

Summary of Main Outcomes, Decisions and Required Actions from the 67th Meeting of the IWC

Issue and Agenda Item	Main outcomes
Governance Review <i>Item 5</i>	<ul style="list-style-type: none"> Resolution 2018-1 on the Response to the Independent Review of the IWC was adopted (see also Item 7 and Appendix 2). The Commission welcomed a contribution of USD 10,000 from the Government of the United States to support the future work of the Operational Effectiveness Working Group (see Resolution 2018-1)
Schedule Amendments <i>Item 6</i> <i>See Appendix 1</i>	Schedule amendment on Aboriginal Subsistence Whaling <ul style="list-style-type: none"> A Schedule amendment on Aboriginal Subsistence Whaling catch limits was adopted (see Item 8 and Appendix 1). Proposed Schedule amendment to create a South Atlantic Whale Sanctuary <ul style="list-style-type: none"> A proposed Schedule amendment to create a South Atlantic Whale Sanctuary was not adopted. Proposed Schedule amendment for setting catch limits for certain whale species <ul style="list-style-type: none"> A proposed Schedule amendment for setting catch limits for certain whale species was not adopted.
Resolutions <i>Item 7</i> <i>See Appendix 2 for text of adopted Resolutions</i>	Resolution on the Response to the Independent Review of the IWC <ul style="list-style-type: none"> Resolution 2018-1 on the Response to the Independent review of the IWC was adopted by consensus. Resolution on Advancing the Commission's Work on the Role of Cetaceans in the Ecosystem Functioning <ul style="list-style-type: none"> Resolution 2018-2 on Advancing the Commission's Work on the Role of Cetaceans in the Ecosystem Functioning was adopted. Resolution on Ghost Gear Entanglement Among Cetaceans <ul style="list-style-type: none"> Resolution 2018-3 on Ghost Gear Entanglement Among Cetaceans was adopted by consensus. Resolution on Anthropogenic Underwater Noise <ul style="list-style-type: none"> Resolution 2018-4 on Anthropogenic Underwater Noise was adopted by consensus. Resolution proposing 'The Florianopolis Declaration on the role of the IWC in the Conservation and Management of Whales in the 21st Century' <ul style="list-style-type: none"> Resolution 2018-5 was adopted. Resolution on the Way Forward for the IWC [part of a package of documents, see IWC/67/08] <ul style="list-style-type: none"> A proposed Resolution on the Way Forward for the IWC was not adopted Resolution on the 2030 Agenda <ul style="list-style-type: none"> A proposed Resolution on the 2030 Agenda was withdrawn by the proponents. Resolution on Food Security <ul style="list-style-type: none"> A proposed Resolution on food security was discussed but no consensus was reached; Antigua and Barbuda indicated that it would continue to refine the proposal during the intersessional period ready for presentation to IWC68.
Aboriginal subsistence whaling <i>Item 8</i> Report of the ASW Sub-Committee (IWC/67/REP/02) Report of the Scientific Committee (IWC/67/REP/01)	Aboriginal Subsistence Whaling Management Procedure and Aboriginal Whaling Scheme <ul style="list-style-type: none"> The Commission endorsed the report of Aboriginal Subsistence Whaling Working Group on the seven long-term issues, actions from the 'Maniitsoq' report, the timeline for providing information and comments to facilitate consideration of future catch/strike limits and engaging other organisations. The Commission endorsed the report of the Scientific Committee and its recommendations on: <i>Strike Limit Algorithms</i> for West Greenland fin whales and common minke whales; the Makah Management Plan; and the <i>Implementation Review</i> of Bering-Chukchi-Beaufort Seas stock of bowhead whales. The Commission endorsed the report of the Scientific Committee and its recommendations on the scientific components of the Aboriginal Whaling Scheme (Carryover, Block quotas, Interim Relief Allocations, Guidelines for <i>Implementation Reviews</i>, Guidelines for surveys and other data). Descriptions of the Hunt and Catch/Strike Limit requests were considered by the Aboriginal Subsistence Whaling Sub-Committee and in the Plenary.

	<p>Aboriginal Subsistence Whaling Catch limits</p> <ul style="list-style-type: none"> The Commission endorsed the report of the Scientific Committee and its management advice on all of the hunts: the proposed catch/strike limits and carryover provisions all met the conservation objectives of the Commission as did proposals to remove the minimum length limit for West Greenland fin whales and the 9-month season limit for common minke whales off Greenland. The Commission adopted proposed Schedule amendments (see Item 6 and Appendix 1) for 7-year catch limits for: (1) the Bering-Chukchi-Beaufort Seas stock of bowhead whales; (2) the Eastern stock of gray whales in the North Pacific; (3) common minke whales, fin whales, bowhead whales and humpback whales off West Greenland; (4) common minke whales off East Greenland and (5) western North Atlantic humpback whales off St Vincent and the Grenadines. The Commission also worked together to agree a limited automatic renewal provision for the period after 2025. This retains the Commission's oversight role and occurs if there is positive scientific advice, no change in catch limit requests and the agreed information on the hunts is provided according to the IWC timetable. The Commission also agreed a workplan to further examine matters such as improved killing techniques in ASW hunts and the cause of 'stinky' (inedible) gray whales in the Chukotkan hunt. <p>Status of the voluntary fund for Aboriginal Subsistence Whaling</p> <ul style="list-style-type: none"> In the intersessional period, the Fund had received generous donations from the USA and Switzerland and the money was used towards holding the Utqiagvik/Barrow workshop and evaluation of the Makah Management Plan. The Commission reiterated the importance of this Fund and welcomed generous voluntary contribution of GBP 10,000 from the UK and USD 500 from Whaleman Foundation for work to improve the welfare of ASW hunts.
<p>Cetacean Status and Health <i>Item 9</i></p> <p>Report of the Scientific Committee (IWC/67/REP/01)</p>	<p>Whale stocks</p> <ul style="list-style-type: none"> The Commission endorsed the report and recommendations of the Scientific Committee on whale stocks. The Committee expressed conservation concerns over western North Atlantic right whales, Gulf of Mexico Bryde's whales, Arabian Sea humpback whales, some North Pacific bowhead and right whale stocks and southeastern Australian humpback whales. <p>Small Cetaceans</p> <ul style="list-style-type: none"> The Commission endorsed the report and recommendations of the Scientific Committee on small cetaceans. In 2017 and 2018, serious concern was expressed at the status of many species and populations including: riverine and coastal populations of Irrawaddy dolphins; the Indus River dolphin; the Ganges River dolphin; river dolphins in the Amazon, Orinoco and Tocantins basins; Lahille's bottlenose dolphins in western South America; the vaquita in Mexico; Yangtze finless porpoise; the Māui dolphin in New Zealand; botos and tucuxis in the Amazon Basin; Taiwanese humpback dolphins; killer whales from the Sea of Okhotsk. Grave concern was expressed over the vaquita, Yangtze finless porpoise and the Māui dolphin in New Zealand. The Commission welcomed the work of the Small Cetaceans Fund and thanked donors for their contributions. Contributions to the Small Cetaceans Fund were welcomed as follows: EUR 5,000 from the Government of Italy, EUR 10,000 from the Government of the Netherlands, GBP 10,000 from the UK, USD 500 from Dolphin Connection and c.USD 9,300 from a coalition of NGOs¹, of which USD 1,000 is earmarked for the Small Cetaceans Task Team for the South Asian River Dolphin. <p>Health</p> <ul style="list-style-type: none"> The Commission endorsed the report and recommendations of the Scientific Committee related to cumulative effects, unusual mortality events, harmful algal blooms and diseases of concern. <p>Stock definition and DNA testing</p> <ul style="list-style-type: none"> The Commission endorsed the report and recommendations of the Scientific Committee on this issue, including encouraging co-ordination of DNA registers and updating of guidelines for analyses of genetic data.

¹ The group of NGOs providing contributions to the Small Cetaceans Fund are as follows: Animal Welfare Institute/Centro de Conservación de Cetacea, Campaign Whale, Cetacean Society International, Environmental Investigation Agency, Humane Society International, International Fund for Animal Welfare, OceanCare, Pro Wildlife and Whaleman Foundation.

<p>Cetacean Habitat <i>Item 10</i></p> <p>Reports of the Scientific Committee (IWC/67/REP/01) and Conservation Committee (IWC/67/REP/05)</p>	<p>State of the Cetacean Environment (SOCER)</p> <ul style="list-style-type: none"> The Commission received the report of the SOCER and the 5-year compilation. The recommendations of the Scientific Committee relating to SOCER were endorsed. <p>Ecosystem Functioning</p> <ul style="list-style-type: none"> The Commission endorsed the recommendations of the Scientific and Conservation Committee including proposals for further work. See also Item 7. <p>Arctic Ocean/Climate change</p> <ul style="list-style-type: none"> The Commission noted that in the future the Scientific Committee will consider both these items in the broad context of all its work rather than as stand-alone items.
<p>Unintended Anthropogenic Impacts <i>Item 11</i></p> <p>Report of the Scientific Committee (IWC/67/REP/01)</p> <p>Report of the Conservation Committee (IWC/67/REP/05)</p>	<p>Pollution</p> <ul style="list-style-type: none"> The Commission welcomed progress made by the Scientific Committee with its Pollution 2020 programme, which is looking at effects of chemical pollution on cetaceans, and endorsed the Scientific Committee recommendations. <p>Marine Debris</p> <ul style="list-style-type: none"> The Committee endorsed the recommendations of the Scientific Committee and Conservation Committee including proposals for further work. The Commission welcomed a donation of EUR 10,000 from the Government of the Netherlands to the Voluntary Conservation Fund for a workshop on this issue. <p>Anthropogenic Sound</p> <ul style="list-style-type: none"> The Commission welcomed progress in addressing the issue of Anthropogenic Underwater Noise, including engagement with other organisations. It endorsed proposals of the Scientific Committee and Conservation Committee for further work. See also Item 7. <p>Cetacean Bycatch</p> <ul style="list-style-type: none"> The Commission endorsed the recommendations of the Conservation Committee and Scientific Committee on cetacean bycatch. It welcomed progress under the Bycatch Mitigation Initiative and endorsed (i) the Strategic Plan for Bycatch, (ii) the Bycatch Mitigation Initiative workplan (iii) the continuation of the Bycatch Coordinator position with funding from the Voluntary Conservation Fund and (iv) the Terms of Reference for the SWG and Expert Panel. The Commission thanked those who had contributed funding for this initiative to date, and welcomed further funding announcements including from Belgium, (GBP 18,000), France (EUR 10,000), the UK (GBP 18,000), and from a coalition of NGOs (USD 8,500)². <p>Ship Strikes</p> <ul style="list-style-type: none"> The Commission endorsed recommendations of the Scientific Committee and Conservation Committee. It endorsed the Ship Strike Strategic Plan and adopted its work programme. It agreed to continued cooperation with other organisations on this issue including with IMO and with IUCN with respect to Important Marine Mammal Areas and proposals for further work.
<p>The IWC in the Future <i>Item 12</i></p>	<ul style="list-style-type: none"> The Commission considered a proposed Schedule amendment and two resolutions under this item. Resolution 2018-5 was adopted. See also Items 6 and 7 above.
<p>Whale killing methods and welfare issues <i>Item 13</i></p> <p>Report of the WG on WKM&AWI (IWC/67/Rep04)</p>	<ul style="list-style-type: none"> The Commission welcomed the reports from a number of governments on their hunting operations or events requiring euthanasia. It also welcomed reports from the Kingdom of Denmark on behalf of Greenland, the Russian Federation, Norway and the USA on their improvements in whaling operations. The Commission endorsed the continuation of work to improve whale welfare, including the further development of the Cetacean Welfare Assessment Tool and presentation of a final version to IWC68. It agreed to develop a clear process for allocating resources from the voluntary welfare fund during the intersessional period, and its submission to IWC68. It agreed that in the interim period the Intersessional Working Group would advise on allocation of funding donated for implementation of the Welfare Action Plan and consider any funding requests from IWC working groups for support. The Commission endorsed the report of the fourth IWC Working Group meeting on Large Whale Entanglement Issues and expressed support for continuation of the work to build capacity to respond to whale entanglements.

² The group of NGOs providing contributions for bycatch are as follows: Australian Marine Conservation Society, Animal Welfare Institute/Centro de Conservación de Cetacea, Dolphin Connection, Environmental Investigation Agency, Humane Society International, International Fund for Animal Welfare, National Resources Defense Council, Whaleman Foundation and World Wide Fund for Nature.

	<ul style="list-style-type: none"> The Commission welcomed the progress of the strandings initiative and thanked all involved. It endorsed the Scientific Committee recommendations on strandings, including the proposal to extend the Strandings Coordinator role subject to available funds. The Commission welcomed a voluntary contribution of USD 2,000 from a coalition of NGOs, USD 1,000 from Cetacean Society International towards entanglement response and a contribution from Oceancare of CHF 5,000 for strandings.
Special Permits <i>Item 14</i> <i>See Appendix 3</i>	<ul style="list-style-type: none"> The Commission adopted statements on three Japanese special permit programmes, two currently in place (NEWREP-A and NEWREP-NP) and one completed (JARPN II). The statements present the Commission's views on each permit, recommendations to the Government of Japan and instructions to the Scientific Committee on the review process. A number of countries disagreed with the Commission's statements and provided their own statement (see Appendix 3).
Other Conservation Issues <i>Item 15</i> Report of the Scientific Committee (IWC/67/REP/01) Report of the Conservation Committee (IWC/67/REP/05)	<p>Conservation Management Plans</p> <ul style="list-style-type: none"> The Commission endorsed the recommendations of the Scientific and Conservation Committee on CMPs. This included adopting the revised CMP Work Plan 2014-2020 and agreement that a thematic strategic plan for CMPs be developed during the next intersessional period, to be submitted to the Commission for endorsement. The Commission thanked the coordinators of the four current CMPs for their ongoing commitment and excellent work to protect vulnerable populations of cetaceans. The Commission noted progress made with regards priority species for CMP and encouraged further efforts during the next intersessional period. <p>Whale Watching</p> <ul style="list-style-type: none"> The Commission endorsed the recommendations of the Scientific Committee and Conservation Committee on whale watching, including the revised Strategic Plan and the work plan for the next intersessional period. It also endorsed the Whale Watching Handbook, the communications strategy to promote it, and a budget for its maintenance including an application to the Voluntary Conservation Fund. The Commission thanked New Zealand for their offer of funding to help promote the Whale Watching Handbook. <p>National Reports on Cetacean Conservation</p> <ul style="list-style-type: none"> The Commission welcomed reports submitted by several countries. It endorsed a proposal to revise the template for Voluntary Conservation Reports through an integrated database and thanked New Zealand for their offer of funding to help develop the database. <p>Regional Research Partnerships: IWC-SORP (Southern Ocean Research Partnership) and IWC-POWER (North Pacific Ocean Whale and Ecosystem Research)</p> <ul style="list-style-type: none"> The Commission welcomed the report from the Scientific Committee on these two IWC research programmes and endorsed plans for these to continue. <p>Joint Working Group of the Conservation Committee and the Scientific Committee</p> <ul style="list-style-type: none"> The Commission endorsed proposals for a database of IWC recommendations as well as actions to populate and use the database to review implementation of recommendations and to assist Secretariat work planning. The Commission endorsed a proposal for the Conservation Committee to work intersessionally to develop proposals on how the IWC can take action for species of urgent or critical conservation concern.
Sanctuaries <i>Item 16</i>	<p>Proposal for establishment of a South Atlantic Whale Sanctuary</p> <ul style="list-style-type: none"> See item 6. <p>Southern Ocean Sanctuary Management Plan</p> <ul style="list-style-type: none"> The Commission endorsed the recommendations of the Scientific Committee and Conservation Committee on this issue and endorsed the Southern Ocean Sanctuary Management Plan.
Other Management Issues <i>Item 17</i> Report of the Scientific Committee (IWC/67/REP/01)	<p>Revised Management Procedure</p> <ul style="list-style-type: none"> The Commission reviewed progress on the Scientific Committee's work on the RMP and related matters which included matters related to the MSYR, testing, possible amendments and survey guidelines. The <i>Implementation Review</i> for North Atlantic common minke whales was completed in 2017, that for North Pacific Bryde's whales should be completed in 2019 and that for Western North Pacific common minke whales is about to commence.

<p>Report of the Infractions sub-committee (IWC/67/REP/03)</p>	<p>Infractions</p> <ul style="list-style-type: none"> • The Commission reviewed: <ul style="list-style-type: none"> ◦ infractions reported in the 2016 and 2017 seasons; follow-up reports from previous years; ◦ information on the domestic surveillance of whaling operations; and information on the provision of data. <p>Catches by Non-Member Nations</p> <ul style="list-style-type: none"> • The Commission welcomed information received on catches and quotas from Canada's bowhead hunt. The Secretary will continue to request such information from Canada. • The Secretary will continue to seek information on other catches by non-member Governments.
<p>Co-operation with other Organisations <i>Item 18</i></p>	<p>The Commission welcomed progress on engaging other organisations and endorsed proposals for future work.</p>
<p>Finance and Administration <i>Item 19</i></p> <p>Report of the F&A Committee (IWC/67/REP/06)</p>	<p>Financial Situation</p> <ul style="list-style-type: none"> • The Commission received an update on its financial situation and noted that the Commission's existing work programme could not be covered by the current level of resources. <p>Administrative Matters</p> <ul style="list-style-type: none"> • The Commission endorsed: <ul style="list-style-type: none"> ◦ Guidance on Hosting Meetings of the Commission and Scientific Committee, noting progress made since IWC/66 as outlined in the survey responses. ◦ An update on progress in implementing Resolution 2016-6 on the Voluntary Assistance Fund to Support Governments of Limited Means including recommendations to further increase participation. The Commission welcomed a contribution of EUR 5,000 to this fund from the Government of the Netherlands and subsequently, a contribution of USD 5,000 from the USA with priority going to participation in the work of the OE-WG. ◦ A framework for the creation of an Organisational Risk Management and Currency Strategy. ◦ A report on the progress regarding facilitating intersessional communications, including a limited Twitter presence. ◦ A report on the status of the Commission's headquarters buildings. • The Commission noted that the Secretariat will prepare a document outlining existing Memoranda of Understanding and will provide a strategy for managing proposals for further agreements. • The issue of annual Conservation Committee Meetings was referred to the Working Group on Operational Effectiveness. <p>Intersessional Working Groups</p> <ul style="list-style-type: none"> • The Commission endorsed the reports of the Intersessional Correspondence Group for Strengthening Finance, the Working Group on Operational Effectiveness and the Voluntary Conservation Fund Steering Group. • The Commission agreed changes to the Commission's Rules of Procedure and Financial Regulations as proposed by the Chair of the Scientific Committee and the Chair of the Voluntary Conservation Fund Steering Group. <p>Financial Statements, Budget and Budgetary Sub-Committee Operations</p> <ul style="list-style-type: none"> • The Commission adopted the audited accounts for 2016 and 2017 and noted the expected outcome of the 2018 financial year. • The Commission agreed to reduce the Scientific Committee's budget by c.28%, and it was agreed that contributions would remain frozen at the current level. This is a deficit budget and a revised budget table will be provided to Contracting Governments. • The Commission welcomed a contribution from Italy of EUR 15,000 for the Scientific Committee Research Fund. • The Commission was pleased to accept Australia's offer to take the vacant Chair's position on the Budgetary Sub-Committee, and thanked the USA as outgoing Chair.

Adoption of Committee reports <i>Item 20</i>	The Committee adopted the reports of all its subsidiary bodies and thanked their Chairs for their hard and effective work.
Elections and Bureau <i>Items 21 and 22</i>	<ul style="list-style-type: none"> • The Chair of the Commission, Dr Joji Morishita (Japan) completed his term of office at the end of the meeting. Dr Andrej Bibic (Slovenia), the Vice-Chair, will take over the role of Chair. The new Vice Chair will be Amadou Diallo (Republic of Guinea). • The Chair of the Scientific Committee, Dr Caterina Fortuna, completed her term of office at the end of the meeting. Dr Robert Suydam (USA), the Vice-Chair, will take over the role of Chair. The new Vice-Chair is Dr Alex Zerbini (Brazil). • The new Bureau comprises: Slovenia (Chair of the Commission), Guinea (Vice-Chair of the Commission), USA (Chair of F&A) and Argentina, Ghana, St Lucia and UK. • The new Budgetary Sub-Committee comprises Australia (Chair), Switzerland (Vice-Chair), France, Japan, Kiribati, Laos, Oman, Portugal, Senegal and South Africa.
Date and Venue for Upcoming Meetings <i>Item 23</i>	<p>The next meeting of the Scientific Committee (SC/68a) will take place in Nairobi, Kenya from 7-23 May 2019.</p> <p>The next meeting of the Commission (IWC/68) will take place from 23 September to 2 October 2020 (provisional), in Portoroz, Slovenia.</p>

Appendix 1

Schedule Amendment Adopted at the 67th Meeting

SCHEDULE AMENDMENT ON ABORIGINAL SUBSISTENCE WHALING

Text to be deleted is shown in ~~strike through~~ and text to be added is shown in **underline and bold**.

Other Operations

5. Each contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open seasons not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this paragraph one continuous open season not to exceed nine months may be implemented so far as Greenland is concerned. **This paragraph shall not apply to aboriginal subsistence whaling under paragraphs 13(b)(3)(ii) and 13(b)(3)(iii).**

Baleen Whale Catch Limits

13(a) . . .

(6) Commencing in 2026, and provided the appropriate Strike Limit Algorithm has been developed by then, strike/catch limits (including any carry forward provisions) for each stock identified in sub-paragraph 13(b) shall be extended every six years, provided: (a) the Scientific Committee advises in 2024, and every six years thereafter, that such limits will not harm that stock; (b) the Commission does not receive a request from an ASW country relying on the stock ('relevant ASW country'), for a change in the relevant catch limits based on need; and (c) the Commission determines that the relevant ASW country has complied with the approved timeline and that the information provided represents a status quo continuation of the hunt.

(7) The provisions for each stock identified in sub-paragraph 13(b), especially the provisions for carryover, shall be reviewed by the Commission in light of the advice of the Scientific Committee.

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

(1) The taking of bowhead whales from the Bering-Chukchi-Beaufort Seas stock by aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided that:

(i) For the years ~~2013, 2014, 2015, 2016, 2017 and 2018~~ **2019, 2020, 2021, 2022, 2023, 2024 and 2025**, the number of bowhead whales landed shall not exceed ~~336~~ **392**. For each of these years the number of bowhead whales struck shall not exceed 67, except that any unused portion of a strike quota from ~~any year (including 15 unused strikes from the 2008–2012 quota)~~ **the three prior quota blocks** shall be carried forward and added to the strike quotas of ~~any~~ subsequent years, provided that no more than ~~15 strikes~~ **50 percent of the annual strike limit** shall be added to the strike quota for any one year.

(ii) ~~This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.~~

(2) The taking of gray whales from the Eastern stock in the North Pacific is permitted, but only by aborigines or a contracting Government on behalf of aborigines, and then only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

(i) For the years 2013, 2014, 2015, 2016, 2017 and 2018 2019, 2020, 2021, 2022, 2023, 2024 and 2025, the number of gray whales **landed** taken in accordance with this sub-paragraph shall not exceed ~~744~~ **980**, provided that the number of gray whales **struck** taken in any one of the years 2013, 2014, 2015, 2016, 2017 and 2018 2019, 2020, 2021, 2022, 2023, 2024 and 2025 shall not exceed 140, except that any unused portion of a strike quota from the prior quota block shall be carried forward and added to the strike quotas of subsequent years, provided that no more than 50 percent of the annual strike limit shall be added to the strike quota for any one year.

(ii) ~~This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.~~

(3) The taking by aborigines of minke whales from the West Greenland and Central stocks **from the East Greenland hunt** and fin whales from the West Greenland stock and bowhead whales from the West Greenland feeding aggregation and humpback whales from the West Greenland feeding aggregation is permitted and then only when the meat and products are to be used exclusively for local consumption.

(i) The number of fin whales struck from the West Greenland stock ~~in accordance with this sub-paragraph~~ shall not exceed 19 in each of the years 2015, 2016, 2017 and 2018 2019, 2020, 2021, 2022, 2023, 2024 and 2025, except that any unused portion of a strike quota from the prior quota block under a Strike Limit Algorithm management advice shall be carried forward and added to the strike quotas of subsequent years, provided that no more than 50 percent of the annual strike limit shall be added to the strike quota for any one year.

(ii) The number of minke whales struck from the Central stock ~~in accordance with this sub-paragraph~~ shall not exceed ~~12~~ **20** in each of the years 2015, 2016, 2017 and 2018 2019, 2020, 2021, 2022, 2023, 2024 and 2025, except that any unused portion of the ~~a~~ strike quota for each year shall be carried forward ~~from that year~~ and added to the **strike** quotas of any subsequent years, provided that no more than 3 **strikes** shall be added to the **strike** quota for any one year. Commencing in 2020, and provided a Strike Limit Algorithm for this stock has been developed by then, any unused portion of a strike quota from the prior quota block under a Strike Limit Algorithm management advice shall be carried forward and added to the strike quotas of subsequent years, provided that no more than 50 percent of the annual strike limit shall be added to the strike quota for any one year.

(iii) The number of minke whales struck from the West Greenland stock shall not exceed 164 in each of the years 2015, 2016, 2017 and 2018 2019, 2020, 2021, 2022, 2023, 2024 and 2025, except that any unused portion of the ~~a~~ **strike** quota for each year ~~from the prior quota block under a Strike Limit Algorithm management advice~~ shall be carried forward ~~from that year~~ and added to the strike quotas of any of the subsequent years, provided that no more than ~~15 strikes~~ **50 percent of the annual strike limit** shall be added to the strike quota for any one year. ~~This provision will be reviewed if new scientific data become available within the 4 year period and if necessary amended on basis of the advice of the Scientific Committee.~~

(iv) The number of bowhead whales struck off West Greenland ~~in accordance with this sub-paragraph~~ shall not exceed 2 in each of the years 2015, 2016, 2017 and 2018 2019, 2020, 2021, 2022, 2023, 2024 and 2025, except that any unused portion of the ~~a~~ **strike** quota for each year ~~from the prior quota block under a Strike Limit Algorithm management advice~~ shall be carried forward ~~from that year~~ and added to the **strike** quotas of any subsequent years, provided that no more than ~~2 strikes~~ **50 percent of the annual strike limit** shall be added to the **strike** quota for any one year. ~~This provision will be reviewed if new scientific data become available within the 4 year period and if necessary amended on basis of the advice of the Scientific Committee.~~

(v) The number of humpback whales struck off West Greenland ~~in accordance with this sub-paragraph~~ shall not exceed 10 in each of the years 2015, 2016, 2017 and 2018 2019, 2020, 2021, 2022, 2023, 2024 and 2025, except that any unused portion of the ~~a~~ **strike** quota for each year ~~from~~

~~the three prior quota blocks under a Strike Limit Algorithm management advice~~ shall be carried forward ~~from that year~~ and added to the strike quotas of any of the subsequent years, provided that no more than ~~2 strikes~~ **50 percent of the annual strike limit** shall be added to the strike quota for any one year. ~~This provision will be reviewed if new scientific data become available within the remaining quota period and if necessary amended on basis of the advice of the Scientific Committee.~~

- (4) For the seasons ~~2013-2018~~ **2019-2025** the number of humpback whales to be taken by the Bequians of St. Vincent and The Grenadines shall not exceed ~~24~~ **28**. The meat and products of such whales are to be used exclusively for local consumption in St. Vincent and The Grenadines.

Baleen Whale Size Limits

15(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken in the Southern Hemisphere for delivery to land stations and fin whales of not less than 50 feet (15.2 metres) may be taken in the Northern Hemisphere for delivery to land stations, provided that, in each case the meat of such whales is to be used for local consumption as human or animal food. **This paragraph shall not apply to aboriginal subsistence whaling under paragraph 13(b)(3)(i).**

Appendix 2

Resolutions Adopted at the 67th Meeting

RESOLUTION 2018-1

RESOLUTION ON THE RESPONSE TO THE INDEPENDENT REVIEW OF THE INTERNATIONAL WHALING COMMISSION

Recalling Resolution 2016-1, which the International Whaling Commission adopted by consensus to establish a comprehensive, independent review of its institutional and governance arrangements;

Noting the importance of continuing to work towards consensus agreement on reforming the Commission;

Reaffirming the Commission's commitment to ensure it aligns its institutional and governance arrangements with best practice for contemporary multilateral treaty bodies, notwithstanding any difference in views among Commission members on substantive matters;

Gratefully acknowledging the work of the independent review panel selected to conduct the review in accordance with the Terms of Reference for an Independent Review of the International Whaling Commission;

Recognising the extensive outreach the review panel undertook to reach an informed view, including through soliciting the views of all Commission members, the Secretariat, accredited observers, and representatives of other multilateral treaty bodies;

Noting that the review panel submitted a final report on 8 April 2018, and that the report provides recommendations for institutional and governance reform, and calls on the Commission to develop an implementation plan for reform;

Noting that a number of the panel's recommendations are already underway;

Further recognising the need for the Commission to respond to the independent review panel's report in a timely and considered way, and ensure the Commission is on a clear path to becoming a more accountable and effective organisation.

Now, therefore the Commission:

Acknowledges receipt of the independent review panel's report, which provides a basis upon which to progress reform of the Commission's institutional and governance arrangements;

Adopts the report of the Working Group on Operational Effectiveness, and considering the recommendations of the independent review panel's report, **DIRECTS** the Working Group on Operational Effectiveness to develop a plan to implement reforms that will improve the institutional and governance arrangements of the Commission and its subsidiary bodies, to be presented to the 68th meeting of the Commission;

Requests subsidiary bodies, contracting governments and accredited observers continue to work with the Working Group on Operational Effectiveness for the development of a plan to implement the reforms that will improve institutional and governance arrangements of the Commission;

Agrees to the Terms of Reference for the Working Group on Operational Effectiveness found at Annex A;

Further agrees that existing work to improve governance and accountability being progressed by the Secretariat, the Bureau or other relevant subsidiary bodies as identified in Annex B should continue.

Annex A

Terms of Reference to develop an implementation plan for institutional and governance reform

Objective

The Working Group on Operational Effectiveness (Working Group) will identify reforms to improve and enhance the effectiveness of the International Whaling Commission's institutional and governance arrangements, and develop an implementation plan for consideration by the Commission at its 68th meeting in 2020.

Scope

The following elements of the Commission's institutional and governance arrangements will be considered:

- (a) Strategic and work planning practices;
- (b) Meeting arrangements, conduct and procedures;
- (c) Subsidiary bodies (Secretariat, Bureau, committees and subgroups);
- (d) Communication and outreach;
- (e) Financial management;
- (f) Rules of procedure and legal preparedness.

Inputs

The Working Group will take account of the following sources of information to identify reforms and develop the implementation plan:

- (a) The report of the independent review panel and its recommendations (2018)
- (b) The Scientific Committee's preliminary feedback on the independent review panel's report (IWC/67/Rep01(2018), Annex X)
- (c) Additional input as a result of consultation undertaken by the Working Group following IWC67 with subsidiary bodies, contracting governments and accredited observers

Working method and time

The Working Group will conduct its work in two stages:

(1) Identify reforms

The Working Group should build on the consultation undertaken by the independent review panel. The views of subsidiary bodies, contracting governments and accredited observers should be sought. The method of consultation is to be determined by the Working Group. This stage should be completed by July 2019.

(2) Develop an implementation plan

The plan to implement the reforms should include:

- (a) Discrete deliverables
- (b) Identified leads
- (c) Timeframes
- (d) Performance indicators

This plan should be developed in time for consideration by the Commission at its 68th meeting in 2020.

Out of scope

As per Resolution 2016-1 on *Enhancing the Effectiveness of the International Whaling Commission*, institutional and governance reforms will not take account of the Commission's objectives or mandate. The Working Group will not consider reforms that seek to amend or relate to:

- (a) The text of the International Convention for the Regulation of Whaling;
- (b) The text of the Schedule to the International Convention for the Regulation of Whaling;
- (c) The conservation and management status of cetaceans;
- (d) Contracting Governments' compliance with the Convention and Schedule;
- (e) Aligning the Commission's operations with the International Court of Justice's judgment in the case concerning Whaling in the Antarctic (Australia v. Japan: New Zealand intervening).

Annex B

The Secretariat should continue to progress the following improvements to management and accountability in the next intersessional period. These improvements are already underway, straightforward and do not require additional resources, and can be implemented without delay.

- Review the provision of IT services to the Commission to improve the efficiency of the Secretariat and to enable effective collaboration between the Commission and its subsidiary bodies.
- The Secretariat to work with the Commission and its subgroups to enhance financial management and financial reporting practices including by:
 - Ensuring compliance with International Financial Reporting Standards and accounting best practice
 - Continuing to enhance the currency, risk and cash flow management strategy and associated policies
 - Establishing a consistent approach to the calculation of per diems for Commission meetings, sub-group meetings and workshops
 - Ensuring that robust contracts are in place for all work being undertaken for the Commission in line with U.K. legal requirements and procurement best practice.
- Enhance the Secretariat's operation and management practices through:
 - Reviewing and amending staff regulations and human resource policies to ensure they are in line with U.K. legal requirements and best practice
 - Reviewing the allocation of financial and human resources within the Secretariat to ensure that they are aligned to Commission priorities
 - Developing an organisational risk register for the Secretariat
 - Developing a plan to ensure organisational resilience to potential staff turnover in the short to medium term, and build depth of capability where needed.

RESOLUTION 2018-2

RESOLUTION ON ADVANCING THE COMMISSION'S WORK ON THE ROLE OF CETACEANS IN THE ECOSYSTEM FUNCTIONING

Recalling the IWC's acknowledgement in Resolution 2016-3 of the biological contributions made by cetaceans to ecosystem functioning and their associated economic and social values;

Recalling also the IWC's recognition of the need to integrate the contribution made by live cetaceans and carcasses present in the ocean to marine ecosystem functioning into the decision-making processes of the IWC and other fora;

Recalling further the IWC's decision to increase collaboration and cooperation with other intergovernmental organizations to advance this work;

Noting the Scientific Committee recommendation and plan to conduct an expert workshop to, among other outcomes, review the current state of knowledge on the ecosystem functioning provided by cetaceans and develop a prioritized list of recommendations for scientific research to fill identified knowledge gaps, as requested from the Scientific Committee in Resolution 2016-3;

Noting also that the Conservation Committee has established a Working Group on Cetaceans and their role in Ecosystem Functioning in order to make recommendations on how the Committee could address Resolution 2016-3, including how to review the ecological, management, environmental, social and economic aspects of the contributions of cetaceans;

Aware that the Convention on the Conservation of Migratory Species (CMS) adopted a Resolution on the Conservation and Management of Whales and their Habitats in the South Atlantic Region (UNEP/CMS/COP12/Doc.24.2.6) which requests the CMS Secretariat and the CMS Scientific Council to work with the Scientific and Conservation Committees of the International Whaling Commission to increase understanding of cetaceans' contribution to the functioning of marine ecosystems, including co-hosting a workshop to review the existing data and research and identify opportunities to expand this work.

Now, therefore the Commission:

Commends the Scientific and Conservation Committee for their efforts to increase understanding of the contribution of cetaceans to ecosystem functioning, and encourages them to collaborate whenever possible with CMS and other international organisations, including to identify additional opportunities to jointly advance this work;

Encourages the Scientific and Conservation Committees to seek synergies and advance co-operation and co-ordination regarding their complementary work streams on this issue;

Encourages Contracting Governments to integrate the value of cetaceans' ecological roles into local, regional and global organisations on biodiversity and environment, including climate change and conservation policies;

Requests the Secretariat to convey this resolution to the CMS Secretariat as well as other relevant fora.

RESOLUTION 2018-3

RESOLUTION ON GHOST GEAR ENTANGLEMENT AMONG CETACEANS

Acknowledging that the abandoned, lost or otherwise discarded fishing gear (ALDFG) is recognised as a major anthropogenic global problem that causes economic losses, environmental damage and harm to marine wildlife, including cetaceans;

Further acknowledging that bycatch in active fishing gear is the greatest immediate threat for cetaceans globally, and that the IWC is committed to addressing this issue through its Bycatch Mitigation Initiative;

Recognising that despite being extremely difficult to quantify, the amount of existing ALDFG is prevalent and likely to be increasing;

Further recognising that the mortality rates associated with ghost fishing gear are very difficult to quantify, especially transient ALDFG that follow the winds and geostrophic currents, making them difficult to track and find, and prolonged studies very challenging;

Aware that entanglement due to ALDFG is an increasingly significant threat to cetacean welfare, causing infection, starvation, drowning and even amputation of fins or tails and that it is an obstacle to the recovery of some endangered whale and dolphin populations;

Recalling the Global Whale Entanglement Response Network developed by the IWC that promotes capacity building of national leaders in disentangling programmes of large whales for IWC Contracting Governments;

Noting the wide collaboration of the IWC with other international governmental conventions and organizations; and the active engagement of the Secretariat with the Food and Agricultural Organisation of the United Nations (FAO);

Further noting that the Food and Agriculture Organization of the United Nations' Committee on Fisheries endorsed Voluntary Guidelines on the Marking of Fishing Gear at its thirty-third session and further work to address ALDFG, including the development of a comprehensive global strategy to tackle issues relating to ALDFG;

Now, therefore the Commission:

Recognises the transboundary nature of the ALDFG problem and the importance of regional and international cooperation by IWC Contracting Governments and other International Organizations, including the Food and Agriculture Organization, the International Maritime Organization of the United Nations and Non-Governmental Organizations (NGOs) to prevent and mitigate ALDFG, in addition to national- and local-level initiatives;

Encourages the IWC Secretariat in conjunction with Contracting Governments, other International Organizations and NGOs to continue to work constructively towards the development of best practices to avoid ALDFG, and consequently to reduce the entanglement of whales and dolphins in ghost fishing gear and to develop techniques to locate it and to clean up what is already accumulated in the ocean.

Directs the Conservation Committee and Scientific Committee to continue their work on ghost fishing gear and its impacts to cetaceans in its work, including assessing the risk of each gear's propensity to become ALDFG and to pose a threat to harm cetaceans and which species or regions are most affected.

Urges Contracting Governments to report any relevant information on ghost gear in their voluntary conservation report.

Agrees to increase collaboration and co-operation with governmental, regional and other international organizations and NGOs, including cross-sectoral coalitions, such as the Global Ghost Gear Initiative and the Global Partnership on Marine Litter, working on the development and implementation of best practices as well as the development of innovations to prevent and mitigate ALDFG.

Invites Parties to join the IWC Global Whale Entanglement Response Network to professionally train and form teams for entanglement responders.

Agrees that any provisions of this Resolution should not duplicate work of other organisations in this regard.

RESOLUTION 2018-4

RESOLUTION ON ANTHROPOGENIC UNDERWATER NOISE

Recognising the increased understanding of environmental stressors to cetaceans since the International Convention for the Regulation of Whaling (ICRW) was concluded in 1946;

Noting that cetaceans fundamentally depend on sound for their survival and that exposure to certain anthropogenic underwater noise can have both physiological and behavioral consequences for cetaceans;

Further noting that noise can travel over long ranges in the marine environment across and beyond areas of national jurisdiction;

Recognising the rapid growth during recent decades of anthropogenic underwater noise generated by human activities, as evidenced from locations where such data are available, such as shipping, seismic exploration, drilling, construction etc.;

Noting the advice of the Scientific Committee, presented in its 2016 report that there is evidence indicating that chronic anthropogenic underwater noise is affecting the marine acoustic environment in many regions, and that there is emerging evidence that compromised acoustic habitat may adversely affect some cetacean populations;

Noting that emerging research indicates there may be effects of anthropogenic underwater noise at lower trophic levels;

Recalling the UN Convention on the Law of the Sea, that sets out the obligation on States to protect and preserve the marine environment and, to assess the potential effects of activities that may cause substantial pollution or significant and harmful changes to the marine environment, including marine mammals;

Further recalling Goal 14 of the 2030 Agenda for Sustainable Development "Conserve and Sustainably Use the Oceans, Sea and Marine Resources for Sustainable Development" and its Target 14.1 to prevent and significantly reduce marine pollution of all kinds by 2025;

Noting that anthropogenic underwater noise is not persistent and can be reduced in the marine environment immediately by reducing the emissions of noise at the source;

Gratefully acknowledging the significant body of work accomplished to date by the Scientific Committee on the issue of anthropogenic underwater noise;

Welcoming the inclusion of anthropogenic underwater noise as a priority threat to address in the Conservation Committee's Strategic Plan 2016-2026;

Further welcoming the increased attention being given to the issue of anthropogenic underwater noise by international bodies including: the Convention on Biological Diversity (CBD); the Convention on Migratory Species (CMS) and its daughter agreements; the International Maritime Organization (IMO); and the United Nations General Assembly, and Regional bodies such as the Regional Seas Conventions;

Further noting examination of the issue of anthropogenic underwater noise by the UN Informal Consultative Process on Oceans and the Law of the Sea, in June 2018 to which the IWC contributed extensively;

Now, therefore the Commission:

1. **Agrees** that considering anthropogenic underwater noise will contribute towards achieving Goal 14 of the 2030 Agenda for Sustainable Development "Conserve and Sustainably Use the Oceans, Sea and Marine Resources for Sustainable Development"

2. **Further agrees** that, in line with the precautionary approach, the lack of full scientific certainty shall not be used as a reason for postponing cost effective measures to address the effects of anthropogenic underwater noise (or other potential threats);
3. **Recommends** contracting governments to:
 - a. Incentivize the development, adoption and voluntary transfer, on mutually agreed terms, of technologies and strategies that mitigate the impacts of anthropogenic underwater noise on cetaceans from various activities that produce the noise; If appropriate, this could be carried out through regulatory measures;
 - b. Consider working with appropriate stakeholders to establish national and regional anthropogenic noise registers and monitoring programmes, as appropriate, to support the assessment of anthropogenic underwater noise impacts on cetaceans;
 - c. Engage with industries, academia, NGOs, and other stakeholders to support the development and implementation of mitigation strategies and best practices that protect cetaceans in line with an ecosystem approach and the precautionary approach;
 - d. Take into account best practice guidelines to ensure robust, comprehensive, and transparent assessment and to facilitate mitigation of adverse effects of anthropogenic underwater noise, such as the IMO Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life (circular MEPC.1/Circ.833) and the CMS guidelines for Environmental Impact Assessments for Marine Noise-generating Activities (CMS, 2017);
 - e. Consider that cetacean research and conservation management efforts include the protection of the acoustic habitat and the impacts of anthropogenic underwater noise on lower trophic levels, including fish, invertebrates and other marine mammal prey species;
 - f. Support the adoption of measures, such as noise standards, by relevant national and international authorities that reduce the risk of harmful impacts occurring on cetaceans from the introduction of anthropogenic underwater noise;
4. **Instructs** the Scientific Committee to continue its work regarding anthropogenic underwater noise and cetaceans, with a particular focus on: (1) evaluation of the extent and degree of exposure of cetaceans to different types of noise; (2) obtaining a better understanding of the effects of noise on cetaceans at the individual and population level, including chronic and acute effects; (3) reviewing the effectiveness of different approaches to reducing cetacean exposure to noise; and (4) reviewing work on the impacts of noise on cetacean prey and considering any implications of this for cetacean populations via the food-chain;
5. **Instructs** the Conservation Committee to review progress in implementing IWC Recommendations on the mitigation and management of anthropogenic underwater noise and, based on this review, develop advice on priority actions to implement to address the impacts of anthropogenic underwater noise on cetaceans;
6. **Agrees** that the provisions in this Resolution should not duplicate the work of other organizations in addressing this matter;
7. **Requests** the IWC Secretariat to:
 - a. forward a copy of this Resolution to the Secretariats of the CBD, CMS, IMO, FAO and other relevant specialized agencies and programs of the UN, including the Division on Oceans and Law of the Sea;
 - b. bring information relating to anthropogenic underwater noise impacts on cetaceans to the attention of these forums; and
 - c. encourage actions by and promote cooperation between these forums, consistent with their mandates, to address anthropogenic underwater noise in recognition of the impacts it can have on cetaceans.

RESOLUTION 2018-5

THE FLORIANÓPOLIS DECLARATION ON THE ROLE OF THE INTERNATIONAL WHALING COMMISSION IN THE CONSERVATION AND MANAGEMENT OF WHALES IN THE 21st CENTURY

Whereas the International Whaling Commission has been widely recognised as the main international body directly charged with the conservation of cetaceans and the management of whaling;

Recognising that the evolution of whale research methods, management alternatives and the sustainable use of whale resources, as well as that of international law since the adoption of the International Convention for the Regulation of Whaling (ICRW) in 1946 has led the role of the Commission to evolve through the adoption of more than a hundred conservation-oriented resolutions, as well as through various Schedule amendments to include, inter alia, the management of non-lethal appropriation of whale resources, as well as the maintenance of healthy cetacean populations to fulfill the vital ecological and carbon cycling roles these animals play in the global marine ecosystem functioning;

Acknowledging that there are diverging views among Member States of the Commission regarding how the IWC's mandate should be adequately implemented, in a manner that would satisfy the broadest interest of all humankind in the conservation of cetaceans and their habitats, while recognizing the importance of accommodating the needs of indigenous people who are dependent upon whales for subsistence and cultural purposes;

Recalling Resolution 2007-3 on the non-lethal use of cetaceans and further acknowledging that cetaceans make significant contributions to ecosystem functioning and are beneficial for the natural environment and people, and that the sustainable, non-lethal and non-extractive use of whales is a rapidly growing activity deserving of recognition that provides significant socio-economic benefits for coastal communities around the world, particularly in developing countries;

Reaffirming that the moratorium on commercial whaling, which has been in effect since 1986, has contributed to the recovery of some cetacean populations, and AWARE of the cumulative effects of multiple, existing and emerging threats to cetacean populations such as entanglement, bycatch, underwater noise, ship strikes, marine debris and climate change;

Noting that Whale Sanctuaries have been repeatedly proposed by member States under Article V of the ICRW with the support of a majority of the Contracting governments in areas where non-lethal activities have provided relevant scientific results, jobs and income for coastal communities,

Further noting Resolution 2018-1 on the Response to the Independence Review of the International Whaling Commission;

Now, therefore the Commission:

Agrees that the role of the International Whaling Commission in the 21st Century includes inter alia its responsibility to ensure the recovery of cetacean populations to their pre-industrial levels, and in this context reaffirms the importance in maintaining the moratorium on commercial whaling;

Acknowledges the existence of an abundance of contemporary non-lethal cetacean research methods and therefore agrees that the use of lethal research methods is unnecessary;

Seeks to ensure that aboriginal subsistence whaling for the benefit of indigenous communities should meet the Commission's management and conservation objectives, taking into account the safety of hunters and the welfare of cetaceans;

Instructs the Commission's relevant subsidiary bodies to take into account the need to adequately fund conservation and non-lethal management issues when implementing the plan to be developed by the Working Group on Operational Effectiveness according to Resolution 2018-1;

Takes note of the Resolution on the Conservation and Management of Whales and their Habitats in the South Atlantic Region (UNEP/CMS/Resolution 12.17) adopted by the Convention on the Conservation of Migratory Species of Wild Animals at its 12th Conference of the Parties in 2017 and encourages Range States of the South Atlantic to cooperate in its implementation as appropriate;

Requests the Secretariat to seek further cooperation with other relevant international agreements and organizations, such as, inter alia, the Convention on Biological Diversity, the Convention on the Conservation of Migratory Species of Wild Animal, the Convention on the Conservation of Antarctic Marine Living Resources and the World Tourism Organization, to coordinate actions for the conservation of cetaceans, including the promotion of sustainable non-lethal use; and

Further requests the Secretariat to forward this Declaration to the United Nations' Secretary-General, the United Nations General Assembly, the United Nations Environment Programme, the Convention on the Conservation of Migratory Species of Wild Animals, the Convention on Biological Diversity, the Convention for the Conservation of Antarctic Marine Living Resources, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the United Nations Convention on the Law of the Sea and other relevant international agreements with which the Commission maintains regular communication and cooperation.

Appendix 3

Commission Views of Special Permits

Japan, Antigua and Barbuda, Cambodia, Côte d'Ivoire, Guinea, Iceland, Kiribati, Laos, Liberia, Norway, Marshall Islands, Nicaragua, Palau, St Kitts and Nevis, St Lucia, St Vincent and The Grenadines, São Tomé and Príncipe, Senegal, Surinam, Togo and Tuvalu did not agree with the Standing Working Group's report and disassociated from the Commission's view given below. Japan's statement will be appended to the Chair's report of the meeting (and is included as Adjunct 1 of this document).

Views, recommendations and directions for Commission consideration

Resolution 2016-2 agreed that the Commission will consider the reports of the Scientific Committee and the Standing Working Group and form its own view on various aspects of each special permit programme and its review.

The Standing Working Group recommends that the Commission considers and notes the following views, recommendations and directions into its report at IWC67. **The Commission therefore has the following views:**

NEWREP-A

a) Commission view regarding NEWREP-A

- i. whether the review process has adequately followed the instructions set out in Annex P and any additional instructions provided by the Commission*

The Expert Panel's review of NEWREP-A complied with all of the procedures set out in Annex P. The Commission did not provide any additional instructions.

- ii. whether the elements of a proposed special permit programme, or the results reported from an ongoing or completed special permit programme, have been adequately demonstrated to meet the criteria set out in the relevant terms of reference in Annex P, and any additional criteria elaborated by the Commission*

It is the Commission's view the proposed elements of NEWREP-A do not meet the criteria set out in Annex P and the proponents have not provided adequate evidence to justify the need for lethal sampling and the associated sample size.

- iii. any other relevant aspect of the new, ongoing or completed special permit programme and review in question*

Not applicable.

b) Recommendations to the responsible Contracting Government regarding any aspect of the special permit programme

The Commission notes that the proponent has only addressed 4 and partially addressed 3 of the 29 recommendations that an Expert Panel provided in 2015. The Commission further notes the Expert Panel's advice that delaying the lethal components of NEWREP-A for two to three years would not have a significant impact on the proponent's ability to meet its stated objectives.

In the context of any recommendations made by the Commission to the Government of Japan in relation to NEWREP-A, the Commission recognises and respects the unilateral rights granted to Parties under Article VIII of the International Convention for the Regulation of Whaling, to grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research 'notwithstanding

anything contained in this Convention'. As such the Commission recognises that while its recommendations are non-binding, they represent an informed view of the Commission on the scientific merit of the research proposal and on measures Japan might take to improve the manner in which it pursues its research objectives. In that context the Commission recommends that the Government of Japan address all of the Expert Panel's recommendations as soon as possible. It recommends that the Government of Japan addresses recommendations necessary to justify lethal sampling and associated sample sizes before issuing further permits under NEWREP-A.

The Commission further recommends that the Government of Japan provides members of the Scientific Committee with unrestricted and continuing access to all data used in the development of NEWREP-A, and any data used in ongoing reviews of NEWREP-A, in accordance with Resolution 2016-2 (paragraph 5).

NEWREP-NP

a) Commission view regarding

- i. whether the review process has adequately followed the instructions set out in Annex P and any additional instructions provided by the Commission*

The Expert Panel's review of NEWREP-NP complied with most of the procedures set out in Annex P. However, the Expert Panel's capacity to conduct a full review was limited by the fact that the proponent did not submit a final, fully justified proposal.

- ii. whether the elements of a proposed special permit programme, or the results reported from an ongoing or completed special permit programme, have been adequately demonstrated to meet the criteria set out in the relevant terms of reference in Annex P, and any additional criteria elaborated by the Commission*

It is the Commission's view the proposed elements of NEWREP-NP do not meet the criteria set out in Annex P and the proponents have not provided adequate evidence to justify the need for lethal sampling and the associated sample sizes.

- iii. any other relevant aspect of the new, ongoing or completed special permit programme and review in question*

Not applicable.

b) Recommendations to the responsible Contracting Government regarding any aspect of the special permit programme

The Commission notes that the proponent has only addressed eight and partially addressed four of the 29 recommendations that an Expert Panel provided in 2017. The Commission further notes the Expert Panel's advice that the proponent should delay the lethal components of NEWREP-NP until the proponent responded to its recommendations.

In the context of any recommendations made by the Commission to the Government of Japan in relation to NEWREP-NP, the Commission recognises and respects the unilateral rights granted to Parties under Article VIII of the International Convention for the Regulation of Whaling, to grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research 'notwithstanding anything contained in this Convention'. As such the Commission recognises that while its recommendations are non-binding, they represent an informed view of the Commission on the scientific merit of the research proposal and on measures Japan might take to improve the manner in which it pursues its research objectives.

In that context the Commission recommends that the Government of Japan address all of the Expert Panel's recommendations as soon as possible. It recommends that the Government of Japan addresses recommendations necessary to justify lethal sampling and associated sample sizes before issuing further permits under NEWREP-NP.

The Commission further recommends that the Government of Japan provides members of the Scientific Committee with unrestricted and continuing access to all data used in the development of NEWREP-NP, and any data used in ongoing reviews of NEWREP-NP, in accordance with Resolution 2016-2 (paragraph 5).

JARPN II

a) Commission view regarding JARPN II

- i. whether the review process has adequately followed the instructions set out in Annex P and any additional instructions provided by the Commission*

The Expert Panel was not able to comply fully with the procedures set out in Annex P. This is because the proponent submitted the programme for final review before the completion of special permit whaling under the programme. A proponent should not request a final programme review unless the programme is complete, and it has finalised data and results for the programme.

- ii. whether the elements of a proposed special permit programme, or the results reported from an ongoing or completed special permit programme, have been adequately demonstrated to meet the criteria set out in the relevant terms of reference in Annex P, and any additional criteria elaborated by the Commission*

Only one of the three objectives of JARPN II met the criteria set out in Annex P. The Expert Panel found that JARPN II had provided data about the population structure of some species of whales.

- iii. any other relevant aspect of the new, ongoing or completed special permit programme and review in question*

The proponent did not adequately justify the sample size for the portion of the research programme that required either lethal or non-lethal sampling. The Expert Panel and Scientific Committee have not provided a definitive statement on whether this objective could have been more effectively addressed through non-lethal research methods.

b) Recommendations to the responsible Contracting Government regarding any aspect of the special permit programme

The Commission notes that the proponent has only partially addressed 5 of the 40 recommendations that an Expert Panel provided in 2016.

In the context of any recommendations made by the Commission to the Government of Japan in relation to JARPN II, the Commission recognises and respects the unilateral rights granted to Parties under Article VIII of the International Convention for the Regulation of Whaling, to grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research 'notwithstanding anything contained in this Convention'. As such the Commission recognises that while its recommendations under Article VI of the International Convention for the Regulation of Whaling are non-binding, they represent an informed view of the Commission on the scientific merit of the research proposal and on measures Japan might take to improve the manner in which it pursues its research objectives.

In that context the Commission recommends that the Government of Japan address all of the Expert Panel's recommendations as soon as possible, in order to improve the scientific quality and justification of JARPN II. The Commission notes that the Expert Panel has found that work undertaken on Objective 1 and Objective 2 of JARPN II has not contributed to improvements in the conservation and management of cetaceans. The Commission therefore recommends that the Government of Japan, as a matter of urgency, revise its lethal research protocols that are related to these objectives in its remaining special permit programmes and submit those for review by Scientific Committee.

The Commission further recommends that the Government of Japan provides members of the Scientific Committee with unrestricted and continuing access to all data used in the development of JARPN II, and any data used in ongoing reviews of JARPN II, in accordance with Resolution 2016-2 (paragraph 5).

Direction to the Scientific Committee

The Commission recognises the dedicated and informative work of the Scientific Committee and its Expert Panels in regards to the assessment of special permit programmes and now encourages the Committee to:

1. to include a plain language summary in its reports with a view to ensuring that the report can be understood by a non-scientific audience.
2. more clearly prioritise recommendations and clearly state how important each recommendation is to achieve the research objectives.
3. allow sufficient time within Scientific Committee meetings to assess and discuss progress against the Expert Panel's recommendations and strive to form a consensus view on whether the recommendations have been addressed in full.
4. exclude from the Scientific Committee report views on progress against recommendations that are not substantiated by scientific evidence.
5. allocate sufficient time within Scientific Committee meetings to review, modify, and adopt the final text of the Special Permit agenda item.

Further, the Commission instructs the Scientific Committee to amend its process for reviewing special permit programmes, Annex P, such that it directs:

1. proponents to only submit a proposal that provides sufficient information to allow full assessment against the criteria specified in Annex P
2. Expert Panels to identify those recommendations that need to be addressed by the proponent in full to adequately justify lethal sampling and proposed sample sizes.
3. Expert Panels to identify those recommendations that need to be addressed by the proponent in full to demonstrate the programme will inform the conservation and management of cetaceans.
4. Expert Panels to consider in all their reviews (including final programme reviews) whether the objectives of the programme could be achieved using non-lethal methods and whether the scale of lethal sampling was justified scientifically.
5. proponents to update the original proposal after addressing the Expert Panel recommendations, especially those identified in points 2 and 3 above.

Adjunct 1

STATEMENT ON THE REPORT OF THE STANDING WORKING GROUP ON SPECIAL PERMIT PROGRAMMES

Japan, supported by Antigua and Barbuda, Cambodia, Côte d'Ivoire, Guinea, Iceland, Kiribati, Laos, Liberia, Norway, Marshall Islands, Nicaragua, Palau, St Kitts and Nevis, St Lucia, St Vincent and The Grenadines, São Tomé and Príncipe, Senegal, Surinam, Togo and Tuvalu

Japan has opposed the establishment of the Standing Working Group on Special Permit Programmes as articulated in the two position statements in the IWC circulars, IWC.ALL.276 in January 2017 and IWC.CCG.1334 in August 2018. Japan, together with many other Member states, opposed the adoption of Resolution 2016-2 on the basis that it is *ultra vires* because this Resolution, like Resolution 2014-5, is an attempt to grant the Commission powers that it does not have under the existing provisions of the Convention and its Schedule for the review of special permit programmes.

It is Paragraph 30 of the Schedule that sets out the binding procedures for the review of special permit programme proposals, which only prescribes review and comment by the Scientific Committee. Japan has properly followed the required procedures stipulated in the Convention and Schedule, while giving due regard to the relevant guidelines adopted by the Scientific Committee.

Now that the Expert Panels and the Scientific Committee have thoroughly reviewed the Special Permit Proposals submitted by Japan in accordance with the established procedures, it is not appropriate for the Standing Working Group to rehash the same arguments. Any follow-up discussions concerning Japan's on-going Special Permit Programmes shall continue in the Scientific Committee, and in fact, Japan is already providing the results of further work, along with the outcomes of the research conducted, to the Scientific Committee.

The Commission is not an appropriate venue for discussion on Special Permit Programme which should be considered from purely scientific point of view, but not from the political point of views, and therefore should refrain from taking any action based on the recommendation of the Standing Working Group contained in the Report.

Japan is of the view that the Members of the Commission should have considered the reports of the Scientific Committee, not of the Standing Working Group, as basis of discussion in this meeting concerning Japan's Special Permit Programmes. Furthermore, for the same reason, the Commission should have refrained from taking any action based on the recommendations of the SWG contained in the Report.

Therefore, Japan regrets that the Commission "considers and notes" the views, recommendations and directions, based on the reports of the Standing Working Group, despite Japan's repeatedly expressed concern over the legitimacy of the Standing Working Group, which was echoed by many other Member states. The report of the Standing Working Group fails to note the substantial work and efforts made by proponents throughout the review process and thereafter, and picks-up only one side of the differing views which exist in the Scientific Committee with regards to the evaluation of the substantial work submitted by the proponents in responding to the recommendations of the Expert Panels.

The distinguished Members of the Commission should be informed that Japan's Special Permit Programmes are composed of both lethal and non-lethal components, and not all of the recommendations made by the Expert Panels are related to lethal research. Furthermore, some of the recommendations, by their nature, are best addressed as the Special Permit Programmes progress. The proponents have duly taken note of the recommendations, and have addressed, and continue to address, all of the recommendations as appropriate. On the points that the proponents do not agree with the views of the Expert Panels, they have explained their reasons.

Japan takes seriously the recommendations of the Expert Panels, especially those relating to the justification for the need of lethal research and the associated sample sizes, as well as the likely impact of the lethal research on the status of targeted species. That is why the proponents have allocated significant time and resources in

responding to them and have engaged in many hours of discussions and provided many papers throughout the review process.

Japan does not intend to insist that all scientists must agree with all of our arguments. Japan is aware of the existence of differing opinions, which is quite natural in any sound scientific debate. Japan believes that justifications for the need of lethal research and the associated sample sizes were duly provided to a reasonable level before the commencement of respective Special Permit Programmes. At the same time, Japan would like to emphasize that the Expert Panels and the Scientific Committee are in agreement that Japan's Special Permit Programmes will not harm the status of targeted species.

Japan once again raises a strong concern that the fact that the Commission "considers and notes" the views, recommendations and directions based on the Report of the Standing Working Group could disrupt the institutional framework of the IWC. Interference by the Standing Working Group in the discussions concerning the scientific merit of special permit programmes could undermine the work and integrity of the Scientific Committee. That being said, Japan stands ready to continue to work with the Scientific Committee in a constructive manner.