

# Chair's Report of the 67<sup>th</sup> Meeting

The 67<sup>th</sup> Meeting of the International Whaling Commission (IWC) took place at the Costão do Santinho Resort, Florianópolis, Brazil, from 10-14 September 2018. Dr Joji Morishita (Japan) chaired the meeting, which was attended by 75 of 89 Contracting Governments. One non-member government was present. Four intergovernmental organisations and 80 non-governmental organisations attended. A list of delegates and observers is given as Annex A.

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

Two meetings of the Scientific Committee were held during the intersessional period (SC67a and SC67b), both took place in Bled, Slovenia. Other Committees and Working Groups of the Commission had met at the Costão do Santinho Resort, Florianópolis from 6-8 September 2018.

## 1. WELCOME ADDRESS

The 67<sup>th</sup> Meeting of the IWC opened on Monday 10 September 2018. A Welcome Address was given by Minister Edson Duarte of Brazil.

The Minister, on behalf of the Brazilian Government and people, offered sincere condolences to the families of victims of the recent earthquake in northern Japan and to the Japanese Government. He welcomed all delegates to the meeting and greeted the new member countries of the Commission: Liberia, and São Tomé and Príncipe. The Minister noted that this IWC meeting takes place at an important time for global protection of the environment and called on IWC to present a joint vision regarding the conservation and management of the marine environment. Brazil had recently created four conservation areas in two oceanic archipelagos, covering 90 million ha, increasing the percentage of its coastal marine protected areas from 1.5% to 26%. Brazil joined the IWC in 1974 and since 1987 national legislation has banned all types of whaling and harassment of cetaceans in Brazilian territorial waters. In 2008, Brazil's territorial waters were formally converted into a national sanctuary for whales and dolphins. Brazil has taken a leading position in proposing and supporting conservation initiatives submitted to the IWC in recent years; in particular proposing, (with the support of four co-sponsoring countries: Argentina, Gabon, South Africa and Uruguay) the creation of the South Atlantic Whale Sanctuary. Besides the proposal to create the Sanctuary, Brazil was presenting three draft resolutions to this meeting, relating to: the implementation of SDG 14 of the 2030 Agenda for Sustainable Development through IWC conservation action; strengthening of initiatives to combat "ghost fishing gear"; and the "Florianópolis Declaration" which aimed to provide a vision for the future work of the Commission.

### *Ministerial interventions*

Interventions given by Government Ministers from Australia and Japan are given in Annex D.

## 1.1 Opening Statements

Opening Statements from Contracting Governments, intergovernmental organisations (IGOs) and non-governmental organisations (NGOs) were received in writing and are listed in Annex B. As is customary for new Contracting Governments, Liberia, and Sao Tome and Principe, who had both joined the IWC since IWC66, made oral presentations to the meeting.

## 1.2 Executive Secretary's Report on Credentials and Voting Rights

The Executive Secretary reported on the status of credentials, as required under Rule of Procedure D.1, and on current suspensions of voting rights as required under Rules of Procedure E.2(a) and (b).

The Credentials Committee (Japan, New Zealand and the Secretariat) met a number of times until all credentials had been confirmed as being in order.

The Executive Secretary announced that, as of 10 September 2018, the right to vote for the following countries had been suspended: Belize, Cameroon, Republic of Congo, Dominica, Ecuador, Eritrea, the Gambia, Ghana, Guinea-Bissau, Mali, Oman, Palau, Panama, Romania, Senegal, Togo. Panama had its voting rights restored later the same day, on 10 September 2018 and Ecuador had its voting rights restored on 11 September 2018.

### 1.3 Meeting Arrangements

The Chair encouraged all those at the meeting to participate fully in the discussions to help advance the agenda. He indicated that during formal sessions, if time permitted, non-member governments, IGO and NGO observers would be called to speak, in that order, after Contracting Governments.

### 1.4 Review of Documents

All meeting documents (see Annex B) were posted on the IWC meeting portal and were accessible for download via the IWC website.

## 2. ADOPTION OF THE AGENDA

A provisional agenda had been circulated 60 days prior to the beginning of the meeting.

The Chair noted that Plenary agenda item 7.8 was to address a proposed resolution submitted by the Dominican Republic entitled 'Proposed Resolution on the allocation of Aboriginal Subsistence Whaling Quotas for Greenland'. The proposal was withdrawn by the proponent prior to the start of the Plenary meeting and therefore was removed from the Plenary agenda.

The Chair indicated that item 6 *Proposals to amend the Schedule* and item 7 *Resolutions* contained items that would be expected to be the subject of substantive discussion under other agenda items. The intention of including them at this point was to open them as early as possible in the meeting, allowing informal consultations to start and thereby advancing their full discussion in Plenary. He also noted that item 7.7 *Resolution on the Response to the Independent Review of the IWC* was linked to item 5 *Governance Review*, scheduled to be discussed before item 7. It was agreed that these two items could be introduced together under item 5. Similarly, item 7.3 *Resolution on the Way Forward for the IWC* was linked to item 6.3 *Proposed Schedule amendment for setting catch limits for certain whale species*. It was agreed that these two items could be introduced together, under item 6.3. The Chair further proposed that the sub-items under item 14 be introduced together.

Chile observed that the title for item 14 in the draft agenda was erroneously entitled *Scientific permits* and it was **agreed** that this should be corrected to *Special Permits*.

The Chair observed that the correct title for item 8.1 was *Report of the Aboriginal Subsistence Whaling Subcommittee*.

With these amendments, the Agenda for the meeting (see Annex C) was adopted.

## 3. SCIENTIFIC COMMITTEE PRESENTATION

The Scientific Committee met from 9-21 May 2017 (SC67a) in Bled, Slovenia and from 24 April-6 May 2018 (SC67b) also in Bled, Slovenia.

### 3.1 Overview

The Chair of the Scientific Committee (SC), Caterina Fortuna (Italy) presented a general overview of the work of the SC and referred to IWC/67/20, *Short Overview of the Work of the Scientific Committee at its 2017 and 2018 Annual Meetings* (hereafter IWC/67/20) developed by the Chair, Vice-Chair and Head of Science. That document summarised the work of the SC during the biennium with an emphasis on recommendations directed towards the Commission and its sub-groups. The activities of the SC are described in full in IWC/67/REP/01 2017 *Report of the Scientific Committee 2017* and IWC/67/REP/01 2018 *Report of the Scientific Committee 2018*. These reports had been circulated to Commissioners and Contracting Governments and posted on the IWC website well in advance of IWC67. She also drew attention to IWC/67/FA/23 *Scientific Committee Draft Agenda and Biennial Work Plan 2019-2020*.

More details of the work of the SC are also included under specific items of the Commission's agenda in this report.

The SC Chair noted that the last two SC meetings had been held in the beautiful city of Bled. She urged Contracting Governments to continue to send delegates to SC meetings, so that together with the invaluable contribution of IPs, the SC would be able to cover the broad range of topics with its customary thoroughness.

and authority. She stressed the importance of co-operation with other organisations, highlighting work with 16 Conventions and multilateral agreements within the intersessional period.

The SC Chair summarised the work on general assessment issues. These included topics relevant to the Revised Management Procedure (RMP) and Aboriginal Whaling Management Procedure (AWMP) pioneered by the IWC, whose philosophy and frameworks were increasingly used in fisheries management. The SC also developed general guidelines on the evaluation of the effect of special permit catches on stocks and the levels of information needed to show improved management performance. It also agreed an updated approach to undertake 'Comprehensive' and subsequent 'In-Depth' Assessments for species and stocks not subject to whaling.

With respect to the status and workplan for RMP *Implementation Reviews*, she noted that the review for North Atlantic (NA) common minke whales was completed in 2017 whilst the ongoing one for Western North Pacific (WNP) Bryde's whales should be completed in 2019. The *Implementation Review* for WNP common minke whales will start in 2019 and is expected to take two years.

The SC Chair was pleased to report that *Strike Limit Algorithms (SLAs)* have now been completed for all the originally intended stocks subject to Aboriginal Subsistence Whaling (ASW), although it has been agreed that one for East Greenland common minke whales should also be developed and that will be completed in 2019. All proposed strike/catch limits (and related issues including scientific components of the aboriginal subsistence whaling scheme) for ASW for the next quota block had been evaluated and none had conservation implications. The SC Chair noted that this was the result of over 20 years of work and thanked Greg Donovan, the chair of that work and all scientists involved.

Information was also provided on whale stocks not subject to direct takes as well as those that are or have been suggested to be the subject of conservation management plans. A number were highlighted as being of serious concern: the Gulf of Mexico Bryde's whale; the western North Atlantic right whale; bowhead whales in the Okhotsk Sea; North Pacific right whales; and humpback whales in the Arabian Sea and southeastern Australia.

A central component of the work of the SC relates to an understanding of stock structure and the SC Chair reported considerable progress in developing and updating guidelines for laboratory and analytical methods relating to genetics and stock structure. The SC welcomed information provided voluntarily by whaling countries on their DNA registers but expressed concern in 2017 that Norway had changed the genetic marker it was using for its DNA register. It encouraged coordination of all genetic registers to ensure they are based on comparable genetic markers.

Similarly, estimation of abundance and trends is key to assessing status. Since 2016, the SC had reviewed and classified over 30 cetacean abundance estimates. This abundance estimate information will also be used to update the IWC website (<http://www.iwc.int/estimate>). The SC had agreed an updated process for reviewing abundance estimates and is developing its approach on how best to report on the status of stocks to the Commission in a consistent manner.

Non-deliberate human-induced mortality, especially bycatch, can have a major impact on the status of cetacean populations. The SC covers bycatch and entanglement of large whales, bycatch of small cetaceans and ship strikes. These are regularly examined as part of assessment work and during the biennium, the SC reviewed entanglement and bycatch rates for Bering-Chukchi-Beaufort Sea bowhead whales, gray whales, southern right whales, North Atlantic right whales and humpback whales off Brazil (work on small cetaceans is considered below). It provided advice on methods to reduce entanglement and bycatches and endorsed the work of the IWC's Bycatch Mitigation Initiative and Entanglement Response Network. The SC also highlighted the importance of cooperation with IMO on the issue of ship strikes and mitigation. Specifically, the SC recommended urgent implementation of the planned expansion of the entanglement response capability in the eastern South Pacific and recommended that reduced breaking strength for ropes be developed and tested for fisheries use. It reviewed progress with the development of the global entanglement database and reviewed reports of bycatch for three species, providing advice in each case to mitigate the problem.

Cetaceans face a number of environmental issues that can affect reproduction and survivorship and thus status. The SC undertook considerable work on several of these during the biennium, including its Pollution 2020 programme, noise, oil spills, marine debris, disease, algal blooms and unusual mortality events (e.g. sei whales in Chile). It endorsed the IWC Strandings Initiative. It recognised that environmental issues do not necessarily work in isolation and a dedicated workshop on cumulative effects had been held. The SC also continued to advance its work on ecosystem modelling, including the development of scenarios for simulation testing of the RMP and guidelines on the application of species distribution models.

Regarding the many species and populations of small cetaceans, the SC Chair stressed the important conservation advice the SC had provided on many species during the biennium, including *Inia* spp., *Neophocaena* spp., *Orcella* spp., *Platanista* spp., *Sotalia* spp. and *Tursiops* spp., as well as on general issues including live capture and takes for bait. Progress on previous recommendations was highlighted. 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; boto 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.

For many years, the SC has worked on scientific issues surrounding whale watching, including any negative effects, and provided advice. This work continued, and the SC reviewed the Commission's draft 2018-2024 Whale Watching Strategic Plan and worked jointly with the Conservation Committee (CC) on the issue. The SC welcomed the development of the online Whale Watching Handbook, a comprehensive, scientifically substantive, user-friendly and well-designed resource.

The SC has developed guidelines (known as 'Annex P') with the Commission on how it should review Special Permits. During the biennium and in light of Commission advice and instructions (Resolution 2016-2), an updated 'Annex P' procedure had been developed. The Committee had continued to receive information and review activities in relation to NEWREP-A, NEWREP-NP and JARPN-II, including progress on recommendations made to the proponents by the Expert Panels and the SC.

International co-operation is particularly important for wide ranging species such as cetaceans and especially the large whales. The IWC-POWER (Pacific Ocean Whale and Ecosystem Research) cruises in the North Pacific, designed by the SC with a vessel generously provided by Japan have continued to provide valuable information on areas not surveyed in recent decades. Similarly, the IWC-SORP programme continues to provide important information from the Southern Ocean.

The SC Chair reported on progress with IWC Databases and Photo-Identification Catalogues including agreement on guidelines for the latter.

In closing the SC Chair noted that the SC is continuously reviewing its working methods to make them as efficient as possible in providing conservation and management advice to the Commission. A thorough review and update of its Rules of Procedure and Handbook (including all of the guidelines developed by the Committee) took place during the biennium and these have been presented to the Commission for approval (IWC/67/FA/02 and IWC/67/FA/20). Once approved these will be available through the IWC website.

### **3.2.1 Discussion**

Austria, speaking on behalf of the EU countries which are members of the ICRW (hereafter 'on behalf of the EU'), thanked the SC for its continued work across a wide range of topics and issues including: whale watching; identification of anthropogenic threats; cetaceans and ecosystem functioning; creation of task teams to support vulnerable small cetaceans; and undertaking reviews of the inshore and riverine cetaceans of Asia and South America. The SC's completion of its work to develop *SLAs* for selected ASW hunts demonstrated the long-term international scientific cooperation that the IWC can facilitate. Within the SC, experts are working together to make real progress in cetacean research and to provide valuable advice supporting the work of the IWC. Caterina Fortuna was thanked for her excellent chairing of the SC, and her support by the Italian Government was acknowledged.

Austria on behalf of the EU also noted with concern the IWC's current financial situation and the severe budget cuts faced by the SC despite its increasing agenda. They supported the recommendation of the small working group set up by the Budgetary Sub-committee, that the SC Chair and Head of Finance of the Secretariat develop and implement a long-term plan for the sustainability of the SC's finances for presentation to the Bureau.

#### **4. CONSERVATION COMMITTEE PRESENTATION**

##### **4.1 Overview**

The Conservation Committee met on 7 September 2018 in Florianópolis, Brazil.

The Chair of the Conservation Committee (CC), Lorenzo Rojas-Bracho (Mexico) presented the Report of the Conservation Committee (Annex G). He thanked the CC Vice-Chair (Jamie Rendell, UK), the Chairs of CC Working Groups, the Secretariat and SC Chair for their support and hard work. Thematic work areas where there had been significant progress in the intersessional period included: the Bycatch Mitigation Initiative (BMI); Whale Watching Handbook; Conservation Management Plans for the Western North Pacific gray whale, the Western South Atlantic southern right whale, the Eastern South Pacific southern right whale and franciscana; and work on ship strikes, marine debris and anthropogenic underwater noise. Intersessional activities of the CC included Conservation Committee Planning Group meetings (tasked with progression of the CC work plan in the intersessional period) in 2017 and 2018, together with meetings to address specific topics.

The CC Chair noted updates of the Conservation Committee Strategic Plan and the Work Plan, as given in IWC/67/CC/23 *Conservation Committee - Work Plan for the intersessional period 2016-20*. He thanked the UK, Australia and all others involved in developing the plans. Working Methods of the CC have also been developed, with new proposals included such as establishment of: CC focal points for intersessional updates; terms for officers of the CC; a new deadline for submission of primary documents in advance of CC meetings; and proposals regarding the nature and accessibility of meeting documents. The Working Methods of the CC will be further reviewed as required, including to take into consideration the outcomes of the Governance Review process (see item 5).

The CC Chair expressed his gratitude to those countries that had submitted Voluntary Conservation Reports. IWC/67/CC/10 *IWC Voluntary Conservation Reports Refresh: Proposal for a Conservation Database* has been developed to revise the template for these voluntary reports through an integrated database, and if approved an application would be made to the Voluntary Conservation Fund for its development. The overall objective of this proposal is to enable cetacean conservation information to be compiled in a useful format through a publicly-accessible online database. New Zealand was thanked for this excellent work.

Two meetings of the Joint Working Group of the CC-SC had been held in the intersessional period. The development of a database of recommendations had been discussed and a pilot database developed and reviewed by the Working Group (see IWC/67/CC/15 *IWC Database of Recommendations*). The Commission was requested to endorse the aims and principles of the database; instruct the Secretariat to populate the database and facilitate its use; and request the SC and CC to incorporate this into their working practices, reporting back to IWC68.

The CC fully recognised the importance of working with other subsidiary bodies of the IWC and has, for example, worked closely with the SC's Working Group on Non-Deliberate Human Induced Mortality and its Sub-committees on Small Cetaceans and Whale Watching; and the Intersessional Correspondence Group on Strengthening IWC Finance.

Given the expanding work programme of the CC, a proposal had been developed to suggest the holding of annual meetings of the Committee, IWC/67/FA/01 *Proposal for annual meetings of the Conservation Committee including proposed change to Rule of Procedure B.3*. See Item 19.3 for discussion.

The CC welcomed increased engagement with other organisations as outlined in IWC/67/19 *Update on IWC Cooperation with other Organisations*.

## 4.2 Discussion

Austria on behalf of the EU and supported by Argentina, Monaco and New Zealand, commended the work of the CC, noting that it focusses on globally important conservation issues and contributes to IWC's increasing visibility. They also welcomed the development of the CC Strategic Plan and Work Plan, as well as the collaboration between CC and SC with the development of the database of IWC recommendations and additionally expressed support for the proposal to hold annual meetings of the CC.

New Zealand also welcomed the development of the Conservation Committee's Strategic Plan and Work Plan and the progress in the Conservation Committee's work to date. They recognised that the IWC can offer advice to a wide range of other international organisations and encouraged sharing of information to avoid duplication of work.

The Government of Netherlands contributed EUR 10,000 for work on marine debris.

## 5. GOVERNANCE REVIEW

This agenda item addressed the Commission's review of the final report of the external Governance Review Panel (see IWC/67/18 *IWC Review – Final Report*). The Governance Review report had been completed on 8 April 2018.

Dr Fabio Hazin, one of the three Panel members, presented a summary of the findings of the Review. The Review, agreed in 2016 under IWC Resolution 2016-1, involved consultation with key IWC stakeholders, including through a survey, interviews and a review of available literature.

Regarding the Commission, the Panel suggested: taking measures to strengthen the intersessional process, including strengthening the Bureau and Subsidiary Bodies; improving communication within IWC; strengthening Contracting Government involvement; enhancing conflict resolution; and increasing the involvement of NGOs. Suggestions concerning the Bureau were to include a better definition in the Rules of Procedure to clarify the roles and functions of the Bureau and to stagger membership terms of Bureau Members.

Regarding Subsidiary Bodies, the Panel considered that, while this system is one of the strengths of IWC, its work should be addressed more strategically, including through a review aimed at reducing duplication and increasing effectiveness. Areas for improvement suggested for the SC included improving clarity of recommendations; streamlining sub-groups under the SC; improving structural and process issues; and addressing financial issues and staffing in the Secretariat in support of the SC. With regard to the CC, the Panel believed a greater focus on the work of this Committee, with an associated increase in resources, was warranted. They suggested appointing a Head of Conservation to the Secretariat and revising the timing of CC meetings. The Panel considered that the intersessional work of the Finance and Administration (F&A) Committee should be strengthened, including better coordination with the Budgetary Sub-committee (BSC), and through an enhanced role of the F&A Committee in preparing the budget. Concerning financial issues, the Panel advised that voluntary contributions should supplement core funds and not support entire IWC work streams, and that IWC budgeting should be more proactive and strategic, based on priorities set by the Commission.

The Panel stressed the high quality and effectiveness of the Secretariat but suggested better alignment between the Secretariat and the Commission, the exploration of increased resources, and the drafting of a staff development plan.

The Panel called for improved communication between the Commission and its subsidiary bodies, as well as between its subsidiary bodies. They suggested a more proactive communications approach was needed to raise awareness of IWC's conservation activities. The Panel also recommended that IWC should improve cooperation and partnerships with regional fisheries management organisations (RFMOs), multilateral environmental agreements (MEAs) and the Food and Agriculture Organisation of the United Nations (FAO) on areas which relate to IWC priorities and are of mutual interest; as well as increase its involvement in global ocean cooperation in the context of UN SDG 14.

The Panel Report outlined 39 recommendations with assigned priorities, a suggested IWC lead and performance indicators. The panel suggested that: (1) the Working Group on Operational Effectiveness (WG-OE) should have oversight of implementation of the recommendations; (2) the WG-OE and Secretariat prepare

an Implementation Plan for consideration by the first Bureau Meeting after the 2018 IWC Meeting; and (3) WG-OE report on implementation of the recommendations to Bureau and Commission Meetings for the next three years.

The SC Chair noted that the SC had considered the report's findings in the time it had available. She referred to annex X to the Report of the Scientific Committee (IWC/67/Rep01 2018) that provided initial feedback by the SC on the independent review. She noted that the SC had already been addressing several of the recommendations included in the Panel report.

The CC Chair indicated that a summary of discussions by the CC with regard to their feedback on the independent review was presented in the Report of the Conservation Committee (Annex G) noting that much of the work recommended was already in progress.

The F&A Chair referred to the Report of the F&A Committee (Annex H) noting that the F&A Committee had endorsed the Report of the WG-OE and its recommendations.

The WG-OE Chair drew attention to IWC/67/FA/19 Rev01 *Final Report of the Working Group on Operational Effectiveness and Cost-Saving Measures* and noted that members of the Working Group had developed a Draft resolution on the response to the independent review (IWC/67/14 Rev02).

Austria on behalf of the EU welcomed the independent review. They presented IWC/67/14 Rev02 *Draft Resolution on the Response to the Independent Review of the International Whaling Commission* and called on Contracting Governments to reach consensus on the proposed resolution, which relates to the past and future work of the WG-OE.

Costa Rica, Kenya, Mexico and Monaco expressed support for the recommendations in the independent review and Monaco asked to be included as a co-sponsor to the draft resolution. Costa Rica stated that progress indicators should be specific and called for funds to be made available for the implementation of recommendations. Kenya highlighted in particular the need for increased collaboration between the IWC and other bodies, and for increased outreach to civil society on the work of the Commission. Monaco drew attention to the recommendations to correct the funding imbalance between the CC and SC and to introduce a compliance mechanism.

Australia noted this was the first major review of the IWC and suggested that the Commission strive to undertake more regular reviews. They recalled that the Commission had adopted Resolution 2016-1 by consensus and hoped that this work could continue by consensus.

Japan considered that there were weaknesses with the independent review, which had in part been informed by a survey that had had a low response rate, with most respondents from developed countries and opposed to the resumption of commercial whaling. However, they believed that the draft resolution had been well prepared and supported it with the caveat that actions undertaken in implementing it were carefully chosen to take into account the range of views of Contracting Governments in a balanced manner.

The draft resolution proposed in IWC/67/14 Rev02 was **adopted** by consensus (see agenda item 7.7 and Resolution 2018-1 in Annex F).

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

The Chair noted that the purpose of this agenda item was to provide an initial presentation of the proposed Schedule Amendments. The objective was to introduce the proposed Schedule Amendments in order to encourage early review and discussion of these proposals. The in-depth discussion of each proposed Schedule Amendment was taken up under another agenda item that was specifically relevant to the proposal.

### **6.1 Proposed Schedule amendment on aboriginal subsistence whaling**

USA introduced IWC/67/01 *Proposal for a Schedule Amendment on Aboriginal Subsistence Whaling*, on behalf of the co-proponents (Kingdom of Denmark, Russian Federation, St Vincent and The Grenadines), indicating that detailed discussions would take place under item 8.5. There were three elements common to all the stocks, namely: a one-off 7-year extension for catch/strike limits to 2025; updated carryover provisions related to the Aboriginal Whaling Scheme; and limited automatic renewal with safeguards for whale stocks. This

proposal was submitted 90 days ahead of the Commission meeting<sup>1</sup> and the ASW countries had made available descriptions of their hunts and responses to questions raised, following the timetable agreed at IWC66 on a pilot basis (see item 8.1).

The Chair of the ASW Sub-committee (Bruno Mainini, Switzerland) noted that no consensus had been reached by the Sub-committee on the joint Schedule amendment (see item 6.9 of Report of the Aboriginal Subsistence Whaling Sub-committee in Annex I).

The IWC Chair, noting that elements common to all stocks had been presented by the USA in its introduction, invited presentations by the individual proponents.

At the request of the USA, the Chair gave the floor to representatives from the Alaska Eskimo Whaling Commission (AEWC) and the Makah Tribe.

The AEWC explained that whaling captains are responsible for the welfare of their communities and highlighted their strong compliance with previous IWC requests, the increasing efficiency of the hunts and the use of penthrate grenades and associated workshops to address welfare concerns. With this context and recalling some of the challenges faced in previous years in obtaining IWC approval for ASW quotas, they requested that the proposal for a limited automatic renewal of catch limits be agreed; this would ensure that the end of each quota block would not bring the threat of hunger to native communities in Alaska. In addition, they explained the importance of updating carryover provisions to allow for the variability in environmental conditions affecting the hunts. They emphasised that the proposal does not seek to increase the quotas but rather to provide greater flexibility so hunts can be undertaken more safely and efficiently, in line with SC recommendations regarding the carryover of unused strikes.

An elected member of the governing body of the Makah Tribe explained the importance of whaling for the Makah in meeting their spiritual, cultural, traditional and nutritional needs. He added that the Makah manage their resources in harmony with nature and referred to conservation initiatives in which they take part, including the Marine Mammal Stranding Network, and efforts to remove ghost gear and restore habitat.

The Russian Federation indicated that whaling plays a key role in the health and spiritual needs of the native communities of Chukotka. A native Chukchi explained that hunters from the village of Lorino harvest from 44 to 59 whales annually, that the meat is shared with the population of the village and that the hunt has a strong traditional significance. He stated that, without whales, the community would go extinct.

The Kingdom of Denmark stated that the proposal should be seen in the context of the Aboriginal Whaling Scheme (AWS) recommendations on matters such as carryover and interim relief allocations (see item 8.3), the rights of indigenous peoples, and IWC Resolution 2014-1 on ASW. The Kingdom of Denmark also spoke on behalf of Greenland, calling for the IWC to fully recognise the rights of indigenous peoples to manage their resources. The Mayor of the Municipality of Sermersooq provided a video-recorded statement on behalf of East Greenland, explaining how people in the region are highly dependent on marine resources and underlining the importance of whaling in both East and West Greenland, especially to meet nutritional needs. The Greenland Government representative emphasised the nation's dependence on whales and the considerable efforts made to improve time to death, and to improve hunter safety. She noted that, in the context of ASW, it is not feasible to accurately estimate the length of whales at sea to ensure compliance with length limits and called for such limits to not be applicable to ASW, noting the SC's view that this was not a conservation issue.

St Vincent and The Grenadines stated that the Schedule amendment concerned the island of Bequia, one of The Grenadines. The request was for a quota of 28 humpback whales for them for the seven-year period 2019-2025. They underlined the cultural importance of the hunt to the people of Bequia and emphasised their reliance on marine resources. Fewer than four whales had been caught in that hunt since 2013.

After very short initial interventions on the proposal, the Chair noted that he would return to the consideration of this proposal later in the meeting after the discussion under item 8 that would include the presentation of the report of the Aboriginal Subsistence Whaling Sub-committee (Annex I).

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<sup>1</sup> The formal requirement under the Rules of Procedure is 60 days.



Following discussion and modifications to the proposal under item 8.4, the proposed Schedule Amendment was put to a vote. There were 58 votes in favour, seven against and five abstentions. The proposed Schedule amendment was **adopted** (see Annex P).

## **6.2 Proposed Schedule amendment to create a South Atlantic Whale Sanctuary**

Brazil introduced IWC/67/09 *Proposal of a Schedule Amendment to Create a South Atlantic Whale Sanctuary*, on behalf of the co-proponents (Argentina, Gabon, South Africa and Uruguay), noting that two Sanctuaries had already been established under the IWC. They believed that the creation of a South Atlantic Whale Sanctuary embodied a vision shared by a significant number of Contracting Governments. The proposal and its associated management plan had previously been reviewed by the SC and the CC prior to IWC66, in 2016.

The Chair thanked the proponents, noting that he would return to the consideration of the proposal later in the meeting after consideration under item 16.1.

Following discussion under agenda item 16.1, the proposal was put to a vote. There were 39 votes in favour, 25 against and 3 abstentions. The proposed Schedule amendment therefore did not achieve the required three-quarters majority and was thus **not adopted**.

## **6.3 Proposed Schedule amendment for setting catch limits for certain whale species**

Japan introduced IWC/67/08 *The Way Forward of the IWC Reform Proposal, including a draft Resolution and proposed Schedule Amendment*. They believed that the IWC was unable to make any substantial decisions on its core functions and that this was caused by the divergence in views amongst Contracting Governments. Their proposal was based on responses obtained through the “Way Forward of the IWC” process. The proposed Schedule Amendment was intended to provide the legal basis for the Commission to establish appropriate catch limits for stocks/species whose status have been confirmed as abundant by the SC.

### *Initial discussion*

The Chair thanked the proponents, noting that he would return to the consideration of the proposal later in the meeting under item 12.

The proposed Schedule amendment was discussed under item 12 and revised (see IWC/67/08 Rev01). In the absence of consensus, a vote on the revised amendment was held (covering both the proposed Schedule amendment and the draft resolution, noting that a Schedule amendment required a three-quarters majority whilst a Resolution required a simple majority). There were 27 votes in favour, 41 against and two abstentions. The proposal did not achieve the required three-quarters majority and was **not adopted**.

## **7. RESOLUTIONS**

The Chair reiterated that the purpose of this agenda item 7 was to provide an initial presentation of the proposed resolutions, as was done under agenda item 6 for the Schedule Amendments. The objective was to introduce the proposed resolutions in order to encourage early review and discussion of these proposals. The in-depth discussion of each proposed resolution was taken up under an agenda item that was specifically relevant to the proposal. The Chair noted that the proposed Resolution on the Response to the Independent Review of the IWC had already been addressed and adopted under agenda item 5 on the *Governance Review*. The discussion of the proposed Resolutions on Food Security and the 2030 Draft Agenda were discussed here under agenda items 7.2 and 7.5.

### **7.1 Draft Resolution on Anthropogenic Underwater Noise**

The draft resolution in IWC/67/05 *Draft Resolution on Anthropogenic Underwater Noise* was introduced under this agenda item. Discussion of the proposed resolution subsequently took place under agenda item 11.3. *Anthropogenic Sound*.

Austria on behalf of the EU introduced the proposed Resolution on Anthropogenic Underwater Noise. They noted that cetaceans depend on sound for their survival and that exposure to underwater noise has physiological and behavioural consequences for cetaceans that may be lethal. They stressed that anthropogenic underwater noise has increased rapidly in recent decades. The draft resolution makes recommendations to Contracting Governments, the CC, SC and the IWC Secretariat on ways to better understand, reduce, and mitigate underwater noise. The draft resolution was co-sponsored by Argentina,

Brazil, Costa Rica, Panama and South Africa. Argentina suggested a new research programme was needed to address the problem, to develop tools, build capacity and transfer technology.

Monaco stressed the unique expertise of the IWC in this area and Monaco and Switzerland expressed their wish to be included as co-sponsors of the draft resolution.

The Chair thanked the proponents.

Following discussion under agenda item 11.3, a revised resolution was **adopted** by consensus (see Resolution 2018-4 in Annex F).

## **7.2 Draft Resolution on Food Security**

Ghana introduced IWC/67/07 *Draft Resolution on Food Security*, also on behalf of Antigua and Barbuda, Cambodia, Ghana and Guinea. They stressed the importance of food and nutritional security in the context of sustainable development, and the importance of engaging in responsible and sustainable management of marine resources. Actions proposed in the draft resolution include the establishment of an *ad hoc* committee to recommend how the Commission can take into account considerations on food and nutritional security when making changes to the Schedule.

The Chair thanked the proponents, noting that he would return to the consideration of the proposal later in the meeting after allowing time for consultations.

Later in the meeting, on returning to this agenda item, the Chair noted that the co-proponents had withdrawn the draft resolution. Antigua and Barbuda thanked the co-sponsors and the contributions that had been received during their consultations. However, they noted that they did not anticipate that consensus could be reached, and they believed that to be effective the proposal needed the Commission's wholehearted support. They requested that this item be placed on the agenda for the IWC68 meeting.

## **7.3 Draft Resolution on the Way Forward of the IWC**

The draft resolution in IWC/67/08 *The Way Forward of the IWC Reform Proposal including a draft Resolution and proposed Schedule Amendment* had been introduced under item 6.3.

The draft resolution was subsequently discussed under item 12.

In the absence of consensus, a vote was held covering both this resolution and the proposed Schedule amendment. The proposed resolution was **not adopted**.

## **7.4 Draft Resolution on Ghost Gear Entanglement among Cetaceans**

The draft resolution in IWC/67/11 *Draft Resolution on Ghost Gear Entanglement among Cetaceans* was introduced under this agenda item. Discussion of the proposed resolution subsequently took place under agenda item 11.2 *Marine Debris*.

Brazil introduced the proposed resolution on ghost gear entanglement among cetaceans. Brazil highlighted the increasingly significant threat to cetacean welfare posed by abandoned, lost or otherwise discarded fishing gear (ALDFG). The draft resolution makes recommendations to Contracting Governments, the Secretariat, the SC and the CC on mitigation of entanglement in ALDFG and engagement with the Global Whale Entanglement Response Network (GWERN). The proposal was co-sponsored by Argentina, Chile, Colombia, Costa Rica, Mexico, New Zealand, Panama and Peru.

The Chair thanked the proponents.

Following discussion under item 11.2, the resolution was **adopted** by consensus (see Resolution 2018-3 in Annex F).

### 7.5 Draft Resolution on the 2030 Agenda

Brazil introduced IWC/67/12 *Draft Resolution on the 2030 Agenda*. Brazil, noting the concerns expressed in existing Resolutions regarding the impacts of environmental degradation on cetaceans and that the Commission may have an interest in cooperating with other intergovernmental organisations with common concerns. The draft resolution makes proposals relating to the implementation of the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), in particular SDG 14 to “Conserve and sustainably use the oceans, seas and marine resources for sustainable development”. The proposal was co-sponsored by Chile, Colombia, Costa Rica, Panama and Peru.

The Chair thanked the proponents, noting that he would return to the consideration of the proposal after allowing time for consultations.

Brazil later withdrew the draft resolution, thanking the co-sponsors and acknowledging the contributions that had been received during their consultations, many of which had been incorporated in a revised version which had been circulated as IWC/67/12 Rev 01. They noted that it had not been possible to achieve consensus and that it would not be appropriate to propose a vote referring to a document to which all Contracting Government members of the UN had already adhered.

### 7.6 Florianópolis Declaration

The proposed resolution in IWC/67/13 Rev 01 *Draft Resolution - on the Role of the IWC in the Conservation and Management of Whales in the 21<sup>st</sup> Century* was introduced under this agenda item. Discussion of the proposed resolution subsequently took place under item 12 *The IWC in the Future*.

Brazil introduced the draft resolution and noted that this presented a renewed vision for the future of the Commission that affirms its role as the leading international body charged with the conservation and management of whales. The proposal was co-sponsored by Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico, Panama and Peru.

The Chair thanked the proponents.

Following discussion and modification under agenda item 12, the draft resolution was voted on. There were 40 votes in favour, 27 against and four abstentions. The resolution was therefore **adopted** (see Resolution 2018-5 in Annex F).

### 7.7 Draft Resolution on the Response to the Independent Review of the IWC

IWC/67/14 Rev02 *Draft Resolution on the Response to the Independent Review of the IWC* was introduced by Austria on behalf of the EU and had been discussed under item 5 *Governance Review*.

The resolution was **adopted** by consensus (see Resolution 2008-1 in Annex F).

### 7.8 Draft Resolution on the Allocation of Aboriginal Subsistence Whaling Quotas for Greenland

The draft resolution IWC/67/15 submitted by the Dominican Republic with respect to the allocation of Aboriginal Subsistence Whaling Quotas for Greenland was not discussed as it was withdrawn on Saturday 8 September 2018, before the start of Plenary sessions.

### 7.9 Draft Resolution on Advancing the Commission’s Work on the Role of Cetaceans in the Ecosystem Functioning

The proposed resolution in document IWC/67/17 *Advancing the Commission’s Work on the Role of Cetaceans in the Ecosystem Functioning* was introduced under this agenda item. Discussion of the proposed resolution subsequently took place under agenda item 10.2 *Ecosystem functioning*.

Chile introduced the draft resolution on the role of cetaceans in the ecosystem functioning, highlighting the biological contributions made by cetaceans to ecosystem functioning and the economic value of those services. The draft resolution includes recommendations to the CC, SC and Contracting Governments, including promotion of international cooperation and integration of services provided by cetaceans into local, regional and global decision-making on biodiversity and environment. The draft resolution was co-sponsored by Argentina, Brazil, Colombia, Costa Rica, Mexico, Panama and Peru.

The Chair thanked the proponents.

Following discussions under item 10.2, the resolution was **adopted** by 40 votes in favour, 23 against and 7 abstentions (see Resolution 2018-2 in Annex F).

## **8. ABORIGINAL SUBSISTENCE WHALING**

The Aboriginal Subsistence Whaling (ASW) Sub-committee met on 6 September 2018 in Florianópolis, Brazil (see Annex I). The SC (through its Standing Working Group on the AWMP) and the *Ad Hoc Aboriginal Subsistence Whaling Working Group* had presented their work on the topics under this item to the ASW Sub-committee. The ASW Sub-committee Chair, Bruno Mainini (Switzerland), summarised their work as part of his Sub-committee presentation to the Plenary.

### **8.1 Report of the *Ad hoc* Aboriginal Subsistence Working Group of the ASW Sub-committee**

The ASW Chair noted that one of the main items considered this year was the work of its *Ad Hoc* Aboriginal Subsistence Whaling Working Group (ASWWG). The ASWWG had been formed at IWC63 in 2011 to identify and consider unresolved ASW issues and had been chaired since its inception by Mike Tillman (USA).

The ASWWG held a workshop in Utqiagvik/Barrow, Alaska on 10-13 April 2018 (IWC/67/ASW/REP/01). At this workshop, the ASWWG concluded its work and made recommendations on the seven long-term issues originally identified in 2011. As requested by the Commission in 2016, it also concluded discussions on the recommendations from the 2015 Maniitsoq, Greenland workshop (IWC, 2016. Report of the IWC Expert Workshop on Aboriginal Subsistence Whaling (ASW). *Rep. 66th Mtg Int. Whaling Comm.* 2016: 169-88.). A summary of the work of the Utqiagvik/Barrow workshop is given in item 3 of Annex I with its recommendations given as table 9, appendix 4 of Annex I. With the successful outcome of the Utqiagvik/Barrow workshop, the ASWWG has concluded its work.

The ASW Sub-committee endorsed the report of the ASWWG and its recommendations, including those on use of the outline for the Descriptions of the Hunt, the Strike/Catch limit requests and revised timetable process for ASW quota requests to the Commission.

Guinea, Japan, Senegal, Togo and USA expressed their thanks and appreciation to the ASW sub-committee and all the members of its Working Group. They supported the outcomes and recommendations outlined in Annex I.

The Commission endorsed the report and recommendations of the ASW Sub-committee on this agenda item. In particular, it thanked Mike Tillman for his exemplary work in leading the ASWWG in its complex and difficult task since 2013. Without his dedication and leadership this would not have been possible.

### **8.2 Aboriginal Subsistence Whaling Management Procedure (AWMP)**

The SC began working on developing a robust management procedure for ASW in response to a Resolution 1994-4 passed in 1994<sup>2</sup>. That Resolution provided objectives for aboriginal subsistence whaling and, *inter alia*, requested the SC to give high priority to supporting these objectives in developing management advice. In response, the SC developed the Aboriginal Subsistence Whaling Management Procedure (AWMP) and in particular *Strike Limit Algorithms* (SLAs) to calculate safe removal levels for stocks subject to ASW that met the Commission's objectives. Feedback mechanisms (regular *Implementation Reviews*) are an essential part of this process, that is recognised around the world as the most rigorous approach to providing advice on the management of natural resources.

Resolution 2014-1<sup>3</sup> emphasised the need to regulate ASW in the future through a more consistent and long-term approach and asked the SC to complete the work on the remaining SLAs for Greenland. As noted in Annex I, item 4.1, intense work had been undertaken by the SC to finalise SLAs for West Greenland fin whales

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<sup>2</sup> IWC. 1995. Chairman's Report of the Forty-Sixth Annual Meeting, Appendix 4. IWC Resolution 1994-4. Resolution on a Review of Aboriginal Subsistence Management Procedures. *Rep.int. Whal. Commn* 45: 42-43.

<sup>3</sup> IWC. 2014. Chairman's Report of the Forty-Sixth Annual Meeting, Annex 4. IWC Resolution 2014-1. Resolution on Aboriginal Subsistence Whaling. *Rep. 65th Mtg Int. Whaling Comm.*: 46.

and West Greenland common minke whales, the remaining *SLAs* originally envisaged. The SC successfully completed this work and recommended the *SLAs* to the Commission.

As noted in item 4.2. of Annex I, in 2018 the USA had requested the SC to review a new management plan it had developed for the Makah hunt of gray whales. The complex plan contained measures to restrict the number of Pacific Coast Feeding Group (PCFG) whales that are struck or landed in a given 10-year period and to avoid, to the extent possible, striking or killing a Western Feeding Group (WFG) gray whale. The plan was tested using the modelling framework developed as part of the range-wide review of gray whales and the SC concluded that it did meet the Commission's objectives for ASW.

As noted in Annex I, item 4.3, the SC also completed an *Implementation Review* of the Bering-Chukchi-Beaufort Seas stock of bowhead whales at its 2018 meeting. It concluded that the *Bowhead SLA* remained the best approach for providing advice on strike limits for this stock.

The ASW Sub-committee had endorsed the work of the SC and its recommendations on matters related to the AWMP.

Kenya, Mexico and Senegal thanked the SC for the work of its SWG on the AWMP. Mexico emphasised the importance of the AWMP as a model of natural resource management for use by other organisations.

The Commission **endorsed** the results, conclusions and recommendations of the ASW Sub-committee and the SC on the AWMP.

### 8.3 Aboriginal Subsistence Whaling Scheme (AWS)

As noted in item 5 of Annex I, the SC presented a draft AWS in 2002. In recent years, the SC revised and updated the scientific components of the AWS and recommended a revised version to the Commission in 2018. These scientific components (carryover, block quotas, interim relief allocation, *Implementation Reviews*, guidelines for abundance estimation and other data) are included in Appendix 6 of Annex I.

Carryover is a provision to enable some strikes not used in one year to be used in a subsequent year or years, to allow for the inevitable fluctuations in the success of hunts (e.g. due to environmental conditions and/or whale availability). Carryover does not allow hunts to take more than the total number of strikes agreed by the Commission over a specified period. The SC reiterated its previous advice, applicable for all *SLAs*, that inter-annual variation of 50% within a block (e.g. if the average annual number of strikes within a block set by an *SLA* is 100, then in any one year a maximum of 150 - i.e.  $100 + 50$  - can be used provided the total for the whole block is not exceeded) with the same allowance (in this case up to 50) from the last year of one block to the first year of the next is acceptable.

In addition, in response to a request received from the USA and Denmark to evaluate scenarios that '.... allow for the carry forward of unused strikes from the previous three blocks, subject to the limitation that the number of such carryover strikes used in any year does not exceed 50% of the annual strike limit' the SC was able to test this using the *Bowhead SLA* and *WG-Humpback SLA* and the SC found that the Commission's conservation objectives were met under these circumstances. It will test the remaining *SLAs* requested (i.e. WG- Bowhead. WG-Fin and WG-common minke) during the next biennium.

With regard to block quotas, the SC reiterated its previous advice that block quotas of up to 8 years were acceptable. The Committee also noted the need for abundance estimates every 10 years.

The SC also recommended an interim relief approach for application in exceptional cases where the recommended period of 10 years for abundance estimates is exceeded. This involves a 'grace period' allowing a one-block extension of the existing limits while a new estimate is approved. This has been tested so far for BCB bowhead whales and West Greenland humpback whales and testing of the other *SLAs* is on the Committee's Work Plan. If, in very exceptional circumstances, no acceptable estimate is achieved during the grace period, this would trigger an immediate *Implementation Review*.

Regular *Implementation Reviews* (every 5-6 years) are central to the functioning of the AWMP. They review new information to see if new trials are needed and review information required for the *SLA*, for example, on catches and abundance.

The ASW endorsed the report and recommendations of the SC on the AWS. The Chair of the AWS thanked Greg Donovan, the Chair of the SC's SWG on the AWMP, for the excellent work he and his group had undertaken over the last two decades to complete the development of the AWMP and the AWS.

The Commission **endorsed** the report and recommendations of the ASW Sub-committee and the SC relating to the Aboriginal Whaling Scheme.

#### **8.4 Aboriginal Subsistence Whaling Catch Limits, including report from the Scientific Committee**

The ASW Chair introduced item 6 of the Report of the ASW Sub-committee (Annex I) which covered eight individual hunts. The ASW Chair noted the extensive information presented on the IWC website and in documents submitted to the ASW Sub-committee meeting, summarised in Annex I.

Each hunt had been assessed by the SC. The SC recommendations are given in item 6.1.1 of Annex I and listed below. All of the recommendations were endorsed by the ASW Sub-committee in Annex I.

##### *8.4.1 Bering-Chukchi-Beaufort Seas stock of bowhead whales*

The SC: (1) agreed that the *Bowhead Whale SLA* remains the best available way to provide management advice for this stock; (2) advised that a continuation of the present average annual strike limit of 67 whales will not harm the stock and meets the Commission's conservation objectives; and (3) advised that provisions allowing for the carry forward of unused strikes from the previous three blocks, subject to the limitation that the number of such carryover strikes used in any year does not exceed 50% of the annual strike limit, have no conservation implications.

##### *8.4.2 North Pacific Eastern Stocks of Gray Whales*

The SC: (1) agreed that the *Gray Whale SLA* remains the best available way to provide management advice for the gray whale hunts; (2) advised that an average annual strike limit of 140 whales will not harm the stock and meets the Commission's conservation objectives; (3) noted that its previous advice that the inter annual variation of 50% within a block with the same allowance from the last year of one block to the first year of the next remains acceptable; and (4) advised that the Makah Management Plan is also in accord with the Commission's management objectives.

##### *8.4.3 Common minke whale stocks off West Greenland*

The SC: (1) agreed that the *WG-Common minke SLA* is the best available way to provide management advice for this stock under need scenario A (i.e. up to 164 whales annually); (2) advised that a continuation of the present average annual strike limit of 164 whales will not harm the stock and meets the Commission's conservation objectives; (3) although the SC has not yet had time to examine the request from the US/Denmark for this *SLA*, reiterated its previous advice, applicable for all *SLAs*, that inter-annual variation of 50% within a block with the same allowance from the last year of one block to the first year of the next is acceptable; (4) that changing the length of the season to 12 months had no conservation implications; and (5) encouraged the continued collection of samples for collaborative genetic analyses.

##### *8.4.4 Common minke whale stocks off East Greenland*

The SC: (1) noted that in the past its advice for the East Greenland hunt had been based upon the fact that the catch was a small proportion of the number of animals in the Central Stock; (2) noted the process to develop an *SLA* for common minke whales off West Greenland resulted in a simulation framework that produces a considerably more rigorous way to provide advice for this hunt than before, by taking into account stock structure issues; (3) noted that the 2015 aerial survey abundance estimate of 2,762 (CV=0.47; 95%CI 1,160-6,574) is only a small part of the wider western and central stocks; (4) advised that the results of the simulation trials that incorporated a continuing catch of 20 whales from East Greenland gave rise to no conservation concerns; (5) advised that a continuation of the present average annual strike limit of 20 whales will not harm the stock and meets the Commission's conservation objectives; (6) advised that changing the length of the season to 12 months had no conservation implications; (7) agreed that an *SLA* should be developed for this hunt in the future; and (8) encouraged the continued collection of samples from collaborative genetic analyses.

#### 8.4.5 *Fin whales off West Greenland*

The SC: (1) agreed that the *WG-Fin SLA* is the best available way to provide management advice for this stock; (2) advised that a continuation of the present average annual strike limit of 19 whales will not harm the stock and meets the Commission's conservation objectives; (3) although the SC has not yet had time to examine the request from the US/Denmark for this *SLA*, reiterated its advice, applicable for all *SLAs*, that inter-annual variation of 50% within a block with the same allowance from the last year of one block to the first year of the next is acceptable; (4) advised that removing the length limits has no conservation implications; and (5) encouraged the continued collection of samples for collaborative genetic analyses.

#### 8.4.6 *Bowhead whales off West Greenland*

The SC: (1) agreed that the *WG-Bowhead SLA* remains the best available way to provide management advice for the Greenland hunt; (2) noted that this *SLA* had been developed under the conservative assumption that the number of bowhead whales estimated off West Greenland represented the total abundance between West Greenland and Eastern Canada; (3) based on the agreed 2012 estimate of abundance for West Greenland (1,274, CV=0.12), agreed the catch of one whale in Canada in 2017, and using the agreed *WG-Bowhead SLA*, agreed that an annual strike limit of two whales will not harm the stock and meets the Commission's conservation objectives; and (4) although it has not yet had time to examine the request from the US/Denmark for the *WG-Bowhead SLA*, reiterated its advice, applicable for all *SLAs*, that inter-annual variation of 50% within a block with the same allowance from the last year of one block to the first year of the next, is acceptable.

#### 8.4.7 *Humpback whales off West Greenland*

The SC: (1) agreed that the *WG-Humpback SLA* is the best available way to provide management advice for this stock; (2) advised that a continuation of the present annual strike limit of 10 whales will not harm the stock and meets the Commission's conservation objectives; (3) advised that that provisions allowing for the carry forward of unused strikes from the previous three blocks, subject to the limitation that the number of such carryover strikes used in any year does not exceed 50% of the annual strike limit have no conservation implications; and (4) encouraged the continued collection of samples and photographs for collaborative analyses.

#### 8.4.8 *North Atlantic humpback whales off St Vincent and The Grenadines*

The SC: (1) noted that it does not have an approved abundance estimate for western North Atlantic humpback whales since that for the year 1992; (2) noted that in accord with the advice provided in the AWS (see Annex E, appendix 8), it therefore considered the available evidence to see if it was sufficient to provide safe management advice; and (3) advised that, given the information available on recent abundance in the North Atlantic combined with the size of the requested catch/strikes (an average of four annually), continuation of the present limits will not harm the stock.

The SC also reiterated its previous advice that: (1) the status and disposition of genetic samples collected from past harvested whales be determined and reported next year; (2) photographs for photo-ID (where possible) and genetic samples are collected from all whales landed in future hunts; and that (3) the USA (NOAA, NMFS) provides an abundance estimate from the MONAH (More North Atlantic Humpbacks) data as soon as possible for the Committee.

Argentina queried the absence of data reported on the whale taken by St Vincent and The Grenadines in 2017. St Vincent and The Grenadines confirmed that they had the data and would report to IWC68.

The Commission **endorsed** all the recommendations from the SC in items 8.4.1 to 8.4.8 above.

### 8.5 **Proposed Schedule Amendment on Aboriginal Subsistence Whaling (IWC/67/01)**

This proposed Schedule Amendment was first introduced under Agenda item 6.1.

Antigua and Barbuda, Cambodia, Cameroon, Ghana, Guinea, Iceland, Japan, Kenya, Republic of Korea, Liberia, Norway, Senegal, Solomon Islands, St Lucia and Switzerland supported the Schedule amendments proposed in IWC/67/01 *Proposal for a Schedule Amendment on Aboriginal Subsistence Whaling*. They believed that the communities in question had made a persuasive case and noted that the SC had concluded that all the proposed amendments were scientifically sound.

Austria on behalf of the EU applauded the completion of the AWS and welcomed the outcomes of the Utqiagvik/Barrow workshop of the *Ad hoc* Aboriginal Subsistence Whaling Working Group (ASWWG) held April 2018 (IWC/67/ASW/REP/01 *Report of the meeting of the ASWWG*). They emphasised the importance of long-term consistency in the way the Commission dealt with ASW and were working with ASW countries to try to ensure that any agreed Schedule amendments struck an appropriate balance.

New Zealand was supportive of the proposed renewal process and was confident it could provide a new level of certainty for the different subsistence needs of the concerned indigenous communities. However, they expressed concern that certain hunts involved extended times-to-death and encouraged Contracting Governments of countries engaged in these hunts to work with the communities concerned to address this.

Argentina, Chile, Colombia, Costa Rica, Ecuador, Mexico and Uruguay expressed reservations regarding certain aspects of the proposal, in particular the automatic renewal of quotas, which they believed would set a dangerous precedent. They expressed concern that the proposed Schedule amendments had been presented as a package, believing that this made it difficult to give due consideration to each of the specific changes proposed. Chile did not believe that proposed increases in strike limits had been adequately justified, and also observed that, under the Convention, the Commission was the only body that could set quotas. Costa Rica also expressed concerns regarding the scientific basis of the proposal and stressed the need to apply the precautionary principle, taking into consideration wider ecological impacts and the effects of other environmental threats.

Monaco stressed the need to recognise the fundamental needs of aboriginal peoples but was also concerned that all aspects of the proposal were presented in a single package.

The North Atlantic Marine Mammal Commission (NAMMCO) noted that NAMMCO's goals are the same as those of the IWC, including the principle of sustainable use. However, their decisions are based on science, not dietary need, and no distinction is made between different groups of people.

IWMC – World Conservation Trust, speaking on behalf of four NGOs<sup>4</sup>, considered that querying the rights of indigenous people to access food was unjustified. They noted that 19 IWC members are also members of the Arctic Council and asked them to support the proposal.

A representative of the AEWC expressed his thanks for the presentations and noted that if accepted, the proposal would relieve the great anxiety felt within his community when the IWC met to discuss quotas, as these were of fundamental importance to his community.

Humane Society International (HSI), on behalf of eight NGOs<sup>5</sup>, stressed that they did not seek to undermine ASW communities that had a traditional need for whale products, but did not consider that the automatic renewal of quotas would provide sufficient safeguards. They believed that recommendations should not be based solely on science but should also take into consideration factors such as demographic change and alternative food sources, as well as welfare issues.

The USA on behalf of all proponents then introduced a revised version of the proposal (IWC/67/01 Rev01), thanking all who had helped develop the revised proposal. It highlighted the addition of text to the Schedule Amendment specifying that: (a) the Commission will have a role prior to the limited automatic quota renewal in determining that the relevant ASW country has complied with the approved timeline; (b) the information provided represented a *status quo* continuation of the hunt; and (c) that carryover provisions are approved by the SC. With regard to carryover, wording set out in IWC/67/21 *Visual Presentation of the Implementation of Revised Carryover Provisions* had been incorporated. The Explanatory Note document had also been updated to make the wording consistent with the Schedule change and new text had been added on 'Safeguards, Commitments and Process for Limited Automatic Renewal'. These note that the AWS had been adopted and reaffirmed commitment to welfare and humane killing. Subject to available funds, including from the Aboriginal Subsistence Whaling Voluntary Fund, the Russian Federation will implement more

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<sup>4</sup> IWMC World Conservation Trust and Livelihood International, Global Guardian Trust, Japanese Small-Type Coastal Whaling Association.

<sup>5</sup> Humane Society International and American Cetacean Society, World Wide Fund for Nature, Animal Welfare Institute, Whaleman Foundation, LegaSeas, Fundación Cethus, Whale and Dolphin Conservation.



humane killing methods and participate in collaborative efforts to determine the cause and extent of stinky whales by 2025.

Antigua and Barbuda, Australia, Austria on behalf of the EU, Ghana, Grenada, Iceland, Japan, Monaco, St Lucia and South Africa all fully supported the revised Schedule amendment (IWC/67/01 Rev01), applauded the spirit of constructive engagement that had led to it, and called for its adoption by consensus. Australia recognised that the revised amendment was a compromise that recognised hunters' needs for greater certainty while retaining a management role for the Commission. They believed that not all provisions required to manage the hunts were fully captured but noted that ASW countries had made assurances related to the conduct of the hunt, data and welfare, which they accepted in good faith. Austria on behalf of the EU thanked the proponents for extremely constructive discussions, and in particular their willingness to provide reassurances and safeguards to address concerns. They were grateful for the shared understanding that had been developed and believed this demonstrated the IWC's maturity in dealing with ASW.

India also supported the revised amendment but urged that Contracting Governments work with their indigenous communities to find livelihood options that did not involve consumptive use of wild resources. Gabon echoed these sentiments.

Costa Rica welcomed the advances made but still had concerns and could not support the revised amendment.

IUCN suggested that, if there was agreement on other aspects of the proposed amendment, a decision on limited automatic renewal might be deferred to IWC68. HSI welcomed the commitment of ASW nations to continued reporting of ASW and the Russian Federation's commitment, in particular, to address welfare concerns. Centro de Conservacion Cetacea regretted that non-lethal uses of whales had not been addressed.

Seeing no consensus, the Chair asked the proponents how they wished to proceed. The USA, speaking on behalf of all proponents, asked that the amendment be put to a vote. There were 58 votes in favour, seven against and five abstentions. The proposed Schedule amendment was **adopted** (see Annex P).

The Kingdom of Denmark expressed thanks for the strong support received and considered the adoption of the Schedule amendment to be a major contribution to the establishment of a long-term approach to ASW under the Convention. They also extended their gratitude to all the hunters who had contributed to the decision-making process. For the USA, a member of the Alaska Eskimo Whaling Commission expressed heartfelt thanks that members of his community would now be able to go about their lives without anxiety. St Vincent and The Grenadines believed that the Commission had shown maturity in its decision-making. The Russian Federation thanked all who had been involved, particularly indigenous communities.

Argentina offered an explanation of its vote against, noting that they understood the need for ASW and had no problems with those parts of the amendment that applied to Alaskan whale stocks. However, they still had concerns with other parts, which was why they had opposed its adoption. They would continue to engage in constructive dialogue in a spirit of mutual respect, and thanked ASW Contracting Governments and indigenous communities for all their efforts.

Brazil, in offering an explanation of its vote, recognised and fully supported the cultural and subsistence needs of aboriginal hunters and commended the proponents for important modifications to the Schedule amendment ensuring a role for the Commission in quota renewal. However, it had abstained in the vote because of concerns about consequences for certain whale stocks.

The UK congratulated the proponents and thanked hunters for their constructive engagement.

The UK committed a voluntary contribution to the ASW Voluntary Fund of GBP 10,000 towards improvements of welfare and addressing the 'stinky' whale issue. Whaleman committed USD 500 to support improvements to welfare in the Russian hunt.

Luxembourg believed that the adoption of the Schedule amendment showed that the Commission was a fully functional organisation. Luxembourg intended to work with the Russian Federation to investigate the stinky whale issue, invited others to join them, and would report progress to the SC and the Commission

## **8.6 Status of the voluntary fund for Aboriginal Subsistence Whaling**

The ASW Chair noted that the Fund had received generous donations from Switzerland and the USA totalling GBP 96,000. Key activities funded were the Utqiagvik/Barrow workshop (see report in IWC/67/ASW/REP/01) and modelling work to provide advice on North Pacific gray whales to allow evaluation of the Makah Management Plan. The remaining balance of the fund was estimated to be GBP 7,577 and can be used to contribute towards implementing the recommendations given in Table 9, Appendix 4 of Annex I.

## **9. CETACEAN STATUS AND HEALTH**

Activities relating to Cetacean Status and Health were reported by the SC under agenda item 3 *Scientific Committee Presentation* as well as under this item.

### **9.1 Whale Stocks<sup>6</sup>**

#### *SC Presentation*

The SC Chair noted that the SC had developed guidelines for a consistent approach to undertaking assessment and the provision of advice to the Commission on the 'status' of stocks. This involves using a modelling framework that takes into account uncertainty to provide advice on (a) where populations in a region (say an ocean basin) are now in relation to their unexploited state, (b) likely future trends and (c) on any conservation and management implications. 'Comprehensive Assessments' (see IWC/67/20 item 8.1) – a term used for the first time this is done – are being undertaken for two stocks: North Pacific humpback whales and North Pacific sei whales; follow-up assessments are called 'in-depth assessments'

Full information on the SC's considerable work on whale stocks can be found under item 9 of the SC report (IWC/67/REP/01 2017 and 2018). What follows is just a very short summary. Detailed recommendations for action by the relevant governments and others are highlighted in the SC report and in the summary document IWC/67/20 (pp.8-10).

With respect to work on Comprehensive Assessments, the SC agreed that the next workshop for the North Pacific humpback whales will take place before SC68b in 2019; and the SC intends to complete assessment of North Pacific sei whales in the next biennium.

The SC Chair also reported on new information and work plans for other northern stocks. She highlighted great concern for the Gulf of Mexico Bryde's whales, a small population with a restricted range and low genetic diversity, listed by IUCN as Critically Endangered, along with North Atlantic right whales and some stocks of North Pacific bowhead and right whales, as well as Indian ocean sperm and humpback whales (see also item 15.1 relating to CMPs). Recommendations for action by the relevant governments and others are highlighted in the SC report and on pp.8-10 of the summary document IWC/67/20.

With respect to Southern Hemisphere work, attention was drawn to the Southern Hemisphere right whales. Following the completion of the 2012 in-depth assessment, the SC has now agreed that Australia would be the initial priority for regional stock assessments. The SC was also concerned at the uncertainty surrounding the future of the exemplary long-term monitoring programme in South African waters and the Commission was asked to urge South Africa to do all it can to ensure the long-term future of this vital monitoring programme. In relation to Australia the SC Chair noted that the SC had expressed concern over the population in southeast Australia and recommended an assessment of the effects of fish farms and other developments on population recovery in this region. The need to continue to support the long-term monitoring in Australia was also reiterated. Other southern right whale stocks are considered under item 15.1.

#### *Commission discussion and conclusions*

The Commission **endorsed** the report and recommendations from the SC on this item.

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<sup>6</sup> Work on stocks subject to or likely candidates for CMPs (Conservation Management Plans) is summarised under item 15.1 of this report.

## 9.2 Small Cetaceans

In 1990 and 1991 the Commission adopted Resolutions 1990-3 and 1991-5 on Small Cetaceans. Together these requested the SC to commence and continue a process of collecting information on those stocks of small cetaceans subject to significant directed and incidental takes. Additionally, in 1994 the Commission adopted Resolution 1994-2 which *inter alia* agreed that the Commission and non-member coastal states should be involved in the selection of priority topics.

### *SC presentation*

The SC Chair provided an overview of the SC's extensive work on small cetaceans during the biennium, emphasising the severe conservation problems facing many small cetacean species. Detailed advice to governments for action can be found in the SC report (IWC/67/REP/01 2017 and 2018) and these are also presented under item 16 of IWC/67/20. As part of its review of small cetaceans (*Platanista* spp., *Orcaella* spp. and *Neophocaena* spp.) in rivers, estuaries and restricted coastal habitats in Asia, the SC expressed great concern over several of these species/populations, particularly the Irrawaddy dolphin, Indus River dolphin and Ganges River dolphin. Great concern was also expressed during its review of *Inia* and *Sotalia*, drawing attention to declines in abundance and to the multiple threats affecting them. The small population size, restricted range and the high levels of bycatch of the Lahille's bottlenose dolphin was also highlighted. A review of progress on previous recommendations revealed continuing severe problems with the vaquita, Yangtze finless porpoise, Māui dolphin, Amazon riverine dolphin and the Taiwanese humpback dolphin.

The SC also reported on progress with its Task Team initiative and the excellent work undertaken under the Voluntary Fund for Small Cetaceans.

### *Commission discussion and conclusions*

Argentina, Austria on behalf of the EU, Brazil, Ghana, India, Mexico, New Zealand, Switzerland and UK thanked the SC for its work on small cetaceans. Kenya supported the work of the SC with regard to small cetaceans and called for Commissioners to ensure sufficient marine mammal ecologists were trained. Ghana appealed to Contracting Governments that are able to make donations to support the work of the SC so it can continue its work despite the financial challenges faced by the Commission.

Monaco noted that the SC had drawn attention to the critical situation facing many small cetaceans now on the verge of extinction and urged range states to implement the SC's recommended management measures.

Austria on behalf of the EU also reiterated its strong support for the IWC to continue work to tackle the multiple threats facing small cetaceans and welcomed the contribution of the Small Cetaceans Voluntary Fund to this work. They noted the significant threat posed to dolphins from their use as bait in fisheries. They also noted a slight improvement in the situation of the Yangtze finless porpoise but urged the SC to remain active on this, noted the need for conservation action for the Māui dolphin, and recognised the challenge facing Mexico in attempting to address the threats to the vaquita.

Switzerland noted that despite the recent Resolution on the Critically Endangered Vaquita (Resolution 2016-5), its population has continued to decline, due to bycatch in the illegal totoaba gillnet fishery. They also expressed concern that mineral exploration was permitted in the Marine Mammal Sanctuary in New Zealand that had been established to protect the highly threatened Māui dolphin.

Mexico reported long-term work to address the problems facing the Vaquita, noting that the problem was exacerbated by the very high value of totoaba swim-bladders. A fuller account was given in IWC/67/CC/21 *Mexico Voluntary National Conservation Report 2016-18*.

Argentina recognised the jurisdiction of the IWC over small cetaceans and thanked Mexico for their efforts in attempting to save the vaquita.

India noted that its three threatened small cetaceans, the Indus River dolphin, Ganges River dolphin and Irrawaddy dolphin were all protected in Schedule 1 of India's Wildlife Protection Act. The Ganges River dolphin had been declared a national aquatic mammal, and various conservation measures had been taken.

Brazil drew attention to their efforts to minimise threats to species such as river dolphins, franciscana and bottlenose dolphins. They also stated that they would bring recommendations relating to the Amazon region

to the attention of the Amazon Cooperation Treaty Organisation (ACTO), a regional framework to strengthen cooperation amongst Amazon countries and they encouraged contact between IWC and ACTO.

New Zealand reiterated their commitment to ensuring the survival of the Māui dolphins, noting that risks to the species are currently managed through the Hector's and Māui Dolphin Threat Management Plan, which was being reviewed as a priority.

The UK noted that it supported the work of the IWC in relation to small cetaceans and donated GBP 10,000 to IWC for the Small Cetaceans Voluntary Fund. Italy and the Netherlands announced funding contributions to small cetaceans of EUR 5,000 and EUR 10,000 respectively.

ProWildlife, speaking on behalf of 10 NGOs<sup>7</sup>, expressed concern regarding directed hunts of small cetaceans, including for use as bait in commercial fisheries. They called on Contracting Governments to review their national legislation and enforcement and recommended the SC and CC to undertake a global review of the current status of direct takes of small cetaceans. They announced a contribution of c. USD 9,300 towards the Small Cetacean Voluntary Fund by Animal Welfare Institute, Campaign Whale, Centro de Conservación Cetacea, Cetacean Society International, Environmental Investigation Agency (EIA), the International Fund for Animal Welfare (IFAW), HSI, Ocean Care, ProWildlife and Whaleman Foundation, including USD 1,000 earmarked for the Small Cetaceans Task Team (South Asian river dolphin).

The Commission **endorsed** the report and recommendations from the SC on these items.

### 9.3 Cetacean Health and Disease

The SC Chair introduced the report of the SC on new information on unusual mortality events, on harmful algal blooms, and on cetacean diseases of concern (see summary in IWC/67/20).

#### *Commission discussion and conclusions*

Monaco expressed concern about the potential harm to consumers of whale meat, warning of potential future rise in bacterial and viral pathogenicity affecting cetacean populations and suggesting that the SC and CC should consider working with molecular biologists and epidemiologists in addressing this subject.

The Commission **endorsed** the report and recommendations from the SC on these items.

### 9.4 Stock definition and DNA Testing

The SC Chair indicated that the SC had been informed that mtDNA analysis on Norwegian samples for the common minke whale DNA register had been discontinued and that microsatellite typing would eventually be replaced by Single Nucleotide Polymorphism (SNP) analysis. The SC reiterated its recommendation from 2016 that additional technical details of Norway's plan be provided at future meetings and encouraged coordination of all DNA registers.

#### *Commission discussion and conclusions*

The Commission **endorsed** the report and recommendations from the SC on this item.

## 10. CETACEAN HABITAT

Under Resolution 1998-5 the Commission had agreed to establish a regular agenda item under which the SC 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.

Activities relating to Cetacean Habitat were reported under item 3 *Scientific Committee Presentation*; item 4 *Conservation Committee Presentation*; item 7.1 *Draft Resolution on Anthropogenic Underwater Noise*; and item 7.9 *Draft Resolution on Advancing the Commission's Work on the Role of Cetaceans in the Ecosystem Functioning*; as well as under this item.

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<sup>7</sup> ProWildlife and Animal Welfare Institute, Environmental Investigation Agency, Fundación Cethus, Fundación Conservaré, Humane Society International, OceanCare, Society for the Conservation of Marine Mammals (Denmark), Whale and Dolphin Conservation, Whaleman Foundation and World Wide Fund for Nature.

### 10.1 State of the Cetacean Environment (SOCER)

The SOCER report is prepared in response to Resolution 2000-7 and is intended to provide Commissioners and other interested parties with a non-technical periodic summary of events, developments and conditions in the marine environment that are relevant to cetaceans. The report is compiled on an annual basis with pre-selected regions addressed each year.

The SC Chair summarised relevant aspects of the SCs work (see IWC/67/20). The focus of the SOCER report in 2017 was the Indian Ocean and in 2018 it was the Mediterranean and Black Seas. Next, the Atlantic Ocean will be reviewed. The SC would welcome input from this region for information on this region. A 5-year global SOCER compendium has been produced in cooperation with the Secretariat and is available on the IWC website. The SC Chair thanked the editors and noted that the SOCER initiative had been subject to significant funding cuts.

#### *Commission discussion and conclusions*

Austria also congratulated the SOCER editors and invited Contracting Governments to consult and profit from the 5-year global compendium (available at <https://iwc.int/soccer-report>). They encouraged support for the initiative to continue given the aforementioned funding cuts.

The Commission **endorsed** the report and recommendations from the SC on this item.

### 10.2 Ecosystem functioning

The CC Chair summarised discussions of the Conservation Committee (see Annex G) relevant to this item, including the relevant conclusions of the SC as reported to the CC.

The SC had concluded that determining the contribution of cetaceans to ecosystem functioning is unlikely to be achieved in under a decade, given the complexity of the issue and the data gaps; and that the short-term priority would be to undertake a gap analysis to identify knowledge gaps and develop a plan to address them. To further this work, the SC had agreed to hold a workshop to define short- and medium-term objectives to be addressed and to identify what further research was needed to begin initial modelling of the contribution of cetaceans to ecosystem function. The SC had asked the Secretariat in conjunction with the workshop steering group to contact the Convention on Migratory Species (CMS) to determine their interest in participating in such a workshop.

The CC had endorsed proposals for future work outlined in IWC/67/CC/16 (*Report of the Working Group on Cetaceans and Ecosystem Functioning*) in principle, subject to consideration of budget implications. These included a proposed workshop in 2020 to assess the socio-economic values of the contribution of cetaceans to ecosystem functioning, the outcomes of which would be reported to IWC68.

The CC Chair noted that draft resolution IWC/67/17 *Advancing the Commission's Work on the Role of Cetaceans in the Ecosystem Functioning* was supported by the CC.

#### *Commission discussion and conclusions*

The Commission **endorsed** the report and recommendations from the SC and CC on these items.

#### **10.2.1 Proposed Resolution on the Role of Cetaceans in the Ecosystem Functioning (IWC/67/17)**

This proposed resolution was first introduced under agenda item 7.9.

After consultations, Chile introduced a revised version of the proposal (IWC/67/17 Rev 01), with minor stylistic amendments. As co-proponents, Costa Rica and Mexico stressed the important ecological functions of cetaceans and highlighted their role in carbon storage and nutrient cycling.

Austria on behalf of the EU expressed their appreciation to the proponents for taking into consideration proposed revisions to the draft resolution text and indicated their wish to be included as co-sponsors.

Australia, Gabon, Monaco and New Zealand expressed their full support for the proposal, citing further examples of the role of cetaceans in ecosystem functioning.

The CC Chair reported that the revised draft resolution was supported by the CC.

Norway expressed their view that top predators have a relatively minor contribution to marine ecosystems in terms of total biomass but were supportive of an increased focus on this topic by the SC to improve understanding.

Japan, supported by Guinea, Iceland and the Russian Federation, indicated that they could not support the proposal. They believed that it was not aligned with the Convention's dual objectives of conservation and sustainable use, since it addressed only the former and not the latter. Iceland noted the SC's conclusion that there were still significant data gaps with regard to this issue and believed that knowledge should be incorporated as it became available, which was already being done.

New Zealand noted that they had difficulty understanding Japan's objection to the proposal noting that one of the goals of NEWREP-A and previous research programmes was to better understand the ecological role of whales. Japan responded that this research was conducted with the aim of informing sustainable use, which despite being one of the key objectives of the Convention had not been taken into consideration in the draft resolution.

Animal Welfare Institute, on behalf of 12 NGOs<sup>8</sup>, expressed their support for the draft resolution, as well as the workshop which had been recommended on this subject by the SC.

Seeing no consensus, the Chair asked the proponents how they wished to proceed. Chile, speaking on behalf of all proponents, asked that the amendment be put to a vote. There were 40 votes in favour, 23 against and seven abstentions so the draft resolution was **adopted** (see Resolution 2018-2 in Annex F).

Antigua and Barbuda explained that they had abstained in the vote as they did not believe there had been enough opportunity for collaboration in the development of the draft resolution. They urged that time be devoted to developing dialogue on matters on which there was a divergence of opinions in the Commission.

### 10.3 Arctic Ocean

This item provided an opportunity for the Commission to discuss affairs relevant to the Arctic Ocean and associated cetacean populations.

The SC Chair noted that in 2017, the SC had agreed that papers on Arctic issues would be addressed under the most appropriate agenda items for the issue being presented rather than being a stand-alone item.

#### *Commission discussion and conclusions*

The Commission **endorsed** the report and recommendations from the SC on these items.

### 10.4 Climate change

The SC Chair summarised aspects of the 2017 and 2018 SC reports relevant to this item (see IWC/67/20).

The impact of climate change has been considered as an overarching topic by the Environmental Concerns Sub-committee of the SC since 2017. Noting that climate change remains an important threat that interacts with other stressors impacting cetacean populations, the report suggested that the SC may wish to initiate a specific activity related to climate change in the future.

#### *Commission discussion and conclusions*

Austria on behalf of the EU stressed the importance of continuing to investigate and monitor the implications of climate change for cetaceans. They requested the SC to maintain climate impacts on its work agenda and continue to update the CC and the Commission on its work on this topic. They noted the importance of collaboration with other relevant international bodies including CCAMLR, CMS, the Arctic Council and IUCN.

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<sup>8</sup> Animal Welfare Institute and Pro Wildlife, Dolphin Connection, Centro de Conservacion Cetacea, Whale and Dolphin Conservation, Society for the Conservation of Marine Mammals in Denmark, Natural Resource Defense Council, Whaleman Foundation, International Fund for Animal Welfare, Greenpeace, Fundacion Conservaré, Cetacean Society International, Fundación Cethus, Humane Society International, Instituto de Conservacion Ballenas, World Wide Fund for Nature.

The Commission **endorsed** the report and recommendations from the SC on this item.

## **11. UNINTENDED ANTHROPOGENIC IMPACTS**

Activities relating to Unintended Anthropogenic Impacts, including those of the Scientific Committee, were reported by the CC under item 4 *Conservation Committee Presentation* and item 7.1 *Draft Resolution on Anthropogenic Underwater Noise*, as well as under this item.

The SC had held a workshop on the cumulative effects of anthropogenic impacts on cetaceans (23-24 April 2018, Bled, Slovenia) and had agreed to include this topic as a standing item on its agenda.

### **11.1 Pollution**

The SC Chair summarised relevant work. A web-based user-friendly model to investigate the effects of pollutants on cetacean populations was accessible through a link on the website (<http://www.smru.st-andrews.ac.uk/reports>). A contaminant mapping tool was scheduled to be completed in 2019, with inclusion of data on mercury as called for in Resolution 2016-4 as a contribution to assessment of the impact of the Minamata Convention. It had been agreed that there was a need to develop in-depth synthesis of available data on mercury. The SC had endorsed international efforts to reduce PCBs in the environment and encouraged the collection of baseline data for cetaceans of the impacts of heavy fuel oils.

The Commission **endorsed** the report and recommendations from the SC on this item.

### **11.2 Marine Debris**

The CC Chair summarised aspects of Report of the Conservation Committee (Annex G) relevant to this item, including the relevant conclusions of the SC as reflected in IWC/67/20. He noted that the SC was in the pre-planning stages of a workshop on marine litter and plastics and that the CC had recommended the establishment of an Intersessional Correspondence Group on Marine Debris with terms of reference as set out in IWC/67/CC/13 Rev01 *Progressing the work of the IWC on the impacts of marine debris on cetaceans*.

Austria, on behalf of the EU, welcomed work undertaken to date on Marine Debris by both Committees. It supported the holding of a proposed joint workshop on this topic in 2019 and the establishment of the CC Intersessional Correspondence Group on the topic as specified in IWC/67/CC/13 Rev01.

The Commission **endorsed** the report and recommendations from the SC and CC on this item.

#### **11.2.1 Proposed Resolution on Ghost Gear Entanglement Among Cetaceans (IWC/67/11)**

This proposed resolution was first introduced under agenda item 7.4. Brazil presented a revised version of the draft resolution (IWC/67/11 Rev02), explaining that the revisions were the outcome of consultation with Commissioners and others in the margins of the meeting and that the draft was now better aligned with existing IWC initiatives and those of other organisations.

The F&A Committee Chair indicated that the F&A Committee had noted in its report (Annex H) that most of the actions under this resolution, if adopted, could be dealt with under existing IWC work programmes, and that its implementation was not intended to have budgetary implications.

Austria on behalf of the EU, Grenada, Monaco, Republic of Korea and USA supported the draft resolution. Austria on behalf of the EU believed that its implementation would complement existing work addressing bycatch and marine debris. The USA, supported by Monaco, believed the IWC was well placed to provide technical input to FAO and others, and that the Commission had a role to play in a comprehensive global strategy to address ghost gear entanglement. The Republic of Korea outlined steps they had taken to address the problem domestically and expressed their willingness to share best practice with others.

Norway also outlined actions they had taken in the past 30 years to tackle the problem of bycatch and Mexico described their efforts to address vaquita bycatch, thanking Norway, Republic of Korea and USA for their assistance.

Japan agreed that the issue was important but believed it to be outside the competence of the IWC. However, they did not wish to block consensus and would accept the draft resolution on condition that within its operative part it included the sentence: "Agrees that any provisions of this resolution should not duplicate the

work of other organisations in this regard". Antigua and Barbuda and Iceland supported Japan. Guinea also noted that they did not wish to block consensus.

World Animal Protection on behalf of eight NGOs<sup>9</sup> and the membership of the Global Ghost Gear Initiative (GGGI) welcomed the draft resolution. They underscored the impact of ghost gear as a major form of marine debris and acknowledged the work the IWC undertook on this issue, offering the continued assistance of the GGGI and urging the IWC to continue to support the GWERN. A representative of the Alaska Eskimo Whaling Commission outlined actions his community was taking to address the ghost gear problem.

With the addition to the operative part of the resolution of the sentence: "Agrees that any provisions of this Resolution should not duplicate the work of other organisations in this regard", the draft resolution was **adopted** by consensus (see Resolution 2018-3 in Annex F).

### 11.3 Anthropogenic Sound

The SC Chair gave an update on the work of the SC and CC on this topic. She noted international efforts to address the problem of anthropogenic sound and its impact on cetaceans, commending the IWC's engagement with other international organisations on this issue. The SC had: made recommendations on scientific issues; drawn attention to relevant CMS guidelines; recommended that anthropogenic noise be explicitly considered in MPA management; recognised efforts of multiple bodies to develop guidance on noise strategies; and encouraged continuing efforts to identify synergies and develop priorities for actions to reduce exposure of cetaceans to anthropogenic noise. A summary of the IWC recommendations relevant to shipping noise was presented to the IMO's Marine Environment Protection Committee in 2018. The SC Chair noted that further details were provided under item 12 of Annex G.

Argentina drew attention to IWC/67/CC/14 *Progressing the work of the IWC on the impacts of marine noise on cetaceans*, noting that in 2018 the CC had established a small intersessional working group to consider and propose initial steps in addressing this issue under the CC Strategic Plan and Work Plan.

OceanCare welcomed the collaboration with the IMO.

The Commission **endorsed** the report and recommendations from the SC and CC on this item.

#### 11.3.1 Proposed Resolution on Anthropogenic Underwater Noise (IWC/67/05)

This proposed resolution was first introduced under agenda item 7.1.

Following consultations, Austria on behalf of the EU presented a revised version (IWC/67/05 Rev02). The changes provided to the initial draft resolution were mostly editorial, to give a greater focus on achievements and a better place for references to other organisations and processes. Noting the inclusion of a similar paragraph in Resolution 2018-2 (see item 7.4) Austria further suggested the inclusion of a new point 6 which would read: "the provisions in this Resolution should not duplicate the efforts of other organisations in addressing this matter".

Japan, supported by St Vincent and The Grenadines, agreed with the gravity of the situation but considered the issue to be outside the competence of the IWC. They could not support the resolution but, in a spirit of compromise, would not block it. Iceland stated that, if the paragraph related to UNCLOS and Biodiversity Beyond National Jurisdiction (BBNJ) was removed from the draft resolution, then in the spirit of compromise it would not block consensus.

Monaco stressed the importance of countries taking action nationally to tackle the issue of underwater noise and its impact on cetaceans.

Norway outlined the scientific work on the impacts of underwater noise that it was undertaking, in order to inform national policy on the issue. Republic of Korea also summarised work it had undertaken, and in this context could support the resolution.

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<sup>9</sup> World Animal Protection and World Wide Fund for Nature. Animal Welfare Institute, Humane Society International, Environmental Investigation Agency, Greenpeace, Whaleman Foundation, American Cetacean Society and the membership of the Global Ghost Gear Initiative – GGGI.



Gabon supported the draft resolution, called for collaboration with other international organizations, and believed that concerns about funding should not preclude supporting the resolution.

OceanCare, on behalf of 19 NGOs<sup>10</sup>, stressed that the Commission must address the issue of noise, and that international collaboration was key, especially with transboundary issues.

#### *Conclusion*

Noting that consensus had nearly been reached, the Chair proposed deleting the wording in paragraph 3g relating to UNCLOS and Biodiversity Beyond National Jurisdiction (BBNJ). This was **agreed**.

The resolution was then **adopted** by consensus (see Resolution 2018-4 in Annex F).

### **11.4 Cetacean Bycatch**

The CC Chair summarised aspects of Report of the Conservation Committee (Annex G) relevant to this item, including progress under the Bycatch Mitigation Initiative and the relevant conclusions of the SC as reflected in IWC/67/20. He noted that the SC have agreed five criteria for prioritising cetacean bycatch projects and bycatch baselines: urgent conservation risk or lack of data; likelihood of success; opportunity for IWC to monitor; ability to monitor effectiveness of mitigation actions and potential to contribute to mitigation in other areas. Priorities for work based on these criteria are Republic of Congo, Ecuador, India, Pakistan and Peru. He also noted the serious concern expressed by the SC about the Burmeister porpoise in Peruvian waters and continuing concern about franciscana bycatch in Brazil despite the new government fishing regulation.

The CC Chair highlighted IWC/67/CC/11/Rev 01 *Report on the Bycatch Mitigation Initiative 2016-2018* noting that the Standing Working Group on Bycatch (SWG-Bycatch), chaired by Stephanie Langerock (Belgium), had been formed in 2017 and includes representatives from 15 Contracting Governments and seven observer organisations. He noted the excellent work of the Bycatch Coordinator, Marguerite Tarzia, employed since January 2018, and drew attention to IWC/67/CC/01 *Bycatch Mitigation Initiative Strategic Plan 2018-2020*. Activities of the BMI Strategic Plan are prioritised and costed in that document.

The CC Chair reported that the CC had endorsed all the recommendations of the SWG-Bycatch. These include the Strategic Plan for Bycatch, the BMI Work Plan, the continuation of the Bycatch Coordinator position with funding from the Voluntary Conservation Fund and Terms of Reference for the SWG-Bycatch and Expert Panel. The CC urged Contracting Governments to support the BMI through the development of appropriate national legislation and plans to tackle bycatch and reporting of experiences and plans on bycatch into the BMI and through CC Reports.

Austria on behalf of the EU, Belgium, France, Mexico, New Zealand and the UK, commended the work on bycatch and expressed support for its continuation, noting that this remains one of the most significant threats to cetaceans globally and is a considerable welfare concern. They looked forward to the successful development of bycatch mitigation pilot projects.

Peru noted that they were making efforts to conduct research and address bycatch of small cetaceans.

Belgium has supported the work on bycatch through direct involvement and funding. Approval for a further financial contribution of GBP18,000 is being sought by Belgium. The UK expressed gratitude for the work to date and announced a contribution of GBP18,000 to support the Bycatch Coordinator. France noted that it established a national working group in 2017 to develop a national mitigation plan for cetacean bycatch and announced a contribution of EUR 10,000 to the IWC Bycatch Initiative.

NAMMCO highlighted their initiatives developed to address cetacean bycatch, noting that like the IWC they are concerned about the cumulative effect of anthropogenic impacts on cetaceans. Addressing bycatch is a standing item for NAMMCO and they have developed a bycatch initiative. Welfare aspects are being

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<sup>10</sup> Oceancare and AMCS, American Cetacean Society, Animal Welfare Institute, Brazilian Right Whale Project, Dolphin Connection, Environmental Investigation Agency, Fundación Cetus, Humane Society International, Instituto de Conservación de Ballenas, International Fund for Animal Welfare, LegaSeas, Natural Resources Defense Council, Orcalab, Pro Wildlife, Society for the Conservation of Marine Mammals (Denmark), Whaleman Foundation, Whale and Dolphin Conservation, Whales Alive and World Wide Fund for Nature.

addressed. As well as reviewing the extent of bycatch, NAMMCO is reviewing IWC and other guidelines on bycatch so as to advise its members on this issue.

World Wide Fund for Nature (WWF) speaking on behalf of 24 NGOs noted that the amount of global annual cetacean bycatch is estimated to be at least 300,000 animals, making it the most pressing anthropogenic threat to cetaceans. They welcomed and supported all the recommendations of the BMI believing this to represent one of the most important conservation efforts the IWC has developed. They highlighted that collaboration with governments, other IGOs, and particularly CMS, FAO and RFMOs will be key for the BMI to achieve its objectives. NGOs had already highlighted the urgent need to fund the BMI through an NGO letter, initially signed by 36 organisations and now supported by 40 groups, provided earlier. WWF and nine other NGOs committed USD 8,500 to bycatch.

The Commission welcomed the BMI and **endorsed** the report and recommendations from the SC and CC on this item.

### 11.5 Ship Strikes

The CC Chair summarised aspects of Report of the Conservation Committee (Annex G) relevant to this item, and the relevant conclusions of the SC. He noted that the CC had established a Working Group on Ship Strikes (WG-SS), which had reported progress regularly since 2006. The development of a Ship Strikes Strategic Plan 2018-2020 was finalised in 2017 and available on the IWC website. The issue is also considered by the SC through its Non-Deliberate Human Induced Mortality Sub-committee.

The CC Chair noted that Doug DeMaster had stepped down as Chair of the WG-SS and thanked Doug for his leadership of this group. He also thanked Dave Weller (USA) who had volunteered to take on the Chair's role. The CC Chair also noted that the Work Plan of the Ship Strikes Working Group was presented to the CC and included a workshop, jointly with the SC, on the potential use of IUCN's Important Marine Mammal Areas in the identification of high-risk areas for ship strikes.

Brazil drew attention to the work of the Brazilian Humpback Whale Institute, highlighting cooperation between researchers and industry in mitigation of ship strikes. Brazil emphasised the importance of working with the IMO on this issue.

WWF and ten other NGOs<sup>11</sup> commended the efforts by IWC to address the issue of ship strike mitigation measures for cetaceans noting that maritime traffic globally is expected to double in the next two decades. They encouraged all IWC Contracting Governments to continue to engage with and support the WG-SS, to continue to develop ship strike mitigation measures and to collaborate with the IMO.

The Commission welcomed the work by CC and SC on ship strikes and **endorsed** the report and recommendations from the SC and CC on this item.

## 12. THE IWC IN THE FUTURE

The IWC Chair noted that agenda item 7.6 *Florianópolis Declaration on the role of the IWC in the Conservation and Management of Whales in the 21st Century* (IWC/67/13), proposed by Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico, Panama and Peru, and item 12 *The IWC in the Future The Way Forward of the IWC. IWC Reform Proposal including a draft Resolution and proposed Schedule Amendment* (IWC/67/08), proposed by Japan, represent two different approaches to the same issue. He proposed discussing both under agenda item 12, taking IWC/67/13 first, followed by IWC/67/08. The IWC Chair further explained that proponents of both proposals had engaged in active discussions but had not been able to reach agreement.

### 12.1 Proposed Florianópolis Declaration

Brazil introduced IWC/67/13 Rev01 *Draft Resolution on The Florianópolis Declaration* under agenda item 7.6. Argentina, as co-proponent, and supported by Costa Rica, Mexico and Peru, stated that the social, economic

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<sup>11</sup> World Wide Fund for Nature. and American Cetacean Society, Animal Welfare Institute, Australian Marine Conservation Society, Cetacean Society International, Centro de Conservación Cetacea, Dolphin Connection, Environmental Investigation Agency, Fundación Cethus, Fundación Conservaré, Greenpeace, Humane Society International, Instituto Baleia Jubarte, Instituto Conservación de Ballenas, International Fund for Animal Welfare, LegaSeas, Natural Resources Defense Council, Nature Tropical, OceanCare, la Organización para la Conservación de Cetáceos, ProWildlife, Whale and Dolphin Conservation, Whales Alive, Whaleman Foundation.

and historic context had changed since 1946, and reiterated their firm support for non-lethal use of whales through responsible whale watching.

Austria on behalf of the EU, Ecuador, India, Monaco, Uruguay and USA expressed support for the proposed resolution.

The F&A Committee Chair referred to the Report of the F&A Committee (Annex H), indicating that Brazil had noted that the actions specified in the proposed Florianópolis Declaration would not have additional budgetary implications.

Japan, while thanking Brazil and the co-proponents for their flexibility in accommodating some of the changes suggested, expressed regret that it had not been possible to find common ground.

Japan, supported by Ghana, Guinea, Iceland, Liberia, Norway, Russian Federation, Sao Tome and Principe, Senegal, Solomon Islands, St Lucia, and St Vincent and The Grenadines, reiterated their conviction that conservation and sustainable use are compatible and did not support the proposal, which they believed negated the sustainable use of whales for food. Iceland, supported by Senegal, St Vincent and The Grenadines and Norway, believed that the draft resolution was intentionally divisive. Stressing the lack of scientific justification for the moratorium on commercial whaling and noting that every country undertakes lethal research involving animals, they concluded it would be clearer and more honest if the resolution simply stated that whales should be treated differently from all other animals. They urged other Contracting Governments, particularly those in favour of ASW, to reject the proposal.

Antigua and Barbuda, Ghana and Togo considered that both proposals should be reconciled by applying goodwill.

Greenpeace, speaking on behalf of 19 NGOs<sup>12</sup>, expressed support for the draft resolution, noting the important role of whales in the ecosystem, and that the revenues derived from whale watching eclipsed those derived from lethal use.

In the absence of consensus, and following further deliberations, Brazil requested a vote on the draft resolution in IWC/67/13 Rev01, noting the extensive discussion that had already taken place. There were 40 votes in favour, 27 against and four abstentions. The draft resolution was **adopted** (see Resolution 2018-5 in Annex F).

Brazil expressed gratitude to all delegations and noted that adoption of Resolution 2018-5, which had been based on wide-ranging efforts to reach mutual agreement and was supported by the majority of Contracting Governments, provided an outstanding demonstration that the IWC was fully functional and fit for purpose. They believed that the resolution represented a profound vision for the future of the IWC, securing the Commission's role as the leading body for cetacean conservation.

Antigua and Barbuda, in explaining their vote against, noted their regret that there had been a lack of comprehensive negotiation on the proposal and believed no effort had been made to reach consensus. They did not believe that such a divisive issue should have been put to a vote. St Vincent and The Grenadines associated themselves with Antigua and Barbuda in explaining their vote against.

Grenada, in explaining their vote against, noted that they would have preferred to vote on a proposal that took into consideration limited quotas for harvest of healthy stocks.

## 12.2 Proposed Way Forward

Japan had submitted a package of documents setting out a programme of reform of the IWC in IWC/67/08 *The Way Forward of the IWC - IWC Reform Proposal including a draft Resolution and proposed Schedule Amendment*, which had been introduced under agenda item 6.3.

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<sup>12</sup> Greenpeace and World Wide Fund for Nature., International Fund for Animal Welfare, American Cetacean Society, Fundación Cethus, Whale and Dolphin Conservation, ProWildlife, Whales Alive, Australian Marine Conservation Society, Society for the Conservation of Marine Mammals (Denmark), LegaSeas, Brazilian Right Whale Project, Eco-Benin, Animal Welfare Institute, Cetacean Society International, Humane Society International, Environmental Investigation Agency.

Japan highlighted that the proposals represented an attempt to restore the function of the IWC as a resource management organisation. They indicated that, given the magnitude of the proposed reform and the importance of maintaining the integrity of the proposals as a package, they would be seeking a consensus decision on the whole package. They noted that previous proposals to establish catch limits for certain whale stocks had been repeatedly rejected despite such proposals being in conformity with the Convention's objectives and with Paragraph 10(e) of the Schedule. They believed that the proposal in IWC/67/08 was the only way forward for the IWC given its inability to make substantial decisions on either of its core functions of conservation and sustainable use.

The F&A Chair reported that Japan had informed the F&A Committee that costs associated with the activities proposed in the draft resolution would ideally be supported by Commission's core funds but could potentially be supported through voluntary contributions if necessary, as reflected in the Report of the F&A Committee (Annex H).

Antigua and Barbuda, Cambodia, Ghana, Grenada, Republic of Guinea, Iceland, Liberia, Nicaragua, Norway, Senegal, Solomon Islands, St Kitts and Nevis, St Lucia, St Vincent and The Grenadines and Togo supported the proposals, noting the need for fundamental IWC reform to allow for differing viewpoints relating to sustainable use of cetaceans. Cambodia believed moving to a simple majority vote for amendments to the Schedule would provide a greater incentive to support compromise. Iceland believed that opposition to the resumption of commercial whaling was not rational and was based on the notion that whales were exceptional. Liberia believed the proposals were in line with commitment to a Blue Economy and to UN SDG 14. Nicaragua noted that some whale stocks are abundant and that there was a need to ensure appropriate attention was devoted to sustainable use, in line with the Convention's objectives, given the existence of a Committee dedicated to conservation. Solomon Islands considered that the moratorium on commercial whaling was unsustainable and that it was not in the interests of small island developing states. Guinea emphasised the need for communities to benefit from available food resources in the context of human population growth.

Kenya believed that the proposals provided a mechanism to keep the IWC moving forward but believed that more time was needed to consider them in detail.

Australia, Austria on behalf of the EU, Argentina on behalf of the Buenos Aires Group (BAG<sup>13</sup>), Monaco, New Zealand and USA thanked Japan for their work on the proposals and the open discussions they had stimulated but indicated that they could not support them. They restated their opposition to the resumption of commercial whaling based on conservation and welfare concerns. They expressed their disagreement with Japan's view that the IWC was dysfunctional, believing that divergent views in such a forum were natural and could coexist.

Argentina, on behalf of the BAG, considered that conservation should be the key focus of the IWC as reflected in the adoption of the Florianópolis Declaration (Resolution 2018-5). Australia believed that the informal consultation that had taken place was not sufficient to ensure the proposals could be given the appropriate level of consideration and noted that the proposals presented no element of compromise. Austria on behalf of the EU were of the view that it would not be appropriate for Schedule amendments to be decided on the basis of a simple majority as this would seek to circumvent differences in opinion. They also noted that the SC already had a large and increasing agenda and faced significant budget cuts and did not consider that resources should be allocated away from its existing work on clear IWC priorities. Mexico and New Zealand also believed that the proposals would serve to entrench differences and create further division. The USA observed that the agreement to suspend commercial whaling had been based on the recognition that scientific information on which to base decisions was inadequate and furthermore the supervisory and control mechanisms of the Schedule were also inadequate. They did not believe the Japanese proposals addressed the latter. They also noted Japan's proposals contained elements within the mandate of the WG-OE and that it was more appropriate for that working group to address them.

India could not support the majority of the proposals but suggested that consideration be given to changing the majority required for amendments to the Schedule from three-quarters to two-thirds.

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<sup>13</sup> Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Panama, Peru, the Dominican Republic and Uruguay.

Global Guardian Trust, IWMC-World Conservation Trust and Opes Oceani all supported Japan's proposals, believing these adhered to the principle of sustainable use and would restore balance to the IWC's functioning, and that there was no danger that whale populations would be overharvested.

Dolphin and Whale Action Network believed that the cessation of commercial whaling under the IWC had been a successful measure in allowing depleted whale populations to recover and urged Contracting Governments not to support Japan's proposals.

International Environmental Law Project of Lewis and Clark Law School noted that with respect to changes to Convention texts, normal practice in RFMOs and MEAs was approval by consensus or by a so-called supermajority, sometimes two supermajorities. He also reminded the meeting that under Rule E.3(b) of the Rules of Procedure, a proposal that does not contain regulatory text to be amended but that would commit the Commission to amend the Schedule in the future can neither be put to a vote nor adopted.

In responding to comments made, Japan noted that these proposals built on previous failed efforts to break the deadlock in the Commission. They observed that Paragraph 10(e) of the Schedule made no reference to a moratorium. They believed that appropriate monitoring control schemes for commercial whaling had been addressed interessionally under the IWC. They acknowledged that fundamental differences existed within the Commission and believed that their proposals offered a way forward to allow for co-existence with mutual understanding and respect. They reminded the meeting that they had not proposed any change to Paragraph 10(e) of the Schedule, but rather an additional paragraph to follow it. Regarding their proposed change to the Convention text to allow amendments to the Schedule by simple majority, they believed that their proposal that such amendments would need to have prior consensus approval by either the CC or the proposed Sustainable Whaling Committee was equivalent to a supermajority.

Later in the meeting, following further consultations, Japan introduced a revised version of the proposals (IWC/67/08 Rev01). The revision consisted of the addition of the following text to the draft resolution presented in Annex 1 of IWC/67/08 Rev01, before the operative text: [Now therefore the Commission,] 'on the condition that the proposed Schedule amendment in the Annex 2 of the document IWC/67/08 Rev01 is adopted by the Commission'. Japan confirmed that the intention of the revision was to ensure the integrity of the proposals, since the draft resolution would only become effective if the proposed Schedule amendment was adopted. They reiterated their view that divergence within the IWC was preventing decisions being made on either conservation or sustainable use, and that the intention of their proposals was to address this issue. They believed that within the Commission there was not a universal desire for divergent views to coexist, which in their view was demonstrated by the adoption of The Florianópolis Declaration (Resolution 2018-5) despite significant opposition. They therefore did not anticipate consensus to be reached on the proposals as they had hoped, and requested they be put to a vote.

There were 27 votes in favour, 41 against and two abstentions. The draft resolution and proposed Schedule amendment in IWC/67/08 Rev01 were therefore **not adopted**.

In explaining their votes against the proposals, Australia and Austria on behalf of the EU reiterated that they disagreed with Japan's view that the Commission was dysfunctional. Australia noted that it respected Japan's right to have presented their proposals, made their arguments and taken the proposals to a vote, and encouraged Japan to accept the verdict and to continue to argue for their views and work constructively with other members of the Commission. Austria on behalf of the EU thanked Japan for the work they had put into the proposals and their efforts to create the opportunity for a dialogue on the issues raised. They reiterated their willingness to continue this dialogue with Japan and with all Contracting Governments to move the Convention forward.

The Kingdom of Denmark stressed their alignment with the position expressed by Austria on behalf of the EU. However, speaking on behalf of the Faroe Islands and Greenland, they noted that these nations are dependent on the utilisation of marine resources and believe in science-based sustainable consumptive use of whales, and therefore those components of the Kingdom of Denmark firmly supported the proposals.

In explaining their vote against the proposals, Argentina reiterated the position of the Buenos Aires Group that they aligned with the sentiments expressed in The Florianópolis Declaration (Resolution 2018-5). Brazil

thanked Japan for the proposals and stressed that the Commission would need to take more time to better understand the different positions that existed among Contracting Governments.

In explaining their abstention to the vote, the Russian Federation expressed concern that there was a clear divide in the Commission to which they did not wish to contribute. They believed more effort was needed to reach consensus and noted the importance of both scientific research and conservation of whales.

Japan provided a statement in relation to the outcome of the vote, which is included in Annex E.

### **13. WHALE KILLING METHODS AND WELFARE ISSUES (WKM&WI)**

The Working Group on Whale Killing Methods and Welfare Issues (WG-WKM&WI) met on 6 September 2018 in Florianópolis, Brazil. The Chair of the WG-WKM&WI, Herman Oosthuizen (South Africa) had been unable to attend the meeting. In his absence Amy Laurenson (New Zealand) was appointed Acting Chair.

Activities of the SC relating to WKM&WI were reported by the SC under item 3.1 *Scientific Committee Presentation* and under item 7.4 *Draft Resolution on Ghost Gear Entanglement among Cetaceans*, as well as under this item.

The Acting Chair of the Working Group on Whale Killing Methods and Welfare Issues (WG-WKM&WI) presented the Report of the Whale Killing Methods and Welfare Issues Working Group (see Annex K).

#### **13.1 Summary of data provided on whales killed**

The WG-WKM&WI Acting Chair noted that data on whales killed had been received from New Zealand, Norway, Russian Federation, St Vincent and The Grenadines, UK, USA, and the Kingdom of Denmark on behalf of Greenland, in accordance with Resolutions 1999-1 and 2001-2.

#### **13.2 Improving the humaneness of whaling operations**

The WG-WKM&WI Acting Chair noted that reports on this subject had been received from Norway, Russian Federation, USA, and the Kingdom of Denmark on behalf of Greenland, in accordance with Resolutions 1997-1 and 2001-2.

Austria on behalf of the EU, supported by Argentina, Mexico, Monaco, and New Zealand, urged Iceland, Japan and Norway to submit data on whale killing methods as specified in Resolution 1999-1. Austria on behalf of the EU noted that the IWC, as the international body with primacy for the conservation of cetaceans and management of whaling, was the appropriate forum for such data and deliberations. Costa Rica emphasised the importance of reducing time to death (TTD).

Japan stated that they give the greatest importance to whale killing methods and previously submitted data to the IWC, however these data had been used against them and they now submitted data to other organisations.

Monaco noted the work of Norway in helping to improve whale killing methods among Arctic communities in the Russian Federation and USA.

NAMMCO noted that it had supported efforts to improve hunting practices and reduce TTD, and that all data were on their website. They expressed concern for animal welfare issues of the collective rifle hunt in Greenland, and that this hunt seemed to be increasing as a result of demand for meat that was not being met by the harpoon grenade hunt.

A representative of the Alaska Eskimo Whaling Commission outlined the efforts his organisation was making to improve efficiency and humaneness of the Alaskan bowhead whale hunt.

#### **13.3 Whale welfare**

At IWC65 in 2014, the Commission had agreed to reflect the full scope of the IWC's consideration of welfare within the Terms of Reference of the WG-WKM&WI and agreed an updated Action Plan for the WG-WKM&WI (see *Report of the 65<sup>th</sup> Meeting of the IWC in 2014*, Annex H, Appendix 4).

The WG-WKM&WI Acting Chair noted that there had been steady progress in implementing the current Welfare Action Plan, including a meeting of the Global Whale Entanglement Response Network (GWERN) (5-7 June 2018, Provincetown, MA, USA) and a planned workshop for experts from Chile and Peru to provide training on how to manage large whale stranding events and how to ensure good animal welfare standards during euthanasia.

The WG-WKM&WI Acting Chair noted that the WG had endorsed continuation of work to develop the Cetacean Welfare Assessment Tool as well as the proposed process to allocate resources from the Voluntary Welfare Fund in the next intersessional period.

Austria on behalf of the EU, supported by Argentina, Mexico, Monaco and New Zealand, welcomed the Cetacean Welfare Assessment Tool and encouraged its further development.

HSI, speaking on behalf of nine NGOs<sup>14</sup>, supported the statement by Austria on behalf of the EU on this and other matters under agenda item 13.

Four of NGOs (HSI, IFAW, AWI and Centro de Conservacion Cetacea) jointly offered a contribution of USD 2,000 to the Voluntary Conservation Fund for welfare issues.

The Commission **endorsed** the report and recommendations of the WG-WKM&WI on whale welfare.

### 13.4 Welfare issues associated with the entanglement of large whales

At IWC64 in 2012, the Commission endorsed recommendations from two workshops (2010, 2011) for responding to entanglement, including welfare concerns and recommendations on capacity building. A dedicated technical advisor has been attached to the Secretariat since 2011 to implement these recommendations. Since then, over 1,100 trainees from over 20 countries have received IWC entanglement response training.

The WG-WKM&WI Acting Chair noted that the working group had received IWC/67/WKMWI/REP/01 *Report of the Fourth Workshop on Large Whale Entanglement Issues, Provincetown, 5-7 June 2018* and **endorsed** this workshop's recommendations.

Austria on behalf of the EU, supported by Argentina, Mexico, Monaco and New Zealand, underscored the importance and urgency of building capacity with regard to entanglement and applauded efforts under the IWC, believing that these demonstrated that the Commission could deliver tangible benefits in work programmes of this kind.

The Commission **endorsed** the report and recommendations of the WG-WKM&WI on entanglement.

### 13.5 Strandings Response

The WG-WKM&WI Acting Chair noted that the WG-WKM&WI had endorsed the SC recommendations on strandings. New Zealand had expressed support for the Strandings Initiative as a model for mobilising and sharing IWC expertise across borders. OceanCare had announced a voluntary contribution of CHF 5,000 to support work on strandings

Austria on behalf of the EU, supported by Argentina, Mexico, Monaco and New Zealand, noted the need for a better understanding of strandings and applauded the work of the Strandings Initiative and the importance of building capacity and expertise in countries where entanglement and stranding events posed a threat to the whales. They also welcomed progress in development of the Cetacean Welfare Assessment Tool.

As one of the countries with the highest numbers of whale and dolphin strandings, New Zealand noted that they were fully supportive of efforts to build capacity in this area and encouraged all countries that report strandings to provide euthanasia data to the working group. New Zealand supported continued funding of

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<sup>14</sup> Humane Society International and World Animal Protection, Animal Welfare Institute, Centro de Conservacion Cetacea, Fundación Cethus, Whale and Dolphin Conservation, Society for the Conservation of Marine Mammals (Denmark), LegaSeas, the International Fund For Animal Welfare, Whaleman Foundation.

the Strandings Coordinator. Costa Rica noted that they had promoted work on strandings amongst civil society.

The Commission **endorsed** the report and recommendations of the WG-WKM&WI on strandings including the continuation of the strandings coordinator post for a further two years subject to available funds.

#### 14. SPECIAL PERMITS

Activities relating to Special Permits were reported by the SC under item 3.1 *Scientific Committee Presentation* as well as under this item.

##### *SC Presentation*

Paragraph 30 of the Schedule to the Convention 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 SC has developed a process referred to as 'Annex P' for providing a full review of new and on-going special permit programmes. For long-term programmes a review occurs around every six years.

The SC Chair provided a summary report from the SC regarding special permits. Details can be found in the full SC report (IWC/67/REP/01 2017 and 2018) and a summary of the main recommendations can be found in IWC/67/20.

Regarding NEWREP-A, the SC received updates on research activities and previous recommendations. There were differences of view between the proponents and the Committee on priorities, whether recommendations had been met, and on the conclusions of analyses. The proponents informed the SC that various recommendations had been completed. The current status of progress with regard to the Expert Panel's recommendations on NEWREP-A is summarised in Table 25 of the Report of the Scientific Committee (IWC/67/REP/01 2018).

Regarding JARPN II, the SC was informed of the work being conducted on some recommendations from the JARPN II Expert Panel workshop. The second table in Annex P5 in the report of the 2018 Scientific Committee meeting summarises the progress on Expert Panel and SC recommendations with respect to JARPN II.

With regard NEWREP-NP, the SC had endorsed the Expert Panel recommendations, while the proponents did not agree with all of them. Table 26 in the report of the 2018 Scientific Committee (IWC/67/REP/01 2018) meeting summarises the current status of progress with regard to the Expert Panel's recommendations on NEWREP-NP.

The SC Chair reported that the SC referring to the special permit review process discussion under item 27.4 of IWC/67/20, had recommended the revision to 'Annex P' given as annex P to the report of the 2018 Scientific Committee meeting.

The Commission **endorsed** the SC revisions to 'Annex P'.

##### *SWG-SPP Presentation*

The Chair of the Standing Working Group on Special Permit Programmes (SWG-SPP), Nick Gales (Australia), provided a summary of the Report of the Standing Working Group on Special Permit Programmes (IWC/67/16 Rev02). The Group was established under Resolution 2016-2. IWC/67/16 Rev02 contains reports on the Expert Panel and SC review of NEWREP-A, JARPN II and NEWREP-NP, which the SWG-SPP adopted by consensus. The SWG-SPP Chair noted that IWC/67/16 Rev02 also includes a 'draft Commission view' on the reviews of special permit programmes (pages 2-6 of the report). The Chair expressed support for the report, noting that it provides clear statements on the strengths and weaknesses of each programme. He drew attention to the fact that the 'draft Commission's view' was that lethal sampling was not justified under these programmes and that several recommendations to the responsible Contracting Government had not been addressed.

##### *Commission discussion and conclusions*

The IWC Chair noted that the Commission wished to amend IWC/67/16 Rev 02 and that the text in pages 2-6 of this SWG-SPP report ('Views, recommendations and directions for Commission consideration') was proposed for inclusion in the Chair's report.



Japan recalled its opposition to the establishment of the SWG-SPP, as there is no basis for it under the Convention, and that they would refrain from following the recommendations in the report. They explained that they would not oppose inclusion of the suggested text into the Chair's report, provided that the wording on page 2 of the SWG-SPP report were amended to substitute 'adopts' with 'notes' (i.e. "The Standing Working Group recommends that the Commission considers and ~~adopts~~ notes the following views, recommendations and directions into its report at IWC67"). Japan also announced they had a statement they would like to add to the Chair's report (see Annex E).

USA expressed support for the draft 'Views, recommendations and directions for Commission consideration', noting that Article VI of the Convention provides a basis for the Commission to make recommendations to Japan on special permit programmes. They also acknowledged that these recommendations are not legally binding and that Article VIII allows Japan to issue Special Permits, but urged Japan to take into account the views of the Commission.

New Zealand considered that the SWG-SPP report was useful and supported its endorsement. They highlighted New Zealand's particular interest in the Southern Ocean and therefore the NEWREP-A programme. New Zealand stated that there are two lethal components to this programme (removal of earplugs and ovaries, and removal of blubber and stomach contents), and drew attention to the Expert Panel's conclusion that the NEWREP-A proposal does not demonstrate the need for lethal sampling. They stressed that lethal sampling has not been scientifically justified and called on the Commission to express a view on the matter. They also voiced their concern that under NEWREP-A, Japan caught 50 whales inside the Ross Sea region Marine Protected Area (MPA) within its first year of operation. Recalling that Japan supported the establishment of the MPA under the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), and acknowledging that CCAMLR does not regulate whaling, New Zealand stated that whaling within the protection zone undermines the objectives of the MPA and goes against its spirit, urging Japan to stop whaling inside the protected area. They concluded by calling on Japan to stop lethal sampling under both NEWREP-A and NEWREP-NP.

Japan responded to New Zealand's comment on the Ross Sea region Marine Protected Area by recalling that the MPA had been adopted by consensus under CCAMLR based on an understanding with New Zealand that IWC-related activities would not be prohibited in the area. Referring also to an earlier comment from Mexico regarding the provision of data from JARPN II and NEWREP-A, Japan stated that they have provided data in accordance with the provisions of the SC in relation to intellectual property rights.

Austria on behalf of the EU welcomed the report from the SWG-SPP, supporting its conclusions and highlighting the Expert Panel's ability to form a consensus view on each programme. Noting that the SC had struggled to achieve consensus, they supported the recommendation that the SC consider new approaches to reaching consensus and, where it cannot be reached, only statements supported by scientific evidence should be included in its report. They further expressed support for the Expert Panel's recommendation to the SC regarding the provision of clearer explanation of conclusions and the prioritisation of recommendations for follow-up work.

Argentina, supported by Costa Rica, Mexico and Monaco, stressed that lethal research is not necessary and expressed support for the recommendations of the SWG-SPP. Monaco voiced their concerns over the commercial exports of whale products and encouraged Iceland and Norway to withdraw their reservations to the listing of whale species on Appendix I of CITES.

Mexico considered that the reason the Expert Panel was able to reach consensus was that the proponent of the special permit programmes was not part of that Panel.

Senegal emphasised that discussions regarding scientific research should be undertaken by scientists. Iceland, referring to Article VIII of the Convention, considered it was not appropriate to have this discussion, and emphasised that all countries undertake lethal animal research.

IFAW, on behalf of 21 NGOs<sup>15</sup>, aligned themselves with Costa Rica, Mexico, Monaco, New Zealand, and Austria on behalf of the EU, encouraging the Commission to endorse the SWG-SPP report and urging Japan to cease special permit whaling.

The SC Chair, in response to a query by Monaco, confirmed that the section of the SC report covering whale stocks not subject to direct takes erroneously included North Pacific sei whales, which are subject to direct takes under Japan's NEWREP-NP programme.

The IWC Chair proposed that the SWG-SPP Chair and Japan discuss further the text to be included in the Chair's report, which would also be accompanied by a statement from Japan. Japan and the SWG-SPP Chair accepted this suggestion. Argentina also expressed a desire to include an intervention alongside that of Japan, but the IWC Chair's preference was not to set this precedent, noting that the Chair's report would already capture the substance of discussions.

Following further discussions, the Commission agreed to including the 'Views, recommendations and directions for Commission consideration' in this report (see Annex O).

Japan, joined by Antigua and Barbuda, Cambodia, Côte d'Ivoire, Guinea, Iceland, Kiribati, Laos, Liberia, Marshall Islands, Nicaragua, Norway, Republic of Palau, Sao Tome and Principe, Senegal, St Kitts and Nevis, St Lucia, Solomon Islands, St Vincent and The Grenadines, Suriname, Tuvalu and Togo did not agree with the SWG-SPP report and disassociated from the Commission's view. Japan's statement is included in Annex E to this document.

## **15. OTHER CONSERVATION ISSUES**

Activities relating to other Conservation Issues were reported under item 4 *Conservation Committee Presentation*, as well as under this item.

### **15.1 Conservation Management Plans**

The Chair of the CC introduced this topic, including the discussion within the SC. He noted that the Conservation Management Plans (CMP) Work Plan 2014-2020 was endorsed at IWC65, setting out priority work areas for the Commission and its subsidiary bodies to guide the development and implementation of CMPs. He reported on the work of the CMP Standing Working Group, as well as progress under existing and proposed CMPs, as summarised below.

#### *15.1.1 Midterm review of the CMP Work Plan for 2014-2020 and progress report by the SWG CMP*

The CC Chair drew attention to the Report of the Standing Working Group on Conservation Management Plans (IWC/67/CC/08) which provided the results of the mid-term review of the CMP Work Plan for 2014-2020. He noted that a revised CMP Work Plan until 2020 was endorsed by the CC. The Standing Working Group on Conservation Management Plans (SWG-CMP) recommended developing a CMP thematic strategic plan during the next intersessional period, taking forward the work from 2020 onwards. The CC had noted progress made with regards priority species for CMPs and encouraged further efforts during the next intersessional period.

The Chair of the SWG-Bycatch expressed support for the continued collaboration between the SWG-Bycatch and the SWG-CMP.

#### *15.1.2 Western Pacific Gray Whale*

The CC Chair noted that the SC began a range-wide review of North Pacific gray whales in 2014 and the fifth range-wide Workshop on the Status of North Pacific Gray Whales was held in March 2018. This Workshop recommended that the SC establish a small drafting group to update the CMP in light of new information and to develop conservation questions that can be assessed using the new modelling framework for gray whales throughout their range. At the meeting of the CC the Russian Federation had spoken in support of the ongoing work.

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<sup>15</sup> International Fund for Animal Welfare, and American Cetacean Society, Animal Welfare Institute, Australian Marine Conservation Society, Eco-Benin, Environmental Investigation Agency, Fundación Cethus, Fundación Conservaré, Greenpeace, Humane Society International, Instituto de Conservacion de Ballenas, LegaSea, Nature Tropical NGO, Network of Deltas of Gulf of Benin, Natural Resources Defense Council, OceanCare, Organizacion Conservacion de Cetaceos Uruguay, Pro Wildlife, Society for the Conservation of Marine Mammals (Denmark), Whale and Dolphin Conservation, Whales Alive, Whaleman Foundation.

#### *15.1.3 Southwestern Atlantic Southern Right Whale.*

The CC had received a report on progress on this CMP which is coordinated by Brazil. This included mitigation of entanglement in Brazil through a protocol developed in 2006 by the Southern Right Whale Protected Area Management Council, and developments on whale watching and environmental education activities. The SC had reiterated the importance of continued monitoring of this population of southern right whales and research into threats.

#### *15.1.4 Southeastern Pacific Southern Right Whale*

The CC had received a report on progress with this CMP, which is coordinated by Chile. The Report of the Second International Coordination Meeting for the Implementation of the Conservation and Management Plan of the eastern South Pacific southern right whale population included a summary of progress against the 2016-2018 implementation strategy, concluding that most actions were completed successfully. A new implementation strategy for 2019-2020 was presented in IWC/67/CC/18. The SC welcomed information on progress in implementing priority actions of the CMP including deployment of Passive Acoustic Monitoring (PAM) devices in two locations along the coast of Chile and Peru; additional capacity-building and awareness efforts; and additional training on response to entanglements.

#### *15.1.5 Franciscana*

The CC had received a report on progress with this CMP, which is coordinated by Argentina. This included a new stock abundance study in 2019, funded by Argentina and the Commission, and a productive meeting between Argentina and Uruguay held in June 2018 in Montevideo, Uruguay. Argentina had acknowledged funding for the CMP from the Voluntary Fund, WDC, WWF and the Ernest Kleinwort Charitable Trust and since 2016, Brazil had allocated some USD 4 million to conservation of the franciscana, principally for monitoring projects. Italy had contributed to the IWC Small Cetacean Fund to fund surveys of the species. The SC considered that estimating abundance off Buenos Aires Province, Argentina, remained a high priority.

#### *15.1.6 Additional CMP proposals*

Progress towards the development of a CMP for Arabian Sea humpback whales as outlined in IWC/67/CC/08 was reported. In October 2017 the Conference of Parties of the Convention on Migratory Species (CMS) had agreed a Concerted Action for the population. In December 2017, the SWG-CMP Chair and the Secretariat had jointly written to Oman and India asking them to consider leading the development of a CMP; India had responded positively in April 2018. The SWG-CMP would continue to support the development of a CMP during the next intersessional period. The SC had welcomed important new information on this critically endangered population at their 2017 and 2018 meetings. India re-iterated that they sought collaboration from Oman in developing a CMP for Arabian Sea humpback whales and hoped to progress this collaboration in the intersessional period.

A CMP for the Mediterranean population of fin whales had been proposed, to be undertaken jointly with the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS). ACCOBAMS had endorsed the concept of a CMP for that population in 2016.

Several action plans for the South American River Dolphin had been endorsed by range states, and advice had been sought from the SC regarding the suitability of the population for a CMP.

Centro de Conservación Cetácea, speaking also on behalf of ten other NGOs<sup>16</sup> and research institutes, expressed their willingness to work with governments on the proposed CMP for South American river dolphins.

The Commission **endorsed** the report and recommendations of the SC and CC in relation to CMPs.

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<sup>16</sup> Centro de Conservación Cetácea, and Fundación Conservaré, Humane Society International, OceanCare, Universidad de los Andes de Colombia, WWF, Pro Wildlife, Fundación Cethus, Instituto de Conservación de Ballenas, Animal Welfare Institute, Whale and Dolphin Conservation.

## 15.2 Whale Watching

### 15.2.1 Progress report by the Whale Watching Standing Working Group

The Chair of the CC noted that the Report of the Standing Working Group on Whale Watching (IWC/67/CC/04) contained a summary of progress with the online Whale Watching Handbook, a proposed communications strategy for the Handbook, a budget for its maintenance, a revised Strategic Plan and the Work Plan for the next intersessional period. The Conservation Committee had endorsed the recommendations of the SWG-WW.

Progress in relation to whale watching was reported under item 17 of the SC report (IWC/67/Rep01 2017 and 2018) and specific recommendations were summarised in IWC/67/20. This included: assessing the impacts of whale watching and swim-with-whale operations on cetaceans; and whale watching in East Africa and the wider Indian Ocean.

Australia had provided a progress update on the Indian Ocean Rim Association (IORA) Sustainable Whale and Dolphin Watching Tourism Network which provides a good opportunity to broaden the use of the Whale Watching Handbook.

### 15.2.2. Review of the Whale Watching Handbook

The development of the online Whale Watching Handbook resulted from long-term recommendations of both the SC and CC. The CC at their meeting on 9 September 2018 (see Annex G) had reviewed progress and had thanked the UK and USA for their contributions to the Voluntary Conservation Fund; the whale watching handbook contractor and the Secretariat for their work; and the CMS for supporting translation into French and Spanish. The SC, in reviewing the draft Handbook, had agreed that it is comprehensive, scientifically substantive, user-friendly and well designed, noting two recommendations relating to the Handbook made by the SC at its meeting.

Argentina, Austria on behalf of the EU, Monaco, New Zealand and USA expressed their support and appreciation for the ongoing work on whale watching by the SC, SWG-WW and CC. They welcomed progress on the Handbook which when complete will provide an incomparable online resource. They noted that this would allow the scientific knowledge of IWC to be used widely supporting non-lethal uses of cetaceans through ecotourism and benefiting local communities.

New Zealand had committed c. GBP 21,000 to the Voluntary Conservation Fund, some of which it suggested could be used to support the promotion of the Handbook for use by local communities.

Monaco hoped that more countries engaged in whale watching would provide information for the Handbook including Iceland and Japan. In response, Iceland noted that they had not supported the way the CC was originally established and considered promotion of whale watching to be outside the remit of IWC.

Senegal congratulated the whale watching handbook contractor and the Secretariat for their work on the Handbook and asked for more information on the cetacean mortalities in Bocas del Toro, Panama. Panama replied they were assessing the whale corpses and investigating the role that whale watching activities might have played. Argentina added that they had collaborated with Panama to find a solution in Bocas del Toro.

The Instituto Baleia Jubarte commended all involved in the preparation of the Handbook, noting that when Brazil, Australia and South Africa began the exercise which resulted *inter alia* in this handbook, the original concept was to not only highlight whale watching as an important part of whale management, but also to directly involve non-lethal use stakeholders in the proceedings of the IWC.

LegaSeas, also on behalf of 15 other NGOs<sup>17</sup> called on Contracting Governments of countries actively hunting whales to recognize and consider the viability of ecotourism as a sustainable, non-lethal, and non-extractive use of whales.

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<sup>17</sup> LegaSeas and American Cetacean Society, Animal Welfare Institute, Brazilian Right Whale Project, Centro de Conservación Cetácea, Cetacean Society International, Eco-Benin, Environmental Investigation Agency, Fundación Cethus, Instituto de Conservación de Ballenas, Nature Tropicale, Conservación Cetaceos Uruguay, Society for the Conservation of Marine Mammals (Denmark), Whaleman Foundation, Whale and Dolphin Conservation.

The Commission **endorsed** the report and recommendations of the CC and SC on whale watching.

### 15.3 National Reports on Cetacean Conservation

Contracting Governments may submit voluntary national reports on cetacean conservation to the Commission, and these are presented to the Conservation Committee. The Conservation Committee welcomes these reports and has encouraged more countries to submit them. The CC Chair thanked those Contracting Governments that had submitted voluntary national reports (Argentina, Australia, Brazil, Mexico, New Zealand, Spain, UK and USA).

At its last meeting, the Commission endorsed a recommendation from the CC to establish an intersessional group to review and develop the report template and align it with the new Conservation Committee Strategic Plan.

The CC Chair reported that a proposal to revise the template for Voluntary Conservation Reports, available as IWC/67/CC/10 *IWC Voluntary Conservation Reports Refresh: Proposal for a Conservation Database*, had been endorsed by the CC and the Chair thanked New Zealand for leading the work on this.

The Commission **endorsed** the report and recommendations of the CC on national conservation reports.

### 15.4 Regional Research Partnerships

#### 15.4.1 IWC-Southern Ocean Research Partnership

The IWC Southern Ocean Research Partnership (IWC-SORP) is a multi-lateral scientific research programme which delivers relevant scientific information to the IWC. This item allowed the SC Chair to provide an update of IWC-SORP progress and future project recommendations.

The SC Chair reported that the Partnership currently had 13 members and was engaged in five ongoing themes: (1) the Antarctic Blue Whale Project; (2) distribution, relative abundance, migration patterns and foraging ecology of three ecotypes of killer whales in the Southern Ocean; (3) foraging ecology and predator-prey interactions between baleen whales and krill; (4) distribution and extent of mixing of Southern Hemisphere humpback whale populations around Antarctica, focused initially on east Australia and Oceania; and (5) acoustic trends in abundance, distribution, and seasonal presence of Antarctic blue whales and fin whales in the Southern Ocean.

In 2017, the SC endorsed a revised process for reviewing IWC-SORP project proposals. In 2018, the SC: (1) reiterated the great value of the IWC-SORP programme; (2) encouraged its continuation; (3) commended the researchers involved who are key to the overall success of the Partnership; and (4) encouraged (a) the continued development, testing and implementation of leading edge technology; and (b) the continued development of collaborations between ships of opportunity and external bodies that can provide platforms for research and/or contribute data, *inter alia*, photo-identification data, to IWC-SORP and the wider SC.

The Chair of the IWC-SORP Steering Committee (Mike Double, Australia) stressed that the Partnership continued to be very productive, with 126 peer-reviewed publications produced since its inception, and over GBP 493,000 allocated for 15 new projects. He noted that new members to the Partnership would be welcome. He informed the Commission that although he was stepping down as Chair (to be replaced by Dr. Helena Herr from Germany), Australia wished to continue to support the Partnership for another biennium through a coordinator position based at the Australian Antarctic Division.

Argentina, Australia, Belgium, New Zealand and Mexico expressed their support for the Partnership. They noted that the Partnership was a good example of collaboration within the Commission and demonstrated how non-lethal research could contribute to the IWC's goals. New Zealand looked forward to the promotion of the programme's outputs among other organisations with competencies relevant to cetacean conservation, such as the CITES, CMS, FAO and IMO.

The Commission **endorsed** the report and recommendations of the SC on IWC-SORP.

#### 15.4.1.1 STATUS OF THE VOLUNTARY FUND

Voluntary contributions in support of the SORP programme are held in a dedicated IWC fund. A recent call for proposals had been sent to all Contracting Governments (IWC.ALL.303, 7th September 2017).

#### 15.4.2 IWC-POWER North Pacific Research Cruises

The IWC-POWER international programme covers regions of the North Pacific not surveyed in recent decades. Nine cruises have been completed since the programme's inception.

The SC Chair reported that in the past biennium the SC had received the results of the 2016 and 2017 annual IWC-POWER cruises conducted in the central North Pacific and in the eastern Bering Sea, respectively. Researchers from Japan, USA and IWC had participated in the surveys. The Committee also received cruise plans for the 2019 and 2020 cruises.

The SC had reiterated the great value of the data contributed by the IWC-POWER cruises which cover many regions of the North Pacific Ocean not surveyed in recent years and so address an important information gap for several large whales. The Committee: (1) thanked Japan, who generously supplied the vessel and crew, for their continued support of this IWC programme; (2) thanked the USA, who provided an acoustician and acoustic equipment for the 2017 cruise and would do so for the 2018 cruise; (3) agreed that the 2017 cruise was duly conducted following the requirements and guidelines of the Committee and looked forward to receiving abundance estimates based on these data; (4) endorsed the plans for the 2018, 2019 and 2020 POWER cruises and recommended a meeting of the Technical Advisory Group along with the planning meetings for 2019 and 2020 cruises; and (5) strongly recommended that the Russian Federation facilitate the proposed research by providing permits for the IWC-POWER cruise to survey the Russian Exclusive Economic Zone in 2019.

Japan supported the SC's recommendation to the Russian Federation to provide the necessary permits for the IWC-POWER cruise in 2019. The Russian Federation welcomed the recommendation and noted that it was working to obtain the permits.

The Commission **endorsed** the report and recommendations of the SC on IWC-POWER.

## 16. SANCTUARIES

Activities relating to Sanctuaries were raised under item 6.2 *Proposed Schedule Amendment to create a South Atlantic Whale Sanctuary*, as well as under this item.

### 16.1 Proposed Sanctuaries

#### 16.1.1 *Proposed Schedule Amendment to create a South Atlantic Whale Sanctuary (IWC/67/09)*

This proposed Schedule Amendment was first introduced under agenda item 6.2.

Brazil emphasised that the proposal related only to whales, not to the regulation of fisheries. As co-proponents, Argentina and Gabon noted the conservation benefits in promoting recovery of whale populations and opportunities for non-lethal scientific research that they believed that the proposed sanctuary would provide.

Australia, Austria on behalf of the EU, Chile, Colombia, India, Mexico, Monaco, New Zealand, Peru and USA supported the proposal, commending the work done by the proponents and noting the wide range of benefits they believed that the sanctuary would provide in addition to the protection against hunting, including promotion of whale watching and non-lethal research opportunities. New Zealand considered that one of the most important outcomes of the proposed sanctuary would be the social benefits and increased public awareness that the sanctuary would catalyse and noted that the proposal was supported by coastal states in the region bordering the sanctuary. Monaco believed there was a need to recover cetacean populations to historic levels of abundance to ensure their important ecological roles could be maintained.

Japan, supported by Antigua and Barbuda, Benin, Cambodia, Republic of Guinea, Iceland, Liberia, Norway, Russian Federation, Togo, Senegal and Solomon Islands, spoke against the proposal. They stressed their view that it is not science-based, that whaling is not taking place in the area and that IWC sanctuaries cannot appropriately mitigate against other threats. They also noted that Schedule amendments should further the objectives of the Convention, which include the sustainable utilisation of whales.

Iceland additionally stated its view that the proposal does not fulfil Article V, paragraph 2 of the Convention and that the sanctuary would therefore have no legal implications even if adopted.

Instituto de Conservación de Ballenas, on behalf of 19 NGOs<sup>18</sup>, expressed their support for the proposal.

Seeing no consensus, the Chair asked the proponents how they wished to proceed. Brazil, speaking on behalf of the proponents asked for the proposal to be put to a vote. There were 39 votes in favour, 25 against and 3 abstentions. The proposed Schedule amendment did not achieve the required three-quarters majority and was thus **not adopted**.

Brazil expressed its gratitude to the countries that had supported the proposal and stated its commitment to continue working towards the establishment of the SAWS.

The Kingdom of Denmark, on behalf of Greenland and the Faroe Islands, requested that any future proposed sanctuaries be reviewed based on the relevant IWC rules and should include provisions to allow human activities.

## **16.2 Southern Ocean Sanctuary Management Plan**

A draft Management Plan for the Southern Ocean Sanctuary (SOS), available as *IWC/67/CC06 Draft Southern Ocean Sanctuary Management Plan*, had been reviewed by the CC as reflected in the report of the Conservation Committee (Annex G). Scientific components of the draft Management Plan had previously been reviewed by the SC Working Group on Whale Sanctuaries, as reflected in Annex R of the 2017 and 2018 reports of the Scientific Committee.

The SC had endorsed the objectives, actions and performance measures of Objectives 2 to 7 of the SOS, as contained in the draft Management Plan. The SC had deferred consideration of Objectives 1 and 8 and the chapeau text of Objective 5, which relate to policy matters, to the Commission. The SC had also agreed to include a new standing item on the agendas of all of the SC's relevant Sub-committees and working groups to evaluate new information relevant to the Management Plan in order to assist the Commission in monitoring and measuring progress towards the scientific objectives of the Plan. A statement from the Government of Japan on the draft Management Plan was included as appendix 3 to annex R of the Scientific Committee's (SC67b) 2018 report.

The CC Chair noted that the CC had endorsed the draft SOS Management Plan.

The Commission **endorsed** the report and recommendations of the CC and SC and accepted the draft Management Plan contained in IWC/67/CC/06.

## **17. OTHER MANAGEMENT ISSUES**

Activities of the SC relating to Other Management Issues were reported under this item and also see item 3 *Scientific Committee Presentation*.

### **17.1 Revised Management Procedure**

The SC Chair noted that a summary of the SC work on RMP *Implementations* and *Implementation Reviews* was provided in table 1 of IWC/67/20. In 2017 the SC had completed an RMP on North Atlantic common minke whale and expected the RMPs on Bryde's whale and North Pacific minke whale to be completed in 2019 and in 2020, respectively.

Guinea commended the efforts of the SC and were confident that the results could be used as the basis for capture limits.

Austria on behalf of the EU noted that it had completed reviews based on the assumption that catch limits would be set according to the RMP approved by the IWC. However, in recent years both Iceland and Norway set catch limits for fin and minke whales using versions of the RMP which yield higher catch limits than agreed

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<sup>18</sup> Instituto de Conservación de Ballenas and Fundación Cethus, Instituto Baleia Yubarte, Centro Conservacion Cetacea, Eco-Benin, Environmental Investigation Agency, Humane Society International, Nature Tropicale, OceanCare, Whale and Dolphin Conservation, Whaleman Foundation, Cetacean Society International, World Wide Fund for Nature, Animal Welfare Institute, Greenpeace, International Fund for Animal Welfare, Dolphin Connection, Australian Marine Conservation Society, American Cetacean Society.

by IWC, hence they queried why this was the case. Iceland noted that they used one of the options that had been presented to the Commission by SC in 1991.

The SC Chair clarified the technical details involved. When the SC developed the RMP, it presented the Commission with three options for 'tuning' (0.60, 0.66 and 0.72). These represented different trade-offs in the balance between conservation and yield objectives. The Commission had adopted the most precautionary option of 0.72 whilst Iceland used 0.60. When examining individual *Implementations* of the RMP for a species in an area, the SC uses the 0.72 tuning as instructed by the Commission. The SC has not run *Implementations* using a 0.60 tuning and predicting the difference is complex without actually undertaking the work.

Iceland confirmed that the interpretation given by the SC Chair was correct and that they used the 0.60 tuning option when calculating their RMP.

EIA on behalf of 20 NGOs<sup>19</sup> reiterated their deep concern that, despite the IWC's continued recognition of the important role played by the 1986 moratorium, Japan, Norway and Iceland continue commercial whaling. They expressed concern about the resumption of the fin whale hunt in Iceland in 2018, and the kill of at least two blue/fin hybrid whales and noted that Iceland does not hold a reservation to the listing of blue whales as a protection stock by the IWC. They also noted that while Iceland does hold a reservation to the CITES listing of blue whales, no other nation does, so there cannot be legal international trade in hybrid whale products, which for the purposes of CITES must be treated as blue whale products. They echoed the EU's concern that Iceland's and Norway's self-allocated catch limits use the least conservative tuning levels for the RMP's *CLA*, instead of the 0.72 tuning level agreed by the Commission in 1991 and reiterated in 1994 and 2001. They encouraged the governments involved to reconsider their opposition to the moratorium on commercial whaling.

Japan noted that it does not conduct commercial whaling, only small type coastal whaling on small cetaceans. Referring to the exchange above, Japan expressed concern relating to the intervention by the EIA. The Chair encouraged direct dialogue between the relevant parties and noted that if no resolution could be found then a formal complaint can be submitted to the Commission.

Senegal noted that the Contracting Governments have primacy within the IWC. Monaco emphasised the importance of the involvement of civil society

## 17.2 Infractions

The Infractions Sub-committee met on 7 September 2018 in Florianópolis, Brazil.

The Chair of the Infractions Committee, Hild Ynnesdal (Norway) introduced the Draft Report of the Infractions Sub-committee. She noted that tables 1a-1d in appendix 3 of the report listed all ASW and non-ASW catches and infractions reported in 2016 and 2017. Table 2 in appendix 3 of the report gave details of each infraction. She also noted that table 1 of the report provided a summary of national legislation received by the Commission.

Austria speaking on behalf of the EU made a number of comments under this item.

(1) They recognised that it was the responsibility of each Contracting Government to ensure that the operations under their jurisdiction comply with the Convention. However, they noted that in their view, what constitutes an infraction remains unclear. This is not the case for other treaties as also noted in the governance review (IWC/67/18). They also referred to recommendation 26 in that review which states that "the IWC should establish a compliance mechanism, in accordance with best practices of other treaties bodies, to not only record cases of non-compliance but also identify measures to promote and ensure compliance".

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<sup>19</sup> Environmental Investigation Agency and Animal Welfare Institute, Humane Society International, Greenpeace, Instituto de Conservación de Ballenas, Eco-Benin, Nature Tropicale and the Network of Deltas of the Gulf of Benin, Organización Conservación de Cetaceos Uruguay, LegaSeas, American Cetacean Society, Fundación Cethus, Whale and Dolphin Conservation, Natural Resources Defense Council, Fundación Conservaré, Society for the Conservation of Marine Mammals (Denmark), OceanCare, ProWildlife, Whaleman Foundation, Brazilian Right Whale Project, Australian Marine Conservation Society, Centro de Conservación Cetacea.



(2) They supported recommendation 38 of IWC/67/18 that, consistent with practice in other MEAs and given the divergent views in the IWC on procedural matters and legal interpretations of the Convention, the Schedule and other documents, the IWC should increase its legal preparedness and, at minimum, commission a legal expert to advise on legal matters during the biennial Commission meetings. They requested that the WG-OE look into options to establish such mechanisms.

(3) They noted with concern the recent landing of a blue/fin whale hybrid but acknowledged the swift response of Iceland to the issue. They considered that this demonstrated the potential for error in effectively managing commercial whaling.

(4) Finally, they noted with concern the recent take of a Bryde's whale instead of a common minke whale in the framework of the Japanese NEWREP-NP programme in the Pacific which indicates the high potential of even experts to incorrectly identify and target whales.

The Commission **endorsed** the report of the Infractions Sub-Committee.

### 17.3 Catches by Non-Member Nations

The Head of Science noted that Canada had supplied ASW data on bowhead whales in the eastern Arctic and stressed how helpful it was for a Canadian scientist to attend SC meetings. The Canadian data are included in table 1 of the report of the 2018 Scientific Committee meeting (IWC/67/REP01 2018).

## 18. CO-OPERATION WITH OTHER ORGANISATIONS

Activities relating to *Co-operation with other organisations* were reported under item 4 *Conservation Committee Presentation*, as well as under this item.

The Secretariat introduced IWC/67/19 *Update on IWC Cooperation with other Organisations*, which provides a report on progress in strengthening engagement with other organisations. Highlights during the 2016-2018 biennium had included engagement and collaboration with FAO, the UN Sustainable Development Goals (SDGs) process, Convention on Migratory Species (CMS) and the International Maritime Organization (IMO). The report also included recommendations for priority actions during 2018-2020.

Australia, supported by Austria on behalf of the EU, Côte d'Ivoire, Ghana, Japan, Mexico, New Zealand appreciated the progress in this area.

Australia and Austria on behalf of the EU noted that cooperation with other organisations is a key element for implementing IWC's goals, and to avoid duplication of work. Côte d'Ivoire supported cooperation with other organisations particularly in relation to pollution, marine debris, bycatch and anthropogenic noise. Japan stressed the need to strengthen links with FAO particularly the Committee on Fisheries (COFI) with regard to food security.

New Zealand noted the knowledge and experience within the Commission was world class and should be shared with other organisations to avoid duplication. Cooperation was particularly important for example to reduce bycatch from active fishing gear. They also noted that work can be undertaken at a national level, ensuring government delegates to other international meetings are aware of the work done by the IWC.

Monaco noted that CCAMLR had established the Ross Sea Marine Protected Area in 2017, and that Japan's recent catch of 50 whales within the area might jeopardise IWC relations with CCAMLR. Japan reiterated their comment made under item 14 that whaling within the protected area was not prohibited and they encouraged Monaco to check the relevant text from CCAMLR.

The Commission **endorsed** the recommendations in IWC/67/19.

## 19. FINANCE AND ADMINISTRATION

The F&A Committee met on 8 September 2018 in Florianópolis, Brazil.

## 19.1 Financial Situation

The Chair of the F&A Committee (Ryan Wulff, USA) provided an update on the current financial situation of the IWC and associated budgetary challenges, to provide the context for the proposed budget strategy for the biennial period 2019/20 as outlined in the Report of the F&A Committee (Annex H).

## 19.2 Administrative Matters

### 19.2.1 Report of Confidential Communications

No confidential communications had been distributed.

### 19.2.2 Meetings of the Commission

#### 19.2.2.1 GUIDANCE FOR HOSTING MEETINGS OF THE COMMISSION AND SCIENTIFIC COMMITTEE

The Chair of F&A drew attention to IWC/67/FA/15 *Guidance for hosting meetings of the Commission and Scientific Committee* which had been compiled by the Secretariat following a request from the Bureau in September 2017. The Commission **endorsed** this guidance document as amended following F&A discussion and re-drafted after the end of the F&A Committee meeting.

### 19.2.3 Guidance on the Utilisation of the Meeting Fund and General Fund

The Chair of the F&A Committee explained that the Committee had noted the current balance of the General and Meeting Funds and endorsed the guidelines for allocation of funds in IWC/67/FA/07 *Guidance on the use of the meeting fund and the general fund*. The Commission endorsed this document.

19.2.4 Report on the implementation of the Voluntary Assistance Fund for Governments of Limited Means  
Resolution 2016-6 established the Voluntary Assistance Fund to support the participation of Governments of limited means in Commission business.

The F&A Chair drew attention to document IWC/67/FA/08 *Supporting Increased Participation of Governments of Limited Means in IWC work*. The F&A Committee had noted this report which contains an update on implementation of Resolution 2016-6 and suggestions for further initiatives to promote the participation of Governments of Limited Means.

The Government of the Netherlands contributed EUR 5,000 to the Voluntary Assistance Fund for Governments of Limited Means.

The recommendations of the F&A Committee on the participation of Governments of Limited Means were **endorsed** by the Commission.

### 19.2.5 Organisational Risk Management and Currency Strategy

The Chair of the F&A Committee noted that the Committee had endorsed the approach to producing an organisational risk management and currency strategy as outlined in IWC/67/FA/09 *Organisational Risk Management Strategy*, to be considered at IWC68.

The recommendations of the F&A Committee on organisational risk management and currency strategy were **endorsed** by the Commission.

### 19.2.6 Memoranda of Understanding

The Chair of the F&A Committee noted that the Committee had agreed that the Secretariat should have the flexibility to work on constructive partnerships that did not involve legally binding agreements. They had recommended that the Secretariat be asked to provide an overview of existing collaborations for IWC/68 and to propose a strategy for how to proceed with the development of further agreements.

No consensus had been reached by the F&A as to whether the IWC should enter into the draft MoU with the Caribbean Environment Programme (UN Environment) as outlined in the Annex to IWC/67/FA/10 *Consideration of a Memorandum of Understanding between IWC and the Caribbean Environment Programme*, because this MoU incorporated complex, legally binding text including a conflict resolution mechanism. This was presented to the Commission for further consideration and it was decided not to enter into the MoU, instead agreeing to continue informal collaboration in the usual way.

#### *19.2.7 Use of the IWC Website*

The Chair of the F&A Committee drew attention to *IWC/67/FA/11 Communication Issues*. The F&A Committee had noted progress in facilitating intersessional communication amongst Commission members and in data compliance and had endorsed the Secretariat's proposal for a limited social media on Twitter addressing the Whale Watching Handbook and Bycatch Mitigation Initiatives.

The F&A Committee's recommendations on the use of social media were **endorsed** by the Commission.

#### *19.2.8 IWC Headquarters Requirements*

The Commission noted the progress made in refurbishing the IWC Headquarters building (Red House) and directed the Secretariat to produce an options paper for its development to be presented to IWC/68, also noting that emergency repairs may be required.

### **19.3 Intersessional Working Groups**

#### *19.3.1 Report of the Intersessional Correspondence Group for Strengthening Finance (ICG-SF)*

The Chair of the F&A Committee drew attention to *IWC/67/FA/13 Progress Report on the Implementation of IWC Recommendations on Strengthening IWC Financing* and *IWC/67/FA/14 Draft IWC Ethical Fundraising Code*. The F&A Committee had endorsed the report of the ICG-SF and its recommendations, including the Work Plan and revised Terms of Reference, and it had recommended the adoption of the Code of Ethical Fundraising. The F&A noted the concerns raised about the reliance on voluntary funds for some work areas.

The Commission **endorsed** the recommendations of the F&A Committee on strengthening finance.

#### *19.3.2 Rules of Procedure of the Commission, of the Scientific Committee and Financial Regulations*

##### **19.3.2.1 PROPOSED AMENDMENTS TO THE SCIENTIFIC COMMITTEE RULES OF PROCEDURE AND SCIENTIFIC COMMITTEE HANDBOOK**

The F&A had recommended that the Commission adopt the proposed changes to the SC Rules of Procedure, Commission Rules of Procedure and Financial Regulations outlined in *IWC/67/FA/02 Rev01 Draft Amendments to Commission Rules of Procedure, Financial Regulations and Scientific Committee Rules of Procedure in relation to the functioning of the Scientific Committee* and endorsed the clarification of the SC's Rules of Procedure as outlined in *IWC/67/FA/03 Proposed clarification to the Scientific Committee's Rules of Procedure on the timing of the elections of SC Vice-Chair, the transition of Vice-Chair to Chair and their terms of office*. The Commission **endorsed** these recommendations, as amended after the F&A Committee.

##### **19.3.2.2 PROPOSED AMENDMENT RELEVANT TO CONSERVATION COMMITTEE MEETINGS**

The Chair of the F&A Committee drew attention to *IWC/67/FA/01 Proposal for annual meetings of the Conservation Committee including proposed change to Rule of Procedure*. The F&A Committee had failed to reach a consensus on whether the Conservation Committee should have annual meetings.

Noting that the Conservation Committee had unanimously agreed that it would be preferable to hold annual meetings, the United Kingdom, supported by Monaco, proposed that Rule B3 of the Rules of Procedure be amended to allow for the Conservation Committee to meet annually but that this would be subject to the availability of funds. The CC Chair emphasised that changing Rule B3 would have no implications for the core budget.

Antigua and Barbuda did not support the proposal, believing that the WG-OE should be allowed to finish its work before decisions of this type were taken.

The United Kingdom, believing that it would be preferable for such decisions to be made by consensus, withdrew its proposal to change to the Rules of Procedure outlined in *IWC/67/FA/01*.

#### 19.3.2.3 PROPOSED AMENDMENTS WITH RESPECT TO THE VOLUNTARY CONSERVATION FUND

The Chair of the F&A Committee drew attention to IWC/67/FA/04 *Report of the Steering Group of the Voluntary Conservation Fund* which recommended changes to the allocation and eligibility process of the Voluntary Conservation Fund, and associated amendments to the financial regulations. The F&A Committee had endorsed these recommendations.

The Commission **endorsed** these recommendations by the F&A Committee with regard to the Voluntary Conservation Fund.

#### 19.4 Financial Contributions Formula

No discussion took place under this agenda item.

#### 19.5 Financial Statements and Budget

The F&A Chair provided a summary (see main outcomes of IWC/67/REP/06 Report of the Finance and Administration Committee) in relation to Financial Statements and Budget.

##### 19.5.1 *Final position for the 2016 and 2017 financial years and forecast position for the 2018 financial year*

The F&A recommended that the Commission adopt the audited accounts for 2016 and 2017 and the forecast position for 2018. This was **adopted** by the Commission.

##### 19.5.2 *Commission budget for 2019 and 2020 including the Scientific Committee Work Programme*

The F&A Chair reported that the F&A recommended that the Commission adopt Option 2 regarding the two-year budget for 2019 and 2020, as endorsed by the BSC. This zero-real-growth option contained an inflationary increase to financial contributions of 2.3% in 2019 and 2.0% in 2020 and requires the SC to adjust its 2019-2020 work programme as set out in document IWC/67/FA/27.

Norway expressed concern about the budget cuts to the SC and stated that their preferred solution to save money would be to organise the 2019 SC meeting at an alternative location with lower costs than Nairobi. In addition, Norway stated they did not agree with increasing Contracting Government contributions, as they considered the Commission is not working in line with the aims of the Convention.

Italy pledged contributions of EUR 15,000 to the Research Fund and of EUR 5,000 towards the Voluntary Fund for Small Cetaceans Conservation Research.

Antigua and Barbuda offered to host the 2020 meeting of the SC.

The IWC Chair proposed that, in the absence of consensus regarding increased contributions, the Commission adopt a 0% increase in financial contributions and agreed reductions in the SC budget as proposed by the F&A Committee (table in Annex M). This was **adopted** by the Commission.

##### 19.5.3 *Budgetary Sub-committee Operations*

Australia offered to Chair the Budgetary Sub-committee. Switzerland confirmed their desire to continue serving on the BSC and offered to take the position of Vice-Chair.

#### 20. ADOPTION OF COMMITTEE REPORTS

##### 20.1 2017 Report of the Scientific Committee (SC67a)

The 2017 Report of the Scientific Committee (IWC/67/REP/01 2017) was **adopted** with all its recommendations.

##### 20.2 2018 Report of the Scientific Committee (SC67b)

The 2018 Report of the Scientific Committee (IWC/67/REP/01 2018) was **adopted** with all its recommendations.

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

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

#### **20.4 Report of the Standing Working Group on Special Permit Programmes**

*The Report of the Standing Working Group on Special Permit Programmes (IWC/67/16/Rev02)* was **adopted** with all of its recommendations.

#### **20.5 Report of the Infractions Sub-committee**

*The Report of the Infractions Sub-committee* (Annex J) was **adopted** with all of its recommendations.

#### **20.6 Report of the Conservation Committee**

*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**

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

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

*The Report of the Finance and Administration Committee* (Annex H) was **adopted** with all of its recommendations, except for the F&A's recommendation for an inflationary increase to financial contributions.

### **21. ELECTION OF OFFICERS**

#### **21.1 Election of Chair**

The Chair confirmed that the present Vice-Chair, Andrej Bibic (Slovenia), would succeed as Chair of the Commission. He was **elected by consensus**.

#### **21.2 Election of Vice-Chair**

Iceland nominated Amadou Télivel Diallo (Republic of Guinea) to be Vice-Chair of the Commission. He was **elected by consensus**.

#### **21.3 Election of Chair of the Scientific Committee**

The Commission noted that the present Vice-Chair of the SC, Robert Suydam (USA), would succeed as Chair of the SC.

#### **21.4 Election of Vice-Chair of the Scientific Committee**

The Commission noted that Alexandre Zerbini (Brazil) would succeed as Vice-Chair of the SC.

#### **21.5 Budgetary Sub-committee**

The Commission noted that Australia would succeed Lisa Phelps (USA) as Chair of the BSC. Switzerland was appointed as Vice-Chair. Portugal replaced Norway on the BSC. The remaining members were France, Japan, Kiribati, Lao PDR, Oman, Senegal and South Africa.

### **22. BUREAU MEMBERSHIP**

The composition of the Bureau is of the Chair of the Commission, the Vice-Chair of the Commission, the F&A Chair, and four Commissioners representing a range of views and interests. The two-year term for the Australian Commissioner has expired and the UK was appointed to the Bureau. Membership of the Bureau is now Chair (Slovenia), Vice-Chair (Guinea), F&A Chair (USA), Argentina, Ghana, St Lucia and UK.

### **23. TIMING AND VENUE FOR UPCOMING MEETINGS**

Slovenia offered to host the next meeting of the Commission (IWC68) between 23 September and 2 October 2020.

The Scientific Committee retains its annual schedule and will meet in Nairobi, Kenya in 2019 (SC68a). Tentative dates are 7-23 May 2019. Antigua and Barbuda had offered to host the 2020 Scientific Committee Meeting (SC68b) under agenda item 19.5.2 but made no additional comments under this agenda item.

## **24. OTHER MATTERS**

No other matters were proposed for discussion.

## **25. ADOPTION OF SUMMARY OF OUTCOMES, DECISIONS AND REQUIRED ACTIONS FROM THE 67<sup>TH</sup> MEETING**

### **25.1. Adoption of summary of outcomes, decisions and required actions**

The Chair noted that the summary of main outcomes, decisions, and required actions (IWC/67/GEN/05 Rev01) would be finalised by the Secretariat and distributed within two weeks of close of meeting.

### **25.2 Chair's closing remarks**

The Chair of the Commission expressed his sincere gratitude to the Government of Brazil, to the state of Santa Catarina and city of Florianópolis for hosting the meeting.

He thanked all Contracting Governments, non-member Governments, IGOs, NGOs and scientists for their contributions to the meeting.

The Chair thanked the Chairs of the Commission's sub-groups and subsidiary bodies, the Bureau for their advice, and the Vice-Chair for his support, and wished him luck as he becomes the next Chair of the IWC.

He thanked the Executive Secretary for her efficient organisation of the meeting and the Secretariat for their able support.

### **25.3 Other closing remarks**

Brazil thanked the Chair for conducting the meeting in a fair and equitable manner, guiding the discussions of complex issues in an extensive agenda. He noted the outstanding work of the Executive Secretary and thanked all participants.

Austria on behalf of EU member states thanked Brazil for hosting, and thanked the Commission Chair, Chairs of all Subsidiary Bodies and all in the Secretariat. Grenada echoed these thanks and thanked the Chair for his leadership. Ghana, Guinea, Mexico and Senegal also expressed gratitude, as did a number of NGOs.