

## Chair's Report of the 65<sup>th</sup> Meeting

At the end of IWC/65 the Commission adopted, by consensus, a Summary of the Main Outcomes, Decisions and Required Actions arising from the meeting (see Item 28.1). This summary document, IWC/65/Outcomes, is available through the IWC website and was distributed to Commissioners and Contracting Governments through Circular Communication IWC.ALL.217 of 25 September 2014.

This Chair's Report was completed after the close of the meeting. It was compiled by a team of rapporteurs who worked alongside the Secretariat for the duration of IWC/65, and was then reviewed by the Secretariat and approved by the Chair of IWC/65 (Jeannine Compton-Antoine, St Lucia).

### 1. INTRODUCTORY ITEMS

The 65<sup>th</sup> Meeting of the International Whaling Commission (IWC) took place at the Grand Hotel Bernardin, Portorož, Slovenia from the 15-18 September 2014. This was the first meeting since the Commission agreed to move to a biennial schedule for its meeting in 2012. Jeannine Compton-Antoine (St Lucia) chaired the meeting which was attended by 64 of the 88 Contracting Governments. No non-member governments were present, and six intergovernmental organisations and 36 non-governmental organisations attended. A list of the delegates and observers is given as Annex A. Meetings of the Scientific Committee were held from 3-15 June 2013 at Jeju Island, Republic of Korea and from 12-24 May 2014 at Bled, Slovenia. The Commission's other Sub-Committees met at the Grand Hotel Bernardin from 11-13 September 2014.

#### 1.1 Welcome address

*Mr Karl Erjavec*

His Excellency Mr Karl Erjavec, the Minister of Foreign Affairs welcomed delegates and said that it was an honour for Slovenia to host such an important conference on sustainable use and international cooperation. He stressed that Slovenia is well aware of the importance of the environment and the ecosystem but that this can only be enjoyed if we also take care of our health, water and economy. These issues need to be considered in the context of world peace and action on climate change, particularly change in sea level and ocean acidification, and the associated impacts on flora and fauna including whales. For these reasons, Slovenia pays particular attention to climate change and, with regards to foreign affairs, considers peace and international sustainability to be of the greatest importance.

The Minister said that Slovenia is proud of its biodiversity and makes great efforts to protect nature and use green technology. Slovenia is a member of the EU as well as a party to ACCOBAMS and is proactive in policy development and partnership working. He said that Slovenia will work diplomatically to find compromises, including listening to the views of all including NGOs, media and experts. In closing he wished the participants well, and hoped that they would undertake good work and have a pleasant stay in Portorož.

*Ms Tanja Strniša*

The State Secretary for Agriculture and the Environment, Ms Tanja Strniša welcomed all participants to the meeting. She noted that the conservation of biodiversity and sustainable use of natural resources are difficult and complex issues.

Slovenia faces these issues on a daily basis as it has one of the highest levels of biodiversity in Europe, with over 26,000 plant and animal species and varied yet fragile ecosystems ranging from coastal to karstic hills and alpine peaks. However, there is also a need to pursue economic development, hence it is a daily challenge to find solutions to both economic development and the conservation of biodiversity and other natural resources. It is therefore necessary for different stakeholders to understand each other's perspectives and seek solutions of benefit to all, particularly in relation to international issues including migratory species such as cetaceans. The Minister thanked the Secretariat for its excellent cooperation and hoped that the joint efforts of all would produce good results at the meeting.

*Dr Simon Brockington*

In response, the Executive Secretary of the IWC, Dr Simon Brockington thanked Slovenia for hosting the IWC meeting in Portorož and highlighted the productive period since the Commission last met in 2012. He emphasised the commitment of Contracting Parties to the IWC which was demonstrated by the numerous groups, committees, disciplines and countries that had worked interessionally to support the Commission's development. He noted the sustained levels of voluntary contributions received to support the work of different Sub-Committees. He reflected that this IWC meeting provides a significant opportunity to move forward on a number of issues, including long-standing ones. He commended the Bureau for the work undertaken in preparing for IWC/65 and wished all delegates a successful meeting.

*Ms Jeannine Compton-Antoine*

The Chair of IWC, Ms Jeannine Compton-Antoine welcomed all delegates. She thanked the Government of Slovenia for hosting both the current IWC meeting and the Scientific Committee meeting which was held in Bled in May 2014. She hoped delegates would have time to see some of the country during their stay and concluded by wishing delegates, Commissioners and observers a constructive and fruitful meeting.

*Ministerial interventions*

Declarations made by three Government Ministers are attached as Annex D.

#### 1.2 Opening Statements

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

#### 1.3 Secretary's Report on Credentials and Voting Rights

The Secretary reported that the Credentials Committee (Japan, New Zealand and the Secretary) had met and found that the credentials of all Contracting Governments present were in order. With regard to entitlement to vote, the Secretary announced that the right to vote for the following countries had been suspended because of non-payment of the 2013/14 financial contributions: Cyprus, Mali, Mauritania, Portugal and Solomon Islands. In addition, the voting rights of the following countries that had been suspended on an earlier occasion remained in force because financial

contributions had not been received: Belize, Benin, Congo, Dominica, Gambia, Guatemala, Guinea-Bissau, Kenya, Nauru, Nicaragua, Romania, Senegal, St Vincent and The Grenadines<sup>1</sup>, Suriname and Togo.

#### 1.4 Meeting arrangements

The Chair requested that interventions should avoid repetition of previous discussions, and noted that the Secretariat would be maintaining a 'Status of Agenda' document on the IWC website, recording any items that had been left open.

The Chair indicated that Non-Governmental Organisation (NGO) observers would be called to speak after Contracting Governments as long as sufficient time was available. She encouraged NGO observers to co-ordinate amongst themselves and to notify the Chair in advance of any agenda items where they wished to make an intervention.

#### 1.5 Review of documents

The Chair drew attention to the list of documents to be considered at the 65<sup>th</sup> Meeting; all documents are available through the IWC website<sup>2</sup>. The list is provided as Annex C (this was originally IWC/65/02).

## 2. ADOPTION OF THE AGENDA

The Chair drew attention to the Annotated Provisional Agenda (IWC/65/01rev3) and to her proposed order of business. The Agenda was **adopted** without comments and is given as Annex B.

## 3. PRESENTATION OF THE SCIENTIFIC COMMITTEE

The Chair noted that the full reports of the Scientific Committee's meetings in 2013 (IWC/65/Rep01 (2013)) and 2014 (IWC/65/Rep01 (2014))<sup>3</sup> had been circulated to Commissioners and Contracting Governments and posted on the IWC website within one month of the close of those meetings, i.e. well in advance of the opening of IWC/65. Following the advice of the Bureau to maximise the amount of time available for decision making in Plenary, the Chair recalled the changed procedure described in Circular Communication IWC.CCG.1105 that discussion on individual agenda items would move directly to Commissioner interventions without an oral summary from the Chair of the Scientific Committee.

In recognition of the extent of the detailed scientific work undertaken the Chair of the Scientific Committee (Toshihide Kitakado) made a short introductory presentation of the Committee's achievements in 2013 and 2014. The Chair noted that in the time available he would only be able to mention the topics discussed and would not be able to highlight the recommendations. He referred to IWC/65/24 which provided a brief integrated overview of the main outcomes and recommendations of the work undertaken in both years with a focus on those most relevant to the Commission. IWC/65/24 is included as Annex O.

Regarding the Revised Management Procedure (RMP), he noted that the Committee had completed its review of the Maximum Sustainable Yield Rate (MSYR) in 2013, had undertaken some further technical work on a proposed

amendment of the *Catch Limit Algorithm (CLA)*, and was updating its 'Requirements and Guidelines for Conducting Surveys'.

With regard to the *Implementation* of the RMP for specific populations, the review for the western North Pacific common minke whales had been completed in 2013. The *Implementation Reviews* for North Atlantic fin and common minke whales should be completed in 2015. In 2014, the feasibility of a *pre-Implementation assessment* for North Atlantic sei whales was discussed and work will continue; the *Implementation Review* for western North Pacific Bryde's whales has been deferred to 2017 when additional information will be available.

Concerning non-deliberate human-induced mortality including bycatch and ship strikes, the Committee had agreed criteria for the determination of the cause of death from carcasses. The issue of marine debris had been addressed in two Workshops (SC/65a/Rep06<sup>4</sup> and IWC/65/CCRep04<sup>5</sup>) organised jointly between the Scientific and Conservation Committees (see also Annex G [originally IWC/65/Rep05rev2] Item 9).

With respect to scientific aspects of aboriginal subsistence whaling (ASW), the Committee had continued its work on developing *Strike Limit Algorithms (SLAs)* for the Greenland hunts. It completed its work on a humpback whale *SLA* and recommended it to the Commission whilst the *SLA* for bowhead whales should be completed by the 2015 meeting. The development of *SLAs* for fin and common minke whales was continuing and is expected to be completed in 2017/18. The Committee had also completed its review of the proposed Makah whaling management plan for eastern North Pacific gray whales. The Chair reiterated the Committee's long-standing recommendation that the scientific aspects of a proposed aboriginal subsistence whaling scheme (AWS) constitute an important component of the Aboriginal Subsistence Whaling Management Procedure (AWMP) approach. This work was presented to the Commission's Aboriginal Subsistence Whaling Sub-Committee (Annex F [originally IWC/65/Rep03] Item 3).

The Committee provided management advice for all ASW hunts; this was also presented to the Commission's Aboriginal Subsistence Whaling Sub-Committee. For those that had strike limits already set by the Commission for 2013-18 (Bering-Chukchi-Beaufort Seas bowhead whales, eastern North Pacific gray whales and humpback whales off St Vincent and The Grenadines), the advice was that the limits would not harm the stocks. For the Greenland hunts, the Committee had advised that the limits requested by Greenland would not harm the stocks.

In terms of the Committee's work on the status of other whale stocks, the highlights were that: the assessment of Southern Hemisphere humpback whales has been concluded and an overview of this eight years of work will be provided next year; work to determine the factors that govern the distribution and density of Antarctic minke whales in order to better understand possible trends is ongoing; and an in-depth assessment of North Pacific sei whales will commence in 2015. Finally the work undertaken under the IWC-POWER and IWC-SORP programmes has provided excellent results.

The work on stock definition including the establishment of laboratory and analytical guidelines, which is directly relevant to issues of conservation and management, has been productive and is ongoing.

<sup>1</sup>Payment was received from St Vincent and The Grenadines during the present meeting.

<sup>2</sup><http://iwc.int/iwc65docs>.

<sup>3</sup>Published as *J. Cetacean Res. Manage. (Suppl.)* 15 [2014] and *J. Cetacean Res. Manage. (Suppl.)* 16 [2015] respectively.

<sup>4</sup>Published as: IWC. 2014. Report of the IWC Scientific Committee Workshop on Marine Debris, 13-17 May 2013, Woods Hole, USA. *J. Cetacean Res. Manage. (Suppl.)* 15:519-41.

<sup>5</sup>Published in this volume.

Work on environmental concerns covered a wide range of topics including: the State of the Cetacean Environment Report (SOCER); chemical pollutants, especially the IWC's POLLUTION 2000+ and new 2020 programmes; oil spill prevention and response; cetacean emerging and resurging diseases (CERD); effects of anthropogenic sounds, including chronic noise, seismic surveys and military sonar; many different habitat related issues; and impacts of climate change on cetaceans.

Under the topic of ecosystem modelling, a review of relevant work undertaken outside the Scientific Committee was discussed, the ways in which ecosystem models might contribute to simulation testing of the RMP were explored, additional analyses of data on the body condition of Antarctic minke whales were undertaken and a review of spatial/habitat modelling was presented.

The Committee was pleased with the excellent progress on projects sponsored by the Voluntary Fund on Small Cetaceans that had been reported directly to the Conservation Committee (see Annex G, Item 10). However, the Committee drew attention to many serious conservation issues affecting small cetacean populations around the world.

Regarding whalewatching, several studies on assessing the effect of whalewatching on cetaceans were reviewed; a new working group 'Modelling and Assessment of Whalewatching Impacts (MAWI), was established; the Commission's five-year strategic plan was reviewed; a draft outline of the Handbook was considered; and whalewatching in Oman, particularly with respect to the endangered humpback whale population of the Arabian Sea and small local populations of *Sousa* was investigated. This work was also presented to the Conservation Committee (Annex G, Item 6).

Two special permit programmes were reviewed: the completed Icelandic special permit in 2013 and the then-ongoing JARPA II programme in 2014. Not all members of the Committee participated in discussions related to the JARPA II review at the 2014 Annual Meeting, for reasons related to the International Court of Justice (ICJ) case (see also the discussion under Item 24.2).

Regarding sanctuaries, the Committee established a correspondence group to draft a summary of information relating to the decadal review of the Southern Ocean Sanctuary, and agreed to begin a review of the proposed South Atlantic Whale Sanctuary, to be completed in 2016. It requested advice from the Commission about the review process.

With regard to Conservation Management Plans (CMPs), in 2013 the Committee identified four new potential candidates based on population status and three based on knowledge of threats. The Committee also noted that marine debris may be a potential candidate for threat-based CMPs and requested advice from the Commission on whether it required advice on candidate CMPs for small cetaceans.

The Chair of the Scientific Committee concluded by providing a short report on the Committee's review of its working methods and recognising that there were many other important matters for which there was insufficient time to report during his presentation.

The Chair of the Scientific Committee expressed his sincere appreciation to the host countries, Korea and Slovenia, for their warm hospitality and for providing excellent working environments.

#### 4. ABORIGINAL SUBSISTENCE WHALING

The ASW Sub-Committee met on 12 September 2014 and its report (originally IWC/65/Rep03) is provided as Annex

F. The Chair of that Sub-Committee (Bruno Mainini, Switzerland) summarised its findings to the Plenary session (below).

#### 4.1 Aboriginal Subsistence Whaling Management Procedure

##### 4.1.1 Report of the Aboriginal Subsistence Whaling Sub-Committee

##### 4.1.1.1 PROGRESS WITH THE DEVELOPMENT OF SLAs FOR GREENLAND SUBSISTENCE WHALING

The Sub-committee welcomed the progress made by the Scientific Committee on developing SLAs for Greenland hunts. It was particularly pleased that the Committee had completed the *Humpback SLA* and recommended it to the Commission. The Scientific Committee had agreed that the full report on conversion factors it had received from Greenland in 2014 meant that it did not need to receive annual updates and that future reports should go directly to the Commission through its Aboriginal Subsistence Whaling Sub-Committee and be incorporated in need statements as necessary.

##### 4.1.1.2 IMPLEMENTATION REVIEW FOR GRAY WHALES

The Sub-Committee noted that the Scientific Committee had completed its *Implementation Review* for eastern North Pacific gray whales, including the proposed Makah management plan in 2013.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

The Commission **endorsed** the Sub-Committee report (see also Item 24).

#### 4.2 Aboriginal Whaling Scheme (AWS)

##### 4.2.1 Report of the Aboriginal Subsistence Whaling Sub-Committee

The Sub-Committee noted the Scientific Committee's view that the AWS provisions constitute an important and necessary component of safe management under the AWMP and SLAs. The USA had indicated that it could not support adoption of the AWS at this time. It believed that the current Aboriginal Subsistence Whaling Management regime set forth in Schedule paragraph 13(a) has worked well for guiding the IWC in its management of subsistence hunts for over 30 years and that any AWS tool must be a true improvement over the IWC's current procedure.

There were no further discussions under this agenda item.

#### 4.3 Aboriginal Subsistence Whaling Working Group (ASWWG)

The ASWWG met on 10 September 2014. The Chair of the ASWWG reported to the ASW Sub-Committee (see Annex F, Appendix 4). The ASWWG's remit is to address previously recognised issues that require in-depth consideration prior to the Commission's review of ASW strike limits in 2018.

The ASWWG proposed two main actions for the intersessional period: (1) that the USA, Denmark and the IWC's Head of Science develop a proposal for a workshop to address high priority long term issues (this was developed after the meeting of the ASWWG; see Annex F, Appendix 4, Adjunct 2); and (2) that Japan, the USA and the IWC Head of Science prepare a discussion document on the issue of local consumption and commercialism. The proposed Workshop was expected to take place in 2015, to *inter alia* develop a proposal or options for addressing those issues including a broad consideration of the issue of 'standardised need statements'. The results of the workshop would be

circulated well in advance of the ASW Sub-Committee and Commission meetings in 2016. This proposal is relevant to part of the action required under Resolution 2014-1 (originally IWC/65/15) on Aboriginal Subsistence Whaling.

It was suggested that a Steering Group be established to finalise the Workshop, comprising: Argentina, Austria, Denmark, Japan, Russian Federation, Switzerland, the USA, the IWC Head of Science and two Scientific Committee members. Guidance contained within Annex F (Appendix 4, Adjunct 2) will be of assistance when planning the Workshop.

#### 4.3.2 Commission discussions and action arising

The Commission **endorsed** the proposed Workshop and recommendations. The Chair noted that, although there was currently no funding for the workshop, the establishment of an ASW Voluntary Fund had been proposed and she invited countries to contribute (see also Item 22.9).

### 4.4 Annual review of aboriginal subsistence whaling catch limits

The ASW Sub-Committee noted (see Annex F, Item 6) that the Scientific Committee had provided management advice for all ASW hunts. For those that had strike limits already set by the Commission for 2013-18 (Bering-Chukchi-Beaufort Seas bowhead whales, eastern North Pacific gray whales and humpback whales off St Vincent and The Grenadines), the advice was that the limits would not harm the stocks. For the Greenland hunts, the Committee had advised that the limits requested by Greenland would not harm the stocks.

### 4.5 Proposals for Aboriginal Subsistence Whaling catch limits

#### 4.5.1 Proposal to establish Greenland catch limits

##### 4.5.1.1 REPORT OF THE ASW SUB-COMMITTEE

The Sub-Committee had considered three documents, the proposed Schedule amendment for the Greenland hunts (IWC/65/16), the related proposed Resolution (IWC/65/15) and an updated Greenlandic need statement (IWC/65/17). Despite extended discussion at the Sub-committee (Annex F, Item 6), consensus could not be reached on these proposals.

##### 4.5.1.2 COMMISSION DISCUSSIONS

###### 4.5.1.2.1 PRESENTATION OF DOCUMENTS BY DENMARK

Denmark introduced the proposed Schedule amendment and need statement, noting that these are part of a 'package' proposal with the proposed Resolution by Italy on behalf of the EU to address the short-term and long-term issues relating to ASW. Denmark thanked those that had been involved in the consultations, including the Bureau, the Chair of the ASW WG, the IWC Secretariat, the EU and other ASW members. Denmark emphasised their commitment to continued active participation in the discussions and to working constructively with others in order to allow aboriginal hunters to utilise resources in a meaningful and sustainable way.

Denmark (Greenland)<sup>6</sup> noted that they are a self-governing nation under the sovereignty of Denmark and that they are dependent on the sustainable use of marine resources, including whales. It expressed the hope that the IWC would take decisions that are based on best-available scientific knowledge and with respect for the cultural, nutritional and socio-economical needs of *Kalaallit* (Greenlanders) and, in this respect, also fulfil the obligations of the IWC Convention.

Denmark (Greenland) recalled the objectives on ASW accepted by the Commission and provided an overview of the ASW-related legal and voluntary obligations within the IWC framework. Greenland considered that the legal obligations were found in relevant paragraphs of Article V of the Convention and in paragraphs 13 and 14 of the Schedule. As described in IWC/65/17, Greenland noted that, in addition, a Resolution requesting information on the utilisation of the meat and several Resolutions on killing methods were relevant in the Greenland context.

Denmark (Greenland) drew attention to its updated need statement contained in IWC/65/17 and highlighted the importance that Greenland gives to setting quotas that are based on sound science. It noted that whaling has taken place in Greenland for thousands of years and that having to justify it to the IWC is a recent obligation. Greenland mentioned the hunting methods employed (i.e. the rifle hunt from small boats and harpoon cannon hunts from fishing vessels) and stressed the importance of whale hunting to the traditions and food needs of the people of Greenland. It also stated that most whale products (>95% in 2013) are shared with families or sold to municipality institutions (open-air markets and one plant in Maniitsoq). A small amount (<5% in 2013) is purchased by retailers and restaurants. No exports are allowed.

Denmark (Greenland) noted that the West Greenland catch limits were originally based on average yearly catches during 1965-85 (i.e. prior to restrictive quotas). The documented need has not been met by these catch limits and the human population in Greenland has increased since then; catches of other key species of marine mammals and seabirds have decreased in recent years. Greenland estimated that the need today is for 799 tons.

Denmark (Greenland) highlighted that the Scientific Committee's recommendation that Greenland's request for 164 minke whales, two bowhead whales, 19 fin whales and 10 humpback whales off West Greenland and 12 minke whales off East Greenland would not harm the respective stocks.

###### 4.5.1.2.2 IWC/65/15 RESOLUTION ON ABORIGINAL SUBSISTENCE WHALING (EU)

Italy, on behalf of the EU states who are members of the IWC (hereafter 'Italy on behalf of the EU'), presented its proposed Resolution (IWC/65/15) noting that it supports ASW to fulfil aboriginal needs. The proposal aimed to strengthen IWC management through a more consistent and mid- to long-term approach. It further aimed to encourage participation by IWC members in the work of the ASW Sub-Committee. Finally, it requested the Scientific Committee to give priority to ASW by addressing key issues through its 2014-18 work plan.

###### 4.5.1.2.3 DISCUSSION

The Republic of Guinea, Ghana, Japan, Norway, St Lucia and USA supported the proposed Schedule amendment. The Republic of Guinea further noted that the population of Greenland required cetacean products as part of their food security and cultural needs. It considered that the quotas requested would not harm the whale stocks, and were in line with the advice of the Scientific Committee.

Japan confirmed its strong support for the proposed Schedule amendment. It noted the perception of some that local use is preferable to commercial use but thought that local consumption always involved a commercial element. It hoped that the proposed discussion paper on local consumption versus commercialism agreed under Item 4.3 would inform this issue. It stressed the importance of

<sup>6</sup>The term 'Denmark (Greenland)' is used in this report when a Greenlandic representative on the Danish delegation made an intervention.

traditions and did not think that customs should be changed just because alternatives were available. It also considered that countries should not impose their values on each other.

Iceland considered that all countries should be able to benefit from their natural resources and, as it considered Greenlandic ASW sustainable, it supported the proposed Resolution and Schedule amendment.

The USA associated itself with all those speaking in favour of the proposed Schedule amendment and Resolution. It noted that IWC/65/17 (addendum) addressed the issue of commerciality. It also noted that the issue of subsistence need will be addressed by the ASWWG. The IWC uses accepted definitions of 'subsistence use' and 'aboriginal subsistence whaling', which make possible the exchange of currency for whale products under certain conditions.

The Republic of Korea supported the ASW quota in Greenland, noting that the Scientific Committee had concluded it would not be detrimental to the stock.

The Russian Federation indicated its support for the Schedule amendment. However, it felt that the proposals in the Resolution's operative paragraphs (d)i and (d)ii were premature, particularly as the *ad hoc* ASWWG had not yet considered them. It stated that as the pre-ambular text addressed Greenland, it assumed the Resolution dealt with Greenland alone.

Argentina, speaking also on behalf of the Buenos Aires Group<sup>7</sup>, reiterated its comments from the ASW Sub-Committee. It considered that since a quota was not agreed for Greenland at IWC/64, all catches made in Greenland since then should be reported as infractions. It also considered that these catches had a strong commercial component. Argentina and the Buenos Aires Group were thus unable to support the proposed Schedule amendment.

Monaco agreed that the proposed catch limits were scientifically sound but was concerned that the proposal was not consistent with those for other ASW regions. It was also concerned over the meaning of 'aboriginal'. It stated that since the Greenland communities take other marine resources such as fish and seals for their subsistence, it believed that their nutritional needs were well covered. Although it agreed that hunting large whales was part of their culture it was not clear how many large whales were needed to meet their cultural needs. Monaco recorded that if the Resolution went to a vote that it would abstain.

Chile, Uruguay and the Dominican Republic associated with the comments made by Argentina and Monaco.

Costa Rica did not support the proposed Schedule amendment, particularly the quota for humpback whales. It expressed concern regarding the use of data on weight of edible products rather than individual whales. It also commented on commerciality. It referred to evidence to suggest that Greenland humpback whales migrate to the Caribbean and that catches there may potentially influence local whale watching activities. It emphasised that it supports trade in general but it does not support commercial whaling, which is prohibited under its national legislation.

Whale and Dolphin Conservation and Animal Welfare Institute (NGOs) commented that a recent academic study suggested that the local need for cetacean meat is approximately 500 tons, which is significantly less than the 799 tons of whale meat proposed by Denmark (Greenland) in IWC/65/17.

Another NGO, the Alaska Eskimo Whaling Commission (AEWC) highlighted the importance of marine mammals, particularly in its case bowhead whales, as a critical food resource in Arctic communities; a single whale can provide 12 to 20 tons of food for remote communities. Subsistence whaling is also an important cultural activity. The AEWC emphasised the importance of the safety of hunters, health of animals, efficiency of the hunt, and minimising suffering. It noted that its hunters have complied with the IWC's requirement to use the penthrite projectile to improve the efficiency of their hunts. However, the high costs of penthrite projectiles are beyond the means of subsistence hunters and it requested IWC members to think about mandates which are not supported by funding. It stressed that the Scientific Committee did not consider their subsistence harvests to be having an adverse effect on the health of whale populations. It urged the IWC to consider the impact that the ASW quota discussions continue to have on aboriginal communities that depend on whales for food.

Denmark clarified that their proposal covers the period 2015-18 and any concerns relating to other years including 2014 should be addressed under the relevant agenda item (Item 18). Regarding any commercial aspects of its whaling, Denmark referred to previous statements and noted that its position had not changed.

#### 4.5.2.3 CONCLUSIONS AND ACTION

##### 4.5.2.3.1 SCHEDULE AMENDMENT

Noting the absence of consensus, the Chair called for two votes in respect of the proposed Schedule amendment and Resolution.

The vote on Schedule Amendment IWC/65/16 describing strike limits for the Greenland hunt 2014-18 (which required a three-quarter majority in support) passed, with 46 votes in favour, 11 votes against and three abstentions<sup>8</sup>. The **adopted** Schedule amendment is given in Annex N<sup>9</sup>.

In explaining its 'no' vote Mexico, considered that the numbers exceeded those needed for aboriginal use and suggested commercial use was involved.

In explaining its 'yes' vote, New Zealand explained this had been a difficult decision especially as the previously declined strike limits had been proposed again. Nonetheless it recognised the progress made through the revised needs statement. It had been concerned that if it had abstained, the vote might not have passed; it considered the greater good would be served by Denmark and the rest of the EU working together to address this difficult problem.

In explaining its abstention, Australia stated that it supported ASW when carried out according to IWC rules and commended the efforts of Denmark and the EU, but concerns remained over a lack of clarity on issues of commerciality.

##### 4.5.2.3.2 RESOLUTION

The vote on the Resolution on Aboriginal Subsistence Whaling IWC/65/15 (which required a simple majority to support) passed, with 40 votes in favour, five votes against and 15 abstentions. The **adopted text** is given as Resolution 2014-1 in Annex E.

In explaining its 'yes' vote, Mexico said the Resolution allowed long term consistent work which would assist the process of setting catch quotas in the future.

<sup>7</sup>The 'Buenos Aires Group' comprises: Argentina, Brazil, Chile, Columbia, Costa Rica, Dominican Republic, Ecuador, Mexico, Panama, Peru and Uruguay.

<sup>8</sup>Voting records are listed in document IWC/65/Status, which is available at <http://iwc.int/iwc65docs>.

<sup>9</sup>Schedule amendments adopted by the Commission are subject to the procedure described at Article V, paragraph 3 of the Convention.

In explaining their 'no' votes, the Russian Federation stressed its view that the Resolution only addressed Greenland, Costa Rica stated that the Resolution did not address its concerns on commercial hunting and the recording of weight of meat rather than number of animals and the use of shared resources, whilst Cambodia stated that they supported sustainable use and believed that everyone should have the right to use whales for food, providing the relevant scientific requirements had been met.

In explaining its abstention, Antigua and Barbuda explained that it had done so as it supported sustainable use and the rights of the ASW communities when the Scientific Committee had provided advice.

## 5. SANCTUARIES

### 5.1 South Atlantic Whale Sanctuary

#### 5.1.1 Introduction to the proposal (IWC/65/08)

Brazil introduced its proposal (co-sponsored by Argentina, Brazil, South Africa, Uruguay and Gabon) to establish a South Atlantic Whale Sanctuary through an amendment to the Schedule. Brazil noted that the proposal was refined from its 2012 version to incorporate suggestions made by Contracting Governments, as well as some members of the IWC Scientific Committee and others.

Brazil stated that the primary goal of the Sanctuary was to promote biodiversity, conservation and the non-lethal use of whale resources in the South Atlantic Ocean. It would also maximise the rate of recovery of whale populations within ecologically meaningful boundaries; promote long-term conservation of whales throughout their life cycle and their habitats, with special emphasis on breeding, calving and feeding areas and migratory paths. In addition, it would: stimulate coordinated research; develop the sustainable and non-lethal utilisation of whales for the benefit of coastal communities in the region; provide an overall framework for the development of measures at an ocean basin level; and integrate national research, conservation and management efforts and strategies in a cooperative framework, taking into account the rights and responsibilities of coastal States under the United Nations Convention on the Law of the Sea (UNCLOS). Brazil considered that, as whales are highly migratory animals, a concerted multilateral effort is required to guarantee their conservation and the recovery of their populations. The Sanctuary would result in the creation of an important preserved area in the Southern Hemisphere with three contiguous whale sanctuaries (South Atlantic-Indian Ocean-Antarctica).

Brazil emphasised its commitment to preparing a comprehensive and efficient management plan for the Sanctuary, noting that any such plan would not imply an interference with the sovereign rights of coastal States, but rather represent an opportunity for cooperation. In addition, Brazil stressed that the Sanctuary would have no bearing on matters of food security and it would not threaten the fishing economies of coastal States.

Brazil recalled that the creation of the Sanctuary is proposed within the context of a significant number of international conventions that require the management of activities in the oceans and that oblige States to maintain their biodiversity through conservation and sustainable use. It also noted that the proposal is in full accordance with the provisions of the ICRW, and would thus contribute to the achievement of the Convention's objectives.

#### 5.1.2 Report of the Conservation Committee

This item was first discussed by the Scientific Committee who had reported its discussions and a proposed timetable for its work to review the proposal to the Conservation Committee (Annex G, Item 7.2.2). The Conservation Committee had discussed the proposal given in IWC/65/08 (see Annex G, Item 7.2.3) but made no recommendation. Reference was also made during the Conservation Committee discussions to the Montevideo Declaration (IWC/65/23) and to national initiatives by Uruguay and Mexico to designate their waters as whale sanctuaries.

#### 5.1.3 Commission discussions

Argentina, Australia, Chile, Colombia, Dominican Republic, Ecuador, Gabon, Germany, Italy on behalf of the EU, Mexico, Monaco, New Zealand, Panama, Peru, South Africa, Uruguay and USA expressed their support for the proposal. The NGO, Instituto de Conservación de Ballenas de Argentina (ICBA) also expressed its support.

Brazil and Uruguay drew attention to the Montevideo Declaration through which all signatories indicated their support for the establishment of the South Atlantic Whale Sanctuary. The Declaration had been signed by many coastal States along both the eastern and western shores of the South Atlantic Ocean and called for consistency between the positions taken by States as part of the Declaration and those expressed at the IWC.

In response Côte d'Ivoire stated that the IWC was the appropriate body to deal with the Sanctuary issue, rather than the Montevideo Declaration.

Antigua and Barbuda, Côte d'Ivoire, Grenada, the Republic of Guinea, Iceland, Japan, Norway, the Russian Federation and St Lucia opposed the proposal. An NGO, IWMC World Conservation Trust, also voiced its opposition to the proposal.

Norway, Japan, Iceland and the Russian Federation considered that the proposal should first be reviewed by the Scientific Committee and not discussed at this time. Japan stated that an IWC Sanctuary prohibiting whaling would not address many of the threats that the proposal aimed to deal with (e.g. ship strikes, oil exploration or climate change). It considered that the proposal would go against the Convention's objectives of conservation and sustainable use. It suggested that the countries in the region could instead cooperate through the establishment of a Memorandum of Understanding. Iceland remarked that most of the proponents were from the western side of the south Atlantic and that the consequences for States on the eastern side had not been considered.

Australia recalled that the development of a management plan for the Sanctuary would be the next step and that it would address the multiple threats faced by whales in the South Atlantic. Monaco offered assistance with regard to the development of a management plan for the proposed Sanctuary.

#### 5.1.4 Action

In the absence of consensus, Brazil asked for the proposal to be put to a vote. The proposal (which required a three-quarter majority in support) did not pass, with 40 votes in favour, 18 votes against and two abstentions.

In explaining its 'yes' vote, Denmark suggested that any future proposals should undergo review and recognise food security needs.

In explaining its 'no' vote, the Republic of Guinea stated that the establishment of the Sanctuary was not based upon a recommendation from the Scientific Committee and that the moratorium rendered the Sanctuary unnecessary.

Brazil and Monaco expressed their disappointment at the result. Brazil added that it was nevertheless encouraged as the level of support had continued to rise. Brazil stressed that scientific evidence shows that whale sanctuaries improve the status of marine fisheries and are therefore beneficial in achieving food security goals. Brazil urged the Scientific Committee to complete its review of the Sanctuary proposal.

## 5.2 Southern Ocean Sanctuary decadal review

### 5.2.1 Report of the Conservation Committee (Annex G, Item 7.1)

The Scientific Committee had reported its discussions (IWC/65/Rep01 (2014) Item 18.1) to the Conservation Committee. In the Conservation Committee, Australia presented a proposed way forward for the second decadal review (IWC/65/CC05) including draft terms of reference for Conservation Committee and Scientific Committee work with a proposed joint intersessional workshop and draft revised objectives for the Sanctuary (Annex G, Appendices 4 and 5, respectively<sup>10</sup>). Australia also stated that the Conservation Committee should provide advice to the Commission to ensure that a key intent of the review process is to strengthen the conservation objectives of the Sanctuary. All countries who spoke expressed support for this way forward and the Committee proposed that a joint Scientific Committee and Conservation Steering Group be established chaired by the Chair of the Conservation Committee (who would liaise with the Chair of the Scientific Committee) and comprising *inter alia* Australia, France, the UK and the USA.

### 5.2.2 Commission discussions and action arising

The proposals contained in IWC/65/CC05 were supported by France, Monaco, New Zealand, Sweden, UK and USA.

France expressed its view that the Sanctuary's purpose was to lead to the recovery of cetaceans and to use the area to collect data on recovery. It added that clear-cut objectives for the Sanctuary are important to any assessment process and highlighted the significance and importance of this review.

New Zealand agreed that the original work to refine objectives had not yet been completed and noted that the Scientific Committee had asked for guidance on the Sanctuary review process. It pointed out that both Scientific Committee and the Commission needed to review Sanctuaries and that the Commission needs to articulate a clear set of objectives for the review and for the future work of the Sanctuary.

After discussion, the Chair confirmed that the proposals described in IWC/65/CC05 were **agreed by consensus** and invited Contracting Governments to join the Steering Group.

The Chair of the Scientific Committee drew attention to the Committee's request for clarification on how to involve external scientists when reviewing IWC Sanctuaries. Japan highlighted the value of external reviewers, while Australia stated its view that the involvement of external reviewers in the past was not particularly useful. It suggested that the expertise available from within the current Scientific Committee would be relevant and sufficient.

Following a suggestion by the Chair, the Commission **agreed by consensus** that the Scientific Committee should develop its own procedures for the involvement of external reviewers.

## 6. SOCIO-ECONOMIC IMPLICATIONS AND SMALL TYPE WHALING

### 6.1 Introduction to the Japanese proposal for western North Pacific common minke whales

Japan introduced IWC/65/09 which *inter alia* proposed a Schedule amendment for small-type coastal whaling for common minke whales. Japan stated that it has several traditional coastal whaling communities that are suffering as a result of the moratorium on commercial whaling and it had previously asked for relief quotas for these communities. This new proposal sought a quota of 17 common minke whales from the Okhotsk Sea-West Pacific stock in the coastal waters east of Japan. It highlighted that it had developed the proposed quota in light of the RMP *Implementation Review* completed in 2013 and that it had taken into account many of the concerns previously expressed by the Commission. Japan indicated that the level of harvest is sustainable and noted that its current proposal included provision for monitoring, compliance and surveillance measures. Japan noted that the proposed hunt would take place mostly in coastal waters in Japan's Exclusive Economic Zone (EEZ), in small boats and not on an industrial scale. It emphasised that this hunt is not aboriginal subsistence whaling.

Japan also introduced IWC/65/21 in support of IWC/65/09 which addressed some of the issues of concern raised previously by the Commission, including: (1) the creation of a new 'category' of whaling; (2) the undermining of the moratorium; and (3) an adverse effect on the endangered 'J stock'. Japan drew attention to the debate at the time the moratorium was introduced in which several delegates emphasised that the moratorium did not prohibit whaling but instead set catch limits of zero on all stocks until such time that there was no longer scientific uncertainty on safe limits. Now that the *Implementation Review* has been carried out on this stock, Japan suggested that there is enough scientific certainty to set catch limits for it. It believed that this proposal was consistent with the terms of paragraph 10(e) of the Schedule.

#### 6.1.1 Commission discussions

Antigua and Barbuda, Cambodia, Ghana, Grenada, Republic of Guinea, Iceland, Kiribati, Republic of Korea, St Lucia, and the Russian Federation spoke in support of the proposal.

Antigua and Barbuda believed that the Commission should be more accepting of cultural differences of opinion and recalled the intervention from the Alaska Eskimo Whaling Commission (see Item 4.5) which showed the impact of IWC actions on communities asking for whaling quotas. The Russian Federation highlighted the effort that Japan had made to show complete regulation and transparency of the proposed hunt. The Republic of Korea expressed concern for the Japanese people in the coastal communities who are being denied use of their local resources. It regretted that there had been no review of Schedule paragraph 10(e).

Argentina, Australia, Brazil, Chile, Costa Rica, Ecuador, Italy on behalf of the EU, Mexico, Monaco, New Zealand, Peru, Uruguay and USA spoke against the proposal and voiced their opposition to a return to commercial whaling and lifting the moratorium. Italy also expressed concern over the abundance estimates used in the proposal and the creation a new category of 'small-type' whaling. New Zealand believed that all whaling outside ASW and Special Permit whaling was illegal and that the ICJ supported this view.

Australia expressed concern about the potential impacts on the depleted 'J stock', which is classified as a Protection Stock by the Commission. It was also concerned that the

<sup>10</sup>Originally, these were Attachments A and B of IWC/65/CC05.

proposal introduced an *ad hoc* management procedure which would be inconsistent with the Commission's agreed RMP approach. It highlighted the full sequence of events required in the RMP process before a catch limit can be calculated through the RMP, stating that Japan's proposal had met only one (the *Implementation Review*). It noted that that catch numbers taken from the review were for comparing various management options ('variants') tested in the process, and did not represent actual catch limits. The Scientific Committee have not finalised the RMP process (see IWC/65/Rep01 (2013) and (2014), Item 6.1) and Australia emphasised that catch limits cannot be calculated and agreed without further work including agreement on final abundance estimates and any research programmes that might be required to support particular RMP variants.

In response to the above interventions Japan reiterated that paragraph 10(e) would still be in operation, as it had no wish to change or delete this paragraph. It stated that 10(e) allows for catch limits on a stock by stock basis, if supported by science, and commercial whaling could be resumed without changing paragraph 10(e). Japan felt that much of the debate was over the use of language in the ICRW and hoped further dialogue could help resolve these issues. Overall, Japan expressed concern that there appeared to be opposition to commercial whaling as a matter of principle which would be inconsistent with the purpose and objectives of the IWC. Japan asked whether its proposal would achieve consensus if it addressed every concern raised during the debate and conducted a full RMP process.

Japan stated that since the moratorium was put in place, the RMP has been developed, the populations of some whale species have recovered, the importance of diversity has been recognised internationally, and the need for food security has become key. It stressed that the proposed small type coastal whaling would take place within Japan's territorial waters and coastal EEZ, and that the rights of coastal countries are governed through UNCLOS.

#### 6.1.2 Action

Japan asked that, in the absence of consensus, its proposal for a Schedule amendment contained in SC/65/09 be put to a vote. The proposal (which required a three-quarter majority in support) did not pass, with 19 votes in favour, 39 votes against and two abstentions.

Japan explained that it had requested a vote to gain an understanding of which countries were opposed to the proposal and the reasons for their opposition. It intended to contact these Contracting Governments during the intersessional period and proposed the establishment of an intersessional working group on small type coastal whaling, to be chaired by Mr Moronuki, and encouraged members who voted against the proposal to participate. Japan noted that any statements opposing the proposal would be made public in the interest of transparency. Japan remarked that there is strong support in its country for this whaling and announced that it would continue to pursue this issue at future meetings.

There was no further discussion under this Item.

## 7. RESOLUTIONS

### 7.1 Proposed Resolution on Highly Migratory Cetaceans (IWC/65/11)

#### 7.1.1 Introduction to the proposal by Monaco

Monaco introduced IWC/65/11, its proposed Resolution on Highly Migratory Cetaceans. It emphasised the large number of cetacean species that are not currently covered by IWC management measures. It also noted that cetaceans

are not covered comprehensively by any other agency. Unintentional mortality due to entanglement, ship strikes and other causes is becoming increasingly important and Monaco suggested that a large proportion of the species dealt with by the IWC are highly migratory. It urged that the IWC should continue to be a key player in their future monitoring, especially since it has access to the best data and scientists in this field. It drew attention to the threats faced by many cetaceans and highlighted the need for cooperation with other organisations.

#### 7.1.2 Discussion

Australia expressed support for the draft Resolution and drew attention to IWC/65/OS CMS/ASCOBANS/ACCOBAMS which made proposals relevant to operative paragraphs within the proposed Resolution. Argentina, Brazil, Chile, Dominican Republic, Italy on behalf of the EU, Mexico, New Zealand, Peru, Uruguay and USA indicated their support for the draft Resolution.

Italy on behalf of the EU considered the IWC to be the appropriate forum for discussions on the conservation of all cetacean species. It welcomed the ongoing work of the Conservation Committee and in particular the excellent progress on entanglement and the Strategic Plan for Whalewatching as well as recent Workshops on marine debris and ship strikes. It said that strengthening the co-operation with other global and regional organisations will improve the governance of the IWC and help streamline international policy development.

The USA noted that many species range between the EEZs of non-Contracting Governments and therefore require extra protection which can be established through IWC co-operation with other organisations.

Norway, supported by Japan and the Republic of Korea, considered that many cetaceans are not highly migratory and thus are not critically dependent on international cooperation for their conservation and management. In its view, most of the threats cetaceans face such as pollution, marine debris and ship strikes occur in waters under national jurisdiction. Additionally, many populations of small whales are already covered by national or regional regimes such as NAMMCO and ASCOBANS in the northern Atlantic and ACCOBAMS in the Mediterranean and the Black Sea. Norway did not consider it a priority task for the IWC to act as initiator and/or coordinator of international research efforts for the conservation of small cetaceans.

Japan believed that small cetaceans were outside of the competence of IWC. It noted that Articles 65 and 120 of the UNCLOS were referred to in the draft Resolution but commented that Article 64, which refers to regional management of fishing issues, is more important in this context. Japan was strongly in favour of regional management in these cases and therefore could not support the draft Resolution.

Iceland did not support the proposed Resolution but noted its willingness to cooperate in international conservation efforts, for example regarding North Atlantic fishing stocks. However in Iceland's view it would be impractical to extend the IWC's remit to other cetacean species. The Republic of Korea referred to a series of conservation and management measures adopted through the Western and Central Pacific Fisheries Commission (WCPFC) and the Indian Ocean Tuna Commission (IOTC), both of which deal with issues including conservation and bycatch of cetaceans.

Responding to the points raised during the discussion, Monaco stressed that the draft Resolution did not take a position on whether the species concerned were within

the remit of IWC. It considered that most cetaceans are indeed highly migratory, and noted that most species are not confined to a single area of national jurisdiction. Monaco believed that UNCLOS Article 64 was concerned with fishing and mainly with fish species, whereas Article 65 was exclusively concerned with marine mammals. The point was not whether IWC should deal with all cetaceans but rather that IWC should not be excluded from discussion of these issues at other fora.

Monaco clarified that the draft Resolution referred to collaboration with other relevant organisations and suggested that these included the Convention on Migratory Species (CMS), regional fisheries management organisations (RFMOs), International Maritime Organization (IMO), and UN Law of the Sea Convention (UNCLOS).

### 7.1.3 Action

Monaco thanked all who supported the draft and, noting the absence of consensus, asked to proceed to a vote. The vote on the Resolution in IWC/65/15 (which required a simple majority in support) passed, with 37 votes in favour, 15 votes against and 7 abstentions. The **adopted text** is given as Resolution 2014-2 in Annex E.

In explaining its 'yes' vote, Switzerland noted that it always favoured extra protection for small cetaceans but it also noted that many critically endangered species were not highly migratory, or even migratory, and were confined to the waters of one or two countries.

In explaining its abstention, Colombia noted that although it agreed with the draft Resolution, it had to abstain because it was not a Party to the UN Law of the Sea Convention.

## 7.2 Proposed Resolution on Food Security

### 7.2.1 Introduction to the proposal

Ghana presented the proposed Resolution on Food Security (IWC/65/10rev4) submitted by Ghana, Côte d'Ivoire, Mali, Republic of Guinea and Benin. It explained that wide consultations had been held and noted that the Resolution had been endorsed by Le Comité Maritime de la Façade Atlantique (COMAFAT).

### 7.2.2 Discussion

During the discussion, all Contracting Governments who spoke recognised the great importance of food security but had differing views on how or if this should be directly addressed by the IWC.

Antigua and Barbuda, Cambodia, Côte d'Ivoire, Grenada, Republic of Guinea, Norway, Russian Federation, and St Kitts and Nevis supported the proposed Resolution. Antigua and Barbuda stressed the need to ensure the sustainable livelihoods of coastal peoples who are entitled to share the benefits of the natural resources provided by whales. Norway noted that food security is a key international development goal and considered it to be illogical to ignore marine mammals as a food source. In speaking in favour, the Russian Federation noted that the marine mammal hunters of Chukotka support the Resolution. Côte d'Ivoire called on the IWC to address key issues facing the world, not just conservation.

The USA, supported by Italy on behalf of the EU, considered food security to be an important issue but believed it was relevant to the IWC in the aboriginal whaling context only. The USA proposed moving the first operative paragraph to the end and replacing the first word 'affirms' with 'recalls'.

Italy on behalf of the EU, Costa Rica, Dominican Republic and Monaco considered FAO rather than IWC to

be the appropriate forum for discussions on food security. Monaco referred to the escalating problem of cetacean meat contaminated with mercury and other pollutants. It disagreed that the primary purpose of whaling is for food, referring to Japan's special permit whaling and Iceland's commercial whaling. The Dominican Republic suggested whales do not provide a viable way to strengthen food security given their slow reproduction. Italy, on behalf of the EU, regretted that there had been insufficient time for discussions to enable consensus to be reached and did not believe that the draft Resolution was intended to undermine the moratorium but thought that the second and third paragraphs could be considered to do this. Future amendments should reflect the conclusions of the Rio+20 summit more fully given its emphasis on sustainable use of oceans and seas.

Gabon did not believe that whales contribute in a meaningful way to global food security, but recognised that it is relevant for some traditional communities. It considered that a declaration of solidarity with aboriginal communities who depend upon whales for food security and cultural identity is laudable and proposed that the Resolution be more targeted to these special cases. It considered development of sustainable fisheries and protection of the natural environment to be complementary. It noted the importance of marine protected areas as a key component of successful fisheries management and that the important ecological role played by whales in marine ecosystems can increase fisheries production; thus whale conservation can contribute directly to food security.

### 7.2.3 Action

Ghana thanked all who had provided their views. They did not call for a vote but stated that they would continue discussion intersessionally with a view to presenting a revised text to IWC/66 in 2016.

## 7.3 Proposed Resolution on Civil Society Participation and Transparency at the IWC

### 7.3.1 Introduction to the proposal

Chile presented IWC/65/12rev1, a proposal to increase civil society participation and improve transparency in the IWC submitted by Chile, Argentina, Brazil, Costa Rica, Dominican Republic, Ecuador, Mexico, Panama, Peru and Uruguay. Chile stressed that civil society could provide useful contributions to IWC discussions and outlined proposed changes to the Commission's Rules of Procedure and Rules of Debate and the Rules of Procedure of the Scientific Committee. Chile noted that the proposed Resolution had been amended to take account of suggestions made during the Finance and Administration Committee (see Annex K [originally IWC/65/Rep02] Item 4.5).

### 7.3.2 Discussion

Japan and the USA thanked the proponents for taking into account their previous comments.

Japan, supported by Iceland, was not opposed to non-Bureau members observing the Bureau, but noted that much of the Bureau's work was undertaken by email or teleconference and therefore it would be difficult to include observers from a practical point of view. It also believed that the elements of the Resolution relating to the Scientific Committee should be referred to the Scientific Committee before adoption by the IWC, a view shared by Norway. Japan requested that Observers be handed a copy of the Code of Conduct when they are attending meetings to remind them of the rules for participation in Commission discussions.

The USA, New Zealand and South Africa supported participation by civil society in IWC proceedings and improved transparency in the Commission's processes. However, the USA did not support the Resolution as written since it would open the Bureau for observation by all Contracting Governments. It noted that the current composition of the Bureau worked well, with a small number of Contracting Governments representing a range of views and interests. In addition, the Bureau does not deal with substantive matters, and a report of each meeting is posted on the IWC website, giving sufficient transparency for such a body. If, in the future, the Bureau's mandate is revised such that it becomes a substantive body, then, at that time, the Commission may choose to alter the Bureau's make up and meeting arrangements. Therefore, the USA recommended removal of the proposed sentence regarding observation by Contracting Governments in meetings of the Bureau.

Italy, on behalf of the EU, welcomed efforts to improve transparency and supported NGO participation. It indicated their readiness to work on the Resolution in order to move towards consensus.

#### 7.3.3 Action

Following discussions outside the meeting and the circulation of three further revised versions, Chile presented IWC/65/12rev4 and requested that it be adopted by consensus.

IWC/65/12rev4 was **adopted by consensus** as Resolution 2014-3 (see Annex E).

### 7.4 Proposed Resolution on the Scientific Committee

#### 7.4.1 Introduction to the proposal

Chile presented IWC/65/13rev1, a proposed Resolution on the Scientific Committee submitted by Chile, Argentina, Brazil, Costa Rica, Dominican Republic, Ecuador, Mexico, Panama, Peru and Uruguay. Chile noted that the proposed Resolution aims to establish a working group between the Conservation Committee and the Scientific Committee, secure steady funding for the work on small cetaceans and establish priorities for the work of the Scientific Committee. Chile clarified that the intention was that, once the Resolution has been adopted, the SC could provide additional suggestions at IWC/66.

#### 7.4.2 Discussion

In response to a query by Antigua and Barbuda, Chile said that the proposal for a working group stems from the discussions at the F&A Committee in order to help better organise the work of the Scientific Committee around its priorities.

Australia expressed support for the proposal, noting the need to prioritise the work of the Scientific Committee and to improve efficiency. It suggested that the existing Operational Effectiveness Working Group, assisted by members of Scientific Committee, should provide advice to the Scientific Committee on Commission priorities and help identify the allocation of those priorities during the two year Commission cycle. The Working Group's advice will also assist the Scientific Committee in developing its recommendations on research funding and other budget proposals.

Italy, on behalf of the EU, indicated their support for increasing the transparency of the Scientific Committee.

Japan, supported by Norway, stated that the Resolution should be referred to the Scientific Committee before adoption by the IWC, particularly as it involves the day-to-day work of that Committee.

Following discussions outside the meeting which included the circulation of three further revised versions of the text, Chile presented IWC/65/13rev4 and requested that it be adopted by consensus.

Iceland, supported by Antigua and Barbuda, Japan, Republic of Guinea, Russian Federation, Norway, St Lucia, and St Vincent and The Grenadines, stressed that, while it would not block consensus, it did not recognise the authority of the IWC with respect to the management of small cetaceans. Iceland noted its view that small cetaceans are under the competency of NAMMCO. The Russian Federation stated that it will not submit information on small cetaceans to the IWC.

Iceland also stated its understanding that the Resolution would not affect the level of resources available for the RMP.

#### 7.4.3 Action

IWC/65/13rev4 was **adopted by consensus** as Resolution 2014-4 (see Annex E).

### 7.5 Proposed Resolution on Whaling under Special Permit<sup>11</sup>

#### 7.5.1 Introduction to the proposal

New Zealand introduced IWC/65/14 and highlighted the conclusion of the International Court of Justice (ICJ) (see IWC/65/20rev1) that special permits granted by Japan in connection with JARPA II were not for the purposes of scientific research. New Zealand noted the Court's Judgement that the permits were in breach of certain provisions of the Convention, including in relation to the commercial whaling moratorium. Accordingly the Court ruled that the issuance of such permits must cease. New Zealand considered that, while the decision is only binding to the parties to the case, i.e. Australia, Japan and New Zealand, all members of the IWC must pay close attention to the ruling and consider its wider implications.

New Zealand clarified that the proposed Resolution was intended to ensure that the implications of the ICJ ruling are fully taken into consideration during future whaling discussions. New Zealand stressed that it is not in favour of any whaling taking place and that its intention is not to legitimise future whaling, but to avoid returning to 'business as usual' in relation to scientific whaling. New Zealand explained that the proposed Resolution would instruct the Scientific Committee to consider its criteria for the review of Special Permit research programmes in the light of the conclusions of the Court's judgement. The proposed Resolution requested that no further special permits for the take of whales should be issued until they have been reviewed by the Scientific Committee, and until the Commission has made recommendations on the basis of this advice.

#### 7.5.2 Discussion

Norway stated that the proposal submitted by New Zealand could jeopardise future scientific research. In particular, Norway considered that lethally obtained data could answer many questions not necessarily related to the conservation of whales, and that expanding the review of research programmes could not be justified.

Japan stated that it recognised, and abided by, the decision of the ICJ. They noted, however, that the decision relates to the particular case of JARPA II and that it does not change the legal framework of the IWC. Japan noted that, if the Resolution is based on the ICJ judgement, it should refer to it specifically. Japan further remarked that the changes

<sup>11</sup>Important aspects of this topic are also discussed under Item 15.

suggested would require amendments to Article VIII of the Convention or paragraph 30 of the Schedule and that a Resolution would therefore not be appropriate. Despite its reservations, Japan indicated willingness to engage in discussions.

New Zealand suggested that referring to the ICJ case in particular would not be appropriate, as the intention was to move from the specific case to a more general application.

Chile, supported by Uruguay, stated that the Buenos Aires Group did not support whaling for scientific purposes, and suggested amendments to the Resolution so that special permits cannot be issued unilaterally.

Australia, Mexico, Italy on behalf of the EU, Monaco and USA indicated their support for the Resolution. Italy, on behalf of the EU stated that the principles and conclusions of the ICJ judgement should be fully incorporated into the working practices of the IWC and that this should include appropriate revisions to the Annex P process<sup>12</sup>.

Following discussions outside the meeting, New Zealand thanked all delegations for their constructive engagement. It noted that the reference to sanctuaries in a preambular paragraph had been particularly contentious and regretted that it had not been possible to reach consensus. It had produced a revised document (IWC/65/14rev1) which took account of several of the views presented.

Japan, supported by Iceland, said that it could not support the proposal as it narrowed the scope of Article VIII of the Convention and paragraph 30 of the Schedule. Japan also disagreed with the interpretation of the ICJ judgement implied by the proposal. Iceland stressed that interpretation of Article VIII should be based on science and not be influenced by politics. Antigua and Barbuda explained that it could not support the proposal as there had not been sufficient compromise.

Norway noted particular concern with regard to the restriction derived from operative paragraph 1(b) of the proposed Resolution, as it went beyond the ICJ judgement. In response, New Zealand stated that paragraph 1(b) is a development from the Court's decision but that it believed it to be useful to guide the future work of the Commission.

### 7.5.3 Action

In the absence of consensus, proposed Resolution IWC/65/14rev1 (which required a simple majority in support) was put to a vote and passed, with 35 votes in favour, 20 against and five abstentions. The **adopted text** is given as Resolution 2014-5 in Annex E.

Japan announced that it would be submitting a new research plan for the Antarctic Ocean and that activities in line with the ICJ judgement would start in the austral summer of 2015/16.

Australia noted that the Resolution incorporated the main elements of the ICJ judgement and that it was not intended to be against scientific whaling but to apply the law. Australia underscored that some elements in the text had been incorporated to address Japan's concerns and hoped that proponents of future whaling programmes would follow the Resolution. Recalling that an expert panel was likely to convene in January or February 2015, Australia, supported by Mexico, suggested that the Commission's Chair should provide the expert panel with, and request it to consider, the Resolution. This suggestion was **noted**.

Antigua and Barbuda cautioned against using resolutions, especially those adopted without consensus, to guide the

policies of IWC and suggested that further discussion should occur before this Resolution becomes an operational element of the work of the Commission. In response, New Zealand stated that the Scientific Committee, as a subsidiary body of the IWC, must comply with the Resolution.

Argentina, supported by Brazil, Costa Rica, Dominican Republic, Ecuador, Gabon, Mexico, Panama, Peru and Uruguay, stressed the importance of respecting the moratorium and whale sanctuaries and condemned the use of lethal whale research methods.

In explaining its 'no' vote, Colombia stated that generalising the conclusions of the specific ICJ judgement may worsen the problem identified.

Costa Rica explained that it had abstained because the operative paragraphs did not include important elements in relation to sanctuaries, non-lethal research methods, the moratorium or special permits.

The Republic of Korea and Italy on behalf of the EU expressed regret that consensus could not be reached. Italy hoped that the Resolution will assist the Commission with its future work.

Uruguay expressed concern about the lack of legal advice available to the Commission, and the associated risk of misinterpreting legal information.

## 8. THE IWC IN THE FUTURE

There were no discussions under this agenda item.

## 9. WHALE STOCKS

The Chair thanked the Scientific Committee for its extensive and ongoing work on whale stocks as described in its two reports (IWC/65/Rep 01 (2013) and (2014)) and summarised in IWC/65/24. Some aspects of its work were presented to the Conservation Committee (see Item 10).

## 10. CONSERVATION COMMITTEE

The Conservation Committee met on 12 September 2014 and its report (originally IWC/65/Rep05rev2) is given as Annex G. The Chair of that sub-committee (Bruno Mainini, Switzerland) summarised its findings to the Plenary session (below).

### 10.1 Investigation of inedible ('stinky') gray whales

#### 10.1.1 Reports of Committees

The Conservation Committee discussed this matter under Item 3 of its report (see Annex G) and had **recommended** moving it to the Scientific Committee agenda. The Aboriginal Subsistence Whaling Sub-Committee had discussed it under its Item 5.2 (see Annex F) and there was considerable discussion of this issue with respect to management in the report of the ASWWG (see Annex F, Appendix 4).

#### 10.1.2 Commission discussions and action arising

Japan commented that the approach presently used for reporting and taking into account 'stinky' whales was not sufficient and that the management component of the issue should be presented as specific queries for the Scientific Committee to address within the *Gray Whale SLA* framework. It suggested a number of possible queries including: how would the addition of <10 animals a year to the quota impact the conservation status; what would be the impact if a 10% allowance level for 'stinky' whales is established; and what would happen to the conservation status of gray whales if any unused quota is carried over to the next year's catch limits?

<sup>12</sup>Latest text of the Annex P process published in: *J. Cetacean Res. Manage. (Suppl.)* 16: 349-353.

The Russian Federation stressed that the ‘stinky’ whale estimate of 10% mentioned during various Committee discussions cannot be considered complete since the data refer only to caught animals and go back to the early 2000s; there are no current data for the proportions of living stinky whales in the population. All ‘stinky’ whale data available are reported to the IWC and in recent years samples have been available for laboratories all over the world to request. The Chukotka hunters’ observations indicate the number of ‘stinky’ whales is not constant and varies by area and time; the ‘stinky’ problem also occurs in walrus and some fish species. Determining the cause is difficult since samples degrade when frozen and problems occur when transporting samples from Chukotka to Moscow for analysis. Quantification is also difficult since meat may be stored until winter, and the issue only discovered when the meat is cooked. The Russian Federation stressed that it was important that ‘stinky’ whales are not included in the catch quota, but should be recorded as struck and lost. The Russian Federation, supported by Japan, urged the Scientific Committee to work on this issue.

The UK agreed that current data are needed on ‘stinky’ whales both encountered at sea and landed. Australia supported Japan and the UK and suggested that the Scientific Committee could develop recommendations on how to understand the implications of any management decisions regarding ‘stinky’ whales.

Denmark supported the statement by the Russian Federation and noted that whales or other biomass may be inedible for other reasons; all causes should be considered when agreeing how to classify these whales for reporting purposes.

The Chair of the ASWWG recalled his group’s suggestions on how the Scientific Committee might address the problem of accounting for ‘stinky’ whales, for example through a fixed number of animals, a fixed percentage of the total catch limit, and possibly with a carry-forward provision. He also noted that if the Commission was to proceed with this issue it will need to develop a proposal for how it would like the Scientific Committee to proceed.

The Chair of the Scientific Committee confirmed that there were sufficient data to proceed with an assessment of the effect on stocks of different management options associated with the treatment of such whales within the strike limits and that item could be added to the Committee’s agenda.

Austria noted that this is an important issue that needs to be resolved and was pleased that all Contracting Governments agreed that progress would be achieved by working through the Scientific Committee. It considered that the cause of the problem needs to be established; that agreement was needed on how to categorise these whales (since in its view ‘struck and lost’ is unlikely to be the best option), and that there should be a cap on whales in this category in the framework of a quota.

The Commission **recommended** that the issue of ‘stinky’ whales should be moved to the Scientific Committee’s agenda from that of the Conservation Committee.

## 10.2 Ship strikes

### 10.2.1 Report of the Conservation Committee

This item was first discussed by the Scientific Committee who had reported its discussions (IWC/65/Rep01, Items 7.4 in 2013 and 7.2 in 2014) to the Conservation Committee. The Scientific Committee had made a number of recommendations. Those most directly relevant to the

Commission concerned: continuation of the co-ordinators’ role; improved reporting especially by member governments; work on the use of AIS (automatic identification system) shipping data; conservation action for the small (<100) Magellan Straits humpback whale and blue whale populations off Sri Lanka; continued co-operation with ACCOBAMS; and extension of the seasonal management area approach for North Atlantic right whales.

The Conservation Committee discussions can be found under Annex G, Item 4. In addition to **endorsing** the recommendations from the Scientific Committee, the Conservation Committee **endorsed** the recommendations from the Workshop on ship strikes held in Panama (IWC/65/CCRep01<sup>13</sup>) in conjunction with UNEP-CEP-SPAW. An important conclusion is that the most effective mitigation measure is to separate whales and ships, but when this is not possible the only proven effective measure to reduce lethal strikes is to reduce vessel speed; this has implications for intensified collaboration between the IWC and the IMO.

The Conservation Committee also received a report and work plan (IWC/65/CCRep07) from its Ship Strikes Working Group (SSWG) chaired by Belgium, noting that work would continue until IWC/66. Belgium noted that the recommendations from the Panama Workshop on ship strikes would help guide the SSWG’s future actions. Sri Lanka had intended to attend the Panama Workshop but had been unable to do so due to visa problems. Countries were making good use of the ship strikes database and Belgium thanked them for contributing data. Belgium will support a ship strikes Workshop in Colombia later in 2014 and welcomed Denmark to the SSWG.

### 10.2.2 Commission discussions and action arising

Belgium congratulated the Scientific and Conservation Committees on their work on ship strikes, and was pleased that the Conservation Committee had endorsed the 2014 Workshop recommendations (see IWC/65/CCRep01). The Workshop, which included participants from the shipping industry, illustrated the increasing international importance of this issue. Many scientific studies and NGO programmes were now being implemented around the world. While this increased effort is an IWC success story, much needs to be done since there are no technological solutions yet. It concurred with the Conservation Committee that apart from separation the only effective mitigation method is to reduce vessel speed. Finally, it stressed that reporting ship strikes is paramount and encouraged all nations to publicise and make use of the IWC ship strike database.

Germany supported Belgium, noting that ship strikes are an important issue and welcomed the unique database. It drew attention to stranding schemes, and noted that many ship strikes of small cetaceans remain undetected.

Panama reported that, in cooperation with the Smithsonian Research Institute, it had studied the problem of ship strikes and had developed an initiative to separate lanes of shipping traffic. The IMO has approved three lanes in the Pacific and one in the Caribbean, due to be implemented from 1 December 2014. Argentina noted that since 2009 there has been a navigation corridor for vessels in operation at Golfo Nuevo, Chubut at the southern right whales nursery ground from June to November.

<sup>13</sup>Published in this volume.

### 10.3 Southern right whales of Chile-Peru

#### 10.3.1 Report of the Conservation Committee

The item was first discussed by the Scientific Committee who had reported its discussions (IWC/65/Rep01, Item 10.6 in 2013 and 10.7 in 2014) to the Conservation Committee. The Scientific Committee had expressed concern and the need for action regarding information on a wind farm project near an important habitat near Isla de Chiloe. The Conservation Committee **endorsed** the work of the Scientific Committee and its discussions can be found under Item 5 of its report (Annex G).

#### 10.3.2 Commission discussions and action arising

Chile noted the work undertaken to facilitate the recovery of this endangered population stock (see also Item 11.3) and drew attention to the Scientific Committee's report showing new information on the southernmost sighting of a mother and calf and documentation of reproductive behaviour near Isla del Chiloe.

### 10.4 National Reports on Cetacean Conservation

#### 10.4.1 Report of the Conservation Committee

The Conservation Committee discussions on this topic can be found under Item 5 of its report (Annex G). The Chair thanked the eight countries that had submitted reports to IWC/65<sup>14</sup>, noting they contributed useful information to the meeting.

### 10.5 Marine debris

#### 10.5.1 Report of the Conservation Committee

The item was first discussed by the Scientific Committee who had reported its discussions (IWC/65/Rep01, Item 7.5 in 2013 and 7.3 and 12.6 in 2014) and recommendations, including those from a first Workshop (SC/65a/Rep06<sup>15</sup>) to the Conservation Committee.

The Conservation Committee endorsed the work of the Scientific Committee and its discussions can be found under Item 9 of its report (Annex G). Focus was on the report of the second marine debris Workshop (IWC/65/CCRep04<sup>16</sup>) and the Committee endorsed the recommendations from the Workshop and in particular that: (1) the IWC and its Secretariat work together with the Secretariats of the other major IGOS and RMFOs relevant to this issue; (2) the IWC Scientific Committee should explore ways of combining estimates of oceanic debris and information on cetaceans to identify priorities for mitigating and managing the impacts of marine debris on cetaceans; and (3) a planned IWC Workshop (anticipated March-April 2016) be held on prevention of the incidental capture of cetaceans.

The Conservation Committee also recommended that: the marine debris issue should be made a standing agenda item of the Scientific Committee; and that the potential for a CMP for marine debris should be explored.

#### 10.5.2 Commission discussions and action arising

Ecuador thanked the IWC, in particular David Mattila, for running a course on disentanglement of cetaceans (including ghost fishing gear which is an important component of marine debris) in 2013. The course had been attended by staff from the Ministry of Environment in Ecuador as well as delegates from Chile, Colombia, Panama and Peru.

<sup>14</sup>Argentina (IWC/65/CC11), Australia (IWC/65/CC04), Chile (IWC/65/CC09), France (IWC/65/CC08), Mexico (IWC/65/CC10), New Zealand (IWC/65/CC06), UK (IWC/65/CC07) and the USA (IWC/65/CC03).

<sup>15</sup>Published as: IWC. 2014. Report of the IWC Scientific Committee Workshop on Marine Debris, 13-17 May 2013, Woods Hole, USA. *J. Cetacean Res. Manage. (Suppl.)* 15:519-41.

<sup>16</sup>Published in this volume.

## 11. CONSERVATION MANAGEMENT PLANS (CMPS)

The Scientific Committee first discussed this issue (IWC/65/Rep01, Item 21 in both 2013 and 2014) and presented its results to the Conservation Committee. Conservation Committee discussions can be found under Item 8 of Annex G. The Chair of the Conservation Committee presented its discussions to the Plenary and thanked Australia for its contribution to the development of CMPs and for chairing the CMP Standing Working Group.

### 11.1 Western Pacific gray whale

#### 11.1.1 Report of the Conservation Committee

The Conservation Committee discussions can be found under Item 8.1 of Annex G including consideration of the report of the Scientific Committee which had *inter alia* supported the work of the IUCN Western North Pacific Gray Whale Advisory Panel, expressed concern over trap net fishing off Sakhalin Island near the nursery/feeding grounds and concern over a proposed development project in the Sakhalin area, urged the Russian Federation to ensure the maintenance of Piltun Lagoon and recommended a rigorous environmental impact process for oil and gas activities near gray whale feeding habitat.

#### 11.1.2 Commission discussions and action arising

The Russian Federation noted that a CMP for gray whales had been prepared by the IUCN and approved by the IWC. The Russian Federation had worked on a Memorandum of Cooperation for range states relating to the implementation of the management plan, and anticipated that it would be signed by some range states during the current IWC meeting<sup>17</sup>.

### 11.2 Southwest Atlantic southern right whale

#### 11.2.1 Report of the Conservation Committee

The Conservation Committee discussions can be found under Item 8.2 of Annex G including consideration of the report of the Scientific Committee. It had *inter alia* expressed concern and the need for action with respect to the ongoing large annual mortality of calves at Península Valdés in Argentina and supported ongoing efforts including the work of the CMP co-ordinator.

### 11.3 Southeast Pacific southern right whale

#### 11.3.1 Report of the Conservation Committee

The Conservation Committee discussions can be found under Item 8.3 of Annex G as well as under Item 10.3 above, including consideration of the report of the Scientific Committee. In addition to the concern over the proposed wind farm development, the Conservation Committee welcomed news of maximum protection to whales when a sighting is recorded.

### 11.4 Additional CMP proposals and strategic planning

#### 11.4.1 Report of the Conservation Committee

The Conservation Committee discussions can be found under Items 8.4 and 8.5 of Annex G including consideration of the report of the Scientific Committee. It had *inter alia* provided a list of potential candidates for CMPs in response to the Commission's request made at IWC/64 in 2012 (see IWC/65/Rep01 (2013), Item 21) and consideration of relevant parts of the Conservation Committee's Standing Working Group (IWC/65/CCRep03).

<sup>17</sup>The Memorandum of Co-operation was signed by the Russian Federation, Japan and USA later in the meeting.

## 11.5 Progress Report by the CMP Standing Working Group

### 11.5.1 Report of the Conservation Committee

The report of the CMP Standing Working Group (including a workplan) is given as IWC/65/CCRep03 and was presented to the Conservation Committee. It made a wide range of recommendations including revised Terms of Reference and work plan, incorporation of marine debris into existing and new CMPs, increased collaboration with relevant IGOs, investigation of CMPs for small cetaceans and assistance with ongoing work in the Indian Ocean and Oceania. The Conservation Committee discussions can be found under Item 8.4 of Annex G.

### 11.6 Commission discussions and action arising

Italy, on behalf of the EU, proposed that all of the recommendations relating to CMPs made by the Scientific Committee and Conservation Committee should be adopted. These recommendations were **endorsed** by the Commission (see Item 24).

## 12. WHALEWATCHING

### 12.1 Report of the Conservation Committee

The Conservation Committee discussions can be found under Item 6 of Annex G including consideration of the report of the Scientific Committee (IWC/65/Rep01, Item 15 in 2013 and 2014) which had *inter alia* expressed concern over feeding the boto in Brazil; the poor management of whalewatching on the small resident bottlenose dolphin population in Bocas del Toro, Panama; the need for a better mechanism to alert the IWC and Governments over concerns; and reiteration of principles regarding swim-with programmes. The Conservation Committee also received the report of its Standing Working Group on Whalewatching which *inter alia* had urged additional consideration of the recommendations from the Brisbane whalewatching operators' Workshop (IWC/65/CCRep02<sup>18</sup>); the hosting of a joint Workshop with the Scientific Committee to complete the outline of the handbook; and completion of the capacity building survey and development of suggestions for a suitable pilot area.

### 12.2 Commission discussions and action arising

Argentina, supported by Colombia, Ecuador and the USA, stressed the importance of whalewatching to local regions and the many benefits to coastal communities and to conservation. Ecuador noted that it had already implemented regulations on sustainable whalewatching. Colombia noted that it is developing several instruments relating to cetacean management; it is currently consulting civil society about a whalewatching manual; is in the process of adopting a marine management plan; and is organising two workshops, including one on entanglement.

Discussion of the adoption of the Report of the Conservation Committee is given under Item 24.5.

## 13. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES

The Working Group on Whale Killing Methods and Associated Welfare Issues (WG on WKM&AWI) met on 11 September 2014 and its report, originally IWC/65/Rep06, is provided as Annex H. The Chair of the Working Group (Michael Stachowitsch, Austria) summarised its findings to the Plenary Session (below).

### 13.1 Data provided on whales killed

Data on whales euthanised or killed was provided by New Zealand, USA, Denmark (Greenland), the Russian Federation, St Vincent and The Grenadines and Norway (see Annex H, Item 3). The Working Group thanked these Governments for submitting their data and urged others to do the same.

### 13.2 Improving the humaneness of whaling operations

Norway and USA submitted reports (see Annex H, Item 4). The Working Group thanked NAMMCO for its presentation on their 'Manual for the Instruction on the Maintenance and use of Weaponry and Equipment Deployed in the Hunting of Baleen Whales' that focussed on safety for hunters and rapid death for the target species of the hunts. The report can be found on the NAMMCO website<sup>19</sup>.

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

Entanglement and marine debris are critical welfare as well as conservation issues and the IWC has begun to make good progress on them (see Annex H, Item 5). The Working Group thanked the Secretariat for its report on progress, especially with respect to matters related to entanglements, including training workshops and capacity building, the development of a global database and convening future workshops. It recommended that this work continue, including funding the post of technical advisor to the Secretariat, held by David Mattila.

### 13.4 Whale welfare

#### 13.4.1 Report of the Workshop on Euthanasia Protocols

The Working Group received the report of this Workshop (IWC/65/WKM&AWIRep01<sup>20</sup>) co-hosted by the UK and Norway. It was highlighted as a good example of collaboration within the Commission. The Workshop stressed that human safety was of paramount importance and that euthanasia should only be attempted by trained personnel. It made a series of specific and practical recommendations on euthanasia protocols and related matters. The Scientific Committee and the WG on WKM&AWI endorsed the recommendations from this Workshop.

#### 13.4.2 Progress update from the Intersessional Working Group on Welfare

##### 13.4.2.1 REPORT OF THE WORKING GROUP

The Working Group received the report and recommendations of the Intersessional Working Group on Welfare (IWC/65/WKM&AWI05) that consisted of Argentina, Luxembourg, New Zealand, the UK and the USA.

The UK stressed that the recommendations were not intended to change the Working Group's existing work relating to hunting and welfare, and noted the progress made in delivering the 2003 Action Plan. Instead the purpose of the proposals was to formally recognise and embed the wider range of welfare considerations already being considered within the IWC into a single place.

The report's recommendations were discussed extensively at the meeting by the WG on WKM&AWI (see Annex H, Item 6) but no consensus could be reached on adoption of the proposals in the original document.

<sup>19</sup><http://www.nammco.no>.

<sup>20</sup>Published in this volume.

<sup>18</sup>Published in this volume.

### 13.4.2.2 COMMISSION DISCUSSIONS

Italy, on behalf of the EU, believed the IWC had a clear role to play in welfare issues and welcomed the outcomes of the recent workshops and the endorsement of their recommendations by the Scientific Committee.

The UK recalled that at IWC/64, the Commission had endorsed the Intersessional Working Group on Welfare and its mandate to review the Terms of Reference of the WG on WKM&AWI and its action plan. It believed welfare to be an important issue which is entwined with other IWC interests and that, at present, the discussions of welfare issues at the Commission were *ad hoc*. The UK believed that the IWC should follow a comprehensive approach. It had thus produced a revised version of the recommendations (IWC/65/WKM&AWI05rev1) since the close of the Working Group that had tried to accommodate the concerns expressed within the Working Group discussions, with respect to names, definitions of certain terms and the action plan. The UK emphasised that this work was not intended to be controversial. It hoped that discussions could continue to enable it to solve any further outstanding issues.

Argentina, Australia, Germany, Ireland and the USA associated themselves with the comments made by the UK and Italy on behalf of the EU.

Germany thanked the Chair of the WG on WKM&AWI for the excellent report and the UK for chairing the Intersessional Working Group on Welfare and for the work done by this group. It was disappointed that incomplete data on killing methods had been provided, including on whether and how often a secondary killing method was used, and the average and maximum time to death (TTD) recorded in each hunt. This made it impossible to independently assess any progress, or areas for specific concern within the hunts. Germany expressed interest in further data from fin whale hunts, as these are the largest whales currently hunted and are killed using a specific explosive harpoon. It would have liked to know in how many cases a secondary harpoon, or other secondary killing method had been required to kill these large whales. Furthermore, it would be grateful for data on minke whale hunts, and suggested that hunts on large species such as sei and sperm whales could be reported to the IWC.

Iceland stated that it had an ongoing study on its fin whale hunt, and would send the results of this scientific research to next year's NAMMCO Scientific Meeting.

The USA thanked the UK for taking the lead on the Intersessional Working Group on Welfare upon which it had served. It looked forward to working on these issues in the coming years. It supported the recommendation to broaden the IWC's consideration of welfare beyond that solely related to direct harvest, including efforts to consider welfare concerns from indirect human impacts. However, it also reiterated that the group needed to consider hunting activities separately or, alternatively, to include the correct experts when speaking to hunting issues. This was because the welfare-related objective of hunting (a quick death) and the objectives of other welfare issues (to avoid injury/death) differ, and the expertise required to speak to it differs.

Argentina said that welfare issues are important to all members of the Buenos Aires Group and it would continue to participate actively. It accepted all of the recommendations.

Norway stated that it could not support the proposed substantial extension of the Terms of Reference and the scope of work although it appreciated that the UK had removed some of the issues that caused it the greatest concern. However, it believed the removal of these issues was only temporary as there was reference to intersessional

meetings in the future. Despite its long history of work within the IWC on this topic, including work on the use of non-explosive ('cold') harpoons in the 1980s, Norway has decided to submit its TTD data to the Hunting Committee of NAMMCO, which has made good progress with this issue. It noted that the new action plan would result in a substantial extension of the scope of its work from hunting to incorporating all potential anthropogenic threats to cetaceans. It doubted whether all of proposed data could be collected or that a 'common understanding' of welfare for cetaceans could be reached. It believed that work on 'welfare' would be better carried out at workshops with invited experts, which is the way that NAMMCO works.

Japan stated that it took welfare issues seriously. It believed that this discussion had become too acrimonious in the past and the data it had submitted had been misused by some to show the worst case scenario. In 2003 it stopped providing data to IWC for this reason and, in the interests of transparency, began to submit its data to NAMMCO, where they are publically available. Japan noted with appreciation that the UK's proposal was intended to reduce the previous acrimonious approach to this issue. It would follow any further debate with interest but would not participate. Iceland associated with the comments from Japan and Norway.

Australia spoke in favour of the proposal, associating with the statements from Italy and the UK. It noted that NAMMCO is not the responsible global body to which such information should be submitted, as it was a body for the study of marine mammals in the North Atlantic only. Australia requested that the data be submitted to the IWC as the only body with global responsibility.

The Russian Federation said that it had submitted all of its data to the IWC, and would continue to do so. It believed that welfare is a philosophical question. It asked for clarification as to how hunted whales are pronounced as dead at sea, and enquired whether the Scientific Committee have a definition for this. The Russian Federation did not agree with Australia's view on NAMMCO, which in their opinion used a scientific approach and had expertise in the subject of whale hunting. It considered that it was very important to consider the safety of whalers when discussing these welfare issues.

NAMMCO stressed that it was a fully competent intergovernmental organisation for management of cetaceans under UNCLOS. It referred to the discussion within the WG on WKM&AWI (see Item 13.2 above) on the manuals it had developed for safe use of weapons and other hunting equipment, which are available on the NAMMCO website<sup>21</sup>.

Denmark acknowledged the importance of work on welfare, as it was relevant to its hunts in Greenland and the Faroes; however, it could not support this proposal as its concerns previously expressed during the Working Group (Annex H, Item 6) remained unresolved.

The UK re-emphasised that this work was not intended to interfere with hunters' welfare. Rather, it wished to establish a strategic approach to a subject relevant to many of the IWC's work programmes.

The Alaska Eskimo Whaling Commission (AEWC) made a statement on hunting efficiency in a time of climate change. Hunting is dependent on environmental conditions, for example, whales can slip under the ice after they are struck. In 1977 the AEWK promised to raise the efficiency of their hunt to 75%, and now it is at 80% or more, due to better equipment and hunter training. Arctic stakeholders

<sup>21</sup><http://www.nammco.no/>.

have been working together to maintain hunt efficiency in the face of climate change and increased oil exploration. The AEWC has joined other organisations from the area to form the Arctic Marine Mammal Coalition and the Arctic Waterways Safety Committee.

#### 13.4.2.3 ACTION

Following a break and a recognition of absence of consensus, the UK introduced a second revised version (IWC/65/WKM&AWI05rev2) with updated recommendations.

Norway noted that, while they continued to find the revised proposal ambitious, they would not block consensus.

South Africa expressed support for the proposal and indicated its willingness to join the Intersessional Working Group on Welfare.

The Chair was pleased to note that after these extensive efforts by the UK, Norway and others, the revised name ('Working Group on Whale Killing Methods and Welfare Issues', WG-WI), Terms of Reference and action plan outlined in IWC/65/WKM&AWI05rev2 was **adopted by consensus**. The adopted text can be found as Annex H, Appendix 4.

The UK announced that they will commit £20,000 towards continuing this work.

World Animal Protection (an NGO) commended work underway to address important welfare issues and announced a collective funding contribution totalling £10,800 from the following NGOs: Animal Welfare Institute, Humane Society International, International Fund for Animal Welfare, Ocean Care and World Animal Protection. This money is to assist in expanding the work of the disentanglement network and training programme, as well as progressing work to improve and share knowledge on the humane treatment of stranded whales.

## 14. REVISED MANAGEMENT PROCEDURE (RMP)

### 14.1 Introduction

The Chair noted that Scientific Committee's work on this item can be found in IWC/65/Rep01 (under Item 5 for general issues and Item 6 for *Implementation*-related matters in both 2013 and 2014). General issues covered included the completion of the review of maximum sustainable yield rates, and ongoing work on the *Catch Limit Algorithm* and RMP guidelines and annotations. The Committee had completed its *Implementation Review* of western North Pacific common minke whales and expected to have completed the *Implementation Reviews* for North Atlantic fin whales and common minke whales before IWC/66.

### 14.2 Commission discussions

#### 14.2.1 Icelandic whaling

Italy, on behalf of the EU, supported by Australia, New Zealand and the USA, strongly supported the moratorium on commercial whaling. It said that it had approached Iceland formally through diplomatic channels on the issue of its fin and common minke whale quotas, and also on the issue of their resistance to inclusion of these species in CITES. Italy, on behalf of the EU, had urged Iceland to withdraw its Objection to paragraph 10(e) of the Convention as it believed that all Contracting Governments should abide by every paragraph of the Convention. It highlighted the increase in whalewatching in Iceland and suggested that commercial whaling could undermine the development of this emerging industry.

Argentina, supported by Australia and the USA, stated that it opposed the taking of whales and supports the moratorium and sanctuaries. It appreciated Iceland's efforts on environmental matters in other international agreements. Argentina associated itself with the diplomatic efforts of Italy and the EU and called on Iceland to reconsider issuing quotas for common minke and fin whales. It hoped Iceland would consider eliminating commercial whaling and begin to follow the moratorium.

The USA, supported by Australia and New Zealand, encouraged Iceland to adhere to the moratorium and reconsider its decision to continue to issue fin and common minke whale quotas. The USA was concerned at the significant increase in catches since 2009. It stated that because of these increasing activities, the USA Secretaries of Commerce and the Interior had certified that Iceland's commercial whaling and international trade in whale products are diminishing the effectiveness of the ICRW and CITES. The USA had thus directed relevant departments and agencies to take a number of diplomatic actions. The USA also strongly urged Norway to cease commercial whaling and international trade in whale products.

Iceland stated that it attached great importance to the principle of sustainable use of natural resources. Its whaling is only directed to abundant stocks; it is based on science and is sustainable and strictly managed in accordance with international law. Iceland depends economically on sea food exports, including the legal export of whale products. It believed that all international discussions should be based on law. Several countries catch whales, and these whaling operations are all legal in accordance with IWC. Iceland has had an emphasis on conservation for many years and takes this approach to its whaling operations. In 2002, it made a lawful reservation to paragraph 10(e) so that it was not legally bound by the paragraph and could resume commercial whaling. The catch limits in the hunt follow scientific advice from the Marine Research Institute of Iceland. Abundance levels of the stocks have been confirmed by IWC and NAMMCO, and recommended catch limits are within sustainable rates. Iceland noted that IUCN has not listed either species as Endangered or Vulnerable. It saw no reason why whalewatching and whaling cannot co-exist.

Japan supported the intervention by Iceland. As it had stated under Item 6, it believed that Schedule paragraph 10(e) did not prohibit commercial whaling but rather set a zero catch limit until such time as a Comprehensive Assessment could be undertaken to confirm safe catch limits. The RMP was developed for this purpose and was adopted by the Commission through consensus in 1994. The recent judgement of the ICJ also supported the use of the RMP as a management measure. Japan highlighted the inconsistency of approach in the Commission caused by representatives of countries who oppose commercial whaling continuing to work on the RMP in the Scientific Committee. The RMP is an extremely conservative management measure. Many fishery resources are harvested at lower stock levels than the RMP allows. The Scientific Committee has carried out *Implementation Reviews* on several species such as the North Atlantic fin whale and North Atlantic common minke whale amongst others, and Norway and Iceland have established their quotas based on this RMP work; according to the RMP their catches are sustainable and it believed that they should be allowed under paragraph 10(e).

New Zealand said that it had objected to Iceland rejoining the Convention with a reservation on paragraph 10(e) since it did not believe this was legal. It interprets paragraphs

228-230 of the ICJ judgement as meaning that whaling not carried out under Aboriginal Subsistence Whaling or Special Permit programmes is illegal.

Brazil, Ecuador, Chile, Colombia, Peru, Mexico, Panama, Uruguay, Costa Rica and the Dominican Republic associated themselves with the statements made by Italy and the EU states, Argentina, Australia, New Zealand and the USA.

Norway and the Russian Federation associated themselves with Iceland and Japan. The Russian Federation said that it was not presently involved in commercial whaling for technical reasons but still had a right conduct to commercial whaling. It said that several countries do not consider Iceland as a full member of the IWC and wondered why in that case they wanted to discuss commercial whaling with Iceland and not with other non-members such as Indonesia or Canada. It considered that Iceland had fulfilled all its obligations under the IWC and CITES Conventions and that the science had proved that their hunt would not have any effect on the stocks.

Iceland reiterated that it believed its whaling was based on the rule of law and did not believe that criticism based on other factors was valid.

## 15. SCIENTIFIC PERMITS AND OTHER RELATED ITEMS

### 15.1 Implications for the IWC of a recent case before the International Court of Justice entitled 'Whaling in the Antarctic' Australia vs Japan; New Zealand intervening<sup>22</sup>

#### 15.1.1 Introduction by the parties to the case

##### 15.1.1.1 JAPAN

Japan introduced IWC/65/22, its summary of the main points of the ICJ judgement relevant to this and related IWC/65 agenda items. It stated that the judgement was only binding on the Parties to the case and that the IWC has no legal obligations to obey the judgement unless it makes decisions to that effect. However, Japan recognises that the judgement may have implications for IWC discussions. It stressed that Operative Clause 247, paragraph 7 of the ICJ judgement means that the judgement only relates to JARPA II.

Japan noted the final sentence at paragraph 56 of the judgement concerning the objectives of the ICRW, which states that Contracting Parties 'decided to conclude a Convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry', which Japan interprets as supporting the sustainable use of whales. Japan stated that amendments to the Schedule may emphasise an objective but cannot deny the purpose of the ICRW.

Japan noted that paragraph 83 of the judgement indicated that Australia and New Zealand had overstated the legal significance of the recommendatory resolutions and guidelines on which they rely. Japan also highlighted that the second section in paragraph 83 states that relevant resolutions and guidelines approved by consensus 'do not establish a requirement that lethal methods be used only when other methods are not available'.

Japan further noted that, while the sale of whale meat is often presented as evidence of commercial whaling, the ICJ's view in paragraph 94 was 'that the fact that a programme involves the sale of whale meat and the use of proceeds to fund research is not sufficient, taken alone, to cause a special permit to fall outside Article VIII'.

In relation to JARPA II, paragraph 227 states that the ICJ finds that 'the evidence does not establish that the programme's design and implementation are reasonable in relation to achieving its stated objectives'. Japan regretted this, and noted the next sentence of this paragraph states that the special permits granted by Japan for JARPA II are not for scientific research as defined in Article VIII. Japan commented that in its view, this conflicted with wording in paragraph 127, which reads that JARPA II activities involving lethal sampling or whales can broadly be categorised as 'scientific research'. Japan believed that the ruling was not clear, since one paragraph concludes that JARPA II was for purposes of scientific research, and another paragraph concluded the opposite.

Japan highlighted paragraph 246 concerning future issuance of special permits for scientific whaling. It concluded from this that the judgement only says that Japan should revoke existing licences issued under JARPA II and that the Court assumes that Japan will submit a new research plan and, in doing so, it will take into account paragraph 88, concerning the meaning of 'for the purposes of'.

##### 15.1.1.2 AUSTRALIA

Australia encouraged all interested delegates to read the full judgment. While acknowledging that the decision of the Court only formally binds the Parties to the case, it stressed that pronouncements of the ICJ are regarded as authoritative and reliable statements of international law and the principles enounced are ordinarily followed.

Australia noted that the ICJ found that the granting of permits under JARPA II could not be justified as being 'for purposes of scientific research' under Article VIII of the Convention. Consequently, the ICJ found that the JARPA II programme was not consistent with the Convention, including the moratorium on commercial whaling, the factory ship moratorium and the Southern Ocean Sanctuary. While noting that special permit whaling could be permissible in the future if in accordance with Article VIII, Australia stressed that it does not regard lethal scientific research to be necessary.

Australia said that the ICJ elaborated the objective criteria that must be fulfilled for a special permit programme to be consistent with Article VIII and that it is essential that these parameters be included in the IWC criteria for the consideration of any future special permit programme. Australia highlighted four of these criteria: (1) that each of two cumulative elements in Article VIII – 'scientific research' and 'for purposes of' – must be satisfied; (2) that the elements of a programme's design and implementation are reasonable in relation to its stated scientific objectives; (3) the use of lethal methods; and (4) that the scale of lethal sampling cannot be greater than is otherwise reasonable in relation to achieving the programme's objectives.

##### 15.1.1.3 NEW ZEALAND

New Zealand noted that, although the ICJ confirmed that scientific whaling was permitted under the Convention and that Japan has the opportunity to reconstruct a programme of scientific whaling in accordance with the Court's decision, the Court sent Japan a strong signal about the wisdom of such a course of action. It hopes Japan will heed that signal and amend its approach to Southern Ocean whaling.

New Zealand considered the ICJ to mark a fundamental waypoint in the history of the ICRW and Japan should not consider that it was 'business as usual'. It stressed that the ICJ ruled unambiguously that a programme of whaling that had been carried out in the Southern Ocean for the past eight years, purportedly on the basis of Article VIII of the

<sup>22</sup>See also the substantive discussions under Item 7.5.

Convention, was in fact outside the scope of the Article and therefore breached certain provisions of the Convention, including the moratorium on commercial whaling, and must cease. New Zealand considered that the ICJ is a vindication of New Zealand's and others' longstanding opposition to what Japan calls 'scientific whaling' in the Southern Ocean.

New Zealand stressed that the ICJ dispelled the notion that any single Party can decide for itself on the scope and implementation of Article VIII. Instead, a State wishing to take whales under Article VIII must establish, on an objective basis, that the use of lethal methods is 'for purposes of scientific research'.

New Zealand referred to the final sentence of ICJ paragraph 219, regarding scientific publications arising from JARPA II: 'In light of the fact that JARPA II has been going on since 2005 and has involved the killing of about 3,600 minke whales, the scientific output to date appears limited'. New Zealand considered this to be a significant judicial understatement.

Finally, the ICJ clarified that Contracting Governments to the ICRW have a duty to co-operate with the IWC and the Scientific Committee and must pay due regard to the recommendations of the Commission regarding the use of lethal methods.

#### 15.1.1.4 COMMISSION DISCUSSION AND ACTION ARISING

Mexico noted that the ICJ judgement should be considered as a whole, as referring to extracts only could lead to the wrong conclusions. Mexico drew attention to paragraph 246 of the judgement, which states that the obligation to comply with Article VIII of the Convention applies to all Contracting Governments, remarking that any future permits issued must be reviewed in light of the objectives of the Convention, and including with respect to Article VIII. Mexico stressed that this represents an opportunity to do things differently and warned that not to do so would undermine the work of the Commission and lead to more infractions and ICJ cases.

The USA, Argentina, Brazil, Monaco and Uruguay associated themselves with the comments made by Mexico. In addition, the USA pointed out that lethal research is unnecessary for whale conservation and management. Monaco drew attention to paragraph 61 of the judgement, which states that 'whether the killing, taking and treating of whales pursuant to a requested special permit is for purposes of scientific research cannot depend simply on that State's perception', and concluded that the Commission needs to be consulted before special permits are issued.

Iceland expressed their support for the views presented by Japan.

Japan stressed that, to avoid any possible misunderstandings, it should be clear that Japan fully abides by the ICJ judgement and that it will continue to do so. Japan further stressed that JARPA II has been ended and that any new research programme would take into account the conclusions of the ICJ judgement.

The Chair noted that the Commission discussed issues relevant to the ICJ judgement in greater detail at Item 7.5 in its consideration of Resolution 2014-5 'Whaling under Special Permit'.

## 15.2 Review of results from existing permits

### 15.2.1 Expert scientific review of results from existing permits

#### 15.2.1.1 ANNEX P REVIEW OF THE ICELANDIC RESEARCH PROGRAMME 2003-07

The Chair noted that the Scientific Committee had discussed the review of the completed Icelandic Special Permit programme in 2013 that took 200 common minke whales

from 2003-07 (IWC/65/Rep01 (2013), Item 17.1) An Expert Panel had met in February 2013 (SC/65a/Rep03<sup>23</sup>). The Committee had thanked the Panel for its thorough review and acknowledged the efforts of the proponent scientists in providing revised papers. Comments from two groups of scientists were appended to the Committee's report.

#### 15.2.1.2 ANNEX P REVIEW OF JARPA II

The Chair noted that an expert panel review of the ongoing results from JARPA II had taken place in Tokyo in February 2014, prior to the ICJ ruling (the report is SC/65b/Rep02<sup>24</sup>) and it was presented to the Scientific Committee at its 2014 meeting. As recorded in the report of that meeting (IWC/65/Rep01 (2014), Item 17.1), scientists from some countries did not participate in the discussion related to JARPA II agenda items at the 2014 Scientific Committee as they considered it inappropriate for the Scientific Committee to continue the review of the JARPA II programme under Annex P following the ICJ judgement.

Japan explained that a comprehensive review of JARPA II was conducted by the expert panel and considered that the review provided very useful insights to inform future research activities.

In response to a query from Mexico, Japan clarified that JARPA II stopped on the day of the ICJ judgement (31 March 2014) and that it would not resume.

Chile, Australia, Argentina, Brazil, Costa Rica, Ecuador, France, Monaco, UK and Uruguay stressed that, since the ICJ concluded that JARPA II permits were not 'special permits', the Annex P review process of the Scientific Committee for reviewing 'special permit' whaling no longer applied to the JARPA II programme. As a result, many delegations did not participate in the review and therefore it did not encompass views from all Governments concerned and its findings were considered to be unrepresentative. These countries suggested that, in light of this and the significant concerns about whether it was appropriate to undertake a review of a programme declared to not be consistent with Article VIII of the Convention, the Commission should not endorse the JARPA II review arising from the Scientific Committee, and therefore the Commission should not endorse Item 17.1 of the 2014 Report of the Scientific Committee.

Japan noted that, while the opposition to the review is recorded in the Scientific Committee report, the review of JARPA II by the Scientific Committee prior to consideration by the Commission was done in accordance with the advice provided by the Chair of the Commission. Japan commented that it believed that the ICJ judgement cannot be applied retrospectively in relation to this issue and that data obtained through JARPA and JARPA II can and should be used for scientific analysis. It asked Australia whether it considered that past papers that have been published using these data should be withdrawn. Japan also noted that countries that had chosen not to attend the relevant discussions during the Scientific Committee meeting had requested data that originated from JARPA and JARPA II. In this regard, Japan expressed its understanding that such data would not be requested in future and questioned how the data obtained would be used by countries that disagree with Japan's interpretation.

<sup>23</sup>Published as: IWC. 2014. Report of the Expert Workshop to Review the Icelandic Special Permit Research Programme, 18-22 February 2013, Reykjavik, Iceland. *J. Cetacean Res. Manage. (Suppl.)* 15:455-88.

<sup>24</sup>Published as: IWC. 2015. Report of the Expert Workshop to Review the Japanese JARPA II Special Permit Research Programme, 24-28 February 2014, Tokyo, Japan. *J. Cetacean Res. Manage. (Suppl.)* 16:369-409.

Australia remarked that some of the judgement's conclusions do apply retrospectively, drawing attention to the wording that 'Japan has not acted in conformity with its obligations under paragraph 10 (e) in each of the years in which it has granted permits for JARPA II (2005 to the present)'.

Mexico, supported by Uruguay, requested that all mention of JARPA II be eliminated from the Scientific Committee report.

The Chair concluded that there was no agreement under this Item on whether or not the Commission should endorse Item 17.1 (the JARPA II review) in the 2014 Scientific Committee report. The Commission returned to this subject under Item 24.2.

#### *15.2.2 Other review of results from existing permits*

##### **15.2.2.1 JARPN II**

The Chair noted that the Scientific Committee had received regular progress updates from the JARPN II programme and that it was almost ready for a periodic review under the Annex P process with an expert panel Workshop expected in early 2016. Scientific Committee discussions of this and related matters with respect to JARPN II and revisions to it can be found in SC/65/Rep01 (Item 17.5 in 2013 and Item 17.3.2 in 2014).

#### **15.3 Review of new or continuing proposals**

##### *15.3.1 Planning for an Annex P review of JARPN II*

The Chair referred to discussions under Item 15.2.2. No further comments were made under this Item.

##### *15.3.2 Future Japanese special permits in the Antarctic*

Japan explained its response to the ICJ judgement, emphasising again that JARPA II has finished. It stated that paragraph 246 of the judgement 'expected that Japan will take account of the reasoning and conclusions contained in this judgment as it evaluates the possibility of granting any future permits under Article VIII, paragraph 1, of the Convention.' In accordance with this, the Japanese Minister for Agriculture, Fisheries and Forestry had made a statement<sup>25</sup> indicating that Japan will review the design of its Antarctic research programme, with the aim of submitting a new research plan that takes account of the ICJ judgement.

Japan noted that, following the present Annex P process, the new research plan will be made available in early November 2014, an expert Workshop will take place to review the research plan in January or February 2015, and the report from the Workshop will be submitted to the Scientific Committee for discussion in May 2015. It stated that the new plan will take account of suggestions made during the JARPA II review in February 2014 and will address the criteria outlined in paragraph 88 of the ICJ judgement. Japan stated that the process will be open and transparent, involving Japanese and international scientists and the IWC Scientific Committee.

Further discussion was heard under Item 7.5, 'Resolution on Whaling under Special Permit'.

#### **15.4 Procedures for reviewing special permit proposals**

The Chair noted that the Scientific Committee's present procedure for reviewing special permit proposals, known as Annex P, had been clarified by the Committee in 2014 (IWC/65/Rep01, Item 27.3). The Commission's instructions for the Scientific Committee to review and if necessary amend Annex P are considered under Item 7.5, 'Resolution on Whaling under Special Permit'.

#### **15.5 Other**

There were no discussions under this agenda item.

## **16. SAFETY ISSUES AT SEA**

### **16.1 Introduction**

Japan made a presentation on the sabotage activities undertaken by the Sea Shepherd Conservation Society (SSCS) against Japanese vessels and stressed the danger posed to crew members, the environmental impacts of introducing non-biodegradable materials into the Antarctic Ocean, and the impacts on the research programme.

Japan noted that in 2012, the USA Court of Appeal issued an injunctive order stating that Paul Watson and SSCS should not come within 500 yards of Japanese vessels on the high seas, nor should they launch attacks on or navigate in a way to threaten the safe navigation of these vessels. In 2013, the USA Circuit Court of Appeal stated that SSCS activities are clear instances of violent acts for private ends and therefore could be considered piracy. SSCS ignored the court order and undertook sabotage activities in 2012-13 and 2013-14.

Japan recorded it had provided information on these criminal acts to the International Maritime Organization (IMO). It considered that the lack of sufficient action by flag States (Australia and the Netherlands) and port States (Australia and New Zealand) had enabled the SSCS to undertake its violent activities and requested more stringent measures to be undertaken, and drew attention to IWC Resolution 2011-2 on Safety at Sea.

The Taiji Fishing Association (an NGO) stated that the drive fishery in Taiji for small cetaceans is strictly controlled and the catch limits are scientifically based. It described how the SSCS and other organisations visit every year to sabotage the hunt. It indicated that the sabotage inflicts physical damage, impacts the dignity of the fishermen, and has led to a threatening atmosphere in the town.

Japan stated its position that small cetaceans are outside the remit of the IWC.

### **16.2 Commission discussion and action arising**

The Netherlands and Australia stated that the IMO is the appropriate forum for discussions on safety at sea and that they believed unlawful activity should be dealt with through national and international law. Australia, the Netherlands, New Zealand and the USA highlighted their joint statement from December 2013 in which they condemned any actions at sea that may cause injury, loss of human life or damage to property or the marine environment. They noted that they respected the right to protest peacefully on the high seas and highlighted their concern regarding the escalating violence and condemned dangerous, reckless and unlawful behaviour.

New Zealand also noted that it has a search and rescue responsibility in the Southern Ocean, and believed the actions of SSCS to be reckless and fundamentally unsafe. Search and rescue operations divert resources from the science supported by national Antarctic programmes. New Zealand expressed concern regarding the potential for environmental damage resulting from confrontations between whaling and protest vessels and indicated they did not support dangerous and irresponsible behaviour by any party.

Denmark explained that the Faroe Islands is a self-governing territory that is not within the EU. The Faroe Islands recognised the continued civil society interest in its whale drive and the importance of freedom of speech and peaceful protest. However, it emphasised it had no basis

<sup>25</sup><http://www.jfa.maff.go.jp/e/pdf/danwa.pdf>.

for dialogue with SSCS, which has put life and property at risk in the Faroes. It commended NGOs that engage in transparent dialogue and peaceful protest.

The USA expressed concern about the sustainability and welfare issues of the Taiji hunt.

In response to comments made, Japan noted that it fully supported peaceful, lawful demonstrations. It believed that some SSCS captains do not have Master's certificates and asked that this should be addressed immediately. It noted that flag States are responsible for ensuring organisations including SSCS abide by the law, and urged flag States to take action to prevent illegal activities.

The Japanese Whaling Association (an NGO) noted that the seamen going to the Southern Ocean for whale research face very dangerous conditions as a result of SSCS sabotage. It noted that SSCS have ignored a USA court order to stop its sabotage behaviour and urged port and flag States to stop accommodating this organisation.

## 17. CATCHES BY NON-MEMBER NATIONS

The Commission welcomed the fact that it had received reports from Canada on their subsistence catches of bowhead whales for the seasons 2012 and 2013. No report was received from Indonesia. The Secretariat was encouraged to continue its efforts to obtain information on catches by non-member nations.

## 18. INFRACTIONS, 2012 AND 2013 SEASON

### 18.1 Report of the Infractions Sub-Committee

The Infractions Sub-Committee met on 11 September 2014 and its report (originally IWC/65/Rep03) is provided as Annex I. Appendices 3 and 4 of the report included summaries of infraction reports received from Contracting Governments regarding catches in 2012 and 2013. The Chair of the Sub-Committee (Lars Walløe, Norway) summarised its findings to the Plenary session. Major discussion points included: whether accidental takes of calves and lactating whales should be seen as infractions given the difficulties with identifying these whales at sea; whether the catches taken by Denmark (Greenland) since 2012 should be treated as infractions as they had not obtained a strike limit at IWC/64 in 2012; and how the IWC databases will describe catches taken under the Japanese JARPA II programme.

A summary of catches by IWC member nations in the 2012 and 2012/13 and 2013 and 2013/14 seasons is provided as Annex J.

### 18.2 Commission discussion and action arising

#### 18.2.1 Lactating whales and calves

The Russian Federation noted that it was hard to distinguish calves at sea and therefore they should not be considered infractions.

#### 18.2.2 Greenland catches in 2013 and 2014

Denmark (Greenland) stated that it had submitted catch reports for 2013 but it did not consider these catches or those in 2014 to be infractions. It stated that portraying its aboriginal take as an infraction did not reflect the exceptional circumstances it faced or that all Greenlandic catches were strictly regulated.

Argentina recognised the discussions in Annex I (Item 3.1) on this issue and reiterated its comments that since Denmark (Greenland) had not been given a strike limit at IWC/64 in 2012, any whales hunted in Greenland in 2013 and 2014 should be reported as infractions.

Australia supported this view and did not believe that it should be left to the discretion of a Contracting Government to decide that there are circumstances special enough to justify acting in a manner not authorised under the Convention. It said that the circumstances described by Denmark (Greenland) explained their actions but did not justify them.

Argentina, Brazil, Chile, Uruguay, Mexico, Ecuador, Costa Rica, Peru, Panama and New Zealand associated themselves with Australia.

The Russian Federation believed the Commission should adopt the suggestion that these catches should not be included as violations. The Republic of Guinea associated itself with the Russian Federation, stressing that Greenland's catches were for food security.

Iceland noted that in Greenland's case, its strike limit proposals had been accepted by the Scientific Committee but that the Commission had then rejected them. It recognised that Denmark and Greenland had worked hard intersessionally to resolve the matter. Iceland considered that biennial meetings of the IWC added to the problem as the Greenlandic people had to wait for two years for a resolution to the issue within the IWC. These were special circumstances and so Iceland did not believe that the catches from 2013-14 should be reported as infractions.

Japan and Norway associated themselves with Iceland and the Republic of Guinea. Japan stated that the Commission had denied Greenland any subsistence catches and now was asking for them to be reported as infractions. The Russian Federation agreed, saying that, since Denmark (Greenland) had not been given a zero quota, it was entitled to strike whales in accordance with the paragraphs in the Schedule dealing with ASW and the rights of indigenous people of Greenland to take whales for local consumption.

The Chair of the Commission considered this matter to be a problem with the Commission's procedures. In future, there needs to be a counter-proposal for such Schedule amendments that do not achieve the necessary three quarters majority. Thus if the Commission votes on a specific proposal, another is required should the first one fail. The USA agreed with this view.

Mexico, supported by Argentina, Costa Rica, Peru, the Dominican Republic, Monaco, Colombia and Uruguay, said this issue needed to be examined carefully, as there appears to be a problem in the wording of the Schedule such that, if an amendment is not adopted, Governments are free to act as they choose. Chile cautioned that this new interpretation of the Schedule may set a bad precedent; similar situations have arisen before, but this interpretation was not used in those previous instances.

The Chair considered that this was a consequence of the Commission's actions in Panama at IWC/64 when it had failed to give Denmark (Greenland) any quota, but had also not allocated a quota of zero. This did not leave Denmark (Greenland) with any advice or options on how to proceed. The Commission should ensure this situation does not reoccur in future.

New Zealand considered that the issue has resulted from Denmark (Greenland) asking for too high a quota at IWC/64 and agreed with the Chair that this situation should not be allowed to happen again.

St Lucia supported the view of the Chair that the Commission should take responsibility for making the organisation functional. Japan agreed, saying that the Commission should not discuss the specific case of Greenland again but rather try to find a system that prevents a repeat of this situation. When a decision is reached, this

text could then be appended to the infractions and catch reports for the Greenland hunts for this period. Antigua and Barbuda agreed with this in the spirit of compromise.

Denmark (Greenland) noted that the Greenland Authority conduct their hunt following IWC guidance and submit the necessary reports. Denmark (Greenland) stressed the exceptional circumstances following IWC/64 in 2012 and noted that it had engaged in great efforts to solve the issue and thanked the Commission for granting its revised ASW quota for 2014-18.

In conclusion, the Commission **agreed** that the unresolved issues concerning catches taken in Greenland in 2013 and 2014 should be referred to the Working Group on Operational Effectiveness and Cost Saving Measures.

#### 18.2.3 Recording of JARPA II catches in the IWC database

With regards to the reporting of JARPA II catches through IWC databases, the Commission **agreed** that the databases should show the catches arising from the JARPA II programme as taken under special permits issued by Japan, but with a footnote indicating they had been discussed by the ICJ and including a reference to the Court's judgement and to the discussions documented in the present report (Items 7.5 and 15.1).

## 19. ENVIRONMENTAL AND HEALTH ISSUES

### 19.1 State of the Cetacean Environment Report (SOCER)

The SOCER provides an annual update on matters relevant to the environment and cetaceans. In 2013 the Mediterranean and Black Seas were the regional focus whilst in 2014 it was the Atlantic Ocean, Caribbean and Gulf of Mexico (see Item 12.1 in IWC/65/Rep01 in 2013 and 2014).

Italy, on behalf of the EU, stated that the health of the oceans is a serious concern and welcomed work undertaken by the Scientific Committee through SOCER.

### 19.2 POLLUTION 2000+ research programme

The Scientific Committee has been working on an innovative and important project to examine the effects of certain chemical pollutants on cetaceans and to predict population level effects through its POLLUTION 2000+ programme. A new web-based tool for population modelling has been completed and is nearly ready to be placed on the IWC website. A new phase of the project incorporating *inter alia* new pollutants has been recommended (see Item 12.2 in IWC/65/Rep01 in 2013 and 2014).

### 19.3 Cetacean diseases

The Scientific Committee has been working on the issue of Cetacean Emerging and Resurging Disease (CERD) since 2008 and progress on this and associated recommendations were discussed in 2013 and 2014 (see Item 12.3 in IWC/65/Rep01 in 2013 and 2014)

### 19.4 Anthropogenic sound

Scientific Committee discussions in 2013 and 2014 focussed on: soundscape and noise mapping as a contribution to highlighting priority areas/sound sources; noise and marine renewable energy devices; efficiency of marine mammal observers as a mitigation tool; overall measures to reduce anthropogenic ocean noise and behavioural responses to noise (see Item 12.4 in IWC/65/Rep01 in 2013 and 2014). Recommendations of most relevance to governments covered the endangered Baltic sub-population of harbour

porpoises; promotion of noise reducing technologies; consideration of noise exposure limits; provision of data about noise generating activities (including industry and military) to allow improved evaluation of effects; adoption of the process described in Nowacek *et al.* (2013)<sup>26</sup> for minimising the effects of seismic surveys on cetaceans.

ORCA (an NGO) had investigated two mass strandings of long-beaked common dolphins in Peru and suggested that acoustic trauma could have been the cause. ORCA expressed support for the Scientific Committee's recommendations regarding anthropogenic noise and urged international noise regulation to prevent mass strandings. In particular, ORCA encouraged countries to implement mitigation plans; to take migratory patterns of cetaceans into account; and to report mass strandings to the IWC.

### 19.5 Climate change

The primary focus of discussions in the Scientific Committee (see Item 12.5 in IWC/65/Rep01 in 2013 and 2014) related to developing a future work plan and a review of the results of the Commission's Arctic Workshop (see below). The Committee commended the work of the Workshop and its recommendations.

DeMaster (USA), the Chair of the IWC Workshop on Impacts of Increased Marine Activities on Cetaceans in the Arctic held in Anchorage, Alaska in March 2014 presented the report (IWC/65/Rep07rev1<sup>27</sup>). The Workshop had benefited from a wide range of participants from various countries. It had focused on increased shipping and oil and gas activities and their impact on cetaceans, including recommendations to address these threats. Recommendations included having a standing IWC agenda item on the Arctic; increased cooperation with the Arctic Council Secretariat; increased cooperation with the IMO in relation to shipping traffic and ship strikes; increased cooperation with stakeholders; and a number of actions related to Arctic research.

The USA noted that climate change is leading to decreased ice cover in the Arctic and increased open water access for shipping. It expressed its support for the Workshop's recommendations, noting that while the IWC should remain as the main organisation dealing with whale conservation and management, there are important opportunities for co-operation.

The Commission **endorsed** the Workshop report and its recommendations, including in particular the request to establish greater contact with the Arctic Council.

### 19.6 Other habitat related issues

There were no comments under this agenda item.

### 19.7 Ecosystem modelling

The Scientific Committee reviewed ecosystem modelling efforts undertaken outside the IWC, explored how ecosystem models can contribute to developing scenarios for simulation testing of the RMP; and reviewed other issues relevant to ecosystem modelling within the Committee (see Item 13 in IWC/65/Rep01 in 2013 and 2014). Its discussions in 2013 and 2014 included modelling of predators and prey and possible competition among baleen whales, and a review of spatial/habitat modelling.

<sup>26</sup>Nowacek, D.P., Bröker, K., Donovan, G., Gailey, G., Racca, R., Reeves, R.R., Vedenev, A.I., Weller, D.W. and Southall, B.L. 2013. Responsible practices for minimizing and monitoring environmental impacts of marine seismic surveys with an emphasis on marine mammals. *Aquat. Mamm.* 39(4): 356-377.

<sup>27</sup>Published in this volume.

### 19.8 Health issues

New Zealand, supported by Uruguay, noted that whales and dolphins serve as indicators of the health of the oceans as they accumulate pollutants and they called for international cooperation to address this threat. Monaco noted that in addition to cetaceans accumulating pesticides and heavy metals there is an additional, emerging threat arising from the transformation of plastic debris into micro-particles which have an unknown interaction with the tissues of animals.

Pro-Wildlife (an NGO) recalled IWC Resolution 2012-1 adopted at IWC/64 on the possible negative health effects related to consumption of some cetacean products, and drew attention to an online database, established by OceanCare and Pro-Wildlife<sup>28</sup> that can be used to look for contamination levels in both humans and cetaceans.

### 19.9 Other

There were no comments under this agenda item.

## 20. OTHER SCIENTIFIC COMMITTEE ACTIVITIES

### 20.1 Small cetaceans

The primary topics (regarding species/areas) dealt with by the Scientific Committee vary each year according to venue (see Item 14 in IWC/65/Rep01 in 2013 and 2014). In 2013, it reviewed current status of selected populations of small cetaceans in east Asian Waters and in 2014 it undertook a review of the status of small cetaceans in the eastern Mediterranean and Red Seas. In both cases, the Committee identified a number of areas/populations of conservation concern. It also reviewed progress on previous recommendations and again identified areas/populations of concern. Grave concern was expressed over the status of the vaquita, Hector's dolphin, Irrawaddy dolphin, Yangtze finless porpoise, Amazon river dolphins and small cetaceans in Ghana.

#### 20.1.1 Vaquita

Mexico referred to a statement it had issued with the USA (IWC/65/26rev1) on the vaquita which emphasised their concern and intention to work together to avoid its extinction. The statement asked for other nations' support, particularly those importing the large, illegally harvested fish, the totoaba (*Totoaba macdonaldi*) which is caught in gear that also catches vaquita in Mexico and is traded illegally on both sides of the Mexico-US border and overseas. The vaquita is an iconic species found only in the Gulf of California and is the most endangered marine mammal species alive today, with fewer than 100 individuals remaining. Previous efforts to conserve the vaquita have slowed the rate of decline, but the resurgence of the illegal totoaba fishery (which is also listed in CITES Appendix I) has caused the situation to deteriorate rapidly. Current estimates suggest that the vaquita faces imminent extinction, possibly by 2018.

Mexico and the USA were alarmed by these findings which were described in the Reports of the IWC Scientific Committee and of the International Committee for the Recovery of the Vaquita (CIRVA)<sup>29</sup>. Immediate steps are needed to prevent the extinction of the vaquita which include halting the entanglement of vaquita in gillnet

fisheries, especially those associated with the illegal fishery for the endangered totoaba. The USA and Mexico believe that enhanced cooperation measures are necessary which should include:

- enforcement: supporting Mexico to enhance protection of the vaquita and combat the illegal capture and trade of totoaba;
- fishing gear technologies: research into technologies to replace gillnetting for finfish and measures to encourage adoption of these technologies;
- socioeconomic measures: Mexico and the USA have pledged to consider measures to promote vaquita conservation by providing economic incentives and/or alternative career opportunities for fishermen; and
- acoustic monitoring: maintain monitoring in order to continually assess the vaquita.

The USA commended Mexico for its past conservation initiatives noting that despite these efforts the plight of the vaquita had worsened. It expressed support for joint working with Mexico to assess the vaquita's conservation status and the need to develop fishing gear that does not trap vaquita as well as enforcing restrictions on smuggling. The USA supported the Scientific Committee's recommendation that all gillnets should immediately be removed from the upper Gulf of California to prevent extinction of the vaquita.

Argentina and Uruguay congratulated Mexico and the USA for their joint statement on the vaquita and their efforts to protect the vaquita.

The IUCN representative emphasised the findings of the July 2014 report of the CIRVA. The vaquita has continued to decline from around 600-800 animals in the early 1990s to about 100 animals today; extinction will occur within the next few years unless gillnet fishing is completely suspended in the Exclusion Zone recommended by CIRVA without delay. It was encouraged by the statements of Mexico and the USA, but emphasised that because of the high-value illegal international trade in totoaba which is the main target of part of the gillnet fishery, strict enforcement is required. In particular, IUCN urged the Governments of the USA and China to increase efforts to prevent the illegal totoaba trade into or through their territory, in accordance with CITES. IUCN referred to the extinction of the baiji and hoped that the vaquita will not follow.

Austria, supported by Monaco, Switzerland, Belgium and South Africa underlined the statement made by the IUCN expert. At IWC/64 in 2012, Austria had made the strongest verbal intervention it considered possible in an international body; it was now unclear what the next step might be, since words and documents were clearly not sufficient. Austria called for the most urgent action and asked all Commissioners to recognise their obligation and to work with the Commissioners of Mexico and the USA to immediately define what the IWC can still do to prevent the extinction of yet another species in its tenure. In this light, Austria extended the same offer with respect to the Commissioner of New Zealand regarding Maui's dolphin.

Several countries including Italy on behalf of the EU, the UK, Hungary, Argentina and Luxembourg highlighted the perilous status of the vaquita and urged action to prevent its extinction.

The Environmental Investigation Agency (EIA), on behalf of 48 NGOs, including 28 present at this meeting, expressed concern regarding the Critically Endangered vaquita, the most endangered cetacean species in the world. It referred to the most recent report of CIRVA that the

<sup>28</sup>Database available at <http://www.toxic-menu.org>.

<sup>29</sup><http://www.iucn-csg.org/index.php/2014/08/02/the-vaquita-new-report-from-cirva-released/>.

species is on the verge of extinction unless fishery bycatch is eliminated. The main threat from gillnets has long been recognised but the decline has accelerated in recent years. At sea enforcement has failed and illegal fishing has massively increased in the last three years throughout the vaquita's range especially the lucrative and illegal totoaba fishery. Illegal fishing and illegal exports to China, including via the USA, have soared in recent years as demand in China for totoaba swim bladders has increased. The EIA commended Mexico's efforts but noted that more needs to be done, including immediate establishment by Mexico of a Gillnet Exclusion Zone covering the full range of the vaquita. EIA appealed to IWC Contracting Governments to support Mexico, and appealed particularly to the USA and China to ban the international totoaba trade.

#### 20.1.2 *Franciscana*

Argentina noted that the franciscana is a coastal dolphin which it shares with Brazil and Uruguay. It is developing a plan of action to prevent bycatch and will send further information to the IWC. It noted the recommendations of the Scientific Committee and called upon Governments to apply these recommendations and to take all necessary efforts to protect all endangered small cetaceans.

Uruguay welcomed the plan of action for the franciscana, highlighting the importance of keeping such work on the IWC agenda.

#### 20.1.3 *Mekong river dolphin*

Cambodia noted that it had issued two sub-decrees and one ministerial proclamation for the management and conservation of the Mekong river dolphin (Mekong River sub-population of Irrawaddy dolphin) and that Japan had co-operated, assisting with research and providing equipment. WWF is also providing support and Cambodia noted that recently two 6-7 month old calves had been seen. Cambodia noted that many dolphins had been killed by the Khmer Rouge, and hoped that contributions for small cetaceans from the IWC could assist Cambodia in its work.

#### 20.1.4 *Pink river dolphin (boto)*

Brazil reported on recent actions to protect the pink river dolphin (boto), with a five-year moratorium on the commercial catfish fishery in the Brazilian Amazon, starting in January 2015. Recently, commercial fisheries have used river dolphin meat illegally as bait to catch piracatinga (a species of catfish), leading to a drastic reduction in river dolphin populations. The Brazilian environmental agency is inspecting fish processing plants which are required to present certification of origin for the fish products, so that when the moratorium comes into effect there will be no legal piracatinga on sale. The Ministry of the Environment is working with the National Institute for Amazon Research of the Ministry of Science, Technology and Innovation to develop a monitoring programme for the river dolphin populations during the moratorium. Brazil recognised the role of civil society in raising awareness of this issue, including a petition of over 50,000 signatures. The challenge is to reach out to local communities. Local consumption of catfish is exempt from the ban, but all use of dolphin meat as bait is forbidden since catfish are easy to catch with other bait.

#### 20.1.5 *Maui's dolphin*

Several countries including Austria, Italy on behalf of the EU, Luxembourg, Monaco, Switzerland and the UK, expressed grave concern over the status of Maui's dolphin and welcomed the work of the Scientific Committee on this species.

The Animal Welfare Institute (AWI) on behalf of 107 NGOs, highlighted the severe population declines of Maui's dolphins (sub-species of Hector's dolphin) and noted the unsustainable rates of bycatch. It drew attention to a motion in 2012 by IUCN World Conservation Congress that called on New Zealand to urgently extend protection from a ban on gillnets and trawls to cover the entire habitat of Hector's and Maui's dolphins. It highlighted the Scientific Committee's recommendations calling for the prohibition of gillnet and trawl fisheries across Maui's dolphin habitat and noted that in May 2014, the Committee had emphasised that restrictions introduced in 2013 fall significantly short of those previously recommended and of what is required. AWI noted that large scale marine mining, seismic testing and oil and gas production were additional threats but stated that if human-induced mortality is curtailed, the Maui's dolphins are not doomed to extinction. It concluded by requesting that the IWC uphold the recommendations from the Scientific Committee's 2013 and 2014 meetings.

Hungary stressed the importance of all cetaceans and that action is urgently needed, particularly for Maui's dolphin with just 50 animals remaining.

New Zealand noted the comments of all who had spoken although it did not necessarily agree. New Zealand will continue to advocate for Maui's and Hector's dolphins, and has imposed restrictions on set net and trawl net fishing and uses observers, in addition to areas closed to trawling, as reported in their national Cetacean Conservation Report. New Zealand will continue to provide data to the Scientific Committee, but noted that management must be balanced and is broader than just the IWC.

#### 20.1.6 *Financial support for work on small cetaceans*

Italy, on behalf of the EU, supported by Austria, Denmark, Germany, Luxembourg, Monaco and the UK expressed deep concern for the vaquita, Maui's dolphin in New Zealand and Yangtze finless porpoise in China. Italy encouraged the development of practical solutions and supported the recommendations of the Scientific Committee on small cetaceans. It asked the Scientific Committee to develop management plans relevant to small cetaceans and asked countries to provide data including that related to human-induced mortality. Italy welcomed the contributions to the Small Cetacean Voluntary Fund which, in part, support the participation of experts in the work of the Scientific Committee and hoped many countries would be involved. Italy pledged €15,000 to this work.

Denmark, on behalf of Greenland, noted concerns on small cetaceans and supported Italy's suggestion that countries should provide data on human-induced whale mortality but thought this should be on a voluntary basis.

The Netherlands was pleased to announce a contribution of €85,000 to the work of the Scientific Committee through the Small Cetaceans Voluntary Fund. In doing so, it questioned whether there should be an end to all whale killing. Its contribution was to be spent on work to enhance the work of the IWC on small cetaceans, non-lethal research methods, and to enhance dialogue including with communities involved on alternatives for subsistence whaling.

The UK, supported by Belgium and Switzerland, noted the ongoing illegal trade in the totoaba, commended Mexico for its work to reduce bycatch and urged parties and stakeholders to address the emerging threat of totoaba poaching. The UK stressed the urgent recommendations and expressions of grave concern made by the Scientific Committee in 2014 with regard to small cetaceans,

particularly: Maui's dolphin, Irrawaddy dolphin, Yangtze finless porpoise, franciscana, Amazon river dolphin (boto) and Taiwanese white dolphin (eastern Taiwan Strait sub-population of the Indo-Pacific humpbacked dolphin). The UK welcomed efforts to reverse the decline in these species and emphasised the UK's continued commitment to the IWC small cetacean fund to ensure these species do not suffer the same fate as the baiji. For this reason the UK donated £20,000 in 2013 to continue this important work and will now contribute a further £10,000.

Campaign Whale, an NGO, highlighted the threats facing small cetaceans, from toxic pollution and entanglement in fishing gear, to large scale commercial and subsistence hunting. It noted that the Scientific Committee and IUCN have recommended urgent action to save the vaquita, Maui's dolphin and other threatened small cetaceans. Campaign Whale believed that the greatest priority for the IWC should be to help to save these Critically Endangered species. Campaign Whale announced a collective contribution from 17 organisations totalling £16,000 to the Voluntary Fund for Small Cetaceans. Contributors were: American Cetacean Society, Animal Welfare Institute, Australian Marine Conservation Society, Blue Voice, Campaign Whale, Cetacean Society International, International Fund for Animal Welfare, LegaSeas, Nancy Azzam, OceanCare, Pacific Orca Society, Pro Wildlife, the Whaleman Foundation, Whale and Dolphin Conservation, Windstar Foundation, World Animal Protection and WWF International.

### 20.2 Regional non-lethal research partnerships

Australia summarised the Scientific Committee's report (Item 19 in IWC/SC65/Rep01 in 2013 and 2014) on the work and long-term future of the Southern Ocean Research Partnership (IWC-SORP), established in 2008, and to which Australia has contributed approximately 32 million Australian dollars over six years. 11 countries are currently active members of the partnership.

Five research projects form the core of the Partnership. These are: (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) a study of the foraging ecology and predator-prey interactions between baleen whales and krill; (4) phase I of a study on the distribution and extent of mixing of Southern Hemisphere humpback whale populations around Antarctica; and (5) acoustic trends in abundance, distribution, and seasonal presence of Antarctic blue whales and fin whales in the Southern Ocean. The work has led to a better understanding of cetaceans in the Southern Ocean and the Scientific Committee recognised the important contribution of the work and appreciated the donations from Australia and the USA.

Australia was pleased to see that the Partnership became a standing agenda item on the Other Southern Hemisphere Whale Stocks Sub-committee agenda as well as the Plenary agenda at the Scientific Committee meeting in 2014. Australia also noted that the Scientific Committee had allocated funds in its research budget to provide some short-term support for SORP coordination. However, Australia recommended that more stable funding to support this position be made available for the longer term.

### 20.3 Working methods of the Committee

The Scientific Committee reviews its working methods every year, for efficiency, transparency and fairness. Topics discussed in 2013 and 2014 (IWC/65/Rep01, Item 27 in

both years) included: reducing costs at Annual Meetings; improved communication with the Commission; clarity, consistency and tracking of conservation recommendations; making Workshop reports more visible; updates to Rules of Procedure; data access under Annex P; and improving the budget review process. The Committee also welcomed the news that the *Journal* was now online and open access, reaffirmed the importance of the *Journal* to its work and welcomed the progress on archiving and making available online the Committee's papers (IWC/65/Rep01 2013 and 2014, Item 29 in both years).

### 20.4 Other activities

There were no comments under this item.

## 21. CO-OPERATION WITH OTHER ORGANISATIONS

The Secretariat introduced reports on the IWC's co-operation with other organisations (IWC/65/04 (2013) and (2014)). The IWC has several scientific and policy exchanges with other organisations, sends observers to their meetings, receives observers at its meetings and in some cases holds joint workshops (e.g. Item 10.2). The need for continued and increased collaboration has been noted in other parts of this report (e.g. Items 10.2, 10.5, 11.6, 19.5 and 20.1).

Uruguay introduced document IWC/65/25rev1 on the United Nations Environment Programme (UNEP) Minamata Convention<sup>30</sup>. Uruguay, the USA, Switzerland and Japan had led the process of negotiation of this new Convention on mercury pollution last year. It is one of the first conventions to come from the Rio+20 process and has been signed by 102 states and ratified by several IWC members including the USA, Uruguay, Monaco and Gabon. Through the Declaration of Kumamoto, some of the world's highest environmental authorities requested states to begin working on issues before their Governments had ratified the Convention. Uruguay, as Chair of the Minamata Convention Bureau, wished to work with the IWC Secretariat to see how the IWC can work with the Convention.

Italy on behalf of the EU stated that many of the problems facing cetaceans and the marine environment can only be solved by the IWC co-operating with other organisations. It stressed that they should be informed on the IWC's progress and that the IWC should be informed on their progress. Recently, both CMS and the IMO amongst others have referred to IWC expertise in their reports, and UNEP has recently acknowledged the IWC's work on the issue of marine debris. The IWC should cooperate with many other organisations to share information on highly migratory whales.

Costa Rica stated that IWC should coordinate with the Convention on Biological Diversity (CBD) to identify ecologically and biologically important areas in international waters.

The Animal Welfare Institute (AWI, an NGO) noted that the IWC has a long history of cooperation with CITES, which maintains a prohibition on international trade in whale products of species protected by the IWC. It stated that three Contracting Governments and a territory of a fourth country are trading in meat on a significant scale. The AWI drew attention to CITES Resolution Conf. 11.4 which expresses concern that international trade in meat and other products

<sup>30</sup><http://www.mercuryconvention.org/>.

of whales is lacking adequate international monitoring or control. It also noted that at the CITES Conference of Parties in 2013, the UNEP-WCMC drew attention to the escalation of trade in whale products and noted that trade under reservation can be sizeable and may undermine the effectiveness of the Appendix I listing.

## 22. FINANCE AND ADMINISTRATION

The Finance and Administration (F&A) Committee met on 13 September 2014 and its report (originally IWC/65/Rep02) is provided as Annex K. The Chair of that sub-committee (Donna Petrachenko, Australia) summarised its findings to the Plenary session (below).

### 22.1 Meeting arrangements and procedures

#### 22.1.1 Report of the Finance and Administration (F&A) Committee

The F&A Committee recognised that this is an opportune time to request feedback from the Commission on the move to biennial meetings, noting that this will be undertaken by the Secretariat (and see Item 22.4).

#### 22.1.2 Commission discussions and action arising

##### 22.1.2.1 REVIEW OF MEETING PROCEDURES

The UK recommended that for the 2016 Commission meeting, participants be given constant and easy access to information on the next agenda item to be covered, as well as a summary of the scientific and management advice from the Commission's advisory Committees. This could be achieved, for example, by large screens in the meeting room or coffee area.

The UK welcomed the Commission's move to paperless meetings.

The UK, supported by New Zealand, Peru and the USA, encouraged the Secretariat to conduct a formal review of the meeting arrangements in light of meeting procedural changes. This could include requesting focused feedback from Contracting Governments and observer organisations to help inform any further proposed changes (and see Item 22.4).

##### 22.1.2.2 ANNUAL MEETINGS OF THE CONSERVATION COMMITTEE

During the Conservation Committee, Chile had proposed that annual meetings of the Conservation Committee should be held, in the light of the reduced time currently available for Committee discussions and the increasing areas of work undertaken (see discussions in Annex G, Item 12 and in Annex K, Item 4.1)

The Commission noted this proposal.

### 22.2 Communications

#### 22.2.1 Report of the Finance and Administration Committee

The F&A Committee appreciated the work of the Secretariat on improving internal and external communications, including the website and document archive (Annex K, Items 3.2 and 3.3).

#### 22.2.2 Commission discussions and action arising

The UK expressed appreciation to the Secretariat for the work that has gone into improving communications, particularly improvements to the website and providing updates on the Commission's growing programme of conservation and welfare work.

### 22.3 Measures to support the participation of Governments of limited means

#### 22.3.1 Report of the Finance and Administration Committee

The F&A Committee had received a proposal to reconstitute the 'Working Group on Providing Options to Governments with Limited Means to Participate in the Commission's Work'. Japan had offered to chair this group and membership remained open (Annex K, Item 3.4).

#### 22.3.2 Commission discussions and action arising

Japan invited members to join the above Working Group, emphasising the need for broad participation. Japan recalled that Cambodia, Ghana, St Lucia, USA, and UK had joined the Working Group so far. In response, St Kitts and Nevis stated that they would also join.

### 22.4 Report of the Working Group on Operational Effectiveness and Cost Saving Measures

#### 22.4.1 Report of the Finance and Administration Committee (see Annex K, Item 4.1)

The F&A Committee proposed a new Working Group to deal with issues that the Working Group on Operational Effectiveness (WG-OE) felt were outside their mandate such as: review the utility and composition of existing Committees and Sub-Committees; streamline the duration and agendas for Sub-Committee and Plenary meetings; and consider developing a strategic vision or plan for the Commission to help guide its work.

During the intersessional period the Bureau was established, had met several times and had made some changes to meeting procedures. The WG-OE highlighted the need to get feedback from Commissioners on the new meeting procedures and noted that the IWC Secretary would follow up this issue after IWC/65 (see also Item 22.1).

The F&A Committee had endorsed the recommendations of the WG-OE including that it should continue to work on the issue of cost savings (also covered in Item 22.6). Additional members were sought and Chile, Argentina and Australia had indicated willingness to join the WG.

Discussion on annual meetings of the Conservation Committee is recorded above at Agenda Item 22.1.

#### 22.4.2 Commission discussions and action arising

Antigua and Barbuda suggested that consideration be given on ways to improve broader participation in the WG-OE and noted that its working practices, for example, meetings via Skype, might be a barrier to participation for countries without reliable internet access. It noted that Antigua and Barbuda would potentially join the WG if such issues could be addressed.

The Chair proposed that the WG-OE work with Antigua and Barbuda and, if appropriate, put forward a proposal on this issue to IWC/66 in 2016.

### 22.5 Reporting of confidential communications

#### 22.5.1 Report of the Finance and Administration Committee

The F&A Committee proposed a change to Rule of Procedure P.3 to improve the transparency of Commission operations (see Annex K, Item 4.2).

#### 22.5.2 Commission discussions and action arising

The recommendation of the F&A Committee to change Rule of Procedure P.3 was **endorsed** (see also Item 24).

## 22.6 Cost saving measures

### 22.6.1 Report of the Finance and Administration Committee

The F&A Committee had received a report from the Secretariat (IWC/65/F&A06) summarising the cost saving measures implemented for IWC/65. The Committee recommended that the Secretariat continue to identify areas where cost savings could be obtained, including staffing levels, and investigate options to address high bank charges and low interest rates to report to IWC/66 in 2016 (see Annex K, Item 4.3).

### 22.6.2 Commission discussions and action arising

The recommendations of the F&A Committee were **endorsed** (see also Item 24).

## 22.7 Formula for calculating contributions and related matters

### 22.7.1 Report of the Finance and Administration Committee

No comments had been made by the F&A Committee on this agenda item.

### 22.7.2 Commission discussions and action arising

There were no discussions under this item.

## 22.8 Report of the Intersessional Correspondence Group on Strengthening IWC Financing

### 22.8.1 Report of the Finance and Administration Committee

The Intersessional Correspondence Group on Strengthening IWC Financing made a series of recommendations to the F&A Committee, and some amendments had been suggested during the meeting (see Annex K, Item 6)

### 22.8.2 Commission discussions and action arising

The UK confirmed that all amendments suggested during the F&A Committee meeting had been incorporated into a revised version of the recommendations of the Intersessional Correspondence Group on Strengthening IWC Financing.

The revised recommendations are given in IWC/65/F&A03rev1 and were **endorsed** by Commission. These include the establishment of a Voluntary Conservation Fund.

## 22.9 Establishment of a Voluntary Conservation Fund

### 22.9.1 Report of the Finance and Administration Committee

The revised recommendations are given in IWC/65/F&A03rev1 and were **endorsed** by Commission. The recommendations include, *inter alia*, the establishment of a Voluntary Conservation Fund<sup>31</sup>.

### 22.9.2 Commission discussions and action arising

Antigua and Barbuda, supported by Ghana and St Lucia, was concerned that the Commission's work was becoming more dependent on Voluntary Funds. It stressed the need for transparency regarding the use of Voluntary Funds and suggested a scheme where 20-30% of each contribution was added to the General Fund.

The USA, supported by Japan, clarified that the ASW Voluntary Fund was being established to help aboriginal subsistence hunters who do not have the means to participate in IWC work. The fund can assist these hunters in research and implementing improvements in whale killing methods, which may be expensive to implement. The USA urged

support for the ASW Voluntary Fund and suggested that the proposal by Antigua and Barbuda could be explored intersessionally.

Antigua and Barbuda agreed to join the Working Group on Operational Effectiveness (see Item 22.4) which should deal with this issue.

The recommendation to establish a Voluntary Fund for ASW as outlined in Appendix 4 of IWC/64/ASW05rev1 was **endorsed**<sup>32</sup>.

## 22.10 Date and place of forthcoming meetings

### 22.10.1 Report of the Finance and Administration Committee

The Commission **accepted** the generous offer from the USA to host the next meeting of the Scientific Committee in San Diego, CA from 20 May to 4 June 2015. There were no offers to host the subsequent Scientific Committee meeting or the next Commission meeting, both in 2016.

## 23. FINANCIAL STATEMENTS, BUDGETS AND OTHER MATTERS CONSIDERED BY THE BUDGETARY SUB-COMMITTEE

### 23.1 Review of Provisional Financial Statement for financial year ending 31 August 2014

#### 23.1.1 Report of the Finance and Administration Committee

The F&A Committee and the Budgetary Sub-Committee (BSC) recommended adoption of the Provisional Financial Statement for the year ending 31 August 2014 (see Annex K, Item 7.1). In addition, the F&A Committee recommended amending Rule of Procedure A.3, as suggested by the Secretary, to assist in the process of collecting contributions.

#### 23.1.2 Commission discussions and action arising

The Commission **endorsed** these recommendations, including the change to Rule of Procedure A.3 and the Provisional Financial Statement to the year ending 31 August 2014.

### 23.2 Scientific Committee future work plan and research budget

#### 23.2.1 Report of the Finance and Administration Committee

There had been agreement in the F&A Committee to reduce the contingency fund in the Scientific Committee budget to 10% (see Annex K, Item 7.2 and also Item 23.3) and on options to deal with the unspent funds of *ca* £135,000. However, consensus had not been reached on the funding of workshops to review special permits.

#### 23.2.2 Commission discussions and action arising

Australia, supported by Argentina, France, Germany, New Zealand, and the UK, believed that the costs of assessing and reviewing self-issued Special Permits under Article VIII should be borne by the issuing Contracting Government and that IWC funds should not be used for intersessional workshops reviewing Special Permit proposals or results. Australia recognised the obligation under Paragraph 30 of the Schedule to review Special Permit research and the additional obligations under consideration in Resolution IWC/65/14rev1<sup>33</sup>. However, it considered these reviews to be part of the Scientific Committee's normal business to be

<sup>32</sup>See Appendix 3 of the Financial Regulations.

<sup>33</sup>This document was subsequently adopted as Resolution 2014-5 on Whaling under Special Permit.

<sup>31</sup>See Appendix 2 of the Financial Regulations.

undertaken at its Annual Meetings. If additional time was required, then a Workshop could be held immediately prior to an annual SC meeting at little additional expense. If a Contracting Government proposing to issue a Special Permit wished to meet at another time, Australia believed that that country should incur all additional costs.

Australia also expressed concern that participation in intersessional Workshops on Special Permits was reduced because very few regular members of the Scientific Committee were able to attend, which reduced the quality of the reviews.

The USA supported the inclusion of the Workshops in the Scientific Committee budget, noting that it is the responsibility of the IWC to review Special Permit proposals. It was sympathetic to Australian concerns and suggested exploring options to reduce costs by making the reviews coincide with existing meetings.

Japan, supported by Iceland, noted that the expert Workshops are part of the Annex P procedure<sup>34</sup> required by the Scientific Committee. It believed that, if future potential proponents had to bear these costs, it would disadvantage countries of limited means, contravening Article VIII of the ICRW. Japan supported the inclusion of these workshops in the budget.

Japan explained that if the timing of these workshops were changed as suggested by Australia, this would necessitate a change to the Annex P procedure, which currently requires the reviews to take place 100 days before the Scientific Committee meeting. Changes to Annex P would require 60 days prior notice to the Commission under Rule R of the Rules of Procedure. Japan noted that it has planned Workshops in January/February 2015, adhering to the timing outlined in Annex P and it was important not to confuse this shorter term issue with any longer term changes to procedures.

Noting that consensus was not reached on whether the workshops should be included in the Scientific Committee budget, the Chair proposed a short adjournment for further consultation. Upon resumption, the Chair of the F&A Committee reported that Australia, Japan and New Zealand had reached agreement and proposed that the Scientific Committee budget be approved, with the proviso that the £23,000 currently allocated for a specialist Workshop in 2016 would be placed in square brackets, pending the outcome of deliberations by the Scientific Committee on the Annex P process.

With this proviso, the Scientific Committee budget was **endorsed** and is given as Annex M.

Referring to Item 26 of IWC/65/Rep01 (2014), New Zealand expressed its support for the position of a coordinator for the Southern Ocean Research Partnership and hoped that this role would be given longer term funding.

### 23.3 Consideration of budget for the biennial period 1 January 2015 to 31 December 2016

#### 23.3.1 Report of the Finance and Administration Committee

The F&A Committee recommended adoption of the 2015-16 budget as presented in IWC/65/07 except with an amendment to reduce the 1.5% increase in Contracting Government contributions to 0% (see Annex K, Item 7.3). This would be partly offset by reducing the Scientific Committee contingency budget to 10% of the research allocation. In

addition, the Committee recommended that observer fees remain at their present level until 2016 and that media fees will be waived in future.

#### 23.3.2 Commission discussions and action arising

Antigua and Barbuda, supported by Grenada and St Kitts and Nevis, agreed with the need to continue charging fees for observers. It was concerned that greater efforts were needed to increase participation in meetings by developing countries. It suggested linking the proposed Resolution on Civil Society Participation (see Item 7.3 and Resolution 2014-3 (Annex E)) with the issue of enabling a greater number of developing countries to join the IWC.

The Chair of the Commission noted that there were several Working Groups that dealt with increasing the participation of developing countries in the IWC and urged Antigua and Barbuda to join the Working Group on Providing Options to Governments with Limited Means to Participate in the Commission's Work (see Item 22.3) to ensure the necessary proposals are brought to the Commission. The Republic of Guinea noted that much of the work of the IWC is in English, which limited its participation.

The proposals under Item 7.3 of the F&A Committee, including the proposed budget with a proviso that Contracting Government contributions were increased by 0%, that media fees will be waived in future and that the observer fees will remain at its current level until 2016 were **endorsed**. The issues raised by Antigua and Barbuda and the Republic of Guinea were noted. The **agreed** budget is provided as Annex L.

### 23.4 Change to the timing of the Commission's financial year

#### 23.4.1 Report of the Finance and Administration Committee

The F&A Committee recommended adoption of the proposal for the financial 'bridge' period from 1 September 2014 to 31 December 2014, resulting from the proposed alignment of the Commission's financial year with the calendar year (see Annex K, Item 7.4).

#### 23.4.2 Commission discussions and action arising

The proposals for changing the Commission's financial year were **endorsed**.

## 24. ADOPTION OF COMMITTEE REPORTS

### 24.1 2013 Report of the Scientific Committee (SC/65a)

The Report of the 2013 Scientific Committee, IWC/65/Rep01 (2013) was **adopted** with all its recommendations.

### 24.2 2014 Report of the Scientific Committee (SC/65b)

The Commission **agreed** the following statement: 'There was not agreement within the Commission as to whether Agenda Item 17.1 [of the 2014 Scientific Committee Report] should be entitled 'Special Permits', with a number of Contracting Governments expressing the view that, in light of the International Court of Justice judgment of 31 March 2014, the Commission should not endorse that part of the Scientific Committee's report and noted that the following countries did not participate in the Scientific Committee discussion on this item: Argentina, Australia, Austria, Belgium, Brazil, Chile, Costa Rica, France, Germany, New Zealand, the Netherlands and the UK'.

The Report of the Scientific Committee (IWC/65/Rep01 (2014)), including the statement made in the above paragraph, was **adopted** with all its recommendations.

<sup>34</sup>See latest text of the Annex P process published in: *J. Cetacean Res. Manage (Suppl.)* 16: 349-353 [2015].

The present Chair of the Scientific Committee, Kitakado, thanked Scientific Committee members and Contracting Governments for their work, assistance and support. He noted that his term of office would expire after the 2015 Annual Meeting of the Scientific Committee and so he would not present the Committee's work to the Commission at IWC/66 in 2016. The Commission Chair thanked the outgoing SC Chair for his extensive work and effort within the Scientific Committee.

#### **24.3 Report of the Working Group on Whale Killing Methods and Associated Welfare Issues**

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

#### **24.4 Report of the Infractions Sub-Committee**

Concerns was raised during discussion of Item 18 on infractions as to whether ASW catches taken by Denmark (Greenland) since IWC/64 should be treated as infractions. The Chair stated that this was a procedural issue on Schedule amendments and should be passed to the Working Group on Operational Effectiveness, which would report back to the Commission in 2016.

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

#### **24.5 Report of the Conservation Committee**

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

The outgoing Chair of the Conservation Committee thanked other group chairs, the membership of the Conservation Committee and the Secretariat for their support. The Commission Chair thanked the outgoing CC Chair for his extensive work and effort within the Conservation Committee.

#### **24.6 Report of the Aboriginal Subsistence Whaling Sub-committee**

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

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

The future membership of the Budgetary Sub-Committee will be: the Chair (USA), Vice-Chair (Mexico), the Republic of Guinea, Guinea-Bissau, Japan, New Zealand, Norway, Russian Federation, San Marino and the UK. In addition, one of the two open seats will be filled by Switzerland as Chair of the Commission.

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

### **25. ELECTION OF OFFICERS**

#### **25.1 Election of Chair of the Commission**

Belgium highlighted its commitment to the conservation of cetaceans and noted the important role played by the Belgian Vice-Chair, Frederic Chemay, during the past two years. It announced with regret that, due to recent illness, the Vice-Chair could no longer take part in IWC/65 and Belgium had to withdraw its candidacy for the role of future

Chair of the IWC<sup>35</sup>. Belgium offered its continued support to the Secretariat and the next Chair of the IWC in their work during the forthcoming intersessional period.

Belgium nominated Bruno Mainini (Switzerland) to be elected as Chair of the Commission, and this was seconded by Costa Rica. He was **elected by consensus**.

#### **25.2 Election of Vice-Chair of the Commission**

Norway nominated Joji Morishita (Japan) to be Vice-Chair of the Commission, which was seconded by Ghana. He was **elected by consensus**.

#### **25.3 Election of Chair of Finance and Administration Committee**

During the F&A Committee meeting, South Africa had nominated Ryan Wulff (USA) to be Chair of the F&A Committee, which was seconded by Japan.

The Commission **elected** Ryan Wulff (USA) **by consensus**. The USA thanked the outgoing Chair (Donna Petrachenko, Australia) for her six years of work.

#### **25.4 Election of Chair of the Infractions Sub-Committee**

The Commission **agreed** that Lars Walløe (Norway) will continue as Chair of the Infractions Sub-Committee.

#### **25.5 Election of Chair of the Conservation Committee**

Argentina nominated Jorge Maksabedian de la Roquette (Mexico) to be Chair of the Conservation Committee, which was seconded by Brazil. He was **elected by consensus**.

#### **25.6 Election of Chair of the Aboriginal Subsistence Whaling Sub-Committee**

The USA nominated Jeannine Compton-Antoine (St Lucia) to be Chair of the ASW Sub-Committee, which was seconded by the Russian Federation. She was **elected by consensus**.

### **26. BUREAU MEMBERSHIP**

The Commissioners from Australia, Ghana, St Lucia, and Uruguay were **elected by consensus** to the four open seats of the Bureau. Thus the membership of the Bureau now comprises the Chair (Switzerland), Vice-Chair (Japan), Chair of the F&A Committee (USA), Australia, Ghana, St Lucia and Uruguay.

### **27. OTHER MATTERS**

Australia suggested that the current wording regarding timing of reinstatement of voting rights in the Rules of Procedure and Financial Regulations is confusing. Specifically, it asked whether a country's vote should be reinstated during the meeting, following receipt of payment. It recommended that the F&A Committee consider this issue as soon as possible.

Argentina highlighted the importance of the work of the Scientific Committee and recommended that additional presentations from the Scientific Committee at the Commission meetings would be beneficial. Argentina indicated that it would raise this matter with the Bureau.

Iceland believed that the Commission was moving away from its core objectives, noting the continuing moratorium on commercial whaling despite scientific evidence that some whale stocks could be used sustainably. Iceland suggested that the IWC remained dysfunctional in its main aims.

<sup>35</sup>Sadly, after the close of the meeting the Commission was informed that Frederic Chemay passed away in October 2014.

Australia disagreed with the statement from Iceland, highlighting the progress made at IWC/65 in a spirit of respect and compromise. It noted that while there will always be some disagreement on particular issues, the IWC was operating effectively and democratically.

A presentation was given by Ecuador illustrating the development of the whalewatching industry in its country.

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

### **28.1 Adoption of summary of outcomes, decisions and required actions**

The summary of main outcomes, decisions and required actions (IWC/65/Outcomes) was **adopted by consensus**. It was distributed to Commissioners, Contracting Governments and observer organisations after the close of the meeting through Circular Communication IWC.ALL.217.

### **28.2 Chair's closing remarks**

In closing the meeting, the Chair, on behalf of herself and of the Commission, thanked the Government and people of Slovenia for their tireless work in welcoming and hosting this meeting, and the meeting of the Scientific Committee in Bled. In summarising progress made at the meeting she

noted this first biennial meeting had presented a challenging agenda with a compressed timetable, and she would seek feedback from all on the process. For future meetings she will recommend a cut-off date for discussion of proposed Resolutions and changes to the Schedule, to avoid accumulation of items on the final day of the meeting. The Chair thanked everyone for the constructive approach of the meeting and the genuine commitment to the forum, and noted that every effort had been made to reach real consensus. She welcomed the substantial progress made with the adoption of amendments to the Schedule and Resolutions, the increased involvement of civil society, small type coastal whaling and whaling under Special Permits.

The Chair urged good dialogue during the forthcoming two-year period and noted the historic event of the signing of a Memorandum of Co-operation, by Japan, the Russian Federation and the USA, to progress joint actions in regard to the western North Pacific gray whales. She hoped everyone agreed that this represented progress. She noted that the IWC has a busy mandate for the intersessional period and thanked everyone who gave their time, expertise and financial support. Finally she thanked all those involved in making the meeting a success, including the hotel staff, Secretariat, interpreters, rapporteurs, NGOs, Commissioners and delegates. She wished everyone a safe journey home.