

**SUMMARY OF MAIN OUTCOMES, DECISIONS AND REQUIRED  
ACTIONS FROM THE 65<sup>TH</sup> MEETING**

The main outcomes, decisions and required actions arising from the 65<sup>th</sup> Meeting are summarised in the table below.

| <b>Issue and Agenda Item</b>   | <b>Main outcomes</b>   |
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| <p><b>Aboriginal subsistence whaling</b><br/><i>Item 4</i><br/>Reports: ASW Sub-Committee (IWC/65/Rep03);<br/><br/>Scientific Committee (IWC/65/Rep01)</p> | <ul style="list-style-type: none"> <li>• The Commission received a report on the progress towards developing long-term <i>Strike Limit Algorithms</i> for the Greenland hunts and endorsed a <i>Humpback SLA</i> for Greenland. Work on the proposed Makah management plan was completed.</li> <li>• A full report on conversion factors for Greenland was received by the Scientific Committee. A revised need statement for Greenland was considered by the ASW Sub-Committee and in the Plenary.</li> <li>• The ASW working group on long-term issues met with hunters and reported progress to the ASW Sub-Committee.</li> <li>• The Commission adopted a Schedule amendment for 4-year catch limits for the Greenland hunts and Resolution 2014-1 to work to improve the process for ASW in the future through a more consistent and long-term approach. This will include an expert workshop to assist the ASW Sub-Committee and the Commission with respect to improved procedures for considering ASW catch limits, with a focus on consideration of need. The Commission endorsed the objectives and an outline proposal for the Workshop as given in IWC/65/ASWRep01 rev1.</li> </ul>  |
| <p><b>Sanctuaries</b><br/><i>Item 5</i></p>  | <ul style="list-style-type: none"> <li>• A proposed Schedule amendment to create a South Atlantic Whale Sanctuary was not adopted.</li> <li>• The objectives and terms of reference for the Second Decadal Review of the Southern Ocean Sanctuary were agreed as given in IWC/65/CC05. A key intent of the review process is to strengthen the conservation objectives of the Southern Ocean Sanctuary. The Chair of the Conservation Committee will liaise with the Scientific Committee to establish an intersessional group to oversee the process for the review.</li> </ul>   |
| <p><b>Socio-economic implications and small-type whaling</b><br/><i>Item 6</i></p>   | <ul style="list-style-type: none"> <li>• Japan reiterated its concern over the hardship suffered by its four community-based whaling communities since the implementation of the commercial whaling moratorium and made a number of points regarding paragraph 10e of the Schedule.</li> <li>• A proposed Schedule amendment to establish a catch limit for minke whales by small-type whaling vessels was not adopted.</li> </ul>   |
| <p><b>Resolutions</b><br/><i>Item 7</i></p>  | <p><b>Resolution on Highly Migratory Species</b></p> <ul style="list-style-type: none"> <li>• Resolution 2014-2 on highly migratory species was adopted. It seeks enhanced collaboration in the conservation of migratory cetaceans with other relevant intergovernmental organisations and requests the Secretariat to develop a draft work plan with regard to sharing of data and research priorities. Progress will be reviewed at IWC/66.</li> </ul> <p><b>Resolution on Civil Society Participation and Transparency</b></p> <ul style="list-style-type: none"> <li>• Resolution 2014-3 on Civil Society Participation and Transparency was adopted by consensus.</li> </ul> <p><b>Resolution on the Scientific Committee</b></p> <ul style="list-style-type: none"> <li>• Resolution 2014-4 on the Scientific Committee was adopted by consensus.</li> </ul> <p><b>Resolution on Whaling under Special Permit</b></p> <ul style="list-style-type: none"> <li>• Resolution 2014-5 on Whaling under Special Permit was adopted.</li> </ul> <p><b>Resolution on Food Security</b></p> <ul style="list-style-type: none"> <li>• A Resolution on food security was discussed but no consensus was reached; Ghana indicated that it would continue to refine the proposal during the intersessional period ready for presentation to IWC/66.</li> </ul> |
| <p><b>Status of whale stocks</b><br/><i>Item 9</i><br/>Reports of the Scientific Committee</p>   | <p><b>Antarctic minke whales</b></p> <ul style="list-style-type: none"> <li>• The Scientific Committee continued its work to complete an in-depth assessment of the Indo-Pacific region in 2015.</li> </ul> <p><b>Southern Hemisphere humpback</b></p> <ul style="list-style-type: none"> <li>• The Scientific Committee completed its 8-year assessment of seven breeding stocks and will present a synthesis of the complete assessments in 2015.</li> </ul>   |

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| <p>(IWC/65/Rep01)</p>  | <p><b>Southern Hemisphere right whales</b></p> <ul style="list-style-type: none"> <li>The Scientific Committee expressed concern over the continuing large annual mortality of calves at Peninsula Valdes, Argentina and commended the work of a research group investigating the problem. It also expressed concern over a proposed windfarm development near important habitat of the endangered eastern South Pacific right whale population in Chile. It welcomed reports on the two CMPs (see Item 11).</li> </ul> <p><b>Southern Hemisphere blue whales</b></p> <ul style="list-style-type: none"> <li>The Scientific Committee is evaluating available information to see if it can start an area-based in depth assessment.</li> </ul> <p><b>North Pacific sei whales</b></p> <ul style="list-style-type: none"> <li>The Scientific Committee has evaluated the available information and agreed to start in-depth assessment at next year's meeting that it expects to complete in 2016.</li> </ul> <p><b>Western North Pacific gray whales</b></p> <ul style="list-style-type: none"> <li>The Scientific Committee is undertaking a rangewide review of the status of North Pacific gray whales. It welcomed information on conservation efforts in Japan and reiterated support for the work of the IUCN Western Gray Whale Advisory Committee. Concern was expressed over trap net fishing and a proposed development project on eastern Sakhalin Island near the sensitive feeding and nursery grounds.</li> </ul> <p><b>North Pacific and North Atlantic right whales and small stocks of bowhead whales</b></p> <ul style="list-style-type: none"> <li>Grave concern was expressed over these small stocks, where ship strikes and entanglements are important threats.</li> </ul> <p><b>North Pacific and North Atlantic right whales and small stocks of bowhead whales</b></p> <ul style="list-style-type: none"> <li>Grave concern was expressed over these small stocks, where ship strikes and entanglements are important threats.</li> </ul> <p><b>IWC-POWER North Pacific Research cruises</b></p> <ul style="list-style-type: none"> <li>The aim of the IWC-POWER (North Pacific Ocean Whale and Ecosystem Research) programme is to contribute information on abundance and trends in abundance of large whales and to identify the causes of any trends that do occur. The fifth (2014) cruise has been completed and the 2015 cruise plan will be finalised intersessionally. Archiving and analyses of the individual identification photographs, genetic samples and sightings data is progressing.</li> </ul> |
| <p><b>Ship strikes</b><br/><i>Item 10.2</i><br/>Reports:<br/>Scientific Committee (IWC/65/Rep01)<br/>Conservation Committee (IWC/65/Rep05)</p>                       | <ul style="list-style-type: none"> <li>The Scientific Committee reviewed and endorsed the work of the ship-strikes co-ordinators and reiterated the importance of the IWC global database in evaluating the issue and developing mitigation measures. A number of specific recommendations were made and presented to the Conservation Committee.</li> <li>The most effective mitigation measure is to separate whales and ships, but when this is not possible the most effective measure is to reduce vessel speed which has implications for intensified collaboration between the IWC and IMO.</li> <li>The Commission received the report of the Ship Strikes working group and endorsed all the recommendations from the Ship Strikes Workshop held in Panama in 2014 (IWC/65/CCRep01), including that the IWC should develop a long-term working relationship with the IMO.</li> </ul>  |
| <p><b>Conservation management plans (CMPs)</b><br/><i>Item 11</i><br/>Reports:<br/>Scientific Committee (IWC/65/Rep01)<br/>Conservation Committee (IWC/65/Rep05)</p> | <ul style="list-style-type: none"> <li>The Scientific Committee developed a list of potential candidate large whale populations for CMPs, requested advice on whether a similar list of small cetacean populations should be developed, recommended updating of the template for threat-based CMPs and noted that marine debris is an appropriate candidate for a threat-based CMP. The report and recommendations were presented to the Conservation Committee.</li> <li>The Commission endorsed a number of recommendations by the Conservation Committee including a suggestion that the issue of marine debris is incorporated and addressed in CMPs, that further review and analysis is required on the concept of a threat-based marine debris CMP and that the Scientific Committee should undertake further analysis on priority candidates of small cetaceans that would benefit from the implementation of a CMP.</li> </ul> <p><b>Western North Pacific gray whale CMP</b></p> <ul style="list-style-type: none"> <li>A memorandum of co-operation on the conservation of western North Pacific gray whales was signed by Japan, Russian Federation and the USA during the meeting.</li> </ul>   |
| <p><b>Whalewatching</b><br/><i>Item 12</i><br/>Reports:<br/>Conservation Committee (IWC/65/Rep05)</p>  | <ul style="list-style-type: none"> <li>The Scientific Committee expressed concern over tourism involving feeding boto in Brazil and poor management of whalewatching in Bocas del Toro, Panama and some swim-with operations. It encouraged continuation of workshops to improve whalewatching in Oman. It also discussed how to assist the Conservation Committee on the development of the online handbook on whalewatching.</li> <li>The SWG-WW workplan for the proposed intersessional period of 2014-16 was endorsed.</li> </ul>   |
| <p><b>Other Regular</b></p>  | <ul style="list-style-type: none"> <li>The Commission endorsed the Conservation Committee's progress with other on-going areas of work, these</li> </ul>   |

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| <p><b>Conservation Committee Items</b><br/><i>Item 10</i></p>   | <p>being: (1) an investigation of inedible 'stinky' gray whales in the Chukotkan aboriginal subsistence hunt; (2) southern right whales in Chile and Peru; (3) National Reports on cetacean conservation; (4) marine debris. The issue of inedible 'stinky' gray whales was referred to the Scientific Committee.</p> <ul style="list-style-type: none"> <li>• Marine debris should be a standing agenda item for the Scientific Committee.</li> </ul>  |
| <p><b>Whale killing methods and associated welfare issues (WKM&amp;AWI)</b><br/><i>Item 13</i><br/>Report of the WG on WKM&amp;AWI (IWC/65/Rep06)</p> | <ul style="list-style-type: none"> <li>• The Commission welcomed the reports from several governments on their hunting operations or events requiring euthanasia. They also welcomed reports from Norway and the USA on their contributions to improvements in whaling operations.</li> <li>• NAMMCO provided a summary of its manuals for hunters that focussed on safety for hunters and rapid death for the target species of the hunts.</li> <li>• The Commission recommended that work related to entanglements, including training workshops and capacity building, the development of a global database and convening future workshops continue, including the post of technical advisor to the Secretariat.</li> <li>• The Report of the Workshop on Euthanasia Protocols and its recommendations were endorsed.</li> <li>• The Commission agreed revised terms of reference for the current intersessional working group which is now renamed as 'Working Group on Whale Killing Methods and Welfare Issues', (WG-WI). Its task is to review information and provide advice to the Commission on issues relating to whale killing methods and all aspects associated with ensuring good welfare of cetaceans that are hunted or otherwise impacted by human activities (See IWC/65/WKM&amp;AWI05 Rev2).</li> <li>• An updated Action Plan was also adopted in order to reflect the current scope the IWC's welfare work.</li> <li>• Additional voluntary contributions were announced by the UK (£20,000 towards the work of the WG-WI) and a consortium of NGOs (£10,800).</li> </ul> |
| <p><b>The Revised Management Procedure (RMP)</b><br/><i>Item 14</i><br/>Report of the Scientific Committee (IWC/65/Rep01)</p>                         | <p><b>Revised Management Procedure (RMP)</b></p> <ul style="list-style-type: none"> <li>• The Commission reviewed progress on the Scientific Committee's work on the RMP and related matters which included matters related to the MSYR, testing, possible amendments and survey guidelines. The <i>Implementation Review</i> for western North Pacific common minke whales was completed although more work may be required if a variant with research is proposed. Those for North Atlantic common minke whales and fin whales are ongoing and should be completed in 2015/2016.</li> <li>• No work was undertaken on the Revised Management Scheme.</li> </ul>   |
| <p><b>Scientific permits and related issues</b><br/><i>Item 15</i><br/>Report of the Scientific Committee (IWC/65/Rep01)</p>                          | <ul style="list-style-type: none"> <li>• Two expert workshops were held in the intersessional period, one to review the results of the completed Iceland special permit programme and the other to review the then ongoing JARPA II programme.</li> <li>• The judgment of March 31, 2014 of the International Court of Justice in the case concerning Whaling in the Antarctic was discussed. The Commission passed a Resolution on special permits (2014-5) that included instructions to the Scientific Committee and a request on the steps that must be taken before permits are issued.</li> </ul>   |
| <p><b>Safety issues at sea</b><br/><i>Item 16</i></p>   | <ul style="list-style-type: none"> <li>• Japan drew attention to the violent activities against its research vessels in the Southern Ocean during the last two seasons and requested necessary actions by the relevant Contracting Governments.</li> <li>• The Commission reiterated that it does not condone, and in fact condemns, any activities that are a risk to human life and property in relation to the activities of vessels at sea (see Resolution 2011-2).</li> </ul>  |
| <p><b>Catches by non-member nations</b><br/><i>Item 17</i><br/>Report of the Scientific Committee (IWC/65/Rep01)</p>                                  | <ul style="list-style-type: none"> <li>• The Commission was pleased to receive catch data from Canada's bowhead hunt. The Secretary will continue to request information on catches and quotas from Canada.</li> <li>• The Secretary will continue to request information from the Government of Indonesia on their whale catches.</li> </ul>   |
| <p><b>Infractions</b><br/><i>Item 18</i><br/>Report of the</p>  | <ul style="list-style-type: none"> <li>• The Commission reviewed: <ul style="list-style-type: none"> <li>○ infractions reported in the 2012, 2012/13, 2013 and 2013/4 seasons;</li> <li>○ follow-up reports from previous years;</li> </ul> </li> </ul>   |

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| <p>4<br/> <b>Infractions sub-committee</b><br/> (IWC/65/Rep04)</p>  | <ul style="list-style-type: none"> <li>○ information on the domestic surveillance of whaling operations; and</li> <li>○ information on the provision of data.</li> </ul> <ul style="list-style-type: none"> <li>• The Commission discussed the infractions report and referred unresolved issues concerning catches taken in Greenland in 2013 to the Working Group on Operational Effectiveness and cost saving measures.</li> <li>• Following the recent judgement of the International Court of Justice (ICJ), the Commission agreed that the IWC databases should show catches taken under the Japanese JARPA II programme as taken under special permits issued by Japan with a footnote indicating they have been discussed by the ICJ and including a reference both to the court judgement and the discussions documented in the Chair's report of this meeting.</li> </ul>   |
| <p><b>Environmental and health issues Item</b><br/> <i>Item 19</i><br/> Reports:<br/> Scientific Committee (IWC/65/Rep01);<br/> Conservation Committee (IWC/65/Rep05)</p> | <p><b>Scientific Work</b></p> <ul style="list-style-type: none"> <li>• The Commission reviewed progress on the Scientific Committee's on-going work on environmental concerns including, pollution, disease, sound and climate change. With respect to chemical pollution the IWC's POLLUTION 2000+ Phase III has been successfully completed and a new programme recommended. The Committee received reports of Workshops on soundscape mapping and the Commission's Arctic workshop; it endorsed the recommendations. A number of recommendations on sound were made with respect to mitigation and provision of data. This work was presented to the Conservation Committee.</li> <li>• The Commission also reviewed the report of the Arctic Workshop, endorsed all its recommendations and in particular noted a request to establish greater contact with the Arctic Council.</li> </ul>  |
| <p><b>Small cetaceans</b><br/> <i>Item 20.1</i><br/> Reports:<br/> Scientific Committee (IWC/65/Rep01);<br/> Conservation Committee (IWC/65/Rep05)</p>                    | <p><b>Small cetaceans status and review</b></p> <ul style="list-style-type: none"> <li>• The Scientific Committee reviewed small cetaceans in East Asian waters in 2013 and the Eastern Mediterranean and Red Sea in 2014. Concern was expressed over a number of populations that were subject to high bycatch rates in Korea and Japan and to bycatch and the illegal use of explosives in the Mediterranean. Recommendations were also made concerning small cetacean hunts in Japan and live-captures of white whales and killer whales from the Okhotsk Sea. In reviewing progress on previous recommendations, serious concern and the need for action was expressed over the vaquita in Mexico, Maui's dolphins in New Zealand, river dolphin species in Laos, Cambodia, China and Brazil, franciscana in Brazil, Uruguay and Argentina, live-captures and drive hunts in the Solomon Islands, bycatches and occasional hunts in Ghana. It reiterated a long-standing statement that no removals should be authorised until full assessments of sustainability are completed.</li> <li>• The Commission received several progress reports on conservation actions that were being taken or proposed for populations/species for which the Scientific Committee has expressed concern.</li> </ul> <p><b>The fund for Small Cetacean Conservation Research.</b></p> <ul style="list-style-type: none"> <li>• Appreciation was expressed to governments and NGOs that have contributed to the Voluntary fund. The Commission was pleased to note the excellent work undertaken under this voluntary fund. Since it began in 2011, 14 projects have been funded to the value of around £350,000. The focus is on research that will lead to improved conservation status with an emphasis on developing countries and critical conservation needs.</li> <li>• The Commission recommended the 'task team' approach suggested by the Scientific Committee to respond to situations where urgent attention is required to protect small cetacean populations. The approach will allow the Committee to more swiftly evaluate a situation and provide advice and recommendations intersessionally.</li> <li>• Additional donations to the fund were announced by the UK (£10,000), Italy (€15,000 to support the participation of experts in the work on small cetaceans), the Netherlands (€85,000 to assist the IWC to enhance its work on small cetaceans, to work further on non-lethal research methods and to enhance dialogue on alternatives for subsistence whaling) and a consortium of NGOs (£16,000).</li> </ul> |
| <p><b>Regional non-lethal research partnerships</b><br/> <i>Item 20.2</i><br/> Report of the Scientific Committee (IWC/65/Rep01)</p>                                      | <ul style="list-style-type: none"> <li>• The Commission welcomed a report on the Southern Ocean Research Partnership which included updates on the existing projects.</li> <li>• Further international involvement in this programme was encouraged.</li> <li>• Some governments requested the continued funding of the SORP co-ordinator through the research fund.</li> </ul>   |
| <p><b>Scientific Committee working methods</b></p>  | <ul style="list-style-type: none"> <li>• The Scientific Committee reported on work to review and improve its working methods. Improvements highlighted included the process to develop the research budget, review research proposals, communicate with the Commission and others and data access under Annex P.</li> </ul>   |

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| <i>Item 20.3</i>  |   |
| <b>Finance and Administration</b><br><i>Item 22</i><br>Report of the Finance and Administration Committee (IWC/65/Rep02)      | <ul style="list-style-type: none"> <li>• The Working Group on Providing Options to Governments with Limited Means to Participate in the Commission’s Work is re-constituted under the chairmanship of Hideki Moronuki (Japan).</li> <li>• The Commission expressed appreciation for the enhanced new IWC website.</li> <li>• The Commission endorsed the work of the WG on operational effectiveness and cost saving measures and recommended that the WG continue its work with an enhanced membership and include (1) consideration of the new biennial meeting pattern and (2) a review of the operations of the Commission such that its limited resources are used effectively. A new working group was established to deal with matters outside the mandate of the present WG.</li> <li>• The Commission recommended a change to Rule of Procedure P.3 to allow the Secretariat to circulate a list of dates and subject titles of confidential communications to all Commissioners and Contracting Governments.</li> <li>• The Secretariat was requested to continue to identify cost savings including staffing levels and in particular to investigate options to reduce bank charges.</li> <li>• The Secretariat was requested to review the organisation of the new biennial meeting structure, for report to IWC/66, including contacting Contracting Governments to obtain feedback on IWC65.</li> <li>• The Chair indicated that she would recommend the Bureau to introduce a ‘cut-off’ after day three such that all discussion and decisions on resolutions and Schedule amendments would be completed by this time.</li> </ul>  |
| <b>Financial statements and budget</b><br><i>Item 23</i><br>Report of the Finance and Administration Committee (IWC/65/Rep02) | <ul style="list-style-type: none"> <li>• The Commission adopted the 2012 and 2013 financial statements and approved the Provisional Financial Statement for the year ending 31 August 2014 subject to audit.</li> <li>• The Commission adopted an addition of Rule of Procedure A.3 relating to contact details of national offices responsible for making payments.</li> <li>• The Commission adopted the 2015 budget as presented in IWC/65/07 except including an amendment to reduce the 1.5% increase in contributions to 0%, partly by reducing the Scientific Committee contingency budget to 10%. For 2016, the Commission placed square brackets around the amount for the specialist workshop to review special permits, pending the outcome of the Scientific Committee’s deliberations on the Annex P process.</li> <li>• The Committee took note of the forecast for 2017-2018 and adopted the proposed income and expenditure for the bridge period (IWC/65/7).</li> <li>• In future media fees will be waived and the observer fee will remain at its current level in 2016.</li> <li>• The contributions formula will be considered by the BSC at IWC/66 and the contributions formula will be made available through the IWC website.</li> <li>• The length of term served by the Chair/Vice Chair of the BSC is changed to cover two biennial cycles. The two empty ‘open seats’ on the BSC could be filled by the Chair and Vice-Chair of the Commission.</li> <li>• The Commission expressed appreciation to the retiring chair of the F&amp;A Committee, Donna Petrachenko (Australia) for her excellent work over several years. Ryan Wulff (USA) was elected Chair of the F&amp;A Committee.</li> <li>• A suggestion that a percentage of money donated to voluntary funds should be transferred to the IWC general fund was referred to the WG on operational effectiveness and cost saving measures for consideration in the intersessional period.</li> </ul> |
| <b>Date and place of Meetings</b>   | <ul style="list-style-type: none"> <li>• No date or place was proposed for the 2016 meeting.</li> <li>• The Government of the USA kindly agreed to host the Scientific Committee meeting from 20 May – 4 June 2015 in San Diego.</li> </ul>   |
| <b>Elections and Bureau</b><br><i>Items 25 and 26</i>   | <ul style="list-style-type: none"> <li>• Bruno Mainini (Switzerland) was elected as Chair of the Commission and Joji Morishita (Japan) was elected as Vice Chair.</li> <li>• Uruguay, Ghana, Australia and St Lucia were elected to the Bureau. Thus the total membership of the Bureau will comprise the Chair (Switzerland), the Vice-Chair (Japan), the Chair of the F&amp;A Committee (USA), and the four elected members.</li> </ul>   |



## Schedule Amendments Adopted at IWC/65

Paragraph 13 (b) (3) of the Schedule is amended to read:

**Baleen Whale Catch Limits**

13. . . .

(b) Catch limits for aboriginal subsistence whaling are as follows:

- (3) The taking by aborigines of minke whales from the West Greenland and Central stocks and fin whales from the West Greenland stock and bowhead whales from the West Greenland feeding aggregation and humpback whales from the West Greenland feeding aggregation is permitted and then only when the meat and products are to be used exclusively for local consumption.
- (i) The number of fin whales struck from the West Greenland stock in accordance with this sub-paragraph shall not exceed ~~16-19~~ in each of the years ~~2010, 2011, 2015, 2016, 2017~~ and ~~2012-2018~~.<sup>§§</sup>
- (ii) The number of minke whales struck from the Central stock in accordance with this sub-paragraph shall not exceed 12 in each of the years ~~2008, 2009, 2010, 2011~~ ~~2015, 2016, 2017~~ and ~~2012-2018~~, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than 3 shall be added to the quota for any one year.<sup>§</sup>
- (iii) The number of minke whales struck from the West Greenland stock shall not exceed ~~178-164~~ in each of the years ~~2010, 2011~~ ~~2015, 2016, 2017~~ and ~~2012-2018~~, except that any unused portion of the quota for each year shall be carried forward from that year and added to the strike quota of any of the subsequent years, provided that no more than 15 strikes shall be added to the strike quota for any one year. This provision will be reviewed if new scientific data become available within the ~~5-4~~ year period and if necessary amended on basis of the advice of the Scientific Committee.<sup>§</sup>
- (iv) The number of bowhead whales struck off West Greenland in accordance with this sub-paragraph shall not exceed 2 in each of the years ~~2008, 2009, 2010, 2011~~ ~~2015, 2016, 2017~~ and ~~2012-2018~~, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than 2 shall be added to the quota for any one year. This provision will be reviewed if new scientific data become available within the ~~5-4~~ year period and if necessary amended on basis of the advice of the Scientific Committee.<sup>§</sup>
- (v) The number of humpback whales struck off West Greenland in accordance with this sub-paragraph shall not exceed ~~9-10~~ in each of the years ~~2010, 2011~~ ~~2015, 2016, 2017~~ and ~~2012-2018~~, except that any unused portion of the quota for each year shall be carried forward from that year and added to the strike quota of any of the subsequent years, provided that no more than 2 strikes shall be added to the strike quota for any one year. This provision will be reviewed if new scientific data become available within the remaining quota period and if necessary amended on the basis of the advice of the Scientific Committee.<sup>§</sup>

## Resolutions Adopted at the 65th Meeting

### Resolution 2014-1

#### Resolution on Aboriginal Subsistence Whaling (AWS)

**WHEREAS** Resolution 1982-3 states that it is the purpose of the International Whaling Commission (IWC) to provide for the effective conservation and management of whale stocks;

**WHEREAS** the Commission recognises the importance of accommodating the needs of aboriginal people who are dependent upon whales for subsistence and cultural purposes and that the Commission intends that the needs of aboriginals shall be determined by the Governments concerned and explained in needs statements that are submitted to the Commission.

**WHEREAS** Aboriginal Subsistence Whaling (ASW) management is a fundamental and integral part of the duties to be performed by the IWC;

**WHEREAS** Resolution 1994-4 states that for aboriginal subsistence whaling the IWC objectives are to:

- a) ensure that the risks of extinction to individual stocks are not seriously increased by subsistence whaling;
- b) enable aboriginal people to harvest whales in perpetuity at levels appropriate to their cultural and nutritional requirements, subject to the other objectives; and
- c) maintain the status of stocks at or above the level giving the highest net recruitment and to ensure that stocks below that level are moved towards it, so far as the environment permits;

**WHEREAS** Resolution 1994-4 also states that highest priority shall be accorded to the objective of ensuring that the risk of extinction to individual stocks are not seriously increased by subsistence whaling;

**WHEREAS** the Scientific Committee in its 2009 report endorsed an interim safe approach to setting catch limits for the Greenlandic hunt in 2008 and agreed that this should be considered valid for two blocks, i.e. up to, and including, the 2018 whaling season;

**WHEREAS** the Commission and the Scientific Committee have agreed that long-term scientific advice on ASW management should follow the *Strike Limit Algorithm (SLA)* approach;

**WELCOMING** the relevant work carried out by the Scientific Committee, especially the considerable progress in developing *SLAs* and providing management advice for the Greenlandic hunt;

**NOTING WITH SATISFACTION** the completion of the *SLA* for humpback whales off West Greenland which provides a more robust basis for providing long-term management advice to the Commission on the subsistence hunt of humpback whales off West Greenland;

**WELCOMING ALSO** the work of the Scientific Committee towards considering a multi-species *SLA*;

**WELCOMING FURTHER** the additional work undertaken on conversion factors within Greenland, including improved procedures for data collection and updating the new information obtained (SC/65b/AWMP05) in line with the recommendations of the Scientific Committee in 2013 and **NOTING** that the Scientific Committee has agreed that annual update reports are unnecessary for its work, but has suggested that data are submitted directly to the Commission when it meets and incorporated as necessary into need statements;

#### **NOW, THEREFORE, THE COMMISSION:**

- a) **EMPHASISES** the need to regulate ASW in the future through a more consistent and long-term approach;
- b) **URGES** all contracting governments to participate more actively in the work of the ASW Sub-committee;
- c) **REQUESTS** the Scientific Committee to give high priority to all AWMP-related activities, including modelling and data collection and to complete, and, to the extent possible, accelerate its work on the development of agreed and validated *SLAs* for the Greenland hunt, at least by species, before 2018 in accordance with its current work plan as well as consider the integration of these *SLAs* so as to provide multispecies advice for the next quota period;
- d) **FURTHER REQUESTS** the ASW Sub-committee to address as a matter of urgency the following issues for the period 2014-2018:
  - i) Standardised need statements, building on the work already carried out in the ASW sub-committee and by the *Ad Hoc* ASW Working Group;
  - ii) Better understanding of the relationship between needs and consumption patterns for ASW hunts, including by collecting data on landings for each category, local consumption and use and the extent of monetary transactions;
  - iii) Preparation of a proposal to update paragraph 13a of the Schedule to the International Convention on the Regulation of Whaling to reflect the *SLA* approach for consideration by IWC 66.
- e) **THANKS** the Kingdom of Denmark for providing the updated 2014 needs statement for Greenland;
- f) **INVITES** the ASW countries to continue to provide regular data and improve information on all aspects of their hunts and needs.

**Resolution 2014-2****Resolution on Highly migratory cetaceans**

**NOTING** that nearly all marine cetacean species<sup>1</sup> are highly migratory and thus critically dependent on international cooperation for their conservation and management;

**RECALLING** that the ICRW Schedule currently lists management measures for only 17 of these species;

**NOTING** that Articles 65 and 120 of the United Nations Convention on the Law of the Sea provide that States shall cooperate with a view to the conservation of marine mammals and, in the case of cetaceans, work through the appropriate international organisations for their conservation, management and study both within and beyond the exclusive economic zone;

**RECOGNISING** that efforts by coastal States to protect these migratory species depend upon concerted, additional conservation efforts on the High Sea;

**NOTING** further that for the majority of cetacean species the main conservation threats involve factors, such as entanglement, marine debris and traffic, that cannot be solved through IWC action alone, but require the co-operation of other relevant organisations;

**NOW THEREFORE THE COMMISSION:**

**DECIDES** to seek enhanced collaboration in the conservation of migratory cetaceans with other intergovernmental organisations whose co-operation is essential to secure the lasting protection of these species in the world ocean;

**REQUESTS** the Secretariat to conduct consultations and develop a draft work plan with regard to sharing of data and research priorities;

**INVITES** Contracting Parties to raise the need for increased international collaboration regarding highly migratory cetaceans in relevant international fora, with a view to contributing to the conservation efforts of the IWC;

**DECIDES** to review progress at the 66th Meeting of the Commission.

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<sup>1</sup> The most recent list (see Appendix) used by the IWC Scientific Committee includes 88 species of cetaceans of which 81 are marine or mainly marine. Of the marine species, all but 7 belong to the families listed as Highly Migratory in Annex I of the UN Convention on the Law of the Sea.



### **Resolution 2014-3**

#### **Consensus Resolution on Civil Society Participation and Transparency at the IWC**

NOTING that Principle 10 of the Rio Declaration calls upon States to, *inter alia*, “facilitate and encourage public awareness and participation by making information widely available”;

RECALLING the importance of transparency in international environmental agreements;

RECOGNISING the valuable contributions of observers to meetings of the International Whaling Commission;

FURTHER recalling Resolution 2011-1 on improving the effectiveness of operations within the International Whaling Commission;

AWARE that during the last decade international law and practice relating to transparency and participation in international decision-making has continued to develop, with the coming into force of relevant conventions at the global and regional level;

MINDFUL of the good practices adopted by the Commission to facilitate NGO participation since 2007;

CONVINCED that advances made in NGO participation can be further enhanced without placing administrative burdens on member governments, the Secretariat or committees of the Commission;

DETERMINED that Commission procedures for NGO participation should be brought into line with current international good practice so as to improve the transparency and governance of the organisation;

NOW, THEREFORE, THE COMMISSION:

REAFFIRMS the important role of civil society participation in its proceedings and in ensuring that the IWC remains an open, transparent and fully accountable organisation;

and

ADOPTS the amendments to the Rules of Procedure of the Commission contained in the Annexes to this Resolution.

**DRAFT CHANGES TO THE RULES OF PROCEDURE OF THE  
INTERNATIONAL WHALING COMMISSION**

These amendments are shown as changes to the Rules of Procedure and Financial Regulations as adopted at the 64th Annual Meeting ([http://iwc.int/document\\_2385.download](http://iwc.int/document_2385.download)).

New text for inclusion is in bold italics; old text for deletion is struck out.

**B. Meetings**

1. The Commission shall hold a regular [ ] Biennial Meeting in such place as the Commission may determine. Any Contracting Government desiring to extend an invitation to the Commission to meet in that country shall give formal notice two years in advance. A formal offer should include:

- (a) which meetings it covers, i.e. Scientific Committee, Commission sub-groups, [ ] Biennial Commission meeting;
- (b) a proposed time window within which the meeting will take place; and
- (c) a timetable for finalising details of the exact timing and location of the meeting.

Attendance by a majority of the members of the Commission shall constitute a quorum. Special Meetings of the Commission may be called at the direction of the Chair after consultation with the Contracting Governments and Commissioners.

2. Before the end of each [ ] Biennial Meeting, the Commission shall decide on: (1) the length of the next [ ] Biennial Commission Meeting and associated meetings [ ] and (2) which of the Commission's sub-groups need to meet.

3. The Scientific Committee shall meet annually. Other committees and sub-committees 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.

4. The Bureau shall meet in those years in which the Commission does not meet, and shall otherwise meet as required to fulfill its functions in accordance with Rule M.9. ***The Chair may invite contracting governments who are not members of the Bureau, as appropriate, to attend in-person Bureau meetings.***

**C. Observers**

1. (a) Any Government not a party to the Convention or any intergovernmental organisation may be represented at meetings of the Commission by an observer or observers, if such non-party government or intergovernmental organisation has previously attended any meeting of the Commission, or if it submits its request in writing to the Commission 60 days prior to the start of the meeting, or if the Commission issues an invitation to attend.

(b) Any non-governmental organisation which expresses an interest in matters covered by the Convention may be accredited as an observer. Requests for accreditation must be submitted in writing to the Commission 60 days prior to the start of the meeting and the Commission may issue an invitation with respect to such request. Such submissions shall include the standard application form for non-governmental organisations, which will be provided by the Secretariat. These applications shall remain available for review by Contracting Governments.

Once a non-governmental organisation has been accredited through the application process above, it will remain accredited until the Commission decides otherwise.

Observers from each non-governmental organisation will be allowed seating in the meeting. However, seating limitations may require that the number of observers from each non-governmental organisation be limited. The Secretariat will notify accredited non-governmental organisations of any seating limitations in advance of the meeting.

(c) The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of observers accredited in accordance with Rule C.1.(a) and (b). The registration fee will cover attendance at the Biennial Commission Meeting to which it relates and any other meetings of the Commission or its subsidiary groups as provided in Rule C.2 in the interval before the next Biennial Commission Meeting.

2. Observers accredited in accordance with Rule C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of ***Committees and all*** subsidiary groups of the Commission and the Technical Committee, except the Commissioners-only meetings, meetings of the Bureau and ***closed*** meetings of the Finance and Administration

Committee.

***3. Observers accredited in accordance with rule C.1.(a) and (b) will have speaking rights during Plenary sessions and sessions of Commission subsidiary groups and Committees to which they are admitted to under C.2, in accordance with the Rules of Debate of the Commission. Observers might also submit documents for information to the delegations and observers participating in such sessions, provided these are submitted through the Secretariat at least 48 hours before the session in which they are intended to be made available, and are duly authored or endorsed by the accredited organisation making the submission, which is to be held responsible for its contents.***

(...)

#### **M. Committees**

...

8. The Finance and Administration Committee shall advise the Commission on expenditure, budgets, scale of contributions, financial regulations, staff questions, and such other matters as the Commission may refer to it from time to time. ***The Chair of the Finance and Administration Committee may close to observers at his or her discretion, portions of meetings of the Committee during which sensitive matters such as personnel questions will be discussed.***

(...)

#### **P. Reports and communications**

1. Commissioners should arrange for reports on the subject of whaling published in their own countries to be sent to the Commission for record purposes.

2. The Chair's Report of the most recent Biennial Commission Meeting or Meeting of the Bureau shall be posted on the Commission's public web site in English within two months of the end of the meeting and in the other working languages as soon as possible thereafter. It shall be published in the Annual Report of the year just completed.

3. All individual and circular communications from the Chair or Secretary to Contracting Governments shall be sent to both the Commissioner appointed under Rule A.1., and to his/her Alternate designated or to the focal or contact point created under Rule A.2. They should also be sent to all accredited ~~intergovernmental~~ observers. All circular communications from the Chair or Secretary to Contracting Governments shall be posted on the Commission's public web site on despatch, unless the Chair, after consulting with the Bureau, deems that a confidential communication is warranted (applicable only for staff issues, infraction cases and information provided by contracting Governments with a request that it remain confidential), in which case the communication should be sent to the Contracting Governments alone. A list of dates and subject titles of such confidential communications shall be presented to the next Biennial Meeting or to the Bureau in years when the Commission does not meet.

### ANNEX B

#### **DRAFT CHANGES TO THE RULES OF DEBATE OF THE INTERNATIONAL WHALING COMMISSION**

These amendments are shown as changes to the Rules of Procedure and Financial Regulations as adopted at the 64th Annual Meeting ([http://iwc.int/document\\_2385.download](http://iwc.int/document_2385.download)).

New text for inclusion is in bold italics; old text for deletion is struck out.

#### **A. Right to Speak**

1. The Chair shall call upon speakers in the order in which they signify their desire to speak, ***with the exception of accredited Observers, which should be allowed to speak only after all Commissioners desiring to speak do so. As a general rule, Observers will only be allowed to speak once at each Agenda item under discussion, and at the discretion of the Chair.***

- <sup>1</sup> 2. A Commissioner or Observer may speak only if called upon by the Chair, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

## Resolution 2014-4

### Consensus Resolution on the Scientific Committee

NOTING reiterated concerns expressed in relation to the conservation status and the increasing threats that various cetacean stocks are facing;

RECALLING resolution 2003-1 on The Berlin Initiative on Strengthening the Conservation Agenda of the International Whaling Commission;

FURTHER RECALLING more than fifty resolutions of the International Whaling Commission addressing the work of the Scientific Committee<sup>2</sup>, particularly regarding the increasing and evolving work over decades on conservation aspects, including small cetaceans;

RECOGNISING the value of the Scientific Committee's work on these conservation issues for the Commission and the Conservation Committee;

NOTING that the Scientific Committee has been discussing aspects related to increasing the support of the Scientific Committee on conservation related issues and has agreed, *inter alia*, to improve communication with the Commission and keep track of recommendations;

FURTHER NOTING that the work of the Scientific Committee oriented toward issues related to other threats than direct takes, has increased over the last decades but has received little funding;

AWARE of the different views between member states on the regulatory competence of the IWC with regard to small cetaceans;

BELIEVING that Commission procedures for the Scientific Committee should be updated to reflect its breadth of work over the last decades;

NOW, THEREFORE, THE COMMISSION:

DIRECTS the Scientific Committee to continue to improve its work towards conservation-related matters including an increasing allocation of funding for conservation oriented research, such as investigation on conservation or mitigation measures, while taking into consideration other core activities as provided for by the Convention;

AGREES to establish a working group between the Conservation Committee and the Scientific Committee in order to propose a procedure to facilitate the implementation and follow-up of conservation recommendations;

DIRECTS the Working Group on Operational Effectiveness and Cost Saving Measures to provide for closer engagement of the Commission in the setting of the Scientific Committee's work plans by formulating advice to the Scientific Committee on;

- research priorities and any specific scientific advice the Commission may require at its next meeting;
- the Scientific Committee's two-year detailed work plans particularly where it will assist the Scientific Committee in scheduling activities and reporting over its two following annual meetings;

REQUESTS the Scientific Committee, including its sub-Committees and working groups, to improve reporting efficiency by providing consolidated reports covering the two-year intersessional period wherever possible.

INSTRUCTS the Secretariat to annually prepare a compilation of concerns and recommendations expressed by the Scientific Committee related to conservation aspects and to forward it to contracting and non-contracting governments, intergovernmental organisations and other entities as appropriate, at the same time drawing their attention to any particular advice contained therein and offering more detailed advice if that should be sought;

ADOPTS the amendments to the Rules of Procedure of the Commission contained in the Annex II to this Resolution;

FORWARDS to the Scientific Committee the proposed amendments to the Rules of Procedures of the Scientific Committee in Annex III for their consideration, with a view to adopting amended rules at the Commission's next meeting after considering advice from the Scientific Committee.

And

CONSOLIDATES the mandate of the Small Cetaceans Standing Sub-Committee by adopting the following terms of reference:

- Review the distribution and stock structure of small cetaceans.
- Review information on the status of the stocks of small cetaceans and provide an assessment of the threats to the stocks concerned.

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<sup>2</sup>Annex I: Compiled list of IWC resolutions addressing the work of the Scientific Committee 1976-2012



- 1 • Advice on ways in which those threats can be eliminated or mitigated.
  - Review developments on topics and recommendations that were subject of previous reports.
  - Coordinate with other Scientific Committee sub-committees and working groups, where appropriate, to further address topics related to environmental concerns, whale watching, RMP, AWMP, human induced mortality, among others.

## **Annex I**

### **Compiled list of IWC resolutions addressing the work of the Scientific Committee 1976-2012**

#### **IWC 31st Annual Meeting**

1979-3 Resolution in relation to the establishment of a whale sanctuary in the Indian Ocean

#### **IWC 32nd Annual Meeting**

1980-6 Resolution aimed at discouraging whaling operations outside IWC regulations

1980-8 Resolution concerning extension of the Commission's responsibility for small cetaceans

#### **IWC 33rd Annual Meeting**

1981-7 Resolution relating to pollutants in whales

#### **IWC 38th Annual Meeting**

1986-2 Resolution on special permit for scientific research<sup>3</sup>

#### **IWC 39th Annual Meeting**

1987-1 Resolution on scientific research programmes<sup>2</sup>

#### **IWC 42nd Annual Meeting**

1990-3 Resolution on small cetaceans

#### **IWC 43rd Annual Meeting**

1991-4 Resolution on the revised management procedure

1991-5 Resolution on small cetaceans

#### **IWC 44th Annual Meeting**

1992-2 Resolution on the need for research on the environment and whale stocks in the Antarctic region

1992-3 Resolution on the revised management system

1992-4 Resolution on a sanctuary in the Southern Hemisphere

#### **IWC 45th Annual Meeting**

1993-4 Resolution on addressing small cetaceans in the IWC

1993-5 Resolution on research related to conservation of large baleen whales in the Southern Oceans

1993-12 Resolution on research on the environment and whale stocks

#### **IWC 46th Annual Meeting**

1994-2 Resolution on small cetaceans

1994-4 Resolution on a review of aboriginal subsistence management procedures

1994-5 Resolution on the revised management scheme

1994-8 Resolution on scientific permits

1994-12 Resolution on promotion of research related to conservation of large baleen whales in the Southern Oceans

1994-13 Resolution on research on the environment and whale stocks

1994-14 Resolution on whalewatching

#### **IWC 47th Annual Meeting**

1995-7 Resolution on surveys intended to provide abundance estimates for the implementation of the revised management scheme

1995-9 Resolution on whaling under special permit<sup>4</sup>

#### **IWC 48th Annual Meeting**

1996-2 Resolution on whalewatching

1996-4 Resolution on small cetaceans

1996-6 Resolution of provisions for completing the revised management scheme

1996-8 Resolution on environmental change and cetaceans

#### **IWC 49th Annual Meeting**

1997-5 Resolution on special permit catches in the Southern Ocean by Japan

1997-7 Resolution on environmental change and cetaceans

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<sup>3</sup>Resolutions replaced afterwards by Resolution 1995-9

<sup>4</sup>Resolution on whaling under special permit that replace resolutions 1986-2 and 1987-1.

1997-8 Resolution on small cetaceans

**IWC 50th Annual Meeting**

1998-2 Resolution on total catches over time

1998-3 Resolution on the Southern Ocean sanctuary

1998-4 Resolution on whaling under special permit

1998-5 Resolution on environmental changes and cetaceans

1998-10 Resolution to consider establishment of a mechanism to improve communications between the commission and its scientific committee

**IWC 51st Annual Meeting**

1999-2 Resolution on special permits for scientific research

1999-4 Resolution on health effects from the consumption of cetaceans

1999-5 Resolution for the funding of high priority scientific research

1999-7 Resolution on small populations of highly endangered whales

1999-8 Resolution on DNA testing

1999-9 Resolution on Dall's porpoise

**IWC 52nd Annual Meeting**

2000-7 Resolution on environmental change and cetaceans

2000-8 Resolution on Western North Atlantic right whales

**IWC 53rd Annual Meeting**

2001-3 Resolution on Western North Pacific gray whale

2001-4 Resolution on the incidental capture of cetaceans

2001-7 Resolution on Southern Hemisphere minke whales and special permit whaling

2001-9 Resolution on interactions between whales and fish stocks

2001-12 Resolution on Dall's porpoise

2001-13 Resolution on small cetaceans

**IWC 54th Annual Meeting**

2002-1 Guidance to the scientific committee on the sanctuary review process

**IWC 55th Annual Meeting**

2003-1 The Berlin initiative on strengthening the conservation agenda of the international whaling commission

2003-3 Resolution on Southern Hemisphere minke whales and special permit whaling

**IWC 56th Annual Meeting**

2004-1 Resolution on Western North Pacific gray whale

**IWC 57th Annual Meeting**

2005-1 Resolution on JARPA II

**IWC 61st Annual Meeting**

2009-1 Consensus resolution on climate and other environmental changes and cetaceans

**IWC 63rd Annual Meeting**

2011-1 On improving the effectiveness of operations within the International Whaling Commission

**IWC 64th Annual Meeting**

2012-1 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

**Annex II**  
**Amendments to the Commission's Rules of Procedure and Financial Regulations**

[These amendments are shown as changes to the Rules of Procedure and Financial Regulations as adopted at the 64th Annual Meeting ([http://iwc.int/document\\_2385.download](http://iwc.int/document_2385.download)).]

[New text for inclusion is in bold italics; old text for deletion is struck out.]

**CHANGES TO RULES OF PROCEDURE**

M. Committees

4. (a) The Scientific Committee shall review the current scientific and statistical information with respect to whales and whaling, shall review current scientific research programmes of Governments, other international organisations or of private organisations, shall review the scientific permits and scientific programmes for which Contracting Governments plan to issue scientific permits, ***shall review current and potential threats and methods to mitigate them in order to maintain cetacean populations at viable levels, shall provide conservation and management advice where appropriate***, shall consider such additional matters as may be referred to it by the Commission or by the Chair of the Commission, and shall submit reports and recommendations to the Commission.

(b) Any ad hoc committee, sub-committee or working group established to provide scientific advice shall report to the Scientific Committee, which shall review the report of such committee, sub-committee or working group, and, as appropriate, make its own recommendations on the subject matter.

## CHANGES TO FINANCIAL REGULATIONS

### C. General Financial Arrangements

1. There shall be established a Research Fund and a General Fund, and a Voluntary Fund for Small Cetaceans.

(a) The Research Fund shall be credited with voluntary contributions and any such monies as the Commission may allocate for research and scientific investigation and charged with specific expenditure of this nature. ***The Research Fund shall have a balanced distribution among activities, defined according to conservation priorities and the work of the Commission, including small cetaceans.***

(b) The General Fund shall, subject to the establishment of any other funds that the Commission may determine, be credited or charged with all other income and expenditure.

(c) The details of the Voluntary Fund for Small Cetaceans are given in Appendix 1.

The General Fund shall be credited or debited with the balance on the Commission's Income and Expenditure Account at the end of each financial year.

## Annex III

### Proposed Amendments to the Rules of Procedures of the Scientific Committee

[These amendments are shown as changes to the Rules of Procedure and Financial Regulations as adopted at the 64th Annual Meeting ([http://iwc.int/document\\_2385.download](http://iwc.int/document_2385.download)).]

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The Scientific Committee, established in accordance with the Commission's Rule of Procedure M.1, has the general terms of reference defined in Rule of Procedure M.4.

In this regard, the DUTIES of the Scientific Committee, can be seen as a progression from the scientific investigation of whales and their environment, leading to assessment of the status of the whale stocks and the impact of ***direct catches and any other non-direct removal threats*** upon them, and then to provision of ***conservation and management advice on cetacean stocks and the regulation of lethal and non-lethal whaling activities***. This can be defined in the following terms for the Scientific Committee to:

Encourage, recommend, or if necessary, organise studies and investigations related to whales and whaling [Convention Article IV.1(a)]

Collect and analyse statistical information concerning the current condition and trend of whale stocks and the effects of whaling activities on them [Article IV.1 (b)]

Study, appraise, and disseminate information concerning methods of maintaining and increasing the population of whale stocks [Article IV.1 (c)]

Provide scientific findings on which amendments to the Schedule shall be based to carry out the objectives of the Convention and to provide for the conservation, development and optimum utilisation of the whale resources [Article V.2 (a) and (b)]

Publish reports of its activities and findings [Article IV.2]

In addition, specific FUNCTIONS of the Scientific Committee are to:

**Review current threats and methods to mitigate them in order to maintain cetacean populations at viable levels [Rule of Procedure M.4]**

**Provide conservation and management advice [Rule of Procedure M.4; Rep. int. Whal. Commn 31:30-31; ARIWC 1998:46; 2003:58]**

Receive, review and comment on Special Permits issued for scientific research [Article VIII.3 and Schedule paragraph 30]

Review research programmes of Contracting Governments and other bodies [Rule of Procedure M.4]

SPECIFIC TOPICS of current concern to the Commission include:

Comprehensive Assessment of whale stocks [*Rep. int. Whal. Commn*34:30; **44:32; 45:48; ARIWC 1999:55; 2000:57; 2001AnnexC:2; 2001AnnexC:4; 2003:103; 2004:66]**

Implementation of the Revised Management Procedure [*Rep. int. Whal. Commn*42:47-48; **43:40; 45:43-44; 46:45-46; 47:51; 48:47; ARIWC 1998:42; 1999:55]**

Assessment of stocks subject to aboriginal subsistence whaling **and Aboriginal Subsistence Whaling Management Procedure** [Schedule paragraph 13(b); *Rep. int. Whal. Commn*45:42-43; **ARIWC 1998:42; 2004:66]**

~~Development of the Aboriginal Subsistence Whaling Management Procedure [*Rep. int. Whal. Commn*45:42-3]~~

Effects of environmental change on cetaceans [*Rep. int. Whal. Commn*32:37; 43:39-40; 44:35; 45:49; **47:52; 48:47; ARIWC 1998:43-44; 1999:53; 1999:53-54; 2000:56-57; 2001AnnexC:5; 2003:103; 2009:95; 2012:77]**

Scientific aspects of whale sanctuaries [*Rep. int. Whal. Commn*30:34; 33:21-2; **43:41; 45:63; ARIWC 1998:42-43; 2002:89]**

Scientific aspects of small cetaceans [*Rep. int. Whal. Commn*31:31; 41:48; 42:48; 43:51; **44:31-32; 45:41-42; 47:49-50; 48:49; ARIWC 1998:43-44; 1999:55-56; 2001AnnexC:2-3; 2001AnnexC:6; 2001AnnexC:7]**

Scientific aspects of whalewatching [*Rep. int. Whal. Commn*45:49-50; **47:48]**

**Human induced mortality [ARIWC 1998:42; 1998:43-44; 1999:55; 2001AnnexC:2-3]**

**Special permits [Rep. int. Whal. Commn45:46; 46:46-47; ARIWC 1998:43; 1999:52-53; 2003:103; 2005:66]**

**DNA [ARIWC 1999:55]**

**Stock definition [ARIWC 1999:55]**

(...)

#### **A. Membership and Observers**

5. Any non-governmental organisation sending an accredited observer to a meeting of the Commission may nominate a scientifically qualified observer to be present at meetings of the Scientific Committee. ~~Any such nomination must reach the Secretary not less than 60 days before the start of the meeting in question and must specify the scientific qualifications and relevant experience of the nominee.~~ The Chair of the Scientific Committee shall decide upon the acceptability of any nomination but may reject it only after consultation with the Chair and Vice-Chair of the Commission. ~~Observers admitted under this rule shall not participate in discussions but the papers and documents of the Scientific Committee shall be made available to them at the same time as to members of the Committee.~~ **They may present and discuss documents and papers for consideration by the Scientific Committee, participate on sub-committees, and they shall receive all Committee documents and papers.**

(...)

#### **C. Organisation**

1. The Scientific Committee shall include standing sub-committees and working groups by area or species, or other subjects, and a standing sub-committee on small cetaceans. The Committee shall decide at each meeting on sub-committees for the coming year.

2. The sub-committees and working groups shall prepare the basic documents, *inter alia*, on the identification, status and trends of stocks, including biological parameters, **threats, mitigation measures** and related matters as necessary, for the early consideration of the full Committee.

3. The sub-committees shall concentrate their efforts on stocks of large cetaceans, particularly those which are currently exploited, or for which exploitation is under consideration, or for which there is concern over their status. ~~but they may examine matters relevant to all cetaceans where appropriate.~~

4. The Chair may appoint other sub-committees as appropriate.

5. The Committee shall elect from among its members a Chair and Vice-Chair who will normally serve for a period of three years. They shall take office at the conclusion of the annual meeting at which they are elected. The Vice-Chair shall act for the Chair in his/her absence.

The election process shall be undertaken by the heads of national delegations who shall consult widely before nominating candidates<sup>2</sup>. The Vice-Chair will become Chair at the end of his/her term (unless he/she declines), and a new Vice-Chair will then be elected. If the Vice-Chair declines to become Chair, then a new Chair must also be elected. If the election of the Chair or Vice-Chair is not by consensus, a vote shall be conducted by the Secretary and verified by the current Chair. A simple majority shall be decisive. In cases where a vote is tied, the Chair shall have the casting vote. If requested by a head of delegation, the vote shall proceed by secret ballot. In these circumstances, the results shall only be reported in terms of which nominee received the most votes and the vote counts shall not be reported or retained.

(...)

#### G. Financial Support for Research Proposals

1. The Scientific Committee shall identify research needs.
2. It shall consider unsolicited research proposals seeking financial support from the Commission to address these needs. A sub-committee shall be established to review and rank research proposals received 4 months in advance of the Annual Meeting and shall make recommendations to the full Committee.
3. The Scientific Committee shall recommend in priority order those research proposals for Commission financial support as it judges best meet its objectives, *giving priority to the conservation status of cetacean stocks*.

(...)

#### H. Availability of data

##### 4. Accredited persons

Accredited persons are those scientists defined under sections A.1, 2, 3, 5 and 6 of the Rules of Procedure of the Scientific Committee. Invited participants are also considered as 'accredited' during the inter-sessional period following the meeting which they attend.



## Resolution 2014-5

### Resolution on Whaling under Special Permit

**Noting** the judgment of March 31, 2014 of the International Court of Justice in the case concerning Whaling in the Antarctic (Australia v. Japan: New Zealand intervening);

**Recalling** that the decision of the Court has no binding force except between the parties and in respect of the particular case [Article 59 of the Statute of the International Court of Justice];

**Recognising** however that, as a decision of the principal judicial organ of the United Nations, the decision is a highly authoritative guide on how Article VIII of the International Convention for the Regulation of Whaling should be interpreted and applied;

**Recalling** that the Court established several parameters for a programme for purposes of scientific research pursuant to Article VIII of the Convention that are relevant to the Commission's consideration of special permit programmes;

**Noting** the Court's finding that the text of Article VIII contains two cumulative elements – 'scientific research' and 'for purposes of' – each of which must be satisfied [paragraphs 70-71 of judgment];

**Taking into account** the Court's finding that the use of lethal methods will only be for purposes of scientific research where the elements of the programme's design and implementation are reasonable in relation to achieving its stated objectives [paragraphs 67, 88 of judgment], and that it would look to the authorising State to explain the objective basis for its determination that the use of lethal methods is for purposes of scientific research [paragraph 68 of judgment];

**Recalling** the Court's finding that the elements relevant to the consideration of whether a programme's design and implementation are reasonable in relation to achieving its stated scientific objectives may include: decisions regarding the use of lethal methods, the scale of the programme's use of lethal sampling, the methodology used to select sample sizes, a comparison of the target sample sizes and the actual take, the timeframe associated with a programme, the programme's scientific output, and the degree to which a programme coordinates its activities with related research projects [paragraph 88 of judgment].

**Noting** the Court's finding that the use of lethal sampling pursuant to Article VIII must not be on a larger scale than is reasonable in relation to achieving the programme's stated research objectives [paragraphs 94, 97 of judgment];

**Noting** also the Court's view that a proposal for a programme of lethal research should include analysis of the feasibility of non-lethal methods, including as a means of assessing whether the programme uses lethal methods on a larger scale than is reasonable in relation to achieving its stated objectives [paragraphs 137, 142 of judgment];

**Noting** also the Court's view that States parties to the Convention have a duty to co-operate with the IWC and the Scientific Committee and thus should give due regard to recommendations calling for an assessment of the feasibility of non-lethal alternatives [paragraph 83 of judgment];

**Taking into account** the Court's expectation that, in the evaluation of the possibility of granting any future permits under Article VIII paragraph 1, account will be taken of the reasoning and conclusions contained in the judgment [paragraph 246 of judgment];

**Recognising** that the Court's findings and reasoning should inform decisions relating to the granting and evaluation of special permits for the taking of whales for purposes of scientific research by parties to the Convention;

**Affirming** that it is appropriate for the Scientific Committee to review and comment on proposed special permits as stipulated under paragraph 30 of the Schedule to the Convention, and for the Commission to receive and consider the reports and recommendations of the Scientific Committee and make such recommendations as it sees fit;

**Urging** Contracting Governments to respect fully the wish of the Commission to ensure the conservation of whales in sanctuaries designated by the Commission;

**Now, therefore, the Commission:**

1. **Instructs** the Scientific Committee, in its review of new and existing special permit research programmes, to provide advice to the Commission on:

- 2 (a) whether the design and implementation of the programme, including sample sizes, are reasonable in relation to achieving the programme's stated research objectives;
  - (b) whether the elements of the research that rely on lethally obtained data are likely to lead to improvements in the conservation and management of whales;
  - (c) whether the objectives of the research could be achieved by non-lethal means or whether there are reasonably equivalent objectives that could be achieved non-lethally;
  - (d) whether the scale of lethal sampling is reasonable in relation to the programme's stated research objectives, and non-lethal alternatives are not feasible to either replace or reduce the scale of lethal sampling proposed; and
  - (e) such other matters as the Scientific Committee considers relevant to the programme, having regard to the decision of the International Court of Justice, including the methodology used to select sample sizes, a comparison of the target sample sizes and the actual take, the timeframe associated with a programme, the programme's scientific output; and the degree to which a programme coordinates its activities with related research projects.
2. **Instructs** the Scientific Committee to consider and revise how it reviews special permit research programmes, including in relation to the *Annex P: Process for the Review of Special Permit Proposals and Research Results from Existing and Completed Permits*, in light of the matters set out in paragraph 1 above, for consideration by the Commission.
  3. **Requests** that no further special permits for the take of whales are issued under existing research programmes or any new programme of whale research until:
    - (a) the Scientific Committee has reviewed the research programme to enable it to provide advice to the Commission in accordance with the instructions above; and
    - (b) the Commission has considered the report of the Scientific Committee and assessed whether the proponent of the special permit programme has acted in accordance with the review process described above; and
    - (c) the Commission has, in accordance with Article VI, made such recommendations on the merits or otherwise of the special permit programme as it sees fit.