

Annex G

Report of the Conservation Committee¹

Friday 21 October 2016, Portorož, Slovenia

Summary of Main Outcomes

Agenda Item	Main outcomes
3.1 Conservation Committee Strategic Plan	The Conservation Committee (CC) endorsed the strategic planning guidance document (IWC/66/CC10) and the Strategic Plan (IWC/66/CC08) with the changes discussed during the meeting and recommended their submission to the Commission.
3.2 Regular Conservation Committee Planning Group Meeting	The CC endorsed the draft Terms of Reference (Appendix 4) for a regular Conservation Committee planning meeting.
3.3.3 Joint Working Group of the Conservation Committee and the Scientific Committee	<p>The CC endorsed the recommendations in IWC/66/CC25 that the Commission:</p> <ol style="list-style-type: none">1. Requests that the joint SC/CC WG work with the existing Scientific Committee process (being undertaken by the SC Chair, Vice-Chair, Head of Science and convenors) to develop guidelines for both reports on the drafting of clear and focussed stand-alone recommendations that highlight rationale/context, objectives and actors. Unless necessarily general (e.g. addressed to the broad scientific community), the emphasis should be on specific topics and tasks. The guidelines should also consider the use of consistent language (e.g. when and if to use terms such as urge, endorse, agree, recommend and request).2. Establishes an intersessional Working Group to develop a draft structure and process for populating a web-accessible database of recommendations (and outcomes), not necessarily limited to conservation recommendations or recommendations of the Scientific Committee, taking into account initial considerations presented in Annex 2 of document IWC/66/CC25. The Working Group would comprise the following members: Argentina, Australia, Belgium, UK, Secretariat and Chair of the CC. <p>The CC also took note of the report's recommendation that some conservation themes identified by the Scientific Committee do not appear on the Conservation Committee agenda. When developing its workplan, the Committee agreed to consider:</p> <ol style="list-style-type: none">i) The need to amend its agenda to reflect additional themes identified from this analysis (i.e. conservation aspects of small cetaceans and of bycatch and entanglement) and the value of establishing intersessional working groups for priority areas to further the Committees workplan; andii) The need to recommend to the Commission an annual Conservation Committee meeting (whilst this would have cost and logistical implications it would allow the Committee additional time to consider in more detail the progress made intersessionally on key conservation issues).

¹ Presented to the meeting as IWC/66/Rep05.

3.3.4 Consideration of the future terms of reference, timing and modus operandi of the Joint Working Group of the Conservation Committee and Scientific Committee	The CC agreed that a proposal to hold annual meetings of the CC would be prepared for IWC 67 in 2018. In the meantime, a CC planning meeting would be held in 2017, back to back with the SC.
4. Whale Sanctuaries	<p>The CC endorsed IWC/66/CC23 to be appended to the Committee’s report (Appendix 5) as its recommendations to the Commission on the decadal review of the Southern Ocean Sanctuary.</p> <p>The CC endorsed IWC/66/CC14 to be appended to the Committee’s report (Appendix 6) as its recommendations to the Commission on the proposed South Atlantic Whale Sanctuary.</p>
5. Ship Strikes	<p>The CC welcomed the work undertaken to develop the Ship Strikes Strategic Plan and look forward to its completion intersessionally.</p> <p>The CC recommended continued engagement with IMO on the issue of ship strikes.</p>
6. Whale Watching	<p>The CC endorsed the recommendations in IWC/CC/03 that the IWC could support the IORA Network and continue to implement Objective 3 of the IWC’s Strategic Plan for Whalewatching by:</p> <ul style="list-style-type: none"> ○ Sharing information, best practice, experience and expertise with IORA Member States including through the development of the Whale watching Handbook, including with case studies relevant to the IORA region. ○ Providing capacity-building and training for IORA and its Member States as appropriate. ○ Providing guidelines on best practice and other IWC resources to the IORA Secretariat for circulation among IORA Member States. ○ Seeking to engage with the IORA Secretariat and the IORA Network through scientific and technical co-operation and, where appropriate, seeking funding, to support sustainable whale watching in the IORA region.’ <p>The CC agreed that a small group, led by the Chair of the CC and including the Vice-Chair of the CC, Chair of the SC, Chair of the SWG-WW and Head of Science, discuss a number of items on the SC agenda that could be dealt with by the CC’s Standing Working Group on Whale Watching.</p> <p>The CC recommended that the Convention on Migratory Species (CMS) join the Working Group that has been tasked to develop the Whale Watching Handbook.</p> <p>The CC endorsed the recommendations made by the Standing Working Group on Whale Watching, as outlined in IWC/66/CCRep03 to:</p> <ul style="list-style-type: none"> ○ Explore ways to get additional industry input and outside expertise for the relevant sections of the Handbook; ○ Explore opportunities for collaboration with relevant intergovernmental organisations (e.g. CMS, CBD, SPREP etc) in the development of the Handbook ○ Investigate sources of funding for the Whale Watching Handbook and submit applications to potential funding bodies with the aim of completing the Handbook by IWC67 in 2018; ○ Develop a revised Strategic plan with a new timeframe; ○ Assist with recommendations related to the outcomes of the IORA workshop; and ○ Add two new <i>ex officio</i> industry members to the WGWW from 2016-2018.

7. Conservation Management Plans (CMPs)	<p>The CC endorsed all the recommendations in the report of the Standing Working Group on Conservation Management Plans (IWC/66/CCRep06) in particular:</p> <p>The CC recommended that the Commission endorse the revised Conservation Management Plan for Southeast Pacific Southern Right Whales, which welcomes Peru as a range state (SC/66b/BRG23).</p> <p>The CC noted funds will be requested from the Voluntary Conservation Management Plan Fund for (1) the draft Eastern South Pacific Southern Right Whale Conservation Management Plan Implementation Strategy 2016-2018, prepared by Chile and Peru and (2) a proposal for a stakeholder workshop on the Conservation Management Plan for western gray whales. The CC agree that the CMP SWG consider the two requests for funding noted above out of session, for final endorsement by the Chairs of the CMP SWG and CC.</p> <p>The CC endorsed the relevant recommendations from the Scientific Committee. It recommended that the Commission nominate and endorse the Conservation Management Plan for the franciscana (IWC/66/CC11).</p> <p>The CC agreed to a proposed mid-term review of the Conservation Management Plan Work Plan 2014-2020, to be undertaken by the SWG-CMP during the 2016-2018 intersessional period.</p> <p>The CC recommended dialogue between the Government of Oman and other IWC member Governments to discuss the potential of a CMP for Arabian Sea humpback whales.</p>
8. Bycatch	<p>The CC agreed to establish a Standing Working Group on bycatch; and to develop a Bycatch Mitigation Initiative supported by an expert panel. It welcomed the offer by Mark Simmonds to serve as an interim coordinator to assist with these efforts, on a voluntary basis.</p> <p>The CC agreed to draw the F&A Committee’s attention to the budgetary implications of these proposals (Section 3.5 of IWC/66/CC05).</p>
9. Marine Debris	<p>The CC welcomed progress made in addressing the issue of marine debris and encouraged further collaboration with other intergovernmental organisations.</p>
10. Small Cetaceans	<p>The CC welcomed the progress of the Small Cetaceans Task Team and the Voluntary Small Cetaceans Fund. It thanked donors and encouraged more contributions to the fund.</p>
11. Progress under the Voluntary Conservation Fund	<p>The CC thanked the Secretariat for the update on contributions and encouraged further contributions to the fund</p>
12. Voluntary National Reports on Cetacean Conservation	<p>The CC thanked governments for reports received. It agreed to establish an intersessional group, comprised of Australia, Mexico, UK and the Secretariat, to review and develop the report template and align it with the new Strategic Plan.</p>
13. Conservation Committee Development	<p>The CC agreed that the Secretariat should accept the invitations to join the Biodiversity Liaison Group and to participate in SPREP’s 2017 Conference on “Whales in a Changing Ocean”.</p> <p>The CC welcomed the work of the Intersessional Correspondence Group on Strengthening IWC Financing.</p> <p>The draft CC Work Plan was endorsed by the Committee, who agreed that it will evolve through intersessional work.</p>

1. INTRODUCTORY ITEMS

A list of participants is given as Appendix 1.

1.1 Appointment of Chair

Lorenzo Rojas-Bracho (Mexico) was appointed Chair. He noted that Jamie Rendell (UK) was serving as Vice-Chair.

1.2 Appointment of Rapporteurs

Harriet Gillett, Martin Jenkins, Robert Munroe, Sara Oldfield and Pablo Sinovas were appointed rapporteurs.

1.3 Review of documents

The list of documents is given in Appendix 2.

1.4 Observer participation

The Chair noted that, in agreement with the Rules of Procedure, observers may be invited to speak after Governments.

2. ADOPTION OF AGENDA

The Agenda in Document IWC/66/CC01Rev was adopted (Appendix 3).

3. STRATEGIC PLAN FOR THE CONSERVATION COMMITTEE

3.1 Draft Strategic Plan

In June 2015, a Conservation Committee (CC) planning meeting identified the need to develop a Strategic Plan for the CC and an associated work plan (IWC/66/CCRep01). This was further discussed at a second CC planning meeting in June 2016 (IWC/66/CCRep05). The Chair noted that this agenda item represented an important step in outlining the strategic direction and future work of the CC.

The Chair drew attention to the draft Conservation Committee Strategic Plan 2016-2026 and supporting rationale (IWC/66/CC08 and IWC/66/CC09) and a document providing guidance on Conservation Committee strategic planning (IWC/66/CC10).

The Vice-Chair introduced IWC/66/CC10 Draft Guidance on Conservation Committee strategic planning, thanking Australia for their work on the Strategic Plan. He explained that during the CC Planning meetings, a nested approach to strategic planning was agreed, consisting of: an outward facing overarching Strategic Plan setting out a clear direction and priorities; thematic strategic plans, articulating more detailed objectives, actions, goals, and timescales; and work programmes, intended to deliver the thematic strategic plans by defining specific deliverables, progress, timings, and resource requirements.

Australia introduced the proposed Strategic Plan (IWC/66/CC08) and drew attention to document IWC/66/CC09, which provided further information on the development of the plan. Australia noted that the proposed Strategic Plan had been compiled following extensive intersessional consultations and had received input from both the Joint Conservation Committee and Scientific Committee (CC/SC) Working Group and Conservation Committee planning meetings. Australia sought advice on the text in square brackets in the section 'Measures of Success'.

Argentina, Belgium, Monaco, Netherlands, New Zealand and the USA thanked Australia and other participants for development of the Strategic Plan and fully supported the process. Monaco noted the relevance of this work to UN Law of the Sea discussions.

In response to a question from the Netherlands, Australia suggested that the threat of habitat degradation in riverine and coastal areas be added to the footnote on page 1.

Under 'Near Term Measures of Success' it was **agreed** that: (1) 'annually' should be removed from the first square bracket; (2) the text of the second square bracket should read 'A strategy'; (3) the square brackets should be removed from the text in the final box.

The CC **endorsed** the strategic planning guidance given in document IWC/66/CC10 and the Strategic Plan in IWC/66/CC08 (with the changes as discussed during the meeting) and **recommended** they are submitted to the Commission.

3.2 Regular Conservation Committee planning group meeting

The Chair noted the two intersessional CC planning meetings held in 2015 and 2016 and drew attention to the reports of the meetings (IWC/66/CC Rep01 and IWC/66/CC Rep05). These were convened by the Chair and Vice-Chair of the Committee to discuss progress since IWC65 and to identify priorities and deliverables in the lead-up to IWC66. The Chair explained that at the second CC planning meeting, participants agreed the need to formalise meetings and to have Terms of Reference.

The Vice-Chair introduced Document IWC/66/CC18 with draft Terms of Reference for a regular CC Planning Group meeting to be held during the intersessional period between CC meetings. Chile noted its support for annual meetings of the CC.

The Committee **endorsed** the draft Terms of Reference (Appendix 4) for a regular Conservation Committee planning meeting (see Item 3.3.4 below for the discussion of timing).

3.3 Joint Working Group of the Conservation Committee and Scientific Committee

IWC Resolution 2014-4 agreed to establish a Working Group between the CC and the SC in order to propose a procedure to facilitate the implementation and follow-up of conservation recommendations. The Joint Working Group of the Conservation and Scientific Committees (CC/SC) met in June 2015 (IWC/66/CCRep02) and June 2016 (IWC/66/CCRep04).

3.3.1 Report from the 2015 Joint Working Group of the Conservation Committee and Scientific Committee

3.3.2 Report from the 2016 Joint Working Group of the Conservation Committee and Scientific Committee

The Co-Chair of the Joint Working Group, Jamie Rendell (UK) summarised the 2015 and 2016 meetings of Joint CC/SC Working Group. He drew attention to Working Group discussions on opportunities for closer co-operation between the CC and SC on issues of common interest such as ship strikes, marine noise and debris; agreement of Terms of Reference for the intersessional preparatory drafting group to analyse relevant conservation recommendations; a process for the CC to contribute to the decadal review of the Southern Ocean Sanctuary and a review of the proposed South Atlantic Whale Sanctuary. The Working Group also recommended that an options paper be developed on the timing of the joint CC/SC Working Group and the CC planning meeting, which will be considered under agenda item 3.3.4.

The Committee **noted** these reports.

3.3.3 Report on the collation and analysis of conservation-relevant recommendations

The Vice-Chair of the Conservation Committee introduced documents IWC/66/CC24 and IWC/66/CC25. IWC/66/CC24 provided a compilation of conservation recommendations of the Scientific Committee for the years 2013-2016, with recommendations categorised by conservation theme, category of action and who they are aimed at. IWC/66/CC25 provides an analysis of the conservation recommendations included in IWC/66/CC24. The Vice-Chair noted that an intersessional Preparatory Drafting Group, established by the Joint CC/SC Working Group, provided input to this work.

The Vice-Chair noted that over 280 recommendations of direct relevance to the Conservation Committee were identified over the four-year period. Conservation recommendations relating to small cetaceans were most common, followed by bycatch and entanglement, and whale watching. Less than half of recommendations related directly to standing agenda items on the Conservation Committee's agenda.

The Vice-Chair explained that specific recommendations for follow-up intersessional work focused on three main areas: (1) consistency and clarity of language in the recommendations of the Scientific and other Committees recognising the improvements already achieved by the Scientific Committee; (2) access and availability of recommendations and (3) the scope of the CC agenda and regularity of meetings.

Australia, Austria, Belgium, Germany, and Monaco supported the recommendations in document IWC/66/CC25 and thanked the UK and others who worked on the compilation and analysis.

Monaco queried whether Scientific Committee recommendations needed to be endorsed by the Commission before they could be acted upon and the UK suggested guidance from the Secretariat on this issue. Germany suggested that it would be useful to produce result based monitoring of recommendations to evaluate which recommendations are implemented and followed up. Australia responded that an interactive database to search for recommendations on a particular region, species or threat and their follow-up could help address this.

The CC **endorsed** IWC/66/CC25 and **recommends** that the Commission:

- (i) Requests that the joint SC/CC WG work with the existing Scientific Committee process (being undertaken by the SC Chair, Vice-Chair, Head of Science and convenors) to develop guidelines for both reports on the drafting of clear and focussed stand-alone recommendations that highlight rationale/context, objectives and actors. Unless necessarily general (e.g. addressed to the broad scientific community), the emphasis should be on specific topics and tasks. The guidelines should also consider the use of consistent language (e.g. when and if to use terms such as urge, endorse, agree, recommend and request).
- (ii) Establishes an intersessional group to develop a draft structure and process for populating a web-accessible database of recommendations (and outcomes), not necessarily limited to conservation recommendations or recommendations of the Scientific Committee, taking into account initial considerations presented in Annex 2 of document IWC/66/CC25. The Working Group would comprise the following members: Argentina, Australia, Belgium, UK, Secretariat and Chair of the CC.

The Committee also took note of the report's recommendation that some conservation themes identified by the Scientific Committee do not appear on the Conservation Committee agenda. When developing its workplan, the Committee **agreed** to consider:

- (i) The need to amend its agenda to reflect additional themes identified from this analysis (i.e. conservation aspects of small cetaceans and of bycatch and entanglement) and the value of establishing intersessional working groups for priority areas to further the Committee's workplan; and
- (ii) The need to recommend to the Commission an annual Conservation Committee meeting (whilst this would have cost and logistical implications it would allow the Committee additional time to consider in more detail the progress made intersessionally to deliver on key conservation issues).

3.3.4 Consideration of the future terms of reference, timing and modus operandii of the Joint Working Group

The Chair introduced document IWC/66/CC19 which outlined a range of options on the timings and indicative costings of meetings of the CC and associated Working Groups. The Chair asked the Committee to consider: (1) whether it recommended annual CC meetings; (2) the need for regular CC planning meetings and; (3) timing of CC planning and joint CC/SC Working Group meetings. The Secretariat noted that extra meetings would incur costs, and once the CC had decided on its preferred arrangements, the Secretariat could provide more detailed costings.

The USA drew attention to Rule B.3 in the Rules of Procedure, which provides that committees and sub-committees other than the Scientific Committee shall meet biennially and to Rule R.1 in the Rules of Procedure which requires that any changes to the Rules of Procedure be circulated to the Commissioners at least 60 days in advance of the meeting at which the matter is to be discussed. Any proposal to change the frequency of the CC would need to take this into consideration. The UK noted that once the frequency of CC meetings is agreed and arrangements for smaller intersessional meetings are resolved a fully costed proposal can be developed for 2018.

Monaco, supported by Australia, Belgium and the UK, supported annual meetings of the CC and suggested that the CC needed to first decide on its preferred approach and then deal with procedural matters. Belgium favoured that smaller meetings were scheduled back-to-back with those of the SC and/or Commission. Australia considered it important to look at the terms of reference of both the Joint SC/CC Working Group and the Conservation Committee planning meetings in order to avoid duplication.

The CC **agreed** that a proposal to hold annual meetings of the CC would be prepared for IWC 67 in 2018. In the meantime, a CC planning meeting would be held in 2017, back to back with the SC. Australia agreed to help develop the proposal, working with the Chair, Vice-Chair and Secretariat.

4. WHALE SANCTUARIES

4.1 Decadal review of the Southern Ocean Sanctuary

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

4.1.1 Report of the Scientific Committee

The Chair of the SC summarised that Committee's findings and recommendations resulting from its review of the SOS (IWC/66/Rep01(2016), Section 19.2). In 2016, the Scientific Committee provided advice on: status, trends and potential threats to whales in the SOS; the present and potential threats to whale populations and habitats in the area of the SOS and the complementary Indian Ocean Sanctuary (IOS) and how the sanctuaries address these; whether the SOS is consistent with other measures to protect whales from anthropogenic and other environmental factors, including considerations on the protection of whales in breeding areas, feeding grounds, and/or migratory routes and international agreements concerning biodiversity and conservation of nature; whether the sanctuary allows for the conduct of scientific research useful for meeting IWC objectives or co-ordinated integrated research and monitoring programmes across the range of issues of global relevance; and whether the sanctuary is consistent with the precautionary approach.

At the completion of the review of scientific aspects of the SOS, the SC agreed to a set of consolidated recommendations, relating to performance measures, a management plan, funding and review. The recommendations are provided in full in IWC/66/17 and relate to the development and implementation of a management plan with performance measures, and the need for explicit funding (the Scientific Committee suggested consideration of an area-based Conservation Management Plan). The Scientific Committee strongly recommended that the Commission considers its recommendations well in advance of the next review of the SOS

These recommendations were **endorsed** by the CC.

4.1.2 Report on the intersessional work of the Conservation Committee

The Vice-Chair introduced IWC/66/CC22, containing background to the Committee's decadal review of the SOS, and IWC/66/CC23 containing the outcomes of that review, noting that the latter drew on information provided by Australia in IWC/66/CC04.

The Vice-Chair explained that, at its 2015 meeting, the IWC Scientific Committee agreed on a dual process to complete its review of the Southern Ocean Sanctuary. It was agreed that the SC would review the scientific aspects, but that those aspects relating to policy would be deferred to the Conservation Committee for the provision of advice to the Commission. A process for delivering a Committee contribution to the decadal review of the SOS was agreed by the Conservation Committee planning meeting. The background to this can be found in IWC/66/CC16 and IWC/65/CC22.

At IWC65, a Steering Group consisting of Australia, France, the UK, and the USA was established with the remit of providing a contribution to the review from the Conservation Committee. This group provided an initial draft document which was circulated to Conservation Committee members in September 2016. Comments received on this draft have subsequently been reflected in paper IWC/66/CC23. This document provides a positive review of the SOS, concluding specifically that it is consistent with existing measures to protect whales from anthropogenic threats and other environmental factors, that it contributes positively to a number of existing international commitments on biodiversity and climate change, and that it is consistent with the precautionary approach.

Australia, supported by Argentina, Brazil, Monaco and New Zealand, drew attention to the SC's recommendation that a management plan be developed for the SOS. It believed that the CC was the appropriate body to develop such a plan, in consultation with the SC. Australia noted that the development of a management plan would have cost implications which should be brought to the Commission's attention. The Chair of the SC asked for clarification on the role of the SC in the development of a management plan so that its workplan can be updated accordingly.

The Committee **endorsed** document IWC/66/CC23 to be appended to the Committee's report (Appendix 5) as its recommendations to the Commission on the decadal review of the Southern Ocean Sanctuary.

4.2 Proposal to establish a South Atlantic Whale Sanctuary

A proposal to establish a South Atlantic Whale Sanctuary (SAWS) has been received (IWC/66/09 Proposal for a Schedule Amendment to create a South Atlantic Whale Sanctuary). The proposal is co-sponsored by the Governments of Argentina, Brazil, Gabon, South Africa and Uruguay. Document IWC/66/08 includes Objectives and a Management Plan for the proposed SAWS.

Brazil, supported by the proposal's co-proponents (Argentina, Gabon, South Africa and Uruguay), introduced the proposal. It outlined the objectives of establishing the sanctuary and noted that the sanctuary was intended to improve knowledge on cetacean ecology; protect and foster the economic benefits of local coastal communities through responsible whale watching tourism; and increase resilience of some whale stocks; and sustain and improve ocean health by ocean fertilization. Brazil explained that this would be the first management plan for a Whale Sanctuary in the context of the IWC.

The proposal was supported by Australia, Belgium, Chile, the Dominican Republic, France, Germany, Monaco, New Zealand, Sweden, the UK and the USA, and observers from the European Union, the Centro de Conservacion Cetacea and the Instituto de Conservacion de Ballenas. A number of Governments noted that it was the first such proposal to be accompanied by a management plan and commended its inclusive and collaborative nature.

St Lucia, supported by Iceland, did not support the proposal, believing that it was not scientifically justified and that therefore it went against Article 5 of the Convention.

New Zealand, supported by the EU and the Instituto de Conservacion de Ballenas, acknowledged St Lucia's intervention but noted that the proposal had been reviewed by the SC and was considered to be scientifically justified and that much work had been gone into developing the management plan.

4.2.1 Report of the Scientific Committee

The Chair of the SC drew attention to the Committee's review of the proposed sanctuary and its advice contained in IWC/66/Rep01(2016), item 19. Upon review of the SAWS proposal and its management plan, the Scientific Committee had commended the proponents for their efforts to develop a comprehensive proposal and provided suggestions to better articulate the performance measures (SC/66b/Rep08). The SC agreed that, in general, the information provided in the proposal was comprehensive, noting that this is the first IWC Sanctuary proposal to provide a management plan. The SC agreed that an adequate review of the scientific aspect of the SAWS proposal had been performed and that a new review of its scientific aspects by the SC, should these aspects be slightly revised by the proponents in line with suggestions made in the report, would not be needed. In its final report, the Scientific Committee agreed that its technical and scientific review is concluded.

The SC agreed that if the SAWS proposal was approved by the Commission, a more detailed process to implement the management plan would need to be established as a first priority. The SC agreed that a Sanctuary such as the SAWS has, in principle, the potential to encourage collaboration and to facilitate development of coordinated scientific research and monitoring programs relevant to meet IWC management and conservation goals. Were the proposal to be accepted, the SC was ready to assist in scientific aspects.

These recommendations were **endorsed** by the CC.

4.2.2 Report on intersessional work of the Conservation Committee on the South Atlantic Whale Sanctuary proposal

The Vice-Chair of the Committee introduced IWC/66/CC16, containing background information on the Committee's review of SAWS, and IWC/66/CC14, containing the outcomes of the review.

The Vice-Chair noted that, at its 2015 meeting, the IWC Scientific Committee agreed on a dual process to complete its review of the proposed South Atlantic Whale Sanctuary. It was agreed that the Scientific Committee would review the scientific aspects, but that those aspects relating to policy would be deferred to the Conservation Committee for the provision of advice to the Commission. A process for delivering a Conservation Committee contribution on the SAWS proposal was agreed by the Conservation Committee planning meeting and the background to this can be found in IWC/66/CC16.

A draft review of the proposed South Atlantic Whale Sanctuary was circulated to Conservation Committee members in September 2016. Comments received on this draft have subsequently been reflected in IWC/66/CC14. The paper provides a positive review of the sanctuary, concluding specifically that it is consistent with existing measures to protect whales from anthropogenic threats and other environmental factors, that it contributes positively to a number of existing international commitments on biodiversity and climate change, and that it is consistent with the precautionary approach.

The Committee **endorsed** IWC/66/CC14 to be appended to the Committee's report (Appendix 6) as its recommendations to the Commission on the proposed South Atlantic Whale Sanctuary.

5. SHIP STRIKES

At IWC57 in 2005 the Conservation Committee agreed to address whales being killed or seriously injured by ship strikes, recognising that the issue is also considered by the IWC's SC through its non-deliberate Human Induced Mortality (HIM) Sub-committee. The CC therefore established a Ship Strikes Working Group which has reported progress regularly since 2006.

5.1 Report of the Scientific Committee

The Chair of the SC reported on item 7.2 (ship strikes) of IWC/66/Rep01(2015 and 2016). She drew attention to the summary of ship strike mitigation measures worldwide summarised in table 5 of the 2015 SC report, and to the recommendations from the SC relating to ship strikes.

The Chair of the SC highlighted recommendations regarding the ship strikes database noting that (a) if the IWC enters into a proposed MOU with UNEP-SPAW, it should include specific actions (e.g. outreach and reporting) to encourage the reporting of ship strikes from the region; and (b) the work of the two ship strike co-ordinators should now focus on data entry and validation.

The SC had suggested that the CC, through its Ship Strikes Working Group, could assist in encouraging studies on estimating rates of ship strikes, risk of ship strikes and mortality. A document (SC/66b/HIM05) by Australian scientists provided an excellent model that other countries could follow. She drew attention to recommendations relating to high risk areas, such as the Northern Indian Ocean and the Hellenic Trench in Greece. The Chair of the SC welcomed the positive engagement of the Secretariat and the Committee with IMO in 2015 and 2016. The SC recommended that the Secretariat, relevant members of the Committee and Contracting Governments continue to engage with the IMO Secretariat and relevant IMO committees to bring the work of the IWC to their attention as appropriate.

These recommendations were **endorsed** by the CC.

One of the SC's two Ship Strike Data Coordinators, Fabian Ritter, presented an update on the Ship Strike Database and drew attention to SC66a/HIM/8 and SC66b/HIM/02, which provide further information. He reported that the number of records held in the database, currently well over 1,000, is increasing. Since 2014, approximately 70 new records have been added, with an increasing rate of new reports registered, indicating that the database is being more widely used. He encouraged contributions to the database and for Governments to continue to highlight the importance of its use.

5.2 Report from the Ship Strikes Working Group

5.2.1 Ship Strikes Strategic Plan

The Chair of the Ship Strikes Working Group provided an update on the intersessional work of the Group, and drew attention to a draft Strategic Plan to Mitigate the Impacts of Ship Strikes on Cetaceans: 2017-2020 (IWC/66/CC20). The document defines high-risk areas; identifies a number of at-risk populations; outlines strategies related to reducing ship strikes; and presents recommended actions, including a staged approach to develop appropriate mitigation. The Chair invited comments on the draft Strategic Plan prior to a revised draft being presented at Plenary, noting that the report would then be finalised shortly after the IWC66 meeting.

Argentina, Australia, Belgium, New Zealand and the UK expressed support for the draft Strategic Plan. Belgium and the UK also highlighted the important role of the Ship Strikes database. In addition, Belgium emphasised the importance of engagement with the IMO.

Argentina noted the establishment of a corridor in the Golfo Nuevo area to reduce strikes of Southern right whales as vessels access Puerto Madryn. New Zealand highlighted the adoption of a voluntary protocol in 2013 to reduce the speed of vessels. Only one strike has been recorded in New Zealand since then, compared to an annual average of two strikes previously. Uruguay shared their positive experience working with the Navy to reduce vessel speeds and stressed that ship strikes are a concern in the region. It suggested that a regional workshop on ship strikes be organised. The UK highlighted work it had undertaken, in collaboration with NGOs, scientists and others, to reduce ship strikes.

The Committee **welcomed** the work undertaken to develop the Ship Strikes Strategic Plan and looked forward to its completion intersessionally.

5.2.2 Engagement with IMO

The IWC Secretariat recalled previous recommendations that called for enhanced co-operation with the IMO on various issues including ship strikes. In response, the IWC Secretariat, working with the Chair of the SC HIM, undertook a number of recent activities to strengthen engagement with the IMO. Among these activities was a meeting with the IMO Secretariat in January 2016, resulting in actions such as continued co-operation between the IMO and IWC, joint follow-up with contacts in Sri Lanka to address the blue whale ship strike issue off Dondra Head, and that the IWC updates the IMO Secretariat on SC discussions on Important Marine Mammal Areas (IMMAs). In addition, in collaboration with SC and CC members, a document on ship strikes was developed and submitted to the IMO Marine Environment Protection Committee and discussed at MEPC 69 (April 2016), where it was widely welcomed. The MEPC encouraged Member Governments to raise awareness of the ship strike issue among mariners and authorities, including on reporting incidents to the ship strike database. The IWC Secretariat invited comments on engagement with IMO and noted that further information is provided in IWC/66/04.

5.3 Committee discussions and recommendations

Brazil emphasised the importance of the issue of ship strikes to the country and indicated it will do what it can to help strengthen the collaboration between IWC and IMO and endeavour to improve its reporting of ship strikes.

The CC **recommended** continued engagement with IMO on the issue of ship strikes.

6. WHALE WATCHING

In 2011 the Commission reviewed and updated the Terms of Reference for the CC's Standing Working Group on Whale Watching (SWG-WW) and expanded its membership to include two members of the SC. In 2012, the Commission adopted its Five Year Strategic Plan for whale watching and the SWG-WW has continued to make progress against the actions outlined in the plan. The scientific aspects of whale watching are discussed by the SC in response to a request in Resolution 1994-14 for it to provide advice relating to whale watching.

6.1 Report from the Scientific Committee

The Chair of the SC provided an update on the SC's work on Whale Watching (Item 16, IWC/66/Rep01(2016)). She highlighted a number of recommendations including those on commercial swim-with-whale operations; the suggestion to include the IWC Guiding Principles on sustainable whale watching in the online Whale Watching Handbook; that the CC's Standing Working Group on Whale Watching working with the Secretariat collect information from Member States on swim-with-whale programmes; and that template data collection forms or links to examples of forms (e.g. in published papers) should be included in the Whale Watching Handbook. These recommendations were **endorsed** by the CC.

The Chair of the SC noted the need to improve the co-ordination and definition of roles between the CC and SC. The SC was ready to provide further advice and review of the beta version of the IWC online Handbook on Whale Watching, and that it would also be valuable for industry representatives to review it. She drew attention to the importance of securing funding for the completion of the Whale Watching Handbook and the need to actively promote it. She noted the issues that may arise from inconsistencies in national regulations for transboundary populations of whales, and the need for research on compliance with whalewatching guidelines and regulations.

6.2 Report from the Conservation Committee's Standing Working Group on Whale Watching

6.2.1 Report from the 2016 Indian Ocean region capacity building workshop

Australia introduced the report of the 2016 Indian Ocean Rim Association (IORA) Sustainable Whale and Dolphin Watching Tourism Workshop (IWC/CC/03). It thanked the Workshop partners (IWC Secretariat, IORA Secretariat, Sri Lankan Institute of Policy Studies and Murdoch University's Cetacean Research Unit) for their work in delivering the Workshop. It noted that the IORA Council of Ministers is meeting on 27 October 2016 and will consider the Workshop report.

Workshop participants recognised that a regional approach to whale and dolphin watching offers a unique opportunity for Governments and other actors in the Indian Ocean to work together to build the profile of the region as a major tourist destination for sustainable whale and dolphin watching, and to ensure that the growth of this industry is economically, socially and ecologically sustainable, and that benefits are shared.

The Committee **endorsed** the recommendations made in IWC/CC/03 as follows:

The IWC could support the IORA Network and continue to implement Objective 3 of the IWC's Strategic Plan for Whalewatching by:

- Sharing information, best practice, experience and expertise with IORA Member States including through the development of the Whale watching Handbook, including with case studies relevant to the IORA region.
- Providing capacity-building and training for IORA and its Member States as appropriate.

- Providing guidelines on best practice and other IWC resources to the IORA Secretariat for circulation among IORA Member States.
- Seeking to engage with the IORA Secretariat and the IORA Network through scientific and technical co-operation and, where appropriate, seeking funding, to support sustainable whale watching in the IORA region.

6.2.2 Progress with the online Whale Watching Handbook

The Chair of the Standing Working Group on Whale Watching (SWG-WW) introduced the Report of the Working Group on Whale Watching (IWC/66/CCRep03). He noted that the 5-year Strategic Plan on Whale Watching ends in 2016 but that the Working Group recommends it continues as the overarching strategy as there are still actions to complete. Part of the proposed work plan for 2016-18 will be to update this Strategic Plan. He thanked the members of the Working Group and noted that the group is working to add two new *ex officio* industry members.

The Chair of the SWG-WW presented the beta version of the online Whale Watching Handbook. This has been developed through intersessional work including during two meetings, one in San Diego in 2015 and one in Cambridge in 2016. The Chair of the SWG-WW gave a demonstration of the website, in particular the sections on 'Responsible management', 'Preparing for a trip' and 'Species Information'. He drew attention to the projected costs to complete the Handbook, which were provided in Table 1 of IWC/66/CCRep03. The Working Group welcomes feedback on the Handbook and the proposed budget. He noted the need for greater industry involvement in its development.

Argentina, Belgium, Monaco and the UK thanked the USA and the SWG-WW and supported the work on the Whale Watching Handbook. The UK suggested that the Voluntary Conservation Fund could be used to support the development of the Handbook. Monaco suggested that the 'Species' section include as many pictures and photographs as possible.

In response to a query from Monaco, the Chair clarified that hopefully the Handbook could be completed by 2018.

The Secretariat of the Convention on Migratory Species (CMS) highlighted its interest in the work on whale watching being undertaken by IWC. CMS adopted Resolution 11.29 on Sustainable Boat-Based Marine Wildlife Watching, requesting the CMS Scientific Council to develop guidelines on ecologically sustainable wildlife watching, including for cetaceans. The CMS Secretariat noted CMS' interest in supporting the Whale Watching Handbook indicating that it would likely address the request made by CMS Parties with respect to cetacean watching guidelines. The CMS Secretariat proposed that the CMS join the Standing Working Group on Whale Watching with the aim of producing a joint product that serves the needs of both IWC and CMS Contracting Governments. It offered its support in French and Spanish translations of the Handbook.

The Chair of the SC highlighted the request from the SC for guidance from the CC on several SC agenda items (noted in table 22, IWC/66/Rep01(2016)) that could be dealt with by the CC's Standing Working Group on Whale Watching.

The CC **agreed** that a small group, including the Chair and Vice-Chair of the CC, Chair of the SC, Chair of the SWG-WW and Head of Science, led by the Chair address this question.

The CC **recommended** that the CMS join the Working Group that has been tasked to develop the Whale Watching Handbook.

The CC **endorsed** the recommendations made by the Standing Working Group on Whale Watching, as outlined in IWC/66/CCRep03:

- Explore ways to get additional industry input and outside expertise for the relevant sections of the Handbook;
- Explore opportunities for collaboration with relevant intergovernmental organisations (e.g. CMS, CBD, SPREP etc) in the development of the Handbook
- Investigate sources of funding for the Whale Watching Handbook and submit applications to potential funding bodies with the aim of completing the Handbook by IWC67 in 2018;
- Develop revised Strategic plan with a new timeframe;
- Assist with recommendations related to the outcomes of the IORA workshop; and
- Add two new *ex officio* industry members to the WGWW from 2016-2018.

7. CONSERVATION MANAGEMENT PLANS

In 2008 the IWC adopted Conservation Management Planning as an adaptive, flexible and tailored management tool to improve the conservation outcomes for the most at-risk cetacean populations. Three CMPs have since been

endorsed by the IWC. These cover the gray whale population in the western North Pacific and separate populations of southern right whales in the South-East Pacific and the South-West Atlantic.

At IWC60 in 2008 the CC received the report of a workshop on the status of right whales in the South-East Pacific. In response to this report the CC: (1) stated the importance of continuing work on the status of right whales and recommended that this issue remains a high priority in the future work of the SC; and (2) agreed the item be retained on the CC's agenda. This was previously discussed as a separate agenda item, but has now been combined with the CMP agenda item for the South-east Pacific southern right whale.

Work is progressed by the Commission through the CC's Standing Working Group on Conservation Management Plans and through the SC's work on whale stocks.

7.1 Western North Pacific Gray Whale CMP

7.1.1 Scientific Committee update

The Chair of the SC provided an update on SC work on the Western North Pacific Gray Whale CMP (see Items 10.7.4, 21, IWC/66/Rep01(2015), Items 9.1.3, 22, IWC/66/Rep01(2016)). The Committee is undertaking a rangewide review of the population structure and status of North Pacific gray whales, partly in light of the CMP action on telemetry and photo-identification studies that provided new information on movements of animals that regularly feed off Sakhalin Island. That review is expected to be completed at the 2017 meeting and the SC is in the process of updating the scientific components of the draft CMP in light of the rangewide review. The SC has endorsed the need for a stakeholder workshop, as outlined in IWC/66/CC34. The SC has made several recommendations relevant to North Pacific gray whales with respect to potential risks associated with oil and gas activities and fisheries and are engaged in a good working relationship with the IUCN Western Gray Whale Advisory Panel.

The Head of Science of the IWC Secretariat introduced IWC/66/CC29 which provided information from the US Navy. This document provided exciting new information on the occurrence, determined by acoustic detections, of gray whales in offshore but shallow waters in the East China Sea in autumn and winter; the first such confirmation in recent times of multiple animals together south of the Sakhalin feeding area. This important information will be considered during the workshop proposed in IWC/66/CC34 to finalise the CMP.

7.1.2 Update from range States

The USA noted that a workshop (IWC/66/CC34) to finalise the draft CMP is planned for May 2017 after the 2017 SC meeting such as it allows the CMP to be presented to the Commission at its meeting in 2018. It also highlighted ongoing collaborative efforts on photo-identification by range state researchers, documenting migratory movements of whales within the western North Pacific between Russia and Japan.

7.1.3 Discussion and recommendations

The Committee **endorsed** the report of the Scientific Committee and its recommendations.

The CC **endorsed** the relevant recommendations from the report of the Standing Working Group (SWG) on CMPs (IWC/66/CCRep06). It **noted** the proposal for a stakeholder workshop on the Conservation Management Plan for western North Pacific gray whales developed by several range states and in coordination with IUCN (IWC/66/CC34) and that funds will be requested from the Voluntary Conservation Management Plans Fund. It **agreed** that the CMP SWG should consider this request for funding out of session, for final endorsement by the Chairs of the Conservation Management Plan Standing Working Group and CC.

7.2 Southwest Atlantic Southern Right Whale CMP

7.2.1 Scientific Committee update

The Chair of the SC drew attention to item 10.8.1.1 of IWC/66/Rep01(2016), highlighting relevant recommendations, relating to continuation of work to understand habitat use, dispersal and migratory patterns; gathering of information on cows and recently deceased calves; further work to identify types of nutritional and physiological stress; and continued co-operation and collaboration amongst all research groups and stakeholders relevant to the South Atlantic Right Whale CMP.

7.2.2 Update from range States

Argentina presented an update on intersessional work relating to the IWC Conservation Management Plan for the southern right whale Southwest Atlantic Population. A 2014 workshop considered new theories on the die-off and

these were considered by the SC in 2015, which provided funding of £13,000 for a research project on the mortality of the species in the Valdes Peninsula.

Argentina noted that a workshop was held in September 2016 in Puerto Madryn (Argentina), supported by a contribution from the CMP Voluntary Fund. The Workshop reviewed actions to date and identified next steps. The Workshop report is available as document IWC/66/CC12.

Argentina summarised actions taken, such as conducting satellite telemetry, photo identification, training on non-lethal techniques and data collection. It noted its view of the importance of ongoing funding from the IWC CMP Voluntary Fund.

Argentina also noted that coordination of the CMP will be passed to Brazil. Brazil confirmed its willingness to continue the excellent work that Argentina has done.

The Committee thanked Miguel Iñiguez (Argentina) for his work as coordinator and thanked Brazil for taking on the role.

7.2.3 Conclusions and recommendations of the Committee

The CC thanked the Scientific Committee and the Range States for this updated information and **endorsed** the Scientific Committee report and recommendations. The CC also **endorsed** the relevant sections of the report of the Standing Working Group (SWG) on CMPs (IWC/66/CCRep06).

7.3 Eastern South Pacific Southern Right Whale CMP

7.3.1 Scientific Committee update

The Chair of the Scientific Committee drew attention to the SC conclusions and recommendations on the CMP for this critically endangered population (items 10.8.12, 10.8.16 and Annex F of IWC/66/Rep01(2016)). The Scientific Committee welcomed the involvement of Peru in the revised Eastern South Pacific (ESP) southern right whale CMP. It endorsed the revised plan submitted by Chile and Peru (SC/66b/BRG23), noting that this should improve management and conservation. It reiterated that anthropogenic mortality be kept to a minimum. The Committee strongly recommended that further research plans focus on identifying a breeding area and noted that the use of acoustic devices may be a cost-effective approach for monitoring the presence of the species.

7.3.2 Update from the range states

Chile, also on behalf of Peru, introduced document IWC/66/CC28 containing a draft implementation strategy for 2016-2018 for the Eastern South Pacific Southern Right Whale Conservation Management Plan, noting that a revised CMP prepared in 2016, now including Peru as a range state, could be found in document SC/66b/BRG24. To date implementation of the CMP had been funded entirely by range states. Funding was now sought from the IWC Voluntary Conservation Management Plans Fund for coordination and meetings of the CMP Steering Group; a proposed budget for this was presented in the document.

7.3.3 Conclusions and recommendations of the Committee.

The Committee **endorsed** the relevant recommendations from the Scientific Committee summarised in IWC/66/17 and those from the report of the CMP SWG (IWC/66/CCRep06):

- That the Commission **endorse** the revised Conservation Management Plan for Southeast Pacific Southern Right Whales, which welcomes Peru as a range state (SC/66b/BRG23).
- It **noted** the draft Eastern South Pacific Southern Right Whale Conservation Management Plan Implementation Strategy 2016-2018, prepared by Chile and Peru (Appendix 1), and that funds are being requested from the Voluntary Conservation Management Plans Fund for this strategy and **agreed** that the CMP SWG should consider the request for funding noted above out of session, for final endorsement by the Chairs of the Conservation Management Plan Standing Working Group and CC.

7.4 Update on additional CMP proposals

7.4.1 Progress with franciscana dolphin

The Scientific Committee report (IWC/66/Rep01 (2016), item15.3.5) had endorsed a progress report on the development of a CMP for the franciscana and reiterated the importance of establishing a CMP. It also recommended that assessment of bycatch and related issues be given high priority.

Argentina introduced document IWC/66/CC11 containing a proposed Conservation Management Plan for the franciscana (*Pontoporia blainvillei*) prepared by Argentina, Brazil and Uruguay. The development of this CMP was informed by the recommendations of the VIII workshop on research and conservation of franciscana held in

October 2015 in Sao Francisco do Sul, Brazil (SC/66b/SM05). A further workshop was held in Puerto Madryn, Argentina 12-13 September 2016 as part of the Southwest Atlantic southern right whale workshop (IWC/66/C12). The draft CMP focuses on the following priority actions: (1) monitoring abundance, trends and bycatch; (2) mitigating bycatch; (3) developing and implementing protected areas; (4) encouraging the adoption and implementation of a National Action Plan to Reduce the Interactions of Marine Mammals with Fisheries in Argentina; (5) developing a strategy to increase public awareness of the franciscana; and (6) including the franciscana in bilateral and multilateral discussions.

Australia, supported by the Instituto de Conservación de Ballenas, commended Argentina, Brazil and Uruguay for their joint efforts in preparing this CMP, the first for a small cetacean, and urged that the CMP be both nominated and endorsed at the present meeting.

7.4.1.1 Conclusions and recommendations of the Committee

The Committee **endorsed** the relevant recommendations from the Scientific Committee and the CMP SWG and **recommended** that the Commission nominate and endorse the Conservation Management Plan for the franciscana (IWC/66/CC11).

7.4.2 Progress with Arabian Sea humpback whales

The Scientific Committee discussions and recommendations on Arabian Sea humpback whales are summarised in IWC/66/17 item 10.13. In particular, the Committee stressed the value of a regional CMP and encouraged range states to explore this possibility.

The Chair of the Standing Working Group on Conservation Management Plans (Australia) provided an update on the Arabian Sea humpback whales, as contained in document IWC/66/CCRep06, noting that as yet no CMP had been developed.

The CC **recommended** dialogue between the Government of Oman and other IWC member Governments to discuss the potential of a CMP for Arabian Sea humpback whales.

7.4.3 Development of threat-based CMPs

The Scientific Committee's discussions on threat-based CMP's are summarised under items 7.1.7 and 15.5.2 in IWC/66/Rep01.

The Chair of the Standing Working Group on CMPs (SWG-CMPs) noted that there would be relevant discussions under agenda items 8 and 9. She drew attention to the report of the SWG-CMPs (IWC/66/CCRep06) which includes a recommendation that the proposed mid-term review of the Conservation Management Plan Work Programme (2014-2020) should include the development of guidelines and principles for threat-based CMPs.

7.4.3.1 Conclusions and recommendations of the Committee

The Committee **endorsed** the relevant recommendations of the SWG-CMP (IWC/66/CCRep06) that:

- the mid-term review include work to develop guidelines and principles for threat-based CMPs, to be presented to the 2017 planning meeting of the Conservation Committee for consideration (see Item 7.5 below);
- further consideration of marine debris in CMPs will be informed by discussions on bycatch and entanglement activities, as well as the proposed mid-term review and proposed guidelines and principles for development of threat-based Conservation Management Plans; and
- the Scientific Committee be **requested** to continue to provide further information on bycatch, including advice on regions.

7.4.4 Other CMP proposals

The Chair of the Standing Working Group on Conservation Management Plans (Australia) referred to the candidate CMPs identified in the SC report (IWC/66/Rep01(2016)). She encouraged range states to develop CMPs and noted that the Standing Working Group was ready to provide advice and guidance.

7.5 Report of the Standing Working Group on Conservation Management Plans.

The Chair of the Standing Working Group on Conservation Management Plans (Australia) introduced document IWC/66/CCRep06, drawing attention to the list of recommendations included in the report. She highlighted Recommendation 7 which proposed a mid-term review of the Conservation Management Plan Work Plan 2014-2020, and proposed Terms of Reference for this review in Appendix 2 of the document.

The Chair of the SWG-CMPs welcomed further contributions to the Conservation Management Plan Fund. She asked the Conservation Committee if it could endorse the recommendations in the SWG report. The Committee welcomed the re-election of Australia as Chair of the CMP Standing Working Group.

7.5.1 Conclusions and recommendations of the Committee

The Conservation Committee **endorsed** the relevant recommendations in IWC/66/CCRep06 that:

- it should continue to highlight to the Scientific Committee (though the Commission) the research actions detailed in recently revised and new Conservation Management Plans;
- there will be a mid-term review of the Conservation Management Plan Work Plan 2014-2020, to be undertaken by the Conservation Management Plans Standing Working Group during the 2016-2018 intersessional period, with the Terms of Reference at Appendix 2.
- Australia was elected to continue as Chair of the Standing Working Group on Conservation Management Plans for a second term; and
- the CMP SWG should meet during the intersessional period and report back to the Conservation Committee at IWC67.

8. BYCATCH

In June 2016, the SC made a series of recommendations relating to bycatch, including increased co-operation with other intergovernmental organisations. The SC also recommended the establishment of an intersessional correspondence group to consider potential development of a Conservation Management Plan on bycatch and entanglement. The outputs will be discussed at the next SC meeting in 2017. The issue was also discussed in two conservation planning meetings in 2015 and 2016, which tasked Mark Simmonds to work with interested Parties and observers to develop suggestions for the CC on advancing work to reduce cetacean bycatch.

8.1 Report of the Scientific Committee

The Chair of the SC reported on the work of the SC summarised in Items 7.1.7 and 22, IWC/66/Rep01(2016). In 2015, a third Workshop to review progress on capacity building and provide advice on entanglement data and databases, was held in Provincetown, USA, April, 2015 (IWC/66/WI-WKRep01). The SC supported the Workshop's recommendations on establishment of a global entanglement database, housed and maintained by the IWC. This work was also presented to the WKM&WI working group (IWC/66/Rep06).

The Chair of the SC reviewed the summary report of the workshop on "Global Assessment of Large Whale Entanglement and Bycatch Reduction in Fishing and Aquaculture Gear", held in May 2016 in Portsmouth, USA and co-organised by the New England Aquarium, the Consortium for Wildlife Bycatch Reduction and IWC. The SC made a number of recommendations with respect to the identification of gear to assist in the development of mitigation measures and priorities. The Chair of the SC noted that a full report of recommendations from this workshop had been presented to the WKM & WI working group (IWC/66/Rep06).

The SC had expressed concern at the small number of countries regularly reporting thoroughly on bycatch and entanglement in National Progress Reports, and made a number of recommendations for improvement. The SC made additional recommendations on addressing bycatch of small cetaceans, recognising the importance of obtaining robust estimates of total bycatch and bycatch rates to prioritise conservation and management needs with respect to mitigation and prevention efforts and monitoring. These recommendations were **endorsed** by the CC.

8.2 Progress report from intersessional work

Mark Simmonds presented document IWC/66/CC05-Proposal for an IWC Bycatch Initiative. He noted that bycatch is a significant conservation issue, which in some cases is driving certain species towards extinction, and that the stress and suffering experiences by individual animals cannot be ignored. The 2006 estimate of 308,000 cetacean deaths each year (Read *et al.* 2006)², is likely to represent an underestimate given the under-detection and under-reporting for both small cetaceans and large whales. Scarring data has revealed that the level of large whale entanglements is significantly higher than previously thought. He highlighted the need for a global initiative to address this issue and urged that now was the time for the IWC to take this forward. The paper outlined a number of options for addressing bycatch within the IWC including (1) a threats-based Conservation Management Plan addressing bycatch mitigation; (2) the establishment of a Standing Working Group on bycatch under the CC; and (3) the development of a Bycatch Mitigation Initiative, following the example of the Entanglement Response Initiative, including the establishment of an expert panel.

²Read AJ, Drinker P, Northridge S (2006) Bycatch of marine mammals in U.S. and global fisheries. *Conserv Biol* 20: 163-169.

The UK favoured the approach outlined in Section 3.3 of the paper including the appointment of a Bycatch Mitigation Initiative Coordinator, supported by an Expert Panel, with the remit to provide advice on bycatch mitigation. The Terms of Reference for this Panel could be drawn from IWC/66/CC05 Section 3.3. The Panel could initiate the development of a thematic strategic plan in order to ensure effective delivery.

The USA noted that bycatch was considered a primary threat in the CC's new Strategic Plan. It supported the development of a Standing Working Group on bycatch and offered to participate in this group. It suggested that an expert panel should include observers with relevant expertise. Budgetary implications referred to in Section 3.5 of document IWC/66/CC05 should be drawn to the attention of the F&A Committee.

Austria, Belgium, Brazil, Chile, Gabon, Italy, the Netherlands, New Zealand, and Humane Society International all supported development of a Bycatch Mitigation Initiative. Brazil outlined national actions taken to reduce bycatch. The Netherlands and New Zealand stressed the importance of co-operation with other processes. Belgium and Italy indicated they would be pleased to participate in any initiative.

WWF expressed support for a Bycatch Initiative, drawing attention to IWC/66/CCForInfo1. This document offers an analysis of threats posed by fisheries bycatch to cetacean populations, and makes a clear case for the IWC to play a greater role in mitigating this threat globally. WWF noted the need for collaboration with individual nations and other IGOs including FAO, CMS, CCAMLR, ACCOBAMS, ASCOBANS and ICES. Recent international work to mitigate the bycatch of other species (e.g. seabirds, sharks, turtles) might provide useful models of co-operation. WWF is committed to this cause and offers further assistance.

The UK reported that Mark Simmonds had volunteered to act as an interim co-ordinator, until a permanent co-ordinator is identified, should the Initiative be approved.

CMS stated that the CMS and its relevant daughter agreements (ACCOBAMS and ASCOBANS) had been working on bycatch issues and expressed their interest in co-operation with the proposed new initiative.

8.2.1 Conclusions and recommendations of the Committee

The Committee agreed to establish a Standing Working Group on Bycatch. This SWG should progress work on the development of a Bycatch Mitigation Initiative and the identification of the Expert Panel. It welcomed the offer by Mark Simmonds to serve as an interim co-ordinator to assist with these efforts, on a voluntary basis.

The Committee **agreed** to draw the F&A Committee's attention to the budgetary implications of the Initiative outlined in Section 3.5 of IWC/66/CC05.

9. MARINE DEBRIS

At IWC63 in 2011, the Commission endorsed a CC recommendation to include a standing agenda item on marine debris. Two joint SC and CC workshops on marine debris in 2014 and 2015 (SC/65a/Rep06 and IWC/65/CCRep04) made a range of recommendations that were agreed to by the CC. These included the need for improved data collection and research on the impacts of marine debris on cetaceans and potential mitigation approaches. The importance of engaging with other intergovernmental organisations with respect to marine debris was highlighted.

9.1 Report from the Scientific Committee

The Chair of the Scientific Committee reported on discussions in Item 13.9, IWC/66/Rep01. In 2015, the SC agreed to a set of priorities on marine debris which focused on better understanding of the extent and significance of marine debris impacts on cetaceans; improvements to data collection and monitoring; and engaging with other intergovernmental bodies (IGOs) with respect to marine debris. An update on collaboration with other IGOs on marine debris was provided in 2016 (SC/66b/E12). The CC **endorsed** the recommendations of the SC.

9.2 IWC engagement with other Intergovernmental Organisations (IGOs) on marine debris

The Secretariat highlighted the IWC contribution to the report of the UN Secretary General on the issue of "marine debris including plastics and microplastics" to the 17th meeting of the United Nations Open-Ended Informal Consultative Process on Oceans and Law of the Sea, in June 2016 and engagement with the United Nations Environment Programme (UNEP) and the United Nations Environment Assembly (UNEA). Further details were provided in IWC/66/04.

Australia, Monaco and the UK welcomed inclusion of marine debris in the Committee's deliberations and progress in engaging other intergovernmental organisations. Australia encouraged engagement with the Global Ghost Gear

Initiative. The UK reported on its plans to ban the sale and manufacture of cosmetics and personal care products containing microbeads and stated it was considering further action on microbeads in other products including household and industrial cleaning products.

8.2.1 Conclusions and Recommendations of the Committee

The Committee **welcomed** progress made in addressing the issue of marine debris and **encouraged** further collaboration.

10 SMALL CETACEANS

10.1 Small Cetaceans Task Team

10.1.1 Report of the Scientific Committee

At its 2015 meeting, the SC developed the Terms of Reference for a Small Cetaceans Task Team Initiative to assist the SC in providing timely and effective advice on situations where a population of cetaceans is in danger of a significant decline that may eventually lead to its extinction. The ultimate aim is to ensure that extinction does not occur.

The Chair of the Scientific Committee summarised the Committee's work on this issue in 2014 and 2015 (see IWC/66/17, item 15.6). In 2015, the franciscana was proposed as a good initial case study to test the Task Team approach. In 2016, the Committee received the update from the Franciscana Task Team (FTT) Steering Committee that the following priority tasks are needed to improve conservation of the species in Franciscana Management Area (FMA) I: (1) monitor the fisheries and estimate bycatch; (2) assess areas at risk from coastal and offshore development; (3) estimate abundance and trends; and (4) plan for long-term conservation efforts. The Committee recommended supporting the fishery characterisation and bycatch monitoring and estimation work identified by the FTT for FMA I.

The UK noted the establishment of the franciscana Task Team was done by the review of a proposal provided by scientists in the field. The Task Team initiative reports to the Scientific Committee at its annual meeting and the UK fully supports that further Task Teams can be developed intersessionally by the agreement of the expert review panel and the Chair of the Scientific Committee. These task teams can then seek funding from outside sources.

The issue of a CMP for the franciscana is discussed in more detail under Item 7.4.1 above.

The Chair of the SC also noted a new development regarding the National Waterways Act in India. The Committee expressed grave concern of the impacts of this for the South Asian River Dolphin. The Committee had recommended that the SCTT Steering Committee establish an appropriate team of experts to develop a project description and report back on progress to the next year's meeting.

Centro de Conservacion Cetacea recalled that for several years the Scientific Committee has highlighted the river dolphins of the Amazon Basin as a matter of concern, particularly with regard to their use as bait in some fisheries. Centro de Conservacion Cetacea encouraged range States to nominate these species for CMPs.

Italy announced a €15,000 contribution for the work of the franciscana CMP in Brazil, which the Committee welcomed.

10.1.2 Discussion and recommendations

The Conservation **endorsed** the report of the Scientific Committee and its recommendations.

10.2 Progress under the voluntary fund for small cetacean conservation research

The Chair of the SC noted that the Small Cetacean Fund is an extremely valuable contribution to conservation of small cetaceans with an emphasis on developing countries and critical conservation needs. During the biennium 2015-2016, donations to the Voluntary Fund for Small Cetacean Conservation Research totalling £76,089 were received from the Governments of Italy, the Netherlands, Switzerland, and the United Kingdom as well as from Whale and Dolphin Conservation (WDC), WWF International, World Animal Protection, Pro Wildlife and Campaign Whale.

Meike Scheidat (Co-convenor of the small cetaceans sub-Committee under the SC) gave a presentation, on behalf of the SC on progress under the Fund. Since 2010, as well as supporting the participation of experts to the annual meetings of the Committee, these funds have been used to support 15 projects for a total of around £350,000 disbursed.

In 2011, funding was provided for nine projects, and further voluntary contributions allowed funding of additional projects in 2013 and 2016. In 2016, there was a new call for proposals and the Secretariat received 20 project proposals. Following the advice of the Review Group, the Committee recommended seven projects (Table 20 in SC/66b) for the Commission's consideration for funding. As of 2014 there was an emphasis in funding projects with a clear potential for producing positive conservation outcomes.

The Committee thanked all those countries and organisations that have made voluntary contributions. Italy pledged €1,000 for the fund, Ocean Care pledged £1,000, Whaleman International pledged \$1000 and Pro Wildlife pledged €2,000. The Committee applauded the generosity of all those pledging donations.

11. PROGRESS UNDER THE VOLUNTARY CONSERVATION FUND

The Secretariat provided an update on the status of the Voluntary Conservation Fund, established at IWC65 in 2014. During 2015 and 2016 the Voluntary Conservation Fund had received £65,000 from the Government of Australia, which was used to hold a workshop on the development of a sustainable whale watching network in the Indian Ocean region (see Agenda item 6.2). USD10,000 were received from the USA to support the Standing Working Group on Whale Watching and this has been partially spent. £10,000 was received from the UK which is yet to be allocated.

The Committee thanked the Secretariat for this information and **encouraged** further contributions to the fund.

12. VOLUNTARY NATIONAL REPORTS ON CETACEAN CONSERVATION

Contracting Governments may submit voluntary national reports on cetacean conservation to the CC. The Committee welcomes these reports and has encouraged more countries to submit them.

12.1 Introduction of national reports

The Chair welcomed the voluntary national reports on cetacean conservation submitted by nine countries: Argentina, Australia, France, Gabon, Mexico, New Zealand, Spain, UK, USA. The Committee thanked those countries which had submitted reports this year and encouraged more countries to report to future meetings of the CC.

The Secretary requested that regulations and guidelines relating to the management of whales, including whale watching, be forwarded to the Secretariat.

The Chair noted the need to make the reports as useful as possible, and to record how they are used to measure success. The Committee **agreed** to establish a group to review and develop the report template to align it with the new Strategic Plan, comprising Australia, Mexico, UK and the Secretariat.

13. CONSERVATION COMMITTEE DEVELOPMENT

13.1 Engagement with other intergovernmental organisations

The Secretariat reported on progress on IWC co-operation with other intergovernmental organisations. It highlighted in particular (1) opportunities to strengthen engagement with regional organisations, including the Secretariat of the Pacific Regional Environment Programme (SPREP); and the UNEP Caribbean Environment Programme (UNEP-CEP) as Secretariat to the Protocol Concerning Specially Protected Areas and Wildlife - SPAW and (2) the invitation to the Secretariat to join the Biodiversity Liaison Group. Further details were provided in IWC/66/04.

The Committee **agreed** that the Secretariat should accept the invitations to join the Biodiversity Liaison Group and to participate in SPREP's 2017 Conference on "Whales in a Changing Ocean".

13.2 Funding opportunities

At IWC65, the Commission endorsed a series of recommendation from the Intersessional Correspondence Group on Strengthening IWC Financing. These recommendations included, *inter alia*, a proposal for working groups wishing to resource projects to establish budgeted work plans, and if possible to identify funding partners.

The Chair of the Group, Stephanie Langerock (Belgium) provided a brief introduction to the work of the group. She introduced the report of the Intersessional Correspondence Group on Strengthening IWC Finance (IWC/66/F&A08) which provides an update on the implementation of the Commission's recommendations and will be discussed in detail by the Finance and Administration Committee. She highlighting the need to establish a

process to allocate the fund and that the Steering Group will review the eligibility criteria to ensure they are consistent with the CC Strategic Plan. She stressed the need to identify new funding opportunities to implement the Commission recommendations and encouraged all working groups to develop budgeted working plans. She also welcomed new members to join the ICG-SF.

The Committee **welcomed** the work of Intersessional Correspondence Group on Strengthening IWC Financing.

14. WORKPLAN FOR THE 2016-2018 BIENNIUM AND BEYOND, INCLUDING RESOURCE IMPLICATIONS

The Chair introduced the draft CC Work Plan for the Intersessional Period 2016-2018 (IWC/66/CC21), noting that it provides a work plan to deliver the Strategic Plan agreed by the Committee. The draft Work Plan included specific deliverables and associated resource requirements. The Chair would welcome volunteers to form a group to take this forward.

The draft CC Work Plan was **endorsed** by the Committee, who agreed that it will evolve through intersessional work.

15. ADOPTION OF THE REPORT

The report was adopted by correspondence on 24 October 2016.

Appendix 1

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David Peers
Greg Donovan
Kate Wilson
Katie Penfold
Sarah Ferriss
Sarah Smith
Simon Brockington

Rapporteurs

Harriet Gillett
Martin Jenkins
Pablo Sinovas
Robert Munroe
Sara Oldfield

Appendix 2

LIST OF DOCUMENTS

IWC/66/CC	Agenda item
01. Draft Agenda	
02. List of Documents	
03. Report on the Indian Ocean Rim Association (IORA) Sustainable Whale and Dolphin Watching Tourism Workshop (submitted by Australia)	6.2
04. Observations relevant to the Conservation Committee's review of the Southern Ocean Sanctuary (submitted by Australia)	4.1
05. Proposal for an IWC Bycatch Initiative	8
06. Australian Voluntary National Cetacean Conservation Report	12.1
07. United States Voluntary National Conservation Report	12.1
08. Conservation Committee Public Strategic Plan (submitted by the Chair of the Conservation Committee)	3.1
09. Conservation Committee Draft Public Facing Strategy 2016-2026 (submitted by the Chair of the Conservation Committee)	3.1
10. Draft Guidance – Conservation Committee Strategic Planning (submitted by the Chair of the Conservation Committee)	3.1 & 14
11. A Conservation Management Plan for Franciscana (<i>Pontoporia blainvillei</i>) (submitted by Argentina, Brazil and Uruguay).	7.4.1
12. Report of the Workshop on the IWC Conservation Management Plan for the Southern Right Whale Southwest Atlantic Population	7.2.2
13. United Kingdom Voluntary National Cetacean Conservation Report, 2016	12
14. The IWC Conservation Committee review of the proposed South Atlantic Whale Sanctuary (SAWS)	4.2
15. Circular Communication IWC.ALL.266 – Conservation Committee's review of the proposed South Atlantic Whale Sanctuary (SAWS)	4.2
16. Background to the Conservation Committee's review of the South Atlantic Whale Sanctuary (SAWS)	4.2
17. Circular Communication IWC.ALL.267 – Conservation Committee's review of the decadal review of the Southern Ocean Sanctuary (SOS)	4.1
18. Arrangements for the establishment of a Conservation Committee Planning Meeting	3.2
19. Consideration of the timing and modus operandi of the Conservation Committee and associated meetings	3
20. Strategic Plan to Mitigate the Impacts of Ship Strikes on Cetacean Populations: 2017-2020	5.2
21. Draft Conservation Committee Work Plan for the Intersessional Period 2016-20	
22. Background to the Conservation Committees decadal review of the Southern Ocean Sanctuary (SOS)	4.1
23. The IWC Conservation Committee decadal review of the Southern Ocean Sanctuary (SOS)	4.1
24. Background Information to document IWC/66/CC25: Conservation recommendations of the Scientific Committee 2013-2016	3.3.3
25. Analysis of Scientific Committee Recommendations of Direct Relevance to the Conservation Committee	3.3.3
26. New Zealand Voluntary National Cetacean Conservation Report	12.1
27. Spain Voluntary National Cetacean Conservation Report	12.1
28. Eastern South Pacific Southern Right Whale Conservation Management Plan Draft Implementation Strategy 2016-2018	7.3
29. Western Gray Whale Activity in the East China Sea from Acoustic Data: Memorandum for Dr Brandon Southall	7.1
30. Mexico Voluntary National Cetacean Conservation Report	12.1
31. Argentina Voluntary National Cetacean Conservation Report	12.1
32. Gabon Voluntary National Cetacean Conservation Report	12.1
33. France Voluntary National Cetacean Conservation Report	12.1
34. Proposal for a Stakeholder Workshop on the CMP for Western Gray Whales	7.1

IWC/66/CC Rep

01. Minutes of the Conservation Committee Planning Meeting, 4 June 2015	3.2
02. Minutes of the Joint Conservation Committee and Scientific Committee Working Group, 4 June 2015	3.3
03. Report of the Working Group on Whale Watching (submitted by the Chair of the Standing Working Group on Whale Watching (SWG-WW))	6.2
04. Report of the joint Conservation Committee and Scientific Committee Working Group (CC/SC WG), 20 June 2016	3.3
05. Report of the Conservation Committee Planning Meeting, 20 June 2016	3.2
06. Report of the Standing Working Group on Conservation Management Plans	7.5

IWC/66

04. Update on IWC Co-operation with other Organisations	
08 Rev. The South Atlantic: A Sanctuary for Whales	
09. Proposal for a Schedule Amendment to Create a South Atlantic Whale Sanctuary	

IWC/66/F&A

08. Implementing IWC Recommendations on Strengthening IWC Financing	
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Documents from previous meetings

SC/66b/HIM02	4 th Progress Report on IWC Ship Strike Data Coordination May 2016
SC/66a/HIM08	3 rd Progress Report on IWC Ship Strike Data Coordination May 2015
SC/66b/BRG23	Revised Conservation Management Plan for Eastern South Pacific Southern Right Whale Population

Appendix 3

AGENDA

1. INTRODUCTORY ITEMS

- 1.1. Appointment of Chair
- 1.2. Appointment of Rapporteurs
- 1.3. Review of documents
- 1.4. Observer participation

2. ADOPTION OF AGENDA

3. STRATEGIC PLAN FOR THE CONSERVATION COMMITTEE

- 3.1. Draft Strategic Plan
- 3.2. Joint Working Group of the Conservation Committee and Scientific Committee
 - 3.2.1. Report from the 2015 Joint Working Group of the Conservation Committee report
 - 3.2.2. Report from the 2016 Joint Working Group of the Conservation Committee report
 - 3.2.3. Report on the collation and analysis of conservation-relevant recommendations
 - 3.2.4. Consideration of the future terms of reference, timing and *modus operandii* of the Joint Working Group

4. WHALE SANCTUARIES

- 4.1. Decadal review of the Southern Ocean Sanctuary
 - 4.1.1. Report of the Scientific Committee (Item 19.2 of IWC/66/Rep01)
 - 4.1.2. Report on the intersessional work of the Conservation Committee
- 4.2. Proposal to establish a South Atlantic Whale Sanctuary
 - 4.2.1. Report of the Scientific Committee (Item 19. 1, IWC/66/Rep01)
 - 4.2.2. Report on intersessional work of the Conservation Committee on the South Atlantic Whale Sanctuary proposal

5. SHIP STRIKES

- 5.1. Report of the Scientific Committee (Item 7.2, IWC/66/Rep01)
- 5.2. Report from the Ship Strikes Working Group
 - Ship strikes Strategic Plan
 - Engagement with IMO
- 5.3. Committee discussions and recommendations

6. WHALE WATCHING

- 6.1 Report from the Scientific Committee (Item 16, IWC/66/Rep01)
- 6.2 Report from the Conservation Committee's Standing Working Group on Whale watching
 - Report from the 2016 Indian Ocean region capacity building workshop
 - Progress with the online Whale Watching Handbook

7. CONSERVATION MANAGEMENT PLANS

- 7.1. Western Pacific Gray Whale CMP
 - 7.1.1. Scientific Committee update (Items 9.1.3, 22, IWC/66/Rep01)
 - 7.1.2. Update from range States
- 7.2. Southwest Atlantic Southern Right Whale CMP
 - 7.2.1. Scientific Committee update (Items 10.8.1.1, 22, IWC/66/Rep01)
 - 7.2.2. Update from range States
- 7.3. South-east Pacific Southern Right Whale CMP
 - 7.3.1. Scientific Committee update (Items 10.8.1.2, 10.8.1.6, 22, IWC/66/Rep01)
 - 7.3.2. Update from range States
- 7.4. Update on additional CMP proposals
 - 7.4.1. Progress with franciscana dolphin (Items 15.3.5, 22, IWC/66/Rep01)
 - 7.4.2. Progress with Arabian Sea humpback whales (Items 10.13.3, 22, IWC/66/Rep01)
 - 7.4.3. Development of threat-based CMPs
 - 7.4.4. Other CMP proposals (Items 15.5.2, 22, IWC/66/Rep01)
- 7.5. Progress Report by the CMP Standing Working Group

8. BYCATCH

- 8.1 Report of the Scientific Committee (Items 7.1.7, 22, IWC/66/Rep01)

- 8.2 Progress report from intersessional work
- 9. MARINE DEBRIS
 - 9.1. Report from the Scientific Committee (Item 13.9, IWC/66/Rep01)
 - 9.2. IWC engagement with other Intergovernmental Organisations on marine debris
- 10. SMALL CETACEANS
 - 10.1 Small Cetaceans Task Team (Item 15. 5.2, IWC/66/Rep01)
 - 10.2 Progress under the voluntary fund for small cetacean conservation research (Item 15.2, IWC/66/Rep01)
- 11. PROGRESS UNDER THE VOLUNTARY CONSERVATION FUND
- 12. VOLUNTARY NATIONAL REPORTS ON CETACEAN CONSERVATION
 - 12.1. Introduction of national reports
- 13. CONSERVATION COMMITTEE DEVELOPMENT
 - 13.1. Engagement with other intergovernmental organisations
 - 13.2. Funding opportunities
- 14. WORKPLAN FOR THE 2016-2018 BIENNIUM AND BEYOND, INCLUDING RESOURCE IMPLICATIONS
- 15. ADOPTION OF THE REPORT

ADMISSION OF OBSERVERS

Rule of Procedure C.2

2. Observers accredited in accordance with Rule [of procedure] C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of Committees and all subsidiary groups of the Commission and the Technical Committee, except the Commissioners-only meetings, meetings of the Bureau and closed meetings of the Finance and Administration Committee.

SPEAKING RIGHTS FOR OBSERVERS

Rule of Procedure C.3

3. Observers accredited in accordance with rule C.1.(a) and (b) will have speaking rights during Plenary sessions and sessions of Commission subsidiary groups and Committees to which they are admitted to under C.2, in accordance with the Rules of Debate of the Commission. Observers might also submit documents for information to the delegations and observers participating in such sessions, provided these are submitted through the Secretariat at least 48 hours before the session in which they are intended to be made available, and are duly authored or endorsed by the accredited organisation making the submission, which is to be held responsible for its contents.

Rules of Debate Paragraph A

A. Right to Speak

1. The Chair shall call upon speakers in the order in which they signify their desire to speak, with the exception of accredited Observers, which should be allowed to speak only after all Commissioners desiring to speak do so. As a general rule, Observers will only be allowed to speak once at each Agenda item under discussion, and at the discretion of the Chair.

Appendix 4

TERMS OF REFERENCE FOR A CONSERVATION COMMITTEE PLANNING GROUP

The Conservation Committee Planning Group is tasked with helping set the agenda for the biennial Conservation Committee meeting and progression of the Conservation Committees work plan in the intersessional period.

It will:

- Consider the Committee's progress since the last meeting of the Committee, in particular with regards to intersessional work, and support continued effective delivery of its work.
- Identify key discussions, priorities and deliverables for inclusion on the agenda of the next meeting of the Committee.
- Support the Chair in preparing for Conservation Committee meetings.
- Provide an additional opportunity for discussing the strategic development of the Conservation Committee, particularly with regards it's outward facing Strategic Plan, strategic development of priorities, engagement with other organisations, and funding.

Membership

The group is intended to be small and focused and does not replace a full meeting of the Conservation Committee. Attendance is not restricted but may be limited by available space. It will primarily be composed of the Chair and vice-Chair of the Conservation Committee, Chairs of the Committee's standing working groups, and nominees from contracted governments. Additional expertise will be invited as appropriate to the agenda by the Chair and Vice-Chair of the Conservation Committee. The meeting will be Chaired by the Chair of the Conservation Committee.

Timings

The Conservation Committee planning meeting should meet at least annually and where possible in conjunction with meetings of the Scientific and/or Conservation Committee.

Appendix 5

THE INTERNATIONAL WHALING COMMISSION (IWC) CONSERVATION COMMITTEE DECADAL REVIEW OF THE SOUTHERN OCEAN SANCTUARY (SOS) *Conservation Committee Vice-Chair*

Consider whether the SOS is consistent with other measures to protect whales from anthropogenic and other environmental factors

1. Human induced threats are likely to be lower in the SOS than the adjacent IOS, given the much lower levels of ship traffic and human activity. This is one of the reasons why the SOS was chosen as a Sanctuary. With other threats being much lower than elsewhere, the recovery of whale stocks was likely to be relatively rapid.
2. The Scientific Committee agreed that the SOS was consistent with other measures to protect whales from anthropogenic and other environmental factors for example, measures established by the Commission for the Conservation of Antarctic Marine Living Resources, CCAMLR.
3. The IWC does not have the regulatory power to directly address other threats to whale populations. However, in line with the expanding scope of the IWC's agenda to address issues with whale conservation and management beyond the decisions on lethal takes, the Commission is encouraging and coordinating work to mitigate threats. This work is undertaken by Contracting and other Governments and international and regional organisations.
4. Apart from the possibility of the resumption of commercial whaling, the primary anthropogenic and other environmental factors likely to affect whales in the SOS are those due to krill fisheries and climate change (including ocean acidification).
5. Krill fisheries are currently managed conservatively under a precautionary approach, but these fisheries are expected to expand. Although CCAMLR has an ecosystem monitoring programme (CEMP) this relies primarily on monitoring changes in predator populations that can be studied on land (seals and penguins). CCAMLR is developing a feedback management procedure for krill fisheries, and in due course one of the questions will be whether this procedure will offer adequate allowance for whales as krill dependant predators if predator monitoring focuses on land-based species.
6. It is difficult to predict the effects of climate change and ocean acidification on whales in the SOS. It is generally considered likely that reductions in sea ice will adversely affect krill abundance. Recent studies have shown that ocean acidification adversely affects krill larval development (Kawaguchi *et al.*, 2013).
7. The other relevant consideration is the role that whales may play in the global carbon cycle. The 'iron fertilisation hypothesis' (Smetacek and Nicol, 2005) indicates that the recovery of depleted whale population is likely to be important in the continuing drawdown of atmospheric carbon dioxide and its transport to the deep ocean in the form of organic detritus. These mechanisms may help mitigate global climate change and the local Southern Ocean effects of ocean acidification.
8. The removal of whales by commercial whaling may both exacerbate the effects of anthropogenic and other environmental factors and diminish the local and global mitigation of climate change and ocean acidification. Consequently, the SOS is broadly consistent with other measures to protect whales from anthropogenic and other environmental factors.

The Conservation Committee therefore concludes that the SOS is consistent with existing measures to protect whales from anthropogenic and other environmental factors.

Assess the effectiveness of the SOS and any adjacent whale sanctuaries in terms of International agreements concerning biodiversity and conservation of nature

9. The effectiveness of the SOS and the adjacent IWC Sanctuaries are likely enhanced by co-operation with other international organizations, such as the CCAMLR, United Nations Framework Convention on Climate Change and Convention on Biological Diversity (CBD).
10. The CBD was developed to provide an international framework for the conservation of biodiversity and sustainable development, outlining obligatory measures for conserving biodiversity. The CBD notes that '*the fundamental requirement for the conservation of biological diversity is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings*'.

11. Article 18 of the CBD states that contracting parties shall promote international technical and scientific co-operation for conservation and sustainable development. The SOS and Indian Ocean Sanctuary (IOS) have allowed for the conduct of scientific research from a wide range of international countries, useful for meeting IWC objectives. There has been a high number of scientific documents produced which correspond to the outcomes of scientific research of monitoring carried out within the areas of the SOS or IOS. Many of the projects are long-term, coordinated, integrated, international research programmes involving collaborators from multiple IWC member countries. A common aim of all projects is to assess trends in whale abundance and distribution, and monitor species recovery.
12. The ‘experiment’ of the massive depletion of baleen whales in the Southern Ocean in principle creates an opportunity to estimate the fundamental ecology of inter-species interactions from trends in the abundance of the various species. Differential recovery rates between species reflect both properties of the environment and the interactions between the species. The fastest recovering species could be expected to reach a peak in abundance (see de la Mare 2010 for an example). The recent review of MSY rates relied on estimating the rate of recovery of depleted stocks (IWC, 2013). Observing abundance trends in the SOS thus meet IWC objectives relating to the future management of whaling. Relevant observations of abundance have been underway for three decades but observations over more decades will be needed to estimate the effects of inter-specific interactions. The resumption of commercial whaling would confound these observations by truncating the recovery of the fast recovery populations before they otherwise might peak and decline.
13. The Convention of Migratory Species (CMS), recognized as CBD’s leading partner on issues regarding migratory species, presents another key opportunity to bring together collaborative work with the IWC sanctuaries. There are currently CMS Agreements relevant to the conservation of migratory whales, dolphins and porpoises, and CMS has adopted a series of Resolutions to address these species – including numerous policies towards bycatches, ocean noise, marine debris, data-deficiencies and other impediments to their optimum conservation status.

The Conservation Committee therefore concludes that the SOS contributes positively to a number of existing international commitments on biodiversity and climate change.

Assess whether the SOS is consistent with the precautionary approach in accordance to Principle 15 of the 1992 Rio Declaration

1. The precautionary approach, as defined by Principle 15 of the 1992 Rio Declaration states that ‘*In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.*’ The concept of the precautionary approach is commonly invoked in the literature to justify the establishment of marine reserves and marine protected areas.
2. At the time of the adoption of the SOS, the state of science in relation to whale conservation was clearly uncertain. Although, progress has been made over the last 20 years, many of the earlier uncertainties remain, while new uncertainties have arisen due to the potential impacts of anthropogenic and other environmental factors. Consequently, the SOS has been and remains consistent with the precautionary principle.

The Conservation Committee therefore concludes that the SOS is consistent with the precautionary approach.

Appendix 6

THE INTERNATIONAL WHALING COMMISSION (IWC) CONSERVATION COMMITTEE REVIEW OF THE PROPOSED SOUTH ATLANTIC WHALE SANCTUARY (SAWS) *Conservation Committee Vice-Chair*

Consider whether the SAWS is consistent with other measures to protect whales from anthropogenic and other environmental factors.

1. Whale sanctuaries established by the IWC have been primarily directed at preventing direct takes of whales in a given geographical area. However, in line with the expanding scope of the IWCs agenda to address issues with whale conservation and management beyond the decisions on lethal takes, the SAWS proposal considers present and potential threats to whale stocks and their habitats. These threats include contaminants, noise pollution, interactions with fisheries, collisions with ships, hydrocarbon exploration, climate change, and others. To help mitigate these threats, one of the objectives for the SAWS is the coordination of regional efforts to help ensure the recovery of cetacean resources and its non-extractive and non-lethal use by coastal States.
2. The Management Plan included as part of the SAWS proposal was the first initiative of its kind. The Plan focuses on all great whales that occur in the SAWS area and provides accurate and up-to-date scientific information about structure, threats, abundance estimates and trends for each recognized stock. The Sanctuary Management Plan was designed to provide guidelines on the management of threats faced by whales and on the monitoring of their potential recovery for the next ten years in the South Atlantic Ocean. The Sanctuary Management Plan should therefore be reviewed and updated every ten years to account for ecological, oceanographic and other possible changes.
3. Two Action Plans, comprising 11 actions, are proposed: the Research and Monitoring Action Plan (REAP) and the Education and Outreach Action Plan (EOAP). The aim of REAP is to achieve the main goals of the SAWS which are: (1) the assessment and addressing of threats and (2) the monitoring of the recovery of whale populations; while the aim of the EOAP is to increase the development of the non-extractive sustainable use of whales and to disseminate the information gathered to local, national and international communities. This Sanctuary Management Plan was designed to provide a scientific basis to facilitate the reviewing process regarding the effectiveness of SAWS in accordance with its objectives.
4. The identification of different stocks, included in the plan, would allow the mapping of the main areas used by different stocks and monitor the use of these areas as migratory pathways, for feeding/foraging and reproduction.
5. The creation of the SAWS will allow the direct benefit of protecting great whales through banning whaling but will also provide indirect benefits including greater research opportunities and increased collaboration with other international agreements.
6. Establishing SAWS with a draft management plan already in place provides scope for improved coordination when it comes to dealing with ship collisions and reducing underwater noise from ships. This can be achieved through collaborative measures implemented through the International Maritime Organization (IMO). A coordinated approach to identifying high risk areas and mitigation measures, with support from stakeholders and all States across the region, would be one clear benefit of establishing the Sanctuary. The Scientific Committee is expected to provide advice on the details if it is adopted.
7. The SAWS would also provide contiguous marine environmental protection with other areas created in national coastal regions of the South Atlantic countries. Nationally protected areas of coastal states would act as an anchor for conservation, research, monitoring, education and capacity-building initiatives that could spread over the SAWS' area, optimizing resources to protect whales.
8. The primary anthropogenic and environmental factors likely to affect whales in the SAWS are those due to krill fisheries and climate change (including ocean acidification). It is difficult to predict the effects of climate change and ocean acidification on whales in the South Atlantic and Southern Ocean Sanctuaries (SOS). It is generally considered likely that reductions in sea ice will adversely affect krill abundance. There is therefore concern around the combined effects of climate change, ocean acidification and expanding fisheries on krill populations and their dependent predators. Recent studies have shown that ocean acidification has adverse effects on larval development and survival (Kawaguchi *et al.*, 2013) of Antarctic krill (*Euphausia superba*).
9. There is existing management in place for krill fisheries which impact feeding areas of Whales in the Antarctic. They are managed conservatively under a precautionary approach by CCAMLR. As whales that

feed in Antarctic are krill-dependent predators, the CCAMLR has an important role in the long term conservation of large whales throughout the range of stocks in the SOS and SAWS.

10. The other relevant consideration is the role that whales may play in the global carbon cycle. The “iron fertilisation hypothesis” (Smetacek and Nicol, 2005) indicates that the recovery of depleted whale population is likely to be important in the continuing drawdown of atmospheric carbon dioxide and its transport to the deep ocean in the form of organic detritus. These mechanisms may help mitigate global climate change and the local Southern Ocean effects of ocean acidification.
11. The SAWS is consistent not only with the protection of whales from commercial whaling, but is also consistent with current practices regarding marine conservation worldwide and has the potential to enhance socially important activities such as research and public education, particularly in developing countries.

Assess the effectiveness of the SAWS and any adjacent IWC Sanctuaries in terms of International agreements concerning biodiversity and conservation of nature.

12. The effectiveness of the SAWS and the adjacent IWC Sanctuaries (SOS, Indian Ocean Sanctuary) may be enhanced by co-operation with other international organizations, such as the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), United Nations Framework Convention on Climate Change and Convention on Biological Diversity (CBD).
13. The 1992 United Nations Framework Convention on Climate Change (UNFCCC) notes that (article 4) all parties shall: “*Promote sustainable management, and promote and co-operate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems*”. This article takes into account national and regional development priorities, objectives and circumstances of each party. As discussed above, the CCAMLR has an important role in managing Krill fisheries and the long term conservation of large whales throughout the range of stocks in the SOS and SAWS.
14. The CBD was developed to provide an international framework for the conservation of biodiversity and sustainable development, outlining obligatory measures for conserving biodiversity. The CBD notes that “*the fundamental requirement for the conservation of biological diversity is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings*”.
15. Article 13 of the CBD refers to Public Education and Awareness and notes that the Contracting Parties shall promote and encourage understanding of the importance of biodiversity conservation and co-operate with other states to develop educational and awareness programmes. In accordance with this, the EOAP (presented in the SAWS management plan) outlines plans to disseminate information gathered for national and international communities to help raise awareness and engagement and develop the sustainable use of whales.
16. Article 14 of the CBD which requires environmental impact assessments to be carried out to ensure that any impact of programmes or policies are minimized; while Article 18 states that contracting parties shall promote international technical and scientific co-operation for conservation and sustainable development. In accordance with these articles, the REAP (presented in the SAWS management proposal) has been developed to achieve the main goals of the SAWS which are: (1) the assessing and addressing of threats and (2) the monitoring of the recovery of whale populations. These focus on stimulating coordinated research in the area and promoting data sharing alongside goals to maintain or increase the whale population size while assessing the distribution, status and trends of populations. This demonstrates that proposals for the SAWS and adjacent IWC sanctuaries are consistent with the CBD.
17. The Convention on Migratory Species (CMS), recognized as CBD's leading partner on issues regarding migratory species, presents another key opportunity to bring together collaborative work with the SAWS. There are currently CMS Agreements relevant to the conservation of migratory whales, dolphins and porpoises, and CMS has adopted a series of Resolutions to address these species– including numerous policies towards bycatches, ocean noise, marine debris, data-deficiencies and other impediments to their optimum conservation status.

Assess whether the SAWS is consistent with the precautionary approach in accordance to Principle 15 of the 1992 Rio Declaration.

18. The precautionary approach, as defined by Principle 15 of the 1992 Rio Declaration states that: “*In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation*”. The concept of the precautionary approach is commonly invoked in the literature to justify the establishment of marine reserves and marine protected areas.

19. The establishment of the SAWS would improve resilience and contribute to reducing the impact of multiple threats to whales' stocks using the best available scientific advice. There remain some outstanding questions concerning the biological and ecological aspects which can be answered with the establishment of the sanctuary and the subsequent implementation of the REAP which aims to define whale stock identity, determine habitat use patterns and critical areas, and produce abundance and trend estimates. The REAP will focus on actions to stop deliberate whale catches in the Sanctuary, reduce the number of mortalities from entanglements in fishing gear and reduce whale-vessel collision rates in breeding grounds. These actions are to protect and promote population recovery despite not yet having the full scientific information, in line with the Precautionary Principle. In addition to this, the establishment of whale sanctuaries in accordance with the rules of the ICRW is, therefore, also in line with the application of the Precautionary Principle established in the Principle 15 of the 1992 UNCED Rio Declaration.