Ocean to protest against Japan's special permit whaling for as long as Japan continued to undertake whaling in the Southern Ocean Sanctuary. New Zealand respected the rights of individuals and groups to peaceful protest, including on the high seas, but it did not condone violent protests that endangered life or property.

The USA stated that the safety of vessels and human life at sea was its highest priority and it condemned acts that intentionally jeopardised crew members' lives or the safety of vessels. It was deeply concerned that confrontations in the Southern Ocean could lead to injury or loss of life of the whaling crews and protesters. In 2010 and 2011, the United States had joined Australia, the Netherlands and New Zealand in calling for responsible behaviour in the Southern Ocean and urged the masters of all vessels to observe international collision avoidance regulations. The USA continued to support the comprehensive set of instruments at the IMO to promote, enhance and protect maritime safety.

Brazil, Chile and the Dominican Republic supported all efforts to strengthen safety at sea. However, it noted that the issue fell within the remit of the IMO which had the appropriate instruments and mechanisms to deal with such questions which were also related to the jurisdiction of flag and port states. Brazil condemned any acts of violence at sea, but at the same time supported the rights of individuals and organisations to freely demonstrate. It regretted that special permit whaling operations in the Southern Ocean Sanctuary were at the origin of such incidents. Colombia, Chile and the Dominican Republic condemned all violent actions related to safety on the high seas but considered that this issue had been addressed at IWC/63 in 2011³⁵ and stated that the matter should now be referred to the IMO. The Dominican Republic recommended that the Government of Japan reconsider its scientific whaling as it was not worth risking the lives of Japanese researchers in such a situation.

Japan thanked those delegations who expressed concern and support. It drew attention both to Resolution 2011-2 which urged all Governments concerned to continue to co-operate to prevent and suppress actions that risk human life and property at sea and to IMO Resolutions which encouraged Governments to cooperate. Noting that the 2011-12 JARPA II scientific survey had been disrupted it said that this was a serious loss of scientific knowledge for the IWC as it represented the only dedicated cetacean data in that region of the Southern Ocean. Japan repeated its call for all governments to cooperate in taking action to address

³⁵Resolution 2011-2, see *Ann. Rep. Int. Whal. Commn. 2011*: 60 [2012].

the issue. Australia clarified that the information collected through JARPA II was not the sole source of cetacean information collected in that sector of the Southern Ocean as substantial cetacean research was also conducted by the USA, France, Australia, New Zealand and other nations.

Mr. Chikimasa Ohkoshi of the International Transport Workers' Federation (ITWF) said that it supported the efficient use of whale resources when they were sustainably available. It had carried out research in the Southern Ocean over many years to provide the IWC's Scientific Committee with valuable data, but Sea Shepherd had consistently put the boats and lives of its crew members at risk. Such malicious activities were condemned every year at the IWC, but again this year Sea Shepherd had carried out sabotage acts. It stressed that it was nothing but sheer luck that no one was injured by persistent attacks. The ITWF asked that standards for international seamanship be applied to Sea Shepherd. Forcing others to change their opinions with violence was not acceptable and was terrorism. It hoped that the flag states of the anti-whaling vessels fulfilled their obligations as members of the international community and also asked any member state which allowed Sea Shepherd vessels to call at their ports for refuelling to review whether they were meeting their obligations. ITWF felt that such actions were no different to supporting a terrorist group.

Mr Ohkoshi said that he was a gunner of a catcher boat and had been engaged in the research whaling for nineteen years. ITWF's members were working hard doing their job and they had a right to do their work safely. On behalf of all the fishing workers in the world, the ITWF protested against violent campaign activities and requested that all the IWC member countries take a firm attitude against Sea Shepherd's actions.

16. CATCHES BY NON-MEMBER NATIONS

16.1 Report of the Scientific Committee

Last year, the Secretariat contacted both Canada and Indonesia to request information on recent catches. No response came from Indonesia. Canada kindly responded and provided catch information on the 2011 bowhead whale catches which was considered by the Scientific Committee under their agenda item 7.3.4.1. The Secretariat has been requested to continue to ask for information on this issue.

16.2 Commission discussions and action arising

The Observer from the Government of Canada confirmed that it had submitted data to the Scientific Committee regarding the 2011 Aboriginal Subsistence harvest of bowhead whales by the Canadian Inuit. Canada was pleased to share this information with the Committee and would continue to cooperate with the IWC's Scientific Committee in the future.

There were no further discussions under this Item and the Commission noted the report of the Scientific Committee on this item and endorsed its recommendations.

17. INFRACTIONS, 2011 SEASON

The Infractions Sub-committee met in Panama on 25 June 2012. Lars Walløe (Norway) chaired the meeting which was attended by 22 Contracting Governments. The full report of the Sub-committee is available at Annex H.

A summary of catches by IWC member nations in the 2011 and 2011/12 seasons is provided at Annex I.

17.1 Report of the Infractions Sub-committee

The Chair of the Sub-committee referred to the infractions reports received in 2011 which were tabulated in Appendix

3 of its report (see Annex H). The Chair described the Sub-committee's discussions regarding the take of a bowhead calf in September 2011 and also the follow up to earlier infractions reports by Denmark (Greenland), Iceland, Korea and a 2009 infraction report by Norway involving the use of a cold grenade harpoon. The Chair also reported on surveillance of whaling operations, on information required or requested under Section VI of the Schedule to the ICRW (1946), and on submissions of national laws and regulations.

17.2 Commission discussions and action arising

There were no discussions under this agenda Item. The Commission noted the report of the Infractions Sub-committee and endorsed its recommendations.

18. ENVIRONMENTAL AND HEALTH ISSUES

18.1 State of the Cetacean Environment (SOCER)

18.1.1 Report of the Scientific Committee³⁶

The SOCER report uses peer-reviewed literature to provide an annual update on environmental matters that potentially affect cetaceans. It is tailored for a non-scientific audience and this year focused on the Indian Ocean. The primary source of information was the International Indian Ocean Cetacean Symposium, held in the Maldives in July 2009. In general, the authors concluded that awareness of environmental-related threats to cetaceans is high in this region, although implementation and control measures are not. Information is scant or absent in many areas with most research focused in a few locations. There are fifteen new peer-reviewed papers from this region in issue 12(2) of the *Journal of Cetacean Research and Management*.

Next year the focus of SOCER will be the Atlantic Ocean with an emphasis on papers published between 2011 and 2013.

18.1.2 Commission discussions and action arising

Cyprus spoke on behalf of the EU member states party to the IWC to welcome the work undertaken through the SOCER report, which provided a non-technical period summary of the positive and negative events affecting conditions in the marine environment. It noted that environmental degradation from a number of sources had taken their toll on the state of the marine environment and many of those were of increasing conservation importance. It believed that sound science was essential to enhancing the conservation status of whales and stated its appreciation for the work of the IWC's Scientific Committee.

18.2 POLLUTION 2000+ research programme

18.2.1 Report of the Scientific Committee³⁷

The IWC's POLLUTION 2000+ programme has been one of the Scientific Committee's successful international collaborations. It is examining the complex and difficult issue of the effect of chemical pollutants on cetaceans and cetacean populations. Phase I of the programme was completed in 2008. Phase II is focusing on trying to examine population level effects. Its four objectives are to: (1) improve the existing concentration-response function for PCB-related reproductive effects in cetaceans, which was largely completed in 2011; (2) integrate improved

³⁶For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.1 [2013].

³⁷For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.2 [2013].

concentration response components into a population risk individually-based model for two case study species (the bottlenose dolphin and the humpback whale), again largely completed in 2011; (3) derive additional concentration-response functions to address other endpoints (e.g. survival, fecundity) in relation to PCB exposure, which was discussed this year; and (4) implement a concentration-response component for at least one additional contaminant of concern, which has not yet been completed.

This year, progress on the third objective was provided from an IWC-funded project. This used a modelling framework based on individual animals to examine how possible effects of pollutants on the immune function of individuals was reflected at the population level. In the examples chosen, the focus was on the potential effects of polychlorinated biphenyls (PCBs) on breeding females from bottlenose dolphin populations in Florida and Georgia. The model prediction for Florida, which has low PCB levels, was that they would remain stable or increase slightly over the next 50-100 years. However, the population in Brunswick, Georgia is predicted to decline over the same period. In this area, PCB levels in breeding females are 10 times higher than in Florida.

The Committee commended the authors for this work and strongly supported their continued programme to develop the necessary tools for analyses of pollutant exposure risk to cetaceans. The programme will continue this year and the Committee has provided additional advice to the researchers. The Committee also strongly recommended that the bottlenose dolphins in Brunswick, Georgia are monitored given their extremely high PCB levels.

18.2.2 Commission discussions and action arising
There were no discussions under this Item.

18.3 Cetacean diseases

18.3.1 Report of the Scientific Committee's working group on Cetacean Emerging and Resurging Diseases³⁸

The CERD (Cetacean Emerging and Resurging Diseases) working group was formed in 2007 to increase research and standardise reporting in a wide range of disciplines dealing with the health of cetaceans. For example, a two-level CERD component to the IWC website is being developed with the help of the Secretariat. The first public level will provide basic information on diseases in cetaceans, as well as access to selected discussion forums. The second level is for registered users and will include in-depth disease information, as well as the ability to post and map locations of disease incidents and to discuss events with professionals. Standardised tissue collection protocols will also be included on the website.

The Committee also received several interesting papers on diseases in cetaceans this year: a paper on *Morbillivirus*-infested cetaceans that stranded in Italy between 2009 and 2011; a paper on organochloride contaminants (such as DDT) which were high in gray whales calves from Mexico; and a paper on the diseases and microorganisms that impact cetacean strandings in Costa Rica during 2004-11, where some cetacean diseases, such as *Brucella*, can also affect humans.

The Committee welcomed these papers and recommended additional research be conducted on pathogens, particular those like *Brucella*.

³⁸For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.3 [2013].

18.3.2 Commission discussions and action arising

The USA noted that 2012 marked the 20-year anniversary of its Marine Mammal Health and Stranding Response Program. This Program leads the investigation of unusual mortality events which are declared in the USA when a stranding event or disease outbreak is unexpected, involves a significant die-off of any marine mammal species and demands an immediate response. As of May 2012 the programme had investigated 56 unusual mortality events in the USA with four events currently under investigation from the past year. Over the last several years the USA's collaborations with its partners had documented new viruses, new bacterial diseases and new fungal diseases in cetaceans in the wild. Over the past year the program has investigated the role of emerging infectious diseases on marine mammal health, the transport of terrestrial pathogens to marine mammals, the risks of animal to human and human to animal transmission of shared pathogens and the emergence of pathogens in the marine food web³⁹.

Cyprus spoke on behalf of the EU member states party to the IWC to express concern about the health status of whales and especially small cetaceans. New scientific information showed that dolphins and whales were increasingly suffering from skin diseases, bacterial and viral infections which originated from a wide variety of pathogens. Cyprus highlighted the increased involvement of European scientists in the work of the CERD working group. It believed that the IWC had a significant role to play in these areas of research and said that further work was important, especially as it is closely connected to other threats such as pollution, ship strikes and entanglement.

18.4 The impacts of oil and dispersants on cetaceans

18.4.1 Report of the Scientific Committee⁴⁰

The Committee was provided with an update on the 2010 Deepwater Horizon oil spill in the Gulf of Mexico that started when a drilling platform collapsed in April 2010. In particular it was informed of a number of major projects being undertaken within the USA. The damage assessment process included a wide range of techniques including photo-identification, biopsy sampling, telemetry, live capture health assessments and evaluation of stranding data for common bottlenose dolphins in nearshore waters.

The Committee commended this research and strongly recommended continued investigations into the impacts on cetaceans of the oil and oil spill related contaminants, and to continue the health assessments.

The Committee has previously referred to the important issue of capacity building with respect to oil spills and cetaceans. This year it received information on several initiatives in this regard including a workshop at the 2nd International Conference on Marine Mammal Protected Areas. It is concerned about the potential problems of oil spills in the Arctic and the Committee agreed that the recommendations from that workshop⁴¹ will provide a useful basis for discussions related to oil at the forthcoming Arctic Anthropogenic Impacts Workshop (see Item 18.9).

18.4.2 Commission discussions and action arising
There were no discussions under this Item.

³⁹The Program's findings were described in detail in the USA's voluntary cetacean conservation report (IWC/64/CC5).

⁴⁰For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.2.2 [2013].

⁴¹<http://second.icmpa.org>.

18.5 Marine renewable energy developments and cetaceans

18.5.1 Report of the Scientific Committee⁴²

The Committee held a Workshop on Marine Renewable Energy Development (MRED) in Panama immediately prior to this year's Scientific Committee meeting (SC/64/Rep6).

MREDs include wind farms, tidal-stream driven devices and wave energy converters. All are potential ways to make energy and mitigate climate change, but all have the potential for negative interactions with cetaceans during their construction, operation and decommissioning. The demand for this type of energy is increasing around the world. The Workshop received reports on the current state of development and management of MREDs in Europe and the USA. Given the movements and migrations of cetaceans, trans-boundary issues are an important consideration. The Workshop developed, and the Committee endorsed, general principles and a strategy to minimise environmental threats posed by these developments. The Scientific Committee can assist in implementing aspects of this including: (1) assisting with international, collaborative research to determine baseline basic information about cetaceans that might be affected; (2) evaluating possible population impact assessments, especially those using modelling approaches that account for cumulative impacts from all sorts of threats; (3) designing monitoring projects to assess potential impacts; and (4) helping to promote data-sharing.

The Committee also reiterated its previous recommendations with respect to mitigation against noise which is also relevant to energy developments (see Item 18.6).

Finally, the Committee was concerned to receive information on the development of MREDs in Chilean waters that are in critical cetacean habitat. It strongly recommended urgent development of environmental impact studies and noted the need for a precautionary approach.

18.5.2 Commission discussions and action arising

Cyprus spoke on behalf of EU member states party to the IWC and said that in the European Union marine renewable developments and especially wind farms were increasing rapidly. There were a number of research programmes to monitor and mitigate the possible effects of such installations. These effects included habitat alteration, entanglement, collisions, contamination and the impacts of underwater noise. However, in light of the potentially accumulative effects arising from other anthropogenic threats there was a strong need to develop alternative and quieter techniques for the construction of wind farms to avoid underwater noise. Moreover, comprehensive environmental assessment must be conducted during the development of renewable marine energy facilities and Cyprus was committed to work cooperatively towards the mitigation of negative effects on cetaceans.

18.6 Anthropogenic sound

18.6.1 Report of the Scientific Committee⁴³

The Committee has often considered the issues surrounding the effects of noise on cetaceans. This year, the Committee discussed a paper that proposed a way to assess these effects. The first stage is to develop acoustic habitat maps integrating sound from multiple sources and overlay these with habitat maps of the spatial-temporal distribution and abundance of

cetaceans. This can then assist in identifying areas or periods of concern and data gaps. This information can lead to the development of precautionary measures to protect marine mammals from potential impacts as well as prioritisation of research to fill in the data gaps.

The Committee was pleased to receive information on relevant US work, specifically the projects called CetSound and CetMap (see below). It welcomed the development of mapping tools and recommended further development and improvements of the tools. It also welcomed the work being undertaken by the IUCN Western Gray Whale Advisory Panel and its Noise Task Force.

With respect to underwater noise from commercial shipping, it was noted that the IMO is working on guidelines related to noise from commercial ships; the Secretariat participates on the relevant IMO working group.

The Committee was pleased to receive an update on a major programme now known as PCoD (Population Consequences of Disturbance). It is envisioned that in the future, accumulative effects, behavioural responses and other factors, such as acoustic masking that could potentially affect health may be incorporated into the model. The Committee strongly encouraged further work on this model and looked forward to progress updates.

18.6.2 Commission discussions and action arising

The USA highlighted the report by the Scientific Committee which indicated that since 2011 it had been engaged in a project to improve evaluation of the impacts of human induced noise on cetaceans. As part of this project, the USA had convened two data and product driven working groups; the first one on underwater sound field mapping (CetSound) and the second on cetacean density and distribution (CetMap). The working groups completed their work in May 2012 and the USA held a symposium where their products were presented to scientists, NGOs, industry, Federal Agencies and local managers with a view to developing management applications. The USA expected that the final products and analysis would provide a biological and acoustic basis to inform subsequent management decisions. The USA supported the Scientific Committee's recommendations for further development of these tools and would continue to address ocean noise issues. It also encouraged the IWC to continue working with other international organisations, particularly the IMO as it works to develop ship quietening technology and reduce ocean noise. It further encouraged the IWC to explore new partnerships to further this work including potential collaboration with the Arctic Council. Mexico, Australia, Argentina and South Africa congratulated the USA on the development of CetSound and CetMap and described them as spectacular and sophisticated mapping packages which were incredibly useful for developing practical mitigation measures. Australia and South Africa indicated that they would like to collaborate intersessionally with the USA on further development and use of the tools.

Cyprus spoke on behalf of the European Union states party to the IWC and said that during the last century noise levels in the world's oceans had increased significantly as a result of multiple human activities. It said that the effects of noise ranged from disturbance of communication and group cohesion through to injury and mortality. It supported the Scientific Committee's work and especially its recommendation to improve mapping tools to depict the characteristics of both chronic and episodic underwater noise. Cyprus welcomed continued discussions between the IMO and the IWC regarding efforts to reduce the noise of newly

⁴²For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.6 [2013].

⁴³For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.4 [2013].

built vessels. It encouraged efforts to develop a modelling tool to determine the population level consequences of acoustic disturbance on marine mammals.

18.7 Climate change

18.7.1 Report of the Scientific Committee⁴⁴

The Committee has held two major Workshops on climate change and one follow-up Workshop on small cetaceans.

The Committee welcomed an update of a study related to the second climate change workshop's theme regarding single species-regional contrasts. This involved passive acoustic sampling from two recorders in the Atlantic and Pacific sectors of the High Arctic during 2008-09 and revealed a seasonal difference in occurrence of bowhead whales in the high Arctic. The Committee was also pleased to receive information from a programme known as SOAR (the Synthesis of Arctic Research) which, although not focused on cetaceans, includes some projects involving white whales and bowhead whales.

18.7.2 Commission discussions and action arising

India said that it had researched the impacts of climate change, including the impacts on marine mammals, as part of its overall climate change assessment. While the efforts to address climate change can be national and regional, the causative factors are global and cannot be attributed solely to developing countries. The actions and efforts to understand the effects of climate change that are undertaken by the developing countries must be supported financially and technologically by the developed whaling nations.

18.8 Ecosystem modelling

18.8.1 Report of the Scientific Committee⁴⁵

This year, one of the Committee's priority topics was a review of ecosystem modelling undertaken outside the IWC. It first considered a review on which types of ecosystem models can best be used to address different types of ecological questions. The review concluded that: (a) the choice of model depends strongly on the questions being asked; and (b) it is usually better to start with simple multi-species models with few components, then build up to more complex models if needed. Finally, the more complex multi-species models, such as food-web models and whole-system models are more suited to address broader questions.

The Committee then considered an analysis that attempted to develop quantitative bounds on consumption estimates for marine mammals. Parameter values were taken from the literature and sensitivity and risk analyses were undertaken to develop reasonable bounds on these parameter values. This technique is particularly useful when it is not possible to collect direct information on consumption from the animals of interest.

The Committee welcomed these analyses. It noted that consumption by marine mammals warrants inclusion as a source of natural mortality in assessments of prey stocks. It also noted the challenges involved in defining concepts such as optimum sustainable production in a multispecies context. Next year, the Committee will consider ecosystem modelling and the effects on predators of fishing for forage fish and simple models of whales and prey.

The Committee also considered three somewhat conflicting papers on Antarctic minke whale body condition

that led to major discussions. This followed similar discussions last year. One paper indicated there was a statistically significant decline in mean blubber thickness of Antarctic minke whales using data from JARPA. The second indicated that the JARPA data showed unlikely trends and much higher levels of variability in some parameters than would be expected, thus casting doubts on the results of the first study. The third paper used JARPA data from almost two decades and indicated a decline in energy storage in Antarctic minke whales which suggested that food availability may have been declining recently. No consensus view emerged and a number of analytical suggestions for future analyses were made as well as suggestions related to biological issues. The Committee looked forward to future analyses of these data.

18.8.2 Commission discussions and action arising

There were no discussions under this item.

18.9 Proposal for a Workshop on Anthropogenic Impacts to Cetaceans in the Arctic

18.9.1 Report of the Scientific Committee⁴⁶

In 2010 the Commission asked the Committee to develop an agenda for a Workshop on Anthropogenic Impacts to Cetaceans in the Arctic and in 2011 a draft agenda was completed and a steering group formed to further develop a plan for the workshop. This year a revised Agenda was presented to the Committee that focused on anthropogenic activities related to oil and gas exploration, commercial shipping and tourism. Recognising the broad complex nature of potential anthropogenic impacts to cetaceans in the Arctic, the Committee suggested that other activities such as commercial fishing and research could also be considered. Given the extent and complexity of the topic, the Committee recommended an initial scientific workshop to be followed by a workshop that addresses management and policy aspects related to Arctic anthropogenic impacts on cetaceans. It is expected that final specifications for the workshop will be developed by the workshop steering group, other IWC representatives and the Secretariat.

18.9.2 Commission discussions and action arising

The USA indicated that it was looking forward to the workshop and said that it would work with interested member Governments and members of the Scientific Committee's Environmental Concerns Working Group to help finalise the Agenda. The USA planned to work by correspondence over the next few months with a goal of holding the workshop in early 2013. Cyprus spoke on behalf of the EU member states party to the IWC to express support for the workshop and agreement with the Scientific Committee's recommendation that the workshop should address the full range of anthropogenic threats faced by Arctic cetaceans.

18.10 Reports from Contracting Governments on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals

18.10.1 Commission discussions and action arising

The United Kingdom welcomed all the efforts being made to address cetacean environmental and health concerns. It reiterated support for the moratorium and for the UK's fundamental position against scientific whaling, now or by countries who wish to go down that road in the

⁴⁴For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.5 [2013].

⁴⁵For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 13 [2013].

⁴⁶For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.5.3 [2013].

future. It welcomed the increasingly important work of the Conservation Committee and countries continuing to look for constructive ways to work together to address the increasing threats to all cetaceans. In particular, the UK followed with great interest the progress being made by the IWC on welfare issues, including those associated with the entanglement of large whales and marine debris, and also the on-going work on whalewatching.

18.11 Health issues

18.11.1 Commission discussions and action arising

CORRESPONDENCE WITH THE WORLD HEALTH ORGANISATION

The Secretariat drew attention to document IWC/63/9 which was submitted to IWC/63 in 2011 but not discussed. It explained the steps taken by the Secretariat to reactivate communication with the World Health Organisation (WHO) following a Commission request made in 2010. The information provided by the WHO showed that it had, in 2006, reaffirmed a Provisional Tolerable Weekly Intake of 1.6µg of methyl mercury per kg body weight to protect consumers of fish and other seafood. St Kitts and Nevis welcomed the Commission's intention of involving the WHO in this issue and asked for equal treatment towards the IMO on safety at sea. It believed that safety at sea should become an IWC issue with advice being given from IMO.

RESOLUTION ON THE IMPORTANCE OF CONTINUED SCIENTIFIC RESEARCH WITH REGARD TO THE IMPACT OF THE DEGRADATION OF THE MARINE ENVIRONMENT ON THE HEALTH OF CETACEANS AND RELATED HUMAN HEALTH EFFECTS

Cyprus spoke on behalf of the EU member states party to the IWC and said that the health of the oceans and marine biodiversity were negatively affected by a variety of marine pollution from various sources. Over the past years there had been mounting evidence of degradation of marine biodiversity along with potential harm to ecosystem services and functioning. In some places the increase in levels of organic contaminants, heavy metals and pathogens had taken its toll on the conservation status of cetaceans and could, in specific cases, also entail effects on human health. Cyprus noted that the IWC had already expressed concern over environmental degradation and its effects on cetaceans arising from organic contaminants and heavy metals in previous Resolutions. However it believed that the time had come to revisit this issue and accordingly it had submitted a draft Resolution for the Commission's consideration (IWC/64/13).

Germany elaborated on the key elements of the Resolution by stating that the increasing levels of organic contaminants and heavy metals in the marine environment raised concerns about their impact on the health of cetaceans and their potential harm to people consuming whale meat. The last time the IWC adopted a Resolution on this important topic was more than 10 years ago⁴⁷ and since then a number of scientific studies had been published on this issue. In particular the Arctic Council's 2011 study on Arctic Pollution gave a comprehensive overview of the serious challenges to be tackled. The Resolution placed continued scientific research as a first priority and requested the Scientific Committee to remain engaged in the evaluation of the available data on organic contaminants and heavy metals

in cetaceans and effects on reproduction. Secondly, the Resolution called upon Governments to take all necessary steps to implement existing legislation and standards aiming at reducing the import of contaminants including heavy metals into marine ecosystems. Finally, the Resolution appealed to the Governments concerned to remain vigilant and to inform consumers about all potential health effects related to the consumption of cetacean products.

Norway requested four small amendments to the text to clarify that the concerns regarding contaminants were related only to some rather than to all cetacean species and populations. Iceland emphasised the difference in contaminant levels between baleen whales and toothed whales. Mexico drew attention to recent studies showing that contamination is not limited to toothed whales but is found also in baleen cetaceans, for example accumulation of mercury and heavy metals in minke whales beyond levels that are tolerable to human beings. Australia requested the addition of a preambular paragraph reading 'Recalling also that IWC Resolution 2003-2 urges Governments to limit scientific research to non-lethal methods only'. The USA requested a change to the penultimate operative paragraph to request governments to inform consumers about both the positive and negative health effects related to consumption of cetacean products and to take actions to counter the negative effects.

Switzerland stated that the environment health issue had become a bigger concern over the years and that the consequences for human health were beyond the role of the IWC. However it invited Contracting Governments to work together to tackle problems relating to the United Nations Framework Convention on Climate Change and as well the on-going negotiations surrounding the Convention to regulate or minimise the negative effects of mercury. Switzerland confirmed it was happy to be associated with the draft Resolution and requested the sponsors to accept co-sponsorship from Switzerland.

Norway, Switzerland, Australia, St Kitts and Nevis, the USA, Ecuador, Colombia, New Zealand, India, Brazil, Mexico, Argentina and Chile expressed support for the Resolution and the proposed amendments by Norway, the USA and Australia. Iceland, St Lucia, Japan, Palau, and Tanzania also supported the draft Resolution and amendments, with the exception of that proposed by Australia.

The Chair observed that there was widespread support for the draft Resolution and proposed to hold the item open so as to give the proponents time to take account of the requested changes. Upon returning to the discussion, Germany confirmed that the text of the draft Resolution had been updated as follows: (1) Switzerland had been added as a co-sponsor; (2) modifications had been made to the text in response to Norway's proposed amendments; (3) a preambular paragraph had been added as requested by Australia; (4) the change requested by the USA regarding both the positive and negative health effects had been made to the penultimate operative paragraph; and (5) the second sentence of the penultimate operative paragraph had been proposed for deletion as it repeated the meaning of the first sentence.

Mexico and Australia said that they would have preferred the second sentence of the penultimate operative paragraph to be retained rather than deleted. Japan noted that the proposed Resolution referred to several previous Resolutions (e.g. 2003-2) which were adopted by vote rather than consensus. Noting the Chair's request that the

⁴⁷See Resolution 2001-10 'Resolution on the Stockholm Convention on Persistent Organic Chemicals' (*Ann. Rep. Int. Whaling Comm.* 2001: 58 [2002]).

current draft be adopted by consensus Japan requested the removal of references to previous Resolutions which had been adopted by vote.

Australia said that given the importance of the draft Resolution it did not wish to block consensus adoption. Accordingly it was willing to delete the paragraph it had proposed for addition which referred to IWC Resolution 2003-2 urging Governments to limit scientific research to non-lethal methods only. Australia stated that it attached very great importance to Resolution 2003-2 and it made the proposal to delete the paragraph only because of the importance of health effects on cetaceans and human beings. The Chair, Germany, the USA and St Kitts and Nevis thanked Australia for assisting the achievement of consensus.

St Kitts and Nevis highlighted the wording of Resolution 1999-4 which requested the Secretariat to *correspond with* the World Health Organisation which led to a welcome exchange of information. However, the proposed draft Resolution requested *increased cooperation* with the WHO, which St Kitts and Nevis considered to be a different activity and that it was outside of the scope of the IWC to become involved in the affairs of another organisation. In order to ensure consistency with Resolution 1999-4 St Kitts and Nevis requested that the phrase *increased cooperation* in the first operative paragraph be changed to *increased exchange of information*.

Germany reported that the amendments discussed were acceptable to the co-sponsors of the Resolution including the additional amendments as suggested by Mexico and St Kitts and Nevis and the withdrawal of the paragraph referring to Resolution 2003-2 as proposed by Australia. With regards to these final amendments the Chair acknowledged the consensus support for the Resolution, which was adopted accordingly. The agreed text of Resolution 2012-1 is provided at Annex D.

Sandra Altherr of Pro Wildlife welcomed the proposed Resolution which summarised past discussion on contamination of cetacean products and encouraged closer cooperation with the World Health Organisation. Given recent scientific findings, Pro Wildlife said this initiative should be of high priority for all IWC members. In 2012 a scientific review of five cohort studies in the Faroe Islands indicated that consumers of all ages were exposed to serious health risks related to the consumption of contaminated cetacean products. In children impacts on reaction time, attention, memory and language were recorded where their mothers had consumed contaminated whale meat during pregnancy and breast feeding. These effects correlated with exposure to mercury and PCB levels. A follow up study documented that the effects still manifested in children seven years later. Adults were also affected as shown by cohort studies from the Faroe Islands. These showed that adults in their 70's had an increased risk to diabetes and Parkinson's disease in relation to PCB and mercury levels. In Greenland a 2004 study showed that variations in mortality were thought to be related to differences in organo-chlorine levels. Furthermore, persistent organic pollutants may contribute to sex ratio changes in the offspring of exposed populations. In Canada in 2011 new results from a study involving 300 children from all 14 Nunavik communities were published. The study directly associated mercury exposure from beluga whale meat with a 'poor intellectual function and attention in school'⁴⁸. In 2011, the Arctic Monitoring and Assessment Program released a report on Arctic pollution

which underscored that marine mammals and fish were the main source of mercury exposure for Arctic indigenous people. The report called on health authorities to 'promote the availability and consumption of imported food items with high nutritional value and to promote consumption of traditional local foods such as fish and terrestrial mammals that have lower levels of mercury and high nutrient value'. There were several other scientific papers which have been published over the last two years with alarming results. These findings were not limited to toothed whales as baleen whales with high contamination levels exceeding safety limits had been identified for example northern minke whales and Bryde's whales. Pro Wildlife said that the issue needed to be addressed urgently and the Resolution was therefore timely and appropriate.

18.12 Other

The Commission noted the Scientific Committee's report on Environmental and Health Issues and endorsed its recommendations.

19. OTHER SCIENTIFIC COMMITTEE ACTIVITIES, ITS FUTURE WORK PLAN AND ADOPTION OF THE SCIENTIFIC COMMITTEE REPORT

19.1 Small cetaceans

19.1.1 Review of ziphiids in the North Pacific Ocean and the northern Indian Ocean

REPORT OF THE SCIENTIFIC COMMITTEE

The Committee's main focus this year was a review of ziphiids in the North Pacific Ocean and the northern Indian Ocean. This was a major task and involved reviewing 10 species. Considerable valuable information was presented on biology, ecology, status and conservation issues. A number of specific scientific recommendations were made. This is not surprising given that beaked whales are difficult animals to study and so there are major information gaps for several of the species. This is reflected in the fact that eight of the species are listed as data deficient by IUCN and the Committee had no information to suggest changes to the classification.

This summary focuses on common issues and threats and on general recommendations. A well-known threat to beaked whales comes from military sonar and seismic surveys. The Committee received information on field techniques to examine stranded animals to try to establish cause of death. Provided that the animals can be examined within about 12 hours then sampling bubbles for gas composition is a valuable technique, especially for mass strandings.

The Committee also noted that there have been no atypical mass strandings of beaked whales off the Canary Islands since international military exercises ceased in 2004. This supports the inference that the atypical mass strandings reported there before that time were caused by mid-frequency sonar.

Given the evidence, the Committee strongly recommended that military exercises involving sonar and seismic surveys should avoid important beaked whale habitat and other mitigation measures should be improved. To assist in this, international collaborative efforts should be made to determine important beaked whale habitats. The Committee also reiterated two previous recommendations regarding further studies on beaked whales and noise, and the provision of advance notice of military sonar exercises and seismic surveys.

⁴⁸Quote taken from a video by the Nunavik Regional Board of Health and Social Services.

The Committee also received information on the possibility that beaked whales are especially vulnerable to marine debris. It recommended further investigation of this issue including the development of standard pathology protocols. Further information is needed to enable better assessment of status including population structure and abundance. Special attention should be paid to small and/or exploited populations.

Related to this, the Committee recommended that more efforts are made to develop methods for assessing these difficult-to-study species including the use of acoustics and improved analytical techniques for visual and acoustic surveys. Collaborative spatial modelling exercises similar to that undertaken for Mediterranean beaked whales should be undertaken in the region, to develop maps of potential critical habitat.

As for many other species, entanglement in fishing gear is an actual or potential threat to beaked whales in the region. The Committee recommended that methods be developed and applied to estimate mortality rates with special attention being given to areas where beaked whales and fishing operations overlap.

The Committee received some evidence of a decline in beaked whale abundance along the west coast of the USA that might be related to large-scale environmental change. It recommended that studies be undertaken to investigate this further.

Finally, the Committee recommended collaborative integrated studies to work further on genetics, photo-identification, acoustics and surveys.

19.1.2 Vaquita

REPORT OF THE SCIENTIFIC COMMITTEE

The Committee was extremely sorry to have to once again stress that this species is close to extinction. It has stated this many times and made very strong recommendations but the most recent monitoring information showed that the population has continued to decline since 2008 when the abundance estimate was perhaps as few as 220 animals. This is despite the actions taken by the government to reduce fishing effort. The Committee received information that illegal fishing continues with one report of 87 boats fishing within the refuge.

The Committee strongly endorsed the report and recommendations of the International Committee for the Recovery of the Vaquita held from 20-23 February 2012. It also made two additional recommendations: one on the expedited approval and adoption of shrimp trawls as alternatives to shrimp fishing with gillnets throughout the entire range of the vaquita not just within the refuge; and a second on continued research on technologies to reduce gillnetting for finfish or otherwise to remove all gillnets from the vaquita's entire range.

To conclude, the Committee strongly reiterated its extreme concern. It reaffirmed that the only reliable approach for saving the species is to eliminate vaquita bycatch. That means removing entangling gear from all areas where the animals occur. It strongly recommended that, if extinction is to be avoided, all gillnets should be removed from the upper Gulf of California immediately.

COMMISSION DISCUSSIONS AND ACTION ARISING

The USA, supported by Argentina, Chile and Panama, commended the Government of Mexico for its past conservation initiatives on the fisheries bycatch of the vaquita. Nonetheless these countries were greatly concerned about the continuing plight of the species. Noting that the

Scientific Committee had expressed its extreme concern for the status of the vaquita these countries supported continued joint efforts with Mexico to develop alternate fishing gear and alternate approaches to fishing that adequately protected a species at the brink of extinction.

Austria said that the core responsibility of the IWC was to protect whale and dolphin population species from extinction. One worst case scenario had taken place very recently; namely the extinction of the baiji in China and the IWC was on the brink of another worst case scenario in respect of the vaquita in Mexico. Austria said that that there was a need to take responsibility for species conservation, and that the responsibility would be all the greater when a highly evolved mammal species is lost forever. The Scientific Committee has communicated its concern in the strongest language they have at their disposal. Austria considered that it was time for diplomatic niceties and step wise strategies to take a back seat to immediate concrete action, with no compromise. It therefore called upon the Commission, the Secretariat, the range state and NGOs to bundle and boost their efforts on the vaquita to an entirely new higher level of urgency and resoluteness. Ecuador said that it had recognised the rights of nature in its constitution and urged support for Austria's proposals and the reduction of impacts by gillnets.

Cyprus spoke on behalf of the EU member states party to the IWC to express its deep concern about the threats to vaquita posed by gillnets. It said that bycatch is an extremely severe threat to cetaceans worldwide which is estimated to kill 300,000 whales, dolphins and porpoises each year. It congratulated Mexico for its positive stance which had included a programme to reduce the use of gillnets in vaquita habitat. Cyprus hoped to see the rapid implementation of the Scientific Committee's recommendation that all gillnets now be removed immediately. The EU had been working with Mexico on this initiative and hoped to continue doing so.

Mexico expressed its gratitude for all comments related to the vaquita and recalled that it had reported progress on this issue since 1997. It recognised that there was still much to be done to eliminate the gillnets and allow this species to recover. The goal of the comprehensive vaquita recovery programme was to protect and conserve the marine mammal and it included socio-economic and cultural considerations as well as fisheries management and monitoring concerns. Progress made so far included significant declines in illegal fishing and the rate of loss of the population had become much slower but was not yet able to bring about a recovery of the population. A working group was currently developing a process to amend the law regulating shrimp fishing with the idea being to remove gillnets from 2013 onwards. The progress made so far was due in great measure to the Scientific Committee's recommendations and also the IWC Resolution 2007-5 on vaquita. Mexico thanked the countries who continued to support work on vaquita and particularly the USA for its on-going partnership and Sweden for its assistance in the development of alternative fishing gears.

19.1.3 Eastern North Atlantic harbour porpoise

REPORT OF THE SCIENTIFIC COMMITTEE

The Committee considered the eastern North Atlantic harbour porpoise and specifically those living in the Baltic, Kattegat/Belt and North Sea areas. Results from ASCOBANS reinforce earlier concerns about the sustainability of bycatch in the region. In addition, a number of other factors potentially affecting the porpoise populations in the region, including declines in availability of prey, ship traffic, construction work, seabed exploitation, contaminants and diseases.

The Committee is especially concerned about harbour porpoises found in the Belt Sea stock where there are indications of decline. The Committee looks forward to receiving the results from a dedicated survey carried out in the summer of 2012. Bycatch is the major source of mortality and should be monitored and mitigated. Bycatch is not adequately monitored and mitigated there because the EU regulations do not apply to boats <12m. The Committee also made a number of recommendations with regard to the 'Gap' area. These relate to gaining a better understand threats and the development of appropriate mitigation measures.

Finally the Committee reiterated its longstanding concern regarding the critically endangered harbour porpoise population in the inner Baltic ('Baltic proper'). The Committee urged that effective monitoring and mitigation measures are included in national management plans.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

19.1.4 *Franciscana in Brazil*

REPORT OF THE SCIENTIFIC COMMITTEE

The Committee was pleased to receive the results of a survey undertaken under the IWC's Small Cetacean Voluntary Fund of the franciscana in what is called Franciscana Management Area 1 (or FMA 1) in Brazil. The estimate for FMA 1 was around 2,000 franciscanas with a wide confidence interval of 800-5,000. A comparison with the only available bycatch estimates from the early 2000s suggests that current bycatch may be high and unsustainable. The Committee endorsed the recommendations in the National Action Plan for the Recovery of the Franciscana developed by the relevant government agency of Brazil, as well as a number of additional recommendations.

COMMISSION DISCUSSIONS AND ACTION ARISING

Brazil said that it was concerned over the problems faced by the franciscana and had evaluated the Scientific Committee's recommendations, which it would adopt. Brazil provided a paper containing further details which had been analysed and welcomed by the Scientific Committee. Brazil thanked the IWC for the research it had undertaken and stated that it was committed to improving research and monitoring in order to reduce anthropogenic mortality.

19.1.5 *River dolphins*

REPORT OF THE SCIENTIFIC COMMITTEE

The Committee has expressed great concerns over the status of river dolphins in the past. This year, it reiterated serious concerns over the population implications of the intentional killing of botos and tucuxis for use as bait in the piracatinga fishery in Brazil. This relatively new and rapidly growing problem is in addition to other historical and ongoing threats to these dolphins, e.g. from incidental mortality in fisheries, vessel traffic, hydroelectric dams, mining and other development.

In this light, the Committee recommended the organisation of an international scientific workshop involving scientists and managers from the range states. The goals of the workshop would be to address research and conservation priorities, standardise methodologies and develop long-term strategies. The status of the boto and tucuxi will be added as a recurrent item on the Committee's agenda. The Committee welcomed information that the Government of Brazil was supporting a PhD studentship to further methods of assessing river dolphins.

The Committee was pleased to hear that WWF-Pakistan had hosted a Conservation Strategy Planning Workshop in

Lahore (Pakistan) during April 2012 to begin to develop a ten-year strategic action plan for the endangered Indus River dolphin.

All freshwater populations of Irrawaddy dolphins are listed on the IUCN Red List as Critically Endangered. The non-calf Mekong River population is estimated at 85 individuals with recruitment close to zero. The available information suggests a slow decline (2.2% per year) with serious implications for the long-term viability of the population. Last year, the Committee expressed grave concern about the rapid and at least partially unexplained decline of this riverine population. Unfortunately, the high mortality of young calves has continued as has the occasional mortality of adults from entanglement. This year, the Committee commends the Cambodian government agencies and WWF-Cambodia for making serious, concerted efforts to diagnose the cause(s) of calf mortality and further reduce the risk of entanglement. The 'Kratie Declaration' is a major step forward and the Committee recommended that it be fully implemented as quickly and as effectively as possible.

COMMISSION DISCUSSIONS AND ACTION ARISING

Brazil welcomed the Scientific Committee's recommendations regarding the boto and tucuxi and was ready to adopt them. It was particularly concerned with the new problem of these species being used for bait and said it was committed to organising the suggested international scientific workshop on these species as soon as possible.

Colombia indicated that it would act in line with the Scientific Committee's recommendations to undertake coordinated efforts with the range states to evaluate the impact of the dedicated catch of the species which were endemic to the Amazon watershed. These threats, including the use as bait, were a cross-border problem which had been gathering strength in recent years. The results of the deliberations would be submitted to the next meeting of the Scientific Committee and Colombia asked for this topic to remain on the Commission's agenda.

China introduced information on its work to protect the Yangtze finless porpoise whose population numbers around 1,400 individuals living exclusively within the Yangtze River. The Government had introduced nature reserves and established protection from hunting. A number of dolphins had been removed to support breeding programmes and two or three babies had been born each year. Public awareness measures had also been introduced and China would continue to make future efforts to protect the population.

19.1.6 *Central American small cetaceans*

REPORT OF THE SCIENTIFIC COMMITTEE

The Committee was pleased to receive three papers on work on small cetaceans in Columbia, Venezuela and Costa Rica. Such work to establish baselines, distribution records, and habitat requirements was essential to addressing the concerns of the Committee.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

19.1.7 *Hector's dolphins*

REPORT OF THE SCIENTIFIC COMMITTEE

The Committee received new information on endangered Hector's dolphins in New Zealand, where bycatch from legal and illegal fishing is a serious problem. Although the news was better for the Bank's Peninsula where there is a protected area which shows signs of improving, the Committee expressed particular concern about the low abundance of Maui's dolphins, a North Island subspecies of

Hector's dolphin which may number as few as 55 animals. It recommended the immediate implementation of the proposal by the New Zealand Ministry for Primary Industries to extend the North Island protected area. This would at least protect an area with high gillnet and trawl fishing effort. The Committee also agreed that adequate observer coverage across all inshore trawl and gillnet fisheries was important in order to obtain robust scientific data on continuing bycatch as a means of assessing the effectiveness of protection measures.

COMMISSION DISCUSSIONS AND ACTION ARISING

Cyprus spoke on behalf of the EU member states party to the IWC and noted that the Maui's dolphins of New Zealand were strongly affected by gillnets. Given the extremely low numbers of Maui's dolphin, recommendations to ban all gillnets from the Maui's dolphin's habitat had been made by the Scientific Committee. Cyprus was interested to know what steps New Zealand intended to take to implement the recommendation and address this critical problem.

New Zealand stated that its Government and people were very concerned about the Maui's dolphin population and it had reported to the Conservation Committee on the steps being taken to protect the endemic dolphins. In response to a Maui's dolphin being caught in a commercial gillnet off Cape Town in January 2012, New Zealand undertook a threat management assessment process. As a result of that assessment the Department of Conservation and the Ministry for Primary Industries proposed to extend the boundaries of the existing marine mammal sanctuary and fisheries restricted area off the west coast of the North Island. In July 2012 the Ministry for Primary Industries was expected to implement the decision to extend the area banning all commercial and recreational set netting by 80 linear miles and by over 230,000 hectares. The extension of the sanctuary and fisheries restricted area meant that there will be protection for Maui's dolphins over the whole of the dolphin's known range.

New Zealand considered that Protective Area Management was effective for improving marine mammal survival. In the same context it reported that the survival of Hector's dolphins at Bank's Peninsular had improved by over 5% since the creation of a marine mammal sanctuary in that area.

Argentina, Chile and Sweden thanked the Government of New Zealand for its actions to protect the Hector's and Maui's dolphins. Argentina recorded its support for all of the Scientific Committee's recommendations on small cetaceans.

19.1.8 Catch and bycatch information

REPORT OF THE SCIENTIFIC COMMITTEE

The Secretariat provided a summary of small cetaceans catch and bycatch in 2009-11 from this year's national Progress Reports. The Committee is concerned that it is not doing enough to take advantage of the significant catch and bycatch information it receives and has agreed to consider this further intersessionally. It reiterated the importance of having complete and accurate catch and bycatch information and encouraged all countries to submit data, appropriately qualified and annotated. The Committee received an update on a humpback dolphin project which had found evidence of a significant bycatch problem in Congo.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

19.1.9 Future priority topics

REPORT OF THE SCIENTIFIC COMMITTEE

The Committee had agreed that ziphiids of the Southern Hemisphere will be the priority topic at the 2013 meeting and the systematics and population structure of *Tursiops* should be the priority topic for 2014. However, in the past, the Committee has sometimes re-evaluated the priority topics based on the location of the meetings. The Committee also agreed to proceed with planning for a workshop characterised along the lines of 'poorly documented hunts of small cetaceans for food, bait or cash'.

19.1.10 Other small cetacean issues

COMMISSION DISCUSSIONS AND ACTION ARISING

South Africa thanked the Scientific Committee for its review of ziphiids and also noted that the Committee had expressed great concern regarding the conservation status of several small cetacean species and had made recommendations to mitigate impacts. South Africa endorsed all those recommendations and urged the Commission and range states to adopt and implement such measures.

Peru provided an update on the recent mortality of small cetaceans that occurred along the northern Peruvian coast between February and the first half of April 2012. The Peruvian Government had investigated the event and produced a multi-disciplinary report that considered the ecological, environmental and human impacts. The main results indicated that the individuals examined showed good physical condition without evidence of injuries or clinical signs related to *Brucella*. The results of the molecular analysis were also negative. No internal haemorrhaging was found or alterations to the organs including the brain. Climate conditions in the region had been atypical with warm waters from the northwest, intense rainfall that led to higher than average river levels and the occurrence of an El Niño event along the coastline. Causes related to human activities including direct impact resulting from contamination by heavy metals and other pollutants had been discounted, and the seismic exploration undertaken in northern Peru in 2012 was not related because the strandings began before the survey commenced. Peru had not been able to determine the exact cause but was considering the possibility of bio-toxins related to algal blooms may have played a role. It said that it would continue to investigate and would present a further report to the Scientific Committee.

Chile congratulated the Scientific Committee on its work and the growing concern for the conservation of small cetaceans. It said that this year there were many recommendations to promote further research but a lesser number of recommendations related to conservation. It said that this was uneven across the working groups and urged the Scientific Committee to also focus on conservation recommendations. Mexico supported Chile and highlighted the conservation management recommendations it had received in respect of the vaquita.

19.2 Regional non-lethal research partnerships

19.2.1 Report of the Scientific Committee⁴⁹

The Southern Ocean Research Partnership (SORP) was originally proposed by Australia. The objective is to develop a multilateral non-lethal research programme that will provide relevant scientific information to the IWC. The partnership now involves 10 countries. The IWC has a voluntary budget associated with SORP with contributions from Australia and the USA.

⁴⁹For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 19 [2013].

Many of the recommended SORP projects have been discussed under other items and this is particularly true of the major projects related to blue whales, especially the Antarctic Blue Whale Project and the project on blue and fin whale acoustics. The Committee encouraged further international involvement in this programme, stressing the importance of standardised research protocols. The Committee was also pleased to receive updates on work on killer whales and Oceania humpback whales.

The Living Whales Symposium comprised an open symposium and four subsequent workshops that were held in Chile from 27-29 March 2012 (see SC/64/O14). Its full title was 'Living whales in the Southern Ocean: advances in methods for non-lethal cetacean research'. The workshop on health assessment recommended that health assessment data and studies should be integrated with population dynamics data, where possible; and that integration of live animal health assessment with studies on dead and stranded animals, particularly within the same geographical region, is highly informative and should be a priority. The workshop on large whale population dynamics and environmental variability looked at data and modelling/analytical approaches. It recommended that long-term studies, photo-identification and biopsy sampling be routinely used. It also promoted the use of geochemical tracers (e.g. stable isotopes) and other 'eco-markers', including DNA, since this approach can help to identify foraging locations of populations. The workshop on advances in long-term satellite tagging techniques reviewed recent advances on tag development. It recommended increased design effort to minimise/eliminate trauma of implant and water ingress. Some devices have the potential to cause considerable tissue damage and that studies on carcasses derived from incidental mortality should be conducted, as well as the monitoring of tagged animals. In addition to technical development recommendations, the workshop highlighted the need to create awareness on the use of these techniques prior to the tagging project. The workshop on the estimation of diet and consumption rates highlighted several techniques that might be used to achieve this difficult objective. Understanding interspecific differences in prey preference will help to predict how climate driven changes affect krill and, ultimately whales. The need for improved knowledge of how local oceanographic conditions and prey availability affect the foraging behaviour and distribution was highlighted. The importance of better understanding of foraging strategies, prey choices and feeding destinations was also recognised.

The Committee thanked the Symposium/Workshop organisers and funders. Its value for improving current cetacean research was stressed. It may also assist with research on climate change impacts on cetaceans, e.g. southern right whales in the southwest Atlantic, in line with wider SORP objectives.

19.2.2 Commission discussions and action arising

The USA thanked the Chair of the Scientific Committee for her presentation of the SORP and noted the growing consensus on the importance of the programme which was inter-disciplinary as well as international in scope. The USA commended Australia for its efforts and pledged to continue USA participation and support. It noted that in this budgetary environment Australia's effort was truly exceptional and should be applauded. France thanked Australia for the SORP initiative which showed that non-lethal scientific research could be constructively carried out in the Southern Ocean. It said that the French participation would be carried out from the icebreaking vessel *Astrolabe*

in the Southern Ocean and the data obtained would be at the disposal of the SORP community so as to contribute to better understanding of the species, their movements and their relationship with the environment. Chile supported the work done under SORP and had actively participated in the programme. It recalled that it had hosted the Living Whales Symposium in March 2012 and thanked the Governments of the USA and Australia as well as the IWC for supporting the event. Mexico, Argentina, Monaco and New Zealand all congratulated Australia on the SORP programme. Australia thanked those countries who had participated in SORP and especially thanked Chile for hosting the Symposium.

19.3 Other activities

19.3.1 Report of the Scientific Committee

19.3.1.1 STOCK IDENTITY⁵⁰

This item deals with the technical issues related to stock definitions and population structure that face the Committee. Information on population structure is an essential part of the Committee's work and it is especially important when assessing the status of whale populations using the modelling frameworks that form the basis for the provision of conservation and management advice. This modelling forms the basis of in-depth assessments and RMP or AWMP status evaluations. These are all key to providing advice on the effects of human activities on whales, including direct hunting, bycatch in fishing gear and ship strikes.

The Committee agreed a number of recommendations concerning the methodological and technical issues related to stock definitions as well as general guidance on the presentation and interpretation of genetic data.

The Committee also discussed the progress made in updating the 'living document' that provides guidelines for ensuring sufficient quality in genetic data. This is especially important when they are used to inform the provision of conservation and management advice. The Committee is also close to completing a set of guidelines for the use and interpretation in an IWC context of some of the more common types of statistical analyses of genetic data. Both sets of guidelines will be available on the IWC website and published. A suite of definitions of terms like 'population', 'subpopulation', 'stock', 'sub-stock' and 'management unit' is being developed.

The Scientific Committee has also developed a software package called TOSSM which can be used to evaluate the value of specific analytical methods for setting stock boundaries. It is very important to understand scientific uncertainty in this when providing conservation and management advice. It can be used to investigate how certain observed genetic results might arise. This is important in providing conservation and management advice. For example, it was helpful in the review of the Pacific Coast Feeding Group of gray whales this year.

19.3.1.2 DNA TESTING⁵¹

GenBank is an important worldwide scientific database that provides as annotated collection of all publicly available DNA sequences. It contains many millions of entries. The Committee has reviewed the cetacean entries in *GenBank* in the past and has found some inconsistencies. It has been trying to clarify these entries but have had some difficulties contacting the relevant authors. It is investigating ways to ensure that the records are updated.

⁵⁰For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 11 [2013].

⁵¹For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 16 [2013].

The Committee has also been reviewing DNA registers held by a number of countries. These domestic registers contain individual identification data and can be used to determine the origin of whale samples. The information is submitted voluntarily to the Committee by countries. To assist the Committee's review, it had agreed a new format for the updates of national DNA registers last year. It welcomed the fact that the updates of the DNA registers by Japan, Norway and Iceland this year were based on this new format. This greatly facilitated the annual review. The Committee also commended the analyses on quality control carried out on the Norwegian DNA register.

19.3.1.3 WORKING METHODS OF THE COMMITTEE⁵²

The Committee regularly reviews its working methods and this year covered five topics.

The first topic related to ways to reduce the financial and environmental costs of meetings. This was reported to the Finance and Administration Committee and can be found under Item 21 below.

The second topic related to clarifications of the long established Data Availability Agreement (DAA). This specifically related to requests under what is termed 'Procedure B'. These are requests for data that are deemed important in providing advice to the Commission on matters other than catch limits. The full Data Availability Agreement, adopted by the Scientific Committee and the Commission can be found on the IWC website. The 'Procedure B' process has generally worked well and especially so when the Committee has been able to clearly specify the data request during the Committee meeting. The Committee reiterated the importance of clearly specifying any data requests. The Committee has always encouraged collaboration in research projects under the DAA but this is not mandatory. To avoid misunderstandings, the Committee recommended that an additional point to clarify this be added to the Data Availability Agreement Procedure B text.

The third topic related to updating the Committee's handbook. This follows on from discussions last year, when it was agreed that the Chair of the Scientific Committee should develop a review document for consideration this year. This document focused on whether or not there is a need to expand on the guidelines with respect to further details about the roles of Convenors and co-Convenors, time frames of service and the roles of Heads of Delegation.

After a full discussion, the Committee agreed that the basic responsibilities of Convenors and co-Convenors as described in the Handbook (published on the website), do not need amending. It did, however, recommend additional text to ensure that a draft prioritised list of funding projects should to be made available to the full Committee in enough time for them to review it thoroughly, as had been the case this year. It also agreed that the co-Convenor concept has worked well, and it recommended additional text on the eligibility of Convenors and co-Convenors be added to the Handbook. The Committee also agreed that the existing guidelines on the selection of Convenors by the Chair are adequate and provide the necessary flexibility. It reaffirmed that the Chair should take carefully into account the length of service of Convenors when appointing them. This can be revisited in future years if necessary. The Committee also agreed that the roles of Heads of Delegations were adequately provided for in the existing Handbook. Finally, it agreed that the Handbook, when updated, should also be

available as a pdf file. It will eventually contain a glossary of the many acronyms and specialist terms that are used in Scientific Committee reports.

The fourth topic related to providing assistance to new members on the working of the Committee. One of the reasons for the introduction of the Handbook was to assist new members, as well as being a reference for all. However, the Committee recognised that it can seem a complex place for new members. Therefore, it has agreed that an introductory lecture on the Committee and its methods of working will be given during the first or second day of the Scientific Committee meeting.

The fifth topic related to a suggestion by one member that suggested that while management recommendations are widely given in some sub-committees, especially when addressing whaling issues, in other sub-groups, the attention seems to be more focused on scientific recommendations with relatively few conservation recommendations. It was suggested that this be reviewed further in the context of an increased emphasis on conservation recommendations. Given the limited time available at this meeting to discuss this issue, the Committee agreed that this matter should be placed on the Agenda for discussion at next year's meeting.

19.3.1.4 PUBLICATIONS

Despite staff limitations the IWC publications department produced a 520pp Supplement, 3 issues of the *Journal* (two are at the printers) with one more almost complete; and a Special Issue on Southern Hemisphere humpback whales.

The special issue on the RMP is progressing and should be available early 2013. A special volume commemorating the IDCR/SOWER cruises will be undertaken by an Editorial Board under Bannister.

The testing and trial process for a complete online submission and review process has been completed and has recently become operational.

All of the *Journal* volumes are now available as pdf files and the *Journal* will become available in that format either directly via the new IWC website or through an existing company; the Secretariat is in the process of examining the practical and financial implications of this and will report back to the Committee next year.

The Committee thanked Donovan and his team for the excellent work on publications. It reiterates the importance of these to its work as well as providing outside scientists the opportunity to benefit from the Committee's work and to encourage co-operation with the Committee.

19.3.1.5 ELECTION OF OFFICERS

This was third and last year as Chair of the Scientific Committee for Debra Palka. The Committee expressed its great appreciation for her tireless, fair and excellent work during the three-year term. It was also Dr Toshihide Kitakado's last year as Vice-Chair and the Committee was pleased that he has agreed to take on the role of Chair at the end of the Commission Meeting. Finally the Scientific Committee Heads of Delegations unanimously nominated Dr Caterina Fortuna from Italy as Vice-Chair and the Committee welcomed her acceptance.

19.3.2 Commission discussions and action arising

The Chair of the Commission was joined by the USA, Australia and Mexico in congratulating Dr Palka on the completion of her three-year term as Chair of the Scientific Committee. They commended her efforts and thanked her for her excellent handling of difficult issues. The Chair wished Dr Kitakado and Dr Fortuna every success in their new roles.

⁵²For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 24 [2013].

19.4 Scientific Committee future work plan

19.4.1 Report of the Scientific Committee⁵³

The Committee developed a proposed work plan and initial draft agenda. It stressed that it is the Commission that establishes overall priorities and the final agenda for next year's meeting will as usual take into account Commission discussions.

19.4.2 Commission discussions and action arising

Australia noted that the Commission establishes the Committee's overall priorities and said that it did not consider the proposed intersessional expert workshop for final review of Iceland's Special Permit programme on common minke whales as a Commission priority⁵⁴. This was particularly the case where budget allocations were limited. Special Permits were self-issued by the originating country and Australia saw no reason for the IWC to allocate significant resources to review self-issued Permits. At the very most, it suggested that some IWC funds could be used to support the core elements of the IWC implementation of the 'Annex P' process, including perhaps support for the Scientific Committee Chair and Vice-Chair and perhaps Head of Science. Australia said that this matter had a bearing on wider budgetary issues because of the number of other calls on the Commission's budget being raised through the work of other Committees and Sub-committees for which no provision was made in the budget. Accordingly it suggested that there was merit in including a standing item in the F&A Committee Agenda looking at the budget for intersessional work across all of the Committees, Sub-committees including the Scientific Committee, ASW Sub-committee, the group on Whaling Killing methods and associated welfare issues, the Conservation Committee and the Infractions Sub-committee. The F&A Committee could then recommend to the Commission a budget which addressed the Commission's key priorities across the work of all its Committees. The need to appropriately address funding of intersessional work programs was all the more important with the proposed move to biennial meetings.

The USA understood the need to finalise the review of Iceland's scientific whaling research programme which was an agreed process by the Scientific Committee and the Commission. The review was already overdue. However, given Iceland had already concluded its research programme the review could not be considered a priority or an immediate need. The USA asked that the Government of Iceland considered supporting half the cost of the workshop or that the total cost be reduced to less than £12,000. The UK and Mexico supported the statements by USA and Australia and the UK said that priority should be given to other projects identified by the Scientific Committee. Mexico said that those who undertook unilateral whaling should pay for it.

Iceland repeated its views recorded at Agenda Item 14.2.3 that it was unable to postpone or delay the workshop because of the advanced nature of the planning and the restricted availability of the necessary scientific staff. It welcomed the USA's suggestion of reducing the budget but was unable to accept the proposal because of the advanced nature of the plans.

Japan believed that the Commission should respect the Scientific Committee's proposed allocation of funding. It also highlighted that the proposed budgetary allocations had been approved and recommended in both the Budgetary Sub-

committee and the Finance and Administration Committee. Japan said that given the unanimous recommendations from both Committees there should be no need for the Commission to examine the budget.

In light of the discussions Australia, supported by Mexico and the United Kingdom proposed acceptance of the Scientific Committee's future work plan and the budget, including the £24,000 for the final review of Iceland's Special Permit whaling programme, but in doing so it recorded its view that countries who conduct unilateral self-determined whaling programmes under special permit should pay the full costs associated with any IWC reviews and that these reviews should not be paid for by the IWC. The issues had arisen because of a lack of clarity in 'Annex P' on how reviews would be funded. Recognising upcoming future reviews Australia suggested that the Commission (through the Finance and Administration Committee) should develop guidelines for funding such reviews and these be included in 'Annex P'. The USA accepted the proposed budget for the Scientific Committee and agreed the issue should be dealt with by the F&A Committee.

Iceland, supported by Japan and St Kitts and Nevis welcomed Australia's acceptance of the proposed budget. However these countries noted their disagreement with the view that all costs associated with the process should be borne by the country conducting the research. The review was organised by the Scientific Committee and the total costs were therefore decided by the IWC. There was no upper limit to such costs in 'Annex P' and so it was unreasonable that such costs should be inflicted on the research country. Iceland agreed that there should be a further discussion on this in the F&A Committee.

19.5 Adoption of the Scientific Committee's report

The Commission noted the entire report of the Scientific Committee, including its work plan and budget and endorsed any recommendations. The Chair thanked the outgoing Chair of the Scientific Committee for her considerable hard work and excellent reporting.

20. CO-OPERATION WITH OTHER ORGANISATIONS

20.1 Report of the Scientific Committee

The Committee greatly values its co-operation with other organisations. There are many matters discussed by the Committee which are of mutual interest and the exchange of ideas and observers facilitates both the IWC's work and that of other organisations. A compilation of observer's reports was available as document IWC/64/4.

20.2 Other reports

There were no other reports under this Item.

20.3 Commission discussions and action arising

Discussion on trade in whale meat

Mexico supported by Argentina and Chile noted that Iceland resigned from the Commission in 1992 and re-adhered in 2002 with the reservation to paragraph 10 of the Schedule to the ICRW. It then unilaterally began commercial minke and fin whale hunting and established a reservation for whales on the CITES appendix. From 2008 it had been exporting about 2,000 tons of whale products for commercial purposes to Japan and the Faroe Islands. The hunt and export of whale meat occurred while discussions were taking place on the Future of the IWC. Mexico asked Iceland to refrain from

⁵³For a full account of the work programme see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 21 [2013].

⁵⁴See also discussions under Agenda Item 14.2.3.

requesting permits to export whale meat and to provide information on the level of trafficking on meat and other whale products.

Norway, supported by Iceland, Japan and the Russian Federation stated that the matter of exports of whale meat was not in the remit of the IWC and instead lay with CITES. Norway noted that Iceland, Japan and Norway held a reservation on CITES appendices for minke whale meat. Therefore the trade was perfectly legal to the extent that it was going on and was also not within the remit of the IWC.

India said that it was appropriate for the IWC to cooperate with other international conventions including CITES, CMS, CBD, UNFCCC and IMO so as to ensure effective functioning. India recommended that in due course it may be appropriate to develop collaboration with the UN, but that the IWC should not lose the focus of its mandate.

The Commission noted the Scientific Committee's report on collaboration with other organisations and endorsed its recommendations.

Proposed Resolution on Highly Migratory Cetaceans in the High Seas

Monaco referred to document IWC/64/11rev, which was a draft Resolution on highly migratory cetaceans in the high seas. Monaco explained that the Resolution addressed the fragmented legal coverage of highly migratory cetacean species in the world's oceans. The fragmented coverage arose because cetaceans travelled long distances between the high seas and waters under national jurisdiction and were protected by some countries in their domestic waters but not in others. This occurred at a time when the global community was calling for integrated marine governance. The problem was aggravated by the limited ability of the IWC to ensure compliance with its own conservation and management measures, and was further complicated by its taxonomic mandate which meant that the IWC addressed only 20% of the highly migratory cetacean species listed at Annex 1 of UNCLOS. Accordingly the Resolution was to set up effective synergies and coordination between the IWC and the relevant United Nations processes. Monaco commented that the integrated conservation of migratory cetaceans was of central importance for marine ecosystems, for the whale and dolphin watching economy and for many developing island and coastal states.

Monaco explained that the Resolution would not shift responsibility for whaling issues from the IWC to the United Nations. On the contrary it would seek synergies with UN processes by drawing the attention of a larger community of nations to the IWC's Schedule and Resolutions which would strengthen the Commission's work and embed it in the ongoing initiatives at UNCLOS. Monaco commented that the remarkable progress being made by the Scientific and Conservation Committees was being undermined because some of the IWC's key decisions such as the moratorium and the Southern Ocean Sanctuary were being undermined by its own members. It commented that if the IWC continued to operate in isolation, as a restricted club with limited visibility that the situation would not be likely to improve. In drawing attention to this issue, Monaco indicated that it wished to proceed with discussion aimed at reaching consensus.

Monaco summarised the two key elements of the proposal as being: (1) the necessity to engage in determined and substantive cooperation with the UN General Assembly so as to achieve protection for cetaceans, particularly in the context of the annual negotiations for the UN Resolution on Oceans and the Law of the Sea; and (2) to examine the

gaps in international legislation regarding the conservation of wholly migratory cetacean species. Monaco said it had worked to accommodate the concerns of a great many countries and expected that the text could be used as platform for discussion. It emphasised it wished to work towards gaining consensus approval of the document.

Cyprus spoke on behalf of the EU member states party to the IWC and said that the draft Resolution stressed the need to improve the functioning of the IWC and emphasised the points on which the organisation must improve its regulation of unjustified whaling practises such as so called scientific whaling sanctuaries. The draft Resolution also highlighted the lack of consideration of a significant number of species of cetaceans by the IWC. Furthermore, the migration of whales and their occurrence in several geographical areas involving coastal state waters and the high seas is something upon which the IWC should reflect. In terms of international governance, Cyprus believed that the IWC was the appropriate forum for discussions on the protection of cetaceans, including on the high seas. Contracting Governments' efforts to modernise the IWC embodied the collective will to continue discussions within the IWC. Cyprus, New Zealand, Panama, Ecuador, Costa Rica, Argentina, Mexico, Chile, USA and Brazil echoed Monaco's request that the matter be decided by consensus.

Panama believed the Resolution would lead to a better exchange of information and cooperation between the IWC and the parties and relevant organisations of the UN. Ecuador agreed with the need to improve the international framework regarding highly migratory cetaceans in the high seas, especially considering the significant number of unregulated catches and other threats. Ecuador therefore supported the proposal to strengthen coordination with the UN General Assembly and the annual Oceans Resolution. Colombia shared the need for improving compliance with decisions and the effectiveness of the IWC on issues such as the moratorium and commercial whaling. The agreements at the Rio+20 Conference had highlighted the need to strengthen international governance, in particular through greater synergy with other agreements and the United Nations. Costa Rica, Mexico, Chile and Argentina indicated their support for the Resolution. Brazil said it was appropriate to call the attention of the international community to the significant unregulated catches of highly migratory cetaceans which continued to take place and that many of those species were not included in the Schedule of the ICRW. It was therefore appropriate to seek collaboration with the UN General Assembly. India noted that close involvement between the IWC and UN Conventions was crucial to effective working and accordingly it supported the Resolution.

New Zealand said that the regulation of small cetaceans was an unresolved issue between the IWC and all other relevant bodies. This also raised the question of the relationship between the ICRW and the United Nations, and New Zealand expressed concern of bringing the divisions of the IWC into the United Nations where negotiations proceeded largely by consensus. Nonetheless the protection of small cetaceans was a serious question which was worthy of consideration in the context of the UN Oceans Resolution. The USA supported New Zealand's comments and said that highly migratory cetaceans depended on international cooperation for the conservation and management.

Norway, supported by Iceland, shared New Zealand's concerns about bringing the IWC's divisions to the General Assembly. The proposed Resolution should be seen in the light of a text which was tabled by Monaco at the UN in 2011

for inclusion in a General Assembly Resolution on Oceans and the Law of the Sea. Norway opposed that text in 2011 on the grounds that the issues regarding cetaceans and species issues in general were not a matter for the General Assembly but for the competent fisheries management organisations among which was the IWC. At that time several other countries shared Norway's position and the proposed text was not included in the UN Resolution. Norway's position had not changed and it could not therefore accept a renewed attempt at bringing cetacean management before the General Assembly. Accordingly Norway stated it would oppose a consensus.

Iceland's view was that the mandate of the IWC covered only those cetaceans listed in the Schedule to the ICRW (1946) and it noted that small cetaceans were protected by NAMMCO in its region. Iceland drew attention to the wording of the proposed Resolution which asked the IWC to regret and show deep concern for actions carried out in part by Iceland. Iceland said it would not do this and accordingly the Resolution was dishonest and it could never be a consensus agreement.

Japan considered the proposed Resolution would divide the IWC because it contained irrelevant, inconsistent and imbalanced facts. Japan provided many examples which included:

- (1) the title of the Resolution referring to the High Seas contrasted with the body of the Resolution which referred to efforts by coastal states;
- (2) the reference to Article 64 of UNCLOS, which it considered to be important for highly migratory species, was not referred to in the proposed Resolution; and
- (3) the first preambular paragraph on the conservation of migratory species contrasted with Article 65 of UNCLOS which described measures for exploitation and regulation of marine mammals.

Japan particularly emphasised the need to refine the relationship between the wording of the proposed Resolution and Articles 61, 62, 63 and 64 of UNCLOS. Japan considered that the fifth preambular paragraph did not relate to issues concerning highly migratory cetaceans on the high seas and that the sixth paragraph referring to 'without agreed limits' was inconsistent with Article VIII of the ICRW (1946). In conclusion Japan said it had given consideration to participating in consensus but could not do so, partly because of the inconsistencies and partly because it believed it was not appropriate for the IWC to give up its responsibilities and pass them to the United Nations instead.

China shared the concerns highlighted by Norway, Iceland and Japan and said that the IWC was the appropriate forum for the conservation and management of cetaceans. It said that all waters where whaling activities took place were covered by IWC including the high seas. China took into account the extensive agenda before the UN General Assembly and said that instead the members of the IWC should continue to work together to tackle such issues difficult though they may be. Because of this, China indicated it could not join consensus on the proposed Resolution.

Antigua and Barbuda considered it was inappropriate to refer IWC affairs to the General Assembly and highlighted the comments by previous speakers upon the importance of building consensus. Tanzania did not support taking IWC issues to the General Assembly and said it could not join consensus. Palau associated with these views and those of previous speakers said it could not join consensus. Grenada referred to the deep divide within the Commission regarding

support for sustainable whaling and said that to bring such a Resolution to the General Assembly without consensus would transfer the divide to another organisation which did not have a mandate for the conservation and management of whales. As such Grenada could not support consensus.

Monaco expressed its gratitude for the comments made and said the intention was not to shift responsibility for whaling matters to another body, but instead to capture the interest of a large body of nations which shared the IWC's concern for migratory species. In regard to the relevance of UNCLOS Article 64 Monaco said this was concerned with fish harvesting and that Article 65 was relevant to marine mammals. Monaco considered that both the IWC and UNCLOS had unfinished business. For the IWC there was a need to understand how to deal with the species of cetaceans that were not currently addressed and how to ensure IWC management objectives were respected. In regard to UNCLOS there was a demand to continue its work on Annex 1 relating to highly migratory species. Monaco said its main objective was to build bridges between the IWC and the UN to ensure continuation of progress. Responding to Japan's concern on the use of the phrase 'without agreed limits' Monaco said that Article VIII did not provide a ceiling on catch limits and so there could be no agreement. At this point Monaco indicated it would continue to develop its proposal with a view to finding a way forwards and the Chair adjourned the debate for a short period so as to deal with other items.

Upon returning to the debate, Monaco requested to hear views from Contracting Parties on how to address the issue of small cetacean conservation, and whether it should be taken forward by UNCLOS using Annex I of the Convention which listed highly migratory species or whether the issue should be addressed at the IWC by adding about 40 species to the Schedule of the ICRW.

New Zealand commented that the earlier interventions from Japan, Norway and Iceland on how they saw the issue being dealt with confirmed the fact that there was a serious problem. New Zealand was pleased that Monaco had taken account of initial concerns by issuing a revised document, and said it was happy to continue working on this issue going forwards.

Monaco recognised the support expressed by a number of Contracting Governments and indicated it would establish, on its own initiative, a non-IWC intersessional task force to take the work forwards. The Chair thanked Monaco for its proposal and suggested that any countries interested should contact Monaco during the meeting breaks.

21. NGO ADDRESS

The Chair recalled that there had been several NGO interventions during the meeting on specific Agenda items. These interventions had taken place after all Contracting Governments had spoken. Towards the end of the meeting it was clear that additional time had become available for NGOs to make a further address and the three separate interventions are recorded here.

Eugene Lapointe of the IWMC World Conservation Trust spoke about people in a meeting devoted to the management and conservation of whales. He had been fortunate to spend the first 12 years of his life in a wilderness where he had to provide food for his family from hunting and fishing and harvesting what nature was offering. Through this experience he had developed an understanding of the pain and anguish suffered by some peoples in the world. He said he was not happy with the outcome of the meeting because Greenland's

request for ASW catch limits had been rejected. Equally he was not happy that the appeal of the four small Japanese communities had been denied once again, and he identified with the pain felt by Greenland and Japan. Furthermore he was unhappy with the quota allocation to the Russian Federation, the USA and St Vincent and The Grenadines because although they had received their quota he believed that access to food was a basic right and it was demeaning that proud people had to beg to exercise their culture and traditions. He was unhappy that human rights were ignored to the advantage of animal rights. He was unhappy when wild animals were humanised and when humans were demonised for making use of animals. In closing, IWMC thanked the people of Panama for their warm hospitality and hoped that human values would recover their place in the field of international relations.

Samantha Dawes of Campaign Whale said that small cetaceans represented the vast majority of whale species. They faced many threats to their survival arising from toxic pollution, entanglement in fishing gear and large scale commercial and subsistence hunting. Sadly, these small whales now represented some of the most critically endangered species on Earth with populations and even entire species reduced to a pitiful number of animals barely clinging to existence. This year the Scientific Committee report included strong recommendations to help save the vaquita and Maui's dolphin. The baiji was tragically already lost. Campaign Whale asked if there could be any greater focus for the IWC than to help save critically endangered species on the brink of being lost forever. At IWC/63 in 2011, 10 NGOs were able to contribute a total of £10,300 to the Small Cetacean Voluntary Fund. This year Campaign Whale and supporting organisations wished to thank Contracting Governments for their generous contributions to the same fund. The contributions allowed valuable scientific and conservation work such as developing alternative fishing gear in the vaquita's habitat. Campaign Whale recognised the increasingly important work of the Sub-committee on Small Cetaceans and in particular the critical status of several small cetacean species and populations and it was pleased to announce a further donation of £11,000 to the Small Cetacean Voluntary Fund. This donation was made on behalf of Campaign Whale, Cetacean Society International, Humane Society International, International Fund for Animal Welfare, Naturschutzbund International, OceanCare, Whaleman Foundation, Windstar Foundation, Royal Society for the Protection of Animals and WWF International.

The Green Association of Panama represented many conservation-based NGOs and was pleased to be able to speak before the close of the meeting. It hoped that the NGO interventions that had been made had supported the debate and decision making and requested that the opportunities for NGOs to speak be implemented as permanent practice. The Green Association of Panama celebrated the Commission's work on non-lethal use of cetaceans and thanked those Governments who had committed funds or actions focusing on mitigating threats to cetaceans and their habitats. Although it understood the value of consensus it also recognised that the reintroduction of the voting system was a positive influence on governance. Although the South Atlantic Sanctuary had not been established it thanked the proponents and supporters of the proposal and urged them to continue working to make the Sanctuary a reality. It thanked the Government and people of Panama and congratulated the Chair on a successful meeting.

22. ADMINISTRATIVE MATTERS

The Finance and Administration Committee met in Panama on 28 June 2012. Donna Petrachenko (Australia) chaired the meeting, which was attended by 33 Contracting Governments. A summary of the Committee's discussions is included below and the full report is available at Annex J.

22.1 Meeting arrangements and procedures

22.1.1 *Need for a Technical Committee*

REPORT OF THE F&A COMMITTEE

The Chair of the F&A Committee indicated that the Technical Committee had not met since IWC/51 in 1999. The question of an on-going need for a Technical Committee was an issue that the F&A Committee and then the Commission may need to address in the context of broader discussions relating to the Bureau.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

22.1.2 *Report of the Intersessional Group on Quorum*

REPORT OF THE F&A COMMITTEE

The F&A Committee had considered a range of options to clarify the Commission's procedures relating to quorum and a growing consensus had developed about a proposed series of changes to Rule of Procedure B.1. In addition there was extensive discussion on the need to link suspension of voting rights to quorum, and one member had raised a question about whether quorum was necessary to adjourn a meeting.

COMMISSION DISCUSSIONS AND ACTION ARISING

New Zealand, supported by the USA recalled that the intersessional group was established because of the problems experienced at IWC/63 in 2011. The group, which was chaired by New Zealand, had made recommendations which appeared initially to have consensus support, but subsequently at the private Commissioners' meeting there were some countries that were not in favour of making changes to the rule at this stage. New Zealand was comfortable to leave the rule as it stands, if that was the preference of the membership. But it was equally supportive of making a change regarding when to apply the rule on quorum as this would be a helpful clarification. However, in New Zealand's opinion the most important outcome of the exercise had been to re-establish an understanding about how the Commission should conduct its business.

Cyprus, supported by Switzerland and Monaco, spoke on behalf of the EU member states party to the IWC to state that the principle objective on the quorum issue should be to ensure that the Commission operates under a clear set of rules to avoid behaviour that brings the Commission into disrepute. Cyprus accepted the need to determine quorum at the time decisions are taken by the Commission, but it also believed that those Contracting Governments who were not entitled to vote as a consequence of non-payment of financial contributions should logically also not count towards the number of members required to constitute a quorum.

Japan, supported by Guinea, stated that the requirement for quorum was on-going throughout the meeting but applied especially at the point of decision making. Japan also stated that suspension of voting rights did not mean suspension of membership and so a member with a suspended vote should be counted as a constituent member of the quorum.

Following discussion, the Chair noted that the rules would be left unchanged although it may be necessary to return to the discussion in the future. He also hoped that it would be possible to handle the Commission's meetings without the need for further clarification on quorum.

22.1.3 Report of the Intersessional Group on Biennial Meetings and Establishment of a Bureau

REPORT OF THE F&A COMMITTEE

The intersessional group had developed four discussion documents, one of which included a checklist of actions for moving to biennial meetings and establishing a Bureau. Within the F&A Committee there was unanimous support for moving to biennial meetings and accordingly the F&A Committee recommended that the Commission should change the frequency of its meetings to biennial, commencing with the next meeting being held in 2014. This recommendation was supported by advice from the Scientific Committee that six year blocks for Aboriginal Subsistence Whaling catch limits would be safe, and a proposal from the Budgetary Sub-committee for a two year budget. The F&A Committee recommended that the Scientific Committee would continue to meet on an annual basis in May or June and reiterated the agreement from IWC/63 in 2011 that meetings of the Scientific Committee and Commission should be separated by a period of 100 days or longer.

The F&A Committee proposed the establishment of a Bureau comprising the Chair and Vice-Chair of the Commission, the Chair of the F&A Committee and four Commissioners representing a range of views and thematic interests. The host government for the next Commission meeting and the Secretary would also attend Bureau meetings in an *ex-officio* capacity.

The Chair of the Commission would serve as the Chair of the Bureau and may call upon Chairs of the Commission's subsidiary bodies to participate in Bureau discussions as appropriate. The Bureau would not be open to observers. Its role would be to support the Commission by providing advice to the Chair and the Secretariat on on-going work programmes, especially in terms of implementing Commission decisions at times when the Commission is not in session. The Bureau will also assist in: (1) preparations for meetings of the Commission and subsidiary bodies; (2) reviewing the progress of work undertaken through Sub-committees; and (3) provision of support to the Chair during Commission meetings. The Bureau's mandate would be to assist with process management and it would not be a decision making forum. It will not deal with substantive or policy matters under the Convention as these are reserved for the Commission. The Bureau may consider issues relating to financial or administrative tasks within the scope of the F&A Committee, but only in the context of making recommendations to that Committee.

A small group comprised of the USA, Japan and St Lucia had been tasked with finalising proposed changes to the Rules of Procedure which were necessary to implement these recommendations.

COMMISSION DISCUSSIONS AND ACTION ARISING

Switzerland, Cyprus (on behalf of EU member states party to the IWC), the UK, Guinea, USA, Monaco, Palau, Argentina, St Kitts and Nevis and Korea thanked the intersessional group for its work and supported the proposed move to a two yearly (biennial) cycle of meetings. Cyprus considered that a more effective schedule of meetings would put the IWC on a par with other multilateral agreements and that the establishment of a Bureau was necessary to ensure the smooth progress of Commission business during the intersessional period. The UK highlighted the importance of intersessional working in advance of IWC/65 and indicated its intention to lead or participate in a number of initiatives. Guinea supported the move as it would allow the Scientific Committee to develop more detailed advice

and because it would help many countries overcome their problems with arrears of payments. The USA noted that a reduced meeting frequency would provide cost savings to member governments and requested, since it was a member of the Advisory Committee, that it wished to have a seat on the Bureau. Argentina requested a seat on the Bureau for a member of the Buenos Aires Group, and St Kitts and Nevis requested a seat for the Caribbean countries. Korea highlighted the need to adjust the length of service of the Chair and Vice-Chair should the Commission move to a biennial cycle. Following these interventions the Chair of the F&A Committee confirmed that a drafting group was working to refine detailed amendments to the Rules of Procedure, and accordingly the Chair adjourned debate on this item until the drafting group's output was ready.

Upon resuming the debate, the Chair of the F&A Committee introduced the proposed changes to the Rules of Procedure and Financial Regulations and highlighted the following key items.

- The majority of the changes altered the word 'annual' to 'biennial', and these changes occurred throughout the document.
- At Rule B (Meetings) a new item 3 was proposed which read 'The Scientific Committee shall meet annually. Other Committees and sub-groups shall meet biennially prior to the meeting of the Commission. However this does not preclude intersessional work by these Committees and sub-groups from continuing'.
- Also at Rule B (Meetings) a new item 4 was proposed which read 'The Bureau shall meet in those years in which the Commission does not meet, and shall otherwise meet as required to fulfil its functions in accordance with Rule M.9'.
- At Rule F (Chair) the length of time for the term of office of the Chair is changed to two years, and an additional sentence was added which read 'The Chair is to serve the Commission, and as such, shall serve in an individual capacity and not represent the views of their Contracting Government, when acting as Chair.' Similar changes were made to Rule G (Vice-Chair).
- At Rule M (Committees) item 9 had key changes to establish the Bureau which was proposed to comprise the Chair and Vice-Chair of the Commission, the Chair of the F&A Committee and four Commissioners representing a range of views and regional interests. Commissioners were to be appointed to the Bureau for a period of two years at biennial Commission meetings. The Commissioner for the host Government of the next meeting would serve in an *ex-officio* capacity. The Secretary would support meetings of the Bureau. The Chair of the Commission would serve as Chair of the Bureau and may call upon Chairs of the Commission's sub-groups and Committees to participate in Bureau discussions as appropriate. The changes to Rule M also included a list of Bureau roles which were to:
 - provide advice to the Chair and Secretariat on implementing Commission decisions;
 - assist and advise the Secretariat on administrative and financial matters between meetings of the Commission;
 - assist in preparations for meetings of the Commission, its sub-groups and Committees;
 - to review the progress of work by the sub-groups and Committees; and
 - to provide support to the Chair during meetings of the Commission as requested by the Chair.

The Chair of the F&A Committee concluded by stating that, if adopted, these changes would move the Commission to a biennial meeting cycle, would end the current Advisory Committee, and would establish a Bureau.

South Africa noted that under the proposals the Bureau would comprise the Chair and Vice-Chair of the Commission, the Chair of the F&A Committee and four Commissioners representing a range of views and regional interests. South Africa was unclear how regional interest could work across four Commissioners and proposed deleting the reference to regionality. St Kitts and Nevis proposed that five Commissioners rather than four would be appropriate in order to ensure balanced representation. Norway noted that as currently drafted the Bureau was also composed of three other Commissioners (the Chair, Vice-Chair and Chair of F&A) making seven in total and this gave an opportunity to establish the requested regional balance. St Kitts and Nevis, supported by Ghana, responded that a fifth Commissioner position was necessary in order to accommodate representation from Africa. Ecuador considered it was not necessary to raise the number of members of the Bureau but requested that the phrase ‘and ensuring a regionally balanced representation’ should be added to the end of the second sentence of the first paragraph of Rule M.9. Monaco commented that it would be necessary to appoint the additional four or five Commissioners after the identity of the Chair, Vice-Chair and Chair of F&A had been established so as not to replicate the interests represented by these Commissioners. In addition Monaco raised the question of how to proceed if there were more Commissioners wishing to join the Bureau than places available and whether it would be necessary to have a secret ballot. South Africa clarified that it had proposed deleting the reference to regionality because of the different regions within the African continent and that one Commissioner would be unable to represent each of the regional views effectively.

Speaking in regard to the membership of the Bureau, Israel noted that the host Government for the next meeting would serve in an *ex-officio* capacity, and advised that the rule should be altered to make clear that this was in addition to the other four Commissioners already members of the Bureau. Monaco suggested that this could be achieved by redrafting the sentence to read ‘In addition, the Commissioner for the host government of the next meeting of the Commission will serve in an *ex-officio* capacity for a period of two years’.

Israel drew attention to the statement which said that the role of the Bureau was to ‘assist and advise the Secretariat’ and suggested it was the other way around with the Secretariat assisting the Bureau. Israel suggested that the word ‘assist’ should be deleted and the Chair of the F&A Committee responded that this was agreeable. The Chair confirmed this was acceptable.

Chile referred to the long discussions which had taken place regarding the frequency of meetings for the Conservation Committee and requested comments on this point. The Chair of the F&A Committee responded that the proposed rule changes indicated that the Scientific Committee would continue to meet annually and the other Committees would meet intersessionally during the two year period as required. The outcomes of the preparatory discussions had made clear that all of the subsidiary bodies should be treated equally and therefore no Committee was singled out except the Scientific Committee.

Chile also asked for a list of the unresolved tasks that should be discussed before the implementation of the Bureau

or which should instead be taken over by the Bureau. The Chair of the F&A Committee responded that the checklist of actions had been prepared by the Secretariat during the intersessional period and submitted to the F&A Committee (IWC/2012/IGBB1). A number of those tasks had been achieved, for example the setting of two year budgets.

St Lucia noted the existing wording of Rule of Procedure F.1 which read ‘The Chair shall remain in office until a successor is elected’ and requested the addition of ‘if he/she agrees to do so’. The Chair indicated this change was agreeable.

Guinea requested translations into French and Spanish be provided for the Bureau meetings.

St Kitts and Nevis said that the move to biennial meetings may diminish the ability of developing countries to pay their dues because payments were often made on a basis of need or urgency, and the absence of a meeting each year may reduce the perceived need to pay. It was possible that countries would pay for both years immediately before the biennial meeting rather than on an annual basis in order to assist cash flow. Accordingly St Kitts and Nevis asked if the time limit for charging interest on unpaid contributions could be changed from 12 months (as at present) to 24 months.

St Kitts and Nevis also requested that the words ‘above the base rate quoted by the Commission’s bankers on the day’ be deleted. St Kitts and Nevis explained that an interest rate of 2% would still provide incentive to pay without inflating it by the base rate. Switzerland, supported by Australia, recalled discussions in previous meetings where the interest rate had been lowered considerably and expressed the need for caution in reducing the rate further as it would remove the incentive to pay and may not accurately reflect interest rates. Switzerland also spoke as Chair of the Budgetary Subcommittee to state that the IWC finances were based upon receiving annual financial contributions and extending the timescale for charging interest from 12 to 24 months may create cash flow issues for the Secretariat. Switzerland urged Contracting Governments to retain the current financial arrangements as they reflected economic realities and guaranteed the smooth running of the Secretariat.

At this point the Chair again adjourned the debate to allow the drafting group to consider the changes which had been proposed. Upon re-opening the debate the Chair of the F&A Committee described the following additional changes to the proposed alterations to the Rules of Procedure and Financial Regulations, which she hoped the Commission would be able to agree to.

- The incorporation of the suggested changes to Paragraphs F and G (Chair and Vice-Chair) so that it reads ‘The Chair shall, however, remain in office until a successor is elected if he/she agrees to do so’.
- At paragraph 7 of Rule M.9 in relation to the interests of the Commissioners comprising the Bureau the word regional was removed so that the Rule would read ‘...and four Commissioners representing a range of views and interests’.
- Also at paragraph 7 of Rule M.9 the length of service on the Bureau for the Commissioner of the next host Government was clarified by the addition of ‘for a period of two years’ to the end of the fourth sentence of the first paragraph.
- In relation to the functions given to the Bureau, the word ‘assist’ was removed from the second function so that the Rule would read ‘Advise the Secretariat on administrative and financial matters...’

- With regard to Financial Regulation F.1 the drafting group proposed that interest be added to outstanding payments if that payment had not been received by the Commission within 24 months of the due date as opposed to 12 months as previously. This change was made in the recognition that funds would still be due annually and that this would ensure the effective operation of the Secretariat.

The drafting group proposed to retain the wording regarding the rate of interest to be charged as '2% above the base rate quoted by the Commission's bankers on the day'.

Ecuador indicated that the changes proposed by the drafting group were acceptable but also recommended the inclusion of the words 'with a view to ensuring inclusive and balanced representation' to the end of the sentence describing the composition of the Bureau at Rule M.9. Ghana and Côte d'Ivoire asked for clarification of what was intended by the proposed use of the phrase 'views and interests' and whether it would include regional representation. The Chair of the F&A Committee clarified that the intention was to seek representation of the range of views on conservation and management of whaling held by various delegations as well as geographic interests, and that the word was removed on the understanding that the F&A Committee would be instructed to work intersessionally on the application of the meaning of regional in this context. Panama indicated its support for the proposals on the understanding that the Bureau would have a balanced membership.

St Kitts and Nevis repeated its request for the words 'above the base rate quoted by the Commission's bankers on the day' to be removed from the end of the first sentence of Financial Regulation F.1 dealing with Arrears of Contributions. St Kitts and Nevis supported by Ghana and the Republic of Guinea explained that the base rate was unpredictable and that it wished to have a greater certainty in the amounts it owed to international organisations. It commented that if the Secretariat was operating an overdraft facility and thus incurring charges because of the failure of Contracting Governments to pay dues then the charge was appropriate, but in the absence of the Secretariat operating an overdraft that the level of charge should be reduced to 2% without the addition of the base rate. St Kitts and Nevis emphasised the seriousness of the issue for developing countries.

The Chair of the F&A Committee clarified that the procedure of charging interest at 2% over the bank base rate had previously been in place prior to discussions on a biennial meeting cycle and so the current proposal did not ask Commissioners to agree to anything new in relation to the way interest was charged on arrears of contributions. New Zealand said that the rule applied at the IWC on interest charges for overdue payments was no different to the procedures used at other international organisations, and also stated that as the proposal had been raised for the first time during IWC/64 that there had not been adequate time to consider it. Cyprus noted that the unpredictability of the payments as a result of interest rate fluctuations was a result of Contracting Governments not paying on time.

St Kitts and Nevis moved that the proposal be amended so as to delete the words 'above the base rate quoted by the Commission's bankers on that date'. Accordingly, under St Kitts and Nevis' proposal the first sentence of Financial Regulation F.1 would read:

1. If a Contracting Government's annual payments have not been received by the Commission within 24 months of the due date referred to under Regulation E.2 compound interest shall be added on

the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the rate quoted by the Commission's bankers on the day.

The Chair thanked St Kitts and Nevis for its proposal and requested the Commission to decide on the proposal through a vote. The vote received 15 yes votes, 41 no votes and 2 abstentions. Accordingly the proposal was defeated.

Following the vote, St Kitts and Nevis and St Vincent and The Grenadines, supported by Palau, said that there was great inequality with the IWC and that it was important to ensure that developing countries were able to participate fully in the organisation's work. St Kitts and Nevis indicated that it would support the consensus adoption of the proposals as put forwards by the drafting group.

The Chair then asked if the document proposed by the drafting group could be adopted by consensus. Seeing no disagreements the document was adopted.

22.1.4 Report of the Working Group on the Role of Observers at Meetings of the Commission

REPORT OF THE F&A COMMITTEE

The Working Group on the Role of Observers had met in Panama on the 27 June (see Annex K). There had been a wide ranging discussion which concluded with a recommendation to the private Commissioners' meeting that the total minimum time for NGO interventions was to be 30 minutes. The Working Group noted that 30 minutes over five days was a short period of time, and that primacy must be given to contracting parties. It would be at the discretion of the Chair how to use the time, or to show some additional flexibility. The Chair of the F&A Committee observed that IWC/64 had been conducted according to this guidance.

COMMISSION DISCUSSIONS AND ACTION ARISING

The USA and Mexico supported increased participation by observers, as it believed that increased transparency would give a greater legitimacy and because observers could provide a beneficial contribution to the Commission's deliberations. It noted that the process used at IWC/64 of allowing observers to speak under various agenda items after Contracting Governments and as time allows had worked very well. The USA believed this to be a positive and important step forward and it supported providing observers with greater opportunities to participate on each agenda item for which they may have input. It recommended that the IWC use this as the first step towards the ultimate goal of further increasing observer participation at future meetings in line with other inter-governmental organisations.

Cyprus spoke on behalf of the EU member states party to the IWC and was convinced that undertaking steps to improve governance would result in beneficial increases in protection and improved management practises. It would also sustain and reinforce a spirit of partnership among members as they worked to realise common objectives. Cyprus welcomed follow up action based on the experience of practises followed at IWC/64.

Colombia, Chile, Argentina, Ecuador, Uruguay and Brazil supported a greater role for observer organisations, as it would allow them to contribute knowledge and increase the transparency of the Commission. Chile, Argentina Ecuador and Uruguay highlighted the increased openness to working with NGOs within their own countries. Uruguay thanked the organisations and countries who had made voluntary contributions to the Commission's work which had reaffirmed the level of trust in the Commission. Panama, Brazil and India reiterated that the 30 minutes allowance over the five day duration should be considered a minimum

and it should be expanded to the extent possible within Plenary sessions. This should include expansion of the time allowance and also extension of the number of agenda items in which participation was requested. In addition Panama noted that the observers called to speak should reflect a balanced point of view which took account of regional distributions.

France, supported by Monaco, stated that NGO participation was very important as it enriched discussions. It commented that observers had been very responsible in their contributions by respecting time limits and balancing different views. France considered the compromise at IWC/64 was a starting point for wider discussions on the participation of civil society organisations. Monaco said it would be useful to consider a substantial increase in the time of the interventions as the present system of 30 minutes allowed only between 1-2% of the total time available. Monaco suggested the figure should be a minimum of 5% so that delegations could take note of and be guided by the interventions. St Vincent and The Grenadines agreed that civil society should contribute, but noted that the system of block representation amongst Contracting Parties often gave rise to repetitious interventions which reduced the time available for NGO input. Antigua and Barbuda, supported by St Kitts and Nevis, recognised the role of civil society organisations in governance issues but considered that the existing time allocation was sufficient for the time being as the IWC was an organisation of Contracting Governments and NGOs were able to advance their agendas by working domestically within their own countries. It also highlighted the need to ensure that NGOs satisfied all domestic and international requirements for registration.

Japan shared the importance of allowing civil society participation within the time available. Priority must be given to Contracting Parties first, as it had been during the previous days discussions where one NGO was unable to speak because of time constraints. Japan also reiterated that NGO participation had to be at the discretion of the Chair so as to ensure a smooth and efficient discussion.

The Chair considered that the different NGO speakers who had taken the floor at IWC/64 had provided valuable contributions to the discussions. He said that developing NGO participation was part of an on-going process which could be moved on by a willingness to listen to discussion from both sides of the debate.

22.1.5 Report of the Working Group on Provision of Assistance to Governments of Limited Means to Participate in the Commission's work

REPORT OF THE F&A COMMITTEE

The Working Group on Provision of Assistance to Governments of Limited Means to Participate in the Commission's Work had developed consensus support for the establishment of a voluntary fund. However problems continued to exist in developing agreeable wording for a Resolution which would ensure that the proposed action was compatible with Article III.5 of the Convention. The Chair of the F&A Committee reported that further work and discussions were needed to resolve this issue, and noted that the Working Group had continued to operate during IWC/64 with a view to presenting a revised proposal.

COMMISSION DISCUSSIONS AND ACTION ARISING

St Lucia introduced document IWC/64/18 which was a proposed Resolution on the Creation of a Fund to Strengthen the Capacity of Governments of Limited Means to Participate

in the Work of the IWC. St Lucia drew attention to several other Conventions which had a similar Article to that of III.5 of the ICRW (1946) particularly the Inter-American Tropical Tuna Commission (IATTC) and the Indian Ocean Tuna Commission (IOTC). St Lucia noted that 44 of the IWC Contracting Governments were also members of either IATTC or IOTC. In recent years these Commissions had agreed consensus Resolutions which permitted the creation of specific funds to assist the full participation of developing countries, and these funds were used, *inter alia*, to permit the attendance of developing countries at Commission meetings and meetings of the Commission's subsidiary bodies. Recognising the high degree of overlapping membership between the IWC and the other conventions where such measures had been adopted, St Lucia presumed that it would be possible to seek agreement for the adoption of similar measures at the IWC.

St Lucia, Japan, Palau, Kiribati, Korea, St Vincent and The Grenadines and Tanzania supported the proposed Resolution. Japan introduced document IWC/64/19 which was information provided to facilitate discussion on the provision of assistance to Governments of limited means. It noted the similarity of the IWC's Convention with that of the IATTC and the IOTC, and drew attention to a recent IATTC meeting where the European Union had donated \$50,000 to a voluntary fund to help developing countries participate at the IATTC meeting. In addition, the IOTC already operated a voluntary fund to support developing countries. Japan noted that of the 29 countries in the IWC's lowest capacity-to-pay group (Group One), ten were not present at IWC/64 in 2012 and 15 had not participated at IWC/63 in 2011. Japan noted the need for all countries to be able to attend meetings and urged support for the draft Resolution, particularly from those Contracting Governments who were also members of IATTC and IOTC. Palau said that the Resolution would: (1) achieve the objective of Resolution 2011-1; (2) recommend a procedure for disbursing funds and ensure compatibility with Article III.5 of the Convention; and (3) allow Governments of limited means to participate in the Commission's work. Kiribati emphasised that the low attendance at Commission meetings by Group One countries provided a full justification for the Commission to consider and support the proposed Resolution. Korea supported the proposed Resolution and said that as well as ensuring full participation from developing countries it would also ensure transparency on the future of the IWC.

The Russian Federation highlighted the needs of countries with transitional economies and said that CITES provided support not just for developing countries but also for countries with transitional economies. Accordingly the Russian Federation requested that the proposed Resolution be amended to include transitional economies and indicated that it would support the Resolution if this amendment could be made.

Cyprus spoke on behalf of the EU member states party to the IWC and recognised the importance of effective participation of developing country Contracting Governments in the work of the IWC. The establishment of a voluntary fund for that purpose would reflect practice under other multi-lateral agreements where the EU and its member states were strong donors. Nevertheless Cyprus stressed the need to give due regard to Article III.5 which required that the Contracting Governments pay their own costs. It considered that the wording of the article reflected the time of its drafting and would not have found its way into

contemporary international treaties. Nevertheless, it was the rule in force and as such Cyprus could not support wording that would be in direct contradiction to the Convention as was the case of the fifth bullet point of the proposed Resolution. Cyprus recalled that the intersessional working group did not tackle issues related to Article III.5. However Cyprus believed that it was important for the results of projects and information to be disseminated and accordingly it suggested replacing the fifth bullet point of the Resolution with: 'Reporting at meetings of the Commission or subsidiary bodies on the above activities for which funding will be provided'. If such a change was to be made Cyprus would be pleased to support the Resolution.

Following these interventions the Chair adjourned the debate briefly to allow informal consultations. Upon resuming the debate, St Lucia reported that it had not been possible to come to an agreement but that the group had agreed to continue working intersessionally on the issue. The Chair thanked St Lucia and acknowledged that there was support for the upcoming intersessional work.

22.1.6 Review of the work of the Technical Advisor assigned to the Secretariat

REPORT OF THE F&A COMMITTEE

In 2011 the USA proposed the secondment of a Technical Advisor (David Mattila) to the Secretariat so as to progress work on reducing conflicts with cetaceans, especially relating to large whale entanglement response and reduction of ship strikes. The F&A Committee thanked Dr Mattila for his work; expressed appreciation for the progress made and thanked the USA for supporting the financial costs. The Committee noted the possibility of extending the secondment and hoped that this would be achieved.

COMMISSION DISCUSSIONS AND ACTION ARISING

The USA thanked Contracting Governments for their support for the secondment and indicated that they were hoping to be able to extend the duration. Mexico, Costa Rica and Argentina thanked the USA and Dr Mattila for the work achieved and expressed support for extension of the secondment dependent upon obtaining the necessary resources in the forthcoming months.

22.2 The Commission's website

22.2.1 Report of the Finance and Administration Committee

The Chair of the F&A Committee reported that the Secretariat had introduced the pre-launch version of the new IWC website which was available for review. It had been redesigned to improve navigation and ensure clearer communication through the use of a new font and colour scheme. The website also included improved access to previous meeting documents and scanned copies of historic Annual Reports and Chair's Reports of meetings. The Secretariat indicated their intention to continue to develop the site post launch including the establishment of an international domain name address. Members of the F&A Committee were invited to provide feedback and this had included a lot of very positive responses. Some questions regarding general functioning had been discussed, and the Secretariat reported that translations had been established for 17 of the most popular pages on the old website. Proposals for further translation to address the trilingual nature of the site should be referred to the Budgetary Sub-committee.

22.2.2 Commission discussions and action arising

There were no discussions under this Item.

22.3 Operational effectiveness

22.3.1 Report of the Finance and Administration Committee

The Chair of the F&A Committee recalled that at IWC/63 the Commission adopted Resolution 2011-1 which *inter alia* resolved to include the effectiveness of operations of the IWC as a regular Item on the Commission's Agenda. The F&A Committee recognised that the move to biennial meetings would increase operational effectiveness and that other proposals for improving effectiveness linked closely to Item 2.2.4 on cost savings measures.

22.3.2 Commission discussions and action arising

Discussions under this item are recorded at Item 22.4.2.

22.4 Cost saving measures

22.4.1 Report of the Finance and Administration Committee

The F&A Committee considered document IWC/64/F&A11 which focused on reduction of freight charges and increased use of electronic documents. The Committee thanked the Secretary for efforts to reduce paper consumption and the associated move towards web-based distribution of documents. It emphasised the necessity of ensuring that meeting documents distributed through the website were clearly labelled with the time and date of uploading, and for appropriate back-up measures to be in place in case of failure of electronic equipment.

The F&A Committee concluded that the agenda items on operational effectiveness and cost savings measures should be combined. The USA agreed to convene an intersessional working group to take forward continued discussion on the combined item.

22.4.2 Commission discussions and action arising

Cyprus spoke on behalf of EU states party to the IWC and recalled that last year the IWC had taken some small but important steps towards the governance improvement. Noting that no organisation can or should stand still Cyprus said that a continued review of effectiveness was important to ensure consistency with current international practice. It therefore welcomed further work to review the IWC's effectiveness. The UK agreed that the move to biennial meetings would provide an opportune moment to conduct a review of IWC processes to ensure that they are fit for purpose, in line with best practice and allow the IWC to function effectively. The UK supported the continuation of intersessional work and said it would be happy to participate in the working group.

23. FORMULA FOR CALCULATING CONTRIBUTIONS AND RELATED MATTERS

23.1 Report of the Finance and Administration Committee

The Chair of the F&A Committee recalled that the interim formula for calculating contributions had been in place for a long time. This year the Budgetary Sub-committee had reviewed the issue and, based upon their recommendation, the F&A Committee agreed that the word 'interim' should be removed from the name of the measure.

23.2 Commission discussions and action arising

St Vincent and The Grenadines indicated its satisfaction that the formula for calculating contributions was now regarded as permanent rather than interim. It said that the formula was important in bringing fairness and equity to the way contributions were calculated.

24. REPORT OF THE INTERSESSIONAL CORRESPONDENCE GROUP ON STRENGTHENING IWC FINANCING

24.1 Report of the Finance and Administration Committee

The Chair of the F&A Committee referred to the report of the intersessional correspondence group, which contained a series of 11 recommendations to support the shared goal of rebuilding and maintaining healthy whale populations and to inject discipline into the way the IWC conducted its financial business. The work was intended to solve the IWC's financial constraints by accessing external funding for various purposes. Of the 11 recommendations, the first three were intended to improve accounting transparency and improve decision making. The remaining recommendations were aimed at:

- (1) creating the environment for fundraising;
- (2) establishing and eligibility and approvals process for projects; and
- (3) establishing a dedicated fund to receive external donations.

The Chair of the F&A Committee noted that further work was necessary in order to prepare a Resolution on this subject which would be presented to the next Commission meeting.

24.2 Commission discussions and action arising

There were no discussions under this item. The Commission noted the report of the F&A Committee on this Item and endorsed its recommendations.

25. FINANCIAL STATEMENTS, BUDGETS AND OTHER MATTERS CONSIDERED BY THE BUDGETARY SUB-COMMITTEE

25.1 Review of Provisional Financial Statement 2011/2012

25.1.1 Report of the Finance and Administration Committee
Following review by the Budgetary Sub-committee, the Finance and Administration Committee recommended that the Commission approve the provisional financial statement and adopt it subject to audit following the close of the financial year on 31 August 2012. The F&A Committee also recommended that a standing item be added to the Budgetary Sub-committee's agenda to report the length of time served by the Commission's auditor and to reconfirm their appointment for the following annual or biennial period as appropriate.

The F&A Committee noted that total unpaid debts now amounted to £547,000 and it recommended that the Secretary presented a review of the Financial Regulations to the next Budgetary Sub-committee meeting outlining the additional measures that could be taken to assist Contracting Governments in arrears of payments.

25.1.2 Commission discussions and action arising
There were no discussions under this Item.

25.2 Consideration of future budgets, 2012/2013 and 2013/2014

25.2.1 Report of the Finance and Administration Committee
The F&A Committee endorsed the Budgetary Sub-committee's recommendation that the future budget scenarios contained in document IWC/64/7 be adopted by

the Commission, NGO observer fees to be £580 for the first observer and £285 for the second observer for the 2014 meeting.

25.2.2 Commission discussions and action arising

The Commission adopted the budget as recommended by the F&A Committee. Spain asked whether the Secretariat foresaw any possible change in the grouping of countries according to their capacity to pay and the Secretary responded that the assessment of which countries fell into each payment group would be undertaken in August prior to issue of invoices for the forthcoming year.

25.3 Other

25.3.1 Changes to the timing of the Commission's financial year

REPORT OF THE F&A COMMITTEE

The decision taken in 2011 to separate the meetings of the Scientific Committee and Commission by a period of 100 days or longer is likely to lead to a situation whereby the Commission meets in September or October 2014, which is after the close of the current financial year on 31 August. Accordingly, the F&A Committee endorsed a Budgetary Sub-committee recommendation that the Commission should change its financial year to 1 January-31 December, effective from 2015 onwards. The F&A Committee also recommended that the Secretary should continue to operate the Commission's finances at a level of expenditure consistent with the previous financial year during the two month period after the end of the agreed budget and prior to the next Commission meeting in 2014. The Secretary was asked to develop a series of options for presentation to the 2014 meeting for allowing Contracting Governments to pay the charges associated with the four month bridging period from 1 September to 31 December 2014, and that these options should include spreading the charges over future years.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

25.3.2 Budgetary Sub-committee operations

The Chair of the F&A Committee noted that there are two open seats on the Sub-committee and urged Contracting Governments to come forwards.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

25.3.3 Recommendation from the ASW Sub-committee

The F&A Committee noted a recommendation from the ASW Sub-committee to consider establishing a voluntary fund at the next Commission meeting to support work associated with the management of aboriginal subsistence whaling. There are a number of funds currently operating for a range of issues including small cetaceans, conservation management plans etc., and therefore this proposal would create an additional, separate fund.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

25.3.4 Voluntary fund for Conservation Management Plans

The Chair of the Conservation Committee drew attention to the guidelines agreed by the Conservation Committee for allocating money from the voluntary fund for Conservation

Management Plans. Consistent with these guidelines the Conservation Committee recommended the approval of funding for the period 2011-13 of up to £50,000 for the South West Atlantic Southern Right Whale CMP and £25,000 for the Western Gray Whale CMP. The Committee had been advised that no funding support was required for the Eastern South Pacific Right Whale CMP at the current time.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

26. ADOPTION OF THE REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

26.1 Chair of the F&A Committee

The Commission elected, by consensus, Ms Donna Petrachenko (Australia) for a second three year term as Chair of the F&A Committee.

26.2 Adoption of the Finance and Administration Committee report

The Commission adopted the report of the F&A Committee and endorsed all recommendations.

27. DATE AND PLACE OF FORTHCOMING MEETINGS

The Commission accepted an offer from Government of the Republic of Korea to host the Scientific Committee

meeting in 2013. There were no offers to host the Scientific Committee meeting in 2014 or the Commission meeting in 2014.

28. BUREAU

Following agreement under Agenda Item 22.1.3, the Advisory Committee was disbanded and replaced by the Bureau. The Commissioners from the USA, Panama, Ghana and Japan were elected by consensus to the four open seats on the Bureau. Thus the membership of the Bureau comprised the Chair (St Lucia), the Vice-Chair (Belgium), the Chair of the F&A Committee (Australia) and the USA, Panama, Ghana and Japan.

29. SUMMARY OF DECISIONS AND REQUIRED ACTIONS

The Chair noted that the Secretariat had posted press releases on the IWC website at the end of each day of the Plenary. In addition, a Status of the Agenda document showing decisions taken under each item and associated voting records was available for download from the IWC/64 documents website. A comprehensive summary of decisions and required actions is provided at the beginning of this report.

30. OTHER MATTERS

The meeting closed at 17.50 on 6 July 2012.