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Chair's Report of the 66th Meeting of the International Whaling Commission

24-28 OCTOBER 2016

GRAND HOTEL BERNARDIN, PORTOROŽ, REPUBLIC OF SLOVENIA

1. At the end of IWC/66, the Commission adopted, by consensus, a Summary of Main Outcomes, Decisions and Required Actions arising from the meeting (see Item 25.1). This summary document (IWC/66/Outcomes) is available through the IWC website (<https://archive.iwc.int/?r=6360>) and was distributed to Commissioners and Contracting Governments through Circular Communication IWC.ALL.269 on 1 November 2016.
2. This Chair's Report was completed after the close of the meeting. It was compiled by a team of rapporteurs who worked alongside the Secretariat for the duration of IWC/66, and was then reviewed by the Secretariat and approved by the Chair of IWC/66, Bruno Mainini (Switzerland).

1. INTRODUCTORY ITEMS

3. The 66th Meeting of the International Whaling Commission (IWC) took place at the Grand Hotel Bernardin, Portorož, Slovenia from 24-28 October 2016. Bruno Mainini (Switzerland) chaired the meeting, which was attended by 67 of 88 Contracting Governments. One non-member government was present. Six intergovernmental organisations and 32 non-governmental organisations attended. A list of delegates and observers is given as Annex A.
4. Two meetings of the Scientific Committee were held during the intersessional period (SC/66a in San Diego, California in May/June 2015 and SC/66b in Bled, Slovenia in June 2016). Other Committees and Working Groups of the Commission had met at the Grand Hotel Bernardin from 20-22 October 2016.

1.1 Welcome Address

5. The 66th Meeting opened on Monday 24 October 2016. Welcoming addresses are summarised below.

Mrs Irena Majcen

6. Her Excellency Mrs Irena Majcen, the Minister of the Environment and Spatial Planning for Slovenia, welcomed delegates to the meeting, noting that 2016 marks the 70th anniversary of IWC. She mentioned that Slovenia is trying to raise the awareness of its citizens by commissioning postage stamps depicting some of the whales and dolphins present in the Adriatic Sea. Recognising that Contracting Governments had different views on the conservation and management of whales, she nevertheless urged delegates to unite in preventing marine pollution, highlighted the impact that such pollution had on cetaceans and outlined the steps that Slovenia is taking to tackle this issue, including producing textiles from lost or discarded fishing nets. She noted the importance of the agenda item related to the proposed South Atlantic Whale Sanctuary. She acknowledged the expertise and professionalism of the IWC in addressing the sustainable management of whale populations, and expressed her wishes for this to continue into the future.
7. The Minister thanked the Slovenian Ministry of Foreign Affairs, the Municipality of Piran, the IWC Secretariat, the meeting venue, the Slovenian Postal Service, and Morigenos (the Slovenian Marine Mammal Society), for their hard work and cooperation in organising the meeting. In closing, she encouraged participants to take the opportunity to visit Slovenia's nearby protected areas, and wished the participants a fruitful meeting and a pleasant stay.

Mrs Darja Bavdaz Kuret

8. State Secretary Mrs Darja Bavdaz Kuret, Slovenian Ministry of Foreign Affairs, welcomed all participants to the meeting and extended best wishes from the Deputy Prime Minister. She said that it was a great honour to host the meeting, as well as the Scientific Committee meeting that took place earlier in the year, in the IWC's 70th year. She noted the UN's Agenda 2030 for Sustainable Development as a major advance in addressing the complexity and interrelatedness of global challenges such as climate change, biodiversity conservation and food and water security. Slovenia was aiming to raise the importance of biodiversity on the political agenda and was encouraging cooperation and engagement at the multilateral level. IWC activities are well aligned with Slovenia's own environmental protection policies and commitment to sustainable use of natural resources. She highlighted the many sightings of

whales and dolphins in the Adriatic this year as reason for countries in the northern Adriatic to cooperate on conservation. In closing, she wished the participants success in protecting whales.

Mrs Meira Hot

9. The Deputy Mayor of Piran Mrs Meira Hot welcomed delegates, stressing how proud she was that they had returned to Piran for a second meeting. She noted that the local community gave special attention to whales and were well aware of their importance in the marine ecosystem. She noted the effective scientific research of Morigenos and its role in teaching and raising awareness of the marine environment, and wished everyone success in their work.

Dr Simon Brockington

10. In response, the Executive Secretary of the IWC, Dr Simon Brockington thanked Slovenia for hosting the IWC again. Two productive scientific meetings had been held in Bled in 2016 and a third was planned for 2017. He noted the beauty of the country and the helpful support that the Secretariat receives from the Slovenian Commissioner Andrej Bibic and his colleagues at the Department of the Environment and the Department of Foreign Affairs. He drew attention to the large amount of activity and commitment on many issues within IWC's remit noting that over the last two years, the IWC had organised 24 workshops or other expert events. The IWC was increasingly benefitting from its collaboration with other IGOs and regional organisations, and with the NGO community, many of whom were present. The IWC's rigorous and constantly evolving scientific programme formed an excellent basis for the Commission's decision-making this week. He acknowledged that not every discussion was easy and confirmed that the Secretariat would do all it could to support the meeting.

Ministerial interventions

11. Ministerial interventions given by Government Ministers are in Annex D.

1.2 Opening Statements

12. Opening Statements from Contracting Governments and intergovernmental and non-governmental observer organisations (IGOs and NGOs respectively) were received in writing and distributed through the IWC website.

1.3 Secretary's Report on Credentials and Voting Rights

13. The Secretary reported on the status of credentials as requested under Rule of Procedure D.1. and on current suspensions of voting rights under Rule of Procedure E.2(a) and (b).
14. The Credentials Committee (Japan, New Zealand and the Secretariat) had met to review the credentials received from Contracting Governments and found these all to be in order.
15. Details of payment of fees are given in IWC/66/F&A03Rev4. The Secretary announced the right to vote for the following countries had been suspended because of non-payment of fees: Belize, Benin¹, Bulgaria, Cameroon, Congo, Cyprus, Dominica, Ecuador, Gambia, Guinea Bissau, Mali, Senegal, Solomon Islands, Togo, Oman, Palau, Panama¹ and Romania.

1.4 Meeting Arrangements

16. The Chair noted that the Chair of the Scientific Committee would make a presentation on the intersessional work of the Scientific Committee under Agenda item 3 and would be invited to comment at the start of appropriate agenda items throughout meeting. The Chair of the Conservation Committee would make a presentation on the intersessional work of the Conservation Committee under Agenda item 4 and would also be invited to comment at appropriate agenda items throughout the meeting.
17. The Chair noted the importance of participation by civil society. He indicated that International Governmental Organisation (IGO) and Non-Governmental Organisation (NGO) observers would be called to speak after Contracting Governments as long as sufficient time was available.
18. The Chair indicated that if drafting groups were to be established, these would be made up of Commission members with participation of observers at the discretion of each group.

1.5 Review of Documents

19. A list of documents available to the meeting is provided as Annex B.

2. ADOPTION OF THE AGENDA

20. A draft agenda had been prepared by the Secretary under guidance from the Commission's Chair and the Bureau. It had been circulated to Commissioners and Contracting Governments on 16 July 2016

¹ Payment was received from Benin and Panama during the meeting.

(100 days prior to the opening of the meeting) with a request for comments and additions. Following receipt of comments, a provisional agenda had been circulated 60 days prior to the beginning of the meeting and was available as IWC/66/01Rev.

21. Antigua and Barbuda expressed reservations concerning the balance of the agenda. In particular, it believed that a number of important items, including the management and use of whale resources, were not given sufficient attention, and suggested that the Commission look at the objectives and provisions of the Convention to ensure they were fully reflected in the agenda for future meetings. It suggested that the Bureau could be charged to take this further.
22. The Chair replied that all interests and views should be represented at the meeting. The Bureau would consider the issues raised by Antigua and Barbuda and decide what actions might be undertaken intersessionally. The Chair advised Antigua and Barbuda to consult with colleagues and come back with suggestions for the Bureau to consider.
23. The Chair noted that six draft resolutions had been proposed in advance for discussion at the meeting as required under Rule J.2 of the Rules of Procedure. He noted that, at the recommendation of the Chair and in consultation with the Bureau, the Commission may decide to consider urgent draft resolutions arising after the 60-day deadline. The Chair and Bureau had decided to accept such a draft resolution, submitted by the USA concerning the vaquita. He invited the USA to introduce this.
24. The USA introduced the draft Resolution on the vaquita (IWC/66/20) indicating that it was intended to follow up on and reinforce decisions taken by IUCN and CITES at their recent meetings to highlight the plight of this critically endangered cetacean species and to encourage Contracting Governments to take all appropriate action to help conserve it.
25. The agenda was adopted with the addition of consideration of the draft resolution on the vaquita (IWC/66/20) under item 6 (Resolutions). The adopted agenda is given as Annex C.

3. SCIENTIFIC COMMITTEE PRESENTATION

26. The Chair of the Scientific Committee gave a short presentation summarising the Committee's work since IWC/65, noting that full meeting reports were available as IWC/66a/Rep01(2015) for the SC/66a meeting and as IWC/66b/Rep01(2016) for the SC/66b meeting. These reports had been circulated to Commissioners and Contracting Governments and posted on the IWC website well in advance of the opening of IWC/66.
27. Attention was also drawn to two further documents: IWC/66/17 contained an overview of the Committee's work and a list of recommendations made at its 2015 and 2016 meetings, and IWC/66/18 contained the Committee's draft agenda and biennial work plan for 2017-2018.
28. In 2016, the Chair and Vice-Chair of the Scientific Committee and the Secretariat Head of Science had improved the format of the Committee's reports by including important action items, agreements and recommendations in boxes with intended primary recipients identified by codes who the primary targets of the recommendations were. Each box had a preambular section and so could stand alone from the rest of the report. As part of its annual reviews, the Committee had also made efforts to improve its working methods, in particular in increasing transparency in its budget processes and in reviewing proposals. Some amendments had been proposed to its Rules of Procedure for the Commission to consider.
29. The Chair of the Scientific Committee emphasised the collaborative nature of the Committee's work, noting the number of Conventions and multilateral agreements that it had worked with, and stressed the enormous voluntary contribution of time made by Scientific Committee members. She thanked the host Governments of SC/66a (USA) and SC/66b (Slovenia) for their hospitality and for providing an excellent working environment, and urged all Contracting Governments to send delegates to Committee meetings if they could.
30. The Revised Management Procedure (RMP) and Aboriginal Whaling Management Procedure (AWMP) approaches pioneered at the IWC were increasingly used in wider fisheries management and remained of broad relevance to the Committee when examining the effects of all human-related cetacean mortality (e.g. bycatch and ship strikes). A review of Maximum Sustainable Yield Rates (MSYR) had been completed in 2013 and a trials approach to reviewing the *Catch Limit Algorithm (CLA)* finalised in 2015. In 2016, the Committee recommended continued use of the existing *CLA* rather than a proposed Norwegian amendment. A review of a model-based abundance estimation for use in the RMP and more widely was ongoing. An *Implementation Review* for the North Atlantic fin whale RMP had been completed and one for the North Atlantic common minke whale RMP would be completed in 2017.

31. Issues relating to non-deliberate human-induced mortality of cetaceans addressed by the Committee included bycatch and entanglement of large whales, ship strikes and bycatch of small cetaceans.
32. Regarding the AWMP, the Committee had reported to the Aboriginal and Subsistence Whaling Sub-Committee (ASW) in detail. Once all *Strike Limit Algorithms (SLAs)* had been finalised by the Scientific Committee, the Standing Working Group of the ASW would need to meet only to undertake *Implementation Reviews*. As of 2016, *SLAs* had yet to be developed for West Greenland fin whales (planned for 2017), West Greenland/East Greenland common minke whales (planned for 2017/18) and Greenland multispecies (estimated for 2018/19). At present, management advice for those is provided under a 'safe interim approach', endorsed by the Commission. The Committee had recommended long-term *SLAs* for West Greenland humpback whales in 2014 and West Greenland bowhead whales in 2015. The Committee had emphasised the need for increasing collaboration on research efforts related to ASW and had advised the Commission that all present hunt quotas would not harm stocks.
33. The Committee's work on whale stocks had resulted in updated information on Antarctic minke whale stocks in the Indo-Pacific region, Southern Hemisphere humpback and blue whale stocks and the eastern population of North Pacific blue whales. North Pacific sei whale stocks were the subject of an ongoing in-depth assessment; an assessment for humpback whales in the region was planned for 2017, as was an update on North Atlantic right whale stocks. A broader assessment of North Pacific blue whales was under consideration. The Committee had recognised that Arabian Sea humpback whales were the subject of serious concern. Assessments of North Pacific right whales, North Atlantic bowhead whales, Okhotsk Sea bowhead whales, sperm whales and Southern Hemisphere fin and sei whales were also needed.
34. Two technical working groups under the Committee had continued their work on stock definition and DNA testing. Good progress had also been made in the summary of stock abundance estimates and a new Scientific Committee working group had been established to continue this work.
35. The IWC-POWER cruises in the North Pacific had provided valuable information on areas not surveyed in recent decades. The Committee was very grateful to the Government of Japan for support through provision of a vessel. The final part of the initial phase was intended to cover the Bering Sea and the Chair of the Scientific Committee asked the Russian Federation to provide advice on the procedures necessary for obtaining permits. In the Southern Hemisphere, IWC-SORP had provided much valuable information and the Committee strongly supported its continuation and was grateful to the Government of Australia for their generous financial support throughout the years.
36. The Committee had reported to the Conservation Committee on a wide range of issues of environmental concern, including strandings and mortality events, oil spill impacts, marine debris and chemical spills. Regarding the effects of anthropogenic sound, the Committee had recommended that the Commission develop a paper for submission to the IMO Marine Environment Protection Committee concerning the impacts on cetaceans of underwater noise from shipping.
37. The Committee was advancing its work on ecosystem modelling, in particular looking at how such models could contribute to the development of scenarios for testing the RMP, and was planning a joint workshop with CCAMLR.
38. Regarding small cetaceans, the Committee had provided advice to the Commission on a number of species including the franciscana, harbour porpoise, *Lagenorhynchus* spp, Maui's dolphin, South Asian river dolphins, susa, vaquita, and Yangtze finless porpoise, as well as on general issues including direct take and development of Conservation Management Plans (CMPs) for small cetaceans. It was also undertaking a three-year review of bottlenose dolphins. The Chair of Scientific Committee drew attention to the valuable role of the Voluntary Fund for Small Cetacean Research.
39. The Committee had continued work on whalewatching and its impact on cetaceans, and was considering a contribution to the review of the Commission's five-year strategic plan on the issue.
40. Regarding Special Permits, an updated Annex P procedure for reviewing these was in place, following Commission Resolution 2014-5. Two Expert Panel reviews had subsequently been held (NEWREP-A in February 2015 and JARPN II in February 2016), resulting in extensive advice and recommendations to the Commission. A number of procedural changes had been made at the Scientific Committee meeting in 2016 to give higher priority to the subject.
41. The Committee had undertaken a decadal review of the Southern Ocean Sanctuary and had reviewed the proposal for the South Atlantic Sanctuary; it had provided advice to the Commission on both these.
42. The Committee had: (1) provided updates and renewed support for three existing CMPs (Western gray whales, Southwest Atlantic southern right whales and Eastern South Pacific southern right whales): (2)

made recommendations regarding the proposed franciscana CMP; (3) identified a number of potential candidates for new CMPs; and (4) was continuing to explore the possibility of threat-based CMPs.

43. In concluding, the Chair of the Scientific Committee drew attention to the Committee's proposed work plan, and identified priorities and budget for 2017-2018 (see items 24 and 25 in IWC/66/Rep01(2016) for full text).
44. The Chair recommended that all future Commission Chairs attend at least one Scientific Committee meeting before chairing a Commission meeting, to gain an insight into the workings of the Committee.

Discussion

45. The Kingdom of Denmark, Republic of Guinea, Mexico, Monaco and Switzerland all congratulated the Scientific Committee, thanking the members, Chair, convenors and co-convenors for their hard work and encouraged the Commission to pay due attention to all the Committee's recommendations. The Kingdom of Denmark in particular commended the Committee's work on *SLAs* noting that there had been no controversial catch limits since 2009. Switzerland asked that the Voluntary Fund for Small Cetacean Research be promoted as widely as possible.
46. Antigua and Barbuda also congratulated the Committee on its work, noting the widespread uptake in fisheries management of RMP and *SLA* approaches. It noted, however, that while the Committee had provided information on these, it had not, to date, provided information or advice on possible maximum sustainable use rates and suggested that the next Scientific Committee report might do so. It questioned the justification for the Committee's recommendation that it develop a paper for submission to the IMO Marine Environment Protection Committee concerning the impacts on cetaceans of underwater noise from shipping, and asked that Contracting Governments provide updates on the national status of their cetacean stocks.
47. The Chair indicated that these subjects would be addressed under individual agenda items.

4. CONSERVATION COMMITTEE PRESENTATION

48. The Chair of the Conservation Committee gave a presentation summarising the Committee's work since IWC/65. The full report of the Conservation Committee (IWC/66/Rep05) is given as Annex G.
49. A number of intersessional meetings were highlighted, including Conservation Committee planning meetings in 2015 and 2016, meetings of the Joint Working Group of the Conservation Committee and the Scientific Committee (established through Resolution 2014-4), and of the Standing Working Group on Whalewatching (SWG-WW) and the Conservation Management Plans Standing Working Group (CMP-SWG). There had also been specific meetings on the South-West Atlantic southern right whale CMP and the proposed franciscana CMP. Progress had been made on a wide range of other issues, including review of existing and proposed sanctuaries, ship strikes, bycatch, marine debris and whalewatching; these issues and associated recommendations would be discussed during subsequent agenda items.
50. The Committee had worked with a range of other organisations, including CMS and its daughter Agreements (ACCOBAMS and ASCOBANS), the IMO, SPREP and UNEP and agreed to continue engaging with other organisations on conservation issues of mutual interest.
51. The Chair of the Conservation Committee stressed that a very large amount of work had been undertaken by the Committee but that the burden of this had fallen on a relatively few Contracting Governments. He encouraged others to participate in the Conservation Committee's work.

4.1 Strategic Plan

52. The Conservation Committee had developed and endorsed a Strategic Plan for 2016-2026 for the Committee whose vision was "healthy well-managed populations and recovered cetacean populations worldwide". The four key objectives of the Strategic Plan were: (1) to deliver effective and relevant conservation advice to the Commission and the international community that contributes to global efforts for cetacean conservation; (2) identify and promote best practice and collaborative management to address priority global threats facing cetaceans; (3) coordinate and deliver the conservation agenda across the Commission; and (4) in partnership with relevant organisations, establish and leverage financing mechanisms to resource global cetacean conservation efforts. The Strategic Plan identifies priority threats to cetaceans, priority actions, measures of success, key partnerships and resourcing.
53. The Conservation Committee had developed a work plan for the next intersessional period based on both the Strategic Plan and Committee recommendations (see Annex G). This Work Plan was intended to be

a living document that could be adapted to take into account priority issues not currently on the Committee's agenda.

4.2 Joint Conservation Committee and Scientific Committee Working Group

54. The Conservation Committee endorsed the recommendations in IWC/66/CC25 that had provided an analysis of Scientific Committee recommendations of direct relevance to the Conservation Committee. The recommendations concerned: ways of standardising the presentation of recommendations in both the Conservation Committee and Scientific Committee; ways of improving accessibility, effectiveness and reach of IWC recommendations; and the need for the Conservation Committee to amend its agenda in the light of new themes of conservation importance identified by the Scientific Committee. In light of these, the Conservation Committee had established an intersessional working group to develop a draft structure and process for populating a web-accessible database of recommendations and outcomes.

5. PROPOSALS TO AMEND THE SCHEDULE

5.1 Proposal for the Establishment of a South Atlantic Whale Sanctuary

5.1.1 Introduction

55. Brazil introduced its proposal (co-sponsored by Argentina, Brazil, Gabon, South Africa and Uruguay) to establish a South Atlantic Whale Sanctuary (SAWS) through an amendment to the Schedule. Brazil noted that since the proposal was first tabled in 2001, it has been refined incorporating suggestions from numerous countries and experts, and that an increasing number of countries have acknowledged that actions need to be taken to protect the resources of the high seas. The primary goal of the proposed Sanctuary was to protect cetaceans in the South Atlantic Ocean; it would also serve to promote local sustainable tourism and cooperation among nations. Brazil drew attention to Resolution 086 adopted by the IUCN World Conservation Congress in September 2016, which supported the Sanctuary's establishment, and noted that the Sanctuary had wide backing by range States and civil society. It also noted that the proposal had been positively reviewed by the Scientific Committee and believed that scientific evidence indicated that the Sanctuary would have a positive rather than negative impact on the food security of coastal States and was fully in line with Sustainable Development Goal (SDG) 14, on the conservation of marine resources, as well as the Paris Agreement. Recalling that this year the ICRW celebrates its 70th anniversary and that the Sanctuary proposal was first tabled 15 years ago, Brazil urged the Commission to adopt the proposal.
56. Argentina, Gabon and South Africa expressed their support for non-lethal research of cetaceans and for development of whalewatching as an alternative livelihood for the communities in the region, noting that the Sanctuary would help achieve these goals. Uruguay presented a short video prepared by the Organización de Conservación de Cetáceos in Uruguay relating to the creation of a whale sanctuary in the country in 2013.

5.1.2 Report of the Scientific Committee

57. The role of the Scientific Committee, as defined by the Commission, was not to recommend, or otherwise, the establishment of the Sanctuary, but to provide scientific advice. Relevant conclusions and recommendations, which had been reached by consensus, indicated: the information provided was comprehensive; that an adequate review of the scientific aspect of the SAWS proposal had been performed; and that a sanctuary such as the SAWS has, in principle, the potential to encourage collaboration and to facilitate development of coordinated scientific research and monitoring programmes relevant to meet IWC management and conservation goals (IWC/66/17 Item 19.1).

5.1.3 Report of the Conservation Committee

58. The Conservation Committee had provided a positive review of the Sanctuary, which it considered to provide measures to protect whales from several threats and to be consistent with the precautionary approach (IWC/66/CC14).

5.1.4 Discussion

59. Antigua and Barbuda, supported by Republic of Guinea, queried whether the proposed Sanctuary was a critical management tool and called for an assessment of the effectiveness of sanctuaries and whether they were essential. It suggested that Contacting Governments should instead focus on work within Exclusive Economic Zones. Iceland and Norway considered that the proposal was not science-based and therefore contrary to Article V of the Convention. The Republic of Korea also raised concerns over the scientific evidence behind the proposal. Japan opposed the proposal on the grounds that it went against the sustainable use of marine resources. It suggested that a way of addressing the very different positions on this proposal could be for countries in the region to instead establish national sanctuaries and enter

into a Memorandum of Understanding for regional cooperation. The Russian Federation indicated that it was not opposed to sanctuaries in principle but was against global initiatives intended to prevent use of whale resources.

60. Australia, Chile, India, Mexico, Monaco, the Netherlands on behalf of the EU countries which are members of the IWC (hereafter 'on behalf of the EU), Spain and USA supported the proposal, commending the work done by the proponents, the progress made on it since it had first been raised, and the wide range of benefits they believed it would provide, including whalewatching and non-lethal research cooperation opportunities. The Netherlands on behalf of the EU also highlighted the contribution that the proposal would provide to a number of existing international commitments, including those on biodiversity and climate change.
61. Australia, Mexico, the Netherlands on behalf of the EU, and Spain stressed that the proposal addressed all of the issues raised by reviews by the Scientific Committee and Conservation Committee, and that this was the first proposed sanctuary before the IWC that included a management plan. In addition, Australia noted that the proposal builds on the success of the Indian Ocean Sanctuary and Southern Ocean Sanctuary, and that all of the IWC Contracting Governments that are range states support the proposal.
62. IUCN and Instituto de Conservación de Ballenas de Argentina, including on behalf of whalewatching operators in Peninsula Valdés, also expressed their support.
63. In the absence of consensus, Brazil asked for the proposal to be put to a vote.
64. The Secretariat confirmed that Benin and Croatia had had their voting rights reinstated. In relation to a request from Portugal to allow Spain to vote on its behalf, the Secretariat noted that no provision exists in the IWC for a proxy vote.
65. The proposal (which required a three-quarter majority in support) did not pass, with 38 votes in favour, 24 votes against and two abstentions.
66. Brazil, on behalf of all co-proponents, expressed its gratitude to the countries that had supported the proposal over the past 15 years. It stated its confidence in affirming the South Atlantic as an area for peace, cooperation and sustainable management, and stressed its commitment to dialogue with all countries.
67. In explaining its 'yes' vote, the Kingdom of Denmark noted that it was based on the common position of the European Union and the position of the proposed Sanctuary's coastal states. Its vote did not set a precedent with respect to any future sanctuary proposals.
68. In explaining its 'yes' vote, Costa Rica noted that it had given sanctuary status to all its marine waters, and that the South Atlantic Whale Sanctuary would protect whales in international areas of high value for cetaceans. Costa Rica recalled the support lent to the Sanctuary by the IUCN World Conservation Congress and the positive review of the proposed Sanctuary's management plan by the Scientific Committee.
69. New Zealand expressed its disappointment with the outcome of the vote, drew attention to the robust management plan backing the proposed Sanctuary, as well as to the contributions that the Sanctuary would make towards SDG14, cooperation and non-lethal research. It stated its hope that these activities can continue despite the rejection of the proposal.
70. In explaining its 'no' vote, Kenya highlighted that it takes sustainable utilisation of natural resources seriously, but believed that the recommendations from the Scientific Committee in relation to the Sanctuary were not sufficiently clear.

6. RESOLUTIONS

71. Seven Resolutions were proposed for adoption. In each case the proponent introduced the proposed Resolution, followed by a short discussion and, where necessary, arrangements for drafting groups were made. The agenda item remained open until all Resolutions had been fully addressed.
72. The Chair called for consensus to be reached wherever possible. Resolutions adopted by the Commission at this 66th meeting are given as Annex E.

6.1 Enhancing the Effectiveness of the International Whaling Commission

6.1.1 Introduction

73. Australia introduced a draft Resolution on Enhancing the Effectiveness of the IWC (IWC/66/10) submitted by Australia, New Zealand and the USA with Brazil as an additional co-sponsor. Australia noted the significant reform achieved by IWC particularly over the past 10 years but believed that more

work was needed to bring the Commission into line with best practice for multilateral treaty bodies. The proposed Resolution sought the Commission's endorsement of a comprehensive, independent review of the Commission's institutional and governance arrangements. The proposed review would focus on the Commission's operations not its scope. Australia pledged AUD 200,000 towards the proposed review.

6.1.2 Discussion

74. The USA hoped the Resolution could be adopted by consensus noting that meaningful reform required broad support and because it could eventually lead to tackling more contentious issues. The USA pledged USD 20,000 towards the cost of the proposed review.
75. Brazil, Mexico, Monaco and the Netherlands on behalf of the EU, supported the Resolution and noted that review is an integral part of responsible organisational management. The Netherlands on behalf of the EU asked that financial procedures and financial review methodology be included in the proposed review. It believed that the establishment of a working group would be a useful way to provide a consultative mechanism for the review process.
76. Iceland recalled previous reviews of the IWC, and stressed that any review should be independent. It considered that the scope of the proposed review was too limited.
77. Japan agreed with the importance of reviewing procedures so that all member states could benefit equitably from membership of the IWC. It proposed changes to the process outlined in the draft Resolution, especially with regards the selection of the review panel and offered to join a drafting group.
78. Following further drafting outside the meeting, the USA presented IWC/66/10Rev. The main changes were the addition of Brazil and Mexico as co-sponsors and the addition of a preambular paragraph recognising the differing views in the Commission concerning the priority of the Commission's objective and mandates. The operative section had been modified to propose that a Steering Group of Contracting Governments representing a range of views select a panel of three to conduct the review, and a process for submitting the review was also outlined.

6.1.3 Action

79. IWC/66/10 Rev was **adopted by consensus**.
80. A Steering Group to take the work forward was established to include Australia, Costa Rica, Iceland, India, Japan, Monaco, Switzerland and USA. The Chair noted that further Contracting Governments were welcome to join the Steering Group.

6.2 Improving the Review Process for Whaling under Special Permit

6.2.1 Introduction

81. Australia introduced a draft Resolution on Improving the Review Process for Whaling under Special Permit (IWC/66/11), co-sponsored by New Zealand. Australia referred to Resolution 2014-5 which *inter alia* 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 in Resolution 2014-5; (b) the Commission has considered the report of the Scientific Committee and assessed whether the Contracting Government proposing or responsible for the Special Permit programme has acted in accordance with the review process described in Resolution 2014-5; and (c) the Commission has, in accordance with Article VI of the Convention, made such recommendations on the merits or otherwise of the Special Permit programme as it sees fit.
82. Australia stressed that Resolution 2014-5 was a response to the International Court of Justice (ICJ) ruling in 2014 (Judgment of 31 March 2014 concerning Whaling in the Antarctic). It regretted the decision of Japan to renew whaling unilaterally and believed the proposed review process was needed to ensure a more robust system. It stressed that the proposal did not imply its tacit approval for Special Permit whaling and that it would prefer such whaling to end. It considered the draft Resolution provided an interim solution, to give a role to Contracting Governments in the Special Permit process. It further stated that the wording in Article VI of the Convention confirmed that the Commission could advise Contracting Governments, and that Article VIII did not preclude the Commission giving advice to Contracting Governments on Special Permits. Australia also noted that the ICJ found Contracting Governments had a duty to cooperate with the Commission. The intent of the draft Resolution was to ensure due regard to international law.
83. New Zealand added that it believed Special Permit projects should be subject to more robust scrutiny via a fair, predictable and transparent process.

6.2.2 Discussion

84. The USA supported the draft Resolution noting that it did not believe lethal research was necessary and that it was important to find a way forward to address this.
85. The Netherlands on behalf of the EU respected the judgment of the ICJ, and considered this to be an important milestone in consideration of scientific whaling. It considered lethal research should be kept to a minimum, thanked the Scientific Committee for its work reviewing Special Permits, and stated it would contribute to integrating the principles of the ICJ ruling into the IWC. It believed Japan should not have introduced new Special Permit whaling before the Commission had given advice. However, it sought clarification on the purpose of the proposed working group and was concerned the tasks should not repeat the work of the Scientific Committee.
86. Japan thanked the proponents, noting that the issue was contentious and that there was a fundamental difference of view on whales and whaling which underpinned different views on lethal and non-lethal research. It did not consider it had ignored the ruling of the ICJ and believed it was acting in good faith, trying to follow Scientific Committee guidance. At the Expert Review Panel Workshop of NEWREP special permit meeting held in Japan (NEWREP-A in February 2015) the Scientific Committee had made 29 scientific recommendations. Japan had responded to all of these (pp.93-100 of IWC/66/Rep01(2015)).
87. Japan further noted that Article VIII of the Convention and paragraph 30 of the IWC Schedule were the legally binding components for Special Permits and that Japan's interest was to make the proposed draft Resolution align perfectly with these.
88. India, Monaco and the Netherlands on behalf of the EU supported the establishment of a Standing Working Group as proposed in the draft Resolution on condition that such a group would not detract from the role of the Scientific Committee.
89. Dolphin Connection speaking also on behalf of sixteen other NGOs did not support the issuance of Special Permits for whaling activities in an established Sanctuary or anywhere else, and believed the ICJ judgment made clear in paragraph 61 that whether or not the killing of whales is for the purposes of scientific research should not depend simply on the perception of the State issuing the permits. They applauded Australia and New Zealand's efforts in submitting the proposed Resolution.
90. IWMC speaking on behalf of eight pro-sustainable-use NGOs disagreed that the issue of Special Permits could be considered a loophole, as it was explicitly allowed under Article VIII of the Convention. They did not agree with the draft Resolution as it stood.
91. Following discussions outside the meeting, Australia presented IWC/66/11Rev. Australia highlighted that efforts had been made to accommodate all views in the revised text, including to provide greater clarity about consistency with paragraph 30 of the Schedule to the Convention and Article VIII of the Convention, about the establishment and work of the Standing Working Group, and in the terms of reference.
92. The Netherlands on behalf of the EU expressed support for the Resolution.
93. Japan expressed its commitment to cooperate with the IWC, to share information and to discuss the scientific aspects of its research. However, Japan stated that it is against the Resolution as it is aimed at unduly limiting the implementation of Japan's scientific research programmes regardless of scientific value and in a manner inconsistent with the Convention. The Resolution could provide more opportunities for the non-scientists who are opposed to Japan's Special Permit research to express their opposition based on their own views, without having due regard to Japan's position concerning whales and the scientific basis behind Japan's research plans. For instance, the Resolution says "The Contracting Government proposing or responsible for the Special Permit programme in question may participate in the working group as an observer only". The Resolution has implications for all Contracting Governments that wish to propose Special Permit research programmes in future.
94. Japan emphasised that it is Paragraph 30 of the Schedule that sets out the binding procedure for review of Special Permit proposals. This only prescribes review and comment by the Scientific Committee and no more, as Special Permit research is essentially a scientific matter. The Resolution does not change the binding procedure for review that is currently in force under the Convention and Paragraph 30 of the Schedule.
95. Japan stated its understanding that in 2017 the Scientific Committee will review new, ongoing and completed Special Permit programmes, as it has done until 2016 in accordance with Annex P which is currently in force. Japan expressed its commitment to cooperate with the IWC, to share information and to discuss the scientific aspects of its research. It noted, however, that the Scientific Committee report

and its summary are sufficient and that an additional process to mediate between the Scientific Committee and the Commission was not necessary and may incorporate political as well as scientific considerations.

96. Antigua and Barbuda concurred with Japan, regarding interpretation of paragraph 30 of the Schedule and Article VIII of the Convention.

6.2.3 Action

97. In the absence of consensus, Australia, also on behalf of New Zealand, asked to proceed to a vote. The vote on the resolution in IWC/66/11Rev (which required a simple majority in support) **passed**, with 34 votes in favour, 17 votes against and 10 abstentions.
98. In explaining its 'no' vote, Switzerland noted that it did not see the need for the establishment of the Standing Working Group, as the outcomes of the Scientific Committee were sufficiently clear.
99. In explaining its 'yes' vote, Colombia noted that although they supported the Resolution based on Colombia's conservation policies, it disagreed with including reference to decisions by the International Court of Justice within IWC Resolutions, as doing so may affect the impartiality of the Commission.
100. A Standing Working Group to take the work forward was agreed, comprising Australia, New Zealand and USA. The Chair noted that additional Contracting Governments were welcome to join.

6.3 Resolution on Food Security

6.3.1 Introduction

101. Ghana, supported by co-proponents Côte d'Ivoire and Republic of Guinea, introduced a draft Resolution on Food Security (IWC/66/12) drawing attention to the 2030 Sustainable Development Goals, particularly Goal 2 (End hunger, achieve food security and improved nutrition and promote sustainable agriculture) and Goal 14 (Conserve and sustainably use the oceans, seas and marine resources for sustainable development) and the strategic goals of FAO. They believed the Commission should take full account of livelihoods in developing nations, particularly small coastal and island nations that depended heavily on marine resources, where alleviating poverty and ensuring food security were major concerns. They noted that IWC was already collaborating with FAO on bycatch and believed it was appropriate to widen interaction between the two organisations.

6.3.2 Discussion

102. Antigua and Barbuda, Cameroon, Iceland, Japan, St Kitts and Nevis and St Vincent and The Grenadines supported the draft Resolution and reaffirmed the points raised by the proponents.
103. Australia, Costa Rica, Gabon, India, Mexico, the Netherlands on behalf of the EU, New Zealand, South Africa and USA did not support the draft Resolution in its current form. All acknowledged the vital importance of global food security and of alleviating hunger and stressed their commitment to meeting these goals. However, they noted that, under the IWC, food security in relation to whaling was addressed under Aboriginal and Subsistence Whaling and believed that wider issues of food security were more appropriately dealt with in other fora, notably FAO. They observed that non-consumptive use of cetaceans could contribute to livelihoods and food security and did not believe this was reflected in the draft Resolution as it stood. Australia, the Netherlands on behalf of the EU and New Zealand also believed that some of the preambular text of the draft Resolution could potentially be interpreted as undermining the moratorium on commercial whaling and could not support any such Resolution unless it contained a clear reaffirmation of the moratorium.

104. Seeing no consensus, the Chair asked the proponents to confer amongst themselves and more widely, and return to the Commission with suggestions for ways forward.

6.3.3 Action

105. Following discussions outside the meeting, Ghana expressed disappointment that no consensus had been reached on the text of the draft Resolution, noting that significant amendments had been made since it had first been presented at IWC/65 in an attempt to incorporate all views, in particular to clarify that it was unrelated to the moratorium. Ghana did not call for a vote but stated that it would continue discussion intersessionally with a view to presenting a revised text to IWC/67 in 2018.

6.4 Resolution on the Creation of a Fund to Strengthen the Capacity of Governments of Limited Means to Participate in the Work of the International Whaling Commission

6.4.1 Introduction

106. The Chair of the Commission noted that this Resolution had been developed by the Working Group on Providing Options to Governments of Limited Means to Participate in the Commission's Work, chaired by Japan (see IWC/66/F&A09). He thanked the Group and its Chair for their hard work.
107. The Chair of the Working Group introduced the draft Resolution on the Creation of a Fund to Strengthen the Capacity of Governments of Limited Means to Participate in the Work of the IWC (IWC/66/13). He noted that all members of the IWC have recognised the importance of this issue, which has been discussed by the IWC since 2011. He drew attention to the provisions made by other international bodies such as CITES, IATTC and IOTC to support participation by developing countries. He highlighted the considerable work undertaken on the Resolution by the Working Group, which benefitted from participation from every region and represented both pro- and anti-whaling views.

6.4.2 Discussion

108. Ghana, a co-proponent of the Resolution, agreed that the IWC would be more effective if developing countries were supported to participate.
109. The Chair of the Finance and Administration Committee reported that there was support for the overall concept of the proposed Resolution within his Committee but some countries had needed more time for deliberations and had subsequently worked with the proponents.
110. Kiribati, St Vincent and The Grenadines, Tuvalu, Guinea, Iceland and St Kitts and Nevis expressed their support for the proposed Resolution.
111. The Netherlands on behalf of the EU, supported by Argentina and Australia, thanked the Working Group for its intersessional work. It recognised the importance of effective participation by developing countries and the standard practice of providing support followed by other international organisations. However, it considered the need to give due recognition to Article III.5 of the Convention and believed that further discussion was needed.
112. Australia believed that more work was needed to ensure the fund was consistent with Article III.5 of the Convention, to clarify how the fund would operate including the eligibility process, and to consider how the funding for capacity building and research would relate to the work plans of the Science and Conservation Committees. It noted that implementation of the proposed Resolution on Enhancing the Effectiveness of the IWC (IWC/66/10) might help with further work on increasing participation.
113. The USA supported the establishment of a voluntary assistance fund to enable participation and considered that this should be extended to cover participation in meetings of the Science and Conservation Committees and associated Working Groups. In response to concerns regarding the wording of Article III.5 of the Convention, the USA suggested that the fund could be used to assist eligible governments to determine and pay the costs of participation.
114. Following discussion outside the meeting, Japan presented IWC/66/13Rev2, the result of work by a drafting group consisting of Antigua and Barbuda, Australia, Brazil, Costa Rica, Mexico, the Netherlands on behalf of the EU, USA and Japan. Revisions mainly concerned IWC's financial arrangements on eligibility.
115. Togo, and St Vincent and The Grenadines welcomed the revised Resolution, which they hoped could be adopted by consensus.
116. Colombia on behalf of the Buenos Aires Group², and the Netherlands on behalf of the EU, welcomed the intention of the Resolution as revised but felt it needed further work intersessionally.

6.4.3 Action

117. In the absence of consensus, Japan asked to proceed to a vote. The vote on the Resolution in IWC/66/13Rev2 (which required a simple majority in support) passed, with 30 votes in favour, 0 votes against and 31 abstentions.
118. Japan stated the importance of this issue to all Contracting Governments, noting the need to take into account the remaining issues through the implementation of the Resolution.

² Buenos Aires Group countries: Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Mexico, Panama, Uruguay.

119. The Netherlands on behalf of the EU explained that EU Member States Party to the Convention supported the intent of the Resolution, but that due to insufficient time to resolve minor outstanding issues those present had abstained.
120. New Zealand firmly believed in full participation, including strengthening technical capacity for countries in IWC Groups 1 and 2 and participation within Committees and the Bureau. Australia noted that there would be opportunity to further improve the process through the review outlined in the Resolution.
121. The USA associated itself with comments from New Zealand and Australia and supported a fund which is consistent with Article III.5. However, it had abstained because it believed it was important the Resolution be adopted by consensus.
122. Argentina on behalf of the Buenos Aires Group explained their abstention because of uncertainty over eligibility criteria and need for consistency with Article III.5.

6.5 Resolution on Cetaceans and Their Contribution to Ecosystem Functioning

6.5.1 Introduction

123. Chile introduced a draft Resolution on Cetaceans and their Contribution to Ecosystem Functioning (IWC/66/15Rev2) as a co-proponent with Argentina, Brazil, Costa Rica, Dominican Republic, Mexico and Uruguay. It noted that increasingly research had highlighted the important roles of cetaceans in marine ecosystems. Ecosystem productivity was enhanced through the release of whale faecal plumes that concentrate nitrogen and iron near the surface and biodiversity was enhanced by the decay of whale carcasses. The purpose of the draft Resolution was to acknowledge the ecosystem services provided by cetaceans and the need to consider these issues in the conservation and management of cetacean population and the marine environment more generally.

6.5.2 Discussion

124. The Chair of the Scientific Committee stated that if the proposed Resolution were adopted, the Committee would require clear guidance on which further aspects of ecosystem services relating to cetaceans were needed to be incorporated into its work.
125. The USA, supported by Australia, Monaco, the Netherlands on behalf of the EU (who had suggestions to amend the text) broadly supported the draft Resolution, noting the growing scientific evidence that cetaceans enhance primary productivity. The USA proposed that the Resolution be referred to the Scientific Committee for better information on the current status of science and information needs.
126. Japan, Iceland and Norway did not support the draft Resolution. Japan considered that it was outside the scope of the IWC as it stood and could only consider supporting it if it also made reference to provisioning, cultural and supporting services. Iceland did not consider current scientific evidence adequate to provide a basis for the Resolution.
127. Centro de Conservación Cetacea supported by Instituto de Conservación de Ballenas and other NGOs elaborated on the important role that cetaceans played in recycling important limiting micronutrients such as iron and nitrogen and increasing the spatial extent of productive areas.
128. Chile reiterated that the revised version of the draft Resolution (IWC/66/15Rev2) was titled 'Draft Resolution on Cetaceans and Their Contributions to Ecosystem Functioning'. This narrowed the Resolution's scope from the original version which was titled 'Draft Resolution on Cetaceans and Ecosystem Services' (IWC/66/15), so that concerns over other ecosystem services should not apply.

6.5.3 Action

129. Following further discussions outside the meeting, Chile presented IWC/66/15Rev3, noting that it included contributions from several Contracting Governments.
130. Japan expressed concerns about the draft Resolution's lack of consideration for provisioning services and stated that it could not support it.
131. In the absence of consensus, Chile asked to proceed to a vote. The vote on the Resolution in IWC/66/15Rev3 (which required a simple majority in support) passed, with 36 votes in favour, 16 votes against and 9 abstentions.

6.6 Resolution on Minamata Convention

6.6.1 Introduction

132. Uruguay introduced a draft Resolution on the Minamata Convention (IWC/66/14Rev). It reported that Australia, Mexico, Switzerland and USA had suggested amendments and that a revised version would

be provided later in the meeting, indicating that proposed changes would not alter the substance or purpose of the Resolution. It noted that the IWC scope of action would be compatible with that of the Minamata Convention when the latter came into force and stated that it would expect the Scientific Committee to submit a summary of persistent contaminants around the world.

6.6.2 Discussion

133. The Chair of Scientific Committee indicated that the Committee would review progress with the Minamata Convention if requested, with respect to effects of mercury on cetaceans; one aspect of this work, namely the development of a portal on mercury contamination mapping (which could be expanded to other contaminants), would have budgetary implications.
134. Brazil, Chile, Colombia, Mexico, Monaco, the Netherlands on behalf of the EU and Switzerland supported the draft Resolution in principle, with Brazil and Monaco offering to co-sponsor it. The Netherlands on behalf of the EU noted that the issue had been raised in the past within the IWC, recalling a previous draft Resolution submitted by the EU Member States Party to the Convention in 2012, concerning the impact of the degradation of the marine environment on the health of cetaceans and related human health effects. Switzerland considered the draft Resolution to be timely as the Minamata Convention was likely to enter into force in early 2017 once 50 countries had ratified (currently the total was over 30).
135. Japan and Iceland did not support the draft Resolution, believing that the issue was outside the scope of the Convention and well covered in other arenas. Japan noted that studies on whaling communities in Japan had shown no adverse impacts on human health of whale consumption - indeed consumers of whales were known for their longevity. Japan, Iceland and Norway suggested that the IWC examine this relationship further. Iceland noted that it had an extensive sampling system in place and that there was virtually no risk of contaminated whale meat entering the market.
136. The Russian Federation reported that it had signed the Minamata Convention. It was in general against any expansion of the remit of the IWC but was not in principle opposed to the draft Resolution. It noted that the gray whales eaten in Chukotka were benthic feeders, and that heavy metal contamination was not an issue in this case.

6.6.3 Action

137. Following discussions outside the meeting, Uruguay presented IWC/66/14Rev3, noting that this revised draft Resolution was the result of a constructive dialogue with Contracting Governments from different regions.
138. Japan believed that the proposed Resolution fell outside the scope of the Convention and expressed concern that it discourages lethal research programmes that could provide useful information to further the Resolution's aims.
139. In the absence of consensus, Uruguay asked to proceed to a vote. The vote on the draft Resolution in IWC/66/14Rev3 (which required a simple majority in support) passed, with 38 votes in favour, 23 votes against and no abstentions.

6.7 Resolution on Vaquita Convention

6.7.1 Introduction

140. The USA presented the proposed Resolution on the Critically Endangered Vaquita (IWC/66/20). Citing Rule J.2 of the Rules of Procedure, it explained that the proposed Resolution had been submitted late to the IWC given the dire status of the vaquita and because of the decisions from CITES and IUCN over the last sixty days for urgent action to address the supply and demand of totoaba swim bladders and the related vaquita bycatch impact. This draft Resolution urged actions to prevent the extinction of the vaquita, now the most endangered cetacean having undergone an estimated population decline of 80% between 2011 and 2015 and believed to number only 59 individuals. The decline was a result of dramatic escalation of illegal fishing and trade of totoaba in the Upper Gulf of California, Mexico, involving large-mesh gillnets which presented a high entanglement risk to vaquitas. The fishery was driven by the high price of totoaba swim bladders in China.
141. Commending Mexico for the steps that it had put in place to protect the vaquita, and noting that the USA had provided support in these efforts, the USA quoted the report of the Scientific Committee (IWC/66/Rep01(2016), annex M, p.14): 'The choice is simple and stark: either gillnetting in the Upper Gulf ends or the vaquita becomes extinct very soon.'

142. Accepting the different views on the extent to which small cetaceans fell within the remit of the IWC, the USA explained that it had been working with Contracting Governments to find acceptable language, and aimed for approval by consensus.

143. The Chair of Scientific Committee confirmed that the draft Resolution incorporated all of the Committee's recommendations.

6.7.2 Discussion

144. Mexico thanked the USA for the support that it had provided in attempts to conserve the vaquita and confirmed that the proposed Resolution was in line with Mexican national policy. Mexico had not co-sponsored the draft Resolution so that it would come from independent Contracting Governments.

145. Argentina, Australia, Austria, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, the Netherlands on behalf of the EU, Republic of Korea and Switzerland supported the proposed Resolution, reaffirming that the IWC was the global authority on cetaceans and calling for urgent action. The Netherlands on behalf of the EU confirmed its willingness to co-sponsor the draft Resolution. Austria stressed that the essence of the IWC was to avoid extinction, and believed that the reputation and credibility of the IWC was at stake on this issue.

146. Iceland, Japan, Russian Federation and St Vincent and The Grenadines shared the concerns about the status of the vaquita, but expressed their belief that the IWC was not the appropriate forum for addressing small cetacean matters. However, Iceland and Japan indicated that they might be prepared to support the draft Resolution and the Russian Federation stated they would not block consensus.

147. IUCN also supported the draft Resolution, indicating that unless action were taken before IWC/67 to ban gillnetting and to support Mexico in providing alternative livelihoods for fishers, it would be too late. The Environment Investigation Agency on behalf of 56 NGOs, also supported the proposal, and called for a ban on gillnets use in corvina fisheries in Mexico as this fishery was used as cover for totoaba fishing.

6.7.3 Action

148. Following discussions outside the meeting, the USA presented IWC/66/20Rev, expressing appreciation for the collaborative approach taken, and highlighting that the proposed Resolution does not seek to prejudice the position of different members regarding IWC's competence with regard to small cetaceans.

149. Antigua and Barbuda, Ghana, Republic of Guinea, Japan, Russian Federation, St Lucia and St Vincent and The Grenadines expressed concern for the status of the vaquita but reiterated their views on small cetaceans, concluding that they would not block consensus but would not join it. Japan noted that it was preparing a joint statement to clarify its position on this issue and it invited countries sharing its view to sign the statement. Russian Federation clarified that they would not sign the statement as their position was independent.

150. The Resolution in IWC/66/20Rev was **adopted by consensus**.

151. Antigua and Barbuda, Benin, Cambodia, Cameroon, Cote d'Ivoire, Eritrea, Ghana, Grenada, Guinea, Iceland, Japan, Kenya, Kiribati, Lao PDR, Mauritania, Mongolia, Morocco, Nauru, St Kitts and Nevis, St Lucia, St Vincent and The Grenadines, Suriname, Tanzania, Togo and Tuvalu did not block the consensus, and supported the following statement: 'The above members make the following statement on Resolution IWC/66/20 submitted by the USA concerning the vaquita (*Phocoena sinus*), which is critically endangered with an estimated population of 59 animals. All countries putting their names to this statement are deeply concerned about the status of the vaquita, associate themselves with the many expressions of concern from other member states and Non-Governmental Organizations (NGOs) and share the hope that this species will recover. The International Convention for the Regulation of Whaling specifies that the IWC has responsibility for regulating thirteen species of cetaceans. The IWC has no legal authority over the vaquita or other small cetaceans and has no substantive means to influence its status, including managing fisheries that catch small cetaceans incidentally. Resolution IWC/66/20 is therefore only of limited and symbolic importance to the vaquita, whose precarious situation will in no way be improved by the passing of this Resolution or otherwise. While acknowledging the significant steps that Mexico has taken to conserve the vaquita, it should be apparent that another resolution at the IWC provides no further protection measures.'

7. ABORIGINAL SUBSISTENCE WHALING

152. This item was originally considered by the Commission's Sub-Committee on Aboriginal Subsistence Whaling, chaired by Joji Morishita (Japan). The full report of the Sub-Committee on Aboriginal Subsistence Whaling (IWC/66/Rep03) is attached as Annex F.

7.1 Report of the *Ad hoc* Aboriginal Subsistence Whaling Working Group

7.1.1 Working Group report

153. The Chair of the Aboriginal Subsistence Whaling Working Group (ASWWG) introduced the report of the Working Group, noting that the ASWWG was first established at IWC/63 in 2011 with terms of reference to identify and consider unresolved aboriginal subsistence whaling (hereafter ASW) issues. The purpose of this report (see item 3.1 of Annex F) was to remind the ASW Sub-Committee of the groups past activities and provide an update on the progress of its deliberations. In 2014 the group had held a meeting with hunters that had resulted in the recommendation that an IWC expert workshop on ASW be convened to consider the long-term issues of greatest concern, focusing primarily on removing ASW catch limits from political discussion and the careful development of an appropriate standardised needs statement.

7.1.2 Report of the 2015 IWC Expert workshop on Aboriginal Subsistence Whaling

154. As reported in IWC/66/ASWRep01, the Expert Workshop, hosted by Greenland in the town of Mانيтsoq, had included experts on diet, nutritional, cultural and socio-economic needs, evolution in traditional societies in the modern world and international law. Emphasising the great diversity of ASW communities, Workshop participants had emphasised that it was the responsibility of the governments concerned to determine need and to present information to the Commission about such needs. The Workshop agreed that ASW need does not exist only 'upon proof' and that there was no single way to calculate need given the diversity of the communities concerned and the factors involved. The workshop emphasised that ASW cultures change in response to internal and external circumstances such as climate change, pollution, socio-economic and technical development and political priorities, but that this did not negate or diminish their status.

155. A key component of the Workshop was to consider international law. The Workshop outcomes stressed that IWC should reflect on the specific status and rights of indigenous peoples and align its practice with those that Contracting Governments had committed to elsewhere in the international system.

156. The Workshop agreed that there was no need to repeat information in needs statements, and that additional information be provided only when new information were required or changes to catch limits envisaged. Emphasis was placed on allowing the necessary flexibility given the large variety of hunts, while at the same time ensuring a basis for the Commission to reach a decision on catch/strike limits. To underline this, the Workshop also recommended that the expression 'needs statement' be replaced by 'Description of the [insert name] hunt relevant to catch/strike limit requests'. Regarding information on needs, the Workshop recommended that it be compiled and presented on the IWC website to ease access, facilitate updates and present an overview of past information.

157. The Workshop recommended that consideration of catch limits renewal be initiated earlier than at present to allow more time for consideration. To achieve this, the Workshop developed a time table (table 2 in the report) for consideration by the Commission.

7.1.3 Invited Speaker on Indigenous People's Rights

158. At the invitation of the Commission, Dr Dalee Dorough, an Expert Member of the United Nations Permanent Forum on Indigenous Issues and Associate Professor at the Department of Political Science at the University of Alaska, gave a presentation in which she addressed the international human rights law developments specifically concerning Indigenous peoples. She set out the central objectives of international human rights law, including the obligations of Governments to promote and protect human rights. She noted the interrelated, interdependent and indivisible nature of human rights and referenced the International Bill of Human Rights and noted that since 1948 the UN has adopted some 80 human rights treaties and declarations, including the 2007 UN Declaration on the Rights of Indigenous Peoples [2007]. She drew attention to provisions that highlight Indigenous Peoples' right to self-determination, to lands, territories and resources, to participate in decision-making, to free, prior and informed consent, to protection from destruction of their culture and to security, including food security and cultural security. She highlighted Article 20 of the 2007 UN Declaration, noting the right of Indigenous Peoples to pursue their own economic activities related to subsistence, including whaling. She also referred to other Indigenous-specific mandates established by the UN and to other relevant international developments including the Paris Agreement and the 2030 Sustainable Development Goals. She noted that, when rights are affirmed through international instruments, there are clear corresponding State responsibilities and obligations. The IWC, through the ASW Sub-Committee, has some control over the rights of subsistence of Indigenous People. As an intergovernmental body it had an opportunity to

demonstrate respect for and recognition of international Indigenous human rights standards by integrating them into its work. Not doing so could lead to discrimination.

7.1.4 Discussion

159. The Kingdom of Denmark speaking on behalf of Greenland, and supported by Norway believed it was important that the momentum from the IWC Expert Workshop in Maniitsoq be maintained, so that outstanding issues could be resolved, taking into account UN instruments on Indigenous People's rights. It encouraged all Contracting Governments to work towards a constructive solution so that the situation that arose in 2012 would be avoided in future.
160. Argentina, Chile, the Dominican Republic and Mexico could not accept the report and recommendations of the Maniitsoq workshop in their entirety, being particularly concerned with what they considered to be the unresolved issue of potential conflicts over shared resources between different sets of indigenous rights.
161. The Netherlands on behalf of the EU noted that regulation of aboriginal and subsistence whaling was an integral part of the IWC's duties and recognised the need for a more consistent and long-term approach. It supported the proposed work plan with timeline (see Annex F, appendix 4, table 2), including the making of information on descriptions of hunts and existing needs statements available through the IWC website.
162. Switzerland, supported by St Vincent and The Grenadines, believed there was an urgent need for the IWC to align itself with other international bodies in particular by moving away from the concept of a needs statement, which it considered embodied an outmoded paternalistic approach.
163. The USA concurred with Switzerland and also believed the conclusions and recommendations from the Maniitsoq workshop merited further consideration by the Commission. It believed that some of the workshop recommendations should be addressed before new catch limits were discussed at IWC/67 and supported the work plan and timeline (see Annex F, appendix 4, table 2). It stated that it would be contributing to the voluntary fund designed to help communities fulfil requirements under the existing Schedule.
164. NAMMCO also believed that the requirement for a needs statement was in violation of indigenous people's rights as embedded in international law. It believed that incorporation of such rights would streamline the quota-setting process in ASW. IWMC noted that legal findings had determined that provisions under Article 27 of the International Covenant on Civil and Political Rights continued to apply to minority groups using non-traditional techniques.
165. Animal Welfare Institute agreed that IWC had a duty to implement customary international law and that IWC processes with regard to ASW could be improved by doing so but believed that such rights were not absolute and that, in order to fulfil its mandate, the IWC could justifiably take actions that affected those rights.
166. There was general agreement that the ASWWG should continue its work. The Russian Federation asked that Dr Dorrough's presentation be made available on the IWC website, to which she assented.
167. The Chair noted that while there was broad support for continuing the approach outlined in appendix 4 (Annex F), there was not full support for the workshop report and its conclusions and recommendations as a whole. He noted the need to give further direction to the ASWWG as to how to proceed and suggested that Argentina, the Kingdom of Denmark on behalf of Greenland, the USA and a small number of others confer and report back to the Commission.

7.1.5 Action

168. The USA reported on further discussions between the four ASW countries and others and submitted the following proposed wording:

'With the goal of improving the process and increasing understanding, the Commission endorses the recommendation of the Sub Committee to emphasise the value of the process, such as outlined in Table 2 of the Expert Workshop on Aboriginal Subsistence Whaling report (IWC/66/ASWRep01). It welcomes the pilot use of the table as an important step in the process for consideration of catch/strike limit requests made in 2018, and does so with the following amendment and understanding:

- Action (16) is modified so column 3 (Action) retains the words: "Debate and decision (ideally by consensus) on proposed Schedule amendments". Any additional text (the last two sentences) and the footnote are deleted:

- This is without prejudice to any change in the existing terminology; and,
- That the Contracting Governments concerned will continue to submit information in support of proposed catch/strike limits for ASW to satisfy aboriginal subsistence needs.

The Commission submits the Maniitsoq expert workshop report to the ASW Working Group for further consideration and recommendation, as appropriate to IWC/67 in 2018.

The Commission acknowledges that the ASW Working Group organises its own work in accordance with its terms of reference and the tasks assigned to it by the Commission. A face-to-face meeting may be necessary.

The Commission encourages contributions to the voluntary ASW fund⁷.

169. The Chair indicated that this would allow the Working Group to report back at IWC/67. The proposal was accepted.

7.2 Aboriginal Subsistence Whaling Management Procedure

170. In 2014 the Commission adopted Resolution 2014-4 which emphasised the need to regulate ASW in the future through a more consistent and long term approach. Inter alia, the Resolution requested the Scientific Committee to give high priority to all AWMP related objectives.

171. The Scientific Committee has continued to give high priority to ASW work with a focus on developing SLAs for the remaining Greenland hunts; and progressing work on finalising the scientific aspects of the ASW Scheme.

7.2.1 Report of the Aboriginal Subsistence Whaling Sub-Committee

172. The Chair of the ASW Sub-Committee updated the Commission on work to develop the management procedure approach for subsistence whaling. He drew attention to work of the Scientific Committee and the future work plan relating to SLAs (*Strike Limit Algorithms*) and *Implementation Reviews* given in the Report of the Aboriginal Subsistence Whaling (ASW) Sub-Committee (Annex F, table 1).

173. The Chair of the ASW Sub-Committee noted that the information on the completed West Greenland Bowhead SLA hunts was included in the 2015 Scientific Committee Report. Work on the West Greenland fin whale SLA was ongoing and should be completed with recommendations at the 2017 Scientific Committee Annual Meeting. He noted that the development of an SLA for the Greenland common minke whale hunts was the most complex of those for Greenland. The Scientific Committee had agreed that the approach for this SLA should be the RMP operating model for the entire North Atlantic.

174. The Scientific Committee undertakes *Implementation Reviews* to check the validity of SLAs at regular intervals (usually every five years) to ensure no new information is available that would require further testing. The next review is for the Bering-Chukchi-Beaufort Seas stock of bowhead whales which will start in 2017. The *Implementation Review* for gray whales is expected to begin in 2018 following completion of the rangewide review.

175. Acknowledging ASW Sub-Committee endorsement of Scientific Committee recommendations on these issues, the Commission endorsed recommendations concerning development of SLAs for Greenland subsistence whaling and an implementation review for gray whales.

7.3 Aboriginal Whaling Scheme

176. The purpose of the Aboriginal Whaling Scheme is to manage several practical issues including survey intervals, carry over and data collection. The Scientific Committee considers the Scheme to be an important and necessary component of safe management under the ASWMP as discussed in Item 7.2 above. The original Scientific Committee recommendation on the Aboriginal Whaling Scheme was made in 2003 but not adopted. Since 2015 the Scientific Committee has worked to review the Scheme with a view to presenting an updated recommendation prior to 2018.

7.3.1 Report of the Aboriginal Subsistence Whaling Sub-Committee

177. The Chair of the ASW Sub-Committee reported its discussions on the Aboriginal Whaling Scheme (i.e. the common components of aboriginal subsistence whaling management aside from the individual SLAs such as carryover provisions, data needs and guidelines for surveys, policy in the absence of timely abundance estimates), see item 5 of Annex F.

178. In 2016, the Scientific Committee agreed that the performance of the ‘interim allowance strategy’ for when an abundance estimate was not available in a timely manner, tested using the *Bowhead SLA* was acceptable from a conservation and user perspective and could be recommended. This approach was now being tested for other *SLAs*.

179. The Scientific Committee aimed to finish the remaining scientific components of the Aboriginal Whaling Scheme in time for the 2017 annual Scientific Committee meeting.

180. Noting ASW Sub-Committee endorsement of Scientific Committee recommendations on the Aboriginal Whaling Scheme, the Commission endorsed the Report and recommendations.

7.4 Annual Reviews of Aboriginal Subsistence Whaling Catch Limits

181. Size and duration of catch limits for Aboriginal Whaling are set out at Paragraph 13 of the Schedule to the Convention. Some of the catch limits described in the Schedule are subject to annual review by the Commission advised by the Scientific Committee. Other provisions are subject to review if new scientific data becomes available. The Chair of the ASW Sub-Committee reported its discussions on this review process (see Annex F, item 6).

7.4.1 Bering-Chukchi-Beaufort Seas stock of bowhead whales

182. Mexico commended the work of the Alaskan Eskimo Whaling Commission in successfully improving methods for estimating stock size; the population has now reached 16,000 animals.

183. The Scientific Committee had agreed that the present catch limits will not damage the stock.

184. The Commission endorsed the catch limits.

7.4.2 North Pacific Eastern stock of gray whales

185. The Scientific Committee had agreed that the present catch limits will not damage the stock.

186. With regard to stinky (inedible) whales, a small working group was formed whose report was available as IWC/66/21.

187. The Netherlands on behalf of the EU noted that the occurrence of stinky whales in catches as reported by the Russian Federation appeared to be decreasing. However, it believed it would be beneficial for the Scientific Committee to look further at this phenomenon and report at IWC/67. In response, the Russian Federation noted that experienced whalers could differentiate between stinky and non-stinky whales at sea under good conditions so that the number struck and landed was generally decreasing. However, it believed that the proportion of stinky whales in the population had remained more or less constant at around 10% of whales approached.

188. The Russian Federation further noted that the present catch limits were insufficient to meet subsistence needs and a future request would take this into account. It restated its opinion that stinky whales should not be counted as part of the quota. It asked the Commission to instruct the Scientific Committee to look at the possible consequences of excluding struck or landed stinky whales from catch totals on the *SLA* for this stock and to undertake a review of scientific papers on the phenomenon.

189. Mexico agreed with the suggestion for the Scientific Committee to further examine the stinky whale issue.

190. LegaSeas agreed with the need for the stinky whale issue to be studied further by the Scientific Committee.

191. The Commission **endorsed** the catch limits and the approach to the issue of stinky whales outlined in IWC/66/21.

7.4.3 Common minke whale stocks off east and west Greenland

192. The Scientific Committee had agreed that the present catch limits will not damage the stock.

193. The Commission **endorsed** the catch limits.

7.4.4 West Greenland stock of fin whales

194. The Scientific Committee had agreed that the present catch limits will not damage the stock.

195. The Commission **endorsed** the catch limits.

7.4.5 West Greenland stock of bowhead whales

196. The Scientific Committee had agreed that the present catch limits will not damage the stock.

197.The Commission **endorsed** the catch limits

7.4.6 Humpback whales off West Greenland

198.The Scientific Committee had agreed that the present catch limits will not damage the stock.

199.The Commission **endorsed** the catch limits.

7.4.7 North Atlantic humpback whales off St Vincent and The Grenadines

200.The Scientific Committee had advised that the present catch limits would not damage the stock.

201.Dominican Republic observed that relevant research was last undertaken 11 years ago, noting the increased incidence of ship strikes and bycatch since then.

202.In response to a question from Costa Rica on whether results of the analysis of skin and/or blubber samples taken from one male humpback caught in 2015 had been received, the Chair of Scientific Committee reported that no information had been received on this or on whether any humpback whales had been landed in 2016.

203.The Commission **endorsed** the catch limits.

7.5 Status of the voluntary fund for Aboriginal Subsistence Whaling

204.At IWC/65 in 2014 the Commission agreed to establish a dedicated ASW Fund. Voluntary contributions made by the Kingdom of Denmark, Switzerland and the USA have supported the Workshop in Greenland in September 2015 and Dr Dorrough's participation in this meeting. The balance of the ASW Fund was now zero and Contracting Governments were encouraged to make contributions.

8. SOCIO-ECONOMIC IMPLICATIONS AND SMALL TYPE WHALING

Introduction

205.A proposed Schedule Amendment at its 65th meeting in 2014 to establish a catch limit for small type coastal whaling around Japan was not adopted by the Commission at that meeting. Japan then took forward an intersessional on-line consultation on Small-type Coastal Whaling to gain an understanding of those countries opposed to the proposal and to further identify the reasons for their opposition. Japan introduced IWC/66/16 (Responses to Japan's questionnaire and a Way Forward) which was the outcome of the consultations. It thanked those Contracting Governments that had responded to the questionnaire, noting that opposition to the proposed Schedule Amendment was mainly based on the principle of opposition to any form of whaling. It believed that this was preventing balanced outcomes and hindering progress. It was not asking Contracting Governments to change their basic positions but believed it should be possible for outcomes to deliver mutual benefits and that issues should be addressed through an equitable consideration of law, science and public opinion. Japan believed that if the IWC were to remain functional then change was needed. It hoped that the paper would encourage positive discussions about the future of IWC and noted that the item was also relevant to Item 12.

Discussion

206.Antigua and Barbuda, Guinea, Iceland, Norway, Russia, St Lucia and St Vincent and The Grenadines supported Japan. Antigua and Barbuda believed every attempt should be made to reach decisions on this and other issues by consensus. Iceland, St Lucia and St Vincent and The Grenadines believed that little progress had been made on this issue within IWC for many years and Norway believed there was a need to develop a better working atmosphere. The Russian Federation believed the IWC needed to pay more attention to the rights, traditions and cultures of Indigenous peoples.

207.Argentina on behalf of the Buenos Aires Group, Australia, the Netherlands on behalf of the EU, New Zealand and the USA thanked Japan for the paper and noted that they had taken part in the consultation organised by Japan. They reiterated their strong support for the protection of whales and the global moratorium on commercial whaling and their strong concerns regarding small-type coastal whaling, taking into account the commercial aspects. Australia stressed that science, international governance and ways of life had all developed markedly since 1946 and that IWC had moved away from merely regulating hunting to addressing multiple threats to cetaceans. The Scientific Committee was regarded as a global leader in cetacean science and the Conservation Committee's reputation was also growing. Australia recognised the rights of each Contracting Government to hold its own views.

208.The Kingdom of Denmark stated its alignment with the Netherlands as part of a unified EU position. It also spoke to represent the interests of Greenland and the Faroe Islands which are not bound by the EU Treaty and which welcomed Japan's intervention.

209. The USA expressed concern that the Scientific Committee had reported that J-stock minke whale bycatch levels were above levels that would be acceptable under the RMP, and stated that it could not support small-type coastal whaling within 50 miles of the Japanese coast. It rejected the dichotomy that animals and people could not be conserved together. It and Argentina on behalf of the Buenos Aires Group expressed their willingness to continue cooperating with others to create trust within the forum and try to move to consensus in decision-making.
210. Monaco and New Zealand did not support new categories of whaling, nor the lifting of the moratorium on commercial whaling. Monaco indicated that if Japan were to halt whaling under the guise of science then it might be willing to consider small science-based quotas for communities in Japan. New Zealand drew attention to its co-sponsorship of two proposed Resolutions to help take the IWC forward.
211. A representative from a traditional Japanese small-type coastal whaling community noted that they had repeatedly requested a quota for small-type coastal whaling, as the existing moratorium had caused distress in their communities. He noted that whaling operations were limited, that they considered the local common minke whale resources to be healthy and abundant, that utilisation had occurred for thousands of years and that whale meat and blubber were important traditional and ceremonial food.
212. Iruka and Kujira (Dolphin and Whale) Action Network, Greenpeace Japan and a collective of Japanese NGOs requested the Government of Japan to: respect earlier resolutions adopted by the IWC and the ruling of the ICJ and not issue new permits intended to approve research whaling in Antarctica and the Northwest Pacific ocean, including for 'coastal research whaling'; and reallocate the ¥5.1 billion budget currently allocated to research whaling and instead allocate this funding for research on coastal ecosystems and marine resources, to preserve the health of the sea.

Action

213. Japan was grateful for the statements and was pleased to have initiated such a discussion. It thanked those Contracting Governments that expressed support for small-type coastal whaling and drew attention to a series of past IWC Resolutions that resolved to work expeditiously to alleviate the distress to four small coastal whaling communities in Japan. Responding to Australia, it confirmed that it did not want to take IWC back to 1946 but that it wanted to address the future challenge of how to achieve sustainable use of resources in an equitable, balanced manner. It further clarified that it was not trying to create a new category of whaling but instead trying to work in accordance with Schedule 10(e).
214. Japan stated that it would make a proposal on the way forward under Item 12. The Chair therefore closed this agenda item.

9. CETACEAN STATUS AND HEALTH

9.1 Whale Stocks

215. The Chair of the Scientific Committee briefly summarised its work on these items.

9.1.1 Antarctic minke whales

216. In 2017, the Scientific Committee will focus on consolidating and synthesising the assessment of Antarctic minke whales in the Indo-Pacific completed in 2014, to be published in the IWC Journal. The Committee did not consider the South Atlantic and Antarctic Peninsula region a priority for assessment (IWC/66/17, item 10.1.1.).

9.1.2 Southern Hemisphere humpback whales

217. The Scientific Committee completed its assessment of Southern Hemisphere humpback whales, showing general recovery. The stock was reported to number some 97,000 animals, representing approximately 70% of carrying capacity (IWC/66/17, item 10.2).

9.1.3 Southern Hemisphere blue whales

218. The Scientific Committee provided recommendations and advice related to the importance of the blue whale catalogues, abundance estimates from the SOWER programme, new data, and to consolidating catalogues in other regions (IWC/66/17, item 10.3).

9.1.4 Western North Pacific gray whales

219. The Scientific Committee was engaged in a range-wide review of gray whales with a final workshop planned for 2017. It noted that co-operation with the IWC/IUCN WGWAP had been very productive. It expressed strong concerns regarding disturbances in the Western North Pacific arising from oil, gas and other human activities off Sakhalin Island including potentially disruptive activities associated with the construction of a pier within Piltun Lagoon and the risk of entanglement in salmon set nets near Sakhalin

Island. It emphasised the importance of data sharing and combined analyses amongst those operating in the area, and emphasised its willingness to assist with this. It also recommended that fishing effort be decreased in the primary areas used by western gray whales (IWC/66/17, item 10.7).

9.1.5 Southern Hemisphere right whales

220. The Scientific Committee had completed its assessment of Southern right whales in 2012 and had received new information since then. It reiterated the great value of annual surveys and long-term datasets such as those reported for Argentina, South Africa and Australia and strongly recommended that relevant Governments ensure that these continue. For the Southwest Atlantic, the Committee: reiterated recommendations to advance understanding of the cause of the recent high number of calf strandings; acknowledged the importance of the South Atlantic right whale CMP in this context; and recommended continued cooperation on the topic. Regarding the Eastern South Pacific CMP, the Committee welcomed the involvement of Peru in the Eastern South Pacific southern right whale CMP, endorsed the 2016 revised CMP submitted by Chile and Peru and reiterated that anthropogenic mortality should be kept to a minimum (IWC/66/17, item 10.8).

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

221. Regarding North Pacific right whales, the Scientific Committee welcomed new information from the USA, Japan and Russia, and recommended co-operative work on sightings data (IWC/66/17, item 10.10).

222. Regarding North Atlantic right whales, the Committee noted the unclear status of the stock. It noted a recent assessment indicating slow increases during 1990-2010 but expressed concern over a potential recent decline. The Committee recommended a comprehensive update on the stock in 2017 (IWC/66/17, item 10.9).

9.1.7 International Research Cruises

223. The Committee drew attention to the IWC-POWER research programme, covering regions of the North Pacific not surveyed in recent decades, which benefitted from both IWC funding and generous in-kind support from Japan in the form of a survey vessel. The Committee asked for support from the Russian Federation in obtaining the necessary permits to operate in Russian waters in 2018 or 2019 (IWC/66/17, item 11.1).

9.1.8 Other stocks

224. The eastern North Pacific blue whale population was near carrying capacity, and the assessment would be extended to the Central and Western Pacific in 2017 (IWC/66/17, item 10.4). An in-depth assessment of North Pacific sei whales initiated in 2015 was expected to be finalised in 2018 (IWC/66/17, item 10.6) and one for North Pacific humpback whales would be started in 2017 (IWC/66/17, item 10.17).

225. The Scientific Committee expressed serious concerns about the threats faced by the endangered Arabian Sea humpback whales, including small size and genetic isolation, high stranding and entanglement rates, and rapid human development in critical habitats. The Scientific Committee made a number of recommendations relevant to a proposed CMP (IWC/66/17, item 10.13).

226. The Scientific Committee appreciated the difficulties in assessing sperm whales and agreed that the matter should be kept under review (see IWC/66/17, item 10.14.). It also noted that a synthesis of existing data and assessment of potential data sources was needed before deciding if an in-depth Southern Hemisphere fin whale assessment was possible (IWC/66/17, item 10.5).

227. The Committee reviewed new information on mass stranding and die-off events for Southern Hemisphere sei whales, and made recommendations to Chile on the need to monitor populations and mortality following a stranding event in 2015 (IWC/66/17, item 10.16).

Discussion

228. Australia thanked the Scientific Committee for its work, stating that it sets the gold standard for international assessments for whale populations. Australia particularly welcomed the attention paid to Southern Hemisphere fin and sei whale stocks.

9.1.9 Summary of agreed whale abundance estimates

229. The Committee noted that compiling and updating a list of agreed abundance estimates is an ongoing task, particularly to ensure consistency in considering abundance estimates across sub-committees. An Abundance Estimate Working Group has been established to review all new estimates submitted to the Committee and to help to finalise the ongoing compilation work by the next Commission meeting in 2018 (IWC/66/17, item 10.23).

9.2 Small Cetaceans

230. The Chair of Scientific Committee provided an update on the work of the Scientific Committee with respect to small cetaceans, referring to item 15 of the overview document (IWC/66/17). The work had also been reported to the Conservation Committee.

9.2.1 Concerns over status

231. The Scientific Committee had increasingly expressed concern over species, subspecies and populations of small cetaceans listed as 'Critically Endangered' by IUCN, generally recommending stringent management measures, often the need for immediate elimination of bycatch mortality, rather than additional research. However, it noted that here had often been insufficient or no management response to these recommendations and there were cases where only immediate strong management actions had a chance to save a species or population.

232. The Scientific Committee requested the Commission and the Secretariat to encourage all member countries and IGOs (e.g. NAMMCO) to routinely submit information on direct takes of small cetaceans and reiterated its longstanding recommendation that no small cetacean removals (live capture or directed harvest) should be authorised for any population until a complete and up-to-date assessment of sustainability had been completed. The Committee had agreed to hold a series of regional workshops on 'poorly documented hunts of small cetaceans for food, bait or cash' in Africa, South America and South East Asia, with the first such workshop planned in Thailand in November 2017.

9.2.1.1 VAQUITA

233. The Scientific Committee reiterated its grave concern about the imminent extinction of this species and indicated that the draft Resolution (IWC/66/20) concerning the vaquita fully incorporated the Committee's recommendation (see Item 6.7).

234. Mexico drew attention to IWC/66/CC30, which contained further information, and noted that the vaquita monitoring programme had improved thanks to input from the Conservation Committee. The USA commended Mexican efforts to reduce bycatch and highlighted the ongoing close collaboration with Mexico on the species.

9.2.1.2 YANGTSE FINLESS PORPOISE

235. The Scientific Committee welcomed the recent positive information on *ex-situ* conservation efforts for the Critically Endangered Yangtze finless porpoise (*Neophocaena asiaorientalis*) in China. It also reiterated the need for every possible effort to be made to protect this species *in situ* and had made a number of specific recommendations.

9.2.1.3 HECTOR'S DOLPHIN AND MĀUI DOLPHIN

236. In 2016, the Scientific Committee had endorsed the abundance estimate for Hector's dolphins (*Cephalorhynchus hectori*) around the South Island, New Zealand (excluding sounds and harbours) of 14,849 (CV:11%; 95% CI 11,923-18,492) and considered it a reasonable basis to inform management.

237. The Committee had welcomed updated research on Māui dolphins (*C.h. maui*) but noted that no new management actions had been enacted since 2013. In 2016, the Committee once again expressed continued grave concern over the status of this Critically Endangered subspecies of Hector's dolphin. The Scientific Committee re-emphasised the need for precautionary management with the highest priority assigned to immediate actions to eliminate bycatch and noted that within the confirmed current range, fishing methods other than set nets and trawling should be used.

238. New Zealand stated their strong commitment to the protection of Hector's and Māui dolphins. The country had an extensive and comprehensive range of protection measures for the latter. The Maui Threat Management Plan is being updated (scheduled for 2018) and a Maui dolphin Research Advisory Group has been established. A recent abundance estimate announced on 18 October 2016 indicated a population of about 63 individuals over one year of age (95% confidence limits of 57-75), slightly more than the previous 2010-11 estimate (55 adults, 95% confidence limits of 48-69) made using the same method.

239. The UK welcomed New Zealand's continued proactive efforts to implement a management plan.

240. Whale and Dolphin Conservation on behalf of 16 NGOs called on New Zealand to ban gillnetting and trawling, prohibit the use of seismic airguns and ban energy development activities including any new marine mining projects within the habitat of the Māui dolphins.

9.2.1.4 RIVER DOLPHINS OF AMAZONIA

241. The Scientific Committee had agreed that, with respect to Amazonian river dolphins, the Araguaian boto (*Inia araguaiaensis*) would be given a higher priority on its agenda. The Committee had also previously expressed concern about the use of *Inia geoffrensis* and *Sotalia fluviatilis* as bait for the piracatinga

(*Calophrys macropterus*) fishery in the Amazon Basin. Specific recommendations had been made to relevant Contracting Governments (IWC/66/17, item 15.3.4).

242. Brazil reported that it had introduced a five year moratorium on fishing of piracatinga in January 2015. The Chico Mendes Institute of the Ministry of Environment had a programme to monitor river dolphins and signs of illegal activity.

243. The UK expressed strong support for the prioritisation of these species for future work by the IWC.

244. WWF, speaking also on behalf of 15 other NGOs, welcomed Brazil's commitment to strengthen enforcement efforts relating to piracatinga fishing in co-operation with other range states, notably Colombia.

9.2.1.5 FRANCISCANA

245. In 2015, the Scientific Committee had established a Task Team for the franciscana (*Pontoporia blainvillei*). A franciscana CMP developed by Argentina, Brazil and Uruguay had been submitted to the Commission for approval (see IWC/66/17, item 15.3.5; and agenda Item 16.1).

9.2.1.6 SOUSA SPP.

246. The status of the genus *Sousa* had been reviewed recently by the IUCN and an extensive synthesis has been published. The species remained a Scientific Committee priority and all its recommendations remained valid (for details see item 8.6 of annex M in IWC/66/Rep01(2016)). Urgent priorities were protection measures for *Sousa teuszii* and increased efforts on bycatch estimation and mitigation.

9.2.1.7 HARBOUR PORPOISES (BALTIC PROPER)

247. The Scientific Committee had recommended that all range States urgently assess and mitigate bycatch and other anthropogenic mortality of the harbour porpoise in the Baltic proper. It recognised the great importance of the Static Acoustic Monitoring of the Baltic Harbour Porpoise (SAMBAH) project, and recommended that range States work to ensure that a follow-up research project was funded (see IWC/66/17, item 15.3.8).

248. Belgium acknowledge the urgent need to act on the species and stressed their commitment to reducing bycatch.

249. WWF, speaking also on behalf of 15 other NGOs, supported the Scientific Committee's recommendation for the Baltic harbour porpoise in collaboration with ASCOBANS.

9.2.1.8 SOUTH ASIAN RIVER DOLPHINS

250. A Scientific Committee Task Team on the South Asian river dolphin (*Platanista gangetica*) had been formed in 2016, in light of the information received concerning India's recently approved National Waterways Act containing a plan to convert 111 river reaches into waterways for inland navigation and goods transport. The Scientific Committee indicated that the species (and other river dolphins) was being considered as a potential future priority and encouraged India to attend Scientific Committee meetings (IWC/66/17, item 15.5.1).

251. WWF, speaking also on behalf of 15 other NGOs, noted the serious plight of Asian estuarine and river dolphins in general with, for example, the Mekong river dolphin (*Orcaella brevirostris*) in the Cheulal trans-boundary pool is considered functionally extinct.

9.2.2 Progress with projects undertaken through the IWC Voluntary Fund for Small Cetacean Conservation Research

252. The Chair of the Scientific Committee reported that since 2010, the Voluntary Fund has supported the participation of experts from developing countries in Scientific Committee meetings and had supported 15 priority projects for a total of around £350,000 (IWC/66/17, item 15.2).

253. During 2015-2016, donations to the Voluntary Fund totalling £76,089 were received from the Governments of Italy, the Netherlands, Switzerland, and the UK as well as from Whale and Dolphin Conservation (WDC), WWF International, World Animal Protection, Pro Wildlife and Campaign Whale. The Committee thanked all those countries and organisations that have made voluntary contributions.

254. In 2016, there was a new call proposals and the Secretariat received 20 project proposals. Following the advice of the Review Group, the Committee recommended seven projects (see table 20 in IWC/66/Rep01(2016)) for the Commission's consideration for funding. Currently there is sufficient funding only to cover 5 of them fully or in part. The Chair of the Scientific Committee noted that any further donations will be most welcome.

255. The Netherlands on behalf of the EU, Switzerland and the UK expressed their support for the continued work of IWC on small cetaceans. The Netherlands pledged a donation to the Voluntary Fund of €15,000,

Italy €19,000 and UK £10,000. The USA urged the Secretariat to support the participation in IWC meetings of developing countries with cetaceans assessed as threatened by IUCN.

256. WWF speaking also on behalf of 15 other NGOs also supported IWC on small cetaceans. The Commission noted with gratitude pledges made at IWC/66 from WWF (\$4,000), Pro Wildlife (€2,000), Ocean Care (€1,000), Whaleman (\$1,000), EIA (\$3,000), AWI (\$500), CSI (\$500), DC (\$500), IFAW (\$500).

9.3 Cetacean Health and Disease

257. The Chair of the Scientific Committee reported that in 2016 an update and demonstration of the beta version of the Cetacean Diseases of Concern (CDoC) website had been provided, and this work was ongoing (IWC/66/17, item 13.4).

9.4 Stock Definition and DNA testing

258. The Chair of the Scientific Committee referred to item 12 of IWC/66/17, noting that understanding population structure is essential for conservation and management, as well as updating guidelines for the analysis of genetic data, developing consistent terminology on stock definitions, and considering simulation-based approaches to evaluate stock structure.

10. CETACEAN HABITAT

259. Under Resolution 1998-5 the Commission agreed to establish a regular agenda item under which the Scientific Committee would report on its research on environmental concerns, and Contracting Governments could report on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals.

260. Under this general item, the Chair of the Scientific Committee drew attention to the collapse of a mine tailing dam in the Rio Doce system in Brazil in November 2015 which had released iron-mining waste including heavy metals into an area inhabited by franciscana and guiana dolphins. The Scientific Committee had expressed its deep concern over the ongoing nature of the crisis. It recommended that stabilisation of the dam and work to decontaminate and restore the ecosystem be carried out urgently, and agreed that there was a critical need to learn from such disasters (IWC/66/17, item 13.10).

261. Brazil acknowledged the seriousness of the environmental impacts of the incident and welcomed advice on how to deal with its aftermath. Brazil outlined the actions taken by the government to address these impacts, including implementation of short, medium and long-term monitoring. It indicated that it would report on progress to the 2017 Scientific Committee meeting.

10.1 State of the Cetacean Environment (SOCER)

262. The Chair of the Scientific Committee drew attention to the SOCER report, prepared in response to Resolution 2000-7, provides an annual update on matters relevant to cetaceans and the environment. In 2015 the focus was the Pacific Ocean, in 2016 the focus was the Arctic Sea and Southern Ocean. The focus at SC/67A in 2017 would be the Indian Ocean and at SC/67B in 2018 the Mediterranean and Black Seas (IWC/66/17, item 13.1).

10.2 Ecosystem Modelling

263. The Chair of the Scientific Committee outlined ongoing work in this area. The Scientific Committee reviews ecosystem modelling efforts undertaken outside the IWC, including in collaboration with CCAMLR, explores how ecosystem models can contribute to developing scenarios for simulation testing of the RMP; and reviews other issues relevant to ecosystem modelling within the Committee (IWC/66/17, item 14).

10.3 Arctic Ocean

264. The IWC Head of Science reported that he had attended a meeting of the Arctic Council's Working Group on Protection of the Arctic Environment (PAME) in February 2016. PAME had supported ongoing communication, cooperation and collaboration with IWC on cetacean-related matters noting that there were several areas of overlap between the work of the IWC and that of the Arctic Council, including climate change, ship strikes, oil and gas activities, noise, bycatch, subsistence hunting and ecosystem modelling (IWC/66/17, item 13.8).

10.4 Climate Change

265. The Chair of the Scientific Committee explained that the primary focus of the Scientific Committee in 2015 and 2016 had been to develop an effective work plan focussing on: riverine or freshwater and coastal small cetaceans; large whales in polar habitats and the relationship to emerging issues of ship strikes, entanglement and underwater noise; and development of further links with appropriate

international bodies. The Committee had recommended that an intersessional working group define its terms of reference and scope of work more precisely in light of these discussions (IWC/66/17, item 13.7).

266. The Chair of the Conservation Committee stated that the issue of climate change is in the Conservation Committee's Strategic Plan.

267. The USA suggested that the Scientific Committee focus attention on the Arctic in its deliberations on climate change, noting that this region was warming faster than any other and that associated changes could be expected to have a major impact on cetaceans and aboriginal and subsistence whaling.

10.5 Decadal Review of the Southern Ocean Sanctuary

268. The Southern Ocean Sanctuary (SOS) was established in 1994 through paragraph 7b of the Schedule to the International Convention for the Regulation of Whaling. This paragraph states that the Sanctuary shall be reviewed ten years after its initial adoption and at succeeding ten year intervals. The first review was undertaken in 2004 and a second review was completed by the Scientific Committee at its 2016 meeting.

269. The Chair of the Scientific Committee reported that the Committee had produced a set of consolidated recommendations on the SOS relating to development and implementation of a management plan with performance measures, and the need for explicit funding (IWC/66/17, item 19.2).

270. In reviewing the SOS, the Conservation Committee endorsed the recommendations of the Scientific Committee. It also established a small steering group, led by the UK and the USA, which had prepared a draft review (IWC/66/CC23; see Annex G, appendix 5). The Committee has endorsed this document as its conclusions and recommendations on the SOS, namely: that the SOS was consistent with existing measures to protect whales from anthropogenic and other environmental factors; that the SOS contributed positively to a number of existing international commitments on biodiversity and climate change; and that the SOS was consistent with the precautionary approach. The Conservation Committee had particularly welcomed the proposal that a management plan be developed for the SOS and believed that the Committee was the appropriate body to develop such a plan, in consultation with the Scientific Committee.

271. Australia, supported by New Zealand, welcomed the review, the first to be conducted by both the Scientific and Conservation Committees. They particularly supported the recommendation that a management plan be developed, and highlighted the success of SORP.

272. Japan appreciated the Scientific Committee's recommendations but noted that these had also raised some questions such as whether activities such as SORP would have taken place without a Sanctuary designation. It noted that relatively little progress had been made in implementing the recommendations arising from the Scientific Committee's 2004 review of the Sanctuary and suggested that efforts be made to implement the more recent recommendations intersessionally.

11. UNINTENDED ANTHROPOGENIC IMPACTS

273. The Chair of the Scientific Committee and the Chair of the Conservation Committee summarised the work of their Committees under this Item. The Netherlands on behalf of the EU stressed the importance of research into unintended anthropogenic impacts. Belgium highlighted the importance of the IWC's work, including its cooperation with other organisations, on bycatch, climate change, ship strikes and other unintended anthropogenic threats.

11.1 POLLUTION 2020 Research Programme

274. The Chair of the Scientific Committee reported that during the intersessional period the Committee had continued to refine the individual-based population model developed under the Pollution 2020 research programme. Good progress had been made with an online contaminant visualisation and mapping portal, allowing users to explore a database of trends in contaminants in different cetacean species globally. The Committee had made numerous recommendations relating to research (IWC/66/17, item 13.2).

275. The Scientific Committee had paid considerable attention to the aftermath of the Deepwater Horizon oil spill and had encouraged additional work to evaluate the effectiveness of restoration activities for cetaceans affected. The Committee re-emphasised the importance of avoiding oil spills and reiterated the importance of collecting baseline data on location, health status and other measures in areas of higher risks of impacts to cetaceans. The Scientific Committee had made a number of research recommendations and had endorsed a structured work plan on these matters (IWC/66/17, item 13.3).

11.2 Marine Debris

276. The Chair of the Scientific Committee reported that the Scientific Committee had explored ways of combining estimates of oceanic debris and information on cetaceans to identify priorities for mitigating and managing the impacts of marine debris. It had also discussed engagement with other organisations on the issue of marine debris and whether marine debris should be considered as a topic for a Conservation Management Plan (CMP). The Scientific Committee had tasked an intersessional group to investigate the possibility of a broader threats-based CMP (IWC/66/17, item 13.9).
277. The Chair of the Conservation Committee reported that the Conservation Committee had endorsed the Scientific Committee's recommendations on marine debris. Its own discussions had focused on IWC co-operation with other organisations, including the UN and the Global Ghost Gear Initiative (GGGI) (see also IWC/66/04).

Discussion

278. Austria and the USA welcomed collaboration with other initiatives dealing with marine debris including the GGGI and the Global Partnership on Marine Litter (GPML), and looked forward to progress on the global entanglement database. Mexico described its efforts to remove such waste from the Gulf of California. The UK welcomed input from the IWC on the issue of marine debris including plastics and microplastics to the 17th meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea (IWC/66/04 Item 1.12).
279. World Animal Protection, the founders of GGGI, highlighted the work of this initiative and thanked Contracting Governments for their support of the GGGI. It called for further collaboration between the IWC and relevant intergovernmental organisations such as FAO and UNEP on marine debris and entanglement, and encouraged that the work on the Global Database on Entanglement include the development of standardised data formats, especially on ingestion.

Action

280. The Commission **endorsed** the recommendations of the Conservation Committee and Scientific Committee on marine debris and encouraged further co-operation with other organisations, including the GPML and GGGI.

11.3 Cetacean Bycatch

281. The Scientific Committee had made a number of recommendations on addressing bycatch (IWC/66/17, items 7.1 and 15.4) which it has repeatedly identified as the most serious direct threat to cetaceans globally.
282. The Conservation Committee had endorsed the recommendations of the Scientific Committee. It also recommended the establishment of a Standing Working Group on bycatch and the development of a Bycatch Initiative following the example of the Entanglement Initiative, i.e. to include the establishment of an expert panel and appointment of a co-ordinator.

Discussion

283. The UK stressed the importance of bycatch as a threat to cetaceans and welcomed the proposed Bycatch Initiative. The initiative was also welcomed by Argentina, Belgium, Mexico and New Zealand. The UK indicated that Mark Simmonds had volunteered to serve as co-ordinator on an interim basis. Nominations for the expert panel were asked for, together with the submission of any relevant materials.
284. The USA indicated that as of August 2016, under the 1972 US Marine Mammal Protection Act, regulations had been enacted which would ensure that, following a five-year exemption period, imports of fisheries products into the USA would only be permitted from countries that could demonstrate that they had processes in place comparable to US programmes for avoiding bycatch of marine mammals.
285. WWF, speaking on behalf of 12 NGOs, welcomed the Bycatch Initiative, stressing that bycatch represented a major threat to cetaceans and that the IWC was uniquely placed to coordinate a response. The NGOs pledged a collective contribution of \$7,800 towards the initiative.

Action

286. The Commission **endorsed** the recommendations of the Conservation Committee and the Scientific Committee on cetacean bycatch, including the establishment of a Standing Working Group on Bycatch under the Conservation Committee; and the development of a Bycatch Mitigation Initiative supported by an Expert Panel. The Commission welcomed the offer of Mark Simmonds (UK) to act as an interim bycatch Co-ordinator to assist with these efforts, on a voluntary basis.

11.4 Anthropogenic Sound

287. The Scientific Committee had agreed that anthropogenic sound was an important factor that could adversely affect cetacean populations and had stressed that lack of scientific certainty should not hinder management actions nor prevent countries from keeping quiet areas quiet and making noisy areas quieter. It recommended that the Commission develop a paper for submission to the IMO Marine Environment Protection Committee, providing an update of recent information related to the extent and impacts on cetaceans of underwater noise from shipping (IWC/66/17, item 13.6).
288. The Conservation Committee had included the issue of anthropogenic sound as a priority threat in its Strategic Plan.

11.5 Ship Strikes

289. The Chair of the Conservation Committee reported on the progress of the Ship Strikes Working Group in preparing a Strategic Plan to Mitigate the Impacts of Ship Strikes on Cetacean Populations: 2017-2020. The Conservation Committee had discussed an initial draft of the Ship Strikes Strategic Plan and tasked the Working Group with finalisation of the Plan by end of November 2016. It was recommended that engagement with the IMO on the issue of ship strikes should continue.
290. Brazil encouraged cooperation between IWC and IMO in addressing the issue of ship strikes to cetaceans. It announced its intention to host a workshop in 2017 to enhance regional cooperation on ship strikes. Uruguay outlined steps it had taken to assess the impact of ship strikes on southern right whales and supported the workshop proposed by Brazil. Belgium welcomed progress on engagement with the IMO and encouraged reporting to the Ship Strikes Database.
291. The Commission welcomed progress in development of a Ship Strikes Strategic Plan and looked forward to the final version (due by the end of November 2016). It **endorsed** the recommendations of the Conservation Committee and of the Scientific Committee, including that the IWC should continue engagement with the IMO, and encouraged further reporting to the Ship Strikes Database.

12. THE IWC IN THE FUTURE

292. Discussion from Item 8 was forwarded to this agenda item. Japan noted that Antigua and Barbuda, Argentina, Iceland, Japan, Norway, Russian Federation, St Lucia, St Vincent and The Grenadines, and the USA had expressed their willingness to discuss the issue of how to address the divide in basic positions between Contracting Governments.
293. Japan believed it would be useful to discuss this issue not just at this meeting but also intersessionally using a fully open and transparent process. One possible approach to achieving the required level of transparency was to use the IWC website to exchange views. Japan offered to prepare basic Terms of Reference to guide this process, including a provisional list of questions for discussion. It asked for suggestions from Contracting Governments on other questions they might wish to include.
294. Australia and the Netherlands on behalf of the EU requested more detail from Japan on the proposed process.
295. South Africa believed that Special Permit whaling and the extent to which the IWC should deal with small cetaceans and bycatch should be included in the questions to be considered by Japan's proposal. Japan responded that, at IWC, the overall divide on basic positions often influenced Contracting Governments positions on individual issues – including special permits, small cetaceans and bycatch. Rather than explore individual issues, it was proposing to examine the overall paradigm.

Action

296. The Commission agreed that informal intersessional discussions should be initiated. Work will be by correspondence and progress will be reported at least sixty days prior to IWC/67.

13. WHALE KILLING METHODS AND WELFARE ISSUES

297. The Whale Killing Methods and Welfare Issues Working Group met on 20 October 2016 and its report (see Annex H) was provided as IWC/66/Rep06. The Chair of the Working Group (Michael Stachowitsch, Austria) summarised its findings below.

13.1 Summary of Data Provided on Whales Killed

298. Data on whales killed or euthanised was provided by the Kingdom of Denmark, Norway, the Russian Federation, New Zealand, St Vincent and The Grenadines, the UK and the USA (Annex H item 3). In addition, the UK provided information on UK progress in relation to implementing the recommendations made by the Workshop on Euthanasia Protocols to Optimise Welfare Concerns for Stranded Cetaceans

in 2013 (*Report of the 65th Meeting of the International Whaling Commission in 2014*, pp.227-245). Progress reported related to chemical and physical techniques for euthanasia, the testing of euthanasia methods and reporting of euthanasia data.

13.2 Improving the Humaneness of Whaling Operations

13.2.1 Reports from IWC Contracting Governments

299. Reports were received from the Kingdom of Denmark, Norway and the USA. The Kingdom of Denmark referred to improvements made previously and indicated that it had no new information; Norway noted an improvement in instant death rate from 80% in 2000-2002 to 82% in 2011-2012; and the USA reported on successful implementation of the penthrate projectile modified for use in the hand-held darting gun.

13.2.2 Report of the 2015 NAMMCO Expert group meeting

300. The Working Group had welcomed a report from NAMMCO on its Expert Group Meeting on Assessing Time to Death from the Large Whale Hunts, 4-6 November 2015, Copenhagen, Kingdom of Denmark. The report contained information from Canada, Greenland, Iceland, Norway, Japan and the USA (Alaska and Makah hunts) with respect to time to death, survival time and instantaneous death rate.

301. Australia considered that IWC discussions on humaneness of whaling operations have been constructive in recent years and reminded Contracting Governments of the obligation to provide data on whale killing to the IWC, primarily through the Whale Killing Methods and Welfare Issues Working Group.

302. The Russian Federation noted that it submitted data voluntarily, with time to death being reduced every year, and requested the IWC to support Chukotka hunters, including through training. It thanked the Netherlands for funding training for hunters. It stressed the need for efforts on improvements to the humaneness of whaling operations to address both economic efficiency and hunter safety.

303. NAMMCO highlighted the potential for collaboration with IWC, particularly with regards to non-hunting threats to cetaceans, noting that both organisations have the same goal (conservation and sustainable management of healthy marine populations) but that countries supporting this goal have different rationales for doing so.

304. The Alaska Eskimo Whaling Commission drew attention to the improved efficiency of Alaskan hunters' equipment, in particular the penthrate projectile, and expressed thanks to Dr Øen from Norway for his contributions to the development of the projectile.

13.3 Whale Welfare

305. At IWC/65 in 2014, the Commission agreed to an updated Action Plan for the Whale Killing Methods and Welfare Issues Working Group (*Report of the 65th Meeting of the International Whaling Commission in 2014*, pp.85-87).

13.3.1 Report of the IWC workshop on non-hunting aspects of cetacean welfare

306. A Workshop to Support the IWC's Consideration of Non-Hunting Related Aspects of Cetacean Welfare (IWC/66/WKM&WIRep01) was held in Kruger National Park, South Africa, 3-4 May 2016. The primary objectives of the workshop were to: (1) facilitate coherent discussion of the welfare aspects of non-hunting threats to cetaceans within the IWC; (2) provide clarity on the role of the IWC in addressing non-hunting threats to cetacean welfare; and (3) support the IWC in becoming a leading body for the provision of advice on this issue.

307. The Working Group endorsed the workshop recommendations and agreed that the intersessional working group should continue its work to support implementation of the IWC Welfare Action Plan and of the recommendations from this Workshop. Revised Terms of Reference for the intersessional working group were agreed.

13.3.2 Discussion

308. The UK drew attention to the wide participation at the workshop, noting that animal welfare is a rapidly evolving science. The workshop had made important recommendations with regards to future development of a Cetacean Welfare Assessment Tool for non-hunting threats. The UK expressed willingness to continue to chair the intersessional Working Group on Welfare, welcomed new members to the group and encouraged IWC members and observers to nominate animal welfare experts to participate in intersessional work. The UK announced a donation of £15,000 towards delivering the work of the Action Plan.

309. The Netherlands on behalf of the EU welcomed the intersessional progress made to deliver on the Welfare Action Plan and encouraged further development of the proposed Cetacean Welfare Assessment Tool.
310. Argentina, the Netherlands on behalf of the EU, New Zealand, and the USA commended the UK for taking the lead on these issues and South Africa for hosting the workshop, and supported the workshop recommendations.
311. New Zealand expressed its strong support for IWC work on whale welfare and strandings. New Zealand also noted that it submitted time to death data to the IWC in respect of euthanasia for all cetacean mortalities in 2014-16, and urged all other states to do the same.
312. Humane Society International (on behalf of 14 NGOs) congratulated the UK and other members of the Working Group on Welfare on progress in taking forward the Welfare Action Plan and expressed support for the development of a Cetacean Welfare Assessment Tool. It announced that several NGOs wished to make contributions of at least \$3,000 towards the delivery of the Animal Welfare Action Plan, including strandings and disentanglement initiatives. It expressed opposition to the use of exploding missiles as an acceptable means of acquiring meat for commercial sale and consumption.
313. The Commission welcomed contributions to the Voluntary Fund.

13.3.2 Engagement of other organisations and experts on issues relating to cetacean welfare

314. The Working Group received a report from the Secretariat on cooperation with other organisations with respect to cetacean welfare. The Secretariat noted its readiness to take forward the relevant actions in the Welfare Action Plan and relevant workshop recommendations and will report on progress at the next meeting of the Working Group.

13.4 Welfare Issues Associated with the Entanglement of Large Whales

13.4.1 Report of the third IWC expert workshop on large whale entanglement issues

315. The Chair of the Working Group reported on the Third Workshop on Whale Entanglement Issues held in Provincetown, MA, USA from 21-23 April 2015 (IWC/66/WKM&WIRep03). The purpose of the Workshop included: (1) review information since the 2011 workshop; (2) review the IWC capacity building exercises; and (3) report on the experience of recently trained entanglement networks. The Working Group endorsed the recommendations from this workshop including those relating to establishment of a Global Entanglement Database.

13.4.2 Report of the joint expert workshop on large whale entanglement and bycatch reduction

316. The Chair of the Working Group reported on the joint IWC, NOAA, NEAq Workshop on Global Assessment of Large Whale Entanglement and Bycatch Reduction in Fishing and Aquaculture Gear, Portsmouth, New Hampshire, USA, May 2016. The workshop report had not yet been finalised, but a summary report had been provided. The workshop stressed that the ideal hierarchy for action should be to: (1) avoid encounters; (2) reduce entanglements; and (3) minimise mortality. The workshop recognised that ultimately local solutions are required for local issues. The Working Group endorsed the overarching recommendations from this workshop, as had the Scientific Committee.

13.4.3 Secretariat's progress report

317. The Chair of the Working Group reported on David Mattila's work as the technical adviser to the Secretariat to assist with conflicts between cetaceans and marine resource users. The workshop had thanked David for his work and the USA for their support of David's role.

13.4.4 Discussion

318. Brazil and Monaco welcomed the work to reduce entanglements. Brazil noted that it had run two training groups on right whale entanglement and continued to support expert workshops. Monaco noted that entanglement is a major cause of cetacean death and that a major part of the food web is being lost leading to a proliferation of jelly fish and plankton. It stressed the need for proactive cooperation between fishermen, fish scientists, RFMOs, FAO and IWC.

13.5 Strandings Response

319. The Chair of the Working Group noted that this item had been included following the adoption at IWC/65 in 2014 of the Action Plan for the Whale Killing Methods and Welfare Issues Working Group, including an objective to 'work through existing strandings networks to produce specific recommendations to the Commission in relation to the welfare implications of responding to cetacean stranding events'.

13.5.1 Report of the IWC workshop to develop guidance for the handling of cetacean stranding events

320. The Chair of the Working Group reported on the workshop held in Kruger National Park, South Africa from 5-6 May 2016. The primary objective of the workshop was to assist the IWC in its efforts to build global capacity for effective cetacean stranding response and promote the IWC as a leading body for the provision of advice through the development of practical guidance for responders. The workshop made a number of recommendations including: (1) the potential role of the IWC in capacity building; (2) the dissemination of guidance and best practice for strandings response; (3) coordination between the IWC and other intergovernmental organisations with respect to strandings; and (4) some specific aspects of the strandings response including public and media engagement and health and safety. These recommendations were endorsed by the Working Group.

13.5.2 Scientific Committee recommendations on strandings

321. The Chair of the Working Group noted that the Scientific Committee had discussed the issue of strandings at its 2015 and 2016 meetings. The Committee had developed recommendations, which the Working Group had endorsed, including on establishment of an Expert Panel to guide and inform strandings response and training activities and appointment of an IWC Coordinator.

13.5.3 Discussion

322. Argentina, New Zealand and UK supported the appointment of an Expert Panel and IWC Strandings Coordinator. Argentina understood the complexity of strandings, which have led to considerable public interest.

323. CMS/ASCOBANS drew attention to ASCOBANS resolution 8.10 which recommends the development of best practice guidelines for strandings response and necropsy in co-operation with IWC and others. It welcomed proposals to establish an IWC Expert Panel and expressed its willingness to participate in this work.

324. International Fund for Animal Welfare (IFAW), on behalf of 14 NGOs, noted that strandings occur globally and that all countries can benefit from development of best practice. They supported establishment of an Expert Panel and Strandings Coordinator and encouraged the Commission mainstream this work into its practices and budgets.

14 SCIENTIFIC PERMITS

325. Paragraph 30 of the Schedule refers to scientific permits and states that 'Proposed permits shall be reviewed and commented upon by the Scientific Committee at Annual Meetings when possible'. The Scientific Committee has developed an approach known as 'Annex P' which provides the Terms of Reference and the procedure for the scientific review of Special Permit proposals and research results from existing and completed permits.

326. During the intersessional period, the Scientific Committee had held two expert workshops and reviewed the results from: (1) the submission of a new scientific permit proposal (NEWREP-A) by Japan in 2015; and (2) the final review of JARPN II programme conducted by Japan in 2016. The Scientific Committee considered Resolution 2014-5 in relation to both, and amended its working methods at both the SC/66a and SC/66b meetings (IWC/66/Rep01(2015) item 27.3 and annex P; IWC/66/Rep01(2016) item 26.3 and annex P).

327. The Netherlands on behalf of the EU expressed disappointment that Japan did not allow time for the Commission to receive and consider the reports and recommendations of the Scientific Committee before commencing a new Special Permit whaling programme in the Southern Ocean. It considered appropriate that the Commission should be given the opportunity to comment on, and react to, the advice of the Scientific Committee before any proposal for Special Permit whaling under Article VIII commences.

14.1 NEWREP-A

328. The Chair of Scientific Committee reported on its review of the NEWREP-A proposal, summarising its review in IWC/66/17, item 18.1. She noted that the review of a large new proposal is highly complex and technical. The review took into account the report of the Expert Panel which met in February 2015, the response of the proponents and Scientific Committee review of the proponents' intersessional work. The Scientific Committee agreed that the objectives of NEWREP-A, were clearer than those of JARPA II and that they were directed to improvements in the conservation and management of whales.

329. The Scientific Committee agreed that additional work was necessary to evaluate the level of improvement that might be expected either in the Statistical-Catch-at-Age Assessment (SCAA) approach or in RMP

performance by improved precision in biological parameters. It agreed that the current SCAA did not of itself constitute a full specification of the modelling work needed for management procedure testing.

330. The Scientific Committee agreed that it will not be able to determine whether non-lethal means can be used to achieve certain objectives or if the scale of lethal sampling can be reduced until the recommended field experiments, laboratory work and analyses are conducted. The Expert Panel had noted that the recommended analyses could be conducted with existing samples/data and non-lethal field efforts.

331. The proponents had estimated the required sample size only for the objective of detecting a trend in the age at sexual maturity. Japan had presented simulations that generally followed the recommended approach but that not all of the recommended parameters had been covered and the estimated sample sizes were likely to be too small.

332. In 2015 the Scientific Committee had agreed that, despite lack of full consensus in their deliberations concerning Resolution 2014-5, the analyses recommended by the Expert Panel should be completed, and that progress should be reviewed again in 2016. Small technical groups were established to focus on two of the more complex and important recommendations:

- RECOMMENDATION 1: Evaluate the level of improvement that might be expected either in the SCAA or in RMP performance by improved precision in biological parameters using simulation studies including updated Implementation Simulation Trials.
- RECOMMENDATION 26: Provide a thorough power analysis of sample sizes required to detect change in ASM and follow the other recommendations in this Item.

333. In 2016, the Scientific Committee agreed that their conclusions and recommendations reached in 2015 remain valid. Review of progress made by Japan on all the recommendations is summarised in table 23 of IWC/66/Rep01(2016).

334. Australia reminded Contracting Governments that Resolution 2014-5 was agreed to strengthen the Scientific Committee's review process, in accordance with the ICJ findings, defining the minimum characteristics that a Special Permit programme should have if it is to be considered for the purposes of scientific research. These characteristics are to be determined objectively and cannot simply be self-determined by a Contracting Government. It asserted that: (1) a number of Scientific Committee and Expert Panel recommendations had not been fulfilled; (2) the Commission has not been given the opportunity to review the advice of the Scientific Committee and provide recommendations in accordance with Resolution 2014-5; and (3) that the Scientific Committee has reiterated that NEWREP-A has not demonstrated the need for lethal research. It stated that the Commission should conclude that NEWREP-A has not been demonstrated as fit for the purposes of scientific research and that Special permits under Article VIII should not be issued.

335. New Zealand, concurring with the comments of Australia, highlighted that Resolution 2014-5 requests proponents of Special Permit programmes not to proceed to take whales until after the Commission has considered the proposal and made such recommendations on the merits or otherwise of such programmes. It expressed its disappointment that Japan resumed whaling under NEWREP-A before the Scientific Committee review was complete and before the Commission had the chance to consider the merits of the programme, and took 333 Antarctic minke whales from the Southern Ocean in the 2015-16 southern summer. It rejected the argument that it was not the role of the Commission to consider or comment on Special permits programmes or that Resolution 2014-5 was contrary to the Whaling Convention, citing Article VI of the Convention and the ICJ judgment. It shared its strong belief that Contracting Governments must afford the Commission the opportunity to consider Scientific Committee advice before Special Permits are issued, and indicated that the new draft Resolution on Special Permits discussed at this meeting was intended to make it easier for the Commission to consider Scientific Committee advice. It believed that there was no need to use Article VIII of the Convention to obtain the data that Japan had stated it wished to obtain.

336. The Netherlands on behalf of the EU also concurred that NEWREP-A did not demonstrate the need for lethal whaling. It recognised Japan's efforts to complete the Expert Panel's recommended analyses but noted that the Scientific Committee concluded by consensus in both 2015 and 2016 that the recommendation had not been fully implemented. It further urged Japan to ensure full involvement of the Scientific Committee and Commission in the process of considering its new scientific whaling programme in the North Pacific in 2017.

337. In considering the report of the Scientific Committee on NEWREP-A in accordance with Resolution 2014-5, Argentina, Australia, Austria, Belgium, Brazil, Chile, Colombia, Costa Rica, Croatia, Czech

Republic, the Kingdom of Denmark, Dominican Republic, Estonia, Finland, France, Gabon, Germany, Hungary, India, Ireland, Italy, Luxembourg, Mexico, Monaco, the Netherlands, New Zealand, Panama, Poland, Slovak Republic, Slovenia, South Africa, Spain, Sweden, UK, Uruguay, and the United States, a majority of Contracting Parties attending the meeting:

(1) noted with concern that Japan issued Special permits before the Scientific Committee review was complete and before the Commission had considered the report of the Scientific Committee on NEWREP-A;

(2) assessed that on the basis of the information before the Commission, NEWREP-A is not 'for purposes of scientific research' as required by Article VIII.1 of the International Convention for the Regulation of Whaling;

(3) requested that Japan cease the lethal component of NEWREP-A.

338. The USA and India stated their beliefs that lethal research was unnecessary. The USA highlighted the World Conservation Congress Resolution on whaling under Special Permits and its concerns about the timing of information being provided on NEWREP-A being repeated with NEWREP-NP when it is launched next year.

339. Antigua and Barbuda, Japan, and the other Contracting Governments that opposed Resolution 2014-5 at IWC/65 reaffirmed their opposition to that Resolution. Noting that the Resolution did not have the consensus of the Commission in their view it was non-binding and in conflict with the provisions of Article VIII of the Convention (ICRW) and Paragraph 30 of the Schedule. They stated that non-legally binding Resolutions cannot alter or be taken to alter the provisions of the ICRW and the Schedule that stipulate the rights and obligations of the Contracting Governments. They stated their opposition to including any recommendation based on Resolution 2014-5 in the Commission report.

340. Furthermore, they affirmed, contrary to the view expressed by New Zealand and others, that NEWREP-A was entirely within Article VIII of ICRW and that Japan had fully acted in conformity with the provisions of the ICRW and the Schedule in issuing Special permits for NEWREP-A. They asserted that NEWREP-A was based upon genuine scientific premises, and Japan as well as its proponents had taken sincere efforts to engage in dialogue with the Scientific Committee and the respective Contracting Governments on the scientific merits of the programme. They also stated that NEWREP-A conformed to the judgment of the International Court of Justice in 'Whaling in the Antarctic: Australia v Japan (with New Zealand intervening)'.

341. Japan noted the differences of opinion, but believed that it was important that consideration of this issue was based on science. It drew attention to Paragraph 30 of the Schedule wording that calls for the Scientific Committee to review proposed Special Permits and to comment on ongoing results, and reaffirmed that the Scientific Committee had undertaken these steps. It drew further attention to the 29 recommendations from the Scientific Committee and the comments on progress included in table 23 in IWC/66/Rep01(2016), stating that this clearly indicated an ongoing process of review. In this regard, Japan asked Contracting Governments to understand that these scientific activities would not give a clear 'yes' or 'no' as to the status of the research programme at any one point. It acknowledged that NEWREP-A had restarted in the 2015-16 boreal winter and that results had been provided to the Scientific Committee. It welcomed constructive reviews and comments. Japan commented that it was not in violation of the ICJ judgment as it had taken into account the reasoning and conclusions contained in the Judgment when evaluating the possibility of granting any future permits (paragraph 246 of ICJ judgment) and that the ICJ had ruled that 'the use of lethal sampling *per se* is not unreasonable in research objectives of JARPA II'.

14.2 JARPN II

342. The Chair of Scientific Committee provided a report on the final review of JARPN II, a Special Permit programme operated by the Government of Japan from 2000 to 2016. The final review was called before its real end. The Expert Panel met in February 2016. The summary of the Scientific Committee review is included in IWC/66/17, item 18.1. The review took into account Resolution 2014-5.

343. The review was primarily limited to data collected from 2000 to 2013, with preliminary data and analysis from 2014 and 2015. The Scientific Committee agreed that the review of any new North Pacific proposal should also include the JARPN II review with the inclusion of those data (2014 to 2016) that have subsequently been provided.

344. With respect to the programme's scientific output, The Expert Panel had noted the difficulties associated with the reasons for the timing of the close of the programme. It agreed that considerable scientific work

had been undertaken, resulting in a number of peer-reviewed papers and influencing the work of the Scientific Committee. However the Scientific Committee also considered that much greater emphasis should have been put on improved analyses and modelling and encouraged the proponents to follow its recommendations and those of the Expert Panel and submit further work to peer-reviewed scientific journals.

345. The much-improved collaboration with other research projects, mainly those of Japanese institutes, compared to that found in the midterm review of 2009 was noted. The Scientific Committee encouraged additional co-operation with scientists from other regions in any further analyses of the existing data.
346. With regard to how the proponents had met their sub-objectives under the main objectives, Scientific Committee views and advice are summarised in table 24 of SC/66b/Rep06.

Discussion

347. Australia expressed concern that the JARPN II midterm review in 2009 had not been completed because information sought by the Expert Panel had not been provided. It noted that whales had been taken during and after the recent final review which concluded that two of the three research objectives had not been met. It drew attention to information as recommended by the Expert Panel justifying changes in sample sizes not being provided. It believed that the final review of JARPN II had shown that it had similar flaws to other Special Permit programmes, particularly in relation to justifying sample sizes, thus casting doubt on the programme being for the purposes of scientific research. Concerned that the results of previous final reviews had not been taken into account by new research programmes, and that JARPA and JARPA II were designed around a core of a certain number of whales that need to be killed to support various objectives, Australia hoped for a different approach to Japan's next Special Permit proposal.
348. New Zealand expressed doubt that JARPN II was for scientific research. It looked forward to further consideration of JARPN II by the Commission, and to further information from Japan. It called on Japan to refrain from issuing any Special Permits under the new NEWREP-NP until the programme had been reviewed by Scientific Committee and the Commission.
349. In response, Japan expressed its gratitude to the Scientific Committee for the constructive review of JARPN II. It noted the conclusion in item 17.1.2 of IWC/66/17, that considerable scientific work had been undertaken and that the output had been accepted in peer-reviewed journals and had influenced the work of the Scientific Committee, applies to both NEWREP-A and JARPN II. It recognised that the research programmes were not perfect and stated that the Scientific Committee recommendations would be addressed. It confirmed that it planned to submit a proposal on NEWREP-NP in time for the Scientific Committee meeting next year.
350. Republic of Guinea recognised that non-lethal research enabled information on abundance to be collected through visual observation but stressed that lethal research could also provide distribution and nutrition information. It stated its support for JARPN II and other research programmes that combine whale stock and fish stock analysis.

14.3 Procedures used by the Scientific Committee for reviewing Special permits

351. The Chair of the Scientific Committee reported that under Commission Resolution 2014-5, the Committee had been instructed to propose amendments to its 'Annex P' process which it uses when reviewing Special permits. The proposed amendments, set out in Annex P of IWC/SC/66b, had used wording taken where possible from Resolution 2014-5, which had been framed to reflect the ICJ judgment, and had been adopted by the Committee by consensus. In 2016 the Committee had further proposed that Annex P be amended to: incorporate text in relevant places referring to use of a self-checklist for new proposals and periodic and final reviews; include a checklist for new proposals (contents of checklists for periodic and final reviews will be finalised in 2017); incorporate text in relevant places regarding signing of confidentiality agreement by Expert Panel members and observers.
352. The Committee had also agreed to establish an intersessional working group to consider the need or otherwise to modify Annex P in light of findings by previous Expert Panels and the Committee's ongoing discussions and bring to the Commission's attention the issue of alignment of the Annex P process with the Commission's two-year cycle. The Committee had suggested as a trial, the provision of a webcast of the open session of the next Expert Panel meeting.

Discussion

353. Australia supported the Scientific Committee's proposals and suggested that if possible reviews of Special Permits should take place at the Committee's regular meetings.

354. Centro de Conservación Cetacea and Instituto de Conservación de Ballenas drew attention to a letter signed in 2015 by 500 scientists from 30 countries, disputing the necessity for lethal sampling of cetaceans, which had been included as an information document at SC/66a. It urged the Commission to instruct the Scientific Committee so seek the views of the wider international scientific community on the relative benefits of lethal and non-lethal cetacean sampling.

355. The Commission endorsed the amendments to Annex P proposed by the Scientific Committee and approved its proposals for further work, including the establishment of an intersessional working group.

15 SAFETY AT SEA

356. Japan provided an update on encounters in the Southern Ocean between its vessels and those of the Sea Shepherd Conservation Society and on legal action it had taken in Washington State, USA. The latter had resulted in the granting of a permanent injunction against the Sea Shepherd Conservation Society preventing its vessels engaging in violent activity in waters including international waters in the Southern Ocean. Japan believed that other entities and vessels associated with the Sea Shepherd Conservation Society might be planning similar action and asked any Contracting Governments under whose flags these vessels might be registered to take action to ensure that national and international regulations regarding safety at sea were fully adhered to.

357. Norway and the Russian Federation supported Japan, the former emphasising the right of countries to carry out scientific research.

358. Australia and the Netherlands on behalf of the EU believed that the appropriate forum to address safety at sea was the IMO. They, together with India, New Zealand, Switzerland and the USA all affirmed their belief in the right to peaceful protest but deplored violence, condemning any reckless behaviour by all parties involved in such encounters. All attached the highest priority to safety at sea and reaffirmed the strength of existing legal frameworks for addressing such issues. These Contracting Governments, along with the Kingdom of Denmark speaking on behalf of the Faroe Islands, reiterated the importance of full implementation of Resolution 2011-2 and of national and international regulations regarding collision avoidance.

16 OTHER CONSERVATION ISSUES

16.1 Conservation Management Plans

359. The Chair of the Conservation Committee reported on the work of the Conservation Committee's Standing Working Group on Conservation Management Plans (Annex G, item 7). The Conservation Committee endorsed the recommendations of the Standard Working Group on Conservation Management Plans as well as those provided by the Scientific Committee.

16.1.1 Western Pacific gray whale

360. The Chair of the Conservation Committee drew attention to IWC/66/CC29 which provided exciting new information from the US Navy, on the occurrence, determined by acoustic detections, of gray whales in offshore but shallow waters in the East China Sea in autumn and winter. He noted that scientific aspects of a revised IUCN/IWC CMP would be completed at a workshop in the USA in 2017, ready for presentation to the Commission at its meeting in 2018 after discussion at a stakeholder workshop.

361. Argentina, Japan, Mexico, Russia and the USA thanked Korea and Mexico for signing the Memorandum of Co-operation Concerning Conservation Measures for the Western Gray Whale. The Russian Federation noted that although it had not supported formation of the Conservation Committee it did approve of the work on the gray whale CMP.

16.1.2 South-west Atlantic southern right whale

362. The Chair of the Conservation Committee reported on an update from Argentina, as a Range State, including: (1) workshops and a research project on whale mortality; (2) use of satellite telemetry, photo identification, training on non-lethal techniques and data collection and noted that co-ordination of the CMP had been passed to Brazil.

16.1.3 South-east Pacific southern right whale

363. The Chair of the Conservation Committee highlighted the update from Chile and noted that Peru is now included as a range State. He noted that a draft implementation strategy for this CMP for 2016-2018 had been provided and that funding was sought from the IWC Voluntary Conservation Management Plans Fund.

16.1.4 Additional CMP proposals

364. The Chair of the Conservation Committee highlighted a progress report on the development of a CMP for the franciscana (*Pontoporia blainvillei*).

365. Argentina emphasised the perilous state of the franciscana, the most threatened cetacean in the South West Pacific, and said it was working with governmental and non-governmental organisations to achieve progress. Brazil thanked Australia and Mexico for their work with the franciscana and hoped for a better understanding of its ecology to allow its survival.

366. The Chair of the Conservation Committee highlighted progress with the proposed CMP for the Arabian Sea humpback whale (*Megaptera novaeangliae*) and that the Committee had recommended dialogue between the Government of Oman and IWC Member Governments.

367. With regards to the threat-based CMPs the Chair noted that the Committee had endorsed the relevant recommendations of the SWG-CMP (IWC/66/CCR06) that:

- A proposed mid-term review of the CMP work programme include work to develop guidelines and principles for threat-based CMPs, to be presented to the 2017 planning meeting of the Conservation Committee for consideration;
- further consideration of marine debris in CMPs will be informed by discussions on bycatch and entanglement activities, as well as the proposed mid-term review and proposed guidelines and principles for development of threat based CMPs; and
- the Scientific Committee be requested to continue to provide further information on bycatch, including advice on regions.

16.1.5 Progress report by CMP Standing Working Group

368. The Chair of the Standing Working Group on Conservation Management Plans (SWG-CMP) welcomed new Range State members of the western gray whale Memorandum of Co-operation to the Working Group. She noted that all the recommendations in the report of the Working Group (IWC/66/CCR06) had been endorsed by the Conservation Committee, and welcomed the first CMP for a small cetacean, the franciscana. The group had decided on a mid-term review to consider progress and readjust priorities, which will include guidelines and principles for threat based CMPs. She noted the importance of cooperation with the Conservation Committee and the value of their input, and encouraged Contracting Governments to support the Voluntary Conservation Fund.

16.2 Whalewatching

369. In 2012, the Commission adopted its Five Year Strategic Plan for Whalewatching and the Standing Working Group (SWG-WW) under the Conservation Committee has continued to make progress against the actions outlined in the plan. The scientific aspects of whalewatching are discussed by the Scientific Committee in response to a request in Resolution 1994-14 for it to provide advice relating to whalewatching.

370. The Chair of the Conservation Committee reported on discussions and recommendations of the Conservation Committee.

16.2.1 Report from the joint workshop on capacity building for whale and dolphin watching in the Indian Ocean Region

371. The Chair of the Conservation Committee introduced the 2016 Indian Ocean Rim Assessment (IORA) Sustainable Whale and Dolphin Watching Tourism Workshop which had been held in February 2016 (see Annex G, item 6.2.1). He noted that the Committee had endorsed the recommendations from the workshop, in particular that the IWC could support the IORA network and continue to implement Objective 3 of the IWC's Strategic Plan for Whalewatching by:

- Sharing information, best practice, experience and expertise with IORA Member States including through the development of the Whalewatching Handbook, including with case studies relevant to the IORA region.
- Providing capacity-building and training for IORA and its Member States as appropriate.
- Providing guidelines on best practice and other IWC resources to the IORA Secretariat for circulation among IORA Member States.
- Seeking to engage with the IORA Secretariat and the IORA Network through scientific and technical cooperation and, where appropriate, seeking funding, to support sustainable whalewatching in the IORA region.

16.2.2 Progress report from the Whalewatching Standing Working Group

372. The Chair of the Conservation Committee summarised the work of the Standing Working Group on Whalewatching (see item 6.2.2 of Annex G) and noted its recommendation to continue to work on the basis of the Five Year Strategic Plan which was due to end in 2016. He highlighted ongoing work on the online Whalewatching Handbook, noting the projected costs necessary to complete this work. He also noted that the CMS Secretariat had expressed an interest in participating in the work on the Handbook and the Committee had recommended that it be invited to join the Working Group.

373. He noted that the Committee had endorsed a series of recommendations made by the Standing Working Group on Whalewatching, including:

- a. Explore ways to get additional industry input and outside expertise for the relevant sections of the Handbook;
- b. Explore opportunities for collaboration with relevant intergovernmental organisations (e.g. CMS, CBD, SPREP, etc.) in the development of the Handbook
- c. Investigate sources of funding for the Whalewatching Handbook and submit applications to potential funding bodies with the aim of completing the Handbook by IWC/67 in 2018;
- d. Develop revised Strategic plan with a new timeframe;
- e. Assist with recommendations related to the outcomes of the IORA workshop; and
- f. Add two new *ex officio* industry members to the WG-WW from 2016-2018.

16.2.3 Discussion

374. Australia, Belgium, India, Mexico, Monaco, New Zealand and USA supported the work of the Standing Working Group on Whalewatching, congratulated the USA on its role as Working Group Chair, and noted that whalewatching can contribute to local livelihoods. Australia noted that an IORA Council of Ministers was meeting in Bali at that moment and hoped that this would establish a network to take the recommendations of the IORA workshop forwards. It also commended the IORA/IWC collaboration as an excellent example of engagement. New Zealand noted that whalewatching brought in more than \$80 million annually to their country and it supported the IWC's work on whalewatching. Belgium warned of the impacts (e.g. through disturbance) of whalewatching and suggested that the Scientific Committee and Conservation Committee should collaborate to provide advice.

375. CMS/ASCOBANS reiterated its interest in participating in the development of the online Whalewatching Handbook and offered to support this work by translating the Handbook into French and Spanish. This was welcomed by the Commission

16.3 National Reports on Cetacean Conservation

376. The Chair of the Conservation Committee welcomed the voluntary national reports on cetacean conservation. A working group has been established to provide guidance on how these can be aligned with the Conservation Committee strategic plan. He encouraged all governments to provide reports.

16.4 Regional Research Partnerships

16.4.1 Southern Ocean Research Partnership

377. The Chair of the Scientific Committee reported that currently 12 Contracting Governments are members of the IWC Southern Ocean Research Partnership (SORP), which has five lines of research in the Southern Ocean: (1) Antarctic blue whales; (2) killer whales in the Southern Ocean; (3) interactions between baleen whales and krill; (4) Southern Hemisphere humpback whales; and (5) Antarctic blue whales and fin whales. She highlighted that ten more projects had been recommended by SORP and endorsed by the Scientific Committee for funding, noting that budget issues were addressed by the Finance and Administration Committee.

Discussion

378. Australia, Belgium, Brazil and Mexico commended the work of SORP. Australia noted the contribution it had pledged towards the Partnership; Belgium drew attention to the many peer-reviewed publications produced by the Partnership and expressed its delight at joining as the newest member; Mexico highlighted the role of the Partnership in assessing the effects of climate change on whales; and Brazil referred to the research work by the Institute of Oceanography of Rio Grande do Sul.

16.4.2 Status of the voluntary fund

379. The IWC Secretariat provided a statement on the status of the voluntary fund. At the beginning of the 2016 financial year the opening balance was £19,259. Since then the following generous contributions have been made: \$1.49 million (Australian dollars) by the Government of Australia to support non-lethal research; \$10,000 US for priority research, in particular to the Antarctic Circumnavigation Expedition (ACE) voyage; and \$25,000 (Australian dollars) for the IWC project 'Foraging ecology and predator-prey interactions between baleen whales and krill'. This brings the estimated balance to just over £820,000.

17 OTHER MANAGEMENT ISSUES

17.1 Revised Management Procedure

380. The Revised Management Procedure (RMP) and Aboriginal Whaling Management Procedure (AWMP) approach pioneered at the IWC, and now increasingly used in fisheries management, is of broad relevance to the work of the Commission when examining the status of cetaceans and the effects of all human-induced mortality. Work by the Scientific Committee on the RMP in the intersessional period (Item 5 in IWC/66/17) had focused on: (1) a review of maximum sustainable yield rates; (2) amending the *Catch Limit Algorithm (CLA)*; (3) updating guidelines and annotations for the RMP, including review of model-based abundance estimation for use in the RMP; and (4) assessing the implications of *Implementation Simulation Trials* for consideration of 'status' and abundance estimates for which the Committee had agreed that the development of appropriate metrics of status would be considered at its 2017 meeting. In reviewing the CLA, the Committee had recommended continued use of the existing CLA rather than the proposed Norwegian amendment.

381. The Scientific Committee had completed its *Implementation Review* of North Atlantic fin whales and expected to complete the *Implementation Review* of North Atlantic common minke whales in 2017. Western North Pacific Bryde's whales and Western North Pacific minke whales *Implementation Reviews* will be started in 2017 and 2018 respectively.

Discussion

382. Argentina, India, Mexico, Monaco, the Netherlands on behalf of the EU, and the USA reaffirmed their commitment to the moratorium on commercial whaling and called on Iceland and Norway to cease commercial whaling and their commercial export of whale products. The Netherlands on behalf of the EU reminded the meeting that all great whales are in Appendix I of CITES and drew attention to CITES Resolution Conf. 11.4 (Rev. CoP12) on conservation of cetaceans, trade in cetacean specimens and the relationship with the IWC.

383. Iceland and Norway stated that their whaling and trade in whale products is science-based, sustainable, responsible, transparent, strictly regulated and in accordance with international regulations. Iceland stated that its annual harvest of North Atlantic fin whales and common minke whales was based on precautionary catch limits set by the Marine Research Institute of Iceland using the RMP and IWC and NAMMCO assessments.

384. Mexico and IUCN indicated that results from the RMP depended on a number of factors, including the tuning level selected and the delimitation of stock areas, and that tuning levels used by Iceland and Norway differed from those used by the Commission.

385. NAMMCO restated its belief in responsible and sustainable management and noted that the hunts referred to adhered to high animal welfare standards.

17.2 Infractions

386. The Infractions Sub-Committee met on 21 October 2016 and its report (IWC/66/Rep04) is provided as Annex I. The Chair of the Sub-Committee (Hild Ynnesdal, Norway) summarised its findings.

387. Infraction reports were received from the Kingdom of Denmark, the USA, the Russian Federation and the Republic of Korea. Norway, Iceland and St Vincent and The Grenadines submitted the required information on their catches to the Secretariat. Surveillance arrangements for different whaling operations and submissions on national laws and regulations were reviewed. No reports were made on the availability, sources and trade in whale products.

388. The major discussion point within the Sub-Committee was the issue of catches taken in Greenland 2013-2014. Since no ASW quota was assigned for Greenland at IWC/64, this was considered an infraction by some Contracting Governments. The Kingdom of Denmark and others did not agree with this view. There was support for measures to ensure that a situation in which no ASW catch limits are set, should

not occur in the future. For example, the change to the Rules of Procedure suggested by the Working Group on Operational Effectiveness and Cost Saving Measures.

Greenland catches in 2013 and 2014

389. Argentina on behalf of the Buenos Aires Group stated its belief that the Greenland hunts should be considered infractions and emphasised that the Greenland catches in 2013 and 2014 should not set a precedent for future similar cases. Argentina also noted that at IWC/65 the Chair had referred the issue to the Working Group on Operational Effectiveness and Cost Saving Measures and the Working Group had stated that it did not have the mandate to evaluate infractions. Argentina therefore sought clarification from the Chair on how to address this issue.
390. The USA noted that it was the responsibility of each Contracting Government to interpret what an infraction is and what needs to be reported. Rather than looking to the past, it stressed the importance of avoiding similar situations in the future. In this regard, it looked forward to the implementation of the recommendations from the Maniitsoq Expert Workshop (IWC/66/ASWRep01) and the Working Group on Operational Effectiveness and Cost Saving Measures (see Annex K, appendix 4, paragraph 3).
391. The Russian Federation disagreed with Argentina, stating that the Greenland catches in 2013 and 2014 were not an infraction. It agreed with the USA on the importance of avoiding such situations in the future.
392. In response, the Kingdom of Denmark underlined that it had listened carefully and acknowledged the obligation to report data to the Infractions Sub-Committee. It reiterated that it regularly reported relevant data, had fulfilled all other reporting requirements, and that in 2013-14 the people of Greenland had a significant subsistence need. In 2014 a solution was adopted setting strike limits. The Kingdom of Denmark welcomed the views expressed in the Sub-Committee of the need to avoid a similar situation in the future, noting that it had engaged extensively in the intersessional process in follow-up to Resolution 2014-1, in the ASWWG and the Expert Workshop held in Maniitsoq in 2015, and expressed hope that the work will continue. It reiterated its commitment to the IWC.
393. OceanCare, on behalf of 13 NGOs, noted that despite unambiguous language in Article IX of the Convention, unresolved debates remain regarding: (1) if the ICJ judgment on JARPAII should be interpreted to mean previous records are listed retrospectively as an infraction; (2) whether the taking of whales in the absence of an ASW quota constitutes an infraction; (3) who interprets what constitutes an infraction; (4) whether failure to report is in itself an infraction; and (4) whether an unintentional action constitutes an infraction. It believed that this revealed a flaw in IWC rules that should be remedied.
394. In conclusion, the Chair suggested that it might not be possible to resolve this issue at this meeting but noted the opportunity to discuss this further under Item 19.2.1.

17.3 Catches by non-member nations

395. The Commission welcomed the fact that it had received reports from Canada on their subsistence catches of bowhead whales for the seasons 2014 and 2015. No information was available from other countries. The Secretariat was encouraged to continue its efforts to obtain information on catches by non-member nations, including by working with other intergovernmental organisations, given that contrary actions by non-members could jeopardise the work of IWC. Non-member nations were encouraged to report catches through any possible means.

18 CO-OPERATION WITH OTHER ORGANISATIONS

396. The Secretariat introduced IWC/66/04 which provided a comprehensive report on intersessional work undertaken to strengthen co-operation with other organisations and suggestions for next steps. The reports of the IWC's appointed observers to the meetings of other organisations during the intersessional period since IWC/65 are given as appendices 1 and 2 to IWC/66/04.

Discussion

397. The Dominican Republic, India, Mexico, Monaco, the Netherlands on behalf of the EU, and the USA all applauded current efforts and encouraged further cooperation with, *inter alia*: CITES; CMS and its daughter Agreements ACCOBAMS and ASCOBANS; IMO; FAO; Ramsar Convention; UNCLOS; UNFCCC; the UN Inter-Agency Support Group on Indigenous Peoples' Issues; the Regional Seas Conventienn; the Biodiversity Liaison Group; and RFMOs.
398. CMS/ASCOBANS outlined areas of potential synergy between IWC and CMS and its daughter Agreements ACCOBAMS and ASCOBANS, drawing attention to CMS Resolutions: 11.22 on live captures of cetaceans from the wild for commercial purposes; 11.23 on conservation implications of cetacean culture, and 11.29 on sustainable boat-based marine wildlife watching. They also drew attention

to: guidelines on assessing the environmental impacts of marine noise-generating activities; conservation of the Baltic Harbour Porpoise; bycatch; and strandings.

399.Pro Wildlife e.V and Whale and Dolphin Conservation, both speaking on behalf of a number of other NGOs, emphasised the importance of co-operation with CITES in implementation of legal controls on international trade in whale products.

19 FINANCE AND ADMINISTRATION

400.The Finance and Administration (F&A) Committee met on 22 October 2016 and its report (IWC/66/Rep02) is provided as Annex K. The Chair of the Committee (Ryan Wulff, USA) summarised its findings (see below).

19.1 Administrative matters

19.1.1 IWC communications

401.The Commission endorsed the report presented in IWC/66/F&A05, which outlined progress as part of the Commission's communications work plan, including the ongoing programme of website updates. It welcomed the publication of the first edition in a new Intersessional Report series.

19.1.2 IWC document archiving

402.The Secretariat continues work to improve online access to the Commission's document archive. The cost of a proposed enhancement to the electronic archive to increase access speed and extend the online archive back to the first Plenary meeting of the Commission in 1949 is not included in the current budget; for the work to progress, costs would need to be included within future years' budgets, or funded from a voluntary contribution.

19.1.3 Reporting of confidential communications

403.No confidential communications had been distributed.

19.1.4 Meeting arrangements

404.The Commission noted the feedback survey of meeting arrangements from IWC/65 and endorsed the suggestion for a similar feedback survey for IWC/66. The F&A Committee also discussed additional support for the involvement of observers, in particular ways for observers to contribute to the work of the Commission during intersessional periods.

19.1.5 Dispersal of funds from the IWC-SORP research fund

405.The Commission endorsed a proposal by the Scientific Committee regarding the IWC-SORP Research Fund, including approval of an updated procedure for allocation of funds and development of recommendations for future intersessional allocations of funding.

19.1.6 Guidelines for allocation and use of voluntary funds in the intersessional period

406.The Commission endorsed the proposal on the development of guidelines to support the use of voluntary funds which are received and require disbursement during the intersessional period. The Commission has well defined procedures for core contributions. For voluntary contributions, it is proposed that the Commission Chair and the Chair of the F&A Committee advise on the appropriate IWC body to oversee distribution and reporting, as laid out in IWC/66/F&A06. Voluntary contributions are generally between £300,000 and £500,000 annually, but are likely to exceed £1 million this year because of a substantial contribution to the SORP fund.

407.The F&A Committee also discussed the need to give consideration to fluctuations in the exchange rate of the British Pound. In 2017 an IWC organisational risk management strategy will be developed and currency exchange considerations will be included as part of that.

19.2 Intersessional Working Groups

19.2.1 Operational effectiveness and cost saving measures

408.The F&A Committee endorsed the recommendations of the Working Group on Operational Effectiveness (WG-OE) on five issues, including changes to rules of procedure, with the exception of the bracketed text at Rule of Procedure J.4. The F&A Committee did not reach agreement on Rule of Procedure J.4, and it recommended that the Working Group proponents of the proposed Rule of Procedure J.4 consider revisions suggested by an NGO.

409.The USA supported removing the brackets around the proposed change to J.4, stressing that the changes would improve the process, and supported the text addition as suggested.

410. Argentina reiterated their position in relation to the 2013 and 2014 Greenland catches as infractions, but did not oppose removal of the bracketed text.
411. The Kingdom of Denmark drew attention to the ASW Working Group's conclusion that it had no mandate or expertise regarding infractions.
412. The Commission **adopted** the recommendations of the F&A Committee. The Commission also **adopted** Rule of Procedure J.4 as amended. It was noted that the Infractions Sub-Committee was the forum in which to discuss infractions.

19.2.2 Strengthening IWC financing

413. The Commission endorsed the work plan of the Intersessional Correspondence Group on Strengthening IWC Financing (see Annex K, appendix 5) to examine ways of integrating conservation funding into the overall budget of the IWC, and recommended that Belgium continue as Chair of this group.

19.2.3 Provisions of options to Governments of limited means to participate in the Commission's work

414. The F&A Committee welcomed the report of the Working Group on the Provision of Assistance to Governments of Limited Means to Participate in the Commission's Work (see Item 6.4 of this report); recognising that some Contracting Governments were not ready to endorse the draft Resolution as it stood, the Committee requested the Chair to continue work with those delegations in order to present a revised Resolution to the Commission.
415. The revised Resolution text in IWC/66/13Rev3 was later adopted (see Item 6.4.3 of this report).

19.2.4 Website guidance

416. The F&A Committee endorsed a proposal to subsume the Intersessional Working Group on Website Guidance into the WG-OE; endorsed guidance on the use of the IWC website; and endorsed the recommended incremental approach to facilitate communication amongst Commission members.
417. The Commission **endorsed** the Committee recommendations.

19.2.5 Development of the Scientific Committee's rules of procedure

418. The Commission endorsed the Scientific Committee's proposals in relation to changes in its Rules of Procedure, as initially proposed through Resolution 2014-4 and recommended the incorporation of the second option for paragraph 4(e) (see Annex K, item 5.4).
419. Regarding consideration of changes arising from the Scientific Committee meeting in 2016, the F&A Committee endorsed the proposal from the Scientific Committee (see Annex K, appendix 8).

19.3 Financial contributions formula

420. This is a standing agenda item allowing opportunity for discussion on the formula for calculating financial contributions or any other related matters.
421. The Dominican Republic requested that in future the calculation be revised, since the list of countries under Category 2 is quite wide.

19.4 Financial Statements

19.4.1 Provisional financial statements for 2016

422. The Commission noted that the financial outcome for 2016 will be affected by the Commission's decision to purchase its headquarters premises for £1 million. In addition, receipts of doubtful debts are higher than expected at £248,000. The net result indicates a forecast surplus for the year of £100,104 resulting in a balance on the General Fund of £1,124,221.
423. The Commission **adopted** the 2014 and 2015 financial statements and noted the Provisional Financial Statement for the year ending 31 December 2016. It approved the expenditure of *circa* GBP 10,000 for architectural plans for the warehouse section of the IWC headquarters property to be presented to IWC/67.

19.4.2 Scientific Committee work plan and research budget for 2017 and 2018

424. The F&A Committee endorsed a revised research budget (see Annex K, appendix 10) in which the budget item SP01 was placed in square brackets.
425. Japan noted that, as required by Paragraph 30 of the Schedule, the Scientific Committee is required to review proposals for scientific permits and therefore proposed to delete the square brackets so that SP01

is included as part of the Scientific Committee budget. New Zealand and Australia expressed their desire for cooperation, recognising that Resolution 2016-2 on improving the review process for whaling under special permit had been adopted under Item 6.2, and agreed to removing the square brackets.

426. The Commission therefore **adopted** the budget without square brackets. The approved Research Budget for 2017 and 2018 is given as Annex M.

19.4.3 Commission budget for 2017 and 2018

427. Two budget options were considered by the F&A Committee (see IWC/66/07) both of which were balanced budgets. Option 1 (the 'business as usual' scenario), provided for a 0.3% rise in Contracting Governments contributions in order to offset the prevailing rate of UK inflation. Option 2 proposed raising Contracting Governments contributions by 3.97% in order to support new or ongoing areas of intersessional work arising from IWC/66. The two options were identical in all other respects.

428. The Commission endorsed budget Option 1 and the Press and Observer fees proposed in IWC/66/BSC03. The approved Commission budget for 2017 and 2018 is given as Annex L.

429. The F&A Committee drew attention to the following two initiatives developed during IWC/66: (1) the by-catch initiative recommended by the Conservation Committee (see Item 8 of IWC/66/Rep05 and IWC/66/CC05) with an estimated a budget of £50,000; and (2) appointment of an Expert Panel and co-ordinator on strandings as recommended by the Scientific Committee and supported by the WKM&WI (see IWC/66/Rep06 and IWC/66/Rep01(2016), for which the budget was also likely to be ~£50,000. The F&A Committee noted that costs might have to be met through voluntary contributions at least initially.

19.5 Budgetary Sub-Committee operations and membership

430. The current members of the Budgetary Sub-Committee are: Guinea, Guinea-Bissau, San Marino, Russian Federation, Norway, New Zealand, UK, Japan, USA. The Chair encouraged any interested Contracting Governments to put themselves forward to fill one Open Seat and the post of Vice-Chair, which remained vacant.

19.6 Scientific Committee working methods

431. The Chair of the Scientific Committee had nothing to report under this item.

20 ADOPTION OF COMMITTEE REPORTS

20.1 2015 Report of the Scientific Committee (SC66a)

432. The 2015 Report of the Scientific Committee, IWC/66/Rep01(2015) was **adopted** with all of its recommendations.

20.2 2016 Report of the Scientific Committee (SC66b)

433. The 2016 Report of the Scientific Committee, IWC/66/Rep01(2016) was **adopted** with all of its recommendations.

20.3 Report of the Working Group on Whale Killing Methods and Welfare Issues

434. The Report of the Working Group on Whale Killing Methods and Welfare Issues (Annex H) was **adopted** with all of its recommendations.

20.4 Report of the Infractions Sub-Committee

435. The Report of the Infractions Sub-Committee (Annex I) was **adopted** with all of its recommendations.

20.5 Report of the Budgetary Sub-Committee

436. The Report of the Budgetary Sub-Committee (appendix 9 of Annex K) was **adopted** with all of its recommendations.

20.6 Report of the Conservation Committee

437. The Report of the Conservation Committee (Annex G) was **adopted** with all of its recommendations.

20.7 Report of the Aboriginal Subsistence Whaling Sub-Committee

438. The Report of the Aboriginal Subsistence Whaling Sub-Committee (Annex F) was **adopted** with all of its recommendations.

20.8 Report of the Finance and Administration Committee

439.The Report of the Finance and Administration Committee (Annex K) was **adopted** with all of its recommendations.

21 ELECTION OF OFFICERS

21.1 Election of Chair

440.The USA nominated Joji Morishita (Japan) to be elected as Chair of the Commission. He was **elected by consensus**.

21.2 Election of Vice-Chair

441.The Netherlands on behalf of the EU nominated Andrej Bibic (Slovenia) to be Vice-Chair of the Commission. He was **elected by consensus**.

21.3 Election of Chair of the Working Group on Whale Killing Methods and Associated Welfare Issues

442.Austria nominated Herman Oosthuizen (South Africa) to be Chair of the Working Group on Whale Killing Methods and Welfare Issues. He was **elected by consensus**.

21.4 Election of Chair of ASW Sub-Committee

443.Japan nominated Bruno Mainini (Switzerland) to be Chair of the ASW Sub-Committee. He was **elected by consensus**.

22 BUREAU MEMBERSHIP

444.The Commissioners from Argentina, Australia, Ghana and St Lucia were elected by consensus to the four open seats of the Bureau. Thus the membership of the Bureau now comprises the Chair (Japan), Vice-Chair (Slovenia), Chair of the F&A Committee (USA), Argentina, Australia, Ghana, St Lucia and Brazil as host of the next Commission meeting.

23 TIMING AND VENUE FOR UPCOMING MEETINGS

445.Brazil offered to host the next meeting of the Commission (IWC/67) in 2018, and showed a short promotional video of the country.

446.The Chair of the F&A Committee announced the Committee's recommendation to accept Slovenia's offer to host the SC/67A meeting of the Scientific Committee in Bled in May 2017.

447.Kenya offered to host the SC/67B meeting of the Scientific Committee in either Nairobi or Mombasa in 2018.

448.The timing and venues for the SC/67A and SC/67B Scientific Committee meetings and the 67th IWC meeting were **adopted by consensus**.

24 OTHER MATTERS

449.No other matters were proposed for discussion.

25 ADOPTION OF SUMMARY OF MAIN OUTCOMES, DECISIONS AND REQUIRED ACTIONS FROM THE 66th MEETING

450.A summary of the main outcomes, decisions and actions from the meeting was compiled by the Secretariat and presented for adoption on the final day of the meeting.

25.1 Adoption of summary of outcomes, decisions and required actions

451.The summary of main outcomes, decisions and required actions (IWC/66/Outcomes) was **adopted by consensus**. It was distributed to Commissioners, Contracting Governments, members of the Scientific Committee and accredited observer organisations after the close of the meeting through Circular Communication IWC.ALL.269 on 1 November 2016.

25.2 Chair's closing remarks

452.The Commission Chair thanked the IWC Executive Secretary (Simon Brockington), the IWC Secretariat, his Swiss colleagues, the Slovenian government, and all participants. He congratulated Joji Morishita (Japan) and Andrej Bibic (Slovenia) for their appointment as Chair and Vice-Chair of the Commission, respectively. The meeting closed at 16:00 on 28 October 2016.

List of Annexes to the Report of the Sixty-sixth Meeting

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Annex B:	List of Documents
Annex C:	Agenda
Annex D:	Interventions by Ministers
Annex E:	Resolutions Adopted at the 66 th Meeting
Annex F:	Report of the Sub-Committee on Aboriginal Subsistence Whaling
Annex G:	Report of the Conservation Committee
Annex H:	Report of the Working Group on Whale Killing Methods and Welfare Issues
Annex I:	Report of the Sub-Committee on Infractions
Annex J:	Catches by IWC Member Nations in the 2014 and 2015 Seasons
Annex K:	Report of the Finance and Administration Committee
Annex L:	Approved Commission Budget for 2017 and 2018
Annex M:	Approved Research Budget the 2017 and 2018