

Resolutions Adopted at the 67th Meeting

RESOLUTION 2018-1

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

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

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

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

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

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

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

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

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

Now, therefore the Commission:

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

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

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

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

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

Annex A

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

Objective

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

Scope

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

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

Inputs

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

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

Working method and time

The Working Group will conduct its work in two stages:

(1) Identify reforms

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

(2) Develop an implementation plan

The plan to implement the reforms should include:

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

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

Out of scope

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

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

Annex B

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

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

RESOLUTION 2018-2

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

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

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

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

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

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

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

Now, therefore the Commission:

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

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

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

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

RESOLUTION 2018-3

RESOLUTION ON GHOST GEAR ENTANGLEMENT AMONG CETACEANS

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

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

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

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

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

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

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

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

Now, therefore the Commission:

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

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

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

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

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

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

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

RESOLUTION 2018-4

RESOLUTION ON ANTHROPOGENIC UNDERWATER NOISE

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

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

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

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

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

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

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

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

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

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

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

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

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

Now, therefore the Commission:

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

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

RESOLUTION 2018-5

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

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

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

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

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

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

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

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

Now, therefore the Commission:

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

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

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

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

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

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

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